

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
August 2, 2021**

**RECEIVED  
TOWN CLERK  
BELMONT, MA**

DATE: October 7, 2021  
TIME: 3:07 PM

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

Present via Zoom: James Zarkadas; Vice Chair

Staff: Ara Yogurtian, Assistant Director, Community Development  
David Lyons, Town Counsel  
Ezra Glenn, Chapter 40B representative

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. There would be no public comments at this meeting.

**2. CONTINUED CASES:**

- a. CASE NO. 21-20 – TWO SPECIAL PERMITS  
55 Elm Street (GR) – Elizabeth McManus Hemrajani

Mr. Iannuzzi read the public notice.

Ms. McManus Hemrajani was seeking for the Board to determine the location of the rear yard. She noted that her neighbor, whom she shares the condominium with was in support of the designated rear location. The property line that runs perpendicular to School Street was now considered the rear property line. The shed will be placed as it was now conforming by right.

**MOTION to approve that the property line that runs perpendicular to School Street is considered the rear property line was made by Mr. Kelley and seconded by Mr. Iannuzzi. Motion passed.**

**Roll call:**

**Yes votes-**

**Mr. Daniels  
Mr. Iannuzzi  
Ms. MacNutt  
Ms. Williams**

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

Attorney Hill, representing the direct abutters, presented a PowerPoint presentation. He noticed the topics of concerns as:

- Setback nonconformities
- Would like to have the existing fence removed and replaced to something more sturdy
- The Town's noise by-laws. He asked that the air conditioner units be relocated from the rear property line and shielded from the neighbors
- He asked that the trees on the neighbor's properties do not disappear
- In terms of shadow studies, there would be a shadow on the westerly abutter all year around
- The current design of the project substantially deviates from the Zoning by laws
- There were not enough parking spaces, no loading zone for delivery services or Uber pick up
- The bus stop was not a convenient mass transportation solution for this neighborhood
- There was little storage so renters would need to store in their garages
- Not enough play spaces for children
- Not enough visitor parking
- There were traffic safety issues - intersection was unsafe, there were discrepancies in the speed data findings
- Stormwater issues regarding the ledge and the recharged water could cause the retaining wall to fail and this needs to be resolved.
- Reviewed the key conditions of project design and intensity of use and proposed mitigations regarding setbacks, building limits and not to waive maximum lot coverage, not to waive minimum open area and not to waive height.

- Fencing suggestions, the light pole should be round lighting, tree protection conditions, more parking,

Attorney Schomer, representing the Applicant, came before the Board and noted the following points:

- The independent third-party peer reviews were the only reviews that were completely independent and not advocating for either side.
- Noted that the applicant made changes as per the Town's unbiased peer reviewers' recommendations. All of the concerns by the peer reviewers had been addressed. He covered peer reviewer's three areas that were of concern:
- 1. Traffic and safety that were important to the project and he called attention to the traffic operations and safety and described how they met the asks of the peer reviewers. Parking demands were met as per the peer reviewer's comments. Offsite infrastructure designs would be amenable regarding the requirement of the work to be done and permitted through MassDOT.
- 2. Stormwater management and site civil engineering. He noted that the peer reviewer, Jesse Johnson's concerns had all been adequately addressed.
- 3. Architecture peer review, he noted how the plans were revised to meet the Mr. Boehmer's letter dated July 11, 2021. He reviewed the ways that the visual impact was mitigated.
- Attorney Schomer reviewed the list of the zoning by-law, technical by-laws and stormwater management by-law waivers that were being requested by the applicant. He explained that the Chapter 40B allows waivers for 40B process.

Attorney Hill made a comment regarding the stormwater by-law waiver. He noted that the problem was that the review process could not be reviewed by the Town Engineer, it must be reviewed by the Conservation Engineer according to state law. Also, the post permit review of the drainage conditions was contrary to the law.

Attorney Lyons, came before the Board and noted that there was a concern of post permit review because it was possible that all of the conditions could be appealed by the applicant. He suggested that the Board should consider whether the project as proposed was acceptable or were there other conditions to be imposed or waivers that should not be granted that would lead them to approval. Would the conditions be acceptable to the neighbors? Also, would the conditions make the project uneconomic and which of the conditions would the applicant appeal.

Mr. Zarkadas noted that he was in support of four units and to take care of the massing issue first. Once the massing issue was resolved everything else would fall into place. There are still traffic, safety and snow issues and school pick up issues. Massing reduces the number of liabilities. He was in support of major conditions regarding setbacks and open space.

Mr. Iannuzzi noted that stormwater, number of units and safety and massing were still issues for him.

Ms. Williams noted that it was important to look at dimensions to add more open space. She noted that they should ask for an increase on open space. The rear setback was striking and increasing it further would offer better privacy and buffering.

Ms. MacNutt noted that the setback was an issue. She noted that she was accepting of the project and she agreed with Mr. Zarkadas opinions. She noted that there were a few minor conditions that she would like to add to the list as well.

Mr. Kelley noted that he also agreed with Mr. Zarkadas suggestions to reduce the number of units. Kids should not be walking through the streets to get to school. Massing was still an issue. He was perplexed by the Stormwater issues and the permitting process, there needed to be a way to reassess after the permit was issued.

Mr. Iannuzzi noted that emergency vehicle access was a concern as well as programmable outdoor space, the retaining wall, the stormwater issues, the rear setback, the tree study and the number of lost trees. He was also concerned about the drainage to the Frontage Road. He is still concerned about the unit count and he could see two units working on this site. He asked Mr. Lyons his opinion on the economic feasibility.

Mr. Lyons noted that the Board should first state the issues and then let the unit count fall into place. He reviewed the economic feasibility options as approve as proposed or take the design and say it will be approved but with certain changes (reduce number of units or to put dimensional restrictions to impact to amount of open space).

Mr. Glenn said to stand by the issues that were important to them and to come up with conditions, not the number of units that they could build. If they need to see a different massing and a different layout then the applicant would need to redesign and an extension would need to be requested. The Board would need to be clear on the conditions.

Mr. Lyons noted that they would need to provide a clear direction, explore with the applicant if they are to narrow the requested waivers if they did not want to go with the proposed footprint. Once the hearing is closed, they have 40 days to work through the decision.

Attorney Schomer and Mr. Tamposi noted that they were not willing to grant an extension. The submission that they have was their final and definitive work. They are done providing evidence. Twelve units was more or less what they were proposing, this is a small 40B project and it would become challenging at this size to reduce the number of units and to keep it economic. There was no willingness to reduce the number of units. Perhaps they could deliberate on height or setbacks but they were looking to close the hearing tonight.

Ms. Devine noted that the 12-unit massing does not meet the recommendation by Chapter 40B. Public safety (safe stopping distance was still an issue) and the peer reviewer changed their assessment and never provided a new topographical survey. She urged the Town to get a second peer review of the traffic safety issues.

Mr. Hill reminded the Board that they could still impose conditions and the project could be rendered uneconomic and the HAC could do a review and this would not be the end of the process.

**MOTION to close the public portion of the meeting was made by Mr. Iannuzzi and seconded by Ms. Williams. Motion passed.**

**Roll call:**

**Yes votes-**

**Ms. MacNutt  
Mr. Iannuzzi  
Mr. Kelley  
Ms. Williams  
Mr. Zarkadas**

Mr. Yogurtian noted that the Board had three options at this point; 1. Approve with minor conditions, 2. Redesign, or 3. Impose more strict conditions on the existing design.

The Board deliberated and discussed which of their concerns would fall under the category as major and which concerns were minor conditions.

**MOTION to close the public hearing and to continue deliberations to August 18, 2021 was made by Mr. Iannuzzi and seconded by Ms. Williams. Motion passed.**

**Roll call:**

**Yes votes-**

**Ms. MacNutt  
Mr. Iannuzzi  
Mr. Kelley  
Ms. Williams  
Mr. Zarkadas**

**3. ADJOURN 10:15 PM**