

**TOWN OF BELMONT  
PLANNING BOARD**

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**MEETING MINUTES  
NOVEMBER 27, 2012**

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**8:05 a.m. Meeting called to order.**

Present: Sami Baghdady, Chair; Michael Battista, Vice Chair; Charles Clark, Joseph DeStefano, Elisabeth Allison; Andres Rojas, Board of Selectmen Liaison, Jeffrey Wheeler, Staff.

Absent: Karl Haglund, Associate Member.

Mr. Baghdady announced that the Solar Energy By-law which was adopted by Town Meeting last Spring has been approved by the Attorney General, and he congratulated Mr. Battista and the rest of the Board for their hard work in developing the By-Law.

Mr. Baghdady discussed a resident's complaint regarding a central air conditioner compressor that her neighbor had installed within the sideyard of his property, and just five feet from the resident's property. The resident stated that the compressor was unsightly and noisy. The Planning Board discussed whether or not they could regulate placement of such units. In any event, all agreed that this was a Noise By-Law issue, which should be brought to the attention of the Board of Selectman.

**8:20 a.m. 70 Concord Avenue – Restaurant**

Mr. Baghdady announced that a restaurant use was possible at the new commercial development at 70 Concord Avenue, and he wanted to hold a discussion of the possible issues associated with a restaurant use. Mr. Rojas stated that a hamburger restaurant is looking to rent space at this location. He remarked that given the proximity of the building to the High School, this seemed like a good use. He noted that the proposed restaurant will have to prove that one dumpster will be sufficient for the building and that it will be screened and maintained appropriately. He also indicated that the restaurant will have to insure that adequate parking will be provided.

A discussion was held among the Board members regarding the potential use of the dumpster by a restaurant. Mr. Baghdady stated that the dumpster is very close to residential abutters, raising concerns about pests and the odors emanating from it. He noted that the developer had represented to the Board that he was not intending to rent any of the space to a restaurant. As a result, the Board conditioned the building's approval on prohibiting a restaurant from using the dumpster.

Mr. Rojas mentioned that the restaurant was scheduled for a special permit hearing before the Zoning Board of Appeals at its December 3<sup>rd</sup> meeting. Mr. Wheeler stated that the ZBA will continue the hearing and schedule a joint hearing with the Planning Board at a later date. He noted that the site plan review and parking application will be forwarded to the Board once it is submitted. Mr. Wheeler also noted that the Restaurant Review Committee (an ad-hoc interdepartmental committee) will meet to review the restaurant. He added that the ZBA will not make a decision on the restaurant without review by this ad-hoc committee. Mr. Baghdady

agreed that this review was a very critical step and added that a joint meeting with the ZBA and Planning Board will be scheduled once applications are submitted and all parties are prepared.

Discussion ensued regarding odor suppression for the cooking equipment and the dumpster, rodent control, and parking. Mr. Wheeler noted that the Board of Health adopted regulations for permitting dumpsters and had strict requirements for odor suppression. Mr. Baghdady noted that the restaurant will have to demonstrate that they will not create any odors or rodent problems by using the dumpster for disposal of food.

**8:50 a.m. Proposed Religious and Municipal Building Preservation By-Law**

Mr. Wheeler passed around a list of religious and municipal buildings in Town, with pictures of each building. The Board reviewed the list and prepared a list of the properties which could benefit from the preservation by-law. It was suggested that the list could be reviewed by the Historic District Commission, which is preparing its own list of historically significant properties for the proposed demolition delay by-law.

**9:35 a.m. Committee Updates**

Mr. Baghdady reported that the Belmont Housing Trust is drafting an amendment to the Inclusionary Housing Zoning By-law. He stated that Mr. DeStefano volunteered to represent the Planning Board at a working group which is working on the amendment. However, the make-up of the working group is skewed toward the interests of inclusionary housing advocates. Mr. DeStefano is perceived as being against inclusionary housing interests because he is a developer. Nevertheless, the group must represent a balance of interests if their work product is going to be successful – all perspectives must be considered. Mr. Baghdady stated that the working group should be composed of two members of the Housing Trust and two members of the Planning Board if it is to be balanced. Also, the meetings should be publically announced and posted in order for the process to be open and transparent. Currently, the meetings are held without any public announcement. Mr. DeStefano reported that there was disagreement between him and the other working group members over the threshold that should trigger the inclusionary housing requirement. He suggested that perhaps the Planning Board should draft its own version of the Inclusionary Housing By-law.

**Adjournment: 9:45 a.m.**