

**HARVARD ZONING BOARD OF APPEALS  
MEETING MINUTES  
APRIL 26, 2012  
APPROVED: May 23, 2012**

Chairman Chris Tracey opened the meeting at 7:30pm in the Town Hall Meeting Room under Chapter 40A and the Code of the Town of Harvard Chapter 125

**Members Present:** Chris Tracey, Steve Moeser and Robert Capobianco

**Others Present:** Liz Allard (LUB Admin), Dan Wolfe (Ross Associates), Tucker & Kerry Evans

**Continuation of a Modification of a Comprehensive Permit – PRM Capital, LLC, Trail Ridge Way.** Opened at 7:38pm

**Harvard Common Condominiums Update**

Chris Tracey updated the members on the meeting held on April 2<sup>nd</sup> with the Building Commissioner, John Burns, project manager, Patrick McCarthy, site manager, as well as Steve Moeser in regards to the concerns the Board had with the conditions of the site known as Harvard Common Condominiums on Littleton Road. Mr. Burns has recently taken over the project and stated he was willing to address the concerns raised by the Board. Mr. Tracey noted that he visited the site early this evening, at which significant progress has been made in addressing the concerns of the Board.

**Approval Minutes**

Steve Moeser made a motion to approve the minutes of January 25 and March 14, 2012 as amended. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

**Variance & Special Permit Hearing – Tucker & Kerry Evans, Lot 2 Old Littleton Road (Map 18 Parcel 11.2).** Opened at pm 7:45pm

**Special Permit Hearing – Sarah Porter, 6 Still River Depot Road.** Opened at 8:09pm

**Adjournment**

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

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

## **Zoning Board of Appeals**

### **Continuation of a Modification of a Comprehensive Permit Hearing**

#### **PRM Capital, LLC, Trail Ridge Way**

**April 26, 2012**

The hearing was opened at 7:38pm by Chairman Chris Tracey in the Town Hall Meeting Room under Chapter 40A and the Code of the Town of Harvard Chapter 125

**Members Present:** Chris Tracey, Steve Moeser and Robert Capobianco

**Others Present:** Liz Allard (LUB Admin)

This hearing was continued from March 14, 2012 for a Modification of the Comprehensive Permit filed on behalf of PRM Capital, LLC to allow for the remaining thirty-two (32) units to be constructed as duplexes rather than quadplexes at the Development known as Trail Ridge off Littleton County Road, Harvard

Liz Allard informed the Board that the applicant has requested a continuance of the hearing to the next scheduled meeting of the ZBA. Steve Moeser made a motion to continue the hearing to May 23, 2012 at 7:30pm in the Town Hall Meeting Room. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

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

## **Zoning Board of Appeals**

### **Variance & Special Permit Hearing Meeting Minutes**

#### **Tucker & Kerry Evans, Lot 2 Littleton Road (Map 18 Parcel 11.2)**

**April 26, 2012**

The hearing was opened at 7:45pm by Chairman Chris Tracey in the Town Hall Meeting Room under Chapter 40A and the Code of the Town of Harvard Chapter 125

**Members Present:** Chris Tracey, Steve Moeser and Robert Capobianco

**Others Present:** Liz Allard (LUB Admin), Tucker & Kerry Evans

This hearing is for a Variance & Special Permit filed on behalf of Tucker & Kerry Evans for the creation of an accessory apartment use in a potential new dwelling on Lot 2 Littleton Road, Harvard.

Chris Tracey explained to the applicants, Tucker & Kerry Evans, the purpose of the Zoning Board of Appeals (ZBA) as a quasi-judicial body that operates under the authority of MGL Chapter 40A and the Code of the Town of Harvard, Chapter 125 the Protective Bylaw. The ZBA can not issue a use variance unless it is specifically allowed by the Bylaw, which it is not. The ZBA can issue dimensional variances, however the provision for accessory apartment is a use; therefore the ZBA does not have the right to grant a variance as requested by the Evans. Tucker Evans asked if there is a requirement that the primary residence shall have been established as a single-family residence at least years prior to the date of the application for a special permit is that not a dimension of time. Mr. Tracey stated not in this sense. Kerry Evans explained why they are looking for the variance and special permit for an accessory apartment. The Building Commissioner, Gabe Vellante, has stated that the closing off of areas of the dwelling with doors makes the separate areas to be used by Ms. Evans mother appear to be an accessory apartment. Robert Capobianco stated he can understand the opinion of Mr. Vellante and suggested that the Evans take a look at creating a design that eliminates the potential for the area to become an illegal accessory apartment when and if the Evans no longer own the dwelling.

Mr. Tracey explained the options the Evans had at this point in the process. Ms. Evans requested the application for a variance and special permit be withdrawn without prejudice. Robert Capobianco made a motion to accept the withdrawal without prejudice. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

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

## **Zoning Board of Appeals**

### **Special Permit Hearing**

**Sarah Porter, 6 Still River Depot Road**

**April 26, 2012**

The hearing was opened at 8:09pm by Chairman Chris Tracey in the Town Hall Meeting Room under Chapter 40A and the Code of the Town of Harvard Chapter 125

**Members Present:** Chris Tracey, Steve Moeser and Robert Capobianco

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

This hearing is for a Special Permit filed on behalf of Sarah Porter for an addition to a preexisting nonconforming dwelling at 6 Still River Depot Road, Harvard.

Dan Wolfe, of Ross Associates, was present to represent the applicant, Sarah Porter. Mr. Wolfe explained the parcel is 5.9 acres with a pre-existing non-conforming structure built in 1875. The existing structure is non-conforming due to the fact that it does not meet the front setback, or the side line setbacks. The proposed addition will not be more detrimental to the neighborhood. There are no resources areas within 100' of the addition. The Board of Health had questions in regards to the number of rooms and the approved septic system, which has been resolved; the number of rooms had been detailed on plans submitted this evening that have been prepared by Durrant Design, dated September 1, 2002. An existing bedroom will be converted into a hallway into the new master bedroom. The increase to the gross floor area will be greater than 15%.

There were no comments from the general public. Chris Tracey read the comments letters received from other Town Boards and officials in to the record.

With no further questions, Robert Capobianco made a motion to close the hearing. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

After a brief discussion Steve Moeser made a motion to issue a Special Permit to Sarah Porter for an addition to a pre-existing non-conforming structure at 6 Still River Depot Road as presented this evening with standard terms and conditions. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

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

## **DOCUMENTS & OTHER EXHIBITS**

### **Variance & Special Permit Hearing – Tucker & Kerry Evans, Lot 2 Old Littleton Road (Map 18 Parcel 11.2)**

- The Kerry and Tucker Evans House plans, undated

### **Special Permit Hearing – Sarah Porter, 6 Still River Depot Road**

- Site Plan of Land in Harvard, Massachusetts, prepared for Sarah Porter, prepared by David E. Ross, Associates, Inc., Job No. 17568, Plan No. L-11844, dated March 2012
- 6 Still River Depot Road, Still River, MA, prepared by Durrant Design A1 –A3, dated 9-1-02