

**TOWN OF BELMONT  
PLANNING BOARD**

**MEETING MINUTES  
September 6, 2016**

RECEIVED  
TOWN CLERK  
BELMONT, MA

2016 SEP 20 PM 2:40

Present: Elisabeth Allison, Chair; Charles Clark; Barbara Fiacco, Vice Chair; Joseph DeStefano; Karl Haglund; Raffi Manjikian

Staff: Glenn Clancy, Director of Community Development  
Jeffrey Wheeler, Office of Community Development Liaison

**7:01 p.m. The meeting was called to order by Chair Allison.**

Ms. Allison introduced the Planning Board members and noted that Mr. DeStefano has recused himself from certain agenda items (e.g., Cushing Village and Chandler Street). She then reviewed the evening's agenda. She noted that statistical modeling of the PB's decision process concerning Cushing Village has been developed. She reviewed the permitting process relating to Cushing Village and then turned to this item on the agenda (#2).

**1. Discuss and deliberate on Toll Brothers request for extension of the Special Permit previously granted for the construction of Cushing Village**

Mr. Bill Lovett, Senior Development Manager for Toll Brothers, appeared before the Planning Board and began by explaining the reason for the recent Purchase & Sales (P & S) extension request, which was formally made to the Board of Selectmen on August 22, 2016. The P & S extension request was granted that evening by the Selectmen. He noted that further environmental testing, as a part of Toll's due diligence process, took longer than expected. Next steps include continuing to work with the architect and the construction manager, as well as continuing with the environmental cleanup of the contaminated area. He stated that Toll is requesting that the Special Permit be extended to July 27, 2017.

Ms. Fiacco asked specific questions pertaining to the environmental testing, e.g., soil testing, de-watering of the site, etc. Mr. Lovett noted that the due diligence phase concerning the environmental testing led to the request for the extra month for the P & S closing. The Special Permit request, he said, is to allow for delays during the environmental cleanup phase and to insure sufficient time to secure a building permit. He noted that the required remediation could delay construction.

Ms. Fiacco asked if another extension request would be forthcoming. Mr. Lovett said that he expected things will go well and explained the process concerning the excavation of the contaminated soil.

Mr. Manjikian asked about meeting the timetable for the demolition permits. Mr. Lovett said that this should be fine. Mr. Clark asked about the environmental testing and its impact on the retail commitment. He reviewed the past delays and noted that the project will have taken six years to complete. Mr. Lovett again explained the reasons for the extension request. Mr. Clark requested more information on what would happen to the public use of the parking lot during the timeframe of the extension. Mr. Lovett said that he will explore this issue further.

The Planning Board then discussed the extension request. Mr. Clark said that it seems like a

long timeframe to extend, but that he would support an extension of shorter duration. Mr. Manjikian and Mr. Haglund said they would support the request. Ms. Fiacco stated that she will support the request, given the reasons provided for the extension. However, she would like to see no further extension requests.

Ms. Allison concurred that this extension needs to be the final request. She underscored this point. The Selectmen, she noted, approved the P & S extension and that Toll had made an extension by the Planning Board a condition of closing on the P&S extension approved by the Selectmen.

**MOTION made by Ms. Fiacco to accept Toll's request to extend the Special Permit to July 27, 2017. Seconded by Mr. Manjikian. The motion passed unanimously.**

Ms. Allison then reviewed the milestones for obtaining permits and beginning demolition that were conditions to the extension to the Special Permit. Mr. Lovett responded that he understood that all these conditions continued to be in effect.

## **2. Discussion with Glenn Clancy, Director of Community Development, regarding Design and Site Plan Review and Special Permit processes**

[Mr. DeStefano joined the meeting at 7:40 p.m.]

Ms. Allison asked Mr. Clancy to begin with an overview of the issues of enforcement raised by the granting of Special Permits.

Mr. Clancy, Director of Community Development, appeared before the Planning Board and began by explaining the issuance of the Special Permit. It begins with a request to the Planning Board and then continues with the Office of Community Development (OCD). Once the building permit is issued, the OCD makes sure the permit conditions are being met during the construction process.

He then explained the inspection process (noting that there is special software and documents that can be called up on tablets), which occurs during the construction phase. He spoke to the importance of being steeped in the planning and zoning codes. He noted that there are various inspectors, e.g., building, electrical wiring, plumbing, etc. He explained a loophole in the system, namely, that the plumbing inspector is looking specifically at the actual plumbing, not at whether or not the Planning Board OK'd a bathroom etc. in this spot. He suggested ways in which the system could be improved, e.g., flagging the overall plan to the inspector. This process may need to be done manually and will take some time to develop.

Mr. DeStefano raised a question about the precision of the wording in the documentation of restrictions. The Planning Board discussed the conditions placed on the Special Permit, deed restrictions, and the overall building inspection process.

Mr. Clancy then raised an issue about the condition of maintaining landscaping indefinitely. The PB briefly explored this issue.

Mr. Clancy also spoke to what is "major" versus "minor" and the criteria that should be used to

determine if an alteration comes back to the Planning Board for its review. He raised the issue of the very specific details on the Special Permit and the expectations of the PB. Ms. Allison said the PB will discuss this question at its next meeting. Lastly, Mr. Clancy raised a question about the “as-built” projects and what exactly the PB expects the plan to show. The PB briefly discussed.

Ms. Allison thanked Mr. Clancy and informed him that the Planning Board will reflect on his input.

### **3. Continued Public Hearings**

#### **a. 42 Pine Street – Second floor addition on nonconforming structure**

Ms. Allison noted that a working group (consisting of two PB members and the Senior Planner) met with the Applicants and their architect to review the plans. Mr. DeStefano reviewed the suggestions of the working group. He stated that progress has been made and referred the PB to the updated drawings. Ms. Fiacco focused on the roof style and style of the first floor windows.

Mr. Keith Miller, of Miller Design, spoke on behalf of the applicants, Mr. Rohit Rana and Mrs. Poonam Rana. He noted that the updated design has dealt with the concerns (roof, windows, plantings, exterior siding) raised by the PB. Mr. DeStefano asked about the gable facing the front (versus the hip). He expressed concern about the gable bump out. This matter was discussed. The PB agreed that additional trim detail would help soften the gables impact on the front façade.

Landscaping was then discussed, specifically adding greenery to cover the blank exterior wall created by the staircase and the height of the arborvitae and the boxwoods. It was noted that there is currently no plan to install an HVAC unit. The PB agreed that larger plantings should be used at the front of the house.

#### Comments from Audience:

1. Mr. Jim Diamond, Pine Street, stated that these standards are very high and that no houses on the street, if built now, would conform to these standards. There is too much detail being applied to this house. The landscaping suggestions will be very expensive to maintain. The current plans will fit in nicely with the neighborhood.

Mr. Haglund responded regarding the level of detail, explaining that the PB can make these requests as a result of the Special Permit process. Mr. DeStefano noted that these changes will help to complement the existing houses in the neighborhood.

The PB then reviewed the changes to the initial application.

**MOTION made by Mr. Manjikian to close the public hearing. Seconded by Mr. Haglund. The motion passed unanimously.**

**MOTION made by Mr. DeStefano to approve the Special Permit subject to the standard conditions and those conditions discussed tonight. Seconded by Ms.**

**Fiacco. The motion passed unanimously.**

**b. 132 Sycamore Street – Two-Story Deck**

Ms. Allison noted that additional detail had been requested from the Applicant concerning the landscape plan and the deck. She noted that the current landscape plan, with respect to the open space requirement, is concerning and it was not clear who submitted the landscape plans.

Mr. Zhenhuo Li, the Applicant, informed the PB that he and his friends created the plan; a professional was not consulted. Ms. Allison stated that the landscape plan does not appear to comply with the open space requirements nor does it comply with the zoning compliance checklist. Mr. DeStefano offered a suggestion that would improve the landscape plan as it relates to open space.

The PB then reviewed the architectural plan. Mr. DeStefano offered suggestions that would improve the plan.

The PB decided to postpone voting on the Special Permit to clarify that the proposed plan meets the open space requirements.

**MOTION made by Mr. Manjikian to continue the public hearing to September 21, 2016. Seconded by Mr. Clark. The motion passed unanimously.**

**c. 35-37 Chandler Street – Three-Story Deck**

Ms. Allison stated that in light of the time and the additional material submitted by the Applicant too late to be included in the Board packages, this hearing will be continued as well.

**MOTION made by Mr. Manjikian to continue the public hearing to September 21, 2016. Seconded by Mr. Clark. The motion passed unanimously.**

**4. Updates on Potential Cases and Planning Board Projects, and Committee Reports**

Mr. Wheeler noted that two cases for decks have been submitted and will be heard at the Board's meeting in October.

Ms. Allison stated that Mr. Haglund will be replacing her as liaison on the CPC.

**5. Preview Agenda for next September 2016 meeting**

Ms. Allison deferred this item.

**6. Review and Approval of Minutes**

**MOTION made by Mr. Manjikian to approve the minutes of August 2, 2016, as amended. Seconded by Mr. Clark. Motion passed.**

**Adjourn: 9:17 p.m. by Ms. Fiacco.**