

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
JUNE 12, 2013
APPROVED: OCTOBER 23, 2013**

Chairman Chris Tracey opened the meeting at 7:30pm 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, Theodore Maxant and Michael Lawton

Others Present: Liz Allard (LUB Admin) and Gary Shepard (Ross Associates)

Special Permit Hearing – Patrick Wind, 37 Peninsula Road. Opened at 7:34pm (for detailed minutes see page 2)

Adjournment

Steve Moeser made a motion to adjourn the meeting at 8:22pm. 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

Patrick Wind, 37 Peninsula Road

June 12, 2013

The hearing was opened at 7:30pm 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, Theodore Maxant and Michael Lawton

Others Present: Liz Allard (LUB Admin), Gary Shepard (Ross Assoc.), Patrick Wind, Rhonda Sprague, Roxanne & Rick Mace, Michael Gardner and Dean Sampson

This hearing is for a Special Permit filed on behalf of Patrick Wind for the reconstruction of a pre-existing non-conforming structure on a pre-existing non-conforming lot at 37 Peninsula Road, Harvard

Steve Moeser 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.

Gary Shepard, of Ross Associates, was present to represent the applicant Patrick Wind, who was also present. Mr. Shepard explained the Wind's are looking to replace the existing house on Peninsula Road with one that will be closer to the side and front setbacks, but further from the setback of Bare Hill Pond (the W-district). Mr. Shepard stated the lot is cleared for the most part, with semi-lawn in areas. The existing location of a dock, a stone walkway to the pond, an existing patio, and parking area will all remain. The structure will continue to be a seasonal structure. Although the setbacks have been reduced they would have been allowed at the time of construction of the existing structure. The proposed house is not much larger than existing house. The existing house has a footprint of 960' with a floor area of 821'; the proposed house has a footprint of 925' and a floor area of 1535. The 87% increase in floor area is due to the addition of a second floor to the proposed house. The existing house is on concrete piers, whereas the proposed house will be built with a crawlspace. The proposed house will have additional square footage on the exterior which will include a covered screen porch and uncovered deck. Mr. Shepard stated the proposed house would not have an impact on the neighborhood; in fact the proposed house is similar to those already in the neighborhood.

Mr. Shepard further explained the existing stone dust parking area will remain as is and will be maintained. A recharge trench has been proposed at the end of the driveway, along with a row of native shrubs to help aid in the uptake of phosphorus. The existing tight tank will remain. The plan also proposes a recharge trenches around the edge of the house. The proposed trenches will decrease the runoff from the site. The plan calls for a no disturbed zone as preferred by the Conservation Commission. Mr. Shepard believes the project will make the impact on the pond less than existing conditions.

Steve Moeser asked why Mr. Shepard indicated that it this will not be a year round house. Mr. Shepard stated a Special Permit is required for the conversion from seasonal to year round. Chris Tracey asked who polices the use as a seasonal residence. Mr. Shepard explained the septic tanks are sized to meet Title V requirements; reporting on amount pumped is given to the Board of Health, who would notice more pumping then normal for a seasonal residence. Mr. Moeser asked how bedrooms there will be in the proposed house. Mr. Shepard stated two. Mr. Moeser asked how many bedrooms are in the existing house. Mr. Shepard stated two.

Theodore Maxant walked the site and counted roughly about ten mature trees that are not shown on plan. Mr. Maxant would like to have the trees maintained. Mr. Shepard stated the applicant has no intention of removing any mature trees, other than pruning as needed.

Mr. Moeser expressed his concerns about the conversion of small seasonal cottages on the pond.

Mr. Maxant stated he does not see the proposed house as a deterrent to the existing neighborhood, especially with lots being contiguous on each side of the road and the houses are on opposite sides of the road from lot to lot. Mr. Maxant added there are bigger homes on Peninsula Road than the one proposed this evening.

Letter and comments received from other Boards and Committees were read into the record.

The Mace's, abutters at 38 Peninsula Road were present and stated they are in favor of the request.

Michael Gardner, of 123 Clinton Shore, stated he too is in support of the project.

With no further questions or comments, Steve Moeser made a motion to close the public hearing. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

After a brief discussion, Theodore Maxant made a motion to issue a Special Permit for the reconstruction of a single family house at 37 Peninsula Road to include the conditions that the no cut zone as shown on the plan shall be maintained in perpetuity, all mature trees on the site are to remain as is, with the exception they are allowed to be pruned as necessary or are damaged by natural occurrence, conversion from seasonal to year-round use will require a Special Permit, and the recommended conditions of the Bare Hill Pond Committee as stated in their June 7, 2013 email to Liz Allard. Chris Tracey seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Special Permit Hearing – Wind, 37 Peninsula Road

- ❖ Site Plan, Lot A27, Street #37 Peninsula Road, Map 26 Parcel 47, Harvard, Massachusetts, prepared for Patrick Wind, prepared by David E. Ross Associates, Inc., Job No. 28825, Plan No. L-12116, dated May 15, 2013
- ❖ Letter from the Harvard Conservation Commission, dated May 22, 2013
- ❖ Email from the Harvard Fire Chief, dated May 21, 2013
- ❖ Email from the Bare Hill Pond Watershed Management Committee, dated June 7, 2013
- ❖ Note from the Building Commissioner, dated June 10, 2013
- ❖ Letter from Mike Sawyer, 44 Peninsula Road, dated June 12, 2013