

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

2019 APR 25 PM 2:37

**March 4, 2019**

Present: Nick Iannuzzi, Chair; Jim Zarkadas, Vice Chair; Casey Williams; Andrew Plunkett; Phil Ruggiero; Blake Currier; Craig White

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

**1. CALL TO ORDER 7:00 PM**

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

**2. PUBLIC HEARING:**

a. CASE NO.19-12 – NINE (9) VARIANCES

7-11 Sunnyside Place – Owens Real Estate Trust, Christopher Owens, Trustee

Mr. Yogurtian noted that a request for a continuance was received by the Offices of Community Development.

**MOTION to continue was made by Mr. Iannuzzi and seconded by Mr. Plunkett.  
Motion Passed, vote 5-0.**

b. CASE NO.19-11 TWO (2) SPECIAL PERMITS

207 Claflin Street (SRC) – Martin Bitner

Mr. Iannuzzi read the public notice.

Ms. Diane Miller, Miller Design, Architect, came before the Board to present the case. She noted that the Applicant was requesting two special permits to increase the side setback in order to construct a two-story addition. The maximum lot coverage allowed was 25.0%, existing was 25.3% and proposed was 25.2%. Ms. Miller noted that they were proposing to extend the side portion of the home by 10.5', it was currently a one-story building and they would be adding a total of 467 square feet. A master bedroom would be added and set back four feet from the front of the house to

reduce mass and impact on front elevation. The existing side setbacks would be maintained. She noted that the project involved reducing the rear deck and eliminating a jacuzzi. She stated that there was plenty of existing landscaping to help with screening, the project was not detrimental to the neighborhood and it was in keeping with the scale and character of the neighborhood. Ms. Miller noted that Martin Bitner was a Town Meeting Member, he was on the Energy Committee, and was also on the Belmont Goes Solar committee. A petition was signed by eleven neighbors including all the immediate abutters who were all in support of the project.

No one spoke in support or opposition.

Mr. Iannuzzi closed the public portion of the meeting.

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

**3. CONTINUED PUBLIC HEARING:**

CASE NO.19-05 – 70 Clark Street (Applicant's address)

Deliberations only. Interpretation of the by-law. Property being considered was located at 65 Clark Street.

Case No. 19-05 was previously closed to the public at the February 4, 2019 meeting.

[Mr. Iannuzzi recused himself at 7:17 pm.]

Mr. Zarkadas continued the case and noted that the Board would discuss the interpretation of the by-law sections 4.2.2 and 4.2.2.b.2. He noted that the Planning Board received the advice of Special Council (as recommended by the Town Council) and he reviewed the memo as written by Special Council. The memo stated that the 2016 adoption of the Zoning By-Law, sections 4.2.2 and 4.2.2.b.2, rendered nonconforming - all of the preexisting buildings in the SR-C district that exceeded the height limits specified and that they were including the house located at 65 Clark Street where the ridge line of 36.35' exceeded the maximum ridge line height of 34' as set forth in the Zoning By-Laws.

Mr. Zarkadas noted that it was time for the Board members to deliberate and if they were to reverse the decision of the Building Department of allowing a by-right permit to build, the Applicant must apply for a Special Permit through the Planning Board.

Mr. Yogurtian clarified that a "yes" vote was for the Applicant to go to Planning Board and a "no" vote was for support of the Building Department's decision.

**MOTION to approve the request on the interpretation of sections 4.2.2 and 4.2.2.b.2 of the Zoning By-Law, and to reverse the Building Department's decision of allowing a by-right permit to build at 65 Clark Street located in a SR-C Zoning District was made by Mr. Zarkadas and seconded by Ms. Williams. Note: The existing building was considered non-conforming because of the height of the ridge. Motion passed, vote 4-1.**

**4. Adjourn 7:26 PM.**