

TOWN OF BELMONT
ZONING BOARD OF APPEALS
MEETING MINUTES
October 2, 2017

2018 APR -6 PM 2:20

Present: Nick Iannuzzi, Chair; 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 October 2, 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. **AP CAMBRIDGE PARTNERS II, LLC – Review and approval of Conditions 7, 14 and 20 to the Comprehensive Permit granted to AP Cambridge Partners dated February 16, 2007.**

Jim Ward, Nutter McClennan and Fish Law Firm, came before the Board to provide an update on the monitoring panel, the shuttle service schedule and the traffic mitigation. Mr. Ward noted that the condition 7 - Installation of sewer overflow monitoring panel and condition 20 - Traffic Mitigation had been met and that they would continue to evaluate Condition 14 - Shuttle Services Schedule, specifically the 5:50 AM shuttle bus.

3. **Continued Public Meeting:**

A. **CASE NO. 17-21 – ONE (1) SPECIAL PERMIT**
41R Holt Street – Anthony L. Carbone

Mr. Iannuzzi reviewed the abandonment issue and invited the audience members to the podium for public comments.

Ms. Marshall framed out the definition of abandonment and noted that it was a factual determination as determined by the Board. She also reviewed section 1.5.6 of the by-law.

The Board discussed the meaning of “not use” versus “abandonment”.

Mr. Andy Carbone, Owner came before the Board to explain the use of the garage and noted that it was mostly for vehicle storage.

The audience members were invited to be heard by the Board.

In opposition:

Anne Kneeland, 39 Holt Street, came before the Board and noted that she and her neighbors had hired an attorney in the 1960's and the garage was only to be used for storage of masonry equipment and contractors' tools, all of the equipment was to be kept inside. She added that the Applicant kept the previous garage in good condition. She is in opposition of

the project because she does not trust that the garage will be used for just the storage of cars. She wants to make sure that no business will operate from the proposed garage. No one else spoke.

The Board took the matter under advisement.

4. Public Hearings:

B. CASE NO. 17-22 – TWO (2) SPECIAL PERMITS

30 Madison Street – Boris Shepov

Mr. Shepov came before the Board to present his proposal and explained the need for an addition on his house. He noted that the topography of his yard was sloping and the basement was considered a full story. He added that he had a permit for the second level and that the framing of the outside of the roofing had been completed and it was unfinished on the interior. He had plans that were previously approved for a basement and a first floor.

The Board noted that Mr. Shepov built the framing for the 3rd story addition at his own risk prior to obtaining the ZBA approval.

Mr. Iannuzzi noted that he received a large package of information from a group of neighbors that were in opposition to the application.

In opposition:

Sarah Isenberg, 3 Adams Street, came before the Board to note that she was not in favor of the project.

Terese Hammerle, 22 Adams Street, noted that she was concerned about the size of the structure as was not consistent with the size of the homes in the neighborhood and it upset that balance.

Pamela Saidnawey, 11 Adams Street, handed out an additional memo to the Board that covered issues that she had with views from her kitchen.

No one else spoke.

The Board took the matter under advisement.

C. CASE NO. 17-23 – TO OPERATE A FAST FOOD RESTAUNT

442 Common Street – Robert Pelletier and Michael Gattis, d/b/a CLC CAF

Mr. Pelletier, Applicant, came before the Board to present his proposal to operate a fast food restaurant. The Board discussed the definition of a fast food restaurant as per the zoning code.

No one else spoke.

The Board took the matter under advisement.

D. CASE NO. 17-24 – ONE (1) SPECIAL PERMIT

72 Townsend Road – Yakaterina Pitts

Yakaterina Pitts, Applicant, came before the Board to present her proposal and noted that she would need the extra parking space in order to have the driveway as close to the front of the house as possible as her husband has a terminal health issue. Also, her mother lived with her and was elderly and would need to have a safer way to enter the house. She feels that it would create a safer environment for her lot by keeping uninvited visitors off her property. She noted that she was asking for what would keep things consistent with the neighborhood.

In opposition:

Tiao Xie, 64 Townsend Road, feels that this driveway expansion was not necessary. He noted that there are no safety issues of people coming into his backyard even with his fence wide open and the backyard was very flat and a shorter distance into the house and a much easier access into the house. He believes that the spot would be very tight and not big enough for two cars.

Sharon Rich, 76 Townsend Road, asked the Board to consider whether there was a feasible alternative for providing necessary parking. She noted that it was not only feasible but a better alternative to park on Cushing Avenue. She added that there was easy access to the back and there were no security concerns. She noted that the car would be parked on the sidewalk everyday because the cars will not fit and this will cause a safety issue. This would interrupt the whole section of how the area looks and it would bring the property values down.

Joel Voldman, 55 Townsend Road, agrees with the previously made points of those who spoke in opposition.

Jean and Dan Caldwell, 41 Townsend, noted that their driveway was located directly across the street. He noted that there are more cars on the narrow street and it was not safe because there are cars parked on the street on both sides and there was not enough room to get through the street and it was dangerous. He believes that this would impact the value of their house.

No one else spoke.

The Board took the matter under advisement.

5. Deliberate and Vote:

AP Partners Comprehensive Permit amendments.

MOTION to accept conditions 7, 14 and 20 was made by Mr. White and seconded by Mr. Lichaucó. Motion passed, vote 5-0 to accept all conditions.

Case No. 17-21 41R Holt Street

The Board discussed “use and abandonment” and decided that it was not an issue.

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

Case No. 17-22 30 Madison Street

MOTION to deny the two special permits was made by Mr. Iannuzzi and seconded by Mr. Ruggiero. Special Permit denied, vote 5-0.

Case No. 17-23 442 Common Street

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

Case No. 17-24 72 Townsend Road

MOTION to deny the special permit for front yard parking was made by Mr. Iannuzzi and seconded by Mr. White. Special Permit denied, vote 5-0.

Adjourn: 9:15 PM