

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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TOWN CLERK
BELMONT, MA

Case No. 20-16
Applicants: Michelle Liu
Property: 182-184 Lexington Street
Date of Public Hearing: May 18, 2020

2020 JUL 14 PM 5:16

Members Sitting: Nick Iannuzzi, Chair
Jim Zarkadas, Vice Chair
Andrew Plunkett
Phil Ruggerio
Casey Williams (Associate Member)
Andrew Kelley (Associate Member)
Teresa MacNutt (Associate Member)

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Members Voting: Nick Iannuzzi, Chair
Jim Zarkadas, Vice Chair
Andrew Plunkett
Phil Ruggerio
Casey Williams (Associate Member)

Introduction

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, Michelle Liu ("Applicant") seek Two Special Permits under Section 1.5 of the Zoning Bylaw to expand an existing garage and construct a dormer at 182-184 Lexington Street located in a General Residence Zoning District. Special Permits-1. The maximum allowed lot coverage in a GR district is 30%, the existing lot coverage is 34.9% and the proposed is 30.5%. The reduction of the lot coverage is the result of razing the exiting covered entry on the east side. 2.- The minimum required rear setback is 16.0', the existing rear setback to the covered entry which is proposed to be razed is 4.0' and the proposed rear setback to the proposed dormer is 9.0'.

Proposal

The Board held a duly noticed hearing on the proposal on May 18, 2020 conducted via ZOOM videoconference (in connection with current restrictions regarding social distancing in connection with COVID-19).

The applicant's Attorney, Joseph Noone, Esquire presented the proposed project to the Board members. The proposal is to raze the existing rear covered entry, expand the existing detached garage and construct a dormer.

The applicant had submitted for the Board's review architectural drawings dated September 12, 2019, a plot plan dated November 7, 2019, a Zoning Checklist dated February 10, 2020 and 6 signatures from neighbors supporting their application. An email was received from Bill Chemelli, an abutter concerned with the virtual meetings process.

At the hearing Mr. James Pazzanese, an abutter brought to the Board's attention that the plans were not presented to the neighbors and that he had signed in support of the project without being fully familiar of the scope.

Mr. Yogurtian explained that all plans were available to view on the Town's website and additional accommodations would have been made if requested.

Case: 20-18
Address: 24 Branchaud Road

Decision

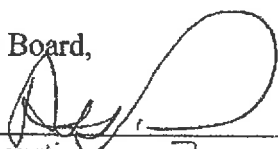
Section § 1.5.3. of the Town's Zoning By-Law provides that the Board may issue a Special Permit to reconstruct, extend, alter or change a nonconforming structure "only if it determines that such reconstruction, extension, alternation or change does not increase the nonconforming nature of said structure 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 May 18, 2020. The Board concluded that the proposed expansion of the detached garage and the construction of the dormer do not increase the nonconforming nature of the structure or create a new nonconformity and are consistent with other properties in the vicinity.

Accordingly, upon motion duly made by Jim Zarkadas and seconded Casey Williams, the Board voted 5-0 to grant the two (2) Special Permits as requested.

For the Board,

Dated: June 24, 2020



Ara Yogurtian
Assistant Director
Office of Community Development

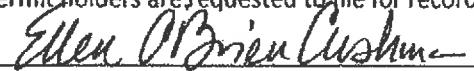
CERTIFICATION BY TOWN CLERK

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 July 14, 2020, and further I certify that no appeal has been filed with regard to the granting of said Two (2) Special Permits 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.

August 15, 2020



Ellen O'Brien Cushman, Town Clerk
Belmont, MA