

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
August 2nd, 2023
APPROVED FEBRUARY 21, 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, Ted Maxant

Others Present: Frank O'Connor, Michael Giaimo (Attorney representing Verizon Wireless), Daniel Klasnick (Senior Counsel for Blue Sky), Bruce Ringwall, Walter Eriksen, Melissa Robbins, Alex Latham, Ellen Sachs Leicher

Special Permit Hearing:

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

The Board meeting started off with a motion to continue the hearing for a permit request for a 40-B located at the village of Robin Lane at Old Mill Road to 7:20pm. This was to allow the board to go through some items they needed to address first.

Motion: The motion was made by Steve Moeser to continue the permit request at 7:20pm

Seconded by Michael Lawton

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

Passed Unanimously

Details found on Pages 3-4

Special Permit Hearing:

7:05pm Continuation 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.

Details found on Page 5

Old Business:

7:10pm Cellco Verizon Permit Discussion

The meeting started with a review of the previous discussions on July 12th 2023. This discussion focused on the extension of the Special Permit that was issued by the Zoning Board of Appeals through December 29th 2023 stating: "That for good cause, the Special Permit that the Board granted on January 7th 2021 remains in effect and will remain in effect as long as it is exercised by December 29th 2023."

Motion: Steve Moeser made the motion to exercise the extension as stated in the official letter intended to be signed by Chair Chris Tracey.

Seconded by Ted Maxant

Voted yes by: Chris Tracey, Steve Moeser, Ted Maxant

Approved unanimously

Special Permit Hearing:

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.

Details found on Page 6

New Business:

Minutes

The Minutes for May 10th 2023 and June 14th 2023 will be reviewed and adjusted to include more relevant details and more depth while also adding timestamps to when meetings take place and end.

Adjournment

Motion: Michael Lawton made the motion to adjourn at 9:00pm

Seconded by Steve Moeser

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

Harvard Zoning Board of Appeals

Special Permit Minutes

August 2nd 2023: 7:20pm (Previously 7:00pm)

JUNO Construction LLC at Old Mill Road

7:00pm Public Hearing of COMPREHENSIVE Permit Hearing – Permit request for a 40-B

Bruce Ringwall shared his screen at the start of the meeting as he and Attorney Melissa Robbins spoke on behalf of the village at Robin Lane. The lot is currently vacant and the plan is to construct 24 new units designed as 12 duplex units and 25% of the units will be affordable units. The site will be 11.47 acres in size and 87% of the site will be open space after construction (7.47 acres). Trails, two parking lots for guest spaces (12 total spots), and gazebo are included in these plans. The gazebo will have multiple uses, one being the location for a bus stop for school children. Proposed trails will be added and maintained to the property for general public access. There will be 1.48 acres of impervious coverage throughout the property.

A 30,000-gallon cistern will be located under the cul-de-sac island. Three wells have been proposed for the water supply with a gravel access way that will not be seen once construction is completed. There is a septic system being planned for the site. Drainage will be collected on the roadway in basins. At this time, the Harvard Conservation Commission has obtained an agreement on the wetland and riverfront lines.

Internal garage space and driveway parking space for each unit. Heat pump sources for all heating and cooling. Solar panels will be installed on the roof of each unit. The property will have its own private road.

Note: At this time the applicant has not met with the Board of Health officially. There has not been a meeting with the Planning Board because it is a Zoning Board jurisdiction. Frank O'Connor has reached out to set up a meeting with the Design Review Board and has shared this with the Planning Board.

Questions/Comments/Concerns

- Steve Moeser asked for confirmation that school buses will not be entering the private road. This was confirmed by Bruce Ringwall
- Steve Moeser also asked if there were plans to preserve the current trees that are not required to be cut down. Bruce Ringwall assured that they are trying to keep as many trees as reasonably possible as the site is constructed
- Steve Moeser mentioned the elevations for the walkout units were not provided. Walter Eriksen assured that these will be provided at the next meeting
- When asked about the layout of the second floor of each unit, Walter Eriksen added that there will be restrictions on specific leases regarding the use of office rooms as bedrooms.
- Steve Moeser also asked if the site was ever an orchard. Bruce Ringwall has not encountered any evidence of this.
- Michael Lawton asked if there was any objection to people walking the property. Walter Eriksen assured him that he can take him to the property or he can go on his own if preferred.
- Chris Tracey still had concerns about misuse of the office rooms for each property. He then made the suggestion of opening up the office room as to prevent the office room from being used as a bedroom.

Bruce Ringwall disagrees and believes keeping a door is important for privacy while working from home.

- Chris Tracey made the suggestion of a modest contribution to the MAHT for the market rate units. Walter Eriksen said he will consider it and asked for more rates that have been previously given for a guideline. Walter Eriksen also informed that plans are to install the road and septic unit before construction on the units.
- Chris Tracey asked if street parking will be allowed when guest parking has been filled
- Walter Eriksen noted that the engineering review is ready and a \$25,000 deposit has been put in.
- Chris Tracey noted that Testing for the water supply has not been done yet. Bruce Ringwall confirmed and that plans have been made to start drilling and testing but does not foresee major adjustments to be made in the proposed plans.
- Chris Tracey wanted some clarification on the firms that have been reached out to. Frank O'Connor clarified that the requests have been sent out to 5 different engineering firms and Beals and Thomas was the only one to respond. Frank O'Connor informed the Board that after working with the Town Procurement Officer, they had secured the services of Beals and Thomas to do the peer review of the proposed 40-B.
- On behalf of the Climate Committee, Ellen Sachs Leicher thanked the property owner and the plans for the climate conscious plans that have already been considered and added to the future site. Ellen Sachs Leicher made the quick suggestions of a possibility of less lawns for more native plants and a concern for the runoff to Bowers Brook. Ellen Sachs Leicher also requested that Walter Eriksen meets with the Climate Committee about further suggestions. Walter Eriksen agreed and is happy to do so. Chris Tracey also requested any updates that are decided upon on in these meetings be shared with Zoning Board of Appeals.

Chris Tracey asked Frank O'Connor if Town Hall would be available for meeting in person on September 13th 2023 and if it was possible for a public recording. Frank O'Connor will look into this and come back with an answer. Melissa Robbins and Bruce Ringwall believe that this is also a reasonable amount of time to be ready for comments from abutters the general public.

Motion: Michael Lawton made the motion to continue the Comprehensive Permit Hearing on September 13th 2023 at 7:20pm at the Town of Harvard Town Hall.

Seconded by Steve Moeser

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

Approved unanimously

Harvard Zoning Board of Appeals

Special Permit Minutes

August 2nd 2023: 7:05pm

Latham at 200 Still River Road

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

Alex Latham and Frank O'Connor informed the Board that there were no new updates in the property plans at this time. The Board decided that reconvening on Wednesday, September 13th 2023 to continue the special permit.

Motion: Steve Moeser made the motion to continue the Special Permit Hearing on September 13th 2023 at 7:00pm.

Seconded by Michael Lawton

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

Approved unanimously

Harvard Zoning Board of Appeals

Special Permit Minutes

August 2nd 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 and §125-3D Non-conforming uses, for Modification of a Special Permit.

Bruce Ringwall attended the meeting to affirm a request via email for a continuation of the hearing for a later date.

Motion: Steve Moeser made the motion to continue the Special Permit Hearing on September 13th 2023 at 7:15pm.

Seconded by Michael Lawton

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

Approved unanimously