

**TOWN OF BELMONT
PLANNING BOARD**

MEETING MINUTES

February 4, 2014

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7:00 p.m. Meeting called to order

Present: Michael Battista, Chair; Elisabeth Allison, Vice Chair; Sami Baghdady; Charles Clark; Joseph DeStefano, Karl Haglund, Jeffrey Wheeler, Liaison to the Planning Board

7:00 p.m. Potential Zoning Amendments to Address the GR Demolition Moratorium

Mr. Battista stated that the Board has not yet reviewed new materials they received pertaining to this matter. The Board held a working session the other day where they discussed the definition of non-conforming.

Discussion ensued regarding the various definitions of structures, and also of the need to clarify whether a tear down of a single family home on a non-conforming lot to build more than one or several 2 family homes should apply to a lot size of less than 5,000 feet or less than 7,000 feet. Mr. Baghdady asked for clarification of the definition of a two family house and a duplex. He asked if a floor could be defined as a common wall, and stated that definitions needed to be clearer. Mr. Clark agreed that the definitions had to be clearer. Mr. DeStefano suggested defining single family homes as one that is designed for occupancy by one family. He was also concerned that there might be a lot of tear downs of single family homes on non-conforming lots less than 5,000 square feet. Mr. Battista confirmed that any non-conforming lot needs a Special Permit. Ms. Allison noted that the town loses money when a single family home is converted to a two family.

Mr. Wheeler suggested rezoning certain areas that contain single-family homes as Single Residence C since development of two-family homes could jeopardize these neighborhoods. Mr. Haglund wanted to view the properties in question. Ms. Allison suggested that not a lot of time be spent on the re-zoning issue since it would not be completed in time for Town Meeting. She also asked for a list of properties in the town whose lot size was 5,000 feet, and also those on lots of 7,000 feet. Mr. Baghdady agreed since it was not the Board's charge to merely extend the zoning lines, but to address and rectify the larger problem. He suggested a solution that would address and slow down the abuse of contractors.

Mr. DeStefano stated that developers are making a mess and taking value away from their neighborhoods, and strongly felt that the duty of the Board was to ensure that they protect the property. He stated that people moving to Belmont wanted green space.

Mr. Clark suggested having an outside zoning expert to take a look at the problem. He further warned about putting regulations in place that no one could meet, as they could be challenged in court. He also felt that the Board should say that lots less than 7,000 square feet could not be developed. Mr. DeStefano felt that the cut off should be 5,000 square feet, even though as a developer it would impact him.

Mr. Baghdady asked whether or not the purpose of the moratorium was to prevent all 2 families from being built, or just 2 families that were out of character with the neighborhood.

Comments from the Audience

Judith Ananian Sarno, 30 Waverley Terrace, clarified the intent of the moratorium was to give the Town the time to develop solutions to address the problem, not to prevent all 2 families from being built. She stated there was an urgency to address the problem now.

Eli Kazanjian, 355 School Street, expressed concern that all homes in the General Residence Zoning District will be 2 families and didn't think moving the zoning line would help address the problem.

Mr. Battista asked the Board if it agreed that the lot size should be set at 5,000 square feet. Anything between 5,000 and 7,000 feet will need a Special Permit. Mr. Baghdady went on record as saying he did not agree with these changes, but respected the decision of the Board. He explained that when he was Chair he told people at one of the public hearings that the intent was to stop the abuse, not prevent the rights of property owners to build a two family home, and therefore did not want to restrict the public/community process. Mr. Battista felt that the public process can help refine the issues. Mr. Haglund commented that property rights will always represent a balance between personal rights and the greater good of the community.

The Board agreed with the following:

- A two family or two unit home could not be built on a lot less than 5000 square feet.
- A Special Permit would be needed for lots between 5,000-7,000 square feet when tearing down a single family home and replacing it with a 2 family.

(Joseph DeStefano exited at 8:40 p.m.)

Ms. Allison expressed concern that future Board will reverse their actions. Mr. Battista suggested discussing this issue at the next meeting after the Board had a chance to review the materials on this issue.

8:45 p.m. Requested Zoning Amendments from Other Town Departments:

Common/Shared Driveways – The Board did not discuss this issue.

State changes to the Animal Control Law - Mr. Wheeler explained that the state adopted new regulations regarding kennels that included new kennel definitions. As a result, the Town was advised to amend the Zoning By-Law to reflect these changes.

9:00 p.m. Ongoing Planning Board Projects

Implementing the Demolition Delay By-Law - Mr. Battista reported that the Attorney General approved the town's Demolition Delay By-Law.

Implementing Cushing Village - Mr. Wheeler reported that he had a preliminary "meet and greet" with the developer.

Mr. Haglund reported that he and Mr. Wheeler met with three representatives of the Cushing Square Overlay District to discuss potential amendments to the By-Law. Mr. Baghdady commented that the intent of the By-Law was to encourage commercial and residential development. Mr. Clark stated that residential development is driving the market now, and that it would be hard to develop without a significant residential component. Mr. Wheeler noted that the neighborhood wanted more design standards set. Mr. Haglund suggested further discussions with the neighborhood take place.

Comments from the Audience

Don Becker, 35 Horne Road, commented that when the By-Law was written the neighborhood believed there would be clear guidelines for height, mass and density. He said subjective standards are difficult to enforce, and asked that those standards be clearer and less subjective. He suggested eliminating the 4th story component of the By-Law because the area cannot sustain anymore buildings of that height. He suggested that the Board could put forward an article to Town Meeting with the FAR change from 3.0 to 2.0. He feels those limitations will be consistent with the original intent of the By-Law.

The Board agreed to continue to look at amending the By-Law in the future.

9:20 p.m. Planning Board Administration

Calendar - The Board discussed tentative meeting dates for February and March.

Committee Updates

Mr. Clark reported that the Housing Trust is preparing a Housing Production Plan and would like to get guidance from the Planning Board after Town Meeting.

Mr. Battista reported that the Capitol Budget Committee will be meeting soon.

Approval of Minutes

Moved by Ms. Allison to approve the minutes. Seconded by Mr. Clark, and it passed unanimously.

Adjourned – 9:35 p.m.