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Town of Belmont Planning Board

Grant of a Special Permit

2020 JUL -7 AM 10:09

331 Waverley Street

Historic Accessory Building as Additional Living Space (Install a Bathroom)

CASE NO. 20-06

APPLICANTS: Mark Moore

PROPERTY: 331 Waverley Street

DATE OF PUBLIC HEARING: May 5, 2020

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

Owner: mark moore & martha moore
 deed reference: 18303/461

Introduction:

This matter came before the Planning Board of the Town of Belmont acting as Special Permit Granting Authority under the Zoning By-Law of the Town of Belmont, Massachusetts and Chapter 40A of the Massachusetts General Law. The Applicant, Mark Moore (Applicant), seeks a Special Permit, under Section 6.11 of the Town of Belmont Zoning By-Law to allow the re-use of a Historic Accessory Building (carriage house) as additional living space at 331 Waverley Street.

The Board held a duly advertised public hearing on May 5, 2020, and closed the public hearing and deliberated on the same date. Sitting for the Board were Stephen Pinkerton, Chair, Matthew Lowrie, Thayer Donham, Edmund Starzec, and Karl Haglund.

Overview of the Project:

In 1989, the Applicant applied for a Special Permit from the Zoning Board of Appeals in order to use the second floor of his carriage house as a study and to install a bathroom on the second floor as well (case #89-27). The ZBA granted the Special Permit with several conditions attached including prohibiting a bathroom from being installed. The ZBA argued that the Zoning By-Law does not

Mark H. Moore
331 Waverley Street
Belmont, MA 02478

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classify the carriage house as a dwelling unit and therefore it could not permit the installation of a bathroom. With the adoption of the Historic Accessory Building Preservation By-Law (adopted by Town Meeting in 2009), the carriage house could now be used as additional living space or a home office and a bathroom could be installed. As a result, the Applicant seeks a Special Permit under Section 6.11 to expand his living space and to install a bathroom on the second floor of the carriage house. The first floor of the carriage house will continue to be used as garage space and for storage.

Planning Board Discussion:

Based upon the submitted application, the public hearing, and support from the neighborhood, the Planning Board finds that the requirements for approval of a Special Permit for the reuse of an Historic Accessory Building as listed in Sections 6.11 and 7.4 have been met, as follows:

1. The proposed reuse applies to a building listed on the State Register of Historic Places.
2. The proposed reuse is generally in harmony with the neighborhood;
3. The proposed reuse will neither generate excessive traffic, parking, noise or density impacts on the abutters, nor create other detrimental effects on the neighborhood;
4. The proposed reuse will preserve and/or restore the original architectural features of the accessory Buildings to the maximum extent practicable;
5. The proposed reuse will not adversely affect the historic landscape or the architectural and historic integrity of the principal building or the Historic Accessory Building itself;
6. The proposed reuse will not result in any enlargement or relocation of the Historic Accessory Buildings; and,
7. The additional living space within carriage house will be incidental to the ownership and use of the principal structure on the same lot.

Additionally, the Historic District Commission, as required by Section 6.11 of the Zoning By-Law reviewed the application and submitted a letter of support to the Planning Board. The Applicant also submitted a petition signed by 31 abutters in support of the proposal. Several members of the public also spoke in support of the application during the public hearing.

Planning Board Decision:

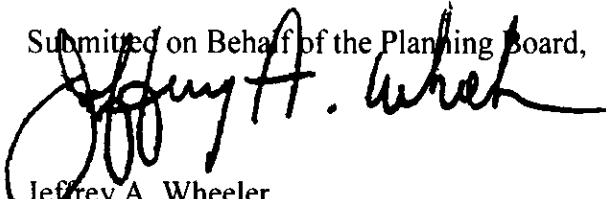
Therefore, after considering the Objectives of Special Permit Approval as set forth in Section 6.11 of the Zoning By-Law, the **PLANNING BOARD VOTED (5 TO 0) TO GRANT THE SPECIAL PERMIT**, to allow the conversion of the Historic Accessory Structure, the carriage house, into

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additional living space by installing a bathroom **SUBJECT TO THE FOLLOWING
CONDITION:**

This decision has no impact on any restrictions that are imposed on the property by either the Zoning By-Law or any earlier Special Permit or deed restriction and in granting the Special Permit is without prejudice to any future application to add a restriction.

Submitted on Behalf of the Planning Board,



Jeffrey A. Wheeler
Senior Planner

July 6, 2020

CERTIFICATION BY TOWN CLERK

I, Margaret A. Piccione, hereby certify that twenty (20) days have elapsed after the decision was filed in the office of the Belmont Town Clerk on July 7, 2020, and further I certify that no appeal has been filed with regard to the granting of said One (1) Special Permit with One (1) condition.

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. 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.



Margaret A. Piccione, Assistant Town Clerk
Belmont, MA

July 30, 2020