

**HARVARD ZONING BOARD OF APPEALS  
MEETING MINUTES  
August 13, 2009  
APPROVED: September 9, 2009**

Chairman Chris Tracey called the meeting to order at 7:40pm in the Main Meeting Room of the Old Library

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

**Others Present:** Liz Allard (LUB Admin), Gerry Welch, Dan Wolfe (Ross Associates), Mark Cooper (Architectural Design) and Russell Shappy

**Special Permit Hearing – Russell Shappy, 14 Whitney Farm Lane (Map 23 Parcel 31).**  
Opened at 7:34pm

**Approve Comprehensive Permit Rules and Regulations**

Liz Allard surveyed surrounding Towns to determine what they are charging for a Comprehensive Permit in regards to a limited liability organization versus a non-profit organization. Mrs. Allard has determined that most Towns have the same fee regardless of the type of organization that is applying for a Comprehensive Permit. Members discussed the additional fees required with each filing and had questions in regards to the fees required for Town Counsel. Mrs. Allard will confirm with Town Counsel that these fees need to be separate from the consultant fees.

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

Gerry Welch submitted a letter from Stamski & McNary in response to Nitsch's letter dated July 21, 2009 and to the ZBA letter dated July 23, 2009 to Nitsch Engineering. Mr. Welch stated items 1– 5 of Nitsch's letter require no additional information. Mr. Welch submitted a revised sheet, C-7 in response to item #6 of Nitsch's letter showing the details of stone walls. Sheet C-6 shows the specifications for the impermeable barrier for the infiltration beds in regards to item #7 of the Nitsch letter. In regards to item #10 of the Nitsch letter Mr. Welch has walked the frontage with the Town Tree Warden, who has confirm with Liz Allard that no trees are to be removed. Mr. Welch explained that a revised landscape plan is being reviewed and will be submitted once complete. Robert Capobianco asked that the reference to 780 CMR 1825.5 on Sheet S-3 be confirmed as he was unable to find it online.

The ZBA has received a letter from Mechanical Design in reference to the fire suppression review. The members had several questions about what was stated in Maurice Pilette's letter received via email August 12, 2009. The members want to know if the plan dated 1-9-09 comply with March 1, 2009 Building Code 7<sup>th</sup> edition. Would Mr. Pilette want a flow test now or after the installation of the new main and does he feel the 8" main and the new hydrant need a water flow test prior to the issuance of a building permit.

A revised Approval Not Required (ANR) Plan was submitted. The language within the Notes has been revised. Chris Tracey asked that Town Counsel Mark Lanza review the language prior to the members signing the plan. Also, Town Clerk, Janet Vellante, will need to sign the plan as well to confirm that no appeal was taken on the Comprehensive Permit.

**Adjournment**

Orville Dodson made a motion to adjourn the meeting at 9:10pm. Robert Capobianco 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  
Russell Shappy, 14 Whitney Farm Lane (Map 23 Parcel 31)  
August 13, 2009**

This hearing was opened at 7:34pm by Chairman Chris Tracey under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125-3A in the Main Meeting Room of the old library

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

**Others Present:** Liz Allard (LUB Admin), Dan Wolfe (Ross Associates), Mark Cooper (Architectural Design) and Russell Shappy

This hearing is for a Special Permit filed on behalf of Russell Shappy for the addition a pre-existing non-conforming structure at 14 Whitney Farm Lane, Harvard.

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

Dan Wolfe explained to the members that the existing structure was built in the 1800's prior to the adoption of the Protective Bylaw and is solely non-conforming (centerline of right of way setback) due the adoption of the Bylaw. The required setback is 75'and the existing structure is at 38.8'. The proposed addition will not increase the non-conformity as it shall remain at 38.8' from the center line of the road. Mr. Wolfe has submitted evidence from the Town Meeting in which Whitney Farm Lane was abandon by the Town. The proposed addition will enclose an existing patio area and convert it into living space. Mr. Wolfe has confirmed with the Board of Health (BOH) that the existing septic system is appropriate. The current septic system is for a seven bedroom home. BOH had voted that they needed to have a deed restriction limiting the number of bedroom allowed within the home. The restriction has not been completed nor recorded.

In regards to comments made by the Building Commissioner, Mr. Wolfe explained this addition is not another apartment, but an addition to the existing home. The Conservation Commission had no comments on this application. No one from the general public was present.

Mr. Tracey asked about the land-structure relations. Mr. Wolfe explained that the lot is 13.58 acres and the proposed additions will not exceed 8,000 square feet or 10% of the entire land area. The existing footprint is 4,423 square feet and existing floor area is 6,293 square feet. The total proposed and existing footprint square footage will be 4,564 and the total floor area will be 8,097 square feet.

With no further questions Chris Tracey made a motion to close the hearing. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

After a brief discussion Robert Capobianco made a motion to grant the Special Permit for Russell Shappy for an addition to a pre-existing on conforming structure at 14 Whitney Farm Lane, with the condition that the applicant records the required deed restriction limiting the structure to seven bedrooms. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

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