

PLANNING BOARD MEETING

Minutes, June 29, 2004
Selectmen's Meeting Room

Members present: Joseph Barrell, James Heigham, Deborah Emello, Karl Haglund
Andrew McClurg

Also present: Jeffrey Wheeler, Planning Coordinator

7:05 p.m. There being a quorum Chairman Barrell opened the meeting.

1. General Business

- The minutes from May 25 were approved as amended.
- Belmont Uplands Chapter 40B Response - Jeffrey Wheeler stated that the Board of Selectmen finalized it and that it will be posted on the Town's web site soon.

2. 130 Trapelo Road – Design and Site Plan Review - Third Story Addition

The applicant, Bill Skelley, reviewed the model. He pointed out the side abutting Foster's Flowers and facing Horne Road. Andy McClurg pointed out that the model does not match the elevations – there appears to be an extra dormer on the plans.

James Heigham questioned how Foster's Flowers is currently used. Staff responded that the property is commercially zoned and that the first floor contains the florist.

Joseph Noone, attorney for Mr. Skelley, stated that the hardship that applies to this property is the Building Setback Line (BSL) of 20'. This was established in 1913 prior to zoning and only affects this property. The rest of properties on Trapelo Road can build within 5' of the property line, as allowed by zoning. As a result of the BSL, the only way to add on to the building is by constructing a third floor. Mr. Noone also pointed out that other buildings in the area are similar in height and therefore the proposed addition will not be injurious to the surrounding properties. He argued that as a result there would be no detrimental effects on residential property values.

Richard Betts, surveyor for Mr. Skelley, pointed out that the building was originally constructed in full compliance with the dimensional regulations. According to zoning at that time, the setback was to 20' or the height of building, whichever was less. Zoning has since been amended to state whichever is greater.

No one spoke in support or opposition.

Bill Skelley mentioned that he spoke to many abutting businesses and almost 75% of them support the proposed 3rd floor.

Andy McClurg made a motion to recommend approval of the project. He stated that what he has heard gave him a good idea of the project and its impacts. James Heigham added that the model persuaded him that impacts will not be that significant, especially since the Foster's Flower's building is almost as tall as the proposed addition. Deborah Emello mentioned that the parking requirements need to be addressed under Design and Site Plan Review. Joseph Barrell added that he found the proposal in conformance with plans for Trapelo Road and the commercial area. Andy McClurg amended his motion to include reduced parking requirements. He stated that the 4 additional required spaces can be found in the public parking lot and within the passes that are required under the previous decision. The Board voted 4-0-1, to grant Design and Site Plan Review and to recommend approval of the addition. Karl Haglund abstained since he was not present at the public hearing

3. 7:25 p.m. Continued Public Hearing on Waverley Square Rezoning.

James Heigham read the public hearing notice.

Joe Barrell made a motion to continue the public hearing to Tuesday, July 20, 2004 with the hope that the Waverley Square Fire Station Steering Committee will have finished their report

4. 7:35 p.m. Demolition Moratorium Discussion

Jeffrey Wheeler presented the Staff memorandum. He outlined the history of the General Residence Zoning District, reviewed research on Assessor's data, discussed zoning options drafted by James Heigham, and presented areas for potential zoning amendments.

Jeffrey discussed the impact of recent amendments to the non-conforming section of the Zoning By-Laws. He pointed out that it will become more difficult for the Zoning Board of Appeals to grant Special Permits to alter/enlarge non-conforming structures. He added that he did not think that Town Meeting was aware of what they approved.

Karl Haglund asked the audience what is the concern – increase in number of units or size of new structure? An audience member replied that that increasing density increases parking requirements and changes the character of a neighborhood. He suggested that the zoning should allow what exists without marking them non-conforming but then not allow any more units.

James Heigham stated that Section 4.3.4, Exception for Recorded Lots, is based on a State requirement and therefore cannot be changed.

Comments and Questions from the Audience

1. Sue Bass made several comments –
 - a. She asked how existing buildings were teardown and new structures built – do these lots meet lot requirements? Dick Betts stated that these lots do not need to meet these requirements. As long as the new structure conforms to current dimensional requirements than the new building is allowed by-right.

- b. She stated that the Town needs to avoid the impacts that that 2-family houses have on abutters.
- c. She added that height requirements are a major issue. She cautioned that the current definition encourages a pitched roof and do not want to amend it to encourage flat roofs.

Jeffrey Wheeler pointed out that unfortunately someone will always find loop holes, this is how we got into the current situation.

- 2. An audience member stated that the Town does allow some new residential development. He mentioned that residential development is allowed in commercial districts by Special Permit.

Jeffrey Wheeler stated, however, that the State wants to know how many new units were created under this provision. Currently no new units have been created, which therefore does not suggest that this provision has been effective.

Joe Barrell asked the Board to review the memorandum and come to the next Planning Board meeting with suggestions for zoning amendments.

8:50 p.m. There being no further business, the meeting was adjourned.