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20-22

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TOWN OF BELMONT
ZONING BOARD OF APPEALS

2020 JUL 24 AM 8:16

Case No. 20-22

Applicants: Rebecca M. McCarthy

Property: 99 Gilbert Road

Date of Public Hearing: July 13, 2020



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Bk: 75533 Pg: 416 Doc: DECIS
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MEMBERS SITTING: Nick Iannuzzi, Chairman
Andrew Plunkett
Andrew Kelley, Associate Member
Teresa McNutt, Associate Member

MEMBERS VOTING: Nick Iannuzzi, Chairman
Andrew Plunkett
Andrew Kelley, Associate Member
Teresa McNutt, Associate Member

This matter came before the Board of Appeals ("Board") of the Town of Belmont ("Town") acting as Variance and 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 Rebecca McCarthy at 99 Gilbert Road located in a General Residence (GR) Zoning District requests One (1) Special Permit under §1.5 of the Zoning Bylaw to construct a second story addition.

The Board held a duly noticed public hearing on the proposal on July 13, 2020 conducted via ZOOM videoconference (in connection with current restrictions regarding social distancing in connection with COVID-19). The Applicant, Rebecca McCarthy proposes to construct a 23.4' by 4' addition on the second floor of this two family dwelling, co-owned with her sister Nora McCarthy, to expand the existing kitchens and to create a new laundry rooms.

The applicant had submitted for the Board's review architectural drawings prepared by YGS Design and Development dated 12/24/2019, a plot plan and a zoning checklist dated 3/4/2020.

§1.5.4 A. 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, alteration, 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."

Case # 20-22

Address: 99 Gilbert Road


During the hearing no one spoke in favor of or in opposition to the proposed proposed addition.

The Board deliberated on July 13, 2020. The relief sought is for one (1) Special Permit. A special permit is required for any modification to residences in a General Residence Zoning District. The proposal was considered by the Board. The Board found that the proposed alteration does not substantially increase the non-conforming nature of the structure or create a new nonconformity. The Board concluded that the proposed alteration is not substantially more detrimental to the neighborhood than the existing non-conforming structure, and that the proposed alterations are in keeping with the character of the neighborhood in which the property is located.

Accordingly, **upon motion made by Andrew Kelley and seconded by Nick Iannuzzi, the Board voted 4-0 to grant the Special Permit as requested.**

For the Board,

Dated: July 22, 2020



Ara Yogurtian
Assistant Director
Office of Community Development

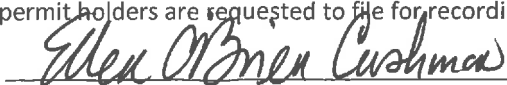
CERTIFICATION BY TOWN CLERK

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 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.

September 2, 2020



Ellen O'Brien Cushman, Town Clerk
Belmont, MA