

RECEIVED  
TOWN CLERK  
BELMONT, MA

CASE NO. 21-16

2021 AUG 12 PM 1:17  
NOTICE OF PUBLIC HEARING BY THE  
TOWN OF BELMONT PLANNING BOARD

ON APPLICATION FOR DESIGN & SITE PLAN REVIEW APPROVAL

Notice is hereby given that the Planning Board will hold a public hearing on Thursday, September 9, 2021 at 7:00 PM by remote access through the Zoom app. to consider the application of Empire Management Corporation, Brian Lafferty, President, to construct an addition to the current Subaru dealership at 774A, 778, 782, & 790 Pleasant Street located in Local Business II (LBII) Zoning District, for Design and Site Plan Review under Section 7.3 of the zoning By-Law. §7.3.2 a) allows the construction of any new building greater than 2,500 gross square feet by Design and Site Plan Review by the Planning Board. The proposal shows a new multi-level 39,000 square feet addition.

TOWN OF BELMONT PLANNING BOARD

**Note:** Application submittals, meeting agenda & instructions on remote access can be found on the Town's website: <https://www.belmont-ma.gov/planning-board>



Town of Belmont  
Planning Board

**APPLICATION FOR DESIGN AND SITE PLAN REVIEW**

Date: July 12, 2021

Planning Board  
Homer Municipal Building  
19 Moore Street  
Belmont, MA 02478

To Whom It May Concern:

Pursuant to the provisions of Section 7.3, Design and Site Plan Review, of the Town of Belmont Zoning By-Laws, I/We the undersigned, being owner(s) of certain parcel of land (with the buildings thereon) situated on 774A (Portion), 778, 782, 790 Pleasant Street Street/Road, hereby make application to your Board for **DESIGN AND SITE PLAN REVIEW** for the erection or alteration on said premises or the use thereof under the applicable Section of the Zoning By-Laws of said Town for the construction of a new Subaru at the location of the existing dealership at 790 Pleasant Street. The new dealership will be constructed on a portion of the properties owned by Empire Management Corporation at 774A, 778, 782, & 790 Pleasant Street.

\_\_\_\_\_ on the ground that the same will be in harmony with the general purpose and intent of said Zoning By-Law.

Petitioner(s) are further to comply with the requirements of Section 7.3.5 of said Zoning By-Law attached.

Signature of Petitioner	
Print Name	<u>Brian Lafferty</u>
Address	<u>Empire Management Corporation</u> <u>171 Great Road, Acton, MA 01720</u>
Daytime Telephone Number	<u>978-790-8300</u>



OFFICE OF COMMUNITY DEVELOPMENT  
TOWN OF BELMONT  
19 Moore Street  
Homer Municipal Building  
Belmont, Massachusetts 02478-0900

Telephone: (617) 993-2650 Fax: (617) 993-2651

Building Division  
(617) 993-2664  
Engineering Division  
(617) 993-2665  
Planning Division  
(617) 993-2666

August 10, 2021

Brian Lafferty  
171 Great Road  
Acton, MA 01720

RE: Denial to Construct 39,000 gross square feet car dealership

Dear Mr. Lafferty:

The Office of Community Development is in receipt of your building permit application for an addition of 39,000 gross square feet to the existing car dealership at 774A, 778, & 790 Pleasant Street, Subaru, located in the Limited Business II (LBII) Zoning District.

Your application can not be approved because Section 7. 3. 2 a) of the Zoning By-Law requires Design and Site Plan Review from the Planning Board for the construction of a non-residential building greater than 2,500 gross square feet in size. Your proposal includes an addition of 39,000 gross square feet to the current Subaru car dealership and therefore requires Design and Site Plan Review from the Planning Board.

If you choose to apply for Design and Site Plan Review, please contact the Office of Community Development at (617) 993-2666 to schedule an appointment with Robert Hummel, Senior Planner, in order to begin this process.

Sincerely,

Glenn R. Clancy, P.E.  
Inspector of Buildings

# Brennan Consulting

ENGINEERING • TRANSPORTATION • SURVEYING  
A WBE Certified Company

February 2, 2021

Office of Community Development  
Homer Municipal Building, 2<sup>nd</sup> Floor  
19 Moore Street  
Belmont, MA 02478

RE: Cityside Subaru - Traffic Memo  
740A-790 Pleasant Street, Belmont MA  
Project No. 20012

Dear Members of the Board,

Brennan Consulting has investigated the traffic impacts of the Cityside Subaru redevelopment project located at 740A-790 Pleasant Street in Belmont MA.

The project includes phased demolition of the three (3) existing buildings on the site. The existing buildings will be replaced by a new office/showroom/service building with an attached parking structure. The existing main showroom was constructed in 2003, and over the years, the owners have purchased two (2) adjoining properties, to better serve their customers' service needs. The proposed redevelopment is designed to utilize the added parcels, to create a more efficient customer experience and better address the changing business environment. Additionally, the re-design is expected to reduce unnecessary vehicle movements internally and on Pleasant St.

Pleasant Street is a two-lane, northeast-southwest roadway and classified as a Local Street under the jurisdiction of the Town of Belmont. Pleasant St. has a pavement width of approximately 37', with parallel parking and the addition of 5' wide sidewalks on the southern side of the street. There is no posted speed limit on Pleasant St, other than the standard 25 MPH, town wide speed limit. We understand that Pleasant was recently improved as evidenced by the pavement condition and markings are in very good condition.

The existing access and egress to the site has five (5) curb openings, two (2) of which are excessively long. This number of openings creates numerous crossing of vehicles accessing and egressing the site which is an unsafe condition. This situation appears to be prevalent on Pleasant Street in this area.

The redevelopment of Cityside Subaru will reduce the curb openings to three (3) which will reduce the crossing vehicle traffic movements and improve safety. The project proposes to add granite curbing and recreate the 6-inch curb reveal on Pleasant Street thereby limiting the vehicle crossings and creating a clearly defined flow of traffic on the site and in Pleasant Street. Additionally, the driveways, and parking areas will be well signed and lighted.

The automotive sales industry, as well as most retail businesses, have experienced a downward trend in sales/showroom traffic over the last few years and certainly more so since Covid-19. This has resulted in a reduction of generated trips to brick and mortar locations. Internet shopping has significantly changed

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the way automobile showrooms are used. The Colonial Automotive Group, of which Cityside Subaru is a member, has also seen this change, throughout their organization. It has not affected the volume of sales, but it does result in less trips to the dealership and showrooms.

The redevelopment will marginally increase Cityside Subaru's automobile servicing capability, but is primarily designed to improve the customer experience, by expediting the service process and moving service vehicles through the process in a more efficient manner.

Additionally, new car deliveries from Cityside's distributor (Subaru of New England) is now delivering most incoming new car deliveries, directly to the remote storage lot. On the rare occasion that it's necessary for a vehicle carrier to deliver directly to the main building, that would normally take place prior to 7 a.m. Minimizing the necessity of car carriers making direct deliveries to the showroom, reduces disruption on Pleasant Street during peak traffic hours and minimizes potential congestion at the site.

In conclusion, it's unlikely the redevelopment of the Cityside Subaru facility will have a negative impact on Pleasant St. traffic, and it will improve vehicle movement and safety on the Cityside Subaru site.

Brennan Consulting, Inc.



Chris Emilius, P.E.  
Principal



OUR WORLD IS ACCURACY AND PRECISION



July 12, 2021

Mr. Stephen Pinkerton, Chair  
c/o Robert Hummel & Ara Yogurtian  
Town of Belmont  
Office of Community Development  
Homer Municipal Building, 2<sup>nd</sup> Floor  
19 Moore Street  
Belmont, Massachusetts 02478

Re: Design and Site Plan Review Application  
Signage Special Permit Application  
Cityside Subaru  
774A, 778, 782, & 790 Pleasant Street  
Belmont, Massachusetts 02478

Dear Chair Pinkerton and Members of the Board:

On behalf of Empire Management Corporation, Land Design Collaborative (LDC) is submitting herewith a Design and Site Plan Review Application and a Special Permit Application for signage for the construction of a new Subaru dealership at the location of the existing Subaru dealership at 790 Pleasant Street. The new dealership will be constructed on a portion of the properties owned by Empire Management Corporation at 774A, 778, 782, & 790 Pleasant Street. The lots are identified on the Town of Belmont Assessor's Map 30 as Parcels 75A, 76, 77 and 78 respectively and are located in the Limited Business District - LBII. This filing has been prepared in accordance with Sections 7.3 and 7.4 of the Belmont Zoning Bylaw Design and Site Plan Review and Special Permit requirements.

In addition to this cover letter, we have enclosed nine (9) hard copies and electronic files of the following:

1. Application for Design and Site Plan Review;
2. Special Permit Application for Standing, More than One Wall Mounted and/or Projecting Signs;
3. Application for a Waiver to Erect a Sign;
4. Subaru Signage Package;
5. Traffic Memo prepared by Brennan Consulting;
6. Building Permit Denial Letter;
7. Mr. George Hall's email regarding status of Variance and Special Permit;
8. Zoning Compliance Checklist;
9. Certified Plot Plan;
10. Site Plans prepared by Land Design Collaborative and Brennan Consulting;
11. Elevations and Interior Layout Plans prepared by UDA Architects;
12. Design and Site Plan Review Filing fee of \$525 (Two checks \$350 & \$175 payable to the Town of Belmont);
13. Signage Filing fee of \$525 (Two checks \$350 & \$175 payable to the Town of Belmont);

#### Existing Conditions

The four lots owned by Empire Management are located on the south side of Pleasant Street and contain approximately 1.5 acres combined. The existing Subaru dealership building is located at 790 Pleasant Street and is

Mr. Stephen Pinkerton, Chair  
c/o Robert Hummel and Ara Yogurtian  
Office of Community Development  
July 12, 2021

the westerly most lot. There are two other two-story buildings located on individual lots at 778 and 782 Pleasant Street currently being utilized to support the dealership. The fourth parcel (774A) is located at the rear of the site along the railroad tracks and does not contain any structures. The Property abuts Pleasant Street and the McLean Hospital site to the north, commercial properties to the east and west and train tracks owned and operated by the Massachusetts Bay Transportation Authority to the south. The dealership is accessed through its frontage on Pleasant Street.

Existing customer parking and vehicle display are located in front of and on the east side of the Subaru building. Employee parking and vehicle storage are located at the rear of the site.

There is about a ten (10) foot grade change from Pleasant Street sloping down to the rear of the site. Under existing conditions stormwater is collected on site via deep sump catch basins which discharge to an existing 24" RCP line that runs along the rear of the site, exiting the site to the south. A portion of the parking lot is first treated by a subsurface stormwater system before discharging to the existing line, while the concrete parking deck and existing building run through a gasoline and sand trap before discharging to that same existing line. In 2003 a 7' drainage pump was installed behind 778 Pleasant Street to address flooding issues that were occurring in Pleasant Street during larger rainfall events. This pump collects stormwater from 774, 778, and 782 Pleasant Street buildings and associated pavement which then discharges into the existing 24" RCP line that exits the site to the south.

Wastewater from the existing buildings exits out the rear of the building to an 18" PVC line that runs along the rear of the site, exiting the site to the south. There are existing easements west of the existing dealership at 790 and between the buildings at 778 and 782 Pleasant Street.

Potable water is provided by a 1" municipal copper water line that connects to a 12" line in Pleasant Street.

There are no bordering vegetated wetlands located on or within 100' of the property. No portion of the site is located within the limits of Zone A (Areas of 100-Year Flood) of the NFIP Flood Insurance Rate Map for the Town of Belmont (Map No. 25017C0418E) and no portion of the site contains areas of Priority Habitats of Rare Species or Estimated Habitats or Rare Wildlife, nor certified or potential vernal pools according to the NHESP Atlas dated August 1, 2017. United States Department of Agriculture Natural Resources Conservation Service (NTCS) mapping identifies the soils of the subject property as primarily Urban Land.

### **Proposed Conditions**

The Applicant is proposing to construct a new multi-level 39,900± square foot Subaru dealership, generally in the same location as the existing buildings located at 778 and 782 Pleasant Street. We have obtained a Variance from the Zoning Board of Appeals for building height and number of stories and a Special Permit for lot coverage. As confirmed in the attached email correspondence from Mr. George Hall, these permits have been extended to April 11, 2022 by Chapter 53 of Acts 2020 due to the Covid pandemic.

The proposed dealership is required to comply with current Subaru branding standards and to serve its current customers more efficiently. The lower level of the building will include twenty-four (24) service bays, three (3) service reception bays and parts retail and storage. Open air covered vehicle storage as well as surface parking for customers and employees will be provided at the rear of the site. The main level of the building will be slightly elevated from the street to accommodate the height clearance required for the service bays at the lower level. The main level includes a showroom, offices, conference rooms, parts and customer amenities. Display, customer parking and some vehicle storage will be provided at this level. Structured vehicle storage will be provided above the main level. The construction will be phased so that the existing dealership can remain operational while the new building is constructed.

Mr. Stephen Pinkerton, Chair  
c/o Robert Hummel and Ara Yogurtian  
Office of Community Development  
July 12, 2021

Parking and other Site Improvements:

Customer and employee parking will be provided in accordance with the regulations. Other improvements include infrastructure upgrades, landscaping, and site lighting. The landscaped area will be increased to just under 3,000 square feet or about six and a half times existing condition. As part of this filing, we have provided a landscape plan, photometrics plan and vehicle turning movements for fire apparatus.

Stormwater:

The existing 24" drain lines on site will be partially relocated to accommodate the proposed building and vehicle storage structure. Stormwater runoff from these structures will be collected and piped to a subsurface infiltration system located under the vehicle storage structure for stormwater treatment, groundwater recharge, and a reduction in peak stormwater runoff. In larger rainfall events overflow from the infiltration system will discharge to the existing 24" drain line which will exit the site to the south. Maintaining the existing drainage pump is imperative to the function of the Pleasant Street drainage network during larger rainfall events. The pump is within the proposed building footprint so it will be relocated to the northeast corner of the site where it will continue to collect stormwater from 774 Pleasant Street and discharge into the relocated 24" RCP line that exits the site to the south. The existing easement between 778 and 782 Pleasant Street will be relocated between the new dealership building and 774 Pleasant Street.

Wastewater:

Wastewater will discharge to the same 18" PVC line, which will be partially relocated to accommodate the proposed building footprint and vehicle storage structure. Before entering this existing line, the sewer will run through an oil/water separator in order to separate oil that is collected from the service bays.

Water:

New water service will be provided by a connection to the existing 8" line that enters the site from Pleasant Street.

Trash Pick-Up:

Refuse will be stored and collected at the rear of the site in one (1) twenty-yard and two (2) ten-yard dumpsters. The dumpsters will be located on a concrete pad and screened with a privacy fence.

Deliveries:

Car carriers will deliver to the site as they currently do, during non-business, overnight hours. Currently vehicles are unloaded in front of the existing dealership, out of the travel way and within the on-street parking spaces on Pleasant Street. Under proposed conditions car carriers will unload in front of the new showroom out of the travel way in the location of the existing curb cuts where there are no existing on street parking spaces. Due to the configuration of the lot and steep slopes car-carriers are unable to access the site. Vehicles received during business hours are delivered to a storage lot located at 1000 Pleasant Street and unloaded on-site. There are normally between 15 and 18 deliveries per month. Parts are delivered to the site by Cityside owned vans and unloaded at the rear of the site adjacent to the parts department. The parts are loaded onto these smaller vans at a warehouse located in Norwood, MA and occur daily. Other deliveries for office and other miscellaneous supplies are made by the typical UPS, FedEx, Staples type vehicles.

Signage:

Signage will be similar to existing conditions. The existing standing pylon sign will be re-located to the front of the new showroom and the façade of the building will contain wall signs with the Subaru logo and the names "Cityside Subaru". The service area rear of the building will be demarcated with a "Service" wall sign and Subaru logo. Directional signage will be provided at the far curb cuts directing customers to the service and parts department located at the rear of the site. We have provided a "Subaru Signage Package" summarizing the proposed signs, dimensions, materials, locations, method of illumination and requested waivers.

Waivers Requested: (See Subaru Signage Package for summary of signs proposed)

1. More than one wall sign totaling the more than 65 square feet (but less than 10%) of the front wall of the building. [Section 5.2.5 b) 1.]



Mr. Stephen Pinkerton, Chair  
c/o Robert Hummel and Ara Yogurtian  
Office of Community Development  
July 12, 2021

2. More than one directory sign greater than 1.5 square feet. [Section 5.2.5 b) 2.]
3. A standing sign more than 15 square feet and 5 feet in height above the ground. [Section 5.2.5 b) 3.]

Hours of operation:

Hours of operation are expected to be 7:00 am to 8:00 pm Monday thru Friday, 8:00 am to 8:00 pm on Saturday and 12:00 pm to 4:00 pm on Sunday.

We trust you will find the enclosed information acceptable and we thank you in advance for your attention to this Design and Site Plan Approval as well as Signage Special Permit filing. We look forward to meeting with the Board at your next available public hearing. Please feel free to contact me should you have any questions or wish to discuss.

Sincerely,

LAND DESIGN COLLABORATIVE



James T. Almonte, RLA  
Principal

Encl.

cc: Mr. Brian Lafferty, Empire Management Corporation

# Zoning Compliance Check List

## (Registered Land Surveyor)



**Property Address:** 774A (portion), 778, 782, 790 Pleasant Street

**Zone:** LB-11

**Surveyor Signature and Stamp:** \_\_\_\_\_

**Date:** 7/1/21

	REQUIRED	EXISTING	PROPOSED
Lot Area	N/A	63,743' SF**	63,743' SF**
Lot Frontage	20'	450'+/-	450'+/-
Floor Area Ratio	1.05	0.53	0.62
Lot Coverage	35%	37.6%*	72.6%***
Open Space	N/A	N/A	N/A
Front Setback	10'	VARIES (22.6',29.0',30.4')	15.2'
Side Setback	0'	VARIES (19.6',44.3',20.2')	25.0'
Side Setback	0'	VARIES (0',4.5',26.4')	25.0'
Rear Setback	20'	VARIES (0.3 ENCROACHMENT, 17.9', 20.5')	20.4'
Building Height	32'	>32'	38.0'***
Stories	2 STORIES	2 STORIES	3 STORIES***
½ Story Calculation			

**NOTES:** \*Pre-existing nonconforming

\*\*774 Pleasant Street (Parcel 2) is excluded from the lot area calculation per Section 1.4 of the Town of Belmont Zoning Bylaw, lot area definition: "if the distance between any two points on lot lines is less than 50 feet, as measured in a straight line, the smaller portion of the lot as divided by that line shall not be included in lot area unless the two points are separated by less than 150 feet measured along lot lines.

\*\*\*Variance and Special Permit granted (Case No. 19-42)

## DISTRICT 1B1 - LOCAL BUSINESS II

[illegible]

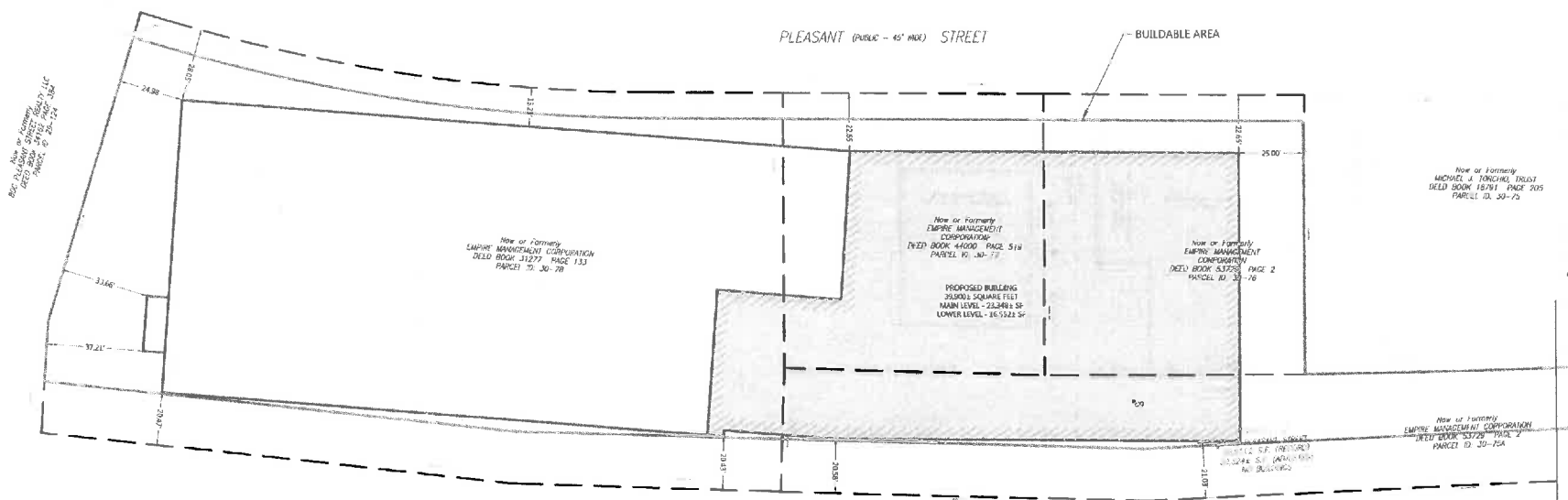
• **PRE-EXISTING NEUROLOGICAL**

\*\* PARCEL 2 IS EXCLUDED FROM CALCULATION PER SECTION 1.4 OF THE TOWN OF BELMONT ZONING BY-LAW, LOT AREA DEFINITION. "THE LOT IS THE SPACE BETWEEN ANY TWO POINTS ON LOT LINES OF LESS THAN 50 FEET, AS MEASURED IN A STRAIGHT LINE. THE SPACE BETWEEN ANY TWO POINTS ON LOT LINES OF MORE THAN 50 FEET SHALL BE MEASURED BY AN ARC OF A CIRCLE OF 50 FEET RADIUS, AND SEPARATED FROM ANY ADJACENT MEASUREMENTS BY A 90-DEGREE ANGLE."

\*\*\* FENCES ARE GATES. ANY BUILDINGS ARE BEHAVING & BEING USED HUNT, DUCK, ALL IN AT 150 OF 15-FEET SHALL BE COUNTED TWICE.

\*\*\* VARIANCE AND SPECIAL PERMIT (CONT'D) (CASE NO. 19-02)

NOTED BY THE TOWN OF BELMONT ZONING BY-LAW IS AN ADDITIONAL REQUIREMENT



## OWNER OF RECORD:

EMPHASIS MANAGEMENT CORPORATION  
171 GREAT ROAD  
ACTON, MA 01720

## ASSESSORS MAP REFERENCES

MAP 30	PARCEL 78	(DEED BOOK 31277 PAGE 133)
MAP 30	PARCEL 77	(DEED BOOK 44600 PAGE 519)
MAP 30	PARCEL 76	(DEED BOOK 53726 PAGE 2)
MAP 30	PARCEL 75A	(DEED BOOK 53726 PAGE 2)

#### CITED REFERENCES

DEED BOOK 31277 PAGE 133 (MAP 30 PARCEL 78)  
DEED BOOK 44300 PAGE 519 (MAP 30 PARCEL 77)  
DEED BOOK 53129 PAGE 2 (MAP 30 PARCEL 76)  
DEED BOOK 53129 PAGE 2 (MAP 30 PARCEL 75A)

PLAN REFERENCES:

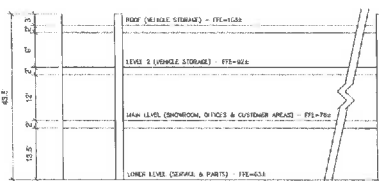
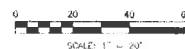
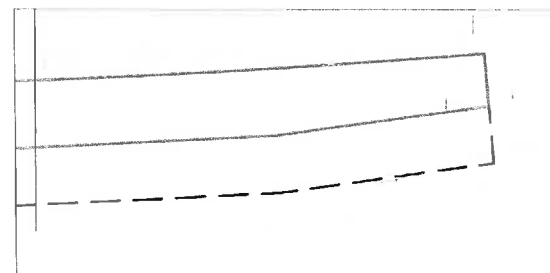
PLAN 418 OF 1952  
PLAN 165 OF 1956  
PLAN 119 OF 1950  
PLAN 208 OF 1960  
PLAN 841 OF 2003  
1997 RECONSTRUCTION PLANS  
OF PLEASANT STREET

FORM CLASSIFICATION:

FLOOD INSURANCE RATE MAP  
NUMBER 25017C0418E  
EFFECTIVE JUNE 4, 2010

NOTES:

- PROPERTY LOSS AND LENDING CONSTRUCTION INFORMATION IS BASED ON CHS  
 C-02 THE DESIGN FLOOD IS DIVERSE BY WATKINSON DESIGN ASSOCIATES, INC. &  
 C-03 THE DESIGN FLOOD IS DIVERSE BY WATKINSON DESIGN ASSOCIATES, INC. &  
 ARE BASED ON CHS 1980
- LOCATIONS OF UNDERGROUND UTILITIES SHOWN HEREIN WERE COMPILED FROM  
 C-04 THE DESIGN FLOOD IS DIVERSE BY WATKINSON DESIGN ASSOCIATES, INC. &  
 AND ASSIGNED THERE TO BE ADDITIONAL UNDERGROUND UTILITIES  
 C-05 THE DESIGN FLOOD IS DIVERSE BY WATKINSON DESIGN ASSOCIATES, INC. &  
 COMMENCED SITE WORK, CONTRACTOR SHALL CALL "DO NOT DISTURB"  
 C-06 THE DESIGN FLOOD IS DIVERSE BY WATKINSON DESIGN ASSOCIATES, INC. &  
 THE CONTRACTOR SHALL APPROPRIATE UTILITY DEPARTMENTS /  
 C-07 THE DESIGN FLOOD IS DIVERSE BY WATKINSON DESIGN ASSOCIATES, INC. &  
 RELATED TO THE IMPAIR OF THE UTILITIES DAMAGED AS A RESULT OF  
 C-08 THE DESIGN FLOOD IS DIVERSE BY WATKINSON DESIGN ASSOCIATES, INC. &  
 RELOCATION SHALL BE PERFORMED WITHIN 180 DAYS AFTER UTILITIES DAMAGE  
 C-09 THE DESIGN FLOOD IS DIVERSE BY WATKINSON DESIGN ASSOCIATES, INC. &
- APPROXIMATE LIMITS OF ZONE 4 (AREAS OF 100'-WIDE 10000) AND ZONE  
 C-10 THE DESIGN FLOOD IS DIVERSE BY WATKINSON DESIGN ASSOCIATES, INC. &  
 (AREAS OF MINIMAL FLOODING) DO NOT EXIST WITHIN THE DESIGN  
 C-11 THE DESIGN FLOOD IS DIVERSE BY WATKINSON DESIGN ASSOCIATES, INC. &  
 PARCELS AS COMPILED FROM NATIONAL FLOOD INSURANCE PROGRAM FLOOD  
 C-12 THE DESIGN FLOOD IS DIVERSE BY WATKINSON DESIGN ASSOCIATES, INC. &  
 EFFECTIVE JUNE 4, 2010
- SEE CONCEPTUAL SITE PLANS C-01, C-02, C-03, C-04, C-05, C-06, C-07, C-08, C-09, C-10, C-11, C-12  
 C-13 THE DESIGN FLOOD IS DIVERSE BY WATKINSON DESIGN ASSOCIATES, INC. & DATED 10/02/16 FOR

BUILDING SECTION EXHIBIT  
BUILDING HEIGHT CALCULATION

**CERTIFIED PLOT PLAN**

LOCATED IN  
740A - 790 PLEASANT STREET  
BELMONT, MA

PREPARED FOR  
**EMPIRE MANAGEMENT CORPORATION**

DATE: 07-12-2021

GC/MS E: 4 M = 20%

**Brennan Consulting**  
ENGINEERING • TRANSPORTATION • SURVEYING

ENGINEERING • TRANSPORTATION • SURVEYING  
24 RAY AVENUE, BURLINGTON, MA  
PHONE: (781) 273-3434 FAX: (781) 273-3430

24 RAY AVENUE, BURLINGTON, MA  
PHONE: (781) 273-3434 FAX: (781) 273-3430

**SARAJEVO**

---

CHECKED BY: ZAK  
DRAWN BY: KJ.

PROJECT 20012

CPP-1

## James Almonte

---

**From:** Yogurtian, Ara <ayogurtian@belmont-ma.gov>  
**Sent:** Monday, July 19, 2021 8:16 AM  
**To:** 'PAlphen\_AlphenSantos'  
**Cc:** Brian Lafferty (Brian@MyHomeOffice.com); James Almonte; Hummel, Robert  
**Subject:** FW: Cityside Subaru

Please find attached Mr. Hall's response. No need for a new variance application.  
Thank you

### ARA YOGURTIAN

TOWN OF BELMONT  
OFFICE OF COMMUNITY DEVELOPMENT  
617-993-2650  
ayogurtian@belmont-ma.gov

**From:** George Hall [mailto:GHall@AndersonKreiger.com]  
**Sent:** Friday, July 16, 2021 3:22 PM  
**To:** Yogurtian, Ara <ayogurtian@belmont-ma.gov>  
**Cc:** Clancy, Glenn <gclancy@belmont-ma.gov>  
**Subject:** RE: Cityside Subaru

Ara:

I agree with Mr. Alphen that Chapter 53 of the Acts of 2020 extends the deadline for the exercise of a variance by the length of the state of emergency (March 10, 2020 to June 15, 2021). This applies to the deadline for seeking design and site plan approval, as that deadline is derivative of the deadline for "exercise" of the variance.

While Mr. Alphen's letter does not state when the variance decision was filed in the Town Clerk's office or recorded at the Registry, if we take January 6, 2020 (when the Board voted to approve it) as the date of the decision, then on March 10, 2020, when the state of emergency was declared, there were still approximately nine months and 27 days left in the period for exercise. If you tack that length of time on to the end of the state of emergency (June 15, 2021) you would wind up with a new expiration date of about April 11, 2022. We can calculate that more precisely, if need be, but hopefully it won't be necessary.

Let me know if that doesn't fully answer your question.



George A. Hall, Jr.  
T. 617.621.6530 | F. 617.621.6630  
Anderson & Kreiger LLP | 50 Milk Street, 21st Floor, Boston, MA 02109

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**From:** Yogurtian, Ara <ayogurtian@belmont-ma.gov>  
**Sent:** Thursday, July 15, 2021 10:14 AM  
**To:** George Hall <GHall@AndersonKreiger.com>

Cc: Clancy, Glenn <[gclancy@belmont-ma.gov](mailto:gclancy@belmont-ma.gov)>

Subject: FW: Cityside Subaru

Good morning George,

Subaru got their variance approval from the Board of Appeals last year in January. The claim is because of Covid they could not apply for design and site plan approval within the allowed one year timeframe and asking us for an extension. Thank you

**ARA YOGURTIAN**

TOWN OF BELMONT  
OFFICE OF COMMUNITY DEVELOPMENT  
617-993-2650  
[ayogurtian@belmont-ma.gov](mailto:ayogurtian@belmont-ma.gov)

From: PALphen\_AlphenSantos [<mailto:palphen@alphensantos.com>]

Sent: Wednesday, July 14, 2021 4:02 PM

To: Clancy, Glenn <[gclancy@belmont-ma.gov](mailto:gclancy@belmont-ma.gov)>

Cc: Yogurtian, Ara <[ayogurtian@belmont-ma.gov](mailto:ayogurtian@belmont-ma.gov)>; Brian Lafferty ([Brian@MyHomeOffice.com](mailto:Brian@MyHomeOffice.com))  
<[brian@myhomeoffice.com](mailto:brian@myhomeoffice.com)>; James Almonte <[jalmonte@ldcollaborative.com](mailto:jalmonte@ldcollaborative.com)>

Subject: Cityside Subaru

Mr. Clancy:

Attached please find a letter regarding the status of the zoning variance approved by the ZBA on 1/6/20 pertaining to Cityside Subaru.

Please let me know if you have any questions or concerns. Thank you,

Paul

**PAUL F. ALPHEN, ESQ**

**ALPHEN & SANTOS, P.C.**

200 Littleton Road, Westford, MA 01886  
(978) 692-3107 ext 823 FAX (978) 692-5454

Please check your stored phone number to be sure that it is 978-692-3107. Our new phone system uses that number exclusively and it will forward calls to my cell phone when I am out of the office and available. Thank you.

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