

2017 NOV -7 AM 11:01

**ZONING BOARD OF APPEALS
MEETING MINUTES
September 11, 2017**

Present: Nick Iannuzzi, Chair; Jim Zarkadas; Andrew Plunkett; Tino Lichauco;
Phil Ruggiero; Craig White

Staff: Ara Yogurtian, Liaison to the Office of Community Development

1. Meeting called to order 7:00 PM

Chairman Iannuzzi welcomed the public to the September 11, 2017 Zoning Board of Appeals meeting. He introduced the Board members asked the audience to sign in on the sign-in sheet if they were planning to be heard by the Board that evening.

2. Continued Public Meeting:

A. CASE NO. 17-17 – ONE (1) SPECIAL PERMIT
62-64 Palfrey Road – Richard and Elizabeth Kershaw

Mr. Kershaw, Applicant came before the Board and explained the need to maintain the expanded driveway at his rental property. He noted that his renter at this location was very sick and needed the extra space to get in and out of the driveway easily.

Ms. Andrea Kershaw (daughter-in law of Applicant) and Mr. Richard Kershaw (son of Applicant) came before and noted that the driveway has been very beneficial to the tenants.

No one else spoke.

The Board took the matter under advisement.

3. Public Hearings:

A. CASE NO. 17-19 – THREE (3) SPECIAL PERMITS
63 Berwick Street – Carl Solander

Mr. and Mrs. Solander came before the Board to explain the need to improve their existing garage. Mr. Solander noted that he would like to wrap the garage in a screen to enclose the down spouts. He noted that he was seeking three special permits for setback and lot coverage.

Jeremy Cardin, 62 Berwick Road noted that he liked the design and felt that it would improve the property values.

No one else spoke.

The Board took the matter under advisement.

B. CASE NO. 17-20 – AMEND A SPECIAL PERMIT

825 Concord Avenue – Belmont Hill Club, Elizabeth A. Primerano, Director

Ms. Primerano came before the Board to seek approval to install three paddle tennis courts at the Belmont Hill Club.

Victoria Hibbard, Applicant's representative came before the Board to explain the layout of the paddle tennis courts.

In favor:

Sinclair Weeks has been a member for fifty years and noted that for twenty-five years they had been trying to get the paddle tennis courts installed. He was in favor of the courts.

Russel deBurlo, a former president of the club noted that there was a light pollution issue and that the lights will be on, he was in favor of the application so long as the light issue was considered.

No one else spoke.

The Board took the matter under advisement.

C. CASE NO. 17-21 – ONE (1) SPECIAL PERMIT

41R Holt Street – Anthony L. Carbone

Christina Marshall, Attorney, Anderson Kreiger (Counsel for the Town of Belmont) came before the Board to update the Board on the land court matters. She explained that in 2015 the Board had determined that the original proposal was expanding the nonconformity too much and the Board had raised the abandonment issue and it was possibly still a live issue, it was up to the Board to decide. She explained that the Applicant was previously denied a special permit to reconstruct a garage on his property and would now like to have the Board consider the proposal of a smaller garage.

Mr. Carbone, Applicant came before the Board and explained a copy of two letters that were handed to the Board for their review. He reviewed a letter from the Judge and his reason for being at the hearing and a packet of information that was provided for the Board prior to the hearing.

He explained the reasons why the application was originally denied:

- It would have led to an increase in nonconformity
- It was determined by the Board to be more substantially detrimental
- The Board felt that it was not keeping with the design of the neighborhood

Guy Carbone, the Applicant's son spoke and noted that the garage would be used for parking cars and the lofted space is for storage.

Ms. Marshall noted that the garage was protected as a nonconforming structure and nonconforming use for two years after the building was demolished.

Mr. Iannuzzi noted that this was an issue of abandonment. The Board and the Applicant discussed the specifics of the dates of the demolition permit and the filing of the special permit application. The Board discussed how to best determine the start of the clock for the two-year period.

Ms. Marshall noted the specifics of the by-law.

Mr. White noted that he believed that the Board was obligated to determine whether it had been abandoned in order for the by-law to be applicable. Ms. Marshall concurred with Mr. White.

Mr. Iannuzzi asked Ara to provide a timeline for the Board's review. The Board will use the timeline to make the determination as to whether the structure was abandoned or not.

No one else spoke.

- D. AP CAMBRIDGE PARTNERS II, LLC – Discussion regarding a request from Cross Street residents, for the Board to consider not implementing the Pavement Marking and Signing Plan at the intersection of Cross Street and Brighton Street, designed by VAI Transportation.

4. Deliberate and Vote:

Case No. 17-17 62-64 Palfrey Road

Mr. Iannuzzi noted that this type of application (a special permit that is needed to accommodate for health-related issues) would be reviewed on a case by case basis and would be written into the special permit as a condition.

Mr. Lichauco noted that he was afraid that approving the special permit would lead to many driveways being out of compliance and in the long run everybody could be non-compliant.

MOTION to approve was made by Mr. Iannuzzi and seconded by Jim Zarkadas. Motion passed, vote 4-1.

Yes votes: Mr. Ruggerio, Mr. Zarkadas, Mr. Plunkett, Mr. Iannuzzi

No vote: Mr. Lichauco

Case No. 17-19 63 Berwick Street

MOTION to approve was made by Mr. Iannuzzi and seconded by Mr. White. Motion passed, vote 5-0.

Case No. 17-20 825 Concord Avenue

MOTION to approve was made by Mr. Zarkadas and seconded by White. Motion Passed, vote 5-0.

Case No. 17-21 41R Holt Street

MOTION to continue to October 2, 2017 was made by Mr. Iannuzzi and seconded by Mr. Zarkadas. Motion passed, vote 5-0.

AP Partners Comprehensive Permit amendments.

The ZBA concurred that the decision to change the design of the traffic calming markings was out of their jurisdiction.

The ZBA passed on the decision.

MOTION to adjourn was made by Mr. Iannuzzi and seconded by Mr. White.

5. Adjourn: 8:55 PM