

**HARVARD ZONING BOARD OF APPEALS  
MEETING MINUTES  
APRIL 10, 2013  
APPROVED: May 8, 2013**

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

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

**Others Present:** Liz Allard (LUB Admin), Dennis Ring and Dan Wolfe (Ross Associates)

**Continuation of a Modification of a Comprehensive Permit Hearing – PRM Capital, LLC, Trail Ridge Way.** Opened at 7:33pm (for detailed minutes see page 2)

**Request for Finding – Mace, 38 Peninsula Road**

Dan Wolfe, of Ross Associates, was present to request the Board find that an addition to a pre-existing non-conforming structure on a pre-existing non-conforming lot does not require the issuance of a Special Permit at 38 Peninsula Road. Mr. Wolfe explained the lot is non-conforming at 1.0 acre (basic lot under the Protective Bylaw is 1.5 acres). The house is non-conforming as it does not meet the side setback of 27 feet (required 27.8 feet) and the setback from the W-district, 51 feet (required 60 feet). Mr. Wolfe stated the proposed addition will not be substantially more detrimental to the existing non-conforming use to the neighborhood and will comply with the existing Protective Bylaw; thereby the ZBA can issue a Finding under Section 6 of the Zoning Act, Chapter 40A.

Steve Moeser stated he is concerned that the character of the pond has changed in 30 years. Mr. Wolfe stated the addition will be two-stories that will blend into the existing house on the east side. The addition will allow for the expansion of master bedroom and kitchen. In addition the existing deck will be expanded as well. Mr. Moeser asked if the addition would be greater than 15% of the existing square footage. Mr. Wolfe stated it would.

Members debated the language of the Protective Bylaw, in particular Chapter 125-3A(2) and (3). Mr. Wolfe argued the exceptions listed under Chapter 125-3B are only if a Special Permit is needed. Liz Allard noted the previous Finding of the ZBA for 94 Tahanto Trail was a pre-existing non-conforming lot with additions to a conforming structure. Members agreed that the language of the Protective Bylaw requires a Special Permit for the alteration of a pre-existing non-conforming structure, which is what is being proposed for 38 Peninsula Road. Ms. Allard will draft a Finding detailing the determination made this evening for the members review and approval.

**Adjournment**

Robert Capobianco made a motion to adjourn the meeting at 9:06pm. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion. RC/SM

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

## **Zoning Board of Appeals**

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

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

**April 10, 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, Steve Moeser, Robert Capobianco (by Skype), Orville Dodson and Mike Lawton

**Others Present:** Liz Allard (LUB Admin) and Dennis Ring

This hearing was continued from March 13, 2013 on 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.

Dennis Ring was present to represent Trail Ridge. Mr. Ring stated he and Bill Hannigan met with the Fire Chief and the Building Commissioner to discuss the distance between the proposed buildings. Mr. Ring stated they have agreed to put sprinklers in all of the remaining duplex structures. In addition, the exterior walls will be constructed to meet a fire rating that is satisfactory to the Fire Chief. An email message from the Fire Chief confirmed this information.

With no further questions or comments Robert Capobianco made a motion to close the evidentiary portion of the hearing.

After a brief discussion, Steve Moeser made a motion to grant the modification to the Comprehensive Permit to allow the construction of duplexes in place of quadplexes for the remaining units at Trail Ridge on Littleton County Road with the condition that if the retaining wall is required the applicant shall provide a professional engineered plan to the Building Commissioner for approval prior to its construction. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

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

## DOCUMENTS & OTHER EXHIBITS

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

- ❖ Email from Rick Sicard, Fire Chief, Subject: RE: Trail Ridge Condos, dated April 1, 2013

### **Request for Finding – Mace, 38 Peninsula Road**

- ❖ Proposed Addition Plan in Harvard, Mass., prepared for Richard & Roxanne Mace, prepared by David E. Ross Associates, Inc., Job No. 23820, Plan No. M-6223A, dated 3/28/13