

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
December 6th, 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

Others Present: Frank O'Connor, Bruce Ringwall, Barbara Romero, Walter Eriksen, Melissa Robbins

Special Permit Hearing:

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 full details on Page 3

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 full details on Page 4

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

See full details on Page 5 to Page 6

8:00pm Public Hearing requesting a Special Permit for Paul Cavicchio at 39 Turner Lane for an addition to a pre-existing, non-conforming structure as prescribed in §125-3 of the Town of Harvard Bylaw.

See full details on Page 7

8:15pm Public Hearing requesting the Change in Use at 184 Ayer Road by SC Bailey Landscape Inc. as prescribed in 125-3(A) and 125-3D(2)(b) due to the use being changed to a different use, the new use is permitted, subject to the use being in the same or less intense use category

***See full details on Page 8**

New Business

Approve Invoice

Motion: Steve Moeser made the motion to approve the invoice for \$937.50 from Beels & Thomas

Seconded by Michael Lawton

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

Passed unanimously

Discuss future ZBA meeting date conflicts in Feb. 2024 & July 2024

Frank O'Connor informed the Zoning Board that he will not be available on February 7th 2024. The Board is planning on possibly meeting on Tuesday, February 6th 2024 instead. O'Connor also informed the Board that July 4th 2024 will take place on a Thursday, so the Board will need to keep note of this when creating the yearly schedule.

Adjournment

Motion: Steve Moeser made the motion to adjourn at 8:47pm

Seconded by Michael Lawton

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

Harvard Zoning Board of Appeals

Special Permit Minutes

December 6th 2023: 7:00pm

Latham at 200 Still River Road

Continuation of Public Hearing 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.

The applicant has put in a request for continuation:

Motion: Steve Moeser made the motion to continue the Special Permit Hearing on January 3rd 2024 at 7:00pm

Seconded by Michael Lawton

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

Passed unanimously

Harvard Zoning Board of Appeals

Special Permit Minutes

December 6th 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, request for Modification of a Special Permit.

Bruce Ringwall has requested for continuation for the Special Permit and has suggested meeting in March of 2024.

Motion: Steve Moeser made the motion to continue the Special Permit Hearing on March 6th 2024 at 7:00pm

Seconded by Michael Lawton

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

Passed unanimously

Harvard Zoning Board of Appeals

Special Permit Minutes

December 6th 2023: 7:20pm

JUNO Construction LLC at Old Mill Road

Continuation of Public Hearing of COMPREHENSIVE Permit Hearing for a proposed 40-B development

Bruce Ringwall started the hearing by informing the Zoning Board that his team has met with the Conservation Commission twice since the last meeting. Mr. Ringwall also noted that a document that focuses on the specific waiver request covered in these meetings (along with comments) has been sent out to the Zoning Board.

Steve Moeser believed that he will need some more time to review these notes and the reasons behind these waivers before taking a vote to approve. Bruce Ringwall suggested sharing his screen in order to review these waivers. Michael Lawton would like to have a document including all the waivers and the reasoning behind its pre-approval. At that time, Bruce Ringwall shared his screen in order to go through each waiver request to take any questions or to hear any comments from the Zoning Board of Appeals.

Waivers being requested:

- Allow residential use in the Commercial District.
- Allow multiple structure on a single lot.
- Allow over 10% of land area of the lot as total building floor area for all the residential dwelling units.
- Allow proposed gazebo to be located within the structure set back line and the dwellings to be pursuant to Section 125-30.E.(3) & (4).
- Allow proposed gazebo to be located within 20 feet of the property line.
- Allow a private way to service 24 units (12 Structures) Village at Robin Lane.
- Allow the use of a communal subsurface sewage disposal system in accordance with Title 5 of the State Environmental Code.
- No Design Review Board process.
- Provide typical structure planting layout, street trees and cul-de-sac plantings.

Chris Tracey asked if the Zoning Board would have a submitted plan after the Conservation Commission's potential approval of the plan. Bruce Ringwall clarified that after the next hearing with the Conservation Commission, the Zoning Board of Appeals will be given the approved plans.

- Allow parking as designed.
Bruce Ringwall clarified that there will be "no parking" signs only on one side of the road. He also added that there will be "no parking" signs on Old Mill Road as requested by the police and fire departments. The Board added that payment for these signs will be provided by Mr. Eriksen.
- Allow 6-ft wide bituminous concrete sidewalk to be constructed along the section of Old Mill Road to Ayer Road only and allow an alternative surface approval by the Zoning Board of Appeals. Proposed sidewalk will end at approximately the location of the roadway expansion of the MassDOT TIP project and the shared use passage.
- To allow 4-ft wide bituminous concrete sidewalk along one side of the street and no car stops required.
- Allow review by the Zoning Board of Appeals as part of the Zoning Board of Appeals process
- Standard of Title 5 to be followed (for the minimum offset distance to 10-feet between the primary and the reserve area).

- Standard of Title 5 to be followed (for the additional deep observation hole testing requirement at one hole per additional 2,000 gallons per day capacity or fraction thereof).
- At the time of application, the applicant will pay the State mandated fees only.
- Use the Wetland Protection Act Standards.
- Allow the project to provide best management practices pursuant only to Massachusetts Storm Water Handbook standards.

Motion: Steve Moeser made the motion approve the waivers as described.

Seconded by Michael Lawton

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

Passed unanimously

Motion: Steve Moeser made the motion to continue the Comprehensive Permit Hearing to January 3rd 2024 at 7:20pm

Seconded by Michael Lawton

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

Passed unanimously

Special Permit Minutes

December 6th 2023: 8:00pm

Paul Cavicchio at 39 Turner Lane for an addition to a pre-existing

Public Hearing requesting a Special Permit for non-conforming structure as prescribed in §125-3 of the Town of Harvard Bylaw.

Brian Marchetti addressed the Board on behalf of the applicant. The applicant had bought the parcel in 2021 and is intending to start making improvements to the property. Previously, the Board of Health required that the cesspool be decommissioned and replaced with a tight tank. The tight tank has been installed, but the Board of Health now requires a shower to be installed on the property. There is currently a single bathroom. The applicant is requesting that the existing non-conforming structure has the addition of both a shower, a new outdoor deck, and a mudroom approved by the Zoning Board of Appeals. The applicant plans to meet and have these plans approved by the Conservation Committee after the Zoning Board of Appeals has first approved.

Michael Lawton asked if the assessor's card was on file after noting that it looks like there were two structures located on the property at one point. Frank O'Connor researched on the Town's website and confirmed that the property was built in 1935. The Board did not have any more follow-up concerns with this or any other questions about Brian Marchetti's presentation.

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

Passed unanimously

Motion: Steve Moeser made the motion to grant the special permit for the building of a proposed shower, mudroom, and deck located at the property of 39 Turner Lane and that the letter from the Bear Hill Watershed Group is included in those conditions while also allowing for the Chair to sign off on the decision.

Seconded by Michael Lawton

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

Passed unanimously

Harvard Zoning Board of Appeals

Special Permit Minutes

December 6th 2023: 8:15pm

184 Ayer Road by SC Bailey Landscape Inc

Public Hearing requesting the Change in Use in 125-3(A) and 125-3D(2)(b) due to the use being changed to a different use, the new use is permitted, subject to the use being in the same or less intense use category

Chair Tracey informed that the Board does not believe that the applicant is required to meet with the Zoning Board of Appeals. The applicant requested to withdraw the application at this time.

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

Seconded by Michael Lawton

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

Passed unanimously