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TOWN OF BELMONT
ZONING BOARD OF APPEALS

2017 JUL -3 AM 11:41

Case No. 17-12

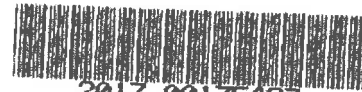
Applicant: Richard Nortz
Maria Nortz

Property: 39 Winn Street

Date of Public Hearing: May 15, 2017

Members Sitting: Eric Smith, Chair
Nicholas A. Iannuzzi, Jr.
Jim Zarkadas
Faustino Lichauco
Craig White
Gang Zhao, Associate Member
Andrew Plunkett, Associate Member

Members Voting: Eric Smith, Chair
Nicholas A. Iannuzzi, Jr.
Jim Zarkadas
Faustino Lichauco
Craig White



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Bk: 70149 Pg: 420 Doc: DECIS
Page: 1 of 3 10/30/2017 10:09 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 Belmont, Massachusetts (the "By-Law") and Chapter 40A of the Massachusetts General Law (the "Zoning Act"). The applicants Richard Nortz and Maria Nortz (the "Applicants"), seek one (1) Special Permit under Section 1.5 of the Belmont Zoning-By- Laws to construct a three and a half story Addition. The regulations allow a maximum of 2 ½ stories, the existing and proposed structure is 3 ½ stories located at 39 Winn Street (the "Property") in a Single Residence C (SRC) Zoning District.

Proposal

The Applicants propose to construct a 3 ½ story Addition to the Property. The need for a Special Permit is triggered by the fact that 49.83% of the basement foundation wall is exposed and 50.17% is below the average grade (60% required) and therefore it counts as a story, resulting in a designation as an existing 3 ½ story structure. The land slopes down toward the rear so there is more foundation exposed on the back than on the front of the Property. The proposed rear Addition is designed with the top of the foundation and eaves to align with the existing structure, creating harmonious aesthetic and seamless transition. The proposed Addition is intentionally designed to meet all of the other zoning criteria including all setbacks and linear height

RETURN TO:
BAILEY McLaughlin, LLC
281 Needham St., Ste. 201
Newton, MA 02464

Book 57308; page 444

Case No. 17-12

Property: 39 Winn Street

requirements. The proposed ridge of the Addition would be 1'-6" lower than the ridge of the main structure and considerably less than the 34' maximum allowable. The proposed Addition is in the center of the rear of the Property and therefore not visible from the street. The proposal is set forth on plans, including elevations dated December 22, 2016 a plot plan dated January 31, 2017 and a Zoning Compliance Checklist dated March 7, 2017.

The Applicants' representative, Diane Miller of Miller Design, LLC presented the proposal at the Duly noticed public hearing of the Board on May 15, 2017.

The Applicants presented a Petition in favor of the Proposal signed by thirteen residents.

An email was sent to Mr. Ara Yogurtian Assistant Director of Community Development by Donald and Julie Indge, dated May 10, 2017 stating their support to the proposal.

On May 15, 2017, a letter was emailed to Mr. Ara Yogurtian Assistant Director of Community Development by Stephen Rosales and Deborah Rosales of 48 Farnham Street, Belmont, Massachusetts neither in favor or opposition of the proposal. The parties were concerned with drainage and flooding issues that may be caused by the proposed Addition. The Applicants by and through Ms. Miller satisfied the Board of the Abutters concern. The Applicants are installing a second sump pump in the basement of the Addition.

Tom DePace a 50-year resident of the neighborhood and an abutter, spoke in favor of the Proposal.

No one spoke in opposition.

Decision

Pursuant to the "Gale vs. Gloucester" decision, the relief needed by the Applicants are special permits.

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.

A special permit to allow a 3 ½ story Addition to the Property was considered by the Board. The Board found that the proposed alteration does not substantially increase the non-conforming nature of the structure or create a new nonconformity. The Board concluded that the proposed alteration is not substantially more detrimental to the neighborhood than the existing non-conforming structure, and that the proposed alteration is in keeping with the character of the neighborhood in which it is located.

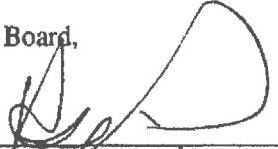
Case No. 17-12
Property: 39 Winn Street

The Board found that the proposed Addition does not increase the nonconforming nature of the structure or create a new nonconformity. The proposed Addition 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.

Accordingly, upon motion duly made and seconded, the Board voted 5-0 to grant the requested one (1) special permit for the proposed Addition as requested and shown on the plans submitted to the Board.

For the Board,

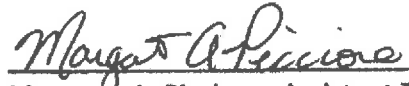
Date: July 3, 2017



Ara Yogurtian
Assistant Director
Office of Community Development

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 3, 2017, and further I certify that no appeal has been filed with regard to the granting of said one (1) Special Permit with zero (0) conditions.

October 20, 2017



Margaret A. Piccione, Assistant 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.