



**TOWN OF BELMONT  
PLANNING BOARD**

**MEETING MINUTES  
April 18, 2006**

May 10 11:32 AM '06  
TOWN OF BELMONT  
RECORDS DEPARTMENT

7:00 Meeting called to order

Attendance: Karl Haglund, Chair; Andrew McClurg; Jennifer Fallon; Sami Baghdady; Andres Rojas; Jay Szklut, Staff; Jeffrey Wheeler, Staff

Absent: None

The minutes of March 28, 2006 were approved as submitted.

Town Planner's Report

Cushing Square Rezoning – Jay reported that approximately 15 to 17 persons attended the meeting on March 30. There was consensus that Cushing Square should be revitalized. Residents were concerned that the area was not pedestrian friendly – traffic just flew by. There was discussion concerning height of buildings, although, in general 4 stories was seen as acceptable. Real issue was design elements. Parking was also discussed and residents recognized that a revitalized square would require changes in parking either through a parking garage or on-street parking on residential streets. Possibility of closing or narrowing Horne Road was also noted.

Belmont Center Charrette - Approximately 40 participants attended. Overall the Charrette received a very enthusiastic reception. Surveys to gather more comments will be distributed around Town and on the Town's web site.

**7:15 CONTINUED PUBLIC HEARING – HISTORIC ACCESSORY STRUCTURES ZONING  
AMENDMENT**

Karl re-opened the public hearing. Jenny Fallon moved to waive the reading of the notice. Sami Baghdady seconded the motion and it was passed unanimously. Jeffrey reviewed suggested changes proposed by Town Counsel. These changes included adding "in addition to the criteria set forth in Section 6.11.4 (c)" to Section 6.11.4 (d) and (e), replacing the work 'premises' with the word building in Section 6.11.5 (a), and removing "upon the recommendation of the Belmont Historic District Commission" from Section 6.11.5.

There remained considerable concern over the ownership of the accessory building and whether the planning board through this amendment should be involved in regulating ownership. The Board felt that their prime interest was not in ownership but in the continued use of the permit and that the language of Section 6.11.5 should be changed to reflect continuation of the permit rather than continued or changes in ownership.

**Moved by Fallon to Recommend Favorably the Proposed Amendment as amended.**

**Seconded by Rojas**

**Voted unanimously**

**TOWN OF BELMONT  
PLANNING BOARD**

**7:40 PUBLIC HEARING – MISCELLANEOUS ZONING AMENDMENTS**

Karl opened the public hearing and Andy Rojas read the notice. The amendments clarified the definition of home occupations and accessory dwelling units as they applied to historic accessory structures. A third amendment deleted the section in the Zoning By-Law that allowed a use to extend 30 feet into a different use zone on split zoned lots. These amendments had not previously been discussed in the public hearings on Historic Accessory Structures and Split Lot Zoning amendments.

Concerns were raised that individual lot owners may move to amend the split lot warrant article so that their lot remains split zoned without realizing that they might still lose the 30 foot extension right. The Board felt that should such an amendment pass that the Board would then move to delete the removal of the 30 foot extension provision from the current zoning amendment.

**Moved by Fallon to recommend favorable action on the proposed  
amendments as presented in the hearing notice.  
Seconded by Rojas  
Voted unanimously**

**8:00 PUBLIC HEARING – SPLIT ZONED LOTS (55 Brighton Street and 4 Hill Road)**

The meeting was opened by the Chairman and Andy Rojas read the notice. The Board reviewed the two properties. There were no proponents or opponents present.

**Moved by McClurg to recommend favorable action on the proposed  
amendments as listed in the hearing notice.  
Seconded by Fallon  
Voted unanimously**

**8:05 PUBLIC HEARING – CITIZEN'S PETITION ZONING AMENDMENT**

The meeting was opened by the Chairman who noted that the hearing was for two warrant articles. The first, Article 32, was the submitted Citizen's Petition. The second, Article 33, was a revised version submitted to the Planning Board by the Board of Selectmen. The revised version located the petition article in the appropriate place in the zoning by-law. The hearing notice was read by Sami Baghdady. Proponents of the article were not in attendance.

The intent of Articles 32 and 33 is to allow an additional non-conforming residential use in a structure that currently has a residential use and a non-conforming office use. As originally filed (Article 32), this amendment was proposed to be placed in non-conforming structures section of the by-law. However, the amendment should be placed under the non-conforming uses section of the by-law as submitted by the Board of Selectmen.

**Moved by McClurg to recommend dismissal of Article 32  
Seconded by Fallon  
Voted unanimously**

Staff noted that Town Counsel had reviewed the article and raised concerns over whether the article was needed. Her opinion was that a second residential use in a two-family residential area was not a non-conforming use. Staff noted that the ZBA had reached a different conclusion in

**TOWN OF BELMONT  
PLANNING BOARD**

their hearing on the property that prompted the zoning amendment. Both Counsel and Staff were concerned that the amendment (whether needed or not) allowed the ZBA to create non-conforming uses, something currently not allowed. Staff recommended that changes as suggested by the citizen petition would be better implemented through a revision of the use tables of the Zoning bylaw. Such a change would remove uncertainty over nonconformance.

**Moved by McClurg to recommend unfavorable action on Article 32  
Seconded by Fallon  
Voted unanimously**

**8:20 CONTINUED PUBLIC HEARING: NON-CONTROVERSIAL SPLIT ZONED LOTS  
ZONING AMENDMENT (9 Ericsson St., 5 Marlboro  
St., 91 Baker St.)**

Karl re-opened the hearing and Andy Rojas read the notice. The Board reviewed the two properties. There were no proponents or opponents present and there were no additional comments from the public.

**Moved by Fallon to support the rezoning of these lots to General Residence.  
Seconded by Baghdady  
Voted unanimously**

**Moved by Baghdady to Recommend Favorable action on the rezoning of split  
lots as shown in Article 28 and including the 5 lots acted upon today  
Seconded by Fallon  
Voted unanimously**

**8:45 CONTINUED PUBLIC HEARING: SITE PLAN REVIEW 495 COMMON ST.**

The applicant reviewed the drainage, landscaping, and redesign plans submitted. Because the new building and parking reduced the amount of impervious surface, there would be a reduction of storm water entering the storm water drainage system. A landscape buffer was added between the parking lot and the abutting residential property. Additionally, two trees would be planted at the entrance to the parking lot.

Andy Rojas noted that the new design was much improved over the earlier presentation. He also reviewed the specific plants shown in the landscape plan and location of the catch basins. Andy McClurg was concerned that the proposed project which requested several waivers to current zoning might be more acceptable within the anticipated changes arising from the Cushing Square revitalization effort.

Karl noted that the Planning Board had received no documentation from the applicant supporting the need for imminent demolition of the property and supporting the need to construct a new building requiring the number of waivers requested. He was especially concerned that the planning board is being requested to lower the parking requirement by 33% rather than the applicant presenting a smaller building. Sami again raised the issue of the location of the dumpster. He noted that he had at the last meeting expressed his desire not to have a trash dumpster in the alley between two buildings and yet the applicant had not addressed this concern.

Discussion between the applicant and the Board continued with the applicant noting that if the dumpster was moved to the parking area, two parking spaces would be lost. "Was the board willing to trade off parking spaces for dumpster location?" The applicant also stated that he had leased an additional 6 spaces from an abutter but failed to bring copies of the lease. The applicant then asked what other things the Board would like him to look at? Karl noted that it was not the Board's job to propose solutions but to review the solutions proposed by the applicant. The Board asked for a written explanation of how the proponent intends to respond to the parking requirements.

**Moved by Baghdady to continue the hearing to May 9 at 7:45**  
**Seconded by Fallon**  
**Voted unanimously**

Other

Sami raised concerns over the letter disseminated to Town meeting Representatives by the proponents of the Historic Accessory Buildings zoning amendments and the classification of the Planning Board as a proponent of the amendment prior to the Board having taken an official position. It was recognized that the Planning Board had taken the role of sponsor of the amendment on the warrant.

Jay asked if he could conclude his report as he had to leave early and the Board still had to review the final language and procedures on the zoning amendments presented to Town meeting.

Town Planner's Report (cont.)

Historic Inventory Study – Richard Cheek of the Historic Commission has volunteered to fund an historic inventory study of commercial architecture in Belmont Center and Cushing Square. Jay met with Mr. Cheek, Karl Haglund, and two professors from BU to discuss what the study entailed and how it might affect the two commercial areas. This study may provide guidance on design criteria that would assist in creating/identifying a unique identity for each commercial square/center.

Scheduling and Topics for Future meetings – Jay introduced a list of topics for the Board to begin discussing over their next four scheduled meetings. The topics are as follows:

- Master/Comprehensive Plan
- Site Plan Review – Cell Towers
- Site Plan Review – Municipal/School Project
- Demolition Delay By-law
- Mansionization
- Concord Avenue Corridor Study
- Smart Growth District/Our Lady of Mercy Site
- Waverly Square Revitalization

Jenny requested that the Board also spend some time in discussing the possible consolidation of the two MBTA stations and what the Board's input should be. Jay noted that he was scheduled to attend a meeting with Selectman Firenze, Tom younger and MBTA officials and would report on that meeting.

After Jay left, Jeffrey led the Board through a discussion on the presentation of the Zoning Articles at Town meeting. Several floor amendments were presented and the Board reviewed procedures. Jeffrey noted that staff would prepare power point presentations to assist in explaining the nuances of the various zoning amendments.

11:00 Meeting Adjourned

Next Meeting: Tuesday May 9, 2006  
Town Hall, Conference Room 2  
7:00 pm – 10:00 pm