

**HARVARD ZONING BOARD OF APPEALS  
MEETING MINUTES  
DECEMBER 8, 2021  
APPROVED: JANUARY 12, 2022**

Vice Chair Michael Lawton called the meeting to order at 7:00pm, virtually pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures adopted during the State of Emergency and signed into law on June 16, 2021, and under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Chris Tracey (arrived at 7:14pm), Michael Lawton, Theodore Maxant (departed at 7:24pm), Steve Moeser, and Orville Dodson

**Others Present:** Liz Allard (Land Use Boards Administrator), Audrey Tracey, Dan Wolfe (Ross Associates), Peter Cricones (Pine Hill Village) and Carla Page (Pine Hill Village)

**Special Permit Hearing – Christopher & Audrey Tracey, 204 Bolton Road.** Opened at 7:05pm (for complete details see page 3)

Chris Tracey joined the meeting at this time.

**Pine Hill Village Compliance for Certificates of Occupancy – Pine Bank and Request to Extend the Comprehensive Permit**

Liz Allard stated most of the data requested has been submitted by the developer, Peter Cricones. The Conservation Commission reviewed the information provided to them last week and provide additional feedback to Mr. Cricones of items that need to be addressed, but should not hold up the issuance of occupancy permits. It was noted that the topography is from GIS and not surveyed. Ms. Allard reviewed the deficiencies between the existing site and the approved plan, which included:

- Detail provided by the contractor shows proposed repair to the pooling of water at entrance off Stow Road;
- Rain Gardens #22 and 23 have been installed at the entrance; material to construct needs to be verified;
- Bioretention cell only has one riser pipe; detail shows two; is one pipe sufficient needs to be verified;
- The rain gardens raisers have flat grates as opposed to rounded grates as shown on the approved detail; are the flat grates acceptable;
- The installation of the energy dissipation at the outlet at the constructed wetland should be verified with approved detail;
- Parabolic swale #8 in front of units 1A and B has had a fence installed; material to construct needs to be verified;
- Plantings around the constructed wetland are not consistent with the approved plan and some of the trees are dead; replacement plantings shall be in a random pattern;
- Additional planting required in front of Units 1A and B;
- Dewatering and silt removal methods for the constructed wetland will require approval from the Commission;
- Silt on the driveway for units 5 and 7 shall be removed before occupancy;
- A berm has been installed between the road way and the driveway to units 5 & 7 to eliminate stormwater from entering driveway;
- Erosion controls have been installed between Phase 1 and Phase 2 to reduce erosion into the constructed wetland; and

- An additional parking space has been installed at units 5 and 7; this pavement shall be removed and replaced with loam and seed as well as the planting as shown on the approved plan.

Steve Moeser asked about water pooling in the driveway for units 5 and 7. Mr. Cricones stated the existing low spots in the driveway will be leveled out with water shedding to the grassy area; once the final topcoat is installed on the driveway the standing water will not remain. Mr. Cricones also explained the rain gardens only required one riser; he will provide documentation from his consultant.

Mr. Tracey explained to Mr. Cricones that any future requests for certificates of occupancy will require all necessary components of the requested section of the development to be completed to the satisfaction of the authorizing board or commission.

Mr. Moeser questioned the placement of mechanical equipment outside the front doors of the affordable units. Mr. Cricones stated the equipment was located as shown on the plan, but was agreeable to providing screening. The grass pavers on the front walkways should be reviewed in the summer to determine if they are functioning properly. Mr. Cricones was reminded that changes to the approve plan requires approval from the ZBA before those changes can be implemented.

Mr. Moeser stated he will take issue with allowing for addition Certificates of Occupancy on the remaining units if there are complaints on the construction of the units within the Pine Bank neighborhood. Mr. Cricones stated he provides a one-year builders' warranty. Mr. Tracey asked that a copy of that warranty be submitted for the record. The street lighting was discussed and determined the height of the post is what had been previously approved. The bulbs however, will need to be replaced as they are the incorrect candle foot.

Orville Dodson made a motion to release the Certificates of Occupancy for the Pine Bank units at Pine Hill Village. Michael Lawton seconded the motion. The vote was unanimously in favor of the motion by a roll call vote, Michael Lawton, aye; Steve Moeser, aye; Orville Dodson, aye; and Chris Tracey, aye.

Michael Lawton made a motion to extend the Comprehensive Permit to December 31, 2022. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion by a roll call vote, Michael Lawton, aye; Steve Moeser, aye; Orville Dodson, aye; and Chris Tracey, aye.

#### **Approve Minutes**

Orville Dodson made a motion to approve the minutes of September 8, 2021. Michael Lawton seconded the motion. The vote was unanimously in favor of the motion by a roll call vote, Michael Lawton, aye; Steve Moeser, aye; Orville Dodson, aye; and Chris Tracey, aye.

#### **Trail Ridge Update**

Liz Allard stated she recently completed the Public Records request submitted on behalf of Ron Peabody. Otherwise there has been no new developments.

#### **Adjournment**

At 8:27pm Steve Moeser 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 vote, Michael Lawton, aye; Steve Moeser, aye; Orville Dodson, aye; and Chris Tracey, aye.

**Signed:** \_\_\_\_\_ **Liz Allard, Clerk**

**Harvard Zoning Board of Appeals**

**Special Permit Hearing Minutes**

**Christopher & Audrey Tracey, 204 Bolton Road**

**December 8, 2021**

The hearing was opened by Vice Chair Michael Lawton at 7:05pm virtually, pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures adopted during the State of Emergency and signed into law on June 16, 2021, and under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

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

**Others Present:** Liz Allard (Land Use Boards Administrator), Audrey Tracey and Dan Wolfe (Ross Associates)

This hearing is for a Special Permit filed on behalf of Christopher & Audrey Tracey for an addition and garage reconstruction to a pre-existing non-conforming structure at 204 Bolton Road, Harvard.

Dan Wolfe detailed the existing structures, built in approximately 1800's, and the offsets from the centerline of the right-of-way making them pre-existing non-conforming. The proposed plan details the removal of the existing garage, which is to be replaced with a slightly large structure and a connector between the existing barn and garage. Neither of these structures will increase the existing non-conformities. As always, Mr. Wolfe included a summary of the dimensional aspects including total footprint and floor area and the floor area ratio. The proposed plan is in harmony with the requirements of Chapter 125-46C(1)(a) and will not result in a substantial increase of rate or volume of stormwater runoff to abutting properties and streets, nor will it result in substantial of danger of pollution or contamination of groundwater supply, groundwater absorption area, wells, Bare Hill Pond or the W-district.

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

Theodore Maxant made a motion to issue a Special Permit to Christopher & Audrey Tracey for an addition and garage reconstruction to a pre-existing non-conforming structure at 204 Bolton Road, Harvard. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Theodore Maxant, aye; Orville Dodson, aye; and Michael Lawton, aye.

Signed: \_\_\_\_\_ Liz Allard, Clerk

## DOCUMENTS & OTHER EXHIBITS

- Town of Harvard, Zoning Board of Appeals Agenda, dated December 8, 2021
- Site Plan in Harvard, Mass. Christopher & Audrey Tracey 204 Bolton Road, Assessor's Map 31 Parcel 9.1.1, Job No. 32982, Plan No. L-11895, prepared by David E. Ross Associates, Inc., 10/21/21
- Pine Hill Village Photos by Liz Allard 12.02.2021:
  - Drainage @ Roadway
  - Drainage @ Roadway Detail
  - Nyloplast in-line drain grate
  - Bioretention cell
  - Detail Raingarden Type A
  - Rain Garden Types
  - Constructed Wetland Outlet
  - Parabolic Swales
  - Parabolic Swale Detail
  - Silt in Driveway units 5 & 7
  - Berm @ units 5 & 7
  - Erosion control between phases
  - Guest parking @ Units 5& 7
  - Guest Parking @ Units 5& 7 detail
  - Plantings at Constructed Wetland
  - Planting detail
  - Plantings @ Unit 1