

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
MAY 8, 2013
APPROVED: OCTOBER 23, 2013**

Chairman Chris Tracey opened the meeting at 7:34pm 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, Theodore Maxant and Orville Dodson

Others Present: Liz Allard (LUB Admin), Gary Shepard (Ross Associates), Rick & Roxanne Mace and Bob Donnell

Special Permit Hearing – Richard & Roxanne Mace, 38 Peninsula Road. Opened at 7:34pm (for detailed minutes see page 2)

Approve Minutes

Robert Capobianco made a motion to approve the minutes of March 13, March 21 and April 10, 2013 as amended. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Planning Board Request for Comments – Town Hall Building Committee, 13 Ayer Road

Liz Allard informed the members the Planning Board (PB) has requested the ZBA's input on the Site Plan for the Town Hall at 13 Ayer Road. Members stated and agreed the plan lacks sufficient parking for the new capacity of the site, that being a 250+ seating venue on the second floor. The members also agreed the ZBA would recommend the PB consider appropriate lighting in all parking areas as the building will have evening use.

Adjournment

Robert Capobianco made a motion to adjourn the meeting at 9:12pm. 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 Meeting Minutes

Richard & Roxanne Mace, 38 Peninsula Road

May 8, 2013

The hearing was opened at 7:34m 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, Theodore Maxant and Orville Dodson

Others Present: Liz Allard (LUB Admin), Gary Shepard (Ross Assoc.), Rick & Roxanne Mace and Bob Donnell

This hearing is for a Special Permit filed on behalf of Richard and Roxanne Mace for an addition to a pre-existing non-conforming single family structure on a pre-existing non-conforming lot at 38 Peninsula Road, Harvard

Gary Shepard, of Ross Associates, was present to represent the applicant, Rick and Roxanne Mace, who were also present. Mr. Shepard explained the parcel is on Peninsula Road, both the lot and the structure are pre-existing non-conforming. The structure is non-conforming as it does not meet the side setback of 27.8' (27' existing) and it does not meet the 60' setback from the W-district (51' existing). The structure does comply with the setback from the center line of the right of way, at 111' (75' required). The applicant proposes to construct an addition on the west side of the existing structure, which will include a basement, first floor kitchen and second floor study. The location of the addition was chosen to be as far away from W-district as it can to satisfy the required setback under the Wetland Protection Bylaw. The proposed addition is completely conforming to the current Protective Bylaw. Mr. Shepard stated the footprint and gross floor area are increasing by 32%. Floor area ratio will be less than 10%, at 9.98%. Chris Tracey asked what the percent increase was when the previous additions were completed. Mr. Shepard did not know the answer to that question.

Steve Moeser asked if the addition would conform to the height requirements of the Protective Bylaw. Mr. Shepard stated they are not changing any existing heights, just expanding areas that already exist, however the height from bottom of the grade to the peak of the roof at front elevation is 32 ½ feet.

The Board of Health has approved the well location within the proposed basement area. The applicants may need to have a deed restriction for the increase on the number of bedrooms. Liz Allard stated she had spoken to Ira Grossman, from Nashoba Associated Boards of Health, who has stated a restriction would not be necessary.

Mr. Tracey reviewed the letter submitted on behalf of the Bare Hill Pond Watershed Management Committee who advised there being no substantial increase in runoff due not only to the addition, but to the proposed increase in the existing driveway. Mr. Shepard explained the plan proposes the addition of trench at the toe of the driveway, as well as a recharge system for roof runoff. Mr. Shepard added the area has very impermeable soil, therefore mitigation has been proposed to accommodate the difference.

Members questioned the size of the infiltration trench and would it be of suitable size to handle stormwater. Mr. Shepard stated the size of the infiltration trench was calculated based on Planning Board requirements. Robert Capobianco asked if the ZBA should get Nitsch Engineering to review the calculations. Mr. Tracey did not think that was necessary. Mr.

Shepard pointed out that the existing driveway has no infiltration currently. Mr. Moeser asked if the septic system was a tight tank. Mr. Shepard stated yes, the area has slow perk rates. Members expressed additional concerns with the size of infiltration trench as it has the potential to have a direct effect on Bare Hill Pond, and under §125-46C(1)(a) in order to find whether or not a Special Permit should be issued a project can not result in substantial danger of pollution or contamination of the W-district.

Mr. Tracey stated the ZBA has two options, have the calculations reviewed by an engineer or defer to the Conservation Commission (Concom). Mr. Capobianco would rather have Nitsch look at it. Mr. Shepard argued the hiring of a consultant and the added cost to the applicant. Mr. Capobianco stated this is a sensitive area in Town. Mr. Tracey stated he is personally comfortable with the existing engineer stamp on the plan certifying that the requirements have been met. Mr. Tracey added that the Special Permit will reflect that the applicant needs to be in compliance with §125-46C.

Mr. Tracey asked Ms. Allard to convey to the Concom that the ZBA wants to be certain that the infiltration trench will be sufficient to meet the requirements of §125-46C(1)(a). Ms. Allard suggested, in the spirit of saving time for everyone involved, that the ZBA meet with the Concom at their public hearing for this property next Thursday. Members agreed.

Mr. Tracey asked if the calculations are for the entire driveway or just the proposed increase. Mr. Shepard stated they were for the increase of driveway only, however the trench was over sized in its design.

Mr. Moeser stated he does not feel the addition is not more detrimental to the neighborhood, as required by §125-3A(3)(b). Mr. Moeser would like to see how it fits in to the neighborhood. Ms. Allard noted the ZBA just permitted the reconstruction of an existing dwelling on Peninsula Road that is slightly larger than this structure, including the proposed addition. As well, the new property owners of the abutting lot will be applying soon to reconstruct the existing summer cottage at that property to a year round dwelling.

Rick Mace explained that since purchasing the property and completing the previous additions he has gone it work for himself and works primarily works from home. In addition, the size of his immediate family has increased with the addition of grandchildren. The proposed addition will allow for a space for Mr. Mace to work, as well as a suitable size kitchen for his entire family.

There was no one in attendance to speak in favor or against the application.

With no further comments or questions, Robert Capobianco made a motion to continue the hearing to May 16, 2013 at 7:30pm in the Town Hall Meeting Room which would be the same time that the Conservation Committee would be meeting to insure that Con Com approved the design for the run off. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Special Permit Hearing – 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