

HARVARD ZONING BOARD OF APPEALS
MINUTES OF MEETING
April 9, 2008
APPROVED: April 23, 2008

Chairman Chris Tracey called the meeting to order at 7:32pm in the Town Hall Meeting Room

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

Others Present: Liz Allard, Leo Blair, Jessica Shlasko, Susan & Bob First and Jeffery Bedell

Meet & Greet with New Selectmen

Leo Blair was present to introduce himself as one of the new members of the Board of Selectmen (BOS). Mr. Blair wanted the Board to know if there was anything the BOS can do for the ZBA while he is there he will do. Mr. Blair presented the members with a marked up of version of the BOS's Local Initiative Program (LIP) Criteria. Mr. Blair believes the ZBA should be inserted where it says BOS. Chris Tracey was not certain this could be legally done. Mr. Blair will look into it. Mr. Tracey cannot believe from a statue perspective the ZBA can do that. Steve Moeser stated historically we never see a LIP application until it is approved by the Department of Housing and Community Development. Mr. Blair stated the BOS is not a land use board and it is not intended to be. Mr. Blair will follow up on the LIP Criteria.

Special Permit Hearing – Jessica Shlasko, 38 Stow Road (Map 27 Parcel 79. Opened at 7:37pm

Election of Officers

Robert Capobianco made a motion to nominate Chris Tracey as the Chairman. Steve Moeser seconded the nomination. Chris Tracey accepted the nomination. The vote was unanimously in favor of the motion.

Chris Tracey made a motion to nominate Steve Moeser as Vice Chairman. Robert Capobianco seconded the motion. Steve Moeser accepted the nomination. The vote was unanimously in favor of the motion.

Steve Moeser made a motion to nominate Liz Allard as the Clerk to the Zoning Board of Appeals. Robert Capobianco seconded the motion. Liz Allard accepted the nomination. The vote was unanimously in favor of the motion.

Chapter 40T Comments

Steve Moeser stated the Board would need a lot more studies and seminars before making a definitive comment. The Board unanimously agreed to send a letter to the Board of

Selectmen stating that they do not have enough information to make a clear decision as to support or not support Chapter 40T.

Approval of Minutes

Robert Capobianco made a motion to accept the minutes of March 26, 2008. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Meeting Dates & Times

The Board unanimously agreed to change the time of the meeting officially to 7:30pm. The Board would also like to change the meeting date, but that will take some time to work out with other Boards and Committees. Liz Allard will work on changing the day of the meeting.

Adjournment

Steve Moeser made a motion to adjourn the meeting at 8:47pm. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

**Zoning Board of Appeals
Special Permit Hearing Meeting Minutes
Jessica Shlasko, 38 Stow Road (Map 27 Parcel 79)
April 9, 2008**

This hearing was opened at by Chairman Chris Tracey under the Zoning Act M.G.L. Chapter 40A §6 and the Code of the Town of Harvard the Protective Bylaw Chapter 125-3

Members Present: Chris Tracey, Steve Moeser, Robert Capobianco and Ted Maxant

Others Present: Liz Allard (LUB Admin), Jessica Shlasko, Sue & Bob First and Jeffery Bedell

This hearing is for a Special Permit filed on behalf of Jessica Shlasko for the extension of an existing nonconforming structure at 38 Stow Road, Harvard (Map 27 Parcel 79)

Robert Capobianco made a motion to waiver the reading of the legal notice. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Jessica Shlasko presented application to the Board. Ms. Shlasko stated the house was originally meant to be a guesthouse so it has no kitchen. The extension will allow for a laundry room and kitchen downstairs. All of the development is to the southern and western side of the house away from the roadway. Chris Tracey was looking for existing footprint and then the additional footprint.

The existing structure is 452 square feet per floor, for a total of 904 square feet of floor area. The proposed porch will be an additional 426 square feet and the proposed addition will be an additional 476 square feet. As proposed the new total floor area would be 1380 square feet excluding the basement floor area.

Theodore Maxant asked what the lot size is. Ms. Shlasko stated it is 2.75 acres. Mr. Maxant asked when the original house was built. Ms. Shlasko stated the 1700's. It was clarified that the applicant is seeking a Special Permit and not a Variance as stated on the application. The nonconformity is the setback from the centerline of the road.

Chris Tracey read the comments received from the Planning Board, Conservation Commission and the Building Inspector/Zoning Enforcement Officer into the record.

Susan First stated she and her husband support the application. Jeffrey Bedell stated he too supported the application.

Robert Capobianco made a motion to close the evidentiary portion of the hearing. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Steve Moeser reviewed the conditions under Chapter 125-3A and determined that the structure become a lawfully nonconforming solely as the result of the adoption of the Bylaw, the proposed addition conforms to the Bylaw and will not be substantially more detrimental to the neighborhood than the existing structure.

Robert Capobianco made a motion to close the hearing and write a decision approving the application for a Special Permit filed on behalf of Jessica Shlasko. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk