



2017 00193233

Bk: 70303 Pg: 217 Doc: DECIS  
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17-29 JS  
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**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

2017 NOV 15 PM 2:05

**CASE NO.** 17-29

**APPLICANT:** Jeanne and Joel Mooney -

**PROPERTY:** 60 Oak Ave. -

**DATES OF PUBLIC HEARING:** November 6, 2017 BKLPG 30407-614

**MEMBERS SITTING:** Nick Ianuzzi (Chairman)  
Jim Zarkadas  
Faustino Lichauco  
Andrew Plunkett  
Phil Ruggerio (Associate Member)

**MEMBERS VOTING:** Nick Ianuzzi (Chairman)  
Jim Zarkadas  
Faustino Lichauco  
Andrew Plunkett  
Phil Ruggerio (Associate Member)

This matter came before the Board of Appeals ("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 Applicant sought to modify an as-of-right dormer by extending the distance between the outer wall of the dormer and the roof midline. This triggered the need for two special permits: one for increasing lot coverage from 34.9% to 35.0% and another from reducing the rear setback from 29.7 feet to 29.5 feet.

The loss of rear setback arises because the rear property line is not parallel to the front property line. The footprint of the house is square with the front line and therefore cannot be square with the rear line. Because of this, the rear set-back line just barely clips the corner of the house with the proposed dormer.

Although this special permit could have easily been avoided creating a slight jog in the dormer, the result would appear rather contrived and far more noticeable than simply having the corner intrude into the forbidden zone by a small amount.

The increase in lot coverage arises because lot coverage is defined as "percentage of total lot area covered by structures or roofed." Thus, the slightly larger eave that the proposed dormer requires contributes more to the lot coverage. However, given that

Case No. 17-29

Property address: 60 Oak Avenue

the increase in lot coverage was small and that it was caused by an eave and not a structure, it would have been difficult to argue that it would result in substantial detriment to the neighborhood surrounding the property than what exists.

**Accordingly, upon motion made and seconded the Board voted 5-0 to grant the two Special Permits requested.**

For the Board:

Dated: November 8, 2017

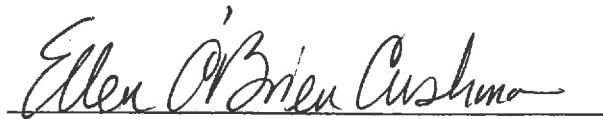


Ara Yogurtian  
Assistant Director  
Office of Community Development

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 November 8, 2017, and a Scrivener's Error was filed in the office of the Belmont Town Clerk on November 15, 2017, further I certify that no appeal has been filed with regard to the granting of said two (2) Special Permits with zero (0) conditions.

November 29, 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.

1129

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BELMONT, MA

2017 NOV 15 PM 2:05

**MODIFICATION OF DECISION TO CORRECT  
SCRIVENER'S ERROR**

**JEANNE AND JOEL MOONEY**

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

**Case No.:** ZBA 17-29  
**Property Address:** 60 Oak Avenue  
**Date of Public Hearing:** November 6, 2017

In the decision, a scrivener's error was made – the hearing date was inadvertently transcribed.

- On the first page of the decision the date of the Public Hearing was transcribed as May 16, 2016. The correct date of the Public Hearing is November 6, 2017.

On Behalf of the Zoning Board of Appeals

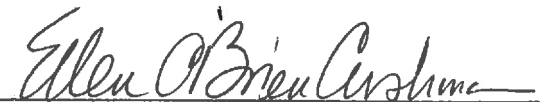
  
\_\_\_\_\_  
Ara Yogurtian  
Assistant Director  
Office of Community Development

Date: November 15, 2017

**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 November 8, 2017, and a Scrivener's Error was filed in the office of the Belmont Town Clerk on November 15, 2017, further I certify that no appeal has been filed with regard to the granting of said two (2) Special Permits with zero (0) conditions.

November 29, 2017

  
\_\_\_\_\_  
Ellen O'Brien Cushman, Town Clerk  
Belmont, MA

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BELMONT, MATOWN OF BELMONT  
ZONING BOARD OF APPEALS

2017 NOV -8 PM 1:55

**CASE NO.** 17-29

**APPLICANT:** Jeanne and Joel Mooney

**PROPERTY:** 60 Oak Ave.

**DATES OF PUBLIC HEARING:** May 16, 2016

**MEMBERS SITTING:** Nick Ianuzzi (Chairman)  
Jim Zarkadas  
Faustino Lichauco  
Andrew Plunkett  
Phil Ruggerio (Associate Member)

**MEMBERS VOTING:** Nick Ianuzzi (Chairman)  
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Case No. 17-29

Property address: 60 Oak Avenue

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Accordingly, **upon motion made and seconded the Board voted 5-0 to grant the two Special Permits requested.**

For the Board:

Dated: November 8, 2017

A handwritten signature in black ink, appearing to read 'Ara Yogurtian', is written over a horizontal line.

Ara Yogurtian  
Assistant Director  
Office of Community Development

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.

NOV 29 2017

COMMONWEALTH OF MASSACHUSETTS.  
MIDDLESEX S.S. \_\_\_\_\_

SOUTH DIST. REGISTRY OF DEEDS  
CAMBRIDGE, MA

I HEREBY CERTIFY THE FOREGOING  
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PAGE 217

*Maria C. Chittre*  
REGISTER

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Cambridge, Massachusetts 02141

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BELMONT MA

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Description	Number	Book/Page	Amount
DECIS	00193233	70303 217	\$75.00
CERTCPV			\$5.00

Collected Amounts

Payment		Amount
Type		
Check	7636	\$80.00
		\$80.00

Total Received : \$80.00  
Less Total Recordings: \$80.00  
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Change Due : \$.00

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MARIA C. CURTATONE - Register of Deeds  
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