

**TOWN OF BELMONT
ZONING BOARD OF APPEALS
MEETING MINUTES
November 7, 2022**

**RECEIVED
TOWN CLERK
BELMONT, MA**

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

Present: Nick Iannuzzi, Chair; James Zarkadas, Vice Chair; Andrew Kelley; Casey Williams; David Stiff

Absent: Teresa MacNutt; Elliot Daniels

Staff: Ara Yogurtian, Assistant Director, Offices of Community Development
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.

1. CALL TO ORDER 7:00 PM

2. ADMINISTRATIVE ACTION

a) Acknowledge receipt of Request from Woodlands at Belmont Hills II Condominium Trust: Appeal of Denial of Zoning Enforcement Request

Mr. Iannuzzi noted that the request was received and will be taken up at the December 5, 2022 ZBA meeting.

3. CONTINUED CASES

a) CASE NO 19-23 ONE SPECIAL PERMIT 6 Spinney Terrace (SRC) – Paul Peng

Mr. Iannuzzi read the public notice.

The Applicant requested ONE Special Permit under §1.5 of the Zoning By-Law to replace the roof over the existing enclosed porch at 6 Spinney Terrace located in 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 side setback is 4.6'.

Mr. Yogurtian noted that they had a special permit for a previous project and the Applicant thought that it included the roof over the existing enclosed porch, but the original special permit decision did not include that portion of the project.

Mr. Peng came before the Board and noted that he had signatures for support.

Mr. Whaley, 29 Myrtle Street, called in to the meeting to speak in support of the project.

No one spoke in opposition.

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

YES votes-
Mr. Iannuzzi
Mr. Kelley
Ms. Williams
Mr. Zarkadas
Mr. Stiff

**b) 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 District. Special Permit: 1.- §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%.

Mr. Miller, Miller Design, came before the Board and mentioned that the open railing balcony was 60 feet from the neighbor's house. He felt that this was not detrimental to the neighborhood and the most immediate neighbor was in support of the project. There were many letters of support.

Board members didn't find any problems with the location of the balcony.

Phil Ruggiero, 141 Washington Street spoke in support of the project.

No one spoke in opposition.

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

YES votes-
Mr. Iannuzzi
Mr. Kelley
Ms. Williams

Mr. Stiff
Mr. Zarkadas

c) CASE NO 22-26 TWO SPECIAL PERMITS 25-27 Payson Road (GR) – Amir R. Anbardar

Mr. Iannuzzi read the public notice.

The applicant requested Two Special Permits under section 1.5 of the By-Law to construct a second-story rear deck and exterior staircase at 25-27 Payson Road located in General Residence (GR) Zoning District. Special Permit: 1.- §1.5.4A of the By-Law allows alteration and expansion in the GR district by a Special Permit granted by the Board of Appeals. 2.- §4.2.2 of the By-Law requires a minimum side setback of 10.0', the existing and proposed side setback is 4.5'.

Tom Timko, representing the Owners, noted that there was a previous special permit and during the Zoning Code review there was a zoning issue and he was there as a consultant architect to help them go through the process to get the project approved. The front and side setback were nonconforming. The zoning issue was that the deck and the staircase did not meet the 10-foot setback. They have resubmitted the design with the staircase now tucked into a nook within the existing footprint of the house and the staircase was now conforming. There were letters of support.

No one spoke in opposition or support of the project.

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

Mr. Iannuzzi
Mr. Kelley
Ms. Williams
Mr. Zarkadas

4. PUBLIC HEARINGS

a) CASE NO 22-28 ONE SPECIAL PERMIT 3 Van Ness Road – Lindsay Kalmakis

Mr. Iannuzzi read the public notice.

The applicant requested One Special Permit under section 1.5 of the By-Law to remove existing rear covered porch and construct a one-story mud room and pantry in back left corner of 3 Ban Ness Road located in Single Residence C (SRC) Zoning District. Special Permit: 1.- §4.2.2A-7 of the 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 23.7' and the proposed rear setback is 18.2' from the addition.

Diane Miller, Miller Design, noted that the Applicants would like to add a 138 square foot one story addition to the back of the corner of their house. There was a letter of support signed by nine neighbors including the immediate neighbor. They would remove the rear covered porch and an old fire escape. She noted that the new structure would not be a detriment to the neighborhood, and they would be improving on the existing nonconforming setbacks.

No one spoke in support or opposition.

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

YES votes-
Mr. Iannuzzi
Mr. Kelley
Ms. Williams
Mr. Stiff
Mr. Zarkadas

b) CASE NO 22-29 ONE SPECIAL PERMIT 24 Oakley Road – Jeremy & Hilary Forster

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 addition at 24 Oakley Road located in Single Residence C (SRC) Zoning District. Zoning Board of Appeals Agenda Monday, November 7, 2022 Page 3 Special Permit: 1.-§4.2.2 of the By-Law requires a minimum side setback of 10.0', the existing and proposed side setback is 6.9'.

Applicant's representative noted that they would like to rebuild an existing first floor addition which was an enclosed former porch. The proposal was to rebuild the first floor on the existing footprint and extending the second floor aligning with those exterior walls and this would violate the side yard setback by 3.1 feet. There were letters of support submitted. This project would be in keeping with several other homes in 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. Iannuzzi. Motion passed.

YES votes-
Mr. Iannuzzi
Mr. Kelley
Ms. Williams
Mr. Stiff
Mr. Zarkadas

c) CASE NO 22-30 ONE SPECIAL PERMIT 44 Palfrey Road – Ryan Casillo

Mr. Iannuzzi read the public notice.

The applicant requested One Special Permit under section 1.5 of the By-Law to construct an enclosure around an existing first-story front porch at 44 Palfrey Road located in Single Residence C (SRC) Zoning District. Special Permit: 1.-§4.2.2 of the By-Law requires a minimum front setback of 25.0', the existing front setback is 24.7' and the proposed front setback is 21.5'.

Mr. Castillo came before the Board to present his proposal to enclose his existing front porch. He would like to extend by 3 feet for 25 square feet in total.

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

YES votes-
Mr. Iannuzzi
Mr. Kelley
Ms. Williams
Mr. Stiff

5. MINUTES: Review and approve the July 11, 2022, September 12, 2022, and October 3, 2022 public hearing meeting minutes.

Meeting minutes to be approved at the December meeting.

6. Adjourn 8:11 PM

The Zoning Board of Appeal's next regularly scheduled meeting will be held on Monday, December 5, 2022.