

**HARVARD ZONING BOARD OF APPEALS  
MEETING MINUTES  
MAY 16, 2013  
APPROVED: OCTOBER 23, 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, Theodore Maxant and Orville Dodson

**Others Present:** Liz Allard (LUB Admin), Jim Breslauer, Jaye Waldron, Wendy Sisson, Don Ritchie, Joanne Ward, Gary Shepard (Ross Associates), Rick & Roxanne Mace and Bob Donnell

**Special Permit Hearing – Richard & Roxanne Mace, 38 Peninsula Road.** Opened at 7:33pm (for detailed minutes see page 2)

**Adjournment**

Ted Maxant made a motion to adjourn the meeting at 8:06pm. 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**

#### **Richard & Roxanne Mace, 38 Peninsula Road**

**May 16, 2013**

The hearing was opened at 7:33m 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, Theodore Maxant and Orville Dodson

**Others Present:** Liz Allard (LUB Admin), Jim Breslauer, Jaye Waldron, Wendy Sisson, Don Ritchie, Joanne Ward, Gary Shepard (Ross Assoc.), Rick & Roxanne Mace and Bob Donnell

This hearing was continued from May 8, 2013 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

This hearing was held in conjunction with the Harvard Conservation Commission (Concom) on a Notice of Intent (NOI) for 38 Peninsula Road, Harvard.

Gary Shepard, of Ross Associates, was present to represent the applicants, Richard and Roxanne Mace, who were also present. Mr. Shepard explained the proposed project is for an addition to the existing house. Mr. Shepard explained the location was subject to unapproved cutting years ago, which was addressed under a separate Order of Conditions with on going monitoring. This Notice of Intent is specifically for the proposed addition. Mr. Shepard explained there is no spot on the property that is outside the 200' wetland buffer area under the Wetland Protection Bylaw; the existing house is all most entirely within the 75' setback under the Bylaw. The proposed 16' x 19' addition is for an expansion of the existing kitchen and second floor master bedroom to allow for work space for the home owner. The addition is isolated from the wetland as it is on the opposite side of the existing structure from Bare Hill pond at 72'. The plan calls for erosion controls to prevent any sediment from entering Bare Hill pond. As for runoff from the house, the existing gutters will be reinstalled and drained to a proposed infiltrator. The plan also calls for the expansion of the existing driveway, which will generate new runoff. Mr. Shepard explained the original plan had a smaller recharge trench at the end of the driveway, however during the meeting with the ZBA there were a question that came up in regards to the size of the trench and was it suitable to handle the runoff. Mr. Shepard stated the trench has now been re-designed to include the runoff from the entire driveway and not just the newly proposed portion of it as it did on the original plan. The capacity of the trench will be 272 cubic feet of storage. Mr. Shepard noted the trench has been designed to handle runoff from a two-year storm event, as mentioned in the Protective Bylaw under Site Plan Review.

Chris Tracey, chair of the ZBA explained the requirements of the Special Permit do not allow for substantial increase of volume or rate of surface water to neighboring properties. The members of the ZBA agreed to seek additional advice from the Concom on this matter before closing their hearing on the property. Mr. Tracey stated if the Concom is satisfied with the design, then the ZBA too shall be satisfied that the requirements of the Protective Bylaw have been met.

Don Ritchie asked if the trench could be increased to run along the side of the driveway as well to catch the side pitch of the driveway. Mr. Shepard stated he could create a swale to direct water down to trench, but he feels the current design will work better. Wendy Sisson stated the soils on the site are very tight, is there any way to make the soil better for infiltration. Mr. Shepard stated as proposed the design is better for infiltration than the existing conditions; there is no way to speed up the infiltration rates. After additional discussion, Mr. Shepard agreed to include a swale

along the driveway. Jim Breslauer asked about using a pervious surface on the new proposed walkway to make up for the addition of impervious surface on the driveway. The applicant was amenable to creating a walkway that is not a solid form, such as poured concrete, but rather pavers or stepping stones.

Ms. Sisson wondered if additional vegetation on the site would aid in the slowing of runoff from the site to the pond. It was explained as previously permitted the site has a number of trees and shrubs that were planted down gradient of the driveway; as well the area is covered with woodchips and not lawn area. Ms. Sisson thinks the trench size is appropriate in addressing runoff into the pond in that area. Mr. Breslauer stated he is not normally in favor of this type of addition, however he does not think this proposal will have an impact to the resource area since it will be located within an already disturbed area.

Ted Maxant stated another requirement of the ZBA is that the addition is not more detrimental to the neighborhood. Mr. Maxant reviewed the site and the other locations along Peninsula Road; he does not feel this addition will be detrimental to the neighborhood, as a matter of fact there are larger structures within the neighborhood. Mr. Tracey also visited the site and agreed with Mr. Maxant.

There were no comments from the general public.

Ms. Sisson asked about the wood chips that were required as part of the previous Order of Conditions and that are suppressing the growth of natural vegetation. Ms. Sisson asked if the applicants would be amenable to removing the chips and allow the natural vegetation take hold. Rick Mace stated the chips are working to control run off by infusing the water before entering the pond; in addition they have noticed the area is free of ticks. Mr. Ritchie stated he has the same issue with wood chips. The Mace's and members of the Concom agreed to further discuss this matter at a later date as it is not part of this application.

With no further questions or comments, Ted Maxant made a motion to close the ZBA hearing. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

The ZBA agreed to incorporate the previously used condition from the Special Permit issued in 2007 as recommended by the Bare Hill Pond Watershed Management Committee. With no further discussion, Ted Maxant made a motion to issue a Special Permit for the addition to a pre-existing non-conforming structure at 38 Peninsula Road. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Wendy Sisson made a motion to close the Conservation Commission hearing and issue an Order of Conditions to include the use of pavers on the proposed walkway and the final plan will show a drainage swale along the driveway and the infiltration trench moved back further from the edge of the driveway to allow for snow storage. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Liz Allard  
Land Use Administrator/  
Conservation Agent

## **DOCUMENTS & OTHER EXHIBITS**

### **Special Permit Hearing – Richard & Roxanne Mace, 38 Peninsula Road, DEP#177-617, Harvard#0513-01**

- ❖ 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 5/15/2013

## **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