

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

Chairman Chris Tracey called the meeting to order at 7:31pm in the Town Hall Meeting Room

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

**Others Present:** Liz Allard (LUB Admin), Mamie Wytrwal, Rick Eifler, Cater Scott (Transformations, Inc.), Jeff Richards (Transformations, Inc.) and Drew Garvin (R. Wilson & Associates, Inc.)

**Special Permit Hearing – Wytrwal, 38 Lovers Lane, (Map 17C Parcel 27).** Opened at 7:31pm

**Transformations Inc., Pine Hill Village, Stow Road (Map 36 Parcels 85 & 86.1) – Update on Progress, Regulatory Agreement, Definitive Subdivision Plan and Responding to Conservation Commission Interests**

Chris Tracy reviewed the email from Town Counsel, Mark Lanza, in regards to the Regulatory Agreement and Deed Rider for Pine Hill Village. Drew Gavin of R. Wilson & Associates explained that the roadway has shifted by eleven (11) feet due to changes made to the wetland line during the Conservation Commission hearings last fall. By doing so Lot 5 has gained more land area and Lot 1 has lost some land area. The dead end length of the road is longer. Steve Moeser asked if there are any grading changes. Mr. Garvin stated there will be with the septic design. Mr. Tracey stated if the applicant is going to modify a number of things we have an obligation legally to respond, however, he and the Board would like those modifications in a formal request. Jeff Richards asked if the change to the roadway was considered a Deminimus change. Mr. Moeser stated he does not mind a few changes to the roadway, but to keep coming back for one change after the other would not be acceptable. Robert Capobianco asked how the roadway was changing. Mr. Gavin explained that the elevations of road will change by inches and not feet.

It was explained that the stormwater management facility (constructed wetland) was designed to be approximately 200' from Stow Road, at a low point of site near the intermittent stream, however the team felt it would be better closer to wetland and had shifted it to the west. The Conservation Commission would like to see it shifted further from Stow Road.

The applicant agreed to work towards a comprehensive list of changes. Mr. Capobianco believes this will be less time consuming. The sub-division plan was reviewed and explained.

**Adjournment**

Robert Capobianco made a motion to adjourn the meeting at 8:40pm. Steve Moeser 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  
Mamie Wyrwal, 38 Lovers Lane (Map 17C Parcel 27)  
November 10, 2010**

Chairman Chris Tracey opened the meeting at 7:31pm under M.G.L. Chapter 40A the Zoning Act and Chapter 125 of the Code of the Town of Harvard in the Town Hall meeting room.

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

**Others Present:** Liz Allard (LUB Admin), Mamie Wyrwal and Rick Eifler

This hearing is for a Special Permit filed on behalf of Mamie Wyrwal for alterations to a pre-existing non-conforming structure at 38 Lovers Lane, Harvard.

Rick Eifler, the design architect, presented the proposed renovations to the pre-existing non-conforming structure at 38 Lovers Lane. The applicant proposed to reduce the non-compliance at the front of the house by removing four (4) feet of the existing structure. An increase in footprint will take place on the second floor by adding a bedroom. An existing bedroom will be reduced in size and converted into a walk-in closet. The proposed changes did not qualify for Deminimus change due to an addition in 1988 that increased the original footprint and building area by greater than 15%. The existing non-conformity is setback from the centerline of the right of way. The house was conforming to the 40' setback at the time of the establishment of the Protective Bylaw in 1951. At some point in the early 1980's the previous owners were granted a variance to the front setback which allowed for the construction of the sunroom within 75' of the center line of the right of way.

Comments received from both the Building Commissioner and the Conservation Commission were read into the record. Members had no comments in regards to the application.

Robert Capobianco made a motion to close the public hearing. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

After a brief discussion, Robert Capobianco made a motion to grant a Special Permit to Mamie Wyrwal of 38 Lovers Lane for alterations to the pre-existing non-conforming structure with the standard conditions. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

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

## **DOCUMENTS & OTHER EXHIBITS**

### **Transformations Inc., Pine Hill Village, Stow Road (Map 36 Parcels 85 & 86.1) – Update on Progress, Regulatory Agreement, Definitive Subdivision Plan and Responding to Conservation Commission Interests**

- Email from Town Counsel Mark Lanza, dated November 9, 2010
- Letter from Transformations, Inc. RE: Pine Hill Village – Materials for discussion during meeting of November 10, 2010, dated November 3, 2010
- Regulatory Agreement with Deer Rider, dated 2/18/2010
- Draft Subdivision Plan for Pine Hill Village in Harvard, Mass. DWG No. 1009-40B-DEF, dated October 28, 2010

### **Special Permit Hearing – Wyrwal, 38 Lovers Lane, (Map 17C Parcel 27)**

- Notice of Intent Plan, 38 Lovers Lane, Harvard, Massachusetts, Job No. 659, Drawing No. 659-NOI, dated August 23, 2010
- Existing floor plans, sheets 1-6, dated July 14, 2010
- Preliminary Floor Plans prepared by Rick Eifler, sheet 1 -4, dated September 17, 2010
- Existing and Proposed Floor Plan outlining percent changes, undated
- Assessors Field Card