

**TOWN OF BELMONT
ZONING BOARD OF APPEALS
MEETING MINUTES**

2020 MAR -4 PM 3:12

January 6, 2020

Present: Nick Iannuzzi, Chair; Jim Zarkadas, Vice Chair; Andrew Kelley; Casey Williams;
Andrew Plunkett; Phil Ruggiero; Teresa MacNutt

Absent: Craig White

Staff: Ara Yogurtian, Assistant Director, Community Development

1. CALL TO ORDER 7:00 PM

Mr. Iannuzzi called the meeting to order and introduced the Zoning Board members. He noted the order of the meeting and asked the audience members to sign-in if they were planning to make a statement.

2. CONTINUED HEARINGS:

- a. CASE NO. 19-42 – TWO (2) VARIANCES AND ONE (1) SPECIAL PERMIT
774A-790 Pleasant Street (LBII) – Empire Management Corporation, Brian Lafferty,
President

Ms. Williams recused herself at 7:03 PM.

Mr. Iannuzzi read the public notice.

Brian Lafferty, Colonial Automotive Group, introduced his colleagues and explained the need for the variance for the height of the building and a special permit to increase lot coverage. He noted that the proposed building would meet the FAR requirements. He explained that they needed to expand the existing facility in order to stay in business. He added that they must meet Subaru space requirements, a certain number of square footage for the facility, a certain amount of car storage space, service bays, show room space, etc. He explained that the current situation had put the franchise in jeopardy and they were not able to renew their agreement with Subaru. They needed more service space to service the customers and to consolidate all of the services in one place. He described that there were a number of remote sites and they would like to consolidate and to function in a more efficient manner. He also explained that the

variance request was needed because the severe topography, the lot has a very steep (8 or 9 foot) drop, it was not a flat lot. He noted that the proposed plan doesn't derogate from the intent of the by-law and they need the variance for a couple of technical aspects of the by-law. He also noted that the front and back of the proposed building would look exactly the same and it would not be detrimental to the neighborhood.

Jim Almonte, Architect, presented the proposed plan for the building. He reviewed the footprint of the building, the lower level access, access to service reception, wash bays, vehicle storage and show room. He reviewed the phasing of the buildings. The existing bay count was ten in the main building and five in the other building and the new bay count will be 26 bays.

Mr. Plunkett asked to see the details of the facility requirements from Subaru standards and details of just what are they were failing to meet.

Mr. Lafferty noted that they were not meeting the requirements of Subaru and they needed to negotiate with Subaru as it still would not meet Subaru's standards. He also added that the long-term risk was losing the Subaru franchise agreement and with the updates they were hoping to get a 14-year franchise agreement.

Mr. Plunkett noted that the interest of the Town would be to do the least amount of development in order to meet Subaru's requirements. Mr. Lafferty noted that this was the minimum that they would need to do to get by and they have had 12 iterations of the building plans along the way. He added that there has been no practical way to do anything differently and Subaru would not accept anything less. Mr. Iannuzzi asked for a landscape design plan and Mr. Yogurtian noted that the plans would need to go through Site Plan review with the Planning Board.

Mr. Lafferty explained that if a dealership could meet the Subaru criteria then they must do it but if they can't, then Subaru will compromise and the dealership will do the best they can do.

Mr. Kelly asked what type of guarantee Subaru would offer that they would not change the requirements before the franchise agreement ends. Mr. Lafferty noted that it was a 14-year franchise agreement with Subaru.

Mr. Iannuzzi noted that with the two variances and special permit that someone else could build to this size and then sell the building.

Mr. Lafferty noted that they would get a letter from Subaru stating that they were accepting of the proposed design. He added that he had a trusting relationship with Subaru and has had many conversations with them. He added that Subaru was breathing down their neck to get the facility upgraded and they also wanted to upgrade the facility so they can do a better job serving the customers.

A letter of support was distributed to the Board by Mr. Lafferty.

Bob Kochem, a Cityside Subaru customer noted that they did a great job selling him a car and they did not pressure them and he would like to see all business in town do business this way. He would like to see them be able to provide better service and to have the limitations eliminated. He spoke in support of the proposal.

Chris Kochem, Town Meeting Member, Precinct 8, retired FBE Administrator, noted that Cityside Subaru was a tremendous support of the FBE (donated over \$100,000.00 to the Belmont Foundation of Education over the past six years) and they really care about the community. She spoke in support of the proposal.

Mr. Zarkadas summarized and confirmed the zoning code by-law criteria requirements for allowing the issuance of the variance as being; the site was severely impacted topographically, the shape of site was irregular (like a bowling alley, long and narrow) and it created multiple hardships.

Mr. Lafferty reiterated that it would not create a substantial detriment and it would improve the street and the area.

Mr. Yogurtian noted that he would copy the Applicant on the Decision to make sure that they are okay with the language. Mr. Iannuzzi noted that he would work on it together with Mr. Yogurtian and send it to their Council and have them edit it to meet Subaru's needs.

MOTION to approve upon condition of the approved use as a franchised automotive dealer the two variances and one special permit was made by Mr. Zarkadas and seconded by Mr. Iannuzzi. Motion passed.

- b. CASE NO. 19-43 – ONE (1) VARIANCE
510 Pleasant Street (SRC) – Anthony Mastrangelo

MOTION to accept the withdrawal of this application was made by Mr. Iannuzzi and seconded by Mr. Zarkadas. Motion passed.

- 3. Discussion and vote to approve Zoning Board of Appeals November 4, 2019 meeting minutes.**

MOTION to approve the Zoning Board of Appeals November 4, 2019 meeting minutes was made by Mr. Iannuzzi and seconded by Mr. Zarkadas. Motion passed.

- 4. Adjourn 8:03 PM**