

**ZONING BOARD OF APPEALS  
MEETING MINUTES  
May 15, 2017**

2017 NOV -7 AM 11:02

Present: Eric Smith, Chair; Craig White; Jim Zarkadas; Tino Lichauco; Andrew Plunkett;  
Nick Iannuzzi; Gang Zhao

Staff: Ara Yogurtian, Liaison to the Office of Community Development

**1. Meeting called to order 7:00 PM**

Chair Eric Smith welcomed everyone to the May 15, 2017 meeting of the Zoning Board of Appeals, introduced all the members of the Board, and then proceeded to give a brief outline of the process. He encouraged public participation before the Board's deliberation at the end of the meeting, as well as submission of relevant documents and other materials necessary to support each case. He also stated that the Board had reviewed all submitted materials and urged there was no need to repeat that information. He mentioned that the second part of the meeting would be for deliberations and voting and that Applicants could stay until the end of the meeting or call Mr. Yogurtian tomorrow for the results.

**2. AP CAMBRIDGE PARTNERS II – Request to review for approval of requested extensions to deadlines for conditions 7 & 14 to the Comprehensive Permit, dated February 16, 2007.**

James Ward, Nutter Uncommon Law, noted that they had secured the easement for the control panel and had met requirements of the Condition 27. He noted that the certificates of occupancy would be requested accordingly. He also noted that the traffic mitigation, Condition 20 was underway as the stripes were being painted and expected to be done by the end of the month. Mr. Yogurtian asked that Mr. Ward submit a letter prior to June 1, 2017, noting that the control panel condition was completed and the road had been striped.

Kevin Kyle, O'Neill Properties, was present to review the Shuttle Bus Condition number 14. Mr. Kyle noted that 16 residents (6% occupancy) had moved in so far. He noted that ridership was very low to Alewife station.

The Board required that AP CAMBRIDGE PARTNERS II submit a ridership status report as one submission prior to the September, 2017 Zoning Board Meeting.

**MOTION** to grant the extension of Condition 14 and subject to filing a bus ridership report prior to the September, 2017 Zoning Board of Appeals meeting was made by Mr. Iannuzzi and seconded by Craig White. Motion passed. VOTE 5-0.

### **3. Public Hearings:**

#### **a. CASE NO. 17-12 – ONE (1) SPECIAL PERMIT**

39 Winn Street – Richard and Maria Nortz

Diane Miller, Miller Design, Architect noted that the Applicant was looking to do an addition for a kitchen expansion, a fourth bedroom and a master bathroom and this would result in an existing nonconforming three and a half stories. She noted that the basement was included as a story and she reviewed other height and massing implications. She noted that the character and scale of the neighborhood would be maintained.

Ms. Miller handed out a petition of support from 13 neighbors to the Board. She addressed the drainage issues and noted that the homeowner had a sump pump and would like to add a second sump pump. She described the soil conditions as being very clay like and explained that the fill would be removed and would be replaced with gravel to increase the capacity of the dry well. She noted that the existing sump and the second sump would be tied into the storm water system.

#### **Spoke in support of the application:**

Tom (last name was not clear on recording and property address was not provided), lives across the street from Rick and Maria Nortz and he was concerned about the drainage culvert across Claflin Street and he was worried about sink holes and he noted that he feels that 39 Winn Street was bearing the brunt of the water pumping as caused by the culvert. He wants to make sure that this was not an issue that will work against the review. He spoke in support of the project in reference to the drainage issues specifically.

Mr. White asked about the reason for the full basement. Ms. Miller noted that the full basement would provide bulkhead access to the rear yard.

A letter from Mr. Rosales was handed out to the Applicants.

Paul Wigglesworth, 94 Claflin Street, asked the Board to clarify the significance of support or absence of support of the neighbors. Mr. Smith explained that when neighbors come to speak, it helps to identify issues for the Board and that it was a fact collecting process.

No one else spoke in opposition or support.

The Board took the matter under advisement.

#### **b. CASE NO. 17-3 – ONE (1) SPECIAL PERMIT (WITHDRAWN)**

11 Ivy Road – James and Laura Lydotes

**MOTION** to approve the withdrawal was made by Mr. Iannuzzi and seconded by Mr. White. Motion passed. VOTE 5-0.

**4. Deliberate and vote:**

Case No. 17-12, 39 Winn Street

**MOTION** to approve was made by Mr. Iannuzzi and seconded by Mr. White. Motion Passed. VOTE 5-0.

**5. Review and Approve Meeting Minutes**

Meeting Minutes were not available for approval at this meeting.

**6. Discussion Regarding Electing New Chair for Fiscal year 2018.**

Mr. Eric Smith noted that his term would expire in July, 2017 and has not asked for reappointment.

Mr. Iannuzzi noted that he was interested in being considered for the upcoming Chair position.

No other members were interested in being considered for the Chair position.

Mr. Zarkadas was nominated by the Board as Vice Chair.

**MOTION** to approve Mr. Iannuzzi as 2017 fiscal year Zoning Board of Appeals Chair was made by Mr. Iannuzzi and seconded by Mr. White. Mr. Smith did not vote. Motion passed. VOTE 4-0

**MOTION** to approve Mr. Zarkadas as 2017 fiscal year Zoning Board of Appeals Vice Chair was made by Mr. Iannuzzi and seconded by Mr. White. Mr. Smith did not vote. Motion passed. VOTE 4-0

**7. Adjourn: 7:43 PM**