

**ZONING BOARD OF APPEALS**  
**MEETING MINUTES**  
**May 7, 2012**

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

Absent: Nicholas Iannuzzi, James Ryan-Fagan and Jim Zarkadas

**7:02 p.m.** Meeting called to order

Chairman William Chin welcomed everyone to the May 7 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.

**NEW PUBLIC HEARINGS**

**CASE NO. 12-09, 146 DALTON ROAD:** Special Permit to Extend a Non-Conforming Side Setback

Applicant seeks a Special Permit to extend the non-conforming side set back. Mr. Schuster speaks to the board and explains he is seeking a Special Permit to build an extra bedroom above his garage. Mr. Chin asked if the exterior treatment will remain the same, and the applicant responded that it would be the same. He asked if anyone wanted to speak in support or voice other concerns.

John Gregg, 111-113 Oakland Road - Mr. Gregg noted that he had not seen the plans and asked if he could quickly review them. He did so and had no comments.

Mr. Chin closed the hearing and stated that the committee would take the matter under advisement.

**CASE NO. 12-10, 60 TOWNSEND ROAD:** Special Permit to maintain the non-conforming front setback on Cushing Avenue.

Mr. Guentert, the applicant, stood before the Board and gave a description of his odd shaped lot. He states that he wants to renovate the existing property for re-sale. He wants to turn the home from a Gambrel to a Colonial, add an addition, add a side deck, take down the left wing/sunroom and put on a 9 foot addition. With the proposed additions, the lot coverage will be 25% and open space will be 66%. He adds that the plans are supported by his neighbors.

The Board asked for clarification on the height of the proposed hip roof.

Mr. Chin asked if anyone in support of the project wished to speak.

John Ebert, 54 Townsend Road rose to acknowledge his support of the project.

No one else spoke in favor and Mr. Chin asked if there was anyone opposed to the project.

Daniel Cottam, 41 Townsend Road - stated that he had just received the plans at 5:00 pm and didn't understand how the committee could vote on a decision so soon.

Mr. Guentert stated that he verbally communicated the plans to Dan several weeks ago.

Mr. Cottam was asked for clarification as to why there was no rear setback and reiterated that he and his wife had not received a copy of the plans and had not had time to review them..

Mr. Chin suggested to the applicant that he meet briefly with Mr. Cottam to review the plans. Both Mr. Cottam and the Applicant agreed and Mr. Chin suspended the hearing while the two parties discussed the plans in the hall.

**CASE NO. 12-11, 80 LEONARD STREET:** Special Permit to construct and operate a fast food restaurant.

The applicant, Maria J-Rahneva, explained that the business she wanted to open was a coffee shop. Nothing would be prepared on the premises. There would be seating for 15. The requested hours of operation are seven days a week, 6 a.m. to 8 p.m. but the applicant is thinking of changing them to 5 a.m. to 9 p.m.

Mr. Chin asked whether the Town's by-laws allow opening prior to 6:00 AM. And therefore any prior opening time would need to be approved by the Board of Selectmen followed by a request for an amendment to the Special Permit.

For the benefit of the applicant, Mr. Chin also noted that the lease did not include a provision for an automatic renewal once the initial rental period expired and that the applicant's may want to inquire about adding such a provision.

There followed some discussion on seating and it was determined that the applicant had revised the plans from those originally submitted to the Board. The applicant stated that the plans had been revised on May 13, 2013 for 15 seats, and gave a copy of the revised plans to the Board.

The Board noted that parking associated with the grandfathered use and the municipal lot within 400 feet was sufficient for a 15 seat restaurant.

No one spoke for or against the application. The Chairman closed the public hearing and the Board began deliberations on the application.

### **DELIBERATIONS AND VOTES**

80 LEONARD STREET, CASE NO. 12-11 – The Board agreed to impose conditions on the application including hours of operations (6:00 Am to 8:00 PM), approval is personal to applicant, and to review the permit and use in 12 months.

**Motion** – Eric Smith moved to approve the application subject to the conditions discussed. Seconded by Craig White. Motion approved unanimously.

146 DALTON ROAD, CASE NO. 12-09 – Mr. Smith noted that the proposed addition faces the rear yard of the abutting property making it even less noticeable to the neighborhood.

**Motion** – Eric Smith moves to approve the Special Permit and grant the relief as requested. Seconded by Chris Henry. Motion passed unanimously.

CASE NO. 12-10 – 60 TOWNSEND ROAD, MARTIN GUENTERT – HEARING RECONVENED

The applicant and the concerned neighbor noted that they had discussed the proposed project but the neighbor still desired time to discuss with his wife.

Mr. Chin recommends to the Board that the case be continued to June 4, 2012 to allow Mr. Cottam time to review the proposal. So moved.

Following deliberations, the minutes of the April 2012 meeting were approved.

**Adjourned: 8:20 p.m.**

9/10/2012 Minutes approved as corrected