

**TOWN OF BELMONT
ZONING BOARD OF APPEALS
MEETING MINUTES
August 23, 2021**

**RECEIVED
TOWN CLERK
BELMONT, MA**

DATE: October 7, 2021
TIME: 3:08 PM

Present: Nick Iannuzzi, Chair; James Zarkadas; Vice Chair; Andrew Kelley; Teresa MacNutt; Casey Williams; Elliot Daniels; David Stiff; Jeff Birenbaum

Staff: Ara Yogurtian, Assistant Director, Community Development
George Hall, Town Counsel
David Lyons, Town Counsel

Absent: Ezra Glenn, Chapter 40B representative

In keeping with the extension of the remote participation portion of Governor Baker's Executive Order of March 12, 2020: "Order Suspending Certain Provisions of the Open Meeting Law" – All Participation for Town Residents will be by Remote Access.

1. CALL TO ORDER AT 7:00 PM

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 that this meeting was closed to the public and they would review the Chapter 40B - Comprehensive Permit decision.

2. CONTINUED CASES:

a. CASE NO. 21-01 – COMPREHENSIVE PERMIT

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

Ms. MacNutt began by asking some procedural questions. Attorney Lyons noted that he would be the liaison between the applicant's attorney and the Zoning Board of Appeals. The applicant's attorney will be able to respond to a draft decision. The primary concern was that the decision represents the best interest of the Town of Belmont. He reviewed the process of the application review and appeals process.

Mr. Iannuzzi noted that they need to review and discuss the setbacks, height, parking, wastewater, traffic, massing, unit count, bedroom counts, minimum open space and maximum lot coverage and safety.

Attorney Lyons suggested looking at lot coverage first. The last iteration of the architectural site plan was shared on the screen.

Mr. Iannuzzi noted that the applicant was seeking a rear setback of 12.1 feet and he thought the rear setback was too small and he suggested to deny the waiver on that rear setback. He suggested that it be left at 30 feet (according to Attorney Hill's letter). Attorney Lyons pointed out that they could grant a permit to put the sidewalk

in the Town owned Beatrice Circle to move the project up by 5 feet. Ms. Williams noted that her opinion was to move the whole project up, place the sidewalk on the Town land and she was fine with 26 feet setback. This was the level of compromise she was willing to go to. The Zoning Board further discussed how the increased rear setback would change the location of the buildings. Mr. Zarkadas noted that he would only consider 30 feet and Ms. MacNutt said she was comfortable with 26 feet. Mr. Kelley noted that he was fine with 26-30 feet. Mr. Kelley was also fine with moving the sidewalk into the Town property. Attorney Lyons noted that there could be a condition that the applicant would have to maintain the sidewalk, especially the snow removal. Mr. Yogurtian noted that the decision could be written at a minimum of 26 feet – 30 feet to best accommodate for the layout of the buildings. Mr. Iannuzzi noted that the minimum lot size will determine the rear setback. Attorney Lyons noted that the Board could set a maximum lot coverage figure and the setback and then give the applicant an opportunity to redesign. The Board discussed several options and configurations of the building on the site to improve on the setbacks, open space and lot coverage. Ms. Williams noted that somewhere between 40-45 percent on minimum open space would be reasonable and not detrimental to the other issues. She noted that she felt that 25 percent maximum lot coverage would be acceptable. She felt that they would want to increase parking so not to increase open space and create other problems. Mr. Zarkadas noted that adding height was not a good way to go. Ms. Williams said that the size of the buildings would decrease and they may have to change the make ups of the units and change the combination of the numbers of bedrooms per units. Attorney Lyons noted that the HAC would probably side on the open space as the most tangible issue that the HAC might side with the Board on as it goes directly to the future residents of the project. There were no reasonable open spaces to this project and setbacks may be a harder case to make to the HAC but that southern portion is pretty close to the neighbors and the applicant has a vulnerability there. He suggested orienting the rear line of units and perhaps fit three units in side by side and take advantage of the north side of the lot to improve on the setbacks and this would leave them with 10 units, the applicant is not going to like this due to having to subsidize the affordable units and this might not fly with the HAC. He added that to meet their demands on units the Board could give them more height to achieve the 12 units. Mr. Yogurtian reviewed the fire safety system for the buildings with regards to height. Ms. Williams noted that by increasing the rear setback, the open space would increase for the residence on the site and improves the open space access. Mr. Iannuzzi and Mr. Kelley noted that they could give the applicant the envelope and they would figure out the configuration.

Mr. Iannuzzi asked for a vote on maximum lot coverage.

In favor of 25% maximum lot coverage.

Roll call:

Yes votes-

Mr. Iannuzzi, Ms. MacNutt, Ms. Williams, Mr. Zarkadas, Mr. Kelley

Mr. Iannuzzi asked for a vote on minimum open space.

In favor of 43% minimum open space

Roll call:

Yes votes-

Mr. Iannuzzi, Ms. MacNutt, Ms. Williams, Mr. Zarkadas, Mr. Kelley

The Board discussed the front yard setback options, the walkway and a possible Town sidewalk design.

Mr. Iannuzzi noted that the front yard setback is zero and the walkway would be for ingress-egress only.

Ms. MacNutt suggested using the language “they will build a proposed walkway”.

Mr. Yogurtian noted that the side yard setbacks comply with setback requirements. Attorney Lyons noted that there was no waiver for side yard setbacks and he recommended a condition saying that it needs to be 23.6 feet to the retaining wall and 30 feet to either building.

Next, the Board discussed the setback issues to the rear of the property and decided that they agreed that the rear setback should be 28 feet.

Mr. Iannuzzi asked for a vote for a 28-foot required rear setback.

Roll call:

Yes votes-

Mr. Iannuzzi, Ms. MacNutt, Ms. Williams, Mr. Zarkadas, Mr. Kelley

Next, the Board discussed the maximum building height.

Mr. Iannuzzi asked for a vote for a maximum building height at 43 feet (as per the waiver) and 30.5 feet in the rear to the midpoint on the front building.

Roll call:

Yes votes-

Mr. Iannuzzi, Ms. MacNutt, Ms. Williams, Mr. Zarkadas, Mr. Kelley

Next, the Board discuss the maximum building stories. They agreed on 4 stories for the maximum building height for the north building and 3 stories for the maximum building height for the south building.

Mr. Iannuzzi asked for a vote for 4 stories for the maximum building height for the north building and 3 stories for the maximum building height for the south building.

Roll call:

Yes votes-

Mr. Iannuzzi, Ms. MacNutt, Ms. Williams, Mr. Zarkadas, Mr. Kelley

Next, the Board discussed off-street parking and loading regulations. Mr. Iannuzzi noted that the waiver was for 21 parking spaces, 12 garage spaces and 9 service

spaces. He also noted that this was to include a parking management plan and snow removal plan.

Mr. Yogurtian noted that the snow removal management plan needs to be very specific especially regarding the open space in the rear of the building so that the snow does not pile up there. He recommended that the snow be hauled away and not be higher than 3-4 feet as to not affect the rear neighbors and this snow removal plan should be a separate document.

Mr. Iannuzzi asked for a vote for a dedicated loading zone plus two parking spaces per unit for a two-bedroom (or more) unit and one parking space for a one-bedroom unit plus a snow removal plan and a parking management plan.

Roll call:

Yes votes-

Mr. Iannuzzi, Ms. MacNutt, Ms. Williams, Mr. Zarkadas, Mr. Kelley

The Board discussed the stormwater management plan, the applicant had a very specific request on the waiver, otherwise they plan to comply with the Town process. Mr. Yogurtian noted that someone suitable to the Town would be hired to help with the stormwater management plans, paid for by the applicant. Attorney Lyons noted that this would be noted in the decision as a condition. Mr. Yogurtian noted that there were no issues with the ledge.

Mr. Iannuzzi asked for a provision regarding intersection safety. Attorney Lyons noted that they would need to maintain the minimum sightlines, make the crosswalk improvements before a certificate of occupancy is issued. They would also need to install the blinking beacon, install a "right turn only" sign at the bottom of the driveway and to request a further traffic study (funded by the applicant) of post build conditions.

Attorney Lyons noted that he would take what had been discussed in this meeting and fit it into the decision. The attorneys would have an opportunity to provide further comment.

Mr. Iannuzzi noted that next Monday's hearing will have a decision in hand and will vote on the decision. Attorney Lyon's will ask for their comments by Wednesday, August 1 and then the Board will meet after Labor Day to respond to those comments and issue a final decision.

Mr. Yogurtian will need the hard copies and signatures on September 9 in order to be able to file with the Clerk on September 10.

MOTION to draft a decision as per the discussion by the Belmont ZBA regarding the waivers and additional conditions was made by Mr. Iannuzzi and seconded by Mr. Zarkadas. Motion passed. The vote was unanimous.

MOTION to continue to September 2, 2021 was made by Mr. Iannuzzi and seconded by Ms. MacNutt. Motion passed. The vote was unanimous.

3. ADJOURN 9:23 PM