

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
NOVEMBER 14, 2018
APPROVED: DECEMBER 12, 2018**

Chairman Chris Tracey called the meeting to order at 7:03pm in the Town Hall Meeting Room, 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, Theodore Maxant, Orville Dodson and Michael Lawton

Others Present: Liz Allard (LUB Admin), Rhonda Sprague (Harvard Realty), Whit Sprague, Patrick Larkin, Michael Larkin, Craig Maxey, Arlene Genova, Dan Wolfe (Ross Assoc.), Jeremy Blanchard, Ken Van Wormer, Sidney Sundheimer, Mark O'Hagan (Craftsman Village), Sotir Papalilo (Craftsman Village), George Grenier, Cheryl Grenier and Chris O'Rourke-Friel

Continuation of a Comprehensive Permit Hearing - Craftsman Village Harvard, LLC, Ayer Road (Map 7 Parcels 7.1 & 7.2). Opened at 7:04pm (see page 2 for complete details)

Continuation of a Special Permit Hearing – Larkin Real Estate Group, 62 Old Littleton Road. Opened at 7:30pm (see page 3 for complete details)

Special Permit Hearing – Craig Maxey & Arlene Genova, 3 Still River Depot Road. Opened at 8:05pm (see page 5 for complete details)

Special Permit Hearing – Jonathan & Amy Gothorpe, 36 Lovers Lane. Opened at 8:25pm (see page 6 for complete details)

Approve Minutes

Theodore Maxant made a motion to approve the minutes of October 10, 2018. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

At 8:45pm Steve Moeser made a motion to adjourn the meeting. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

Zoning Board of Appeals

Comprehensive Permit Hearing Meeting Minutes

Continuation of a Craftsman Village Harvard, LLC, Ayer Road (Map 2 Parcels 7.1 & 7.2)

November 14, 2018

The hearing was opened at 7:04pm by Chairman Chris Tracey in the Town Hall Meeting Room, 13 Ayer Road, Harvard under the Zoning Act, MGL Chapter 40B and the Code of the Town of Harvard, Protective Bylaw, Chapter 125-46F

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

Others Present: Liz Allard (LUB Admin), Jeremy Blanchard, Mark O'Hagan (Craftsman Village) and Sotir Papalilo (Craftsman Village)

This hearing was continued from October 10, 2018 for a for a Comprehensive Permit filed on behalf of Craftsman Village Harvard, LLC for the creation of eight-teen two-bedroom cottage-styled units, consisting of five affordable units along Ayer Road (Map 7 Parcels 7.1 & 7.2), Harvard.

Mark O'Hagan gave an overview of the original proposal. Comments received from the Board of Health (BOH) in regards to water supply prompted the applicant to seek a determination from the Department of Environmental Protection (DEP) as whether or not a Public Water Supply (PWS) would be required for this development. Based upon DEP interaction and the resulting requirements to use a PWS well system for water service the applicant has modified the plan to comply with PWS regulations.

The modified plan details the property to be one lot with one condominium association that will served by three PWS wells on the north side of the property. This area will be accesses by a gravel roadway off of Ayer Road. The addition of the PWS wells has created minor adjustments to the drainage areas and has required the relocation of one of the units from the north side of the property to the south side, along with two additional units. The modified plan details three units off of the south side of the previously proposed cul-de-sac. This increases the total number of units from 18 to 20. The increase in units is due to the increase in cost associated with the PWS. There will be no increase in the number of affordable units. A single Presby© septic system has been designed for the site, which allows for a separate reserve area that is compliant with local BOH regulations. The requested waivers have been modified, along with an updated Pro Forma. The layout and design of the units remain the same.

Jeremy Blanchard, a direct abutter, asked why the three units were being proposed directly behind his property. Mr. O'Hagan explained the cost associated with the PWS have increased the overall project costs by \$200,000, therefore requiring additional units to be added to the overall project.

The request to waive a portion of the filing fee was discussed. Mr. O'Hagan requested the filing fee be reduced by half as Harvard's fee is extremely high in comparison to other communities. As a for-profit business Chris Tracey is not in support of the request. Liz Allard will provide the members with information on previous request to reduce the filing fee for further discussion.

Mr. O'Hagan will seek to meet with the Conservation Commission and the BOH to gain feedback on the revised plans. With that said, Steve Moeser made a motion to continue the hearing to January 9, 2019 at 7:00pm in the Town Hall Meeting Room, 13 Ayer Road. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Liz Allard, Clerk

Zoning Board of Appeals

Continuation of a Special Permit Hearing Meeting Minutes

Larkin Real Estate Group, 62 Old Littleton Road

November 14, 2018

The hearing was opened at 7:10pm by Chairman Chris Tracey in the Town Hall Meeting Room, 13 Ayer Road, Harvard under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, Protective Bylaw, Chapter 125-3. At 7:10pm Steve Moeser made a motion to continue the hearing to 7:30pm. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion. At 7:30pm Chris Tracy re-opened the hearing

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

Others Present: Liz Allard (LUB Admin) Rhonda Sprague (Harvard Realty), Whit Sprague, Patrick Larkin, Michael Larkin, Ken Van Wormer and Sidney Sundheimer

This hearing was continued from October 10, 2018 for a Special Permit filed on behalf of Larkin Real Estate Group, Inc., for the demolition and reconstruction of two pre-existing non-conforming structures at 62 Old Littleton Road, Harvard.

Michael Larkin, legal representation for the applicant, Patrick Larkin, stated the applicant plans to demolish the two existing single-family dwellings and construct two single-family dwellings with a slightly larger footprint. The Zoning Board of Appeals (ZBA) has in the past determined that such demolition and new construction is permissible pursuant to Mass General Law Chapter 40A Section 6, if the ZBA can make the finding that the new dwellings will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The proposed plan will make the dwellings compliant with zoning regulations, will be more ecstasically pleasing than the current dwellings, will upgraded the existing septic system and will locate the dwellings further from the wetlands. Attorney Larkin stated information from the Harvard Assessor dating back to the 1980's indicates the parcel has been considered a two-family parcel since that time. Attorney Larkin submitted two letters for the record; one from Rhonda Sprague, Broker/Owner of Harvard Realty Company, and the other from the current property owner, Ken Van Wormer. The Harvard Realty Company letter confirms previous information in regards to the attempts of Mr. Van Wormer to market the property for sale or renting the dwellings during his ownership of the property. The letter from Mr. Van Wormer confirming the statements made within the Harvard Realty Company letter.

At the previous hearing the ZBA was told the smaller dwelling (House B) was used as a printing shop after the larger dwelling (House A) was constructed. Attorney Larkin was asked if there is any evidence, beyond that of the Assessor's records, that indicates this dwelling was used as a residential dwelling. Theodore Maxant contends the smaller dwelling is not a residential use. Attorney Larkin reiterated the ZBA needs to determine if the proposed new dwellings will be more detrimental to the neighborhood. The question of abandonment of the small dwelling was discussed as well. Mr. Maxant does not see the small dwelling as one accessory to the larger dwelling. Mr. Tracey disagreed with that statement. The members agreed advice from Town Counsel would be necessary.

Rhonda Sprague, stated he son purchased a property in Town about 15 years ago that had two dwellings on it, which were reconstructed. Mrs. Sprague was not certain what permits beyond that of a building permit were necessary at the time.

Sydney Sundheimer questioned whether or not the two dwellings were used as residences at the same time. Mr. Maxant explained the residential use shift from the small dwelling to the large dwelling, and to the best of his knowledge at no time were both dwellings resided in at the same time.

Ken Van Wormer stated it was very clear when the septic system was designed in the 1990's that it was for eight bedrooms. Attorney Larkin stated the underlining zoning is residential; therefore the property supports residential use.

With unanswered questions and information still to be provided to support the statements made about the property it was agreed the applicant will provide said evidence, which will be sent to Town Counsel for advice on how to proceed with this application.

With that said, Chris Tracey made a motion to continue the hearing to December 12, 2018 at 7:00pm in the Town Hall Meeting Room, 13 Ayer Road. 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

Craig Maxey & Arlene Genova, 3 Still River Depot Road

November 14, 2018

The hearing was opened at 7:20pm by Chairman Chris Tracey in the Town Hall Meeting Room, 13 Ayer Road, Harvard under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, Protective Bylaw, Chapter 125-3. Steve Moeser made a motion to continue the hearing 7:45pm. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion. At 8:05pm Chris Tracey re-opened the hearing.

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

Others Present: Liz Allard (LUB Admin) Craig Maxey, Arlene Genova, Dan Wolfe (Ross Assoc.), George Grenier, Cheryl Grenier and Chris O'Rourke-Friel

This hearing is for a Special Permit filed on behalf of Craig Maxey & Arlene Genova for the approval of an accessory apartment us at 3 Still River Road, Harvard.

Dan Wolfe, President of Ross Associates, was present to represent the applicants, Craig Maxey and Arlene Genova, who were also present. Mr. Wolfe explained this property at 3 Still River Depot Road is the former Remington House, which consist of a detached barn. The application proposes using this barn as an accessory apartment. There is a septic system solely servicing the barn, which has approval from the Board of Health (BOH) for this use. The accessory apartment is designed as a one-bedroom; however the septic system can support two-bedrooms. When asked, the applicants confirmed there is ample paved parking to serve this new residence.

The BOH did not provide comments to the Zoning Board of Appeals; Mr. Wolfe read into the record the BOH minutes from September 11th, at which a one-bedroom deed restriction was agreed upon. Mr. Wolfe further explained the proposed workshop area on the plans is similar to a basement space you would see in any other accessory unit.

Cheryl Grenier, an abutter, stated this is a beautiful place to put an apartment.

Chris Tracey read the Director of Community & Economic Development report into the record.

With no further questions or comments Theodore Maxant made a motion to close the evidentiary portion of the hearing. Steve Moeser 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 to Craig Maxey & Arlene Genova for an accessory apartment use at 3 Still River Depot Road with the finding that as detailed on the First and Second Floor Plan prepared by Durrant Design, dated 4-7-91, the property is compliant 125-18.1. 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

Jonathan & Amy Gothorpe, 36 Lover's Lane

November 14, 2018

The hearing was opened at 7:50pm by Chairman Chris Tracey in the Town Hall Meeting Room, 13 Ayer Road, Harvard under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, Protective Bylaw, Chapter 125-3. Steve Moeser made a motion to continue the hearing 8:20pm. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion. At 8:25pm Chris Tracey re-opened the hearing.

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

Others Present: Liz Allard (LUB Admin) Dan Wolfe (Ross Assoc.) and Jonathan and Amy Gothorpe

This hearing is for a Special Permit filed on behalf of Jonathan & Amy Gothorpe for the reconstruction of a pre-existing non-conforming detached garage at 36 Lover's Lane, Harvard.

Dan Wolfe, President of Ross Associates, was present to represent the applicants, Jonathan & Amy Gothorpe, who were also present. Mr. Wolfe explained the existing driveway is partially on the abutting property. The existing garage is in dire need of being re-built and is also partially on the abutting property. The existing garage will be removed and re-built entirely on the applicant's property. The footprint of the proposed garage will be 11.6% larger than the existing garage. The Board of Health is satisfied with a deed restriction of three-bedrooms; therefore no bedrooms are allowed within the garage space. A final meeting with the Conservation Commission will take place tomorrow, at which an Order of Conditions will be issued. The intention for the second floor of the garage is to be used as storage space or a potential TV room.

Chris Tracey read the Director of Community & Economic Development report and the memorandum from the Board of Health into the record.

With no further questions or comments 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 to Jonathan & Amy Gothorpe for the demolition and reconstruction of a pre-existing nonconforming garage at 36 Lovers Lane as detailed on the Site Plan prepared by David E. Ross Associates, Inc., dated October, 2018. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Town of Harvard, Zoning Board of Appeals Agenda, dated November 14, 2018

Approve Minutes

- Draft Harvard Zoning Board of Appeals Meeting Minutes of October 10, 2018 prepared by Liz Allard

Continuation of a Craftsman Village Harvard, LLC, Ayer Road (Map 2 Parcels 7.1 & 7.2)

- Letter from Weston Development Group to the Harvard ZBA, RE: Craftsman Village Harvard – Update Filing, dated November 14, 2018
- List of Requested Exceptions to Local Requirements and Regulations, updated November 14, 2018
- Preliminary Construction Budget – Pro Forma, Weston Development Group, Inc., Craftsman Village Harvard – Ayer Road – Harvard, Massachusetts, undated
- Plan set prepared for Craftsman Village Harvard, LLC including Layout and Materials Plan, Grading and Drainage Plan, Utility Plan, Project 15-517 prepared by Places Associates, Inc., draft 11-13-18

Continuation of a Special Permit Hearing – Larkin Real Estate Group, 62 Old Littleton Road

- Letter from Harvard Realty Company, LLC, signed by Rhonda Sprague, dated October 1, 2018
- Letter from Kenneth A. Van Wormer, dated 10-3-18

Special Permit Hearing – Craig Maxey & Arlene Genova, 3 Still River Depot Road

- First and Second Floor Plan, Remington Barn, 3 Still River Depot Road, prepared by Durrant Design, dated 4-7-91
- Director's ZBA Report, received November 6, 2018

Special Permit Hearing – Jonathan & Amy Gothorpe, 36 Lovers Lane

- Director's ZBA Report, received November 6, 2018
- Memo from the Board of Health, dated October 25, 2018
- Gothorpe Garage Plan 1C, 36 Lovers Lane Harvard Ma, Sheets 1, and 3-6, prepared by Envision Homes, dated 9/10/18
- Site Plan, Jonathan & Amy Gothorpe, 36 Lovers Lane, Harvard, MA, prepared by David E. Ross Associates, Inc. dated October, 2018