

BROWN & BROWN, P.C.

COUNSELLORS-AT-LAW
110 GREAT ROAD
BEDFORD, MASSACHUSETTS 01730

TELEPHONE (781) 275-7267

TELECOPIER (781) 275-6940

WEBSITE: www.brown-brown-pc.com

Email: pbrown@brown-brown-pc.com

OF COUNSEL
GEORGE E. FOOTE

JOHN F. BROWN - (1891-1959)

NATHANIEL K. BROWN*

MARK S. RAFFA

JAMES M. DONOVAN

PAMELA J. BROWN, FAICP*

ERIC R. PRICHARD

BRITNEY M. MARTIN*

* ALSO ADMITTED IN NEW HAMPSHIRE

January 21, 2024

Mr. Richard S. Cabelus, Chair
Ayer Planning Board
13 Ayer Road
Harvard, MA 01451

RE: 288 Ayer Road – Special Permit Request for Bespoke Landscaping

Dear Mr. Cabelus and Members of the Board:

On behalf of David and Jeffrey Rossi, owners of the property at 288 Ayer Road (as Trustees of The 39 Eaton Realty Trust) and Scott Rossi, owner of Bespoke Contracting LLC, we seek the Board's review and approval of a special permit to allow use of a portion of the property for a landscape contracting business. This use is permitted in accordance with Zoning bylaw §125-23.B(1) (Medium scale commercial uses) 125-13.Y (Warehousing and Storage) and 125-13.T (Landscaping services involving equipment parking).

As the property is already characterized by an existing two-family home, the resulting use mix would also support the goals of §125-13.Z (1) Mixed-use Village Development (MUVd). The applicant intends to conduct a family landscaping business to the rear of the existing dwelling. The landscaping business is a division of Bespoke Contracting's home improvement and construction business, currently located Belmont. Harvard will serve as a satellite facility for conduct of the landscaping business, similar to the satellite in the owner's hometown of Bedford (see photos attached). In association with the business, landscaping machinery, equipment and material stock (stone, brick, gravel, etc.) will be stored on site for use on projects in Harvard and surrounding communities. In the future, it is anticipated that a garage might be constructed to allow equipment to be stored under cover; however, no structures are proposed at this time.

The existing 8.53-acre site is located in the Commercial zoning district and characterized by a house built c. 1890 that was recently renovated by the property owner. The two-family home is vested in accordance with Harvard Zoning §125-3 and presently rented. A stream and wetland through the center of the site leaves 3.41 acres of upland (outside of the 100-foot wetland buffer) in the front portion of the property abutting Ayer Road, with another upland area upgradient of the wetland system to the east. A small portion of the easternmost section of the lot is in the Agriculture - Residential Zone, although none of the A-R zoned land is proposed for use.

Harvard's Protective Bylaw §125-23 indicates that *"The intent of the C District is to permit shopping and business services type land uses that meet the needs of the local community rather than the region, and to encourage uses that, when established, result in a traditional New England village form of development of appropriate scale, character, vernacular architecture, design, and detail."*

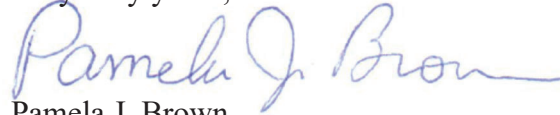
Bespoke will serve Harvard and beyond. In addition, the mix of uses with the residential dwelling closer to the street and commercial activity at the rear of the property is reflective of historic land use patterns. Under §125-39 Site Standards, paragraph D(2) applicable to medium-scale commercial uses, "any outdoor area for storage or for utilities shall be screened from view from neighboring properties and streets." The non-residential uses on site will be set back over 50 feet from Ayer Road. The Rossi family intends to extend the 6-foot stockade fencing to buffer the contractors' yard from the adjacent office use at 284 Ayer Road and has already installed many arborvitaes to screen the proposed use from abutting properties and Ayer Road.

The 288 Ayer Road neighborhood is mixed in terms of use. Immediately across the street at 289 Ayer Road is Harvard Outdoor Power Equipment, an adjacent shopping center including Sorrento's Pizza, a package store and real estate office located at 285 Ayer Road, and Rollstone Bank & Trust at 283 Ayer Road. Kennedy & Company, Inc. is located north at 295 Ayer Road. Bespoke does not anticipate being a direct competitor to Kennedy. The area is also characterized by a two-story multi-tenant brick office building at 280 and the adjacent building at 284 Ayer is home to a certified public accountant and financial advisor. The landscaping operations at 288 Ayer Road will be a low impact complement to the neighborhood, with limited daily activity and visibility from the street. Activity will include deliveries, loading and storage for off-site construction and landscape installations.

As no buildings are presently proposed, and existing curb cuts will be used, we respectfully request a waiver of any specific site plan details not shown on the enclosed plans. A detailed response to the provisions of §125-38 and §125-39 follow. Visually, the landscape contractor operations will be hidden from the street. We believe that the property owner and related party Bespoke Landscaping will be a good neighbor to all and trust that the Board will agree to issue a special permit for the proposed landscape contractor use.

We look forward to responding to any questions you might have at an upcoming meeting of the Planning Board.

Very truly yours,



Pamela J. Brown

COMPLIANCE WITH BYLAW STANDARDS

§125-38 Site plans.

Site plan approval is required for uses subject to § **125-39**, Site standards, and as such is required for the proposed landscape contractor use. That said, no buildings are proposed and the existing curb cut will be used for access to the non-residential area of the site. Neither the access drive nor equipment/vehicle parking areas are proposed to be paved. For these reasons, we respectfully request waivers from site plan requirements where such requirements are not applicable to the proposal.

Content of Plans:

- (1) Lot boundaries and existing buildings are shown. **The site plans included show the property lines and existing structure. As no new structures are proposed, photographs of the existing two-family home at the front of the site are included.**
- (2) Parking, loading, maneuvering, storage and service areas or uses, walkways, driveways, lighting, green areas and visual screening. **Driveways and equipment storage areas are shown as well as existing and proposed fence and buffer landscaping.**
- (3) Provisions for water supply and reservoirs, surface water drainage, and treatment and disposal of sewage and any other wastes. **Not applicable to the landscape contractor yard. The existing dwelling is serviced by utilities; however, the commercial use will not require water supply or sewage disposal. Drainage shall remain as in the existing condition.**
- (4) Levels and grades where substantial excavation or fill is involved. **Not applicable, no excavation or fill is proposed.**
- (5) Clearing limits used to calculate both the volume and rate of surface water runoff. **Not applicable, no clearing is proposed and no additional impervious surface will be installed. The limit of site for the contractor's yard is shown on the plans.**

Design Review:

The requirements of 125-38 F. relate to the design of buildings – **Not applicable as no new buildings are proposed.**

§125-39 Site Standards.

A. Parking and loading.

- (1) Driveway access will be over the existing driveway located to the north of the house, parking, turnaround and storage areas will not be paved and will not be shared with adjacent lots.
- (2) The existing driveway to serve the landscape contractor's use provides convenient and safe access for vehicles. The use is not open for public visitation, so potential pedestrian conflicts are avoided.
- (3) There are no delineated parking spaces or parking access aisles. The majority of the site will be left "green" (undeveloped). Subsections (a) and (b) are not applicable.
- (4) All outdoor areas for storage or overnight parking of trucks, trailers and equipment are set back from the street and will be fenced and buffered by vegetation from the existing home, abutters and the street.
- (5) The existing curb cut at Ayer Road is sufficient to handle the turning radius of all vehicles intended to enter the site.

B. Standards for driveways.

- (1) This section of Ayer Road is straight, and therefore, driveway sight distance is easily satisfied. Using the most conservative standard with 50 mph speeds, stopping sight distance per ASSHTO is 425 feet. As shown in the exhibit attached, stopping sight distance is at least 600' to the north and 850' to the south.
- (2) – (4) Residential provisions are not applicable to Landscape contractor use.
- (5) Non-residential Driveway Standards.
 - (a) Only one site driveway is proposed for access to the landscaping operations.
 - [1] a formal traffic island is not proposed, as the single non-residential entrance/exit driveway will remain gravel, minimizing visual impact.
 - [2] trip generation will not exceed 400 ADT, rather, closer to 10 daily trips.
 - (b) The use of the property will preserve the buffer strip defined in §125-39C(1), by providing a minimum 20-foot setback between the property lines and the area of commercial activity.
 - (c) No internal roadways are proposed, the access driveway exists and the abutting uses are not similar in nature to make interconnections between adjacent properties desirable.
 - (d) The site is not being re-developed, but rather a small business will utilize the land to the rear and side of the existing 2-family home; a new curb cut is not necessary.
 - (e) The angle of intersection of the site driveway with Ayer Road is close to 90°. The entrance is slightly flared to allow turning of larger trucks or trucks with trailers. There is sufficient area within the site that to permit a truck to turn around. In an emergency, secondary access is also available through the residential driveway (which is separated from the commercial use by a gated fence).
- (6) Driveway Construction.

In general, this section is not applicable. The proposed use will be very low intensity and no driveway or parking area is proposed for pavement. The use does not invite the public and no structures are proposed to support the landscape contractor's yard. The existing gravel surface is sufficient for the proposed use by Bespoke and the public will not access the area. As it is not paved, stormwater runoff will infiltrate or flow over vegetated areas toward the wetland area located over 100 feet to the east. According to the NSCS, the majority of the area proposed for the contractor's yard is Walpole, fine sandy loam. Stormwater has and will continue to infiltrate the land surface.
- (7) Turnarounds. Existing since 1890, the 2-family dwelling is served by a single driveway along the property's 277 feet of frontage. Access to the commercial area is gained from the end of this driveway via gate in the fence; however, primary access to the Bespoke yard is by the existing driveway north of the residential driveway. The area of the commercial yard is sufficient to turn around large trucks (able to satisfy the 30' inside radius requirement).
- (8) Runouts. The existing driveway width is consistent running from Ayer Road into the open yard portion of the site, excepting the limited turning area at the street. As an informal gravel driveway, there is no curbing or pavement proposed.

C. Open areas.

- (1) A buffer strip is proposed along each common property line with abutters on Ayer Road. In accordance with subsection C (1)(a), a small business identification sign is proposed at the driveway entrance to distinguish the entrance from the residential driveway. The

proposed Entrance Sign shall not to exceed 10” height by 30” length, similar to a street sign, but installed lower to the ground. Below is an image of the proposed signage.



- (2) The site is over 1,100 feet deep. All of the developed area (residential and proposed commercial) is located on the front quarter of the site, with no activity proposed beyond the point 300’ distant from Ayer Road. Existing vegetation along Ayer Road will remain and additional buffer landscaping and fence will be installed.

D. Screening

- (1) As the business use of the property is anticipated only during daylight hours, and no buildings are to be constructed, no site lighting is proposed.
- (2) As shown on the Plan, all outdoor storage of equipment and materials shall be buffered from the street and abutters.
- (3) Regardless of applicable exceptions, screening is provided.
- (4) Screening includes 6’ wood stockade fence coupled with arborvitae plantings.

E. Fire Protection. Not applicable, no buildings proposed.

F. Drainage. The use of the land as a landscape contractors yard will not change the stormwater runoff characteristics. We do not believe that the DEP Stormwater Management guidelines are applicable as no pavement or buildings will be added.

G. Sidewalks. Given the small scale of the proposal and the particular use, sidewalks (internal or on Ayer Road) would not benefit the business. Further, no sidewalks currently exist on this section of Ayer Road. If desirable to support a community master plan, the applicant would consider the grant of a sidewalk easement for future development by the Town.

APPLICATION TO THE HARVARD PLANNING BOARD

Applicants should review the Harvard Protective (Zoning) Bylaw, Chapter 125 of the Code of the Town of Harvard, the Planning Board's Rules and Regulations, Chapter 133 of the Code of the Town of Harvard and the Requirements regarding Driveway Inspections (Chapter 125 of the Protective Bylaw). Copies of the Bylaw may be purchased from the Town Clerk and copies of the Rules and Regulations may be purchased from the Land Use Office. Information is also available online at www.harvard.ma.us. The Rules and Regulations specify the documents that are required as a part of the application. The Application, with certified abutters list and filing fee, must be filed with the Town Clerk.

Name of Applicant: Pamela J. Brown, Esq. for Bespoke Landscaping

Address: Brown & Brown PC Phone: (781) 275-7267 Email: pbrown@brown-brown-pc.com

Applicant is (check one): Owner ☐ Agent ☒ Prospective Buyer ☐

Location of Property: 288 Ayer Road Zoning District: C

Harvard Assessors' Map 004 Parcel 34

Registry of Deeds: Book Number 67617 Page Number 325

Owner's Name: Dave & Jeff Rossi, Trustees Email: david@rerfuel.com

Owner's Address: 3 Minuteman Drive, Bedford 01730 Owner's Phone: (617) 429-7234

Seventeen (17) copies of the application must be submitted to the Town Clerk. This application is for:

<input checked="" type="checkbox"/> Special Permits*	\$500/required permit
<input type="checkbox"/> Driveway Site Plan	\$180
<input type="checkbox"/> Inspections of Driveways	\$300
<input type="checkbox"/> Approval of Covenant	\$100
<input type="checkbox"/> Wireless Communication Tower	\$2500
<input checked="" type="checkbox"/> Consultant Review Fee**	\$1000
<input checked="" type="checkbox"/> Site Plan Review with a Special Permit	\$180
<input type="checkbox"/> Site Plan Review without a Special Permit	\$500
<input type="checkbox"/> Modification/Extension	½ of original application fee

Specific bylaw section(s) you are applying under §125-23.B(1) (Medium scale commercial uses) and 125-13.T
(Landscaping services involving equipment parking).
125-13Y (Warehousing and Storage)

* Unless otherwise specified

** Required with all Special Permit Applications. This is a deposit to cover costs of Planning Board consultants and additional amounts may be required depending on the complexity of the Application. All unused monies will be returned. Please submit "Request for New Vendor" form with application. (Available on line at www.harvard.ma.us under Forms & Documents)

All applications associated with a Wireless Communication Tower requires proof of compliance with § 125-27H(2)

All filing fees are cumulative. All Special Permits and uses subject to Site Plan Approval require Driveway Inspections and written approval by the Planning Board, or its agent, prior to issuance of an occupancy permit or use of the premises (§ 125-31 C) All Shared (common) Driveways require an approved covenant running with the land in accordance with § 125-31 B (4) (b). The applicant will be required to pay a local newspaper of general circulation for the current cost of advertising the hearing. The applicant will be billed directly from the newspaper for the cost of the advertised hearing or all advertising must be paid for in full prior to submittal to the newspaper. The undersigned hereby requests a hearing before the Planning Board with reference to this application.

Signed: 



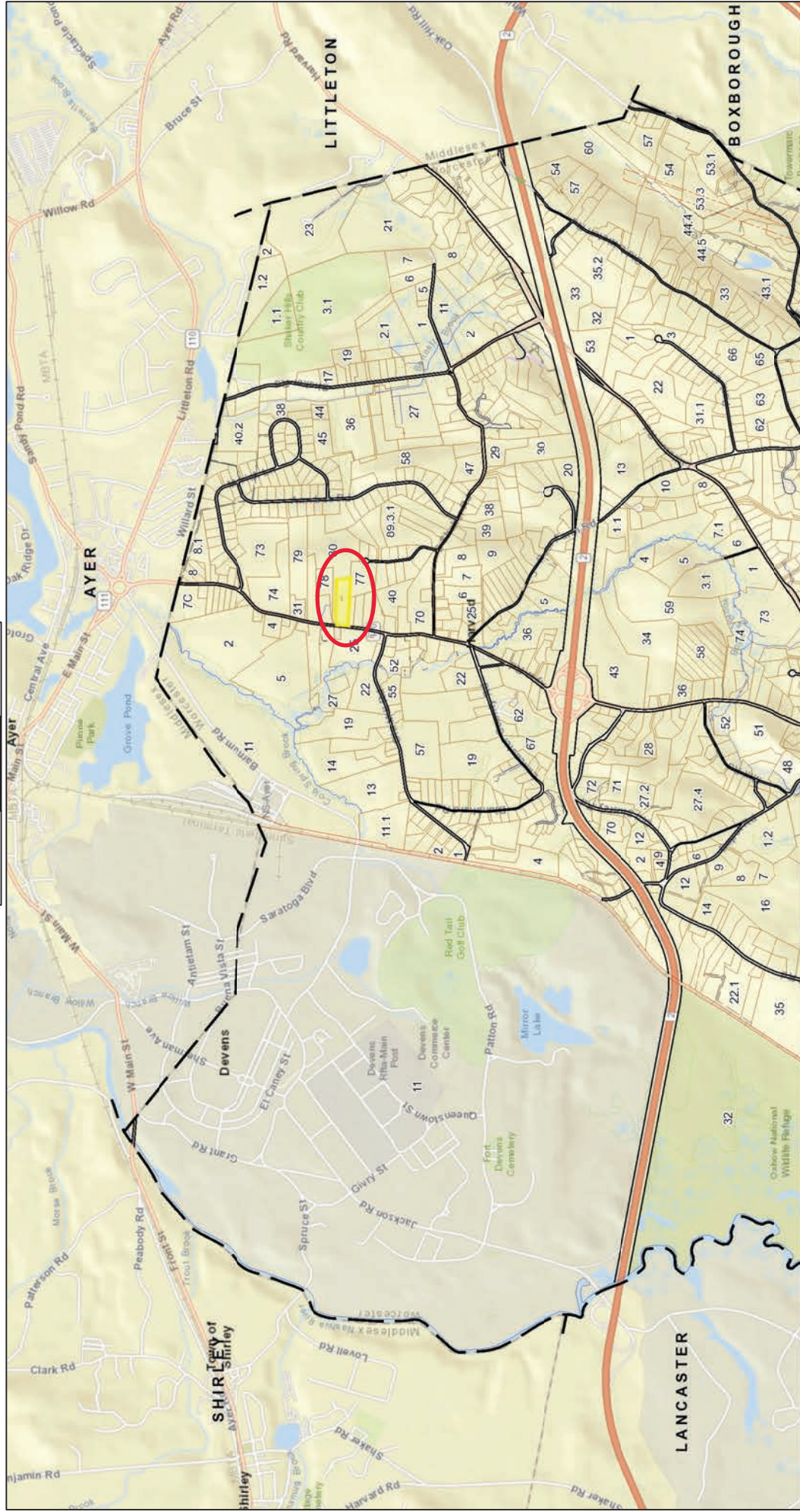
July 5, 2022

288 Ayer Road

Harvard, MA



www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

AYER ROAD



Existing
2-family home

AREA
(OUTSIDE WETLAND BUFFER)
3.15± ACRES

Proposed Bespoke
Landscaping Yard

100' BUFFER WETLAND

WETLAND LIMIT

LOT 2
8.53± ACRES

WATER LINE

WETLAND LIMIT

Wetland

100' BUFFER WETLAND

NOTE:
WETLAND AND WATER LINE FROM
TOWN OF HARVARD GIS, 7/21/2020

PREPARED FOR: DAVID ROSSI

CERTIFIED PLOT PLAN
#288 AYER ROAD
IN
HARVARD, MA
(MIDDLESEX COUNTY)

SCALE: 1"= 120' DATE: 7/22/2020

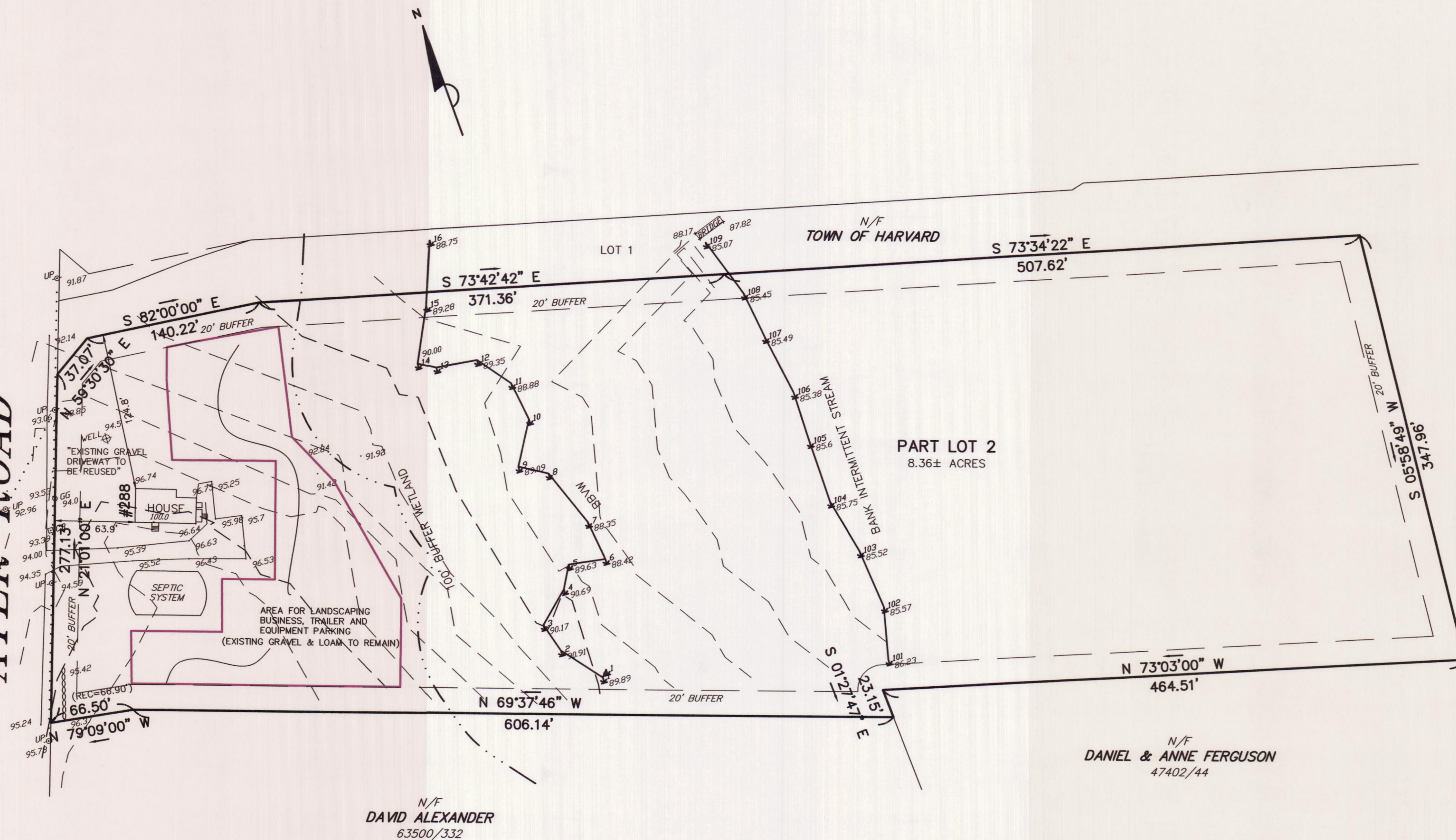


ROBER SURVEY

1072A MASSACHUSETTS AVENUE
ARLINGTON, MA 02476
(781) 648-5533
6144 AYER.DWG

CLIFFORD E. ROBER, PLS **DATE**

THIS PLAN MAY HAVE BEEN ALTERED IF
THE SIGNATURE IS NOT SIGNED IN BLUE.



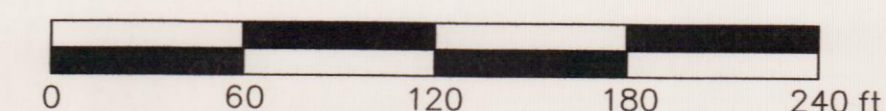
WITHIN 100' BUFFER

TOTAL BUFFER AREA	44,091± S.F.	
EXISTING IMPERVIOUS AREA	0± S.F.	0%
PROPOSED IMPERVIOUS AREA	0± S.F.	0%

NOTE: WETLAND BOUNDARY LINE DELINEATED BY ECOTEC, INC., OCTOBER 2020.

CONSERVATION PLAN
IN
HARVARD, MA
(WORCESTER COUNTY)

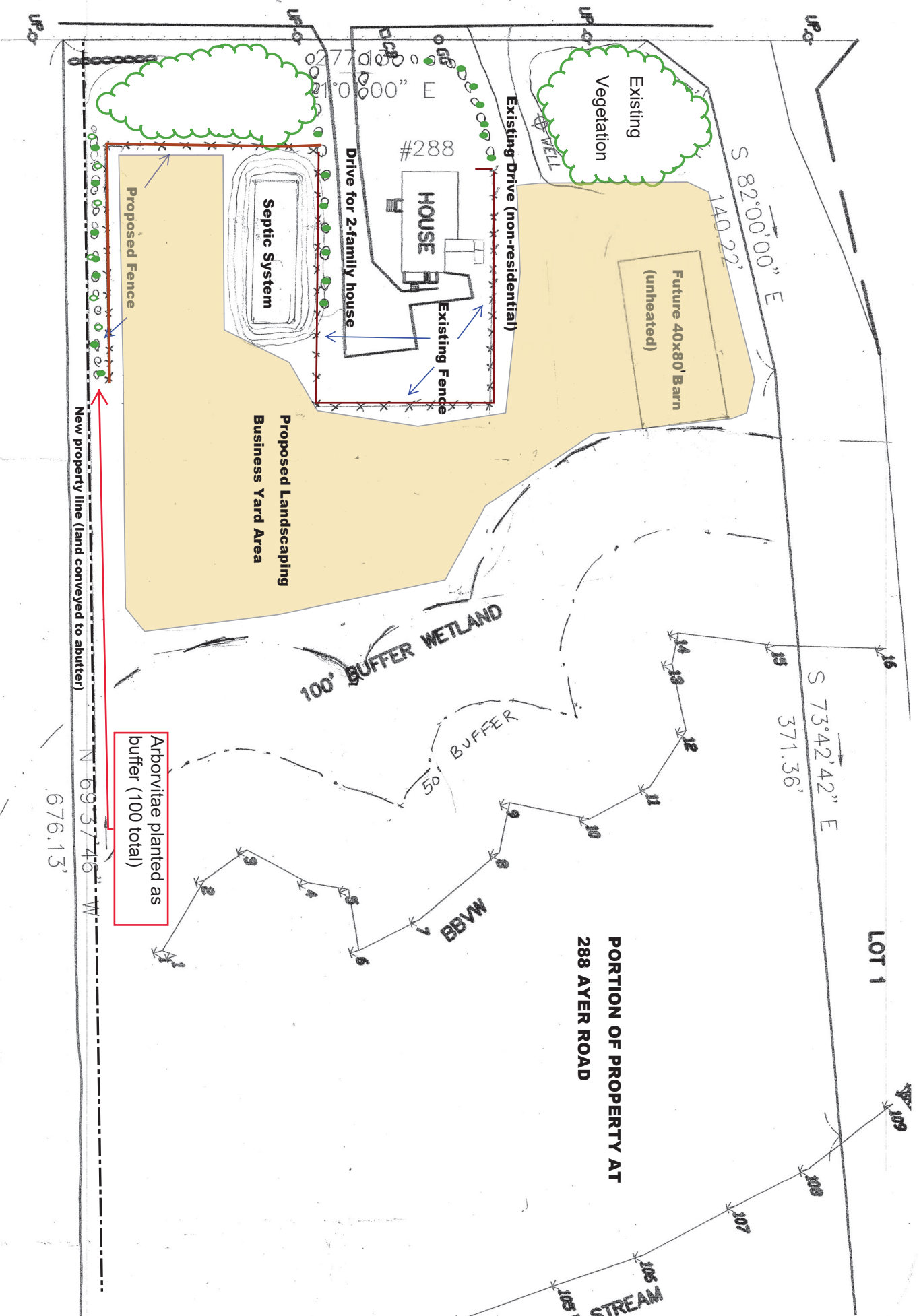
SCALE: 1" = 60' DATE: OCTOBER 20, 2020



ROBER SURVEY
1072A MASSACHUSETTS AVENUE
ARLINGTON, MA 02476
(781) 648-5533
6296TP3.DWG

AYER ROAD

11' = 40'



PORTION OF PROPERTY AT
288 AYER ROAD

LOT 1

STREAM

Arborvitae planted as
buffer (100 total)

100' BUFFER WETLAND

BBW

50' BUFFER

Proposed Landscaping
Business Yard Area

Proposed Fence

Drive for 2-family house

Existing Drive (non-residential)

#288

HOUSE

Existing Fence

Future 40x80' Barn
(unheated)

Existing
Vegetation

New property line (land conveyed to abutter)

676.13'

N 69° 37' 46" W

S 73° 42' 42" E
371.36'

S 82° 00' 00" E
140' 22"

Photos of 288 Ayer Road, viewed from front of 289 Ayer Road



View near property line with 294 Ayer Road (above)



Two-family home centered at 288 Ayer Road frontage (new fence and buffer arborvitae installed 2022)



Looking south across 288 frontage toward property at 284 Ayer Road



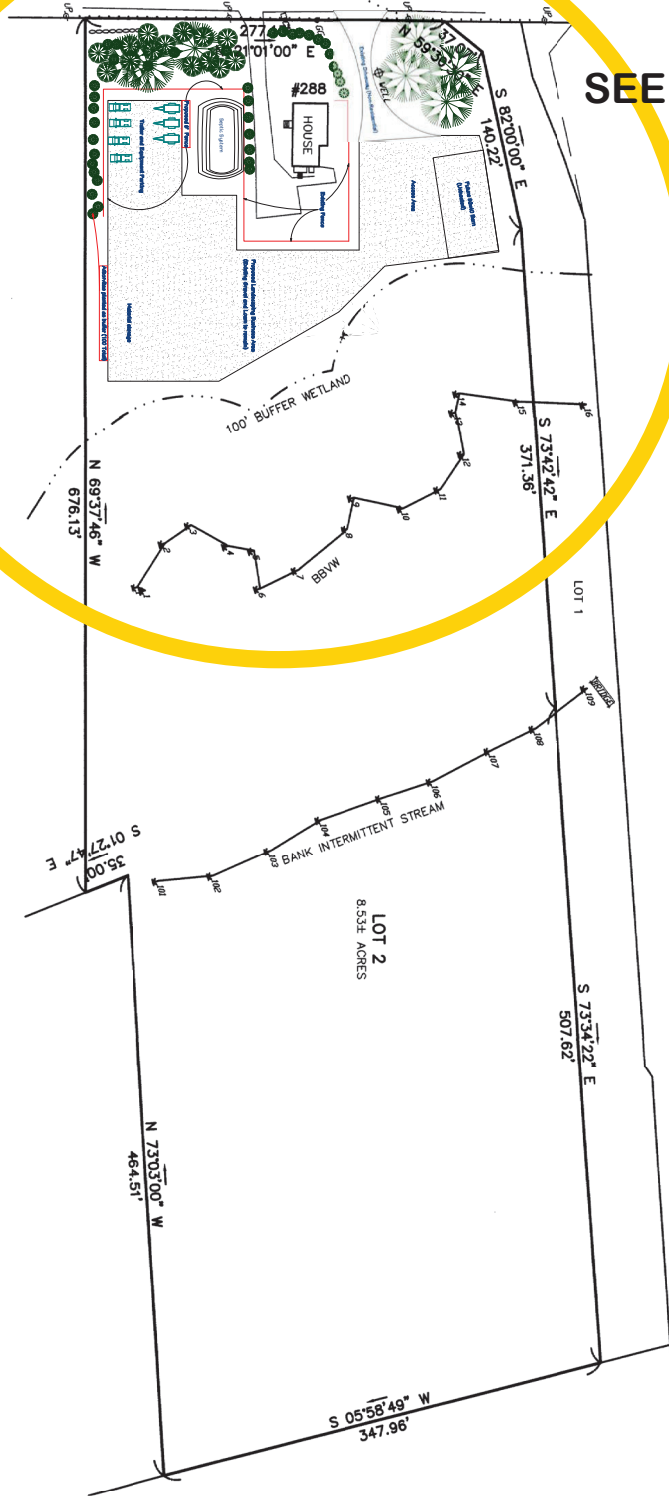
Aerial photo of site showing approximate area for landscaping business use. (above)



Landscape contractor nearby on Ayer Road

AYER ROAD

SEE DETAIL



AYER ROAD

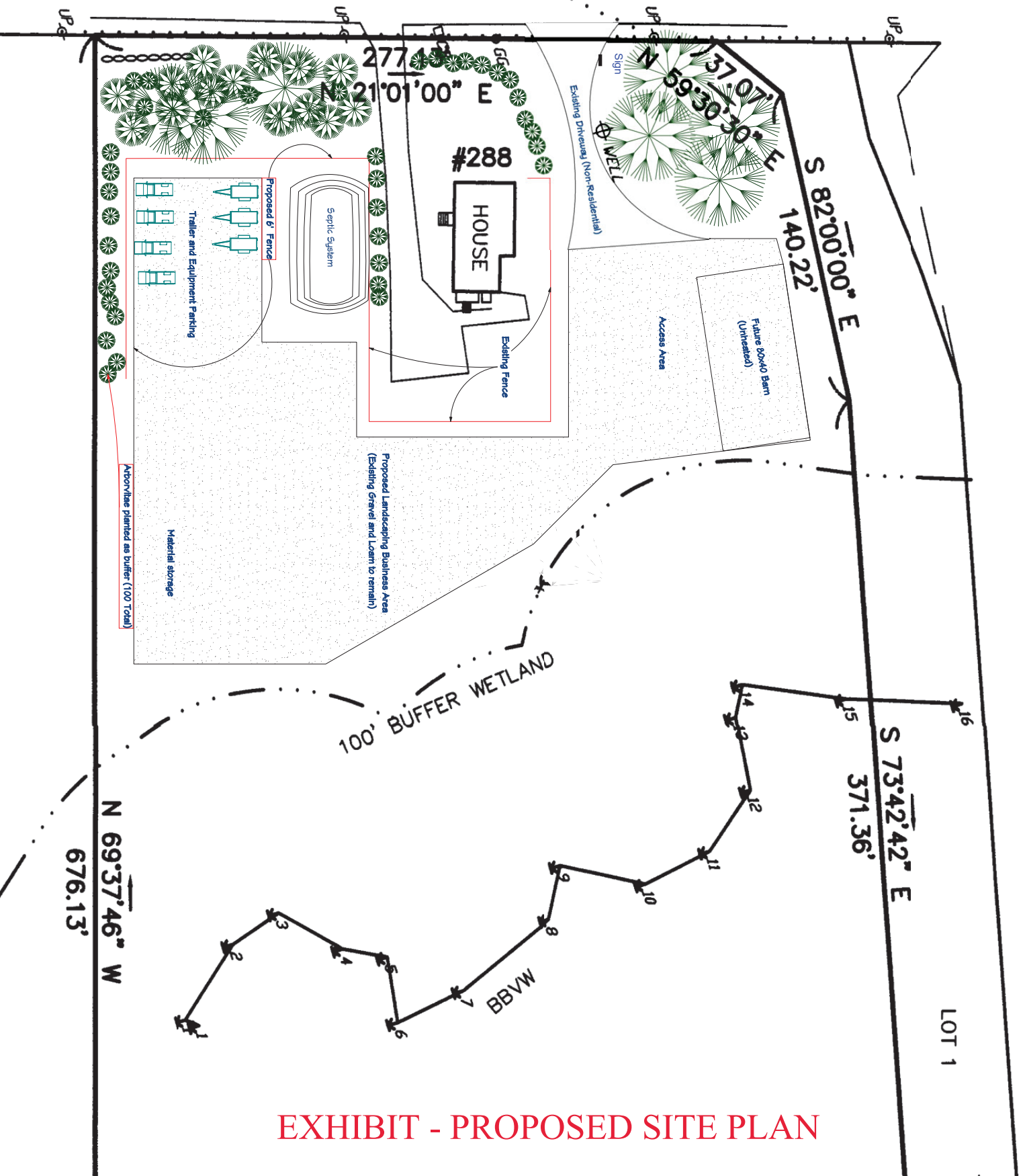


EXHIBIT - PROPOSED SITE PLAN



BESPOKE Landscaping – vehicles and equipment presently in Bedford, representative of equipment proposed for Harvard.





288 Ayer Road, Harvard – Stockade fence surrounds residential yard. Significant areas of upland and wetland buffer remain to the east.





288 Ayer Road, Harvard – Stockade fence and arborvitae will buffer activity from neighbors.



**Bedford,
similar fence/buffer proposed for Harvard**

REQUEST FOR NEW VENDOR

REQUESTOR'S NAME David Rossi, Trustee, The 39 Eaton Realty Trust

DATE _____

PHONE (617) 429-7234

Please check the box which best describes the type of vendor.

1099 Code

EMPLOYEE (reimbursements)	<input type="checkbox"/>
PRODUCT VENDOR	<input type="checkbox"/>
SERVICE VENDOR	<input checked="" type="checkbox"/>
CONTRACT LABOR	<input type="checkbox"/>

7 *If using SS number*
7

VENDOR NAME _____

ADDRESS _____

CITY,STATE, ZIP _____

PHONE _____

FAX _____

FID NUMBER _____
OR *(Without the proper FID or SS number vendor can not be paid!)*

SOCIAL SECURITY NUMBER _____
(Without the proper FID or SS number vendor can not be paid!)

REMIT ADDRESS _____
If different

CITY,STATE, ZIP _____

Do not write below this line

VENDOR NUMBER _____

DATE SET UP _____



2/27/2024

To whom it may concern,

This letter is intended to better describe the intention of the commercial use for the property at 288 Ayer Rd. We have no plans to use this as a daily headquarters for our operation. We are simply asking to use the commercial land for monthly storage or materials and equipment when not in use. This would be an overflow location to our existing location in Bedford MA. For an example of the type of materials and equipment which could be stored from time to time please see the list below:

- 1) Enclosed equipment trailers.
- 2) Landscape and open equipment trailers.
- 3) Jobsite storage containers.
- 4) Plows, truck attachments etc.
- 5) Backhoe loader.
- 6) Mini-excavator and skid steer loaders.
- 7) Genie Man-lift.
- 8) Knuckle-boom crane swap n' go box.
- 9) Dump truck.
- 10) Equipment trucks.
- 11) Chip body attachments for trucks.
- 12) Swap n' go loader truck and body attachments.
- 13) Palletted materials such as stepping stones, brick, cinderblocks etc.
- 14) Aggregates, such as sand and crushed stone could be stockpiled from time to time, but we have no intention of daily loading or short term storage of these materials, so set retaining block walls for mulch etc. is not planned. Materials would only be placed and left for long (months) periods of time, and not loaded in and out regularly. All materials to be stored in containers to prevent any run off.

While this list is not exhaustive of all possible materials, it is complete in the spirit of materials and equipment that we own and use. This list is also not intended to mean that these materials will all be onsite at any given time as our inventory is often in flux, and equipment is mostly at open projects.

This would not be a daily operation, and hours of use would be typical to business operations (8-4). There would not be any customers at this location, and mostly storage would be long term through the off season.

Thank you for your time and consideration of our application,

A handwritten signature in dark ink, appearing to read "Scott Rossi".

Scott Rossi,
Founder
Bespoke Companies