

RECEIVED
TOWN CLERK
BELMONT, MA

CASE NO. 25-05

2025 JAN 28 PM 1:35

**NOTICE OF PUBLIC HEARING BY THE
BOARD OF APPEALS FOR FIVE SPECIAL PERMITS**

Notice is hereby given that the Belmont Board of Appeals will hold a public hearing on Monday, March 10, 2025 at 7:00 PM by a hybrid public hearing at the Art Gallery on the third floor of the Homer Building, 19 Moore Street, and by remote access through the Zoom app. to consider the application of Eric Perkins to construct a third story front porch and a fourth story deck at 30-32 Thayer Road, located in a General Residence zoning district. Special Permits: **1-** §1.5.4A of the By-Laws allow extensions and alterations of non-conforming structures in the GR zoning district by a Special Permit from the Zoning Board of Appeals. **2 -** §4.2 of the Zoning By-Law Dimensional Regulations allow a maximum building height of two and a half (2-1/2) stories, The existing structure is four (4) stories. The lowest level of the dwelling is a basement (49.1% of the foundation walls are below grade) and is considered a story. The proposed front porch is at a third story level. **3 -** the proposed rear deck is at a three and half story level. **4 –** maximum allowed lot coverage is 30%, the existing and proposed lot coverage is 31.5%, **5 –** minimum required front setback is 8.6', existing and proposed front setback is 8.1'.

ZONING BOARD OF APPEALS



OFFICE OF COMMUNITY DEVELOPMENT
TOWN OF BELMONT
19 Moore Street
Homer Municipal Building
Belmont, Massachusetts 02478-0900

Telephone: (617) 993-2650 Fax: (617) 993-2651

Building Division
(617) 993-2664
Engineering Division
(617) 993-2665
Planning Division
(617) 993-2666

June 14, 2023

Eric Perkins
30-32 Thayer Road
Belmont, MA 02478

RE: Denial of proposed third (3) story front porch and four (4) story rear deck (Please note that the total story count will require further confirmation from the Inspector of Buildings)

Dear Mr. Perkins,

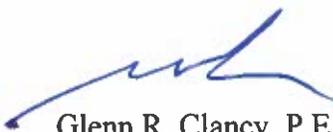
The Office of Community Development is in receipt of your building permit application for your proposed third (3) story front porch and four (4) story rear deck at 30-32 Thayer Road located in a General Residence (GR) Zoning District.

Your application has been denied because it does not comply with the current Town of Belmont Zoning By-Law. More specifically, Section 1.5.4A allows extensions and alterations of non-conforming structures in the GR zoning district by a Special Permit from the Zoning Board of Appeals. In addition, §4.2 of the Zoning By-Law Dimensional Regulations requires a minimum building height of two and a half (2-1/2) stories, a maximum lot coverage of 30%, a required front setback of 8.6',

1. The proposed changes to the structure are allowed by a Special Permit.
2. The existing structure is four (4) stories. The lowest level of the dwelling is a basement (49.1% of the foundation walls are below grade) and is considered a story. The proposed front porch is at a three story (3) story level.
3. The existing structure is four (4) stories. The lowest level of the dwelling is a basement (49.1% of the foundation walls are below grade) and is considered a story. The proposed rear deck is at a three and a half (3-1/2) story level.
4. The existing and proposed lot coverage is 31.5%
5. The existing and proposed front setback is 8.1'.

You may alter your plans to conform to the current Town of Belmont Zoning By-Law and resubmit a building permit application, or you may request five (5) Special Permits from the **Zoning Board of Appeals**. If you choose this option, please contact the Office of Community Development to schedule an appointment with **Gabriel S. Distler**, Staff Planner, at (617) 993-2666 or gdistler@belmont-ma.gov in order to begin the process.

Sincerely,


Glenn R. Clancy, P.E.
Inspector of Buildings

2025 JAN 28 PM 1:34
RECEIVED
TOWN CLERK
BELMONT, MA



Town of Belmont
Zoning Board of Appeals

APPLICATION FOR A SPECIAL PERMIT

1/28/2025

Date: 7/16/2023

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

To Whom It May Concern:

Pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 9, as amended, and the Zoning By-Laws of the Town of Belmont, I/we the undersigned, being the owner(s) of a certain parcel of land (with the buildings thereon) situated on 32 Thayer Road Street/Road, hereby apply to your Board for a **SPECIAL PERMIT** for the erection or alteration on said premises or the use thereof under the applicable Section of the Zoning By-Law of said Town for _____

for two projects: 1) an enclosed 3rd floor front porch on top of the existing 2nd floor porch, and 2) an open 4th floor back deck on top of an existing flat rear roof. The floor designations are based on the average grade which makes the cellar of this home a basement. Details of these projects are explained in the **Statement**.

on the ground that the same will be in harmony with the general purpose and intent of said Zoning By-Law.

Signature of Petitioner

Print Name

Eric Perkins

Address

32 Thayer Road
Belmont, MA 02478

Daytime Telephone Number

339-222-1268

Brief description of project(s)

We own the top two floors of a two family home. We would like to build: 1) an enclosed 3rd floor front porch on top of the existing 2nd floor porch, and 2) an open 4th floor back deck on top of an existing flat rear roof.

Reasons for building

We have several reasons for wanting to complete this project:

- When we purchased our condo in 2008 from the previous owner, we were told that the front porch and back deck were “ready to build” and there were external doors to the outside at the designated spots. We did not have money for this project at the time, and in fact our home insurers considered the doors a safety liability. We were able to keep the doors after receiving a variance from the insurance company, with the understanding that the porch and deck for which the doors were created would eventually be finished and the doors would not just open out onto railing-less roofs.
- As our three children have grown, personal space and space to entertain friends has been harder to come by. The addition of a closed in front porch would give us an additional 3-season room.
- For many years, the bottom unit of our house was owned by an elderly couple who did not use the outside space at all. Our family had almost exclusive use of the back yard, despite it technically being a shared space for both units. When a younger couple and their child moved into the downstairs condo in 2021, they began using the yard (and their own back deck) much more frequently. This meant that our family no longer had its own outside space on our property. The back deck would give our family its own place to be outside, where we will no longer be awkwardly intruding on our neighbors as they use their back deck.

Detailed description of front porch

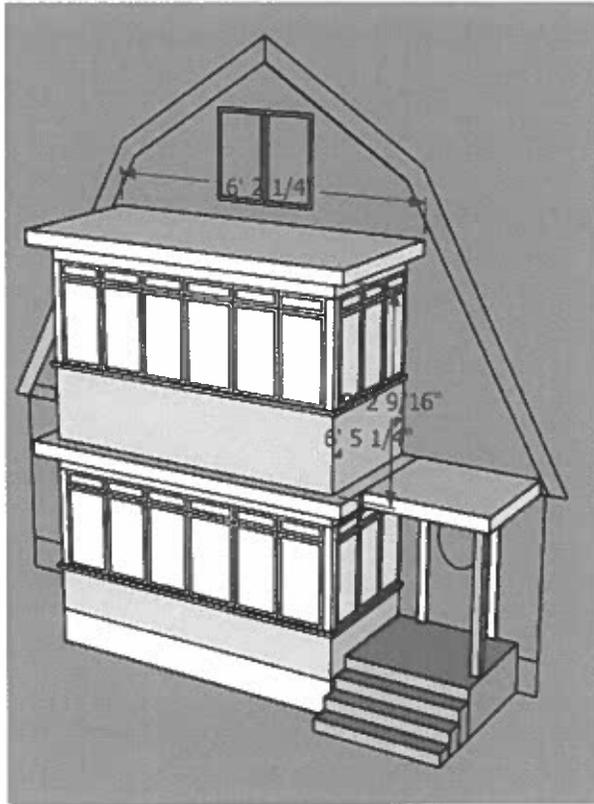
The proposed front porch would be built upon the existing front porch of the downstairs unit, much like many of the other two family homes in the Waverley Square area. The design is such that the existing footprint does not change. The picture below shows the roof upon which our porch would be built, as well as the external door that already opens out onto the roof. This door was of particular concern for our home insurers.



The next picture is the street view of the downstairs neighbor's porch and shows the front of our unit. During the initial inspection for this project, we discovered that the downstairs porch was not deemed sound enough to build our porch on top of it. As part of our contract with Stella Construction (and at the expense of an additional \$25,000), we are assuming the cost for adding new central beams and pilings for the downstairs neighbor's porch so it will be strong enough to support our new construction. The neighbors will not be assuming any of this cost, but their porch will be much more structurally sound due to this additional reinforcement.



The final front porch should look like this:



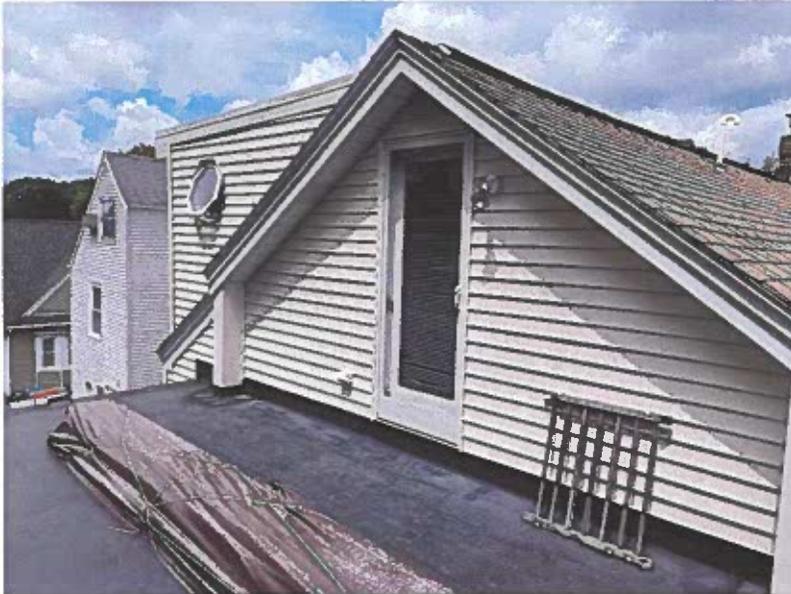
Detailed description of back deck

The back deck will be the only private outdoor space available for the upstairs unit of this two family home. We would like to build it on the flat roof of the existing back "sunroom" of our unit. That sunroom in turn completely covers the open back deck of our downstairs neighbors.

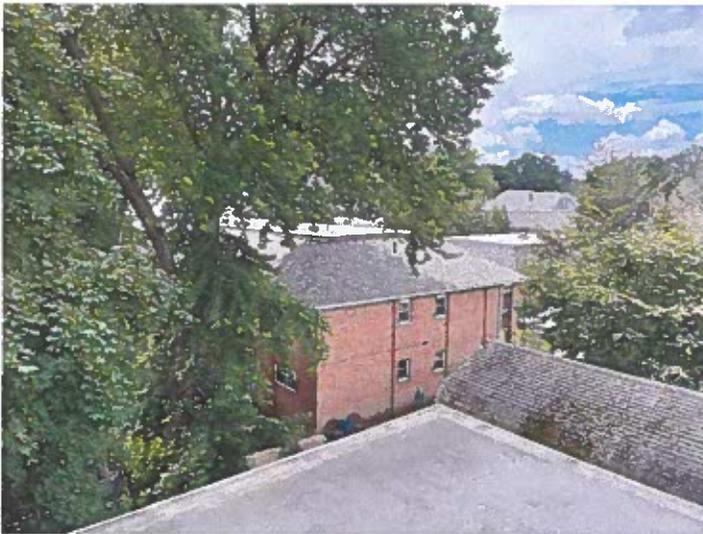
The pictures below were taken from the back yard. It shows the downstairs neighbor's deck and our sunroom. Note that the reason we cannot make the grade higher on this property, which would make the "basement" a "cellar" and therefore lower the floor designation for both of these projects, is because of the existing back deck and storage space. The back deck is part of our neighbor's unit and the storage space under that deck (which is heavily used) is shared by both units. Making the grade higher would be prohibitively expensive, but more importantly, our downstairs neighbors would not give us permission to change the grade and eliminate the storage space.



The picture below depicts the existing external door onto the sunroom's roof. This roof must be shoveled off where there is heavy snow, which is dangerous when there is no railing. Besides giving our family some much-needed outside private space, snow removal will be considerably safer once a deck with a railing is installed.



The following two pictures were taken from the back roof, where the proposed deck would be located. Though this deck would be higher than other decks in the immediate neighborhood, it would not infringe upon the privacy of our rear neighbors due to the large tree in the backyard (see first picture below). During the months when we would use the deck, the leaves of this tree completely obscure any view we have of the rear neighbor's home or yard. The second picture shows the view from the southwest corner of the proposed deck, which overlooks Sherman Gardens. Note that though our deck would be one of higher structures in the immediate area, that would likely only be temporary. Sherman Gardens is currently on track to be demolished and rebuilt as a much taller structure in a matter of years. Residents of the upper stories of the new Sherman Gardens would be considerably higher than our rear deck.



Zoning Compliance Check List

(Registered Land Surveyor)

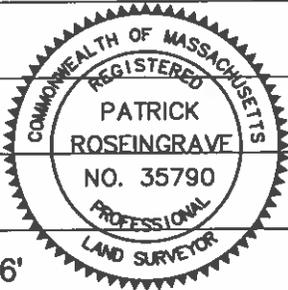
Property Address: 32 Thayer Rd., Belmont

Zone: GR

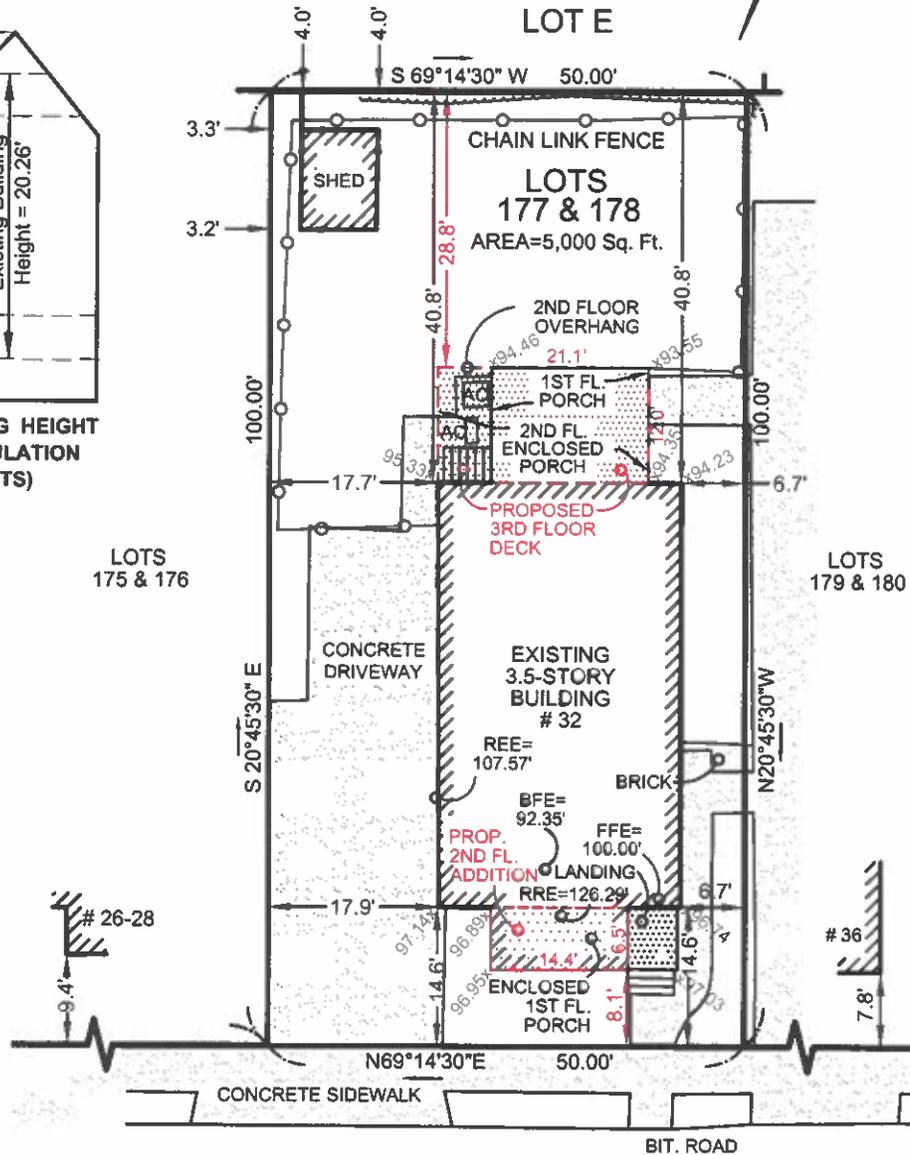
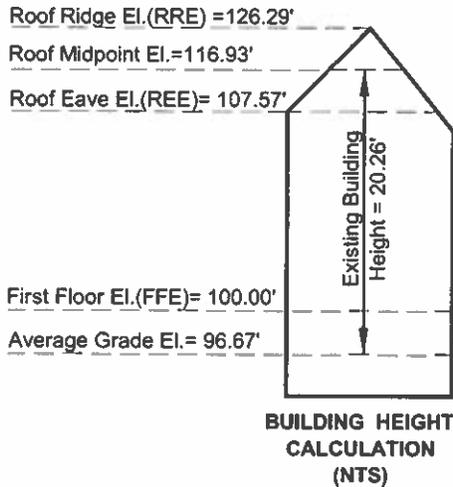
Surveyor Signature and Stamp: Patrick Roseingrave

Date: 3/10/2023

	REQUIRED	EXISTING	PROPOSED
Lot Area	min. 9,000 Sq. Ft.	5,000 Sq. Ft.	5,000 Sq. Ft.
Lot Frontage	min. 75.0'	50.00'	50.00'
Floor Area Ratio	n/a	n/a	n/a
Lot Coverage	max. 25%	31.5%	31.5%
Open Space	min. 50%	50.5%	50.5%
Front Setback	min. 24.0'	8.1'	8.1'
Side Setback	min. 10'	17.7'	17.7'
Side Setback	min. 10'	6.7'	6.7'
Rear Setback	min. 30'	28.8'	28.8'
Building Height	max. 30'	20.3'	20.3'
Stories	2.5	3.5	3.5
½ Story Calculation			

NOTES:	MIN. FRONT SETBACK CALCS.:	
	#26-28 FRONT SETBACK = 9.4'	
	#36 FRONT SETBACK = 7.8'	
	#32 MIN. FRONT SETBACK = $(9.4'+7.8')/2=8.6'$	

	Setbacks			Lot Coverage	Open Space
	Front	Side	Rear		
Required	min. 8.6'	min. 10'	min. 20'	max. 30%	min. 40%
Existing	8.1'	17.7' ; 6.7'	28.8'	31.5% (1,574 S.F.)	50.5% (2,523 S.F.)
Proposed	8.1'	17.7' ; 6.7'	28.8'	31.5% (1,574 S.F.)	50.5% (2,523 S.F.)



NOTES:

- * Parcel ID: 28-117--32
- * Master Deed Ref.: Book 51728, Page 350
- * Deed Ref.: Book 56594, Page 426
- * Plan Ref.: LC Plan 19889A
Plan No. 158 of 1969
Plan No. 842 of 2008
- * Zoning: GR
- * Property is outside of flood zone based on Flood Insurance Rate Map for the town of Belmont #25017C 0414E, effective date June 4, 2010.
- * Locus lot is not within the wetlands or wetland buffer zone.

Proposed Addition
30-32 Thayer Road
Condominium
Belmont, MA 02478

Owner: Eric Perkins &
Annette Sievers

Unit No. 32

	Setbacks			Lot Coverage	Open Space
	Front	Side	Rear		
Required	min. 8.6'	min. 10'	min. 20'	max. 30%	min. 40%
Existing	8.1'	17.7'; 6.7'	28.8'	31.5% (1,574 S.F.)	50.5% (2,523 S.F.)
Proposed	8.1'	17.7'; 6.7'	28.8'	31.3% (1,574 S.F.)	50.3% (2,523 S.F.)

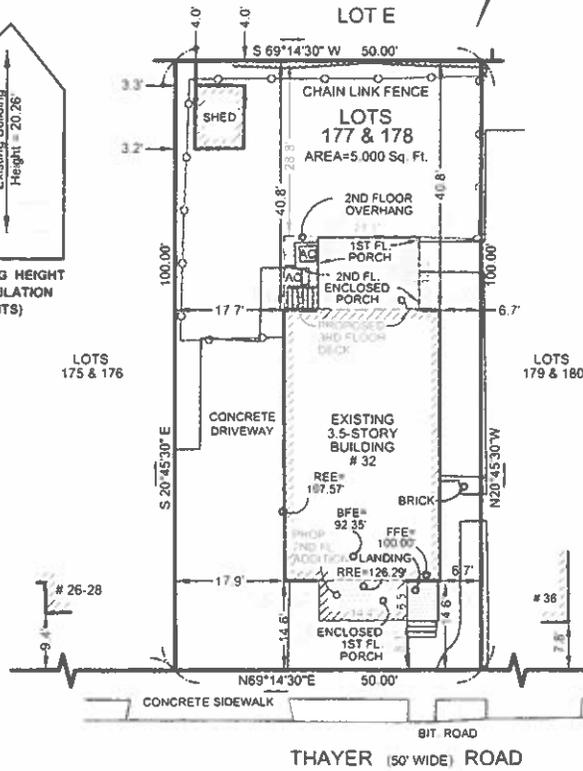
SCALE
Plan No. 842 of 2008

Roof Ridge El.(RRE) = 126.29'
Roof Midpoint El.=118.93'
Roof Eave El (REE) = 107.57'



First Floor El.(FFE) = 100.00'
Average Grade El. = 98.67'

BUILDING HEIGHT CALCULATION (NTS)



NOTES:

- * Parcel ID: 28-117- -32
- * Master Deed Ref.: Book 51728, Page 350
- * Deed Ref.: Book 56594, Page 426
- * Plan Ref.: LC Plan 19889A
Plan No. 158 of 1969
Plan No. 842 of 2008
- * Zoning: GR
- * Property is outside of flood zone based on Flood Insurance Rate Map for the town of Belmont #25017C 0414E, effective date June 4, 2010.
- * Locus lot is not within the wetlands or wetland buffer zone.
- * No other public shade trees are located within the limits of the property frontage of the subject property.

Proposed Addition
30-32 Thayer Road
Condominium
Belmont, MA 02478

Owner: Eric Perkins & Annette Sievers
Unit No. 32
Lot No. 177 & 178
App. No. n/a
Date January 13, 2023
Scale 1 inch = 20 feet



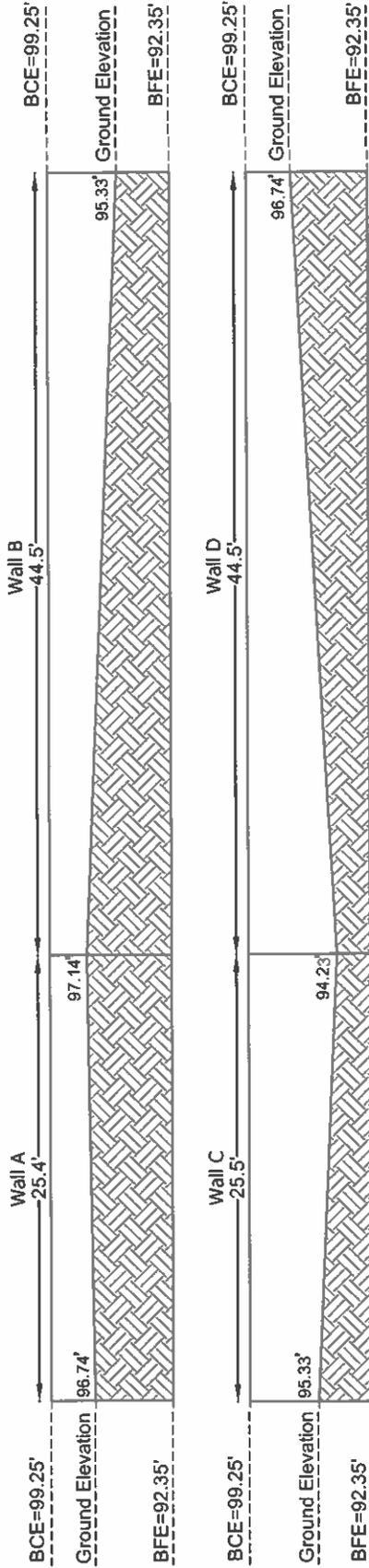
Patrick Roseingrave
Patrick Roseingrave Licence # 35790
Professional Land Surveyor



10 Andrew Square, Suite 201B
South Boston, MA 02127
Tel. 857-544-3061
www.land-mapping.com

FOUNDATION WALLS SKETCH

scale 1"=10'



UNEXPOSED FOUNDATION WALLS AREA CALCULATIONS:

- Wall A = $[(96.74'-92.35')+(97.14'-92.35')]/2 \times 25.4' = 116.59 \text{ Sq.Ft.}$
- Wall B = $[(97.14'-92.35')+(95.33'-92.35')]/2 \times 44.5' = 172.88 \text{ Sq.Ft.}$
- Wall C = $[(95.33'-92.35')+(94.23'-92.35')]/2 \times 25.5' = 61.96 \text{ Sq.Ft.}$
- Wall E = $[(94.23'-92.35')+(96.74'-92.35')]/2 \times 44.5' = 139.51 \text{ Sq.Ft.}$

Total Area of unexposed foundation wall =

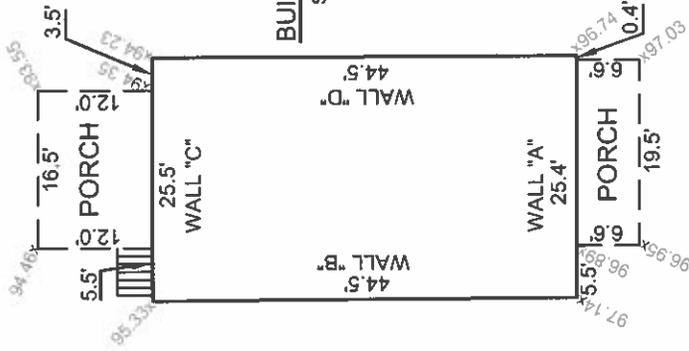
$22.32 \text{ Sq.Ft} + 29.60 \text{ Sq.Ft} + 134.45 \text{ Sq.Ft} + 133.86 \text{ Sq.Ft} = \underline{490.94 \text{ Sq.Ft.}}$

Total Area of basement walls = $(99.25'-92.35') \times 139.9' = \underline{965.31 \text{ Sq.Ft.}}$

Unexposed Foundation Walls Area/ Total Basement Walls Area = 50.9 %

Average Grade=

$[(97.14'+96.89')/2 \times 5.5' + (97.14'+96.89')/2 \times 6.6' + (97.14'+96.89')/2 \times 19.5' + (97.14'+96.89')/2 \times (6.6'+0.4') + (97.14'+96.89')/2 \times 44.5' + (97.14'+96.89')/2 \times 3.5' + (97.14'+96.89')/2 \times 12.0' + (97.14'+96.89')/2 \times 16.5' + (97.14'+96.89')/2 \times (12.0'+5.5) + (97.14'+96.89')/2 \times 5.5'] / (5.5'+6.6'+19.5'+6.6'+0.4'+44.5'+3.5'+12.0'+16.5'+12.0'+5.5'+44.5') = \underline{96.67'}$



BUILDING SKETCH

scale 1"=20'

CALCULATIONS

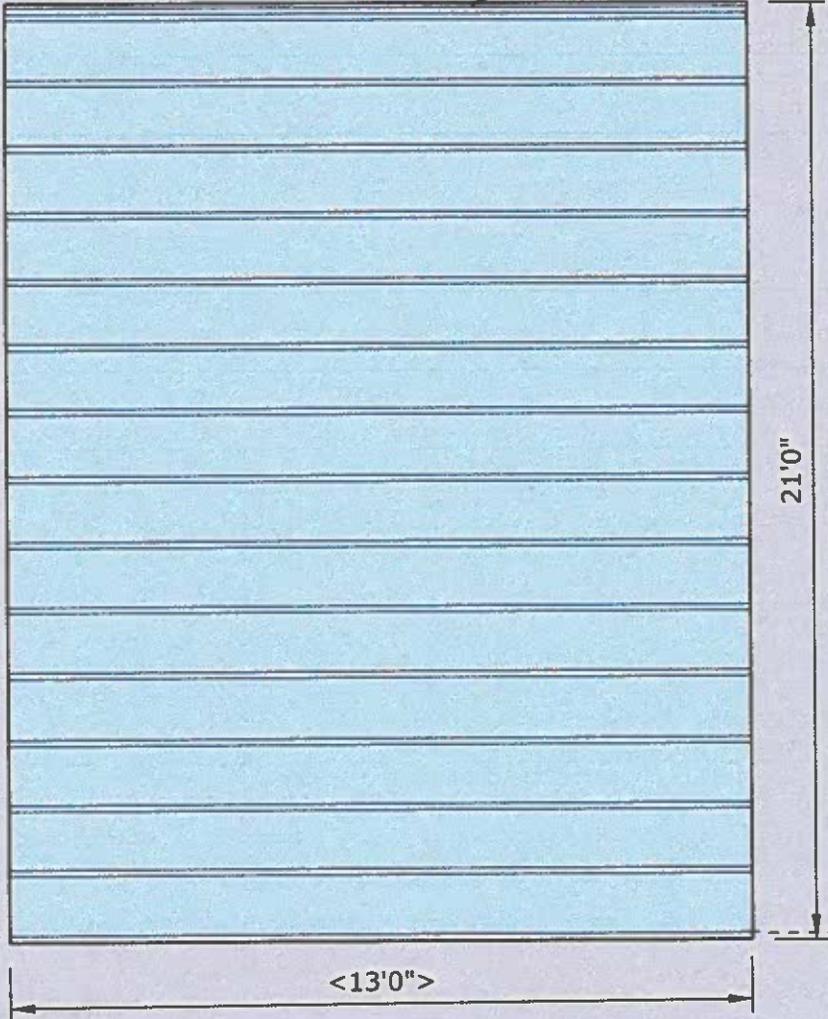
30-32 Thayer Road
Condominium
Belmont, MA 02478

Date: January 13, 2023



10 Andrew Square,
South Boston, MA 02127
Tel. 857-544-3061

2x6 sleepers, 16" OC



Notes:
all railing heights
spacing to code

posts lagged
into existing roof
framing w/ 5"
ledger locks

