

TOWN OF BELMONT
ZONING BOARD OF APPEALS

MEETING MINUTES
SEPTEMBER 12, 2011

RECEIVED
TOWN CLERK
BELMONT, MA.

DEC 6 2 10 PM '11

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

Attendance: William Chin (Chair), James Ryan-Fagan, Nicholas Iannuzzi, Eric Smith, David Iaia (Associate); Jeffrey Wheeler and Jay Szklut, Staff

Absent: Jim Zarkadas, Christopher Henry (Associate)

William Chin welcomed everyone to the monthly meeting of the Zoning Board of Appeals. He gave a very brief outline of the process and encouraged audience participation before the committee's deliberations.

PUBLIC HEARINGS:

CASE NO. 11-22 – 40 SLADE STREET: Special Permit to maintain the nonconforming side setback in order to construct a dormer on applicant's home.

The home owner, Arto Asadoorian spoke to the reasons why he sought a special permit to put a dormer on his home, stating that he wished to add a bathroom and bedroom on the third floor of for one of his children. He handed the members of the Zoning Board of Appeals pictures of other homes in the neighborhood that had dormers nearly identical to the project he was proposing.

Mr. Asadoorian also stated he sent a letter to his neighbors notifying them of this meeting and urging them to attend. He presented a letter in support of the project to the committee from an elderly couple who couldn't attend the meeting. This couple lived in the home that abutted Mr. Asadoorian's home, and their only concern regarding the project was that their driveway be swept at the end of each working day and cleared of any debris left by the construction. Otherwise they had no objections.

William Chin asked if there was anyone opposed to the project. No one spoke in opposition. Mr. Chin then closed the public hearing and stated that the Board will take the matter under advisement.

CASE NO. 11-23 – 181 WINTER STREET: Special Permit for an existing nonconforming use, a private club owned by and operated for members only, in order to rebuild the existing club house, pool, cabana, and associated site work.

Kelly Cardoza, representing the Belmont Country Club, introduced Sean Malone, Engineer for the project and Ellen Perko, Architect for the project. Ms. Cardoza reviewed existing and proposed structures and changes made at the request of fire department. She stated that the Belmont Country Club had 220 acres and bordered the towns of Arlington and Lexington. She noted that the Belmont Springs Company was the only abutter.

Ms. Cardoza reported the following:

- The building would not be getting bigger
- There would be a slight difference in the entry way
- The location of the tennis courts would not change

- The parking lots would not change – there would still be three of them and the location would still be the same
- The drive would be widened to accommodate large rescue vehicles which the town owns.
- All drainage calculations meet town requirements
- They are proposing changes to the cabana structure as well, which will be more energy efficient.
- The buildings will be painted white, with the goal to make it feel residential in scale.
- They worked closely with Glenn Clancy on the parking calculations and determined that parking was adequate. They will increase the handicapped parking spots by one to comply with the existing codes.
- They will be adding landscaping and trees and shrubs to the property and along Winter Street as shown in the application plans.
- They are proposing 14 foot lights. She stated the lights were very focused and that there would be no overspill to residences.
- Exterior elevations of the Clubhouse = 36 feet, and the proposed structure is 6 ½ feet shorter than the existing structure. The structure would be set back from Winter Street 268 feet and would also be painted white.
- The structure will be 3 levels:
 - **Main Level** - On the main level, there will be a library, card room, and a dining room, which will have increased seating by 30 seats. She further stated that the seating expansion would not impact parking and that parking was more than adequate.
 - **Lower Level** – There will be a men’s and ladies locker room, attendants area, and mechanical room. She noted that the men’s locker area would decrease by 52 lockers, the ladies locker room would decrease by 81 lockers, and the number of showers would decrease by 4.
 - **Third Level** – Would consist of storage area and administrative offices
 - **Service Court** – Ms. Cardoza stated that because the majority of deliveries would take place inside the building, the noise level would be kept to a minimum.
- There is adequate capacity in the sewer and drainage lines. There would be no increase in post construction flow.
- The construction schedule will begin in the fall as soon as the building permit process is complete, and construction hopefully will be completed by Memorial Day so that members can use the facilities for the summer. All work will take place Monday through Friday. There will be no Saturday or Sunday work.

Eric Smith asked about the significance of the tree to be removed. Ms. Cardoza stated that it was not a significant tree in terms of the type, but that the Country Club would like to utilize the wood from the tree.

Eric Smith asked how tall will the Cabana be. Ms. Cardoza said that it was 16 feet tall and just over 4,000 square feet .

Eric Smith also asked whether any re-grading would be necessary? Ms. Cardoza said yes and that fill would be brought in.

Ms. Cardoza concluded her presentation by saying that the architects were successful in creating a residential feel of the Country Club. She also stated that a number of community members, such as the High School Golf Team, the Police Department's DARE Program, and others benefited from using the Country Club.

Several audience members rose in support of the project but did not identify themselves.

No one in attendance spoke in opposition to the project.

Mr. Chin closed the public hearing and the Board took the matter under advisement.

CASE NO. 11-24 – 99 CLARK STREET: Special Permit to maintain the nonconforming rear setback in order to construct a second floor addition.

Barney Maier, the project architect addressed the committee. The project involved the addition of a second story to a single family dwelling that would be in the general style of a colonial structure. He further stated that the addition would be over the existing footprint of the garage. He submitted letters of support from abutters, and submitted a drawing of the proposal.

No one spoke in opposition.

William Chin closed the hearing and stated that the Board will take the matter under advisement.

BELMONT UPLANDS DEVELOPMENT

James Ward, Agent, presented an update on the Belmont Uplands Development: He noted that the developer had failed to get the approval from the City of Cambridge to connect to their city and sewerage lines. As a result, the water and sewer lines would need to run along Frontage Road, a state owned highway. MassDot is fine with the lines but they want the town to be the owner. The town doesn't want to maintain it, so the developer is seeking to confirm with the ZBA that an agreement between the developer, the Town and DOT would be acceptable to the ZBA for the purpose of meeting condition 25 in the decision.

Mr. Ward also noted that the applicant would like to change the condition that restricted pet ownership. The reason for that condition was the concern that pets would be allowed on the surrounding conservation land. The applicant would like to allow pets and will incorporate a pet rider in to the lease terms that informs owners that the conservation lands are off limits for pet walking and usage.

After consideration of the factors required for a determination of substantial change as identified in 760 CMR 56.07 (4) the Board agreed that the requests were minor modifications that did not require a re-opening of the public hearing.

The Board agreed that a signed agreement between the Town, the applicant, and the MassDOT would be acceptable evidence that condition 25 had been met.

Regarding the allowance of pets, the Board asked the following questions and offered the following suggestions, with Mr. Ward's response:

William Chin – offered the following change to the proposed “pet rider.” The wording to include “residents will clean up after their pet whether they are on or off the premises.” He further stated that his only concern was that owners cleaned up after their pets and are responsible for them.

Motion – Eric Smith moved that condition #39 be modified to remove prohibition on pets with the provision that pet owners must agree to a pet rider provision added to the lease which shall include language requiring pet owners to clean up after their pets. Seconded by Nick Ianuzzi. Passed unanimously.

Nick Ianuzzi – asked if there was a designated pet area with drainage. Mr. Ward said there was.

Nick Ianuzzi – asked if there were any restrictions to the types of dogs allowed in the complex. Mr. Ward said there was.

DELIBERATIONS AND VOTES

40 SLADE STREET, CASE NUMBER 11-22 - During deliberations the Board felt that the windows shown as optional on the submitted plans should definitely be included in the dormer plans and aligned as shown on the submitted plan. The Board further felt that the height of the dormer should be lower than the existing roofline. Finally, the Board felt daily sweeping of the driveway during the construction period should be a condition of approval.

Motion – Nick Iannuzzi moved to approve the special permit subject to the conditions discussed. Eric Smith seconded the motion. Motion approved unanimously.

181 WINTER STREET, CASE NUMBER 11-23 – No objections to the project were raised.

Motion – Bill Chin moved approval of the special permit subject to final plans being signed off by the fire department, the Board of Health, and the Town Engineer. Seconded by Nick Iannuzzi. Motion passed unanimously.

99 CLARK STREET, CASE NUMBER 11-24

Motion – Bill Chin moved approval subject to keeping existing trees and the new ridge of the addition being lower than the existing building ridge. Seconded by Nick Iannuzzi. Motion passed unanimously.

Meeting Adjourned – 9:15 pm