

**ZONING BOARD OF APPEALS  
MEETING MINUTES  
March 5, 2012**

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Attendance: William Chin (Chair), Nicholas Iannuzzi, Eric Smith, Craig White (Associate), Christopher Henry (Associate), David Iaia (Associate), and Jay Szklut, Staff

Absent: Jim Zarkadas and James-Ryan Fagan

**7:00 p.m.** Meeting called to order.

Chairman William Chin welcomed everyone to the March 5 meeting of the Zoning Board of Appeals. He gave a brief outline of the process and 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. He stated that whenever possible, the Board tries to deliberate the same evening that the case is heard.

The Chair also noted that the next meeting of the ZBA will be on April 9, and not on April 2, due to the local election.

**CONTINUED PUBLIC HEARINGS:**

**CASE NO. 11-31 – 82 SOUTH COTTAGE ROAD:** Variance to increase the number of units from 7 to 11.

Chairman Chin reported that the applicant has requested that his application be withdrawn without prejudice.

Mr. Smith moved that the Northland application be withdrawn without prejudice. Seconded by Mr. Iannuzzi. Approved unanimously.

**CASE NO. 12-04 – 11 BRIGHTON STREET:** Special Permit for the renovation of an existing convenience market and deli in order to operate a fast food restaurant.

The Applicant's attorney, Brian Connelly, stated that his client would like to amend the application to increase the restaurant seating to 24 from 18. Jay Szklut reported that the Office of Community Development ascertained that the number of required parking spaces was actually sixteen based on 24 seats and the gross square footage of space for the convenience store component. The Applicant has ten spaces on site in front of his condominium unit. There are also 9 legal on-street parking spaces (Brighton Street) with 4 of the spaces next to Applicant's commercial condominium unit. The Applicant's attorney requested that the Board also grant relief from the 16 parking space requirement.

The Board discussed the case and stated that if the sense and comfort of the Board was to grant relief, then the Applicant could submit evidence to the Board showing control of an additional 6 spaces on Flanders Road or in the commercial condominium complex.

No one spoke in favor or in opposition to the project.

Mr. Chin then closed the public hearing but noted that the public record would be left open for 2

weeks for the Applicant to submit the evidence regarding the 6 additional spaces

Mr. Chin moved that the special permit as requested and amended be granted subject to the Applicant providing the Board with evidence of control or access to 6 additional parking spaces. Mr. Iannuzzi seconded the motion and it was approved unanimously.

### **NEW PUBLIC HEARINGS:**

**CASE NO. 12-05 – 687 BELMONT STREET:** Special Permit to amend to allow take out service in an existing non-conforming catering business.

John Janessian, Applicant, and his son, Ari Janessian appeared before the Board. He explained that he wanted to sell sandwiches to walk-in customers to supplement his catering business from the same establishment. The proposed hours of the retail component would be Monday through Saturday, 11:00 am to 8:00 pm. The current hours for the catering business are 8:00 am to 6:00 pm,. There would be no seating added to the building and no changes to the menu as currently offered by the catering business.

Concerns over whether the fast food operation was an extension or change of use were raised. Mr. Smith asked what percentage of the operation, Mr. Janessian expected to be the result of the fast food restaurant. Mr. Janessian stated that the catering would still be the major business operation.

Mr. Iannuzzi suggested that the Board impose a one year to 18 month review period.

Chair William Chin asked if there was anyone opposed to the project or who wished to speak in support. No one spoke in opposition. Mr. Chin then closed the public hearing and stated that the Board will take the matter under advisement.

### **DELIBERATIONS AND VOTES**

687 BELMONT STREET, CASE NUMBER 12-05

**Motion** - Eric Smith made a motion to grant relief subject to a review in 18 months. Nick Iannuzzi seconded. Motion passes unanimously.

### **DISCUSSION**

#### **Case No. 11-23, 181 Winter Street, Belmont Country Club - Discussion**

The Country Club is proposing some changes to the approved special permit.

Mr. Szklut briefly reviewed the changes noting that the proposed height of the clubhouse has increased to 37.5 ft but is still below that allowed, that the proposed flat vegetated “green” roof of the cabana has been eliminated and that the building’s front setback has been reduced but is still far in excess of that required. All other changes are less than what was approved.

Mr. Smith asked if the By-Law gave the Board the right to approve non substantive changes. Mr. Szklut said that the committee could make a motion to accept the changes without reopening the public hearing. Chair Chin stated that this was more of a housekeeping issue.

**Motion** – Chair Chin makes a motion that the proposed changes are not substantive and that a new public hearing is not required. Motion is seconded by Eric Smith and approved unanimously

**Meeting Adjourned – 8:25 pm**