

DATE: October 14, 2021  
TIME: 2:31 PM

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
May 17, 2021**

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

**1. CALL TO ORDER AT 7:00 PM**

Mr. Iannuzzi called the meeting to order and introduced the Zoning Board of Appeals members. He noted that every meeting that was the first meeting of the month will be devoted to the Chapter 40B topic, the next Chapter 40B meeting would be on June 10, 2021. Tonight's meeting would be devoted to continued cases and new public hearings. He noted the order of the meeting and explained the video conference process. Bill Fick announced that he would not be seeking a continuance of his stay on the Board as he was moving out of Town soon. He thought that he would move in August and he may well be available for the duration of the Chapter 40B. Case number 21-15 was reviewed first.

**2. CONTINUED CASES:**

- a. CASE NO. 20-10– TWO SPECIAL PERMITS  
21-23 Cross Street (GR) – Christopher Halloran

Mr. Iannuzzi read the public notice.

Mr. Halloran presented the revised plans for the dormers. The Board members discussed and felt that the revised plans were acceptable.

**MOTION to approve the request for two special permits was made by Mr. Zarkadas and seconded by Ms. Williams. Motion passed.**

**Roll call:  
YES VOTES-  
W. Fick  
A. Kelley  
N. Iannuzzi**

**3. PUBLIC HEARINGS:**

- a. CASE NO. 21-11 – TWO SPECIAL PERMITS  
3 Essex Road (SRC) – Bo Cumbo

Mr. Iannuzzi read the public notice.

Mr. Rosales, representing the applicant, noted that his clients needed more bathroom space and more storage space. They would like to construct a second story addition on top of the existing sunroom of their home and they were not expanding the footprint. They were seeking a relief for lot coverage and front setback. He noted that he felt that the design was within character of the neighborhood and there was no opposition from the neighbors. There was a letter of support signed by seven of the neighbors. Mr. Rosales presented the plans for the second story addition.

Mr. Cumbo described the detail of the plans and answered questions of the Board Members.

The Board Members concurred that it was a nice design.

Mr. Zarkadas noted that the roof had a slight pitch and he was satisfied with this design.

No one from the public spoke in support or opposition.

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

**Roll call:**

**YES VOTES-**

**C. Williams**

**T. MacNutt**

**A. Kelley**

- b. CASE NO. 21-12 – ONE SPECIAL PERMIT  
30 Hurd Road (SRC) – John Boyle and Laura Boyle

Mr. and Mrs. Boyle, applicants, came before the Board and noted that they would like to construct a one-story addition and a deck and to provide more cooking and storage space in their kitchen. They would like to add a six-foot extension to the rear of the home and an expansion of the basement to include a half bath and a shower. This will allow for more functional space for the family. They would like to create a bedroom in the basement to allow for family to stay with them. The plans were shared with neighbors and letters of support were received from all the immediate neighbors.

No one from the public spoke in opposition or support.

The Board deliberated and voted.

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

**Roll call:**  
**YES VOTES-**  
**E. Daniels**  
**A. Kelley**  
**N. Iannuzzi**

- c. CASE NO. 21-13 – ONE SPECIAL PERMIT  
37-39 Wiley Road (GR) – Edward Yezdoghlyan and Susanna Hartenyan

Mr. Iannuzzi read the public notice.

Ms. Williams recused herself from the case.

Mr. Yezdoghlyan, applicant, representing his mother, came before the Board requesting one special permit to retain a newly constructed brick oven (outdoor grill). He explained that prior to building the outdoor grill he had contacted the Building Inspector with the Town of Belmont and the BI noted that there were no regulations on zoning if it were less than 200 square feet and less than ten feet in height. After he had started the building of the brick oven he received a stop work order from the Town of Belmont Building Department. He noted that he was not sure what to do with the contradictory information.

Mr. Yogurtian noted that this type of structure had not been previously regulated, it was not clear in the by-laws. He also noted that this was allowed by the Fire Department.

Mr. Fulton, neighbor, noted that he was surprised that this structure could be built without a permit, he contacted the Board of Selectman.

Mr. Zarkadas noted that the Zoning Board does not have jurisdiction to comment on this, he felt that it was like a swing set and these are all over town and this was a gray area in the Zoning By-Law.

Neighbor, (name was not stated) came before the Board to note that she felt there was a lack of communication with the neighbors and the oven was unsightly and very close to her yard. She also noted that she felt it was a fire risk.

Mr. Fulton noted that this was a very tall structure and very close to the property line, the garage was brought back to the property line. None of the neighbors were consulted with. The yard was full of smoke and they were concerned about the heat. He had a problem with the environmental issues of having the wood burning.

Mr. Yezdoghlyan noted that he could control the smoke with a fan.

Mr. Zarkadas reiterated that this does not fit here with the ZBA. There was nothing to point to, not a section or a page.

Mr. Iannuzzi noted that this was not governed by the Zoning By-Laws as it was not a regulated structure. The ZBA does not have the authority to act. It does not fit within the envelop of the by-law.

Andrew Kelley noted that he thought it would be a good idea to get advisement from Town Council.

Mr. Fick noted that smoke was not a new issue and the ZBA was not in the position to regulate a fireplace.

Mr. Iannuzzi reiterated that because it is not defined in the Zoning By-Law it is not regulated by the ZBA.

**MOTION that the Board does not believe the outdoor oven meets the definition of a structure as defined in the present Town of Belmont Zoning By-Laws and it is not regulated by the Zoning Board of Appeals, motion made by William Fick and seconded by Mr. Iannuzzi. Motion passed. Vote 4-1.**

**Roll call:**

**YES VOTES-**

**T. MacNutt**

**J. Zarkadas**

**NO VOTE-**

**A. Kelley**

- d. CASE NO. 21-14 – FIVE SPECIAL PERMITS  
183-185 BEECH STREET (GR) – Gabriel Vellante

Mr. Iannuzzi read the public notice.

Mr. Vellante, applicant, came before the Board and noted that he would like to construct two-story addition over a crawl space. He would like to add a bathroom, mud room and a staircase. His current stairway was not safe and he would like a newer staircase. The proposed stairs were not enclosed but they were covered with a roof.

Mr. Zarkadas was not in support of moving stairs from the inside to the outside as it was not in harmony with the neighborhood. The cover over the stairs would not make it a safe situation. The stairs would need to be enclosed.

Mr. Vellante agreed to enclosing the stairs.

Mr. Iannuzzi asked him to bring the new plans including the enclosed staircase to the next meeting. Mr. Vellante also had 19 signatures of support to submit.

There were no public comments.

**MOTION to continue to June 21, 2021 was made by Mr. Iannuzzi and seconded by Mr. Zarkadas. Motion passed. Motion passed.**

**Roll call:**

**VOTES-YES**

**E. Daniels**

**C. Williams**

**A. Kelley**

- e. CASE NO. 21-15 – TWO VARIANCES AND ONE SPECIAL PERMIT  
24 Stults Road (SRC) – Marc and Kristen Becker

Mr. Zarkadas noted that the Board has only approved one variance over the past ten years, they can have an opportunity to go back to the drawing board to see if they can do something different that does not require variances.

Mr. Iannuzzi noted that variances are not often given out and they would need a hardship and they are trying to give them a situation where they are seeking out something different. This would be a very uphill challenge and they could have to wait for two years if this project gets denied.

Mark Becker, applicant, noted that he was not aware that variances were not usually given. He noted that his hardship was sunlight. The position of the backyard has no sunlight for a large part of the afternoons. He did not think that his project was too big for the yard and he had a lot of support from the neighbors.

Mr. Iannuzzi noted that he should work with Mr. Yogurtian and then come back to the Board for a review.

**MOTION to continue the case until June 21, 2021 was made by Mr. Iannuzzi and seconded by C. Williams. Motion passed.**

**VOTES- YES**

**T. MacNutt**

**J. Zarkadas**

**A. Kelley**

#### **4. ADJOURN 9:03 PM**