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TOWN OF BELMONT
ZONING BOARD OF APPEALS

Case No. 21-19

Applicant: Jeffrey Isen

Property: 159 Oakley Road deed reference 78390-398

Date of Public Hearing: July 19, 2021

Members Sitting: Nick Iannuzzi, Chairman
Casey Williams
Andrew Kelley
Teresa MacNutt
Elliot Daniels, Associate Member
William Fick, Associate Member

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Bk: 78650 Pg: 269 Doc: DECIS
Page: 1 of 2 09/08/2021 01:51 PMMembers Voting: Nick Iannuzzi, Chairman
Casey Williams
Andrew Kelley
Teresa MacNutt
Elliot Daniels, 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 Jeffrey Isen (the "Applicant"), seeks One (1) Special Permit under Section 1.5.4A of the Belmont Zoning-By- Laws to construct a two story rear addition and a deck at 159 Oakley Road located in a General Residence (GR) zoning district. §1.5.4A of the By-Law allows any alterations or expansions in the GR district by a Special Permit granted by the Board of Appeals.

The Board held a duly noticed hearing on the application on July 19, 2021.

Proposal

The Applicant proposes to construct a two story addition and a deck in the rear of the dwelling to expand the kitchen on the first floor, to add a bathroom and a laundry room on the second floor and a deck.

The proposed addition will not have any habitable attic space.

The applicant submitted to the Board's review plans prepared by Mitchell Design and Construction dated April 3, 2021, a plot plan dated April 26, 2021 and a zoning checklist dated June 21, 2021.

At the meeting no one spoke in favor or in opposition to the proposed project.

Jeffrey Isen
159 Oakley Rd
Belmont, Ma.

Case No. 21-19
Property: 159 Oakley Road

Decision

MGL 40A §6 provides in pertinent part: "Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood."


In the present case, the Board did not find the proposed two story addition and the deck would be substantially more detrimental. The Board found that the proposed does not increase the nonconforming nature of the structure or create a new nonconformity. The proposed addition will be consistent in style with the existing house. The Board concluded that the proposed 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 Iannuzzi and seconded by Elliot Daniels, the Board voted 5-0 to grant the requested One (1) special permit for the proposed additions as requested.

For the Board,

Date: August 19, 2021

18 A.Y.



Ara Yogurtian
Assistant Director
Office of Community Development

CERTIFICATION

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 August 18, 2021, 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.

September 8, 2021



Ellen O'Brien Cushman, Town Clerk
Belmont, MA

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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.