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**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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Case No. 17-09

Applicant: Nicholas and Kristina Cardello

Property: 81 Hammond Road
52942-417

Date of Public Hearing: March 6, 2017

Members Sitting: Eric Smith, Chair
Nicholas Iannuzzi
Faustino Lichauco
Andrew Plunkett, Associate Member
Phil Ruggiero, Associate Member

Members Voting: Eric Smith, Chair
Nicholas Iannuzzi
Faustino Lichauco
Andrew Plunkett, Associate Member
Phil Ruggiero, Associate Member



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Bk: 69102 Pg: 355 Doc: DECIS
Page: 1 of 3 04/05/2017 10:34 AM

Introduction

This matter came before the Board of Appeals (the "Board") of the Town of Belmont (the "Town") acting as Variance and Special Permit Granting Authority under the Zoning By-Law of the Town of Belmont, Massachusetts (the "By-Law") and Chapter 40A of the Massachusetts General Law (the "Zoning Act"). The applicants, Nicholas and Kristina Cardello ("Applicants"), seek three special permits under § 1.5 of the By-Law (for the number of stories, a side setback, and lot coverage) to construct a two-story rear addition on the existing house at 81 Hammond Road. The property is located in a Single Residence C Zoning District.

The existing residence on the property is a 3½ story house with separate garage in back. From Hammond Road, the house appears to be a 2½ story house; however, the property slopes up from the street and the house is set relatively high so that the underground level of the house has 40.3% of the foundation walls exposed. It accordingly is considered a basement, which counts as a story. The height of the building (to the midpoint of the roof) is 24.25'. The maximum number of stories permitted in a Single Residence C Zoning District under § 4.2.2 of the By-Law is 2½ and the maximum building height is 30'. The setback to the northwest side (the left facing the front) of the house is 5.4' at the front and 5.6' at the back, and the rear setback is approximately 46.9'. The minimum side setback permitted in a Single Residence C Zoning District is 10' and the minimum rear setback is 30' under § 4.2.2 of the By-Law. The existing lot

Nicholas Cardello
81 Hammond Rd
Belmont, Ma.

coverage, including the garage, is 26.3%. The maximum lot coverage permitted in a Single Residence C Zoning District under § 4.2.1 of the By-Law is 25%.

Proposal

The Applicants propose to add a two-story addition to the back of the house. The proposed addition will be 16' deep and 28.3' wide, running from the north corner across most of the back of the house. [It will not extend across the whole back of the house and will not affect the southeast (right) side.] The northwest side of the addition will extend the existing wall of the northwest side to the rear and will have a side setback starting at 5.6' and increasing to 5.7'. The proposed addition will have a small 4.0' by 7.8' porch off the back, which results in a rear setback of 30.9'. The lot coverage of the house with the proposed addition and without the garage, which will be razed, is 25.8%. The foregoing existing and proposed dimensions and lot coverages are set forth on an uncertified plot plan dated January 20, 2017. The Applicants also submitted a stamped Zoning Compliance Check List dated January 20, 2017; an exposed foundation calculation dated January 10, 2017; and plans and elevations showing the proposal dated September 8, 2016.

The Applicants presented the proposal at the duly noticed public hearing of the Board on March 6, 2017. Mr. Cardello confirmed that the garage will be razed as shown on the plot plan and that, contrary to what is shown on the earlier plans and elevations, there will be no shed. He said he would be able to provide a certified copy of the January 20, 2017 plot plan. No one spoke in favor of or in opposition to the application.

Decision

The By-Law provides that the Board may issue a Special Permit to reconstruct, extend, alter, or change a nonconforming structure "only if it determines that such reconstruction, extension, alternation, or change does not increase the nonconforming nature of said structure or create a new nonconformity and shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood and that it shall be in keeping with the character of the neighborhood in which it is located." By-Law § 1.5.3.


The Board deliberated on March 6, 2017. The Board found that the proposed addition does not increase the nonconforming nature of the structure or create a new nonconformity. The height and number of stories will not change. The addition will only add to the second and third stories of the building and extend low portions of the roof. The building will continue to comply with the rear setback requirement. The lot coverage nonconformity will decrease slightly. The extended northwest side will continue or slightly decrease the existing side setback nonconformity. The proposed addition as presented on the plans and elevations will be consistent in style with the existing house. In the circumstances, the Board concluded that the proposed addition is not substantially more detrimental than the existing non-conforming structure to the neighborhood and that the proposed addition is in keeping with the character of the neighborhood in which it is located.

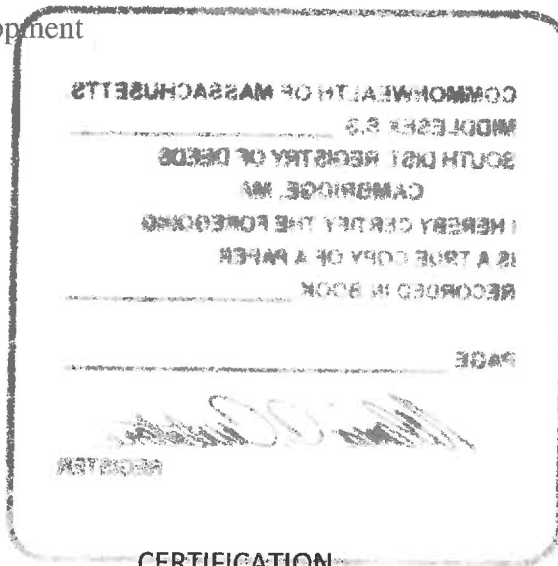
Case No. 17-09
Property: 81 Hammond Road

Accordingly, upon motion duly made and seconded, the Board voted 5-0 to grant the three requested special permits to permit the proposed addition as requested and shown on the plans submitted to the Board. The approval is subject to the condition that the Applicants submit a stamped/certified copy of the plot plan dated January 20, 2017 before a building permit may issue.

For the Board,

Date: March 15, 2017



Ara Yogurtian
Assistant Director
Office of Community Development



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 March 15, 2017, and further I certify that no appeal has been filed with regard to the granting of said three (3) Special Permits with one (1) conditions.

April 5, 2017



Ellen O'Brien Cushman, Town Clerk
Belmont, MA

Any appeal from this decision must be made pursuant to Ch.40A, S.17, MGL, and must be filed within 20 days after the filing of such notice in the office of the Town Clerk.