

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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CASE NO. 23-19

APPLICANT Alina Ainbinder

PROPERTY 505 Belmont Street

DATE OF PUBLIC HEARING July 10, 2023

MEMBERS SITTING Casey Williams, Chair
Andrew Kelley, Vice Chair
David Stiff
Elliot Daniels
Teresa MacNutt

MEMBERS VOTING Casey Williams, Chair
Andrew Kelley, Vice Chair
David Stiff
Elliot Daniels
Teresa MacNutt

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, Alina Ainbinder, (the “Applicant”) seeks Three Special Permits under Section §1.5 of the Zoning By-Law: to construct dormers at 505 Belmont Street located in the General Residence (GR) district:

1. §1.5.4A of the By-Law allow alterations and expansions in the GR Zoning District by a Special Permit(s) granted by the Board of Appeals.
2. §4.2 of the By-Law allows for a maximum building height of two and a half (2-1/2) stories. The existing structure is three and a half (3-1/2) stories since the lowest level of the dwelling is a basement (58.95% of the foundation walls are below grade) and is considered a story. The proposed dormers would be located at a three and a half (3-1/2) story level.
3. §4.2 of the By-Law requires a minimum side setback of 10.0’, the existing left side setback is 6.1’ and the proposed left side setback is 6.2’.

Proposal

The Board held a duly noticed hearing on the application on July 10, 2023. The Applicants has submitted for the Board’s review a certified plot plan, dated February 10, 2023, prepared by surveyor Douglas L. Johnston; a zoning compliance check list, dated February 24, 2023, prepared by surveyor Douglas L. Johnston; calculation/drawings of foundation walls, dated February 24, 2023, prepared by surveyor Douglas L. Johnston; and architectural drawings,

dated January 27, 2023, prepared by architect Diane Miller. No letters of support or opposition were received by the Board prior to the hearing.

At the hearing, the Applicant's architect, Diane Miller, described the proposal to reconfigure an existing gable on the right side (when facing the structure from Belmont Street) of the structure by converting it into a shed dormer. Ms. Miller also described the Applicant's proposal to construct a new dormer to the left side (when facing the structure from Belmont Street) of the structure. Ms. Miller further elaborated that the proposed dormers would allow for the construction of a new code compliant staircase to allow for safer accesses to the third and a half (3-1/2) level and would allow the Applicant's children to have separate bedrooms.

At the hearing no one spoke in support or 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 addition is not substantially more detrimental to the neighborhood than the existing non-conforming structure, and that the proposed alterations are in keeping with the character of the neighborhood in which the property is located.

Accordingly, upon motion duly made by Teresa MacNutt and seconded Casey Williams, the Board voted 5-0 to grant the Three (3) Special Permits as requested.

Dated: October 5, 2023



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