

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

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2023 FEB -6 PM 1:00

**CASE NO.** 22-20

**APPLICANT:** Deirdre Walsh

**PROPERTY:** 127 Washington Street

**DATE OF PUBLIC HEARING:** November, 7 2022

**MEMBERS SITTING:** Nicholas Iannuzzi Jr., Chair  
Demetrios (Jim) Zarkadas, Vice Chair  
Andrew Kelly  
Casey Williams  
David Stiff, Associate Member

**MEMBERS VOTING:** Nicholas Iannuzzi, Chair  
Demetrios (Jim) Zarkadas, Vice Chair  
Andrew Kelley  
Casey Williams  
David Stiff, 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 Applicants, Deirdre Walsh ("Applicant"), requests one (1) SPECIAL PERMIT under Section 1.5 of the Zoning By-Laws to construct a second-story balcony at 127 Washington Street located in a Single Residence C (SRC) Zoning District. In connection with this, the Applicant sought the following special permit:

1. Under §4.2 of the Zoning Bylaws to allow a maximum lot coverage of 25%, the existing lot coverage is 25.2% and the proposed is 25.7%.

**Proposal**

The Board held a duly noticed hearing on the application on September, 12 2022. The Applicant submitted a plot plan dated July 7, 2022, completed by surveyor Douglas L. Johnston; a zoning compliance checklist dated May 25, 2022, completed by surveyor Douglas L. Johnston; architectural drawings dated July 12, 2022, completed by architect Keith Miller, and photographs of the existing condition and adjacent properties.

Keith Miller from Miller Design spoke on behalf of the Applicant and stated that the proposed project was to construct a second-floor balcony at the rear of the structure. Mr. Miller also noted that the Applicant had received one letter of support and a petition of support with 10 signatures. The Board received one letter of objection from direct abutters Sean McKinley Jr. and Sandi Clement McKinnley of 201 Oakley Road. No one spoke in favor of the project. Mrs. McKinnley, spoke in opposition.

The Board continued the case, upon motion made by Nicholas Iannuzzi Jr. and seconded by Casey Williams, the Board voted 5-0, to allow Board members to visit to site to review the proposal in person. The case resumed on 7 November 2021. Mr. Phil Ruggiero, of 141 Washington Street, spoke in favor. No one spoke in opposition.

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### **Conclusion**

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 observed that the proposed balcony is not substantially more detrimental to the neighborhood and is in keeping with the character of the other houses in the vicinity.

**Accordingly, upon motion duly made by Casey Williams and seconded by Nicholas Iannuzzi Jr., the Board voted 5-0 to grant the Applicant the requested Special Permit.**

For the Board:

Dated: February 6, 2023



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Gabriel S. Distler  
Staff Planner  
Office of Community Development