

**HARVARD ZONING BOARD OF APPEALS  
MEETING MINUTES  
SEPTEMBER 11, 2012  
APPROVED: October 10, 2012**

Vice Chairman Steve Moeser opened the meeting at 7:31pm in the Multi-purpose Room of the former library under Chapter 40A and the Code of the Town of Harvard Chapter 125

**Members Present:** Steve Moser, Robert Capobianco, Theodore Maxant and Mike Lawton

**Others Present:** Liz Allard (LUB Admin), Doug Mahoney, Dan Wolfe (Ross Assoc.) and John Sheehan

**Special Permit Hearing – Douglas & Susan Mahoney, 63 Slough Road.** Opened at 7:31pm

**Special Permit Hearing – Christopher & Audrey Tracey, 204 Bolton Road.** Opened at 7:50pm

**Approval of Minutes**

Robert Capobianco made a motion to approve the minutes of July 17, 2012 as amended. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

**Adjournment**

Robert Capobianco made a motion to adjourn the meeting at 8:14pm. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

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

## **Zoning Board of Appeals**

### **Special Permit Hearing Meeting Minutes**

#### **Douglas & Susan Mahoney, 63 Slough Road**

**September 11, 2012**

The hearing was opened at 7:31pm by Vice Chairman Steve Moeser in the Multi-purpose Room of the former library under Chapter 40A and the Code of the Town of Harvard Chapter 125

**Members Present:** Steve Moser, Robert Capobianco, Theodore Maxant and Michael Lawton

**Others Present:** Liz Allard (LUB Admin), Douglas Mahoney and John Sheehan

This hearing is for a Special Permit filed on behalf of Douglas and Susan Mahoney for the addition to a pre-existing non-conforming structure at 63 Slough Road, Harvard.

Robert Capobianco made a motion to waive the reading of the legal notice. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

Douglas Mahoney explained the dwelling at 63 Slough Road is a pre-existing non-conforming structure. The existing dwelling is 27.3 feet from the property line. The addition of a proposed deck to that dwelling will decrease the setback from the property line to 25.3 feet. The southwest corner of the proposed addition will also encroaches on the 40 foot setback by 2 feet, at 38 feet. There are two other structures, a shed and garage that are within five feet of property line currently. The Zoning Enforcement Office had noted the proposed additions could be achieved on the southeast side of the dwelling without increasing the non-conformity. However, by placing the additions on that side of the dwelling the view of the house from Stow and Slough Road would be disturbed, where as on the southwest side of the dwelling the area is blocked from any view by heavy vegetation.

Mr. Mahoney stated he spoke with the direct property abutter, Marylou Hildreth, who had no issues with the design. Mr. Mahoney believes the proposed additions are in harmony with the Protective Bylaw as there will be no adverse impact on the neighborhood or an increase in runoff from the site.

Steve Moeser asked the members if the proposed additions would increase the degree of non-conformity. It was noted the dwelling was built in 1915, prior to the existence of the Protective Bylaw. Theodore Maxant stated there is not an increase in the non-conformity as there is an existing garage that is within 5 feet of the property line, where as the proposed addition will be 25.3 feet from the property line. The existing location of the septic system was discussed.

John Sheehan, an abutter, spoke in favor of the proposal.

With no further questions or comments Robert Capobianco made a motion to close the evidentiary portion of the hearing. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

After a brief discussion Theodore Maxant made a motion issue a Special Permit with standard terms and conditions for Douglas and Susan Mahoney for additions to the existing dwelling at 63 Slough Road and to allow the Vice Chair, Steve Moeser, to sign the decision on behalf of the Board. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

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

## **Zoning Board of Appeals**

### **Special Permit Hearing Meeting Minutes**

#### **Christopher & Audrey Tracey, 204 Bolton Road**

**September 11, 2012**

The hearing was opened at 7:50pm by Vice Chairman Steve Moeser in the Multi-purpose Room of the former library under Chapter 40A and the Code of the Town of Harvard Chapter 125

**Members Present:** Steve Moser, Robert Capobianco, Theodore Maxant and Michael Lawton

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

This hearing is for a Special Permit filed on behalf of Christopher and Audrey Tracey for additions to pre-existing non-conforming structures at 204 Bolton Road, Harvard.

Robert Capobianco made a motion to waive the reading of the legal notice. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

Dan Wolfe, of Ross Associates, was present to represent the applicant. Mr. Wolfe explained the house was built in the early 1800's and became a pre-existing non-conforming structure solely due to the creation of the Protective Bylaw. The applicant is looking to add a few auxiliary structures to the existing structure which include a deck, three season room off the living room, an addition to the existing living room, the installation of a doorway in place of a window, and a connector to exiting garage from house to the existing farm shed. All of the proposed additions are set behind 2:1 off set as required by 125-3B(4)(b) of the Protective Bylaw. Mr. Wolfe believes the applicant is eligible for a Special Permit as the additions will not increase the non-conformity and would have been allowed prior to the establishment of the Protective Bylaw. Robert Capobianco asked if the connector to the existing garage will be enclosed. Mr. Wolfe stated it is intended to be enclosed with doors that will open up on both sides for the movement of vehicles through it.

With no further questions or comments Robert Capobianco made a motion to close the evidentiary portion of the hearing. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

After a brief discussion Theodore Maxant made a motion issue a Special Permit with standard terms and conditions for Christopher and Audrey Tracey for additions to the existing dwelling at 204 Bolton Road and to allow the Vice Chair, Steve Moeser, to sign the decision on behalf of the Board. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

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

## **DOCUMENTS & OTHER EXHIBITS**

### **Special Permit Hearing – Douglas & Susan Mahoney, 63 Slough Road**

- ❖ Town of Harvard Zoning Board of Appeals Application for a Hearing, Douglas and Susan Mahoney, 63 Slough Road, dated August 1, 2012
- ❖ Certified Inspection Plan, 63 Slough Road, Harvard, MA, prepared by Deveid E. Ross Associates, Inc., dated July 13, 2012

### **Special Permit Hearing – Christopher & Audrey Tracey, 204 Bolton Road**

- ❖ Town of Harvard Zoning Board of Appeals Application for a Hearing Christopher and Audrey Tracey, 204 Bolton Road, dated July 31, 2012
- ❖ Site Plan in Harvard, Mass., prepared for Christopher & Audrey Tracey, prepared by David E. Ross Associates, Inc., July 2012