

**HARVARD ZONING BOARD OF APPEALS  
MEETING MINUTES  
JUNE 14, 2017  
APPROVED JULY 26, 2017**

Chairman Chris Tracey called the meeting to order at 7:31pm in the Town Hall Meeting Room, 13 Ayer Road, under the Zoning Act Chapter 40A and the Code of the Town of Harvard Chapter 125

**Members Present:** Chris Tracey, Steve Moeser, Theodore Maxant, Orville Dodson and Mike Lawton

**Others Present:** Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.), Mark Lavelle (GPR, Inc.), Bruce Leicher (BHPWMC), Kerry Kunst, Pablo Carbonell and Mike Hilbrunner (GPR, Inc.)

**Special Permit Hearing – Kerry Kunst, 34 Peninsula Road.** Opened at 7:32pm

**Special Permit Hearing – Pablo Carbonell, 45 Pine Ridge Drive.** Opened at 8:47pm

**Approve Minutes**

Steve Moeser made a motion to approve the minutes of February 8, 2017 as drafted. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

**Escrow Account Refund – CHOICE, 105 Stow Road**

Liz Allard stated the remaining \$625.00 balance of the escrow account for the project known as The Elms on Stow Road needs to be refunded to the applicant. Steve Moeser made a motion to approve the reimbursement of the escrow account for CHOICE in the amount of \$625.00. Michael Lawton seconded the motion. The vote was unanimously in favor of the motion.

**Annual Appointments & Reappointments**

The Chair was notified that the Board of Selectmen will be conducting annual appointments on June 20<sup>th</sup>. Steve Moeser term is set to expire on June 30<sup>th</sup>. Orville Dodson and Michael Lawton are appointed annual as associate members.

After a brief discussion Steve Moeser made a motion to recommend the reappointment of the above mentioned positions on the Zoning Board of Appeals. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

**Amend Chapter 125-18.1 Accessory Apartment**

Part of the action plan within the 2016 Master Plan is to amend the accessory apartment provision of the Protective Bylaw to remove barriers inhibiting its use, specifically the requirement that the primary structure shall have been in establishment as a single-family residence at least five years prior to the date of the application for the special permit.

After a brief discussion, Theodore Maxant made a motion to endorse the recommended amendment to Chapter 125-18.1 Accessory Apartment Use, which would eliminate 125-18.1A(1) of the Protective Bylaw. Chris Tracey seconded the motion. The final vote was 4-1, with Steve Moeser opposing.

**Planner Flowchart**

The Planning Board is moving towards the creation of a town-employee position for the Town Planner for fiscal year 2019. In doing so they would be interested in creating a long-term plan for the Land Use office as a whole. In addition, the Charter Commission is seeking input on a proposed structure for boards and commission in Town. Michelle Catalina has developed a flowchart that details the responsibilities of a Town Planner and a Conservation Agent, which includes support for the Park & Recreation Commission.

The members believe the overall scope of the Zoning Board of Appeals (ZBA) does not benefit from a Town Planner, and given the past workload the ZBA does not require input from a Town Planner. The members did agree that if the position was created and eliminated the existing Land Use Administrator position then a Planner would be beneficial for attend meetings and draft decisions. The members were supportive of a Planner/Conservation Agent position. It was requested that information be provided on what the current Planner has completed for the boards and committees listed on the flowchart since the hiring of the contracted Planner in 2013.

**Adjournment**

At 9:45pm Steve Moeser made a motion to adjourn the meeting. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

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

## **Zoning Board of Appeals**

### **Special Permit Hearing Meeting Minutes**

#### **Kerry Kunst, 34 Peninsula Road**

**June 14, 2017**

The hearing was opened at 7:32pm by Chairman Chris Tracey in the Town Hall Meeting Room, 13 Ayer Road, under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, the Protective Bylaw, Chapter 125-3 and 125-11

**Members Present:** Chris Tracey, Steve Moeser, Theodore Maxant, Mike Lawton and Orville Dodson

**Others Present:** Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.), Mark Lavelle (GPR, Inc.), Bruce Leicher (BHPWMC), Kerry Kunst and Mike Hilbrunner (GPR, Inc.)

This hearing is for a Special Permit filed on behalf of Kerry Kunst for the demolition and reconstruction and conversion of the dwelling from seasonal to year-round use at 34 Peninsula Road, Harvard.

Steve Moeser made a motion to waive the reading of the legal notice into the record. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

Bruce Ringwall, GPR, Inc., was present to represent the applicant, Kerry Kunst, who was also present. Mr. Ringwall stated the existing two-bedroom dwelling is a seasonal property that lies 31' from the W-district for Bare Hill Pond, which makes the dwelling pre-existing non-conforming to the required 60' setback. In addition, the lot is pre-existing non-conforming as well. The application for a Special Permit before the ZBA is for the removal of the existing seasonal structure, which will be replaced with a new two-bedroom structure with year-round use.

Stormwater calculations were completed for the increase of impervious surface. The plan details the installation of two infiltration chambers, one on the north side of the property and the other on the south side of the property. In addition, a stone diaphragm has been shown on the plan at the base of the driveway to recharge runoff.

Comments submitted by the Board of Health are being addressed in regards to the septic system; including recording the deed restrictions as a two-bedroom dwelling and notice of an Innovated and Alternative septic system. A contract service agreement for the system has been established. Well testing will be taking place shortly as well. Steve Moeser asked why only a two bedroom septic system. Mr. Ringwall stated the property does not have the area to put in both primary and a reserve septic system.

Chris Tracey asked Bruce Leicher, the chair of the Bare Hill Pond Watershed Management Committee, if the Committee has a preference on an in-ground septic system or a tight tank. Mr. Leicher stated it would depend on how the systems functions; if there is a potential of an increase in phosphorus into the pond due to an in-ground system as opposed to a tight tank, then the Committee would prefer the tight tank.

Mr. Leicher suggested mitigating the view shed or adding to the area to reduce view from the pond. Mr. Leicher reviewed the suggestion made in the letter from the Committee. Mr. Leicher further explained the goal is to ensure that stormwater is being treated in a manner that reduces phosphorus from entering the pond. In regards to the view shed, Mr. Ringwall stated there will be no trees cut down from the shore line of the pond. Mr. Moeser argued trees on the north side of the site will be removed and may increase the view of the new structure from pond.

Mr. Tracey read the letter from Conservation Commission into the record. Mr. Ringwall stated the floodplain has been shown on the plan as the W-district. With the expansion of the driveway to

the side of the house, Mr. Moeser asked what that storage area would be used for. Mr. Ringwall stated, small boats, motorcycles, patio furniture and whatever else Mr. Kunst wants to store there. This area most likely will not be accessible in the winter months.

The increase in impermeable surface with the driveway was further discussed, including a request from Mr. Moeser for the dimensions of the proposed infiltration trenches and stone diaphragm. Members were also interested in a landscaping plan for the property, which will aid in the removal of nutrients, such as phosphorus from stormwater runoff.

Theodore Maxant expressed concern of the large two-bedroom structure on a septic system. Mr. Ringwall explained the use of the building, which was further detailed by Mr. Kunst. The property is to be shared between Mr. Kunst and his brother who lives out of state, but has business holdings here in Massachusetts with his brother Kerry, so he frequently needs a place to stay. Chris Tracey noted this type of septic system requires bi-annual inspections per the Board of Health.

A discussion was had on the view shed and ways to minimize the appearance of the new structure from the pond view. Mr. Kunst stated he intends on finishing the house with earth-tones and stone, along with a slate roof.

With a number of unanswered questions and advice sought from Town Counsel on how the decision can preserve the view shed, Steve Moeser made a motion to continue the hearing to July 18, 2017 at 7:30pm in the Town Hall Meeting room. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

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

## **Zoning Board of Appeals**

### **Special Permit Hearing Meeting Minutes**

#### **Pablo Carbonell, 45 Pine Ridge Drive**

**June 14, 2017**

The hearing was opened at 8:47pm by Chairman Chris Tracey in the Town Hall Meeting Room, 13 Ayer Road, under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, the Protective Bylaw, Chapter 125-3 and 125-11

**Members Present:** Chris Tracey, Steve Moeser, Theodore Maxant, Mike Lawton and Orville Dodson

**Others Present:** Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.), Mark Lavelle (GPR, Inc.), Bruce Leicher (BHPWMC), Pablo Carbonell and Mike Hilbrunner (GPR, Inc.)

This hearing is for a Special Permit filed on behalf of Pablo Carbonell for the demolition and reconstruction and conversion of the dwelling from seasonal to year-round use at 45 Pine Ridge Drive, Harvard.

Steve Moeser made a motion to waive the reading of the legal notice into the record. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

Bruce Ringwall, of GPR, Inc., was present to represent the applicant, Pablo Carbonell, who was also present. Mr. Ringwall explained the existing structure will be removed and replaced with a two-story structure with the same footprint as the existing structure. The existing structure is setback 50' from the w-district, where a 55' setback is required, therefore the existing structure is pre-existing non-conforming. The applicant is also seeking to convert the residence from seasonal to year-round. Mr. Ringwall stated all require Board of Health permits have been obtained.

Bruce Leicher, chairman of the Bare Hill Pond Watershed Management Committee, stated the Committee has requested the standard condition in regards to fertilizers be part of the decision made by the ZBA.

Chris Tracey read into the record the comments submitted by other boards and committees.

With no further questions or comments, Steve Moeser made a motion to close the evidentiary portion of the hearing. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

Steve Moeser made a motion to close the hearing and issue a Special Permit to include the conditions recommended by the Bare Hill Pond Watershed Management Committee, as well as to authorize the Chair of the ZBA to sign the final decision on behalf of the Board. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

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

## DOCUMENTS & OTHER EXHIBITS

### Town of Harvard, Zoning Board of Appeals Agenda, dated June 14, 2017

#### Special Permit Hearing – Kerry Kunst, 34 Peninsula Road

- Residential Redevelopment, Special Permit, Site Plan, 34 Peninsula Road, Harvard, MA 01451, prepared for 34 Peninsula Road Trust c/o Kerry Kunst, prepared by GPR, Inc., Job 151006, dated 3/10/2017
- Comments from the Building Commissioner, dated 12, Jun'17
- Letter from the Conservation Commission, RE: Kunst – 34 Peninsula Road, dated June 13, 2017
- Letter from the Bare Hill Pond Watershed Management Committee, Re: Special Permit Request and Notice of Intent, 34 Peninsula Road (“Applicant”), dated May 12, 2017
- Letter from the Board of Health, RE: 34 Peninsula Road, dated June 14, 2017
- Memo from the Town Planner, Subject: Kunst, 34 Peninsula Road, dated June 6, 2017

#### Special Permit Haring – Pablo Carbonell, 45 Pine Ridge Drive

- Notice of Intent & Special Permit, Site Plan, 45 Pine Ridge Drive, Harvard, MA. Prepared for Pablo Carbonell, prepared by GPR, Inc., Job 161031, dated 5/10/2017
- Memo from the Town Planner, Subject: Carbonell, 45 Pine Ridge Drive, dated June 6, 2017
- Comment from the Building Commissioner, dated 5, Jun '17
- Letter from the Bare Hill Pond Watershed Management Committee, Re: Special Permit Request and Notice of Intent, 45 Pine Ridge Drive (“Applicant”), dated May 12, 2017
- Letter from the Conservation Commission, RE: Carbonell – 45 Pine Ridge Drive, dated June 13, 2017

#### Approve Minutes

- Draft minutes of February 8, 2017 prepared by Liz Allard

#### Planner Flowchart

- Untitled document detailing the hierarchy and workflow of a Town Planner and Conservation Agent, dated 07June2017