

## Southern Middlesex - 20/20 Perfect Vision i2 Document Detail Report

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Doc#	Document Type	Town	Book/Page	File Date	Consideration
107313	DECISION		75045/454	07/06/2020	
Property-Street Address and/or Description					
267 WAVERLEY ST					
Grantors					
BELMONT TOWN PLANNING, PENNOCK JUSTIN, PENNOCK ERIN					
Grantees					
References-Book/Pg Description Recorded Year					
Registered Land Certificate(s)-Cert# Book/Pg					

20-04



2020 00107313  
Bk: 75045 Pg: 454 Doc: DECIS  
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## TOWN OF BELMONT

## PLANNING BOARD

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**CASE NO.** 20-04

**APPLICANTS:** Justin and Erin Pennock (owners)

**PROPERTY:** 267 Waverley Street

**DATE OF PUBLIC HEARING:** May 5, 2020

**MEMBERS VOTING:** Stephen Pinkerton, Chair  
Matthew Lowrie  
Edmund Starzec  
Thayer Donham  
Karl Haglund  
Renee Guo

add: 64131-369

Introduction

This matter came before the Planning Board ("Board") of the Town of Belmont ("Town") acting as Special Permit Granting Authority under the Zoning By-Law of the Town of Belmont, Massachusetts ("By-Law") and Chapter 40A of the Massachusetts General Law ("Zoning Act"). The Applicants, Justin and Erin Pennock ("Applicants"), requests a Special Permit under Section 1.5.4 of the Zoning By-Law to increase the size of a nonconforming structure more than 300 square feet (lot size: 5,000 s.f. allowed, 4,872 s.f existing and proposed) in order to construct a two-story addition at the rear of the existing single-family home at 267 Waverley Street located in a General Residence Zoning District.

Proposal

The Applicants propose to construct a two-story addition at the rear of the existing single-family home in order to accommodate their growing family. As a result, the addition will include an enlarged kitchen, mudroom, half bath and entry from the driveway on the first floor and a master bedroom with en suite and laundry room on the second floor. This will create three usable bedrooms on the second floor. The first floor will be 345 s.f and the second floor will be 249 s.f. for a total addition size of 594 s.f., increasing the size of the existing home to 2,171 s.f.

The Applicants suggested that the addition will not be detrimental to the neighborhood since other houses in the area are of similar size and have had similar additions added onto to them. Additionally, the addition has been designed to match the farm house style of the existing home with a farmer's porch at the front of it to complement the existing porch at the front of the

Erin Whelan Pennock  
267 Waverley Street  
Belmont, MA 02478

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home. Moreover, the mudroom will be only one-story, while the kitchen and master bedroom portion of the addition will be two-stories. This will further reduce the impact on the abutters since the one-story portion of the addition will be closest to the side and the two story portion will be in the middle of the back yard. As a result, the addition will not be easily visible from the street since it will be at the rear of the home. While a side setback on one side of the existing home is nonconforming (4.7' existing instead of 10.0' as required), the proposed two-story addition has been shifted into the lot so that the addition conforms to all of the dimensional regulations, including the side setback. Finally, the addition will be finished to match the existing house with similar windows and siding.

#### **Public Hearing**

The Board held a duly noticed public hearing on the application on May 5, 2020. The Applicants submitted a letter of support from the abutting neighbor at 10 Birch Street, one of the neighbors most directly impacted by the addition (the back yard of 267 Waverley Street abuts the side of the rear of the of 10 Birch Street). The Applicants also submitted a petition in support of the addition signed by 18 of their abutters. No one spoke in support or opposition to the Applicants' proposal at the public hearing.

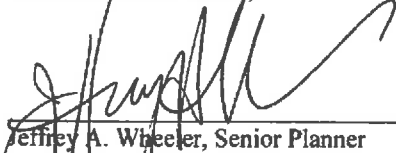
#### **Deliberation and Decision**

On May 5, 2020, the Board deliberated on the Applicants' request for a Special Permit under Section 1.5.4 of the Zoning By-Law to increase the size of a nonconforming structure more than 300 square feet (lot size: 5,000 s.f. allowed, 4,872 s.f. existing and proposed) in order to construct a two-story addition at the rear of the existing single-family home at 267 Waverley Street located in a General Residence Zoning District. The Board found that the proposed addition would not be substantially more detrimental to the neighborhood than what currently exists and that it would be in keeping with the character of the neighborhood and existing home. The addition will be constructed at the rear of the home, will meet all dimensional regulations, will be finished to match the existing home with similar windows and siding, and the neighbors have not expressed any objections to it.

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Accordingly, upon motion duly made and seconded, the Board voted 5-0 to **GRANT THE APPLICANTS' REQUEST FOR A SPECIAL PERMIT** to increase the size of a nonconforming structure more than 300 square feet in order **TO CONSTRUCT A TWO-STORY ADDITION AT THE REAR OF THE EXISTING SINGLE-FAMILY HOME AT 267 WAVERLEY STREET** located in a General Residence Zoning District

On Behalf of the Board,



Jeffrey A. Wheeler, Senior Planner

Dated: May 31, 2020


CERTIFICATION BY TOWN CLERK

I, Ellen O'Brien Cushman, hereby certify that the decision with regard to the granting of said One (1) Special Permit with Zero (0) Conditions, was filed in the office of the Belmont Town Clerk on June 1, 2020.

Statutory appeal periods, and thus the issuance of Certificates of No Appeal, have been temporarily affected by Court Standing Orders, available at [www.mass.gov/guides/court-system-response-to-covid-19](http://www.mass.gov/guides/court-system-response-to-covid-19). Applicants, abutters and interested parties should consult the Standing Orders to determine their next actions. Any decision by a permit holder to proceed is at their own risk, and the permit holder is urged to consult their own legal counsel.

Under Section 17 of Chapter 53 of the Acts of 2020, the requirement to record permit decisions with the Registry is suspended for so long as the Registry is "closed or subject to rules and procedures restricting public in-person access." However, such recording will still be required upon the full reopening of the Registry. The Middlesex County Registry of Deeds continues to accept filings by postal mail during this period, and permit holders are requested to file for recording through this method to the extent possible.

June 30, 2020



Ellen O'Brien Cushman, Town Clerk  
Belmont, MA