

**ZONING BOARD OF APPEALS
MEETING MINUTES
July 2, 2012**

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Attendance: William Chin (Chair), James Ryan-Fagan, Jim Zarkadas, Craig White (Associate) and Jay Szklut, Staff

Absent: Eric Smith, Nicholas Iannuzzi, Christopher Henry (Associate), and David Iaia (Associate),

7:01 p.m. Meeting called to order

Chairman William Chin welcomed everyone to the July 2 meeting of the Zoning Board of Appeals. He stated that there were usually five members who voted, but since there were only four members tonight, all the votes had to be unanimous. If the votes were not, then the case would be continued to the next meeting on September 10, 2012. The Zoning Board of Appeals will not meet in August. He proceeded to give a brief outline of the process. He stated that whenever possible, the Board tries to deliberate and present a decision the same evening that the case is heard.

NEW PUBLIC HEARINGS

CASE NO. 12-13, 86 ALEXANDER AVE: Special Permit to Extend a Non-Conforming Side Setback

The applicants Steven Saar and Andrea Prestwich, state they would like to proceed and be heard tonight when asked by Chairman Chin if they want to be heard tonight or continue to the next meeting.

The applicant seeks a Special Permit to maintain the non-conforming front setback in order to construct a second story addition above an existing enclosed porch.

To accommodate the needs of the family, the existing office space would become a bedroom. A new office space would be built over an existing porch which would also allow expansion of the master bedroom with the existing porch converted into a half bath and small guestroom. Mr. Saar told the Board that the footprint of the structure will remain the same and that the proposed roof line will not exceed the current ridge line of 24 ft.

Mr. Chin asked if anyone was in support or in opposition. No one spoke. The hearing was closed and the Board took the matter under advisement.

CASE NO. 12-14, 460 CONCORD AVENUE: Special Permit to Modify an Existing Wireless Telecommunications Facility

Brian Grossman, the agent for Sprint spectrum, presented the application. Mr. Grossman stated that Sprint Spectrum is seeking a Special Permit to modify an existing wireless communications facility. He stated that this will be a one to one replacement of antennas, some additional work, and the addition of a cabinet. He said that Sprint proposed this as a general modernization project to help achieve 4G speeds and help provide solutions for capacity as well. This project will help Sprint provide better services to its clients.

Mr. Chin recalled that the Historical Commission required Sprint to use a certain color paint, and Mr. Grossman said they would adhere to that.

No one spoke in support or in opposition. The matter was taken under advisement.

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CASE NO. 12-15, 125 TRAPELO ROAD: Special Permit to Modify an Existing Wireless Telecommunications Facility

Brian Grossman, the agent for Sprint spectrum, presented the application. The applicant seeks a special permit to install three panel antennas and replace or add associated equipment. Mr. Grossman stated they needed to mount a radio head and an antenna on the roof.

Mr. Chin confirmed that all antennas will be painted the same color and all cabinets will be the same size. No one spoke in support or in opposition. The matter was taken under advisement.

Case No. 12-16, 271 Belmont Street: Special Permit to Continue a Fast Food Operation Under Different Ownership

The applicant, Sotirios P. Giannakakis, was represented by Sofia Georgoulougoulos. She noted that Mr. Giannakakis intends to purchase the existing Chicken Express fast food restaurant and is seeking a special permit to continue the operation of a fast food restaurant under a change of ownership. Mr. Giannakakis has worked at Sophia's restaurant and brings this experience with him to the proposed restaurant. The restaurant would have 4-5 employees including the applicant's wife and son.

Mr. Chin asked if the physical plant would be changed, and the owner said it would not.

A Newton Street resident spoke in support of the applicant, stating that the owners were the best business owners he has ever dealt with and he is looking forward to having them take over the restaurant.

A Newton Street resident spoke in opposition. He noted that the current operation is not adhering to the conditions of the special permit regarding truck unloading. This presents a safety and noise hazard. Additionally, they are blocking driveways and blocking street access. Also, rubbish is being piled up outside and left over night.

The owner states that never has garbage been left outside, and the Newton Street resident stated he's never witnessed this.

No one else spoke in support or in opposition. The public hearing was closed.

Mr. Chin notes that the letter submitted by Petitioner, stating that he was in the process of purchasing the business is not sufficient to establish control of the property.

The Board will deliberate on the cases heard first and then hear discussion of the residences at Acorn Park.

DELIBERATIONS AND VOTES

86 ALEXANDER AVENUE, CASE NO. 12-13 –

Motion – Craig White moves to approve the Special Permit and grant the relief as requested. Seconded by Mr. Zarkadas. Motion passed unanimously

460 CONCORD AVENUE, CASE NO. 12-14 – After a brief discussion, the Board agrees that there should

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be a bond for \$13,000 and that no further review is necessary.

Motion – William Chin moves to approve the Special Permit and grant the relief as requested. Seconded by Craig White. Motion passed unanimously

125 TRAPELO ROAD , CASE NO. 12-13 – The board again eliminates the need for further review and maintains the existing bond.

Motion – William Chin moves to approve the Special Permit and grant the relief as requested. Seconded by James Ryan-Fagan. Motion passed unanimously

271 BELMONT STREET, CASE NO. 12-14 – The Board raised concerns over several of the points raised during the public hearing. The Board also expressed concern that no proof of site control had been submitted.

Motion – William Chin moves to approve the Special Permit and grant the relief as requested saying that if the lease isn't submitted within the month, the decision will be rescinded. Seconded by Craig White. Motion passed unanimously subject to submittal of a lease within one month and the following conditions.

1. There will be no employee parking on any residential street.
2. There will be no truck unloading on Newton Street, all deliveries will be through the front of the store..
3. The Board of Health will inspect the property.
4. Trucks will not be allowed to go down Newton Street.
5. Submittal of a lease with amounts redacted showing site control.
6. Subject to a one-year review from the expiration of the appeal period.

DISCUSSION - Residences at Acorn Park – Tree Cutting Plan

Condition 35 of the Comprehensive Permit stipulates that “the Applicant shall provide a tree cutting plan to the Board prior to commencing site work. The Applicant shall use all reasonable efforts to preserve trees. The Applicant shall, after consultation with the Tree Warden, identify all trees that are healthy and greater than 9” dbh in or within 10 feet of the work area and determine whether slight modifications in the site plan are practicable to preserve those trees. If the Applicant determines that slight site plan modifications cannot be practicably accomplished, the Board may request that additional trees (including but not limited to silver maples) be planted outside the Project area, but on the Property.”

AP Cambridge Partners represented by their attorney, Michael Leon, has submitted a tree cutting plan and has determined that a number of trees could be saved. He also noted that together with representatives of the Department of Environmental Protection his client has visited the site to satisfy a

condition imposed by DEP.

Brian Sullivan, President of Design Engineers and the Applicant's engineer, stated that it is not realistic to save the trees within the project area and the only realistic thing to do is to look at the area within 10 feet of the work area and make site modifications and give a presentation of the trees in the perimeter that could possibly be saved. We do agree to save them all for now, and we won't cut them now. He noted that together with the Town's Tree Warden, he had walked the site and developed the plan submitted. Together, seven trees had been identified that met the requirements of condition 35. Of those seven, two could be saved. Tom Walsh, the Tree Warden, identified the seven trees.

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Mr. White asked if there was agreement that many trees will have to go to make the project work.

Chairman Chin asked how many trees should be replaced and how many could be planted? He told Attorney Leon that the Board would like them to plant as many trees as is reasonable and maintained. If a tree does not survive, it should be replaced, as a good faith request and not an additional condition.

Attorney Leon indicated they would replace trees that didn't survive.

The Applicant and its representatives left.

Mr. Chin addressed the audience, stated that this is not a Public Hearing, just an informational session to acknowledge that Applicant had submitted a tree cutting plan.

The Board gave the audience an opportunity to make comments and to express concerns.

The Board acknowledged that Applicant had submitted a tree cutting plan as required by Condition 35 of the Comprehensive Permit.

APPROVAL OF MINUTES

The Board deferred approval of the May and June meeting minutes until the next meeting of September 10, 2012

Meeting Adjourned: 10:15 p.m.

12/3/2012 Approved as amended