

**HARVARD ZONING BOARD OF APPEALS  
MEETING MINUTES  
JANUARY 15, 2014  
APPROVED: April 23, 2014**

Chairman Chris Tracey opened the meeting at 7:05pm in the Town Hall Break Room under Chapter 40A and the Code of the Town of Harvard Chapter 125

**Members Present:** Chris Tracey, Steve Moeser, Robert Capobianco (by Skype) and Orville Dodson

**Others Present:** Liz Allard (LUB Admin), Mark Lanza (Town Counsel) and Bill Scanlan (Town Planner)

**Protective Bylaw Amendment Chapter 125-3 Existing Structures & Uses**

Prior to last weeks meeting of the ZBA Liz Allard had distributed a revised Chapter 125-3. On Tuesday of this week Ms. Allard distributed a version with comments from Chris Tracey and earlier today a version with comments from Steve Moeser. Members reviewed the entire provision and made a number of recommended changes. There were two sections in which the ZBA will seek additional guidance from the Planning Board, those being 125-3B(1)(a) and 125-3D(2)(b).

In 125-3B(1)(a) the members feel the 15% increase in footprint or gross floor area may be to insignificant of a threshold for some existing non-conforming structures in Town. For example, a seasonal cottage on Bare Hill Pond at an existing 800 square feet would be limited to 120 square feet of additional gross floor area or footprint. Robert Capobianco thought the 15% requirement should remain unchanged. Other members agreed they were willing to increase the percentage up to 25%, but would leave it up to the Planning Board to determine the appropriate amount during the public hearings.

Under 125-3D(2)(b), non-conforming uses, the members grappled with the complexity of changing a non-conforming use to a different use as long as the new use is permitted in any district in which the existing use is permitted. After much discussion and additional language the members proposed two different provisions for this section with an editor's note to the Planning Board, once again seeking their guidance.

Other recommended changes included clarity on the "by-right" allowance for non-conforming one- and two-family dwelling if alteration conforms to the current zoning setbacks; the addition of the historical changes to setbacks by year as an appendix; the addition of the word "current" to "zoning setback line" on the diagrams provided in the provision; and the re-working of language under 125-3F Reconstruction after Catastrophe or Demolition.

Ms. Allard will make the recommended changes from this evening and re-distribute to the members for any comments. The Planning Board will begin the public hearings on February 3<sup>rd</sup> at 8:00pm. Members of the ZBA were encouraged to attend.

**Adjournment**

Steve Moeser made a motion to adjourn the meeting at 9:20pm. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Signed: \_\_\_\_\_  
Liz Allard, Clerk

## DOCUMENTS & OTHER EXHIBITS

### **Protective Bylaw Amendment Chapter 125-3 Existing Structures & Uses**

- ❖ ARTICLE II Non-conformities, undated