

HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
MAY 10th, 2023
APPROVED FEBRUARY 21, 2024

Chair Christopher Tracey called the meeting to order at 7:01pm, 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, and Orville Dodson

Others Present: Frank O'Connor, Nancy Dickinson, Dan Wolf, Theodore Maxant, William Ference, Daniel Carr, Peter Cricones, Tim Pond, Isabel (Prospective Buyer for Unit 8), Carla Page,

Discussion Overviews:

1. **Special Permit Hearing – Kelsey Nickerson, 133 Clinton Shore Drive** – additions to a pre-existing, non-conforming structure.

Dan Wolf gave a breakdown of the plans made for the property. The current plan involves 2 additions (that do not come any closer to the property line) and a new walkway. The two additions are a mechanical lift for the steep hillside and a detached garage planned (with an extended driveway to the garage). In regards to environmental impact prevention, storm water runoff plans have been made for the following: Stone trench that deposits off into a drywell, roof recharge trenches, and multiple infiltration trenches to be added.

Questions/Comments/Feedback:

- Steve Moeser asked if the garage was part of the application.
Answer: It is part of the plan, but not on the application.
- Theodore Maxant commented that he believes this will not have a detrimental impact on the town/environment.
- Michael Lawton wanted clarification on the pathways and parking easement.
Dan Wolf clarified that the mapping is out of date and the access on these are not passable. Dan wolf clarified that the easement is still in use today and the driveway for the garage will go through this pathway.

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

Seconded by Michael Lawton

Voted yes by: Steve Moeser, Michael Lawton, and Christopher Tracey

Passed unanimously

Motion: Steve Moeser made a motion to approve the special permit as described and outlined in the submitted plans while also including the Conservation Commission Order of Conditions

Seconded by Michael Lawton

Voted yes by: Steve Moeser, Michael Lawton, and Christopher Tracey

Passed unanimously

2. **Special Permit Hearing – William Ference, 247 Littleton County Road** - for the change in use of non-conforming structures other than one or two family and modification to a special permit.
William Ference requested an extension for his application at 247 Littleton Country Road.

Motion: Steve Moeser made a motion to move the hearing to take place on June 14th 2023 at 7:30pm

Seconded by Michael Lawton

Voted yes by: Steve Moeser, Michael Lawton, and Christopher Tracey

Passed unanimously

3. **Special Permit Hearing – Rainer Park, 7 Peninsula Road** – replace a pre-existing non-conforming dwelling with a new dwelling.

Daniel Carr had the plot plans presented through Frank O'Connor to explain the proposed project in greater detail. There was confusion on whether a special permit was required for the property due to it being a preexisting non-conforming structure. The property has wetlands surrounding on two sides and a garage that is less than 60ft to these wetlands. Renovations of the current garage are in the plans. The new dwelling would be more than 60ft from the wetlands (including the deck) and will include a green roof.

Questions/Comments/Feedback:

- Christopher Tracey questioned if the Board of Health require a deed of restriction.

Daniel Carr answered that there was no requirement for this, but a variance needed to allow usage of the existing well.

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

Seconded by Michael Lawton

Voted yes by: Steve Moeser, Michael Lawton, and Christopher Tracey

Passed unanimously

Motion: Michael Lawton made the motion to grant issuance of a special permit for the reconstruction of the existing structure at 7 Peninsula Road based on the plans and evidence presented (including color of the building) with reference of the order of conditions issued by the Conservation Committee as well as the standard language pertaining to the use of chemicals in the area of Bare Hill Pond.

Seconded by Steve Moeser

Voted yes by: Steve Moeser, Michael Lawton, and Christopher Tracey

Passed unanimously

4. **Special Permit Hearing – Alexander & Louisa Latham, 200 Still River Road** – requesting to add a garage to a pre-existing non-conforming single-family dwelling that will not increase the existing non-conformity.

Nancy Dickinson requested a one-month continuance for the application at 200 Sill River Road.

Motion: Steve Moeser made a motion to move the hearing to take place on June 14th 2023 at 8:00pm

Seconded by Michael Lawton

Voted yes by: Steve Moeser, Michael Lawton, and Christopher Tracey

Passed unanimously

5. Request for Certificates of Occupancy - Pine Hill Village Units 2, 4, 6A, 6B, 8, 10 12A & 12B Pine Hill Way

Christopher Tracey listed the approved steps that have been submitted to the Board. These include: The Board of Health has approved both septic systems, the fire Department found no issues, and the Conservation Committee says the site is currently meeting the expectations. The following locations are still in need of building inspections: 2 Pine Hill, 4 Pine Hill, 6A Pine Hill, 6B Pine Hill, 10 Pine Hill, 12A Pine Hill, and 12B Pine Hill.

Questions/Comments/Concerns:

- Steve Moeser mentioned that a final building inspection is still needed before any COs would be released, but this will be addressed later down the line.

Motion: Steve Moeser made the motion to the Building Comm. issue the COs for the units 2, 4, 6A, 6B, 8, 10 12A & 12B Pine Hill Way

Seconded by Michael Lawton

Voted yes by: Steve Moeser, Michael Lawton, and Christopher Tracey

Passed unanimously

Motion: Steve Moeser made the motions to issue an extension to the comprehensive permit from June 30th 2023 to June 30th 2024

Seconded by Michael Lawton

Voted yes by: Steve Moeser, Michael Lawton, and Christopher Tracey

Passed unanimously

Changes in the Schedule for Future Board Meetings

Motion: Steve Moeser made a motion to make the first Wednesday of every month, starting in September of 2023, as the standard meeting night for the Zoning Board of Appeals with the understanding that additional meetings will occur on the third and fourth Wednesday of the month as applications require.

Seconded by Michael Lawton

Voted yes by: Steve Moeser, Michael Lawton, and Christopher Tracey

Passed unanimously

Adjournment

Motion: Michael Lawton motioned to adjourn at 9:22pm

Seconded by Steve Moeser

Voted yes by: Steve Moeser, Michael Lawton, and Christopher Tracey

Passed unanimously