

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
February 21st, 2024
APPROVED APRIL 3, 2024**

Chair Christopher Tracey called the hybrid meeting to order, 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, Melissa Robbins, Mark O'Hagan, Mark Lanza

Public Hearings:

7:00pm **Continuation of Public Hearing of COMPREHENSIVE Permit Hearing** – JUNO Construction LLC at Old Mill Road, for a proposed 40-B development

See Page two and three for full details

New Business:

Reappointment of ZBA Members

The application of reappointment to the ZBA for Chris Tracey, Barbara Romero, and Theodore Maxant are in June 2024 and must be submitted not later than March 15th 2024.

Minutes:

Motion: Steve Moeser made the motion to approve the minutes from May, July, August, November, and December of 2023 as amended.

Seconded by Michael Lawton

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

Voted unanimously

Adjournment

Motion: Steve Moeser made the motion to adjourn at 8:15pm

Seconded by Michael Lawton

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

Harvard Zoning Board of Appeals

Special Permit Minutes

February 21st, 2024: The Special Permit Hearing opened at 7:00pm

Continuation of Public Hearing of COMPREHENSIVE Permit Hearing – JUNO Construction LLC at Old Mill Road, for a proposed 40-B development

Chris Tracey started the Special Permit Hearing by asking if there were any updates at this time. Melissa Robbins brought the amendment to the purchase and sales agreement present for the Zoning Board of Appeals that was signed on August 22nd 2023 that clarified that the applicant had three extensions of time the applicant could take by right but clarified that no further action is needed at this time. Melissa Robbins stated for the record that the option to be extended until March 1st has been taken by the buyer and acknowledged by the seller.

The Zoning Board of Appeals then took time to review each page for the most up to date application packet. Michael Lawson asked in regards to page two if the Board met in October. Frank O'Connor confirmed that the Board did meet and discuss on October 4th 2023.

- Steve Moeser had a question for 3.1 on page seven: Steve Moeser asked if the Board wanted clarification on “development shall be constructed in substantial conformance.” Due to the repetition of the language later on in the section, Melissa Robbins said she would strike out the first sentence to this.
- Chris Tracey had a question for 3.5 for Mark Lanza on the same page: Chris Tracey asked if Mark Lanza would receive the final draft of this for review after the Zoning Board and Planning Board. Mark Lanza answered saying that this is a very good idea in order to be thorough for the complex legal document.
- Chris Tracey had question for 3.6 starting on page 8: Chris Tracey asked if this item that is provided to the ZBA later in the process would be provided by either Melissa Robbins and her group or by the state. Melissa Robbins clarified that this will be the states review and both the state and the ZBA will receive this at the same time.
- Chris Tracey had question for 3.7 on page 8: Chris Tracey asked if the wording could be changed from “sold” to having a “certificate of occupancy.” Melissa Robbins agreed to this.
- Chris Tracey had question for 3.9 on page 8: Chris Tracey asked if clarifying for the meaning of “appropriate” would be for storm water gutters. Bruce Ringwall clarified that the potential storm water has been taken into consideration and the additional areas that would need appropriate work would come in the form of additional chambers having a release valve so water can drain outward instead of overflowing. Bruce Ringwall assured the Board that his plans have been very carefully planned and has added other ways to alleviate seepage after talking to the conservation commission.
- Michael Lawton had a question about sidewalk compliance on page 9: Bruce Ringwall clarified that this was resolved and is in compliance.
- Chris Tracey had question for 3.11 on page 9: Chris Tracey asked if there was any idea when this would be completed. Melissa Robbins answers saying that this would be done prior to a building permit.
- Steve Moeser had question for 3.17 on page 11: Steve Moeser asked why the town was potentially involved in this portion of the plans. Melissa Robbins clarified that this is a very rare occurrence, but would be used in the case of an emergency where it would benefit the town to do so. Mark Lanza clarified that the town has this right regardless of the language in this document.

- Chris Tracey asked if a timeframe was known for a pre-construction meeting. Mr. Eriksen responded saying that they are going to start in late-spring or early-summer of 2024 (60-120 days).
- Chris Tracey had question on page 12 about the signage. Melissa Robbins added the following “no parking sign shall be installed on Old Mill Road by the applicant or the town as follows. Should the town install the signage, the applicant will reimburse the town.”

Motion: Steve Moeser made the motion to close the evidentiary portion of the Special Permit Hearing

Seconded by Michael Lawton

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

Voted unanimously

Motion: Steve Moeser made the motion to approve the permit for the 40B application and permit for the village at Robin Lane on Ayer Road and that Chris Tracey signs off on behalf of the Zoning Board.

Seconded by Michael Lawton

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

Voted unanimously