

**HARVARD ZONING BOARD OF APPEALS  
MEETING MINUTES  
JULY 7, 2009  
APPROVED: September 9, 2009**

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

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

**Others Present:** Liz Allard (LUB Admin), Mark Lanza, Gerry Welch and Adam Costa

**Final Plan Approval – Massachusetts Housing Opportunities Corporation, Littleton Road  
(Map 17D Parcels 14 & 17)**

Gerry Welch submitted a master plan of the entire set of plans. Mr. Welch explained that building four will be the first structure to be constructed along with the foundation for building three. Chris Tracey asked if any changes to the plan have been identified on the plans. Mr. Welch explained that the letter from Stamski & McNary quantifies the changes. Steve Moeser asked if Mr. Welch could explain what changes were made to the site plan. Mr. Welch stated changes only reflect what was required by the decision. The Board discussed asking the consulting engineer if the plans submitted are consistent with the decision and the conditions within that decision. Town Counsel Mark Lanza suggested the Board give the consultants specific items to look at when reviewing.

The ownership of the property was discussed. There is a new Limited Liability Corporation (LLC) that owns the property, but the rights have not been conveyed as of yet. The developer is going to be GWI and Mr. Welch will act as the general contractor. Harvard Center LLC is the new entity.

The Board reviewed the plans in comparison to the conditions of the Comprehensive permit.

The consulting engineer, Nitsch Engineering, will need to review spot shots and weep holes in conjunction with the septic disposal system. Mr. Moeser wanted to know why a structural engineer did not stamp then plans, but rather a civil engineer. Mr. Welch explained that Peter Mauritz is a structural engineer. Mr. Tracey noted that there are no weep holes on retaining wall, which needs to be addressed; as well there are other weep holes that are below grade. Mr. Welch stated the Nashoba Associated Boards of Health (NABOH) had required there be no weeps hole. A copy of the NABOH permits will be needed for the file. The retaining walls do not show stone face as required. Robert Capobianco asked if there was a detail of the guardrail, he wants to be certain it is sufficient enough to stop a vehicle. Mr. Capobianco would like Nitsch to review this detail for sufficiency to stop a vehicle, including emergency vehicles.

Mr. Welch stated the landscape plan has not been modified from the previous submittal. Mr. Tracey asked if the site is within the historical district. Mr. Welch stated he is under the impression that the buildings were designed outside the historical district. Mr. Tracey stated that according to the 2008 Historical District Map about half of this parcel is within the district. Attorney Lanza stated that if it is within the district it would be under the ZBA purview with comments received from Historical Commission.

A detail to ensure chain link is not climbable will need to be added to the plan. Mr. Moser stated that there are a lot of retaining walls on the plan but no safety barriers to them. Mr. Welch stated there should be on walls over three feet. The members questioned if there is proper fill behind the walls and minimum barring capacity. The members want these barriers to be designated on the plans.

The members had no questions or concerns with the grading plan or the erosion control plan. Mr. Welch stated that the project was not subject to the Americans with Disability Act (ADA). Attorney Lanza stated everyone is subject to ADA. As for the architectural plans, a consultant should review the plan for compatibility to become ADA. Mr. Welch stated if they have a buyer that is handicap then it could be converted to be ADA accessible. Mr. Moser stated he will check to see if it is required.

A flow test has been conducted for the water lines and the utilities plan shows the replacement of the existing 6" line with an 8" line. Mr. Moser asked if the Building Commissioner is going to require proof of availability of the Town water. Mr. Welch stated the Water Commission is responsible for allowing additional usage of the existing system.

The site will not include any signage plan other than real estate signs. Storm water plan and the Operation and Maintenance plan are acceptable.

Mr. Welch stated that trash would be curbside pickup with no dumpsters to be used. A note shall be added to the plan that states trash will be picked up at each unit by private contractor or use of the Town dump. Plan shall reference that the disposal plan will be moralized in the condominium documents. As for snow storage the Board wants the consultant to determine what volume of snow fall and be stored to fit in the storage area and what will triplex 3 & 4 do with excess snow.

The Fire Sprinkler Plan has been submitted to Fire Chief and has been approved. A letter from the Chief to that regards needs to be submitted and the plan will still need to be reviewed by a consultant per the Comprehensive Permit.

The driveway connection should be approved by the Highway Director.

The Land Division Plan signed by the Board last October did not contain the required note in regards to the endorsement shall not be construed as a determination by the ZBA that the land division hereby approved complies with the criteria set forth in 310 CMR 15.011(1). A new plan needs to be submitted that has proper notation and states it supersedes the previously signed plan. Mr. Welch stated that the Registry of Deeds would not record the plan with that note. Attorney Lanza disagreed with that statement. Mr. Tracey wants the revised plan send back to the Department of Environmental Protection (DEP), to have DEP affirm they recognize that plan and was erroneously submitted in violation of the permit. Mr. Capobianco suggested the Board send a letter to DEP and BOH stating that this statement was not previously on the plan. Lanza suggest sending it to BOH copying the DEP.

Plans will be sent to Nitsch Engineering for review along with the punch list of items from the Permit. Liz Allard will confirm with Nitsch that they are capable of reviewing the landscape plan as well.

The review was continued to July 21, 2009 at 7:30pm

### **Minutes**

Chris Tracey made a motion to approve the minutes of December 10, 2008, February 11, 2009, March 11, 2009, April 8, 2009 and May 13, 2009 as amended. Steve Moser seconded the motion. The vote was unanimously in favor of the motion.

### **Adjournment**

Steve Moser made a motion to adjourn the meeting at 10:12pm. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

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