

**TOWN OF BELMONT  
PLANNING BOARD**

**MEETING MINUTES  
December 3, 2015**

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Present: Elisabeth Allison, Vice Chair; Joseph DeStefano; Barbara Fiacco; Karl Haglund; Raffi Manjikian (associate member)

Staff: Mr. Jeffrey Wheeler, Office of Community Development

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

**1. Applicant requests to modify the conditions of a one-year extension of the Special Permit previously granted for the construction of Cushing Village:**

(Mr. DeStefano recused himself from this agenda item.)

Chris Starr, Applicant, apologized for coming back to the Board to request modifications to the conditions of the one-year extension and for the delay in constructing Cushing Village. He stated that he is deeply committed to completing the project. Mr. Donohue, representing the Applicant, also apologized and explained why the modifications were necessary. He stated that there are 3 basic modifications:

1. A Force Majeure provision, which protects the lenders from delays attributed to extraordinary circumstances.
2. A lender saving provision, which allows the lender to step into finish the project in the event that the Applicant cannot.
3. Add one week to the closing deadline to allow a little leeway to gather all documents for recording.

Tony Papantonis, President of Nauset Construction, the contractor for Cushing Village, stated that equipment will be mobilized on-site within a few days after the closing. He also mentioned that the Cushing Village team has had numerous meetings with town departments. He added that demolition will begin in two weeks.

George Hall, Town Counsel, felt that the proposed modifications were consistent with the prior conditions and don't make a dramatic impact on the timeline. He explained the relationship between the Force Majeure provision and the deadlines. Sami Baghdady, Chair of the Board of Selectmen, stated that the changes were good for Belmont, as they allowed the lenders to complete the project if the developers were unable to finish it. He added that none of these changes affect the one-year deadline. Ms. Fiacco stated that she understood why the lenders want these changes and that she didn't think they would affect the timeline. She expressed frustration since the Applicant approached the Board at the "11<sup>th</sup> hour". She suggested that the Board and the Applicant need to have an ongoing dialogue so there aren't any more surprises.

**MOTION made by Ms. Fiacco to grant the modifications to the conditions of the one-year extension. Seconded by Mr. Manjikian. Motion passes.**

**2. Continued Public Hearings:**

### 15-13 - 122 Waverly Street, Design and Site Plan Review/Special Permit

(Mr. Manjikian recused himself from the public hearing.)

Ms. Fiacco read the notice of public hearing. Ms. Allison reviewed the status of the application. Mr. Wheeler reviewed a list of changes that the Board requested. Mr. Cusano stated that all of the items were reflected on the new plans except for the sliding glass door in the kitchen, which could not be accommodated.

Mr. Haglund stated that the landscaping plan was short by several street trees and that they should be at least 3-½ to 4 inch caliper. Mr. Cusano stated that the Tree Warden requested Tree Lilacs of a smaller size. Mr. DeStefano asked that Red Maples be used as the street trees. Though he stated that the landscape plan looked fine, he asked that fencing and arborvitae be added to screen the HVAC units.

The Board had a brief conversation about the grade of the property as it abuts properties on Pearl Street and 19 Waverley Terrace.

The Board also reviewed the plans showing the proposed structures in relation to the existing on Waverley Terrace. Mr. Cusano explained the calculation of height for each structure.

#### Comments from the audience:

1. Judith Ananian Sarno, Waverly Terrace, expressed concern at the heights and massing of the new buildings. She had hoped the developer would provide a visual that showed the properties in relation to the other homes in the neighborhood. She stated that her home is only 20 feet and not 22 feet as reported in the plan submitted by the Applicant. She asked that the Board reduce the height and scale of the buildings, and to consider the impact on the neighborhood if everyone who lived there were to ask for Special Permits to expand their homes.
2. Robert Sarno, Waverly Terrace, reviewed a letter he had previously submitted to the Board. He stated that scale was his major concern, and felt the properties were out of scale with Waverley Terrace. He was concerned that the metrics masked disparities between the Waverly Terrace neighborhood and the proposed buildings. He urged the Board to look at the neighborhood within the context of the neighborhood as it has been defined by the Board and to note how large the differences were. He reported on various metrics that he developed. He read a summary of his findings that demonstrated that the houses are significantly larger than those on Waverley Terrace. He felt if the properties were to be built it would damage the character of the neighborhood, which the By-Law was supposed to protect.
3. David Chase, 14 Waverly Terrace, asked that the first 2 properties be reduced in height.
4. Paul Marzocchi, 19 Waverly Terrace, stated that the lot grades had been significantly altered by at least 2 feet. Don Cusano responded that the grades had been altered due to removal of loam, but will be restored post construction.

The Board discussed the application. Ms. Fiacco stated that she sees the definition of the neighborhood and the quartile analysis as information to consider, but not that the Board should be tied up in the numbers. She noted that if one of the lots was within the cul-de-sac that the review would be different. She added that the plans represent a reasonable compromise and that they strike a good balance between all involved. Mr. Haglund concurred and noted that Waverley Terrace is very unusual. He stated that the existing property was an outlier with a big house on it. Mr. DeStefano stated that the existing house was larger than any of those that are proposed. He added that 122 Waverley Street complements 126. He noted that the mass of the buildings is deceptive because of the attached garages. He felt that the plans were a nice compromise and did not find what the developers were proposing was offensive. Ms. Allison stated that she agreed with her colleagues, noting that neighborhood definition of nine homes would be difficult to apply in practice and that the size of these homes (ranging from 1669 to just over 2300) were well within the comfort range of the Board and that were single family rather than two family houses. She briefly explained the difference between Design and Site Plan Review and Special Permits.

**MOTION made by Ms. Fiacco to close the public hearing. Seconded by Mr. Haglund. Motion passed.**

**MOTION made by Mr. DeStefano to approve the Design and Site Plan Review for LOT B-1 subject to final review approval of the landscape plan and the Board's standard conditions. Seconded by Barbara Fiacco. Motion passed.**

**MOTION made by Ms. Fiacco to Grant the Special Permit and Design and Site Plan Review for LOTS B-2 and B-3 subject to final review and approval of the landscape plan and the Board's standard conditions. Seconded by Mr. Haglund. Motion passed.**

### **3. Public Hearing**

#### **15-14 - 24 Upland Road, Design and Site Plan Review**

(Mr. DeStefano reused himself from the public hearing.)

Ms. Fiacco read the notice of public hearing.

Justin Kenyon, the Applicant, explained his connection to the house and why he wanted to reconstruct it. Sayo Okada, the architect, reviewed the plans and stressed that the building is energy efficient, which affects the window size and placement.

#### **Comments from the audience:**

1. John O'Connor, 35 Upland Road, supported the reconstruction of a single-family home, but felt that the plans were too boxy and that the home should look more like the single-family homes in the neighborhood.
2. Laurie Carlson, Upland Road, stated that she supported the applicant and that the neighborhood was fortunate for the family to stay and build a single-family home.

3. Joe Tocci, 29 Drew Road, stated that the structure looked pretty broad from the rear and that the design was flat and bland.
4. Susan Tocci, 29 Drew Road, expressed concern about drainage and flooding in her basement.

**MOTION made by Ms. Fiacco to continue the public hearing to December 15, 7:00 pm. Seconded by Mr. Manjikian. Motion passed.**

**5. Continued Public Hearings:**

**15-12 - 54 White Street, Design and Site Plan Review/Special Permit**

Mr. Wheeler reviewed the changes that were made to the plans since the Board's last meeting.

The Board discussed the landscape plan. Mr. Haglund stated that some of the trees are at the end of their life and not attractive. He argued that the trees should be evaluated by a landscape contractor and a landscape plan designed around those that are staying. He also requested screening and separation between the garages and the neighbors.

Ms. Fiacco requested that the materials for the roof and windows be identified on the plans. Mr. Hovsepien stated that the windows will be vinyl since most homeowners want a maintenance free house.

**MOTION made by Ms. Fiacco to continue the public hearing to December 15, 7:00 pm. Seconded by Mr. Manjikian. Motion passed.**

**15-08 - 26-28 Dante Avenue, Design and Site Plan Review/Special Permit**

Ms. Allison reviewed the safety issue of the second driveway. Cliff Rover, on behalf of the Applicant, reported on a meeting that the Applicant had with the Principal of the Butler School and explained why this driveway should not be a problem. Chair Allison noted that the Board had a policy of requiring direct written communication from Town and School officials and thus needed to hear from Principal McAllister directly. The Board discussed the pros and cons of having one or two driveways and the possibility of installing a landscape buffer. Mr. DeStefano stated that he preferred two driveways with the one closest to the Butler School be 9' wide bordered by a 6' tall fence. He also suggested several design changes. Ms. Fiacco raised concern about the slope of the driveway and access to the basement. Mr. DeStefano stated that the building will be subject to the Town's Stormwater Bylaw.

**MOTION made by Mr. DeStefano to close the public hearing. Seconded by Ms. Fiacco. Motion passed.**

**MOTION made by Mr. Haglund to grant the Special Permit and Design and Site Plan Review. Seconded by Ms. Fiacco. Motion passed 4 in favor and 1 abstain.**

**Adjourn: 10:10 p.m.**