

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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Case No. 22-19

Applicants: Jason Whaley and Meredith Quinn

Property: 29 Myrtle Street

Date of Public Hearing: September 12, 2022

Members Sitting: Nicholas Ianuzzi (Chair)
Casey Williams
Andrew Kelley
Elliot Daniels (Associate Member)
David Stiff (Associate Member)

Members Voting: Nicholas Ianuzzi
Casey Williams
Andrew Kelley
Elliot Daniels (Associate Member)
David Stiff (Associate Member)

Introduction

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, Jason Whaley and Meredith Quinn (collectively, the “Applicant”) sought one (1) Special Permit under Section 1.5 of the Zoning Bylaw to construct a one (1) story rear addition at a property located in a Single Residence C Zoning District. The Special Permit is in connection with §4.2 of the Zoning Bylaws, which requires a minimum rear setback of 29.7’. The existing rear setback to the structure is 18.2’ and the rear setback to the proposed addition is 20.9’.

The Board held a duly noticed hearing on the application on September 12, 2022.

Proposal

The applicant proposes to add a one (1) story rear addition to house additional living space within the home, and in doing so to remove an existing shed.

The applicant has submitted for the Board’s review architectural drawings prepared by the office of Penn Ruderman Architects, Inc. dated January 22, 2022, a proposed plot plan dated February 21, 2022, a Zoning Compliance Check List dated June 29, 2022, a letter from the applicant dated June 29, 2022, and petition in support signed by multiple residents located on Myrtle Street, School Street and Spinney Terrace.

At the hearing, in addition to the Applicant, Mr. Steve Goodman (36 Myrtle Street), Mr. Matt Sweeney (5 Spinney Terrace) and Mr. Paul Pink (6 Spinney Terrace) spoke in support of the application. No person spoke in opposition of the application.

Decision

MGL 40A §6 provides in pertinent part: “Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.”

During deliberations the board discussed the applicant’s request for One (1) Special Permit and found that the proposed addition does not substantially increase the non-conforming nature of the structure, that the proposed alteration 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 motion duly made by Chairman Ianuzzi and seconded by Andrew Kelley, and upon roll call vote by Chairman Ianuzzi the Board voted 5-0 to grant the One (1) Special Permit as requested.

For the Board,

Dated: October 13, 2022



Gabriel S. Distler,
Assistant Director
Office of Community Development