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**ZONING BOARD OF APPEALS**  
**MEETING MINUTES**  
**December 7, 2015**

Present: Eric Smith, Chair; Nicholas Iannuzzi; Jim Zarkadas; Tino Lichauro; John McManus, (Associate Member) and Gang Zhao (Associate Member).

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

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

Chair Eric Smith welcomed everyone to the **December 7, 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 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**

Nicholas Iannuzzi recuses himself from hearing this case.

Joseph Noone, attorney for the applicant, formally requested a continuance due to unforeseen circumstances.

Chair Eric Smith stated he was inclined to grant such a request, providing that it will not be continued again.

Motion to grant a continuance is made by John McManus and seconded by Jim Zarkadas. **Motion passed 4-0.**

**Case 15-31, 28 Betts Road, Joanne Sintiris – Special Permit**

Joanne Sintiris reported that she is seeking a Special Permit to operate an Air B&B to help supplement her income by renting one room in her home. She reports:

- She started doing the rentals last July, and has people throughout the summer staying at her house.
- That she would take one person or a couple, but no children. She hopes to rent a couple of times a month.
- The rentals will be booked through Air b&b, and will cost \$85.00 per night.
- She has spoken to her neighbors, and states they are in support.
- To allow only 1 car parking for guests.

Chair Smith reports that this falls under Section 3.3 of the Zoning By-Law to operate Lodging and Boarding and that 1 e-mail was received in opposition to the application.

Steve Pinketon, Precinct 7 spoke in support, saying he liked the idea of having a nearby rental property.

Noreen Dolan felt that it was a good thing to have a reasonably priced rental nearby.

Patricia Haye, 81 Taylor Road, felt that was concerned about traffic being disruptive. She does not live in the neighborhood, she said.

Beth Ramsy, Taylor Road commented that she was bothered by the idea of strangers being in the neighborhood.

P.J. Looney, Betts Road stated that he was opposed to this. He reported that in Belmont, 16 other homes are on the site. He feels that allowing this will bring down the value of a neighborhood. He expressed concerns about potential sex offenders renting, and asked who would perform background checks. He felt that Air b&b would increase traffic and effect rental properties.

The Board discussed the possibility of sex offenders renting a room, and the safety problems that might ensue.

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

**Case 15-32, Magdalena Asimacos, 35 Spring Valley Road** reported that she currently has a license to operate a family day care for 6 children, and has been operating since 1994. The hours are 7:30 am to 5:30 p.m.

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 her only.
- Staggered drop-offs are encouraged.
- That the applicant have fire detectors in the day care.
- The hours of operation will be from 7:30 am to 5:30 pm.

The Board took the matter under advisement.

**Case 15-33, Fuad Mukarker, 11 Brighton Street, Special Permit to Increase Seating**

Fuad Mukarker reported that he has previously been before the ZBA asking for increased seating for his restaurant, The Loading Dock. He stated that he currently has 12 parking spots on location and 10 on the street, and the surrounding businesses will grant him additional use of their parking spaces.

Joe Noone, an attorney near Mr. Mukarker's restaurant, feels the request of the applicant is excessive .

He stated he is concerned about the restaurant taking parking spaces intended for his clients, and doesn't want to "open that door".

John McManus confirms that Mr. Noone's parking spaces at his lot are assigned spaces.

Gabe Ryan suggests just valeting the cars.

Nick Iannuzzi asked the applicant to provide a contract which grants parking before the Board votes on it.

Fuad Mukarker requested a vote tonight, as having a greater number of seats would impact his restaurant during the holiday season.

Chair Smith felt this was troubling without a written contract regarding the parking spaces.

The Board discussed the option of conditioning the contract if they voted tonight.

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

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

Applicant Donnie Carbone stated that he wanted to replace an 8 bay garage with storage space and only wanted to replicate what was existing. He stated it will be for commercial vehicle use.

John McManus noted that the plans resembled storage space for 4 units.

Nick Iannuzzi suggested the Board condition it as storage for construction vehicles for perpetuity. He felt the application could be denied based on the fact that the use will be different from what has been stated.

Noreen Dolan, an abutter, stated she lived near the applicant for fifty years and has never seen any activity in that area. She further stated that it was an unsafe building, and she believes it will be used for a commercial building. It was not being used as Mr. Carbone described it.

Greg Bertrand, 42 Burnham Street asked if the plans were online and was told by Ara Yogurtian that they were available in the office of Community Development.

Nicholas Iannuzzi felt there were too many questions to vote on this tonight. He asked Mr. Carbone to meet with the neighbors to show them the plans. Mr. Carbone declined.

Chair Smith stated he was concerned about the timeline and if the garage will be replaced exactly.

He asked the applicant to:

1. Make a written submission regarding the timeline.
2. Submit the height of the building from the roofline.

Ann Martin, 39 Holt Street, said the applicant told her the stall would be for his son.

**MOTION** to continue the hearing on January 11, 2016 meeting of the ZBA, was made by Chair Smith and seconded by Jim Zarkadas. Motion passed 4-1.

**Deliberations and Vote:**

**Case 15-31, 28 Betts Road, Joanne Sintiris – Special Permit**

The Board discussed various problems.

**MOTION** to approve the application for Special Permit is made by Chair Smith and seconded by John McManus., with the following conditions:

- The applicant be present in the house and living in the house during rentals.
- There be no more than 2 renters at a time.
- If approved, the approval will expire at a certain date.
- More than 2 complaints over a period of one year will revoke this permit.

Motion to approve made by Eric Smith, seconded by Jim Zarkadas. **Motion fails 3-2.**

**Case 15-32, Magdalena Asimacos, 35 Spring Valley Road**

**MOTION** to approve relief is made by Nicholas Iannuzzi and seconded by Jim Zarkadas with the abovementioned conditions. **Motion passed 5-0.**

**Case 15-33, Fuad Mukarker, 11 Brighton Street, Special Permit to Increase Seating**

**MOTION** to approve is made by John McManus and seconded by Tino Lichauco with the following conditions.

- The applicant will submit a writing demonstrating control of the parking spaces within 30 days.
- The applicant will post notice for permissible parking spots.

**Motion passed 4-1.**

**Approval of Minutes**

**MOTION** to approve the minutes of February 23, 2015; March 2, 2015; April 6, 2015; May 12, 2015; June 9, 2015; July 15, 2015; September 14, 2015; October 5, 2015; November 2, 2015 is made by Jim Zarkadas and seconded by Eric Smith. **Motion passed 5-0.**

**MOTION TO ADJOURN** was made by Jim Zarkadas and seconded by Eric Smith. Motion passed.

**9:30 pm**

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**The next meeting of the Zoning Board of Appeals will be January 11, 2016, at 7:00 pm in the Art Gallery.**