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Zoning Board of Appeals
MEMORANDUM
October 4, 2010

CASE NO. 06-06 COMPREHENSIVE PERMIT
AP CAMBRIDGE PARTNERS II, LLC
Frontage Road and Acorn Park Drive (a/k/a Belmont Uplands)

RE: Determination on Substantial Change of the Belmont Uplands Comprehensive Permit –

Pursuant to the Comprehensive Permit, dated February 16, 2007, the Applicant is required to notify the Zoning Board of Appeals (the “Board”) of any change to the approved site plan. On September 10, 2010, the Applicant submitted revised plans and other information and materials described in the Comprehensive Permit. The Board vis-à-vis the Office of Community Development is required by 760 CMR 56.05 (11) (a) to determine and notify the Applicant within twenty (20) days whether the Board deems any “change to be substantial or insubstantial with reference to the factors set forth at 760 CMR 56.07 (4)”. If the Board deems the changes to be substantial, then the Board is required to hold a public hearing to review those changes.

This Matter was placed for discussion and review on the Board’s October 4, 2010 Agenda, which was posted in Town Hall and was placed on the Town’s web-site. The Board met in the Art Gallery, 3rd floor, of the Homer Municipal Building, 19 Moore Street. Sitting for the Board were William D. Chin, Arthur P. Kreiger, Nicholas A. Iannuzzi, Jr., Joseph G. DeStefano, Jim Zarkadas, James-Ryan Fagan, and Christopher N. Henry.

William Chin, Chair, reviewed the documentation submitted to the Board by the Applicant, AP Cambridge Partners. Mr. Chin also reviewed the Housing Appeals Court

Regulations as they pertained to determining whether a substantial change had occurred. Mr. Chin also read Memoranda from the Building Commissioner and the Planning and Economic Development Manager, which also included a matrix that highlighted the specific changes that were proposed by the Applicant.

The Board discussed what the changes were and what constituted substantial change. The Applicant's civil engineer presented the revised plans to the Board, highlighting the changes, most of which were related to the underground storm water system as required by the Belmont Conservation Commission, Massachusetts Department of Environmental Protection (DEP) Superseding Order of Conditions, and the results of an appeal to the DEP Commissioner.

The Board opened discussion to the audience. Several members of the audience demanded that the Board hold a public hearing on the changes to allow for more public input. Subsequent comments from the audience focused on the changes that were proposed and whether they were substantial. Audience members questioned several aspects of the plans: the change in the mix of units, the subsurface drainage system, whether the sewer connection would be in Cambridge or in Belmont and what site changes either connection would require, and whether there would be any further changes.

The Applicant responded that none of the proposed changes were substantial. The change to the entrance and exits was required by the original Comprehensive Permit. The Applicant's attorney added that whether the sewer connection goes to Cambridge or Belmont would not affect the site plan, but would only impact which way the pipe goes.

Arthur Kreiger made a motion that the current proposed changes were not substantial; seconded by Nicholas Iannuzzi. The Board voted 5-0 (Chin, Krieger, Iannuzzi, DeStefano, and Zarkadas) that the current proposed changes were not substantial and that a public hearing was not necessary.