

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
FEBRUARY 10, 2016
APPROVED: JULY 13, 2016**

Chairman Chris Tracey opened the meeting at 7:30pm on the Mezzanine at 7 Fairbank Street under the Zoning Act Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Chris Tracey, Steve Moeser, Robert Capobianco (by Skype), Orville Dodson and Mike Lawton

Others Present: Liz Allard (LUB Admin), David & Lucy Alexander, Neil Gorman (Ross Associates), Rose White (Woman's Institute), Connie Donahue (CHOICE, Inc.), Melissa Robbins (Deschenes & Farrell, P.C.), Eric Chamberlin (Davis Square Architects) and Joe Peznola (Hancock Assoc.)

Continuation of a Special Permit Hearing – Davis Alexander, 284 Ayer Road. Opened at 7:30pm (for detailed minutes see page 3)

Erosion Control Bylaw

Liz Allard had previously distributed the proposed Erosion Control Bylaw the Conservation Commission is seeking to bring to the Town Meeting this spring. After a brief discussion, Steve Moser made a motion to support the Erosion Control Bylaw as proposed by the Conservation Commission. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

Comprehensive Permit Final Plan Review CHOICE, 105 Stow Road

Melissa Robbins, of Deschenes & Farrell, P.C., was present to represent CHOICE. Attorney Robbins explained the final plan has been revised and approved by the Conservation Commission (ConCom). Once the ZBA approves the final plan set the Order of Conditions issued by the ConCom will be revised to reflect those plans. Information provided by the Building Commissioner indicates he is satisfied with the final plans, including the provided egress in the event of a fire within one of the structures.

To clarify the three-story structure is allowed by Building Code, Attorney Robbins requested a vote of the ZBA; the Protective Bylaw does not state where the height of a building is measured from, however referring to the Building Code the buildings would be compliant.

Robert Capobianco has serious concerns in regards to the structures only having one means of egress. Mr. Capobianco would like to see stairs installed from deck to deck. Eric Chamberlin, of Davis Square Architects, stated the egresses and safety equipment provided fully meet code.

The final plan included three additional parking spaces. After a brief discussion, Chris Tracey suggested an over flow parking area be designated within the grassy area on the north side of the entrance, beyond the three additional spaces for guest parking. This detail shall be included on the final construction plans.

Steve Moeser made a motion to allow for the modification of the Comprehensive Permit to include a waiver to Chapter 125-30C Height of the Protective Bylaw. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

Robert Capobianco made a motion to replace requirement 3.13 of the Comprehensive Permit, dated May 24, 2014, with a conditions that units will have wet pipe system sprinklers and water tank, which will be constructed as shown on the plan. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

With no further questions or comments, Steve Moeser made a motion to accept the final plans as prepared for CHOICE, 105 Stow Road and dated December 12, 2015 . Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

At 8:36pm Mike Lawton made a motion to adjourn the meeting. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

Zoning Board of Appeals

Continuation of a Special Permit Hearing Meeting Minutes

David Alexander, 284 Ayer Road

February 10, 2016

The hearing was opened at 7:30pm by Chairman Chris Tracey on the Mezzanine at 7 Fairbank Street under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, the Protective Bylaw, Chapter 125

Members Present: Christopher Tracey, Steve Moeser, Robert Capobianco (by Skype), Orville Dodson and Mike Lawton

Others Present: Liz Allard (LUB Admin), David & Lucy Alexander and Neil Gorman (Ross Associates)

This hearing was continued from January 13, 2016 for a Special Permit filed on behalf of David Alexander for the addition to a pre-existing non-conforming structure at 284 Ayer Road, Harvard.

Neil Gorman, Project Manager of Ross Associates, was present to represent the applicant, David Alexander, who was also present. Mr. Gorman explained the applicant has reduced the size of the proposed addition from it the original plans submitted to the ZBA. The proposed addition is now 14' x 28' off the back of the existing structure, which is a pre-existing non-conforming structure. The addition at 22.4' off the property line will conform to the land-structure relations of the lot. The existing building is non-conforming as it sits 2.4' from the property line. Mr. Alexander explained the addition is not meant to increase the number of employees, but allow for an increase in the work space available for the existing employees.

Chris Tracey read into the record the comments received from other Boards and Commission's.

Chris Tracey made a motion to close the evidentiary portion of the hearing. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

Orville Dodson made a motion to issue a Special Permit to David Alexander at 284 Ayer Road for an addition to a pre-existing non-conforming structure. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Continuation of a Special Permit Hearing – Davis Alexander, 284 Ayer Road

- Site Plan prepared for David Alexander, 284 Ayer Road, Harvard, MA, prepared by David E. Ross Associates, Inc., Job No. 29397, Plan No. L-12700, dated 2/5/2016
- Architectural Drawings, prepared for Alexander Advisors, LLC, 284 Ayer Road, Harvard, MA, prepared by Giattino Design, dated 1/11/16
- Email from Rich Nota, Town of Harvard Public Works Director, dated Dec 17, 2015, Subject: 284 Ayer Road
- Note from Gabe Vellante, Building Commissioner, dated 21, Dec. '15
- Letter from the Harvard Conservation Commission, dated January 11, 2016
- Email from Rick Sicard, Harvard Fire Chief, dated Feb 08, 2016, Subject: Re: ZBA Comments – 284 Ayer Road

Comprehensive Permit Final Plan Review CHOICE, 105 Stow Road

- Construction Plan Set Residential Site Development The Elms at 105 Stow Road for CHOOICE, Inc., Drawing No.'s C001, C002, C003, C101, C102, C103,201, C301 and C302, prepared by Hancock Associates, dated 12/15/2015
- Email from Rick Sicard, Harvard Fire Chief, dated Feb 08, 2016 Subject: Re. FW: The Elms, Stow Road, egress question
- Email from Robert Capobianco, dated Feb 09, 2016, Subject: 105 Stow Rd- The Elms Building B three story one means of egress
- Letter from Hancock Associates, dated February 2, 2016, RE: "The Elms" 40b Application, 105 Stow Road, Harvard, MA