

HARVARD ZONING BOARD OF APPEALS
MINUTES OF MEETING
August 20, 2008
APPROVED: December 10, 2008

Chairman Chris Tracey called the meeting to order at 7:30pm in the Town Hall Meeting Room

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

Others Present: Liz Allard, Matthew & Evangelene Kennedy and Mark Saganich

Minutes

Steve Moser made a motion to accept the minutes of July 23, 2008 as written. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion

Special Permit Hearing – Matthew & Evangelene Kennedy, 11 Bowers Road (Map 26 Parcel 21). Opened at 7:33pm

Finding for the Zoning Enforcement Officer

Mark Saganich, at the suggestion of the Zoning Enforcement Officer (ZEO), was present to discuss a potential deminimus finding with the Board. After reviewing information received, which did not include any plans; the ZBA determined it would be the ZEO discretion to issue a deminimus finding. The proposed work is only for the garage and mudroom and the ZEO would have to review the plans that the chart is reflective of, to determine if the change to the garage and mudroom would be deminimus. Evidence will need to be given to the ZEO that there has been no increase to structure or square footage since the 1980's, at which time the lot became nonconforming.

Adjournment

Steve Moeser made a motion to adjourn the meeting at 8:38pm. Orville Dodson 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
Matthew & Evangelene Kennedy, 11 Bowers Road (Map 26 Parcel 21)
August 20, 2008

This hearing was opened at 7:33 by Chairman Chris Tracey under M.G.L. Chapter 40A §6, the Zoning Act and the Code of the Town of Harvard, Chapter 125 §3, the Protective Bylaw

Members Present: Chris Tracey, Steve Moeser and Orville Dodson

Others Present: Liz Allard, Matthew & Evangelene Kennedy

This hearing is for a Special Permit filed on behalf of Matthew and Evangelene Kennedy for the renovation of an existing structure on a non-conforming lot at 11 Bowers Road (Map 26 Parcel 21), Harvard.

Matthew Kennedy presented his application to the Board. Mr. Kennedy stated the intent is to make the bedroom bigger by raising the roof in the secondary structure. The existing 3-bedroom home is not going to be changed. Mr. Kennedy believes the structure was changed from a barn to office space in 1985. The lot size and two residential structures on one lot creates the non-conformity. The existence of two structures may have been done without a permit, although due to statutory regulations it maybe grand fathered. The only increase in footprint to the secondary structure is to the entry and porch. The application is not for a Special Permit for an accessory apartment, but an increase in the habitable space on a nonconforming lot. There is an existing septic permit for five bedrooms. The members questioned whether or not the structure becomes conforming because of the passage of time.

The existing use and floor plan was established in the 80's, but no permit was in evidence of that change. The permit from Nashoba Associated Boards of Health shows the existence of 5 bedrooms. The members determined that the location is an existing non-conforming lot with an existing multi-residence. The legality of this will be confirmed with Town Counsel.

Chris Tracey noted the letters received from the other boards and commissions. Mr. Kennedy stated that trees will have branches removed, but no trees are being removed. The structure will have new windows and siding. It was again clarified that this permit was not requested nor issued as an in-law apartment/accessory apartment.

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

After a brief discussion, Steve Moeser moved to approve the Special Permit application for the porch and entry addition as presented on the remodeling plans dated 2-15-08 by Warren Design Build. The decision is subject to Town Counsel's finding as far as the

statue limitation. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk