

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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CASE NO. 22-29

APPLICANT: Jeremy Forester and Hillary Forester

PROPERTY: 24 Oakley Road

DATE OF PUBLIC HEARING: November 7, 2022

MEMBERS SSITTING: Nick Iannuzzi, Chair
Jim Zarkadas, Vice Chair
Casey Williams
Andrew Kelley
David Stiff, Associate Member

MEMBERS VOTING: Nick Iannuzzi, Chair
Jim Zarkadas, Vice Chair
Casey Williams
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 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, Jeremy Forester and Hillary Forester, (“Applicants”) seeks One (1) Special Permits under Section 1.5 of the Zoning By-Law to construct a two-story addition at 24 Oakley Road located in a Single Residence C (SRC) Zoning District. The Applicant sought the following special permit:

1. Under §4.2.2 of the Bylaw requires a minimum side setback of 10.0’, the existing and proposed side setback is 6.9’.

Proposal

The Board held a duly noticed hearing on the application on November 7, 2022. The Applicants had submitted for the Board’s review architectural drawings dated September 26, 2022 prepared by architect Pete Lackey, a plot plan dated June 23, 2022 prepared by surveyor Scott C. Lynch, a zoning compliance check list dated June 23, 2022 prepared by surveyor Scott C. Lynch, cellar calculations dated June 23, 2022 prepared by surveyor Scott C. Lynch, and photos of the property. The Applicants also submitted one petition of support containing the signatures of seven neighbors and one letter of support from a direct abutter.

Pete Lackey, the project’s architect, made the presentation to the Board. Mr. Lackey presented the plans to make alteration to their current home which includes a 1 story addition on the north side of the home. The current addition lacks a foundation and proper insulations which limits the use of the

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current space. The proposal also includes a 2nd floor addition over the same footprint to accommodate a full bath and closet are to be shared by the 2 bedrooms. This additional space will also allow guests to have access to the existing hall bath.

At the hearing no member of the public spoke in support 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 two-story addition is not more detrimental to the neighborhood and is in keeping with the character of other houses in the vicinity.

Accordingly, upon motion duly made by Vice Chair Jim Zarkadas and seconded by Chair Nicholas Iannuzzi, the Board voted 5-0 to grant the Applicant the Special Permits as requested.

Dated: January 3, 2023



Gabriel S. Distler
Staff Planner
Office of Community Development