

**HARVARD ZONING BOARD OF APPEALS  
MEETING MINUTES  
MAY 28, 2014  
APPROVED: JANUARY 14, 2015**

Chairman Chris Tracey opened the meeting at 7:32pm at the Hildreth House under Chapter 40B

**Members Present:** Chris Tracey, Steve Moeser, Robert Capobianco and Orville Dodson

**Others Present:** Mark Lanza (Town Counsel), Connie Donahue (CHOICE), Douglas Deschenes (Deschenes & Farrell, P.C.), Maura Camosse (WIHED) and Valerie Hurley (Harvard Press)

**Continuation of a Comprehensive Permit Hearing – Chelmsford Housing Opportunities for Intergenerational and Community Endeavors, Inc.,** Opened at 7:34pm (See page 2 for detailed minutes)

**Adjournment**

Robert Capobianco made a motion to adjourn the meeting at 9:20pm. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

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

## **Zoning Board of Appeals**

### **Continuation of a Comprehensive Permit Hearing Meeting Minutes**

**Chelmsford Housing Opportunities for Intergenerational and Community Endeavors, Inc.  
105 Stow Road**

**May 28, 2014**

The hearing was opened at 7:32pm by Chairman Chris Tracey at the Hildreth House under Chapter 40B

**Members Present:** Chris Tracey, Steve Moeser, Robert Capobianco and Orville Dodson

**Others Present:** Connie Donahue (CHOICE), Douglas Deschenes (Deschenes & Farrell, P.C.), Maura Camosse (WIHED), John Boardman (Hancock Assoc.) and Valerie Hurley (Harvard Press)

This hearing was continued from May 7, 2014 for a Comprehensive Permit filed on behalf of Chelmsford Housing Opportunities for Intergenerational and Community Endeavors, Inc. (CHOICE) for the creation of nine units of affordable, rental housing known as "The Elms" at 105 Stow Road, Harvard.

Chris Tracey stated since the last meeting the ZBA has received a letter from the applicant's attorney, Douglas Deschenes, with the revised septic system layout. The plan shows a redesign of the septic system to meet the requirements of the Board of Health (BOH). By doing so they were able to eliminate the two waivers to the BOH regulations. Two new waivers, of lesser concern, have been added to the requested waivers. Those include a waiver to the fifty foot setback of the Wetland Protection Bylaw for the reserve area and portions of the revised system will be within the 100 foot wetland buffer zone and requires an additional waiver from the Protective Bylaw. Mr. Tracey had contacted the Chairman of the Conservation Commission, Paul Willard, who agreed the Commission would not most likely have an issue with the request for a waiver to the Wetland Protection Bylaw, as it is for the reserve system, which may be built some time in the future, and not for the new proposed system.

Mr. Tracey reviewed the waivers requested in regards to the local fees. The Conservation Commission has agreed to waive the fees associated with the Wetland Protection Bylaw. The Board of Selectmen has agreed to waive the inspectional fees up to \$20,000. There was a brief discussion on what the \$20,000 would cover and how inspectors would be paid for their services. The Board of Health voted to not waive their local fees. Mr. Tracey noted the ZBA had the authority under a Comprehensive Permit application to waive the local fees. The ZBA had previously discussed reducing the application fee to an amount that reflects the direct cost associated with processing the application from start to finish. Liz Allard, the Land Use Administrator, had previously indicated that cost to be in the area of \$1500; a \$3000 reduction in the original application fee.

A draft of the decision has been passed between Town Counsel and Attorney Deschenes prior to this evening. Members of the ZBA, Town Counsel, Attorney Deschenes and representatives from CHOICE, Inc. reviewed the draft decision. Section 1.2 will need some final dates; plans and letter received prior to this evening will need to be added to the Plan Received list; sections 2.3 and 2.4 will need to be confirmed prior to final release of the comprehensive permit; conditions pertaining to the reserve septic system were discussed; agreed to combine condition 3.14 and 3.15; waivers under 3.21 have been revised to include those requested this evening; waivers were reviewed and agreed upon, including the local fees.

Robert Capobianco 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.

Robert Capobianco made a motion to approve the waivers requested by the applicant as discussed this evening. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Steve Moeser made a motion to issue a Comprehensive Permit to CHOICE for the creation of nine units of affordable, rental housing known as "The Elms" at 105 Stow Road, Harvard. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

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

## **DOCUMENTS & OTHER EXHIBITS**

### **Continuation of a Comprehensive Permit Hearing – Chelmsford Housing Opportunities for Intergenerational and Community Endeavors, Inc.**

- C301 Septic Plan (revised), prepared by Hancock Associates, prepared by CHOICE, Inc., dated 4/24/2013
- Letter from Douglas Deschenes, of Deschenes & Farrell, P.C., dated May 23, 2014