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**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

CASE NO. 23-28

APPLICANTS Angelo Marchio

PROPERTY 45 Trapelo Road

DATE OF PUBLIC HEARING November 16, 2023

MEMBERS SITTING Casey Williams, Chair
Elliot Daniles
David Stiff
Teresa MacNutt
Daniel Barry, Associate Member

MEMBERS VOTING Casey Williams, Chair
Elliot Daniles
David Stiff
Teresa MacNutt
Daniel Barry, 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, Angelo Marchio (“Applicant”) sought four (4) Special Permit under Section 1.5 of the Zoning Bylaw to construct a two (2) story front porch, rear deck, and addition at a property located in a Single Residence C (SR-C) Zoning District. Special Permits:

1. §4.2 of the By-Law 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 (51.3% of the foundation walls are below grade) and is considered a story. The proposed rear addition is located at a third (3) story level.
2. §4.2 of the By-Law allows for a maximum building height of two and a half (2-1/2) stories since the lowest level of the dwelling is a basement (51.3% of the foundation walls are below grade) and is considered a story. The proposed front balcony is located at a third (3) story level.

3. §4.2 of the By-Law allows for a maximum lot coverage of 25.0%. The existing lot coverage is 36.5% and the proposed lot coverage is 36.3%.
4. §4.2 of the By-Law requires a minimum rear setback of 17.6', the existing rear setback is 10.3' and the proposed rear setback is 4.0'.

Proposal

The Board held a duly noticed hearing on the application on November 16, 2023. The Applicants submitted for the Board's review architectural drawings, dated September 19, 2023, prepared by Smart Architecture; a plot plan, dated October 13, 2022, prepared by surveyor Scott Lynch; and a zoning compliance checklist, dated October 13, 2022, prepared by surveyor Scott Lynch. The Applicant also submitted photos of the existing conditions.

Applicant's architect, Margaret Smart Booz, presented the application and spoke on Applicant's behalf. Ms. Booz outlined the proposal to add a two-story rear addition and deck to provide a code-compliant second means of egress. Ms. Booz also described the proposed reconstruction of the front porch which will minimize the size of the porch and the front stairs up to building code.

The Board received the letters from neighbors in advance of the public hearing.

At the hearing, Rida Butzer, 6 Oak Avenue, generally spoke in support of the project but shared concerns about the rear setback, storm water drainage during construction, and the possibility of losing the trees currently planted along the property line.

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 Nicholas Iannuzzi Jr. the Board voted 5-0 to grant the four (4) Special Permits with the following conditions:


- 1. The rear enclosed stair addition may not have a window on the rear (north elevation). The window may be moved to a side elevation, if desired by the applicant.**

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- 2. Applicant to adequately protect existing mature trees close to the rear lot line during construction. Trees shall be replaced by the Applicant if destroyed or significantly damaged during construction.**

For the Board,

Dated: January 8, 2024



Ara Yogurtian
Inspector of Buildings
Planning Division
Office of Community Development