

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
September 14, 2020**

**RECEIVED  
TOWN CLERK  
BELMONT, MA**

DATE: October 14, 2021  
TIME: 2:30 PM

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

Staff: Ara Yogurtian, Assistant Director, Community Development

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

Mr. Iannuzzi called the meeting to order and introduced the Zoning Board members. He noted the order of the meeting and explained the video conference process. He also noted that Andrew Plunkett and Phill Ruggiero had left the Zoning Board of Appeals and he introduced the new members, Elliot Daniels and Bill Fick.

**2. PUBLIC HEARINGS:**

- a. CASE NO. 20-19 – TWO (2) VARIANCES  
30 Alma Ave. GR – Steven Brown

**MOTION to accept withdrawal of Case No. 20-19 was made by Mr. Iannuzzi and seconded by Mr. Zarkadas. Motion passed.**

- b. CASE NO. 20-27 – ONE SPECIAL PERMIT  
75 Lexington Street (GR) – Lisa Colosi

Mr. Iannuzzi read the public notice.

Ms. Lisa Colosi, Applicant, noted that she would like to have all of her appliances in one room and would like to bump out an area to make the space and enclose the back porch. This would allow for an eat in kitchen and would allow for a laundry room upstairs.

She noted that she had provided the ZBA with 11 letters from neighbors in support of the project

No one spoke in support or opposition.

Mr. Iannuzzi closed public portion of the meeting

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

- c. CASE NO. 20-28 – ONE (1) SPECIAL PERMIT  
12 Little Pond Road (SRC) – Michael and Judith Hanley

Ms. Teresa McNutt recused herself at 7:20 PM.

Mr. Iannuzzi read the public notice.

Ms. Diane Miller, Miller Design, Architect, introduced the Applicants, Judy and Mike Hanley. She noted that the Applicants would like to expand their sunroom and convert it into a den. They would not be increasing the height or the story count and this would not affect the mass as it appeared from the street. Ms. Miller noted that there were eight signatures of support from the neighbors, the project was small and on the backside of the house and not at all a detriment to the neighborhood.

No one spoke in favor or opposition of the special permit.

Mr. Iannuzzi closed the public portion of the meeting.

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

Ms. Teresa McNutt returned to the meeting at 7:26 PM.

- d. CASE NO. 20-29 – ONE (1) SPECIAL PERMIT  
91 Brookside Avenue (SRC) – Christopher Martin

Mr. Iannuzzi read the public notice.

Mr. Keith Miller, Miller Design, Architect, introduced his clients, Laura and Christopher Martin. He noted that they were looking to expand a dormer to make more space in the master bedroom. He also noted that there were signatures of support and this project would not be detrimental to the community and would enhance the value of the home.

No one spoke in favor or in opposition of the application.

Mr. Iannuzzi closed public portion of the meeting.

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

- e. CASE NO. 20-26 – ONE (1) SPECIAL PERMIT  
55 Trapelo Road (SRC) – Alexander Athanasiou

Mr. Kelley recused himself at 7:34 PM.

Mr. Iannuzzi read the public notice.

Mr. Noone, Attorney, representing the Applicant, explained that his client was seeking one special permit under section 1.5.2 of the Zoning By-Law to modify an existing non-conforming use located in the GR zoning district. The existing building is a residential unit and an office space in a district where only residential units are allowed. Mr. Noone gave a brief overview of the issues. Mr. Athanasiou spoke briefly about his Orthodontic practice and then Mr. Noone reviewed the legal issue of the application and the reasons why the special permit should be granted.

Mr. Noone reviewed the history of the property and noted that it had been deemed a mixed-use property by the Town back in 1996. The ZBA had determined that the property was granted mixed-use status and it had remained that way until present time. The use of a Doctor office combined with residential use had been allowed by the Town. The Applicant would like to add an addition to the first floor and a dormer to the second floor to increase the size of the building. He noted that Cliff Rober was the site engineer and surveyor and the architect for the project was Mr. Andy Rojas and they were there to answer questions.

Dr. Athanasiou gave a brief overview of his practice. He noted that he had purchased a previously owned orthodontic practice at this location. He was interested in increasing the space within the building and making it ADA accessible. He also noted that he did not intend to live there as the space would be too small and not separated from the business portion of the home to be a livable space. Mr. Noone stated that Dr. Athanasiou's mother might live there or his college aged children.

Mr. Noone also noted that Mr. Athanasiou bought the property back in 2016 and he consulted with the Belmont Offices of Community Development and Mr. Clancy to be sure that the property could be used for the Dental business and it would be permitted at this location. Mr. Noone noted that in 2016 Mr. Clancy indicated that the property was grandfathered as a pre-existing mixed-use as a doctor's office of home occupation. The grandfathering of the mixed-use was tied to a certificate of

occupancy that was issued in 1996, the decision of the ZBA for the reason why this property was grandfathered as a mixed-use. Mr. Noone stated that those who opposed this application argued that it was increasing the use of the property in a non-commercial zone in a commercial manner. From a technical legal standpoint that issue had already been determined by the Town that the property was grandfathered as a mixed-use so long as it had been continued to be used in that manner. Evidence of payments indicated that the property had been used as part of the practice were submitted. The use had not been abandoned and Dr. A. planned to continue to use it as a doctor's office, he currently was using the space to do lab work and for storage. The continuation of a mixed-use of this property was warranted, justified and still a valid issue for this property. Mr. Noone also noted that under section 1.5.2 that the ZBA may grant a special permit to change or extend a non-conforming use if it determined that the change or extension shall not be substantially more detrimental than the ex-non-conforming use to the neighborhood and it shall be in keeping with the character in which it is located. The use is was not changing, it would continue to be to used as a doctor's office, a modest 450 square foot addition was being proposed. The small addition would not impede or change the character of the neighborhood. There are businesses in this area already. The opponents have not identified any areas where this is going to be a detriment to the area other than it may be an encroachment to the commercial area. The property would be improved, the traffic would not be increased, parking would be on the street by patients, there was no detriment to the abutters. It was a proposal that was going to be good for the neighborhood. Mr. Noone continued by stating that they have a petition of support from over five hundred people. No detrimental impairment to the neighbors. Mr. Clancy indicated that the dental office would qualify as a preexisting use. All of the alterations were being done by right and the special permit was for the structure and the structure only. It was a proposal that was going to be good for the neighborhood. They have a petition of support from over five hundred people. He reminded the ZBA that there would be no detrimental impairment to the neighbors.

Mr. Yogurtian noted that Mr. Clancy indicated that the dental office would qualify as a permitted preexisting use because the property was grandfathered for mix use. He also noted that all of the alterations were being done by right in the SRC district and the special permit was for the structure and the structure only. The Board would be voting to allow the Applicant to continue the existing non-conforming use and to allow the changes of the structure. Mr. Yogurtian also noted that if no one was going to reside there that the residential piece would be removed and in six to ten years it will be a nonconforming commercial use and no longer mixed-use.

The Board reviewed a 1996 Zoning Board Decision that goes through the grandfathering of the mixed use and the reasoning why the grandfathering exists. It was included as Exhibit B within the application materials.

Mr. Iannuzzi asked for a copy of the email from Glenn Clancy and asked to have him present at the next meeting if it is possible so that they could ask questions about how this became a mixed-use property.

Mr. Fick would like to know more about the use from 2016 to the present. He would like to figure out how the abatement criteria might or might not apply and if they assume that it was assumed then the question remains whether the use is or is not more detrimental. He would also like to know how the abandonment criteria might apply as the property was not used as a Doctor's office with visiting patients. Mr. Fick also noted that that he would like to understand to what extent was the intensity of use likely to be different than it was for the prior Doctor's offices, what can the Applicant tell us about the foot traffic and the number of employees now versus historically and these considerations should be put into a supplemental memo.

Mr. Iannuzzi opened the hearing for public comments.

**The following people spoke or wrote into Zoom Group Chat in support of the special permit-**

Many of the reasons for support were noted as: Dr. Alex contributes to the community, he raised his children here in Belmont, he has offered a great orthodontic service to many kids in Belmont, he is a kind and giving person, the new building would provide ADA accessibility and a safer walk for children not having to cross the street.

Mike McCarthy, 46 Carlton Circle

Cyndy Haddad, 42 Jackson Road

Jessica Hartley, 11 Edwards Street

Diane McCarthy, 46 Carlton Circle

Giulio, Benton Road

Julie Mortimer, 81 Old Concord Road

Frank, 96 Cushing Avenue

Andrea Magni, 58 Benton road

Demitrus Katos, 29 Sharpe Road

Pamelo Morris, 191 Trapelo Road

Kim Edmonds, 84 Spring Valley Road

Carrie Redi, 16 Ridge Road

Jun Yang, 65 Oak Avenue

Chris Babcock, 130 Goden Street

Brian Eck, 33 Woodfall Rd.

April Edington, 19 Elizabeth Road

Diane Barbieri, 71 Trapelo Road

Amy and Guy Zuccerello, 78 Elizabeth Road

Becca and Sue Pizzi, 92 Payson Road

Kerry McGuire, Blake Street

Lydia Charitidou, 111 Maple Street

Antonella Spinace Casale, 179 Lewis Road

Nicole Cohen, 33 Hawthorne Street

Judy Anderson, 11 Willow Street

Francisco J. Adrian, 19 Old Middlesex Road

Kate O'Connor, 278 Lake Street

Tracy Pizzi, 84 Payson Road

Iris Ponte, 307 Pleasant Street

Carrie and Jason Redi, 16 Ridge Road

Tatiana Pantazopolous, 81 Story Brook Road

Susan Condrick, 12 Crescent Road

Brian and Talene McCarthy, 22 Vernon Road

Kim and Stephen Edmunds, 84 Spring Valley Road

Guilio Magni, 58 Benton Road

Greg Hall, 11 Woodfall Road

Heather Musi

Mrs. Cianio

Sue and Fred Pizzi

Christopher Babcock

**In opposition of the special permit-**

Mr. Copola, noted that he was concerned about this as a mixed-use and not subject to home occupation rules.

Mr. Phil Thayer, 39 Oak Avenue, noted that he was concerned about the direct abutters concerns. The prior decisions viewed home occupancy not mixed-use commercial and it is setting a bad precedence.

**Question and Comment-**

Jeanne Mooney, 60 Oak Avenue, Town Meeting Member Precinct 6, she would like to hear what Glenn Clancy has to say, she has more questions on the residential use, if this goes forward could this be turned into a lab or commercial use as this was outside the commercial zone. She wants to be sure that there will be no lab use.

**MOTION to continue to November 9, 2020 was made by Mr. Zarkadas and seconded by Mr. Iannuzzi. Motion passed.**

**3. Adjourn 9:02 PM**