

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
JULY 21, 2009
APPROVED: September 9, 2009**

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

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

Others Present: Liz Allard (LUB Admin), Gerry Welch, Mark Lanza and Chief Mignard (Fire)

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

The review of the final plans has been completed by Nitsch Engineering and submitted in a letter dated July 21, 2009. Robert Capobianco is not happy with the term “appear” in Nitsch’s letter. The ZBA needs a black and white determination on these items. For example is the answer to statement #5 a yes or no answer. The members agreed with Mr. Capobianco.

The members asked where the statement in regards to Peter Mauritz came from. Gerry Welch stated he believes that Nitsch and Mr. Mauritz have spoken to each other. Chris Tracey asked why Mr. Welch was not willing to have a structural engineer review the plan. Mr. Welch stated that Mr. Mauritz is a structural engineer under the requirements of the State of Massachusetts. The Board is looking for an exact statement from Nitsch that Mr. Mauritz is capable of signing plans as a structural engineer.

In statement #8 there is some confusion over the number of spaces. The visitor parking spaces are 6 with signs and pavement markers and 6 that only have signs. Mr. Welch believes Stamski & McNary could explain this situation better. Mr. Capobianco asked if “V”s could be demarcated on the ground. Locations for actual signage were determined. Steve Moeser asked how would it be enforced and what happens when you have more than one guest. Mr. Capobianco is looking for exclusive parking spaces for the units with signage. This needs to be on the plan. All spaces need signage and if they unit specific they need signage specific to that unit.

The Board requested a cut sheet of a non-climbable fence.

Statement #15 is in reference to the guardrails being sufficient enough to stop an emergency vehicle. The Fire Chief was present and was asked this question. The Chief would assume that they are constructed to the same standards as MassHighway. Mr. Moeser asked the Chief if he had any issues with the height of the buildings. Chief Mignard stated he did not and that all units have sprinklers and has 2R walls. Chief Mignard stated has looked at the sprinkler plan, but he is not an engineer so to get into the details the plans have been sent to Maurice Pilette of Mechanical Design. Mr. Capobianco asked if there were any problems with reaching the upper windows of unit A3. Chief Mignard stated they could reach the windows of that building but not the roof. Chief Mignard asked what type of equipment would be in the dormers. Mr. Welch stated heating and cooling units. There would be no electricity in these areas, but the Fire Chief would like to see detection of some type. Rapid rate of rise was suggested by the Chief. Mr. Capobianco asked if Mr. Pilette would review elevations as far as emergency apparatus access. Chief Mignard believes he would only be looking at sprinkler plan and fire suppressions.

The Board would like Mr. Welch to review the plans with the Building Commissioner before they are finalized so that there are no revisions on the plan after ZBA approves it.

Mr. Welch will need to determine with the Police Chief if any trees that need to be cut along the roadway, which is scenic, and if so Mr. Welch will need to discuss the removal of those trees with the Tree Warden.

The Board had no issues with statement #11. An email received earlier today by Liz Allard will need to be forwarded to Nitsch in regards to statement#12. Nitsch is satisfied with the weep holes as determined by statement #13. Conditions 3.10 j and 3.11.5 within the Comprehensive Permit notes as submitted need to be included on the final plans.

As for statement #14 the Board would like a definitive answer, if they can't answer definitively then why not. The Board wants various spot shots on the plan and where are they located, not just one spot. Refer to Nitsch letter dated June 21, 2007 item #10 and does Nitsch specifically agree with #11 of that letter as well.

The Board wants statement #15 to identify what standards this guardrail is adequate too.

Mr. Welch recommended that triplex #3 and #4 be snow blown rather than snow plowed. Mr. Tracey asked that the language for 3.10j be revised to include that language. The landscape plan will be revised to coincide with the snow plan storage areas.

The revised Approval Not Required (ANR) plan was submitted. This plan does not include the note that it supersedes the previous plan and there is a miss spelling in Note #3. Mr. Tracey asked why the site is split into two lots and not an individual lot. Mr. Welch believes it was to meet Title V requirements. Mark Lanza stated the Town is protected by the statement that has been added to the plan. Mr. Tracey stated that is not the bee in his bonnet, the issue whether or not the lot was split to circumvent Title V is. Department of Environmental Protection regulations say you can't split a lot to circumvent Title V. The Board of Health (BOH) has to look at that issue and determine if the systems are compliant. The ZBA has a right to go back to the BOH and point out that they look at an ANR plan that did not contain the proper language.

The Board asked Liz Allard to Investigate BOH minutes to determine if they discussed this issue. The BOH could say they would review it or that the plans as approved it okay. Mr. Capobianco preference is to communicate with the BOH.

The review was continued to August 13th at 8:00pm.

Approve Comprehensive Permit Rules and Regulations

Members want to check and see what other Town are charging for Limited Liability Corporations and non-profits before approving the final version.

Adjournment

Steve Moeser made a motion to adjourn the meeting at 9:35pm. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk