

**TOWN OF BELMONT  
PLANNING BOARD**

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**MEETING MINUTES  
October 4, 2016**

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Present: Elisabeth Allison, Chair; Charles Clark; Joseph DeStefano; Barbara Fiacco, Vice Chair; Karl Haglund (arrived at 7:08 p.m.); Raffi Manjikian

Staff: Jeffrey Wheeler, Office of Community Development Liaison

**7:01 p.m. The meeting was called to order by Chair Allison.**

Ms. Allison introduced the Planning Board members.

**1. Review and Approval of Minutes.**

**MOTION made by Mr. Manjikian to approve the minutes of September 19, 2016.  
Seconded by Mr. Clark. Motion passed.**

**2. Neighborhood Determination – 60 Hull Street.**

Mr. Wheeler presented his recommendation for the neighborhood for Hull Street. Following a discussion of the zoning for omitted properties, his recommendation was accepted and will be used in the PB's deliberations.

**3. Cushing Village Update.**

Ms. Allison stated that the transaction did not close on September 30, 2016, but that the deeds, the payments and all of the other documents required to close are in escrow. Ms. Allison noted that the important missing piece is the Starbucks lease and that the expectation is that the project will close soon without requiring any adjustments to the Milestones of the Special Permit Extension. Mr. Manjikian noted that while the timing of the Milestones would not change, the calendar dates with which they were associated move out.

**4. Public Hearings:**

**a. 47 Payson Road - Third Floor Deck**

Ms. Fiacco read the public hearing notice.

The Applicant, Tara Donner, explained that her house was destroyed by a fire in September 2015 and that she would like to add an additional means of egress from the third floor of her rebuilt home to provide a fire emergency exit from the bedrooms. Ms. Donner explained that she would like to have a small porch to give a sense of openness and airflow and to allow for a temporary fire ladder. Ms. Donner submitted letters of support from her neighbors.

**Comments from the Audience:**

1. Leslie Arslanian, 50 Payson Road, stated that she witnessed the fire and saw how quickly it spread and she supported the egress to help the children feel safer.

2. John Feeley, 45 Payson Road, stated that he is in full support of the application. He added that the proposed deck doesn't increase the height of the home and that it will not damage the view or look of the neighborhood.

Ms. Allison stated that this is the second application for a third floor deck that the PB has received where the Applicant sited fire safety as a reason for wanting a third floor deck. She noted that she had a meeting with Fire Chief Frizzell, Director of Community Development, Glenn Clancy and Mr. Wheeler to discuss this issue and that the conclusion was that there were a variety of ways to protect your home from fire that are uniformly more effective than adding a third floor deck. She added that third floor decks are somewhat problematic from the PB's point of view given the considerations that Town Meeting has asked the PB to take into account.

Ms. Donner explained the other things that they have done to protect their family home from fire. She added that she met with Chief Frizzell to discuss additional fire safety strategies. She noted that it is necessary to treat the stress that the family experienced and that the deck will give a piece of mind and a sense of safety to her family. Ms. Donner stated that she understands the reasoning behind Town Meeting and the intent of trying to keep the sense and feel of the Town as we know it.

Ms. Fiacco asked the Applicant about the doors that are already in place and to explain what happens to the doors if the deck is not permitted. Ms. Donner stated that the plan would be to add a railing directly in front of the door. Mr. DeStefano asked the Applicant how the door installation and the deck post installation happened without a permit. Ms. Donner explained that the permit was divided into two when she realized that a building permit would not be approved for the deck. She noted that the deck was removed from the original permit application for the reconstruction of the roof and that the only thing that was installed was the posts in the rubber roofing. She added that the permit was approved with the doors with the understanding that railings would be put in place to close off the doors if the Special Permit is not approved. John Early, the Applicant's Contractor, stated that the proposed deck is on top of a preexisting four season room. He replaced the roof as per code and noted that the posts can be cut down if the deck is not approved. He added that the structure was built to support the deck.

Mr. DeStefano asked the Applicant to describe the intended use of the deck. Ms. Donner stated she would like to set up two chairs to have coffee. Mr. DeStefano talked about ways for the Applicant to get the security that she is looking for but not have it as a functional deck.

Mr. DeStefano stated the new dormer is going to look huge (it is much larger than the original dormer) and he was looking at mass and scale and trying to find a good compromise to stay within the Town's standards. Ms. Donner asked for clarification of the dormer process. Mr. Manjikian expressed concerns with how the construction has taken place and suggested the two permit process be a topic of discussion with the Office of Community Development. He asked the Applicant to explain the proposed railing system and rope ladder fire escape system. Ms. Donner described the process of her two-part permit and the challenges with her insurance company.

Mr. Haglund said the deck could be 8 feet wide (instead of 12 feet) and minimize the visual impact on the neighbors. He added that there is an important difference between this and the other projects as the first and second floors already exist. Mr. Clark stated that this was in effect

enlarging the living area and that if the PB granted the permit somebody else could ask for an additional egress. He added that this appeared to be more of a fire issue than a planning one.

Ms. Allison stated that the PB previously discussed that a third floor deck is not necessary for a fire escape. She empathized with Ms. Donner and her family about their dreadful experience, but added that the PB needs to look at this in terms of balancing the equities across all of the third floor deck applications. She stated the PB's concerns for third deck applications include, privacy, outside noise and expansion in living space. She added that Chief Frizzell stated that there are other ways to deal with fire safety. She stated that she is reluctant to see an expansion of third floor outdoor space that the PB isn't prepared to live with as a general principal. She noted that the size of the deck being requested goes beyond fire safety and did not see how this deck is fine and other third story decks are not.

Ms. Fiacco recommended that the Applicant watch the recent recorded PB hearings on third floor decks to help her to understand some of the past issues. She stated that the PB is struggling with how to accommodate this situation and noted that the PB cannot create a situation where every house in Belmont comes to us with a third story deck. She made several suggestions (lower railing, shrinking the size of the deck) and suggested that the Applicant think a little more about the deck rather than the PB vote on the application tonight. Mr. DeStefano stated that the rear pitched roof would make it difficult to use a fire ladder and that if the deck is for emergency exit only, the railings could be 36" for insurance purposes. He added that he was not comfortable granting a third floor deck.

Ms. Donner responded that privacy is not an issue as there are many trees and no additional views into any of the neighbor's windows. She added that the first and second floor porches exist, that she is not building an additional deck and that the proposed deck fits within the setback requirements. As for a potential conversion, Ms. Donner stated that it was her understanding that this would not be allowed in the future.

Ms. Allison stated that the proposed deck is a dual purpose deck that will increase a sense of safety and create additional living space and noted that a dual purpose deck is very hard for the PB to approve. Ms. Allison asked the Applicant to take another look at this and come back with another solution. Ms. Allison noted that if the PB had to vote on this tonight, she did not think it would receive the required majority. Mr. Early asked for clarification on what the PB would like to see on the revised plans. Ms. Allison suggested that he set up a working group with Mr. Wheeler to have a detailed discussion of the plans. Mr. Wheeler will convene the working group.

**MOTION made by Mr. Manjikian to continue the public hearing to November 1, 2016. Seconded by Mr. DeStefano. The motion passed unanimously.**

**b. 60-62 Channing Road - Second Floor Deck**

Ms. Fiacco read the public hearing notice.

Alexander Stolyarov, the Applicant, stated that he would like easy access to the outdoors so that his family can enjoy it without having to use the stairs. He added that he spoke to his neighbors and they are in support of the application.

Mr. DeStefano stated that he would like to see the second floor deck reduced to ten feet in width and made slightly narrower. He noted that it will aesthetically look better to have the deck is stepped back a little from the side of the house and asked for more detail to be added to the drawings. The Applicant explained that the deck is at the side of the house so that it does not block the first floor kitchen window located in the middle of the house.

Mr. Haglund requested an existing and proposed landscaping plan so that the PB can see if additional landscaping would improve the neighborhood. The Applicant stated that there is not currently anything planted in the back yard and that he is not planning to add anything. Mr. Haglund stated that the landscaping plan can be a Google satellite view since it will show where the existing landscaping is located. He added that the PB will decide what landscaping should be added after reviewing the landscape plan. Ms. Allison added that Town Meeting has stated that “development should enhance the neighborhood” and improvements to the landscaping creates benefits for the neighborhood, and helps offset the costs imposed upon the neighborhood by additional outdoor space, thus helping to balance the equities.

**MOTION made by Mr. Manjikian to continue the public hearing to October 18, 2016.  
Seconded by Mr. DeStefano. The motion passed unanimously.**

#### **5. Potential Projects for the Planning Board FY17.**

Ms. Allison reviewed the conversation from the last meeting regarding potential projects for the PB. She noted that some projects were eliminated and some were consolidated together and reviewed the list:

- Evaluate the GR process and outcomes to date.
- Consider how to revitalize the town centers.
- Examine possible rezoning in the commercial areas.
- Finalize the Design Guidelines for the GR Districts and possibly for the SR-C Districts as well.

Ms. Allison stated that a graduate student could help collect data for several of the projects. The PB discussed timing of the projects and what they could do to help. The PB discussed drafting Design Guidelines for the SR-C Districts and agreed that they needed to review several more applications before working on them. Mr. DeStefano requested that design standards for signage be include in the discussion on revitalizing the town centers.

#### **6. Continued Public Hearings:**

##### **c. 132 Sycamore Street – Two Story Deck**

Ms. Allison recapped the open issues:

- Lot coverage and open space.
- Need more specific details on the architectural plans.
- Need to provide a landscape plan.

Zhenhua Liu, the Applicant, stated that the building details were added to the plans and that he drew the landscape plan. Ms. Allison noted that registered plot plans should not be second guessed in the future. Mr. Haglund asked that the landscape plan include plantings in the front yard of the house and include the size and species. He suggested that the Applicant visit one of the larger local landscape or garden businesses to get a consultation. Mr. Liu asked if he could draw the landscape plan and install the plantings in order to save money and asked what he should plant. Mr. Haglund suggested ink berry or holly bushes and offered to conduct a site visit to make recommendations on landscaping.

**MOTION made by Mr. Manjikian to continue the public hearing to October 18, 2016. Seconded by Mr. Clark. The motion passed unanimously.**

**d. 35-37 Chandler Street- Three Story Deck**

**MOTION made by Ms. Fiacco to accept the withdrawal of application of 35-37 Chandler Street without prejudice. Seconded by Mr. Manjikian. The motion passed unanimously.**

**8. Update on Potential Cases and Planning Board Projects and Committee Reports.**

No updates were provided. Mr. Manjikian mentioned that he hoped to update the PB on the Airbnb Committee at one of the November meetings.

**9. Preview Agenda for the October 18 Meeting.**

Ms. Allison stated that she would like to review and finalize the General Residence District Design Guidelines at the October 18 meeting.

**Adjourn: at 9:10 p.m. by Mr. Manjikian.**