

**HARVARD ZONING BOARD OF APPEALS  
MEETING MINUTES  
APRIL 23, 2014  
APPROVED: MAY 7, 2014**

Chairman Chris Tracey opened the meeting at 7:31pm in the Town Hall Meeting Room under Chapter 40A and the Code of the Town of Harvard Chapter 125

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

**Others Present:** Liz Allard (LUB Admin), Melisa Robbins (Deschenes & Farrell, P.C.), Connie Donahue (CHOICE), Maura Camosse (WIHED), Greg Roy (Ducharme & Dillis) and Joe Peznola (Hancock Assoc.)

**Continuation of a Comprehensive Permit Hearing – Chelmsford Housing Opportunities for Intergenerational and Community Endeavors, Inc.** Opened at 7:31pm (See page 2 for detailed minutes)

**Minutes**

Robert Capobianco made a motion to approve the minutes as amended for January 8 and 15, February 12 and 19, March 5 and 26 and April 9, 2014. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

**Annual Appointments & Election of Officers**

Members discussed the annual appointments of the associate members and re-appointment of Steve Moeser to a three year term. Members also discussed the current structure of the Board in regards to the chair, vice chair and the clerk. After a brief discussion, Robert Capobianco made a motion to recommend to the Board of Selectmen the re-appointment of Steve Moeser as a member of the Board and Theodore Maxant, Orville Dodson and Mike Lawton as associate members. In addition, the motion included the election of Chris Tracey as the chair, Steve Moeser as the vice chair and Liz Allard as the clerk. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

**Adjournment**

Steve Moeser made a motion to adjourn the meeting at 9:25pm. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

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

## **Zoning Board of Appeals**

### **Continuation of a Comprehensive Permit Hearing Meeting Minutes**

#### **Chelmsford Housing Opportunities for Intergenerational and Community Endeavors, Inc. 105 Stow Road**

**April 23, 2014**

The hearing was opened at 7:31pm by Chairman Chris Tracey in the Town Hall Meeting Room under Chapter 40A and the Code of the Town of Harvard Chapter 125

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

**Others Present:** Liz Allard (LUB Admin), Melisa Robbins (Deschenes & Farrell, P.C.), Connie Donahue (CHOICE), Maura Camosse (WIHED), Greg Roy (Ducharme & Dillis) and Joe Peznola (Hancock Assoc.)

This hearing was continued from April 9, 2014 for a Comprehensive Permit filed on behalf of Chelmsford Housing Opportunities for Intergenerational and Community Endeavors, Inc. (CHOICE) for the creation of nine units of affordable, rental housing known as "The Elms" at 105 Stow Road, Harvard.

The previous meeting of April 9<sup>th</sup> was continued without any new input to allow for the applicant's consultant, Hancock Associates, an opportunity to respond to the ZBA consultants, Ducharme & Dillis, peer review report. A response from Hancock Associates was received on April 17<sup>th</sup>. Greg Roy, of Ducharme & Dillis, sent a response on April 22, 2014. Mr. Roy reviewed his report with the Board; most of the initial comments expressed by Mr. Roy have been addressed by Hancock Associates.

Mr. Roy recommends the Board place a condition within the final permit that requires a certification statement on the parking stalls meeting ADA requirements. Mr. Roy feels Chapter 125-39B(6) Driveways-Construction within the Protective Bylaw should be preformed. Joe Peznola, of Hancock Associated stated this would be handled under the final plans; currently there is a sense as to where ground water is, however it is best to determine in the field during construction. Attorney Robbins stated she is not suggesting it not be done, just that it be completed during the final construction plan stage. As for the requirement for a photometric plan under Chapter 125-39D(1), the applicant has requested waiver. Mr. Peznola stated the only lighting on the property will be on the buildings and not within the parking areas. Waivers are also being request for traffic impact report and environmental impact analysis requirements under Chapter 136 Comprehensive Permit Rules and Regulations. Mr. Roy believes the request for these waivers is appropriate.

Chris Tracey requested Ducharme & Dillis provided comments on all of the requested waivers. Robert Capobianco asked if the site distance is sufficient, not only for the speed limit of the roadway, but also for the speed people actually travel in that area. Mr. Peznola stated the site distances meet or exceed the American Association of State Highway and Transportation Officials (AASHTO) standards for the posted speed of the road, which is 25 miles per hour (mph). Mr. Tracey requested comparisons on the distances and the AASHTO standards for the Boards review.

Mr. Roy stated he has reviewed the drainage report and checklist for stormwater report received in latest plan set. Most of Ducharme & Dillis initial comments in regards to stormwater have been addressed by Hancock Associates; however Mr. Roy suggested the Board require the submission of the Stormwater Pollution Prevention Plan as required by the Environmental

Protection Agency, along with a Construction Period Pollution Prevention Plan. Ducharme & Dillis recommends the submittal of an Illicit Discharge Statement prior to construction as a condition of the Comprehensive Permit.

Ducharme & Dillis is recommending the applicant install an additional catch basin to alleviate potential issues with all of the sheet flow being directed to the rip rap apron, especially in the winter months when there will be the presence of snow banks. Mr. Peznola stated Hancock Associates has reviewed this request and in order to include an additional catch basin would require addition fill on the site and would there by increase cost and alter the site considerably. As designed, the basins are of the low impact practice that is coming back into favor. Mr. Tracey asked with curbing around the edges of the parking area how the snow will be located in the designated snow storage areas. Mr. Peznola stated it will be plowed to those locations. Mr. Tracey why there is curbing around the entire parking area, except for the three spots near basin. Mr. Peznola stated to keep stormwater on the pavement until it gets to treatment areas.

Ducharme & Dillis further suggested confirmation from the Fire and Police Departments to be certain they are okay with the plans. Attorney Robbins stated Attorney Deschenes has spoken with the Fire Chief, who requested a cistern be installed on the property for fire protection. Upon further investigation the applicant has determined the installation of the cistern would cost \$40,000. Attorney Robbins assured the Board that the site will be improved and will meet safety standards under the State fire codes. Mr. Tracey asked the applicant to follow up with Fire Chief to get his final thoughts on this aspect.

Following back up on the earlier questions about site distances, Mr. Peznola stated at 35mph AASHTO requires 250 feet and at 45mph 350 feet. Mr. Capobianco requested this information be submitted in writing to the Board.

The Board received an email from the Board of Health (BOH) this afternoon requesting that the waivers under Chapter 145, Board of Health, not be acted upon or denied. As the applicant has not submitted a formal application to the BOH, the BOH has determined that it would be premature to grant such non-specific request and the decision to waive the requirements should be that of the BOH. Mr. Peznola stated the original Comprehensive Permit application included the full design detail for the subsurface disposal system. After a brief discussion on this request, the Board requested the Clerk follow up with the BOH to explain the applicant has indicated that the plans submitted with the Comprehensive Permit are the plans that will be submitted to the BOH for the septic permit. What has happened with this Liz?

In the same email message the BOH asked for a status on the unknown buried object that was identified on the original plans. Mr. Peznola stated the under ground tank will be addressed shortly now that the ground has thawed.

Mr. Capobianco reinstated his main concern with the replacement of the septic system in the future and available funding for that replacement. Mr. Capobianco is not sure the \$30,000 escrow is enough to replace a system when it becomes an issue. Mr. Tracey agrees he is not sure there will be enough money in the reserves as well, but would think this is a BOH issue of public health and safety. Attorney Robbins stated she is confident if the Board conditions financial aspects of the project, then the Department of Housing and Community Development, the final approving authority, may find issue with that. Attorney Robbins suggests the Board seek the advice of Town Counsel on this matter. Mr. Roy stated in the event the system fails, they only component to be replaced would be the leach field. In addition, if the Board ZBA allows the waiver to trenches within trenches, the required fill will all ready be in place. Mr. Tracey asked Mr. Roy to determine the cost associated with replacing a failed system taking into account Mr. Roy's comments..

In regards to other cost within the pro forma, Mr. Tracey asked if any of the contractors who will be working on this development are employed by CHOICE. Connie Donahue stated they are all third party contractors.

Mr. Tracey asked if there have been any waivers requested from the Conservation Commissions Wetland Protection Bylaw. Attorney Robbins stated at this point they are not asking for waivers from the Commission.

The waiver request from the application fees and the consultant fees was discussed. Mr. Tracey requested the Clerk to determine the cost associated with processing the application for the next meeting.

Robert Capobianco made a motion to continue the hearing to May 7, 2014 at 7:30pm in the Hildreth House. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

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

## DOCUMENTS & OTHER EXHIBITS

### **Continuation of a Comprehensive Permit Hearing – Chelmsford Housing Opportunities for Intergenerational and Community Endeavors, Inc.**

- ❖ Renovation and new construction of The Elms, 105 Stow Road, Harvard, MA; CHOICE, Woman's Institute for Housing and Econ. Dev., Davis Square Architects, Hancock Associates, RWM Engineering, BLW Engineering, Project No. 13032.00 75% plan set, dated 9.06.13
- ❖ Letter from Ducharme & Dillis, RE: Peer Review Report #2, "the Elms" 40b Application, 105 Stow Road, Harvard MA, dated April 22, 2014