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**ZONING BOARD OF APPEALS
MEETING MINUTES
June 4, 2012**

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

Absent: Nicholas Iannuzzi

7:09 p.m. Meeting called to order

Chairman William Chin welcomed everyone to the May 7 meeting of the Zoning Board of Appeals. He gave a brief outline of the process. He stated that whenever possible, the Board tries to deliberate and reach a decision the same evening that the case is heard.

CONTINUED PUBLIC HEARINGS

CASE NO. 12-10, 60 TOWNSEND ROAD: Special Permit to maintain the non-conforming front setback on Cushing Avenue.

The applicant, Martin Guentert, noted that he had discussed his proposed project with several neighbors. Those neighbors had requested that he provide answers to several questions concerning the project. Mr. Guentert did respond and also provided the questions and answers in an email to the Board.

That email along with a letter from several abutters was distributed to Board members and entered into the record.

A Townsend Road resident asked if the steps of the property in question were included in the setback. Much discussion and clarification ensued regarding the issue of whether or not the steps, landing, and enclosed structure were included in the setback. The provision of the By-Law which allows steps to be five feet closer to the lot line than the building setback was read.

Another Townsend Rd. resident thought the enclosed landing should be counted in the setback. He also noted that the addition of a deck to Mr. Guentert's property impacts their views from their house and decreases their property value. He was also concerned with the length of time of construction noting that 6-12 months is too long a time, and that a period of 4-6 months is more reasonable.

An abutter indicated that the left side of his house is only 5 feet from the property line and is concerned about the possible noise and disruption to his children sleeping.

Another Townsend Road resident spoke in support of the project and supported the renovation efforts of Mr. Guentert.

It was noted that another abutter had been in full support of the project last month but had now signed the letter opposing the project.

Mr. Guentert stated that he would work with his neighbor towards an acceptable compromise and would make him happy.

Mr. Chin closes the public hearing and takes the matter under advisement.

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NEW PUBLIC HEARINGS

CASE NO. 12-12, 140 DALTON ROAD: Special Permit to Extend a Non-Conforming Side Setback

The applicant and owner of the property, Rose Marino, stated that they seek a Special Permit to add a 2nd story bedroom and extend the garage forward 2 feet because their family has grown and they need the additional space. Many properties in the area have a second story and space over the garage.

Mr. Smith questioned whether the roof line of the addition would exceed that of the principal structure.

Ms. Marino stated that the roof line of the addition is not going to be higher than the original roofline. The new one will be the same height as the existing roofline or shorter..

No one spoke in favor or in opposition to the project.

The public hearing was closed and the matter taken under advisement.

DELIBERATIONS AND VOTES

60 TOWNSEND ROAD, CASE NO. 12-10 - Mr. Iaia asked if the length of the construction period was under the Board's purview. It was not. In response to the issue of noise and whether or not a screened in porch versus a deck would alleviate that problem, Mr. Chin pointed out that noise could be made regardless, and it didn't really matter if he had a deck or a porch that was screened in. Mr. Smith also noted that the applicant was not seeking nor did he require relief from a side setback which is what the neighbors were most concerned about.

Mr. Szklut reminded the Chair that only those members present last month could vote.

Motion – Eric Smith moves to approve the Special Permit and grant the relief as requested. Motion was seconded. Motion passed unanimously. (Mr. Chin, Mr. Smith, Mr. White, Mr. Aiai, and Mr. Henry voting)

140 DALTON ROAD, CASE NO. 12-12 – There was some discussion over the height of the addition.

Motion – Eric Smith moves to approve the Special Permit and grant the relief as requested subject to the condition that the roofline of the addition be no higher than the existing roofline and preferably 6 inches less. Seconded by Mr. Zarkadas. Motion passed unanimously

The Board deferred approval of the May meeting minutes until the next meeting of July 2, 2012

Meeting Adjourned: 8:15 p.m.

12/3/2012 Approved as amended