

**TOWN OF BELMONT
PLANNING BOARD**

**MEETING MINUTES
September 19, 2016**

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Present: Elisabeth Allison, Chair; Charles Clark; Barbara Fiacco, Vice Chair; Joseph DeStefano; Karl Haglund;

Staff: Jeffrey Wheeler, Office of Community Development Liaison

7:04 p.m. The meeting was called to order by Chair Allison.

Ms. Allison introduced the Planning Board members and noted that the agenda is varied and she would like to begin with the continued public hearings with the two applications to build decks, 35-37 Chandler Street and 132 Sycamore Street.

1. Discuss how the Planning Board will review decks

Ms. Allison stated that she will review a brief report on a conversation with the Fire Chief regarding decks and fire safety at the end. She asked how the Planning Board should look at decks and suggested that the Planning Board can look at each case as it comes, but it was more satisfactory when the Board approached it with a general framework of questions to ask and numbers to look at. She noted that applying the new home approach to decks is challenging because the Board defines good development as development that enhances the neighborhood, and that typically decks may not enhance a neighborhood as they decrease setbacks, may generate more noise, more activity at night and make a structure more likely to be used for multiple family use.

Mr. DeStefano disagreed, suggesting that the core Town Meeting guidance applied equally to decks: that TM wants the PB to be careful with massing. A deck is part of the mass of a home and thus the Board should treat it as such in GR as well as SR-C. The Board should try to control mass and density and encroachment on open space. He stated that the PB has to be careful with decks and not allow them to be too massive.

Mr. DeStefano and Ms. Allison discussed whether they should look at the overall mass of a home. Ms. Fiacco added stated that a third floor deck has greater impact on the neighborhood, since it is easier to see into your neighbor's windows and difficult to build landscape screens. Mr. Haglund stated that his experience as a graduate student some years ago is that decks are generally used for a grill or for one or two people to sit on and that they don't bother people since there is quite a distance between decks.

Mr. Clark stated that decks used to be built within the building envelope and that he doesn't mind decks at the rear of homes and that a traditional deck was not the full length of the house. Mr. Haglund expressed concern that a deck on the front or the back could become enclosed.

Mr. DeStefano suggested reviewing decks on a case by case basis and that the PB needs to be cautious so that a two-family house does not appear to be a three family. He said that it is important that the PB consider architectural integrity when reviewing decks.

Ms. Allison stated that there is a public interest and a Town interest as captured by the By-Laws.

She noted that a large deck on the third floor is very different from a decorative element. Mr. Wheeler mentioned that the decks referred to by Mr. Haglund are narrow and are common features at the rear of a two-family home.

Ms. Allison briefly reviewed a meeting that Glenn Clancy, Director of Community Development, Jeffrey Wheeler and she had with the Fire Chief regarding fire safety and decks. Chief Frizzell noted that there were many other ways to make a house safer in case of fire and even more importantly ways to prevent fires, and that a third floor deck enhanced fire safety only under special circumstances. Ms. Allison will follow up with the Police Department regarding any relationship between noise complaints and decks.

2. 132 Sycamore Street, Application for a Two-Story Deck

Mr. Wheeler noted that the Applicants could not attend the meeting to discuss the open space calculation since they had other commitments. The Applicants thought the outstanding issue was the open space and they hoped the Planning Board could proceed without their presence.

Ms. Allison stated that there were a number of questions in respect to the plantings and about the calculations. Mr. Wheeler stated that the calculations were reviewed by the Local Building Inspector. Mr. DeStefano stated that the Applicant agreed to cover the pressure treated components and that he would like that shown on the drawings.

MOTION made by Mr. Clark to continue the public hearing to October 4, 2016. Seconded by Ms. Fiacco. The motion passed unanimously.

3. 35-37 Chandler Street, Application for a Three-Story Deck

[At 7:30 PM Mr. DeStefano recused himself from the Chandler Street case.]

Mr. Jingke Weng, Applicant, appeared before the Planning Board and stated that he found no specific language about decks in the By-Laws and that he had architectural plans drawn up based on that. He stated that the door on the third floor from the deck would provide for an entry to move large furniture onto the third floor. He noted that there are many three level decks in his neighborhood. He added that he has a very long back yard and that the deck would not impact his neighbors since he has talked to them and has their support. He added that he submitted his plan with the HVAC noted on it.

Mr. Clark stated that the past does not determine the present, since the decks that the Applicant referred to were built long ago under different By-Laws. He stated that many homes with three-story decks are triple deckers. He added that the Planning Board is concerned with the mass of the home and how the deck could expand the usability of the home by making conversion to a multifamily house easier, which is not allowed under current zoning. He stated that as a Special Permit, the Board can ask a number of questions and influence what gets built.

Mr. Weng stated that it is difficult for a citizen to do something like this since he thought he understood the By Laws. He stated that the deck does not change the look of the neighborhood since it is at the rear of the home. He reiterated that the door on the third floor is very important since it allows furniture to be moved to the third floor. Mr. Weng asked what the major concerns

were and questioned why a three level deck was considered harmful.

Ms. Fiacco stated that it is a significant decision to grant a Special Permit and that the entire Town is living through an era where the By-Laws in the GR and SR-C districts have been changed. She noted that the Board is following the lead of Town Meeting which has called for a change in the direction of development. Ms. Fiacco explained the balance of factors that need to be considered (overdevelopment, loss of open space and impact on the neighborhood). She noted that there were numerous concerns about three-story decks and added that the planning for the interior of the third floor, where significant expansion is underway through the addition of dormers, should have been considered as it wasn't a given that the third floor deck would be approved.

Ms. Allison corrected statements made by the Applicant. She noted that deck repairs are allowed and that the Board has a set of criteria to balance between the owner's interests and the neighborhood's. In this case, she noted that the size of the deck is very big, the mass and density are increased, nighttime activity would be increased, privacy would be decreased and the potential for a third unit is greater. Ms. Allison stated that the circumstances and the issues for the Board to consider are described in the By-Law.

Mr. Weng asked under what circumstances this deck would be approved. Mr. Clark stated that applications are reviewed on a case by case basis and he recommended that the application be revised and resubmitted for just the first and second floor decks. The PB advised the Applicant to withdraw and resubmit the application. The Applicant agreed to withdraw the application and will send an e-mail to confirm.

MOTION made by Ms. Fiacco to continue the public hearing to October 4, 2016. Seconded by Mr. Clark. The motion passed unanimously.

[Mr. DeStefano rejoined the meeting at 7:55 PM.]

4. Review and Evaluate General Residence Cases

Ms. Allison distributed a handout on evaluating the zoning revisions to the GR District. She asked the PB for suggestions on the draft plan and the list of information to be collected. She suggested that each Planning Board Member take one case and collect the data to better understand what the Board wants before having a research assistant collect the data. She noted that the PB will adopt a definitive approach at its next meeting.

Ms. Fiacco suggested that the data should be collected for both those cases heard since the 2014 GR district zoning by-law change, and those immediately preceding it. The dimensional statistics can be reviewed for both. She added that the PB should look at trends and how much density increase is occurring as a result of the zoning revision.

5. Follow-up on Discussion with Building Inspector held September 6

Ms. Allison stated that if the PB is going to start improving the inspection process, the Board might start with improvements in its own processes. She distributed a list of potential changes, including: 1) improving clarity by reviewing conditions when an application is approved prior to

sending the decision to Glenn Clancy; and 2) identifying those issues that should be picked up early in the inspection process. She suggested a quarterly review of permits, and changes that are not listed as conditions but were PB concerns.

Mr. Clark said that his sense was that we are expanding the scope of the Plumbing Inspector and Electrical Inspector. Mr. Wheeler stated that the new staff assistant position will be able to do this sort of inspection and enforcement. Mr. DeStefano stated that there are always small changes in the field and this process should be user friendly and streamlined.

Ms. Fiacco stated that Special Permit conditions could be presented to the PB when it is approving an application. Mr. DeStefano suggested that the conditions should be attached to the Building Permit. Mr. Wheeler stated the design guidelines are critical to helping the application process, even though they are in draft form. Ms. Allison stated the process will be edited to reflect these suggestions.

6. Discuss FY-17 Potential Projects

Ms. Allison reviewed the list of potential projects for FY 2017 as distributed to the PB.

The PB discussed a technical cleanup of the Zoning By-Law. Ms. Allison expressed concern that this project could possibly open up zoning issues that were not intended to be opened up. Ms. Fiacco stated that she has not noticed any inconsistencies in the By-Law that have caused substantive issues. She stated that this may not be the highest and best use of Town funds. Mr. DeStefano stated that Town's By-Laws are not difficult to understand as compared to other towns. This project will not be included as a 2017 priority.

With respect to the Pleasant Street - Brighton Street intersection and its rezoning, Mr. Wheeler provided some background information as to why this might be a PB project. The PB discussed options for clarifying zoning in business districts. Mr. Wheeler stated that it comes down to the people in the Pleasant Street - Brighton Street neighborhood and what they are thinking about for this area. Ms. Allison suggested framing the question as to state what is clearly allowed in all of the commercial districts. Ms. Fiacco stated it is short sighted to rezone only this little piece and agreed that commercial vitality it is a bigger issue. Ms. Allison stated that the PB could look at rezoning across a number of corridors and not just this small piece. Ms. Fiacco concurred and noted that it is important to take a holistic approach.

Ms. Allison discussed other issues regarding design guidelines. She noted that design guidelines exist for the GR districts and that they should be drafted for the SR-C as well. Ms. Fiacco stated that because of the Pine Street push back it would be beneficial to finalize them. The PB agreed to draft the design guidelines for SR-C as well. Ms. Allison stated that the PB will revisit these issues at the October 4, 2016 meeting.

7. Neighborhood Determinations

Mr. Wheeler provided three maps and suggested neighborhoods for each:

- a. 34-36 Worcester Street, a potential application to raise a roof and add dormers.
- b. 10 Anis Road, a two-story addition within the SR-C greater than 30%.

c. 75 Oliver Road, a second floor addition greater than 30% in the SR-C.

The Board reviewed and concurred in the proposed neighborhood definitions.

8. Updates on Potential Cases and Planning Board Projects and Committee Reports

Mr. Wheeler stated that there are two deck applications pending, a second floor deck and a third floor deck

9. Preview agenda for October 4,

Ms. Allison noted that primary items will be to finalize the plan for an analysis of the GR application process post 2014 and the priority projects for 2017.

10. Review and Approval of Minutes

Ms. Fiacco forwarded her edits to Mr. Wheeler and Mr. Haglund made a minor change.

**MOTION made by Ms. Fiacco to approve the minutes of September 6, 2016, as amended.
Seconded by Mr. Haglund. Motion passed.**

Adjourn: 8:52 p.m. by Ms. Fiacco.