

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

**TOWN OF BELMONT
ZONING BOARD OF APPEALS
MEETING MINUTES
May 2, 2023**

Present: Nicholas Iannuzzi, Chair; Andrew Kelley; Casey Williams; Teresa MacNutt; Elliot Daniels

Absent: Jim Zarkadas, Vice Chair; David Stiff

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. ELECTIONS OF OFFICERS (EFFECTIVE 7/1/23)**

The election of officers will take place at the next meeting in June.

- 3. OPEN ZONING BOARD OF APPEALS DISCUSSION * Formal Recommendation by the Zoning Board of Appeals to the Honorable Selectboard that Alternate Member Elliot Daniels be appointed to fill the remaining term of Nicholas A. Iannuzzi, Jr. * Formal Recommendation by the Zoning Board of Appeals to the Honorable Selectboard that Alternate Member David Stiff be appointed to fill the remaining term of Demetrios Jim Zarkadas.**

Mr. Iannuzzi made the recommendation to extend terms for Casey Williams and Andrew Kelley (terms expire in June 2023). Mr. Clancy, Director of Community Development, noted that he will bring the message of recommendation for Andrew Kelly and Casey Williams to the Town Administrator. He also agreed to the formal recommendations by the Zoning Board of Appeals that Alternate Member David Stiff be appointed to fill the remaining term of Demetrios Jim Zarkadas. Mr. Clancy will bring the message to the Town Administrator and he asked the Board members to go into the portal to express their desires to be reappointed or elevated.

- 4. CONTINUED CASES**

- a) CASE NO 23-05 ONE SPECIAL PERMIT 160-162 Beech Street – Paul L. Fountas**

Mr. Iannuzzi read the public notice.

The applicant requests One Special Permit under section 4.2 of the By-Law to construct a driveway at 160-162 Beech Street located in a General Residence (GR) Zoning District. Special Permit: 1.-§4.2 of the By-Law requires a minimum open space of 40%, the existing open space is 18.6% and the proposed open space is 20.5%.

Mr. Clancy handed out a highlighted plot plan showing the proposed open space. He noted that there must be some accommodation for a driveway on this property. He said that the plans for the new driveway on the left side were adequate. If the Board approves the proposal for the driveway on the right side, the left side would be closed off.

Mr. Rozzi, 87 Clark Street, noted that there are blocks at the end of the fence. He would like to have the blocks removed so that the tenant's children can play ball.

Mr. Clancy noted that the fence was set in by about 6" onto Mr. Rossi's property.

Mr. Rosen, Attorney representing Mr. Fountas, noted that Mr. Fountas will have the blocks removed and then he will have a survey done to confirm the lot line.

Bill Dillon, 137 White Street, asked who would be paying for the curb cut. Mr. Clancy noted that this would likely be paid for by the Applicant. Mr. Dillon asked if there could be a condition for the number of cars that could be parked in the driveway. Mr. Iannuzzi said that he should wait to see how many cars would be parked there.

MOTION to approve with conditions was made by Mr. Iannuzzi and seconded by Ms. Williams. Motion passed.

Conditions: The cinder blocks are to be moved within 7 days, then a surveyor will verify the location of the pins. The Applicant will get in touch with DPW to seek a street opening permit for the curb cut.

Yes Votes-

Nicholas Iannuzzi
Andrew Kelley
Casey Williams
Teresa MacNutt
Elliot Daniels

5. NEW PUBLIC HEARINGS

- a) CASE NO 23-12 ONE SPECIAL PERMIT 59 Selwyn Road – Lance and Nicole Lavoie**

Ms. Williams read the public notice.

The applicant requests One Special Permit under section 1.5 of the By-Law to construct a second-story addition at 59 Selwyn Road located in a Single Residence C (SRC) Zoning District. Special Permit: 1.- §4.2.2 of the By-Law requires a minimum side setback of 10.0', the existing and proposed front setback is 9.1'.

Mr. and Mrs. Lavoie, Applicants, came before the Board. Mr. Lavoie noted that they were seeking a special permit for an existing and proposed front setback of 9.1', the minimum side setback requirement is 10.0'.

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

Yes Votes-

Nicholas Iannuzzi
Andrew Kelley
Casey Williams
Teresa MacNutt
Elliot Daniels

b) CASE NO 23-13 ONE SPECIAL PERMIT 52 Church Street – Mark Pesce

The applicant requests One Special Permit under section 3.3 of the By-Law to continue to operate a fast-food restaurant at 52 Church Street in a Local Business I (LBI) zoning district. A non-transferable Special Permit was approved by the Board of Appeals on March 1, 1999 and issued to Duarte Carvalho to allow for the operations of a fast-food restaurant at this location. Special Permit: 1.-§3.3 of the By-Law allows the operation of a fast-food restaurant in the LBI district by a Special Permit granted by the Zoning Board of Appeals. Zoning Board of Appeals Agenda Tuesday, May 13, 2023 Page 3 File Date: April 12, 2023

Mr. Pesce, noted that he and his wife bought the Dunkn property at this location and that everything would stay the same.

Mr. Iannuzzi said that the same conditions from the March 1, 1999 special permit were to be maintained.

MOTION to approve with the condition that the same conditions from the March 1, 1999 special permit were to be maintained was made by Ms. MacNutt and seconded by Mr. Iannuzzi. Motion passed.

Yes Votes-

Nicholas Iannuzzi
Andrew Kelley
Casey Williams
Teresa MacNutt
Elliot Daniels

c) CASE NO 23-14 ONE SPECIAL PERMIT 353 Trapelo Road – Mark Pesce

The applicant requests One Special Permit under section 3.3 of the By-Law to continue to operate a fast-food restaurant at 353 Trapelo Road in a Local Business III (LBIII) zoning district. A non-transferable Special Permit was approved by the Board of Appeals on May 7, 2007 and issued to Duarte Carvalho to allow for the operations of a fast-food restaurant at this location. Special Permit: 1.-§3.3 of the By-Law allows the operation of a fast-food restaurant in the LBIII district by a Special Permit granted by the Zoning Board of Appeals.

Mr. Pesce, noted that he and his wife bought the Dunkn property at this location and that everything would stay the same.

Mr. Iannuzzi said that the same conditions as approved by the Zoning Board of Appeals from the May 7, 2007 special permit were to be maintained.

No one spoke in opposition or support of the project.

MOTION to approve with the condition that the same conditions from the May 7, 2007 special permit were to be maintained was made by Mr. Iannuzzi and seconded by Ms. Williams. Motion passed.

Yes Votes-

Nicholas Iannuzzi
Andrew Kelley
Casey Williams
Teresa MacNutt
Elliot Daniels

d) CASE NO 23-15 USE VARIANCE 34 Agassiz Avenue – Stewart Karger, Administrator

The Applicant seeks the following: 1. MODIFY A USE VARIANCE previously granted and modified (granted 1966, modified in 1991 and 2000) in order TO CONSTRUCT A 4,974 s.f., 2-1/2 STORY ADDITION at 34 AGASSIZ AVENUE located in a General Residence Zoning District. A Use Variance was granted by the Board of Appeals on January 8, 2018, but has since expired. The applicant proposes no additional changes or amendments to the application which was approved by the Board of Appeals in 2018.

Mr. Karger, Applicant, came before the Board to present the project and to ask for an extension to keep the project alive. He has received an extension for funding from the State until 2026.

Martha Eakin, Trapelo Road, noted that she walks on Agassiz Avenue and there are cars parked in the lots and on Agassiz Avenue. There is a lot of traffic and it is a tight neighborhood. Why does it make sense to make this bigger? A SYSCO tractor-trailer can't turn onto Agassiz Avenue. Should this happen at the expense of the people who live here? She was concerned about the runoff from the roof. The neighborhood was getting denser.

George Kokoros, 40-42 Agassiz Avenue, spoke in support of the project. He said that Mr. Karger has been a great neighbor.

Mr. Karger noted that the addition was designed to not have to add any additional staff or deliveries.

Mr. Iannuzzi noted that the project was thoroughly vetted back in 2018.

MOTION to reapprove the use variance (as granted in 1966, modified in 1991, 2000) as previously granted by the ZBA in 2018 was made by Mr. Iannuzzi and seconded by Ms. MacNutt. Motion passed.

Yes Votes-

Nicholas Iannuzzi
Andrew Kelley
Casey Williams
Teresa MacNutt
Elliot Daniels

- 6. MINUTES: Review and approve the May 5, 2022; February 6, 2023; March 6, 2023; and the April 3, 2023 public hearing meeting minutes.**

Meeting minutes are to be reviewed at the next meeting.

- 7. Rescheduling June ZBA Meetings: The June 5, 2023 public hearings conflict with Annual Town Meeting.**

The meeting was rescheduled for June 6, 2023.

- 8. Adjourn 8:26 PM**

The Zoning Board of Appeal's next regularly scheduled meeting is scheduled for June 6, 2023.