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21-03

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 TOWN CLERK
 BELMONT, MA

**TOWN OF BELMONT
 ZONING BOARD OF APPEALS**

2021 FEB 11 PM 1:53

CASE NO. 21-03

APPLICANT: David Coleman

OWNERS
 DAVID COLEMAN
 AMY GAGLIARDI

PROPERTY: 26 George Street LOT 65

DATE OF PUBLIC HEARING: February 8, 2021

MEMBERS SITTING: Nick Iannuzzi, Chairman
 Jim Zarkadas, Vice Chair
 Casey Williams
 Andrew Kelley
 Teresa MacNutt
 William Fick, Associate Member
 Elliot Daniels, Associate Member

MEMBERS VOTING: Nick Iannuzzi, Chairman
 Jim Zarkadas, Vice Chair
 Casey Williams
 Andrew Kelley
 Teresa MacNutt

Introduction

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, David Coleman ("Applicant"), requests one (1) Special Permit under Section 1.5 of the Zoning By-Laws to construct a third story addition at 26 George Street located in a Single Residence C (SRC) Zoning District.

The Board held a duly noticed hearing on the application on February 8, 2021. The applicant had submitted for the Board's review architectural drawings prepared by Doma Homes dated December 10, 2020, a plot plan dated October 9, 2020, a zoning checklist dated December 15, 2020 and pictures of neighborhood buildings with similar third story additions. At the meeting no one spoke in support of or in opposition to the application.

Proposal

The applicant proposes to construct a third story addition over an existing sunroom for a new master bathroom. The Special Permit requested is as follows:

1. §4.2 of the By-Law allows two and a half (2-1/2) story buildings, the existing structure is three and a half (3-1/2) stories. The lowest level of the dwelling is a basement (44.9% of the foundation walls are exposed) and is considered a story. The proposed addition is at a third level.

Book # 1436
 Page # 104

Certificate #
 254213

Case No. 21-03

Address: 26 George Street

The applicant presented the case to the Board. He explained that due to topography of land in this neighborhood, most if not all houses are three and a half stories, most basements are exposed more than 40% and are considered the first story of the structure, making the proposed addition at a third level.

Currently the house has one bathroom, a second bathroom has become a necessity.

The proposed addition will be over an existing sunroom and will neither add to the existing lot coverage area nor decrease the open space.


Conclusion

On February 8, 2021 the Board deliberated on the Applicant's request for one (1) Special Permit under Section 1.5 of the By-Law to construct a third story addition at 26 George Street located in Single Residence C (SRC) Zoning District. The Board found that the proposed addition is not more detrimental to the neighborhood and is in keeping with the character of other houses in the vicinity.

Accordingly, upon motion duly made by Nick Iannuzzi, Jr., and seconded by James Zarkadas the Board voted 5-0 to grant the Applicant the requested One (1) Special Permit. ✓

For the Board:

Dated: February 11, 2021


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 March 3, 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.

March 23, 2021


Ellen O'Brien Cushman, Town Clerk
Belmont, MA 2

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Southern Middlesex Land Court
Registry District

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THE FOREGOING DOCUMENT IS A FULL, TRUE AND
CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE
AND IN MY LEGAL CUSTODY

MARIA C. CURATONE
ASST. RECORDER
LAND COURT

BY

Maria C. Curatone