

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

2020 APR 28 PM 2:56

ZBA Case No.: 20-15

Applicant: ✓ Vale Realty Service Company

Property Address: ✓ 55 Brighton Road

Date of Public Hearing: April 6, 2020

Members Sitting:

Nicholas A. Iannuzzi, Jr., Chair
Jim Zarkadas Member
Andrew Plunkett, Member
Phil Ruggerio, Member
Casey Williams, Associate Member
Teresa McNutt, Associate Member
Andrew Kelley, Associate Member

Members Voting:

Nicholas A. Iannuzzi, Jr., Chair
Jim Zarkadas, Member
Andrew Plunkett, Member
Phil Ruggerio, Member
Andrew Kelley, Associate Member



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Introduction

This matter came before the Board of Appeals ("Board") of the Town of Belmont ("Town") acting as Special Permit Granting Authority under the Zoning By-Law of the Town of Belmont, Massachusetts ("By-Law") and Chapter 40A of the Massachusetts General Law ("Zoning Act"). The applicant, Vale Realty Service Company ("Applicant"), seeks One (1) Special Permit from the Board under Section 3.3 of the By-Law to construct a Mixed-Use Group of Commercial and Residential Building at 55 Brighton Street ("Property") located in a Local Business III (LBIII) Zoning District.

Proposal

The Applicant proposes to demolish the existing vacant gas station at the Property and replace it with a two story mixed use building consisting of two (2) commercial units on first (1st) floor and five (5), one (1) bedroom residential units on the second (2nd) floor.

The Applicant, represented by its President, Anthony Digiovanni, and by its architect, Tavis Babbit of Babbit Design, presented the proposal at a duly noticed public hearing on April 6, 2020 conducted via ZOOM videoconference (in connection with current restrictions regarding social distancing in connection with COVID-19). The proposal is set forth on architect's plans from Babbit Design dated February 24, 2020, a plot plan from Rober Survey dated December 27, 2017, and a Zoning Compliance Check List from Rober Survey dated February 27, 2020.

Applicant also submitted a photo showing a street view of the Property as it exists today, as well as an aerial photograph from Google images showing an image of the Property dated June 19, 2010.

Aside from Mr. Babbit and Mr. Digiovanni, no one spoke either in support or in opposition to the proposal.

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Vale Realty
P.O. Box 221
Belmont, MA 02478

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Decision


The By-Law provides that the Board may issue a Special Permit under section 3.3 of the By-Law to construct a 2 story Mixed-Use Building (provided that at a minimum the first floor is to be reserved for commercial use and that the residential use complies with §6.10 Inclusionary Housing in a Local Business III (LBIII) Zoning District) if it determines that the proposal's benefits to the Town will outweigh any adverse effects for the Town or the vicinity.

The Board deliberated on April 6, 2020. The Board concluded that the proposed structure was in harmony with the intent of the By-law and is considered an improvement to the existing conditions, and that the proposal's benefits to the Town outweigh any adverse effects for the Town or the vicinity.

Accordingly, **upon motion duly made and seconded, the Board voted 5-0 to grant the requested One (1) Special Permit to construct a Mixed-Use building consisting of two (2) commercial units on the first (1st) floor and five (5), one (1) bedroom residential units on the second (2nd) floor.**

For the Board,

Date: April 27, 2020



Ara Yogurtian
Assistant Director
Office of Community Development

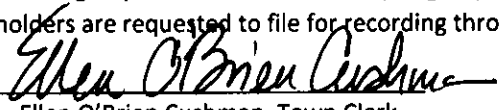
CERTIFICATION BY TOWN CLERK

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 July 24, 2020, and further I certify that no appeal has been filed with regard to the granting of said One (1) Special Permit to construct a Mixed-Use building consisting of two (2) commercial units on the first (1st) floor and five (5), one (1)-bedroom residential units on the second (2nd) floor, with no additional 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.

September 3, 2020



Ellen O'Brien Cushman, Town Clerk
Belmont, MA