

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

2023 NOV 29 PM 12:42

CASE NO. 23-26

APPLICANT Sarah Felton

PROPERTY 81 Statler Road

DATE OF PUBLIC HEARING October 2, 2023

MEMBERS SITTING Casey Williams, Chair
Andrew Kelley, Vice Chair
Elliot Daniels
David Stiff
David Barry, Associate Member
Alexandra Danahy, Associate Member

MEMBERS VOTING Casey Williams, Chair
Andrew Kelley, Vice Chair
Elliot Daniels
David Stiff
Alexandra Danahy, 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, Sarah Felton (the “Applicant”) sought three (3) Special Permits under Section 1.5 of the Zoning Bylaw to construct a second and third story rear addition on a property located in a Single Residence C (SR-C) Zoning District. Special Permit:

1. §4.2.2 of the Zoning Bylaws allows for a maximum building height of two and a half (2-1/2) stories. The existing structure is three and a half (3-1/2) stories since the lowest level of the dwelling is a basement (46.75% of the foundation walls are below grade) and considered a story. The existing bedroom and proposed addition are located at a third (3rd) story level.
2. requires a minimum side setback of 10.0’. The existing left side setback (when facing the structure from the street) is 8.3’ and the proposed left side setback is 9.5’.
3. requires a minimum side setback of 10.0’, the existing right side setback (when facing the structure from the street) is 7.9’ and the proposed right side setback is 8.0’.

Proposal

The Board held a duly noticed hearing on the application on October 2, 2023. The Applicants submitted for the Board’s review architectural drawings, dated May 18, 2023, prepared by Miller Design LLC; a plot plan, dated June 25, 2023, prepared by surveyor Scott C. Lynch; a Zoning Checklist, dated June 25, 2023, prepared by surveyor Douglas L. Johnson;

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ceiling height and basement/cellar calculations, dated June 25, 2023, prepared by surveyor Douglas L. Johnson; a zoning compliance check list dated June 25, 2023 prepared by surveyor Douglas L. Johnson, and a Special Permit Narrative Statement. A petition, containing twelve signatures of support, was submitted by the applicant. The applicant also submitted a letter of support from Jean and Paul Rolston of 87 Statler Road.

Applicant's architect, Diane Miller, presented on behalf of Applicant. The Applicant describes the existing house as a three and a half story central entrance colonial with three (3) bedrooms. The applicant notes that the current kitchen, located on the first floor, is very small. The applicant proposes to create an addition to the right side of the first floor rear to expand the kitchen, with exterior storage below and a small landing and stairs leading down to the back yard. The applicant also proposes to expand a bedroom above an existing first floor office in the back left corner of the first floor to create an additional 10 sf of bedroom space. The kitchen addition would continue the existing non-conforming right setback and extend it for an additional 3'3". The bedroom expansion is above existing space and would continue the non-conforming left setback already in existence.

In addition, Applicant's neighbors, Jean and Paul Rolston of 87 Statler Road, spoke in favor of the Applicant's proposal. No one spoke in 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 Casey Williams, and seconded by Andrew Kelley, the Board voted 5-0 to grant the Three (3) Special Permit as requested.

For the Board,

Dated: November 29, 2023



Gabriel S. Distler,
Staff Planner
Office of Community Development