

20-10

TOWN OF BELMONT
ZONING BOARD OF APPEALS

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BELMONT, MA

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03/29/20

Case No. 20-10

Applicants: Isaac and Dynelle Long

Property: 24 Long Avenue

Date of Public Hearing: March 2, 2020

Members Sitting: Jim Zarkadas
Casey Williams (Associate Member)
Teresa McNutt (Associate Member)
Andrew Kelley (Associate Member)

Members Voting: Jim Zarkadas
Casey Williams (Associate Member)
Teresa McNutt (Associate Member)
Andrew Kelley (Associate Member)



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Bk: 74832 Pg: 169 Doc: DECIS
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Introduction

This matter came before the Board of Appeals (the "Board") of the Town of Belmont (the "Town") acting as 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 applicants, Isaac and Dynelle Long (collectively the "Applicant") sought two (2) Special Permits under Section 1.5 of the Zoning Bylaw to construct a three and a half story and a third floor addition in a Single Residence C Zoning District. Special Permits, 1-§4.2.2 of the Zoning Bylaws requires a minimum side setback of 10.0'. The existing side setback is 7.7' and the proposed side setback is 9.7'. 2.- The existing structure is three and a half (3-1/2) stories. The lowest level of the dwelling is a basement (60.9% of the foundation walls are exposed) and is considered a story.

Proposal

The petitioner proposes to add a third and a half story and third story addition to house to create additional living space.

The applicant has submitted for the Board's review architectural drawings dated November 30, 2019, a proposed plot plan dated November 14, 2019, "Basement Calculations" dated October 3, 2019, a Zoning Checklist dated January 16, 2020, photographs of similar structures in the neighborhood, and a list of 10 signatures from neighbors indicating that they do not oppose the special permit requests.

At the hearing no one other than Applicant spoke in support or in opposition to the application. Applicant presented a note from Maura Kelleher of 18 Long Avenue in support of the application.

Case # 19-40
Address: 81 Oliver Road

Decision

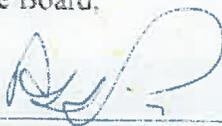
During deliberations the board discussed the applicant's request for two (2) Special Permits and confirmed that the requested modifications are likely not detrimental to the neighborhood.

The Board deliberated on March 2, 2020. The relief sought is two (2) special permits. Special Permits are required in a Single Residence C Zoning District to construct any additions not in compliance with the current zoning regulations. The proposed Special Permits were considered by the Board. The Board found that the proposed additions of three and a half story and third floor do not substantially increase the non-conforming nature of the structure or create a new nonconformity. The Board concluded that the proposed alterations are 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 duly made by Andrew Kelley and seconded by Jim Zarkadas, the Board voted 4-0 to grant the Two Special Permits as requested.**

For the Board,

Dated: March 27, 2020



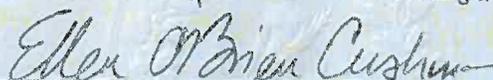
Ara Yogurtian,
Assistant Director
Office of Community Development

CERTIFICATION BY TOWN CLERK

I, Ellen O'Brien Cushman, hereby certify that the decision with regard to the granting of said Two (2) Special Permits with Zero (0) Conditions, was filed in the office of the Belmont Town Clerk on March 30, 2020; further a Scrivener's Error was filed in the office of the Belmont Town Clerk on April 3, 2020.

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.



Ellen O'Brien Cushman, Town Clerk
Belmont, MA

May 28, 2020

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**MODIFICATION OF DECISION TO CORRECT
SCRIVENER'S ERROR**

ISAAC and DYNELLE LONG
ZONING BOARD OF APPEALS DECISION

TOWN OF BELMONT
ZONING BOARD OF APPEALS

Case No.: ZBA 20-10
Property Address: 24 Long Avenue
Dates of Public Hearing: March 2, 2020

In the decision, a scrivener's error was made – the case number and the address on the second page header was inadvertently transcribed.

- On the second page header of the decision, as the case number and address is identified as Case# 19-40 and; Address: 81 Oliver Road. The correct correct case number and address are Case# 20-10 and; Address: 24 Long Ave.

On Behalf of the Zoning Board of Appeals

Date: March 31, 2020



Ara Yogurtian
Assistant Director
Office of Community Development

CERTIFICATION BY TOWN CLERK

I, Ellen O'Brien Cushman, hereby certify that the decision with regard to the granting of said Two (2) Special Permits with Zero (0) Conditions, was filed in the office of the Belmont Town Clerk on March 30, 2020; further a Scrivener's Error was filed in the office of the Belmont Town Clerk on April 3, 2020.

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Ellen O'Brien Cushman, Town Clerk
Belmont, MA

May 28, 2020

