

TOWN OF BELMONT
PLANNING BOARD
MEETING MINUTES

April 9, 2024

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BELMONT, MA

DATE: April 24, 2024
TIME: 10:00 AM

Present: Online: Carol Berberian, Jeff Birenbaum, Thayer Donham, Renee Guo, Andrew Osborn, Taylor Yates,

Staff: Online: Chris Ryan, Director, Office of Planning & Building; Ara Yogurtian, Inspector of Buildings, Office of Planning & Building; Michelle Blanchette, Recording Secretary, Office of Planning & Building

1. Meeting Called to Order

Mr. Birenbaum called the meeting to order at 7:02pm. Quorum was established.

2. Review and approve Planning Board March 12, 2024 and March 19, 2024 meeting minutes.

MOTION to approve Planning Board March 12, 2024 and March 19, 2024 meeting minutes by Mr. Birenbaum. SECONDED by Ms. Berberbian. With all in favor, the motion passed.

3. Continued Cases:

a) Case No. 24-04 Special Permit & Design and Site Plan Approval

190A Lexington Street (GR) – Donald Cusano

Applicant requests One Special Permit and Design and Site Plan Approval under sections 3.3 and 6D-2 of the By-Law to construct a Single family dwelling at 190A Lexington Street Located in a General Residence (GR) zoning district. Time allocated for 190A and 190B Lexington Street 30 minutes.

Note: Application submittals, meeting agenda & instructions on remote access can be found on the Town's website: https://www.belmont-ma.gov/sites/g/files/vyhlf6831/f/uploads/24-04_application_0.pdf

Note that 190A&B Lexington Street (GR) as referenced above at a) and below at b) were presented simultaneously. Refer to minutes below for discussion points made regarding both units.

Mike Mena, Community Matters presented representing Mr. Cusano. Mr. Birenbaum requested that Mr. Mena address the questions and points of clarification from the time of the last meeting. Mr. Mena stated that his presentation has been updated and shared plans online. Mr. Mena stated that he seeks approval of a special permit on behalf of his client Mr. Cusano to construct two single-family dwellings. Mr. Mena stated that the driveways for the proposed dwellings would be accessed via Ripley Road. Mr. Mena added that the proposed dwellings would be fitting to the neighborhood and that Mr. Cusano has completed other projects in Belmont as approved by the Planning Board. Mr. Mena added that the roof of the proposed dwellings is similar to others nearby. Mr. Mena said that the lots of the proposed dwellings are under average for lot area and Total Living Area (TLA) and referenced a previous presentation made indicating that the proposed dwellings were congruent

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with the other dwellings in the neighborhood. Mr. Mena stated that a community meeting was held on April 2, 2024 at the nearby parish and that he had provided a summary of this meeting as well as the information materials that were then distributed. Mr. Mena added that 10 residents attended and that the topics of landscaping, fences, driveways, sidewalks, shade, noise, traffic, density, compatibility, etc. were discussed. Mr. Mena said that the meeting went well, and that he believes that there was a meeting of the minds. Mr. Mena said that he believes that the sidewalk along Ripley Road is in the purview of the Department of Public Works. There is a tree which will need to be removed or relocated. Mr. Mena shared landscaping plans which included several plantings including some around air conditioning units so as to conceal them. There would also be trees between dwellings to create privacy.

Mr. Birenbaum inquired as to the diameter of the planned trees, wondering if they would perhaps be 4.5 inches in diameter. Mr. Mena responded that they would be 2.5 inches in diameter. Mr. Birenbaum expressed concern about whether the root system would impact nearby sidewalks. There is no immediate concern and the tree currently in place will either be removed or relocated. Mr. Birenbaum inquired how long it would take for the proposed trees to grow to full maturity. Mr. Mena responded that he did not have such a timeline.

Mr. Mena shared that the proposed dwellings are each 28.5 feet tall, well under the maximum of 32 feet allowed by code. The current dwelling is 26 feet tall. The proposed dwellings will each be two-stories with gabled roofs, cedar shingles and no living spaces in the attics. Mr. Birenbaum inquired about the window mullions and Mr. Mena shared that they would be simulated with divided light. Mr. Birenbaum inquired whether the proposed dwellings would have a clapboard exterior and Mr. Mena said that the exterior would be made of hardy board siding. Mr. Mena added that there would be shutters on the side windows in addition to the front windows and that the basement level would have one bedroom, one bathroom and mechanical space. Mr. Mena continued that the first floor would have a living room with an electric fireplace, a closet, a kitchen with a large island and a bathroom. The second floor would have three bedrooms, two bathrooms, a walk-in closet and a hatchway to the attic as needed for maintenance and storage. At this point in the meeting, revised project data sheets were presented. Mr. Birenbaum then asked if there were any questions from the Planning Board. Ms. Donham inquired about 5–10-year plans for the sidewalk. Ms. Donham stated that a sidewalk is needed so that pedestrians do not need to enter the street to walk around the property. Mr. Mena said that this issue was raised at the community meetings and that sidewalks are the purview of the Town of Belmont. Mr. Birenbaum suggested that the addition of a sidewalk could be a condition of the Planning Board's approval. It was stated that there is currently a corner curb cut in place. Ms. Donham then asked Mr. Yogurtian to share what the normal protocol is and whether the proposed sidewalk in question is included in the Town of Belmont's future sidewalk list. Mr. Yogurtian was not aware of the proposed sidewalk in question being included in the Town of Belmont's future sidewalk list. Mr. Yogurtian added that, in the past, developers would discuss such matters with the Town of Belmont's Highway Department and, if the Highway Department would deny, no further action would be required. Mr. Yogurtian added that approval could be conditioned with discussing this matter with the Highway Department. Ms. Berberian stated that sidewalks to nowhere are not preferable and advocated for conditioning an approval on such. Ms. Donham asked whether there was an obligation per the Americans with Disabilities Act (ADA). Mr. Yogurtian said that the opposite side of the street has a bridge, not on the side of the proposed dwellings. Mr.

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Birenbaum said that pedestrians would be inclined to cross the street and there is no crosswalk in place. Mr. Birenbaum questioned whether this presents liability and safety issues. Ms. Donham advocated for the installation of a sidewalk. Mr. Mena added that he would be comfortable with a condition to discuss the need for a sidewalk with the Highway Department. Mr. Birenbaum inquired if Mr. Mena would be opposed to planting trees with four-inch diameter over those with two-and-a-half-inch diameter. Mr. Mena stated that if four-inch diameter trees were available, he would not be opposed to planting them instead of those with a two-and-a-half-inch diameter. Tree sizes can be verified prior to the Certificate of Occupancy. Mr. Birenbaum then asked if there were any questions from either the public or the Planning Board. Mr. Mena asked Mr. Yogurtian if documentation were all set as only some sheets were revised, not the whole package. There was no such issue.

MOTION to approve Case No. 24-04 Special Permit & Design and Site Plan Approval for 190A&B Lexington Street (GR) for applicant Donald Cusano subject to modifications to landscaping including additional trees specifically including four trees along Lexington Street as well as fencing along Lexington Street by Ms. Berberian. SECONDED by Ms. Guo. With all in favor, these cases were approved.

b) Case No. 24-05 Special Permit and Design and Site Plan Approval

190B Lexington Street (GR) – Donald Cusano

Applicant requests One Special Permit and Design and Site Plan Approval under sections 3.3 and 6D-2 of the By-Law to construct a Single family dwelling at 190B Lexington Street Located in a General Residence (GR) zoning district.

Note: Application submittals, meeting agenda & instructions on remote access can be found on the Town's website: https://www.belmont-ma.gov/sites/g/files/vyhlf6831/f/uploads/24-05_190_b_lexington_street_application.pdf

Note that 190A&B Lexington Street (GR) as referenced above at a) and b) were presented simultaneously. Refer to minutes at a) for discussion points made regarding both units.

4. Public Hearings:

a) Case No. 24-06 One Special Permit

91 Kilburn Road (SRC) – Andrew Lilley

Applicant requests One Special Permit under §1.5.4 C (2) of the Zoning By-Law to construct an enclosed front porch at 91 Kilburn Road. §1.5.4C of the By-Law allows alteration or structural change increases, that increase the Gross Floor Area of a non-conforming structure (minimum required lot area is 9,000SF, existing and proposed lot area is 8,820SF) more than thirty percent (30%) within a period of five years by a Special Permit granted by the Planning Board. Special Permit: The Gross Floor Area of the existing structure is 1,871 square feet. Our office has issued a permit for an addition of 560SF, an equivalent of 29.9%. The proposed enclosed entry will add 69.4 SF to the proposed Gross Floor Area and will make the proposed addition 33.6%. This additional expansion will be allowed by a Special Permit granted by the Planning Board. Time allocated 20 minutes.

Note: Application submittals, meeting agenda & instructions on remote access can be found on the Town's website: https://www.belmont-ma.gov/sites/g/files/vyhlf6831/f/uploads/24-06_91_kilburn_road_pb_app.pdf

Mr. Yogurtian said that the applicant already has a building permit for an addition to their home and construction is currently in process. The applicant now desires to enclose their porch and is seeking Planning Board approval as this change would result in Gross Floor Area (GFA) of 33.6 percent which exceeds the currently allowed threshold of 30 percent.

Mr. Birenbaum asked if the proposed enclosed porch would be heated and have air conditioning, which Rebecca Lilley affirmed. At this point in the meeting, plans were shared online. Ms. Lilley said that an enclosed porch would provide a buffer against weather. Ms. Lilley added that there would be a door in the front and that the porch would be sided so that closet space could be created on the interior. Mr. Birenbaum inquired why this change was not included in the original design. Mr. Lilley stated that he and his wife are new to this process and that it was an oversight due to a lack of experience. Mr. Birenbaum asked whether any of the neighbors have enclosed porches which Mr. Lilley affirmed. Ms. Lilley added that she and her husband have been neighborly throughout this process and included letters of support with their application including a letter of support from the direct abutters. Ms. Berberian raised the question of lot coverage and Mr. Yogurtian responded that the enclosed porch would count towards both lot coverage and open space. Mr. Birenbaum said that the net change would be an additional 69.4 square feet which represents a small change.

MOTION to approve Case No. 24-06 One Special Permit for 91 Kilburn Road for applicant Andrew Lilley by Mr. Birenbaum. SECONDED by Ms. Donham. With all in favor, this case was approved.

5. The MBTA Advisory Committee provided updates to the Board.

Rachel Heller shared that the MBTA Advisory Committee had voted on a proposal. Ms. Heller added that Utile is working on compliance. Mr. Ryan agreed to add details to the report to be included with the map. No report would be provided to the Planning Board this evening. Mr. Ryan said that a revised map with a finished look, wherein categories and subdistricts will be labeled, is expected from Utile. Data from compliance work will be added to the report showing that compliance has been reached. Mr. Ryan said that there is a meeting with Utile tomorrow morning. Ms. Heller shared that there will be a meeting this Thursday to share the recommendation with the public. Mr. Epstein said that the recommendation would be advertised to the community. Mr. Ryan stated that the map is the same and that dimensions would be edited. Mr. Epstein said that the final map is close to the map that was shared on February 15, 2024, and that only minor changes for details had been made such as the addition of subdistricts to parcels. The resulting total unit count is approximately 1,800 which includes the intended 1,632 units and a buffer of approximately 10 percent. Mr. Epstein said that Subdistrict 1 has the lowest density as a triple decker on relatively small lots. Mr. Epstein added that Subdistrict 2 has townhouse configurations that Utile is working on. Ms. Heller worked with the Housing Trust and an architect sketched out designs for the townhouses which were originally intended for Moraine Street. Utile will provide their input. Mr. Epstein shared that High Density would be on small lots like Subdistrict 1 and be situated near the railroad. Mr. Epstein added that

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Mandatory Mixed Use (MMU) is in Subdistrict 4. MMU would have retail/commercial on the ground floor with two additional residential stories. Any developer could decide on two levels of retail/commercial with one additional residential story on top although this cannot be required. Mr. Epstein said that the area of the map in Waverly Square provides contiguity requirements with Belmont Housing Authority (BHA) units included as well as Sherman Gardens on Sycamore Street, Belmont Village and Waverly Oaks. Mr. Epstein said that Sherman Gardens needs new zoning anyway and that they are already in the planning phase. Mr. Epstein added that BHA expects to redevelop, which would also require rezoning. Including this property in 3A zoning plans now allows the Town of Belmont to get credit for it. Mr. Epstein said that Joe Destefano has a project on White Street and developers for Moraine Street are talking to a housing trust and will be starting construction soon. Including these areas in the 3A map gives the Town of Belmont credit for them. Mr. Epstein explained that adding the Purecoat lot to the 3A map gives the Town of Belmont Credit for it while also giving the owner an option to exit. Mr. Epstein explained that in the Belmont Center area, efforts were made not to encroach on current business use by introducing MMU units. Mr. Epstein said that demolition-delay properties reveal stylistic preferences and that these properties, if two stories or more including the Locatelli properties, were avoided for 3A zoning purposes. Wheelworks, while being on the demolition-delay list, was included in the 3A map as it is a single-story building. Conversely, Dunkin Donuts, located on the corner of Lexington and Church Streets and on the demolition-delay list, was not included in the 3A map as it is a two-story building. Mr. Epstein said that Utile is verify unit counts and that the Planning Board may add units, yet it would change parking considerations. Mr. Epstein said that approximately 400 of the total 1800 units are MMU and that another 400 of the total 1800 units are BHA. Mr. Epstein estimated that there are 1200 newly zoned units in the 3A map and said that it would take decades to develop everything. Mr. Epstein added that the 3A zoning is in locations where development would take place anyway. Ms. Heller added that the Committee was concerned about putting any commercial properties at risk. Incentives were an option yet the Committee went with MMU.

Mr. Birenbaum commended the work done by Mr. Epstein and Ms. Heller. Mr. Birenbaum then expressed concern about the remaining timeline with Town Meeting taking place in November with an expectation to hear from the Planning Board on the 3A map and report. Mr. Birenbaum questioned whether the Planning Board would have enough time to do its due diligence with open meetings available. In addition, Mr. Birenbaum expressed concern that Utile might not have sufficient funding remaining to field inquiries from the Planning Board. Mr. Yates inquired if there needed to be a motion to hand over the map to the Planning Board. Mr. Birenbaum said that the map and report are needed now. Absent the report, Mr. Birenbaum expressed a desire to accept the map with the understanding that the finalized report would be sent to the Planning Board as soon as available. Ms. Donham said that the report is appropriately 95 percent complete and that only small edits are needed. Ms. Donham added that the Committee can be used as a resource for the Planning Board and continue its community outreach, which is the biggest challenge. Mr. Birenbaum stated that the Committee can make a final public presentation, yet it is time for the Planning Board to take control of the 3A map. Mr. Birenbaum said that there could be a MMU review before filing with the state of Massachusetts. In addition, an economic feasibility analysis will be performed.

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MOTION to accept the final findings by the MBTA Advisory Committee with the final report to be submitted by Thursday by Ms. Berberian. SECONDED by Mr. Yates. With all in favor, the final findings by the MBTA Advisory Committee with the final report to be submitted by Thursday were accepted.

Mr. Birenbaum expressed his thanks to Ms. Heller and Mr. Epstein.

Mr. Epstein said that it is important that Town Meeting include inclusionary zoning bylaws. Issues with zoning only being available via special permit need to be addressed. Mr. Epstein said that the economic impact analysis would be done by the Planning Board. An increase of 100-200 units for BHA is anticipated, which would need to meet the 15 percent affordability requirement. Mr. Osborn asked why a new consultant, Utile, was being engaged. Mr. Ryan said that there was an opportunity to pivot to develop a stronger end product. Mr. Ryan added that Utile has experience with the City of Newton. Mr. Osborn asked when the Planning Board would report to the state of Massachusetts. Ms. Berberian shared that the state of Massachusetts put on a webinar last week and that an economic feasibility analysis is required to increase affordability. There is a 90-day turnaround with state filings and the timeline is tight. Ms. Berberian said that the filings may need to be simultaneous. Mr. Epstein said that Utile is performing a series of checks to ensure that the map is compliant. Mr. Epstein added that before Town Meeting votes on November 18, 2024, the state of Massachusetts will review to ensure compliance. Town Meeting is comprised of approximately 300 members and the voting standard is a simple majority. Mr. Birenbaum said that a public campaign is needed in order to avoid a referendum. Mr. Epstein suggested that report submission be made to the state of Massachusetts no later than the late June-early July timeframe. Mr. Birenbaum said that another option would be to skip the 90-day process and simply make a submission to be approved or denied. Mr. Birenbaum stated that he will not submit a report unless it is fully vetted. Dimensional requirements, massing studies and zoning language are still needed. Ms. Heller clarified that there are two different studies: an economic feasibility analysis being done by MAPC and an economic impact analysis. Mr. Birenbaum stated that the economic feasibility analysis will require discussion at the Planning Board meeting taking place on April 23, 2024.

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

The times of the next meetings were discussed. The next meeting of the Planning Board is April 23, 2024. Mr. Yogurtian agreed to send an email with the details of upcoming meetings.

Mr. Yates inquired whether the Planning Board would be willing to attend *Belmont Connects* which is taking place on May 4, 2024 2-4pm at the Beech Street Center. Mr. Birenbaum was supportive of this provided that it is understood that no business would be discussed.

Mr. Yates then raised the question of creating a vacant storefront registry which would be a spreadsheet that the Town of Belmont would maintain. Mr. Yates stated that he had sent a version to Mr. Birenbaum and Mr. Ryan. Mr. Yogurtian agreed to include this on the April 23, 2024 Planning Board meeting agenda.

Ms. Berberian shared that dugout canopies were now installed.

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Mr. Birenbaum shared that he and Mr. Ryan attended a recent Select Board meeting wherein zoning bylaw changes were discussed. Ancillary comments were shared. Mr. Ryan will work with Town Council to change language structure as needed. In addition, the Town Administrator wants to meet with Mr. Birenbaum and Mr. Ryan. Mr. Ryan shared that Mr. Epstein should be a part of this meeting. Town Council already vetted the language. Mr. Yogurtian and Mr. Ryan agreed to coordinate meeting logistics tomorrow. Ms. Berberian said that everyone on the Planning Board needs to be included to keep communication consistent and asked that the meeting be rescheduled until next Tuesday. Mr. Birenbaum stated that the Planning Board is in control now and the MBTA Advisory Committee is disbanded. Mr. Birenbaum offered to reach out to the Select Board. Mr. Ryan inquired if it would be more efficient for him to act on behalf of the Planning Board at this and other upcoming meetings. Mr. Ryan also raised the question of creating a subcommittee. Mr. Birenbaum said that the Planning Board lost a week's time as a decision from the MBTA Advisory Committee had been expected on April 2, 2024. Mr. Birenbaum proposed that the Planning Board discuss strategy on moving forward with the MBTA Advisory Committee's recommendation at the time of the April 23, 2024 meeting as there is only three and a half months' time remaining.

7. Adjourned

MOTION was made by Mr. Birenbaum to adjourn the meeting at 8:57pm. SECONDED by Ms. Berberbian. With all in favor, the meeting was then promptly adjourned.

The Planning Board's next scheduled meeting will be held on Tuesday, April 23, 2024.