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21-02

TOWN OF BELMONT
ZONING BOARD OF APPEALS

RECEIVED
TOWN CLERK
BELMONT, MA

CASE NO. 21-02
APPLICANT: Siobhan O'Neill, M.D.
PROPERTY: 4 Pine Street BK 75110 PG 455
DATE OF PUBLIC HEARING: January 11, 2021
Continued: April 5, 2021

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

MEMBERS VOTING: Nick Iannuzzi, Chairman
Jim Zarkadas
Casey Williams
Andrew Kelley
Teresa MacNutt



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Bk: 78002 Pg: 337 Doc: DECIS
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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 Siobhan O'Neil ("Applicant") requests one (1) Special Permit under Section 3.4.2 of the Zoning By-Laws to practice Psychiatry/Psychotherapy at 4 Pine Street, located in a Single Residence C (SRC) Zoning District.

The Board held a duly noticed hearing on the application on January 11, 2021 and continued on April 5, 2021.

Proposal

Ms. O'Neill, M.D., the Applicant, is seeking permission to practice psychiatry/psychotherapy of low-risk patients at 4 Pine Street. Her home is located in the SRC Zoning District. She would like to move her office to her home where she could sanitize and control the conditions of covid-19. She has spoken to all of the immediate neighbors and addressed their questions about parking and she noted that she would ask her patients to park on Trapelo Rd. She noted that her patients are seen two or three times per week and she sees between 2 to 8 patients in one day. Ms. O'Neill noted that she would take care of her own ventilation and sanitization of the space. The reason for the request to see her patients at her residence is because the landlord at her rental office space in Belmont Center has not been responsive to her requests regarding the air exchange in the building or providing safe conditions in the restrooms. She would follow the list of disinfecting treatments as recommended by the Department of Public Health.

Chairman Iannuzzi asked for a copy of the DPH guidelines and to have the applicant submit for the Board's review the floor plans with dimensions that are legible. Also, to learn more about the parking and to share the petition from the neighbors.

Siobhan O'Neill MD.
464 Common St, # 339
Belmont, MA 02478

Case # 21-02

Address: 4 Pine Street

Mr. Kelley noted that the By-Law requires all patrons to be parked on the property and does not allow on Street parking for home occupations. The applicant agrees to have all patrons park on her driveway. She will only see one patient at a time allowing at a minimum 15 minute separation between appointments. The hours of operation will be Monday through Friday 9a.m. to 5:00p.m.

Prior to the April 5, 2021 meeting the Board had received a petition and letters of support from neighbors.

Mark Haley, 8 Pine Street, joined the webinar and noted that he had no problem with the patients parking on the street. He noted that other doctors and dentists in the neighborhood are not required to have their visitors park on their private driveways.

Conclusion

On April 5, 2021, the Board deliberated on the Applicant Siobhan O'Neil's ("Applicant") request for one (1) Special Permit under Section 3.4.2 of the Zoning By-Laws to practice Psychotherapy at 4 Pine Street, located in a Single Residence C (SRC) Zoning District.

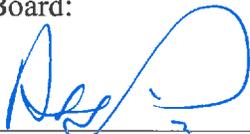
Based on the foregoing factors, the Board determined that the benefits of the proposed Psychiatric practice outweigh any adverse effects for the Town or the neighborhood and that the proposed will be in harmony with the general purpose and intent of the By-law.

Accordingly, upon motion duly made by Teresa MacNutt and seconded by Nick Iannuzzi, the Board voted 5-0 to grant the Applicant the Special Permit subject to the following conditions:

1. One patient at a time and not more than four patients in any day.
2. Parking to be in the driveway
3. Regular hours, Monday – Friday 9a.m. -5p.m., some patients would be allowed to be seen outside of this time range for emergencies.

For the Board:

Dated: May 10, 2021



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 May 10, 2021, and further I certify that no appeal has been filed with regard to the granting of said One (1) Special Permit with Three (3) conditions.

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. 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