

2019 JUN 19 PM 2: 28

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

May 13, 2019

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

Absent: Craig White

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

1. CALL TO ORDER 7:06 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. EXECUTIVE SESSION:

a. CASE NO.19-02 – DENIAL OF ONE (1) SPECIAL PERMIT

Board members to meet with Town Counsel to discuss Case 19-02 decision appealed by the Applicant Mr. Stephen Umans at 5 Regent Road.

MOTION to go into Executive Session for the purpose of discussing the strategy of the litigation in the Umans vs. Nicolas Iannuzzi and the Zoning Board of Appeals. The Board moved to a private room to meet with Mr. Hall, as this meeting was not part of the public forum. Mr. Iannuzzi motioned for a roll call vote and Mr. Zarkadas seconded the motion. Vote 5-0. Motion approved.

The Zoning Board of Appeals Executive Session took place in the 3rd floor, Homer Building lunchroom.

George Hall, Town of Belmont, Council met with the Zoning Board of Appeals to discuss the case management issues for the Board and the Town of Belmont.

The Zoning Board of Appeals public meeting was resumed in the 3rd floor, Homer Building, Art Gallery.

3. CONTINUED CASE:

a. CASE NO.19-12 – NINE (9) VARIANCES

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

Mr. Iannuzzi read the public notice.

Mr. Joseph Noone, Attorney, Representing Mr. Owens, provided a summary of variances, a supplement and a draft of the decision. He reviewed the history of the property and he noted that this property was the subject of a previous Zoning Board of Appeals Special Permit review process. Mr. Noone explained that there were two historical homes existing on one lot. He noted that this was the only one in the Town that exists this way. These lots were created before the enactment of the Zoning By-Laws. Mr. Noone explained that in 1980, there was a purchaser for both of these homes and he was seeking variances to create separate lots but the parcel had to stay under common ownership. He added that the hardship for the variance was that the houses were designated as Historic and they could not tear down to build one house on the property. He explained that the Applicant would like to effectively use his property in a meaningful way. He also noted that the Historical designation could suffice for grounds to grant a variance. He stated that there were no negative factors in granting the relief and all of the homes were similar in size, there would be no change to exterior of home, each home would have its own lot and to be able to be owned by two separate owners. He added that there was just reason for the Board to grant these variances and it really was to create separate ownership of the two homes. He noted that there would be substantial tax revenue to the town and no derogation of the intent of the by-law.

No one spoke in support or opposition.

The Board deliberated.

Mr. Zarkadas asked Mr. Noone if his client considered “condominiumizing” the lot. Mr. Noone noted that “condominiumizing” would be a less desirable outcome. The property would be worth less as a condominium. He added that having separate ownership was not changing the use or character of the property.

MOTION to deny the variances as requested by the Applicant was made by Mr. Iannuzzi and seconded by Mr. Currier. Motion passed, vote 5-0.

4. PUBLIC HEARINGS:

a. CASE NO.19-16 – ONE (1) SPECIAL PERMIT

125 Chilton Street (SRC)- Kenneth and Sarah Bazydola

Mr. Iannuzzi read the public notice.

Mr. and Mrs. Badzydola Homeowners/Applicants, came before the Zoning Board of Appeals seeking one special permit to construct a roof over an existing front porch. Mrs. Badzydola noted that she would like to keep the area dry and keep packages and people out of the rain. It is not an enclosed structure. The maximum allowed lot coverage is 25%. The existing lot coverage is 25.2% and proposed is 25.7%.

The Board's findings were that the proposed front porch roof would be more consistent and in harmony with the neighborhood.

No one spoke in opposition or in favor of the project.

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

- b. CASE NO.19-17 – TWO (2) SPECIAL PERMITS
17-19 Francis Street (GR) Reenu Pandey and Kartikeya Pant

Mr. Iannuzzi read the public notice.

Mr. Pandey and Ms. Pant, Owner/Applicants, came before the Zoning Board of Appeals seeking permission to construct a dormer expansion. The Zoning By-Law requires a minimum front setback of 14.9', the existing and proposed front setback was 6.4'.

Mr. Fred Dill, Architect, noted that the Applicants would like to expand their attic and were requesting relief from the zoning by-law, the roof has a low pitch and raising the roof will allow for two new bedrooms and one new bathroom. He also noted that they have support from their neighbors.

No one spoke in support or opposition of the project. One gentleman in the audience raised his hand in support.

The Board reviewed their findings. All of the criteria were met and the project was determined as not detrimental to the neighborhood.

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

- c. CASE NO.19-18 – TWO (2) SPECIAL PERMITS
43 Pine Street (SRC) – Susan Pergamo

Mr. Iannuzzi read the public notice.

Mr. and Mrs. Pergamo, Owner/Applicant, came before the Board requesting two special permits to construct a second-floor deck. The zoning By-Law allows a maximum lot coverage of 25%. The existing lot coverage is 30.9% and the proposed is 32.9%. The Zoning By-Law requires a minimum rear setback of 29.1', and the existing rear setback is 25.5' and the proposed is 22.1'. They would like to build a small deck for a small round table and four chairs.

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

- d. CASE NO.19-19 – TWO (2) SPECIAL PERMITS
373 Brighton Street (SRB) – Martha Pickett

Mr. Iannuzzi read the public notice.

Mr. and Mrs. Pickett, Owner/Applicant, came before the Board to present a special permit application in order to construct a one-story addition and bulkhead. The first special permit is for a side setback, the Zoning By-Law requires a minimum side setback of 10 feet. The existing side setback is 6.5' and the proposed side set back to the addition is 7.4'. The second special permit is for the existing side setback is 6.5' and the proposed side setback to the addition is 7.4' and the proposed side setback to the bulkhead is 5.9'. They noted that the existing kitchen was very old and not functional, there was a breezeway door and the glass door was unsafe. The kitchen door blocked the stove, there was minimal storage and there was only one small closet. They also noted that the three-season porch was falling apart, the addition will be a lot more attractive to the neighborhood and they have spoken with their abutting neighbors and everybody was in support.

No one spoke in opposition or support.

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

- e. CASE NO.19-20 – ONE (1) SPECIAL PERMIT
606-608 Trapelo Road (GR) – John Sciretta

Mr. Rojas, Rojas Design, introduced his client, John Sciretta, Owner, Wild Acre Mental Health Group-Home. Mr. Rojas came before the Zoning Board of Appeals to

request a special permit to construct a one-story deck. The Zoning By-Laws allows extensions and alterations of non-conforming structures in the GR Zoning District by Special Permit from the Zoning Board of Appeals. He noted that there was a fire in this location and the house burned down and it was condemned and it could not be used. The new building permit was for a new building to be built exactly on top of the prior building. The existing foundation turned out to be not usable. The foundation was removed and a new foundation was built. It is a group home and it is a single unit with 8 bedrooms and six bathrooms. He also noted that the setbacks were nonconforming and they would like to build a small deck on the back that allows egress from the rear of the home. He stated that adding the deck would not change the open space as it was originally paved.

Mike Gates, Neighbor from Agassiz Street was in the audience and noted that he was concerned about the size of the deck. He was also concerned about people sitting out there and that it would look into his bedroom and his privacy. Mr. Rojas noted that the deck would be used for sitting out there and then there would be some shade trees for privacy. Mr. Gates was also concerned about sound/noise. Mr. Rojas noted that smoking was not allowed on this property and there are about 24 residents and the people get the “patch” and they have to be abstinent and in by 10 PM. He added that there was a staff member on the premises 24 hours a day.

MOTION to grant one special permit with conditions was made by Mr. Zarkadas and seconded by Ms. Williams. Motion passed.

Conditions: Must provide at least three trees to provide screening and then there will be a one-year review.

5. FOR THE BOARD TO REVIEW AND DISCUSS REVISIONS PROPOSED TO BE MADE TO DECISION FILED WITH TOWN CLERK FOR CASE 19-05, INTERPRETATION OF SECTION 4.2.2 B (2) OF THE ZONING BY-LAW.

There was a change made to the decision and

the address was changed from 70 Clark Street to 65 Clark Street, must resubmit revised one to the Town Address.

MOTION to make the appropriate changes to the decision was made by Mr. Zarkadas and seconded by Mr. Ruggiero. Motion passed, vote 5-0.

6. Adjourn 9:35 PM.