

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
JANUARY 9, 2013
APPROVED: February 13, 2013**

Chairman Chris Tracey opened the meeting at 7:33pm in the Town Hall Meeting Room under Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Chris Tracey, Robert Capobianco (by Skype), Orville Dodson and Mike Lawton

Others Present: Liz Allard (LUB Admin), Bill Hannigan (Hannigan Engineering), Elaine Davis-Curl, Dennis Ring and Pablo Carbonell

Special Permit Hearing – Pablo Carbonell, 133 Old Mill Road. Opened at 7:33pm, see page 2 for detailed minutes.

Approval of Annual Report

Liz Allard had previously distributed a draft of the 2012 annual report for the members review. Robert Capobianco had responded with no changes as written. Robert Capobianco made a motion to approve the 2012 Annual report as drafted. Chris Tracey seconded the motion. The vote was unanimously in favor of the motion.

Approval of Minutes

Robert Capobianco made a motion to approve the minutes of October 10, 2012 and November 7, 2012. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Modification of a Comprehensive Permit Hearing – PRM Capital, LLC, Trail Ridge Way.

Opened at 8:00pm, see page 3 for detailed minutes.

Adjournment

Robert Capobianco made a motion to adjourn the meeting at 8:40pm. Orville Dodson 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

Pablo Carbonell, 133 Old Mill Road

January 9, 2013

The hearing was opened at 7:33pm 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, Robert Capobianco (by Skype), Orville Dodson and Mike Lawton

Others Present: Liz Allard (LUB Admin), and Pablo Carbonell

This hearing is for a Special Permit filed on behalf of Pablo Carbonell for the construction of an accessory apartment in an existing dwelling at 133 Old Mill Road, Harvard.

Chris Tracey read into the record the affidavit he filed with the Town Clerk, which indicates that he is no longer associated with development known as Deer Run; the certified list of abutters indicated Mr. Tracey was still an owner of a parcel of land within that development. It was further explained to the applicant that there is a chance that the proper abutters were not notified due to incorrect information from the Assessing Department. The applicant, Pablo Carbonell, was willing to take the chance the decision may be appealed by an aggrieved abutter who may not have been properly notified.

Mr. Carbonell stated when he constructed his house over five years ago it included a large unfinished area adjacent to the existing garage. Plans submitted indicate the apartment will accommodate a kitchen, living area, bedroom and bathroom. Mr. Carbonell stated he may need to make minor adjustments to the plan in order to accommodate a laundry area. There is an egress off the proposed living room; all windows meet egress requirements as well. Robert Capobianco asked about the egress off the living area. Mr. Carbonell stated it will have one step outside the entry onto a patio area. Mr. Carbonell stated the apartment will for one tenant for the time being (his father-in-law). He does not anticipate more than two tenants in the future. His intention would be to rent to a couple, but should they have a child while living there he would not be able to evict them. Mr. Carbonell was asked if he had any issues with restricting the number of tenants to no more than two adults; he stated he did not, but would like to allow a child as well. Mr. Tracey noted the existing driveway has plenty of available parking and turn outs for emergency vehicles.

Mr. Tracey read the comments received from other Boards and Committee into the record.

With no further questions or comments, Robert Capobianco made a motion to close the evidentiary portion of the hearing. Orville Dodson 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 for the Accessory Apartment as shown on the plans submitted, with the condition that the unit shall only be used by no more than two adults and one child under the age of eight years old. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

Zoning Board of Appeals

Modification of a Comprehensive Permit Hearing Meeting Minutes

PRM Capital, LLC, Trail Ridge Way

January 9, 2013

The hearing was opened at 8:00pm by Chairman Chris Tracey in the Town Hall Meeting Room under Chapter 40B and the Code of the Town of Harvard Chapter 125

Members Present: Chris Tracey, Robert Capobianco (by Skype), Orville Dodson and Mike Lawton

Others Present: Liz Allard (LUB Admin), Bill Hannigan (Hannigan Engineering), Elaine Davis-Curll and Dennis Ring

This hearing is for a request to modify a Comprehensive Permit filed on behalf of PRM Capital, LLC to allow the remaining thirty-two (32) units to be constructed as duplexes rather than quadplexes at the development known as Trail Ridge, Harvard.

Chris Tracey reviewed the events of the previous application submitted in March 2012, which was denied by the ZBA due to lack of information in November of that year. Elaine Davis-Curll apologized to the members and took full responsibility for not making the proper requests to extending the hearings.

Bill Hannigan, of Hannigan Engineering, stated the modification to the Comprehensive Permit includes a change in the number of buildings from thirteen to twenty-one. Five buildings with four units each have been constructed for a total of twenty units. The modification proposes splitting the remaining eight buildings into sixteen buildings with two units each rather than four units. Sales of the constructed units have indicated difficulty with selling the two interior units. The modification makes each unit an end unit, which is more desirable to potential buyers. The total number of units to be constructed will not change from the original fifty-two. The locations of the buildings are only changing slightly and will require some grading changes from the original approved plan. There will be no change in the existing roadway. The new units will have two different styles and will retain the number of age restricted units as required under the existing Comprehensive Permit. Dennis Ring stated there will be no modifications to the terms of the Comprehensive Permit.

Comments received from the Board of Health (BOH) questioned the remaining connections to the existing sewage disposal system (SDS). Mr. Hannigan stated the SDS is complete, but physical connections from each unit will be done on a building by building basis. Additionally, the BOH had questions about an unutilized area shown the plans for each unit. Ms. Davis-Curll stated that space was for storage only and not habitable space. The Board requested the applicant reply in writing to the BOH and to copy the ZBA on all responses.

The request to waive the filing fee was discussed. Robert Capobianco stated he does not want a repeat of last year, if the applicant is not prepared to attend a scheduled hearing they are to notify the Board in a timely manner. Again, Ms. Davis-Curll apologized for not being diligent with the previous application and the proper request to continue. With that stated the Board agreed they had no issues with waiving the filing fee.

The ZBA's consultant, Nitsch Engineering, has drafted a scope of work, which all parties have had an opportunity to review. The ZBA requested an additional \$3000 to be added to the existing escrow account for review by the consultant. Mr. Hannigan was requested to provide the originally approved plans to the consultant, as well as provide more detailed plans highlighting the actual modifications on the revised plans.

Robert Capobianco made a motion to continue the hearing until February 13th at 7:00pm. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Special Permit Hearing – Pablo Carbonell, 133 Old Mill Road

- ❖ Town of Harvard Zoning Board of Appeals Application for a Hearing and associated drawings and plans, dated November 16, 2012

Modification of a Comprehensive Permit Hearing – PRM Capital, LLC, Trail Ridge Way

- ❖ Town of Harvard Zoning Board of Appeals Application for a Hearing, dated November 5, 2012
- ❖ Trail Ridge at Harvard, Littleton County Road, Harvard, Massachusetts, developed under the Comprehensive Permit Plan, revised through November 1, 2012