

HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
October 4th, 2023
APPROVED NOVEMBER 1, 2023

Chair Christopher Tracey called the meeting to order, 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, Theodore Maxant (Associate), Barbara Romero (Associate) and Orville Dodson (Associate)

Others Present: Frank O'Connor, Alex Latham, Bruce Ringwall, Luke Kirkland, Walter Eriksen, Matt Cote, Melissa Robbins

Special Permit Hearing:

7:00pm Continuation of Special Permit Hearing – Latham at 200 Still River Road, §125-3B Nonconforming one- and two-family dwellings, and §135-25 Special rule applicable to one- and two-family dwellings.

See full details on Page 3

7:15pm Continuation of Special Permit Hearing – William Ference at 247 Littleton County Road, §125-3C Non-conforming structures other than one – and two-family dwellings and §125-3D Non-conforming uses, for Modification of a Special Permit.

See full details on Page 4

7:30pm Continuation of Public Hearing of COMPREHENSIVE Permit Hearing – Proposed 40-Bm development by JUNO Construction LLC at Old Mill Road

See full details on Page 5 through 7

New Business:

Approve Invoice:

Beals + Thomas Peer Review- \$6,246.03

Motion: Steve Moeser made the motion to approve the invoice to Beals + Thomas for \$6,246.03

Seconded by Michael Lawton

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Passed unanimously

Craftsman Village

The Zoning Board held talks on the flooding issues that is occurring on the road here. Frank O'Connor spoke with the Town's Conservation Agent and her concern about the retention pond and the gravel has been washing out over time. The Board would like Frank O'Connor to get in touch with the Chair of the

Conservation Commission and the Harvard Conservation Agent in order to plan a visit to the site in order to look into that possible reasons for this occurring and to look into potential solutions to this.

Formatting of Documents:

The Board discussed their preferences of the formatting desired for each specific type of document that goes to the Board. The Board would ideally like to choose from a series of templates so that reviewing documents before hearings will be more efficient.

Adjournment

Motion: Michael Lawton made the motion to adjourn at 9:43pm

Seconded by Steve Moeser

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Harvard Zoning Board of Appeals

Special Permit Minutes

October 4th 2023: 7:00pm

Alex Latham at 200 Still River Road

Continuation of Special Permit Hearing: §125-3B Nonconforming one- and two-family dwellings, and §135-25 Special rule applicable to one- and two-family dwellings.

Mr. Latham opened the meeting requesting to continue the meeting at a later time. He stated that they are finalizing the official plans and just need to have the plans drawn up for the Zoning Board of Appeals to review. Chris Tracey suggested that the plans be submitted a week before the next hearing so the Board can have the time to fully view the plans before the official hearing.

Motion: Steve Moeser made the motion to continue the Special Permit Review to 7:00pm on December 6th 2023

Seconded by Michael Lawton

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Passed unanimously

Harvard Zoning Board of Appeals

Special Permit Minutes

October 4th 2023: 7:15pm

William Ference at 247 Littleton County Road

Continuation of Special Permit Hearing: §125-3C Non-conforming structures other than one- and two-family dwellings and §125-3D Non-conforming uses, for Modification of a Special Permit.

The Board received a letter requesting a continuance of their Special Permit Meeting. Bruce Ringwall addressed the Board to set the date for the beginning of November.

Motion: Steve Moeser made the motion to continue the Special Permit Review to 7:15pm on December 6th 2023

Seconded Michael Lawton

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Passed unanimously

Harvard Zoning Board of Appeals

Special Permit Minutes

October 4th 2023: 7:30pm

JUNO Construction LLC at Old Mill Road

Continuation of Public Hearing of COMPREHENSIVE Permit Hearing – Proposed 40-Bm Development

Chris Tracey opened the meeting asking if there was a set agenda to follow on this development in order to effectively address all areas needed to be discussed. Walter Eriksen and Bruce Ringwall added that there have been no new updates from the fire department since addressing their initial concerns and recommendations. The cistern and the turning radii are within the Town's firetruck requirements. Steve Moeser commented that he does not have the proper amount of knowledge on storm water management, disposal, or septic so he will be deferring to experts on the matter that are heard during this hearing. Steve Moeser also added that he did not know the results from the Design Review Board and would like to know what resulted during this meeting.

There were questions about necessary waivers needed in the last meeting that Steve Moeser would like to revisit again. After a recent meeting, Bruce Ringwall sent out information covered with Frank O'Connor that showed a revised backing if some of the buildings on the properties that reference the topics covered at the Design Review Board meeting. Bruce Ringwall also added that the septic design has not been fully created yet due to the complexity, but will go through the normal process when the time comes. A traffic study did not get done, but a traffic assessment did take place for this development. Mr. Ringwall believes, based on the assessment, that the added traffic is not a concern.

The Board addressed the October 3rd 2023 letter with Matt Cote:

- The first two waivers did not receive any exceptions and the Board did not have any comments on these.
- Steve Moeser had a question about the third waiver that noted that the amount of floor spacing exceeded the current Town's bylaw. Mr. Moeser asked why they aren't building a smaller project instead. Bruce Ringwall answered this question by clarifying that the development takes storage space in the basement areas into consideration for the occupants of these units and this is where a large amount of the total floor area is coming from. He further clarifies that many towns do not take this flooring into consideration in the project's dimensions in regards to the bylaw limits. Melissa Robbins added that the size of the project is currently economical and by making this smaller would make it uneconomical for both the developer and the Town of Harvard. Melissa Robbins also clarified questions on how this is done through Massachusetts audits that take place on the plans to make it a 24-unit plan.
- For the fourth waiver addressing the setback requirement, the Board wanted to know more about the appearance of the gazebo structure that would be used primarily as a bus stop. Melissa Robbins clarified that this would be a standard version of a gazebo structure and assured the board that she would provide visual details for the next meeting.
- There were no comments on the fifth waiver regarding waste removal, but the Zoning Board expects to hear updates on the reasoning of why this has been ruled acceptable from other Town Boards.

- For the sixth waiver, the Board would like to hear comments from the Design Review Board on this. Frank O'Connor is also waiting on these comments and will provide these to the Board when he has received them. Bruce Ringwall helped clarify that they were able to answer all questions and concerns during the Design Review Board.
- For the seventh waiver, Beals and Thomas noted that there were some inconsistencies but Bruce Ringwall assured that these plans have been looked at and modified for the plants planned to be submitted. These plans were updates in the September 20th 2023 plans that were submitted.
- In the eighth waiver that added additional space to each parking unit, Bruce Ringwall shared his screen to show a visual of the plans to assist in explaining the reasoning. The Board asked if it was possible to change the plans to be in compliance. Bruce Ringwall does not believe that these changes are possible in the current plans, but could be able to make these changes if the Board ultimately decided to reject this waiver. Chris Tracey also asked about the expected amount of traffic that would come from these plans and was skeptical of the low numbers expected over the years due to the undetermined population that would be living in this development.
- In the ninth waiver regarding sidewalk requirements, the development wants to reduce the width of the sidewalks to provide more natural open space in the development. Bruce Ringwall cited a previous plan in Harvard that was previously built and noted that there have been no issues in that location. The Board requested some comments from the fire department on this and if the sidewalk plans are adequate from a public safety standpoint. Matt Cote currently believes that these plans are in fact adequate from a public safety standpoint.
- In the tenth waiver, there were no questions or discussion on this topic.
- For the eleventh waiver, Bruce Ringwall shared his screen to help illustrate the reasoning for this waiver. The waiver would allow for building within 50-feet in order to properly space out the three wells, the leaching area, and the septic zone within the property. This would be needed due to the unavailable use of Town Water being used for the development.
- For the twelfth waiver on storm water management, Bruce Ringwall clarified that the current plans would need a waiver because there isn't a realistic amount of space in order to create a larger volume of storm water collection without cutting down a large amount of trees on the property. Steve Moeser asked about the drainage systems and if they are planned runoff directions already in place. Matt Cote noted that there were some previous concerns about swales creating runoff to the abutting property. Bruce Ringwall assured that these plans are in place and have been modified to show that they meet all the requirements needed in the Town's bylaws.

Comments Sections of the letter:

- For sections thirteen through seventeen, the Board had no questions and concerns at these time.
- In section eighteen, Steve Moeser requested that the police chief look at the plans for no street lights in the development. Frank O'Connor will relay this and return with the police chief's feedback.
- The Board quickly read through sections nineteen through thirty-nine to complete their review of the letter. There were no discussions, updates or comments from the Board on these sections.

Bruce Ringwall will address all the questions and concerns in the next meeting and hopes to have everything in order for the Board by time of the next meeting on November 1st 2023.

Public comment at the end of the hearing:

Luke Kirkland, who lives adjacent to the proposed development thanked the Board for the effort they have put in learning and questioning all the details proposed at this time. Mr. Kirkland made his concerns to the Board about the potential traffic ramifications and the environmental concerns that could come up due to the development.

Motion: Steve Moeser made the motion to continue the meeting at 7:00pm on November 1st 2023

Seconded by Michael Lawton

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Passed unanimously