

TOWN OF BELMONT  
ZONING BOARD OF APPEALS

2020 FEB -5 AM 9:24

Case No. 19-41  
Applicant: Travis Franck  
Property: 102 Gilbert Road  
Date of Public Hearing: December 2, 2019

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Members Sitting: Nicholas Iannuzzi, Chair  
Craig White  
Phil Ruggiero  
James Zarkadas  
Andrew Plunkett  
Casey Williams (Associate Member)  
Andrew Kelley (Associate Member)  
Teresa MacNutt (Associate Member)



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Members Voting: Nicholas Iannuzzi, Chair  
Craig White  
Phil Ruggiero  
James Zarkadas  
Andrew Plunkett

Owners:  
Travis R. Franck and  
Marcella C. Franck,  
Trustees of the Franck  
Family Realty Trust.

This matter came before the Board of Appeals (the "Board") of the Town of Belmont (the "Town") acting as 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 applicant Travis Franck ("Applicant"), seek Two Special Permits under Section 1.5 of the Zoning By-Laws to construct a dormer at 102 Gilbert Road. The property is located in a General Residence Zoning District.

The applicant proposes to add two dormers to the property. The Special Permits requested:

- 1) The existing structure is three and a half stories, and current zoning permits two and a half. The lowest level of the dwelling is a basement (68.70% of the foundation walls are exposed) and is therefore considered a story. The proposed addition is therefore a third story expansion.
- 2) §4.2 of the Zoning By-Law requires a minimum side setback of 10.0'. The existing side setback to the dwelling is 6.10' and the proposed setback to the dormer is 7.90'.

During the hearing the Applicant discussed and presented an overview of the proposed plan and answered the Board's questions regarding use and other matters related to the proposed construction. The applicant explained that they have been residing at this house for the past 9 years, and that with their two kids growing currently at the elementary school and taking care of their elderly parents, more space and more rooms has become essential to stay at this residence.

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The proposed dormers will add 3 new bedrooms and 2 new bathrooms to the existing 2 bedroom and 1 bathroom dwelling.

The Applicant indicated that they had sought feedback from their neighbors and that neighbors were in support. He provided documentation with signatures in support of the application from 7 neighbors.

The applicant provided stamped drawings prepared by Architect Diane Miller dated 8/14/19 for the Board's review, a plot plan dated 8/23/2019 and a zoning checklist dated 8/19/2019.

Section § 1.5.3. of the Town's Zoning 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."

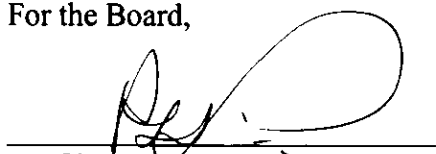
The Board deliberated on December 2, 2019. The Board found that the proposed dormers do not increase the nonconforming nature of the structure or create a new nonconformity and are consistent with other properties in the vicinity. They also noted that there are existing residences in the neighborhood which have similar dormers.

The Board concluded that the proposed alterations are not substantially more detrimental than the existing non-conforming structure to the neighborhood and that the proposed alterations are in keeping with the character of the neighborhood in which they are located.

Accordingly, **upon motion duly made and seconded, the Board voted 5-0 to grant the Special Permit as requested.**

For the Board,


Dated: February 5, 2020

  
 Ara Yogurtian  
 Assistant Director  
 Office of Community Development
CERTIFICATION BY TOWN CLERK

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 February 5, 2020, 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.

Statutory appeal periods, and thus the issuance of Certificates of No Appeal, have been temporarily affected by Court Standing Orders, available at [www.mass.gov/guides/court-system-response-to-covid-19](http://www.mass.gov/guides/court-system-response-to-covid-19). Applicants, abutters and interested parties should consult the Standing Orders to determine their next actions. Any decision by a permit holder to proceed is at their own risk, and the permit holder is urged to consult their own legal counsel.

Under Section 17 of Chapter 53 of the Acts of 2020, the requirement to record permit decisions with the Registry is suspended for so long as the Registry is "closed or subject to rules and procedures restricting public in-person access." However, such recording will still be required upon the full reopening of the Registry. The Middlesex County Registry of Deeds continues to accept filings by postal mail during this period, and permit holders are requested to file for recording through this method to the extent possible.

  
 Ellen O'Brien Cushman, Town Clerk  
 Belmont, MA

May 3, 2021