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Middlesex South Registry of Deeds
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Cambridge, MA 02141
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18-07 ①

Deed Reference: Book 30985, Page 21

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**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

2018 APR -9 PM 3:26

CASE NO. 18-07

APPLICANT: Paul and Susan Shaw

PROPERTY: 33 Pinehurst Road
Belmont, MA

DATES OF PUBLIC HEARING: March 5, 2018

MEMBERS SITTING: Nick Ianuzzi (Chairman)
Jim Zarkadas
Craig White
Andrew Plunkett
Phil Ruggerio

MEMBERS VOTING: Nick Ianuzzi (Chairman)
Jim Zarkadas
Craig White
Andrew Plunkett
Phil Ruggerio

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 One (1) Special Permit to Expand an existing nonconforming detached garage located in a Single Residence A (SRA) Zoning District. §4.3.5 c-2 of the Zoning By-Laws allows Accessory Building located forward of the rear line of the principal dwelling by a Special permit granted by the Zoning Board of Appeals.

Proposal

The Applicants propose to replace an existing 13.0' by 8.0' detached garage located at the north of their property and is setback 4.3' from the side property line with a 40.0' by 14.0' detached garage, at the same location, set back 5.0' from the side property line to allow tandem parking for 2 vehicles.

The Applicants were ably represented by Joseph Noone, Esq. This parcel of 26,696 square feet has two frontages, Pinehurst Road and Day School lane, constructing any detached structure would be considered forward of the rear line of the dwelling. The proposed garage would have been built by right if it was located at the South side of the dwelling. Pictures were presented to the Board as evidence indicating that most of the area to the south of the dwelling is

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Case No. 18-07
Property address: 33 Pinehurst Road

covered with ledge and prohibits the construction of a structure. The Board raised a question if access through Day School Lane was possible. Day School Lane is a private way and access could not be granted.

Two letters of support was presented to the Board. At the hearing no one spoke in favor or in opposition to the proposed project.

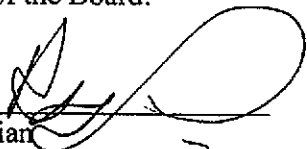
Conclusion

After some deliberation, the Board deemed that the soil conditions where the structure could have been built in compliance with the By-Laws would cause hardship to the Applicants and that the proposed garage was not more detrimental to the neighborhood than what existed.

Accordingly, **upon motion duly made and seconded, the Board voted 4-1 to grant the requested special permit.**

On Behalf of the Board:

Dated: April 9, 2018




Ara Yogurtian
Assistant Director
Office of Community Development

CERTIFICATION

I, Margaret A. Piccione, hereby certify that twenty (20) days have elapsed after the decision was filed in the office of the Belmont Town Clerk on April 9, 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 30, 2018



Margaret A. Piccione, Assistant 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.