

19-45

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**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

2020 FEB -3 AM 9:31

Case No. 19-45

Applicant: James Connelly + *Shauhan Wang*

Property: 24 Middlecot Street

Date of Public Hearing: December 2, 2019

Members Sitting: Nicholas A. Iannuzzi, Jr.
Jim Zarkadas
Craig White
Philip Ruggiero
Andrew Plunkett
Casey Williams (Associate Member)
Andrew Kelley (Associate Member)
Teresa MacNutt (Associate Member)



Members Voting: Nicholas A. Iannuzzi, Jr.
Jim Zarkadas
Craig White
Philip Ruggiero
Andrew Plunkett

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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 of Belmont, Massachusetts (the "By-Law") and Chapter 40A of the Massachusetts General Law (the "Zoning Act"). The applicant, James Connelly ("Applicant"), seeks three (3) Special Permits under Section 1.5 of the Belmont Zoning-By-Law to construct a three and a half (3-1/2) story addition. Special Permits, 1. - Section 4.2 of the Zoning By-Law Dimensional Regulations allows a maximum of 2-1/2 stories, the existing structure is 3-1/2 stories. The lowest level of the dwelling is a basement (49.10% of the foundation walls are exposed) and is considered a story. The proposed addition is a 3-1/2 story addition. 2. Requires a minimum of 25.0' front setback, the existing front setback off Chilton Street is 19.7' and the proposed is 22.8'. 3. - Requires 24.0' setback, the existing rear setback is 20.8' and the proposed is 22.8'.

Proposal

The Applicant proposes to construct a 3-1/2 story addition to increase livable space. The addition will consist of a new family room and a kitchen on the first floor and two bedrooms and a bathroom on the second. The architect reviewed the plans and submitted six signatures of adjacent neighbors who are in support of the project. There were no neighbors present at the hearing to either support or oppose to the proposed expansion.

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Decision

The 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 that it shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood and it is in keeping with the character of the neighborhood in which it is located.” By-Law § 1.5.3.

The Board deliberated on December 2, 2019. The Board concluded that the proposed addition is not substantially more detrimental to the neighborhood than the existing.

Accordingly, upon motion duly made by Phil Ruggerio and seconded by Nick Iannuzzi, the Board voted 5-0 to grant the requested special permits for the proposed addition as requested and shown on the plans submitted to the Board.

For the Board,

Date: February 3, 2020



Ara Yeghjian
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 February 3, 2020, and further I certify that no appeal has been filed with regard to the granting of said three (3) Special Permits with zero (0) conditions.

February 24, 2020



Ellen O’Brien Cushman, Town Clerk
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.