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TOWN CLERK
BELMONT, MATOWN OF BELMONT
ZONING BOARD OF APPEALS

2020 DEC -3 AM 11:59

CASE NO. 20-30

APPLICANT: Marc and Joanna Valenti - *Current re owners*

PROPERTY: 12 Franklin Street ✓

CERTIFICATE #: 260084

DATE OF PUBLIC HEARING: October 5, 2020

BOOK : 1476

MEMBERS SITTING:

Nick Iannuzzi Chairman
 Jim Zarkadas, Vice-Chairman
 Andrew Kelley, Member
 Casey Williams, Member
 Teresa MacNutt, Member
 William Fick, Associate Member
 Elliot Daniels, Associate Member

PAGE : 91

Lot
6h

2021 01867161

Bk: 01476 Pg: 91 Cert#: 260084

Doc: DECIS 01/14/2021 12:10 PM

MEMBERS VOTING:

Jim Zarkadas, Vice-Chairman
 Andrew Kelley, Member
 Casey Williams, Member
 Teresa MacNutt, Member
 Elliot Daniels, Associate Member

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 Marc and Joanna Valenti request One Special Permit under §1.5 of the Zoning Bylaw to construct an addition at 12 Franklin Street located in Single Residence C (SRC) Zoning District. Special Permit 1.- Section 4.2.2 of the Zoning By-Law Dimensional Regulations allow a maximum of 2-1/2 stories. The existing structure is three and a half (3-1/2) stories. The lowest level of the dwelling is a basement (50.59% of the foundation walls are exposed) and is considered a story. The proposed is a three story addition.

The Board held a duly noticed hearing on the application on October 5, 2020 conducted via ZOOM videoconference (in connection with current restrictions regarding social distancing in connection with COVID-19). The Applicants Marc and Joanna Valenti presented their project to the Board.

No one spoke in favor and no one spoke in opposition to the Applicants' proposal.

Proposal

Marc and Joanna Valenti, of 12 Franklin Street, seek a special permit relief for the number of stories in order to construct an addition with a full basement and two stories above. The proposed addition will be for a full kitchen on the lower level and a master bedroom with a full bath on the upper level. They also wish to finish the basement for a play room for their young sons. They have lived in Belmont for 5 at their current residence. The proposal is to replace half the area of the existing deck with the addition and maintain the other half as a deck.

260084-1476-91

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The applicants explained that due to the topography of land, most if not all of the neighbors on Franklin Street have basements by the definition of the Town of Belmont's Zoning By-Law. They have preferred a vertical expansion in lieu of a horizontal expansion to preserve the well maintained backyard for outdoor activities. The proposed addition is comparable in scale and style to many other homes in the neighborhood and does not pose any substantial detriment to the neighborhood and does not nullify or substantially derogate the intent of the by-law. The alteration is reasonably sized and in line with the neighbors.

They had submitted for the Board's review, architectural drawings prepared by Patrick Rettig, Architect LLC dated July 8, 2020, a plot plan and a zoning checklist dated July 31, 2020, pictures of similar dwellings in the neighborhood and signatures from seven neighbors in support of their project.

Conclusion

On October 5, 2020 the Board deliberated on the Applicants' request for One Special Permit under §1.5 of the Zoning By-Law to construct an addition at 12 Franklin Street located in a Single Residence C zoning district. Special Permit 1.- Section 4.2.2 of the Zoning By-Law Dimensional Regulations allow a maximum of 2-1/2 stories. The existing structure is three and a half (3-1/2) stories. The lowest level of the dwelling is a basement (50.59% of the foundation walls are exposed) and is considered a story. The proposed is a three story addition.

The Board concluded that the proposed addition is not substantially more detrimental to the neighborhood than the existing non-conforming structure, and that the proposed is in keeping with the character of the neighborhood in which the property is located.

Accordingly, upon motion duly made by Jim Zarkadas and seconded by Andrew Kelley, the Board voted 5-0 to grant the Applicants' One (1) Special Permit as requested.

For the Board:

Dated: December 2, 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 October 5, 2020, and further I certify that no appeal has been filed with regard to the granting of said One (1) 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.


Ellen O'Brien Cushman, Town Clerk
Belmont, MA 2

January 7, 2021

20-30

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ZONING BOARD OF APPEALS**

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Address: 12 Franklin Street

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Ellen O'Brien Cushman, Town Clerk
Belmont, MA

January 7, 2021

1867161

Doc 01867161

Southern Middlesex Land Court
Registry District

RECEIVED FOR REGISTRATION

On: Jan 14, 2021 at 12:10P

Document Fee 105.00

Receipt Total: \$105.00

NOTED ON: CERT 260084 BX 01476 PG 91

ALSO NOTED ON:

①

Joanna Valentini
1A Franklin St
Belmont

I HEREBY ATTEST AND CERTIFY ON 03/02/2021
THAT THE FOREGOING DOCUMENT IS A FULL, TRUE AND
CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE
AND IN MY LEGAL CUSTODY

MARIA C. CURTATONE
ASST RECORDER
LAND COURT

BY

Maria C. Curtatone