

HARVARD ZONING BOARD OF APPEALS
MINUTES OF MEETING
October 1, 2008
APPROVED: December 10, 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 and Orville Dodson

Others Present: Liz Allard, Mark Lanza, Valerie Hurley (Harvard Press), Barbara Henderson and Robert Carrona

Continuation of a Special Permit Hearing – Richard & Roxanne Mace, 38 Peninsula Road (Map 26 Parcel 49). Opened at 7:37pm

Continuation Deliberation of a Comprehensive Permit for Transformation, Inc. Stow Road

Members continued to review the requested waivers as follows:

- §130-23B Access: the waiver that the applicant is requesting is a normal subdivision regulation; it makes it impossible to make any adjoining land from becoming land locked. Usually applicants are required to show an easement to back land lots adjacent to the parcel. On a Capobianco/ Moeser motion the waiver was granted.
- §130-23D(1) Geometric Design (a) On a Capobianco/ Moeser motion the waiver was granted; (b) On a Capobianco/Moser motion the waiver was granted to allow the radii as shown on the plan titled Subdivision Plan, dated August 7, 2008; (c) same as previous motion; (d) On a Capobianco/Moeser motion the waiver was granted subject to Section 5 page 1-4
- §130-E Dead-end Street: although there was no site definitive plan submitted, the waiver was granted on a Capobianco/Moeser motion based on the plan submitted and titled Subdivision Plan, dated August 7, 2008
- §130-23F(1) Shoulders: On a Capobianco/ Moeser motion the waiver was granted without prejudice and the ZBA will take action once they receive the definitive plan
- §130-23F(2) Embankments: Upon review the Board voted unanimously that no relief was required
- §130-23F(3) Guardrails: On a Capobianco/Moeser motion the waiver was denied without prejudice until the ZBA receives the definitive plans
- §130-23G Utilities; Upon review, the Board unanimously voted that no relief was required
- §130-23H Drainage: Upon review, the Board unanimously voted that no relief was required
- §130-23I Footpaths: On a Capobianco/ Moeser motion the waiver was granted.

- §147-15(1) – (3): On a Capobianco/ Moeser motion the waiver was granted subject to the Order of Conditions from the Conservation Commission under the Wetland Protection Act
- §145-1 & 3: On a Capobianco/Moeser motion the waivers was denied based on the ground that the waivers are sought on multiple aggregate septic systems that have been designed to avoid rules and regulations of Title V
- §145-26: On a Capobianco/Moeser motion the waivers was denied based on the ground that the waivers are sought to avoid rules and regulations of a Public Water Supply
- §125-9A Multiple residence use: On a Capobianco/Moeser motion the waiver was granted subject to the plan titled Utilizes Plan dated August 7, 2008 and conditions imposed by the ZBA in regards to the distribution of the affordable units
- §125-15 Earthmoving: Upon review and the evidence presented by the applicant it was unanimously voted that no relief is required
- §125-21 Permitted uses in the AR District: On a Capobianco/Moeser motion the waiver was granted subject to the plan titled Utilizes Plan dated August 7, 2008 and conditions imposed by the ZBA in regards to the distribution of the affordable units
- §125-26 Permitted uses in WFH Districts: Upon review of the file and evidence before the Board it was unanimously decided that no waiver was requested
- §125-29 Lot Size Standards: On a Moeser/Capobianco motion the waiver was granted
- §125-30A Land Structure relations: On a Moeser/Capobianco motion the waiver was granted subject to the allocation of the affordable units
- §125-30B Floor Area Ratio: On a Moeser/Capobianco motion the waiver was granted

Continuation of Amendments to the Code of the Town of Harvard, Chapter 135, Rules and Regulations for the Zoning Board of Appeals Hearing. Opened at 10:45pm

Adjournment

Steve Moeser made a motion to adjourn the meeting at 10:50pm Orville Dodson seconded the motion.

Signed: _____
Liz Allard, Clerk

Zoning Board of Appeals
Continuation of a Special Permit Hearing Meeting Minutes
Richard & Roxanne Mace 38 Peninsula Road (Map26 Parcel 49)
October 1, 2008

This hearing was opened at 7:37pm by Chairman Chris Tracey under M.G.L. Chapter 40A and §125-27 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 September 24, 2008 on a Special Permit filed on behalf of Richard and Roxanne Mace for the altering of a pre-existing nonconforming structure by adding a detached garage at 38 Peninsula Road (Map 26 Parcel 49), Harvard.

The applicant's representative has requested that the application be withdrawn. Robert Capobianco made a motion to accept withdrawal with prejudice. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

Zoning Board of Appeals
Continuation of Amendments to the Code of the Town of Harvard, Chapter 135,
Zoning Board of Appeals and the Comprehensive Permit Rules and Regulations
Hearing Meeting Minutes
October 1, 2008

This hearing was opened at 10:45pm by Chairman Chris Tracey under M.G.L. Chapter 40A and 125-27 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 September 10, 2008 for Amendments to the Code of the Town of Harvard, Chapter 135, Zoning Board of Appeals and the Comprehensive Permit Rules and Regulations.

Steve Moeser made a motion to continue the hearing until December 10, 2008 at 7:30pm. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk