

**TOWN OF BELMONT
ZONING BOARD OF APPEALS
MEETING MINUTES
September 13, 2021**

**RECEIVED
TOWN CLERK
BELMONT, MA**

DATE: November 2, 2021
TIME: 1:57 PM

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

Absent: James Zarkadas; Vice Chair

Staff: Ara Yogurtian, Assistant Director, Community Development

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" – Town Residents, Boards and Committees 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.

2. CONTINUED CASE:

- a. CASE NO. 21-16 ONE VARIANCE AND ONE SPECIAL PERMIT
81 Birch Hill Road (SRA) – Douglas Beaudet

Mr. Iannuzzi read the public notice.

Attorney Noone, representing the Applicant, noted that the Applicant was requesting a Variance and one Special Permit under Section 1.5 of the Zoning By-Law to construct a third-story addition. Attorney Noone said that the special permit was needed for the side setback and the variance was necessary due to the topography of the lot, sloping right to left, because of the topography the basement counts as a story. Attorney Noone explained the hardship as the sloping lot and the Owner cannot expand the square footage of this property in any other direction other than going up. He explained that the third story and the proposed size of the new structure was in accord with the other dwellings in the neighborhood. There were 19 abutters that signed a petition in support for the project. Attorney Noone noted that the project was already built without permits as an outside architect told them that the project could be built as of right. The Contractor did go before the Building Commissioners office and was served a penalty. He asked that this not be a factor in the Board's decision as they had already paid their penalty. Attorney Noone agreed that this was a financial hardship as they could not build on the sloping lot. Mr. Iannuzzi said that there were no variances issued for financial hardships even if the neighbors were in favor.

Marie Fitzpatrick, Realtor, came before the Board to speak in support of the project and she noted that the addition would be a damper to the noise coming from Route 2.

The Board deliberated.

MOTION to allow the Applicant to withdraw the application without prejudice was made by Mr. Iannuzzi seconded by Ms. Williams. Motion passed.

Roll call:

Yes votes-

Ms. Williams

Mr. Daniels

Ms. MacNutt

Mr. Kelley

Mr. Iannuzzi

3. PUBLIC HEARINGS

- a. CASE NO. 21-22 ONE SPECIAL PERMIT
289 Belmont Street (LBIII) Thai Noodle Café, Tanaiwat Muanghom and Alex Winsut

Mr. Iannuzzi read the public notice.

Mr. Muanghom and Mr. Winsut came before the Board and noted that they were requesting to operate a fast-food restaurant. The application was for a change of ownership. They noted that there was handicap accessible and the parking was on the street. Employee parking was in the rear. The terms would remain the same as the previous Owner's lease and agreement.

No one spoke in opposition or in favor.

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

Roll call:

Yes votes-

Mr. Birenbaum

Ms. MacNutt

Ms. Williams

Mr. Kelley

Mr. Iannuzzi

- b. CASE NO. 21-23 TWO SPECIAL PERMITS
22 Falmouth Street (GR) – Michael and Laurel Bufano

Mr. Bulfano, Applicant came before the Board to request a special permit to construct a second story addition at 22 Falmouth Street. They had been working on a kitchen addition and they would like to push the wall back in the bedroom above the new kitchen so that there would be more space for the bedroom. He presented the plans for the Board and he said that he has good community support for the second story addition. He mentioned that the roofline would be in harmony with what was existing in the neighborhood.

No one spoke in opposition or in favor.

MOTION to approve was made by Mr. Iannuzzi and seconded by Ms. MacNutt. Motion passed.

Roll call:

Yes votes-

Ms. Williams

Mr. Stiff

Mr. Kelley

Mr. Iannuzzi

c. CASE NO. 21-24 TWO SPECIAL PERMITS
33 Gilbert Road (GR) – Andrew Conery

Ara explained that they were replacing the existing garage with the exact same but changing the character of the flat roof, they need a special permit to replace the existing with a new sloped roof. The footprint is exactly the same.

Mr. Miller, Miller Architects, came before the Board to walk the Board through the proposed plans to rebuild the existing garage. The new garage would be in the exact same footprint. The design was in keeping with the neighborhood and not detrimental to the neighborhood.

Ms. Williams noted that the offset to the building was giving her pause as it was not five feet as it should be according to the By-Law.

Mr. Iannuzzi noted that he would like to go and visit the property.

MOTION to continue to October 4, 2021 was made by Mr. Iannuzzi and seconded by Mr. Daniels. Motion passed.

Roll call:

Yes votes-

Nick Iannuzzi, Chair

Ms. MacNutt
Ms. Williams
Mr. Kelley

d. CASE NO. 21-25 TWO SPECIAL PERMITS
56 Raleigh Road (GR) – Diana Dill

The Applicant would like to add an addition so that she can expand her kitchen to add a mudroom.

Mr. Yogurtian noted that they need a special permit because they are in the GR district. The bump-out bay 2-foot window is allowed by right if it doesn't have a floor area. To add a floor area and to add a bench seating there, they would need a special permit.

MOTION to approve was made by Mr. Iannuzzi and seconded by Ms. MacNutt.
Motion passed.

Roll call:
Yes votes-

Nick Iannuzzi, Chair
Mr. Kelley
Ms. MacNutt
Ms. Williams
Mr. Birenbaum

e. CASE NO. 21-26 ONE SPECIAL PERMIT
63 Oak Avenue (SRC) – Anna Mikhayelovna Chetoukhina and Jose Malagon Lopez

Ms. Mikhayelovna Chetoukhina, Applicant, came before the Board and noted that she would like to make home improvements to accommodate her growing family. She would like to construct a mudroom and a deck addition. She walked the Board through the plans.

Jeanne Mooney, 60 Oak Avenue, called into the zoom meeting and noted that she was in support of the project.

Eduard Luss, 10 Oak Road, called and spoke in favor of the project.

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

Roll call:
Yes votes-

Ms. MacNutt
Mr. Stiff
Mr. Kelley
Mr. Iannuzzi

- f. CASE NO. 21-27 ONE SPECIAL PERMIT
23 Richmond Road (SRB) -Cedric and Gwen Dubois

Mr. and Mrs. Dubois noted that they needed more bedrooms to accommodate their family of five. They would like to add an addition to their home to make more space for their family. They had letters of support from their neighbors.

Mr. Yogutian noted that the detached garage was allowed by right.

Mr. Iannuzzi opened the meeting up to the public.

Gregory Fond, 36 Leister Rd., spoke in support of the project.

Lucia Sullivan, 17 Richmond Road spoke in favor of the project.

Sachin Patodia, 31 Richmond Road spoke in favor of the project.

John Marcos, 10 Ivy Road, noted that he is in support of the project.

Mr. James, Chung, 20 Richmond Road, was in support of the project.

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

Roll call:
Yes votes-

Mr. Daniels
Ms. MacNutt
Ms. Williams
Mr. Kelley

4. ADJOURN 8:50 PM