

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
JULY 27, 2022
APPROVED: AUGUST 10, 2022**

Chair Christopher Tracey called the meeting to order at 7:02pm, virtually in accordance with legislation S. 2475, an act relative to extending certain COVID-19 measures adopted during the Covid Pandemic state of emergency and under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

Members Present: Chris Tracey, Michael Lawton, Steve Moeser and Orville Dodson (Associate Member)

Others Present: Liz Allard (Land Use Boards Administrator) and Greg Roy (Dillis & Roy Civil Design Group)

Continuation of a Special Permit Hearing –Christine DeGuglielmo, 37 Pine Ridge Drive. Opened at 7:03pm (see page 2 for complete details)

Pine Hill Village Update

Chris Tracey provided an overview of the site visit attend last week by members of the Conservation Commission (ConCom), and Zoning Board of Appeals (ZBA). Mr. Tracey explained to the Board that he was clear with the developer, Peter Cricones, that the ZBA is not going to release Certificates of Occupancy until Mr. Cricones has demonstrated compliance with all of the requirements for 90-days. Mr. Tracey explained that once Mr. Cricones is in compliance with the requirements of the ConCom, the ConCom will monitor the site over the 90-days; should it come out of compliance during that 90-days, the 90-day time period starts over again. Steve Moeser wants to know if the ZBA and/or ConCom can mandate the 90-day compliance. Mr. Tracey is in the process of receiving advice from Town Counsel, Mark Lanza.

Approve Minutes

Minutes were not available this evening for approval

Adjournment

At 7:59pm 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 July 27, 2022
- Site Plan 37 Pine Ridge Drive Harvard, MA Job No. 5421, Drawing No. 5421-SP, prepared by Dillis & Roy Civil Design Group, Inc. 7/12/2022
- New Generation Custom 37 Pine Ridge Rd Harvard - MA, prepared by Martin Designs, Bellingham, MA, C-1 Cover Sheet, A-1 Elevations, A-2 Foundation Plan, A-3 Floor Plans, A-4 Framing Plans and A-5 Roof Framing Plans 7/26/2022

Harvard Zoning Board of Appeals

Continuation of a Special Permit Hearing Minutes

Christine DeGuglielmo, 37 Pine Ridge Drive

July 27, 2022

The hearing was opened by Chair Christopher Tracey at 7:03pm virtually in accordance with legislation S. 2475, an act relative to extending certain COVID-19 measures adopted during the Covid Pandemic state of emergency a, and under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

Members Present: Chris Tracey, Michael Lawton, Theodore Maxant, Steve Moeser (Associate Member) and Orville Dodson (Associate Member)

Others Present: Liz Allard (Land Use Boards Administrator) and Greg Roy (Dillis & Roy Civil Design Group)

This hearing was continued from June 29, 2022 for a Special Permit filed on behalf of Christine DeGuglielmo for the removal and reconstruction of a pre-existing non-conforming single-family dwelling at 37 Pine Ridge Road, Harvard.

Greg Roy, from Dillis & Roy Civil Design Group, stated the revised plan indicate a full walkout basement, proposed grading under the deck and boulder retaining walls on either side of the new structure. As proposed the existing hill side will be cut down by approximately 5 feet. As requested the plan now shows the existing abutting structures. As requested by the Conservation Commission the stumps of the removed 18" and 24" Hemlock will remain. Michael Lawton asked if the grading will impact 35 Pine Ridge Drive. Mr. Roy stated it would not. Mr. Roy noted a gross floor area table has been added to the plan, and indicates the existing structure is 732 square feet, with the proposed structure at 2331 square feet. Mr. Roy stated the application previously proposed a finished basement; that is no longer the case. The applicant is intending only to use the basement as storage area, but still part of the gross floor area as it has head room. Architectural plans have been modified to widen the door of the office with no actual door indicating it is not intended to be a bedroom.

Steve Moeser asked if rain gardens will be used to facilitate stormwater on the site. Mr. Roy stated down spouts and gutters are proposed as noted on the plan, with no change in the stormwater runoff from existing to proposed. Liz Allard, as the Conservation Agent, stated the proposed development will not create any additional impervious areas, therefore it is expected stormwater will flow as it does now post-development. When sked, Mr. Roy stated the contractor does not intend to blast if ledge is encountered, therefore the structure may have a crawl space as opposed as a full basement. Mr. Roy also indicated the necessary fees for the association are current according to the owner. Ms. Allard has shared the letter received from the Mass Department of Agricultural Resources that indicates that due to State law local municipalities cannot regulate the use of chemical fertilizers. Therefore, the Board is unable to include the condition requested by the Bare Hill Pond Watershed Management Committee pertaining to limited use of fertilizers on the property. Chris Tracey reviewed the requirements for a Special Permit under §125-3B and §125-46.

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

Orville Dodson made a motion to grant a Special Permit with the condition that the new dwelling is approved as a one-bedroom, seasonal home to Christine DeGuglielmo for the removal and reconstruction

of a pre-existing non-conforming single-family dwelling at 37 Pine Ridge Road, Harvard. The vote was unanimous by roll call vote, Michael Lawton, aye; Orville Dodson, aye, and Chris Tracey, aye. to grant a Special Permit based on the revised plan. Michael Lawton.

Signed: _____ Liz Allard, Clerk