

TOWN OF BELMONT
PLANNING BOARD
MEETING MINUTES
October 10, 2023

RECEIVED
TOWN CLERK
BELMONT, MA

DATE: November 28, 2023
TIME: 2:39 PM

Present: **Jeff Birenbaum: Chair; Carol Berberian: Vice Chair; Andrew Osborn;
Taylor Yates; Renee Guo; Thayer Donham**

Staff: **Ara Yogurtian, Inspector of Buildings, Office of Planning and Building
Chris Ryan, Director and Town Planner, Office of Planning and Building**

This meeting was held remotely using Zoom video conferencing technology, as permitted by the Massachusetts Act Relative to Extending Certain State of Emergency Accommodations, which became effective July 16, 2022. Update 3/30/23: The State has extended authorization for virtual public meetings through March 31, 2025.

1. Meeting Called to Order at 7:00 PM

Mr. Birenbaum introduced the Planning Board members and reviewed a summary of the items that were on the agenda.

2. Public Hearing:

Amendments to the Belmont Zoning Bylaws The subject matter of the proposed text amendments are as follows: 1. By amending Section 1.4, Definitions and Abbreviations; Section 3.3, Schedule of Use Regulations; and Section 6, Special Regulations: establishing a new category of use, Formula Based Food Service Establishment, and setting out related requirements; and streamlining the permitting requirements for other Restaurants and Catering Services. 2. Amending 5.1, Off Street Parking and Loading, to reduce the parking requirements for restaurants Section

Paul Joy, Co-Chair, Economic Development Committee, explained how they processed the recommendations. He noted that they provided surveys and interviewed local restaurant owners. The EDC proposal envisions a Belmont that is economically vibrant, culturally enriched, and aligned with the community's ethos. Every deliberation that the committee undertook was rooted in this guiding principle.

Mr. Birenbaum explained that the proposal would be based on a formula-based food service establishment.

Mr. Joy noted that they would recognize any entity that was interested in providing food as a restaurant or catering services as defined by Mr. Ryan and by Town Council. This would be a more friendly process for restaurant owners.

Taylor Yates, Vision 21 Implementation Committee, Chair, said the 10,000 square-foot restaurant would require the process of the other parts that are governed by the by-law.

Mr. Birenbaum opened the hearing for public comment.

Angus Abercrombie, noted that he had concerns about the parking burden. Does the reduction in the requirement reduce the administrative load?

Mr. Yogurtian noted that there was a restaurant review process meeting and if it were a special permit then the decisions would be made for seating, parking, deliveries, etc. And this new establishment should not affect any of the abutting neighbors or businesses.

Mr. Joy noted that the proposal seeks to reduce the level of required parking spaces to push to 1 parking space for every 4 seats based on benchmarking with adjacent communities and committee discussion.

Michael McNamara, Town Meeting Member Precinct 7, asked if the planning board has been working with the Select Board on making sure that they are business-friendly and can get as many taxes as possible for the town.

Mr. Birenbaum noted that he has worked with the Select Board to understand the need for improving the Town's commercial tax base.

Doug Koplow, Precinct 6, noted that other towns have taken other actions where restaurants are close to residential neighborhoods to reduce the impact of the parking. He was also concerned with the restaurants that are over 10,000 square feet, he noted that Site Plan Review should be required to make sure the development goes the way they want it to. His concerns were the many paths for them to get out of having a special permit review and the language could be tightened to eliminate some of the loopholes.

Paul Kominers, Town Council, noted that a restaurant over 10,000 square feet would require a special permit. All new buildings over 2,500 square feet would still require a Site Plan Review process.

Matt Taylor, Town Meeting Member, Precinct 1, asked for an assessment of how they define formula-based restaurants. He felt that the parking allowed for commercial areas in Belmont was much larger than it needed to be.

Paul Kominers, noted that the principles for the formula-based food service establishment use bylaw need to turn on the actual use of the land and not the ownership of the land and need to address locally articulated concerns.

Roger Fusa, Town Meeting Member, Precinct 8, noted that this amendment makes opening restaurants in Town easier and asked the Board to support it.

Cabell Eames, spoke in support of the proposal. She recommended taking a look at Lewis Road and Belmont Street as there is a lot of parking on her street. She proposed having parking permits available for people who live there plus the employees who will be working there and enforcing the 2-hour parking again.

John Robotham, Town Meeting Member, Precinct 2, asked which types of businesses increase the tax base besides restaurants. He urged the Planning Board to eliminate the formula-based restaurant for the local business zones (particularly LB-3 zone) because this would invite lawsuits.

Mr. Birenbaum noted that 95% of tax revenue is on residences and 5% from commercial.

Mr. Kominer said that a special permit requirement for formula-based businesses looks at the distinct impact that a formula-based business has on a site in Belmont. He noted that there is always a risk of litigation where land use is concerned.

Mr. Yates noted that there was an extra tax called the meal tax. They do not have a study of how they raise taxes from other businesses.

Ms. Erin called in and spoke in support of the proposed by-law changes.

Mr. Ryan explained that a marketing analysis would be conducted showing the types of businesses in Town and how much tax revenue can be expected.

There were some edits in the proposal that needed to be approved by the Board, Mr. Ryan shared his screen and walked the Board through the edits. Mr. Birenbaum asked to have an updated copy of the most recent edited version circulated for review. Two people will review the edits individually and report to the Town Meeting.

MOTION to amend Section 1.4, Definitions and Abbreviations; Section 3.3, Schedule of Use Regulations; and Section 6, Special Regulations: establishing a new category of use, Formula Based Food Service Establishment, and setting out related requirements; and streamlining the permitting requirements for other Restaurants and Catering Services with two members of the Planning Board to review the final edits to present to Town Meeting Members and tightening up the language pertaining to formula based establishments as discussed was made by Mr. Birenbaum and seconded by Ms. Berberian. Motion passed for a favorable recommendation.

YES votes-

Ms. Berberian

Mr. Osborn

Ms. Guo

Mr. Birenbaum

No Votes-

Ms. Donham

Abstain-

Mr. Yates

MOTION to amend Section 5.1, Off Street Parking and Loading, to reduce the parking requirements for restaurants with two board members to review edits and final drafts and to present to Town Meeting members was made by Mr. Birenbaum and seconded by Ms. Berberian. Motion passed for a favorable recommendation.

YES Votes-

Mr. Osborn

Ms. Donham

Ms. Guo

Ms. Berberian

Mr. Birenbaum

Abstain-

Mr. Yates

3. Update on Cases, Planning Board Projects, and Committee Reports.

- Ms. Donham noted that there were principles and goals for the MBTA Communities Advisory Committee to use as a framework for future recommendations on the 3A zoning that will be coming to the Planning Board.
- Holly will give a presentation on the bike path on November 17, 2023.
- Ms. Berberian presented an additional item for the skating rink. She asked for authorization on the request for a peer review for stormwater review with Stantec.

MOTION to authorize the approval of engaging Stantec as a peer reviewer for stormwater was made by Mr. Osborn and seconded by Ms. Berberian.

YES votes-
Ms. Berberian
Ms. Guo
Mr. Yates
Ms. Donham
Mr. Osborn

4. Adjourn 9:23 PM.

The Planning Board's next scheduled meeting will be held on Tuesday, October 17, 2023.