

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
November 1st, 2023
APPROVED FEBRUARY 21, 2024**

Chair Christopher Tracey called the meeting to order, virtually in accordance with legislation S. 2475, an act relative to extending certain COVID-19 measures adopted during the Covid Pandemic state of emergency and under M.G.L. 40A and Code of the Town of Harvard Chapter 125.

Members Present: Chris Tracey, Michael Lawton, Steve Moeser,

Others Present: Frank O'Connor, Bruce Ringwall, Barbara Romero, Walter Eriksen

Special Permit Hearing:

7:00pm Continuation of Public Hearing of COMPREHENSIVE Permit Hearing – JUNO Construction LLC at Old Mill Road

See full details on Page 3 to Page 4

7:30pm Public Hearing for the application of Graham & Elizabeth Clark at 110 Littleton Road for a Variance for §125-30(E)3 and §125-45 for proposed alterations to replace pre-existing non-conforming deck and front steps.

See full details on Page 5 to Page 6

New Business

Approve Minutes:

Motion: Steve Moeser made the motion to approve the minutes for September 13th 2023 and October 4th 2023 as amended.

Seconded by Michael Lawton

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Passed unanimously

Approve Invoice (Beels + Thomas Invoice #3241.03-2 for \$3,499.18)

Motion: Steve Moeser made the motion to approve the invoice for Beels + Thomas Invoice

Seconded by Michael Lawton

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Passed unanimously

Craftsman Village & Conservation Commission

Frank O'Connor has visited the site. He has received some follow-up information from another resident and is waiting on written instruction from the conservation agent. Steve Moeser asked is any of the erosion had been corrected, but Frank O'Connor has not seen any changes as of yet.

Confirm ZBA meeting night starting in November 2023 (not 2nd Wednesday of the month)

The Zoning Board confirmed that they can meet on these days as long as it does not coincide with the Planning Board's meetings (creates a conflict in time for Frank O'Connor)

Adjournment

Motion: Steve Moeser made the motion to adjourn at 7:37pm

Seconded by Michael Lawton

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Harvard Zoning Board of Appeals

Special Permit Minutes

November 1st 2023: 7:00pm

JUNO Construction LLC at Old Mill Road

7:00pm Continuation of Public Hearing of COMPREHENSIVE Permit Hearing

Bruce Ringwall started the continuation of the hearing by sharing his screen and updating the Board on the events that took place since the last meeting. Beels and Thomas has reviewed all the comments and waivers:

In one of these waivers, the project team is requesting no street lighting in accordance to the dark sky guidelines. Frank O'Connor has followed up with the police chief about the safety concerns revolving around no street lighting. The police chief had no issue with these plans.

Bruce Ringwall then shared a memo requesting a relief of the 10% for the FAR due to being closer to 15%. After looking into other towns that did not include basements and garages, Mr. Ringwall calculated that the percentages came in under 10%. Due to the wordage of the bylaws, he believes that asking for relief is still necessary.

In regards to the relief for parking spaces, Bruce Ringwall clarified that adding another foot in length to the parking space would impede on the 24-foot backing that the bylaw calls for. He believes that the 24-foot backing is more important than the extra foot of parking spot length and wishes to keep these plans as is. Mr. Ringwall also added plans discussed with the police chief about extra parking for special events/holidays. These include parking only on one side of Robin Lane and no overnight parking.

- Chris Tracey asked if the cul-de-sac is included in the street parking. Bruce Ringwall has agreed to look into this.
- Steve Moeser asked how the decision will be made on which side of the street will be allowed for street parking. Walter Eriksen suggested parking on the sidewalk side for safety purposes. Bruce Ringwall also added that he wasn't originally interested in parking signs, but the Board wishes to have signage so there is clarification for visitors/guests.
- Michael Lawton requested that Bruce Ringwall shared his screen to clarify based on the sidewalk width in this area. Mr. Ringwall did so in order to better describe the plans and reply to any questions or comments from the Board

Bruce Ringwall also quickly shared the comments given from the fire department about the current plans for the development.

Bruce Ringwall added that the planned trees to be planted were accepted and supported by the Climate Initiative Committee. The property will also include the following in the utilities: Nonhydrocarbon, Electric, and hybrid for heating and cooling. There will also be solar panels on the roofs to assist with the energy needs for the properties.

Additional Comments/Concerns/Questions

Steve Moeser wished to make a request for comments from the Planning Board. Frank O'Connor will request this from the Planning Board.

Chris Tracey asked if there were any updates on a possible financial contribution to the Town's municipal affordable housing trust. Mr. Eriksen answered this saying that they are willing to contribute \$18,000 to the fund.

Motion: Michael Lawton made the motion to continue the Special Permit Hearing for 7:20pm on December 6th 2023.

Seconded by Steve Moeser

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Passed unanimously

Harvard Zoning Board of Appeals

Special Permit Minutes

November 1st 2023: 7:30pm

Graham & Elizabeth Clark at 110 Littleton Road

Public Hearing for the application of a Variance for §125-30(E)3 and §125-45 for proposed alterations to replace pre-existing non-conforming deck and front steps.

The Public Hearing was quickly opened and issued a continuance in order for the Board to finish the previous hearing:

Motion: Steve Moeser made the motion to continue the Special Permit Hearing for 7:45pm on November 1st 2023 in order to complete the previous Special Permit Hearing.

Seconded by Michael Lawton

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Passed unanimously

When the meeting resumed at 7:45pm, Elizabeth Clark shared her screen in order to walk the Board through the plans currently in place. The majority of the plans apply to pre-existing nonconforming structures. The reason for the plans revolve around replacing rotting wood on the existing decks while also making the decks more suitable functionally for the family and more safe for people coming in and out of the house.

For the rear deck, the steps would increase in nonconformity due to being widened out. The rear deck will also be screened in, but will use the same original dimensions. The Board discussed whether this is allowed in the variance and if this is within the Board's purview due to the dimensions not changing for the deck. It has been pointed out that septic is on the other side of the property. For the legally nonconforming deck built in 1986, Chris Tracey believes that this needs to be approached as a Special Permit rather than a Variance due to the structure's current status.

After discussing, the Board believes that the best course of action would be to change the current status of the application from a Variance to a Special Permit. The Applicant also agrees that this makes sense to do at this time. Now from the perspective of a Special Permit, Chris Tracey asked the Board if these plans look to have any detrimental effects on the existing neighborhood. The Board does not believe that these plans would be more detrimental than the existing non-conformity. Chris Tracey then read the official bylaw to the Board to help clarify if all areas of concern had been addressed over whether the Board or the applicant will need to take further actions to remain in compliance.

Motion: Steve Moeser made the motion to close the evidentiary portion of the application.

Seconded by Michael Lawton

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Passed unanimously

Motion: Steve Moeser made the motion to grant the Special Permit based on the details submitted by the applicant.

Seconded by Michael Lawton

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Passed unanimously

Motion: Steve Moeser made the motion have the Chair sign off on the Special Permit on behalf of the rest of the Board.

Seconded by Michael Lawton

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Passed unanimously