

**HARVARD ZONING BOARD OF APPEALS  
MEETING MINUTES  
FEBRUARY 19, 2014  
APPROVED: April 23, 2014**

Chairman Chris Tracey opened the meeting at 7:25pm at the Center on the Common 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 Theodore Maxant

**Others Present:** Liz Allard (LUB Admin), Mark Lanza (Town Counsel), Douglas Deschenes (Deschenes & Farrell, P.C.), John Boardman (Hancock Assoc.), Eric Chamberlin (Davis Sq. Arch.), Connie Donahue (CHOICE), Maura Camosse (WIHED), Kathy Farrell and Chris Mitchell

**Continuation of a Special Permit Hearing – Daryl Collins and Brian Talbot, 74 Bolton Road.** Opened at 7:25pm (See page 2 for detailed minutes)

**Comprehensive Permit Hearing – Chelmsford Housing Opportunities for Intergenerational and Community Endeavors, Inc.** Opened at 7:32pm (See page 3 for detailed minutes)

**Protective Bylaw Amendments 125-3 Existing Lots, Structures & Uses**

Liz Allard had previously distributed the proposed amendments to Chapter 125-3 of the Protective Bylaw as suggested by the Planning Board as a result of the public hearing on February 3<sup>rd</sup>. After a brief discussion the members agreed on language for §125-3D(2)b in regards to non-conforming uses. This information will be forwarded to the Planning Board for their review during the public hearings for the Protective Bylaw amendments.

**Adjournment**

Robert Capobianco made a motion to adjourn the meeting at 9:36pm. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

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

## **Zoning Board of Appeals**

### **Continuation of a Special Permit Hearing Meeting Minutes**

#### **Daryl Collins & Brian Talbot, 74 Bolton Road**

**February 19, 2014**

The hearing was opened at 7:25pm by Chairman Chris Tracey at the Center on the Common 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 Theodore Maxant

**Others Present:** Liz Allard (LUB Admin)

This hearing was continued from February 12, 2014 for a Special Permit filed on behalf of Daryl Collins and Brian Talbot for an accessory apartment on a pre-existing non-conforming lot at 74 Bolton Road, Harvard.

Liz Allard reported there was no new evidence or comments submitted to the ZBA since the last hearing on February 12<sup>th</sup>. With no further questions or comments, Robert Capobianco made a motion to close the hearing and issue the Special Permits for additions to the existing structures on pre-existing non-conforming lot and the creation of an accessory apartment within one of the additions based on the plans prepared by Durrant Design titled option 2, dated 1-16-14, with a condition that the applicant provides additional screening along the northern property line, and to allow the Chairman Chris Tracey to sign the decision on behalf of the ZBA. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

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

## **Zoning Board of Appeals**

### **Comprehensive Permit Hearing Meeting Minutes**

#### **Chelmsford Housing Opportunities for Intergenerational and Community Endeavors, Inc. 105 Stow Road**

**February 19, 2014**

The hearing was opened at 7:32pm by Chairman Chris Tracey at the Center on the Common under Chapter 40A and the Code of the Town of Harvard Chapter 125

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

**Others Present:** Liz Allard (LUB Admin), Mark Lanza (Town Counsel), Douglas Deschenes (Deschenes & Farrell, P.C.), John Boardman (Hancock Assoc.), Eric Chamberlin (Davis Sq. Arch.), Connie Donahue (CHOICE), Maura Camosse (WIHED), Kathy Farrell and Chris Mitchell

This hearing is for a Comprehensive Permit filed on behalf of Chelmsford Housing Opportunities for Intergenerational and Community Endeavors, Inc. (CHOICE) for the creation of nine units of affordable, rental housing known as "The Elms" at 105 Stow Road, Harvard.

Steve Moeser made a motion to waive the reading of the legal notice. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

Attorney Douglas Deschenes, of Deschenes & Farrell, P.C., was present to represent the applicant. Others present along with Attorney Deschenes included Connie Donahue, from Chelmsford Housing Opportunities for Intergenerational and Community Endeavors, Inc. (CHOICE), a division of the Chelmsford Housing Authority, Maura Camosse, from Woman's Institute for Housing and Economic Development, John Boardman from Hancock Associates (engineer design) and Eric Chamberlin from Davis Square Architects.

Attorney Deschenes explained the site consist of two lot, a 1.29 acre lot on the west side of Stow Road, which consists of the carriage house and a 4.04 acre lot that consists of the existing farm house, cottage and barn. The property was obtained by CHOICE last year when it was in foreclosure. The applicant is proposing the creation of nine affordable units, by rehabbing the existing farm house, by removing the "L" shaped addition and reconstructing the main house to include two two-bedroom units, rehabbing the existing cottage and create a one-bedroom unit and the new construction of three two-unit duplexes, with each unit consisting of two-bedrooms.

Site improvements will consist of the removal of the carriage house and barn, expansion of the existing driveway, the installation of a new septic system, and installation of a new well and the construction of a detention basin for stormwater management.

In order to avoid the requirement of a public water supply, the property will have a deed restriction limiting the number of residents to twenty-four. Members asked how CHOICE would handle the increase if for instance someone has a baby. Connie Donahue stated CHOICE manages a number of other locations and would find a suitable location for the resident to reside.

John Hancock explained as designed there will be no increase in over all stormwater run off. The access drive and parking spaces meet current standards. The existing septic system is under sized and does not meet the current requirements.

Eric Chamberlin stated the architectural design will keep the New England colonial farm house look. Chris Tracey stated he would like to see more details on the structures that will give it that look; he understands the cost and budget may limit that, but asked the applicant to consider it.

Mr. Moeser asked who was paying utilities. The applicant will be paying the utilities. Robert Capobianco asked about the management company, is it on site? Ms. Donahue stated there is not a management company on site; however CHOICE employs a twenty-four-seven staff to maintain all of their locations. The tenants will have access to an emergency number to call twenty-four-seven. Ms. Donahue stated CHOICE has three hundred units under their control currently; all of those resources will be available to these units.

It was noted that one unit will be handicapped accessible and the applicants are looking to replicate the existing laundry facility on site.

Mr. Capobianco asked where is the closest CHOICE location was in relation to Harvard. Ms. Donahue stated Westford and added the application has a listing of CHOICE's projects. Ms. Donahue stated CHOICE is willing to arrange a tour of another location. Mr. Capobianco asked about the rent and would they be assessed by the State. Maura Camosse stated the rents will be set to the State standards; 25% of the units will be made affordable to families whose income is at or below 30% of the median family income; the remaining units will be at 60% of the area median income. The difference in the actual rental amount and that paid by the tenant will be subsidized by Federal and State programs. Mr. Capobianco asked if the Town will be providing any funds. Ms. Donahue stated no. Mr. Capobianco asked what the full rental rate CHOICE will be receiving each month. Under Section 4 Operating Pro-Forma the fair market rents are listed and range from \$629 for zero bedrooms to \$1,512 for five bedrooms.

Theodore Maxant asked about the control of the density of people in the units. Ms. Camosse stated there are standards for renting the units, as well as annual reviews. CHOICE has a very extensive application process; violation of the lease agreement is cause for eviction. In addition, employees of CHOICE are on site frequently through either maintenance or the social services they provide. Mr. Maxant asked about ground maintenance. Ms. Donahue stated CHOICE will maintain the properties. Mr. Maxant asked if there are any problems with abandon cars. Ms. Donahue stated as part of lease any unregistered cars will be towed away.

Mr. Moeser stated this does not seem like your typical 40B applicant Harvard has seen in the past. Mr. Capobianco expressed concerns with the water and septic, and having tenants who do not understand the sensitive of such systems. It was stated the septic system has been designed for double the expected occupancy.

Mr. Maxant asked about the existing barn and its proposed removal. It was explained there have been several local individuals interested in moving the barn to their own property, but those options did not work out. CHOICE is working with a company that recycles and restores barns currently.

Attorney Deschenes reviewed the comments received form other boards and committees. The Board of Health (BOH) asked about the existing underground tank; a License Site Professional has been hired and is prepared to remove the tank once weather allows. The applicant is aware of lead paint, which will be removed in accordance with State law. Attorney Deschenes stated there is a typo in the number of bedrooms within the application, the correct amount is seventeen. In regards to an escrow account for the replacement of system, the applicant has not discussed that as of yet, but will take it into consideration. The waiving of local fees will be left up to the ZBA. The applicant intends on placing a deed restriction on the property as it pertains to limiting the number of residents allowed. A revised list of waivers will be submitted shortly to include those mentioned by the BOH.

The Department of Public Works Director, Rich Nota, commented on street drainage and requested the applicant determine if drainage along Stow Road currently flows over the proposed site and if so, if that flow could be address. Mr. Hancock will review the information and follow up with Mr. Nota.

The Conservation Commission requested additional time for the submittal of comments.

The Planning Board (PB) commented on the nineteen parking spaces and suggested that number be reduced to fourteen. Both the applicant and the ZBA agree the nineteen parking spaces are suitable to accommodate the residents and guest. In regards to the comment about parking and building configuration, Attorney Deschenes stated CHOICE went through an extensive process here in Town with a number of public meetings, which included several different options for construction. In addition, there are a number of restrictions that dictated the site. What is before the ZBA currently is a result of the public meetings and those restrictions. Attorney Deschenes stated the comment about the construction costs seeming high are due to prevailing wages and contract restrictions under State law. The applicant is proposing a re-design of the landscape as recommended by the PB.

Attorney Deschenes stated he has tried to meet with both the Police Chief and Fire Chief to address emergency access. He will continue to do so.

The waiving of the filing fees was only brief discussed, a final determination will be made at upcoming hearings. The fees associated with peer review will not be waived by the ZBA. Members discussed the review of the Pro-forma. Attorney Lanza thinks it is not justified to do so as the application has been vetted by the Department of Housing and Community Development, as well as the applicant is a non-profit company, which has a different monitoring operation than a for a profit development. Mr. Capobianco would like an outside consultant to take a look of the Pro-forma for the likelihood of being able to maintain the project. There was some confusion with numbers in the Pro-forma; the applicant requested additional time to clarify the confusion before the board hires an outside consultant. Quotes will be obtained from three engineering firms for review at the next hearing.

Chris Mitchell, a resident of Westcott Road, asked about the viability of a project such as this in that location. Mr. Mitchell stated living in Harvard can be expensive even at a reduce rate. There are no local services, you must travel out of Town typically for provisions. Mr. Mitchell asked if there is any other of CHOICE development that are as isolated as this one. Ms. Donahue stated they typically do not have tenants that do not have vehicles. Mr. Mitchell was concerned with the increase in the number of residents on one well and one septic system. Mr. Hancock explained a new septic system is being installed with additional capacity beyond the required capacity.

With no further comments this evening Steve Moeser made a motion to continue the hearing to March 5, 2014 at 7:30pm in the Hildreth House. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

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

## DOCUMENTS & OTHER EXHIBITS

### **Comprehensive Permit Hearing – Chelmsford Housing Opportunities for Intergenerational and Community Endeavors, Inc.**

- ❖ Renovation and new construction of The Elms, 105 Stow Road, Harvard, MA; CHOICE, Woman's Institute for Housing and Econ. Dev., Davis Square Architects, Hancock Associates, RWM Engineering, BLW Engineering, Project No. 13032.00 75% plan set, dated 9.06.13
- ❖ Email from Rich Nota, Public Work Director, dated February 5, 2014
- ❖ Letter from the Harvard Board of Health, dated February 12, 2014
- ❖ Letter from the Harvard Planning Board, dated February 19, 2014
- ❖ Letter from the Harvard Conservation Commission, dated February 19, 2014