

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
FEBRUARY 28, 2018
APPROVED: MAY 9, 2018**

Chairman Chris Tracey called the meeting to order at 7:37pm in the Town Hall, 13 Ayer Road, under the Zoning Act Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Chris Tracey, Orville Dodson and Michael Lawton (via Skype)

Others Present: Liz Allard, Jeremy Blanchard, Libby Levison (Board of Health), Pam Lawson, Larry Doe, Sotir Papalilo (Weston Development Group, Inc.), Mark O'Hagan (Weston Development Group, Inc.), Lucy Wallace (Board of Selectmen), Chris Horne, Matthew Flokos (Harvard Press), Yuling DiPietro and Erin Mc Bee Planning Board)

Continuation of a Special Permit Hearing – MCI Communications Services, Inc., north end of Depot Road (Map 7 Parcel 1024). Opened at 7:37pm

Continuation of a Comprehensive Permit Hearing - Craftsman Village Harvard, LLC, Ayer Road (Map 7 Parcels 7.1 & 7.2). Opened at 7:46pm

Approve Minutes

Members agreed to pass over this item this evening

Planning Board Bylaw Amendments 2018

Liz Allard stated public hearings for the Planning Board proposed bylaw amendments will begin on March 5th at 7:15pm in the Town Hall Meeting Room. Amendments this year include a Groundwater Protection Overlay District, Agritourism Overlay District and Marijuana Establishments and Cultivation. Current versions of each proposed bylaw can be found on the Planning Board page of the Town website.

Adjournment

At 9:20pm, Chris Tracy 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

MCI Communications Services, Inc., north end of Depot Road (Map 7 Parcel 1024)

February 28, 2018

The hearing was opened at 7:37pm by Chairman Chris Tracey in the Town Hall, 13 Ayer Road, Harvard under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, Protective Bylaw, Chapter 125-16, 125-21 and 125-46.

Members Present: Chris Tracey, Orville Dodson and Michael Lawton (by Skype)

Others Present: Liz Allard

This hearing was continued from February 7, 2018 for a Special Permit filed on behalf of MCI Communications Inc., for the continued operation of a fiber optic long distance repeater site with associated standby power on the site at the north end of Depot Road, Harvard (Map 7 Parcel 1024).

Orville Dodson made a motion waiving the reading of the legal notice. Michael Lawton seconded the motion. The vote was unanimously in favor of the motion.

Chris Tracey read the comments received from other boards and commissions into the record. The Planning Board raised concern in regards to the lease with the railroad company; has it been renewed? After a brief discussion the Board members concluded there is a opportunity for liability if the railroad has not allowed for access of this site. This information will be requested of the applicant.

Orville Dodson made a motion to continue the hearing to April 11, 2018 at 7:40pm in the Town Hall. Michael Lawton seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Liz Allard, Clerk

Zoning Board of Appeals

Comprehensive Permit Hearing Meeting Minutes

Continuation of a Craftsman Village Harvard, LLC, Ayer Road (Map 2 Parcels 7.1 & 7.2)

February 28, 2018

The hearing was opened at 7:46pm by Chairman Chris Tracey in the Town Hall, 13 Ayer Road, Harvard under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, Protective Bylaw, Chapter 125-46F

Members Present: Chris Tracey, Steve Moeser, Orville Dodson and Michael Lawton

Others Present: Liz Allard (LUB Admin), Jeremy Blanchard, Libby Levison (Board of Health), Pam Lawson, Larry Doe, Sotir Papalilo (Weston Development Group, Inc.), Mark O'Hagan (Weston Development Group, Inc.), Lucy Wallace (Board of Selectmen), Chris Horne, Matthew Flokos (Harvard Press), Yuling DiPietro and Erin Mc Bee Planning Board)

This hearing was continued from February 7, 2018 for a Comprehensive Permit filed on behalf of Craftsman Village Harvard, LLC for the creation of eight-teen two-bedroom cottage-styled units, consisting of five affordable units along Ayer Road (Map 7 Parcels 7.1 & 7.2), Harvard.

Mark O'Hagan and Sotir Papalilo, of the Weston Development Group, were present to present the application for a Comprehensive Permit. Mr. O'Hagan explained the proposed development with consist of three lots, each with six units of, two-bedroom homes with a first floor master bedroom, two car garage, and s second floor bedroom suite, for a total of eighteen units. In addition, each unit will have a private courtyard. The property contains wetland on the northern part of the property. The septic systems for each of the three proposed lots will be located on the western property line. Which consist of sandy loam. A proposed the development will not require the establishment of a public water supply as each of the three lots will be below the thresholds for such a system. Each lot will be served by its own well for water. As part of the approval process Weston Development has included an Approval Not Required plan for the subdivision into the three proposed lots. The site slopes down to the north and slightly to the west. There will be one access road onto Ayer Road.

Mr. O'Hagan stated the designed had been revised to show the units in rows of five and one row of three. The original designed showed the units grouped together in threes, with a U-shaped access road at the rear of the units, the front of the units facing each other, with a common green space in between. The revised design was chosen due to negative feedback of the original design, which with the garages facing the road it would be all you would see as drove around the development. The revised design includes green space, however a bit narrower than the original design. The revised design has a more traditional look from the road. The closest structure is 70' from the abutting property line and 60' from Ayer Road. All proposed roadways with the development are 20' in width. Visitor parking has been provided along the access road.

The wetland line had been previously approved by the Conservation Commission under the previous owner. There in minimal grading within the 100' buffer zone as well as a corner of the last unit within that 100'. All stormwater runoff will be collected and treated prior to entering the wetlands.

The Board of Health has concerns about the division of the land onto three separate lots. Title V does not allow for the crossing of property lines with components of utilities, which septic systems are a utility. The BOH also feels the applicant is attempting to circumvent the requirements of a Public Water Supply by creating the three lots. Mr. O'Hagan stated he has requested a determination from the Department of Environmental Protection on this matter.

The thirteen market rate units will be in the low to mid \$400,000 range, with the five affordable units at \$175,000.

Chris Tracey explained to those present the process for Comprehensive Permit and that the leverage the ZBA has with these types of applications lie with matters that relate to public health and safety. The Town has also not met the State's affordable housing goal of 10%, therefore the denial of such a permit is not acceptable.

Mr. Tracey made note of the comments received to date.

Jeremy Blanchard, of 361 Ayer Road, asked if health and safety are the only things the ZBA can regulate. Mr. Tracey explained it was not, but the applicant can request waivers from any and all local bylaw, regulations and policies. Mr. Blanchard, as a direct abutter, was referenced in the application as being supportive of the development. Mr. Blanchard was supportive of what he was told, but what was presented this evening is not it. Mr. Blanchard is concerned with grade changes and how that will affect his property. Mr. Blanchard purchased a home in Harvard because of the rural feel of the neighborhood. The potential for 72 people and 30 cars directly abutting him does not give him a sense of a rural neighborhood. Mr. Blanchard is concerned with parking from visitors along the access road. Mr. Blanchard feels his privacy will be depleted with the significant removal of existing trees and the opening of the area, not to mention there will be no barrier to stop people from entering his property; screening will provide minimal privacy. With a high water table and slow perk rates, Mr. Blanchard is concerned with the proposed grading and what that will mean for potential water issues. Mr. Blanchard wants to know who will maintain the proposed retention areas. Mr. Blanchard requested stormwater from his site be included with drainage of their development. Mr. Blanchard would also like to see some type of fencing or dense privacy screening along the property boundary to assist in maintaining his privacy.

Liz Allard explained the applicant will need to file a Notice of Intent with the Conservation Commission who will issue an Order of Conditions, that will have ongoing maintenance requirements of any and all stormwater management systems on the property with annual reporting to the Commission in perpetuity.

Concerns in regards to the potential for visitors parking along Ayer Road were discussed. The Police Chief will be consulted on the use of "No Parking" signs along Ayer Road. In addition, site lines for exiting the property may need to be addressed.

Larry Doe, of 327 Ayer Road, stated he has an active agricultural site adjacent to this parcel and wants to ensure the natural barrier that is in place now is maintain. In addition, Mr. Doe is concerned with wetland areas on the west side of the site, but are not on the actual site, are not shown on the plan. Mr. O'Hagan stated the Conservation Commission is reviewing the site on Monday to determine if these areas will be affected by the development.

Chris Horne, of 349 Ayer Road, stated the previous layout was much friendlier and in line with the character of the Town as opposed the layout presented this evening. Mr. Horne is interested in what the Police Chief has to say about traffic from a safety standpoint.

Though the Board was not inclined to discuss the requested waivers this evening, Mr. O'Hagan noted there is a request to reduce the application fee and consultant review fee.

Erin McBee, chair of the Planning Board, stated the Board's main concern is with the design and parking. Mr. O'Hagan stated the plan details thirteen (13) visitor parking spaces along the access road. Ms. McBee also stated the Board is attempting to create connectivity between properties along Ayer Road by requiring any new development in the commercial district, which ends at Myrick Lane, install sidewalks along Ayer Road. Mr. O'Hagan explained that a sidewalk along Ayer Road would not provide access to any thing as it is a residential area. In addition, there is

an existing drainage swale that runs the length of the frontage of this property, making the installation of a sidewalk difficult.

Libby Levison, a member of the Board of Health (BOH), asked the ZBA to keep in mind that under new BOH regulations a backup generator is required for the septic systems. Ms. Levison stated the BOH strongly suggested there be a backup system. Ms. Levison asked if there enough area for each unit to have their own generator. Mr. Tracey pointed out that these are shared wells and not individual wells. Ms. Levison noted the reserve area for the septic systems should be in a separate area. Mr. O'Hagan explained how the systems can be replaced while units are occupied, therefore he is requesting waiver to allow for the reserve area to be between the proposed area (trenches between trenches).

Ms. Levison stated she personally feels the applicant is trying to circumvent the public water supply requirement by splitting the lots.

Orville Dodson made a motion to continue the hearing to April 11, 2018 at 7:50pm in the Town Hall. Michael Lawton seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Town of Harvard, Zoning Board of Appeals Agenda, dated February 28, 2018