

**ZONING BOARD OF APPEALS
MEETING MINUTES
MARCH 10, 2010
APPROVAL: April 12, 2010**

Chris Tracey opened the meeting at 7:30pm under MGL Chapter 40A and the Harvard Protective Bylaw Chapter 125 in the Town Hall Meeting Room

Members Present: Chris Tracey and Steve Moser

Others Present: Liz Allard (LUB Admin) and Dan Wolfe (Ross Assoc.)

Continuation of a Special Permit Hearing – Sanjay & Chrysa Gulati, 92 Tahanto Trail.
Opened at 7:30pm

Review Field Inspection Reports from Nitsch Engineering – 15 Littleton Road
Members agreed to wait to review inspection reports until more members were available.

Review and Approve Lottery Agent for MHOC 15 Littleton Road Affordable Units
Members asked that Liz Allard confirm with Town Counsel as to the process of approving an agent.

Minutes

Chris Tracey made a motion to approve the minutes of October 14, 2009 and February 10, 2010 as written. Steve Moser seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Steve Moeser made a motion to adjourn the meeting at 8:35pm. Chris Tracey seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

**Zoning Board of Appeals
Continuation of a Special Permit Hearing Meeting Minutes
Sanjay & Chrysa Gulati, 92 Tahanto Trail
March 10, 2010**

Chris Tracey opened the meeting at 7:30pm under MGL Chapter 40A and the Harvard Protective Bylaw Chapter 125-3 in the Town Hall Meeting Room

Members Present: Chris Tracey and Steve Moser

Others Present: Liz Allard (LUB Admin) and Dan Wolfe (Ross Assoc.)

This hearing was continued from February 10, 2010 for a Special Permit filed on behalf of Sanjay and Chrysa Gulati for the removal of an existing structure and the construction of a new single-family dwelling on a pre-existing non-conforming lot and structure at 92 Tahanto Trail, Harvard.

The application was presented by Daniel Wolfe, of David E. Ross Associates. Mr. Wolfe explained that the applicant has purchased the property at 92 Tahanto Trail with a pre-existing non-conforming structure that is in poor condition. The applicant has proposed to remove the structure and re-construct a new structure that would be within the proximate same location. The non-conformity of the structure to the side lines will be increased on one side by one foot with the proposed new structure. The new structure will also be moved five feet back from the edge of Bare Hill Pond, but will include an eight foot over hang. The members discussed "the neighborhood" since this is a property located on Bare Hill Pond, and would this new structure fit into the character of the neighborhood.

The application was not submitted for the conversion from seasonal to year round use (Protective Bylaw Chapter 125-11). If the property requires the conversion from seasonal to year round use another Special Permit application will be required by the applicant. Mr. Wolfe explained that a new well and septic system will be installed as stated in the letter from the Harvard Board of Health.

Moeser made a motion to close the hearing and grant a special permit with the following conditions, the Applicant or its successors shall comply with all State and local Board of Health requirements prior to the issuance of Building Permit, the Applicant or its successors shall meet all of conditions as described in the Order of Conditions issued by the Harvard Conservation Commission, DEP#177-573, Harvard#0110-01, the Applicant or its successors shall maintain a 50' no disturb zone from the edge of Bare Hill Pond, in which no vegetation shall be removed, with the exception of routine maintenance of said vegetation, the Applicant or its successors shall not use any phosphate fertilizers within the 100' buffer zone of Bare Hill Pond., should it be determined that the structure requires the conversion from a seasonal residence to a year round residence the Applicant or its successors shall apply for a Special Permit as required by the Protective Bylaw Chapter 125-11. Chris Tracey seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk