

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
September 13, 2023
APPROVED NOVEMBER 1, 2023**

Chair Christopher Tracey called the meeting to order, 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. 40A and Code of the Town of Harvard Chapter 125.

Members Present: Chris Tracey, Michael Lawton, Steve Moeser

Others Present: Frank O'Connor, Alex Latham, Greg Roy, John Hunt, Laura Hunt, Lisa Adamiak, Bruce Ringwall

Special Permit Hearing:

7:00pm Continuation of Public Hearing of COMPREHENSIVE Permit Hearing – JUNO Construction LLC at Old Mill Road

See details on page 3

7:05pm Continuation of Special Permit Hearing – Latham at 200 Still River Road, §125-3B Nonconforming one- and two-family dwellings, and §135-25 Special rule applicable to one- and two-family dwellings.

See details on page 4

7:15pm Continuation of Special Permit Hearing – William Ference at 247 Littleton County Road, §125-3C Non-conforming structures other than one – and two-family dwellings and §125-3D Non-conforming uses, for Modification of a Special Permit.

See details on page 5

7:30pm Public Hearing application of John and Laura Hunt at 61 Stow Rd. for a Special Permit for §125-3(B)2 proposed alterations to a pre-existing non-conforming single-family dwelling exceeding 20% of current footprint

See details on page 6

8:00pm Public Hearing application of Brandon Smithwood and Marguerite Davis at 11 Mass. Ave. for a Special Permit §125-3B(2) roof cover over a pre-existing non-conforming front entry landing

See details on page 7

8:15pm Public Hearing application of a Special Permit by Matthew and Elizabeth Rosner at 43 Mass Ave. §125-3B(2) & 125-46 alter and enlarge a lawful non-conforming existing structure

See details on page 8

New Business:

Minutes

Minutes will be looked at and voted on at the October 4th 2023 meeting

Motion: Steve Moeser made the motion to address the minutes on October 4th 2023

Seconded by Michael Lawton

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Confirm ZBA meeting night starting in October 2023 (not 2nd Wednesday of the month)

The Board confirmed the new meeting dates/times and that the next meeting will occur on Wednesday October 4th 2023. The Board decided that this meeting will meet in person for this meeting. The Board will make the decision on holding the meeting as a zoom, hybrid, or in-person on a meeting-by-meeting basis based on effectiveness and needs. Frank O'Connor will inform all parties on the agenda prior to the date of the meeting.

Adjournment

Motion: Michael Lawton made the motion to adjourn at 8:25pm

Seconded by Chris Tracey

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Harvard Zoning Board of Appeals

Special Permit Minutes

September 13th 2023: 7:00pm

JUNO Construction LLC at Old Mill Road

7:00pm Continuation of Public Hearing of COMPREHENSIVE Permit Hearing

Board Tracy made the suggestion that the applicant has the proper waivers filled in regards to the zoning regulations, along with the reasons for these waivers, for the next hearing. Doing so with the hopes that Mr. Cote also attends the future meeting.

Motion: Michael Lawton made the motion to for a continuation of the JUNO Construction to take place in person on October 4th 2023 at 7:30pm

Seconded by Chris Tracey

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Approved unanimously

Harvard Zoning Board of Appeals

Special Permit Minutes

September 13th 2023: 7:05pm

Alex Latham at 200 Still River Road

**Continuation of Special Permit Hearing,
§125-3B Nonconforming one- and two-family dwellings
§135-25 Special rule applicable to one-and two-family dwellings.**

Alex Latham started the hearing by asking the Board for a continuance due to delays in the project. The Board and Mr. Latham believe a continuance until October 4th 2023 would be best. Mr. Latham is now planning to complete this project in phases, but would still need a valid special permit for the initial additions. Chris Tracey suggested taking each possible set of plans to the building commissioner and asking what the best course of action would be. Mr. Latham agreed and will talk to the building commissioner about what the next course of action should be

Motion: Michael Lawton made the motion to for a continuation of the Special Permit Hearing for October 4th 2023 at 7:00pm.
Seconded by Chris Tracey
Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton
Approved unanimously

Harvard Zoning Board of Appeals

Special Permit Minutes

September 13th 2023: 7:15pm

William Ference at 247 Littleton County Road

Continuation of Special Permit Hearing

§125-3C Non-conforming structures other than one – and two-family dwellings

§125-3D Non-conforming uses, for Modification of a Special Permit.

Meeting did not take place

Motion: Michael Lawton made the motion to for a continuation of the Special Permit Hearing for October 4th 2023 at 7:15pm.

Seconded by Steve Moeser

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton, Orville Dodson

Approved unanimously

Harvard Zoning Board of Appeals

Special Permit Minutes

September 13th 2023: 7:30pm

John and Laura Hunt at 61 Stow Road

Public Hearing for the application for a Special Permit

§125-3(B)2 proposed alterations to a pre-existing non-conforming single-family dwelling exceeding 20% of current footprint

Steve Moeser opened the meeting with a note that he may have a conflict of interest on the matter. Greg Roy gave a brief overview as the representative of the applicants. The applicants wish to make improvements to the structure, focusing mainly on the rear side of the property. The proposal includes a deck/patio area that would exceed the 20% area increase (the proposal would be 26%), requiring the special permit. Mr. Roy shared the visual plans of the additions and the proposed landscape plans. John Hunt added that one of the non-conforming sections of the plan is an additional portico that would be too close to the road for the current bylaw requirements. There was no public comment on the proposal.

Motion: Michael Lawton made the motion to close the evidentiary portion of the hearing.

Seconded by Steve Moeser

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Approved unanimously

Motion: Michael Lawton made the motion to Grant the Special Permit for 61 Stow Road.

Seconded by Chris Tracey

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton, Orville Dodson

Approved unanimously

Harvard Zoning Board of Appeals

Special Permit Minutes

September 13th 2023: 8:00pm

Brandon Smithwood and Marguerite Davis at 11 Mass. Ave.

Public Hearing for the application for a Special Permit

§125-3B(2) roof cover over a pre-existing non-conforming front entry landing

Lisa Adamiak spoke on behalf of the applicants, starting with a summary of the additions the owners are planning. These plans focus on replacing the granite steps with blue stone and to create a covering for the outdoor stairs on the property. Mrs. Adamiak has also clarified that the dimensions have been updated to be more accurate after inconsistencies from a former developer (in 1998) that is no longer involved. Greg Roy clarified on the plans provided. Michael Lawton and Steve Moeser questioned if any other areas close to the proposed changes would be impacted or changed. Lisa Adamiak assured that there were no plans to change the door and only the front of the roof would be altered.

Motion: Chris Tracey made the motion to close the evidentiary portion of the hearing.

Seconded by Michael Lawton

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton, Orville Dodson

Approved unanimously

Motion: Chris Tracey made the motion to grant the special permit for a four-foot proposed addition to the front of the house adjacent to the front entry for a new covered entry area that will not project more than the two to one setback line as described on the plans.

Seconded by Michael Lawton

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton, Orville Dodson

Approved unanimously

Harvard Zoning Board of Appeals

Special Permit Minutes

September 13th 2023: 8:15pm

Matthew and Elizabeth Rosner at 43 Mass Ave.

Public Hearing for the application of a Special Permit

§125-3B(2) & 125-46 alter and enlarge a lawful non-conforming existing structure

Bruce Ringwall represented the owners of the property and gave an overview of the planned proposal. The plans move into one of the property's setbacks and the owners are asking for the special permit to allow for these plans to move forward. The Board and the public had no comments or questions.

Motion: Michael Lawton made the motion to close the evidentiary portion of the hearing.

Seconded by Chris Tracey

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton, Orville Dodson

Approved unanimously

Motion: Steve Moeser made the motion to approve the application.

Seconded by Chris Tracey

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton, Orville Dodson

Approved unanimously