

**TOWN OF BELMONT
ZONING BOARD OF APPEALS
MEETING MINUTES
May 6, 2021**

**RECEIVED
TOWN CLERK
BELMONT, MA**

DATE: October 7, 2021
TIME: 3:04 PM

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. Tonight's meeting would be devoted to discussion of the Chapter 40 B project located at 91 Beatrice Circle. The stormwater and architectural peer reviews would be presented.

2. CONTINUED CASES:

a. CASE NO. 21-01 – COMPREHENSIVE PERMIT

91 Beatrice Circle (SRA) – 91 Beatrice Circle, LLC Stephen A. Tamposi, Manager

Mr. Iannuzzi asked that any materials to be reviewed by the Board need to be received well in advanced so they can focus their time wisely.

Jesse Johnson, Civil Engineer, Weston & Sampson, peer reviewer for the Town of Belmont, noted outstanding issues included in his letter as:

- Additional soiling testing needed.
- Infiltration system location to be figured out. It should be ten feet or if five feet should be approved by a Geotechnical Engineer.
- There were modeling inconsistencies and they need to see a model rerun.
- There were stormwater flow issues.
- Mass DOT drain line could be problematic to get the connection

James Burke, Civil Engineer, representing the applicant, responded to Mr. Johnson's issues:

- Soil testing scheduled for next week and issues would be worked out by the next meeting.
- They had already generated a model that works for stormwater management.

- The water migration issues can be solved and he will get a Geotech opinion on that.
- They are working towards solving all of Mr. Johnson's concerns and will show that soon.
- Mass DOT will need to see the reduction in runoff towards that watershed.
- He suggested to approach Mass DOT early, before permitting was issued and to file the application early.

Mr. Johnson explained the Mass DOT process, the controls and he noted that the rate of runoff must stay the same and not increase. He reviewed the details of the plans and maintenance for each of the controls.

John Chessia, Civil Engineer, representing the abutters, noted his issues as:

- Requesting that soil testing to be witnessed.
- Infiltration system location to be figured out, it is required to be ten feet.
- Tying into the pipe, there is an increase of volume into the Mass DOT right-of-way. Could create issues with the pipe.

Mr. Iannuzzi asked Mr. Chissia to put his comments in writing for distribution.

Atty. Schomer noted that he would provide the stormwater standards, the standards were guidance and he would provide case law to Atty. Lyons.

Atty. Hill noted that he has case law that shows just the opposite. He quoted the Town and State's stormwater bylaws. He added that it could not be waived.

Atty. Lyons will look at this issue between Atty. Schoemer and Atty. Hill.

Mr. Iannuzzi opened the meeting for public comment.

Mark Stapp, noted that the sanitary sewer and fresh water services to be scaled and an increase of a factor by ten, will this be part of the calculation and analysis as done by the Town.

Mr. Yogurtian noted that this was not asked for as the pipe for the additional 11 units is not something that would clog the system. He noted that he would ask the Board at the end if they want to have a peer reviewer for sanitary sewer and fresh water.

Portia Thompson, Beatrice Circle, noted that she was concerned about the parking lot placement and concerned about pooling in her yard. It slopes downward toward her home.

Mr. Johnson noted that this project should have a decrease in runoff towards her property and he added that the bigger issue would be the retaining wall.

Cliff Boehmer, architectural peer reviewer for the Town of Belmont, presented his concerns as:

- The primary issue with the proposal has to do with the serious lack of usable outdoor open space. There would be no space for the children and it would be a problem.

- Missing elements in the site plan, no bike racks, driveway was steep and if it were slippery a vehicle could slip into the street, missing an accessible path to the public way.
- The entire lot does not meet the practical needs of the residents.
- The density does not fit the existing pattern of development, the homes near by are modest size homes on large lots with space around them. The development should employ mitigation strategies to make a better fit of the building within its context.
- It is close to the property line to the west.
- Inadequate attempt to make this building fit in.
- Landscape buffering was not sufficient.
- Construction management plan would be needed to describe how this project would be built in stages.
- Missing Shadow Studies.
- What would this look like from the neighbor's property, provide this view for the neighbors.
- Mechanical equipment on slope roofed buildings, will there be condensing units, this would have an impact on the site plan and can create noise issues. Needs to be analyzed.
- The four small buildings in the back are spaced five feet apart and this was a waste of precious site area. Should the building include fire protection systems as they are placed so close to each other.
- Ask proponent for accessible parking. A memo for accessibility laws applicable to this unit should be laid out.
- There is very little amount of space outside of the development, should they have fewer bedrooms. No functional outdoor space.
- The site is suitable for a 40B development as there is a bus stop right outside of the development.
- Mitigation strategies should be employed to allow it to fit in. Ideas for mitigation would be the high town house should be further from the property line to the west. If there are reasons to be close to the property line, the western end of the building could be considerably lower. Carving away at the building to make sense in the context of the buildings surrounding. The footprint of the smaller buildings does not allow for space to be able to engage landscape and create usable outdoor space.

Daniel Riggs, Architecture representing the applicant, noted that he would want to respond to repositioning of buildings and employing mitigation strategies.

Mr. Riggs will prepare responses to Mr. Boehmer's concerns for the next meeting.

Attorney Hill, representing the abutters, agreed that the following would be necessary: a construction management plan, a shadow study, a mechanicals plan, accessibility review.

Mr. Boehmer noted that there needs to be an accessible path from the residences down to a public way.

Mr. Glenn noted that the peer reviewers and the applicant could work together on some of these issues and should be included in the peer review contract. The agreement made need to be amended and the Attorneys would investigate.

Mr. Iannuzzi opened the meeting to the public.

Sam Alexander, direct abutter to the southwest, noted that the trees and greenery was the effect and she would like to see the shadow studies. The screening was important as related to noise and light. Her yard would be in shadow. Construction was a concern and she was concerned about hazardous materials and air quality. She does not understand the responses that she received and wants to know more about waiver modification. Accessibility of units was important.

Mr. Iannuzzi noted that the next meeting would provide a much broader view architecturally.

Val Devine, abutter to the south, wanted to know if the landscape plan would be addressed next meeting. She would like a buffer to be made of mature shrubs.

Mr. Boehmer noted that there was not enough open space to provide adequate buffering and he did not see a lighting plan. The Board should ask for both documents.

Mr. Yogurtian noted that there would be a preliminary landscape plan at this early time. A final plan would come as plans finalize. It would be a work in progress depending on the architecture.

Mr. Schomer noted that the landscape architect would work with the building architects.

Christine Boardman, 75 Beatrice Circle, noted that they ought to be cutting to the chase and say what can we live with and coming in and out with a firetruck and the driveway should be a half circle.

Ms. Williams noted that the half circle driveway was a suggestion that should be considered by the applicant.

Mr. Riggs and Mr. Schomer noted that they would look at it.

Mr. Heller, asked when the approval was required to be done.

Attorney Lyons, Town Council, the requirement under 40B is to close the hearing within 180 days after the opening of the hearing (opening was January 11, 2021 – closing on July 7, 2021) and plus a 40-day period to issue a decision and an extension could be applied for.

Mr. Glenn noted that if it looks like the project is moving in a productive direction, Mr. Schomer might be willing to consider an extension because they are working in a productive direction. If it looks like irreconcilable differences at that point, then there was no point in an extension. Issues have been identified and there has been quite a lot of willingness to work towards them.

Attorney Schomer noted that the traffic engineer provided a supplemental memo to the Fire Department.

Mr. Iannuzzi closed the public portion of the meeting.

There were no comments from the ZBA members.

Mr. Iannuzzi noted that Mr. Black (traffic engineer for the abutters) would be able to speak at the next meeting.

The next meeting will be scheduled for June 10, 2021.

MOTION to continue to June 10, 2021 was made by Mr. Iannuzzi.

VOTE:

T. MacNutt- yes

C. Williams - yes

J. Zarkadas - yes

A. Kelley - yes

E. Daniels - yes

W. Fick - yes

3. ADJOURN 8:45 PM