

TOWN OF BELMONT
PLANNING BOARD
MEETING MINUTES

March 19, 2024

RECEIVED
TOWN CLERK
BELMONT, MA

DATE: April 30, 2024

TIME: 11:49 AM

Present: Online: Thayer Donham, Taylor Yates, Carol Berberian, Jeff Birenbaum, Andrew Osborn

Staff: Online: Chris Ryan, Director, Office of Planning & Building; Ara Yogurtian, Inspector of Buildings, Office of Planning & Building; Michelle Blanchette, Recording Secretary, Office of Planning & Building

1. Meeting Called to Order

Mr. Birenbaum called the meeting to order at 7:00pm. Quorum was established.

2. Review and approve Planning Board February 27, 2024 meeting minutes.

MOTION was made by Mr. Birenbaum to approve the Planning Board February 27, 2024 meeting minutes. With all in favor, the Planning Board February 27, 2024 meeting minutes were approved.

3. Public Hearings:

a) Case No. 24-04 Special Permit & Design and Site Plan Approval

190A Lexington Street (GR) – Donald Cusano

Applicant requests One Special Permit and Design and Site Plan Approval under sections 3.3 and 6D-2 of the By-Law to construct a Single family dwelling at 190A Lexington Street Located in a General Residence (GR) zoning district.

Note: Application submittals, meeting agenda & instructions on remote access can be found on the Town's website: https://www.belmont-ma.gov/sites/g/files/vyhlf6831/f/uploads/24-04_application_0.pdf

Note that 190A&B Lexington Street (GR) as referenced above at a) and below at b) were presented simultaneously. Refer to minutes below for discussion points made regarding both units.

Mike Mena, Community Matters presented representing Mr. Cusano. Ms. Berberian questioned the accuracy of the square footage included on the compliance checklist stating that a 4,000 square feet figure should be stated as 4,500 square feet. Ms. Berberian sought clarification on minimum lot size. Mr. Yogurtian stated that the minimum is 4,500 square feet and that a special permit is available for smaller lots. Proposed construction with 4,000 square feet is available by special permit as approved by the Planning Board. Mr. Yogurtian stated that General Residential zoning rules prefer single residences with 45 feet front setback. Mr. Yogurtian added that he had reviewed the plot plan when the application was accepted. Mr. Mena said that plans should be clear from what was posted although one checklist was not posted online. Ms. Donham said that open space would need to be

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45 percent and that this should be stated on the checklist. Mr. Yogurtian said that there was a note for a special permit and offered to ask the surveyor to fix the checklist. Mr. Mena said that 4,000 square feet was included because the developer is applying for the minimum square lot in efforts to be consistent with the requirement. Mr. Birenbaum invited Mr. Mena to continue with the understanding that any action needed would be considered after Mr. Mena presented.

Mr. Mena said that the proposed construction would replace a single-family dwelling in the General Residential district with two new dwellings which would be accessed via driveways on Ripley Road. Mr. Mena stated that the proposed construction meets zoning requirements. Mr. Birenbaum clarified that Mr. Mena is presenting on both projects on the agenda. Mr. Mena affirmed this provided that the Planning Board had no objection. With no objection, Mr. Mena continued. Mr. Mena stated that the applicant, Mr. Cusano, has developed nine single-family homes in the area and shared visuals of these properties. Mr. Mena said that the landscaping between the proposed construction and the parish would be preserved and that a tall wooden fence is planned. Mr. Mena reviewed elevations and indicated that the proposed construction would have horizontal siding with shutters on the windows on the front and sides of the dwellings. Note that shutters were not included on the windows on the sides of the dwellings in the presentation yet Mr. Mena indicated that they would be included. Mr. Mena was open to the Planning Board conditioning on shutters on sides windows and said that he is willing to negotiate. Mr. Mena said that the two dwellings would have different roofs. Mr. Mena said that the height of the two dwellings would not exceed 32 feet which is harmonious with the neighborhood and that open space had been maximized.

At this point, Mr. Birenbaum opened the discussion up to questions from the Planning Board. Mr. Birenbaum asked of the plot plan were certified which Mr. Mena affirmed. Mr. Mena shared the plot plan online. Mr. Birenbaum asked for an architectural site plan, surveys and a landscape plan. Mr. Mena pointed out the list of plantings planned. Mr. Birenbaum asked if there would be condensing units and Mr. Mena responded that they would be at the rear of the dwellings. Ms. Donham asked if they would be screened by landscaping and Mr. Mena affirmed that they would. Mr. Birenbaum asked if Mr. Mena could share details on how the fencing on Lexington Street would descend as you approach the intersection and how the sight line would be in compliance. Mr. Mena did not have any details to present. Mr. Birenbaum inquired about the sidewalk surrounding the proposed construction. Mr. Mena showed that one side of the proposed construction had a sidewalk and that there was no sidewalk on the side of the plot, it is simply grass. Mr. Birenbaum asked if there is a sidewalk behind the property line and Mr. Mena indicated that there is not. Mr. Birenbaum asked if there were a sidewalk which Mr. Mena affirmed and stated that there are some trees which an arborist would need to consult on. Mr. Birenbaum asked if the current dwelling is heated using gas or oil and Mr. Mena was not sure. Mr. Birenbaum asked Ms. Berberian to show the analysis of how the proposed construction compares to the other dwellings in the neighborhood. Ms. Berberian stated that it is in the middle of the TLA and FAR analyses and that the detached garage was not included in the analyses. Mr. Birenbaum asked about the existing curb cuts to which Mr. Mena responded that one existing driveway will be modified. Ms. Berberian asked how the sidewalk would affect the front setback. Mr. Yogurtian responded that there are some bushes encroaching on the space that the Planning Board can condition the sidewalk. Ms. Berberian added that the Town of Belmont's Highway Department might have input. Mr. Yogurtian clarified that it would be the Planning Board that would place conditions, if any, and not the Town of Belmont

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Highway Department. Mr. Birenbaum inquired about landscaping and Mr. Mena stated that he had no detailed landscaping plan to present.

At this point in the meeting, Father Lazarus said that he had reviewed the construction plans. Father Lazarus stated that there would be negative impact on abutters. Father Lazarus said that the visibility of light would be diminished 30 percent with an image of overcrowding. Father Lazarus said that there would be impact on the sewer system as well as traffic. Father Lazarus questioned whether the driveway would allow for three cars. Father Lazarus added that two HVACs would increase noise pollution. Father Lazarus said that the front setbacks were insufficient and questioned whether they meet zoning laws. Mr. Yogurtian interjected to say that there were no zoning issues and that a storm water mitigation system would be added into the back of the building which would discharge storm water back into the ground. Father Lazarus said that there would be storm water runoff and added that water had already entered the hall of his church. Father Lazarus said that no one approached him or other neighbors about the proposed construction and cited Section 7.3.3 Application Procedures which include the best practice of discussing proposed construction with abutters prior to submitting an application for a permit. Father Lazarus also shared a document retrieved from the Massachusetts Historical Commission (294 Washington Street, Boston) which suggests that the building current on site may have architectural and historical significance. Father Lazarus said that he was in opposition to the proposed construction due to anticipated highly negative impacts. Father Lazarus added that allowing a construction project such as this would create precedence for others. Father Lazarus said that he would favor a single unit construction project.

Ms. Donham inquired if this property is protected under demo-delay. Mr. Yogurtian responded that he does not believe that it is and that he would check tomorrow. It was then said that if this property is included on the demo-delay list the options are to either wait one year or have it moved. Mr. Mena then said that this property is not included on the Town of Belmont's demo-delay list. Mr. Mena said that he believes that the property dates back to the 1880-1890s timeframe; whereas, Father Lazarus said he believes the property dates back to the 1855-1860 timeframe. Mr. Birenbaum requested a copy of the document that Father Lazarus shared. Mr. Birenbaum then asked the Planning Board for insights into how the Massachusetts Historical Commission works. Ms. Donham explained that there was a national program years back to survey all buildings over 50 years old. Inclusion in the survey does not mean that the property is historically significant and there is no policy available to enforce the denial of a demolition. If a property were included on the Town of Belmont's demo-delay list, then Town of Belmont requirements would apply with no other recourse. Ms. Donham said that the state of Massachusetts does not allow for the denial of demolition. Ms. Donham offered to provide a presentation on this if the Planning Board wanted.

Mr. Birenbaum inquired what privileges were available by right under a special permit for two single family homes. Mr. Yates said that the owner can subdivide and build what is being proposed. Mr. Birenbaum asked if there were any issues with subdivisions to which Mr. Yates stated no. Mr. Birenbaum then raised questions related to elevations. Mr. Birenbaum asked Father Lazarus how he had determined that the construction project in question would result in a 30 percent reduction of light. Father Lazarus stated that he had spoken with neighbors and made a visual estimation. Mr. Birenbaum inquired re the elevations to peak for each unit. Mr. Mena responded that unit A is

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designed to be 28.14 feet tall and unit B 28.84 feet tall. Mr. Mena said that the proposed construction would be situated north of Father Lazarus' parish and that any exposures would be cast in the opposite direction as Belmont has southern exposures. Mr. Birenbaum said that the proposed construction does not warrant a shade study. Mr. Birenbaum then asked how long the proposed driveway would be. Mr. Mena said that the driveway meets the requirements for 2-car parking referencing code requirements of 18 feet by 10 feet. Ms. Donham stated that 20 feet by 12 feet and 18 feet by 9 feet are other standards. There was a discussion about how measurements are taken. Father Lazarus said that is the potential for 6 cars, three in each of two proposed driveways. Mr. Mena said that he had a conversation with the church regarding the proposed fence and that they did not seem opposed. Mr. Mena had agreed to work with the church on selecting a fence and vegetative buffers and does not recall the objections. Mr. Birenbaum asked Mr. Mena if he were opposed to meeting with the parish and other neighbors to address concerns and share information. Mr. Mena said that he would be happy to have such a meeting and is a friendly builder who wants to cooperate. Mr. Birenbaum then asked Father Lazarus if he would be willing to meet with the development team to which he replied yes. There was a brief conversation –as to whether the driveway of the proposed unit at 190B Lexington Street meets code to which Mr. Yogurtian stated that the proposed construction is in compliance under Section 6D. Mr. Birenbaum suggested that the parties have a transparent conversation and requested a copy of the survey that Father Lazarus shared.

Mr. Birenbaum then opened the meeting to comments from the public of which there were none.

Mr. Birenbaum then opened the meeting to comments from the Planning Board. Ms. Donham stated that an updated zoning compliance checklist is needed and that the final package documentation needs to be cleaned up. Mr. Mena expressed that the applicant was hoping for a vote tonight and is willing to collaborate on fencing, landscaping and parking to ensure everything is good. Mr. Birenbaum stated that responsible development includes being a good neighbor and having conversations with neighbors to understand their perspectives. Ms. Donham added that more would be expected at the next meeting including a historical report, accurate checklist and meeting with neighbors.

MOTION was made by Mr. Birenbaum to continue this case until the time of the Planning Board's next meeting on April 9, 2024. SECONDED by Ms. Donham. With all in favor, the motion passed.

b) Case No. 24-05 Special Permit and Design and Site Plan Approval

190B Lexington Street (GR) – Donald Cusano

Applicant requests One Special Permit and Design and Site Plan Approval under sections 3.3 and 6D-2 of the By-Law to construct a Single family dwelling at 190B Lexington Street Located in a General Residence (GR) zoning district.

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Note that 190A&B Lexington Street (GR) as referenced above at a) and b) were presented simultaneously. Refer to minutes at a) for discussion points made regarding both units.

c) Case No. 24-06 One Special Permit

91 Kilburn Road (SRC) – Andrew Lilley

Applicant requests One Special Permit under §1.5.4 C (2) of the Zoning By-Law to construct an enclosed front porch at 91 Kilburn Road. §1.5.4C of the By-Law allows alteration or structural change increases, that increase the Gross Floor Area of a non-conforming structure (minimum required lot area is 9,000SF, existing and proposed lot area is 8,820SF) more than thirty percent (30%) within a period of five years by a Special Permit granted by the Planning Board. Special Permit: The Gross Floor Area of the existing structure is 1,871 square feet. Our office has issued a permit for an addition of 560SF, an equivalent of 29.9%. The proposed enclosed entry will add 69.4 SF to the proposed Gross Floor Area and will make the proposed addition 33.6%. This additional expansion will be allowed by a Special Permit granted by the Planning Board.

Note: Application submittals, meeting agenda & instructions on remote access can be found on the Town's website: https://www.belmont-ma.gov/sites/g/files/vyhlif6831/f/uploads/24-06_91_kilburn_road_pb_app.pdf

Mr. Andrew Lilley was not present on the Zoom platform. Mr. Yogurtian commented that he had sent Mr. Lilley an email reminder. Since Mr. Lilley was not present at this meeting, it was agreed that this case would be included on the Planning Board's April 9, 2024 meeting agenda.

4. The MBTA Advisory Committee will provide updates to the Board.

Rachel Heller shared that a round table meeting took place on Thursday. Ms. Heller said that everyone is working from Roy Epstein's map and added that demo-delay properties have been brought back into the calculation. Ms. Heller stated that there is a new consulting team who will assist with drafting zoning language. There is a plan to meet on April 2, 2024 to agree on a map to be provided before the Planning Board's next meeting on April 9, 2024. Ms. Heller said that there is an intention to have a community meeting to share the map that will move forward to the Planning Board. Mr. Ryan added that the scope of work and contract for the new consultant, Utile, would be finalized tomorrow. Utile has done great work in both Newton, MA and Burlington, VT.

Mr. Birenbaum stated that the Mandatory Mixed Use map is needed as soon as possible once the proposed zoning map is finalized. Mr. Ryan stated that a Mandatory Mixed Use map would be presented to the state of Massachusetts for approval to confirm that the zoning is appropriately located. Mr. Ryan added that the EOHLC has a backlog and not enough time to get to all requests. Ms. Heller stated that the state of Massachusetts approves locations. This happens before review of the overall proposal. The EOHLC's turnaround of proposed Mandatory Mixed Use maps can be expected to be quick. For other matters, the EOHLC's turnaround is generally about 90 days. Ms. Heller said that the state of Massachusetts wants to approve Mandatory Mixed Use maps ahead of time and clarified that Mandatory Mixed Use districts do not count towards 3A. Mr. Birenbaum expressed that he wants to proceed with caution with reporting into governmental agencies as edits can be troublesome. Ms. Berberian inquired if the committee had voted on a map. Ms. Heller replied that a vote had not yet been taken and that two maps are being presented Thursday night. There is a need to reconcile information that Utile has to the compliance model.

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Clarification on whether BHA units would be eligible is needed. Mr. Birenbaum inquired if a Mandatory Mixed Use map alone should be filed with the EOHLC or including everything else. Mr. Epstein responded that it could just be the Mandatory Mixed Use map. Mr. Birenbaum stated that he would like the Mandatory Mixed Use map to be presented to the Planning Board as the first order of business at the April 9, 2024 meeting. If approved, Mr. Ryan would submit to the EOHLC.

At this point in the meeting, Mr. Birenbaum welcomed comments from the Planning Board.

Mr. Yates requested that the timeline be plotted backwards from the due date including what needs to be done and when. Ms. Heller recommended that the Mandatory Mixed Use map be submitted to the EOHLC before the overall filing is made. Mr. Epstein mentioned that every parcel in the business district is included now including Waverly Square, Belmont Center and the Brighton Street area. Mr. Epstein clarified that the meeting aforementioned is actually taking place tomorrow and welcomed representation from the Planning Board. Mr. Epstein added that if all of the Planning Board were to attend, it would constitute a Board meeting and thought it best if two members would attend. Ms. Donham and Mr. Ryan indicated that they would attend. The meeting is taking place at 7:30pm at the Homer Building. There will also be a remote option.

Mr. Ryan presented a to-do list showing that items in yellow and with checkmarks are completed. Items in white remain to be done. Tasks are aligned with the expectation of being ready for the public forum planned for the first week in April, 2024. The last task is to have an economic feasibility analysis. The first notice in the newspaper will appear by May 31, 2024 and the second notice by June 7, 2024. The public hearing will open on June 18, 2024. The warrant is expected to close on August 12, 2024. There is a 90-day leadtime. Mr. Ryan agreed to send a revised document tomorrow. The Planning Board will have some time yet will need to work close to the deadline. Ms. Berberian asked when information would be made available to the Planning Board. Ms. Heller indicated that it should be available by April 4, 2024 after a vote on map and corresponding narrative on April 3, 2024. Mr. Ryan added that the narrative would describe the full process that lead the Planning Board to where it is today providing context and background. Mr. Birenbaum asked what Utile is working on and how they are working without an approved map. Mr. Ryan responded that Utile is performing planning tasks including making site visits, meeting with co-chairs and Mr. Birenbaum. Mr. Ryan said that he would share the schedule and offered to carry questions from the Planning Board and Ms. Heller and Mr. Epstein. Ms. Berberian asked what information Utile is using. Mr. Epstein responded that Utile is starting to work on zoning language and does not need maps in order to do so. Ms. Berberian asked how Utile could start working without a map. Mr. Epstein responded that it is the Planning Board that will review and approve a map and that it is not Utile's role. Mr. Yates inquired about the funding available for Utile once it receives anticipated adjustments from the Planning Board. Mr. Epstein responded that it would depend on the types of adjustments and that map changes could be made by the Planning Board. Mr. Epstein said that Utile will tell the Town of Belmont their recommendations on a handful of assumptions. Mr. Birenbaum asked if there is a specific contact at EOHLC. Mr. Ryan responded affirmatively and said that Mr. Chris Clutchman, who head the division, is a contact. The Planning Belmont could reach out to Mr. Clutchman on significant issues, if any. Mr. Ryan added that Mr. Clutchman reports to the Secretary of Massachusetts. Ms. Heller said that she sent the meeting link for tomorrow night's meeting to Mr. Birenbaum and Ms. Donham.

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Mr. Birenbaum asked if there were any other questions from the members of the Planning Board of which there were none.

5. Update on Cases, Planning Board Projects and Committee Reports.

Changes to Zoning Bylaws were submitted to the Town of Belmont Select Board. Mr. Ryan stated that he took snips and included explanations in hopes that the annotated version would be helpful for Town Meeting. Mr. Birenbaum requested that Mr. Ryan make 30 hardcopies which Mr. Ryan agreed to do. There was a conversation about how to best inform Town Meeting members about changes to zoning bylaws in advance. To this end, Mr. Ryan offered to speak with the moderator. Mr. Yogurtian added that the Town Clerk's Office would circulate the information. Ms. Berberian added that the League of Women Voters is also a good network for assistance with spreading information. Mr. Birenbaum stated that he wants to ensure that the Planning Board communicates that changes effectively and has a means to collect questions. It was said that any questions could be sent to planning@belmont-ma.gov. Ms. Donham said that a communication strategy is needed in advance. Mr. Ryan agreed to prepare a PowerPoint presentation. Ms. Donham added that there could be a mention of this on the Planning Board's website and an article of interest included in the Belmont Voice newspaper.

6. ADJOURNED

MOTION was made by Mr. Birenbaum to adjourn the meeting at 9:06pm. SECONDED by Ms. Donham. With all in favor, the meeting was then promptly adjourned.

The Planning Board's next scheduled meeting will be held on Tuesday, April 9, 2024.