

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

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**CASE NO.** 22-25

**APPLICANT:** David and Christine Pomer

**PROPERTY:** 60 Rockmont Road

**DATE OF PUBLIC HEARING:** October 3, 2022

**MEMBERS SITTING:** Nicholas A. Iannuzzi Jr., Chair  
Demetrios (Jim) Zarkadas, Vice Chair  
Teresa MacNutt  
Casey Williams  
Andrew Kelley  
Elliot Daniels, Associate Member

**MEMBERS VOTING:** Nicholas A. Iannuzzi Jr., Chair  
Demetrios (Jim) Zarkadas, Vice Chair  
Casey Williams  
Elliot Daniels, Associate Member

**Introduction**

This matter came before the Board of Appeals ("Board") of the Town of Belmont ("Town") acting as Variance and Special Permit Granting Authority under the Zoning By-Law of the Town of Belmont, Massachusetts ("By-Law") and Chapter 40A of the Massachusetts General Law ("Zoning Act"). The Applicants, David Pomer and Christine Pomer ("Applicants"), requests One (1) Special Permit under Section 1.5 of the Zoning By-Laws to construct dormers at 60 Rockmont Road located in a Single Residence B (SRB) Zoning District. Special Permits: §4.2.2 of the Zoning By-Law allows for a maximum building height of 2.5 stories. In connection with this, the Applicant sought the following special permit:

1. The existing structure is three and a half (3-1/2) stories. The lowest level of the dwelling is a basement (47.5% of the foundation walls are exposed) and is considered a story. The proposed dormers are at a three and a half (3-1/2) story level.

**Proposal**

The Board held a duly noticed hearing on the application on October 3, 2022. Board of Appeals members Teresa MacNutt and Andrew Kelley recused themselves from voting and participating in this hearing.

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The Applicants had submitted for the Board's review architectural drawings dated August 16, 2022 prepared by JAD Design INC, a plot plan dated July 26, 2022 prepared by Dillis & Roy Civil Design Group, zoning checklist dated July 26, 2022 prepared by Dillis & Roy Civil Design Group, basement calculations prepared by Dillis & Roy Design Group, and photos of nearby homes with similar dormers. Also submitted to the Board's review was one petition in support with eight signatures.

Contractor Scott Hills made a presentation on behalf of the Applicants to the Board. Mr. Hills stated that the home already has two rear dormers and that the three proposed dormers only need approval because they are proposed for a noncompliant third and a half (3-1/2) story.

At the meeting no members of the public spoke in support of opposition to the project.

### **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 dormers are not more detrimental to the neighborhood than the existing uses and is in keeping with the character of other houses in the vicinity.

**Accordingly, upon motion duly made by Chair Nicholas Iannuzzi and seconded by Casey Williams, the Board voted 4-0 to grant the Applicant the Special Permit as requested.**

For the Board:

Dated: January 12, 2023



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Gabriel Distler  
Staff Planner  
Office of Community Development