

# TOWN OF BELMONT

## PLANNING BOARD

### MEETING MINUTES

November 5, 2020

RECEIVED  
TOWN CLERK  
BELMONT, MA

DATE: September 30, 2021  
TIME: 2:20 PM

Present: Steve Pinkerton, Chair; Thayer Donham; Ed Starzec; Matt Lowrie; Karl Haglund

Absent: Renee Guo

Staff: Jeffrey Wheeler, Senior Planner

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

Mr. Pinkerton called the meeting to order, introduced Planning Board members, and reviewed a summary of the items that were on the agenda. The meeting was held remotely via video conference.

#### **2. Continued Public Hearings:**

##### **a. Lot 1 Clark Lane: Design and Site Plan Review: Construct Single -Family Home in General Residence Zoning District**

[Ms. Donham recused herself at 7:05 PM]

Mr. Lowrie noted that he met with Belmont Town Council, Mr. Glen Clancy, counsel for the Applicants and Land Surveyor, Cliff Rober to reviewed the Application materials. It appeared that they would not be able to establish frontage on Clark Lane as required by the By-Laws and would not be in compliance with the By-Law without going through a judicial proceeding to establish frontage. They were given the chance to withdraw the application. The Applicants preferred to move forward with the hearing on the merits of their request. Mr. Lowrie suggested that the Board listen to their presentation, hear public comments and then close the public meeting and deliberate on what to do with the Application. Mr. Lowrie explained how a street is formed. He noted that in order to meet the definition of a street you must be a street as per the By-Law as amended in 1988. There were three ways as certified by the Town Clerk to become a street; Board of Selectman make sure that the street safety and requirements were met, grandfathered in on a subdivision plan and recorded before September 21, 1998 or to seek resolution in the land court.

Erik Rhodin, representing the Applicant, presented a PowerPoint presentation showing the resolution, maps and history to explain what the basis of the argument was. He wanted the Board to notice the look and feel of the brook and the location of his property as he presented plans from over the years since 1854, the Binney Plan.

Ed Englander, representing the Applicant, noted that Mr. Rhodin met the elements of Prescriptive Easement.

Mr. Lowrie, reviewed the history of the property. He reviewed the plan from 1854. It showed Wellington Brook and then in 1886 there was a discussion of Clark Lane, 1900 Atlas, other plans that show where the brook located. Clark Lane must have been located on the properties on the Pleasant Street side of the brook. Mr. Rhodin noted that access was probably over the railroad tracks. Mr. Lowrie noted that the maps from 1915, 1931, 1932 and 1933 showed a meandering of the brook over time. Mr. Lowrie noted that the location of the brook that is shown on the current plan was the brook as it was in 1915. Mr. Englander noted that the location of the brook is per the Binney plan. The Planning Board discussed the boundary determination as it related to the location of the brook.

Mr. Rober, representing the Applicant, noted that the decree plan only subdivides the two parcels. The land court 1980, 4073A subdivision plan shows Clark Lane at the same width and location as it is today, approximately 16-18 feet wide.

Mr. Lowrie, noted that in a letter from September 8, 1980 the Zoning Board of Appeals held a hearing because Clark Lane did not provide frontage for those two lots at that time. They granted a variance to allow building in the absence of the frontage. The lawyers wrote a letter that expressed concern that access over the Town lot accessing Clark Lane could be shut off at anytime and were requesting a lot for the interior lots, on the Pleasant Street side. He asked if this letter was ever granted. Mr. Rober and Mr. Englander did not know. Mr. Rober and Mr. Lowrie reviewed the information on the decree plan.

Mr. Pinkerton noted that the question was whether this was eligible for consideration or not, it is not clear that the Planning Board was the appropriate place to determine this.

Mr. Lowrie noted that he would write up a draft opinion for the Board to consider the frontage and whether the project was harmonious. He would make a proposal on how this should be resolved. It would be distributed to Board members as well as the public and he would confer with George Hall first. The opinion would be out as early as Monday and there would be 20 days to enter a decision on the petition once the meeting was closed.

Mr. Pinkerton reviewed the neighborhood analysis and TLA. The house was quite large relative to other houses in the neighborhood.

Public comment:

Ni Yan, 3B Clark Lane, noted that Erik Rhodin had been notified that his deed ended at the center of the brook and he bought the house many years after the brook had been filled. His deed does not end at the middle of the brook. There are many documents that were presented that were before he bought his property and maybe there were some mistakes. She noted that she owns the whole driving part of Clark Lane with 3A. She stated that she will find legal help if she needed to. She mentioned that she let Mr. Rhodin use the land even though they never gave permission.

Michael Liu, 3 Clark Lane, in support of what Ni Yan said, they never gave permission to Erik

Rhodin to use their front yard to access his property.

Laura Mullooney, 4 Clark Lane, noted that Clark Lane was not considered a private lane by the Town Hall as of 2018. George Hall has indicated that the information in the Betts Affidavit was irrelevant to this issue and the issue of Derelict Fee Statute needs to be considered so people can access their properties.

Annettee Goodro, 2 Clark Lane, noted that she had not had an opportunity to review the plans as they were presented. She owns the entirety of the Clark Lane in front of her property. It looked like the new survey showed that the Rhodins now own Clark Lane and she did not agree with it.

**MOTION to close the public hearing was made by Mr. Pinkerton and seconded by Mr. Lowrie. Motion passed.**

- b. 30 New Castle Road: Special Permit to construct a new single-family home 1 Broad Street: Two Special Permits to construct an addition – SR-C**

**MOTION to continue to November 17, 2020 was made by Mr. Pinkerton and seconded by Ms. Donham. Motion passed.**

- c. 1 Broad Street: Two (2) Special Permits to construct an addition – SR-C**

[Ms. Donham returned to the meeting at 8:23 PM]

Mr. Pinkerton noted that revisions as requested by the Board had been submitted.

Paul Riegle, Applicant, noted that the proposed addition was changed to a two-story with 60 percent of the height below average grade, the roof was lowered and the roofline was changed to a gable roof and simplified elevation to make it more tradition looking. He noted that Steve Kerin's, neighbor from 3 Broad Street wanted to speak at this hearing, they were concerned about water management, Mr. Riegle talked with Mr. Kerin's about installing a french drain to address his drainage concerns.

Mayann Thompson, Architect, came before the Board to review all of the changes. The roof was changed to a gable, the volume of the roof was pulled back to create a more continuous project and the giant windows that were facing the neighbor's house were replaced with smaller windows.

Rayhaneh Ramezany, Project Manager, Maryann Thompson, reviewed the changes to the elevation, the smaller windows and the gable roof. She reviewed the view of the house from Sherman Street and from the Winn Brook field.

Mr. Pinkerton noted that he was concerned about saving the maple tree and the soils as they dig down deeper. It could be a surprise cost to do extra excavation. Mr. Pinkerton noted that this was truly a large addition. He thought that the second floor had a tremendously large master

suite, this was a concern to him. As per the elevation view from the northside, he would have a real problem if he were leaving next to the shear wall with a couple of windows in it, it looks like a drive-in movie screen that could cause shadowing. Mr. Riegle said his neighbors were okay with it.

Mr. Lowrie noted that it would be important to hear from the next-door neighbor at 3 Broad Street.

Mr. Haglund asked what was the percentage increase, were they within the guidelines. Mr. Pinkerton noted that it was an 84 percent increase. Mr. Pinkerton noted that the existing home had 1,372 square feet (according to the Assessor's office) and the proposed addition was 1,150 square feet. Ms. Ramezany noted that the actual measured size was 1,450 square feet plus the new addition of the 1,150 square feet. That would bump the proposed home up to the high 80<sup>th</sup> percentile of the neighborhood which caused concern for the Board. Mr. Pinkerton noted that the revised plans were showing a very large addition and the changes did make it fit in a little better. He added that this does not resemble the rest of the neighborhood and putting a post-modern addition onto a mid-century colonial in the middle of mid-century colonials was an issue. Belmont has some modern homes like this but they were located in other neighborhoods.

Mr. Lowrie noted that the "alarm bells" begin to go off at the 80th percentile of the neighborhood. There were things that they could do to reduce the mass such as reducing the non-conformities and not raising the average height. He noted that when they look at the neighborhood analysis, if one of the houses is unusually large such as 2 Broad Street and 73 Hoitt Rd. they become examples of what they are not supposed to be doing and the large homes carry less weight in terms of looking at what is in the neighborhood.

Ms. Ramezany, walked the Board through the landscape plans.

Mr. Pinkerton noted that the maple tree will soften the view from the neighbors view and he was concerned that it may not live through the digging. Mr. Haglund noted that the tree could become brittle and come down in a strong wind.

Ms. Thompson noted that the tree company would take care of the tree.

Ms. Donham noted that she appreciated the changes and it fits better in response to the neighbor. She was not comfortable with the TLA as it was now larger and in the higher 80<sup>th</sup> percentile.

Mr. Lowrie noted that it was a negative that they were building a cellar instead of a basement. The TLA will understate the actual magnitude of the house.

Mr. Pinkerton noted that he was hoping to lower the total mass instead of digging out from underneath of it. He noted that it could be reduced by a couple of hundred square feet and maybe to reduce the size of the master suite.

Ms. Donham noted that it was important to stay consistent with what the Board has been telling

other Applicants. Mr. Pinkerton noted that they have not approved an addition with this high of a percent increase of TLA since the Board has had the new Zoning By-Law.

The Planning Board had agreed to meet in a Working Group with Ms. Donham and Mr. Pinkerton.

**MOTION to continue to November 17, 2020 was made by Mr. Pinkerton and seconded by Ms. Donham. Motion passed.**

**d. 24 Grant Avenue: Two (2) Special Permits to construct a two-family home – GR**

Mr. Pinkerton noted that there had been 72 letters of opposition.

Mr. Wheeler explained the reason for the change to the By-Law in 2014 and the history of the GR District.

Mr. Pinkerton noted that he would like to invite Mr. Cusano to withdraw the application and come back with a single-family house.

Ms. Donham noted that she thought the site was appropriate for a two-family house but that the proposed house was too large for the lot.

Mr. Don Cusano, Applicant, noted that a he thought that his proposed home was an acceptable size home and they were two side by side. This was not a large home at 1,700 square feet each unit. He does not see a lot of new two-family condos being built, there were not a lot being built over the years. By building smaller units he can keep the prices down to make it affordable to move into Town. He doesn't think that building less than 1,700 per unit would work. He noted that he proposal was not unproportioned for houses on that road and there was a mix of lots and home sizes on Grant Avenue.

Mr. Haglund noted that a lot of effort went into trying to strike a balance between affordability and neighborhood character when the By-Laws were established. He added that the Planning Board represents what Town Meeting is asking them to do.

Mr. Starzec was in favor of a single-family house.

Mr. Lowrie did not think the two side by sides fit in to the neighborhood.

Mr. Cusano asked for the neighborhood metrics from the neighborhood analysis to be emailed to him.

**MOTION to continue to November 17, 2020 was made by Mr. Pinkerton and seconded by Mr. Lowrie. Motion passed.**

**3. Updates on Cases and Planning Board Projects, and Committee Reports**

- a. Neighborhood Determination: 44 Winn Street

The Board agreed with the Neighborhood Determination for 44 Winn Street

**4. Minutes Review and Approval for October 6, 2020 meeting minutes.**

**MOTION to approve meeting minutes (as amended) for October 6, 2020 was made by Mr. Lowrie and seconded by Mr. Haglund. Motion passed.**

**5. Adjourn 9:45 PM**