

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

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ZBA Case No.: 21-33

Applicant: Joseph DeStefano d/b/a 41-43 White Street, LLC

Property Address: 41-43 White Street

Date of Public Hearing: December 6, 2021

Members Sitting: Nick A. Iannuzzi Jr., Chairman  
James Zarkadas, Vice Chair  
Casey Williams  
Andrew Kelley  
David Stiff (Associate Member)  
Jeff Birenbaum (Associate Member)

Members Voting: Nicholas A. Iannuzzi Jr., Chairman  
James Zarkadas, Vice Chair  
Casey Williams  
Andrew Kelley  
David Stiff (Associate Member)

**Introduction**

This matter came before the Board of Appeals ("Board") of the Town of Belmont ("Town") acting as Special Permit and Variance 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, Joseph DeStefano d/b/a 41-43 White Street, LLC ("Applicant"), seeks One (1) Special Permit from the Board under Section 3.3 of the By-Law to construct a Mixed-Use Building at 41-43 White Street ("Property") located in a Local Business I (LBI) Zoning District.

**Proposal**

The Applicant proposes to demolish the existing two-story structure located at 41-43 White Street and replace with a three-story mixed-use building. The mixed use will consist of the commercial use of the first floor and 18 residential units on the 2nd and 3rd floors. Ten (10) of the units will be one-bedroom units and eight (8) studio units. The building will have an elevator to service the residential floors, thirty-six (36) above ground and thirty-eight (38) underground parking spaces.

### **Public Hearing**

The Board held a duly noticed virtual hearing through the Zoom app. on the application on December 6, 2021.

Chair Iannuzzi asked Mr. Yogurtian, Liaison to the Board from the Office of Community Development, to read the section of the By-Law that allows this use by a Special permit.

§3.3 of the By-Law, under section ACCESSORY USES, related to this matter reads “Mixed-Use Provided that at a minimum the first floor is to be reserved for commercial use and that the residential use complies with §6-10, Inclusionary Housing”, such use would be allowed by a Special Permit granted by the Board of Appeals. The Board did not find it was necessary for Mr. Yogurtian to read the criteria listed in section 7.4.3 of the By-Law for granting a Special Permit.

The Applicant’s attorney, Mr. Michael Brodigan made the presentation of the proposed development to the Board. Mr. Joseph DeStefano, the developer, and his surveyor, Mr. Cliff Rober with Rober Survey were also in attendance. The applicant had submitted for the Board’s review architectural drawings prepared by Peter F. Dimeo, Architect, and plot plan prepared by Rober Survey dated May 1, 2018.

On December 2, 2021, the Office of Community Development received a hand delivered letter from LeClair & LeClair, P.C. Attorneys and Counselors at Law, representing the homeowners of 10-12 Grant Avenue, in opposition to the proposed development.

Attorney Brodigan noted that the proposed, which is also referred to as Building C, is the third and last structure to be constructed in the same complex; that the previous two structures, buildings A and B are complete and are in the process of getting the certificates of occupancies. He also added that,

- All units are rental units, none are for sale.
- The architectural design of the third structure will be similar to and compliment the previous two buildings.
- The total number of residential rental units in the complex will be 40 and will provide affordable housing as required by section 6.10 of the By-Law.
- All aspects of the development will comply with the Architectural Access Board rules and regulations, including but not limited to accessible units in compliance with 521CMR §9.6 and parking requirements.
- The complex will have access to the Community Path.
- At a future date, an AAB compliant accessible ramp could be constructed to access the MBTA Waverley Station.
- Although there will be access to the parking area through building C, it is anticipated that the majority of traffic will utilize Trapelo Road, through the 26’ wide opening between buildings A and B.

Mr. Rober explained that all intensity regulations required by the Zoning By-Law has been met.

At the meeting no one spoke in opposition to the project.

Four residents spoke in favor of the project.

- 1.) Rachal Heller, Co-chair Belmont Housing Trust and Town Meeting Member from Precinct 3, noted that she was in support of the development. She asked if the development could provide additional affordable housing units. Ms. Heller also asked about the sustainability of the buildings, to be built all electric and if access to the bike path and commuter rail could be provided. Mr. DeStefano answered her questions. In regard to sustainability, the residential units are to use electric appliances including heating and cooling, the commercial spaces will have gas. Access to the community path could be provided. In addition, infrastructure is in place to accommodate the use of solar energy. Mr. DeStefano agreed to meet with her at a later date to discuss the affordability matter.
- 2.) Judith Ananian Sarno, 30 Waverly Terrace, Town Meeting Member from Precinct 3, spoke in support of the development. Mrs. Ananian Sarno felt that the proposal was thoughtful and in harmony with the Town's plan.
- 3.) Sheila Flewelling, of 36 Sycamore Street spoke in support of the development.
- 4.) John Bartley, 20 Gilbert Road, spoke in support of the development.

There were no further comments from the Board or the public in attendance.

### **Decision**

The By-Law provides that the Board may issue a Special Permit under section 3.3 of the By-Law to construct a 3 story Mixed-Use Building provided that at a minimum the first floor is to be reserved for commercial use and that the residential use comply with §6.10 Inclusionary Housing in a Local Business I (LBI) Zoning District, if it determines that the proposal's benefits to the Town will outweigh any adverse effects for the Town.

The Board deliberated on December 6, 2021. The Board concluded that the proposed structure was in harmony with the intent of the By-law and is considered an improvement to the existing conditions.

Accordingly, **upon motion duly made by Chair Nicholas A. Iannuzzi Jr. and seconded By Vice Chair James Zarkadas, the Board voted 5-0 to grant the requested One (1) Special Permit to construct a Mixed-Use building subject to the following conditions.**

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**Conditions:**

1. The Applicant will submit stamped architectural and structural drawings in compliance with all zoning and building code regulations with the Building Permit application.
2. Parking calculations and a layout plan prepared and stamped by a registered land surveyor will be submitted with the Building Permit application and must comply with the Architectural Access Board's rules and regulations.
3. A trash management plan will be submitted as part of this approval.
4. The development will comply with Inclusionary Housing requirements per §6.10 of the Town of Belmont General By-Laws.

For the Board,

Date: January 11, 2022



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Ara Yogurtian  
Assistant Director  
Office of Community Development