

TOWN OF BELMONT
ZONING BOARD OF APPEALS

Case No. 20-20

Applicants: Matthew Henn and Brigit Claus Henn
(owners)

Property: 146 Watson Road

Date of Public Hearing: July 13, 2020

MEMBERS SITTING: Nick Iannuzzi, Chairman
Andrew Plunkett
Andrew Kelley, Associate Member
Teresa McNutt, Associate Member

MEMBERS VOTING: Nick Iannuzzi, Chairman
Andrew Plunkett
Andrew Kelley, Associate Member
Teresa McNutt, Associate Member



2020 00240518
Bk: 76452 Pg: 337 Doc: DECIS
Page: 1 of 2 12/16/2020 03:38 PM

Book #: 65748

PAGE #: 44

Introduction

This matter came before the Board of Appeals ("Board") of the Town of Belmont ("Town") acting as Variance and 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 Applicants Matthew Henn and Brigit Claus Henn at 146 Watson Road located in a Single Residence C (SRC) Zoning District request four (4) Special Permits under §1.5 of the Zoning Bylaw to construct an addition with a deck and to replace an existing detached garage with an expansion.

Proposal

The Board held a duly noticed public hearing on the proposal on July 13, 2020 conducted via ZOOM videoconference (in connection with current restrictions regarding social distancing in connection with COVID-19). The Applicants, Matthew Henn and Brigit Claus Henn propose to construct a one story 15.5'X8.3' addition with an attached 11.7'X4.0' deck, and will replace an existing detached 19.4'X19.2' garage with a 15.2'X7.0' addition for storage.

The applicants represented by Alyson Tanguay, architect, request 4 Special Permits from the Board to construct a one story addition with an attached deck and to replace the existing detached garage with an addition for storage. The need for Special Permits is triggered by the following facts:

1. §4.2 of the Zoning By-Law Dimensional Regulations require a minimum side setback of 10.0', the existing and proposed side setback to the addition is 9.1'.
2. Required side setback for an accessory building (garage) is 5.0', the existing and proposed side setback to the garage is 3.5'.
3. Minimum required rear setback to the accessory structure is 5.0', the existing and proposed rear setback to the garage is 4.0'.
4. Maximum allowed lot coverage is 25%, the existing lot coverage is 25.3% and the proposed is 27.1%.

The applicants had submitted for the Board's review architectural drawings prepared by Alyson Rogers Tanguay dated 2/11/2020, a plot plan dated 2/19/2020, a zoning checklist dated 4/28/2020 and 6 letter of support from neighbors.

No one spoke in support of or in opposition to the proposed project during the hearing.

Ms. Tanguay explained in details to the Board that the proposed one story addition was to enlarge the existing small kitchen, the attached deck was to be used as a second means of egress from the dwelling, the

Matthew Henn
146 Watson Road
Belmont, MA 02478

Case # 20-20

Address: 146 Watson Road

replacement of the garage was necessary due to the deteriorated condition of the garage and the addition to the garage was to be used as storage for yard equipment.

Conclusion

Pursuant to the "Gale vs. Gloucester" decision, the reliefs requested by the Applicants are 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.

The Board deliberated on July 13, 2020. The relief sought is for four (4) Special Permits. The proposal was considered by the Board. The Board found that the proposed additions do not substantially increase the non-conforming nature of the structures or create a new nonconformities. The Board concluded that the proposed alterations are not substantially more detrimental to the neighborhood than the existing non-conforming structures, and that the proposed alterations are in keeping with the character of the neighborhood in which the property is located.

Accordingly, **upon motion made by Andrew Plunkett and seconded by Andrew Kelley, the Board voted 4-0 to grant the four (4) Special Permits as requested.**

For the Board,

Dated: July 22, 2020


Ara Yogurtian
Assistant Director
Office of Community Development

BOOK #: 65748
PAGE #: 44


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 July 24, 2020, and further I certify that no appeal has been filed with regard to the granting of said Four (4) 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. 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.

December 10, 2020


Ellen O'Brien Cushman, Town Clerk
Belmont, MA