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**ZONING BOARD OF APPEALS
MEETING MINUTES
January 11, 2016**

Present: Eric Smith, Chair; Nicholas Iannuzzi; Tino Lichauco; Craig White ;Jim Zarkadas; John McManus (Associate Member) Phil Ruggerio (Associate Member); Gang Zhao (Associate Member)

Staff: Ara Yogurtian, Liaison to the Office of Community Development

7:01 p.m. Meeting called to order

Chair Eric Smith welcomed everyone to the **January 11, 2016** meeting of the Zoning Board of Appeals, introduced all the members of the Board, and then proceeded to give a brief outline of the process. He encouraged audience participation before the committee's deliberations at the end of the meeting, as well as encouraging the submission of relevant documents and other materials necessary to support each case. Associate Members are encouraged to sit in on the cases, as they may be called in to substitute for regular members in a vote. He stated that whenever possible, the Board tries to deliberate and present a decision the same evening that the case is heard, and invited audience members to stay until the end of the Open Hearing. He also stated that the Board has reviewed all submitted materials and reminded the audience that there was no need to repeat information already given.

Case 15-34, 344 Pleasant Street, Nicholas Leo, Patriots Donuts – Special Permit

Joseph Noone, attorney for the applicant, outlined the relief the applicant sought, and stated he currently operates several Dunkin Donuts franchises in the area and Cambridge and Florida and is an asset to the community. He reported:

- The location of the proposed store will be Brighton and Pleasant Street.
- There will be seating for 21 indoors, and seating for 8 outdoors.
- The applicant has met with nearby neighbors and abutters.
- They have met with the Restaurant Review Committee.
- Many of the concerns are traffic related. A traffic study determined that the proposed change of use will result in a decrease of trips than if it were a convenience store.

David Giagrande, Traffic Specialist, conducted a trip generation analysis (the estimation of trips) that looked at the traffic patterns in the area when the property was a convenience store.

Joseph Noone reported that the number of curb cuts would be reduced from three to two to promote pedestrian safety. He added that most of the traffic will consist of commuters going toward Route 2 and will not pose adverse traffic conditions, and will not be crossing lanes.

He stated that in the Simmons Street neighborhood, the bus stop for school is not near the Dunkin

Donuts, but on the other side of Pleasant Street. Most of the parents drive their children to school as they don't want them crossing the street to wait for the bus.

Chair Smith confirms that the hour of operation for the Dunkin Donuts will be 6:00 am to 11:00 pm, and that deliveries will be about 5:00 am each morning.

John McManus asked whether or not they considered having one lane traffic entering and one exiting.

Craig White asked about contamination from the oil tank, and was told by the applicant that the landlord was working on cleaning it up, and it should be completed in 2-3 years.

The Chair opens the floor for questions from the audience. The following people spoke in support:

Ricardo Rulo, 18 Chandler Road commented that he felt the store would be a great addition to the neighborhood.

Timothy McCarthy, 18 Simmons Road commented that it would be a great use instead of the abandoned storefronts.

Susan Rudd, 23 Chilton Road stated that she welcomed a Dunkin Donuts moving into the neighborhood.

Frank Vitello, 24 Hurley Street; Pasquale Rulo, 911 Main Street; AnnMarie Grigorian, 15 Chilton Road all spoke in support of the project and echoed what had been previously stated.

James DiMetropoulos, owner of Ma Magoos in Cambridge, stated that the Dunkin Donuts next to them (owned by the applicant) was a good neighbor.

The following people were in opposition:

Russell Mann, 308 Brighton Street is concerned about the increase in traffic. He felt that the location is not suited for a Dunkin Donuts and that it will have a tremendously negative impact on the neighborhood.

Albert Marsupian, 308 Brighton Ave. expressed a concern that the inadequate parking would lead to customers parking in the neighborhood.

Sue Gann, Scott Road felt that this was not a site that can support a Dunkin Donuts.

Dr. Jessica Locher, 308 Brighton Street, felt that a Dunkin Donuts would create more traffic.

Erika Harvey, Simmons Ave. reported that there were already people parking in the area.

Leon Barsumian, Stonybrook Road stated that the traffic is backed up from Brighton Street and Pleasant each morning. He feels that the Dunkin Donuts will create a bottleneck in the already highly congested area.

Maryann Scali, Prospect Street reported that the traffic is very loud and very bad during peak hours.

Sara Richardson, Pleasant Street has a dental practice nearby, and is concerned that parking spots

allotted for her patients will be taken by Dunkin Donuts customers.

No one else spoke. The Board took the matter under advisement.

Case 15-35, 41 Holt Avenue

Mr. Carbone, applicant, explained the delay in applying for the permit. He stated that his brother was ill and could not apply sooner. In response to Chair Smith's question of how the site was used prior to the owner's retirement in 2006, Mr. Carbone said that it had been used to store Ford 350 Trucks and construction material as a site for construction and masonry business. And now it will be used now as storage for his son's classic cars or other uses.

Lee Dolan, Holt Street reported seeing vehicles on the property now, such as Bobcats, landscaping trucks, and other landscaping equipment.

Angela Martini, 39 Holt Street felt that if it should be rebuilt, it should stay within the original footprint.

Denise and Jean Dolan thanked the applicant for taking down the structure, but expressed concern that there will be commercial vehicles parked there.

There were also concerns from other neighbors that a two family property might be built on that lot.

Jim Zarkadas, ascertained that the portion of the lot in the Town of Watertown is 3400 feet.

No one else spoke. The Board took the matter under advisement.

Case 15-36, Thomas and Sara Caputo

Faith Baum, architect, reported that the applicant would like to enclose a portion of the roof to make a walk-in closet. She then presented the drainage plans to the Board. She said the dimensions of the closet will be 10 feet 9 inches by 5 feet.

No one else spoke. The Board took the matter under advisement.

Case 15-37, Armen Grigorian, Citgo at 500 Common Street

Attorney Becker presented the case. Reported that the applicants have been renting the space to Auto Repair use for a very long time.

Jim Savas, Century 21, stated that there couldn't be a better neighbor.

Mark Pohler, Common Street felt the car repair business would be an asset to the neighborhood.

No one else spoke. The Board took the matter under advisement.

Case 15-38, 75 Taylor Road, Air bnb

The applicant reported that she usually has one guest in the house at a time, but on occasions there has been 2.

Ashley Garrett, Boarder at the home said the applicant's home is very safe and comfortable.

Jeff Parker, 63 Taylor Road felt allowing this would have a negative impact on Belmont, and reported that there are over 300 homes in Belmont on the Airbnb site.

Patricia Shay, Taylor Road feels that it is very inappropriate to have Airbnb in Belmont. She reports seeing cars from all over the country parked there. She is concerned about transients and the increase in traffic.

Dan Griffin states that it is strictly an unregulated industry, and the vetting is strictly done by social media.

Nick Iannuzzi, Board member stated that he looks forward to hearing the Planning Board's view on this issue when they review it in the summer.

Gertrude and Bruce DeRosier, 87 Taylor Road felt it was very disconcerting to have strangers in your backyard, and that it would decrease property values as well.

The Board took the matter under advisement.

Case 15-39, Maria Patti

Maria Patti, applicant, seeks a Special Permit to operate a large family daycare. She is currently licensed by the state to care for 10 children. The hours of operation are 7:30 am to 5:00 pm.

Cheryl Clark, 76 Trowbridge Road is an abutter and she reported that they never hear the kids. There is no noise. She is in support.

Michele Curtin, 484 Waverly Oaks Road speaks in support. She took her children there when they were young, and the applicant is like a grandmother to them. She is very reliable and not one time in eight years has she closed.

Jim Savas, Century 21 spoke in favor of the application.

The Board took the matter under advisement.

Deliberations and Vote:

Case 15-39, Maria Rita Patti, 63 Underwood Road, Special Permit

MOTION to approve subject to the below conditions was made by Nick Iannuzzi and seconded by Craig White. Motion passed, 5-0, subject to the standard conditions

Conditions:

- The Special Permit is not transferrable and valid only for as long as the applicant has a current license from EEC, and is specific to you only.
- Staggered drop-offs are encouraged.
- That the applicant has fire detectors in the day care.
- The hours of operation will be from 7:30 am to 5:30 pm.

Case 15-38, Ann Levy, 75 Taylor Road, Special Permit

MOTION to approve subject to the below conditions was made by Craig White and seconded by Tino Lichauco. Motion failed, 3-2.

Suggested conditions were:

- No street parking.
- No more than 2 tenants.
- Applicant has to be at home/living there during the rentals.

Case 15-37, Armen Grigorian, d/b/a Belmont Citgo, 500 Common Street, Special Permit

MOTION to approve subject to the below conditions was made by Jim McManus and seconded by Craig White. Motion passed.

Conditions:

- The hours of operation will be 7:00 am to 7:00 pm.
- Any new occupant needs to have a Building Permit.
- All leases must be submitted to the Office of Community Development, indicating that the lessee has reviewed and will abide by the conditions contained in the original case authorizing use.

Case 15-36 63 Richmond Road, Thomas and Sarah L. Caputo, Special Permit

MOTION to approve was made by Jim Zarkadas, seconded by Nick Iannuzzi. Motion passed, 5-0.

Case 15-35, Dominic Carbone, 41 R. Holt Street, Special Permit

The Board discussed the issue of "use" for this property in the GR Zoning District, the 10 year inactivity, and the reconstruction of the structure. They also discussed whether or not they can regulate "use". An "aye" vote is a vote to deny the motion.

MOTION to deny on the ground that the Section 1.5.3 test is not met is made by Chair Smith and seconded by Nick Iannuzzi. Motion deny approved, 4-1 (voted for the motion to deny - T. Lichauco, E. Smith, N. Iannuzzi, John McManus), (voted against the motion-J. Zarkadas)

Case 15-34, 344 Pleasant Street, Nicholas Leo, Patriots Donuts – Special Permit

MOTION to approve subject to the below conditions was made by Jim Zarkadas and seconded by Craig White. Motion denied. Vote 3-2.

Conditions discussed to be subject to if accepted:

- The Special Permit is personal to the applicant.
- It is subject to the hours of operation of 6:00 am to 11:00 pm.
- There will be no frying on the premises.
- Deliveries before 6:00 am will park on Pleasant Street.
- Employees must park off-street but not on residential streets.
- There will be suitable systems and no odors will escape outside.
- This Special Permit is subject to approval by the Planning Board.

ADJOURN

10:50 pm

The next meeting of the Zoning Board of Appeals will be February 1, 2016, at 7:00 pm in the Art Gallery.