

DATE: October 7, 2021  
TIME: 3:09 PM

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
September 2, 2021**

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  
David Lyons, Town Counsel

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

Mr. Iannuzzi noted that a draft of the Board's decision went to Town Council for review, a draft came from Attorney Hill and an email came back from Attorney Schomer with recommendations for compromises. Attorney Lyons noted that the draft decision was in the ballpark of what the applicant could work with and he made recommendations for some minor changes. The Board could now either stick with the decision that they have now or agree to an extension and ask the applicant to reach a compromise.

Ms. Williams noted that she was enticed by the idea of the extension to be able to review the information that Attorney Schomer submitted and to ask for revised plans.

Mr. Zarkadas noted that the applicant was given the opportunity to make adjustments and they said no – twice. He said he was confused because they now wanted to negotiate. Why didn't they present the numbers when they asked for them previously? They could now chisel away at the Board's numbers to make it more what they want. The numbers that are in place were fine and he was happy with them. He felt that a negotiation at this point was not fair. He asked if the Board needed to adjust the height issues.

Ms. MacNutt noted that she would like to compromise with the applicant but they will likely appeal it so she would like to decide rather than continue.

Mr. Kelley noted that they were real numbers and not a fake position to negotiate off of. He would be interested to see what the project would look like with revised drawings. He could see both sides and he was torn but he would be comfortable either way. He wanted a consensus and he felt that would be appropriate and to find it if they could. Mr. Iannuzzi didn't think that they could reach a consensus.

Ms. Williams noted that the building height was most concerning and impactful to the rear and west neighbors. The east neighbor had the concern of the retaining wall. It was a trade off with the heights of the building and the side setback, the height was more critical and more impactful considering the number of stories.

Attorney Lyons noted that the height of the southerly building was a concern to the neighbors so maybe get other revisions but not to make any changes in the height but to make some compromises with setbacks and the Board would need to continue to negotiate. The Board would need to get the approval for an extension from Attorney Schomer.

Mr. Iannuzzi noted that he had a problem with the height of the front building and does not want to change the rear yard setback. If there was an extension there would need to be a reduction in the height of the front building.

Mr. Iannuzzi invited Ms. Allison to speak. She noted that this was the most important decision that the ZBA would make in ten years. She noted that she was a Town Meeting Member. She was looking at the fiscal impact on the Town and she said that there were many lots in Belmont where someone could put a similar project. She explained that as the Board was filing their decision, she was running the numbers and she would share them with the Board via Mr. Yogurtian.

Attorney Lyons noted that the height of the buildings was proposed at six feet over on the front building and five feet under on the rear building. They could reset these parameters on the decision tonight if they wanted to.

Attorney Schomer, representing the applicant, came onto the zoom meeting and noted that it was not his intent to file new plans to make something that would work within the Board's parameters. He wasn't sure that the applicant could make the plans work within the parameters that the Board had suggested in the draft decision. He was proposing new numbers to avoid an appeal with HAC. This was to try and find a compromise that everyone could live with. His concern on the building height was that the height was to be at the center of the slope. The 20-foot rear setback could work but he was not sure if it was possible to meet the Board's requirements as included in the draft decision. Regarding new drawings, Attorney Schomer noted that he was concerned to submit new evidence when the hearing was closed to public

comment. If there would be an extension, he would use the 30 days to iron out the language and the details of the decision, but no new plans would be submitted.

Attorney Lyons noted that the decision would need to be voted on by Monday, September 13 unless there was an extension. An extension would be helpful even if they were not changing the parameters. The Beatrice Circle change would involve Town Meeting and a warrant article.

Attorney Lyons noted that the project would not change that much. He asked Attorney Schomer if he would consider reopening the hearing for the limited purpose to look at new plans.

Mr. Schomer noted that the project cannot work on the numbers that were proposed.

Mr. Iannuzzi noted that it was aggravating that the applicant did not submit an economic feasibility study and they were also not open to submitting a new plan, they seemed unwilling to work with the Board. He would like to see a new plan. He asked to move forward with the 30-day extension to tighten up the decision.

Attorney Hill, representing the neighbors, commented that if the Board where entertaining to make changes and meet in the middle that they already had met in the middle and that they should not agree to meet at three quarters by accommodating Attorney Schomer's requests. If the changes were to be agreed upon by the developer, they should have some type of contract signed with the BOS saying that they would not appeal to the HAC.

Attorney Schomer agreed to provide a letter granting the extension.

**MOTION to increase the building coverage open space by 1.7 percent from 38.3 percent to 40 percent as in accordance with Attorney Schomer's email was made by Ms. MacNutt. There was no second. Motion failed.**

**MOTION to continue the deliberation until October 7, 2021 was made by Mr. Iannuzzi and seconded by Mr. Zarkadas. Motion passed. The vote was unanimous.**

**Roll call:**

**Yes votes-**

**Nick Iannuzzi**

**Teresa MacNutt**

**Andrew Kelley**

**Casey Williams**

**Jim Zarkadas**

**Ms. Williams volunteered to assist with the decision.**

**3. ADJOURN 8:21 PM**