

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
February 6th, 2024
APPROVED APRIL 3, 2024**

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, Bruce Ringwall, Alex Latham, Melissa Robbins, Mark O'Hagan

Public Hearings:

7:00pm Continuation of Public Hearing of Special Permit Hearing – Latham at 200 Still River Road, §125-3B Non-conforming one- and two-family dwellings, and §135-25 Special rule applicable to one- and two-family dwellings.

See Page 3 for full details

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, request for Modification of a Special Permit.

See Page 4 for full details

7:20pm Continuation of Public Hearing of COMPREHENSIVE Permit Hearing – JUNO Construction LLC at Old Mill Road, for a proposed 40-B development

See Page 5 for full details

New Business:

Craftsman Village update

Mark O'Hagan updated the Zoning Board that almost everything has been completed at the site. After a site walk with his engineer and some town representatives, he came back with a few comments and recommendations. Mark O'Hagan has addressed the following areas: Grading issues and the grass under the trailer's location, added some stones to the drip edge, the water quality basin needed some reshaping. Also mentions by Mark O'Hagan was that specific values for the plants was suggested to be \$9,000 but \$6,000 was recommended from the Town. The Fire Department has completed its inspection and the Building Commissioner also approved the site.

At this time, Mark O'Hagan requested that the ZBA releases the last unit be released for closing the affordable home and that the funds being held by the town covers the \$9,000 outlined in the memo. Chris Tracey asked about the current status for approval from the Board of Health. Mark O'Hagan noted that testing of the irrigation well has been done, but Mark O'Hagan is waiting on these results. He believes that regardless of the results, this is not going to effect the plans moving forward.

When mentioned by Chris Tracey, Mark O'Hagan had forgotten the Treasurer's Collectors Office, Mark O'Hagan then offered to go into Town Hall to make an in-person statement that all fees have been paid at this time.

Steve Moeser asked if there was any way a checklist could be made for this (and future agenda items) in order to be able to make sure all areas have been covered. Chris Tracey suggested meeting with Frank O'Connor and the rest of the Board in order to come up with checklists that could help in the future when it comes to keeping track of complicated projects that have its steps completed over a long period of time.

Motion: Steve Moeser made the motion to release the final hose COO for 3 Courtland Lane with the condition that Mr. Hagan provides the paid tax bill for the unit to the building inspector while also reducing the amount the Town is holding by \$72,000, from \$90,000 to \$18,000.

Seconded by Michael Lawton

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

Adjournment

Motion: Steve Moeser made the motion to adjourn at 9:09pm

Seconded by Michael Lawton

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

Harvard Zoning Board of Appeals

Special Permit Minutes

February 6th, 2024: The Special Permit Hearing opened at 7:00pm

7:00pm Continuation of Public Hearing of Special Permit Hearing – Latham at 200 Still River Road, §125-3B Non-conforming one- and two-family dwellings, and §135-25 Special rule applicable to one- and two-family dwellings.

Alex Latham updated the Zoning Board of Appeals that he has touched base with the Harvard Board of Health and has received approval from them. Frank O'Connor confirmed that he has this in writing and there is no deed restriction.

Alex Latham also has the new certified plot plan done by Ross and Associates. Steve Moeser asked if there were any other changes made to the plans besides the increase in nonconformity. Alex Latham clarified that the revised plans sent in January are the most up to date plans and no changes have been made since the last meeting. Alex Latham then shared his screen to show proposed changes in area size to clarify the numbers from the previous hearing. Steve Moeser is concerned with the numbers for the size of the house that are nonconforming. Chris Tracey read the bylaw to help find clarity in what is allowed in the special permit. After reading, he believes that the Zoning Board's main concern is finding whether or not the proposed plan is substantially more detrimental to the neighborhood.

Michael Lawton asked about a 10-inch concrete foundation in the plans. Alex Latham clarified that this is in the plans because he is planning to fully take down the existing porch and to replace the current pillars with the 10-inch concrete foundation.

Rudy Minar, an abutter to the property proposing these additions, is okay with the existing plans. His only concerns come from the potential lack of privacy. Both property owners have agreed to add plants to separate each property and maintain privacy for each household.

Motion: Steve Moeser made the motion to close the evidentiary portion of the hearing.

Seconded by Michael Lawton

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

Motion: Steve Moeser made the motion to grant the application based upon the previous discussion's and for the application submitted for the addition (as shown on the plans after concluding that it will not result in a substantial runoff) and will be in harmony with the bylaws and the neighborhood while also providing a letter from the abutter directly west prior to the issuance of the CO.

Seconded by Michael Lawton

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

Motion: Steve Moeser made the motion that the Chair will sign on behalf of the Board.

Seconded by Michael Lawton

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

Harvard Zoning Board of Appeals

Special Permit Minutes

February 6th, 2024: The Special Permit Hearing opened at 7:15pm (opened at 7:31)

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, request for Modification of a Special Permit.

The Zoning Board of Appeals has received a request for continuance to March 6th 2024.

Motion: Steve Moeser made the motion for a continuance of the Special Permit Hearing for March 6th 2024 at 7:00pm

Seconded by Michael Lawton

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

Harvard Zoning Board of Appeals

Special Permit Minutes

February 6th, 2024: The Special Permit Hearing opened at 7:20pm (opened at 7:33)

7:20pm Continuation of Public Hearing of COMPREHENSIVE Permit Hearing – JUNO Construction LLC at Old Mill Road, for a proposed 40-B development

Chris Tracey opened the meeting by notifying the Zoning Board that the Board received a letter from Attorney Lanza recently. This letter showed mostly favorable comments, but did have some suggestions that the Board must look into before moving forward. Frank O'Connor will be sending the letter via email to the other Zoning Board members. Melissa Robbins had time to look Attorney Lanza's letter. She believes that these are all very minimal and agrees to all the minor changes that he had mentioned.

Bruce Ringwall clarified that there was a 6-foot paved sidewalk still in the plans that connects to the shared path towards the state owned railroad. Bruce Ringwall also clarified that the owner would pay for the "no parking" signs on Old Mill Road. Chris Tracey noted that there are no plans/conditions for signage in place for Ayer Road, and the Board will consider adding this to the conditions. Steve Moeser did not see any plans about parking signs. Bruce Ringwall did not add these to the plans and clarified that this is a condition for the plans. Mr. Eriksen will be working on these signs and will aim to have the signs made to the quality expected from the Zoning Board.

Chris Tracey would like to strike some of the standard language about a bond while also adding language that COs will only be issued after approval from all relevant committees and boards. Melissa Robbins is okay with changing the language for the bonds and asked for some clarification on how to change this. Chris Tracey clarified that he wishes the language to change in order to protect the Town from the possibility of the project remaining incomplete in the final stages of what the bond would be allowed for. Melissa Robbins understood this concern and assured that she would work on the wording of this to alleviate any concerns. She will work on this and the document provided by Attorney Lanza with the goal of having everything complete so the Zoning Board can call for a vote during the March 6th 2024 meeting.

Steve Moeser asked what an adequate reserve of funds would be for the finished condominium. Mr. Eriksen clarified that once a condo has been sold, two months of the condo fee goes into a reserve. There is then a percentage of the budget that is paid every month by the condo owners in order to keep these reserves replenished and adequate.

The Zoning Board plans to meet for an in-person meeting at either Town Hall or the Hildreth House at 7:00PM on February 21st 2024 in order to work on the wording in this document. Frank O'Connor will talk to the Assistant Town Administrator to confirm that this will work for the Board.

Motion: Steve Moeser made the motion to continue the hearing at either Town Hall or the Hildreth House at 7:00PM on February 21st 2024

Seconded by Michael Lawton

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