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February 13, 2026

Zoning Board of Appeals and  
Planning Board  
Homer Municipal Building  
19 Moore Street  
Belmont, MA 02478

**RE: Applications for Special Permit (ZBA 25-28 and PB 25-12)  
50 Hillside Terrace – John Manning Jr. and Cathy Leser**

Dear Members of the Zoning Board of Appeals and Planning Board:

I have been retained by John Manning, Jr. and Cathy Leser (the “Applicants”) in connection with their pending applications before the Zoning Board of Appeals and Planning Board for special permits to alter or extend their lawfully preexisting, nonconforming home at 50 Hillside Terrace (the “Property”). Please accept this correspondence as a supplemental narrative in support of the applications and in response to opposition letters submitted by and on behalf of two abutting property owners.

**A. Background Facts**

1. The Property is located in the Single Residence C Zoning District.
2. The existing house on the Property was constructed 1969 and has been owned by Mr. Manning’s family since it was constructed.
3. The Property is uniquely shaped. Due to the peculiar layout of the roadway and the extreme topography at the back of the lot, the existing home is nonconforming as to front and rear setbacks.
  - a. The front setback is 14.9 feet—just 6 inches short of the 15.4-foot required setback. As perceived from the street, however, the house appears to have a larger front setback than many other homes in the neighborhood, due to a unique bulge in the layout of Hillside Terrace directly in front of the Property. This area is technically owned by the Town but has every appearance of being part of the Property’s front yard and has been beautifully landscaped by the Applicants, as shown below:



- b. The rear setback is 13.7 feet at its narrowest point (the southern corner of the house), whereas the required setback is 18.49 feet. This nonconformity is also the result of the unusual shape of the Property.
4. The Applicants' home is substantially smaller than every other house on the street, containing just over 1,400 square feet of living area.
5. The Applicants intend to retire to the Property and desire to renovate the existing house and enlarge it to be more consistent with modern residential standards.
6. With the proposed addition, the living area of the house would total 3,061 square feet, which is consistent with other homes in the neighborhood.
7. Although the proposed house will not be out of scale with others in the neighborhood, the Applicants' proposal represents a significant increase as a percentage of the existing living area, because the existing home is so much smaller than most of the other houses in the neighborhood. Because the proposed increase exceeds 30%, necessitating the special permit relief for which they have now applied.
8. The Applicants' proposal will not create any new zoning nonconformities; the Property will continue to satisfy lot coverage, open space, side setback, and building height limitations.

## **B. Analysis**

### **1. The Proposal Satisfies the Requirements of the Zoning By-Law**

Pursuant to Section 1.5.4C of the Zoning By-Law, alteration or expansion of a lawfully nonconforming single-family residence that will increase the living area by more than 30% requires a

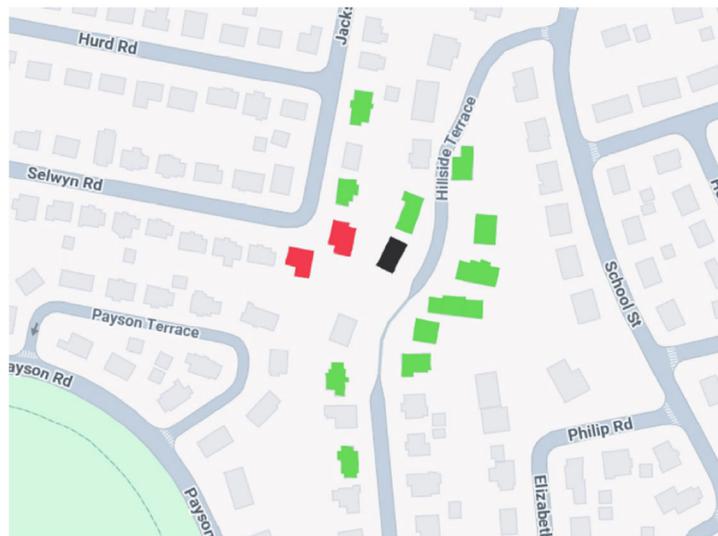
special permit from the Planning Board. As set forth below, the Applicants respectfully submit that their proposal satisfies the required findings for the grant of such a special permit, as set forth in Section 1.5.4C(4):

**a) The Proposal is generally in harmony with the neighborhood.**

As noted above, the existing house contains just 1,406 square feet of living area and is the smallest home in the neighborhood. The Applicants proposal will make the home much more consistent with the prevailing size and massing of other homes in the area. At 3,061 square feet, the proposed home will by no means be the largest house in the neighborhood.

The Applicants have retained a respected local architect, who has designed an attractive and efficient home that will improve both its appearance and functionality. The elevations submitted with the applications demonstrate the thoughtfulness and attention given to the layout of the proposed addition, which tapers in height and massing toward its southern end where the Property itself narrows as a result of the uniquely bulging layout of the public way.

In short, every reasonable effort has been made to accommodate the Applicants' reasonable desire to retire to a modern and comfortable home, while ensuring that home is in harmony with other residences in the neighborhood. It is likely for this reason that every resident on Hillside Terrace to comment on the applications has voiced support for the Applicants' proposal. The only two neighbors to oppose the applications live on other streets.<sup>1</sup> Below is a figure showing neighbors who have commented in support of the applications in green, those who oppose the applications in red, and the Property itself in black.



<sup>1</sup> The opposition letters submitted by and on behalf of these neighbors will be addressed below.

**b) The Proposal will neither generate excessive traffic, parking, noise or density impacts on the abutters, nor create other detrimental effects on the neighborhood.**

The Applicants' proposal will not adversely impact the neighborhood. The Property will continue to be used as a single-family residence. No additional traffic or parking demands will be generated. Enlarging the house will not result in more noise or greater density. As noted above, the Applicants simply wish to retire to the Property, which has been in Mr. Manning's family for over half a century.

**c) The Proposal is appropriate in scale and mass for the neighborhood, with particular consideration of abutting properties.**

As described above, the Applicants' proposal will bring the Property far more in line with the scale and massing of other properties in the neighborhood. The height of the home will be 24.8 feet to the midpoint—more than five feet lower than the allowed height and lower than many other homes in the neighborhood. The corresponding height of the proposed southerly addition will be just 12 to 17 feet. As further discussed below, the height of the rear façade will appear significantly lower, due to the topography of the Property.

**d) The Property is conforming as to lot coverage.**

As noted above, the Property is conforming as to lot coverage, and the Applicants' proposal will not result in exceedance of the lot coverage allowed under the Zoning By-Law.

**e) The Proposal will not be substantially more detrimental than the existing nonconforming building to the neighborhood.**

In light of the broad neighborhood support for the Applicants' proposal and the extensive lengths to which the Applicants and their architect have gone to ensure that the house will be consistent with the size and massing of other homes in the neighborhood, there is simply no basis to conclude that the proposal will be substantially more detrimental to the neighborhood.

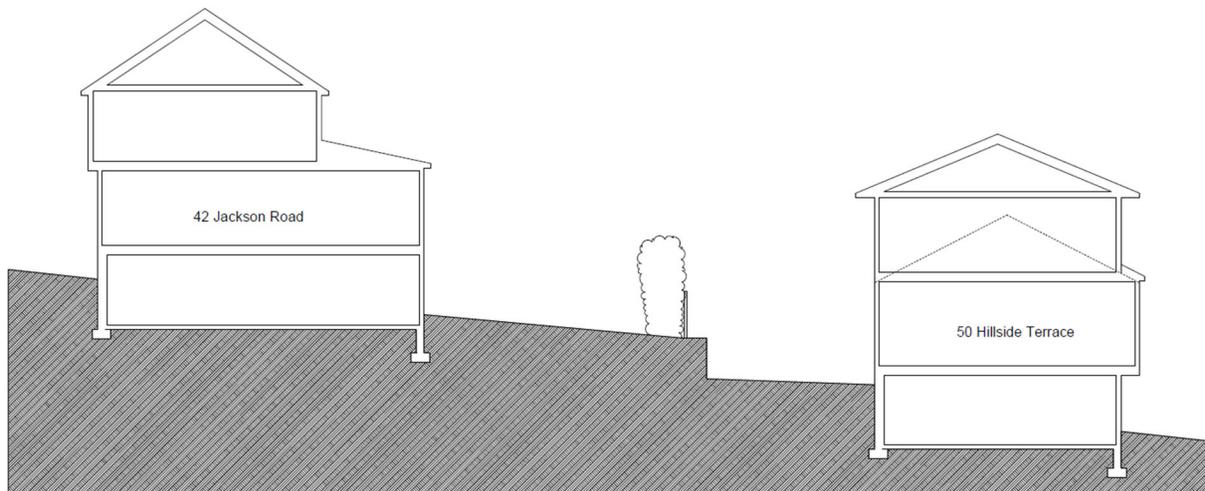
**2. The Objections Raised by Two Abutters Are Without Merit**

Although nearly every neighbor to comment on the Applicants' proposal has voiced unequivocal support, two neighbors oppose the applications: the Haddads (who own 42 Jackson Road) and the DelRoses (who own 83 Selwyn Road). The Haddads and the DelRoses each submitted letters in opposition to the applications, as did their attorney Joseph Noone. As set forth in these letters, their opposition to the proposal is based upon three arguments: (a) the size and scale of the proposal is excessive for the neighborhood; (b) the height of the proposed structure violates the Zoning By-Law; and (c) removal of ledge during construction could damage abutting properties. Each of these claims is addressed, in turn, below.

**a) The size and scale of the project is appropriate for the neighborhood.**

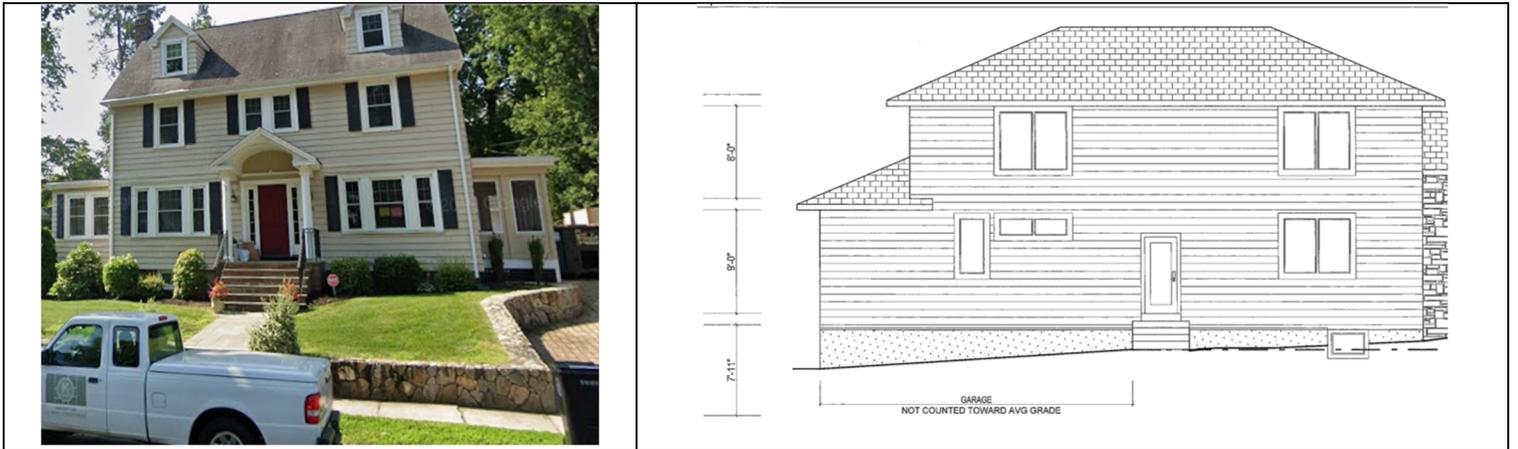
As described above, the Applicants' proposal will result in a single-family home of just over 3,000 square feet. This is hardly the "egregious and massive" proposal asserted by the Haddads in their letter of November 6, 2025. All three opposition letters perseverate on the assertion that the Applicants propose to increase the floor area of their home by 135%. What they fail to acknowledge, however, is that the existing house the smallest in the neighborhood. As a result, the proposal to create a home that is comparable in size and scale to many other homes in the neighborhood (including, it should be noted, the homes of both the Haddads and the DelRoses), represents a large percentage increase of a very small baseline number. This fact does not in any way demonstrate that the Applicants' proposal is disproportionate to the neighborhood. To the contrary, it shows that the existing house is disproportionately undersized for the neighborhood.

The Haddads' complain that the proposal will create a "huge wall" close to their property and that it will create shadows and block sunlight on their property. These allegations are not only unsupported by any evidence, they are patently implausible. The Haddads' lot is located substantially upgradient of the Property, such that the first floor of their house is level with the second floor of the Applicants' home. In addition, a tall hedgerow and fence separate the two homes back yards. Ironically, as a result of this topography, the Haddads' two-and-a-half-story façade faces the Applicants' Property, whereas the lower façade of the Applicants' Property faces the Haddads. In other words, it is the Haddads' house that looms over the Applicants' home. This fact is illustrated by the following figure, prepared by the applicants' architect:

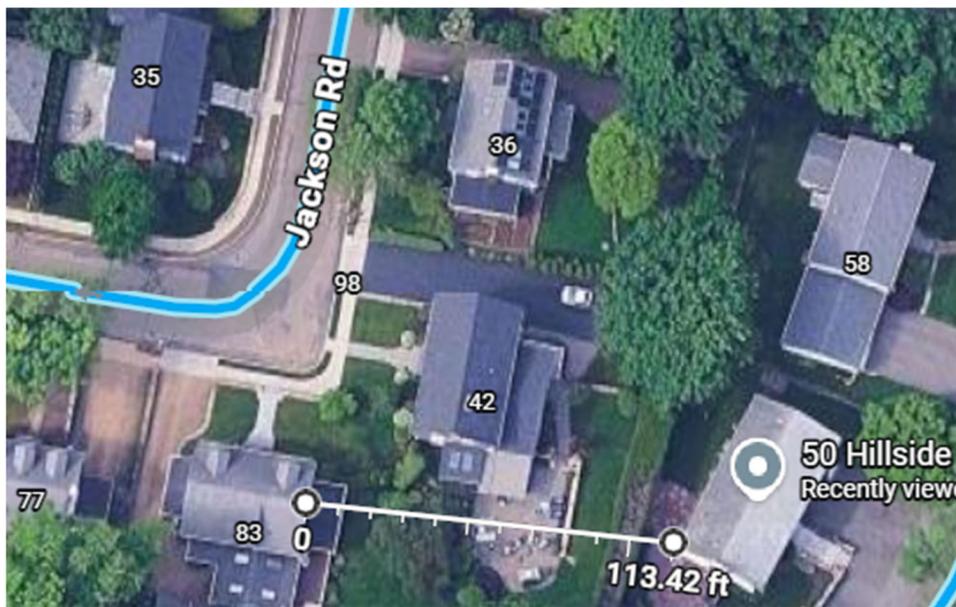


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The DelRoses' complaint questioning "how such a tall structure can be built" are similarly hypocritical. Shown below are the DelRose's house (left) and the rear elevation—facing the DelRose's property—of the Applicants' proposal (right).



It should also be noted that the DelRoses' house is over 100 feet away from the Applicants' home—with the Haddads' house and mature trees in between them—as shown below:



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Moreover, as shown below, the DelRoses' house is at a higher elevation even than the Haddads' home, making it completely implausible that the 20-foot-tall rear façade proposed by the Applicants—over 100 feet away and at least 20 feet downgradient—will have any adverse impact at all on the DelRoses.



In light of the above, the Applicants submit that the opponents' complaints that the height and mass of the proposal will negatively impact them is baseless and should not dissuade approval of the pending special permit applications.

**b) The Proposal does not exceed the height allowed under the Zoning By-Law.**

The opposition letters also claim—without basis—that the Applicants' proposal will result in a house that exceeds the two-and-a-half stories permitted under the Zoning By-Law. No supporting calculations, data, diagrams or other evidence is provided in support of this claim.

In contrast, the application materials submitted to the Boards include detailed calculations and plans—stamped by both a licensed architect and a licensed surveyor—that clearly establish that the proposed home will satisfy the height requirements of the By-Law. Just as importantly, upon information and belief, the Town's Building Commissioner and Zoning Enforcement Officer has reached the same conclusion.

Attorney Noone argues that “[t]he proposed addition creates a structure greater than 2.5 stories when the basement is included.” However, the home's cellar is more than 60% below grade and therefore does not count as a story, as that term is defined in Section 1.4 of the By-Law. It should be noted that the

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same cannot be said for the Haddads' house, which has two-and-a-half stories above a basement that is completely above grade in the back, as shown below:



**c) There is no evidence that the project will require ledge removal or that it will damage the Haddads' home.**

Finally, the Haddads assert that the “neighborhood has a high concentration of ledge” and that they “are concerned about the impact of drilling or blasting so close to [their] home.” This concern is not supported by any opinion by an engineer or other expert. Moreover, the proposed addition will be constructed on a slab, and it is not anticipated that any significant ledge removal will be required. As with any building project, it will be the responsibility of the Applicants and their contractors to exercise due care during construction activities. Speculative and unsupported concerns such as those articulated by the Haddads do not establish that the proposal will be substantially more detrimental to the neighborhood.

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**C. Conclusion**

For all of the reasons set forth above, the Applicants respectfully request that their requests for special permits be approved.

Please do not hesitate to contact me if I can provide any additional information to facilitate the Boards' review of these applications.

Sincerely,

*Jonathan Silverstein*  
Jonathan M. Silverstein