

TOWN OF BELMONT
ZONING BOARD OF APPEALS

MEETING MINUTES
NOVEMBER 7, 2011

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

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

Absent: James Ryan-Fagan, Christopher Henry (Associate)

William Chin welcomed everyone to the monthly meeting of the Zoning Board of Appeals. He gave a very brief outline of the process and encouraged audience participation before the committee's deliberations.

CONTINUED PUBLIC HEARING:

CASE NO. 11-26 – 29-31 MARION ROAD: Three Variances from the dimensional regulations and a Special Permit to replace the existing garage with a four car garage.

Andres Rojas, architect for the project, presented a revised plan for the proposed garage that reduced the size to 706 square feet. The reduced size increases the size of the side lot which increases the space between the garage and the neighbor's house.

William Chin asked Mr. Rojas if this would change the pitch in the roof, and he responded that it would. He also inquired about the run-off, and Mr. Rojas stated that all the water running off the roof will be captured.

He then asked if there was anyone opposed to the project. No one spoke in opposition. Mr. Chin then closed the public hearing and stated that the Board will take the matter under advisement.

NEW PUBLIC HEARINGS:

CASE NO. 11-30 – 1000 PLEASANT STREET, UNIT 7: Special Permit to operate an Automotive Repair Business.

Applicants Robert Hanna and Audwin Alvarez attended the meeting. Mr. Chin asked Robert Hannah if the lease had been amended to reflect Unit #7, and he stated it had. Mr. Chin also made it clear to the tenants that the Special Permit is not transferrable to another person.

Eric Smith asked the tenants when they were planning on starting operations. They responded that they would start as soon as they received the committee's approval.

William Chin asked if there was anyone opposed to the project. No one spoke in opposition. Mr. Chin then closed the public hearing and stated that the Board will take the matter under advisement.

CASE NO. 11-31 – 82 SOUTH COTTAGE ROAD, NORTHLAND RESIDENTIAL CORPORATION:

Variance from the dimensional regulations of Section 6A of the zoning by-law, to increase the total number of allowed units from 56 to 60 with the 4 additional units to be placed in the Upham House Building.

William Chin noted a discrepancy in the narrative and asked for clarification. It made reference to the number of units as being 66.

Douglas Arico, attorney for the applicant stated that 66 units is what they were looking for. That number includes the proposed increase to 60 units and the potential 6 bonus units for the historical renovation of the Upham House Building and South Cottage Building.

John Dawley, CEO and President of Northland Residential Corporation, the applicant, stated the increase in units would solve structural and topographical hardships that exist. He also noted that an increase to 11 units in the Upham House building would have no detrimental effect on parking or on the neighborhood, and that there would be a 35 foot separation from the parking lot to other units.

Eric Smith asked if they had met with the Planning Board. John Dawley stated that they met with the Historic Commission, who did not express a significant objection, provided that they were true to the agreement not to alter the Upham House.

Jay Szklut noted that the Planning Board did not get special notice of tonight's hearing.

Eric Smith thought it would be helpful if the ZBA saw the original site plan as well as the 2007 modification document and blueprints. He noted that Mr. Dawley made a reference to costs and other hard data and asked for a summary of those numbers.

Mr. Chin felt that the committee should see a memo from the Historical Commission in regard to the conversation they had with Mr. Dawley.

Craig White asked about the economics of underground parking and if that is a possibility. Mr. Dawley stated that it would not be economically feasible to have underground parking, but said that the parking lot had been reconfigured to allow for tandem parking.

Mr. Chin asked if anyone wanted to speak in support or opposition.

Several audience members spoke in opposition citing concerns with parking especially above-ground parking, neighborhood aesthetics and density, adequacy of proposed screening, and effect on neighborhood character by introducing a small apartment building in the middle.

Nick Ianuzzi asked about the landscaping requirements. Tom Myer from Northland said that they would be regrading the area.

Andres Rojas, 72 Drew Road, noted that adding more units would impact not only parking, but also the location of dumpsters. He recommended that the project be sent to the Planning Board for Site Plan Review.

Richard Semerjian, 27 South Cottage Road, questioned whether financial and economic hardships were a good reason to grant a variance.

Charles Hamann, 28 Temple Street, also questioned whether the application meets the grounds for approval of a variance.

Eric Smith reiterated that the committee needed to review the following information at the continuance:

1. Hard data with respect to finances
2. The 2007 amendment to the site plan, and
3. Comments from Historic District

The Board continued the hearing to 7:00 PM, December 5, 2011, in the 3rd Floor Art Gallery of the Homer Municipal Building.

CASE NO. 11-32 – 100 PLEASANT STREET, UNIT 6: Special Permit to operate an Automotive Repair Business.

Applicants and owners Robert and David Gallagher spoke, noting that the hours of operation would be 7 am to 5 pm, and that there was plenty of parking available on the premises.

William Chin asked if there was anyone opposed to the project or who wished to speak in support. No one spoke in opposition. Mr. Chin then closed the public hearing and stated that the Board will take the matter under advisement.

CASE NO. 11-33 – 36 KENMORE ROAD: Variance to construct a one-story addition.

Diane Miller, architect for the applicants, Mark and Jane Johnson, stated that this was a small residential project, a one story addition. She noted:

1. that there is a significant distance of 65 feet between the house and the abutter.
2. You cannot see the addition from the street

Jane Johnson said there was strong neighborhood support for the project, and several neighbors spoke in support.

Arline Levee, neighbor, spoke in support stating that you would not be able to see the addition from the street.

Chris Arula of 24 Kenmore Road also spoke in support of the project.

William Chin asked if there was anyone opposed to the project. No one spoke in opposition. Mr. Chin then closed the public hearing and stated that the Board will take the matter under advisement.

Mr. Chin noted that the approval of the September and October 2011 minutes would be deferred to the next meeting.

DELIBERATIONS AND VOTES

29-31 MARION ROAD, CASE NUMBER 11-26 - Board members agreed that the revised plans submitted met the de minimus test for approval of the variance. The addition of gutters, downspouts and a dry well addressed the concern with the storm water run-off onto neighboring properties.

MOTION - Nick Iannuzzi moved to approve the variances subject to the conditions of gutters, down spouts and drywells. Seconded by Eric Smith. Motion approved unanimously.

1000 PLEASANT STREET, CASE NUMBER 11-30 - There were no objections raised to the application.

Motion – Nick Iannuzzi moved to grant the special permit. Motion seconded by Jim Zarkadis. Motion passes unanimously.

1000 PLEASANT STREET, UNIT 6, CASE NUMBER 11-32 - There were no objections raised to the application.

MOTION - Nick Iannuzzi moved to approve the special permit seconded by Eric Smith. Motion passes unanimously.

36 KENMORE ROAD, CASE NUMBER 11-33 – The Board found sufficient evidence that the soil conditions, ledge, limited the location of the structure on the lot. The location of the house and the odd shape of the lot required Applicant to encroach into the setback area to address the lack of kitchen space. The Board found hardship. The Board also found that desirable relief could be granted without substantial detriment to the neighborhood because of the distance from neighboring structures and the densely wooded vegetation separating the structure from the nearest abutter. The Board found the project would not adversely affect the neighborhood.

MOTION - Nick Iannuzzi moved to approve the variance request based on soil conditions, shape of lot, location of the structure, and minimal detrimental impact on the surrounding area. Motion seconded by William Chin. Motion passes unanimously.

Meeting Adjourned – 9:15 pm