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Middlesex South Registry of Deeds  
Maria C. Curtatone, Register  
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Town of Belmont Planning Board

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**GRANT of a SPECIAL PERMIT and DESIGN AND SITE PLAN APPROVAL  
UNDER SECTION 6D**

**TWO-FAMILY DWELLING at 11-13 C STREET**

**December 19, 2017**

This matter came before the Town of Belmont Planning Board acting as Special Permit Granting Authority under the Town of Belmont Zoning By-Law and Massachusetts General Laws Chapter 40A. The Applicant, Robert Calnan, (Applicant), seeks a Special Permit and Design and Site Plan Approval, under Section 6D of the Zoning By-Law, to allow the construction of a two-family dwelling at 11-13 C Street in a General Residence (GR) Zoning District.

The Board held a duly advertised public hearing on November 7, 2017, and continued it to November 16, and December 5 and 19, 2017. The Board closed the public hearing and deliberated on December 19, 2017. Sitting for the Board were Charles 'Chuck' Clark, Chair; Steve Pinkerton, Vice Chair; Karl Haglund, and Edward 'Sandy' Sanderson.

**Overview of the Two-Family Structure:**

There is an existing traditional (one unit on top of another) two-family structure on the 8,379 square foot site, which has 74.3' of frontage. The Applicant proposed to demolish the existing structure and construct a new two-family structure.

The new two-family structure will be constructed in a townhouse manner with the units situated side-by-side. Each unit will contain three bedrooms, 2.5 baths, and approximately 2,000 square feet of living area and will be two-stories, or 28 feet, in height. Each unit will have a driveway in its respective side yard with enough square footage for two tandem parking spaces on each driveway. The two-family dwelling complies with all dimensional regulations.

The Applicant indicated that the home was designed so as to blend into the surrounding neighborhood. See Deed recorded at Book 68969, Page 491.

**Submissions to the Board:**

1. Application for Special Permit, dated October 13, 2017;
2. Project Narrative;
3. Certified Plot Plan, dated July 14, 2017;
4. Zoning Compliance Check List and calculations, dated July 11, 2017;
5. Building Plans, dated April 13, 2017, including:
  - a. Title Sheet and General Notes;

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- b. Basement Foundation Floor Plan;
- c. First Floor Plan;
- d. Second Floor Plan and Attic Floor Plan;
- e. Roof Plan and Roof Framing Plan;
- f. Front and Right Elevations;
- g. Rear and Left Elevations; and,
- h. Typical Cross Section, Wall Details, and Roof Details;
6. Neighborhood and existing conditions photographs;
7. Front Elevation rendering;
8. Planting Plan, dated July 19, 2017;
9. Revised documents, submitted on November 6, 2017, included:
  - a. Certified Plot Plan, dated October 23, 2017;
10. Photographs of rear of property, submitted November 14, 2017;
11. Revised documents, submitted on November 15, 2015, included:
  - a. Front and Right Elevations; and,
  - b. Rear and Left Elevations;
12. Revised documents, submitted on November 28, 2017, included:
  - a. Front and Right Elevations; and,
  - b. Rear and Left Elevations;
  - c. Certified Plot Plan, dated November 27, 2017;
13. Narrative of Changes, dated November 29, 2017.

Additional Information:

1. Neighborhood Spatial Analysis prepared by Staff;
2. Neighborhood Comparison spreadsheet prepared by Staff;
3. Photographs of existing conditions along the rear of the property provided by abutters at November 16, 2017, hearing;
4. E-Mail from Staff Planner, S. Gober, to Applicant detailing conversation with the Tree Warden and process for removing a Town-owned street tree; and,
5. Throughout the process abutters spoke both in opposition and support of the project; however, no one spoke in opposition final to the revised plans.

Performance and Special Permit Standards and Special Permit Criteria

Based upon the information submitted and presented to the Board by the Applicant, comments received from the public, data collected and analyzed by the Board, and revised plans, the Board makes the following findings relative to the Performance and Special Permit Standards (Sections 6D.4 and 6D.6) and Special Permit Criteria (Section 7.4.3):

I. Performance Standards (Section 6D.4)

- a. The scale of the two-family dwelling will be consistent with other structures in the neighborhood as evidenced by data collected for the surrounding neighborhood and analyzed by the Board.

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- b. The design of the two-family dwelling is consistent with the prevailing character of buildings in the neighborhood.
- c. The height of the two-family dwelling at 28'-4" to the ridge, will be compatible with the buildings in the surrounding neighborhood.
- d. The proportions and relationships of height to width between windows, doors, and other architectural elements will be compatible with the architectural style and character of the surroundings.
- e. The two-family dwelling and the driveway siting will work with the natural topography of the site since the lot is flat and development of it will not require any additional grading.
- f. The circulation on the site will not detract from the use and enjoyment of adjacent properties, and was revised through the hearing process to prevent parking in front the front yard.
- g. The lighting will be arranged to minimize the impact on neighboring properties.
- h. The open space will be designed to add to the visual amenities of the neighborhood since the Applicant worked hard to preserve existing vegetation and augment it with additional landscaping.
- i. The relation of the two-family dwelling to the open space will be compatible with the surrounding area since landscaping will be installed to help buffer the structures on the lot from neighboring properties.
- j. Objectionable features will be screened from abutting properties by a fence along the sides and rear property lines.
- k. Drainage will be provided since the property is required to comply with the Stormwater and Erosion Control By-Law (Town of Belmont General Bylaws Section 60-325).
- l. Street trees as approved by the Tree Warden will be planted to replace the one street tree removed as a result of the project.
- m. Outdoor mechanical equipment will be located behind the structure and will comply with all locational restrictions and screening requirements.

## II. Special Permit Standards (Section 6D.6)

- 1) As mentioned above in the Performance Standards, the two-family dwelling will be in harmony with the neighborhood; and,

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- 2) The two-family dwelling will not generate excessive traffic, parking, or create other detrimental effects on the neighborhood.

### III. Special Permit Criteria (Section 7.4)

- a) Location: The site is able to accommodate the proposed use without substantial impacts to the environment, municipal infrastructure, traffic patterns, or the abutting residents.
- b) Activity Type and Mix: As mentioned above, the two-family dwelling complements the character of existing buildings in the neighborhood.
- c) Visual Concerns: the site will have minimal impacts on the abutting premises since existing mature trees will be preserved, and landscaping significantly increased.
- d) Access: access/egress will be safe and will have minimal impacts on the abutting public ways.
- e) Process: Revised plans reflect input provided by the public, municipal staff and the Board.

### Deliberation and Decision

On December 19, 2017, the Board deliberated on the Applicant's request for a Special Permit and Design and Site Plan Approval, under Sections 6D of the Zoning By-Law, to allow the construction of a two-family dwelling at 11-13 C Street in a General Residence Zoning District. The Board found that the proposed two-family structure would not be substantially more detrimental to the neighborhood and that it would be in keeping with the character of it.

The original plans called for the driveways to cut diagonally in front of the structure, which violated Section 5.1.3 (b) (2) of the Zoning By-Law. The Applicant sufficiently responded to the Board's concerns regarding placement of the driveways by:

- 1) Shifting the footprint of the structure one foot to the right;
- 2) Realigning the left driveway so that only a small portion (less than one square foot) cut across the front of the structure; and,
- 3) Agreeing to apply to the Town's Tree Warden to remove the existing street tree, which enables the right driveway to be completely straight.

Therefore, after considering the Performance and Special Permit Standards and Special Permit Criteria as set forth in Sections 6D.4, 6D.6 and 7.4.3 of the Zoning By-Law, the **PLANNING BOARD UNANIMOUSLY VOTED (4 TO 0) TO GRANT THE SPECIAL PERMIT and DESIGN AND SITE PLAN APPROVAL** for the construction of a two-family dwelling at 11-13 C Street **SUBJECT TO THE FOLLOWING CONDITIONS:**

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1. This approval is based upon the submitted plans identified above. No modifications, except as provided in conditions listed below, may be made without the approval of the Board, or a determination in writing by the Building Inspector that the modification is so minor that the approval of the Board is not required.
2. An as-built plan shall be submitted to the Office of Community Development prior to the issuance of a Certificate of Occupancy.
3. Applicant shall submit an application with the Town's Tree Warden to remove the existing street tree and replace with the number and species of street trees deemed appropriate by the Tree Warden.
4. The Applicant shall guarantee the trees for 1 year. Dead trees shall be replaced as soon as reasonably practical with comparable plant species and size.
5. Landscaping shall be maintained as approved. All failed landscaping shall be replaced as soon as reasonably practical with comparable plant species and size.

Submitted on behalf of the Planning Board,



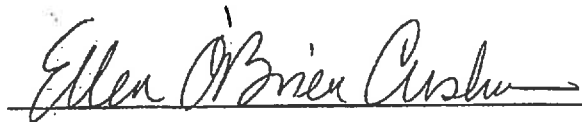
Spencer Gober  
Staff Planner

Date: January 31, 2018

CERTIFICATION

I, Ellen O'Brien Cushman, hereby certify that twenty (20) days have elapsed after the decision was filed in the office of the Belmont Town Clerk on January 31, 2018, and further I certify that no appeal has been filed with regard to the granting of said one (1) Special Permit and Design and Site Plan Review with five (5) conditions.

February 22, 2018



Ellen O'Brien Cushman, Town Clerk  
Belmont, MA