

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
January 3rd, 2024
APPROVED MAY 1, 2024**

Chair Christopher Tracey called the meeting to order, virtually in accordance with legislation S. 2475, an act relative to extending certain COVID-19 measures adopted during the Covid Pandemic state of emergency and under M.G.L. 40A and Code of the Town of Harvard Chapter 125.

Members Present: Chris Tracey, Michael Lawton, Steve Moeser

Others Present: Frank O'Connor, Bruce Ringwall, Barbara Romero, Kestrel Scherr, Mark Lonza

Special Permit Hearing:

7:00pm Continuation of Public Hearing of Special Permit Hearing – Latham at 200 Still River Road, §125-3B Non-conforming one- and two-family dwellings, and §135-25 Special rule applicable to one- and two-family dwellings.

See full details on Page 3

7:10pm Public Hearing requesting a Special Permit for Steven and Kestrel Scherr – 104 Still River Road, §125—3(2) & 125-46 to alter and enlarge a lawful, non-conforming existing structure.

See full details on Page 4

7:20pm Continuation of Public Hearing of COMPREHENSIVE Permit Hearing – JUNO Construction LLC at Old Mill Road, for a proposed 40-B development

See full details on Page 5

8:10pm Public Hearing requesting a Special Permit for Andrew Zaikis, (on behalf of the owner) at 164 Prospect Hill Road, §125-3B and 125-46 to replacement pergola nonconforming existing structure.

See full details on Page 6

New Business:

Craftsman Village: As build review

Frank O'Connor gave an update to the Board on the Craftsman Village property. O'Connor visited the site with the conservation agent as well as engineers to talk specifically about the rainwater management on the property. Due to the rainwater, fixing the issue will not be possible until spring 2024. Due to many other unresolved issues that the Zoning Board would like to hear more about, the Board is requesting a written update from the Conservation Committee before the Zoning Board can move forward.

Executive Session – Pending Litigation with Fairway Partners, LLC and others. re: Trail Ridge Comprehensive Permit Project Infrastructure Security

For the last item of business of the day: Chair Chris Tracey moved that the Zoning Board of Appeals goes into Executive Session to discuss pending litigation with Fairway Partners, LLC and others along with Frank

O'Connor and Mark Lonza. There was a vote to confirm by: Barbara Romero, Chris Tracey, Steve Moeser, Michael Lawton. At this time, Frank O'Connor stopped the recording of the litigation hearing.

Adjournment

Motion: Steve Moeser made the motion to adjourn at 8:55pm

Seconded by Michael Lawton

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Harvard Zoning Board of Appeals

Special Permit Minutes

January 3rd 2024: The Special Permit Hearing opened at 7:00pm

Latham at 200 Still River Road

Continuation of Public Hearing of Special Permit Hearing: §125-3B Non-conforming one- and two-family dwellings, and §135-25 Special rule applicable to one- and two-family dwellings.

Alex Latham shared his screen to show the up-to-date plans for the property. Chris Tracey informed Mr. Latham that there might be a need for an upgrade in his septic system from the Board of Health due to the amount of rooms that will be added in this plan. Steve Moeser and Michael Lawton were uncomfortable moving forward due to a few of the documents being unclear in regards to the exact dimensions that will be used. Mr. Latham believes this is only a minor change in the dimensions, but will look into the exact dimensions and return to the Zoning Board with the accurate plans.

Motion: Steve Moeser made the motion to continue the Special Permit Hearing on Tuesday February 6th 2024 at 7:00pm.

Seconded by Michael Lawton

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Passed unanimously

Harvard Zoning Board of Appeals

Special Permit Minutes

January 3rd 2024: The Special Permit Hearing opened at 7:10pm

Steven and Kestrel Scherr – 104 Still River Road

Public Hearing requesting a Special Permit: §125—3(2) & 125-46 to alter and enlarge a lawful, non-conforming existing structure.

Bruce Ringwall addressed the Zoning Board on behalf of the applicants. The applicants are planning an addition connected to the house which will include additional basement space along with a first floor and partial second floor that will add a total of 3,355 square feet to the structure. Bruce Ringwall added that the owners have already upgraded the existing septic system.

- Michael Lawton asked about a previous 38ft ramp on the property. Kestrel Scherr clarified that there is no ramp and Bruce Ringwall believes this was taken down from the previous property owner.
- Barbara Romero asked if there were any plans for radon testing. Bruce Ringwall did not have any current plans for this but was open to doing so if it was decided to be a requirement for the plans.

Motion: Steve Moeser made the motion to close the evidentiary portion of the hearing.

Seconded by Michael Lawton

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Passed unanimously

Motion: Steve Moeser made the motion to approve the application and to be officially signed off by Chair Chris Tracey.

Seconded by Michael Lawton

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Passed unanimously

Harvard Zoning Board of Appeals

Special Permit Minutes

January 3rd 2024: The Special Permit Hearing opened at 7:20pm

JUNO Construction LLC at Old Mill Road

Continuation of Public Hearing of COMPREHENSIVE Permit Hearing: For a proposed 40-B development The Zoning Board started the Special Permit Hearing by quickly recapping the items that the Board had looked into and discussed before the holiday break. Frank O'Connor informed the Board that Attorney Mark Lonza has received all the up-to-date paperwork and materials that the Board has discussed. The Board hopes to receive a draft from Attorney Mark Lonza during the next Zoning Board meeting on February 6th 2024.

Motion: Steve Moeser made the motion to continue the Special Permit Hearing on Tuesday February 6th 2024 at 7:20pm.

Seconded by Michael Lawton

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Passed unanimously

Harvard Zoning Board of Appeals

Special Permit Minutes

January 3rd 2024: The Special Permit Hearing opened at 8:10pm

Andrew Zaikis, (on behalf of the owner) at 164 Prospect Hill Road

Public Hearing requesting a Special Permit, §125-3B and 125-46 to replacement pergola nonconforming existing structure.

Andrew Zaikis addressed the Zoning Board as the representative of the property owners. The owners are requesting to rebuild a pergola that falls under the exact same shape as the previous structure. The pergola has already been built and installed on the owner's deck, but Mr. Zaikis was not aware of the need for approval of a Special Permit. The Board then addressed if a special permit was necessary for this construction and discussed changing it to a finding in order to strike the fees that were needed for the application. Frank O'Connor will get in contact with Mr. Zaikis about the refund for the permit application.

Motion: Steve Moeser made the motion to issue a finding, that will be signed by Mr. Tracey, that the Zoning Board reviewed this application and found that there was no need for a Special Permit due to the existing pergola being rebuilt for safety reasons.

Seconded by Michael Lawton

Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Passed unanimously