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**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

2018 MAR 23 PM 3:20

ZBA Case No. 17-31

Applicant: COPLEY INVESTMENTS, Gary Simon, Agent

Property: 288-292 Trapelo Road

Dates of Public Hearing: January 8, 2018

Members Sitting: Nick Iannuzzi, Chair
Jim Zarkadas
Faustino Lichauco
Andrew Plunkett
Phil Ruggiero, Associate Member

Members Voting: Nick Iannuzzi, Chair
Jim Zarkadas
Faustino Lichauco
Andrew Plunkett
Phil Ruggiero, Associate Member

owner: Trapelo Partners LLC
deed: 66751/16P

Introduction

This matter came before the Board of Appeals (the "Board") of the Town of Belmont (the "Town") acting as Variance and Special Permit Granting Authority under the Zoning By-Law of the Town of Belmont, Massachusetts (the "By-Law") and Chapter 40A of the Massachusetts General Law (the "Zoning Act") at a joint meeting with the Planning Board for Design and Site Plan Review. The Applicant Copley Investments, Gary Simon, Agent ("Applicants") request (1) Special Permit under Section 3.3 of the Zoning By-Law to construct a One Story, 7,004 square foot, Commercial Building (greater than 5,000 square feet) at 288 Trapelo Road located in a Local Business III (LBIII) Zoning District.

Proposal

The Applicant proposes to construct a 7,004 square foot, one story building on a 20,014 square foot lot. This lot would be the result of combining the two lots currently known as 280 Trapelo Road and 292 Trapelo Road and by the contribution of a portion of land from currently known as 276 Trapelo Road. The Applicant, Copley Investments is the current sole owner of all three parcels.

The newly created lot will reconfigure the rear property line to allow the existing dumpster serving 276 Trapelo Road to remain within its lot boundaries and the new dumpster at a location to serve the proposed building within the perimeters of the new lot.

The required 29 parking spaces for the new structure would be provided by the four on street parking spaces, 9 on the newly created lot and the remaining 16 by an easement granted by the adjacent lot at 276 Trapelo Road.

Subdivision plans and easement agreements will be recorded with the registry of deeds prior to submittals for a Building Permit.

No one spoke in favor or in opposition.

Return To:
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BERNKOPF GOODMAN LLP
TWO SEAPORT LANE
BOSTON, MA 02210

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Upon completion of the Zoning Board of Appeals Special Permit portion of the hearing, the Planning Board continued the hearing for Design and Site Plan Review.

Decision

Section 3.3 of the Zoning By-Law allows new construction, additions or alterations which result in more than 5,000 square feet gross floor area on a lot or set of contiguous lots in the same ownership by a Special Permit for Size.

The Zoning Act authorizes the Board to grant Special Permits if in its findings determines that the proposed is not more detrimental to the neighborhood than what exists.

After the Planning Board's vote 4-0 to accept the Design and Site Plan Review with amendments and conditions, The Board deliberated on case ZBA 17-31.

Upon motion duly made and seconded, the Board voted 5-0 to grant (1) a special permit to the applicant to construct a 7,004 Square foot building on the newly created lot subject to the following conditions: Prior to applying for a Building Permit the applicant must,

1. **Finalize and Record with the Registry of Deeds the subdivision plan.**
2. **Finalize and Record with the Registry of Deeds the Easement agreement of the parking with 276 Trapelo Road.**
3. **Incorporate all amendments and conditions stipulated by the Planning Board.**


For the Board,

Date: March 23, 2018


 Ara Yogurtian
 Assistant Director
 Office of Community Development

I, Ellen O'Brien Cushman, hereby certify that twenty (20) days have elapsed after the decision was filed in the office of the Belmont Town Clerk on March 23, 2018, and further I certify that no appeal has been filed with regard to the granting of said one (1) Special Permit with three (3) conditions.

April 13, 2018


 Ellen O'Brien Cushman, Town Clerk
 Belmont, MA