

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

RECEIVED
TOWN CLERK
BELMONT, MA

CASE NO. 23-10

APPLICANTS Jeffrey Pitts

PROPERTY 39 Bartlett Avenue

DATE OF PUBLIC HEARING April 3, 2023

2023 JUN 28 AM 10: 23

MEMBERS SITTING Casey Williams, Acting Chair
Nicholas Iannuzzi Jr., Chair
Teresa McNutt
Andrew Kelley
David Stiff, Associate Member

MEMBERS VOTING Casey Williams, Acting Chair
Nicholas Iannuzzi Jr., Chair
Teresa McNutt
Andrew Kelley
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 applicant, Jeffrey Pitts (“Applicant”) sought five (5) Special Permit under Section 1.5 of the Zoning Bylaw to construct a two (2) story rear addition at a property located in a General Residence (GD) Zoning District. Special Permits:

1. §1.5.4A of the By-Law allows alteration and expansion in the GR district by a Special Permit(s) granted by the Board of Appeals.
2. §4.2 of the By-Law requires a minimum side setback of 10.0’, the existing side setback is 7.3’ and the proposed side setback is 7.4’.
3. §4.2 of the By-Law requires a minimum side setback of 10.0’ and the existing and proposed side setback is 7.0’.
4. §4.2 of the By-Law requires a minimum front setback of 12.85’, the existing and proposed front setback is 10.3’.
5. §4.2 of the By-Law allows a maximum lot coverage of 30.0%, the existing lot coverage is 35.3% and the proposed is 36.8%.

Proposal

The Board held a duly noticed hearing on the application on April 3, 2023. The Applicants submitted for the Board’s review architectural drawings, dated October 18, 2022, prepared by Miller Design, LLC; a plot plan, dated February 1, 2023, prepared by surveyor Douglas L. Johnston; a zoning compliance checklist, dated February 1, 2023, prepared by surveyor Douglas L. Johnston; and basement/cellar calculations, dated November 10, 2022,

Case # 23-10
Address: 39 Bartlett Avenue

prepared by surveyor Douglas L. Johnston. The Applicant also submitted a petition of support signed by twelve neighbors.

Applicant's architect, Diane Miller, presented the application and spoke on Applicant's behalf. Ms. Miller outlined the proposes to add a two-story rear addition to house additional living space within the home, such as an extra bedroom for the applicant's children. Ms. Miller also described the proposed reconstruction of the front porch would level the floor and ceiling with the main house and bring the front stairs up to building code.

At the hearing no one spoke in favor or opposition to 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."

The Board found 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 motion duly made by Andrew Kelley, and seconded by Nicholas Iannuzzi Jr. the Board voted 5-0 to grant the Five (5) Special Permits as requested.

For the Board,

Dated: June 28, 2023



Gabriel S. Distler,
Staff Planner
Planning Division
Office of Community Development