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TOWN OF BELMONT
ZONING BOARD OF APPEALS

2018 OCT 23 PM 1:31

Case No. 18-30

Applicants: Thomas J. Kenny

Property: 36 Bellevue Road

Date of Public Hearing: September 10, 2018

Members Sitting: Nick Iannuzzi (Chair),
Jim Zarkadas
Faustino Lichauco,
Andrew Plunkett
Phil Ruggiero, (Associate Member)
Casey Williams, (Associate Member)
Blake Currier, (Associate Member)

Members Voting: Nick Iannuzzi (Chair),
Jim Zarkadas
Andrew Plunkett,
Faustino Lichauco,
Casey Williams, (Associate Member)



2018 00181151

Bk: 71935 Pg: 229 Doc: DECIS

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This matter came before the Board of Appeals (the "Board") of the Town of Belmont (the "Town") acting as Special Permit 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 applicant, Thomas J. Kenny ("Applicant"), seeks One Special Permit under Section 1.5.4-A of the Zoning By-Laws to extend or alter an existing non-conforming structure, at 36 Bellevue Road located in a General Residence (GR) Zoning District.

The Applicant proposes to construct a One Story addition to expand the existing kitchen. The addition complies with all the Zoning By-Laws intensity regulations.

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

During deliberations the board discussed the applicant's request and confirmed that the requested modifications are likely not detrimental to the neighborhood and do not increase any non-conformity.

§ 1.5.4-A of the Town's Zoning By-Law requires that the Board issue a Special Permit for any modifications or alterations to existing non-conforming residences in the General Residence Zoning District. The § 1.5.4-A 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, alteration, or change does not increase

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the nonconforming nature of said structure or create a new nonconformity and shall not be 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 September 10, 2018. The relief sought is for One (1) Special Permit. A special permit is required for any modification to residences in a General Residence Zoning District. The Board found that the proposed addition does not substantially increase the non-conforming nature of the structure or create a new nonconformity. The Board concluded that the proposed alteration is not substantially more detrimental to the neighborhood than the existing non-conforming structure, and that the proposed addition is in keeping with the character of the neighborhood in which the property is located.

Accordingly, **upon motion duly made and seconded, the Board voted 5-0 to grant the Special Permit as requested.**

For the Board,

Dated: October 23, 2018

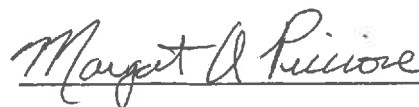


Ara Yogurtian
Assistant Director
Office of Community Development

CERTIFICATION

I, Margaret A. Piccione, hereby certify that twenty (20) days have elapsed after the decision was filed in the office of the Belmont Town Clerk on October 23, 2018, and further I certify that no appeal has been filed with regard to the granting of said one (1) Special Permit with zero (0) conditions.

November 15, 2018



Margaret A. Piccione, Assistant Town Clerk
Belmont, MA