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Middlesex South Registry of Deeds
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**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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BELMONT, MA

2019 NOV -7 PM 3:37

Case No. 19-28

Applicant: Silverdeck Properties, LLC
Julius Perl, Partner

Property: 113 White Street

Date of Public Hearing: July 15, 2019
Continued: September 9, 2019

Members Sitting: Nicholas A. Iannuzzi, Jr., Chair
Jim Zarkadas
Craig White
Philip Ruggiero
Andrew Plunkett
Casey Williams (Associate Member)
Teresa MacNutt (Associate Member)

Members Voting: Nicholas A. Iannuzzi, Jr., Chair
Jim Zarkadas
Andrew Plunkett
Casey Williams (Associate Member)
Teresa MacNutt (Associate Member)

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 Belmont, Massachusetts (the "By-Law") and Chapter 40A of the Massachusetts General Law (the "Zoning Act"). The applicant, Silverdeck Properties, Julius Perl, partner ("Applicant") seeks One (1) Special Permit under §1.5.2 of the Belmont Zoning-By-Law to modify an existing structure with non-conforming use, to add 4 dormers and a rear staircase at 113 White Street located in a General Residence (GR) Zoning District.

Ara Yogurtian, Assistant Director, Office of Community Development and liaison to the Board, recused himself from participating with the case being a direct abutter to the property and his position as a liaison was filled in for by Kevin Pickering, Local Inspector and Zoning Compliance officer.

Proposal

The Applicant proposes to modify an existing four family structure by adding 4 dormers to the attic space and construct a new open exterior staircase to create a second means of egress from the units in compliance with the current building code requirements.

The proposal is set forth on plans prepared by Paul Apkarian Architects, Inc. dated June 17, 2019, a plot plan prepared by Bernard H. Hamill, registered Land Surveyor, dated May 21, 2019 and a zoning checklist dated June 13, 2019. Paul Apkarian, the architect presented the proposal at a duly noticed public hearing of the Board on July 15, 2019. Of the proposed 4 dormers 2 were to add new bathrooms to the newly created bedrooms in the attic and the other 2 were to increase the lighting and ventilation to the space, and also to serve as the required means of egress from the same. The new exterior staircase was to serve as a second means of egress from the four units and would be in compliance with the current building code requirements.

No one spoke in favor of the proposal.

Suzanne Bere, property resident at 115 White Street, an abutter, raised concerns about the aesthetics of the open rear staircase. She further suggested to the Board and the architect that an enclosed staircase would be more visually pleasing and less detrimental to the neighborhood than an open one.

The Board took Ms. Bere's concern under consideration and requested the architect present a revised proposal with an enclosed staircase for the Board's consideration. The architect and the applicant agreed to make the requested changes and present to the Board at a later meeting.

Case No. 19-28
Property: 113 White Street

Decision

The 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, alternation, or change does not increase 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." By-Law § 1.5.3.

On July 15, 2019, the Board begun the deliberations on the application. The Board determined that although the requested relief is one Special permit to modify an existing structure with non-conforming use, it was to a benefit to all if the deliberations and taking the votes were made in two parts. First part being the request for the addition of the 4 dormers and the second the proposed exterior staircase. On July 15, 2019, the Board deliberated on both parts of the projects. The Board found that part one, the proposed dormers do not increase the nonconforming nature of the structure or create a new nonconformity. The proposed will be consistent in style with the existing house. In the circumstances, the Board concluded that the proposed dormers are not substantially more detrimental than the existing non-conforming structure to the neighborhood and that the proposed is in keeping with the character of the neighborhood in which it is located.

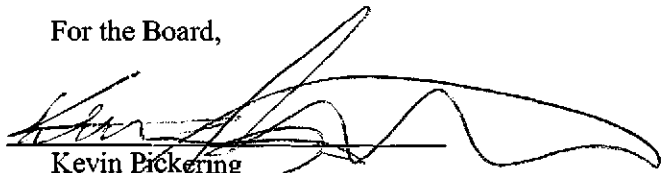
Accordingly, **upon motion duly made by Nick Ianuzzi and seconded by Phil Ruggerio, the Board voted 5-0 to grant part one of the requested special permit for the proposed dormers as shown on the plans submitted to the Board.**

On September 9, 2019 the Board deliberated on the revised plans for the proposal of an enclosed staircase at the rear of the structure. The Board found that the proposed enclosed rear staircase will be consistent in style with the existing house and is not substantially more detrimental than the existing non-conforming structure to the neighborhood and that the proposed is in keeping with the character of the neighborhood in which it is located.

Accordingly, **upon motion duly made and seconded, the Board voted 5-0 to grant part two of the requested special permit for the proposed enclosed staircase as shown on the revised plans submitted to the Board.**


For the Board,

Date: November 7, 2019


Kevin Pickering
Local Inspector, Zoning enforcement officer
Office of Community Development

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 November 7, 2019, 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.

January 30, 2020


Margaret A. Piccione, Assistant 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.

RECEIVED
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BELMONT, MA**MODIFICATION OF DECISION TO CORRECT**
SCRIVENER'S ERROR

2020 FEB -4 PM 1:55

SILVERDEC PROPERTIES, LLC
ZONING BOARD OF APPEALS DECISION**TOWN OF BELMONT**
ZONING BOARD OF APPEALS

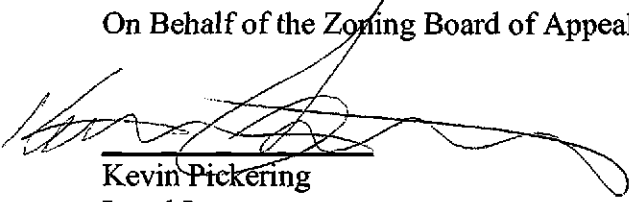
Case No.: ZBA 19-28
Property Address: 113 White Street
Dates of Public Hearing: July 15, 2019 and September 9, 2019

In the decision, a scrivener's error was made – the name of the Applicant was inadvertently transcribed.

- On the first page of the decision, as the applicant's name and in the first paragraph, the name of the applicant is identified as SILVERDECK. The correct name of the Applicant is SILVERDEC.


On Behalf of the Zoning Board of Appeals

Date: February 3, 2020


Kevin Pickering
Local Inspector
Office of Community Development

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 November 7, 2019, and further I certify that no appeal has been filed with regard to the granting of said one (1) Special Permit (consisting of two parts) with zero (0) conditions. This scrivener's error, correcting the LLC name of the applicant, was filed with the Town Clerk on February 4, 2020.

February 4, 2020


Ellen O'Brien Cushman, Town Clerk
Belmont, MA