

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
JUNE 25, 2014
APPROVED: JANUARY 14, 2015**

Acting Chairman Robert Capobianco opened the meeting at 7:30pm at the Town Hall Meeting Room under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, the Protective Bylaw, Chapter 125

Members Present: Robert Capobianco, Theodore Maxant and Orville Dodson (by phone)

Others Present: Liz Allard (LUB Admin), Matthew and Evangelene Kennedy

Robert Capobianco noted that Orville Dodson would be participating remotely by phone this evening due to personal illness.

Special Permit Hearing – Matthew & Evangelene Kennedy, 11 Bowers Road.

Opened at 7:30pm (See page 2 for detailed minutes)

Adjournment

Theodore Maxant made a motion to adjourn the meeting at 7:47pm. 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

Matthew & Evangelene Kennedy, 11 Bowers Road

June 25, 2014

The hearing was opened at 7:30pm by Acting Chairman Robert Capobianco in the Town Hall Meeting Room under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, the Protective Bylaw, Chapter 125

Members Present: Robert Capobianco, Theodore Maxant and Orville Dodson (by phone)

Others Present: Liz Allard (LUB Admin), Matthew and Evangelene Kennedy

This hearing is for a Special Permit filed on behalf of Matthew and Evangelene Kennedy for an accessory apartment on a pre-existing non-conforming lot at 11 Bowers Road, Harvard.

Theodore Maxant made a motion to waive the reading of the legal notice. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Matthew and Evangelene Kennedy were in attendance to present their application for an accessory apartment in a pre-existing structure on their property at 11 Bowers Road. Mr. Kennedy explained the existing accessory structure on his property will be renovated into an accessory apartment. Robert Capobianco asked if Mr. Kennedy has seen the letter from the Town Planner in regards to provision §125-18.1A(3). Mr. Kennedy stated he had. Mr. Capobianco asked what the size of the accessory apartment will be. Mr. Kennedy stated it would be 880 square feet; which is 1.8% over the allowed size of an accessory apartment. All other provisions of the bylaw are being met, including compliance with the Board of Health regulations; the existing septic system is a five-bedroom system, with the proposed bedroom in the accessory apartment the property will have five-bedrooms.

As for §125-18.1A(3), Mr. Kennedy has been in touch with the architect who has recommended the reconfiguration of the knee wall on the second floor of the apartment be moved in, thereby reducing the amount of floor area and useable space, allowing for the Kennedy's to meet the provision. It was recommended that the new revised plans show the square footage for the primary residence and the accessory apartment as well as detail the requirement of no more than one-third of the total usable floor area.

Other comments received included the a letter from the Conservation Commission, an email from the Fire Chief, and a note from the Building Commissioner who noted home office can not be used by a non-resident of the property.

Theodore Maxant made a motion to close the evidentry portion of the hearing. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

After a brief discussion, Theodore Maxant made a motion to close the hearing and grant a Special Permit to Matthew and Evangelene Kennedy for an accessory apartment on a pre-existing non-conforming lot at 11 Bowers Road, with the condition that the office space cant not be used by a non-resident of the property and plans are submitted that detail the reduction in living space to be consistent with the provision of §125-18.1A(3). Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Special Permit Hearing – Matthew & Evangelene Kennedy, 11 Bowers Road

- Perspectives Plan, Matthew & Eva Kennedy, 11 Bowers Road, Harvard, MA, prepared by Giattino Design, dated 3/4/14
- Floor Plans, Matthew & Eva Kennedy, 11 Bowers Road, Harvard, MA, prepared by Giattino Design, dated 3/4/14
- Left & Front Elevations, Matthew & Eva Kennedy, 11 Bowers Road, Harvard, MA, prepared by Giattino Design, dated 3/4/14
- Back & Front Elevations, Matthew & Eva Kennedy, 11 Bowers Road, Harvard, MA, prepared by Giattino Design, dated 3/4/14
- Section A-A Plan, Matthew & Eva Kennedy, 11 Bowers Road, Harvard, MA, prepared by Giattino Design, dated 3/4/14
- Structural Plan, Kennedy, prepared by Warren Design Build, dated 02/15/08
- Undated photos showing view from back of main house, front view of secondary structure, back view of secondary structure, inside front entry and room, full bathroom in secondary structure, electrical panel and water heater, inside front right of door and room, upstairs room of secondary structure, street view from front, and street view at side angles.
- Email from the Harvard Fire Chief, dated May 28, 2014
- Note from Harvard Building Commissioner, dated June 2, 2014
- Letter from Harvard Conservation Commission, dated June 11, 2014
- Letter from Harvard Town Planner, dated June 16, 2014