

**HARVARD ZONING BOARD OF APPEALS  
MEETING MINUTES  
MAY 8, 2019  
APPROVED: May 29, 2019**

Chair Chris Tracey called the meeting to order at 7:03pm in the Hildreth House, 15 Elm Street, Harvard 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), Cricket Potter, Jim Byrne, Eric DeBriac, Marc Seigny and Dan Wolfe (Ross Associates)

**Variance Hearing – The Homescout, LLC, 20 Cleaves Hill Road (Map 18 Parcel 45).**  
Opened at 7:03pm (see page 2 for complete details)

**Special Permit Hearing – Pricilla Endicott, 44 Littleton County Road.** Opened at 7:15pm  
(See page 3 for complete details)

**Approve Minutes**

Theodore Maxant made a motion to approve the minutes of March 6, April 3 and April 24, 2019. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

**Land Use Boards Meeting May 14<sup>th</sup>**

Members are invited to attend the Land Use Board meeting on May 14<sup>th</sup> at which there will be an update on the Pine Village development along Ayer Road.

**Adjournment**

At 8:03pm Steve Moeser 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**

**Town of Harvard, Zoning Board of Appeals Agenda, dated May 8, 2019**

**Variance Hearing – The Homescout, LLC, 20 Cleaves Hill Road (Map 18 Parcel 45)**

**Special Permit Hearing – Pricilla Endicott, 44 Littleton County Road**

- Director's ZBA Report, undated with responses from applicant's
- Board of Health Memo, dated February 7, 2019
- Note from Harvard's Building Commissioner, Gabe Vellante, dated 29, Apr.'19

**Approve Minutes**

- Draft Harvard Zoning Board of Appeals Meeting Minutes of March 6, April 3 and April 24, 2019 prepared by Liz Allard

## **Zoning Board of Appeals**

### **Variance Hearing Meeting Minutes**

#### **The Homescout, LLC, 20 Cleaves Hill Road (Map 18 Parcel 45)**

**May 8, 2019**

The hearing was opened at 7:00pm by Chair Chris Tracey in the Hildreth House, 15 Elm Street Harvard under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, Protective Bylaw, Chapter 125.

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

**Others Present:** Liz Allard (LUB Admin), Eric DeBriac, Marc Sevigny and Dan Wolfe (Ross Associates)

**NOTE:** The legal notice for this hearing stated the hearing was taking place at the Town Hall, however the agenda was posted for the Hildreth House, therefore a note was placed on the front door of Town Hall by the Chair Chris Tracey informing any interested parties of the change in location.

This hearing is for a Variance filed on behalf of The Homescout, LLC for the construction of a single-family dwelling within the 75' setback from the center line of the roadway at 20 Cleaves Hill Road, Harvard.

Dan Wolfe, President of Ross Associates, explained the Zoning Board of Appeals issued a variance in 2015 for the property; unfortunately the applicant let that permit lapse. Mr. Wolfe detailed the site circumstances, which are the basis for the variance (steep slope and ledge). Mr. Wolfe stated the requested offset to the centerline of the right-of-way remains the same at 57'. The house is slightly smaller than previously approved. Mr. Wolfe reviewed the requirements of a variance under Chapter 125-45B.

Marc Sevigny, a resident of Harvard, stated the applicant seems to be seeking relief from hardships that are being self-imposed. The sale price is an indication of this not being a building lot. The examples of similar properties within the district are those from pre-zoning bylaw requirements. Mr. Wolfe stated in 2015 the seller was required to obtain the variance, which would therefore deem the lot buildable, as a condition of the purchase and sales agreement. Mr. Wolfe stated the hardship arises out of the land due to the topography; a traditional build would be a great disturbance to the area as blasting would be required and you would be left with a dwelling backed up by a large wall of ledge.

Eric DeBriac, of 111 Littleton County Road, stated he did not receive notification of this hearing. Liz Allard clarified that he is not within 300' of the property.

With the same members in attendance this evening who issued the original variance there were no questions in regards to this application. Theodore Maxant 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.

Steve Moeser made a motion to issue a Variance to The Homescout, LLC at 20 Cleaves Road, based on the information provided to Chapter 125-30(E)(4). Theodore Maxant 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**

#### **Special Permit Hearing – Pricilla Endicott, 44 Littleton County Road**

**May 8, 2019**

The hearing was opened at 7:29pm by Chair Chris Tracey in the Hildreth House, 15 Elm Street, Harvard under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, Protective Bylaw, Chapter 125.

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

**Others Present:** Liz Allard (LUB Admin) Cricket Potter, Jim Byrne and Dan Wolfe (Ross Associates)

**NOTE:** The legal notice for this hearing stated the hearing was taking place at the Town Hall, however the agenda was posted for the Hildreth House, therefore a note was placed on the front door of Town Hall by the Chair Chris Tracey informing any interested parties of the change in location.

This hearing is for a Special Permit filed on behalf of Pricilla Endicott for additions to a pre-existing, non-conforming structure and the creation of an accessory apartment at 44 Littleton County Road, Harvard.

Dan Wolfe, President of Ross Associates, explained the property consist of a pre-existing non-conforming structure on a conforming lot. The activity on the site includes interior renovations, along with four additions to the existing house and garage. The garage itself is a conforming structure; the rear portion of the existing garage will be converted into an accessory apartment. Additions to the existing dwelling are conforming to the setbacks at the time the Protective Bylaw was adopted. Members of the Board were in favor of the proposed additions to the existing house.

As for the accessory apartment, Mr. Wolfe met with the Town Sanitarian Ira Grossman, this afternoon to discuss room count as it pertains to Title V requirements. The Board of Health (BOH) is reviewing the application for an upgrade to the existing septic system. The BOH will most likely require a deed restriction. Mr. Wolfe was agreeable to a condition of final approval from the BOH. Liz Allard provided verbal comments from the Conservation Commission (ConCom), who has issued an Order of Conditions (OOC) for the activity associated with the septic system, addition of the sunroom and landscaping. The ConCom would request compliance with the OOC as a condition of the Zoning Board's decision.

Chris Tracey reviewed the requirements of Chapter 125-18.1 with the Board. Mr. Tracey noted comments received from the BOH and Building Commissioner.

Theodore Maxant 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.

Theodore Maxant made a motion to issue two Special Permits under 125-3B(2) and 125-18.1 of the Protective Bylaw for Pricilla Endicott at 44 Littleton County Road with the above mentioned conditions. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion. Signed: \_\_\_\_\_ Liz Allard, Clerk