

**HARVARD ZONING BOARD OF APPEALS
MINUTES OF MEETING
July 23, 2008
Approved: August 20, 2008**

Chairman Chris Tracey called the meeting to order at 7:37pm in the Town Hall Meeting Room

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

Others Present: Liz Allard, Mark Lanza, Carter Scott (Transformations), Steven Ventresca (Nitsch Eng.) and Jeff Richards (Meridian Assoc.)

Continuation of a Comprehensive Permit Hearing – Transformation, Inc., Stow Road (Map 36 Parcel 85 & 86.1). Opened at 7:37pm

Rules & Regulations

The members reviewed the revised Comprehensive Permit Regulations and made comments to them for changes. As for Chapter 135, Liz Allard stated most changes are to out dated information.

Adjournment

Steve Moeser made a motion to adjourn the meeting at 9:52pm. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

Zoning Board of Appeals
Continuation of a Comprehensive Permit Hearing Meeting Minutes
Transformations, Inc., Stow Road (Map 36 Parcels 85 & 86.1)
July 23, 2008

This hearing was opened at 7:37pm by Chairman Chris Tracey under M.G.L. Chapter 40B §21-23 in the Town Hall Meeting Room

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

Others Present: Liz Allard, Mark Lanza, Carter Scott (Transformations), Steven Ventresca (Nitsch Eng.) and Jeff Richards (Meridian Assoc.)

This hearing was continued from June 25, 2008 on a Comprehensive Permit filed on behalf of Transformation, Inc. for the construction of twelve (12) single-family detached and twelve (12) condominiums as duplex and triplex homeownership units on Stow Road (Map 36 Parcel 85 & 86.1), Harvard.

Chris Tracey noted that comments have been received from the Conservation Commission and the Planning Board (PB) requesting more time to review the revisions to the application. Nitsch Engineering has also submitted revised comments based on the revised information and plans. Steve Ventresca, of Nitsch Engineering, stated the details received for the Townsend project look feasible, but for this site he still can not tell the ZBA if it will work because he does not have the details specific to this site. Carter Scott stated similar definitive engineering that was done in Townsend will be done here in Harvard. Mr. Scott added that the details will not be submitted until the definitive plan is submitted. This would need to be another condition of the Comprehensive Permit.

Steve Moeser asked if at the last meeting had we discuss the applicant meeting with the Fire Chief. Mr. Scott has not spoken directly to the Fire Chief, but the new cover letter detailed all of the revisions. It was again recommended that the applicant meet with the Fire Chief to review any concerns he may have.

Mr. Scott explained to the members the advantages to building energy efficient homes. Mr. Tracey stated that Mr. Scott's desire to do that is commendable, but it really has nothing do with 40B standards. Mr. Scott stated yes it does, under State funding requirements you have to be met one of the seven categories and this is one of the categories. Robert Capobianco wanted to know what the air quality is in a house like this. Mr. Scott stated all energy star homes need mechanical ventilation.

Steve Moeser questioned the actual location of the affordable units. The plan does not indicate whether the affordable units are first or second floor units. Mr. Capobianco asked Town Counsel, Mark Lanza, if you can cluster the affordable units. Attorney Lanza stated the Board can require more dispersion above that of the State. The affordable units can not look different than the market rate units from the exterior.

Mr. Scott is working on a plan that will reduce the ownership of the lots to two owners in a checkerboard pattern. The members wanted to know if the roadway was going to be a private way. If this is not going to be a private way, town meeting would require the acceptance of it. The PB needs to know if this is a private way. The Department Environmental Protection (DEP) had questioned this as well. Mr. Scott believes the ZBA would be the approving authority to the public way.

Mr. Moeser stated what you have done in Townsend has nothing to do with this application and what you are doing here. Mr. Scott is committed to doing a green development and has no intention of changing.

Ted Maxant thinks the applicant should go to the PB for a five lot subdivision. Attorney Lanza stated the ZBA is the PB for this application.

Attorney Lanza stated that DEP looks at a number of factors to determine if land is being divided to avoid certain regulations.

Jeff Richards, of Meridian Associates, stated another solution to satisfy the DEP issues is the road could be owned by a separate owner.

Mr. Scott went back to the point about the checkerboard ownership and stated he would need to move a number of bedrooms and change the size of the septic systems in order to have that type of ownership. Mr. Tracey stated he has an issue with his subdivision. Mr. Scott stated the subdivision submitted to the PB years ago did not meet dimensional requirements.

Mr. Maxant stated Mr. Scott does not have one controlling thing, he has five control things.

Additional consulting fees were discussed. It was determined the ZBA would need an additional \$2,500.00 to complete its review of the application. This amount and a revised pro forma shall be received by August 11, 2008.

In order for new information to be reviewed by the members and commented on by other Boards and Commissions, Chris Tracey made a motion to continue the hearing until September 10, 2008 at 7:30pm. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk