

**ZONING BOARD OF APPEALS
MEETING MINUTES
December 5, 2016**

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Present: Eric Smith, Chair; Jim Zarkadas, Phil Ruggerio; Tino Lichauco; Nick Iannuzzi; Craig White and Andrew Plunkett

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 October 3, 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 public participation before the Board's deliberation at the end of the meeting, as well as submission of relevant documents and other materials necessary to support each case. He also stated that the Board had reviewed all submitted materials and urged there was no need to repeat that information. He mentioned that the second part of the meeting would be for deliberations and voting and that Applicants could stay until the end of the meeting or call Mr. Yogurtian tomorrow for the results.

AP CAMBRIDGE PARTNERS II – Request to review Condition #21 to the Comprehensive Permit, Dated February 16, 2007.

Jim Ward, Attorney, Developer of the Belmont Uplands, came before the Board to seek an agreement between to Board and the Owners of the Belmont Uplands.

He stated that the Owners of the Uplands had used good faith efforts to attempt to build a sidewalk across the street from the Belmont Uplands to Discovery Park in Cambridge as previously required by the Town of Belmont.

He stated that he was there to follow up on the November 7, 2016 letter to the Board on how they are dealing with the components of Condition 21. He noted that the Condition states that a good faith effort must have been made to try to build a sidewalk across the street from the Belmont Upland's project to Discovery Park in Cambridge. He noted that the condition of the permit was to use good faith effort and to approach that landowner of the property across the street to try an accomplish the installation of a sidewalk without acquisition cost.

He noted that through a course of meetings with the property owners, representatives and the Conservation Commission of Cambridge that the outcome was that the sidewalk was not able to be built as designed.

He explained how the sidewalk efforts became very complex and convoluted. He added that the acquisition costs were undetermined and that the feedback from the original design of the sidewalk was not approved by the property owners or the Conservation Commission of

Cambridge. He stated that the Owners of the Belmont Highlands were not walking away from the responsibility of building the sidewalk as there is a budget number to be put in escrow.

He explained that the acquisition costs would have been very expensive but that an actual cost to acquire the easements had not been determined and simply because of the acquisition costs the sidewalk cannot be built.

Mr. Smith requested that Mr. Ward provide the Board with the correspondence for the March 11, 2016 request for the easement and the March 22, 2016 letter requests. Mr. Smith noted that the email indicated some acquisition cost and Eric Smith would like to see the additional correspondence.

Brian Pendleton, Belmont Upland's Representative held the onsite meetings to discuss the sidewalk. He stated that the sidewalk design development started to get away with a meandering path, boardwalks and overpasses. He noted that the cost of the sidewalk would be very expensive and very complicated.

Mr. Smith noted that the sidewalk appears to be aside the wetlands.

Mr. Lichauca asked for clarification regarding the cost of the easement.

Steve Cordin, Ownership, Belmont Uplands stated that they do not know how to get a number for the cost of the construction and acquisition costs.

Mr. White asked if the Belmont Upland's Owners discussed the option of having them build the sidewalk without an easement or funding them to build the sidewalk without owning the easement. Mr. White stated that he would like to have this exhausted as an option.

Mr. Cordin stated that they are willing to build a basic sidewalk but not a complicated sidewalk that is very sophisticated and he noted that if they will agree to the basic sidewalk they will fund it.

Mr. White asked the Owners to provide the Board with a letter that states how the condition has been satisfied. He requested that the Belmont Upland's Owners go to the property owners of the sidewalk property and ask them if they would accept a donation towards building the sidewalk.

Mr. Ward agreed to make the request of the Property Owner (of the sidewalk property) in writing and that they are willing to pay for the sidewalk.

This issue will be continued to the next meeting in January, 2017.

Public Hearings

MOTION to approve the applicant's request to withdraw Case no. 16-20, 350 Trapelo Road, without prejudice by Mr. Iannuzzi and seconded by Mr. Lichauco. Motion passed, 5-0

Case No. 16-24 – Four Special Permits and Two Variances, 350 Trapelo Road- Robert Fadel

Mr. Becker, Attorney, stated that Mr. Fadel has attempted to reconfigure his station to make the plans more acceptable to his neighbors. He noted that Mr. Fadel intends to withdraw four special permits because the space is limited. He noted that the Special Permits would allow for the delivery truck to do deliveries and it has become clear that the neighbors would like to continue the deliveries off of Hull Street as not to further congest the traffic.

He stated that Mr. Fadel will withdraw the four special permit applications and the two variances for the canopy and that Mr. Fadel would like to present a revised plan for a smaller canopy.

Mr. Smith recommended that the case no. 16-24 is continued until next month. Mr. Smith stated that the next meeting is on January 9, 2016 and the plans must be in before Christmas or otherwise they will be on the agenda for February. Mr. Smith asked that the Applicant submit a letter specifying what is being withdrawn.

MOTION to continue the case to January 9, 2017 made by Mr. Iannuzzi and seconded by Mr. Plunkett. Motion passed, 5-0

Case No. 16-25 – A Special Permit, 11-13 Thomas Street, Salvatore Vaudo, Jr.

Mr. Vaudo, Applicant, stated that he is requesting a Special Permit to add a one car parking space as front yard parking. He noted that he would like to build a 9 foot small driveway next to the entry and to remove the parking from the rear. He noted that he would like to bring the home into compliance with the open space requirements and to make it more aesthetically pleasing. He would like to get rid of the pavement and have more open space.

Mr. Smith asked if the Applicant considered other alternative parking arrangements in the backyard.

Mr. Vaudo noted that the idea is to have more backyard area and to have a nice patio area. He noted that the garage can be used for parking for two small cars. Tandem parking would be required and the cars would need to be shuffled. The benefit of altering the driveway is to allow for easier parking and less shuffling of the cars.

The Board discussed the Zoning Code requirements under section 5.1

No one else spoke.

The Board took the matter under advisement.

Case no. 16-26 Two Special Permits, 72 Townsend Road – Yekaterina Pitts

Ms. Pitts, Applicant, came before the Board to discuss her personal reasons for wanting to build an addition; so that her Mom has a bedroom on the first floor and for more space for her family.

Mr. Xie Tiao, 64 Townsend Road came before the Board to speak in support of the project.

The Board took the matter under advisement.

Case no. 16-27 A Special Permit, 78 Watson Road, Jeffrey Roth

Keith Miller, Architect came before the Board to introduce his client, Mr. Roth.

Mr. Roth, Applicant stated that he has lived in Belmont for nine years and he wanted more space for his family. He would like to finish off the attic space to make it more livable. He is interested in doing this project in an architectural style that is consistent with the neighborhood and preserving the character of the home.

Mr. Miller gave a brief overview of the plans.

The Board discussed the height of the roof and the ridge point and determined that the proposed ridge height would be in compliance and is less than the thirty feet that is allowed.

Mr. Miller stated that the neighbors at 72 Watson Road sent in a letter of support. He circulated the letter to the Board.

The Board took the matter under advisement.

Deliberations and Vote:

Case No. 16-25 – A Special Permit, 11-13 Thomas Street, Salvatore Vaudo, Jr.

Mr. Smith stated that the by-law does not encourage front yard parking and noted that it is possible to squeeze it in back.

Mr. Lichauco noted that the text of the by-law states that there cannot be another alternative for parking.

Mr. Iannuzzi noted concern that the space could be used for a rental or a condominium and that this might be more detrimental to the neighborhood.

Mr. White noted that there is nothing in the by-laws that prohibits the Board from permitting this but he noted that it is up to the Board to decide because there is already parking for four vehicles and he didn't feel a particular need to authorize it.

The Board discussed reasons for why the driveway that exists should be sufficient.

Mr. Zhao stated that he was concerned about the safety of backing onto a busy street.

Mr. Iannuzzi recused himself from the vote.

MOTION to deny was made by Mr. White and seconded by Mr. Lichauco. Motion passed by vote of 4-1, the application was denied.

Case no. 16-26 Two Special Permits, 72 Townsend Road – Yekaterina Pitts

MOTION to approved was made by Mr. Iannuzzi and seconded by Mr. Zarkadas. Motion passed. Vote 5-0.

Case no. 16-27 A Special Permit, 78 Watson Road, Jeffrey Roth

MOTION to approve was made by Mr. Zarkadas and seconded by Mr. Iannuzzi. Motion passed. Vote 5-0.

Approval of Meeting Minutes

MOTION to approve September 2016 meeting minutes was made by Mr. Smith and seconded by Mr. White. Motion passed. Vote 5-0.

MOTION to approve the October 2016 meeting minutes was made by Mr. White and seconded by Mr. Iannuzzi. Motion passed. Vote 5-0.

Adjourn 8:24 PM

The Zoning Board of Appeals next regularly scheduled hearing will be on January 9, 2017