

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

CASE NO. 23-23

APPLICANT Rodrigo Martinez and Kristin Hamann

PROPERTY 18 Blake Street

DATE OF PUBLIC HEARING September 11, 2023

MEMBERS SITTING Casey Williams, Chair
Andrew Kelley, Vice Chair
Teresa MacNutt
Elliot Daniels
Alexandra Danahy, Associate Member
Daniel Barry, Associate Member

MEMBERS VOTING Casey Williams, Chair
Andrew Kelley, Vice Chair
Teresa MacNutt
Elliot Daniels
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 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, Rodrigo Martinez and Kristin Hamann, (“Applicants”) seeks One Special Permit under Section §1.5 of the Zoning By-Law: Special Permit to reconfigure the roofline, construct a one-story addition, and renovate the first and second stories located in the Single Residence (SR-C) Zoning District. The requested Special Permit is:

1. §4.2.2 of the By-Law requires a minimum front setback of 24.1’, the existing and proposed front setback is 22.8’.

Proposal

The Board held a duly noticed hearing on the application on September 11, 2023. The Applicants submitted for the Board’s review: (1) a statement from the Applicants in support of the application; (2) architectural drawings, dated June 2, 2023, prepared by architect Diane Miller of Miller Design LLC; (3) a plot plan, dated June 8, 2023, prepared by surveyor Douglass L. Johnston of DLJ Geomatics Professional Land Surveying; (4) a Zoning Checklist, dated June 8, 2023, prepared by surveyor Douglass L. Johnston of DLJ Geomatics Professional Land Surveying; and (5) calculations dated June 8, 2023 prepared by surveyor Douglass L. Johnston of DLJ Geomatics Professional Land Surveying regarding, *inter alia*, % of Exposed Foundation, Top of Basement Elevation, and Average Grade Elevations. One petition of support was submitted by the Applicants. This petition of support was signed by seventeen (17) neighbors.

At the Hearing, The Applicants architect, Diane Miller, outlined the proposal to alter the existing buildings roofline and construct the proposed addition. Ms. Miller explains that altering buildings roofline will incase the total amount of usable space on the second story which in turn would allow for the construction of a third bedroom and second bathroom. The addition of the new bedroom and new bathroom would better suit the needs of the Applicants and their two children. Ms. Miller further stated that the proposed first story side addition conforms to all required setback and can be constructed by-right.

At the hearing the immediate abutter, Suzanne Greenberg, shared her concerns about how the proposed construction would impact traffic, emergency vehicle accesses, and driveway access. The abutter would like to see as many of the construction vehicles as possible park on the Applicants property to easy these concerns. Chair Williams and Vice Chair Kelley, noted that Board of Appeals cannot impose restriction construction vehicle parking. Jeff Moriarty, who lives across the street from the Applicants, spoke in support of the proposal.

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 further that the proposed alteration is in keeping with the character of the neighborhood in which the property is located.

Accordingly, upon motion duly made by Casey Williams and Andrew Kelley, the Board voted 5-0 to grant the One (1) Special Permit as requested.

For the Board,

Dated: October 25, 2023



Gabriel S. Distler
Staff Planner
Planning Division
Town of Belmont |