

**HARVARD ZONING BOARD OF APPEALS
MINUTES OF MEETING
DECEMBER 8, 2010
APPROVED: January 10, 2011**

Vice Chair Steve Moeser called the meeting to order at 7:35pm in the Town Hall Meeting Room

Members Present: Steve Moser, Theodore Maxant and Orville Dodson

Others Present: Liz Allard (LUB Admin), Gary Shepard (Ross Assoc.), Susan Curtiss, Wade Holtzman (Municipal Affordable Housing Trust) and Elaine Davis Curll (Trail Ridge) and Dennis Ring (Trail Ridge)

Special Permit Hearing – Susan Curtiss, 71 Old Mill Road. Opened at 7:31pm

Trail Ridge request to extend the Comprehensive Permit, Trail Ridge Drive, Littleton County Road

Both Elaine Davis Curll and Dennis Ring were present to request a five year extension to the Comprehensive Permit issued for the development of Trail Ridge on Littleton County Road. Ms. Davies Curll stated that five of the thirteen buildings have been constructed and fifteen units in total have been sold. Due to the current economy sales have been slow, as has been the development of the site. Steve Moeser stated that he had no reference to go by as to an appropriate amount of time for an extension. With the current state of the economy it could a number of years before the housing market makes a come back. Without any further questions, Orville Dodson made a motion to extend the Comprehensive Permit for the Trail Ridge development on Littleton County Road for five years, to expire on December 31, 2015. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Orville Dodson made a motion to adjourn the meeting at 8:03pm. 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
Susan Curtiss, 71 Old Mill Road (Map 4 Parcel 58)
December 8, 2010**

Vice Chair Steve Moeser 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: Steve Moser, Theodore Maxant and Orville Dodson

Others Present: Liz Allard (LUB Admin), Gary Shepard (Ross Assoc.) and Susan Curtiss

This hearing is for a Special Permit filed on behalf of Susan Curtiss for the replacement of a lawful existing non-conforming residence destroyed by fire with a slightly larger building at 71 Old Mill Road, Harvard.

Gary Shepard, of Ross Associates, was present to represent the applicant, who was also present. Mr. Shepard explained the house was destroyed by fire in February and that a Special Permit has been submitted to rebuild in essentially the same location. The existing house was built in 1954. At that time the Protective Bylaw required 75' of frontage, a lot width of 125', a lot area of 30,000 square feet, a street setback of 40' and a side lot line setback of 10'. The lot became non-conforming due to changes within the Protective Bylaw in regards to area, width and frontage. The existing house is 37' from the right of way and 25½' from the side lot line. The structure is considered to be a lawful existing non-conforming structure.

The owner is proposing to replace the structure with a slightly larger house, plus an attached garage. The proposed house will be wider than the existing house by the addition of the garage causing a reduction in the side lot offset. The house will meet the current front lot setback from the center line of right of way. The proposed garage will be 12' from the side lot line. A 10' side lot line was allowed when the house was constructed in 1954.

The existing house has an 856 square foot footprint, plus an additional 223 square feet of decks and porches, for a total footprint of 1,080 square feet. The proposed house will have a nearly identical footprint of 1,093 square feet. The proposed one car garage will add 364 square feet, for a total of 1,457 square feet.

Mr. Shepard further explained that the lot to the east is a vacant and wooded and the proposed house would not impact the neighbors. Also, in this day and age and in this area it would be nice to have a garage, Mr. Shepard added. Mr. Shepard feels a garage would not be detrimental to the neighborhood and would have been allowed when the house was built in 1954. Mr. Shepard stated that proposed structure would contain drip

line trenches that the existing house did not have, covering the Chapter 125-46C(1)(a) requirement that there be no substantial increase in volume or rate of surface water runoff to neighboring properties or streets. The proposed house also meets the other requirements of that section.

Steve Moeser read from the Protective Bylaw 125-3A(2) in regards to lawful non-conforming existing structures that can be moved or enlarged or other wise altered for a use permitted by the Bylaw provided that such changes conform to the Bylaw as amended. Mr. Moeser stated that the side lot setback in 1954 was 10' and the proposed setback is 12'.

Mr. Moeser read the letter from the Planning Board (PB). The PB recommends a variance be sought for the side lot setback, however this is an existing lawful non-conforming structure and no variance would be needed. The Conservation Commission had no comments. A letter received today from Jeff Tingle by email was read into the record. Mr. Tingle requested the addition of a visual barrier between this new structure and his property on the western side of the lot. Mr. Shepard stated that the proposed structure will be further away than the existing on that side of the lot and sees no reason for addition of a visual barrier. The members agreed.

With no further questions or comments from the members or others present Theodore Maxant made a motion to close the hearing. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

After a brief discussion Theodore Maxant made a motion to accept the plan for the reconstruction of a single family dwelling at 71 Old Mill Road and approve Special Permit with usual conditions that all State and local requirements are meet. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Special Permit Hearing – Susan Curtiss, 71 Old Mill Road

- Proposed House Location Plan, 71 Old Mill Road, Harvard, prepared by David E. Ross Associates, Inc., dated November 2010

Trail Ridge request to extend the Comprehensive Permit, Trail Ridge Drive, Littleton County Road

- Trail Ridge at Harvard Comprehensive Permit Extension Decision, dated December 8, 2010