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**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

2019 OCT 24 PM 1:46

Case No. 19-34

Applicant: Richard and Jessica Hartley

*and owner*

*ded. 37830-348*

Property: 11 Edward Street

Date of Public Hearing: October 7, 2019



2020 00001479

Bk: 73945 Pg: 54 Doc: DECIS  
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Members Sitting: Nicholas Iannuzzi, Chair  
James Zarkadas  
Craig White  
Phil Ruggiero  
Andrew Plunkett  
Casey Williams, Associate Member  
Andrew Kelley, Associate Member

Members Voting: Nicholas Iannuzzi, Chair  
James Zarkadas  
Phil Ruggiero  
Craig White  
Andrew Kelley, Associate Member

**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, Richard and Jessica Hartley ("Applicants"), seek one (1) special permit under § 1.5 of the By-Law (for lot coverage) to construct a porch with Roof Deck on the existing house at 11 Edward Road. The property is located in a Single Residence C Zoning District.

The existing lot coverage on the Property is 26.4%. 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 porch with Roof Deck to the back of the existing house. The proposed addition will be 10'6" deep and 12'6" wide. The lot coverage of the house with the proposed addition and is 28.7%. The foregoing existing and proposed dimensions and lot coverages are set forth on an uncertified plot plan dated July 31, 2019. The Applicants also submitted a stamped Zoning Compliance Check List dated July 31, 2019.

The Applicants presented the proposal at the duly noticed public hearing of the Board on October 7, 2019. No one spoke in favor of or in opposition to the application. Included with the Applicants submission was a document signed by multiple neighbors supporting the proposed porch with Roof Deck.

*Jessica + Richard Hartley 11 Edward St, Belmont, MA 02478*

## Decision

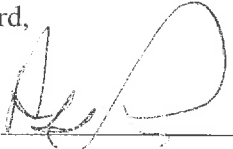
The By-Law provides that the Board may issue a Special Permit to reconstruct, extend, alter, or change a nonconforming structure "only if it determines that such reconstruction, extension, alternation, or change does not increase the nonconforming nature of said structure or create a new nonconformity 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 October 7, 2019. 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 lot coverage nonconformity will decrease slightly. The proposed addition as presented on the plans and elevations will be consistent in style with the existing house, is consistent with other similar porches and Roof Decks in the neighborhood. In the circumstances, the Board concluded that the proposed addition is not substantially more detrimental than the existing nonconforming 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 to permit the proposed addition as requested and shown on the plans submitted to the Board.**

For the Board,


Date: October 24, 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 October 24, 2019, 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.

November 18, 2019



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.