

**HARVARD ZONING BOARD OF APPEALS**  
**MINUTES OF MEETING**  
**July 10, 2007**  
**APPROVED: November 7, 2007**

Chairman Chris Tracey called the meeting to order at 7:57pm in the Land Use Office of the Harvard Town Hall

**Members Present:** Chris Tracey, Steve Moser, Robert Capobianco and Theodore Maxant

**Others Present:** Liz Allard (LUB Admin) and Valerie Hurley (Harvard Press)

**Deliberation of the Comprehensive Permit for Massachusetts Housing Opportunities Corporation – 15 Littleton Road (Map 17C Parcel 14 &17)**

A draft of the findings and decision was received by the applicant's attorney yesterday for the members review.

Chris Tracey asked the members in general if you have an opening statement in regards to this permit to please make them.

Robert Capobianco stated that he does not have a problem in general with the project but he does see a need for additional guest parking spaces for each unit. If the roadway is only twelve (12) feet wide and guests are parking there there would be no access for emergency vehicles. Mr. Capobianco proposes at least one guest parking space within one hundred (100) feet of each of the units and on its coinciding lot.

Steve Moser stated they could find some spaces but they are going to have re-design the plan, which could impact the slopes, retaining walls and create more impervious surface.

Mr. Tracey questioned by signing the ANR plan are we allowing them to circumvent local and State Board of Health (BOH) rules. The way the plan has been submitted to the ZBA the parcel is under the control of one owner. The Applicant's representative has stated public the only reason they are creating two lots is to circumvent the Title V regulation. Mr. Tracey stated that if this Board does not sign the ANR plan than the testing requirements will be increased for the septic system. Mr. Tracey believes that if the Board does not grant the waiver to Chapter 145-3C the systems will not fit on the site. Mr. Moser pointed out the Board has asked the BOH to comment on the three requested waivers and they don't even respond.

Theodore Maxant stated if this was a project on a relatively flat parcel containing sandy soils it would be okay, but in this location, so it is not. Mr. Moser feels the septic systems are a big issue. Mr. Moser asked if there was a reason the BOH did not respond. Mr. Tracey stated the BOH feels as if the Applicant has not given them enough

information to comment on the waivers requested. Mr. Tracey added he did not want to speak for the BOH.

Mr. Tracey stated if the ZBA grants a waiver to Chapter 145-3C and the BOH does not allow that waiver, the BOH would not have a leg to stand on. Mr. Capobianco found information within Section 310 CMR 15.011 (1a), which states common ownership would not be allowed under Title V. Mr. Tracey reminder the other members as the granting authority we need to be comfortable with what we decide. Mr. Capobianco stated he would be willing to endorse an ANR plan as long as the Applicant is not in violation of 310 CMR 15.011. Mr. Tracey would like Town Counsel, Mark Lanza, opinions on whether the Board can deny the ANR and Can an ANR be endorsed with conditions.

Mr. Tracey stated the Board can deny the waiver and subsequently the BOH can allow it and then the Applicant can return to ZBA asking the permit be change allowing the waiver. Title V does allow for the reserve trenches between the primary trenches. The Board agreed they would acceptable to a primary system with a reseve system in another location.

The question was raised can the Department of Housing and Community Development (DHCD) over turn a denial based on the waiver request.

Mr. Capobianco has a problem granting the waiver for Chapter 145-3C.

Mr. Capobianco stated some of the retaining wall areas are steep, should we require some type fencing to avoid a safety issue. Mr. Moeser did not think that was necessary, because a guardrail is shown all around the driveway edge. These walls should be a poured concrete wall with a stone façade and condition will be placed within the decision to that regards.

The decision should integrate all engineering suggestions from Nitsch Engineering. Need to have a better clarification as to the upgrades needed for the water service. The decision should state the line is to be installed as directed by the Water Commission with at a minimum of an 8" main and two new hydrants as shown on sheet C4 of 7 within the plans dated March 16, 2007.

All of the waivers were reviewed. The members found it difficult to decipher what exactly was being requested with some of the waivers. The Board requested that the Administrative Assistant to contact the Applicant and their representative to ask for clarification to these request.

Chris Tracey made a motion to continue the hearing until August 9, 2007 at 7:30pm in the Hildreth house. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Signed: \_\_\_\_\_, Steve Moeser, Clerk