

20-23

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**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

2020 JUL 24 AM 8:17

CASE NO. 20-23 *Cert = Amy M. Brown*

APPLICANT: Amy Brown

PROPERTY: 239 Beech Street *Lot 46*



2021 01888570
Bk: 01455 Pg: 98 Cert#: 258941
Doc: DECIS 01/11/2021 11:03 AM

DATE OF PUBLIC HEARING: July 13, 2020

MEMBERS SITTING: Nick Iannuzzi, Chairman
Andrew Plunkett
Andrew Kelley, Associate Member
Teresa McNutt, Associate Member

MEMBERS VOTING: Nick Iannuzzi, Chairman
Andrew Plunkett
Andrew Kelley, Associate Member
Teresa McNutt, Associate Member

Introduction

This matter came before the Board of Appeals ("Board") of the Town of Belmont ("Town") acting as Variance and 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 Applicant Amy M. Brown located at 239 Beech Street in a General Residence (GR) Zoning District requests for One (1) Special Permit under §1.5 of the Zoning Bylaw to install a Therapeutic Pool in the backyard of her property. §4.2 of the Zoning By-Law Dimensional Regulations allow a maximum lot coverage of 30%. Special Permit 1.- The existing lot coverage is 30.9% and the proposed is 32.5%.

The Board held a duly noticed public hearing on the proposal on July 13, 2020 conducted via ZOOM videoconference (in connection with current restrictions regarding social distancing in connection with COVID-19). The Applicant Amy Brown proposes to install a 9.0' by 12.0' therapeutic pool in the backyard of her property.

Proposal

The applicant proposes to install a therapeutic pool due to a health condition of a family member. The proposed wave pool will be 9 feet in width, 12 feet in length and will have a depth of water of 4 feet. The proposed pool is a Spa with heated water and a current for continuous swimming. It will be constructed of soundproof material to confine the pump noise and will have a locking cover for safety.

The applicant had provided for the Board's review a copy of the AquaPlay Swim Spa's specifications, a plot plan and a zoning checklist dated 5/12/2020 and 2 letters of support from neighbors.

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Currently the backyard is surrounded by a 6 foot high fence, the remaining section will have a new fence in compliance with the applicable building code requirements. The use of the pool will be under constant supervision and will be safely locked whenever not in use.

It was the recommendation of the Board members that in addition to the fence, lighting systems and cameras be installed for safety.

Conclusion

On July 13, 2020 the Board deliberated on The Applicant's request for one Special Permit to install a Swim Spa Therapeutic Pool at 239 Beech Street located in a General Residence (GR) Zoning District. Special Permit, 1.- Maximum allowed lot coverage in the GR district is 30%, the existing lot coverage is 30.9% and the proposed is 32.5%.

Based on the foregoing factors, the Board determined that the applicant's proposal did not have any adverse effects to the Town or the neighborhood and that the proposed request will be in harmony with and will not be detrimental to the neighborhood and general purpose and intent of the By-law.

Accordingly, upon motion duly made by Nick Iannuzzi and seconded by Teresa McNutt, the Board voted 4-0 to grant the Special Permit as requested.

For the Board:

Dated: July 22, 2020


 Ara Yognurtian
 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 24, 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.

September 28, 2020


 Ellen O'Brien Cushman, Town Clerk
 Belmont, MA

Doc 01866570

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Southern Middlesex Land Court
Register's District

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NOTED ON: CERT 256941 BK 01455 PG 38

ALSO NOTED ON:

I HEREBY ATTEST AND CERTIFY ON 01/20/2023
THAT THE FOREGOING DOCUMENT IS A FULL, TRUE AND
CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE
AND IN MY LEGAL CUSTODY
MARIA C. CURTATONE
ASST RECORDER
LAND COURT

BY *Maria C. Curtatone*