

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
APRIL 14, 2021
APPROVED: MAY 12, 2021**

Chair Chris Tracey called the meeting to order at 7:05pm, virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20 under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

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

Others Present: Liz Allard (Land Use Boards Administrator), Doug Pochini, Justin Brown (Planning Board, Chair), Christopher Ryan (Director of Community & Economic Development), Jane Biering (Planning Board Member), John & Katrina Lackner, Nancy Lancelloti, Lou Amorati (Gilmore Building, Co.), Anthony Barnett, William Mederios, Mike Carroll and Wayne Cornell

Approve Invoice – Nitsch Engineer \$1495.00

Theodore Maxant made a motion to approve the invoice for Nitsch Engineering in the amount \$1495.00. Michael Lawton seconded the motion. The vote was unanimously in favor of the motion by a roll call, Theodore Maxant, aye, Michael Lawton, aye; and Chris Tracey, aye.

Approve Minutes

Theodore Maxant made a motion to approve the minutes of October 14, November 10 & 18, December 16 & 30, 2020 and February 10, 2021 as amended. Michael Lawton seconded the motion. The vote was unanimously in favor of the motion by a roll call, Theodore Maxant, aye, Michael Lawton, aye; and Chris Tracey, aye.

Special Permit Hearing – John & Katrina Lackner, 108 West Bare Hill Road. Opened at 7:05pm. (See page 3 for complete details)

Revisions to the Town of Harvard Zoning Board of Appeals Application for Hearing. Opened at 7:15pm (See page 4 for complete details)

Planning Board Protective Bylaw Amendments Chapter 125-18.1 & 125-57

Justin Brown, Chair of the Planning Board (PB), along with PB member Jane Biering and Director of Community and Economic Development, Christopher Ryan, were present. Mr. Brown detailed the housing in Harvard, which is limited in its diversity, especial for seniors. The PB is seeking to amend the Protective Bylaw to create senior-friendly homes. The proposed bylaw, Chapter 125-57 Senior Residential Development, and an amendment to the existing 125-18.1 accessory apartment use, are part of a three-phase process that will make changes to zoning that will be amenable to seniors.

The PB is seeking feedback from the Zoning Board of Appeals (ZBA), particular 125-18.1, as it allows for the development of senior friendly accessory apartment units by right, increases the allowed size of a unit and brings the provision up to date with current zoning terms by renaming to the Accessory Dwelling Unit (ADU). Chris Tracey stated he well supports seniors remaining in Harvard. Mr. Tracey stated the ZBA has issued so few Special Permits under 125-18.1 over the years that he is not sure if it is the limited size of the unit or need for a Special Permit. Mr. Tracey hopes what the PB is trying to accomplish will make it easier for applicants and will help with diversity. Christopher Ryan stated increase in square footage is a direct response from survey results, with the Special Permit process taking time and added expense that many may not want to take on. The ADU's allowed by-right will be required to have age-appropriate design, as detailed within 125-57.

Mike Lawton questioned the Building Commissioner's ability to make a decision on 125-18.1A3(a), the outside appearance of the residence and premises shall remain that of a single-

family home. Mr. Ryan stated he has discussed this with the Building Commissioner and has determined they will collaborate on this determination. Mr. Tracey asked if an applicant could build an ADU and not have an individual who is actually a senior reside in the unit. Mr. Ryan stated that was correct; however, the unit would add to the inventory of senior housing. The allowed square footage of the ADU will limit the number of bedrooms to one or two, which will not overwhelm the number of school-age children. Mr. Tracey asked about creating an ADU and then renting it out as an Air BNB. Mr. Ryan that is not a permitted use within the bylaw, 125-8B(2).

After a brief discussion the ZBA members present agreed to support the Planning Boards effort on the proposed bylaw amendment of 125-18.1 and the addition of a new provision 125-57 Senior Residential Development.

Discuss Revised Bond for Trail Ridge

Doug Pochini, representing Trail Ridge, was present to discuss the progress to completing the development, the existing bond and any outstanding issues. Mr. Pochinni explained the Normandin Group purchased the development rights to complete the remaining units on the northwest side of the roadway. Mr. Pochini stated Ron Peabody still has control of the site itself. Mr. Pochini stated there are a number of items listed on the bond that do not seem reasonable to complete at this point, like the sidewalk. Chris Tracey explained regardless of the timeframe to complete the project it needs to be completed in the manner in which it was permitted by the Zoning Board of Appeals (ZBA). Any deviations to those approved plans would require approval through the ZBA. Mr. Tracey also informed those present that any issues specific to the construction of the units needs to be addressed by the Building Commissioner.

It became apparent that Mr. Pochini had not reviewed the revised bond estimates provided by Nitsch Engineering, therefore he was unable to make any comments in regards to what is intended to be completed by the developer and/or the property owner.

Residents from Trail Ridge that were present expressed concern with getting the project completed and in an acceptable manner. Many of the concerns of the residents were expressed in the report from Nitsch Engineering.

Release Escrow Account – Cellco Partnership \$237.00

Michael Lawton made a motion to release the escrow account of Cellco Partnership in the amount of \$237.00. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Michael Lawton, aye; Orville Dodson aye, and Chris Tracey, aye.

Recommendations to the Select Board for Annual Appointments

Michael Lawton made a motion to recommend to the Select Board the re-appointment of Christopher Tracey, Steve Moeser and Orville Dodson. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Orville Dodson aye, Michael Lawton, aye; and Chris Tracey, aye.

Adjournment

At 7:43pm Michael Lawton made a motion to adjourn the meeting. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Orville Dodson, aye; Michael Lawton, aye; and Chris Tracey, aye.

Signed: _____ Liz Allard, Clerk

Harvard Zoning Board of Appeals

Special Permit Hearing Minutes

John & Katrina Lackner, 108 West Bare Hill Road

April 14, 2021

The hearing was opened at 7:05pm virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20, by Chairman Chris Tracey under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, Protective Bylaw, Chapter 125.

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

Others Present: Liz Allard (Land Use Boards Administrator), John & Katrina Lackner, Nancy Lancelloti and Lou Amorati (Gilmore Building, Co.)

This hearing is for a Special Permit filed on behalf of John & Katrina Lackner for the demolition and addition to a portion of a pre-existing non-conforming structure at 108 West Bare Hill Road, Harvard.

Lou Amorati, of Gilmore Building, Co., explained the project which includes the demolition of the westerly portion of the structure and the 3-seasoned porch behind it. A new two-story addition will be constructed in this location. This activity will not create or expand any non-conformities. The proposed additions would have been permitted before the structure became non-conforming.

Theodore Maxant had no issues with the project as proposed, as did Orville Dodson. Nancy Lancelloti, of 105 West Bare Hill Road, asked if the existing driveway would be altered to accommodate the proposed garage. Mr. Amorati stated he does not intend to construct the garage initially, but when it is the existing driveway will not be altered.

Theodore Maxant made a motion to close the evidentiary portion hearing. Michael Lawton seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Theodore Maxant, aye; Michael Lawton, aye; and Chris Tracey, aye.

Theodore Maxant made a motion to issue a Special Permit to John & Katrina Lackner for the demolition and addition to a portion of a pre-existing non-conforming structure at 108 West Bare Hill Road. Michael Lawton seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Theodore Maxant, aye; Michael Lawton, aye; and Chris Tracey, aye.

Signed: _____ Liz Allard, Clerk

Harvard Zoning Board of Appeals

Revisions to the Town of Harvard Zoning Board of Appeals Application for Hearing Minutes

April 14, 2021

The hearing was opened at 7:15pm virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20, by Chairman Chris Tracey under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, Protective Bylaw, Chapter 125.

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

Others Present: Liz Allard (Land Use Boards Administrator)

This hearing is for a Revisions to the Town of Harvard Zoning Board of Appeals Application for Hearing.

Liz Allard stated the Select Board approved increases to application fees in January, which required the amendment of the Zoning Board of Appeals application. Ms. Allard made other minor improvements to the applications including the addition of an email address for the applicant.

Theodore Maxant made a motion to approve the revisions to the Town of Harvard Zoning Board of Appeals Application for Hearing as recommended. Michael Lawton seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Theodore Maxant, aye; Michael Lawton, aye; and Chris Tracey, aye.

Signed: _____ Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

- Town of Harvard, Zoning Board of Appeals Agenda, dated April 14, 2021
- Building Permit Plan at #108 West Bare Hill Road Harvard, Mass. prepared for Gilmore Building Company, 211008, prepared by GPR, Inc., February 11, 2021
- Lackner Addition, 108 West Bare Hill Road – Harvard, MA 01451 prepared by Chris Adcock Architecture, Inc. 02/08/21
- §125-57 Senior Residential Development
- §125-18.1 Accessory Dwelling Units
- DRAFT Zoning Board of Appeals Meeting Minutes, October 14, 2020 prepared by Liz Allard
- DRAFT Zoning Board of Appeals Meeting Minutes, November 10, 2020 prepared by Liz Allard
- DRAFT Zoning Board of Appeals Meeting Minutes, November 18, 2020 prepared by Liz Allard
- DRAFT Zoning Board of Appeals Meeting Minutes, December 16, 2020 prepared by Liz Allard
- DRAFT Zoning Board of Appeals Meeting Minutes, December 30 14, 2020 prepared by Liz Allard
- DRAFT Zoning Board of Appeals Meeting Minutes, February 10, 2021 prepared by Liz Allard
- Nitsch Engineering Invoice No. 71832 March 11, 2021