

**HARVARD ZONING BOARD OF APPEALS
MINUTES OF MEETING
DECEMBER 10, 2008
APPROVED: July 7, 2009**

Chairman Chris Tracey called the meeting to order 7:40pm at in Town Hall Meeting Room.

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

Others Present: Liz Allard (LUB Admin), Jude Gauvin (GPR, Inc.), Barbara Davis Barrett, Dorothy Chen-Courtin and Patrick Courtin

Continuation of the Amendments to the Code of the Town of Harvard, Chapter 135.
Opened at 7:40pm

Mace 38 Peninsula Road Restoration Plan

The Board was given a plan from Ross Associates indicating additional trees and vegetation to be planted at 38 Peninsula Road to satisfy the zoning violation that occurred there. The Zoning Enforcement Office (ZEO) has also reviewed the plan and has indicated he has no objections. Chris Tracey asked if by indicating that he, the ZEO, has no objections does this remedy the zoning violation. It was the understanding of the Board that the ZEO still needed to make a finding that remedies the situation in writing and that the ZBA should not comment on the plan submitted. Liz Allard will follow up with Attorney Lanza to determine what steps should be taken.

Special Permit Hearing – James Barrett, 261 Old Littleton Road (Map 14 Parcel 15.1). Opened at 8:01pm

Minutes

Robert Capobianco made a motion to accept the minutes of April 23, May 28, June 25, August 20, September 10, September 24, September 30, October 1, October 7 and October 29, 2008 as amended. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Robert Capobianco made a motion to adjourn the meeting at 8:17pm. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

**Harvard Zoning Board of Appeals
Continuation of the Amendments to the Code of the Town of Harvard Hearing
Meeting Minutes
December 10, 2008**

Chairman Chris Tracey opened the public hearing at 7:40pm under MGL 40A, Section 9, in the Town Hall Meeting Room.

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

Others Present: Liz Allard (LUB Admin)

This hearing was continued from October 1, 2008 for Amendments to the Code of the Town of Harvard, Chapter 135, Zoning Board of Appeals and the Comprehensive Permit Rules and Regulations for Board of Appeals

With not all members present the Board decided to continue the hearing to a later date. Robert Capobianco made a motion to continue the hearing to February 11, 2009 at 7:30pm. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

**Harvard Zoning Board of Appeals
Special Permit Hearing Meeting Minutes
James Barrett, 261 Old Littleton Road
December 10, 2008**

Chairman Chris Tracey opened the public hearing at 8:01pm under MGL 40A, and the Code of the Town of Harvard, the "Protective Bylaw", Chapter 125, Sections 18 & 21 as amended.

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

Others Present: Liz Allard (LUB Admin), Jude Gauvin (GPR, Inc.), Barbara Davis Barrett, Dorothy Chen-Courtin and Patrick Courtin

This hearing is for a Special Permit filed on behalf of James Barrett for the approval of an accessory apartment use at 261 Old Littleton Road, Harvard.

Jude Gavin, of GPR, Inc., was present to represent the applicant. Mr. Gauvin stated the house has been maintained as a resident since 1980; the exterior will not be changing; and there is an existing egress in the location of the proposed accessory apartment. The accessory apartment will consist of 745 square feet of existing basement space within the dwelling. The proposed plan shows a kitchenette and does have a full bathroom; adequate ventilation and smoke detectors are also available. Robert Capobianco stated the space would need carbon monoxide testers as well. The number of bedrooms supported by the septic system would remain the same; the propose plan indicates that two existing bedrooms will become one larger bedroom. The Board of Health (BOH) has required a two-compartment tank be installed. The circular driveway and garage gives plenty of parking for vehicles.

Chris Tracey read comments received from other Town Boards and Commissions into the record. BOH made a comment in regards to the water quality. Barbara Davis Barrett was present and stated when she bought the house in April a water quality test was preformed. The Land Use Administrator indicated that the Planning Board has reviewed the application and has no comments in regards to the application.

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

Robert Capobianco made a motion to grant the Special Permit with no additional conditions and to allow the Chairman to sign the final decision on behalf of the Board.

Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk