

**HARVARD ZONING BOARD OF APPEALS  
MEETING MINUTES  
MAY 7, 2014  
APPROVED: JANUARY 14, 2015**

Chairman Chris Tracey opened the meeting at 7:34pm at the Hildreth House under MGL Chapter 40B

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

**Others Present:** Liz Allard (LUB Admin), Connie Donahue (CHOICE), Douglas Deschenes (Deschenes & Farrell, P.C.), Maura Camosse (WIHED), John Boardman (Hancock Assoc.) and Valerie Hurley (Harvard Press)

**Continuation of a Comprehensive Permit Hearing – Chelmsford Housing Opportunities for Intergenerational and Community Endeavors, Inc.,** Opened at 7:34pm (See page 2 for detailed minutes)

**Minutes**

Robert Capobianco made a motion to approve the minutes of April 23, 2014 as amended. Chris Tracey seconded the motion. The vote was unanimously in favor of the motion.

**Adjournment**

Robert Capobianco made a motion to adjourn the meeting at 9:20pm. Steve Moeser 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**

**May 7, 2014**

The hearing was opened at 7:34pm by Chairman Chris Tracey at the Hildreth House under MGL Chapter 40B

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

**Others Present:** Liz Allard (LUB Admin), Connie Donahue (CHOICE), Douglas Deschenes (Deschenes & Farrell, P.C.), Maura Camosse (WIHED), John Boardman (Hancock Assoc.) and Valerie Hurley (Harvard Press)

This hearing was continued from April 23, 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.

Attorney Doug Deschenes, legal representation for the applicant, reviewed the outstanding issues from previous meeting with the members. The applicant's engineer has confirmed the American Association of State Highway and Transportation Officials (AASHTO) standards being met for the sightline from the driveway for the site. The applicant has agreed to work with the Fire Chief to upgrade the William's pond, south of the property, to install a cistern for fire suppression.

In regards to the Board of Health's (BOH) request to be the authority to allow or disallow the requested waiver to the local regulations (Chapter 145), Attorney Deschenes stated the plan is meeting all of the standards of State Sanitation codes under Title V; trenches between the trenches is allowed by Title V, but not under Chapter 145. If the applicant is held to the standard they would not be able to build the system due to other constraints on the site. In addition, if the BOH does not grant the waiver for the setback of the fill from the septic system, the applicant will not be able to meet that requirement either. John Boardman, of Hancock Associates, argued the reasoning for allowing the trenches between the trenches. It is the BOH's opinion that by allowing the trenches between trenches you are unnecessarily exposing individuals to raw sewage during the installation of the trenches. Mr. Boardman stated there are many other ways in which individual in the business are exposed to raw sewage every day, from pumping septic systems to simple repairs on septic systems. Robert Capobianco asked if the trenches could be longer to get more out of them. Mr. Boardman was not sure, but could probably get additional spacing to do so. Mr. Board further explained that by utilizing the same area when the time comes will reduce the cost of replacing the system in another location entirely. Connie Donahue, the Director of CHOICE, stated the tenants are educated prior to moving in on what types of utilities they have and how to maintain them, as they are responsible for things they may damage on the property. Steve Moeser feels the applicant has not explored all of the available options. Mr. Capobianco agreed. Attorney Deschenes stated the plan could be revised to widen the trenches to the maximum width possible. Members of the ZBA were not comfortable with that and would like to see a redesign of the proposed septic system. Attorney Deschenes stated they would come back next time with the redesign, but hopes to be able to have a draft decision for review at that time.

Members discussed the requirements under the Americans with Disabilities Act (ADA). Mr. Deschenes stated compliance with ADA requirements would be part of final plan and also part building code. Mr. Capobianco asked if CHOICE will ultimately be responsible to make up any shortfalls of repairing the septic system. Ms. Donahue stated, yes; she further explained because of the requirements set forth by the Department of Housing and Community Development there will always be a non-profit maintaining this property, not to mention the existing deed restrictions on the property.

The stormwater drainage has been revised to include a catch basin within the parking lot.

The requested waivers were discussed, including the request to waive all local fees, which includes the building permit fee, any electrical or plumbing fees and the fees of the Conservation Commission. The ZBA did not initially understand that the requested waiver was for all local fees and asked that they be allowed time to seek input from those affected by this decision before agreeing to the waiver. The ZBA members would also like to seek Town Counsel's advice on this waiver.

Steve Moser made a motion to continue the hearing to May 28, 2014 at 7:30pm in the Town Hall Meeting Room Robert Capobianco 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