

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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CASE NO. 22-31

APPLICANT: Clay Siegert and Deidre Siegert

PROPERTY: 98 Winn Street

DATE OF PUBLIC HEARING: December 5, 2022

MEMBERS SSITTING: Nick Iannuzzi, Chair
Teresa MacNutt
Casey Williams
Andrew Kelley
David Stiff, Associate Member
Elliott Daniels, Associate Member

MEMBERS VOTING: Teresa MacNutt
Andrew Kelley
Casey Williams
Elliott Daniels, Associate Member
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 applicants, Clay Siegert and Deidre Siegert, (“Applicants”) seeks One (1) Special Permits under Section 1.5 of the Zoning By-Law to construct a dormer at a three and a half (3-1/2) story level at 98 Winn Street 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 December 5, 2022. The Applicants had submitted for the Board’s review architectural drawings dated November 4, 2022 prepared by Haven Architecture LLC, a plot plan dated November 2, 2022 prepared by surveyor James J. Abely, a zoning compliance check list dated November 4, 2022 prepared by surveyor James J. Abely, and basement November 2, 2022 prepared by surveyor James J. Abely. The architectural drawings packet also included photos of the exterior of the home. The Applicants submitted nine letters of support.

Case No. 22-31
Address: 98 Winn Street

Clay Siegert made the presentation to the Board and explained the proposal to construct a shed style dormer to the rear of the existing three and a half (3-1/2) story attic. Mr. Siegert states that other homes in his neighborhood have similar dormers.

At the hearing Mrs. Siegert spoke in support of the proposed dormer. No member of the public 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 dormer at the three and a half (3-1/2) story level dormer 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 Casey Williams and seconded by David Stiff, 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