

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
DECEMBER 11, 2019
APPROVED: MARCH 11, 2020**

Chair Chris Tracey called the meeting to order at 7:02pm 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: Chris Tracey, Steve Moeser, Theodore Maxant (departed 7:15pm), Orville Dodson (arrived at 7:09pm) and Michael Lawton (arrived at 7:15pm)

Others Present: Liz Allard (Land Use Boards Administrator), Sotir Papalilo (Weston Development Group), Mark O'Hagan (Weston Development Group) and Steve Nigzus

Continuation of a Special Permit Hearing - Steve Nigzus & George Triantaris, 26 Madigan Lane. Opened at 7:00pm (see page 2 for complete details)

Continuation of a Comprehensive Permit Hearing – Craftsman Village Harvard, LLC, Ayer Road (Map 2 Parcels 7.1 & 7.2). Opened at 7:15pm (see page 3 for complete details)

Approve Minutes

Michael Lawton made a motion to approve the minutes of November 13, 2019 as amended. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

At 8:30pm Steve Moeser 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

DOCUMENTS & OTHER EXHIBITS

Town of Harvard, Zoning Board of Appeals Agenda, dated December 11, 2019

Review Waivers and Draft Comprehensive Permit for Craftsman Village Harvard

- List of Requested Exceptions to Local Requirements and Regulations, updated April 23, 2019
- Draft Craftsman Village Comprehensive Permit Findings and Decision, October 2019

DRAFT HARVARD ZONING BOARD OF APPEALS MEETING MINUTES NOVEMBER 11, 2019,
prepared by Liz Allard

Special Permit Hearing - Steve Nigzus & George Triantaris, 26 Madigan Lane

- 26 Madigan Lane Proposed Accessory Unit ~1179 sq feet, undated

Continuation of a Comprehensive Permit Hearing – Craftsman Village Harvard, LLC, Ayer Road (Map 2 Parcels 7.1 & 7.2

- List of Requested Exceptions to Local Requirements and Regulations, updated April 23, 2019
- Draft Craftsman Village Comprehensive Permit Findings and Decision, October 2019, version 3
- Email to Liz Allard from Mark O'Hagan, Subject: Craftsman Village – Soil Information, dated Dec 11.

Zoning Board of Appeals

Continuation of a Special Permit Hearing Minutes

Steve Nigzus & George Triantaris, 26 Madigan Lane

December 11, 2019

The hearing was opened at 7:00pm by Chair Chris Tracey in the Town Hall 13 Ayer Road, Harvard under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, Protective Bylaw, Chapter 125-46C Special Permits.

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

Others Present: Liz Allard (Land Use Boards Administrator) and Steve Nigzus

This hearing was continued from November 13, 2019 for a Special Permit filed on behalf of Steve Nigzus & George Triantaris for the approval of an accessory apartment at 26 Madigan Lane, Harvard.

Steve Nigzus present a Certificate of Compliance for a 6-bedroom septic system from the Board of Health. As requested the plan has modified to meet the requirement of a maximum of 1,200 square feet for the accessory apartment.

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.

Theodore Maxant made a motion to issue a Special Permit Steve Nigzus & George Triantaris for an accessory apartment at 26 Madigan Lane. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

Zoning Board of Appeals

Continuation of Comprehensive Permit Hearing Minutes

Craftsman Village Harvard, LLC, Ayer Road (Map 2 Parcels 7.1 and 7.2)

December 11, 2019

The hearing was opened at 7:15pm by Chair Chris Tracey in the Town Hall, 13 Ayer Road, Harvard under the Zoning Act, MGL Chapter 40B and the Code of the Town of Harvard, Protective Bylaw, Chapter 125-46F Comprehensive Permits.

Members Present: Chris Tracey, Steve Moeser, Orville Dodson and Michael Lawton

Others Present: Liz Allard (Land Use Boards Administrator), Sotir Papalilo (Weston Development Group) and Mark O'Hagan (Weston Development Group)

This hearing was continued from November 13, 2019 on a Comprehensive Permit filed on behalf of Craftsman Village Harvard, LLC for the creation of eighteen two-bedroom cottage-style units, consisting of five affordable units along Ayer Road (Map 2 Parcels 7.1 and 7.2), Harvard.

Mark O'Hagan and Sotir Papalilo, of Weston Development Group, discussed the final details of the Comprehensive Permit with the Board. Preliminary soil testing has indicated the need to remediate soil in accordance with the Massachusetts Department of Environmental Protection Reportable Concentrations and S-1 Soil Standards as listed in the Massachusetts Contingency Plan 310 CMR 40.0000. Mr. O'Hagan is recommending a condition be added to the Comprehensive Permit address the need to remediate the soil. The Board reviewed the recommended language and added the need to submit all reports to the Board and the Harvard Board of Health.

Condition 3.6 of the draft Comprehensive Permit was discussed, which requires the final design plans shall meet the requirements under Chapter 125-39B(6) of the Town Code and shall comply with all required inspections by the Town of Harvard Driveway Inspector. Mr. O'Hagan and Mr. Papalilo were agreeable to the required inspections for the construction of the driveway, however the design of those driveways are pitched to collect stormwater as opposed to crowned as required by 125-36B(6). Therefore an additional waiver will be necessary for this section of the Protective Bylaw. Additionally a waiver from 125-15 Earthmoving was also requested.

Steve Moeser made a motion to close the evidentiary portion of the hearing. Michael Lawton seconded the motion. The vote was unanimously in favor of the motion.

Steve Moeser made a motion to approve the following waivers for the construction of the development known as Craftsman Village Harvard on Ayer Road, Assessor's Map 2 Parcels 7.1 and 7.2:

- 125-8A(2)Single Resident Use: Primary Uses - To allow for a temporary construction trailer to be located as shown on Exhibit A, attached. Said trailer can be located on the site from issuance of this Comprehensive Permit and is valid until December 31, 2024, unless otherwise extended by the ZBA.
- 125-9: Multiple Residence Use: Section A.
- 125-15: Earthmoving: To allow for the moving of soil and stone from the premises greater than 2,000 cubic feet.
- 125-21A(1): Permitted Uses in AR Districts: Single Residence Use - To allow for multiple residence on a Lot and to allow for development as approved.
- 125-25: Permitted Uses in W Districts: B. and C. -To allow for development as proposed/approved.
- 125-26: Permitted uses in WFH Districts - to allow for development as approved.

- 125-30: Land-structure relations A. Number of Structures on a Lot- To allow for more than 1 structure on a lot; and B. Floor Area Ratio - To allow for more than 8,000 square feet on all levels of all buildings – Homes (including garage area) total approximately 2,300 square feet per unit, providing for over 46,000 square feet of space, which is in excess of the 8,000 allowed.
- 125-31: Driveways - To allow for driveways longer than 300 feet for development as approved without Planning Board approval:
 - B. Shared (common) Driveways: To allow for more than 4 houses to be served by a common driveway; and
 - E. Crossing of W District and Inland Wetlands - To allow driveways as approved in relation to W district without need of special permit.
- 125-32: Sewage and other potential sources of contamination - The entire section to allow for the septic systems to be designed in compliance with the State Title V regulations and specifically:
 - B. Flooding and Wetlands - To allow for system components within 100 feet of Wetlands and W District;
 - C. Setbacks - To allow for the Septic Systems to be based upon Title V regulations; and
 - D(2). Communal Disposal - To allow for communal sewage disposal not served by municipal water supply.
- 125-38: Site Plans - The entire section to allow for the ZBA to provide any and all necessary site approvals as part of this comprehensive permit decision.
- 125-39 - Site standards: The entire section to allow for the ZBA to provide any and all necessary site approvals as part of this comprehensive permit decision for the development as approved and specifically - Parking Areas:
 - A(3). - To allow for the visiting parking as proposed without the need of green area breaking up the parking zone; and
 - A(3)(a)[3] - To allow the use of the driveway, as well as the areas in front of the garages, as part of the parking aisle width. Residents will have in excess of 20 feet to maneuver their vehicles.
 - B(6). Construction - To allow the driveways and parking areas to be pitched as opposed to crowns.
- 125-41: Signs: E (2). Temporary Signs - To allow for a temporary sign on Subject Property of up to 32 square feet to be used for marketing purposes and taken down upon the completion of construction.
- 125-54: Floodplain Districts: The entire section to allow for the development as approved including the three (3) PWS wells and access which are located within the Flood Plain, per the redesign, and have been reviewed and approved by Massachusetts Department of Environmental Protection.
- 136-9B Performance Guarantee - To allow the performance guarantee to be provided only upon resident occupancy for outstanding site development activities which have not been completed which are necessary to service such units, provided that no occupancy be allowed unless driveways, water and wastewater systems and other utilities are properly installed.
- Wetlands Protection Bylaw – Chapter 119 and related Rules, Chapter 147 – from the provisions of both Chapters to allow construction of the approved development in accordance with the State Wetlands Protection Act and permit the following activities within designated setbacks outlined in Section 147-17:
 - (i) PWS wells within the 50 foot buffer zone including temporary activities related to the installation of the wells and a gravel access road for well maintenance as required by MassDEP regulations.
 - (ii) the well house is adjacent to the 75 foot setback line including grading and limited drainage facilities in addition to the work authorized by this decision.

- (iii) the backup power generator within the 100 foot buffer, provided that propane storage will be outside of 100 foot buffer and no chemicals will be stored within the well house unless approved by MassDEP.

Michael Lawton made a motion to approve the Comprehensive Permit as drafted and to include the condition above in regards to soil remediation on the site. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Steve Moeser made a motion to allow the chair, Christopher Tracey, to sign the Comprehensive Permit on behalf of the Board. Michael Lawton seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk