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**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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TOWN CLERK
BELMONT, MA

Case No. 20-18
Applicants: Laura Burns and Aaron Pikcilingis
Property: 24 Branchaud Road
Date of Public Hearing: May 18, 2020

2020 JUN -5 AM 7:38

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)



2020 00113045

Bk: 75110 Pg: 582 Doc: DECIS
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Members Voting: Nick Iannuzzi, Chair
Jim Zarkadas, Vice Chair
Andrew Plunkett
Phil Ruggerio
Teresa MacNutt (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 applicants, Laura Burns and Aaron Pikcilingis ("Applicants") seek Two Special Permits under Section 1.5 of the Zoning Bylaw to construct a dormer at 24 Branchaud Road located in a General Residence Zoning District. Special Permits-1. The Zoning By-Law allows maximum two and one half story (2-1/2) structures, the existing structure is three and a half (3-1/2) story, The lowest level of the dwelling is a basement (70.4% of the foundation walls are exposed) and is considered a story. The proposed dormer is at three and a half (3-1/2) story. 2.- The minimum required side setback is 10.0', the existing and proposed side setback is 6.2'.

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 applicants presented the proposed project to the Board members. The proposal is to add a dormer to allow for the construction of a second bathroom and a closet.

The applicants had submitted for the Board's review architectural drawings dated March 3, 2020, a plot plan and a Zoning Checklist dated April 14, 2020, 4 letters from neighbors supporting their application and pictures of similar structures in the neighborhood.

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

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

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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.”

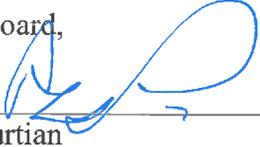
The Board deliberated on May 18, 2020. The Board found that the proposed addition and alterations do not increase the nonconforming nature of the structure or create a new nonconformity and are consistent with other properties in the vicinity. They also noted that there are existing residences in the neighborhood which have similar dormers 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 Jim Zarkadas and seconded Nick Iannuzzi, the Board voted 5-0 to grant the two (2) Special Permits as requested.**

For the Board,

Dated: June 2, 2020



Ara Yogurtian
Assistant Director
Office of Community Development

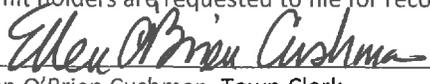
CERTIFICATION BY TOWN CLERK

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 June 5, 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.

July 6, 2020



Ellen O'Brien Cushman, Town Clerk
Belmont, MA