

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
NOVEMBER 10, 2015
APPROVED: JANUARY 13, 2016**

Chairman Chris Tracey opened the meeting at 7:30pm in the Hapgood Room at 7 Fairbank Street under the Zoning Act Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Chris Tracey, Steve Moeser and Robert Capobianco (by phone)

Others Present: Carter Scott (Transformations, Inc.) and Sherlie & Bob LaPierre

Request to Extend the Comprehensive Permit Hearing– Transformations, Inc., Stow Road (Map 36 Parcels 85 & 86.1). Opened at 7:30pm (see page 2 for details)

Amendments to Chapter 135 ZBA Regulations Hearing. Opened at 7:52pm (see page 4 for details)

Comprehensive Permit Final Plan Review CHOICE, 105 Stow Road

Members briefly discussed the proposal submitted by Ducharme & Dillis to conduct peer review of the final plan for The Elms, on Stow Road as prepared by Hancock Associates on behalf of CHOICE. Steve Moeser made a motion to accept the proposal of Ducharme & Dillis dated November 3, 2015. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

At 8:07pm Steve Moeser made a motion to adjourn the meeting. Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

Zoning Board of Appeals

Request to Extend the Comprehensive Permit Hearing Meeting Minutes

Transformations, Inc., Stow Road (Map 36 Parcels 85 & 86.1)

November 10, 2015

The hearing was opened at 7:33pm by Chairman Chris Tracey in the Hapgood Room at 7 Fairbank Street under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, the Protective Bylaw, Chapter 125

Members Present: Christopher Tracey, Steve Moeser and Robert Capobianco (by phone)

Others Present: Carter Scott (Transformations, Inc.) and Sherlie & Bob LaPierre

This hearing is for the Request to Extend the Comprehensive Permit filed on behalf of Transformations, Inc. for the affordable housing project known as "Pine Hill Village", Stow Road, Harvard (Map 36 Parcels 85 & 86.1).

Cater Scott, of Transformation, Inc., was present to request an extension to the date to commence construction and to the date to complete construction as stated under conditions 3.34 and 3.35 of the Comprehensive Permit, dated October 29, 2008. Mr. Scott stated he continues to acquire the appropriate State and other local permits needed to move forward with this project. Mr. Scott is making good progress, but requires another extension to the previously mentioned conditions. Mr. Scott has requested the date in condition 3.34 (commencement of the project) be extended to November 30, 2017 and the date in condition 3.35 (completion of the project) be extended to December 31, 2019

Chris Tracey advised Mr. Scott that although he fully understands the reasoning behind the request to extend the Comprehensive Permit, this will be the third request to do so, therefore the development should be completed within these new dates, should the ZBA approve this evening. It would be up to Mr. Scott to be certain that the existing permit is compliant with current State and local laws.

Bob LaPierre, of 258 Stow Road, asked how many more affordable units the Town needs to meet its affordable housing requirements. Steve Moeser stated he recently read the Town has somewhere between 5 and 7% of the required 10% of affordable housing. Mr. Moeser does not believe the couple of houses within this development are going to tip that percentage to the full 10%.

Mr. LaPierre stated the ZBA had previously discussed an escrow fund for repair and/or replacement of the septic systems; has this been done. Mr. Tracey was not sure, but felt this would be a question for the Board of Health. Mr. LaPierre does not want these systems to become a liability for the Town. Mr. Tracey stated this is a private development and unless the failure of these systems become a health and safety issue, the Town is not responsible for the cost of repairing or replacing these systems. Mr. Tracey stated Mr. LaPierre has a good point, but it really is a buyer that needs to be aware of the stipulations of the condominium documents

Mr. LaPierre brought up the issue of the development in Boxboro in which the developer made more than the allowed profit; how will that be prevented with this development. Mr. Scott noted that due to the Boxboro incident there are new laws that require the project be reviewed by an outside peer consultant to determine the profit margin is not being increased beyond the allowed amount. Mr. LaPierre asked when an audit of the project takes place. Mr. Moeser stated typically after the completion of the project. Mr. LaPierre asked if there anything the Town can do

to have this be done before construction. Mr. Tracey suggested that during the final plan review Mr. LaPierre express this concern again to be certain the permit details the process.

With no further questions or comments for Mr. Scott, Robert Capobianco made a motion to close the evidentiary portion of the hearing. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

After a discussion in regards to the requested extension dates, Steve Moeser made a motion approve the extension of the dates as detailed in conditions 3.34 and 3.35 in the Comprehensive Permit issued to Transformations, Inc. for the project known as "Pine Hill Village" to November 30, 2017 (3.34) and December 31, 2019 (3.35). Robert Capobianco seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

Zoning Board of Appeals

Amendments to Chapter 135 ZBA Regulations Hearing Meeting Minutes

November 10, 2015

The hearing was opened at 7:52pm by Chairman Chris Tracey in the Hapgood Room at 7 Fairbank Street under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, the Protective Bylaw, Chapter 125

Members Present: Christopher Tracey, Steve Moeser and Robert Capobianco (by phone)

Others Present: None

This hearing is for the revisions to Chapter 135 ZBA Regulations in regards to consultant review fees.

The members had previously reviewed the amendments made to Chapter 135 in regards to consultant review fees and had no additional comments. There was no one from the public in attendance. Robert Capobianco made a motion to accept the amendments to Chapter 135 as proposed. Steve Moeser seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk