

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
NOVEMBER 29, 2016
APPROVED: FEBRUARY 8, 2017**

Chairman Chris Tracey called the meeting at 7:33pm in the Town Hall at 13 Ayer Road under the Zoning Act Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Chris Tracey, Steve Moeser, Orville Dodson, Theodore Maxant and Mike Lawton

Others Present: Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.) and Allen and Carol Hoffman

Continuation of a Special Permit Hearing – Mikhail Zheleznyak, 23 Peninsula Road. Opened at 7:30pm

Minutes

Steve Moeser made a motion to approve the minutes of November 9, 2016 as amended. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

Discuss Resignation of Robert Capobianco

After a brief discussion, Chris Tracey made a motion to recommend Theodore Maxant to replace Robert Capobianco on the Zoning Board of Appeals. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Approve Response Letter re: Sale of Pine Hill Village

Is a formal appraisal completed for the pro forma.

Land Use Board Meeting

Liz Allard explained at the recent Land Use Boards meeting members of the Planning Board, Conservation Commission, Zoning Board of Appeals and Board of Health discussed the request for assistance with the daily duties of the Land Use Administrator. The BOH is currently seeking a new clerk and was agreeable to increasing the hours of that position to allow for a shared individual. The group also discussed the needs of a Town Planner and concluded having a Planner with housing experience is essential considering the recently approved Master Plan goals are heavy on that topic.

The meeting concluded with the chairs of each board/commission would work together on a shared clerical position.

Adjournment

At 8:12pm Theodore Maxant made a motion to adjourn the meeting. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

Zoning Board of Appeals

Special Permit Hearing Meeting Minutes

Mikhail Zheleznyak, 23 Peninsula Road

November 29, 2016

The hearing was opened at 7:33pm by Chairman Chris Tracey in the Town Hall at 13 Ayer Road under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, the Protective Bylaw, Chapter 125

Members Present: Chris Tracey, Steve Moeser, Mike Lawton, Orville Dodson and Theodore Maxant

Others Present: Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.) and Allen and Carol Hoffman

This hearing was continued from November 9, 2016 for a Special Permit filed on behalf of Mikhail Zheleznyak for the expansion of a pre-existing non-conforming structure on a pre-existing non-conforming lot at 23 Peninsula Road, Harvard.

Bruce Ringwall, of GPR, Inc., stated the letter received from the Board of Health indicates they are agreeable to a two-bedroom deed restriction for the structure. As well minor modifications have been made to the plan to assist in the appearance of additional bedrooms. The modifications include creating a loft area where the "library" was and removing the door to create a hallway to the relaxation room. Finally, the septic tank and pump chamber will be replaced.

With no further questions, Steve Moeser made a motion to close the evidentiary portion of the hearing. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

After a brief discussion, Theodore Maxant made a motion to close the hearing and issue a Special Permit with the following conditions:

1. The property owner shall record a deed restriction, approved by the Harvard Board of Health, limiting the property to two-bedrooms, with the Worcester Registry of Deeds;
2. A new septic tank and pump chamber shall be installed in accordance with the Code of the Town of Harvard, Chapter 145 Board of Health, and the State Sanitary Code;
3. In order to comply with 125-3B(2)(b), being that the proposed structure will not be substantially more detrimental to the neighborhood than the existing non-conformity, the color of the proposed structure will be that of a muted neutral tone;
4. Any and all conditions established by the Harvard Conservation Commission under the Order of Conditions, DEP#177-651 shall be included within this Permit;
5. Phosphate fertilizers (either liquid or solid) shall under no condition be used on the entire property; and
6. The removal of vegetation within 200' of Bare Hill Pond, beyond that shown on the approved plan, shall require a permit from the Conservation Commission.

In addition, the Chair of the ZBA will sign the final permit on behalf of the Board. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Special Permit Hearing – Mikhail Zheleznyak, 23 Peninsula Road

- Residential Redevelopment, Special Permit Plan, 23 Peninsula Road, Harvard, MA 01451, prepared for Mikhail Zheleznyak c/o Olga Bykhovsky, Prepared by GPR, Inc., Job 161057, dated November 14, 2016
- Architectural drawings, 23 Peninsula Drive, Harvard, MA, prepared by YM Design, Inc., A102 & 103, dated 11/28/2016