

**TOWN OF BELMONT
ZONING BOARD OF APPEALS
MEETING MINUTES
June 10, 2021**

**RECEIVED
TOWN CLERK
BELMONT, MA**

DATE: October 7, 2021
TIME: 3:05 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

David Lyons, Town Council

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 meeting was a Zoom web conference and recorded via Zoom. Mr. Iannuzzi noted that the abutters who had submitted emails would not have the opportunity to speak and the emails were helpful. The architectural changes would be presented.

2. CONTINUED CASES:

CASE NO. 21-01 – COMPREHENSIVE PERMIT

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

Attorney Jesse Schomer, Attorney, representing the applicant, noted that there were small but significant changes to changes to the plan.

Tim Loranger representing the applicant, reviewed the architectural changes. He described them as:

- Condensed the footprint of the site, increased the setbacks to create a larger buffer
- Removed the single-family homes from rear of site and consolidated those into a second row of townhouses
- Relocated the most western most townhouse from the front and relocated it to the rear
- Shifted the footprint of the building north and east
- Final townhouse was rotated to increase the setback

- Entry sequence was reconfigured
- Shifted the walkway to the east make it an assessable grade and angle
- Added low ground cover landscaping to increase visibility
- Shifted existing crosswalk further up the hill to allow for a handicap ramp up to the bridge
- Increased setbacks to allow for a children's play area, shared patio space and a row of secured storage
- Introduced more vegetation to buffer parking
- More detail showing services and utilities
- Six-foot-tall retaining walls to shield view from dumpster
- Snow removal area now shown
- Reduced bedroom count from 48 to 40
- Revised floor plan details were reviewed
- Noted that the parking ratio remains the same but higher ratio to bedroom count and the accessible space was added
- Reviewed the revised massing for the front of the building, massing was reduced
- Rear row was changed to a more traditional-transitional architectural design
- Presented revised elevations, described the design elements and proposed materials
- Reduced height visible from west edge
- A six-foot-tall wooden fence around property to be added
- Reviewed the views from surrounding areas in the neighborhood
- Reviewed the revised location of the retaining walls and landscaping
- Reviewed the shadow study for 9 am, 12 noon, 3 pm, 6 pm on summer solstice. Also 9 am, noon and 3 pm on equinox and winter solstice.

Katya Podsiadlo, Verdant Landscape Architecture, representing the applicant, reviewed the revised landscape plans. She noted the following updates:

- Saved existing trees on the west, new trees to be added
- Unit paving pattern in the central motor court and at the entries to each of the units
- Described the extra play area on the surface in the motor court
- Motor court could also serve as temporary parking for drop off or pick-ups
- New play space on southwest corner
- Full property was now accessible on the perimeter
- Lots of native plants would be used on plant list

James Burke, Civil Engineer, representing the applicant, presented minor revisions as:

- Additional test pits show soils that are consistent across the entire property
- No ground water was found
- The ledge underneath would be removed
- Reducing the peak flow
- MassDot does not own the roadway or infrastructure
- Connecting to MassDot drainage and allowing peak flows, they will usually allow it
- Detention tank runs perpendicular on east side of site
- Runoff heading towards abutters to north and south - reduction is significant
- It will not have an impact on abutters and will meet the stormwater management guidelines

Atty. Schomer noted that the roadway between Route 2 and the north side of Beatrice circle was Town property and he will provide documentation to support this

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

- Disagrees that to blast out ledge to make it tough to put water in isn't going to infiltrate. The regulations (not guidelines) require two feet above the ledge. Ledge is impermeable.
- The ledge removal was a concern for sure
- Connecting into a pipe that water doesn't connect into, the water flows in a different direction, the rate and volume is increased to that pipe. An analysis of whether this will work and permission to connect was still needed and still has to be vetted and to have an answer right away.
- Consider the wall on the east side with a fence on top and underground detention system below it. The impact of the view was pretty big. It's too close to the property neighbor.
- If you dig up the grade the roots of the trees will be impacted, need to look at the drip line of the trees.

Cliff Boehmer, architectural peer reviewer for the Town of Belmont, made comments on the revised drawings as follows:

- Landscape buffering was not sufficient and it was increased
- Accessible path was added
- Reconfiguration of the walkway
- The shadow studies make sense to him and seem credible to him
- The mechanical equipment was located on the plans and he would like the sound levels to be regulated by the Town
- The sight lighting plan needs to be submitted
- Pushed building to the east and to the north to increase the buffering space

- The entire footprint could still move to the north if an agreement with the Town for a retaining wall
- The retaining wall near the play space should have protective railings at the top
- Conflict between civil plans and landscape plans east side parking have planting peninsulas and civil plans show trees planted in the space. This needs to be clarified.
- The balconies proposed on the south side may not be acceptable to the neighbors, screening should take into account assuring privacy of these issues
- Preserving trees would be important, a tree preservation plan should be submitted
- The retaining wall on the west was on the neighbor's property and should be maintained by the neighbors, an assessment of the wall would be necessary
- Atty. Schomer may be resistant to providing a construction management plan and he recommends that this should be submitted and to have a conversation with the neighbors about how this property will be developed in the least impactful way.

Mr. Yogurtian noted that the parking spaces to be determined by the Building Inspector based on similar uses was the only reference in the By-Law.

Jesse Johnson, Civil Engineer, Weston & Sampson, peer reviewer for stormwater for the Town of Belmont, his comments were as follows:

- The elevation of the ledge and the proximity to where the infiltration basin was proposed was a concern, ledge cannot be within two feet from the bottom of the system and the test results show that it will likely be located within that two-foot range
 - He did not see any restrictions against removing the ledge to create the two-foot separation range
 - Concerned that there was no ground water found in test holes, it was unusual and there would be evidence of ground water typically in this soil type
 - Call the ground water at the ledge interface to protect the groundwater for proper separation and treatment
 - Concern about the mounting analysis, the input parameters approach needs to be vetted out with Mr. Burke.
 - The detention basin next to the wall with the retaining wall was a constructability issue. The front side of the wall and the room needed to build it would be a challenge. It was a tight space.
 - The Board could make it a condition of approval that the wall system design be submitted by a stamped structural engineer prior to issuance of a building permit
 - The tie in downstream drain line install could impact the existing trees
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- The 8' vs. 10' separation offset for an infiltration structure from foundation, the 10' should be reviewed by a Geotech expert to speak to the issue of the structure

that close to a foundation. What measures could be put in place to protect against it, it may not be required by the DEP

Mr. Lyons noted that the applicant argues that 8' vs. 10' could be waived under Chapter 40B because it is a guide line under a local by-law.

Atty. Schomer noted that they were looking closely at the waiver list and this by-law specifically could be withdrawn entirely.

Atty. Hill noted that the project does not comply with state stormwater standards because of the various errors in the hydrology calculations and the ledge at the bottom of the proposed basin violates provisions in the handbook. The project has to comply with these standards and at this point it does not. They should rethink really how dense this project should be.

Mr. Burke noted that he would provide more information about how much ledge would need to be removed for the infiltration system.

Mr. Zarkadas asked for a clarification for guest parking spaces.

Atty. Schomer described that the spaces on the east side were open to guests and residents on a first come first serve basis.

Bob Michaud, MDM Transportation Consultation, noted that per unit basis that the parking ratio provided would be 1.66 per unit and that is the ratio that would be suitable according to ITE. The eight surface spaces were for visitors and flexibility for parking and service vehicles.

Mr. Iannuzzi noted that he was concerned about the visitors who come to park for holidays and where they would park.

Mr. Zarkadas noted that he was concerned about the play structure placed next to the retaining wall and the risk of a fall. Ms. Katya noted that the retaining wall could be lowered and a 42" height open metal guardrail could be added. They would provide more detail for the rail and a larger play area at the next meeting.

Mr. Kelley noted that he was still interested in learning more about the ledge issue.

Ms. MacNutt noted that she feels that the stormwater was still an issue and needed to be addressed.

Mr. Yogurtian noted that the fire department's turning radius on the new layout will need to be reviewed again by the Fire Chief. He noted that he would send it to the Fire Chief next week.

Mr. Boehmer noted that the southern side of the Townhouse is of three-story presentation and to perhaps to ask the developer to bring that third floor into the roof space rather than putting the cap on the top and making an even taller structured.

Ms. Williams noted that the roof slope on the front side would lead to snow pile up.

Mr. Boehmer noted that he was still concerned about a lack of a staging area and a more detailed description of construction could be submitted. He noted that the neighbors would still need to know about the ledge removal and how it would be removed. He also noted that he took the Planning Board memo into account but, 40B developments by nature are always something that isn't totally typical in the neighborhood and it is on the shoulders of the developer to pursue mitigation strategies in the way they design the building including landscaping and screening.

Mr. Iannuzzi reviewed the portion of the Planning Board memo that noted the significant massing that was out of character in the neighborhood, the design of the townhouse with large glass windows and looks like an office building. He noted that they look like they tower over the frontage road even more as it has been pushed forward. What needs to be taken into consideration is how this overwhelms this residential neighborhood.

Mr. Boehmer noted that his focus was on impact of immediate neighbors. Moving the footprint of the building makes sense and it is a taller building than any of the other buildings in the area. He noted that the style of the building was not within his purview.

Mr. Iannuzzi noted that there would need to be an agreement for an extension.

Mr. Yogurtian noted that the next meeting would not be the closing meeting, there were more stormwater and architectural issues to be resolved. The rails over the wall and the ledge and how it is to be removed will still need to be addressed.

Atty. Schomer noted that the applicant would be willing to extend the public hearing for another month.

Mr. Iannuzzi asked for the Board to state their position at this time.

Ms. Williams noted that she would like to see the civil and stormwater issues resolved. She asked for more direction as to who owns Frontage Road and this will affect how they are looking at stormwater. She hopes to see a lighting study, accessibility to shared spaces and more information about the guard rail on the retaining wall. She also asked the design team to share the additional renderings that were in the presentation, that would be helpful.

Mr. Zarkadas noted that there was too much grey area and too many unknowns. He wants it to turn into black and white.

Mr. Iannuzzi noted that he was not satisfied with the shadow study. The stormwater drainage and ledge issue and the new design will not work according to Mr. Johnson. He also noted issues such as the trees vs. no trees and how it will look from off in the distance. He recommended that everybody read the Planning Board memo online and he reiterated that this does not fit the neighborhood in terms of size and scale. The parking overflow will go right into the neighborhood.

Mr. Kelley noted that this was a difficult task. The stormwater and civil engineer issues were still causing him significant concerns.

Ms. MacNutt noted that it has been determined that there is room for a 40B project in Town. The location has its advantages, they have worked very hard to make it compatible and she would like to see the opportunity for an acceptable 40B project.

Mr. Iannuzzi noted that he would hold off on the public portion of the meeting. He noted that he believed that there were no new issues and the public comments had been addressed so far. The meeting was running late and he noted that he would still accept emails from the public.

Atty. Schomer commented that he understood that there was some homework to do and to see how it would go forward from here. He wants to move with a project that the Board will be happy with.

Atty. Hill noted that the setbacks were only 12 feet at the rear of the property, the mechanical systems behind the buildings would be very offensive to the adjacent neighbors. He noted that the balcony was offensive. He asked about the section 5.1.2, two spaces per residential uses. Atty. Hill noted that this falls under residential uses.

Mr. Yogurtian explained the “other uses” means that the Inspector of Buildings makes the decision on the off-street parking requirements. Mr. Yogurtian noted that he would discuss this with Glenn Clancy.

Mr. Hill noted that there was a memo from Mr. Black, traffic engineer and he hopes to discuss at a meeting in the future.

Mr. Iannuzzi closed the meeting and noted that the meeting would be continued to July 12, 2021.

Mr. Yogurtian noted that there would be a meeting on July 19, 2021 for regular ZBA hearings.

MOTION to continue to July 12, 2021 was made by Mr. Iannuzzi and seconded by Mr. Zarkadas. Motion passed.

VOTE:

T. MacNutt- yes

C. Williams - yes

J. Zarkadas - yes

A. Kelley - yes

E. Daniels - yes

W. Fick - yes

ADJOURN 9:41 PM