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TOWN CLERK
BELMONT, MA

CASE NO. 20-06

2020 JAN 14 PM 1:14

NOTICE OF PUBLIC HEARING BY THE
BELMONT ZONING BOARD OF APPEALS

ON APPLICATION FOR ONE SPECIAL PERMIT

Notice is hereby given that the Belmont Zoning Board of Appeals will hold a public hearing on Monday, February 3, 2020 at 7:00 PM in the Art Gallery, 3rd floor, Homer Municipal Building, 19 Moore St., to consider the application of John Newton at 34-36 Frederick Street, located in General Residence (GR) Zoning District for One Special Permit under §1.5.2 of the Zoning Bylaw to modify an existing non-conforming driveway use. Special Permit 1.- §1.5.2 of the By-Law allows changes and extensions of nonconforming uses by a Special Permit granted by the Board of Appeals. The existing driveway could be expanded by a Special Permit granted by the Board of Appeals.

ZONING BOARD OF APPEALS



Town of Belmont
Zoning Board of Appeals

2020 JAN 14 PM 1:14

APPLICATION FOR A SPECIAL PERMIT

Date: Jan 14 2020

Zoning Board of Appeals
Homer Municipal Building
19 Moore Street
Belmont, MA 02478

To Whom It May Concern:

Pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 9, as amended, and the Zoning By-Laws of the Town of Belmont, I/we the undersigned, being the owner(s) of a certain parcel of land (with the buildings thereon) situated on 34-36 Frederick St. Street/Road, hereby apply to your Board for a **SPECIAL PERMIT** for the erection or alteration on said premises or the use thereof under the applicable Section of the Zoning By-Law of said Town for _____

Driveway expansion

on the ground that the same will be in harmony with the general purpose and intent of said Zoning By-Law.

Signature of Petitioner

[Signature]

Print Name

John Newton

Address

36 Frederick St.

Belmont MA 02478

Daytime Telephone Number

508 360 3037

John Newton
34-36 Frederick Street
Belmont, MA 02478
Re: Application for Special Permit to expand driveway.

Dear Board of Appeal members,

Over the past years we've had difficulties parking on our driveway and keeping the sidewalk clear for pedestrians. Our proposal is to further deepen the existing driveway to allow us to park compact cars with minimum or no impact on blocking the sidewalk and to avoid any violations thus created. The existing driveway is only 11.5' and the proposed is 16' as our plot plan prepared by Colonial Survey shows. Our existing driveway only has 2 parking spaces for the whole two family and these existing spaces don't even fit small compact cars without partially blocking the sidewalk. The new proposed depth of 16' will allow for average size vehicles (14'-15') to fit comfortably.

We believe we meet all the criteria required by the by-law to be allowed to expand our driveway, as follows:

1. We will comply with section 5.1.2 a) by providing 2 parking spaces for each unit of the 2 family dwelling.
2. We will comply with section 5.1.3 b) of the by-law, as the proposed expansion is beyond the required front setback, (the required front setback is 9.95' and the proposed is 11.5' to 16').
3. There are no feasible alternatives due to the topography of land, more than 8' drop between the front and the back of our property, typical to most properties in our neighborhood.
4. Visual impacts will remain as the existing, we are not proposing to widen the driveway.
5. Drainage will be adequately provided by the retaining walls necessary to create the parking spaces, no neighbor will be affected by these changes.
6. The proposal also will comply with section 7.4.3 Special Permit criteria as it will not impact valuable trees or other natural resources.
7. It will not impact municipal infrastructure reduce the traffic impact on abutting residential neighborhoods.

We strongly believe that the proposed is less detrimental to the neighborhood than the current conditions.

Sincerely

John Newton

Zoning Compliance Check List

(To Be Completed By Registered Land Surveyor)

Property Address: 34-36 Frederick Street

Zone: GR - General Res.

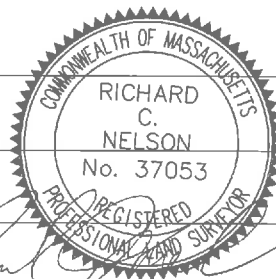
Date: December 2, 2019

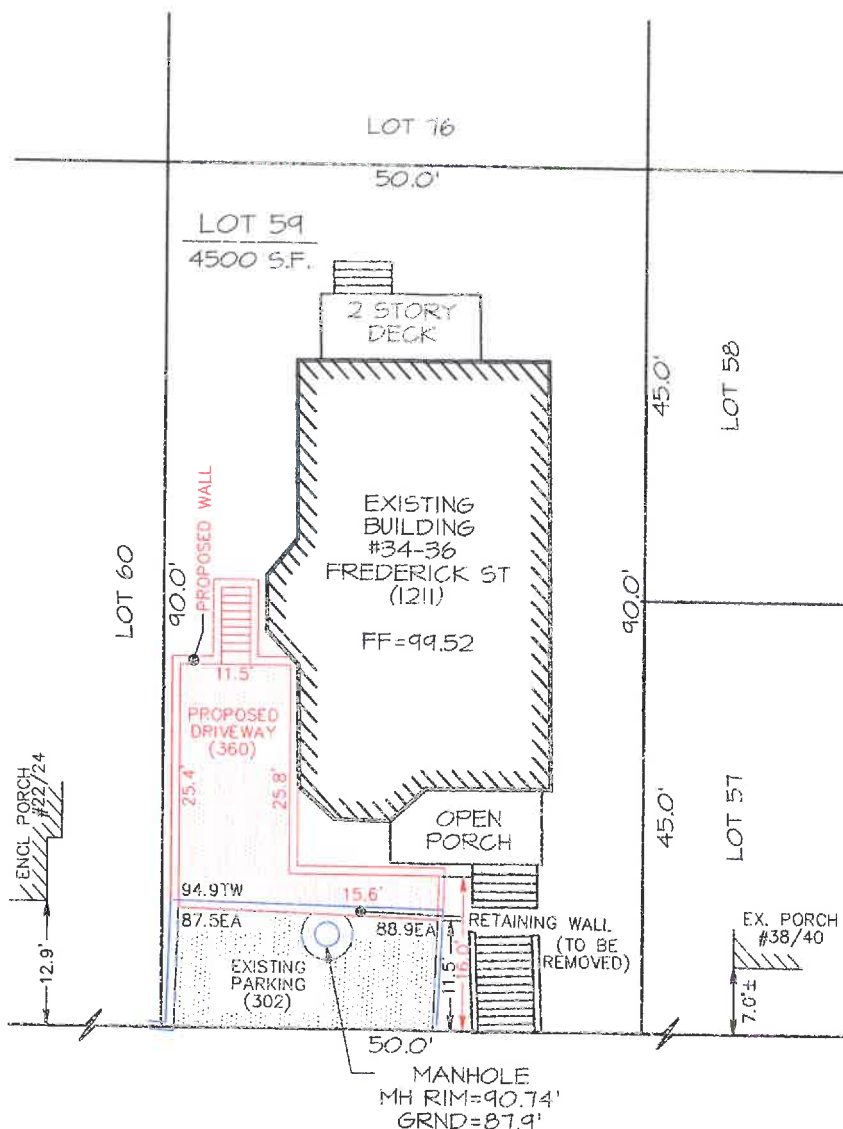
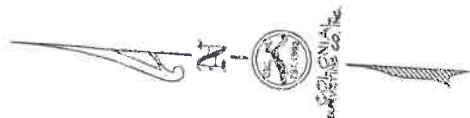
Surveyor Signature & Stamp: Colonial Surveying Co., Inc., Richard C. Nelson, PLS

	REQUIRED	EXISTING	PROPOSED
Lot Area	5,000 S.F.	4,500 S.F.	4,500 S.F.
Lot Frontage	50'	50.0'	50.0'
FAR	N/A	-	-
Max. lot coverage	30%	31.9%	31.9%
Min. open space	40%	61.3%	54.8%
Front set back	9.95'	N/A	N/A
Side set back	10	N/A	N/A
Side set back	10'	N/A	N/A
Rear set back	18'	N/A	N/A
Building Height	33'	N/A	N/A
No. of stories	2.5	N/A	N/A
$\frac{1}{2}$ Story Calculation			

NOTES:

This project is a Driveway Expansion.





FREDERICK STREET

ZONING DISTRICT GR (GENERAL RESIDENCE)

	REQ.	EXISTING	PROPOSED
*FRONT SETBACK:	9.95'	11.5	14.9
SIDE SETBACK:	10'	N/A	N/A
**REAR SETBACK:	18'	N/A	N/A
MAXIMUM LOT COVERAGE:	30%	31.9%	31.9%
MINIMUM OPEN SPACE:	40%	61.3%	53.3%

* AVERAGE OF ABUTTING DWELLING SETBACKS

** 20% OF LOT DEPTH

TOTAL LOT AREA: 4500 S.F.

FLOOD BOUNDARY ZONE: C

NOTE: (343) = AREA IN S.F.



Colonial Surveying Co., Inc.

3 OXFORD AVE
BELMONT, MA 02478
(617) 489-0880

www.colonialsurvey.com



Owner: JOHN C. AND FOTJANA NEWTON
Loc. House No. 34-36 Frederick Street
Lot No. 69
App. No. _____
Date Jan 13, 2020
Scale 1" = 20'

Yogurtian, Ara

From: Yogurtian, Ara
Sent: Monday, November 25, 2019 3:59 PM
To: 'Subhash'
Subject: FW: issue of permit

Mr. Malik, your message was forwarded to the Board members and a hard copy will be saved with the case file.
Thank you

ARA YOGURTIAN
TOWN OF BELMONT
OFFICE OF COMMUNITY DEVELOPMENT
617-993-2650
ayogurtian@belmont-ma.gov

From: Subhash [mailto:scmalik37@yahoo.com]
Sent: Wednesday, November 20, 2019 10:22 AM
To: Clancy, Glenn <gclancy@belmont-ma.gov>; Select Board Mailbox <selectboard@belmont-ma.gov>
Subject: issue of permit

Dear Mr. Clancy

Yesterday Mr. Ara Yogurtian came to my house at 3:00 PM to plead the case for 34-36 for 34-36 Frederick street that I should not object the application of permit for extension of the driveway and lowering the sewage manhole at ground level.

My concern for is this building is sitting on a rock and I think that need to blast the rock.

Which I believe will endanger my property.

As Mr. Ara stated you are going to permit to lower the manhole to the ground.

This will require new sewer pipe line so that in case if overflows the sewer drain water will not go into the storm water line which you are trying to fix the problem were ever it is happening.

I showed the connections on my property which he tried to avoid to answer saying it is 10 years old issue but I am question this change order who so ever did it I need justification of this change.

Mr. Ara told me you must have completion certificate when I replied I never got he changed his statement that town does not give certificate than why permit is required?

Your Plumbing inspector certified that my heating system boiler some time ago but I notice yesterday that the hot water is going from boiler to the drinking water.

I left a message 4 days ago to show him why hot water I there in the drinking pipe this was brought to your earlier inspectors but these people always side the plumber.

Why on 40 side water is going into cold water where as at 38 this not a problem but getting no reply.

I am still waiting for the calculation of the beam to wall connection which was approved by your inspector not complying the calculation submitted by the engineer which is on your record on page 26 or 27 for extension on my property.

I have noticed the board of zoning board are treating people differently.

Subhash Malik P.E.

38-40 Frederick street

Belmont MA 02478

Phone 857-373-9314