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19-18

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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BELMONT, MA

2019 AUG 12 AM 10:48

Case No. 19-18

Applicants: Susan and James Pergamo
and James

Property: 43 Pine Street

Date of Public Hearing: May 13, 2019

Members Sitting: Nicholas Ianuzzi (Chair)
Jim Zarkadas (Vice Chair)
Phil Ruggiero
Andrew Plunkett
Casey Williams (Associate Member)
Blake Currier (Associate Member)

Members Voting: Nicholas Ianuzzi (Chair)
Jim Zarkadas (Vice Chair)
Phil Ruggiero
Andrew Plunkett
Casey Williams (Associate Member)



2019 00134758

Bk: 73239 Pg: 35 Doc: DECIS

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Introduction*deed, 63006-599*

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 applicants, Susan and James Pergamo ("Applicant") seek two Special Permits under §1.5 of the Zoning Bylaw to Construct a second story deck. Special Permits 1.- § 4.2 of the Zoning By-Law allows maximum Lot Coverage of 25%, the existing Lot Coverage is 30.9% and the proposed is 32.9%. 2. Minimum required rear setback is 29.1', the existing rear setback is 25.5' and the proposed is 22.1'.

Proposal

The petitioners propose to construct a second story deck to replace a patio on the ground level.

The applicants have submitted for the Board's review architectural drawings dated July 20, 2018, a plot plan dated June 21, 2018, a Zoning Checklist dated July 30, 2018, 10 signatures from neighbors supporting the application and pictures of the rear of the house where the proposed deck would be constructed and similar second story decks in the neighborhood.

The applicants explained to the Board that the proposed deck will cover the exact footprint of an existing patio. They further explained that their property, although being in a Single Residence zoning district, is in a neighborhood of two families and abuts General Residence zoning district where the allowed lot coverage is 30%.

No one spoke in support or in opposition.

*Susan Pergamo
43 Pine St.
Belmont, MA*

Case # 19-18
Address: 43 Pine Street

Decision

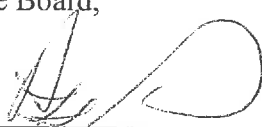
During deliberations the board discussed the applicants' request for two Special Permits and confirmed that the requested modifications are likely not detrimental to the neighborhood.

The Board deliberated on May 13, 2019. Under the "Gale vs. Gloucester" ruling, the relief sought are by Special Permits. Both items were considered by the Board. The Board found that the proposed expansion do not substantially increase the non-conforming nature of the structure or create a new nonconformity and concluded that the proposed alterations are not substantially more detrimental to the neighborhood than the existing non-conforming structure, and that the proposed are in keeping with the character of the neighborhood in which the property is located.

Accordingly, **upon motion duly made by James Zarkadas and seconded by Andrew Plunkett, the Board voted 5-0 to grant the Two Special Permits as requested.**

For the Board,

Dated: August 12, 2019

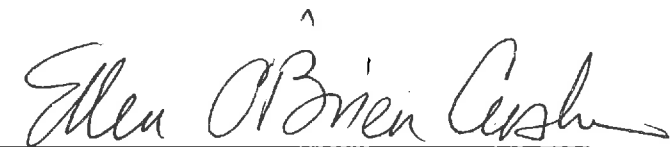


Ara Yogurtian,
Assistant Director
Office of Community Development

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 August 12, 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.

September 4, 2019



Ellen O'Brien Cushman, Town Clerk
Belmont, MA

Official Receipt for Recording in:

Middlesex South Registry of Deeds
208 Cambridge St.
Cambridge, Massachusetts 02141

Issued To: SUSAN PERGAMO
43 PINE STREET
BELMONT MA 02478

Recording Fees		
Document Description	Number	Book/Page
DECIS	00134758	73239 35
CERTCPY		
		\$75.00
		\$2.00
		\$77.00

Collected Amounts	
Payment Type	Amount
Cash	\$80.00
	\$80.00

Total Received : \$80.00
Less Total Recordings: \$77.00
Change Due : \$3.00

Thank You
MARIA C. CURTATONE - Register of Deeds

By: Beth I

Receipt# 2365265
Date 09/06/2019 11:17a