

**ZONING BOARD OF APPEALS
MEETING MINUTES**

April 4, 2016

Present: Eric Smith, Chair; Nick Iannuzzi; Tino Lichauco; John McManus; Jim Zarkadas;
Staff: Ara Yogurtian, Liaison to the Office of Community Development

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BELMONT, MA

APR 4 AM 10:40

7:06 p.m. Meeting called to order

Chair Eric Smith welcomed everyone to the **April 4, 2016** 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.

The Board received the request from Diane Miller, architect for case 16-03, to be the first item heard.

Case 16-03, Joia Ramchandani, 74 Goden Street, 3 Special Permits

Diane Miller, architect for the project addressed the concern that the Board had by reporting that her clients will remove the existing garage in order to meet the lot coverage requirements.

Jack Terrace, a neighbor, spoke in support of the project.

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

Case 15-44, 4 Special Permits, Michael Colomba, 334 Pleasant Street

Rob Levy, Attorney for the applicant reported:

- Delivery and trash pick-up schedule would take place no later than 3:00 pm and no earlier than 10:00 am, at off peak hours.
- There will be no on-site cooking. The cooking will all be done at the commissary in Waltham.
- Lighting will not exceed levels for public ways.
- P-tech units will not be above 45 dbs in the night-time and 50 dbs in the daytime. An acoustic enclosure will be built around the mechanical units to reduce noise.

Donald Mercier, Town Meeting Member, expressed concerns that cooking facilities in the hotel rooms might invite unintended consequences, such as long term residents who may place a burden on the town infrastructure.

Diane Mabardi expressed concerns about overnight stays, and did not think overnight use was permitted.

Attorney Levy responded that a stay longer than 90 days would trigger a Massachusetts State Fee.

Case 16-04, 120 Lewis Road, Ranjana Jha, Special Permit to operate a large family daycare

The Board expressed concern that a copy of the provider's license was not in the packet they received. It was also noted that an assistant to the child-care provider was necessary to operate a large family daycare.

Chair Smith noted the following as potential conditions:

- The Special Permit is personal to the applicant.
- A copy of the EEC license should be presented to the O.C.D.
- The Special Permit is not transferable.
- The backyard must be fenced in.

Scott Harper, 96 Lewis Road commented that the traffic would add to an already congested area, and additionally was concerned about the safety of children being dropped off and picked up on the street-side.

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

Case 16-05, Reiki Akukwe, 137 Sycamore Street, Special Permit to operate a family daycare

Ara Yogurtian, in response to the applicant's statement that they had no license, stated that he had been in touch with EEC, and had asked them not to issue or renew licenses unless the applicants had a Special Permit from the Town.

The applicant stated that the hours of operation would be from 8:00 am to 6:00 pm. He further noted that the daycare had three separate forms of egress.

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

Case 16-06, Maribel Carvajal, 155 Beech Street – One Special Permit

Chair Smith noted that the applicant was not present and suggested continuing the case.

MOTION to continue the case to the next meeting is made by Jim Zarkadas and seconded by Nick Iannuzzi. Motion passed.

Chair Smith recused himself from the next case.

Case 16-07, Robert C. Kochem, 21 Jason Road

Nick Iannuzzi spoke in the Chair's absence. Mr. Iannuzzi explained that if a vote were taken tonight, it would have to be unanimous. He suggested the option of returning next month to appear before a full voting Board.

Mr. Kochem responded that he would prefer to come back next month when all members were present.

MOTION to continue the case to the next meeting is made by Jim Zarkadas and seconded by John

McManus. Motion passed by a vote of 4 in favor and 0 oppose, 4-0.

Deliberations and Vote:

Case 16-03, Joia Ramchandani, 74 Goden Street, 3 Special Permits

MOTION to grant relief was made by Nick Iannuzzi and seconded by Jim Zarkadas. Special Permit granted 5-0.

Case 15-44, 4 Special Permits, Michael Colomba, 334 Pleasant Street

MOTION to deny relief as a hotel is not permitted under the By-Law was made by John McManus and seconded by Nick Iannuzzi. Chair Smith notes that the motion is to deny relief and that an “aye” vote would be to deny. A “nay” vote is to proceed.

3 members voted in favor to deny the requested Special permit and and 2 members opposed to deny. Motion passed the request for Special Permit was denied.

Case 16-04, 120 Lewis Road, Ranjana Jha, Special Permit to operate a large family daycare

The Board discussed the need to have complete packets that contained the floor plan of the daycare, the curriculum, and a picture of the backyard. In addition to the regular conditions for a family daycare, the Board added that the provider submit her license to the town, and there be a review in one year.

MOTION to grant relief subject to all conditions was made by Nick Iannuzzi and seconded by Jim Zarkadas. Motion passed, 4-1.

Case 16-05, Reiki Akukwe, 137 Sycamore Street, Special Permit to operate a family daycare

In addition to the regular conditions for a family daycare, the Board added that the provider submit her license to the town, and there be a review in one year.

MOTION to grant relief subject to all conditions was made by Nick Iannuzzi and seconded by Chair Smith. Special Permit granted, 5-0.

MOTION to approve the minutes of Dec. 7, 2015; Feb. 5, 2016 and March 7, 2016 is made by Nick Iannuzzi and seconded by John McManus. Motion passed, 5-0.

MOTION to adjourn is made by Chair Smith and seconded by all. Motion passed.

ADJOURN: 8:54 pm

The next meeting of the Zoning Board of Appeals will be held on May 16, 2016, at 7:00 pm in the Art Gallery.

Review complete by: Chair Eric Smith.