

**HARVARD ZONING BOARD OF APPEALS  
MEETING MINUTES  
OCTOBER 9, 2019  
NOVEMBER 30, 2019**

Chair Chris Tracey called the meeting to order at 7:00pm in the Town Hall, 13 Ayer Road, Harvard under the Zoning Act Chapter 40A and the Code of the Town of Harvard Chapter 125

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

**Others Present:** Liz Allard (Land Use Boards Administrator), Jack Spero, Philip Knoettner, Al Combs, Valerie Hurley (Harvard Press), Tim Kilhart (Director of Harvard Department of Public Works), Jon Rockwell (The Engineering Company), Doug Thornton (Park & Recreation Commission), Carlene Phillips, Scott Hayward, Peter Warren and John Martin

**Continuation of a Comprehensive Permit Hearing – Craftsman Village Harvard, LLC, Ayer Road (Map 2 Parcels 7.1 & 7.2).** Opened at 7:02pm (see page 2 for complete details)

**Variance Hearing – Harvard Department of Public Works, 1 Still River Road.** Opened at 7:15pm (see page 3 for complete details)

**Approve Minutes**

Steve Moeser made a motion to approve the minutes of August 21 and September 11, 2019. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

**Pine Hill Village Update**

Liz Allard informed the members that the developer has provided the required documentation as detailed in the letter from the Zoning Board of Appeals dated July 10, 2019. At this point other outstanding items include the initial deposit for the site monitoring and an executed performance bond. A tri-party agreement in regards to the bond has been reviewed by Town Counsel and will require additional information before he will provide final approval of this agreement.

**Adjournment**

At 8:24pm 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

**DOCUMENTS & OTHER EXHIBITS**

**Town of Harvard, Zoning Board of Appeals Agenda, dated October 9, 2019**

**Variance Hearing – Harvard Department of Public Works, 1 Still River Road**

- Harvard, Town Center Complete Streets, Preliminary Design, 2 sheets, prepared by The Engineering Corp, dated 29-Aug-2019
- Letter from Harvard Fire Department to the Harvard ZBA, Re: General Store Parking Lot, dated September 9, 2019
- Turning Radius Plan, undated
- Notations from Gabe Vellante, Building Commissioner, dated 20, Sep '19

**Approve Minutes**

- DRAFT HARVARD ZONING BOARD OF APPEALS MEETING MINUTES, August 21, 2019, prepared by Liz Allard
- DRAFT HARVARD ZONING BOARD OF APPEALS MEETING MINUTES, September 11, 2019, prepared by Liz Allard

## **Zoning Board of Appeals**

### **Continuation of Comprehensive Permit Hearing Minutes**

#### **Craftsman Village Harvard, LLC, Ayer Road (Map 2 Parcels 7.1 and 7.2)**

**October 9, 2019**

The hearing was opened at 7:02pm by Chair 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 Comprehensive Permits.

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

**Others Present:** Liz Allard (Land Use Boards Administrator)

This hearing was continued from August 21, 2019 on a Comprehensive Permit filed on behalf of Craftsman Village Harvard, LLC for the creation of eighteen two-bedroom cottage-style units, consisting of five affordable units along Ayer Road (Map 2 Parcels 7.1 and 7.2), Harvard.

With the absence of Michael Lawton this evening the applicant has agreed to continue the hearing. Steve Moeser made a motion to continue the hearing to October 30, 2019 at 7:00pm in the Town Hall, 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**

### **Variance Hearing Minutes**

#### **Harvard Department of Public Works, 1 Still River Road**

**October 9, 2019**

The hearing was opened at 7:15pm by Chair 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 125-45B Variances.

**Members Present:** Chris Tracey, Steve Moeser, Orville Dodson and Michael Lawton

**Others Present:** Liz Allard (Land Use Boards Administrator), Jack Spero, Philip Knoettner, Al Combs, Valerie Hurley (Harvard Press), Tim Kilhart (Director of Harvard Department of Public Works (DPW)), Jon Rockwell (The Engineering Company), Doug Thornton (Park & Recreation Commission), Carlene Phillips, Scott Hayward, Peter Warren and John Martin

This hearing is for a Variance filed by the Harvard Department of Public Works for the reduction of the required parking stall length by one-foot at 1 Still River Road, Harvard.

Steve Moeser made a motion to waive the reading of the legal notice. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

Tim Kilhart, the DPW Director, explained the Town had been awarded \$370,000.00 from the State's Complete Streets Program for the installation sidewalks and improvements to the existing parking lot within the Town Center. The sidewalks are proposed around the Town Center and the parking lot improvements are for the area in front of the General Store. Mr. Kilhart explained the application before the Board is for a reduced length of the proposed parking stalls from the required 19' (Chapter 125-39A(3)[1]) to 18'. Mr. Kilhart stated there have been several proposals, including one with angled parking, but that decreased the number of parking stalls. The plan before the Board details the same number of parking stalls as currently exist, with three additional stalls along Still River Road. The plan proposes 24' between the two rows of parking, where 20' exist currently. As stated in a letter from the Fire Chief the 24' is needed to be able to stage the ladder truck. Mr. Kilhart noted the Director of Community and Economic Development, Chris Ryan, determine a number of communities have an 18' requirement for parking stalls. The plan details a "No Parking" area directly in front of the General Store. Mr. Kilhart noted he had also worked with the Park & Recreation (P&R) Commission to minimize the size of their proposed patio between the General Store and the Congregational Church to maintain the same number of parking stalls.

Steve Moeser stated it is difficult to make any determinations without lot lines or knowing where structures are located on the plan. When asked, Mr. Kilhart detailed the 4' provide by P&R. Mr. Moeser wondered if P&R would be willing to give up additional area and if the "No Parking" area in front of the General Store could be reduced to avoid the need for a variance.

Theodore Maxant had questions about the sidewalk height and the ability to plow snow, along with the traffic pattern flow. Mr. Maxant was uneasy about the inability to exit out onto Still River Road with these improvements.

Mr. Kilhart read his letter submitted with the application. In regards to the financial hardship (Chapter 125-45B(1)(a)), Mr. Kilhart stated he was asked to apply for this funding; failure to proceed with the project will require the return of the funds to the State, which could be detrimental to Harvard for funding in the future.

Chris Tracey asked about the shape of the lot (Chapter 125-45B(1)(b)). Mr. Kilhart stated the lot has limitations due to its shape and the county layout of the roadway. Question as to who has authority over the land in front of the General Store and Still River Road were discussed; the application was signed by both Tim Kilhart and Tim Bragan, the Town Administrator. Mr. Kilhart noted it was determined by Town Counsel that he should be the applicant to the Board.

Al Combs, a resident of Oak Hill Road, stated the hardship is self created. In all his time in Town there has not been one accident in the parking lot, with only minor fender benders taking place in the center. Mr. Combs further stated when you restrict access to the General Store it will make it hard for the General Store to keep customers coming in. We do not want to do anything that will make that business go away. There is no reason for a sidewalk that creates a barrier to the parking lot.

Jack Sperro, a resident of Deerfoot Trail, stated safety is nebulous and perhaps cameras should be installed in the center to assist with safety.

Peter Warren, a resident of Lancaster County Road, asked how trucks that make delivery to the General Store are going to get in there and not cause a safety issue on the roadway. Mr. Kilhart believes drivers will park wherever they can to make the delivery.

Carlene Phillips, a resident of Oak Hill Road, stated the Master Plan indicated sidewalks in the center, but what does that mean; she always thought the sidewalks were intended for the schools. Ms. Phillips wondered about there being an actual hardship; is there no other place to do this.

Phil Knoettner, representing the Congregational Church, stated the plan maintains the existing trees and provides 3 new parking spaces on Still River Road. The church did not want access as one-way to avoid excess traffic in front of the church.

Scott Hayward, proprietor of the General Store, is happy with the way things are; as a train coming down the track we tried to make it the best we could; there is no good solution.

A discussion in regards the need for Site Plan Review was had, but determined not to be a problem to be resolved by the Board as it is not germane to the variance application.

Mr. Tracey recommended Mr. Kilhart determine if the parking lot can be achieved without a variance and if not he will need to provide information detailing the requirements under 125-45B in order for the Board to make determination.

Steve Moeser made a motion to continue the hearing to October 30, 2019 7:15pm. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

Signed: \_\_\_\_\_  
Liz Allard, Clerk