

**ZONING BOARD OF APPEALS  
MEETING MINUTES  
April 9, 2012**

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Attendance: William Chin (Chair), Nicholas Iannuzzi, Eric Smith, Jim Zarkadas, James-Ryan Fagan Craig White (Associate), Christopher Henry (Associate), and Jay Szklut, Staff

Absent: David Iaia (Associate)

**7:00 p.m.** Meeting called to order.

Chairman William Chin welcomed everyone to the April 9 meeting of the Zoning Board of Appeals. He gave a brief outline of the process and 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. He stated that whenever possible, the Board tries to deliberate the same evening that the case is heard.

**NEW PUBLIC HEARINGS:**

**CASE NO. 12-06 – 374-376 TRAPELO ROAD:** Special Permit to construct and operate a Fast Food Restaurant.

James Bramante, Petitioner, presents the application. He and his brother own the property. Mr. Bramante would like to open a café/luncheon restaurant serving light breakfast and coffees in the morning and Mexican foods, featuring burritos in the afternoon evening.

There was some discussion as to whether there would be direct access into the theater. The Petitioner stated that was not in the immediate plans.

The current proposal is a change of ownership which will not change the pre-existing structure or the pre-existing allowed use. Therefore, parking is not an issue.

No one spoke in opposition to the application. The Petitioner submitted a sheaf of e-mail correspondence in support of his application.

Mr. Chin then closed the public hearing and stated that the Board will take the matter under advisement.

**CASE NO. 12-07 – 678 TRAPELO ROAD:** Special Permit to construct and operate a Fast Food Restaurant.

The Petitioner, Ellen Carter appeared before the Board. She explained that she was opening a southern-style restaurant at the former Andros Diner location on Trapelo Road. She had been encouraged to consider putting a take-out window on the sidewalk side of the building. The menu at the take out window would differ from the standard menu of the restaurant. A window already exists in the building but has not been used for some time. To add a take-out window has been deemed to be an increase in the intensity of use of the non-conforming pre-existing use, so a special permit is required. The take-out hours will be the same as those at the main entrance. She is considering beginning with hours of 6:00 AM to 4 PM and eventually expanding to include dinner.

Lucia Gates of 11 Agassiz Avenue spoke in favor of the application. No one spoke in opposition.

Public hearing was closed and the matter taken under advisement.

**CASE NO. 12-08 – 47 UNITY AVENUE:** Special permit to construct a two story addition to an existing porch.

Patrick Lundgren, husband of the Petitioner presented the application. The existing two-story porch is in poor condition and needs to be replaced. Currently the existing porch is approximately 4 feet shy of meeting the side of the main structure. The couple would like to extend the porch to square off the building and to add some needed living space. This, however, would require an additional 2.2 square foot encroachment into the front setback on Unity Avenue, which additional encroachment would require Petitioner to seek a variance. Unity Ave is at an obtuse angle to Park Road because the side lot line along Park Road is approximately 16 feet shorter than the opposite side lot line. To maintain the existing non-conforming front setback the addition would need to be angled to parallel Unity Ave.

Mr. Chin asked whether the Board would consider granting a variance to truly square off the building.

Mr. Smith asked about the height of the new roof. The contractor, Kevin Mitchell, stated that the height of the new hip roof would extend to no more than 1 foot higher than the front edge of the existing dwelling roof height.

Nicole Fraktman spoke in favor of the application. No one spoke in opposition.

Public hearing is closed and matter taken under advisement.

### **DELIBERATIONS AND VOTES**

374-376 TRAPELO ROAD, CASE NUMBER 12-06 – Board members felt the permit if approved should be granted to both brothers, jointly and severally. Also, the members felt that the hours of operation, 6:30 AM to 10:30 PM should be included in the special permit.

**Motion** – Nick Iannuzzi moved that the special permit be approved subject to the two conditions noted. Seconded by Jim Zarkadas. Motion passed unanimously.

628 BELMONT STREET, CASE NUMBER 12-07 – Board members felt that the permissible hours should be specified rather than having the Petitioner reappear to change the hours. After discussions, the Board established 6:00 AM to 10:00 PM as the hours requested. The Board also felt that it would be appropriate to require a review of the decision in 18 months should it be granted. Finally, Board members agreed that any permit would be granted to Ellen Carter solely and that she would be responsible for trash pickup and policing the area.

**Motion** – Nick Iannuzzi moved that the special permit be approved subject to the two concerns noted. Seconded by Eric Smith. Motion passed unanimously.

47 UNITY AVENUE, CASE NUMBER 12-08 – Board discussion focused on allowing an amendment for a variance rather than a special permit. Board members felt that a variance could be

approved on the grounds that the variance represented a de minimis change and factors involving lot shape.

**Motion** – Nick Iannuzzi moved to amend the original application to an application for a variance. Seconded by Bill Chin. Motion passed unanimously.

Following this motion, members discussed adding a condition that the rise of the hip roof be no more than one foot higher than the front edge of the existing roof.

**Motion** – Bill Chin moved to grant the relief requested subject to the condition on new roof height. Seconded by Nick Iannuzzi. Motion passed unanimously.

Following deliberations, the minutes of the February and March meetings were approved.

**Meeting Adjourned**