

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
SEPTEMBER 12, 2018
APPROVED: OCTOBER 10, 2018**

Chairman Chris Tracey called the meeting to order at 7:03pm in the Town Hall Meeting Room, 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, Theodore Maxant, Orville Dodson and Michael Lawton

Others Present: Liz Allard (LUB Admin), Michael Larkin, Patrick Larkin, Ken Van Wormer, Kate Stamm, John Paul Stamm, Ned Leeming and Sidney Sundheimer

Continuation of a Comprehensive Permit Hearing - Craftsman Village Harvard, LLC, Ayer Road (Map 7 Parcels 7.1 & 7.2). Opened at 7:03pm (see page 2 for complete details)

Approve Minutes

Orville Dodson made a motion to approve the minutes of August 8, 2018 as amended. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Approve Invoice

Orville Dodson made a motion to approve the invoice for Nitsch Engineering in the amount of \$1500.00. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

Orville Dodson made a motion authorizing Liz Allard to approve invoices associated with escrow accounts. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Streamline Permitting/Permitting Guide

Liz Allard has previously distributed information on MGL Chapter 43D Expedited Local Permitting (aka Streamline Permitting) and Permitting Guides prepared by Montachusett Regional Planning Commission. Part of the requirements under Chapter 43D is that a community will provide for the development or redevelopment of a building of at least 50,000 square feet of gross floor area. Since it is clear this is not the type of development Harvard is willing to support, adopting Chapter 43D would not be recommended.

However in effort to make the process of applying to the various Land Use Boards, Allard is recommending the development of a Permitting Guide. That would include the Board of Health, Conservation Commission, Historical Commission, Planning Board and Zoning Board of Appeals. Allard has met with MRPC in regards to the Permitting Guides they developed for both Gardener and Shirley. Funding for the development of these guides can be obtained from MRPC's District Local Technical Assistance grant.

Members of the Zoning Board of Appeals were supportive of this endeavor.

Special Permit Hearing – Larkin Real Estate Group, 62 Old Littleton Road. Opened at 7:30pm (see page 3 for complete details)

Adjournment

At 7:36pm Steve Moeser 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

Comprehensive Permit Hearing Meeting Minutes

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

September 12, 2018

The hearing was opened at 7:03pm by Chairman Chris Tracey in the Town Hall Meeting Room, 13 Ayer Road, Harvard under the Zoning Act, MGL Chapter 40B and the Code of the Town of Harvard, Protective Bylaw, Chapter 125-46F

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

Others Present: Liz Allard (LUB Admin)

This hearing was continued from August 8, 2018 for a 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.

At the request of the applicant, Theodore Maxant made a motion to continue the hearing to October 10, 2018 at 7:00pm in the Town Hall Meeting Room, 13 Ayer Road. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Liz Allard, Clerk

Zoning Board of Appeals

Special Permit Hearing Meeting Minutes

Larkin Real Estate Group, 62 Old Littleton Road

September 12, 2018

The hearing was opened at 7:30pm by Chairman Chris Tracey in the Town Hall Meeting Room, 13 Ayer Road, Harvard under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, Protective Bylaw, Chapter 125-3

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

Others Present: Liz Allard (LUB Admin), Michael Larkin, Patrick Larkin, Ken Van Wormer, Kate Stamm, John Paul Stamm, Ned Leeming and Sidney Sundheimer

This hearing is for a Special Permit filed on behalf of Larkin Real Estate Group, Inc., for the demolition and reconstruction of two pre-existing non-conforming structures at 62 Old Littleton Road, Harvard.

Steve Moeser made a motion to waive the reading of the legal notice. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

Michael and Patrick Larkin were present to discuss the application before the Zoning Board of Appeals (ZBA). Patrick Larkin explained the redevelopment of this property will be a multi-stage process in which applications will need to be provided not only to the ZBA, but to the Board of Health and the Conservation Commission as well. Mr. Larkin stated the application proposes the demolition of two existing structures on the property that will be reconstructed in a manner that makes them less detrimental than the existing structures. Both structures were built in the 1950's prior to the Protective Bylaw. There is a shared 8-bedroom septic system and shared driveway on the property. The driveway length is proposed at 370' from Old Littleton Road; a driveway exists currently, but improvements, including paving are proposed. As proposed the main house, House A, is a five-bedroom dwelling and the smaller house, House B, is a three-bedroom dwelling. There is a 3% increase in the overall square footage of the proposed dwellings over the existing dwellings. There will be no increase in traffic. Mr. Larkin stated the non-conformity is the two dwellings on a single lot.

Steve Moeser requested the application requirement under Chapter 135-5B(5), a chart illustrating or demonstrating the existing floor area and foot print, proposed floor area and foot print and percentage increases that includes all changes from the time the structure became non-conforming, be provided by the applicant.

Chris Tracey asked about the ownership of the two structures and would there be some type of homeowners' agreement between the two dwellings. Mr. Tracey noted comments have been received from the Board of Health (BOH) and the Conservation Commission in regards to this application, which the applicant has previously received.

Liz Allard wondered if Site Plan Approval will be required for the driveway, although already in existence, improvements will be made including paving. Stormwater off the driveway will need to be addressed in some manner.

Mr. Tracey asked about the language under Chapter 125-3E Abandonment; applicant should provide proof the uses have not been abandoned.

When asked about the septic system, Ken Van Wormer explained the existing septic system was installed in 1993, at which time the BOH assisted in assuring the proper type of system for the uses on the property.

Theodore Maxant asked if a Special Permit was issued to convert from an industrial use to a residential use. Mr. Maxant wondered once the industrial use ceased, how and when did House B become a residence. The applicant did not have a response.

Mr. Tracey believes Chapter 125-9 Multiple residence use does not apply to this property. Mr. Maxant struggled with the smaller dwelling (House B) being a residence. Evidence shall be provided that documents the change in use.

Mr. Moeser requested further details within the design of the interior of House A.

Questions from the public pertained to the ability to create a separate lot for each dwelling, the ability to develop the remaining lot owned by Mr. Van Wormer and does the shared driveway met the current requirements of shared driveways.

In regards to questions about House B being used as a residence, Mr. Van Wormer stated House B was occupied while House A was being built by a previous owner. Mr. Van Wormer stated he has never rented out House B as a residence, but continually marketed the property or rent or sale.

With a number of unanswered questions the ZBA members agreed advice from Town Counsel would be necessary. The applicant shall provide additional information to the Land Use Administrator so she can provide it along with questions to Town Counsel. Unanswered questions include, legally how does a use change from one type (industrial) to another use (residential), is this considered abandonment, will the driveway require site plan approval, mitigation of stormwater runoff, and is the location of the driveway a concern as it is directly across from Whitney Road.

Theodore Maxant made a motion to continue the hearing to October 10, 2018 at 7:10pm in the Town Hall Meeting Room, 13 Ayer Road, Harvard. Steve Moeser 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 September 12, 2018

Approve Minutes

- Draft Harvard Zoning Board of Appeals Meeting Minutes of August 8, 2018 prepared by Liz Allard

Special Permit Hearing – Larkin Real Estate Group, 62 Old Littleton Road

- Certified Plot Plan, 62 Old Littleton Road, Harvard, Mass, prepared by David E. Ross Associates, Inc., Job # 32519, NB384-4, NB584-5, Job#14131, dated 8/9/2018
- House A Architectural Drawings, A-1 thru A-3, Larkin Real Estate Group, Single Family Home, 62 Old Littleton Rd, Harvard, MA, prepared by Residential Design, Inc., dated 7-26-2018
- House B Architectural Drawings, A-1 thru A-2, Larkin Real Estate Group, Single Family Home, 402 Broadway, Malden, MA, prepared by Residential Design, Inc., dated 5-26-2018