

HARVARD ZONING BOARD OF APPEALS
MINUTES OF MEETING
March 26, 2008
APPROVED: April 9, 2008

Chairman Chris Tracey called the meeting to order at 7:34pm in the Town Hall Meeting Room

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

Others Present: Liz Allard, Mark Lanza and Joe Sudol

Continuation of Amendments to the Comprehensive Permit – Massachusetts Housing Opportunities Corporation, 15 Littleton Road (Map 17D Parcels 14 & 17).
Opened at 7:34pm

Local Initiative Program (LIP) Criteria Comments and Approval

Chris Tracey explained where the Land Use Boards were at with comments on the Board of Selectmen's (BOS) LIP Criteria. The BOS can choose to accept the amendments made to the criteria or a portion of or not accept it all. Robert Capobianco asked Town Counsel Mark Lanza if there is there anyway we can get this criteria approved at the Annual Town Meeting. Attorney Lanza stated it could be proposed as a bylaw in the warrant. Mr. Capobianco feels this is a good document that will help avoid some mistakes that have been made in the past. Maybe not this year, but maybe some time in the future it should become a bylaw. Mr. Tracey agreed. This will help circumvent lengthy meetings in the future. Joe Sudol feels there will be some negotiations with the BOS on this.

Robert Capobianco made a motion to authorize Chairman Chris Tracey to sign the letter addressed to the Board of Selectmen in regards to the Local Initiative Program Criteria as wells approve the comments made to the criteria. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Executive Session

Chris Tracey made a motion that the ZBA go into executive session pursuant to Massachusetts General Laws Chapter 39, Section 23B (3) to discuss strategies with respect to potential and pending litigation with Fruitlands Museums, Inc. and the Board of Appeals and Massachusetts Housing Opportunities Corporation because a public discussion of these matters will have a detrimental effect on the litigating position of the Board. The Board will return to open session in approximately sixty-five (65) minutes only to adjourn the meeting. Robert Capobianco seconded the motion and a roll call vote was taken.

Minutes

Robert Capobianco made a motion to accept the minutes of November 7, 2007, January 7, January 23, February 6, February 23 and February 27, 2008 as amended. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Orville Dodson made a motion to adjourn the meeting at 10:22pm. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Steve Moeser, Clerk

Zoning Board of Appeals
Continuation of an Amendment to the Comprehensive Permit Hearing
Massachusetts Housing Opportunities Corporation
Meeting Minutes
March 26, 2008

The meeting was opened at 7:34pm by Chairman Chris Tracey under M.G.L. Chapter 40B §20-23 Regional Planning in the Town Hall meeting room

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

Others Present: Liz Allard and Mark Lanza

This hearing was continued from February 6, 2008 on Amendments to the Comprehensive Permit filed on behalf of Massachusetts Housing Opportunities Corporation (MHOC) for the development of market rate and affordable units at 15 Littleton Road, Harvard (Map 17D Parcels 14 & 17)

Town Counsel Mark Lanza informed the Board that the Housing Appeals Committee (HAC) has over ruled the ZBA decision that the changes were substantial. The matter is disposed of by the HAC and the hearing should be closed by the ZBA. Robert Capobianco made a motion to close the hearing. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Steve Moeser, Clerk

**Zoning Board of Appeals
Executive Session
March 26, 2008**

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

Others Present: Liz Allard and Mark Lanza

Town Counsel presented the Board with the final Settlement Agreement between the Town of Harvard and Fruitlands Museum, Inc. After a lengthy discussion of the documents presented, Steve Moeser made a motion to accept the Settlement Agreement as presented by Town Counsel. Robert Capobianco seconded the motion with the amendment that the Settlement Agreement would be accepted if the word "Superior" was stricken from page 3. The vote was Chris Tracey Nay, Steve Moeser Yea and Robert Capobianco Yea.

Signed: _____
Steve Moeser, Clerk