

**HARVARD ZONING BOARD OF APPEALS  
MEETING MINUTES  
JANUARY 7, 2008  
APPROVED: March 26, 2008**

Chairman Chris Tracey called the meeting to order at 7:05pm in the Town Hall Meeting Room.

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

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

**Request for Insubstantial Changes - MHOC, 15 Littleton Road (Map 17D Parcels 14&17)**

A request has been received from the legal representation for Massachusetts Housing Opportunities Corporation in regards to insubstantial changes to the conditions of the Comprehensive Permit. The Board needs to make a decision if the requested amendments are substantial or insubstantial. Steve Moser asked if the Board finds these changes are insubstantial the outcome will be a development different than what the Board had previously approved. Chris Tracey stated this was correct, in order for the development to proceed as permitted the applicant would have to reduce the number of units, which they have stated would make the project uneconomic.

The first requested amendment is in regards to Condition 3.11.13 of the Comprehensive Permit. The Permittee requested additional wording at the end of the sentence as follows, "Protective Bylaw; provided, however, that where full compliance with said Section 125-36(B)(7) results in the loss of any dwelling units or otherwise renders the project uneconomic, the compliance required herein shall be limited, to the extent feasible, to avoid such consequences". Mr. Moeser noted that the documentation submitted does not show what they could do, just what they cannot. Robert Capobianco has similar feelings as Mr. Moeser. Mr. Capobianco feels the Board should have a formal hearing. Mr. Capobianco wants to know if the Permittee still has the land under their control. Mr. Capobianco also wants to see what they can do with the turn around. The safety issues with the length and design of the driveway on to Littleton Road still remains.

The second requested amendment is in regards to Condition 3.35.2 of the Comprehensive Permit. The Permittee requested the deletion of "provided the Applicant provides documentation to the ZBA that the Board of Health (BOH) consents or does not object to this waiver request". Mr. Tracey stated as for septic issue it is his understanding the Department of Environmental Protection would approve the system as designed. Mr. Moeser asked if Mr. Tracey thought the BOH would back that statement as well. Mr. Capobianco would think they would have to. Mr. Tracey stated the BOH would have to give the Board documentation that by allowing this waiver it would cause potential public health issues, than there would be grounds to deny.

Mr. Capobianco requested formal input from the BOH, along with a determination by an expert that the driveway is not a safety issue as proposed by the Permittee. Orville Dodson agrees with having a public hearing on the requested changes.

Mr. Tracey wanted to know if there was money in the applicant's account to hire Nitsch Engineering to review the plan to see if there were alternative to the septic issue and the turnaround issue. The Land Use Administrator said she would investigate this matter and get back.

Steve Moeser made a motion that the Board has determined the requested changes by MHOC are in fact substantial and the hearing will need to be reopened. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

### **Approval of Annual Report**

Members have reviewed the annual report as amended that was drafted by the administrator. Steve Moeser made a motion to submit the amended annual report to the Board of Selectmen as written. 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 7:35pm. Orville dodson seconded the motion. The vote was unanimously in favor of the motion.

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