

**HARVARD ZONING BOARD OF APPEALS  
MEETING MINUTES  
JANUARY 11, 2023  
APPROVED MARCH 22, 2023**

Chair Christopher Tracey called the meeting to order at 7:01pm, 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. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Chris Tracey, Michael Lawton, Steve Moeser, Orville Dodson (Associate Member) and Barbara Romero (Associate Member)

**Others Present:** Liz Allard (Land Use Boards Administrator), Frank O'Connor (Director of Planning), Robert & Corrine Kody (Envision Homes), Dan Wolfe (Ross Associates), Sotir Papalilo (Craftsman Village Harvard), Maya Minkin, Alissa, Mark O'Hagan (Craftsman Village Harvard)

**Special Permit Hearing – Mary Maxwell, 90 Warren Avenue.** Opened at 7:02pm (see page 3 for complete details.

**Craftsman Village Harvard, Ayer Road Interim As-Built Review Building Units #11 - 20**

Mark O'Hagan stated the development known as Craftsman Village Harvard is winding down on the overall construction, with the balance of the site completed and the process of completing homes underway. Mr. O'Hagan is requesting the Board release the Certificates of Occupancy for the final ten units (#11-#20). The Fire Department, Treasurer and Conservation Agent have all indicated compliance with their requirements. An interim as-built was submitted and reviewed by Dillis & Roy, who have agreed the site is generally in compliance. Outstanding items include the final paving, and loam and seed of the back section of the property. Mr. O'Hagan submitted a budget for the outstanding items that includes a 25% contingency. Mr. O'Hagan suggested that until the work is completed a cash bond will be provided after the fifth closing of the unit. Once work is completed and a final as-built is submitted and reviewed the cash bond would be released. The one thing that may be outstanding may be the Order of Conditions due to stabilization of the site. Mr. O'Hagan was willing to keep some funds available until the Conservation Commission issues a Certificate of Compliance.

Mr. O'Hagan stated one item that came up over the last few days is from the Board of Health (BOH); there is an area where a water line is less than ten feet from a sewer line. A variance is necessary from BOH; Mr. O'Hagan working on getting that. Mr. O'Hagan stated the BOH is okay on the release of units #11 -#14 as they are not associated with that water line. Until that approval is granted Mr. O'Hagan is seeking the remaining units to be released by the Building Commissioner. In addition, Mr. O'Hagan requested the Board allow the Chair to sign off the release of the remaining units upon notification from the BOH.

Chris Tracey noted that condition 3.19 of the Comprehensive Permit stated the last unit shall not be released until the as-built is approved by the Board. With the drainage system being a critical component of the site Mr. Tracey does not want this to be an issue later. The other question Mr. Tracey had is would the Board like a consulting engineer to confirm the numbers as \$25,000, which seems low to him.

After discussing the options, Steve Moeser made the following motion as it pertains to the release of Certificates of Occupancy issued by the Harvard Building Commissioner:

- Units 11- 14 to be released with no restrictions;
- Unit 20 released when and if the Harvard Board of Health approves the release of this unit;
- Upon confirmation from the Board of Health of the issuance of the Certificates of Compliance

for Units 15-18, the chair of the ZBA, Chris Tracey, is authorized to release those units, contingent on the receipt by the Town of Harvard of a cash bond provided by the applicant in the amount of \$93,750.00; and

- Unit 19 is not to be released unless and until an as-built plan has been approved by the ZBA; at which time the cash bond shall be returned to the applicant.

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; and Chris Tracey, aye.

#### **Approve Invoice**

Steve Moeser made a motion to approve the invoice from Nitsch engineering in the amount of \$496.00 for site monitoring 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; and Chris Tracey, aye.

#### **Approve Minutes**

Steve Moeser made a motion to approve the minutes of December 28, 2022 as drafted. 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; and Chris Tracey, aye.

#### **2022 Annual Report**

Michael Lawton made a motion to approve the 2022 annual report of the Zoning Board of Appeals as drafted. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion by a roll call vote, Michael Lawton, aye; Steve Moeser, aye; and Chris Tracey, aye.

#### **Adjournment**

At 8:48pm Steve Moeser made a motion to adjourn the meeting. 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; and Chris Tracey, aye.

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

#### **DOCUMENTS & OTHER EXHIBITS**

- Town of Harvard, Zoning Board of Appeals Agenda, dated January 11, 2023

## **Harvard Zoning Board of Appeals**

### **Special Permit Minutes**

#### **Mary Maxwell, 90 Warren Avenue**

**January 11, 2023**

The hearing was opened by Chair Christopher Tracey at 7:02pm 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. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Chris Tracey, Michael Lawton, Steve Moeser, Orville Dodson (Associate Member) and Barbara Romero (Associate Member)

**Others Present:** Liz Allard (Land Use Boards Administrator), Frank O'Connor (Director of Planning), Robert & Corrine Kody (Envision Homes), Dan Wolfe (Ross Associates), Maya Minkin and Alissa

This hearing is for a Special Permit filed on behalf of Mary Maxwell for the conversion of a seasonal residence to year-round residence at 90 Warren Avenue, Harvard.

Dan Wolfe, of Ross Associates, stated the property is pre-existing non-conforming existing cottage to be removed and replaced with new structure. The lot is pre-existing non-conforming as it does not have 1.5 acres or the 200' lot width as required by the Protective Bylaw. The reconstruction of the home is in compliance with the Bylaw. Mr. Wolfe is here this evening for the conversion of seasonal use to year-round use. Mr. Wolfe stated the two requirements under §§125-11 are being met as the entirely new structure under building code that will be fit for habitation is proposed and a new septic system has been proposed, with an expectation to have the permit issued by the Board of Health at their next meeting. Mr. Wolfe stated similar conversions have taken place within a neighborhood that is mostly year-round dwellings. Mr. Wolfe indicated the conversion will not result in a substantial rate of runoff, along with it being in harmony with the Bylaw. The Conservation Commission (ConCom) approved an Order of Conditions last week. Mr. Wolfe noted comments have been received from ConCom, Planning Board and Bare Hill Pond Watershed Management Committee (BHPWMC). Finally, the abutters, who had concerns with previous applications are happy with the current plans.

After discussing the validity of the applications, the need, or lack thereof, for a variance for the bridge structure and the guardrail, the request from the BHPWMC, Steve Moeser made a motion to close the evidentiary portion of the hearing. 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; and Chris Tracey, aye

After a brief discussion, Michael Lawton made a motion to issue the special permit with the following conditions and allow the chair to sign the decision on behalf of the Board:

1. Within the 100-foot buffer zone, no person shall use a registered pesticide in a manner that is inconsistent with its labeling or other restrictions imposed by M.G.L. Chapter 132B and its regulations promulgated at 333 CMR; and
2. The Order of Conditions, DEP#177-719, Harvard#1122-02, issued by the Harvard Conservation Commission shall be recorded at the registry of deeds in association with this decision.

Steve Moeser seconded the motion. The vote was unanimously in favor of the motion by a roll call vote, Michael Lawton, aye; Steve Moeser, aye; and Chris Tracey, aye

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