

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

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TOWN CLERK  
BELMONT, MA

CASE NO.

20-25

DEC 10 AM 8:14

APPLICANT:

Panagiotis Mamounas  
*Owner: Trapelo Investments LLC*

PROPERTY:

628 Trapelo Road

DATE OF PUBLIC HEARING: October 5, 2020



2021 00055021

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MEMBERS SITTING:

Nick Iannuzzi Chairman  
Jim Zarkadas, Vice-Chairman  
Andrew Kelley, Member  
Casey Williams, Member  
Teresa MacNutt, Member  
William Fick, Associate Member  
Elliot Daniels, Associate Member

MEMBERS VOTING:

Nick Iannuzzi Chairman  
Jim Zarkadas, Vice-Chairman  
Andrew Kelley, Member  
Casey Williams, Member  
Teresa MacNutt, Member

**Introduction**

This matter came before the Board of Appeals ("Board") of the Town of Belmont ("Town") acting as Variance and Special Permit Granting Authority under the Zoning By-Law of the Town of Belmont, Massachusetts ("By-Law") and Chapter 40A of the Massachusetts General Law ("Zoning Act"). The Applicant Panagiotis Mamounas requests Five Special Permits from the Board to construct a mixed use group building at 628 Trapelo Road located in a General Residence (GR) Zoning District. Special Permits 1.- §1.5.2 of the By-Law allows changes and extensions of nonconforming uses by a Special Permit granted by the Board of Appeals. 2.- §4.2 Dimensional Regulations require a minimum front setback of 20.0'; the existing front setback is 2.2' and the proposed is 5.1'. 3.- Minimum required side setback is 10.0'; the existing side setback on the west side is 3.4' and the proposed is 5.0'. 4.- Maximum allowed lot coverage is 30%; the existing lot coverage is 40.3% and the proposed is 34.4%. 5.- Minimum required open space of 40%; the existing open space is 38.1% and the proposed is 21.8%.

The Board held a duly noticed hearing on the application on October 5, 2020 conducted via ZOOM videoconference (in connection with current restrictions regarding social distancing in connection with COVID-19). Cliff Rober, the applicant's registered land surveyor presented the case to the Board on behalf of the Applicant Panagiotis Mamounas.

**Proposal**

Mr. Mamounas seeks relief for five special permits to reconstruct an existing mixed use structure at 628 Trapelo Road located in a General Residence (GR) zoning district. The existing structure was severely damaged, due to fire, beyond any reasonable repairs and was deemed necessary to be replaced by a new structure.

*Ref: Book 60786, Page 549*

*Trapelo Investments LLC  
37 Webb Street  
Lexington, MA 02420*

628 Trapelo Road, Belmont MA

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The proposed structure, as in the past, the first floor will have a restaurant, the floors above would house 2 two-bedroom units and there would be a dormer on the third floor that would be part of the residential units. It is a mixed-use property, they intend to maintain that and make the site more attractive from all of the angles. Mr. Rober also noted that the proposed seven parking spaces will be used by the tenants of the apartments and the restaurant staff, no patron parking will be allowed on the property. The proposed structure is of reduced size compared to the existing.

Mr. Yogurtian noted that because of the fire, the existing non-conforming use was grandfathered and did not require an additional Special Permit.

The project will also comply with the Town of Belmont's Stormwater Management and Erosion Control By-Law.

Six abutters raised concerns during the meeting.

Priscilla Hunt, 84 Agassiz Avenue, noted that the building was nonconforming and it was grandfathered and that changing the whole structure would cause you to lose the grandfathering. Mr. Yogurtian noted that if the use had been abandoned for two years then the nonconforming use becomes void. However, when there is a fire and the owner is trying to rebuild through the insurance company, that is not abandonment that is continuation of the nonconforming existing use and they still have the right to rebuild the existing nonconforming structure. Ms. Hunt noted that it was a small footprint for the building but more land was being taken up by the pavement and it was a higher level of it that was violating the nonconforming use and parking and traffic was a real problem.

Lucia Gates, 11 Agassiz Avenue, noted that she was concerned about water runoff and any water not captured in the downspout will come into her neighborhood and into the wetlands. She was concerned about lot coverage and she felt that the lot coverage should be allowed to have 28 percent.

Dave Benson, 39 Agassiz Avenue, was concerned about the design and wanted to be sure they are following the rules. He asked for seating capacity clarification. Mr. Rober noted that the proposed seating capacity was approximately 80 seats. Mr. Yogurtian noted that they would have to come before the Board if they want to increase the seating capacity.

Jarrod Goentzel and Laura Vanderhart, 95 Agassiz Avenue, the direct downhill abutters to the property, noted that they were concerned about the parking becoming commercial parking. Mr. Yogurtian noted that there could be a sign that says "no parking". Drainage was an issue for them and Mr. Iannuzzi noted that they would review a Stormwater Management plan.

Leo Pachillo, noted that the project requested five special permits and each one asking for significant exclusions. Mr. Yogurtian read and described each of the specific special permits being requested and explained each of them was making the project more conforming.

Luciane Ribiero, noted (in the chat window) that she had concerns regarding safety issues, children could come running toward the park and they already had an average of 15 cars pulling from existing driveways onto Trapelo Road.

Gabriel Manetas, 614 Trapelo Road, noted that he was concerned about the high density that was being created and he was also concerned about the additional parking and the additional site for the building.

Elliot Daniels, Associate Board member, noted that he would like to see some screening in place to block the headlights of cars coming in.

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**Conclusion**

On October 5, 2020 the Board deliberated on the Applicant's request for Five Special Permits to reconstruct a mixed use structure at 628 Trapelo Road located in a General Residence (GR) zoning district. Special Permits 1.- §1.5.2 of the By-Law allows changes and extensions of nonconforming uses by a Special Permit granted by the Board of Appeals. 2.- §4.2 Dimensional Regulations require a minimum front setback of 20.0'; the existing front setback is 2.2' and the proposed is 5.1'. 3.- Minimum required side setback is 10.0'; the existing side setback on the west side is 3.4' and the proposed is 5.0'. 4.- Maximum allowed lot coverage is 30%; the existing lot coverage is 40.3% and the proposed is 34.4%. 5.- Minimum required open space of 40%; the existing open space is 38.1% and the proposed is 21.8%.

The Board concluded that the proposed new structure with the additional parking is not substantially more detrimental to the neighborhood than the existing non-conforming structure and the use, and that the proposed is in keeping with the character of the neighborhood in which the property is located.

Accordingly, upon motion duly made by Nick Iannuzzi and seconded by James Zarkadas, the Board voted 5-0 to grant the Applicant's Five (5) Special Permits as requested with the following 4 conditions and recommendation.

Condition #1: Paved area on premises to be used by residents and employees only, no customer parking will be allowed in this area.

Condition #2: Snow removal to be off site.


Condition #3: a Sign will be placed at the beginning of the driveway "No customer parking".

Condition #4: The project must comply with the Town of Belmont's Stormwater Management and Erosion Control By-Law.

Recommendation: Owner to discuss lighting, fencing and screening for the neighbors so they do not see the headlights when driving in to parking spaces.

For the Board:

Dated: December 8, 2020

  
Ara Yogurtian  
Assistant Director  
Office of Community Development

**CERTIFICATION BY TOWN CLERK**

I, Ellen O'Brien Cushman, hereby certify that twenty (20) days have elapsed after the decision was filed in the office of the Belmont Town Clerk on December 10, 2020, and further I certify that no appeal has been filed with regard to the granting of said Five (5) Special Permits with Four (4) conditions and a Recommendation.

Statutory appeal periods, and thus the issuance of Certificates of No Appeal, have been temporarily affected by Court Standing Orders, available at [www.mass.gov/guides/court-system-response-to-covid-19](http://www.mass.gov/guides/court-system-response-to-covid-19). Applicants, abutters and interested parties should consult the Standing Orders to determine their next actions. Any decision by a permit holder to proceed is at their own risk, and the permit holder is urged to consult their own legal counsel.

Under Section 17 of Chapter 53 of the Acts of 2020, the requirement to record permit decisions with the Registry is suspended for so long as the Registry is "closed or subject to rules and procedures restricting public in-person access." However, such recording will still be required upon the full reopening of the Registry. The Middlesex County Registry of Deeds continues to accept filings by postal mail during this period, and permit holders are requested to file for recording through this method to the extent possible.

  
Ellen O'Brien Cushman, Town Clerk  
Belmont, MA

February 18, 2021