

**MEETING MINUTES
JANUARY 9, 2012**

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Attendance: William Chin (Chair), Eric Smith, Jim Zarkadas, Christopher Henry (Associate), Craig White (Associate), David Iaia (Associate), Jay Szklut, Staff

7:00 p.m. Meeting called to order.

William Chin welcomed everyone to the January meeting of the Zoning Board of Appeals. He gave a brief outline of the process and encouraged audience participation before the committee's deliberations at the end of the meeting, as well as encouraging the submission of relevant documents and other materials necessary to support each case. He stated that whenever possible, the Board tries to deliberate and present a decision the same evening that the case is heard.

CONTINUED PUBLIC HEARING:

CASE NO. 11-31 – 82 SOUTH COTTAGE ROAD : Variance to increase the number of units from 7 to 11.

William Chin reported that this case will not be heard tonight, as the applicant requested a continuance. He made a motion to continue this case to the February 6 meeting. Eric Smith seconded the motion. Motion approved unanimously.

Case continued to February 6 at 7:00 pm.

NEW PUBLIC HEARINGS:

CASE NO. 12-01 – 307 PLEASANT STREET - Special Permit to expand existing home-based family day care to a large-family day care use.

The applicant, Iris Ponte, her attorney Robert Annessi, and a member of the Board of Directors of the Henry Frost Children's Program represented the applicant.

Presentation of application:

- The average age of the children attending is 3 years.
- 90 percent of the children are from Belmont. The current hours of operation are 8 am to 1 pm.
- The applicant also requests that the hours be extended until 3 pm while also decreasing the hours of her consulting business such that the consulting hours would begin at 3:00 PM and end at 6:00 PM.. The increased hours for the child care operation reflect the demands of the increased number of children.
- The use of property is not going to change and the applicant is not asking for any changes to the exterior of the property.
- There is no problem as far as traffic is concerned. The issue of traffic was addressed with the approval of her circular driveway. Additionally, the times that parents are dropping off children is staggered.

- Each child has a program individually tailored to them.
- The school operates from Monday through Friday.

Ms. Ponte also noted that

- outdoor classroom time would remain the same, so as to minimize disturbances to neighbors. We are not adding an additional outdoor period at this time, unless we have an outdoor event.
- pickup times might be a little noisier than usual, as parents greet and speak with others at that time.
- all of the teachers have Masters Degrees plus, and all of the Board Members have a Ph.D. in Education.
- the State has approved the change from 6 children to 10.

Mr. Smith asked whether all the conditions imposed by the previous Special Permit would still apply. The applicant stated that they would continue to abide by those conditions.

William Chin asked whether anyone would like to speak in support or opposition of the application.

Erika Hartweg, 57 Simmons Avenue spoke in opposition. She questioned whether the property would not become a business rather than a residence, does the 10 children include the applicant's children or are they in addition , and why so many persons were at the property on Saturdays and Sundays..

William Chin likened the situation to a “hybrid” and stated that the By-Laws permits some business operations from the home. He said that in this case, this is considered a home occupation that is allowed within a residential dwelling provided that the “business” does not occupy more than 33% of the habitable floor area of the residence which it does not.

William Chin also noted that as a home owner you are entitled to have guests and use of your yard.

Ms. Ponte reported that her son was adopted from China, and that there is an Adoption Support Group which frequently visits. However, she said that the frequency will lessen next year and they will only make visits once a month.

Eric Smith just clarified that this adoption group was separate from her business, and Iris said that it was.

Chris Henry asked if she anticipated growth to this group, and Ms. Ponte said “no”.

Craig White asked if she would be hiring any additional staff, and she reported “no”.

William Chin then closed the public hearing.

DELIBERATIONS AND VOTES

As there were no other cases on the agenda, the Board began deliberations on the 307 Pleasant Street application. Both Mr. Iaia and Mr. White were asked to serve as voting members.

William Chin moved to rescind the family home day care designation and to approve the large family day care use; to reduce the consulting hours as requested; and to increase the hours of the child care to 3:00PM.

Craig White seconded the motion.

Motion passed unanimously.

Mr. Chin volunteered to write the decision.

Meeting Adjourned: 7:30 pm