

**TOWN OF BELMONT
ZONING BOARD OF APPEALS
MEETING MINUTES
September 12, 2022**

**RECEIVED
TOWN CLERK
BELMONT, MA**

DATE: January 11, 2023
TIME: 10:46 AM

Present: Nick Iannuzzi, Chair; Andrew Kelley; David Stiff; Elliot Daniels; Casey Williams

Absent: James Zarkadas, Teresa MacNutt

Staff: Ara Yogurtian, Assistant Director, Community Development
Gabriel Distler, Staff Planner, Community Development

The public hearing was a hybrid meeting held at the Art Gallery on the third floor of the Homer Building, 19 Moore Street, and it was also available by remote access through the Zoom app. The ZBA members made the decision to hold their meetings hybrid for now on unless there are changes from the Governor.

1. CALL TO ORDER AT 7:00 PM

Mr. Iannuzzi called the meeting to order and introduced the Zoning Board of Appeal's members. Draft meeting minutes were recorded by Kim Beer.

2. CONTINUED CASES:

a) CASE NO. 21-29 SIX SPECIAL PERMITS 11 Harriett Avenue. (GR) - Fushang Liu and Fan Zhang

Mr. Iannuzzi read the public notice

The Applicants requested six Special Permits under §1.5 of the Zoning By-Law to construct a Second Story Addition, Rear Stairways and a Dormer at 11 Harriett Ave. located in General Residence (GR) Zoning district. (!) §1.5.4A of the By-Law allows alterations and expansions in Zoning Board of Appeals Agenda Monday, September 12, 2022 Page 2 the GR district by a Special Permit granted by the Board of Appeals. (2) §4.2 of the Zoning ByLaw Dimensional Regulations require a minimum front setback of 20.0', the existing and proposed front setback is 6.1' (3) requires a minimum side setback of 10.0', the existing and the proposed side setback on the north side is 3.2'. (4) The existing and the proposed side setback on the south side is 7.7'. (5) allows two and a half (2.5) story structures, the existing and proposed structure is three and a half (3.5) stories (the lower level of the structure is 44.6% covered and is considered a basement, a story) and allows maximum lot coverage of 30%, the existing and proposed lot coverage is 33.9%. File Date: October 4, 2021

Attorney Joseph Noone, representing the Applicant. He described the building as a tired unoccupied building. Mr. Liu would like to renovate the existing structure and enclose two of the porches and relocate the rear dormer on center. It is a

nonconforming structure and the setbacks were non-compliant. As requested by the ZBA, the new plans included a covering over the rear stairs. He noted that this project would enhance the tired property and improve the values of the surrounding properties. There were 17 signatures of support for this project.

No one spoke in opposition of the proposal.

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

**YES votes –
Nick Iannuzzi
Andrew Kelley
David Stiff
Elliot Daniels
Casey Williams**

3. PUBLIC HEARINGS

a) CASE NO. 22-17 TWO SPECIAL PERMITS 90 Agassiz Avenue (GR) – Kiyoshi Momose and Lucianna Ascanio-Momose

The applicants requested Two Special Permit under §1.5 of the Zoning By-Law to construct a front porch at 90 Agassiz Avenue located in General Residence (GR) Zoning District. Special Permit: 1.- §1.5.3A of the By-Law allows alteration and expansion in the GR district by a Special Permit granted by the Board of Appeals. 2.- §4.2 of the By-Law requires a minimum front setback of 12.05', the existing front setback to the structure is 8.5' and the proposed front porch is 5.0'. File Date: August 8, 2022

Mr. Frank Dill, Architect, presented the proposal. He noted that the new front porch would enhance the property and the immediate neighborhood. He described the challenges for this project as a curved front property line, a conservation buffer for Beaver Brook and the existing setbacks were nonconforming. The Applicants have kept in close contact with the immediate abutters.

Mr. Jared Goentzal, 96 Aggasiz Avenue, spoke in favor of the project.

No one spoke in opposition of this project.

MOTION to approve the special permit was made by Mr. Kelly and seconded by Mr. Iannuzzi. Motion passed.

**YES votes –
Nick Iannuzzi**

**Andrew Kelley
David Stiff
Elliot Daniels
Casey Williams**

b) CASE NO 22-18 ONE SPECIAL PERMIT 32 George Street (SRC) – Mollica Manandhar

Mr. Iannuzzi read the public notice.

The applicant requested One Special Permit under §1.5 of the Zoning By-Law to construct a two-story rear addition at 32 George Street located in Single Residence C (SRC) Zoning District. Special Permits: §4.2.2A-7 of the Zoning By-Law allows the reduction of a rear setback of corner lots to not less than the requirement of a side setback by a Special Permit granted by the Board of Appeals, taking into consideration the configuration of the lot and the effect upon the neighboring property. The existing rear setback of the principal structure is 32.4' and the proposed rear setback is 10.1' from the addition. File Date: August 8, 2022

Diane Miller, Miller Architects, came before the Board to present the proposal for the rear addition. She explained that they were there for a special permit for a reduction of a rear setback on a corner lot. The new addition would provide for a main floor one bedroom and one bathroom addition where their parents could live. They would add only 1.6 percent lot coverage and there was still 40' between the neighbors to the west and the south. There were twelve neighbors in support of the project and the abutter to the west supports the project and asked if two of the bedrooms looking west could be removed. Ms. Miller said that they were able to do that for the neighbors.

Mr. David Coleman, 26 George Street, noted that he was fully in support of the project.

Leah Lesser at 237 Orchard, spoke in support of the project.

Neighbor at 255 Orchard Street, noted that she was in support of the project.

There was a letter of opposition that was taken into consideration.

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

**YES votes –
Nick Iannuzzi
Andrew Kelley
David Stiff
Elliot Daniels
Casey Williams**

c) CASE NO 22-19 ONE SPECIAL PERMIT 29 Myrtle Street (SRC) – Jason Whaley and Meredith Quinn

Mr. Iannuzzi read the public notice.

The applicants requested One Special Permit under section 1.5 of the Zoning By-Law to construct a one-story rear addition at 29 Myrtle Street located in Single Residence C (SRC) zoning district. Special Permit: §4.2.2 of the By-Law allows a minimum rear setback of 29.7' (30% of the average depth of the lot), the existing rear setback to the structure is 18.2' and the proposed rear addition is 20.9'. File Date: August 8, 2022

Penn, Architect, came before the Board to present the proposed addition. They plan to remove an existing nonconforming one-story structure. They will use an existing kitchen to set the rear yard setback. The planned height of the addition is one-story and there is a one-story high fence.

There was a petition in support and no letters of opposition.

In support on Zoom:

- Steve Goodman, 35 Myrtle Street, spoke in support of the project.
- Matt Sweeney, 5 Spiney Terrace, spoke in support of the project.

No one spoke in opposition of the project.

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

Yes votes-

Nick Iannuzzi

Andrew Kelley

David Stiff

Elliot Daniels

Casey Williams

d) CASE NO 22-20 ONE SPECIAL PERMIT 127 Washington Street (SRC) – Deirdre Walsh

Mr. Iannuzzi read the public notice.

The applicant requested One Special Permit under section 1.5 of the By-Law to construct a second-story balcony at 127 Washington Street located in Single Residence C (SRC) Zoning Zoning Board of Appeals Agenda Monday, September 12, 2022 Page 3 District. Special Permit: §4.2 of the By-Law allow a

maximum lot coverage of 25%, the existing lot coverage is 25.2% and the proposed is 25.7%. File Date: August 8, 2022

Keith Miller, Miller Designs, came before the Board to present the proposal for a second-story balcony. The family would like to have a 27 square foot balcony off the master bedroom. The addition was keeping with the character of the neighborhood and not detrimental to the community. They have received 10 signatures of support and one letter of support from the neighbors. There was one letter of objection from Mr. and Mrs. McKinnley.

No one spoke in favor of the project.

In opposition-

Sandy McKinnley, 201 Oakley, she was in opposition of the use of the additional space and the proposed use. Her concern was that the balcony was at eye level from her first and second floor. Every time they look out of their deck, they would see the balcony. She stated that a balcony would invite activity and she could not enjoy her glass of wine and the sunset if someone were chatting or laughing from the balcony. She is concerned for her privacy and general enjoyment on her deck and it would be an intrusion on her space. There are not any other balconies of this style in the neighborhood. She noted that she had not seen the plans until they received the notice. Ms. McKinnley invited the Board members to come and see the location of the project as viewed from her home.

Mr. Kelley noted that he would like to see a picture of the rear of the property.

Ms. Williams would like to see what this will look like in an elevation.

Mr. Iannuzzi suggested that the Board members go ahead and visit the project.

Mr. Yogurtian suggested that the Applicant extend the existing double joists to give an idea of how far the balcony would extend. If denied, they can cut back the joists.

MOTION to continue to November 2022 was made by Mr. Iannuzzi and seconded by Ms. Williams. Motion passed.

Yes votes-

Nick Iannuzzi

Andrew Kelley

David Stiff

Elliot Daniels

Casey Williams

e) CASE NO 22-21 THREE SPECIAL PERMITS 17 Concord Avenue (GR) – William Weinstein

Mr. Iannuzzi read the public notice.

The applicant requested One Special Permit under section 1.5 of the By-Law to construct a two-story rear addition at 17 Concord Ave located in General Residence (GR) Zoning District. Special Permit: 1.- §1.5.3A of the By-Law allows alteration and expansion in the GR district by a Special Permit granted by the Board of Appeals. 2.- §4.2 of the By-Law requires a maximum lot coverage of 30%, the existing and proposed lot coverage is 33.6%. 3.- requires a minimum side setback of 10.0', the existing and proposed side setback is 3.9'. File Date: August 8, 2022

Ms. Miller, Miller Design, noted that they would like to maintain both side setbacks. On the rear of the house there was a dilapidated sunroom and they would like to tear this down and make it eight inches bigger toward the backyard. They would also like to reconfigure the egress stairs and this would improve the rear setback. They have spoken with the neighbors, and they have 14 letters of support including the abutters.

Mr. Kelley noted that the zoning compliance checklist was illegible. Mr. Iannuzzi asked Ms. Miller to supply a legible checklist.

No one spoke in favor and no objections.

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

**Yes votes-
Nick Iannuzzi
Andrew Kelley
David Stiff
Elliot Daniels
Casey Williams**

f) CASE NO 22-22 ONE SPECIAL PERMIT 89 Trapelo Road (LBI) – Jack Sy

Mr. Iannuzzi read the public notice.

The applicant requested One Special Permit under section 1.5 of the By-Law to Operate a Full-Service Restaurant at 89 Trapelo Road located in Local Business I (LBI) Zoning District. Special Permit: §3.3 of the Zoning By-Law allows full serve restaurants in the LBI district by right in compliance with §5.1.2(d) (one parking space per 2 persons seating capacity). The proposed restaurant will have 83 seats which will require 42 parking spaces. Per §5.1.2(g), 20 parking spaces

are grandfathered. The remaining 22 parking spaces (equivalent to 44 seats) are allowed by a Special Permit granted by the Board of Appeals. File Date: August 8, 2022

Mr. Sy, would like to have an extra 43 seats at this location to help them be successful because the dining time was short, just two-three hours. He would have to have at least 60 seats to apply for a liquor license. He thinks that there would be plenty of parking spaces and he was not worried about parking. He has not had any opposition from the neighbors. Many of the restaurants in the neighborhood close early and this could free up parking for his customers. He has a plan for cleaning grease traps monthly. Trash collection is once per week, the dumpster will be placed behind the restaurant.

In favor:

Justin Kenyon, Precinct 5, 24 Upland Road, noted that he was very much in favor of this restaurant.

Ms. Thurston, 101 Baker Street, noted that she was in support of the restaurant.

Marie Warner, Hillside Terrace, noted that she was in support of the restaurant.

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

Yes votes-
Nick Iannuzzi
Andrew Kelley
David Stiff
Elliot Daniels
Casey Williams

5. MINUTES: Review and approve the July 11, 2022 public hearing meeting minutes.

Meeting minutes will be voted on next time.

6. Adjourn 8:57 PM

The Zoning Board of Appeal's next regularly scheduled meeting will be held on Monday, October 3, 2022.