

2017 APR -4 AM 10:41

**ZONING BOARD OF APPEALS  
MEETING MINUTES  
February 6, 2017**

Present: Eric Smith, Chair; Jim Zarkadas; Tino Lichauco; Andrew Plunkett

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

**1. Call to Order 7:00 PM**

Chair Eric Smith welcomed everyone to the February 6, 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 remaining conditions to the Comprehensive Permit, dated February 16, 2007 (conditions #7, 14, 20, 21, 27, 36 and 38) to allow the Office of Community Development to issue the “Initial Certificate of Occupancy” for the Residences at Acorn Park project.**

Matthew Snell, Nutter McClennen and Fish, Attorney came before the Board and distributed a copy of the final escrow agreement.

Mr. Snell reviewed the conditions in order:

**Condition # 7 - Performance Guarantee**

**MOTION** to approve Condition 7 - Performance Guarantee with the amounts increased by 10%, was made by Mr. Zarkadas and seconded by Mr. Lichauco. Motion passed.  
VOTE 4-0.

**Condition # 14 - Shuttle Buses**

Mr. Smith asked for more shuttle buses to be offered during Monday through Friday and to offer a fuller shuttle service up front and scale it back as needed.

Nina Beacher, Property Manager noted that they did not have to add the shuttle service until the apartments are 80% occupied.



Mr. Smith asked that a report about the shuttle's ridership program be submitted.

Mr. Smith suggested that the number of trips in the afternoon equal the number of trips in the evening (5 in the morning and 5 in the afternoon).

Ms. Beacher noted that she will be getting more feedback from the residents as to what their needs are in terms of shuttle service.

**MOTION** to approve Condition # 14 - Shuttle Buses subject to the condition below was made by Mr. Zarkadas and seconded by Mr. Lichauco. Motion passed, VOTE 4-0.

Condition:

- There will be a shuttle bus ridership report provided at the time of Buildings A and C occupancy and further review before any issuance of additional certificates of occupancy for other buildings.

**Condition # 20 - Traffic mitigation project**

Mr. Snell noted that most of the work has been completed and that the winter weather has held up the project. He requested the deadline to be extended until June 1, 2017.

**MOTION** to continue the deadline for Condition #20 - Traffic mitigation project until June 1, 2017 made by Mr. Zarkadas and seconded by Mr. Lichauco. Motion passed. VOTE 4-0.

**Condition # 21 - Off-site sidewalk**

Mr. Snell stated that there was a request from the City of Cambridge for plans and if the work moves forward they would still be willing to give over the money budgeted for the sidewalk project.

**MOTION** to approve Condition 21 - Off-site sidewalk as satisfied subject to the condition below was made by Mr. Zarkadas and seconded by Mr. Plunkett. Motion passed. VOTE 4-0.

Condition:

- Mr. Smith stated that the offer made by the owner in a letter dated December 19, 2016 remains open for one year.



**Condition # 27 - Completion of the waste water system**

Mr. Smith noted that the estimate of the costs were approved and approval of this condition were satisfied for Building A and C.

**MOTION** to approve Condition 27 - Completion of the waste water system subject to the condition below was made by Mr. Zarkadas and seconded by Mr. Lichauco. Motion passed. VOTE 4-0.

Condition:

- There will be no other certificates of occupancy beyond building A and C until the system is in place.

**Condition # 36 - Economically and sustainable development principals**

Mr. Snell identified a number of ways that the site was built with site related sustainability items.

**MOTION** to approve Condition # 36 as satisfied - Economically and sustainable development principals was made by Mr. Lichauco and seconded by Mr. Zarkadas. Motion passed. VOTE 4-0.

**Condition # 38 - Snow removal**

The snow removal plan was reviewed by the Board.

**MOTION** to approve Condition # 38 - Snow removal as satisfied was made by Mr. Zarkadas and seconded by Mr. Lichauco. Motion passed. VOTE 4-0.

**3. Public Hearings:**

**CASE NO. 17-05 – ONE (1) VARIANCE AND ONE SPECIAL PERMIT**

81 Statler Road – Samuel and Sarah Felton

Ms. Miller, Architect came before the Board and distributed signatures from the neighbors. She introduced the Applicants and described the application. She noted that the house was a fairly modest cape and they would like to add a second floor to it with three bedrooms. She explained that the hardship relating to the variance is the topography as there was a slope from the front to the back. She noted that of the 15 homes on the street, 13 of them were colonials. She noted that what they were looking to do ends up looking like their neighbor's homes in terms of the pitch and the height. Ms.



Miller explained calculations for the height of the proposed addition and noted that the proposed colonial would be fairly modest. The Applicants met with the neighbors to review the proposed addition and they received their support.

The following people were in support:

Paul Rolston, 87 Statler Road, came before the board and stated that he is in support of the project.

Jean Rolston, 87 Statler Road, stated that she is happy to have the opportunity to improve the home and the neighborhood.

The following people were in opposition:

Evan and Joanne Harris, 15 Statler Road

Mr. Harris stated that he is concerned about the contractor's dumpsters blocking the street. He would like to know how the Owners plan to deal with it.

Mr. Yogurtian noted that the dumpster would have the police department approval and that Mr. Harris could call the Police Department if there are any problems with the dumpster.

No one else spoke. The Board took the matter under advisement

#### **CASE NO. 17-04 - ONE (1) SPECIAL PERMIT**

#### **48 Cedar Road – Lawrence and Meghan Hopkins**

The Applicants requested a continuance to next month's hearing.

MOTION to continue Case No. 17-04, 48 Cedar Road to the next Zoning Board meeting scheduled for Monday, March 6, 2017 made by Mr. Plunkett and second by Mr. Zarkadas. Motion passed. VOTE 4-0.

#### **4. DELIBERATIONS AND VOTE:**

##### **Case No. 17-05, 81 Statler Road**

Mr. Smith stated that the special permit was straight forward and the variance application was acceptable because more than half of the houses on that swale were two story colonials and granting this relief would allow this property to be developed in a similar fashion to others in the neighborhood. The height as proposed was not very high and this





was a circumstance where given the relationship of the house to the neighborhood, he was inclined to allow it. The Board concurred.

**MOTION** to approve was made by Mr. Zarkadas and seconded by Mr. Lichauco. Motion passed. VOTE 4-0.

**MOTION** to adjourn made by Mr. Zarkadas and seconded by Mr. Plunkett.

**5. ADJOURN 7:49 PM**