

TOWN OF BELMONT
PLANNING BOARD
MEETING MINUTES
September 20, 2022

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BELMONT, MA

DATE: March 7, 2023
TIME: 2:24 PM

Present: Steve Pinkerton, Chair; Matt Lowrie, Vice Chair; Thayer Donham; Renee Guo; Karl Haglund

Absent: Jeff Birenbaum

Staff: Gabe Distler, Staff Planner, Town of Belmont

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. Pinkerton called the meeting to order and introduced Planning Board members. He reviewed a summary of the items that were on the agenda. The draft meeting minutes were recorded by Kim Beer.

1. Meeting Called to Order 7:00 PM

2. Continued Cases.

**a) Case No. 21-18 Amendment to Special Permit
768 Pleasant Street – Mint Retail Facilities, LLC.**

Applicant requested to amend previously approved Special Permit. Revision included reconfiguration of approved floor plans.

Jim Valeriani, The Mensing Group LLC, Attorney for Mint, noted there was an indentation that was built out as a mechanical area and they would now like to expand their vault into this space and move the mechanicals to another part of the building. Also, there were some changes to the exterior doorways.

Matt O'Boyle shared his screen. He described the changes to the entry and noted that the glass area had been sealed because of security and breaker issues. He walked the Board through the floor plans and elevations, he pointed out the changes to accommodate for the vault. He explained that the footprint of the building had remained the same and the windows on the exterior had changed, they were generally squaring off the building.

There were many exterior changes made to the building and Mr. Pinkerton noted that this was a concern. Mr. Pinkerton asked them to come back with color renderings, elevations and the choices for the final exterior materials.

Mr. Valeriani asked the Board to approve the interior work so that they could continue. He would come back with final renderings and elevations on October 18, 2022.

MOTION to approve the submitted changes to the interior space with the provision that no changes were being changed to the appearance from the outside was made by Mr. Lowrie and seconded by Mr. Pinkerton. Motion passed.

YES votes-
Ms. Donham
Ms. Guo
Mr. Lowrie
Mr. Pinkerton

MOTION to continue the public hearing to October 18, 2022 was made by Mr. Pinkerton and seconded by Mr. Lowrie. Motion passed.

YES votes-
Ms. Donham
Mr. Lowrie
Mr. Pinkerton
Ms. Guo

3. Discussion to clarify definition of “Parking Space” in section 1.4 of the By-Law.

Mr. Lowrie shared his screen and presented a Review of Zoning By-Law Parking Requirements. He noted that the Zoning By-Law calls for two parking spaces per dwelling, only one if it was a single bedroom dwelling. In terms of the definition of what a space was, there was no distinction between the districts in the By-Laws unless it expressly said so. He reviewed the definition of a parking space, “an area for parking one car exclusive of driveways that has unimpeded access to the streets over unobstructed passageways or driveways”. He explained “Exclusive of passageways and driveways” and parking space was exclusive of driveways and must be unimpeded and this was clear. The Zoning By-Law should address specifically what “impeded” means. Does it allow tandem parking, if yes, it should say so. In the Planning Board regulations, a parked car was treated as an obstruction. Planning Board regulations refer to parking standards and do not specifically call out as to whether it is just for commercial districts. He described his thoughts behind interpretation versus reasons and explained that people can rent spaces if they need more, people can move their car onto the street and that most of Belmont would not comply. If there was no Zoning By-Law provision, it was a new nonconformity and it was either grandfather or it was a new nonconformity and it would

require a variance. There was a provision under Design Site Plan Review which allows a reduction in number of parking spaces. He noted that they could eventually get sued for allowing less parking than what the Zoning-By Law requires. If they were going to amend the Zoning By-Law, they could allow tandem parking in clearly defined circumstances, and they would need input from the public and other agencies before doing so.

Mr. Pinkerton noted that Belmont Planning and Zoning officials have historically interpreted “unimpeded and unobstructed” to mean free from prevention barriers such as curbs, utility poles, trees and other immovable objects, but not cars.

Ms. Donham noted that there were many things in the By-Law that should be fixed including parking. She noted that the By-Law needed to be updated and the language needed to be fixed. She asked how could they could get the By-Law ready in time for a clean up by spring Town Meeting. She suggested that the Town look to see if there was a way to hire a profession Zoning-By Law professional to consult with these updates.

Mr. Pinkerton agreed that this section of the Zoning By-Law needed to be revised. He did not agree that the By-Law should suddenly be interpreted differently than it had been over the past twenty-five years.

Mr. Lowrie noted that he has not heard an articulation of how a parking space being defined as a place where you park your car exclusive of driveways and passageways. This is not a question of ambiguity; it was supposed to be clear as to what is and isn’t allowed.

Mr. Pinkerton explained that he does not read “unimpeded access” as precluding two cars owned by the same household that can be moved out of the way as being unimpeded.

Mr. Lowrie explained that a parking space was not a driveway, the driveway was not a parking space. It says “a parking space is an area devoted to parking exclusive of driveways” and this language needs to be fixed if they want if they are going to allow tandem parking. Mr. Lowrie stated that as the By-Law was written, the tandem parking should be allowed only by a variance.

Ms. Donham noted that she does not have a problem with tandem parking and the By-Law could be updated to allow tandem parking.

Mr. Lowrie noted that the Zoning By-Law did not provide for tandem parking, and they would need to do more work to vote in favor of an amendment that would allow for it.

Mr. Pinkerton noted that they needed a Senior Town Planner to help with By-Law revisions and the Town does not have one at the moment.

Mr. Lowrie felt that the parking provision was a substantive change and they should probably have hearings on whether it was desirable and how the public may feel about the changes.

Ms. Donham mentioned that any changes to the By-Law would require a public hearing. She hoped that this could be fixed at the Spring Town Meeting with the other things that also need to be cleaned up.

Mr. Pinkerton noted that he would speak to Mr. Clancy regarding finding a consultant to help with the revisions of the Zoning By-Law. Perhaps a working group should be started for parking.

Ms. Guo noted that the best solution was to come up with zoning changes. She added “exclusive of driveway” was a huge problem and she interprets “unimpeded access” as permanent structures on the grounds, not cars.

Mr. Pinkerton noted that they would start to collect the Zoning By-Law changes. Also, the references in the nonconformity section were published incorrectly and need to be corrected.

Mr. Haglund rejoined the meeting at 8:20 PM, he had the ability to listen to the meeting prior to this point. He noted that people were doing things with parking that were not consistent with the By-law and that the By-Law should be changed to reflect what people do.

Mr. Pinkerton noted that he has a request in with Town Attorney, George Hall to discuss this topic. Mr. Hummel had left a list of changes to be made to the Zoning By-Law and they would look at this as well.

Mr. Lowrie also asked if they should consider allowing overnight parking.

4. Review and Approve Draft Planning Board Minutes - July 19, 2022 and September 13, 2022.

Planning Board Meeting Minutes for July 19, 2022 and September 13, 2022 to be reviewed at the next hearing.

5. Adjourn 8:37 PM

The Planning Board’s next scheduled meeting will be held on Tuesday, October 11, 2022.4