

**HARVARD ZONING BOARD OF APPEALS
MINUTES OF MEETING
SEPTEMBER 22, 2010
APPROVED: January 10, 2011**

Chairman Chris Tracey called the meeting to order at 7:35pm in the Town Hall Meeting Room

Members Present: Chris Tracey, Steve Moser, Robert Capobianco and Theodore Maxant

Others Present: Liz Allard (LUB Admin), Dan Wolfe (Ross Assoc.), Cater Scott (Transformations, Inc.), Jeff Richards (Transformations, Inc.) and Drew Garvin (R. Wilson Assoc.), Mamie Wytrwal and Rick Eifler

Review & Approve Deminimus Change to a Special Permit – Gulati, 92 Tahanto Trail

Dan Wolfe, of Ross Associates, was present to discuss the Special Permit that was issued in April to Sajay and Chrysa Gulati at 92 Tahanto Trail. Mr. Wolfe stated that the Special Permit states that the encroachment on the sideline setback is one foot when in actuality it is two feet. Also, during the initial hearing Mr. Wolfe had discussed the foot print of the structure, but neglected to include the two foot over hangs that as part of the square footage. The members agreed they had no issue with the setback from the side line at 28' rather than 30' as shown on the plan. A letter will issued to the property owners that states the Board found the change from 30' to 28' due to the overhangs on the structure to be Deminimus.

Update on Progress, Coordinate Peer Review and Clarify Wording of Condition 3.31.3 of the Comprehensive Permit

Chris Tracey recapped the process to date as it pertains to the Chapter 40B application filed on behalf of Transformations, Inc located on Stow Road. A Comprehensive Permit was issued that was not appealed by the applicant, who has since been completing the requirements of the Permit.

Carter Scott explained that under the Comprehensive Permit a public water supply (PWS) was to be explored. Mr. Scott stated that four wells have been drilled in the back of the property that has produced a high quality of water. Mr. Scott is confident that the State will approve the wells as a PWS shortly. Soil testing has been taking place for the septic system, which has allowed for the sizing of those systems. The Permit requires the pre-treatment of the waste water, so Mr. Scott has hired Lombardo Associates help with that part of the design. Mr. Scott stated as a low impact development project he is trying to avoid large detention basins for the treatment of storm water as previously designed. The plan currently calls for bio-cells, step pools and water quality swale, which will spread water out on the forested floor.

Mr. Scott hopes to soon be submitting the formal Notice of Intent with the Conservation Commission and the septic designs to the Board of Health.

Mr. Scott has requested that the Conservation Commission, if necessary use the same consultant for peer review as the ZBA will to avoid over lapping review. Members had no issues with the use of the same engineering consultant.

As for the missing language in the Comprehensive Permit, neither the ZBA nor the Conservation Commission (see Conservation Commission Meeting Minutes 9/16/2010) had any issues with it being corrected.

The members thanked Mr. Scott for attending this evening an updating the Board on his progress. Mr. Scott stated the Board could look forward to receiving the final plans for review and approval within the next month.

Review Deminimus Change Request – Wytrwal, 38 Lovers Lane

Mamie Wytrwal was present along with her architect, Rick Eifler, to discuss a potential Deminimus change to her pre-existing non-conforming structure on Lovers Lane. Ms. Wytrwal stated a small portion of the existing house that is within the 75' setback at the front of the property. Ms. Wytrwal intends on reducing the non-conformity at the front of the house by removing a portion of it. Ms. Wytrwal stated she plans to reconfigure the second floor of the house, as well as adding additional footage equal to that of what is being removed from the front to a small portion on the side of the house.

The members reviewed the field card that indicates an addition was conducted in 1988. The members would need to know what the percent increase was in square footage to determine if it was in excess of 15%. If the addition was less than 15% then the finding would be Deminimus.

Ms. Wytrwal was given several options; she could locate the records that would help determine the percentage added in 1988 or she could apply for a Special Permit under 125-3A(3) for the renovations she is proposing to do.

Approval of Minutes

Chris Tracey made a motion to approve the minutes of April 12, 2010 as written. Steve Moser seconded the motion. The vote was unanimously in favor of the motion.

Election of Officers

Robert Capobianco made a motion to appoint Chris Tracey as the Chairman and Steve Moser as the Vice Chairman of the Zoning Board of Appeals. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Steve Moser made a motion to adjourn the meeting at 8:50pm. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Review Deminimus Change Request – Wyrwal, 38 Lovers Lane

- Assessor's Field Card for 38 Lovers Lane, no date