

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
MARCH 14, 2012
APPROVED: April 26, 2012**

Chairman Chris Tracey opened the meeting at 7:30pm in the Former Library Multipurpose Room Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Chris Tracey, Steve Moeser and Robert Capobianco (remotely)

Others Present: Liz Allard (LUB Admin), Mark Lanza, Dan Wolfe (Ross Assoc.), Michael Lawton, Elaine Davis- Curl, Dennis Ring, Richard Blinn, Tim & Sarah Arnold, Valerie Hurley (Harvard Press) and Wade Holtzman

Special Permit Hearing – Timothy & Sarah Arnold, 57 Old Mill Road. Opened at 7:30pm

Modification of a Comprehensive Permit Hearing - PRM Capital, LLC, Trail Ridge Way.
Opened at 8:05pm

Continuation of a Variance Hearing – Mary Traphagen & Matthew Day, 146 Still River Road.
Opened at 8:51pm

Harvard Common Condominiums Request for Extension of the Comprehensive Permit, 15 Littleton Road

Liz Allard explained that by a matter of technicality the request to extend the Comprehensive Permit was granted by a no response of the Board with thirty days. Chris Tracey explained to the members that he is not sure if the Board has any leverage on the open issues on the site. Robert Capobianco stated that before another nail is driven in on that site he wants the issues corrected. Mr. Capobianco recommended the Board send the Building Commissioner a letter requiring the site be brought into compliance for safety reasons and with compliance of the conditions of the Comprehensive Permit. Ms. Allard will draft a letter to the Building Commission for Mr. Tracey to sign on behalf of the Board. Both Mr. Tracey and Steve Moeser will hand deliver the letter the Building Commissioner during his office hours this coming Monday.

Adjournment

Steve Moeser made a made motion to adjourn the meeting at 9:03pm. Chris Tracey seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

Zoning Board of Appeals

Special Permit Hearing

Timothy & Sarah Arnold, 57 Old Mill Road

March 14, 2012

The hearing was opened at 7:30pm by Chairman Chris Tracey in the Former Library Multipurpose Room under Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Chris Tracey, Steve Moeser and Robert Capobianco (remotely)

Others Present: Liz Allard (LUB Admin), Dan Wolfe (Ross Assoc.), Michael Lawton, Tim & Sarah Arnold and Richard Blinn

This hearing is for a Special Permit filed on behalf of Timothy & Sarah Arnold for an addition to a pre-existing, non-conforming dwelling and accessory apartment at 57 Old Mill Road, Harvard.

Dan Wolfe, from Ross Associates, was present to present the application, along with the applicants, Tim & Sarah Arnold. Mr. Wolfe explained the plan has changed somewhat since it was originally submitted, for what he believes is the better. As originally proposed the addition would have been in front of the 2:1 setback line, a last minute tweaking the entire structure has placed the addition behind the 2:1 setback. The addition will now be directly attached to the existing structure. This change also moves the proposed garage further from the existing wetlands. As proposed the structure will have a slight overhang that has not been included in the dimensional offsets that were provided. Members asked the size of the overhangs. Mr. Wolfe stated they will be a foot, to a foot and a half. The proposed three bay garage will include an accessory apartment. Documentation has been submitted to the Board of Health that indicates the existing septic system has the capacity for the additional room count of the accessory apartment. The Conservation Commission has confirmed that all work will be outside the 100' wetland buffer zone and will not require a filing with them for this project. Mr. Wolfe explained the comments from the Building Commissioner are structural concerns and not necessarily to be addressed here this evening. The two driveway cuts shown on the plan are existing. Robert Capobianco asked about the Building Commissioner's comment in regards to a second egress from the apartment. Richard Blinn, the design contactor stated a deck will be built off the rear of the structure that will be within compliance of the Bylaw and has a second egress. The existing apartment will be removed and replaced with an accessory apartment that conforms to the Protective Bylaw, §125-18.

Chris Tracey read the letters from the Conservation Commission, Board of Health and the Building Commissioner into the record. Steve Moser asked how many individuals would be occupying the apartment. Tim Arnold stated that he intent on using the area as an office and guest facility.

With no further questions or comments Robert Capobianco made a motion to close the evidentiary portion of the hearing. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

After a brief discussion, Steve Moeser made motion to grant a Special Permit for the accessory apartment, under §125-18 of Protective Bylaw and addition to the pre-existing non-conforming dwelling, under §125-3 of the Protective Bylaw, with no additional conditions and allow the Chairman to sign on behalf of the Board. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____

Liz Allard, Clerk

Zoning Board of Appeals

Modification of a Comprehensive Permit Hearing

PRM Capital, LLC, Trail Ridge Way

March 14, 2012

The hearing was opened at 8:05pm by Chairman Chris Tracey in the Former Library Multipurpose Room under Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Chris Tracey, Steve Moeser and Robert Capobianco (remotely)

Others Present: Liz Allard (LUB Admin), Michael Lawton, Mark Lanza, Elaine Davis-Curll, Dennis Ring, Valerie Hurley (Harvard Press) and Wade Holtzman

This hearing is for a Modification of the Comprehensive Permit filed on behalf of PRM Capital, LLC to allow for the remaining thirty-two (32) units to be constructed as duplexes rather than quadplexes at the development known as Trail Ridge off Littleton County Road, Harvard

Elaine Davis-Curll and Dennis Ring, from Northwest Construction Services, were present to discuss the proposed modifications to the development known as Trail Ridge off of Littleton County Road. The modification will change the quadplexes to duplexes, but will not reduce the total number of units. Ms. Davis-Curll stated the main reason for the modification is to make the units more desirable, each with a two-car garage and being end units. The interior units of the quadplexes are suitable for prospective buyers as far as space is concerned, however it seems everyone wants an exterior unit. Ms. Davis-Curll thinks the duplexes would make a huge difference in sales of the remaining units. Dennis Ring explained that Northwest did not want to move forward with the detailed engineering plans until they had an indication that the ZBA would be favorable to the requested modification. Mr. Ring further explained that the bedroom count will remain the same. Steve Moeser asked how the affordable units will be determined. Mr. Ring explained that the original plan had one affordable unit in each building, the modified plan calls for one affordable in every other building. Conceptually floor plan had been submitted with the application for members to review. Ms. Davis-Curll stated the Derby styled units would be age restricted as required by the Comprehensive Permit, with a master bedroom on the first floor.

Mr. Moeser stated without engineered plans the Board cannot determine the additional loads on such things as the septic system and storm water management facilities. Mr. Ring anticipates those loads to be the same as previously permitted. Chris Tracey asked what had been prepared on the site for these units. Mr. Ring stated nothing has been done to develop these units, nor are there any existing foundations for the quadplexes. The distance between the buildings will remain the same as originally designed.

Comments received from other boards and committees were discussed. Mr. Tracey asked about the issuance of non-compliance from the Department of Environmental Protection. Mr. Ring explained a well was taken off line as there was an issue with it, but will be addressed prior to the putting it back on line. In addition a copy of Title V inspection has been sent to Liz Allard for the record, which was last completed in 2010. Northwest currently has a contract with Clearwater that includes the three year inspection of the septic system.

The Conservation Commission has requested the applicants obtain a Certificate of Compliance for the work that has been completed to close out the existing Order of Conditions and then file a new Notice of Intent for the remaining work within their jurisdiction.

Wade Holtzman, of the Municipal Affordable Housing Trust, wanted to make sure the number of affordable units remains the same. Mr. Ring confirmed the number of affordable units will remain the same.

Under Mass General Law, the Board has thirty days to issue a decision on a request for modification; the applicant agreed to extend that time frame to sixty days.

Steve Moeser stated anything the applicant can do to get the units to be more marketable and built out would be good for the Town and he is in supported of the proposed modifications. Robert Capobianco stated he is also supportive the modifications as presented this evening. Chris Tracey stated that he too is in support of the requested modifications.

With that said, Robert Capobianco made a motion to continue the hearing to April 26, 2012 at 7:30pm. 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 Variance Hearing Meeting Minutes

Mary Traphagen & Matthew Day, 146 Still River Road

March 14, 2012

The hearing was opened at 8:51pm by Chairman Chris Tracey in the Former Library Multipurpose Room under Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Chris Tracey, Steve Moeser and Robert Capobianco (remotely)

Others Present: Liz Allard (LUB Admin), Michael Lawton and Mark Lanza

This hearing had been continued from January 25, 2012 on a Variance for an addition to the existing structure that will encroach on the 60' setback at 146 Still River Road, Harvard.

Liz Allard explained to the members that prior to the scheduled February 22nd meeting of the Board she had received a letter from Mary Traphagen and Matthew Day requesting their application for a Variance be withdrawn without prejudice. Steve Moeser made a motion to accept the withdrawal without prejudice the application of a Variance filed on behalf of Mary Traphagen and Matthew Day. Chris Tracey seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Special Permit Hearing – Timothy & Sarah Arnold, 57 Old Mill Road

- ❖ Town of Harvard Zoning Board of Appeals Application for a Hearing, Timothy & Sarah Arnold, dated Feb. 6, 2012
- ❖ Sewage Disposal Plan designed for Timothy Arnold, Job No. 25192, Plan No. L-10942, final revision date 3/1/2012

Modification of a Comprehensive Permit – PRM Capital, LLC, Trail Ridge Way

- ❖ Town of Harvard Zoning Board of Appeals Application for a Hearing, PRM Capital, LLC, dated February 13, 2012
- ❖ Overall Layout Plan in Harvard, Massachusetts, Prepared for Fairways Partners, LLC, Job No. 1398, Plan No. B-3-3, final revision date 6/21/05
- ❖ Letter addressed to Town of Harvard, Town Counsel, dated 24 January 2012
- ❖ Trail Ridge Numbering, undated
- ❖ The Preakness Design, first and second floor, undated
- ❖ The Derby Design, first and second floor, undated

Continuation of a Variance Hearing – Mary Traphagen & Matthew Day, 146 Still River Road

- ❖ Letter addressed to Christopher Tracey from Mary Traphagen and Matthew Day, dated February 7, 2012