

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
OCTOBER 23, 2013
APPROVED: NOVEMBER 13, 2013**

Chairman Chris Tracey opened the meeting at 8:02am 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), Theodore Maxant and Michael Lawton

Others Present: Liz Allard (LUB Admin), Joe Schmidt, Robert Kody (Envision Homes), Dan Wolfe (Ross Assoc.), Pam Kimball (Transformations, Inc.), Warren Henderson, Carol Perini, Weidong Li and R. Cater Scott (Transformations, Inc.)

Request to Extend Comprehensive Permit Hearing – Transformations, Inc., Stow Road (Map 36 Parcel 85 & 86.1). Opened at 8:02pm (for detailed minutes see page 3)

Request for *De Minimus* Change – Wind, 37 Peninsula Road

Dan Wolfe, of Ross Associates, and Bob Kody, of Envisions Homes, were present to discuss with the Zoning Board of Appeals (ZBA) a request for a *De Minimus* change to the special permit decision issued to Patrick Wind at 37 Peninsula Road. Mr. Wolfe explained the original design for the new structure was taken from a catalog and did not take into account the existing slope on the pond side of the property. Mr. Wind contracted Mr. Kody to design a structure that would compliment the existing conditions of the site. The new design reduces the footprint of the house and the setbacks from southerly property line and from Bare Hill Pond (W district); additionally it includes a walkout basement, where the originally proposed structure did not. Mr. Wolfe stated the excavation for the basement would be minimal; the area in question is now a crawl space. Mr. Kody has determined several mature trees will need to be removed in order to construct the house. The issue at hand is the condition within the Special Permit not to remove any mature trees and is the change in design of the house a substantial change. Mr. Wolfe stated when first considered, Mr. Kody was requesting five trees be removed, after discussing the matter with the Conservation Commission (Concom), the request was reduced to four, as the Commission would not allow for the removal of the 22" white pine closest to Bare Hill Pond (BHP) to be removed.

The members agreed they had no objections to the change in the design of the structure and did not see that as a substantial change to the Special Permit. Steve Moeser asked for further explanation as to why the trees had to be removed for construction. Mr. Wolfe and Mr. Kody explained that some the trees would sustain root damage during construction and others were in tough shape from either the ice storm or being topped by the electric company. Chris Tracey asked about using the existing drive to access the site during construction. Mr. Wolfe explained the tight tank was located along the edge of the driveway. Mr. Tracey asked if the tank could be removed during construction. Mr. Kody stated the site will be accessed from all angles at one point or another during construction, so removing the tight tank will only aid for that angle of construction and not the overall construction. Ted Maxant stated the removal of the trees has no effect on the pond side view of the property and that he agrees with the Concom on the tree located closest to BHP. Mr. Tracey wanted to see the number of trees reduced. Member of the ZBA agreed construction could take place around the 26" spruce along the driveway and the 16" hemlock south of the existing patio and the 22" pine and 24" maple can be removed. With that said Robert Capobianco made a motion to allow the changes discussed as *De Minimus*. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Approval of Minutes

Chris Tracey made a motion to approve the minutes of May 8, May 16, June 12 and August 14 as written and/or amended. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Steve Moeser made a motion to adjourn the meeting at 9:03pm. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

Zoning Board of Appeals

Request for Extension to a Comprehensive Permit Hearing

Transformations, Inc., Pine Hill Village, Stow Road (Map 36 parcels 85 & 86.1)

October 23, 2013

Chris Tracey opened the hearing at 8:02am in the Town Hall Meeting Room under MGL Chapter 40B and Chapter 136 of the Code of Harvard.

Members Present: Chris Tracey, Steve Moeser, Robert Capobianco (by Skype), Theodore Maxant and Michael Lawton

Others Present: Liz Allard (LUB Admin), Joe Schmidt, Robert Kody (Envision Homes), Dan Wolfe (Ross Assoc.), Pam Kimball (Transformations, Inc.), Warren Henderson, Carol Perini, Weidong Li and R. Cater Scott (Transformations, Inc.)

Pam Kimball introduced herself to the Board as the project manager for the Pine Hill Village development owned by Transformation, Inc. on Stow Road. Cater Scott, owner of Transformations, inc., was also present. Mr. Scott explained with the turn around in the economy he is able to obtain financing to begin the development on Stow Road permitted under a Comprehensive Permit from the Zoning Board of Appeals (ZBA). As a condition of that permit, work was to start on the project within three years of its issuance (October 30, 2008), with an additional condition that the project was to be completed within five years of issuance or by December 31, 2013. In 2010 Mr. Scott requested and received a two year extension to those dates, those being a start date of October 30, 2013 and a completion date by December 31, 2015. Mr. Scott made a request on September 30, 2013 to extend those dates for an additional two year, there by making the start date no later then October 30, 2015 and the completion date no later then December 31, 2017.

Members of the ZBA had questions in regards to other permits required for the development, changes to the preliminary plan and timing of the project over the next few months. Mr. Scott stated he is in the process of finalizing permits with the Board of Health and the Conservation Commission. The septic systems have been redesigned and will have a smaller footprint from the original plan. A small change has been made to one of the structures, bringing it further away from the existing wetland. Mr. Scott hopes to begin site work late fall, early winter. ZBA will need to approve the final plan before any building permits can be issued.

Members of the public had concerns with water coming from the site and flooding abutting properties, the clearing of 40% of the lot and its relevance to climate change and the increase in traffic along Stow Road. It was explained under stormwater management requirements a development can not increase the amount of water that exits a site post-development. A number of features have been included in the design of the project, including a wetland detention basin. Mr. Scott addressed the concerns with climate change by noting the development will be a LED development and his existing projects have created net zero structures in Townsend and Devens. Mr. Tracey addressed the concerns of traffic increase and the limitations the ZBA has when granting a comprehensive permit.

Chris Tracey read the letter received from other boards and committees into the record. With no further questions or comments Steve Moeser made a motion to close the hearing and issue an additional two year extension to conditions 3.34 and 3.35 of the Comprehensive Permit issued to Transformation, Inc., for the development known as Pine Hill Village on Stow Road, Harvard. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Request for *De Minimus* Change – Wind, 37 Peninsula Road

- ❖ Untitled Plan showing new location of structure at 37 Peninsula Road and trees to be removed, undated