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BELMONT, MATOWN OF BELMONT  
ZONING BOARD OF APPEALS

2019 APR 18 PM 3:17

Case No. 19-13

Applicant: Alex and Emma Thurston

Property: 99-101 Baker Street

Date of Public Hearing: April 8, 2019

Members Sitting: Nicholas A. Iannuzzi, Jr. Chair  
Craig White  
Andrew Plunkett  
Phil Ruggerio  
Blake Currier, Associate Member  
Casey Williams, Associate Member

Members Voting: Nicholas A. Iannuzzi, Jr. Chair  
Craig White  
Andrew Plunkett  
Phil Ruggerio  
Blake Currier, Associate Member  
Casey Williams, Associate Member

2019 00067804  
Bk: 72646 Pg: 104 Doc: DECIS  
Page: 1 of 2 05/23/2019 11:57 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 Alex and Emma Thurston ("Applicant") seek two (2) Special Permits under Section 1.5 of the Belmont Zoning-By- Laws to construct an extension to the front entry at 99-101 Baker Street ("Property") located in a General Residence (GR) Zoning District.

**Proposal**

The Applicants propose to construct an extension to the front entry to allow a better and a safer access to the 2 family structure. The need for Special Permits is triggered by the fact that 1. §1.5.4 A of the Zoning By-Law allows extensions or alteration to non-conforming structures in the GR zoning district by a Special Permit from the Zoning Board of Appeals and 2. Minimum required front setback is 17.75', the existing front setback is 16.0' and proposed is 14.5'. The proposal is set forth on plans, including elevations dated January 18, 2019, a plot plan dated January 11, 2019 and a Zoning Compliance Checklist dated January 15, 2019.

Alex and Emma Thurston presented the case to the Board and submitted letters of support from 2 neighbors. Jeremy Gotsgh, resident at 99 Baker Street spoke in support.

No one spoke in opposition.

BK 52987 PG 297

**Decision**

Pursuant to the “Gale vs. Gloucester” decision, the relief needed by the Applicants is by 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.

Two special permits to allow to construct an extension to the front entry to the Property was considered by the Board. The Board found that the proposed alterations do not substantially increase the non-conforming nature of the structure nor create a new nonconformity. The Board concluded that the proposed alterations are not substantially more detrimental to the neighborhood than the existing non-conforming structure, and that the proposed alterations are 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 two (2) special permits** for the proposed expansion of the front entry as requested and shown on the plans submitted to the Board.

For the Board,

Date: April 18, 2019

  
\_\_\_\_\_  
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 April 18, 2019, and further I certify that no appeal has been filed with regard to the granting of said two (2) Special Permits with zero (0) conditions.

May 22, 2019

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

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Official Receipt for Recording in:

Middlesex South Registry of Deeds  
208 Cambridge St.

Cambridge, Massachusetts 02141

Issued To:

EMMA THURSTON JESSICA GOTSCH  
99-101 BAKER ST

BELMONT MA 02478

Recording Fees

Document Description	Number	B.	Age	Recording Amount
DECIS	00067804	72646	104	\$75.00
				\$75.00

Collected Amounts

Payment Type	Amount
Check	\$75.00
	\$75.00

Total Received :	\$75.00
Less Total Recordings:	\$75.00
Change Due :	\$ .00

Thank You  
MARIA C. CURTATONE - Register of Deeds

By: Odnal M

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