

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

2023 AUG -7 PM 6:33

CASE NO. 23-16

APPLICANT Peng Liu and Min Liang

PROPERTY 47 Hawthorne Street

DATE OF PUBLIC HEARING June 6, 2023

MEMBERS SITTING Nicholas Iannuzzi Jr., Chair
Demetrios (Jim) Zarkadas, Vice Chair
Casey Williams
Andrew Kelley
Teresa MacNutt
David Stiff, Associate Member
Elliot Daniels, Associate Member

MEMBERS VOTING James Zarkadas, Vice Chair
Casey Williams
Andrew Kelley
David Stiff, Associate Member
Teresa MacNutt

Introduction

This matter came before the Board of Appeals (the “Board”) of the Town of Belmont (the “Town”) acting as Special Permit Granting Authority under 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, Peng Liu and Min Liang, (the “Applicants”) seeks One Special Permit under Section §1.5 of the Zoning By-Law: to remove existing rear deck and replace with a new enlarged rear deck at 47 Hawthorne Street located in the General Residence (GR) district:

1. §1.5.4A of the By-Law allows alteration and expansion in the GR District by a Special Permit granted by the Board of Appeals.

Proposal

The Board held a duly noticed hearing on the application on June 6, 2023. The application on June 6, 2023. The Applicant submitted for the Board’s review a plot plan, dated March 2, 2023, prepared by surveyor Richard Clinton Nelson; a Zoning Compliance Check List, dated April 11, 2023, prepared by surveyor Richard Clinton Nelson; and drawings and photographs, completed by the Applicants. One letter of support was submitted on the Applicants behalf.

At the hearing, the Applicant, Peng Liu, described his proposal remove the existing deck at 47 Hawthorne Street, and replace it with an enlarged deck. Mr. Liu explains that the support beams beneath the existing deck have rotted very badly and should thus be replaced. Mr. Liu

further states that unlike the existing deck, the proposed deck will comply with side setback requirements.

At the hearing no one other than Applicant spoke in support or in opposition to the application.

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.”

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

Accordingly, upon motion duly made by Teresa MacNutt and seconded by Nicholas Iannuzzi Jr., the Board voted 5-0 to grant the One (1) Special Permit as requested.

Dated: August 7, 2023



Gabriel S. Distler
Staff Planner
Office of Community Development
Town of Belmont |