

**TOWN OF BELMONT
ZONING BOARD OF APPEALS
MEETING MINUTES
October 5, 2020**

**RECEIVED
TOWN CLERK
BELMONT, MA**

DATE: October 14, 2021
TIME: 2:35 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 of Appeal's members. He noted the order of the meeting and explained the video conference process.

2. CONTINUED CASES:

- a. CASE NO. 20-25 – FIVE (5) SPECIAL PERMITS
628 Trapelo Road (GR) – Panagiotis Mamounas

Mr. Iannuzzi read the public notice and noted that they had received letters of opposition, three for parking concerns and three for water runoff concerns.

Mr. Cliff Rober, representing the Applicant, introduced Mr. Mamounas, the Owner of the property. Mr. Rober noted that they would like to take the existing building and replace it with a new building. They would like to add additional parking in the rear and they will have decreased the amount of open space. The first floor would be a restaurant, the floors above would house 2 two-bedroom units and there would be a dormer on the third floor that would be part of the residential units. It is a mixed-use property and they would like to maintain that and make the site more attractive from all of the angles. Mr. Rober also noted that there were three spaces for parking and they would try to maintain those spaces for the tenants. They are rather close to Waverly Square and he thought they would not need another space because public transportation was nearby. The parking spaces would be for employees not for people going into the restaurant. Mr. Yogurtian noted that because of the fire, they do not need a special permit to reestablish a restaurant.

Mr. Yogurtian also noted that because they are tearing down the old building, they would need to comply with the Stormwater Management and Erosion Control By-Law.

Mr. Iannuzzi opened the meeting to the public.

Mr. Yogurtian noted that there was a fourth letter in opposition that was also sent to the Board but it did not get to the Board in time for this meeting.

In opposition-

Priscilla Hunt, 84 Agassiz Avenue, noted that the building was nonconforming and it was grandfathered and that changing the whole structure would cause you to lose the grandfathering. Mr. Yogurtian noted that if the use had been abandoned for two years then the nonconforming use becomes void. However, when there is a fire and the owner is trying to rebuild through the insurance company, that is not abandonment that is continuation of the nonconforming existing use and they still have the right to rebuild the existing nonconforming structure. Ms. Hunt noted that it was a small footprint for the building but more land was being taken up by the pavement and it was a higher level of it that was violating the nonconforming use and parking and traffic was a real problem.

Lucia Gates, 11 Agassiz Avenue, noted that she was concerned about water runoff and any water not captured in the downspout will come into her neighborhood and into the wetlands. She was concerned about lot coverage and she felt that the lot coverage should be allowed to have 28 percent.

Dave Benson, 39 Agassiz Avenue, was concerned about the design and wanted to be sure they are following the rules. He asked for seating capacity clarification. Mr. Rober noted that the proposed seating capacity was approximately 80 seats. Mr. Yogurtian noted that they would have to come before the Board if they want to increase the seating capacity.

Jarrold Goentzel and Laura Vanderhart, 95 Agassiz Avenue, the direct downhill abutters to the property, noted that they were concerned about the parking becoming commercial parking. Mr. Yogurtian noted that there could be a sign that says "no parking". Drainage was an issue for them and Mr. Iannuzzi noted that they would review a Stormwater Management plan.

Leo Pachillo, noted that the project requested five special permits and each one asking for significant exclusions. Mr. Yogurtian read and described each of the

specific special permits being requested and he explained each of them was making the project more conforming.

Luciane Ribiero, noted (in the chat window) that she had concerns regarding safety issues, children could come running toward the park and they already had an average of 15 cars pulling from existing driveways onto Trapelo Road.

Elliot Daniels noted that he would like to see some screening in place to block the headlights of cars coming in.

Gabriel Manetas, 614 Trapelo Road, noted that he was concerned about the high density that was being created and he was also concerned about the additional parking and the additional site for the building.

Mr. Iannuzzi closed the public portion of the meeting.

MOTION to approve with four conditions and one recommendation was made by Mr. Iannuzzi and seconded by Mr. Iannuzzi. Motion passed.

Condition #1: Paved area for residential and employee use only, no customer parking allowed in this area.

Condition #2: Snow removal to be off site

Condition #3: a Sign will be placed at the beginning of the driveway “No customer parking”.

Condition #4: The project must comply with stormwater management regulations.

Recommendation: Owner to discuss lighting, fencing and screening for the neighbors so they do not see the headlights when they are coming in.

3. PUBLIC HEARINGS:

- a. CASE NO. 20-30 – ONE (1) SPECIAL PERMIT
12 Franklin Street (SRC) – Marc and Joanna Valenti

Mr. Iannuzzi read the public notice.

Marc and Joanna Valenti, Applicants, presented their application and explained they would like to construct a three-story addition. The lowest level of the dwelling was a basement (50.59% of the foundation walls were exposed) and was considered a story.

They noted that they need additional space for their growing family. They would like to take half of the deck to make indoor living space and taking the second deck and making it livable space. They would also like to finish the basement and do some renovations to the upstairs. The grade changes were severe, they were trying to maximize the footprint. There were many signatures of support.

Patrick Rettig, Architect, LLC, noted that they would maintain the hip roof structure, and he described the location for the HVAC condenser as being located on the ground.

No one spoke in favor or in opposition.

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

- 4. Approval of meeting minutes for May 18, 2020, July 13, 2020 and September 14, 2020.**

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

- 5. Adjourn 8:28 PM**