

PLANNING BOARD MEETING
Minutes, October 2, 2002
@ Conference Room #3, Belmont Town Hall

Members present: Joseph Barrell, Deborah Emello, Karl Haglund, James Heigham, Andrew McClurg

Also present: Timothy Higgins, Senior Planner
Jeffrey Wheeler, Planning Coordinator
Fire Chief Bill Osterhaus,
Assistant Chief Dave Frizzell

7:04 p.m. Meeting opened by Chairman Joe Barrell.

7:05 p.m. Member James Heigham read the public notice for the proposed amendment to the side-yard setback requirement for the LBII and LBIII zoning districts. Senior Planner Tim Higgins explained the intent of the proposal. Member Karl Haglund asked what areas of the town the proposal would apply to. The board reviewed the zoning map. The side-yard setback issue arose during the review of the concept plan for the VW development. If implemented, it would create a 40-foot separation between the two structures. This is not acceptable under all conventional planning.

Deborah Emello wanted to know if there were any safety concerns with the proposed reduction in the side yard requirement. Chief Osterhaus responded from to the audience that there are no problems with new buildings as they are all sprinklered.

Elijah Tarabelsi, owner of global property [is this the name of the business? If so, it should be capitalized] asked a question about siting the fire station and was asked to hold it till the next public hearing.

Andrea Masciari _ Town Member

Will this effect property on Flett Road? The first few properties are in LBIII and the change would apply. No, it would not as there is not enough space in that location for it to apply.

James Heigham moved that the Board recommend the proposed change [state the change] to the Town Meeting noting that it only applies to non-residential abutting structures. The strict Residential setback remains. Andrew McClurg noted that it would preserve the streetscape and corrects what was apparently an oversight in the crafting of the original by-law. It was voted 5:0 to recommend favorable action on the proposal.

7:25 p.m. Member James Heigham read the Public Hearing notice on the proposed rezoning of the VW site from GR to LBIII. Tim Higgins explained the progress since the

last Planning Board meeting noting the drafting of a memorandum of understanding (MOU) between the Town and the Kendall family. The MOU states that any eminent domain taking would not be at an added value from a rezoning if it is adopted. It is still in draft form and articulates non-zoning issues and agreements. It remains a work in progress. He then introduced Roberta Sidney (representing the Kendall family) who presented a slightly revised concept plan. She highlighted the existing zone line location, noting the majority of the existing buildings on the VW site are within the LBIII zone. The side yard between the proposed Walgreens and the proposed Fire Station is 13 feet, with the refuse compactor requiring 8 feet. The setbacks illustrated on this concept plan require the adoption of the side-yard setback zoning change (as recommended by the Board a few minutes earlier). The week of October 14 the Kendall family will hold two informational meetings for the neighbors and Town Meeting members. The exact dates, time and place will be announced.

Mr. Tarabelsi suggested that the two uses be switched, with the fire station built entirely on the VW property. This might be better for traffic. Joe Barrell noted that Mr. Tarabelsi's lawyer spoke last week and that the eminent domain taking by the Town doesn't allow for his proposal.

Member Andrew McClurg asked Mr. Tarabelsi if he would agree to a friendly taking at today's value. He couldn't respond but stated that he has not said "NO" to any offers from the Kendalls.

James Heigham explained the eminent domain process. Of specific relevance is that the Town cannot take his property for a private use (that is, to sell it back to the Kendalls or another private owner).

Robert Davis, a resident of Bartlett Avenue abutting the site, noted that the parked vehicles from the former VW operation did not move much. The old hours of operation were reasonable. He is opposed to a change in use and intensity. It will diminish his ability to enjoy his property as the new use will have "live parking" and long hours of being open.

Rosemary Burke, Town Member Precinct 2, asked about the Planning Board's thoughts on the Trapelo Road corridor and the future study. Andrew McClurg noted that we have discussed this. Ideally, it would be beneficial to have the report complete. However the Board still must "plan" and attempt to ensure projects fit into the corridor. She said the project is too complicated with the fire station component.

A general discussion followed concerning the benefits of the rezoning to the neighborhood, the Town and the Kendalls. Karl Haglund asked whether the two projects need to be considered together. He also asked about the location of the boundary between the two properties, which was not shown on the concept plan.

Carolyn Bishop asked why the two projects are being considered together. She stated that Walgreens is inappropriate for the site.

Chief Osterhaus spoke on the advantages of the rezoning due to the need for variances under the existing zoning. Karl Haglund indicated that it seemed reasonable for the ZBA to grant a variance if it is needed for a public use and the Town could proceed along that course.

Jeffrey Wheeler noted how difficult it is to receive variances from the ZBA. A discussion ensued on the type of variances that would be necessary. Spot zoning and zoning specifically for a fire station were then discussed.

Moving the LBIII zone line back from the existing line (it currently splits the VW parcel 100 back from the street) rather than to include the entire lot was discussed. Tim Higgins stated that he did not believe it would be possible legally as it is arbitrary, and indicated that he could contact the Attorney General's office to obtain an informal opinion on that proposal.

Andrew McClurg stated that he does not want to jeopardize the Fire Station process but wants to seek a solution.

Ms. Mouratian, 43 Bartlett Avenue, owns a two family overlooking the Kendall property and is opposed to a Walgreens.

Dino Papagiannis, 39 Bartlett Avenue, asked some technical questions and spoke in opposition to the re-zoning, as he had in the board's previous meeting. He presented a petition signed by residents against the proposal and the concept plan.

James Heigham doesn't want to vote on the rezoning without a signed MOU. The spot-zoning issue must also be investigated. Discussion then centered around the next meeting with the Board of Selectmen on October 7th. No time has been set so folks will have to contact the Selectmen's office or visit the Town's website. Mr. Heigham moved to continue the Public Hearing to 7:30 p.m. on October 7, 2002 in the Selectmen's Meeting Room.

8:40 p.m. There being no further business, the meeting was adjourned.