

**HARVARD ZONING BOARD OF APPEALS**  
**MINUTES OF MEETING**  
**August 14, 2007**  
**APPROVED: November 7, 2007**

Chairman Chris Tracey called the meeting to order at 7:41pm in the Town Hall Staff Break Room.

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

**Others Present:** Adam Costa (BB&M), Mark Lanza, Valerie Hurley (Harvard Press) and Bonnie Chandler (Harvard Post)

**Deliberation of Comprehensive Permit for MHOC 15 Littleton Road**

The amount of fill for this site is within the decision but it is not detailed. Robert Capobianco asked if the decision should specify truck routes. Attorney Lanza stated this aspect will be addressed within the final construction documents approval. Mr. Capobianco asked if there are any safe guards as to where the fill is coming from. Attorney Lanza stated he would think there would be spot checks by the representative. Steve Moeser suggested the decision clearly state no reclaim material shall be used. Controlled inspections should be addressed during the review and approval of the final construction documents. The ZBA will look to Mr. Moeser for final language when they get to the final construction documents.

Chris Tracey asked if there has been any clarity to the water main and is it available for use by this property. Attorney Lanza stated there has not and the ZBA may have to expand that condition depending on what the developer plans on doing. One of the questions is will the applicant be willing to pay for replacement of the pipe from Fairbank Street up the no name street and down Mass Avenue. Mr. Tracey asked Attorney Lanza if he felt the ZBA should make the applicant follow all of the requirements of the Water Commission. Attorney Lanza stated that a standard condition is that all requirements of any Board or Commission are abided by. Mr. Capobianco asked if Maurice Pilette, of Mechanical Design, should review the fire suppression plan to be certain there is enough water pressure to supply the system. Attorney Lanza suggested stating the water line would be replaced according to the requirements of the Water Commission, provided that all test concludes an eight inch line is sufficient. Attorney Lanza added the applicant shall be responsible for all costs related to the upgrade and connection to the existing water lines.

As for condition 3.33, the Affordable Housing Donation, the ZBA was not satisfied with this condition. Attorney Lanza suggested the condition be re-worded to deduct the legal cost from the \$45,000 rather than receiving no money at all. Attorney Lanza will discuss this condition with the applicant's representative to try and remove the disclaimer. Mr. Tracey does not think he would put his signature on the decision with this provision.

Mr. Capobianco still has great issues with the waiver of Chapter 125-39 and the width of the driveway. Mr. Capobianco feels a SU-30 vehicle cannot back in or out of this location safely. Attorney Lanza asked if convex mirrors would help on the site at all. The ZBA stated they may. In order for this permit to be valid it must meet the requirements of Chapter 125-39 B (7). The ZBA agreed that a thirty (30) foot turning radius needs to be established for both of the driveway and that radius shall not include any parking spaces.

The members reviewed the wooden guardrail detail. The members agreed that the height of the top of the upper rail from to the finish grade should be at least 42” and the entire guardrail in all locations should have a non-climbable deterrent attached to it.

The ZBA reviewed the decision as revised by Attorney Lanza. Changes were accepted and new changes will be added to the decision and re-distributed to the members for individual comments.

Steve Moeser will be unable to attend a hearing on August 29, 2007 to accept and sign the final Comprehensive Permit for this project. The ZBA decided to request from the applicant an extension to September 4, 2007. If the applicant is not acceptable to this than a motion to grant the permit with the revisions to be sent to Attorney Lanza prior to Chairman Chris Tracey signing on behave of the ZBA. Chris Tracey made the motion as previously stated. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

### **Adjournment**

Robert Capobianco made a motion to adjourn the meeting at 10:19pm. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

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