

Town of Belmont  
Zoning Board of Appeals  
Meeting Minutes  
December 4, 2023

**RECEIVED  
TOWN CLERK  
BELMONT, MA**

DATE: January 2, 2024  
TIME: 2:34 PM

Present: Casey Williams, Chair; Andrew Kelley, Vice Chair; Elliot Daniels; Daniel Barry; Alexandra Danahy; David Stiff; Teresa MacNutt

Staff: Gabriel Distler, Staff Planner, Office of Planning & Building; Ara Yogurtian, Inspector of Buildings, Office of Planning & Building.

*The Belmont Zoning Board of Appeals held this hybrid public hearing at the Art Gallery on the third floor of the Homer Building, 19 Moore Street, and by remote access through Zoom as permitted by the Massachusetts Act Relative to Extending Certain State of Emergency Accommodations, that become effective July 16, 2022. Update 3/30/23: The State has extended authorization for virtual public meetings through March 31, 2025.*

This meeting recording has been posted to the Belmont Media Center webpage.

1. Call to Order 6:00 PM
2. Executive Session

**At 6:01 PM, Ms. Williams moved to enter into executive session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. Item 1. 91 Beatrice Circle and Item 2. Review and approve the September 11th, 2023 Executive Session. Meeting minutes.**

3. Reconvene Open Session

**At 7:03 PM, Ms. Williams moved to reconvene in open session.**

4. Continued Cases
  - a. CASE NO 23-24 TWO SPECIAL PERMITS  
37-39 Chestnut Street – Venkata Sabbiseti

The applicant requests Two Special Permits under Section 1.5.4A of the By-Law to construct a one-story addition and new third story deck located at 37-39 Chestnut Street located in a General Residence (GR) Zoning District. Special Permits: 1.- §1.5.4A of the By-Law allows alteration and expansion in the GR

district by a Special Permits granted by the Board of Appeals. 2.- §4.2.2 of the Bylaw allows for a maximum building height of two and a half (2-1/2) stories. The existing structure is three and a half (3-1/2) stories since the lowest level of the dwelling is a basement (45.1% of the foundation walls are below grade) and is considered a story. The proposed deck would be located at a three (3) story level.

Diane Miller, Miller Design, presented the updated plans from the October board meeting. She initially presented a trellis-like structure to cover the rear egress stairs. The Board requested a complete cover. In order to accommodate this, request the enclosed egress was moved to the right. This, Ms. Miller explained, is the primary change from October.

Ms. Williams asked the Board for any clarifying questions.

Mr. Daniels asked about a missing letter.

Ms. Miller explained that one neighbor filled a letter rescinding her support of the project over concerns to the cleanliness of the project during construction and the landscaping once the project is complete.

Ms. Williams closed public comment at 7:08 PM.

**At 7:08PM, Ms. Williams moved to approve the 10-25-23 revisions for the 37-39 Chestnut Street for Two Special Permits under Section 1.5.4A of the By-Law to construct a one-story addition and new third story deck located at 37-39 Chestnut Street located in a General Residence (GR) Zoning District. Special Permits: 1.- §1.5.4A of the By-Law allows alteration and expansion in the GR district by a Special Permits granted by the Board of Appeals. 2.- §4.2.2 of the Bylaw allows for a maximum building height of two and a half (2-1/2) stories. The existing structure is three and a half (3-1/2) stories since the lowest level of the dwelling is a basement (45.1% of the foundation walls are below grade) and is considered a story. The proposed deck would be located at a three (3) story level. This motion was seconded by Mr. Barry**

**Yes Votes -**

**Casey Williams**

**Andrew Kelley**

**Elliot Daniels**

**Daniel Barry**

**Alexandra Danahy**

## 5. New Public Hearings

### a. CASE 23-31 ADMINISTRATIVE APPEAL

7 Trapelo Road – George Hu

The applicant, Mr. George Hu requests an Administrative Appeal under Massachusetts General Law c. 40A, § 8. to appeal the Inspector of Buildings interpretation of the definition of “family” and “Accessory Use” regarding the rental property Mr. Hu owns at 7 Trapelo Road located in a Single Residence C (SR-C) Zoning District. “Family” and “Accessory Use” are defined in §1.4 of the Belmont Zoning Bylaw.

Mr. Hu presented his appeal of a decision rendered by the Inspector of Buildings, Ara Yogurtian. Mr. Hu is the owner of 7 Trapelo Road and would like to rent out the fourth vacant room. Mr. Hu argued that under Belmont Zoning By-laws the definition of a family allows him to rent to four unrelated individuals on one lease. Mr. Hu feels that Mr. Yogurtian's refusal to allow him to do so should thus be overturned.

Ms. Williams clarified that the three current occupants are not related to one another, to which Mr. Hu pointed out that if the family is smaller than five people, they do not have to be related to one another.

Mr. Yogurtian presented his understanding of the by-laws and why he refused Mr. Hu's request, highlighting also that the decision rendered by the Board will affect other property owners in Town. Due to the fact that Mr. Hu is renting individual rooms at 7 Trapelo Road, Mr. Yogurtian considers this as Lodging and Boarding under the accessory use of the property. Thus, because Mr. Hu does not live at 7 Trapelo Road, rendering Lodging and Boarding the primary use of the property, Mr. Hu cannot rent more than three rooms. Mr. Yogurtian also expressed his disagreement with Mr. Hu's interpretation that any group of less than five unrelated individuals is considered a family.

Mr. Barry asked Mr. Yogurtian to further clarify his disagreement with Mr. Hu's interpretation of a family unit.

Mr. Yogurtian explained that families under one lease rent the entire unit and that the members serve as guarantors for the others. If one member leaves, then it does not affect the total amount rent collected.

Mr. Kelley shared that his understanding of a single housekeeping unit entails a certain stability. Members of a single housekeeping unit do not come and go.

Ms. Danahy added that one lease shared by the four renters should prevent temporary lodging because the tenants serve as guarantors for the others.

Ms. MacNutt asked Mr. Hu if there are any parking concerns. Mr. Hu replied that there is adequate parking. Ms. Williams commended Ms. MacNutt's question, stating that her questions hit at the spirit of the discussion.

Mr. Yogurtian suggested that the board make a decision at their next meeting.

Ms. Williams suggested to Mr. Hu that he edit the lease to be compliant with the parameters outlined. Mr. Hu stated that he will make no change without a decision from the Board.

**At 7:53 PM. Ms. Williams moved to dismiss Mr. Hu's request for Administrative Appeal under Massachusetts General Law c. 40A, § 8. to appeal the Inspector of Buildings interpretation of the definition of "family" and "Accessory Use" regarding the rental property Mr. Hu owns at 7 Trapelo Road located in a Single Residence C (SR-C) Zoning District. "Family" and "Accessory Use" are defined in §1.4 of the Belmont Zoning Bylaw.**

**This motion was seconded by Mr. Stiff.**

**Yes Votes -**

**Casey Williams**

**Andrew Kelley**

**Elliot Daniels**

**Daniel Barry**

**Alexandra Danahy**

**David Stiff**

**Teresa MacNutt**

b. CASE NO 23-32 ONE SPECIAL PERMIT

23 Moraine Street – Hisako Kawanami

The applicant requests One Special Permit under section 3.4.2H of the By-Law to allow a home occupation at 23 Moraine Street located in a General Residence (GR) Zoning District. Special Permit: 1.-§3.4.2H of the By-Law allows home occupations that result in patrons or clients visiting the premises by Special Permit.

Hisako Kawanami requested permission from the Board to operate her massage therapy business from her home. Her desire is to provide stable and reliable service to her clients.

Ms. Williams inquired about the hours of operation. Ms. Kawanami replied that she would be open Monday through Sunday from 9:00 AM to 7:00 PM.

Ms. Williams asked how many clients Ms. Kawanami sees per day. Ms. Kawanami replied that she sees up to 2 clients per day.

Ms. Williams asked where her clients would park. Ms. Kawanami replied that she has dedicated off-street parking available for her clients.

**At 8:03 PM, Mr. Stiff made the motion to approve One Special Permit under section 3.4.2H of the By-Law to allow a home occupation at 23 Moraine Street located in a General Residence (GR) Zoning District. Special Permit: 1.-§3.4.2H of the By-Law allows home occupations that result in patrons or clients visiting the premises by Special Permit.**

**The motion was seconded by Ms. Danahy.**

**Yes Votes -**

**Andrew Kelley**

**Daniel Barry**

**Alexandra Danahy**

**David Stiff**

**Teresa MacNutt**

c. CASE NO 23-33 ONE SPECIAL PERMIT

115 Lexington Street – Koushik Chakrabarty and Swati Bhattacharya

The applicant requests One Special Permits under Section 1.5.4A of the By-Law to enclose an existing front porch at 115 Lexington Street located General Residence District (GR) Zoning District. Special Permits: 1.- §1.5.4A of the By-Law allows alteration and expansion in the GR district by a Special Permits granted by the Board of Appeals.

The applicants Koushik Chakrabarty and Swati Bhattacharya explained their application to enclose their porch. A four seasons porch will increase use without extending or altering the existing property.

Ms. Williams asked if the applicants had received support from their neighbors.

Mr. Bhattacharya shared that the neighbors are in support of the project.

**At 8:09 PM, Mr. Kelley moved to approve the request for One Special Permits under Section 1.5.4A of the By-Law to enclose an existing front porch at 115 Lexington Street located General Residence District (GR) Zoning District. Special Permits: 1.- §1.5.4A of the By-Law allows alteration and expansion in the GR district by a Special Permits granted by the Board of Appeals.**

**The motion was seconded by Ms. Williams.**

**Yes Votes -**

**Casey Williams**

**Andrew Kelley**

**Elliot Daniels**

**Daniel Barry**

**Alexandra Danahy**

6. Minutes

Ms. Williams tabled the review of the November 16, 2023 minutes.

7. Review and approve the calendar year 2024 meeting dates

Ms. Williams asked the Board if they had had a chance to review the proposed meeting dates.

Mr. Distiller that these tentative dates may change to accommodate town meetings and the schedules of the Board members.

**At 8:12 PM, Ms. Williams moved to approve the calendar as written pending any changes.**

**The motion passed unanimously.**

**At 8:13 PM, Ms. Williams moved to adjourn the meeting.**

**The motion was seconded by Mr. Kelley.**

**The motion passed unanimously.**

**DELIBERATE AND VOTE ON THE FOLLOWING CASES:**

**ZBA Case #: Street Address: Due Date:**

**23-24 37-39 Chestnut Street March 4, 2024**

**23-31 7 Trapelo Road March 13, 2024**

**23-32 23 Moraine Street March 4, 2024**

**23-33 115 Lexington Street March 4, 2024**

**Review and approve calendar year 2024 meeting dates, as follows:**

**January 8, 2024**

**February 5, 2024**

**March 4, 2024**

**April 1, 2024**

**May 6, 2024**

**June 3, 2024**

**July 1, 2024**

**September 9, 2024**

**October 7, 2024**

**November 4, 2024**

**December 2, 2024**

*Respectfully submitted by,*

*James Goudie*