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**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

2018 APR -2 PM 1:20

CASE NO. 18-06

APPLICANTS: John Joannopoulos

PROPERTY: 64 Douglas Rd. 25544 - 273

DATE OF PUBLIC HEARING: March 5, 2018

MEMBERS SITTING: Nicholas A. Iannuzzi, Jr., Chairman
James Zarkadas
Andrew Plunkett
Craig White
Phil Ruggerio (Associate Member)

MEMBERS VOTING: Nicholas A. Iannuzzi, Jr., Chairman
James Zarkadas
Andrew Plunkett
Craig White
Phil Ruggerio (Associate Member)

Introduction

This matter came before the Board of Appeals ("Board") of the Town of Belmont ("Town") acting as Special Permit Granting Authority under the Zoning By-Law of the Town of Belmont, Massachusetts ("By-Law") and Chapter 40A of the Massachusetts General Law ("Zoning Act").

The Applicants sought a Special Permit to construct a one-story addition on residence located in a single-residence C zoning district in which the maximum allowed lot coverage is 25%. The existing lot coverage is 26.0% and the proposed is 26.7%. No one spoke in opposition.

Applicants' Proposal

The Applicant proposes extending the kitchen by creating a diagonal wall configuration to in-fill a jog in the current kitchen layout. They are also seeking to extend the rear wall by approximately 2'. The proposed addition of the kitchen amounts to an increase in lot coverage of 38 square feet, bringing the total from 26.0% coverage to 26.7%.

The increased lot coverage is de minimis. However, such de minimis changes have a pernicious effect often referred to as zoning creep. This phenomenon is similar to compound interest. As a result of it, small changes can add up over the years to cause significant changes to the character of the neighborhood, even though no one incremental change is sufficient. A zero tolerance policy for such incremental increases, even small ones, is the only way to truly avoid the smoldering metastasis of zoning creep.

Had this matter come before the Board before 2011, this permit would most likely have been denied for the foregoing reasons. However, under the Gayle vs. Gloucester case, it is difficult to identify a substantial marginal increase in detriment associated with the proposed incremental


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increase in lot coverage. While in the long run a series of such incremental increases will no doubt become substantially detrimental, Gayle vs. Gloucester case instructs us to live in the present and consider only the incremental change before us. In following this mandate, the Board was unable to articulate a substantial detriment.

Accordingly, **upon motion duly made and seconded, the Board voted 5-0 to Grant the requested Special Permit.**

For the Board:

Dated: April 2, 2018



Ara Yoganran
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 April 2, 2018, and further I certify that no appeal has been filed with regard to the granting of said one (1) Special Permit with zero (0) conditions.

April 23, 2018



Ellen O'Brien Cushman, Town Clerk
Belmont, MA

Any appeal from this decision must be made pursuant to Ch.40A, S.17, MGL, and must be filed within 20 days after the filing of such notice in the office of the Town Clerk.