

**HARVARD ZONING BOARD OF APPEALS  
MEETING MINUTES  
JULY 10, 2019  
APPROVED: AUGUST 21, 2019**

Vice Chair Steve Moeser called the meeting to order at 7:03pm in the Town Hall, 13 Ayer Road, Harvard under the Zoning Act Chapter 40A and the Code of the Town of Harvard Chapter 125

**Members Present:** Steve Moeser, Orville Dodson and Michael Lawton

**Others Present:** Liz Allard (LUB Admin), Steve Nigzus, Peter Cricones (Pine Hill Village, LLC), Carla Page (Pine Hill Village, LLC), Bruce Ringwall (GPR, Inc.), Chris Finneral (Archstone Builders), Kerry Kunst, Matthew Zipoli and Douglas Deschenes (Deschenes & Farrell, P.C.)

**Informal Discussion with Steve Nigzus re: 2 Littleton Road**

Steve Nigzus was present to discuss with the Board his desire to construct a three-car garage at 2 Littleton Road. The existing lot located on the corner of Fairbanks Street and Littleton Road is a pre-existing non-conforming lot at 0.21 acre. The existing multi-family structure is also pre-existing non-conforming. The three-car garage would not be able to meet the required setbacks for the lot. The Board briefly discussed the matter and recommended Mr. Nigzus seek professional advice from a local engineering firm familiar with the Town's Zoning requirements. Ultimately, Mr. Nigzus may need to apply for a Variance.

**Approve Minutes**

Michael Lawton made a motion to approve the minutes of June 12, 2019 as drafted. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

**Final Plan Review – Pine Hill Village, Stow Road (Map 36 Parcel 85 & 86.1)**

Peter Cricones was provided a letter from the Board detailing the items within the Comprehensive Permit that need to be addressed before the Board will provide final approval.

**Extension of a Special Permit Hearing – Kerry Kunst, 34 Peninsula Road.** Opened at 7:33pm (see page 2 for complete details)

**Special Permit Hearing – Archstone Builders, 7 Armstrong Road.** Opened at 8:05pm

**Adjournment**

At 8:30pm Michael Lawton made a motion to adjourn the meeting. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

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

## **Zoning Board of Appeals**

### **Extension of a Special Permit Hearing Meeting Minutes**

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

**July 10, 2019**

The hearing was opened at 7:33pm by Vice Chair Steve Moeser in the Town Hall Meeting Room, 13 Ayer Road, Harvard under the Zoning Act, MGL Chapter 40B and the Code of the Town of Harvard, Protective Bylaw, Chapter 125-46 Special Permits.

**Members Present:** Steve Moeser, Orville Dodson and Michael Lawton

**Others Present:** Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.) and Kerry Kunst

This hearing is for the Extension of a Special Permit filed on behalf of Kerry Kunst for the demolition and rebuild of a pre-existing non-conforming structure and the conversion of a lawful existing seasonal residence for use as a year-round residence at 34 Peninsula Road, Harvard.

Bruce Ringwall detailed the request for a two-year extension for a Special Permit issued in 2017 for 34 Peninsula Road, which included financial and logistic constraints that delay the start of activity. The letter received from the Board of Health requested the Zoning Board of Appeals take no action until the applicant adequately addresses the issues detailed within said letter. The Board and Mr. Ringwall discussed each of the three items within the BOH letter in detail.

After a brief discussion, Michael Lawton made a motion to close the evidentiary portion of the hearing. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Michael Lawton made a motion to extend the Special Permit, Case#03-SP-17, to July 26, 2021 with the following conditions:

- 1) This extension does not waive or alter the requirements under the Terms & Conditions detailed in the Special Permit issued on July 18, 2017;
- 2) A copy of the contract for the properties Innovative and Alternative Sewage Disposal System shall be provide to the Board of Health and the Zoning Board of Appeals;
- 3) A revised "Notice of Alternative Sewage Disposal System" shall be recorded at the Worcester Registry of Deeds. A copy of said recording shall be provided to the Board of Health and the Zoning Board of Appeals; and
- 4) A Certificate of Compliance from the Board of Health shall be obtained no later than August 8, 2020.

Orville Dodson 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**

#### **Archstone Builders, 7 Armstrong Road**

**July 10, 2019**

The hearing was opened at 8:05pm by Vice Chair Steve Moeser in the Town Hall Meeting Room, 13 Ayer Road, Harvard under the Zoning Act, MGL Chapter 40B and the Code of the Town of Harvard, Protective Bylaw, Chapter 125-46 Special Permits.

**Members Present:** Steve Moeser, Orville Dodson and Michael Lawton

**Others Present:** Liz Allard (LUB Admin), Chris Finneral (Archstone Builders), Matthew Zipoli and Douglas Deschenes (Deschenes & Farrell, P.C.)

This hearing is for a Special Permit filed by Archstone Builders for the creation of additional living space in a pre-existing non-conforming garage at 7 Armstrong Road, Harvard.

Doug Deschenes, attorney for the property owner, presented the application for additional living space within a pre-existing non-conforming structure at 7 Armstrong Road. The proposed plan details a 548 square foot game room for the family on the second floor of the existing garage. A small addition to the existing mudroom is also proposed as part of the submitted application. Attorney Deschenes stated the addition conforms to the existing setbacks of the pre-existing non-conforming structure. Attorney Deschenes detailed the requirements under section 125-46C and 125-3B(2) of the Protective Bylaw.

After a brief discussion, Michael Lawton made a motion to close the evidentiary portion of the hearing. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Michael Lawton made a motion to issue a Special Permit to Matthew Zipoli for the creation of additional living space in a pre-existing non-conforming garage at 7 Armstrong Road. Orville Dodson 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 12, 2019**

#### **Informal Discussion with Steve Nigzus re: 2 Littleton Road**

- 2 Littleton Road, Whitney House, Garage Proposal Discussion Topics, Steve Nigzus & George Triantaris, Dated July 10, 2019

#### **Approve Minutes**

- DRAFT HARVARD ZONING BOARD OF APPEALS MEETING MINUTES, JUNE 12, 2019, prepared by Liz Allard

#### **Final Plan Review – Pine Hill Village, Stow Road (Map 36 Parcel 85 & 86.1)**

- Letter from the Zoning Board of Appeals to Pine Hill Village, LLC, RE: Pine Hill Village Comprehensive Permit Final Plan Approval, dated July 10, 2019

#### **Extension of a Special Permit Hearing – Kerry Kunst, 34 Peninsula Road**

- Letter from the Board of Health to the Harvard Zoning Board of Appeals, Kerry Kunst and GPR, Inc., RE: 34 Peninsula Road, Extension of Special Permit, dated July 10, 2019

#### **Special Permit Hearing – Archstone Builders, 7 Armstrong Road**

- Calculations of existing and proposed floor area, undated
- Additions and Alterations to 7 Armstrong Rd, Harvard, MA prepared by Peter J. Karb, Architect, Job No. 19047, dated 4-13-19;