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20-17

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

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**CASE NO.** 20-17

**APPLICANT:** Robert and Alif Ciamarra

**PROPERTY:** 43 Old Middlesex Road

**DATE OF PUBLIC HEARING:** May 18, 2020

**MEMBERS SITTING:** Nick Iannuzzi, Chairman  
Jim Zarkadas  
Andrew Plunkett  
Phil Ruggiero  
Andrew Kelley, Associate Member  
Casey Williams, Associate Member  
Teresa McNutt, Associate Member

**MEMBERS VOTING:** Nick Iannuzzi, Chairman  
Jim Zarkadas  
Andrew Plunkett  
Phil Ruggiero  
Andrew Kelley, Associate Member

51228-541

**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 Applicants Robert and Alif Ciamarra located at 43 Old Middlesex Road in a single Residence C (SRC) Zoning District request for Three (3) Special Permits under §1.5 of the Zoning Bylaw to construct a Shed Dormer, a rear deck on the third level and a deck on the second floor. §4.2 of the Zoning By-Law Dimensional Regulations allow a maximum lot coverage of 25% and a minimum side setback of 10.0’. Special Permits 1.- the existing and proposed lot coverage is 27.1%. 2.- the existing and the proposed side setback on the east side is 8.6’ and; 3.- The existing and the proposed side setback on the west side is 8.5’.

The Board held a duly noticed public 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 Robert and Alif Ciamarra, represented by Keith Miller of Miller Design LLC, propose to construct a shed dormer, a rear deck and a side deck on the second floor.

**Proposal**

The applicants represented by Keith Miller proposed to raise the existing ridge height of the structure to allow a new habitable space in the attic by constructing a shed dormer. In addition to the dormer, the proposal includes 2 decks, one on the third floor outside the proposed dormer and another on the second floor on the west side.

The applicants provided for the Board’s review drawings prepared by Miller Design LLC dated January 13, 2020, a plot plan dated January 24, 2020, a zoning checklist dated March 4, 2020 and signatures of 14 neighbors in support of their project.

The Board also had received an email from Linda Tucker, an abutter residing at 37 Old Middlesex Road with concerns about raising of the ridge line of the new proposed dormer which she claimed would block the view of Downtown Boston from her dwelling. This she explained will devalue her property. Board member

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James Zarkadas explained to Ms. Tucker that the height of the proposed ridge line and the dormer were allowed by the Town of Belmont's zoning By-Law and were not one of the Special permits needed or requested for the proposed project.

**Conclusion**

On May 18, 2020, the Board deliberated on The Applicants', Robert and Alif Ciamarra's request for three Special Permits to construct a dormer and 2 decks at 43 Old Middlesex Road located in a single Residence C (SRC) Zoning District. Special Permits, 1.- To maintain an existing lot coverage of 27.1%. 2.- To maintain an existing side setback on the east side at 8.6' and; 3.- to Maintain an existing side setback on the west side at 8.5'.

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

Accordingly, **upon motion duly made by Jim Zarkadas and seconded by Nick Iannuzzi, the Board voted 5-0 to grant the three (3) Special Permits as requested.**

For the Board:

Dated: July 22, 2020

  
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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 24, 2020, and further I certify that no appeal has been filed with regard to the granting of said Three (3) 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](http://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 18, 2020

  
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Ellen O'Brien Cushman, Town Clerk  
Belmont, MA