

**ZONING BOARD OF APPEALS
MEETING MINUTES
March 2, 2015**

2015 DEC -8 PM 2:06

Present: Eric Smith, Chair; Jim Zarkadas; Nick Ianuzzi; Faustino Lichauco; David Iaia (Associate Member); Craig White (Associate Member); John McManus (Associate Member);

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

7:00 p.m. Meeting called to order

Chair Eric Smith welcomed everyone to the **March 2, 2015** 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 make a decision the same evening that the case is heard, and invited audience members to stay until the end of the meeting. He also stated that the Board has reviewed all submitted materials and urged the audience there was no need to repeat that information.

Belmont Uplands Comprehensive Permit

Condition 32

Mr. Sullivan, Engineer, stated that he submitted the most current plans to the Zoning Board of Appeals. And explained in detail the changes and contents of the plans.

MOTION was made by Chair Smith to accept the reports. It was seconded and voted upon. Motion passed.

Condition 4

MOTION was made by Chair Smith to accept the report. It was seconded and voted upon. Motion passed.

Case 15-02, Two Special Permits, 5 Scott Road, Scott Witonsky

Scott Witonsky stated that there are no changes in the footprint, but want to build a screened in porch and a walk in closet. He stated that this was necessary as the family was growing. Renovations in the Master bedroom and bathroom would also take place.

MOTION to grant relief was made by Nick Ianuzzi. It was seconded and voted upon. Motion passed.

Case 15-03, Two Special Permits, 54 Waterhouse Road, Stephen Bauer

Stephen Bauer reported that the property has 3 bedrooms and one bath, and the applicant will be putting a second story on the house. He will not change the footprint of the home.

No one else spoke, in support or opposition.

MOTION to grant relief was made. It was seconded and voted upon. Motion passed.

Case 15-04, Special Permit for Home Day Care, 3 Clairemont Road, Julie Broude

Chair Smith reported that the Board has read all the materials. The applicant seeks to operate a 6 child family daycare. The hours of operation will be 8:30 am to 4:00 pm. There would be staggered drop-offs, and this would not impact traffic patterns. It is a large lot with a long and suitable driveway for safe drop – off and pick – ups.

The applicant with her attorney, stated that she was well qualified with many years of experience, expecting to receive the EEC license upon approval of this Special permit, that the property was suitable for such use, and will have a positive impact on the neighborhood and the Town. That there is the need for daycares in this neighborhood and nothing in the by-laws prohibits this use in residential districts.

Julie Broude stated she considers her program to be one of a quality children's program. That she was very committed to this, will be putting up a fence around her property, presented to the Board some pictures of the children in her previous daycare, stated that some children, accompanied by their parents, might walk to the daycare.

She comments that she will also be teaching/tutoring as well. She has a teaching curriculum and will not be providing strict daycare such as changing diapers (unless a child has an accident), but will instead provide a learning environment. She is legally allowed to call it a school.

One of the Board members inquires about the cost. The applicant thinks maybe 20 thousand or so and hopes to keep the costs similar to other Montessori schools. The program will not run during vacations or summers. It will follow the public school calendar. She does not consider herself a daycare provider. Another member stated that there were currently 25 daycare facilities operating in Belmont. Other concerns were noise and the absence of the sidewalks on her side of the street.

10 neighbors spoke in favor of Ms. Broude's application and that they feel that she is profoundly gifted.

Board member Nick Ianuzzi asked the applicant must show that the benefit of this outweighs the negatives. He feels there has been no evidence submitted to support this. That the Board feels there will be a negative impact on the neighborhood and that there will be an adverse impact on the town, the abutters, and on property values. He also feels there are significant safety issues and an increased impact in vehicular traffic.

Joseph Noone, attorney, representing some of the abutters, presented their opposition to the case, concerns being, traffic impact on the neighborhood, property values, a cause to disturb the tranquil lifestyle of the neighbors, that it is a business use in a residential district, the absence of the sidewalks might create an unsafe hazard. 13 neighbors spoke in opposition of the application and presented to the

Board a signature sheet of 67 neighbors opposing to it.

Some of the questions by the Board were;

- Why was this area different from other areas and districts in Town?
- Why would this use disturb the tranquility of the neighborhood? Why is not having sidewalk be bad and should Belmont Hill area be banned from having any Day Cares because there are no sidewalks?
- That there was no chain of reasoning to suggest that property values would be effected by such use.
- Why there was no demand and what number would satisfy that demand.

Board members suggested 9 conditions to this Special permit.

Motion to approve subject to conditions was made by Chair Eric Smith, seconded by Craig White.

Three members voted in favor and two opposed. Motion failed.

The meeting was adjourned at approximately 10:30 p.m.