

**TOWN OF BELMONT
PLANNING BOARD
MEETING MINUTES**

January 16, 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 Community Development

1. 7:10 PM CALL MEETING TO ORDER

Mr. Birenbaum called the meeting to order at 710pm. Quorum was established.

2. PUBLIC HEARINGS

- a) Case No. 24-01 Special Permit & Design and Site Plan Approval
190 Lexington Street (GR) – Donald Cusano

Applicant requests One Special Permit and Design and Site Plan Approval to under sections 3.3 and 6D-2 of the By-Law to construct a two-family dwelling at 190 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/vyhlif6831/f/uploads/24-01_application.pdf

Mike Mena of Community Matters stated that he is representing Mr. Cusano, a local and well-known real estate developer, in this matter. Mr. Mena indicated that he works as a permitting consultant and is a former urban planner. Mr. Mena presented plans to demolish the current single-family home on site and to build a colonial style, two-family home with a plan for each unit to have two parking spaces. Mr. Mena expressed that the current single-family home on site is not considered to be historical and that there are similar two-family homes in the immediate area. Mr. Mena stated that the driveways would meet zoning requirements and the overall height of the proposed two-family house would approximate 25 feet compliant with the 32-foot limit. Mr. Mena stated that in each unit the basement would have a bathroom and egress windows, the first floor would have a living room, dining room, kitchen and bathroom and the second floor would have two bedrooms. Mr. Mena stated that neither unit would have an attic, just access to the attic space. Mr. Mena stated that the front of the house would have shuttered windows whereas the windows on the back of the house would not. Plans for the sides of the proposed two-family home included few side windows and it was expressed that more windows on the sides of the two-family home would be preferable. Mr. Mena presented project data including required, existing and proposed data points.

Ms. Berberian raised the point that the 1040 square feet included in the narrative did not match what was being presented. Mr. Mena agreed that 2080 square feet was the accurate figure. As a result, the neighborhood analysis performed was inaccurate and public notice included incorrect total square footage.

Ms. Donham inquired as to a landscape plan. Mr. Mena did not submit one yet stated that there were plans to plant trees on the Lexington Street side as well as other low-level plantings. Ms. Donham stated that a landscape plan needed to be included as a part of the submission.

Ms. Donham inquired as to the reasoning behind not planning the two-family home closer to Ripley Road and stated that the proposed layout crowds the bottom of the site plan. Mr. Mena expressed that the site plan of existing property has the same set back parameter and that efforts were made to remain consistent with the current layout of the single-family on the lot. Ms. Donham expressed that she would like the proposed layout to place the two-family home set back closer to Ripley Road.

At this time, Mr. Birenbaum stated that he wanted the Board to ask questions and then move on to public comments. Mr. Yates and Mr. Osborn had no questions. Mr. Birenbaum asked the reasoning behind building a two-family and not rehabilitating the current single family. Mr. Mena stated that the floor plan of the current single family is not amenable to a two-family home. Mr. Mena added that the house dates back to the 1890s and renovations to it would be both difficult and expensive.

Mr. Birenbaum asked to see the neighborhood plan. It was noted that the neighborhood has other two-family homes from the time of the 1920s and 1930s.

Mr. Birenbaum inquired about the materials to be used for the exterior of the proposed two-family home. Mr. Mena indicated that the plans provide for cedar shingles on gables, horizontal siding, architectural shingles on the roof and vinyl windows.

Ms. Berberian reiterated her concern that the initial neighborhood analysis was incorrect due to the error submitted in the total square footage figure. Ms. Berberian expressed again her concern that there was an error in the notice to abutters. Ms. Berberian noted that a landscape plan was required yet not submitted. The total square footage of 4,160 would make the proposed two-family home one of the largest in the neighborhood at approximately the 98th percentile.

At this time, the meeting was opened to public comment. Speakers were asked to provide their name and address before commenting.

1. Father Lazarus stated that he would like to preserve the borders and fence. Father Lazarus asked that the trees not be cut as they are a natural resource and also provide privacy.
In response, Mr. Mena stated that he does not feel that this would be an issue from his knowledge and understanding of the owner.
2. Brian Keefe of 195 Lexington Street stated that he was concerned about the view from Lexington Street and believes that there need to be more windows on the side of the proposed two-family home. In Mr. Keefe's opinion modern windows with fewer panes are best.
3. Ogden Sawyer of 181 Lexington Street expressed concern about the placement of the driveway in proximity to Lexington Street. Mr. Sawyer indicated concern about the line of sight when exiting the planned driveway into the busy street. Mr. Sawyer also shared that more windows would improve the appeal of the proposed two-family home.
In response, Mr. Mena stated that the driveway is 18 feet wide and that people would be able to back out.
4. Chris Ryan asked that the curb cuts be checked with the Belmont Department of Public Works (DPW) to ensure all viable.
Mr. Yogurtian stated that Bylaws require 20 feet of clearance and that fencing cannot exceed three feet until after the 20 foot mark when they may be as tall as six to seven feet.
Mr. Birenbaum stated that both a landscaping and site plan will be needed in the next package including curb cuts.
5. Kate Grimes' question was addressed by the Board on her behalf due to connectivity issues. Ms. Grimes included her question via the Zoom platform in writing. Ms. Grimes questioned whether the current single-family home on site is historic and therefore should be protected.
Mr. Birenbaum continued the point and asked if anyone knew the historical significance of the current single-family home? Mr. Birenbaum mentioned the possibility of performing a title search.

Ms. Donham suggested that the Belmont Historic Commission be consulted and stated that this question needs to be resolved.

Ms. Berberian voiced Ms. Grimes' other comment that 174 Lexington Street is a single family.

After public comments were received, Mr. Birenbaum inquired as to renderings and Mr. Mena indicated that they had been shared. Mr. Birenbaum asked that the revised renderings show the proposed two-family home placed further back. Mr. Birenbaum requested that the revised renderings be 3D. Mr. Birenbaum requested that a landscaping plan be provided showing fences, condensing units and a lot more detail.

Ms. Berberian inquired how to accurately measure setback. Mr. Yogurtian indicated that it is measured to the foundation of the new building.

Mr. Birenbaum inquired how the elevation of the proposed two-family home would relate to abutting properties. Mr. Birenbaum asked that public comments be included in the revised package.

MOTION was made by Mr. Birenbaum to continue consideration of this request at the time of the next meeting on February 6, 2024. Ms. Berberian seconded the motion. Motion passed with a unanimous vote.

The notice to abutters will be reposted on the Town of Belmont website with correct square footage figures.

b) Case No. 24-02 Waiver to Erect a Sign

30 Church Street (LBI) – Acton Management

Applicant requests a Waiver under section 5.2.2 of the By-Law to alter an existing sign at 30 Church Street located in a Local Business I (LBI) zoning district. Section 5.2.7 of the By-Law requires “non-confirming signs as a result of a change to this By-Law are subsequently enlarged, redesigned, replaced, or altered in any way including repainting in a different color, shall comply immediately with all the provisions of this By-Law....”. Applicant requests to retain existing standing sign frame structure with new sign design.

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/24-02_30_church_street.pdf

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For this agenda item, there was no online participation. Mr. Yogurtian indicated that notice was given to the abutters.

MOTION was made by Mr. Birenbaum to carry this agenda item to the next scheduled meeting on February 6, 2024. Ms. Berberian seconded the motion. Motion passed with a unanimous vote.

c) Case No. 24-03 One Special Permit

36 Tobey Road (SRC) - Jeffrey Kerner

Applicant requests One Special Permit under section 1.5 of the By-Law to construct a two story addition at 36 Tobey Road Located in a Single Residence C (SRC) zoning district. §1.5.4 C (2) of the Zoning 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 6,192SF) more than thirty percent (30%) by a Special Permit granted by the Planning Board. The existing Gross Floor Area is 1,520 square feet and the proposed addition is 1,237 square feet or 81.4%. The expansion is 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/vyhlf6831/f/uploads/24-03_application_revised.pdf

Mr. Yogurtian explained that the reason this matter was brought to the Planning Board is that a Special Permit is needed as the proposed addition exceeds 30% of the Gross Floor Area. It was discussed and determined that the proposed addition would represent an expansion of approximately 81.4%, or 51.4% over the standard 30% increase in Gross Floor Area allowed. Mr. Yogurtian shared that this proposal was a Zoning Board of Appeals case originally and, at the time, Lisa and Jeff Kerner had planned to keep their garage intact. Lisa and Jeff changed their plans and withdrew their former application. Their current modified proposal includes the elimination of the garage and reducing the size of the deck.

Mr. Richard Boccelli, Jr., AIA, NCARB stated that he was representing the owner and that he had received the Special Permit submittal checklist. Mr. Boccelli went on to say that he is an architect representing Lisa and Jeff Kerner. He expressed that Lisa and Jeff Kerner are interested in the addition under discussion in order to meet the current and future needs of their family including working from home and accommodating guests. Mr. Boccelli stated that he believes that the only issue at hand is the matter of the increase in Gross Floor Area. Mr. Boccelli stated that the style of the proposed addition is harmonious with the Kerner's home as well as the neighborhood and that the proposed changes to the landscape would decrease impermeable and increase permeable land. Mr. Boccelli explained that the landscape plan included an oxygen-rich buffer and that air conditioners and condensers would be tucked into the landscape.

Mr. Boccelli shared architectural plans and explained that the addition would be on the back of the house with the plan to take down the garage and replace it with a small shed intended for storage. A detailed landscape plan was shared which Ms. Berberian stated that she appreciated. Mr. Berberian demonstrated a neighborhood analysis which indicated that 36 Tobey Road with the proposed addition would be in the approximate 70th percentile for the neighborhood.

Mr. Boccelli indicated that Lisa and Jeff Kerner met with their neighbors and have seven written letters of support. Several of Lisa and Jeff Kerner's neighbors attended the meeting online and expressed support for Lisa and Jeff Kerner's proposed addition. The following Belmont residents offered the following public comments:

1. Rachel Gold of 26 Plymouth Avenue stated that she is in favor of the proposed addition as the Kerners are a wonderful family with energy and enthusiasm and that their current house is too small.
2. Kevin Bronson stated that he lives across the street from Lisa and Jeff Kerner, knows their children and supports their project. Mr. Bronson expressed that Lisa and Jeff Kerner are good neighbors who he wants to stay and, to do so, their house will need to meet their needs.
3. David Rodgers referenced Mr. Bronson's statement and expressed that he is supportive of Lisa and Jeff Kerner's project.
4. Bobby McShane of 43 Albert Avenue stated that he is fully supportive of Lisa and Jeff Kerner's project.
5. Vagla of 275 Brighton Street expressed that Lisa and Jeff Kerner are nice and host social gatherings and that she is supportive of Lisa and Jeff Kerner's project.
6. Hilary and Devon Bush of 2 Bradford Road stated that Lisa and Jeff Kerner are solid neighbors and that they are supportive of their project.

There were no opposed from the public online.

MOTION was made by Mr. Birenbaum to approve Lisa and Jeff Kerner's request cited above as presented. Ms. Berberian seconded the motion. Motion passed with a unanimous vote.

3. The Board discussed potential upcoming zoning changes to be proposed to be approved in Spring, 2024 by Town Meeting.

Mr. Yogurtian reviewed a series of corrective changes to zoning bylaws language including:

1. Mr. Yogurtian suggested adding the word 'group' to the definition of family in Section 1 – General as this is needed on group leases with unrelated individuals. The Board expressed that this is not needed as under MA law, there is joint liability for joint tenancies.
2. Mr. Yogurtian expressed the need to align the Planning Board's consideration of a basement with that of the Town Assessor. Currently, the Planning Board's definition allows for basements to be 6 feet in height. The new definition would require them to be a minimum of 7 feet in height. This is measured floor to ceiling, finished surface to finished surface. Mr. Birenbaum agreed.
3. Mr. Yogurtian headed a discussion of how to calculate Floor Area Ratio (FAR) and whether or not it should align with Total Living Area (TLA). Points of discussion included whether a garage's square footage should be included in the calculation of square footage; consideration of residential and commercial types – for example, in a commercial building, the space above 15 feet in height is considered another floor; suggestion to include only those residences equal to or less than four-unit dwellings; whether to include or exclude apartment buildings; consideration of MBTA needs and the potential for industrial conversion to residential units. After discussion, Mr. Yogurtian agreed to clarify the proposed language and present at an upcoming meeting.
4. Mr. Yogurtian headed a discussion about how to distinguish between a cellar and a basement. The difference is that a basement counts as a story; whereas, a cellar does not. To further clarify, a cellar's foundation is underground by 60% or greater. Breezeways do not count towards square footage calculations as they have no foundation. There is a requirement for garages (and sheds) to have at least five feet clearance from a house or other structure. Attached garages are considered to be a part of the building their attached to; otherwise, they are treated as an accessory structure. Ms. Berberian clarified that ground level is where a car enters a garage. Mr. Yougurtian defined grade as the soil surrounding the walls. Mr. Birenbaum questioned how landscape changes could affect grade. The discussion evolved into the difference between average grade and weighted-average grade. Open and recreational spaces (such as tennis courts) were discussed. Mr. Yougurtian indicated that these are covered elsewhere and struck them out.
5. Mr. Yogurtian headed a discussion of pergolas. Pergolas are classified as 'other' and are not treated as accessory structures. Pergolas are structures incidental to the primary structure and not intended for storage, nor are they habitable as they are open structures (not enclosed) and do not have heat or air conditioning. It was added that swimming pools need to be at least 25 feet from the rear line of a property as people gather there.
6. Mr. Yogurtian headed a discussion of setback. Setback is defined as the distance from the building to the street or property line. The phrase 'street line' was added to the definition. Right

of way was then discussed and how to best incorporate it into the definition. Mr. Ryan added that right of way is defined by the Town of Belmont and that surveyors associated with the Department of Public Works define the line. Street maps exist which document where a given right of way is. Mr. Birenbaum expressed that set back is defined by the property line. Mr. Yogurtian and Mr. Ryan agreed to clarify the language in this area.

7. Mr. Yogurtian headed a discussion on Total Living Area (TLA) which is defined as Gross Floor Area (GFA) excluding garages and storage/tool sheds. Mr. Yogurtian stated that GFA and TLA are both measured from the exterior walls of a dwelling. Mr. Yogurtian indicated that he would check the language used by the Town of Belmont Assessor to ensure that the Planning Board's definition is harmonious. Mr. Yogurtian also stated that GFA exceptions may need to be clarified. Mr. Yogurtian wants to add reference to GFA to the TLA definition.
 8. Mr. Yogurtian suggested correcting a typo and changing 'B section' to 'C section' related to Bylaw 1.5.4. Mr. Yogurtian indicated that if a building is damaged more than 50 percent, its repair should be completed within three years. Mr. Yates agreed to consider.
 9. Mr. Yogurtian suggested adding 'new' to the header of Section 6d2 as it only applies to new buildings in General Residential (GR) districts. Mr. Birenbaum asked whether it would apply to buildings undergoing 90% renovation and Mr. Yogurtian responded that this Section would not apply as it only applies to completely new buildings.
 10. Mr. Yogurtian would like to change the name of 'Performance Standards' to 'Development Standards' re Zoning Bylaw 1.5.4.a. Mr. Yates suggested calling them 'Zoning Standards'. It was agreed to carry this question to Town Council. Mr. Ryan stated that the next meeting on February 6, 2024 would be under public hearing.
 11. Mr. Yogurtian headed a discussion re Section 4.3.3 regarding Front and Rear Porches. Mr. Yogurtian indicated that Section II is being added. It was said that adding permanent coverage such as roofing or awning projecting no more than four feet from the face of a building is allowed. Mr. Yogurtian expressed the importance of maintaining harmony with neighboring houses. In the case of a two-family, more space is needed. Porches cannot extend beyond side setback. Setback needs to allow space and 10 feet is standard. Mr. Yogurtian asked the Planning Board for their review and input and intends to rework how this area is written. Ms. Donham stated that there is no incentive for porches as architects want to put the square footage in buildings.
4. There were no updates on Cases, Planning Board Projects or Committee Reports. Mr. Birenbaum indicated that this agenda item would be discussed at the next meeting.
 5. Adjourn

MOTION was made by Mr. Birenbaum to adjourn the meeting at 9:22pm. Ms. Berberian seconded the motion. With all in favor, the meeting was then promptly adjourned.

The Planning Board's next scheduled meeting will be held on Tuesday, February 6, 2024.