

**HARVARD ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
APRIL 8, 2009  
APPROVED: July 7, 2009**

Vice Chairman Steve Moeser called the meeting to order 7:38pm at in Town Hall Meeting Room

**Members Present:** Steve Moeser, Robert Capobianco and Orville Dodson

**Others Present:** Liz Allard (LUB Admin), Barb Griesbach, Mike Griesbach, Kathy Waugh and Francis Begue

**Renewal of Special Permit #04-SP-2007 Hearing, Michael Callaghan, 32 Turner Lane.** Opened at 7:38pm

**Special Permit Hearing, Waugh & Begue, 49 Littleton Road.** Opened at 7:45pm

**Continuation of Amendments to the Application for Hearing for Zoning Board of Appeals and to the Code of the Town of Harvard, Chapter 135 Hearing.** Opened at 8:30pm

**Adjournment**

Robert Capobianco made a motion to adjourn the meeting at 8:55pm. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Signed: \_\_\_\_\_  
Liz Allard, Clerk

**Harvard Zoning Board of Appeals  
Renewal of Special Permit #04-SP-2007 Hearing Meeting Minutes  
Michael Callaghan 32 Turner Lane  
April 8, 2009**

Vice Chairman Steve Moeser opened the public hearing at 7:38pm under MGL 40A, Section 9, in the Town Hall Meeting Room.

**Members Present:** Steve Moeser, Robert Capobianco and Orville Dodson

**Others Present:** Liz Allard (LUB Admin), Barb Griesbach and Mike Griesbach

This hearing is for the renewal of Special Permit #04-SP-2007 filed on behalf of Michael Callaghan at 32 Turner Lane, Harvard.

Robert Capobianco made a motion to waive the reading of the legal notice. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Mike Griesbach explained the project to reconstruct a garage has not been started due to financial constraints. Mr. Griesbach is requesting a two year extension to the previously issued decision. Steve Moeser asked if the plan as previously submitted has been changed in any way. Mr. Griesbach stated no.

Robert Capobianco made a motion to close the hearing and issue an extension of the ZBA decision #04-SP-2007 to June 5, 2001. Orville Dodson 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  
Waugh & Begue 49 Littleton Road  
April 8, 2009**

Vice Chairman Steve Moeser opened the public hearing at 7:45pm under MGL 40A, Section 6 and the Code of the Town of Harvard §125-3 & 4 in the Town Hall Meeting Room.

**Members Present:** Steve Moeser, Robert Capobianco and Orville Dodson

**Others Present:** Liz Allard (LUB Admin), Kathy Waugh and Francis Begue

This hearing is for a Special Permit filed on behalf of Kathy Waugh and Francis Begue for additions to a pre-existing non-conforming structure on a pre-existing non-conforming lot at 49 Littleton Road, Harvard.

Robert Capobianco made a motion to waive the reading of the legal notice. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Kathy Waugh was present and explained the project to the members. Ms. Waugh explained that she has gone to the Board of Health (BOH) and has met all of the conditions stated in their letter dated March 5, 2009. Ms. Waugh stated she has since received a letter from the BOH indicating that she has received approval for a five foot set back as apposed to the required ten foot. A copy of that letter was provided for the file. Ms. Waugh has not filed with the Conservation Commission (Concom) as of yet, but will be filing with them soon. Steve Moeser asked if the additions would exceed the 15% requirement in §125-3B(2). Ms. Waugh stated the addition would be greater than 15%. It was determined the existing square footage of the structure is 1595.5 square feet with 457.5 square feet of additional space to be added. Robert Capobianco requested a copy of the deed restriction that was required by the BOH for the file once it is recorded.

Members reviewed §125-46C(1)(a) – (c) and found the addition will not increase the volume or rate of runoff to neighboring properties; will result in no substantial increase in traffic and will be in harmony with the general purpose of the Bylaw.

Robert Capobianco made a motion to close the hearing and grant a Special Permit which shall include the conditions requiring the applicant to comply with BOH and Concom prior to the issuance of the Building permit. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Signed: \_\_\_\_\_  
Liz Allard, Clerk

**Harvard Zoning Board of Appeals  
Amendments to the Application for Hearing for Zoning Board of Appeal &  
Continuation of the Amendments to the Code of the Town of Harvard, Chapter 135  
Hearing Meeting Minutes  
April 8, 2009**

Vice Chairman Steve Moeser opened the public hearing at 8:30pm under MGL 40A, Section 9, in the Town Hall Meeting Room.

**Members Present:** Steve Moeser, Robert Capobianco and Orville Dodson

**Others Present:** Liz Allard (LUB Admin)

This hearing was continued from March 11, 2009 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. This hearing also includes the opening of Amendments to the Application for a Hearing for the Zoning Board of Appeals.

Revised applications were reviewed by the members. Changes included the notation requiring applicants to pay for legal notices, the addition of extensions or modifications to Special Permits and the change from \$1500 plus \$100 per unit for Comprehensive Permits to \$500 per unit were made. Members discussed whether or not to increase any of the other fees. It was Robert Capobianco opinion to leave the fees as is. Orville Dodson agreed as did Steve Moser.

Robert Capobianco made a motion to accept the ZBA Application as amended. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Robert Capobianco made a motion to continue the hearing in regards to Chapter 135 of the Code of the Town of Harvard to May 13, 2009 at 7:30pm. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Signed: \_\_\_\_\_  
Liz Allard, Clerk