

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
NOVEMBER 9, 2016
APPROVED: NOVEMBER 29, 2016**

Chairman Chris Tracey called the meeting at 7:33pm in the Town Hall at 13 Ayer Road 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, Theodore Maxant and Mike Lawton

Others Present: Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.), Allen and Carol Hoffman and Bruce Leicher (BHPWMC)

Special Permit Hearing – Mikhail Zheleznyak, 23 Peninsula Road. Opened at 7:30pm

Minutes

Chris Tracey made a motion to approve the minutes of July 13, 2016 as amended. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Approve Response Letter re: Sale of Pine Hill Village

Members reviewed the draft response letter to Robert LaPierre and determined they would like to have Town Counsel review it prior to sending it out.

Adjournment

At 8:52pm Orville Dodson made a motion to adjourn the meeting. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Special Permit Hearing – Mikhail Zheleznyak, 23 Peninsula Road

- Residential Redevelopment, Special Permit Plan, 23 Peninsula Road, Harvard, MA 01451, prepared for Mikhail Zheleznyak c/o Olga Bykhovsky, Prepared by GPR, Inc., Job 161057, dated November 9, 2016
- Architectural drawings, 23 Peninsula Drive, Harvard, MA, prepared by YM Design, Inc., A101 -103, A111 & 112, dated 11/09/2016

Zoning Board of Appeals

Special Permit Hearing Meeting Minutes

Mikhail Zheleznyak, 23 Peninsula Road

November 9, 2016

The hearing was opened at 7:30pm by Chairman Chris Tracey in the Town Hall at 13 Ayer Road under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, the Protective Bylaw, Chapter 125

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

Others Present: Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.) Allen and Carol Hoffman and Bruce Leicher (BHPWMC)

This hearing is for a Special Permit filed on behalf of Mikhail Zheleznyak for the expansion of a pre-existing non-conforming structure on a pre-existing non-conforming lot at 23 Peninsula Road, Harvard.

Bruce Ringwall, of GPR, Inc., was present to represent the applicant. Mr. Ringwall explained the existing house is a pre-existing non-conforming structure due to the encroachment of the structure on the front setback of 75'. The original camp was built in 1946, with a proper septic system and foundation installed in 1976. Additions were made to the house over the preceding years.

The proposal is to level the existing house to the foundation and build upon that without expanding the existing non-conformity. Mr. Ringwall explained revised plans have been submitted after meeting with the Conservation Commission (ConCom), who were not amenable to granting a waiver to the Wetland Protection Bylaw (WPB) 75' setback for structures from a resource area. The revised plan shows the structure to now be beyond the 75' no structure setback under the WPB. The depth of the deck and patio have been modified as well

Stormwater runoff has been addressed with the proposed use of a leaching infiltration chamber and two stone chambers to collect and infiltrate roof runoff. The proposed plan reduces the amount of impervious area from 24 cubic feet to 17 cubic feet.

Also, at the request of the ConCom the two trees slated for removal will be replaced with four new trees to maintain the existing tree canopy.

When asked Mr. Ringwall stated the driveway will remain gravel. Mr. Ringwall added the stormwater calculations were based on an impervious driveway surface. Steve Moeser asked if the infiltration trenches would reduce phosphorus. Bruce Leicher, the chairman of the Bare Hill Pond Watershed Management Committee, stated the Committee is happy with the changes made since the ConCom meeting. Mr. Leicher elaborated on the concern with phosphorus; with the primary source from driveways and chemical fertilizers. The proposed infiltration chamber and stone trenches will be maintained with annual reports as required by the Order of Conditions issued by the ConCom. There are no plans for new landscaping at this point; however the ConCom would make requirement that all plantings be native.

Chris Tracey read into record letters received from other boards, commissions and departments. The Board of Health (BOH) feels two of the rooms as designed could be considered to as bedrooms and is requiring the upgrade of the existing septic system or a re-design of the proposed rooms. Mr. Ringwall read from the regulations under Title V. Mr. Ringwall offered to

place a deed restriction limiting the property to two-bedrooms. Liz Allard stated it is her understanding that the BOH is not amenable these days to deed restrictions. Mr. Ringwall suggested the ZBA decision simple state the applicant must comply with the requirements of the BOH.

There was a brief discussion in regards to the color of the proposed house and how it would be in harmony with the neighborhood. Mr. Ringwall agreed to condition the ZBA decision with the requirement that the house color be a muted, and not primary color.

Alan Hoffman, an abutter and former member of his local Board of Health, stated the Title V requirement applies to new construction and not reconstruction. Mr. Moeser was not comfortable with closing the hearing before receiving additional information from BOH. Mr. Leicher was asked about the BHPWMC opinion in regards to a two-bedroom home being used as a four-bedroom in the future. Mr. Leicher stated as long the septic system is being maintained the BHPWMC would not have any problem with the increase in septic due to an increase in the bedroom count as this would not increase pollution to the pond.

After a brief discussion, Mr. Ringwall requested the hearing be continued to the next available meeting of the ZBA.

Steve Moser made a motion to continue the hearing to November 29, 2016 at 7:30pm in the Town Hall. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk