

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
April 3, 2023**

**RECEIVED  
TOWN CLERK  
BELMONT, MA**

DATE: June 7, 2023  
TIME: 10:28 AM

Present: Nicholas Iannuzzi, Chair; Andrew Kelley; Casey Williams; David Stiff; Teresa MacNutt;

Absent: Jim Zarkadas, Vice Chair; Elliot Daniels

Staff: Gabriel Distler, Staff Planner, Offices of Community Development

The Belmont Zoning Board of Appeals held this hybrid public hearing at the Art Gallery on the third floor of the Homer Building, 19 Moore Street, and by remote access through Zoom as permitted by the Massachusetts Act Relative to Extending Certain State of Emergency Accommodations, that became effective July 16, 2022. Update 3/30/23: The State has extended authorization for virtual public meetings through March 31, 2025.

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

**2. OPEN ZONING BOARD OF APPEALS DISCUSSION**

Mr. Iannuzzi noted that the State has extended authorization for virtual public meetings through March 31, 2025. He explained that the Board could return to Zoom meetings if they wanted to. The Board agreed to maintain the hybrid meetings.

**3. NEW PUBLIC HEARINGS**

**a) CASE NO 23-09 TWO SPECIAL PERMITS 147-151 Belmont Street  
Nune Khachatrian**

Mr. Iannuzzi read the public notice.

The applicant requests Two Special Permits under sections 3.3 and 1.5 of the By-Law to construct a mixed-use building at 147-151 Belmont Street located in a Local Business III (LBIII) Zoning District. Special Permits: 1.- §3.3 of the By-Law allows the proposed use by a Special Permit granted by the Board of Appeals. 2.- §4.2 of the By-Law requires a maximum lot coverage of 35%. The existing lot coverage is 39.5% and the proposed lot coverage is 39.3%.

Mr. Eric Rhodin, Architect, came before the Board and presented the plans for the proposed building. He noted that Nune would like to run her

business from the first floor and build a two-story building with three small one-bedroom units on the upper floor. The special permit was to allow residential units and to increase the lot coverage. The current grandfathered parking is shown to be 13 spaces, all located on the street. The proposed site plan shows a slight widening of the existing alleyway and using the existing depressed curb cut at the street to gain access to a parking area behind the building for 7 spaces, (6 full and 1 compact space). A total of 20 parking spaces were proposed, while the required is 16. The existing building has been used as a small retail store at 151 Belmont Street and a restaurant at 147 Belmont Street. The proposal is for substantial demolition while keeping all the foundation walls and the existing demising masonry wall to the neighbor to the south. The building footprint would be expanded by three feet to the rear, to allow for a new foundation wall to be installed. The completed project would provide a visual improvement to the relatively old and uninspiring existing structures.

Nune Khachatryan, Owner, explained that she is the owner of her business, Town CPA which provides tax, accounting and bookkeeping services to individuals and businesses throughout Greater Boston. Her current business location is in Waverly Square in Belmont. Her current lease is expiring, and she would like to move her business to the ground floor of the property at 147 – 151 Belmont Street. Town CPA has a current staff of 5-6 employees with limited clients coming to her offices. Most of her consulting CPA services are provided electronically and via telephone. She said that she rarely meets face-to-face with clients and sometimes they will stop by briefly to drop things off.

Mr. Rhodin said that they would install a mirror on the telephone pole to allow for a safer exit from the parking lane. He would need to find out who has jurisdiction over this pole. He also said he would meet with the Fire Department to address fire safety issues.

Jun Koh, Owner, Lords Dry Cleaner, 155-157 Belmont St., and Owner of the attached next-door nail salon, noted that she does not support the project because of noise, parking issues and vibration issues during construction as the building is old. Vibration can cause significant damage to the building as it is an old building and damage to her dry-cleaning equipment as well. The health of the tenants in the building should be considered as there are chemicals from both the dry-cleaning chemicals and the nail salon. There could be issues when they go to sell their building and they want to protect their assets. She will send a copy of the EPA complaint to Mr. Distler.

Deborah Boykan, 12 Exeter Street, noted that she will submit her statement of opposition formerly before the next meeting. She said that

she cannot get her car out of her driveway because she is blocked by cars parked at the end and on either side of her driveway and cannot maneuver. She has called an Uber at least 15 times to get a ride because she could not get her car out. There is not enough parking. There is a health and safety issue with the units and it isn't recommended for seniors or children as recommended by the EPA. They should not put a residence so close to a dry cleaner as it is unsafe.

Jackie Hardy, 3 Exeter Street, came to express concern over the existing parking issues. There is not enough parking and there has not been any ticketing by the police. Employees are coming to park in front of her house all day long. If this is approved, she would like two-hour parking signs, permit parking and enforcement.

Stephen Hardy, 3 Exeter Street, noted that the proposed alleyway would need to have a curb cut. They will be eliminating two parking spaces to install the driveway. There was already a lot of parking reduction lost to Belmont Street reconstruction, and new businesses in Watertown are also taking up parking spaces. He questioned the grandfathered parking, and he believes the cellar space was not useable space and perhaps could not be calculated into the parking spaces. There is not a lot of room for expansion in Belmont.

Dr. Randal Gaz, 24 Exeter Street, noted that there was a traffic hazard at the corner of Exeter and Belmont Street. There are many cars are parked on the street and trying to enter Belmont Street from Exeter Street is very difficult because there is not enough room for two cars. It is also unsafe for pedestrians.

Grant Covell, 12 Exeter Street, noted that he is thrilled about the new housing revenue. The current property looks abandoned and the existing awning looks hazardous. He would like to see the awning removed and it seems irresponsible to leave it that way. He'd like to have more conversations between the owner and the neighbors.

Patrick Heffernan, Attorney, Dalton and Finegold Law Firm, representing Stephen Kapsalis, Owner of 3-5 Oxford Avenue condominiums, spoke in opposition. He explained that the proposed location of the driveway encroaches upon the property at 3-5 Oxford Ave and the additional parking spot is on Mr. Kapsalis' property. Mr. Kapsalis owns lot 220 through adverse possession and has owned it since 1973. Mr. Kapsalis initiated a lawsuit on September 6, 2022, and it is currently pending before the land court. Mr. Heffernan had sent a letter to the Offices of Community Development, but it did not make it in time. This could greatly impact seven of the parking spots as proposed. Mr. Heffernan will

reissue his letter to the Offices of Community Development and the case will be reviewed at the next hearing.

Ms. Williams asked if the existing curb cut was sufficient and if would it impact the on-street parking. They would need more information to review the case.

Mr. Iannuzzi asked Mr. Distler to forward the legal issues as brought to the Board by Attorney Heffernan to Town Counsel for their review.

**MOTION to continue was made by Mr. Iannuzzi and seconded by Ms. Williams. Motion passed.**

**YES votes-**  
**Nicholas Iannuzzi**  
**Andrew Kelley**  
**Casey Williams**  
**David Stiff**  
**Teresa MacNutt**

**b) CASE NO 23-10 FIVE SPECIAL PERMITS 39 Bartlett Avenue – Jeffrey Pitts**

Ms. Williams read the public notice.

The applicant requests Five Special Permits under section 1.5 of the By-Law to construct a two-story rear addition at 39 Bartlett Avenue located in General Residence (GR) Zoning District. Special Permit: 1.-§1.5.4A of the By-Law allows extensions and alterations of nonconforming structures in the GR zoning district by a Special Permit from the Zoning Board of Appeals. 2.-§4.2 of the By-Law requires a minimum side setback of 10.0', the existing side setback is 7.3' and the proposed side setback is 7.4'. 3.- requires a minimum side setback of 10.0', the existing and proposed side setback is 7.0'. 4.- requires a minimum front setback of 12.85', the existing and proposed front setback is 10.3'. 5.- allows a maximum lot coverage of 30.0%, the existing lot coverage is 35.3% and the proposed is 36.8%.

Ms. Miller, Miller Design, Architect, came before the Board to present the plans for the two-story rear addition. There was a petition signed by the neighbors in support of the project and it included both immediate abutters. They would like to enclose the front porch and reconstruct the front stairs. At the rear, they would like to add an expansion above the first-floor kitchen and rear deck and this would allow them to have an additional bedroom. The height will remain the same and the lot coverage

will increase by 46 square feet. It is a very minimal addition, and it will not negatively impact the neighborhood.

No one spoke in support or opposition.

**MOTION to approve was made by Andrew Kelley and seconded by Mr. Iannuzzi. Motion passed.**

**YES Votes-**  
**Nicholas Iannuzzi**  
**Andrew Kelley**  
**Casey Williams**  
**David Stiff**  
**Teresa MacNutt**

**c) CASE NO 23-11 TWO SPECIAL PERMITS 56 Shaw Road –  
Melanie Haratunian**

Mr. Iannuzzi read the public notice.

The applicant requests Two Special Permits under section 1.5 of the By-Law to construct a rear addition at 56 Shaw Road located in a Single Residence (SR-C) Zoning District. Special Permit: 1.-§4.2 of the By-Law allows a maximum lot coverage of 25.0%, the existing lot coverage is 28.1% and the proposed lot coverage is 29.3%. 2.- requires a minimum side setback of 10.0', the existing and proposed side setback is 7.7'.

Chris Delaney, General Contractor, noted that they would like to turn a sunroom into part of the home and make it into a tv-reading room. They have approval from the abutting neighbors.

No one spoke in support or opposition to the project.

**MOTION to approve was made by Ms. MacNutt and seconded by Ms. Williams. Motion passed.**

**YES Votes-**  
**Nicholas Iannuzzi**  
**Andrew Kelley**  
**Casey Williams**  
**David Stiff**  
**Teresa MacNutt**

**4. MINUTES: Review and approve the February 6, 2023 and March 6, 2023 public hearing meeting minutes.**

The minutes will be reviewed at the next meeting.

**5. Rescheduling May and June ZBA Meetings: The May 1, 2023 and June 5, 2023 public hearings conflict with Annual Town Meeting.**

Mr. Iannuzzi asked to leave the meeting dates as they are.

**6. Adjourn 8:24 PM**