

**BELMONT ZONING BOARD OF APPEALS
MEETING MINUTES
September 12, 2016**

Present: Eric Smith, Chair; Jim Zarkadas, Nicholas Iannuzzi, Tino Lichauco, Craig White

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 September 12, 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 deliberation at the end of the meeting, as well as encouraging the submission of relevant documents and other materials necessary to support each case. He also stated that the Board reviewed all submitted materials and urged there was no need to repeat that information. He mentioned that the second part of the meeting is for deliberations and voting and Applicants can stay until the end of the meeting or call Ara Yogurtian tomorrow for the results.

Eric Smith asked Ara Yogurtian when the next Zoning Board Meeting was scheduled for and how many applications could be expected for review at that meeting.

Ara Yogurtian stated that the next meeting only has one case and is scheduled for October 3, 2016.

Case No. 16-16, A Special Permit, 58 Hoitt Road, Sonja Plesset

Sonja Plesset, Applicant, stated a home inspection report showed a dangerous concrete patio in the rear of her home. Outside advisors said brick pavers would not work as a replacement due to the poor soil quality and a sloping grade. The advisors recommended building a composite deck to be built over the area where there was concrete. The deck was half way constructed when she thought she should ask the Town if a permit was necessary, the construction of the deck was halted in order to seek special permit for exception of the rear setback.

Chair Eric Smith asked the Applicant if the new deck is the same size as the old concrete patio. Applicant stated that it is the same size as the old patio. He asked the Applicant to describe the height of the new deck. Applicant stated that the new deck is flush with the ground at the area close to the foundation. The ground slopes away from the house and the maximum height is 18". He asked if the Applicant considered whether she could make a smaller deck. Applicant stated that there is no way to build the deck square if it was smaller.

Applicant presented signatures of support from her neighbors.

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

Case No. 16-17, Amend two Special Permits and Request a Variance, 620-622 Trapelo Road, Panagiotis Mamounas

George Mamounas, son of Applicant, stated that the Surveyor's stakes were put down in the wrong place and that they were a couple of inches off. The stakes put down were human error and were off by a couple of inches and we are here seeking special permit to amend the previous special permit for side set backs on both sides. At the foundation closest to the 4.4' setback, the window was made larger and the driveway slope was increased.

Ara Yogurtian stated that the back yard neighbors complained about the light. He explained that the Applicant had altered the grade of the driveway from what they were approved for previously. The elevation plan shows those changes.

Eric Smith asked for explanation of how the new and larger window affects the side setback issues.

Ara Yogurtian stated that the previous decision was to raise the grade of the driveway and add a retaining wall to 6' and add a fence of 6' high to the back side. This is not on the plans, it was submitted by the Surveyor, the Surveyor's plan was submitted to show these changes. There was no 6' retaining wall and they had altered the grade of the driveway from how it was originally approved for.

Eric Smith had walked the property earlier that week and saw a fence.

Faustino Lichauco asked if the property was checked by a Building Inspector after it was built.

Ara Yogurtian stated that the Building Inspectors did check the work after it was built.

Eric Smith commented that the building is skewed slightly; he could see that and he asked the Applicant to explain.

Pangagiotis Mamounas, Applicant stated that the foundation was bigger and that is why the driveway is not straight.

Ara Yogurtian explained that everything complies, it is only the building being slightly wider and the retaining wall that was not built to the original plans that are of issue.

Craig White asked about the As-Built plans, Ara Yogurtian explained that the most recent plot plan shows the As-Built plans.

Craig White stated that the same neighbor would be back to ask for the 6' retaining wall.

Pangagiotis Mamounas, Applicant stated that they do have a retaining wall. He submitted photographs. The retaining wall at the end of the drive is currently 2.5 feet high.

Luciane Ribeiro, 614 Trapelo Road expressed concern about damage to her property where the retaining wall construction took place. She presented photographs, she came to the Town for help and she had called the police for help. She is concerned about the building of the retaining wall. Ms. Ribeiro also stated that she does not believe that the Applicant can open a car door without having to open onto her property. She explained that she put up a fence and would like the Applicant to put up a fence as well. She runs a day care from her property with ten children.

Jarrold Goentzel, 95 and 96 Agassiz Avenue, attended the previous meeting regarding the initial special permit. He stated that his neighbor at 90 Agassiz Avenue had the issue with the lights, she should have a say as to if she is satisfied with the current retaining wall. He is speaking on her behalf. The house encroaches on both sides, he requested an explanation as to whether the house was built wider or cockeyed on the lot. He stated that he does not personally have an issue but is curious about why the Building Inspector did not realize this was a problem.

Eric White explained that the Building Inspectors did indeed identify this problem.

Ara Yogurtian stated that each unit is about an inch and a half wider on each side. The whole building lot coverage does not exceed the thirty percent allowed.

Panagiotis Mamounas, Applicant reiterated that the stakes were misplaced. The house is crooked on the lot; it is not bigger or smaller.

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

Case No. 16-18, A Special Permit, Change of Ownership, 121 Trapelo Road, Vahe Vehapetian

Steve Parnagian, Applicant's Attorney, stated Vahe Vahapetian is the current Manager of Marc and Toni's Restaurant and is very experienced, has worked there for fourteen years and has been very successful at running Marc and Toni's Restaurant. Vahe Vahapetian would now like to take over ownership of the restaurant and rename it Belmont Brother's Pizza. They come before the board to seek Change of Ownership with existing permit.

Eric Smith confirmed with Mr. Parnagian, Attorney delivery hours and hours of operation, no proposal to change. The hours for delivery and hours of operation would remain the same.

Steve Parnagian, Applicant's Attorney reiterated nothing is changing other than the owner.

Vahe Vehapetian, Applicant, stated that the dumpster in the back is not screened. It is emptied three times per week.

Eric Smith asked if the Restaurant Review Committee is reviewing the application as well.

Ara Yogurtian confirmed that the Restaurant Review Committee is reviewing the application and requiring a grease trap to be installed.

Faustino Lichauco confirmed with Applicant that the size of restaurant is under ten thousand square feet.

Steve Parnagian, Applicant's Attorney stated that the Restaurant is less than ten thousand square feet.

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

Case No. 16-19, A Special Permit, 10 Ivy Road, John and Kathleen Marcos

John Marcos and Kathleen Marcos, Applicants, stated they would like to rebuild their covered rear porch. The existing porch is not built safely, nor correctly attached to the house and not correctly framed. There are glass and nails that keep coming up from the dirt. The yard slopes towards the house and causes water problems. It is not an attractive deck. Applicants submitted pictures to show the deck has a corrugated green plastic roof that is faded. Applicant stated that he wants to make the deck more useful. He anticipates that there are no stairs necessary. It may require one step but he does not think so at this time.

Eric Smith, noted that the existing deck is 8 feet deep plus a corrugated plastic roof which makes it 28' feet long, your proposal is to have a deck 12' X 24' feet plus a shingled roof extending out projecting two feet out covering the steps.

John Marcos, Applicant stated that if we do not need the step we would not build the overhang. Pictures of the back of the house show the existing overhang built to the left that would go away.

Eric Smith asked Applicants if they considered any other options in terms of depth of the deck.

John Marcos, Applicant, we considered 10 feet but 12 feet is ideal.

Kathleen Marcos, Applicant stated that they would like to make the deck more useful, safer and enhance to their property.

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

DELIBERATIONS AND VOTE

Case No. 16-16 A Special Permit

Eric Smith stated that the deck will be quite low and it is not a big deal.

Jim Zarkadas says they can't increase size because of bulkhead.

Craig White asked Applicant if the old concrete will be hauled away and the Applicant stated that it would be removed. Craig expressed concern about the impervious deck and the new composite material is even more impervious. He stated that the setback reduction is the concern because it is a raised structure.

Ara Yogurtian confirmed that the deck is considered a structure because it has floor joists and footings associated and must abide by the setback requirements.

MOTION to grant the application as requested was made by Nicolas Iannuzzi and seconded by Eric Smith. Motion passed subject to one condition that the deck should be no greater than 18" in height.

Case No. 16-17 Amend two Special Permits and Request a Variance

Eric Smith stated that it is not a great problem that the building is slightly off. He stated that the problem is the driveway grade and the retaining wall and that they need to restore it back to the condition that it was supposed to have been built according to the initial plans.

Craig White stated that the plans are not consistent. The retaining wall is supposed to be 2 feet above the ground of elevation, the only thing showed on the plot plan is the ground elevation. He also stated that when they graded this driveway they did not bring it up to this height, the retaining wall was based off of a different ground elevation, they are going to need to then make that wall taller.

Eric Smith stated that they need to regrade and raise the wall.

Board reviewed the pictures of the windows installed in the basement.

Ara Yogurtian stated that they made the basement window bigger because they did not build to the correct elevation.

Craig White stated that the width of the grade elevation is narrower than what is on the original plot plan.

Nicolas Iannuzzi stated that the Applicant knows what he needs to do, he did a nice job on the property, if he wants to get it done, he will do this.

Craig White stated that they are going to need to make the wall taller and raise the grade of the driveway.

MOTION to grant the relief as requested was made by Eric Smith and seconded by Nicolas Iannuzzi. Motion passed subject to two conditions:

1. A Certificate of Occupancy will not be granted until they have complied with the increase in grade and adding a wall according to the profile on plot plan dated February 24, 2014.
2. Widen the fourth driveway as approved on the plot plan as dated February 24, 2014.

Case No. 16-18 A Special Permit

MOTION to grant application as requested was made by Craig White and seconded by Jim Zakardas. Motion passed.

Case No. 16-19 A Special Permit

Nick Iannuzzi stated that he does not have any issues.

Eric Smith stated that the existing conditions are not very good, the natural screening is good, he does not have any issues.

Faustino Lichauco stated that it is hard to argue that it is substantially detrimental.

MOTION to grant application as requested was made by Jim Zakardas and seconded by Nicolas Iannuzzi. Motion passed.

APPROVAL OF PREVIOUS MEETING MINUTES

Ara Yogurtian, June 20, 2016 meeting minutes pending approval, still need a few corrections.

MOTION to approve meeting minutes for May 16, 2016 was made by Nicolas Iannuzzi and seconded by Tino Lichauco. Motion passed.

DISCUSSION REGARDING PROCEDURES AND SUBMITTALS CHECKLIST

Nick Iannuzzi, they look good.

Eric Smith, stated that he would approve them as guidelines if they were voting on them if people have comments. He made a comment to change out “variance”.

ELECTION OF CHAIR

Eric Smith stated that his term is up next spring and he would intend to step down at that point. He asked if anyone else would like to put themselves forward? His term expires on June 30, 2016. It is an annual election as per the Zoning By Laws. This is a suggestion for a vote, we are voting to reelect. He asked if anyone was willing to nominate a new Chair?

Craig White nominated Eric Smith.

Eric Smith stated that we will be having the same vote in June.

MOTION to approve was made by Craig White and seconded by Tino Lichauco. Motion passed.

ADJOURN: 8:14 pm