

DATE: October 7, 2021  
TIME: 3:06 PM

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
July 26, 2021**

Present: Nick Iannuzzi, Chair; Andrew Kelley; Teresa MacNutt; Casey Williams; Elliot Daniels; two new members (names were not heard by the recorder)

Absent: James Zarkadas; Vice Chair

Staff: Ara Yogurtian, Assistant Director, Community Development  
David Lyons, Town Counsel

Pursuant to Chapter 20 of the Acts of 2021, this meeting was conducted in person and via remote means, in accordance with the applicable law. This means that members of the public body as well as members of the public could access this meeting in person or via virtual means. In person attendance was held at the Art Gallery, 3<sup>rd</sup> floor, Homer Building, 19 Moore Street and it was possible that any or all members of the public body may attend remotely with in person attendance consisting of members of the public. The meeting was also accessed remotely via Zoom. When required by law or allowed by the Chair, persons wishing to provide public comment or otherwise participate in the meeting, were able to do so by in person attendance, or by accessing the meeting remotely as noted above. Additionally, the meeting was broadcasted live, in real time via Belmont Media.

**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 the order of the meeting and explained the hybrid conference process.

**2. CONTINUED CASES:**

- a. CASE NO. 21-01 – COMPREHENSIVE PERMIT  
91 Beatrice Circle (SRA) – 91 Beatrice Circle, LLC, Stephen A. Tamposi, Manager

Mr. Lyons noted that there were three options for the Board:

1. Approval as the application has been presented by the developer.
2. Denial of the application that would start the Chapter 40B State Housing Appeals Committee process. Historically, the HAC moves favorably in the direction of the applicant's advantage.
3. The Board may review the conditions proposed and chose to deny some of the waivers. If the applicant can prove that the project becomes uneconomic, the HAC would determine whether those conditions uphold the many issues that the Board is considering.

Mr. Lyons added that the closing of the hearing is August 9, 2021, then 40 days to issue a decision. The ZBA will review the decision at upcoming public hearings (without public comments). Next week the Board will be voting on conditions and a direction for the decision to go.

Liz Allison, asked if there could be any further appeal such as to the Superior Courts?

Mr. Lyons noted that there would be further appeal should the Board deny the project. He was attending via zoom while on vacation and left the meeting at 7:17 PM.

Mark Stapp, 75 Beatrice Circle, noted that so many questions were still unanswered. He read a letter and pointed out the following as outstanding issues: stormwater runoff, buildings were too tall, shadow issues, traffic problems, the traffic study was not done properly (slope and traffic speed especially), the granite ledge would have to be blasted, not enough parking, safety and environmental issues and not enough natural space on the site. These issues need to be permitted before the project can begin.

Ms. Boardman, 75 Beatrice Circle, read her speech and noted that the 91 Beatrice Circle and Hinkley Way addresses were misleading. The issues that she raised were state plows and town plows – all of the snow is pushed onto the sidewalk as there is no buffer, there is a problem with the land town in front of 91 Beatrice and the overgrown branches cause pedestrians to walk far to the left of the sidewalk. The bus route goes on a snow route and does not go through the service road and use other stops and pedestrians would have to walk a very slippery walk from those drop offs. Where will school buses do there pick ups and drop offs? It will be unsafe for students to enter the bus on a side street (Clifton Street), the property or the Frontage Road. The walk to Clifton Road will be very unsafe.

Ms. Boardman read a letter from Tracy Ramsey, 53 Beatrice Circle, the issues noted were: lack of common sense to place a large project on a small lot, the lot cannot accommodate for the twelve units to be safely constructed. Copies of this written statement was provided for the Board.

Ms. Devine, 37 Beatrice Circle, noted that the structure will stretch the entire length of her property. She was concerned with the density and the mass, the noise, safety issues, the landscaping, the location of the bbq grill and the overnight parking. She noted that the townhouses were over 39 feet peak, they are almost as tall as the green monster at Fenway Park. The height and massing were not harmonious with the neighborhood. She asked the Board members to come and see the project location from the abutting neighbors. The proposed landscape would not grow high enough to provide proper screening. The arborist report stated that the development would likely damage the roots of the abutter's trees. The five AC units would be 10-15 feet from the property line and she was concerned about the loud noise. Abutters should be included in the fencing choice. She was unhappy about the location of the bbq

grill and the snow melt issues. She noted that there would not be enough parking and was concerned about who would enforce the parking requirements. She was concerned about overnight parking issues and would the police issue parking tickets. She is worried about cut throughs and trespassing on her property. The insufficient sightlines and speed issues were also issues that she would like to see addressed.

Tim Fallon, 63 Beatrice Circle, noted that he was concerned about the limited parking that this project allows for. None of the revised plans show an acceptable parking plan. There were no sidewalks on Beatrice Circle and the overflow parking would make it more dangerous for the children living on Beatrice Circle. He asked the Board to limit the project to no more than four units and this would then allow appropriate parking.

Margaret Lowrie, 105 Beatrice Circle, noted that she was concerned about the trees and shrubs that may be disturbed during construction and for many years after. The slope between her property and 91 Beatrice Circle will make the height of the building seem even higher. She had drainage concerns and snow melt issues. She was concerned about the retaining wall and how it will be built so close to her property. She would like to see the details of the proposed retaining wall. She is concerned about the headlights that will shine onto her property. She is also concerned about light from the light posts shining into her master bedroom. She noted that moving into and out of the property will be dangerous.

Mr. and Mrs. Kleffner, 19 Beatrice Circle, noted their concerns as safety concerns, road narrowing and the safety of the pedestrian overpass, handicap and aging pedestrian, snow blocks the sidewalk, snowbank on the access road, school bus pickup and drop off could be dangerous and fast-moving traffic moving alongside the sidewalk.

Mr. Lombardi, 56 Beatrice Circle, noted that he is a landscape architect, the scale and context of the proposal was out of place for this neighborhood, there was a loss of green space and loss of ability to add green space to mitigate the building mass. Mr. Lombardi described how modeling works.

Donald Mercier, 96 Cross Street, noted that he was a Town Meeting Member for thirty years. He noted that the floor area would be better if they were two-bedroom apartments so the seniors could downsize. The economic return could be the same. It would lower the impact and be easier to service.

Mr. Sayegh, 26 Beatrice Circle, noted that he was concerned about the overflow parking and the sightline of the traffic. He uses the public transportation, and he would never let his kids use the public transportation at this location. He described the way that he must go out of the way to catch the bus safely. The issue of the location and density make it a dangerous place for commuters.

Ms. Chisholm, 20 Beatrice Circle, quoted sections from Massachusetts law and she urged the Board to exercise their right and stand-up for the concerns on health-safety and building design – massing/bulk. The project raised traffic concerns and the proposal does not integrate with the existing development patterns. She asked to Board to withhold the permit for this project until these concerns were addressed.

Kathy Keohane, Precinct 2, Town Meeting Member, noted that speeds are much faster on the access road that then traffic study was presenting and this needed to be looked at. There are three parking spaces on Park Avenue and the businesses there take umbrage to these spaces. The proposed parking at this project was not sufficient. All the by-laws for stormwater and massing were pushed aside with this proposed development. The changes and accommodations from the developer have been minor and there has not been collaboration. This was far too big and not safe and goes against every principal from an affordable housing standpoint and from the Belmont community. 12-16 units is far too many for this site and they need to find a balance for what will work at this site.

Barry Lubarski, 57 Rutledge Road, Town Meeting Member, Precinct 2, asked the Planning Board members to deny the permit. He explained that the ZBA tasks were to apply the by-laws and how the members of the community have voted on how they want to grow as a community. He explained that the ZBA will live to see the consequences of the voting decisions daily, year after year. He noted that the Board has heard all the concerns - aesthetic, environmental and health and safety and this puts people in harm's way. He implored the committee to deny the permit unless there was some way to get guarantees of a development that will be within the size and scope and be safe. He recommended that the consequences are put back on the state and the 40B process.

Mr. Iannuzzi reminded Mr. Lubarski of what Attorney Lyons said about the denial process.

Stephanie Buckler, 5 Wellesley Road, would like to give support to the development as the Town needs more diversity. She reviewed the rental market rates and this development is one step towards that meeting affordable housing goals.

Jess Hausmann, Town Meeting Member, Precinct 1, noted that the project can not be denied as the Town will lose the option to leverage for the developer to make the road safe.

Ms. Alexander, 43 Beatrice Circle, noted that she was concerned about the safety for the children in the neighborhood. She does not let her children play on the streets or near the access road. She noted that she loved the old growth trees, the open spaces and she would like to see the trees taken care of. The safety concerns need to be addressed with this project.

Elshad Kasumov, Town Meeting Member Precinct 6, 71 Payson Road, noted that he was concerned about the speeding traffic, lack of sidewalks, and stormwater runoff. If the Board denies this the State will look very favorably towards the developer. He warned that it is illegal to discriminate against families with children by asking the developer to change to two-bedroom apartments vs. four- bedroom apartments. He supports this project and hopes that the Board can continue to work with the developer to fix the issues.

Ade Baptista, Town Meeting Member, Precinct 3, noted that he grew up in rent control apartments and his success was attributed to this stable housing. He understands the safety concerns of this development and they have been there in this neighborhood for many years and the Town has not tried to address these concerns in the past. The developer could potentially help with the safety issues. He was most concerned about the safety of the children who need secure housing. He would like others to have the opportunity to live in Belmont. He warned against making comments against not wanting housing that was suitable for families, it was against the law. He would like to see the ZBA approve this project with conditions and to create a safer frontage road near Beatrice Circle.

Caroline Ruscak, Belmont resident, noted that the number one concern was the safety of the children getting on and off the bus. She asked if they could require the developer to provide a double curb cut for a safer bus stop. She added that the law does allow for the municipalities to reject the proposal and to recommend conditions so they can benefit from the safe harbor terms.

Mr. Heller, 154 Rutledge Road, presented a PowerPoint presentation. He reviewed a diagram from the Mass Housing guidelines for massing. He explained that the proposed project should fit within these guidelines, and it does not.

Kent Newton, 56 Beatrice Circle, explained that this was not the right site for this project. The developer should provide a three-dimensional modeling video. The developer needs to show this 3D video to the Zoning Board Members, etc. He noted that everyone who walks the site says it is shocking how big this project will be.

Mr. Tamposi, developer, Comprehensive Land Holdings, noted that every neighborhood has local concerns and 40B exists to balance local concerns with the need for affordable housing and Belmont has that need. He stated that he will continue to try to make this the best development that they can. The affordable units are subsidized by the market rate units. He noted that he heard the concerns and hopes that they can address them and work through this.

Attorney Schomer noted that there were some material samples for the Board to review.

Mr. Yogurtian noted that the public meeting would be continued to August 2, 2021 and it would be another open hybrid meeting.

Attorney Hill asked to have the two presentations made by the applicant on June 10, 2021 and July 12, 2021 to be filed and made available as part of the record.

**MOTION to adjourn was made by Mr. Iannuzzi and seconded by Ms. Williams. Motion passed. The vote was unanimous.**

**3. ADJOURN 9:08 PM**