

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
JANUARY 12, 2022
APPROVED: JANUARY 26, 2022**

Chair Christopher Tracey called the meeting to order at 7:02pm, virtually pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures adopted during the State of Emergency and signed into law on June 16, 2021, and under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

Members Present: Chris Tracey, Michael Lawton, Theodore Maxant (departed at 7:35pm) and Steve Moeser

Others Present: Liz Allard (Land Use Boards Administrator), Dan Wolfe (Ross Associates), Barbara Romero and Tim Rueter

Special Permit Hearing – Patrick & Helen Wind, 37 Peninsula Road. Opened at 7:02pm (for complete details see page 2)

Review & Approve 2021 Annual Report

Steve Moeser made a motion to approve the 2021 Annual Report as drafted. Michael Lawton seconded the motion. The vote was unanimously in favor of the motion by a roll call vote, Michael Lawton, aye; Steve Moeser, aye and Chris Tracey, aye.

Annual State Ethics Receipt & Online Training

Liz Allard reminded members of their responsibility to confirm receipt of the Conflict-of-Interest Law and/or complete the online ethic trainings as required by Mass General Law.

Approve Minutes

Michael Lawton made a motion to approve the minutes of December 8, 2021. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion by a roll call vote, Michael Lawton, aye; Steve Moeser, aye; and Chris Tracey*, aye. *Did not approve the minutes associated with 204 Bolton Road, as he was not present at the time of that discussion.

Enforcement Options at Pine Hill Village

After briefly discussing the Boards ability to impose enforcement separate from that of the Zoning Enforcement Officer or other Boards and Commissions, the members agreed should the matter of enforcement arise again during the remaining construction of this development they will need to seriously consider their enforcement options.

Trail Ridge Update

There was no update this evening.

Adjournment

At 7:51pm Steve Moeser made a motion to adjourn the meeting. Michael Lawton seconded the motion. The vote was unanimously in favor of the motion by a roll call vote, Michael Lawton, aye; Steve Moeser, aye and Chris Tracey, aye.

Signed: _____ Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

- Town of Harvard, Zoning Board of Appeals Agenda, dated January 12, 2022

Harvard Zoning Board of Appeals

Special Permit Hearing Minutes

Patrick & Helen Wind, 37 Peninsula Road

January 12, 2022

The hearing was opened by Chair Christopher Tracey at 7:03pm virtually, pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures adopted during the State of Emergency and signed into law on June 16, 2021, and under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

Members Present: Christopher Tracey, Theodore Maxant, Michael Lawton and Steve Moeser

Others Present: Liz Allard (Land Use Boards Administrator), Dan Wolfe (Ross Associates)

This hearing is for a Special Permit filed on behalf of Patrick & Helen Wind for the conversion of a seasonal residence to year-round residence at 37 Peninsula Road, Harvard.

Dan Wolfe, of Ross Associates, explained Ross Associates had not originally submit the application, but has since been retained to represent the applicants. Mr. Wolfe detailed the previous Special Permit for the re-construction of the single-family dwelling. Comments from Board of Health (BOH) state they are not in support of this application. Mr. Wolfe explained there has been some confusion on the number of bedrooms within the dwelling due to the marketing of this property. Mr. Wolfe stated the realtor staged the property to detail the ability to use different spaces as bedrooms; there was no intent to imply that there are in fact four-bedrooms within this dwelling, which has a two-bedroom deed restriction. Although this matter was before the BOH on Monday, they have chosen to think about the matter, along with an additional issue, before making a decision.

Steve Moeser was disappointed the applicant was not present this evening as he has questions pertaining to the restrictions for a tight-tank. Mr. Wolfe stated the pumping records have been updated as required by the BOH, which indicate the system has been pumped routinely and at a pace consistent with a seasonal dwelling. Mr. Moeser asked if the existing floor plan was the same as the one approved by the Board during the Special Permit process. Mr. Wolfe stated, with the permission of the BOH, the lower-level had been converted into two additional rooms, but not bedrooms. Chris Tracey would like confirmation that the approved floor plans are what is existing and requested floor plans be submitted. Mr. Moeser further requested a site plan to determine no additional runoff is occurring on the site as required by Chapter 125-46 of the Protective Bylaw. Mr. Tracey suggested a walk-thru of the house and the site; members agreed to review the site on January 20, 2022 at 8:30am

With additional information required, Steve Moeser made a motion to continue the hearing to January 26, 2022 at 7:00pm. Michael Lawton seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Michael Lawton, aye; Steve Moeser, aye; and Chris Tracey, aye.

Signed: _____ Liz Allard, Clerk