

**TOWN OF BELMONT
PLANNING BOARD**

**MEETING MINUTES
March 4, 2014**

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7:10 p.m. Meeting called to order

Present: Michael Battista, Chair; Elisabeth Allison, Vice Chair; Sami Baghdady; Joseph DeStefano, Karl Haglund, Associate Member, Jeffrey Wheeler, Liaison to the Planning Board

Absent: Charles Clark

**7:10 p.m. Public Hearing: Zoning By-Law Amendment
Proposed Amendment to regulate "Shared Driveways"**

Ms. Allison read the public hearing notice. Mr. Battista provided a brief history of the proposed amendment, mentioning that Glenn Clancy, Building Inspector, requested this amendment. He listed several objectives that would be achieved by this proposed amendment. Mr. Wheeler stated that the current Zoning By-Law does not allow shared driveways. He added that this amendment does not eliminate the frontage and other dimensional requirements. Mr. Wheeler provided the example of Somerset Street, where using an existing driveway, 'sharing', would mean that an historically significant stone wall or other structure with historical significance would not have to be altered to provide driveway access. He emphasized that adequate frontage would still be required.

Discussion ensued as to the language used in the proposed amendment. The Board questioned whether a binding agreement or an easement should be required. Also discussed was whether or not the agreement should terminate with the sale of the property and who maintains it.

Comments from the audience:

Susan Robotham, 19 Scott Road, asked if a Special Permit was needed to re-construct an existing shared driveway. Mr. Wheeler responded that existing driveways are grandfathered and therefore a Special Permit would not be needed to reconstruct them.

Moved by Mr. Baghdady to close the public hearing. Seconded by Mr. Haglund. Motion passes.

Moved by Mr. Baghdady to recommend favorable action by Town Meeting of the proposed amendment to regulate shared driveways subject to review by Town Counsel of the revised text. Seconded by Ms. Allison. Motion passed.

**7:30 p.m. Public Hearing: Zoning By-Law Amendment
Proposed Amendment to regulate "Kennels"**

Ms. Allison read the public hearing notice. Mr. Wheeler gave a PowerPoint presentation which explained the issues of regulating kennels, the definitions as proposed by the Commonwealth, as

well as recent regulations enacted by them, and the existing definitions and types of kennels that currently operate in the Town. The presentation explained the differences between the various types of kennels and when a Special Permit would be required.

A lengthy discussion ensued amongst the Board members. Several suggestions as to the wording of the amendment and several questions were raised and examples given as to when the use of a Special Permit would be warranted. Mr. Baghdady suggested several changes to the amendment and requested Town Counsel's review of the language. Mr. DeStefano expressed concerns that the licensing requirement is extremely liberal. Ms. Allison commented that she did not want to create a law that was not enforced.

Comments from the Audience:

Judith Ananian Sarno, 30 Waverly Terrace, stated that she did not want personal kennels in the General Residence Zoning Districts because these areas are already densely built. She also objected to kennels in the General Business Zoning District and did not understand why they were proposed for this area. She explained that she wanted to protect neighborhoods from the adverse impacts of overnight boarding and dog daycare.

Susan Robotham, 19 Scott Road, stated that dog daycare was not appropriate in the Local Business III (LBIII) Zoning Districts. Ms. Allison noted that the impact on a neighborhood would vary according to the size and breed of dog. Mr. Battista also mentioned that existing dog daycares in the LBIII districts would be grandfathered.

Moved by Ms. Allison to close the public hearing. Seconded by Mr. Baghdady. Motion passed.

Moved by Mr. Baghdady to recommend favorably action on the proposed amendment to the kennels zoning by-law as amended. Seconded by Ms. Allison. Motion passed.

**8:10 p.m. Public Hearing: Zoning By-Law Amendment
Proposed Amendment to require 'As Built' plan for new buildings**

Ms. Allison read the public hearing notice. Mr. Wheeler explained that this amendment would only apply to new buildings, not expansions.

A discussion ensued about the application of the amendment. The Board talked about whether or not this requirement should apply to just increases to the footprint or to increases in the volume of a structure. Mr. Haglund, Mr. Baghdady and Mr. Wheeler discussed language that would make an 'As-Built' plan required for any new construction or addition that requires a building permit or anything that requires a plot plan.

Comments from the audience:

Nicholas LaFauci, 50 Moraine Street, stated that requiring an 'As Built' plan would be an additional cost to the developer. Mr. Haglund responded that if there are significant changes to

plans, an architect must produce 'As Built' drawings to reflect these changes, so submission of those drawings should not be too expensive.

Mr. Baghdady suggested language indicating that the 'As-Built' plan needs to be stamped.

Moved by Ms. Allison to close the public hearing. Seconded by Mr. Baghdady. Motion passes.

Moved by Mr. Baghdady to recommend favorable action by Town Meeting on the amendment requiring an 'as-built' plan as revised. Seconded by Ms. Allison. Motion passes.

**8:45 p.m. Continued Public Hearing: Zoning By-Law Amendment
A package of amendments to address the Citizens Petitioned General
Residence Zoning District Demolition Moratorium**

Mr. Battista informed the Board of an email he received from Jan Kruse, 13 Grant Avenue, requesting clarification on the proposed by-law. Mr. Baghdady expressed concern that the language of the by-law was too broad, and wanted to continue the public hearing until after the meeting with Town Counsel.

Comments from the audience:

William Dillon, 137 White Street, suggested that the proposed amendments were infringing on the rights of property owners and added that they went too far.

Raffi Manjikian, 15 Pearl Street, stated that it was never the intention of the citizens' sponsors that the response to the demolition moratorium should infringe on the rights of property owners.

Nicolas LaFauci, 50 Moraine Street, requested that his property be exempt from these proposed amendments. He wanted to know the difference between the existing by-law and the proposed. Mr. Wheeler explained the difference. Mr. Battista mentioned that Mr. LaFauci had not applied to the Planning Board to date so there was nothing before the Board to discuss at this point.

Moved by Ms. Allison to continue the public hearing to Friday, March 7, 2014 at 8:00 a.m. Seconded by Mr. Baghdady. The motion passed.

**9:15 p.m. Update/Discussion on the Proposed Zoning Amendment
Medical Marijuana Dispensaries**

The Board discussed how far a dispensary should be from schools and other protected uses (as outlined in the proposed by-law). The Board agreed that dispensaries should be 300 feet from property lines of protected uses.

Adjourned – 9:31 p.m.