

**TOWN OF BELMONT
PLANNING BOARD**

**MEETING MINUTES
MAY 14, 2013**

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7:05 p.m. Meeting called to order.

Present: Sami Baghdady, Chair; Michael Battista, Vice Chair; Joseph DeStefano, Elisabeth Allison, Charles Clark; Jeffrey Wheeler, Staff Liaison to the Planning Board

7:05 p.m. Continued Public Hearing: Wellington School

William Lovallo and Eric Smith were present on behalf of the Wellington School Building Committee. Mr. Lovallo gave a brief recount of the actions taken by the Building Committee to mitigate the noise from the rooftop HVAC units. He reported that the Building Committee has recently held a neighborhood meeting, Assentec has taken additional night noise readings, and the rooftop units are being shut off at night. Assentec also recorded low frequency noises from the boilers, which they believe is due to the boilers firing at their highest capacity. Now that the source of the low frequency noise has been identified, the Committee has been actively investigating how to mitigate it. They also feel that since the boilers are not operational during the summer, the noise caused by them will be non-existent.

The Committee asked the Board to consider closing the public hearing and granting a site plan approval to allow them to obtain a permanent Certificate of Occupancy for the Wellington School. The permanent Certificate of Occupancy is required by the State. Mr. Lovallo assured the Board that the Building Committee will continue to work towards resolution of all noise and other problems at the School. Mr. Baghdady invited the Committee to provide an update at its first meeting in December, 2013.

Mr. Baghdady also reported about complaints that piles of trash from the school was being stored on the public sidewalks. However, Mr. Baghdady also reported that he discussed this matter with Thomas Kingston, Acting Superintendent of the Schools, and they have worked-out an operational solution.

Moved by Ms. Allison to close the public hearing. Seconded by Mr. Battista, and it passed unanimously

Moved by Mr. Battista to grant Site Plan Approval to the Wellington School, subject to the following conditions:

1. Arbor vitae shall be planted around the transformer on Orchard Street to provide year-round screening.
2. No trash shall be disposed or stored on the sidewalks or the visible yard areas of the school.
3. The Wellington School Building Committee and the School Department shall continue to work to resolve the noise and vibration issues.

Seconded by Ms. Allison, and the motion passed unanimously.

7:25 p.m. Continued Public Hearing: 66 Leonard Street/El Centro Mexican Restaurant

Mrs. Gold, a tenant in the building, reported that the other tenants of the building have met with the Applicant and have come to an amicable resolution of the operational issues and concerns. Mr. Rodriguez, the co-Applicant, told the Board that the restaurant was committed to be a good neighbor. Mr. Baghdady reported that he had just received an itemized letter from the Board of Health outlining their concerns. He suggested that that Applicant next meet with the Board of Health and report back at the next Planning Board meeting.

Moved by Mr. Clark to continue the public hearing on 66 Leonard Street to May 23 at 5:00 p.m. Seconded by Mr. Battista, and it passed unanimously.

7:30 p.m. Continued Public Hearing: 436 Common Street/La Maione Restaurant

Mr. Baghdady reported that a letter from the Board of Health had also been issued to Mr. Maione, the Applicant. He suggested Mr. Maione meet with the Board of Health and report back to the Planning Board.

Moved by Mr. Clark to continue the public hearing on 436 Common Street to May 23, 2013 at 5:00 p.m. Seconded by Mr. Battista, and it passed unanimously.

7:35 p.m. Continued Public Hearing: Inclusionary Housing Zoning By-Law Amendment

Mr. Baghdady thanked Ms. Allison and Mr. DeStefano for their work with the Belmont Housing Trust to rewrite the Inclusionary Housing By-Law.

Ms. Allison reported on the history leading to the new By-Law revision, stating that the previous version, according to Town Counsel, was open to legal challenge. Arguably, it imposed the equivalent of a tax on properties where a residential use is allowed by right. Mr. DeStefano explained that the revised By-Law would properly be triggered by the requirement of a special use permit. Ms. Allison added that this new By-Law has a degree of transparency that will serve the Town well.

Mr. Baghdady suggested that the public hearing be continued to May 23rd to allow members and the public additional time to review the revised By-Law.

Moved by Mr. Battista to continue the public hearing on the Inclusionary Housing Zoning By-Law amendment to May 23, 2013 at 5:00 p.m. Seconded by Ms. Allison, and it passed unanimously.

7:45 p.m. Public Hearing: Citizens Petition – Demolition Moratorium

Mr. Battista read the notice of public hearing.

Raffi Manjikian explained that the Moratorium would temporarily prevent a single-family home from being demolished and replaced by a two-family home in the General Residence Zoning District. He described the intent of the Moratorium, stating that it is not intended to obstruct economic development for the Town. Rather, the purpose is to restrict the replacement of single family homes with very large, out of character, two family homes while the Planning Board studies how to address this matter. In the past three years there have been 45 teardowns. The citizens who signed the petition are concerned about the impact on the infrastructure and schools, and hope for the Planning Board's support.

Judith Ananian Sarno, 30 Waverley Terrace, one of the Petitioners, made a Power Point presentation showing various homes in Precincts 3 and 4 that have been torn down and replaced by out of character structures. She also outlined the limitations of the Moratorium. It will not prevent the demolition of a single-family home if it is replaced by another single-family home. The Moratorium also would not prevent the demolition of two-family homes. The Moratorium would be in effect until June 30, 2014. Lisa Oteri concluded the Power Point presentation with illustrations of homes in the neighborhoods of Grant Avenue, Thomas Street and Holt and Lexington Avenues.

Questions were asked about whether any of the duplexes under construction needed a Special Permit or Variance (they did not), the size of lot coverage, and discussion ensued about the need for a Moratorium.

Comments from the audience:

1. Lucia Sullivan, 9 B Street, expressed concerns for the loss of trees and environmental factors resulting from the development, and also the overcrowding of the schools.
2. Jirair Hovsepian, 44 Chandler Street, stated that developers were "pouncing" on Belmont property, and urged the Board to look into the matter.
3. Andrew Wittemore, a former resident of Belmont, asked why limit this Moratorium to the General Residence District and urged it to include all residence districts.
4. Nick Koumpikov, 46 Baker Street, spoke against the Moratorium and felt that the new structures improved the appearance of the neighborhoods.
5. Jim Trapani, 16 Hamilton Road, felt his rights as a property owner to build a single or two family home would be taken away. He presented a petition of 37 names to the Board in opposition to the Moratorium.
6. Bob Sarno, 30 Waverley Terrace, responded that the Moratorium would not take away any rights to build. He added that the problem is that the zoning needs to be brought up to date in order to preserve open space, but still allow for building to take place. He emphasized that the Moratorium would only be for one year in order to review the problem.

7. John Dieckmann, 47 Lorimer Road, spoke in support of the Moratorium and added that it was long overdue.
8. William Dillon, 137 White Street, spoke against the Moratorium. He felt that all single family owners should be notified of the Moratorium and argued that some renovations are favorable additions to neighborhoods.
9. Roger Saquet, 82 Lexington Street, was concerned that the Town had something in place after the Moratorium has ended and did not want to extend the Moratorium.
10. Lisa Oteri, 31 Waverley Terrace, also expressed an urgency, as the neighborhoods are changing dramatically. She called for more "smart" development, and noted that neighboring property is also being dramatically impacted by these changes.
11. Lucia Sullivan, 9 B Street, asked for clarification of the definition of a two-family home. Mr. Baghdady stated that a two-family consists of two residential units that are attached.
12. Jirair Hovsepian, 44 Chandler Street, cited additional concerns of student growth in the schools and traffic increases and congestion.

Moved by Mr. Clark to close the public hearing on the Citizens Petition. Seconded by Mr. Battista, and it passed unanimously.

Mr. DeStefano commented that if the developer does not take the character of the neighborhood into consideration when designing a home, there is a problem. He added that that Board owed it to the residents to address this problem. Mr. Baghdady agreed. He reminded those in attendance that it would be the Town Meeting which would adopt the Moratorium. The Planning Board only makes a recommendation to Town Meeting.

Moved by Mr. Clark to recommend adoption of the Citizens Petition for the Demolition Moratorium. Seconded by Mr. DeStefano, and it passed unanimously.

Adjourned – 8:50 pm.