

Book 1475

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TOWN OF BELMONT
ZONING BOARD OF APPEALS

2020 MAR 27 AM 8:13

Case No. 20-09
Applicant: Kayvan Mosharaf Ghahfarokhi
Property: 27 Winthrop Road
Date of Public Hearing: March 2, 2020

MARYAM
MIRZA-AIVANDI
OWNER

105
25

Members Sitting: James Zarkadas, Vice Chair
Casey Williams (Associate Member)
Andrew Kelley (Associate Member)
Teresa MacNutt (Associate Member)
Members Voting: James Zarkadas, Vice Chair
Casey Williams (Associate Member)
Andrew Kelley (Associate Member)
Teresa MacNutt (Associate Member)



2021 01878227
Bk: 01475 Pg: 102 Cert#: 259948
Doc: DECIS 04/28/2021 02:10 PM

This matter came before the Board of Appeals (the "Board") of the Town of Belmont (the "Town") acting as Special Permit and Variance 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"). The applicant Kayvan Mosharaf Ghahfarokhi ("Applicant"), seeks One Special Permit under Section 1.5 of the Zoning By-Laws to construct a Third Story Addition at 27 Winthrop Road located in a Single Residence C Zoning District. The Special Permit requested:

- 1) The By-Law allows two and a half story structures. The existing structure is three and a half (3-1/2) stories. The lowest level of the dwelling is a basement (59.18% of the foundation walls are exposed) and is considered a story. The proposed expansion is at a third story level.

The Board held a duly noticed hearing on the application on March 2, 2020.

During the hearing the Applicant discussed and presented an overview of the proposed plan and answered the Board's questions regarding use and other matters related to the proposed addition. The applicant explained that the proposed changes will be in character with the neighborhood. The proposed is an addition over an existing sunroom with the same footprint to allow the addition of two bedrooms and to modify the existing floor to add two bathrooms.

The applicant provided drawings prepared by RP Architectural Studio dated August 15, 2019 for the Board's review, a plot plan, a zoning checklist and basement calculation dated October 25, 2019, and pictures of the dwelling and other structures in the neighborhood having similar basements and third floor additions.

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The Applicant indicated that he had sought feedback from the neighbors and had received positive feedback from all. He also presented to the Board a signature sheet from seven neighbors in support of his application.

Two Neighbors, John Aftandilian and Charles Arslanian spoke in support of the proposed project, no one spoke in opposition.

Section § 1.5.3. of the Town's Zoning By-Law provides that the Board may issue a Special Permit to reconstruct, extend, alter, or change a nonconforming structure "only if it determines that such reconstruction, extension, alternation, or change does not increase the nonconforming nature of said structure or create a new nonconformity and shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood and that it shall be in keeping with the character of the neighborhood in which it is located."

The Board deliberated on March 2, 2020. The Board found that the proposed addition and alterations do not increase the nonconforming nature of the structure or create a new nonconformity and are consistent with other properties in the vicinity. They also noted that there are existing residences in the neighborhood which have similar rooms on a third floor due to the topography of land.

The Board concluded that the proposed alterations are not substantially more detrimental than the existing non-conforming structure to the neighborhood and that the proposed alterations are in keeping with the character of the neighborhood in which they are located.

Accordingly, upon motion duly made by Casey Williams and seconded Jim Zarkadas, the Board voted 4-0 to grant the Special Permit as requested.

For the Board,

Dated: March 25, 2020



Ara Yogurtian
Assistant Director
Office of Community Development

CERTIFICATION BY TOWN CLERK

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 27, 2020, 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.

Statutory appeal periods, and thus the issuance of Certificates of No Appeal, have been temporarily affected by Court Standing Orders, available at www.mass.gov/guides/court-system-response-to-covid-19. Applicants, abutters and interested parties should consult the Standing Orders to determine their next actions. Any decision by a permit holder to proceed is at their own risk, and the permit holder is urged to consult their own legal counsel.

Under Section 17 of Chapter 53 of the Acts of 2020, the requirement to record permit decisions with the Registry is suspended for so long as the Registry is "closed or subject to rules and procedures restricting public in-person access." However, such recording will still be required upon the full reopening of the Registry. The Middlesex County Registry of Deeds continues to accept filings by postal mail during this period, and permit holders are requested to file for recording through this method to the extent possible.



Ellen O'Brien Cushman, Town Clerk
Belmont, MA

June 29, 2020

Doc 01878227

Southern Middlesex Land Court
Registry District

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On: Apr 28, 2021 at 02:10P

Document Fee 105.00

Receipt Total: \$107.00

NOTED ON: CERT 259948 BK 01475 PG 102

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