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TOWN CLERKTOWN OF BELMONT  
ZONING BOARD OF APPEALS

2021 SEP 28 AM 8:17

Case No. 21-23

Applicants: Michael and Laurel Bufano

Property: 22 Falmouth Street

Date of Public Hearing: September 13, 2021

Members Sitting: Nick Iannuzzi (Chair),  
Teresa MacNutt,  
Casey Williams,  
Andrew Kelley,  
Elliott Daniels, (Associate Member)  
Jeffrey Birenbaum, (Associate Member)  
David Stiff (Associate Member)

Members Voting: Nick Iannuzzi (Chair),  
Teresa MacNutt,  
Casey Williams,  
Andrew Kelley,  
David Stiff (Associate Member)



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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 applicants, Michael and Laurel Bufano ("Applicants"), seek Two Special Permits, under Section 1.5 of the Zoning By-Laws to construct a second story addition at 22 Falmouth Street located in the General Residence (GR) Zoning District. Section 1.5.4A of the By-Law allows alterations and expansions in the GR district by a Special Permit granted by the Board of Appeals and Section 4.2 of the Zoning-By-Law Dimensional Regulations requires a minimum side setback of 10.0', the existing and proposed side setback is 3.3'.

The Applicants propose to construct a two-story addition to replace an existing enclosed one-story porch. The addition will have the same footprint as the existing porch: 12.0' x 8.3'. The addition will expand the sizes of the first-floor kitchen and a second-floor bedroom, improving the usability of both rooms. The Applicants stated that the addition will not be detrimental to the neighborhood since the roofline of the addition will match that of the house and the existing setbacks will be maintained.

At the hearing no one spoke in support or in opposition to the application. The Applicants stated that their neighbors, including a direct abutter at 24 Falmouth Street, supported the proposed addition.

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During deliberations the board discussed the applicant's request and confirmed that the requested modifications are likely not detrimental to the neighborhood and do not reduce the existing setbacks.

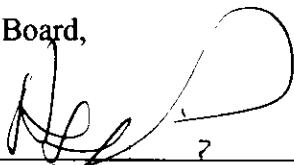
The § 1.5.4 A. of the Town's Zoning By-Law requires that the Board issue a Special Permit for any modifications or alterations to existing non-conforming residences in the General Residence Zoning District. The § 1.5.3. of the Town's Zoning By-Law provides that the Board may issue a Special Permit to reconstruct, extend, alter, or change a nonconforming structure "only if it determines that such reconstruction, extension, alteration, 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 September 13, 2021. The relief sought are for two (2) Special Permits. A special permit is required for any modification to residences in a General Residence Zoning District. The Board found that the proposed addition does not substantially increase the non-conforming nature of the structure or create a new nonconformity. 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 alterations are in keeping with the character of the neighborhood in which the property is located.

Accordingly, **upon a motion duly made by Nick Iannuzzi and seconded by Teresa MacNutt, the Board voted 5-0 to grant the two (2) Special Permits as requested.**

For the Board,

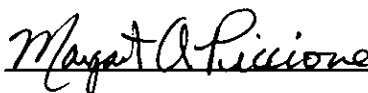
Dated: September 27, 2021

  
 Ara Yogurtian  
 Assistant Director  
 Office of Community Development

#### CERTIFICATION

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 September 28, 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.

October 19, 2021



Margaret A. Piccione, Assistant Town Clerk  
Belmont, MA