

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

MEETING MINUTES

February 8, 2021

**RECEIVED
TOWN CLERK
BELMONT, MA**

DATE: October 7, 2021
TIME: 3:03 PM

Present: Nick Iannuzzi, Chair; James Zarkadas, Vice Chair; Andrew Kelley; Teresa MacNutt; Casey Williams; William Fick; Elliot Daniels

Staff: Ara Yogurtian, Assistant Director, Community Development

**CALL TO ORDER 7:00 PM (MEETING WAS HELD VIA VIDEO
CONFERENCE)**

Mr. Iannuzzi called the meeting to order and introduced the Zoning Board of Appeal's members. He noted the order of the meeting and explained the video conference process.

1. CALL TO ORDER AT 7:00 PM

2. CONTINUED CASES:

a. CASE NO. 21-01 – COMPREHENSIVE PERMIT

91 Beatrice Circle (SRA) – 91 Beatrice Circle, LLC, Stephen A. Tamposi, Manager

Mr. Iannuzzi noted that the meeting was going to be for public comment. If someone had signed the petition, they would not need to speak during the public comment. He noted the categories to discuss as Traffic and parking, stormwater management, screening, landscaping and visual impacts.

Mr. Hill, Attorney, represents Build Wise Belmont, noted that he send in a letter and the letter was received on February 5, 2021 and he noted that he would like to have his own traffic consultant to the meeting.

Mr. Glenn noted that the Board needed to hear all the problems from the public.

Mr. Yogurtian noted that he was waiting for contracts for peer review for stormwater, sewer, traffic and architectural. The Planning Board may also make comments on the architectural design and forward this to the architectural peer review.

Mr. Glenn noted that the architectural stuff would come towards the end. The Town has the right to ask the applicant for money to pay experts to review the plans.

Mr. Iannuzzi opened the meeting up for public comments.

Lisa Pargoli, Precinct 4 Town Meeting Member, White Street, asked how the town could consider doing more of this 40B housing and how much this will impact taxes. She noted that there needed to be awareness of the taxpayers and take consideration of the overrides.

Mr. and Mrs. Alexander, 43 Beatrice Circle, noted they were concerned about large fires and adequately being able to fight a large fire, storage of flammable materials, air quality and storage of hazardous materials. The waivers were for ongoing maintenance and it was not safe for the children in the neighborhood as they may inhale or ingest the materials.

Attorney Schomer, representing the Applicant, noted that these waivers were requested as process waivers and they fall under the comprehensive nature of the permit. They were not requesting special permission to do anything unsafe. Final conditions of the permits can be clear that this would be the extent of those.

Dr. Darlene Chisholm, 20 Beatrice Circle, noted that the Town can weigh safety and sizing issues. She added that the application letter from Mass Housing provides a list of issues that should be addressed. The reply from the applicant stated that the project was reduced in size but there had been no change in response to Massachusetts Housing recommendations. She noted that the size was too big for the neighborhood and it did not integrate into the neighborhood. The application stated that the other projects that harmonized were in Cambridge; Vox2 and Tempo were located in commercial use area and not in a residential neighborhood. Photos in the application were not near the site, they were over a mile away and none were of Beatrice Circle. She noted that this project did not integrate well and there were safety concerns. She explained CMR Section 760 section 56, stating that the town can take a stand for better site and building design and safety. She urged the Board to take a stand on health and safety and better design and massing.

Mr. Iannuzzi noted that the design and impact and architectural design will have peer reviews that would address her concerns.

Laura Goode, Pleasant Street, she thinks it is way too dense and it doesn't have any handicap parking. Also concerned about a ladder rescue and how this would happen in such a small area that would have problems would snow and cars.

Ezra Glenn, Chapter 40B Consultant, noted that there was nothing in the comprehensive permit process that can grant waivers from the state codes.

Mark Stapp, 75 Beatrice Circle, noted that the buildings would be some of the largest buildings in Belmont, they did not integrate with the surrounding buildings and they seem to violate Massachusetts Housing's own guidelines for massing and integration of the surrounding community. He added that he was concerned about fire safety. He suggested a site visit for the members of the Board. He asked if the water and sewer provisions would be adequate for the density that was being proposed.

Mr. Yogurtian noted that the Town would hire the peer reviewers and peer review will include stormwater, sewer, traffic (pedestrian traffic, handicap access and parking), architectural, plus input from the Planning Board.

Camil Sayegh, 26 Beatrice Circle, mentioned that the schools that were included in the community as part of the presentation by the developer were the primary school located in Arlington and the High School as the Belmont Hill School. He commutes to work via Alewife station and the bus stop by 91 Beatrice Circle was very busy and, in the winter, you could not walk on the sidewalk because of snow. Walking in the road and the added density of cars was very dangerous. He couldn't imagine that this would be safe with the added density. He noted that there was no parking on Hinkley Way and he asked where will overflow parking go. Also, how would this impact safety on Beatrice Circle. He was concerned about the traffic and the safety of children on bikes.

Mr. Glenn noted that the snow removal and public safety peer review comes under traffic and parking peer review. These are concerns that the applicant will have to address. Some of these concerns may need to be addressed as conditions.

Mr. Yogurtian noted that many of these concerns will be commented on by the Planning Board; trash collection, snow removal, etc. The Planning Board has expertise on many of these things.

Barry Lubarsky, 257 Rutledge Road, proposed changes to the over path and the access road bump out to address safety. He asked who gives the right for this change as it is state owned property. What type of maintenance was going to be required for snow and sidewalk bump out. This falls under the umbrella of safety concerns. He asked for more clarification regarding open space considerations and where was this being considered in this type of development.

Mr. Iannuzzi noted that this would be looked at by the architectural peer review and they would look at the landscaping layout.

Portia Thompson, 11 Beatrice Circle, concerned about the water drain off coming into her yard. She has six children, and the sidewalk was scary for her children and you

have to walk in the street. She would like to have the Board come to the back yards and see what it would look like.

Mr. Hall will reread the provision in the statute that refers to site visits and whether they need to be noticed.

Mr. Glenn noticed that they could go to see but not to deliberate while doing a site visit.

Mr. Schomer noted that he would give a tour for the Board to walk around the site. Mr. Hall noted that it would make sense to have Attorney George Hall there as well.

Lois Pines, noted that she had signed the petition and she fully supported the comments made by her neighbors. She added that not being able to be seen in the meeting undermines the power of their presentations and in the future, they should be seen in the webinar.

Mr. Iannuzzi noted that he can turn on the picture for the future speakers if they would like. He felt that the Board understands the concerns of the people.

Valerie Devine, 37 Beatrice Circle, said thank you for planning to come and visit, she requested a balloon height study to be completed. She would like more explanation about the building's three-story appearance to the abutters, she would like more information regarding fencing and screening.

Mr. Calise, noted that their will need to be a school bus stop and it will be an incredibly dangerous stop.

Mr. Heller, 154 Rutledge Road, asked what stage of the process will the state be involved with the bump out on the walkway. There needs to be a sidewalk to access the bump out. The plan seems to indicate that there will be and how will you know when the traffic study is done what the state will or will not agree to do so that the peer review is being done with full knowledge of what can happen with the bump out. How is the peer review done if there is a change that needs to be made to that property on the other side of the road. This could be very dangerous with all of the stopped traffic; how will they predict the death and destruction and accidents that may result and when do they know if the risk is too high.

Mr. Yogurtian noted that he would look into this to see if this bump out area was controlled by the state or the applicant. He will look into it to see if it is Town owned or state owned.

Mr. Glenn noted that the peer reviewers would figure out what approvals are required.

Kristin Boardman, 75 Beatrice Circle, asked if she could see models and if they could have a balloon height study done. She also asked for a shadow study.

Mr. Dartagnan noted that they would do a shadow study.

Ms. Williams noted that the renderings would be the best way to see this instead of a model.

Margaret Lowry, 105 Beatrice Circle, noted that she is so much lower than 91 Beatrice Circle. She said that it is going to feel like giant towers up there. She would like to see the Town find ways to slow traffic and remove the snow. She sees traffic going down the street at 70 miles per hour. She would like to see this demonstrated before they build the project. She says it is extremely dangerous.

Ms. Williams asked Mr. Yogurtian if the sidewalk would need to be cleared and he noted that the property would need to be cleared after a storm. He noted that snow removal will be discussed in detail and he would look into the bump out to see who is responsible for removing snow for the bump out.

The public portion of this meeting was closed by Mr. Iannuzzi. Public comment would be allowed in the future.

Mr. Hill, Attorney, represents Build Wise Belmont, he wanted to address his letters from January 11, 2021 and February 4, 2021. He noted his concerns as: Overutilization of the site, too much density for a small site. Project access, Frontage Road is a state road and his speed study showed that cars get up to 52 MPH and this would have severe consequences for the safety of the project. The site distances issues are insufficient and severe. The crosswalk issues, more dangerous than its current condition and configuration, there was a memorandum explaining this issue. The impacts on the neighbors, loss of privacy because of trees that will be removed. With respect to parking 1.6 parking spaces per unit, less than the 2 spots as per the zoning by-law, this will not be enough parking and no accommodations for on-site loading. Emergency access, this project does not comply with the state Fire code. He recommended that the site visit be scheduled for the Board members with the developer and have them stake the property and put up the balloons.

Attorney Jessie Schomer, does not see any problems with the peer reviews as they currently stand.

Mr. Hill asked Mr. Yogurtian to post the peer review comments on the website. Mr. Iannuzzi said that this was a non-issue and they would find the best people to do the peer reviews. Mr. Hall noted that it was not necessary to circulate the scope for public comment.

Attorney Fallon, 63 Beatrice Circle, noted that the Mr. Hill was asking for full transparency in terms of the scope of the engagement, a simple courtesy.

Mr. Glenn suggested to move through the issues in phases:

- Phase 1. Traffic, parking, access and pedestrian safety
- Phase 2. Stormwater, site planning and drainage
- Phase 3. Water and sewer
- Phase 4. Landscaping, screening and architecture design
- Phase 5. Maintenance management and the language of conditions

Valerie Devine, 37 Beatrice Circle, noted that she would like to know which issues will be addressed at which meetings in the future. She would like to have her people review the peer reviews and have a chance to comment during the process.

Mr. Iannuzzi noted that the agenda would state which topics would be discussed.

Attorney Schomer noted that there were a lot of questions and not a lot of answers yet. He suggested moving into the substantive presentation at the next hearing on whatever topic the Board would like to hear first. Peer review takes 3-6 weeks.

Mr. Glenn noted that the next meeting (March 8, 2020) would need to be traffic, parking and access. The meeting would need to be continued if the peer review was not ready. If the peer review was not ready the applicant would go ahead and present the traffic presentation.

The Board members concurred that the site visit would be best to take place on the weekend. Mr. Iannuzzi noted that the direct abutter's should be invited to the site visit.

- b. CASE NO. 20-06 – ONE SPECIAL PERMIT
55 Trapelo Road (SRC) – Alexander Athanasiou

This case as mistakenly added to the agenda as it was continued to March, 2021.

3. PUBLIC HEARINGS:

CASENO. 21-03 – ONE SPECIAL PERMIT

26 George Street (SRC) – David Coleman

Mr. Iannuzzi read the public notice.

Mr. Coleman, applicant, came before the Board to seek a special permit to construct a third story addition in an SRC zoning district. He noted that he would like to add a master bathroom onto the master bedroom to go on top of the existing sunroom. He added that this was not detrimental to the neighborhood and it is keeping with style and massing of the neighborhood and he believes that this will add value to the neighborhood. He has had support from his neighbors and has received letters of support.

No one spoke in support or opposition

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

4. The Board to discuss and approve if the previously approved meeting date on March 1, 2021 could be changed to March 8, 2021.

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

5. Adjourn 9:17 PM

Mr. Iannuzzi reminded that the Attorney's letters would need to be received at least one week before the scheduled hearings.