

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
MARCH 6, 2019
APPROVED: MAY 8, 2019**

Chair Chris Tracey called the meeting to order at 7:34pm in the Hildreth House, 15 Elm Street, under the Zoning Act Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Chris Tracey, Steve Moeser and Michael Lawton

Others Present: Liz Allard (LUB Admin), Mark O'Hagan (Weston Development Group), Greg Roy (Ducharme & Dillis), Brian Moore, Tom Robinson, Jeremy Blanchard, Larry Doe, Pam Lawson and Lucy Wallace (Select Board)

Continuation of a Comprehensive Permit Hearing – Craftsman Village, Harvard, LLC, Ayer Road (Map 2 Parcels 7.1 and 7.2). Opened at 7:00pm (see page 2 for complete details)

Harvard-Devens Jurisdiction Committee (H-DJC) request for Input

Select Board chair, Lucy Wallace, was present to request input from the Board in regards to resuming jurisdiction of Devens. Ms. Wallace explained at the 2017 Annual Town Meeting the Town voted to create a committee that would focus on the requirements the Town will need in place should Harvard resume jurisdiction of the its historical boundaries of Devens. The Town is required to report to the legislator on the disposition by 2023. A formal request from Select Board has been sent to MassDevelopment for funding assistance to research this issue. Members of the H-DJC have been meeting with Shirley and Ayer's Town Administrator and Boards of Selectmen, as well as Devens Enterprise Commission (DEC). Ms. Wallace stated H-DJC members are committed to not disrupting business and residents already in Devens when and if Harvard takes back jurisdiction. H-DJC believes the DEC would stay in place along with the Devens Reuse Plan. The Board was interested in learning how Harvard will be integrated with the DEC should this occur.

Special Permit Hearing – Thomas Robinson & Brian Moore, 17 Oak Hill Road. Opened at 7:15pm

Approve Minutes

Steve Moeser made a motion to approve the minutes of January 9, 2019. Michael Lawton seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

At 8:35pm Mike Lawton 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

Continuation of a Comprehensive Permit Hearing Meeting Minutes

Craftsman Village, Harvard, LLC, Ayer Road (Map 2 parcels 7.1 and 7.2)

March 6, 2019

The hearing was opened at 7:00pm by Chair Chris Tracey in the Hildreth House, 15 Elm Street, Harvard under the Zoning Act, MGL Chapter 40B and the Code of the Town of Harvard, Protective Bylaw, Chapter 125-46F Comprehensive Permits.

Members Present: Chris Tracey, Steve Moeser and Michael Lawton

Others Present: Liz Allard (LUB Admin), Mark O'Hagan (Weston Development Group), Greg Roy (Ducharme & Dillis), Jeremy Blanchard, Larry Doe and Pam Lawson

This hearing was continued from January 9, 2019 for a Comprehensive Permit filed on behalf of Craftsman Village, Harvard, LLC for the creation of eighteen two-bed-room cottage-style units, consisting of five affordable units along Ayer Road, Harvard.

On a motion made by Michael Lawton and seconded by Steve Moeser the hearing was continued to 7:15pm. The vote was unanimously in favor of the motion.

On a motion made by Michael Lawton and seconded by Steve Moeser the hearing was continued to 7:30pm. The vote was unanimously in favor of the motion.

On a motion made by Michael Lawton and seconded by Steve Moeser the hearing was continued to 7:40pm. The vote was unanimously in favor of the motion.

At 7:43pm Chris Tracey re-opened the hearing.

Mark O'Hagan, of Weston Development Group, stated as requested at the previous hearing units 18, 19 and 20 have been moved to the west side of the cul-de-sac as opposed to the south side as previously presented. After grappling with the request of the Planning Board to install a sidewalk along Ayer Road (not ideal due to an existing swale at the roads edge), Mr. O'Hagan is agreeable to monetizing the value of the sidewalk for use in another area along Ayer Road. Fencing and landscaping has been added to the plan, which needs to be finalized with the abutter, Jeremy Blanchard. The Harvard Snowmobile Club had requested the existing trail be maintained along the northern property boundary. Mr. O'Hagan stated he has no issue with that request.

Greg Roy, of Ducharme & Dillis, peer consultant for the Zoning Board, stated essentially the plan has remain the same other then the change to a Public Water Supply and a single septic system. Mr. Roy stated from a technical standpoint most things have been addressed. In regards to the rain garden and its infiltration, Mr. Roy has recommended as a condition that soil testing be conducted given the soils on the site and the design of the rain garden. Mr. Roy further recommends the results of the soil testing be submitted to his firm for further review prior to construction. Mr. O'Hagan was agreeable to this recommendation. Mr. Roy stated all other outstanding issues are just simple housekeeping matters at this point and can easily be addressed. Comments from the Fire Department still need to be addressed in regards to the hydrant located over the Town line in Ayer.

Larry Doe wanted to note that the abutting property is an on going agricultural enterprise; he would encourage the maintenance of a buffer zone between them and the development and a clear buffer zone be shown on the plan.

Jeremy Blanchard stated he currently has drainage from his property that discharges onto the Craftsman Village site; a condition that was previous to his purchase of the property. Mr. Blanchard wants to make certain an easement can be created for the discharge of this water. Mr. O'Hagan was amenable to the request.

Steve Moeser asked about the location of the mailboxes. Mr. O'Hagan stated he is working with the Harvard Post Master to determine the best location of the mailboxes. Mr. Moeser asked if the site lighting will have shielding for the abutters. Mr. O'Hagan stated all lighting will be shielded to direct lighting in a downward direction. The landscaping plan between Mr. Blanchard's property and the development was discussed. Mr. O'Hagan and Mr. Blanchard were amenable to workout the details outside the hearing process, but any agreement would be part of the final approval from the Board.

With additional items still to be addressed, Steve Moeser made a motion to continue the hearing to April 3, 2019 at 7:00pm in the Hildreth House, 15 Elm Street.

Signed: _____ Liz Allard, Clerk

Zoning Board of Appeals

Special Permit Hearing Meeting Minutes

Special Permit Hearing – Thomas Robinson & Brian Moore, 17 Oak Hill Road

March 6, 2019

The hearing was opened at 7:16pm by Chair Chris Tracey in the Hildreth House, 15 Elm Street, Harvard under the Zoning Act, MGL Chapter 40B and the Code of the Town of Harvard, Protective Bylaw, Chapter 125-46F Comprehensive Permits.

Members Present: Chris Tracey, Steve Moeser and Michael Lawton

Others Present: Liz Allard (LUB Admin) Brian Moore and Tom Robinson

This hearing is for a Special Permit filed on behalf of Brian Moore and Tom Robinson for the approval of an accessory apartment at 17 Oak Hill Road, Harvard.

Tom Robinson and Brian Moore were present to discuss the request for approval of an accessory apartment in their existing dwelling. Mr. Robinson explained when they purchased the dwelling they were under the impression the separate living quarters with its own kitchenette was a legal use. Further research and discussions with the Building Commissioner concluded the area had not been approved as an accessory apartment. Mr. Robinson stated the existing kitchenette would be renovated to a full kitchen. The Board reviewed plan of the existing rooms and their uses. Requirements under Chapter 125-18.1 were reviewed.

Chris Tracey noted the Board of Health memo in regards to a deed restriction and report submitted by the Director of Community and Economic Development, which included responses from the applicant's.

Steve Moeser made a motion to close the evidentiary portion of the hearing. Michael Lawton seconded the motion. The vote was unanimously in favor of the motion.

After a brief discussion, Steve Moeser made a motion to issue a Special Permit to Tom Robinson and Brian Moore for an accessory apartment as allowed under Chapter 125-18.1 and to allow the Chair of the Board to sign the decision on behalf of the Board. Michael Lawton 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 March 6, 2019

Continuation of a Comprehensive Permit Hearing – Craftsman Village, Harvard, LLC, Ayer Road (Map 2 Parcels 7.1 and 7.2)

- Craftsman Village Harvard, Preliminary Site Development Plans (40B) Ayer Road, Harvard, Massachusetts, Project No. 15-5174, prepared by Places Associates, Inc., DRAFT dated 2-7-19
- MARCH 6, 2019 – UPDATES FROM WESTON DEVELOPMENT GROUP, INC, Peer Review Report “Craftsman Village Harvard” 40b Application, dated February 28, 2019

Special Permit Hearing – Thomas Robinson & Brian Moore, 17 Oak Hill Road

- Director’s ZBA Report, undated with responses from applicant’s
- Board of Health Memo, dated February 7, 2019

Approve Minutes

- Draft Harvard Zoning Board of Appeals Meeting Minutes of January 9, 2019 prepared by Liz Allard