

34

18-45

RECEIVED
TOWN CLERK
BELMONT, MA

2019 JAN 16 PM 1:15

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

Case No. 18-45

Applicant: Belmont Police Department Building Committee
Anne Marie S. Mahoney, Chair

Property: 460 Concord Avenue
119681264

Dates of Public Hearing: December 3, 2018

Members Sitting: Nick Ianuzzi, Chair
Jim Zarkadas
Andrew Plunkett
Blake Currier, Associate Member
Casey Williams, Associate Member

Members Voting: Nick Ianuzzi, Chair
Jim Zarkadas
Andrew Plunkett
Blake Currier, Associate Member
Casey Williams, Associate Member



2019 00072663
Bk: 72690 Pg: 366 Doc: DECIS
Page: 1 of 3 05/31/2019 01:20 PM

Introduction

This matter came before the Board of Appeals (the "Board") of the Town of Belmont (the "Town") acting as Variance and 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 applicants, Belmont Police Department Building Committee, Ann Marie S. Mahoney, Chair ("Applicants"), seek two special permits under § 1.5 of the By-Law (for the number of stories and building height) to construct a third-story rear addition on the existing structure at 460 Concord Avenue, The Belmont Police Department Building. The property is located in a Local Business I (LBI) Zoning District.

The property is located at the intersection of Concord Avenue and Pleasant Street. The structure is situated on a land with a sloped topography having a difference of elevation of 24' between the North and the South property lines. The proposed is a third floor addition to the existing 2 story structure on the West side of the building and a one story addition on the North side. The one story addition on the North side complies with all current requirements of the intensity regulations of the zoning By-Laws.

The existing building was built in the early 1930s and has well served the Town for over eighty years. The building is not handicap accessible and lacks most of the State and Federal requirements for a Police Station. It has not undergone any major renovations during its lifetime.

Return to:

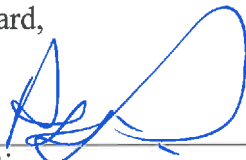
**ROSALES & ROSALES LLC
67 TRAPELO ROAD
BELMONT, MA 02478**

Case No. 18-45
Property: 460 Concord Ave.

Accordingly, upon motion duly made and seconded, the Board voted 5-0 to grant the two (2) Special Permits to the Applicants as requested.

For the Board,

January 16, 2019



Ara Yogurtian
Assistant Director
Office of Community Development

CERTIFICATION

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 January 16, 2019, 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.

May 22, 2019



Ellen O'Brien Cushman, Town Clerk
Belmont, MA

Any appeal from this decision must be made pursuant to Ch.40A, S.17, MGL, and must be filed within 20 days after the filing of such notice in the office of the Town Clerk.

Proposal

The Board held a duly noticed public hearing on December 3, 2018.

The proposed one story addition will serve as a sally port and the third floor addition will be used for offices and conference rooms.

Present during the hearing were, Anne Marie Mahoney, Chair of the Committee, Steven Rosales, esquire, a full member of the committee, Judith Sarno, a full member of the committee, Richard McLaughlin, Chief of Police, Jamie MacIsaac, Assistant Chief of Police and the project's architect Ted Galante with The Galante Architecture Studio Inc.

The Architect, Ted Galante made the presentation of the project to the Board, explained the necessity of the additional spaces and the need for an elevator to be included in the project. Recent feasibility studies had concluded that the Police department will best serve the future needs of the Town from its current location and Town Meeting supports the study and the project.

Chair Anne Marie Mahoney had presented to the Board a letter dated November 27, 2018, explaining the history of the building and the reasons of the requested 2 Special Permits. Six letters of Support were presented during the hearing, included letters from Adam Dash, Chair of the Belmont Board of Selectmen, Mark A. Paolillo, CPA, Selectman, Richard McLaughlin, Police Chief, Tim King, Belmont Lions Club (abutter), Glenn Herosian, Karen Herosian and Ron Cramer (abutters).

In Local Business I (LBI) Zoning District, the maximum allowed number of stories is two (2) and maximum allowed building height is 28.0'.

The existing building has a basement (the portion of the exposed foundation wall area is 46% and exceeds the 40% of the total foundation wall area allowed for cellars) and is considered a story, making the existing a three and a half story building. The proposed is a third floor addition.

The height of the existing building measured from the average grade to the midpoint of the existing sloped roof is 40.0' and the height of the proposed flat roof from the average grade is 37.0'.

Decision

The Zoning Act authorizes the Board to grant special permits to increase a preexisting nonconformity on a finding that the increased nonconformity is not substantially more detrimental than the existing nonconforming structure to the neighborhood. Gale v. Zoning Board of Appeals of Gloucester, 80 Mass. App. Ct. 331, 336-38 (2011). The statute "does not include application of a local by-law or ordinance as an additional step when proceeding to the no substantial detriment finding That finding stands alone as sufficient to proceed with the proposed project" Gale, 80 Mass. App. Ct. at 337. The special permit provision is at § 1.5.3 of the By-Law.

The Board deliberated on December 3, 2018. The Board found that the proposed third story addition is lower than by vertical height and by number of stories than the existing structure. The addition has no new impact on the neighborhood than the existing. The Board concluded that the proposed additions are not substantially more detrimental to the neighborhood than the existing.