

TOWN OF BELMONT  
PLANNING BOARD

MEETING MINUTES  
October 11, 2011

RECEIVED  
TOWN CLERK  
BELMONT, MA.

MAR 23 11 49 AM '12

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

Attendance: Sami Baghdady, Chair; Michael Battista; Charles Clark, Joseph DeStefano,  
Andres Rojas

Absent: Karl Haglund

Jeffrey Wheeler, Staff

The minutes of September 8 were approved.

Joseph DeStefano reported that the Community Preservation Committee met for the first time and that the Committee was looking for suggestions on how to use its funds.

Sami Baghdady reported that Joseph DeStefano and he will meet with representatives from the Historic District Commission on Friday, October 14 to discuss the proposed Demolition Delay By-Law.

**7:10 p.m. 6-12 Oakley Road (Oakley Neighborhood Development)**

Allen Garber, attorney for Ron Lopez of North Shore Construction Co., explained the reason for the developer's request for a minor modification to the approved site plan. Mr. Garber stated that at issue is a lawsuit filed by a neighbor of the Oakley Development claiming ownership to a 200 square foot corner of the parking lot in the northern border. The neighbor, Sonia Guderman of 120 Oakley Road, made a claim in May that she has acquired ownership of the property in question through adverse possession because she planted flowers on that property and tended to the area.

Mr. Garber stated that if the claim proceeds, it will not go to trial for another 3 years and would not be resolved for another 4 years. He then introduced Mr. Young Yang, one of the winners of the affordable housing lottery, and explained that such a long delay would result in undue hardship for Mr. Yang since he could ultimately lose his home. To accommodate the potential success of the claim, Mr. Lopez proposed moving the building 2 feet to the south south thereby increasing the side setback. Mr. Lopez explained that the only change to the building would be cutting off approximately 2.5 square feet in order to meet all of the dimensional requirements. He stressed that everything else would remain the same as was previously approved.

Andy Rojas asked for clarification on what Mr. Lopez was proposing and he wanted to make sure that any changes to the building would meet the building code. Mr. Lopez agreed, and assured the Board that any change will have to meet the building code in order to get a building permit.

Sami Baghdady questioned whether a public hearing was necessary to address this modification. Mr. Garber responded that he did not think a public hearing was necessary since the public was greatly involved with the original permitting process and therefore had ample time to provide input into the project. He also reiterated that there were no other substantive changes proposed for the building, that everything else was remaining as previously approved.

**Moved by Andy Rojas that the proposed change was minor and to approve it as requested.  
Seconded by Mr. Clark  
Motion passed unanimously.**

### **7:35 p.m. South Pleasant Street Zoning Proposal**

Visualization Study – Luis Cetrangelo gave a short slide presentation from his laptop, and provided handouts of the slides to the Board. The 3 page handout outlined three different options and visualizations of the property, though he stated that he still had to fix the variables that determine the size of the buildings.

Discussion ensued with regard to each slide – acceptable variables to determine the size of the buildings, the configurations of the lots, and the potential square footages and floor area ratios of potential buildings. The Board also discussed structured parking, lot coverage and the number of stories that the community would likely allow along this street.

Design Guidelines - Jeffrey Wheeler handed out an outline of the five basic elements comprising Design Guidelines as based on the City of Seattle's Design Guidelines. He quickly summarized them and the Board discussed the necessity to make sure each element was covered in the Design Guidelines for South Pleasant Street.

### **8:40 p.m. Alternate Energy Generation By-Laws**

Jeffrey Wheeler prepared drafts of the Wind Energy Conversion System and the Solar Power Generation By-Laws for discussion. He noted that State Law allows only limited regulation of solar panels, and that he could not find any community that has enacted solar panel regulations.

Andy Rojas noted that the draft By-Laws were a reasonable starting point and asked that Board take these drafts home with them and come back with comments.

Sami Baghdady suggested that the Board hold a public hearing in November to address these By-Laws.

### **Residential Solar By-Law**

Further discussion ensued regarding roof mounted solar panels and setbacks, and whether or not owners should be required to seek a Special Permit for these panels. The Board agreed that roof mounted solar panels should not overhang over the roof line and should be limited in height above the adjacent roof pitch, but recognized that they needed the correct definition and language to state this. The Board also agreed that free-standing solar panels could not be placed within the front yard.

## **Wind Energy By-Laws**

Jeffrey Wheeler stated that unlike solar power, wind energy can be regulated and that there are a number of communities that have incredibly complex windmill by-laws. Sami Baghdady noted that Belmont currently allows windmills only by Special Permit. He suggested that the Board read the materials presented to them and e-mail Jeffrey with their comments in order that a more definitive draft can be ready for the next meeting.

## **Green Communities Act**

Jeffrey Wheeler presented the committee with a handout regarding the Green Communities Act, which outlined five criterion which cities or towns must meet in order to be designated a green community.

Sami Baghdady thanked Jeffrey for his excellent research on these issues.

Andy Rojas made a motion to adjourn. Motion was seconded.

## **Meeting Adjourned: 9:25**

### List of Documents Presented:

- Letter from Ronald Lopez requesting determination of minor modification to the Our Lady or Mercy Development – Site Plan Approval of November 6, 2009
- Plot Plan prepared for 6-12 Oakley Road to show the Lot Line Adjustment – dated October 11, 2011
- Facade and Interior Plans prepared for Unit 1 – 6 Oakley Road indicating the changes to the foot print dated October 1, 2011
- Design Guideline Outline from Seattle, Washington
- Solar Power Generation By-Law – October 11, 2011
- Draft Wind Conversion System By-Law – October 11, 2011
- Information on the Green Communities Act