

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
MARCH 22, 2023
APPROVED JUNE 14, 2023**

Chair Christopher Tracey called the meeting to order at 7:01pm, virtually in accordance with legislation S. 2475, an act relative to extending certain COVID-19 measures adopted during the Covid Pandemic state of emergency and under M.G.L. 40A and Code of the Town of Harvard Chapter 125.

Members Present: Chris Tracey, Michael Lawton, Steve Moeser, Barbara Romero (Associate Member) and Orville Dodson (Associate Member),

Others Present: Frank O'Connor, Jr. (Director of Planning), Seth Donohoe (Dillis & Roy), Emily & Chris Goswick (Applicants)

Special Permit Hearing – Emily & Chris Goswick, owners of 184 Ayer Road. Opened at 7:03pm (see page 2 for details).

Approve Minutes – Tracey asked if there any changes to the January 11, 2023 minutes. Lawton mentioned a typographical error. O'Connor said it would be corrected. Tracey requested a motion to approve the minutes as amended. Moeser made that motion, and Lawton seconded the motion. The motion to approve passed unanimously: Lawton, aye; Moeser, aye; and Tracey, aye.

Approve Invoice – Tracey introduced the invoice for \$248 to Nitsch Engineering (related to Pine Hill Village). There was a question about which project the invoice was pertaining to on the invoice. Moeser made a motion to have Tracey review the invoice to pay, seconded by Lawton. The motion to pay the invoice passed unanimously: Lawton, aye; Moeser, aye; and Tracey, aye.

Chair Tracey updated the ZBA members that Liz Allard had relinquished her role with the ZBA. Tracey added that O'Connor would be clerking the ZBA going forward and that the minutes would be handled by a third-party vendor who would work from the Zoom tapes of the meetings.

Tracey added that the Select Board and Town Administrator would need all of the members of the ZBA to update their status and intentions to keep or relinquish their seats. O'Connor said he would share an updated list from the Town Administrator.

ZBA members had an impromptu discussion of the proposed Overlay District at 185-189 Ayer Road. O'Connor said he would be happy to share any comments from ZBA members or the residents of Harvard with the Planning Board and the property owner. Tracey mentioned that there is a new Land Use Board Administrator working in Town Hall.

At 7:44pm, Tracey asked for a motion to adjourn, seconded by Lawton. The motion to adjourn passed unanimously: Lawton, aye; Moeser, aye; and Tracey, aye.

Harvard Zoning Board of Appeals

Special Permit Minutes

Phoenix-Durango LLC (Emily & Chris Goswick) owner for 184 Ayer Road (Map 8 // Parcel 41)

March 22, 2023

The hearing was opened by Chair Christopher Tracey at 7:04pm virtually in accordance with legislation S. 2475, an act relative to extending certain COVID-19 measures adopted during the Covid Pandemic state of emergency and under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125.

Members Present: Chris Tracey, Michael Lawton, Steve Moeser, Barbara Romero (Associate Member) and Orville Dodson (Associate Member),

Others Present: Frank O'Connor, Jr. (Director of Planning), Seth Donohoe (Dillis & Roy), Emily & Chris Goswick (Applicants)

This hearing is for a Special Permit filed on the behalf of Phoenix-Durango LLC for the change in commercial use from a small intensity business to a medium intensity business at 184 Ayer Road.

Seth Donohoe of Dillis & Roy, stated the property is a pre-existing non-conforming building that had previously housed an accounting office on the main floor and a small residential unit on the upper floor. He added it is about 2.2 acres in the C-District. He explained that the previous commercial use as an accounting office was a small-scale use and the new proposed commercial use as an optometrist's office is a medium scale use. Donohoe said this increase in intensity resulted in the need for a Special Permit. He mentioned that the Planning Board had granted a Site Plan approval. He said that the building conforms to all the set backs required and that the street scape and façade of the building would be improved but no substantial changes to the building other than the small vestibule entrance.

Tracey asked about the increase in traffic from the previous use as an accounting office to a medical / optometrist office. Donohoe said the plan was for the optometrists to see patients at the 184 Ayer Road site three days a week and that it would not have the same volume of traffic as at Acton Medical just down the road. Tracey said it was perplexing how there was a need for a Special Permit due to the change in use from a conforming use to another conforming use. Moeser felt the compelling reason was due to the increase in intensity of traffic.

Tracey explained that the Building Inspector required the applicant to obtain the Special Permit from the ZBA. Tracey asked if the other ZBA members had questions. Lawton mentioned the change to the leaching field, which would be addressed by the Board of Health. Neither Donohoe or the Goswicks had anything to add. Tracey asked for a motion to close the evidentiary portion of the meeting. Motion was made by Moeser, seconded by Lawton. Roll call vote was unanimous: Lawton, aye; Moeser, aye; and Tracey, aye. Then Tracey asked for further discussion, Moeser referenced conditions. Motion by Lawton to GRANT the Special Permit was seconded by Moeser. Roll call vote was approved unanimously: Lawton, aye; Moeser, aye; and Tracey, aye.

Submitted: _____ Frank O'Connor, Jr. as clerk