

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

RECEIVED
TOWN CLERK
BELMONT, MA

2023 MAR 28 PM 12:02

Case No. 22-15 Amended

Applicant: Lalg Musserian

Property: 3-5 Williston Road

Date of Public Hearing: July 11, 2022
Continued to Amend: January 9, 2023

Members Sitting: Nicholas A. Iannuzzi, Jr. Chairman
James Zarkadas, Vice Chairman
Casey Williams
Andrew Kelley
Teresa MacNutt
Elliot Daniels, Associate Member
David Stiff, Associate Member

Members Voting: James Zarkadas, Vice Chairman
Casey Williams
Andrew Kelley
Elliot Daniels, Associate Member
David Stiff, Associate Member

Introduction

This matter came before the Board of Appeals (the “Board”) of the Town of Belmont (the “Town”) Acting as Variance and Special Permit Granting Authority under the Zoning By-Law of the Town Belmont, Massachusetts (the “By-Law”) and Chapter 40A of the Massachusetts General Law (the “Zoning Act”). The applicant Lalg Musserian (“Applicant”), seek One (1) Special Permit under §3.3 of the Belmont Zoning-By- Laws to convert two office spaces at 3-5 Williston Road located in Local Business I (LBI) zoning district to residential units.

Residential units in LBI district are allowed by Special Permits granted by the Board of Appeals.

The Board held a duly noticed hearing on the application to amend the permit on January 9, 2023.

Proposal

The applicant proposes to convert two existing office spaces in a mixed-use structure to a one-bedroom apartments. Currently, the structure has a commercial retail space, a residential 2 bedrooms apartment and two rear units used as office spaces. For the Board’s review, architectural drawings were submitted prepared by Nor Design, dated April 5, 2022.

The Board held a duly notice hearing on July 11, 2022 and a hearing to amend the Special Permit on January 9, 2023. At the meeting on July 11, the case was presented and

Case No. 22-15 Amendment
Address: 3-5 Williston Road

advertised as one rear unit to be converted to a residential unit. Later it was clarified by the owner and the architect that there are two units in the rear and the application should have been for both units.

At the hearing on January 9, 2023, no one spoke in favor of or in opposition to the proposed change of use.

Decision

MGL 40A §6 provides in pertinent part: “Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.”

In the present case, the Board did not find the proposed change from allowing one (1) unit to be converted to residential unit to two (2) units is substantially more detrimental to the neighborhood.

Accordingly, upon motion duly made by Chairman Nicholas Iannuzzi to amend the permit to allow two residential units, and seconded by Ms. Casey Williams, the Board voted 5-0 to amend the One (1) special permit for two (2) units as requested.

For the Board,

Date: March 28, 2023



Ara Yogurtian
Assistant Director
Office of Community Development