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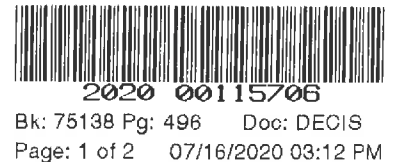
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**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

Case No. 20-14
Applicant: Edward J. O'Brien
Property: 27 Poplar Street
Date of Public Hearing: April 6, 2020

Members Sitting: Nick Iannuzzi, Chair
Jim Zarkadas, Vice Chair
Andrew Plunkett
Phil Ruggerio
Casey Williams (Associate Member)
Andrew Kelley (Associate Member)
Teresa MacNutt (Associate Member)



Members Voting: Nick Iannuzzi, Chair
Jim Zarkadas, Vice Chair
Andrew Plunkett
Phil Ruggerio
Teresa MacNutt (Associate Member)

Introduction

This matter came before the Board of Appeals (the "Board") of the Town of Belmont (the "Town") acting as Special Permit and Variance 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, Edward J. O'Brien ("Applicant") seeks Two Special Permits under Section 1.5 of the Zoning Bylaw to construct a second story addition (the lower level of the structure is a basement, the proposed addition is considered a second story addition) at 27 Poplar Street located in a General Residence Zoning District. Special Permits 1.- The Zoning By-Law requires a minimum side setback of 10.0', the existing side setback to the structure is 9.0' and the proposed setback to the addition is 8.9'. 2.- Section 1.5.4A of the By-Law allows expansions in the GR zoning district by a Special Permit granted by the Board of Appeals.

Proposal

The Board held a duly noticed hearing on the proposal on April 6, 2020 conducted via ZOOM videoconference (in connection with current restrictions regarding social distancing in connection with COVID-19).

The applicant presented the proposed project to the Board members. The proposal is to construct a one story addition which is considered at a second story due to an exposed foundation wall on the lower level making it a basement and not a cellar, which is considered the first story. The proposed addition is to expand the existing kitchen, to expand the existing half bath and to add a new closet.

The applicant had submitted for the Board's review architectural drawings dated April 10, 2019, a plot plan and a Zoning Checklist dated July 12, 2019.

Mr. O'Brien had shared his plans with all his immediate abutters and had their verbal support.

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

Decision

Section § 1.5.3. 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, 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."

On April 6, 2020 the Board deliberated and concluded that the proposed addition and alterations do not increase the nonconforming nature of the structure or create a new nonconformity and are consistent with other properties in the vicinity.

Accordingly, **upon motion duly made by Jim Zarkadas and seconded Nick Iannuzzi, the Board voted 5-0 to grant the two (2) Special Permits as requested.**

For the Board,

Dated: June 5, 2020



Ara Yogurtian
Assistant Director
Office of Community Development

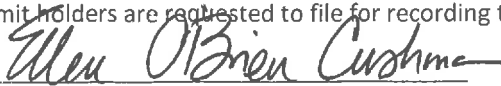
CERTIFICATION BY TOWN CLERK

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 June 8, 2020, 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.

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.

July 7, 2020



Ellen O'Brien Cushman, Town Clerk
Belmont, MA