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**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

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**CASE NO.** 21-06

**APPLICANT:** Mr. and Mrs. Anthony and Sarah Tobio

**PROPERTY:** 3 Stults Road

**DATE OF PUBLIC HEARING:** March 8, 2021

**MEMBERS SITTING:** Nick Iannuzzi, Chairman  
Jim Zarkadas, Vice Chair  
Casey Williams  
Andrew Kelley  
Teresa MacNutt  
William Fick, Associate Member  
Elliot Daniels, Associate Member



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**MEMBERS VOTING:** Nick Iannuzzi, Chairman  
Jim Zarkadas, Vice Chair  
Casey Williams  
Andrew Kelley  
Elliot Daniels

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**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, Anthony and Sarah Tobio ("Applicant"), request Two (2) Special Permits under Section 1.5 of the Zoning By-Laws to construct a two story addition at 3 Stults Road located in a Single Residence C (SRC) Zoning District.

The Board held a duly noticed hearing on the application on March 8, 2021. The applicants had submitted for the Board's review architectural drawings prepared by Andover Renovation Solutions, Inc. dated July 21, 2020, a plot plan dated February 22, 2020 and zoning checklist dated February 5, 2021.

At the meeting one person raised hand in support of the proposed project, no one spoke in opposition to the application.

**Proposal**

The applicants propose to raze an existing detached garage and an existing one story sunroom and replace with a two story addition with a cellar. The ground level of the addition will be used as an attached garage, the second floor will have two rooms, one as a bedroom and the second as either a bedroom or an office space. The Special Permits requested are as follows:

§ 4.2.2 of the Zoning By-Law Dimensional Regulations allow a maximum lot coverage of

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Address: 3 Stults Road

25% and require a minimum rear setback of 17.02'.

1. The existing lot coverage is 25.4% and the proposed is 25.6%. Special Permit.
2. The existing rear setback is 7.0' and the proposed is 8.3'. Special Permit

The applicants presented the case to the Board. Razing the existing detached garage will provide the family a decent size yard for outdoor activities. The proposed construction will not add much to the footprint of the building thus adding a minimum percentage to the existing non-conforming lot coverage percentage. The ground floor garage will provide the parking needs which would be eliminated by razing the existing detached garage. The second floor is intended for a bedroom and an additional room which could be used as an office space or a bedroom.


### **Conclusion**

On March 8, 2021 the Board deliberated on the Applicants' request for two (2) Special Permits under Section 1.5 of the By-Law to construct a 2 story addition at 3 Stults Road located in Single Residence C (SRC) Zoning District. The Board found that the proposed addition is not more detrimental to the neighborhood and is in keeping with the character of other houses in the vicinity.

Accordingly, **upon motion duly made by Teresa MacNutt and seconded by James Zarkadas, the Board voted 5-0 to grant the Applicants the two Special Permits as requested.**

For the Board:

Dated: March 23, 2021

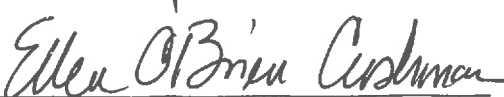
  
Ara Yogurtian  
Assistant Director  
Office of Community Development

### **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 March 25, 2021, 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

April 15, 2021