

**TOWN OF BELMONT**  
**PLANNING BOARD**  
**MEETING MINUTES**  
**December 20, 2022 AMENDED**

**RECEIVED**  
**TOWN CLERK**  
**BELMONT, MA**

DATE: March 10, 2023  
TIME: 8:50 AM

**Present:** Matt Lowrie, Chair; Thayer Donham; Jeff Birenbaum; Karl Haglund, Carol Berberian; Renee Guo

**Staff:** Ara Yogurtian, Assistant Director, Offices of Community Development

This meeting was held remotely using Zoom video conferencing technology, as permitted by the Massachusetts Act Relative to Extending Certain State of Emergency Accommodations, that became effective July 16, 2022.

Mr. Lowrie introduced Planning Board members and reviewed a summary of the items that were on the agenda.

**1. Meeting Called to Order 7:00 PM.**

**2. Continued Cases:**

**a) Case No. 22-16 - Design and Site Plan Review 350 Prospect Street – Belmont Hill School Proposal to construct a new parking lot and Facilities Building on land east of Prospect Street, along with minor changes to existing parking at 350 Prospect Street (off Marsh Street). The school is located in the Single Residence A (SR-A) Zoning District and the proposed work will be conducted at the joint properties of 283, 301, 305, 315, and 350 Prospect Street & 12 and 20 Park Avenue.**

Renee Guo recused herself from this case.

Ms. Garvin, Town Administrator, clarified that the December 6, 2022 meeting was not official because it was posted to the website calendar late. Mr. Lowrie asked the public if there was anyone who would like to claim prejudice to the agenda posting delay.

Mr. Fitzgerald, Goodwin Proctor, Attorney for the Belmont Hill School, noted that he would like some extra time to consider the implications of the violation. He suggested that they proceed and then respond to whether there were any concerns about proceeding with the hearing.

Ms. Austin, Attorney, speaking on behalf of the neighbors, noted that she did not understand that there would need to be a “prejudice”. She said that they could not just sidestep this and move forward. It might make a difference to the Belmont Hill School as to whether they have “crossed all of the t’s and dotted all of the i’s”.

Mr. Lowrie briefly reviewed slides describing the Dover Amendment, the existing parking at Church, existing event overflow parking, aggregate volume of added parking, main campus – Zamboni middle (unaltered) and upper lot, east lot uses, maintenance facility uses and lastly, lawyer responses.

Mr. George Hall reviewed the Dover Amendment and the types of limitations that could be imposed by the Planning Board. All of the uses on the east campus that are being proposed are very clearly covered by the Dover Amendment. The Town cannot prohibit an educational use by a non-profit educational institution, but it may impose reasonable regulations related to bulk and height of structures, setbacks parking and many dimensional limitations. This facility complies with all the underlying zoning regulations with the exceptions of the requirements that the adjacent driveways be separated from each other by 150' and the school is seeking a waiver. The school will be required to show that it can't be reasonably applied to them without significantly limiting their ability to carry out the project as they intend. Design Site Plan Review is applicable, and it is limited by the DSPR as this is an allowed use. He reviewed some of the items of issues that have been submitted by concerned citizens and described that they were incorrect. Mr. Hall explained the issues as:

- The Board can determine based on the scale of the project whether the institution really needs these additions, and it somehow loses the Dover protection. The Board should refrain from trying to second guess what the school's programmatic requirements are.
- There ~~were was a lot of~~ citations ~~from the other~~ Dover Amendment cases suggested that talk about the test demonstrating that compliance conditions set by the Planning Board may not would substantially diminish or detract usefulness of the structure. suggesting that applies to extra conditions that the Board might impose over and above what the Zoning By-Law requires. The Board must act with reasonableness in zoning interests and not to unreasonably burden the project purpose. Use restrictions in the By-law cannot be applied to this project.

Mr. Lowrie noted that there were three things that he had communicated ~~to with~~ the school. He asked them to see what would be involved with reorienting the two pods to create greater separation from the abutters. He asked if they could look at changing the orientation and location of the maintenance facility building. And lastly, he asked about the timing of the fuel tanks.

Mr. Hall noted that it would be reasonable for the Board to ask for a presentation of alternatives for the project to minimize impacts to the neighborhood. He also noted that the Developmental Impact Review could apply, and the Planning Board could ask for this.

Mr. Haglund noted that he was concerned about reducing the size and scale of the project.

Mr. Birenbaum and Ms. Berberian noted that the Developmental Impact Review would likely show more of the underlying issues as compared to the Peer Review Reports.

Mr. Hall left the meeting at 8:24 PM.

Mr. Lowrie noted that they could move on as all Board members agreed that the Dover Amendment was applicable in this case at this time. They will have a motion on this at later time.

Ms. Cordoza, representing the Belmont Hill School, noted that the peer ~~management~~-reviewer has all the materials that they have asked for. Mr. Yogurtian noted that he would reach out to them to ask if they had a revised report ready to submit for review.

Mr. Lowrie asked for feedback from the school on the changes that are being requested by the Board so far.

- Mr. Lowrie asked for clarification regarding the placement of the fence to block headlights, etc.
- Mr. Birenbaum asked for clarifications on the impacts of the parking lot on the wildlife. He would like wholistic information on how this project impacts the neighborhood and to know about the unknowns.
- Ms. Donham asked for an alternative for the location of the grounds building.
- Mr. Birenbaum was wondering if they could take the cross walk and go underground with it as it would be safer.
- Mr. Lowrie asked for more clarification for the use of the parking spots specifically in detail so that the Board can better understand the usage of the lots.

Mr. Lowrie noted that these issues would be discussed at the next meeting.

**MOTION to continue to January 10, 2023 was made by Mr. Lowrie and seconded by Mr. Haglund. Motion passed.**

**YES votes –**

**Thayer Donham**

**Jeff Birenbaum**

**Carol Berberian**

**Karl Haglund**

**Matt Lowrie**

**b) Case No. 22-18 – One Special Permit & Design and Site Plan Review Approval 18 Ash Street (GR) - Ruth Betts Applicant requests One Special Permit and Design and Site Plan under sections 3.3 and 6D-2 of the By-Law to construct a two-family dwelling at 18 Ash Street Located in a General Residence zoning district. Planning Board December 20, 2022 meeting agenda 2**

Ms. Guo joined the meeting at 8:50 PM.

Ms. Brigitte Steines, Architect, addressed the concerns from the last meeting. She began with the parking issue as it was previously tandem and now, they would have side by side parking for one unit and the unit two would also accommodate side by side parking. The other concern was the size of the dormer and she noted that they had lowered the dormers and reduced the length of

the dormer. She said that the overall height to the peak was 37'2". The Board asked her to provide the elevation at sidewalk to peak for this house plus the neighboring houses as well.

Mr. Lowrie asked that the neighborhood be determined appropriately to better get a feel for the height of the proposed house and how it would fit into the neighborhood. Ms. Donham noted that she would be able to walk the neighborhood to get a feel for the heights of the homes.

Ms. Scott, 16 Ash Street, noted that the house was similar in elevation to the house at 18 Ash Street. She recommended that there be an environmental assessment done as it is currently a masonry business. Mr. Yogurtian noted that they would be asked to submit a report prior to demolition of the house. Mr. Birenbaum explained that they would be looking at a Phase Two Environmental Assessment to test the below ground.

Ms. Steines mentioned that there was a letter stating that the property was not contaminated. She would forward that letter to Mr. Yogurtian.

Mr. Birenbaum suggested that OCD ask for a Phase One environmental and a Phase Two Environmental Assessments for projects like this in the future.

The current owner under agreement (name was not stated) noted that he had a contract with the seller of the property and she represents that there has been no hazardous release. His Civil Engineer dug test pits to determine soil suitability for drainage and they did not notice oil slick.

**MOTION to continue to January 10, 2023 was made by Mr. Lowrie and seconded by Ms. Donham. Motion passed.**

**YES votes-**

**Thayer Donham**

**Jeff Birenbaum**

**Carol Berberian**

**Karl Haglund**

**Matt Lowrie**

**Renee Guo**

### **3. Public Hearings:**

**a) Case No. 22-19 One Special Permit 28 Pierce Road – Jonathan and Michele Britt Applicants request One Special under section 1.5.4C(2) of the By-Law to construct an addition at 28 Pierce Road Located in a Single Residence C zoning district.**

Mr. Lowrie read the public notice.

Mr. Joseph Noone, Attorney for the Applicants, came before the Board to present the plans for the addition. He noted that the existing nonconforming garage would be torn down and rebuilt

as conforming. There will be an addition along the rear of the property. He presented the architectural plans and explained that they would raise the nonconforming garage with a second story on top of that. The addition would be in conformity with the character of the neighborhood.

Mr. Lowrie reviewed the TLA and noted that the addition was right around 87% and when the neighborhood was expanded the TLA was around 70%. The new FAR was 0.31.

Ms. Guo noted that for the consistency of the Board's practice the applicant should reevaluate their application. TLA was the largest issue and they had not seen an improvement.

Mr. Noone asked if it were possible to get together with a Working Group. Mr. Lowrie noted that they were understaffed, and this was not possible.

Mr. Lowrie noted that they should shoot for 75% TLA.

**MOTION to withdraw the application at the request of the Applicant without prejudice was made by Mr. Lowrie and seconded by Mr. Haglund. Motion passed.**

**YES votes-**

**Thayer Donham**

**Carol Berberian**

**Karl Haglund**

**Matt Lowrie**

**Renee Guo**

**Abstained-**

**Jeff Birenbaum**

**4. The Board will make an appointment of a new member to the Economic Development Committee.**

Mr. Paul Joy, Co-Chair of the Economic Development Committee, read through the strategies of the EDC.

Ms. Guo would check with the Vision Implementation Committee to see if they are going to get started. If they are not going to get started soon, she will reach out to Mr. Joy.

**5. The Board will make an appointment of a new member to the Community Preservation Committee.**

Carol Birenbaum was appointed this position.

**6. Update on Cases, Planning Board Projects and Committee Reports.**

The discussion regarding the MBTA would be a joint meeting on January 9, 2023 with the Select Board or maybe there would be an update by Rachel Heller at the January 10, 2023 meeting. Ms. Donham will ask if it is possible to have Ms. Heller come on January 10, 2023.

~~if it is possible to have Ms. Heller come on January 10, 2023.~~

**7. The Board to review and vote on meeting minutes: November 1, 2022 and December 6, 2022.**

Meeting minutes to be reviewed at the next meeting.

**8. Adjourn 10:20 PM.**

**The Planning Board's next scheduled meeting will be held on Tuesday, January 10, 2023.**