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Middlesex South Registry of Deeds
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Cambridge, MA 02141
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BELMONT, MA

**TOWN OF BELMONT
PLANNING BOARD**

2021 FEB 10 AM 11:05

CASE NO. 20-13
APPLICANT: John O'Donoghue, Jr.
PROPERTY: 40 Walnut Street
DATE OF PUBLIC HEARING: October 20, 2020
Continued: January 5, 2021, January 19, 2021

MEMBERS SITTING/ Steve Pinkerton, Chairman
Thayer Donham
Ed Starzec
Renee Guo
Matt Lowrie
Karl Haglund

MEMBERS VOTING: Steve Pinkerton, Chairman
Thayer Donham
Ed Starzec
Matt Lowrie
Karl Haglund

Maginal reference:
Book 70250, Page 165

Introduction

This matter came before the Planning Board ("Board") of the Town of Belmont ("Town") acting as 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 Applicant, John O'Donoghue, requests Two (2) Special Permits under Section 1.5 of the Zoning By-Law to construct a two family dwelling at 40 Walnut Street, located in a General Residence (GR) zoning district.

Proposal

The Applicant proposes to demolish the existing single dwelling structure and replace it with a new two family structure with an additional driveway curb cut. Special Permits: 1.- §3.3 of the By-Law allows two family structures in a General Residence zoning district by a Special Permit granted by the Planning Board; 2.- §4.2.1 (2) allows the reduction of frontage for a two family to fifty feet (50') by a Special Permit.

Submissions to the Board:

- 1) Application Submission:
 - a. Application for Special Permit, dated August 10, 2020.

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- b. A copy of the denial letter, dated May 19, 2020
 - c. Project Narrative, dated September 21, 2020
 - d. Construction Documents, dated September 22, 2020:
 - 1. Pictures and maps of the neighborhood.
 - 2. Existing and proposed floor plans and elevations (9 through 21)
 - 3. Landscaping Plans
 - e. Zoning Compliance Check List, dated July 29, 2020
 - f. Certified Plot Plan, dated July 29, 2020
- 2) Revised Documentation:
- a. New Elevations, dated December 8, 2020;
 - b. New Floor plans, dated December 8, 2020;
 - c. Revised Plot Plan, dated January 7, 2021.

Public Hearing

The Board held a duly noticed public hearing on the application on October 20, 2020. The applicant proposes to demolish an existing single family dwelling to replace it with a two family dwelling, with two driveway curb cuts from the street which will result in removing an existing tree.

Mr. Griffith, an abutter, opposed to the proposed project, his comments were that the proposed will maximize the living space, increase the footprint of the existing by 50%, thus increasing the lot coverage and minimizing the open space. Other neighbors also raised concerns, mostly about the healthy Town tree that was to be removed.

Board members were dissatisfied with:

- 1. The horizontal configuration of the building and proposed to have the design changed to reflect a more vertical design which would have been in harmony with the character of the neighborhood;
- 2. The amount of the proposed paved area on the lot was excessive, and suggested to have the number of curb cuts to be reduced to one and minimize the overall paved surface;
- 3. The proposed Total Living Area is 4,700 square feet, which was larger than most other dwellings in the neighborhood.

Over the course of continued meetings, the applicant revised the plans and the plot plan to satisfy the Board's and the neighbors' concerns.

Deliberation and Decision

On January 19, 2021 the Board deliberated on the Applicant's request for two Special Permits under Section 3.3 and 4.2.1 (2) of the Zoning By-Law to demolish an existing single dwelling structure and replace it with a two family structure. Board members found that the proposed building with the revised plans will not be substantially more detrimental and will be in

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character with the other buildings in the neighborhood. Neighbors did not express any objections to the proposed final revisions.

Accordingly, upon motion duly made and seconded, **the Board voted 5-0 to GRANT the Applicant's request for TWO SPECIAL PERMITS to CONSTRUCT A TWO FAMILY DWELLING AT 40 WALNUT STREET subject to the following CONDITIONS:**

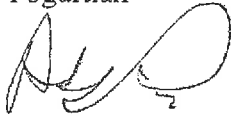
General:

1. Make every effort to preserve the existing Linden tree, if unsuccessful, replace with new.
2. Screen driveway to prevent headlights into neighbors' windows.

Submitted on Behalf of the Planning Board,

Ara Yogurtian

Dated: February 8, 2021



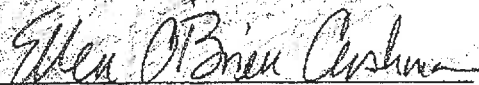
Assistant Director
Office of Community Development

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 March 3, 2020, and further I certify that no appeal has been filed with regard to the granting of said Two (2) Special Permits with Two (2) 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.



Ellen O'Brien Cushman, Town Clerk
Belmont, MA

March 9, 2021