

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
JANUARY 25, 2012
APPROVED: April 26, 2012**

Chairman Chris Tracey opened the meeting at 7:35m in the Town Hall Break Room under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Chris Tracey, Steve Moeser and Orville Dodson

Others Present: Liz Allard (LUB Admin), Mary Traphagen, Matthew Day and Michael Lawton

Variance Hearing – Mary Traphagen & Matthew Day, 146 Still River Road. Opened at 7:35pm

Potential Alternate Member

Michael Lawton was present to discuss with the members the available alternate member position. Chris Tracey explained the process with alternates and invited Mr. Lawton to attend the next several meetings to get a better sense of the ZBA process.

Harvard Common Condominiums Request for Extension of the Comprehensive Permit, 15 Littleton Road

Members discussed the request for an extension of the Comprehensive Permit issued for the development of Harvard Common Condominiums at 15 Littleton Road. The request was for an additional five years. Members question why such a long extension since the project is almost half complete. In addition the members have serious concern over the current status of the site. There are a number of open construction areas, not to mention the retaining wall still has none of the require safety precautions as required by the Permit. Members request Liz Allard to confirm with Town Counsel what the Board can do get these issue resolved. Additionally, Ms. Allard will contact Adam Costa, attorney for project, and inquire about the five year request.

Approve 2011 Annual Report

Liz Allard had previously drafted and distributed the 2011 annual report for the members review. With no additional comments, Steve Moeser made a motion to accept and submitted the 2011 annual report to the Board of Selectmen. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Approve Minutes

Steve Moeser made a motion to approve the minutes of June 28 and October 25, 2011 as submitted. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Steve Moeser made a motion to adjourn the meeting at 8:52pm. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

Zoning Board of Appeals

Variance Hearing Meeting Minutes

Mary Traphagen & Matthew Day, 146 Still River Road

January 25, 2012

Chairman Chris Tracey opened the hearing at 7:35m in the Town Hall Break Room under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Chris Tracey, Steve Moeser and Orville Dodson

Others Present: Liz Allard (LUB Admin), Mary Traphagen, Matthew Day and Michael Lawton

This hearing is for a Variance filed on behalf of Mary Traphagen and Matthew Day for an addition to the existing structure that will encroach on the 60' setback at 146 Still River Road, Harvard.

Mary Traphagen explained the proposed plan is to bump out the existing kitchen with a one story addition that will be 54.8 feet from property line rather than the required 60' setback. Ms. Traphagen has spoken with all of the abutters who have stated they are fine with the proposed addition. Chris Tracey asked if the applicant had any design plans available for review. Ms. Traphagen stated they had not gotten to that point in the process as of yet. Mr. Tracey explained the ZBA's responsibilities and the standard that they are held to as it pertains to the issuance of Variances under the Protective Bylaw. Factors such as, is there no other place to put this addition, is the lot a non-conforming lot and what were the setbacks when the lot was created need to be determined in order for the Board to make a decision. Ms. Traphagen asked if there is a hardship, as required under §125-45B(1)(a) of the Protective Bylaw, by the need to expand the kitchen because she has four children. In addition, Ms. Traphagen stated moving the addition to a different location could create a financial hardship. The applicant agreed to attempt to obtain additional information as require by the Protective Bylaw in order for the Board to issue a variance and/or consider the withdrawal of the request for a Variance.

With no further questions or comments, Steve Moeser made a motion to continue the hearing to February 22, 2012 at 7:30pm. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

DOCUMANTS & OTHER EXHIBITS

Variance Hearing – Mary Traphagen & Matthew Day, 146 Still River Road

- ❖ Town of Harvard Zoning Board of Appeals Application for a Hearing, Mary Traphagen & Matthew Day, dated 12/5/11
- ❖ Certified Inspection Plan, 146 Still River Road, Harvard, MA, David E. Ross Associates, Inc., Job#27771 NB 390-85, Plan No. S-7315-B, dated 11/29/2011