

**HARVARD ZONING BOARD OF APPEALS  
MEETING MINUTES  
FEBRUARY 10, 2021  
APPROVED: APRIL 14, 2021**

Chair Chris Tracey called the meeting to order at 7:00pm, virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20 under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

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

**Others Present:** Liz Allard (Land Use Boards Administrator), Dan Wolfe (Ross Associates), Jon Mechlin and Ed Lyon

**Special Permit Hearing – Nicola Cavicchio, 53 Turner Lane.** Opened at 7:00pm. (See page 2 for complete details)

**Approve Minutes**

Michael Lawton made a motion to approve the minutes of August 12 and September 16, 2020 as amended. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion by a roll call, Steve Moeser, aye; Orville Dodson, aye, Michael Lawton, aye; and Chris Tracey, aye.

**Annual Report**

Orville Dodson made a motion to approve the 2020 Annual Report as drafted. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion by a roll call, Steve Moeser, aye; Orville Dodson, aye, Michael Lawton, aye; and Chris Tracey, aye.

**Adjournment**

At 7:43pm Steve Moeser made a motion to adjourn the meeting. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Steve Moeser, aye; Orville Dodson, aye, Michael Lawton, aye; and Chris Tracey, aye.

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

**DOCUMENTS & OTHER EXHIBITS**

- Town of Harvard, Zoning Board of Appeals Agenda, dated February 10, 2021
- Site Plan Nicola Cavicchio 53 Turner Lane Harvard, MA Job No.: 33465, Plan No.: L-14145 prepared by David E. Ross Associates, Inc., December 2020
- DRAFT Zoning Board of Appeals Meeting Minutes, August 12, 2020 prepared by Liz Allard
- DRAFT Zoning Board of Appeals Meeting Minutes, September 16, 2020 prepared by Liz Allard
- DRAFT Zoning Board of Appeals 2020 Annual Report

## **Harvard Zoning Board of Appeals**

### **Special Permit Hearing Minutes**

#### **Nicola Cavicchio, 53 Turner Lane**

**February 10, 2021**

The hearing was opened at 7:05pm virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20, by Chairman Chris Tracey under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, Protective Bylaw, Chapter 125.

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

**Others Present:** Liz Allard (Land Use Boards Administrator), Dan Wolfe (Ross Associates), Jon Mechlin and Ed Lyon

This hearing is for a Special Permit filed on behalf of Nicola Cavicchio for additions and reconstruction of portions of a pre-existing non-conforming structure at 53 Turner Lane, Harvard.

Dan Wolfe, President of Ross Associates, was present to represent the applicant. Mr. Wolfe explained both the lot and the structure, built in 1910, are non-conforming. The proposed floor plan will remain the same with the exception of enlarging the kitchen and adding a covered deck. The existing setbacks will be maintained. The Board of Health has received the records in regards to the pumping of the tight tank as requested and was provide a copy of the contract for continued pumping. The Conservation Commission (ConCom) has issued an Order of Conditions.

Steve Moeser questioned the number of bedrooms. Mr. Wolfe explained the house currently has three-bedrooms, but the renovations will convert two of the bedrooms into one bedroom creating a two-bedroom dwelling. Mr. Moeser wondered if there should be a condition in regards to the tight tank and the allowed number of bedrooms, as he is concerned with the tight tank failing. The abutter at 49 Turner Lane, Ed Lyon, stated he could attest to the alarm that is connected to the tight tank and it is very audible to the entire neighborhood, therefore a failure of the tight tank would be very unlikely.

Mr. Wolfe address the concerns briefly held by the Bare Hill Pond Watershed Management Committee (BHPWMC) as they had first thought the proposal was to tear down the existing dwelling and build a new dwelling. The BHPWMC then offered their standard comments in regards to prevent nutrients from entering the pond.

Chris Tracey noted there were no proposed gutters along the north side of the dwelling. Board members had no concerns, as the application has been reviewed by both the ConCom and the BHPWMC. Michael Lawton asked if sufficient heat would be provided to the addition. Jon Mechlin, the contractor, stated a high-efficiency heating system is being installed for the entire dwelling.

Mr. Tracey noted emails were received from the Board of Health, Fire Department and Bruce Leicher, chair of the BHPWMC. Mr. Tracey reviewed the requirements for a Special Permit under 125-46C.

Michael Lawton made a motion to close the evidentiary portion hearing. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Steve Moeser, aye; Michael Lawton, aye; and Chris Tracey, aye.

Michael Lawton made a motion to issue a Special Permit to Nicola Cavicchio for additions and reconstruction of portions of a pre-existing non-conforming structure at 53 Turner Lane. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Steve Moeser, aye; Michael Lawton, aye; and Chris Tracey, aye.

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