

**Special Permit
39 Turner Lane
Harvard, Massachusetts**

November 1, 2023

Submitted to:

**Harvard Zoning Board of Appeals
Mr. Christopher Tracey, Chair
13 Ayer Road
Harvard, Massachusetts 01451**

Applicant:

**Paul Cavicchio
412 Great Road
Stow, MA 01775**

Prepared By:

**McCarty Engineering, Inc.
42 Tucker Drive
Leominster, MA 01453**

**TOWN OF HARVARD ZONING BOARD OF APPEALS
APPLICATION FOR A HEARING**

Please review the Board of Appeals' Regulations, Chapter 135, The Code of the Town of Harvard, prior to filling out this Application for Hearing. This application, along with the appropriate documents and filing fee, must be filed in the office of the Town Clerk.

Name of Applicant: Paul Cavicchio

Mailing Address: 412 Great Road, Stow, MA 01775

Telephone Number: 508-935-8951 Email Address: Paul@Cavicchio.com

Applicant is (check one): Owner Tenant Licensee Prospective Buyer

Location of Property: 39 Turner Lane Assessors Map 21 Parcel: 35

Registry of Deeds: Book Number 66763 Page Number 239 Certificate Number _____

Owner's Name: _____ Tel. No.: _____
(If different than Applicant)

Owner's Address: 412 Great Road, Stow, MA 01775

Representative: Brian Marchetti, P.E. Tel. No. 978-534-1318

Application (which includes required plans and abutters list) is for:

- | | |
|---|---------------------------------|
| <input type="checkbox"/> Variance (16 copies) | Fee: \$150.00 + \$6.00/ abutter |
| <input checked="" type="checkbox"/> Special Permit (16 copies) | Fee: \$200.00 + \$6.00/abutter |
| <input type="checkbox"/> Modification/Extension (16 copies) | Fee: \$100.00 + \$6.00/abutter |
| <input type="checkbox"/> Failure to Enforce Administrative Appeal (16 copies) | Fee: \$130.00 |
| <input type="checkbox"/> Other Administrative Appeals (16 copies) | Fee: \$175.00 |
| <input type="checkbox"/> Comprehensive Permit (20 copies) | Fee: 500.00/unit |

Specific Bylaw section (s) being applied for: 125-3(b)(1)(b) & 125-3(b)(2)(a)(b)

Nature of Application and Justification of Request: Proposed addition at 39 Turner Lane

The undersigned certifies that he/she has read and examined this application and the Harvard Zoning Board of Appeals Rules and Regulations, Chapter 135 of the Code of the Town of Harvard, and that the proposed project is accurately represented in the statements made in the application.

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.

I hereby request a hearing before the Board of Appeals with reference to the above application.

Paul Cavicchio
Property Owner's Signature (REQUIRED)

10/30/2023
Date

Natalia Galmeier
Property Owner's Signature (REQUIRED)

10/30/2023
Date

Applicant's Signature (if different from owner)

Date



November 1, 2023

Town of Harvard Zoning Board of Appeals
13 Ayer Road
Harvard, MA 01451

**RE: Special Permit
39 Turner Lane
Harvard, MA**

Dear Chairman and Board Members,

On behalf of Paul Cavicchio (Owner), McCarty Engineering Inc. (MEI) is submitting a Special Permit application for a proposed addition at 39 Turner Lane. The property is identified by the Harvard Assessors office as Map 21 Parcel 35 and is situated in the Agricultural Residential (AR) zoning district.

The Owner recently purchased the property and was required by the board of health to replace the existing cesspool serving the property with a tight tank. In addition, the Owner was informed by the Board of Health that the existing structure was required to have a shower. Therefore, the Owner is proposing a 4'x4' addition to the existing bathroom to accommodate a shower. Due to the location of the existing bathroom, this addition is required to be installed on the southwest corner of the building which reduces the already non-conforming side setback from 9 feet to 4.5 feet. This addition will also include adding a mudroom and a new exterior deck, however these components are located farther away from the side lot line than the shower. The existing structure is 507 square feet. Overall, the shower and mudroom addition will add 82 square feet to the existing layout of the house. This equates to a 16.3% increase in overall gross floor area.

I would like to note that the property immediately adjacent to the addition on the south side of the property is not a buildable lot and contains a 50 foot Right of Way (ROW) that allows pedestrian access to Bare Hill Pond. Additionally, the abutting property immediately south of the ROW and to the north side of 39 Turner Lane are also owned by Paul Cavicchio.

After discussions with the Town of Harvard Inspectional Services and Land Use Departments, it appears that the proposed addition requires a Special Permit for alterations to a one and two family dwelling under Section 125-3(B)(1) which states: A non-conforming one- or two-family dwelling may be repaired (see "erect," § 125-2, Definitions), may be moved or enlarged or otherwise altered for a use permitted by the bylaw, as a matter of right, provided that such alteration does not:

(b) Cumulatively over time increase the footprint of a one- or two-family dwelling by more than 20% and/or alter the gross floor area by more than 20% from that which existed at the time the dwelling first became non-conforming.

It is our opinion that this addition satisfies this condition as discussed above. Overall, the shower and mudroom addition will add 82 square feet to the existing layout of the house which equates to a 16.3% increase in overall gross floor area.

In addition to meeting the provisions of Section 125-3(B)(1), we also believe the project satisfies the requirements of Section 125-3(B)(2) of the Town of Harvard Protective Bylaw.

Section 125-3(B)(2) states: By special permit granted by the Board of Appeals a non-conforming one- or two-family dwelling may be moved or enlarged or otherwise altered for a use permitted by the bylaw, if such non-conformity is increased or intensified, provided the Board finds, in addition to the requirements of § 125-46, Special permits, the alterations:

- (a) Would have been permitted before the structure became non-conforming (see Attachment A: Historical Table of Harvard Basic Lot Dimensions); and
- (b) Will not be substantially more detrimental to the neighborhood than the existing non-conformity (see MGL c. 40A, § 6).

It is our opinion that this addition satisfies the conditions of (a) above as the existing structure was constructed in 1935 which was prior to the earliest year documented in the Historical Table of Harvard Basic Lot Dimensions which was 1951.

It is also our opinion that this addition satisfies the conditions of (b) above as the abutting property immediately adjacent to the shower addition is an unbuildable lot that contains a 50 foot Right of Way (ROW) that allows pedestrian access to Bare Hill Pond. Additionally, the abutting property immediately south of the ROW and to the north side of 39 Turner Lane are also owned by Paul Cavicchio.

Attached to this letter please find the following:

- Application Form
- Cover Letter
- Deed
- Certified Abutters List
- Certified Plot Plan
- Stamped Site Plan
- Copies (distributed to necessary recipients)

We look forward to working with the Board in the review of this application. Should you require additional information or additional copies of the information submitted please feel free to contact us.

Sincerely,



Brian Marchetti, PE
Vice President, Engineering

<https://mccartydb.sharepoint.com/Shared Documents/Engineering/Projects/MEI/316 - Cavicchio/Harvard/Planning/2023-10-26 Cover Letter.docx>

Worcester South District Registry of Deeds Electronically Recorded Document

This is the first page of the document – Do not remove

Recording Information

Document Number	: 176043
Document Type	: DEED
Recorded Date	: December 16, 2021
Recorded Time	: 02:47:38 PM
Recorded Book and Page	: 66763 / 239
Number of Pages(including cover sheet)	: 4
Receipt Number	: 1406591
Recording Fee (including excise)	: \$2,047.40

 MASSACHUSETTS EXCISE TAX
 Worcester District ROD #20 001
 Date: 12/16/2021 02:47 PM
 Ctrl# 232704 00242 Doc# 00176043
 Fee: \$1,892.40 Cons: \$415,000.00

Worcester South District Registry of Deeds
 Kathryn A. Toomey, Register
 90 Front St
 Worcester, MA 01608
 (508) 798-7717

Massachusetts Quitclaim Deed

We, **Nikolaus C. von Hoyningen-Huene and Susan Campbell von Hoyningen-Huene, as Trustees of The von Huene Family Trust**, dated October 7, 2003, as amended on October 19, 2006, of 100 Bertwell Road, Lexington, Massachusetts 02420, and as set forth in a Trustee's Certificate pursuant to Massachusetts General Laws Chapter 184, Section 35, recorded with Worcester County Registry of Deeds in Book 50396, Page 266, for consideration paid, and in full consideration of Four Hundred Fifteen Thousand and 00/100 (\$415,000.00) grant to **Paul F. Cavicchio, Jr. and Natasha Yakovlev** as Husband and Wife, as tenants-by-the-entirety of 412 Great Road, Stow, MA 01775,

WITH QUITCLAIM COVENANTS, all of our rights, title, and interest in and to:

The land in Harvard, Worcester County, Massachusetts, with the buildings thereon, consisting of two (2) parcels, bounded and described as follows:

PARCEL I:

BEGINNING	at the southeastern corner of the lot at an iron pipe set in the ground at a corner of land now or formerly of Nellie L. Avery;
THENCE	North 74° 30' West one hundred (100) feet by said Avery land to an iron pipe set in the ground at land now or formerly of Arthur H. Turner;
THENCE	North 5° 30' East fifty (50) feet by said Turner land to an iron pipe set in the ground;
THENCE	South 74° 30' East still by said Turner land one hundred (100) feet to an iron pipe set in the ground to an avenue;
THENCE	South 5° 30' West on said avenue fifty (50) foot to the point of beginning;
CONTAINING	4,900 square feet, more or less, and being Lot Number 35 on plan drawn by J.E. Maynard for Arthur H. Turner, July, 1911.
TOGETHER	with any and all rights of way appurtenant to or customarily used in connection with the granted parcel, including a right of way sixteen (16) feet wide to said lot bounded and described as follows:
BEGINNING	at a lane opposite the barn now or formerly of Elsie L. Macauley;
THENCE	southerly between stone walls and parallel with a wire fence to an opening in a wall;

THENCE South 14° 30' East two hundred thirty-eight (238) feet to the avenue above mentioned;
 THENCE by said avenue to said above described lot.

PARCEL II:

BEGINNING at a point at high water mark on the shore of Bare Hill Pond;
 THENCE on a line North 74° 30' West through a stone bound, which bound is seven (7) foot northerly on the aforesaid line from said high water mark, one hundred six (106) feet to a stone bound;
 THENCE North 5° 30' East fifty (50) feet to a stone bound;
 THENCE South 74° 30' East one hundred one (101) feet through a stone bound to the high water mark on the shore of said Pond, said stone bound being nine (9) feet from said high water mark;
 THENCE by high water mark to the point of beginning.

The above Lot being Number 17 on plan of Civil Engineer J.E. Maynard.

Both parcels being the same premises conveyed to the Grantors by deed of John R. Campbell and Mary A. Campbell as Trustees of The Campbell Realty Trust, dated December 20, 1990, recorded with the Worcester County Registry of Deeds in Book 50396, Page 268.

Text ends here, signature page to follow:

Witness our hands and seal this 9th day of December, 2021.



Nikolaus C. von Hoyningen-Huene, a/k/a
Nikolaus C. von Huene, Trustee
The von Huene Family Trust



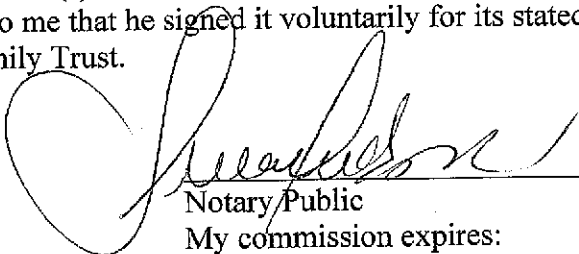
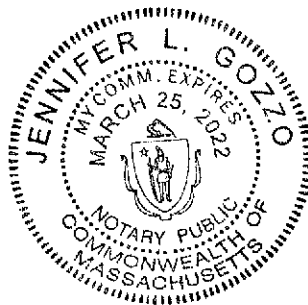
Susan Campbell von Hoyningen-Huene, a/k/a
Susan Campbell von Huene, Trustee
The von Huene Family Trust

COMMONWEALTH OF MASSACHUSETTS

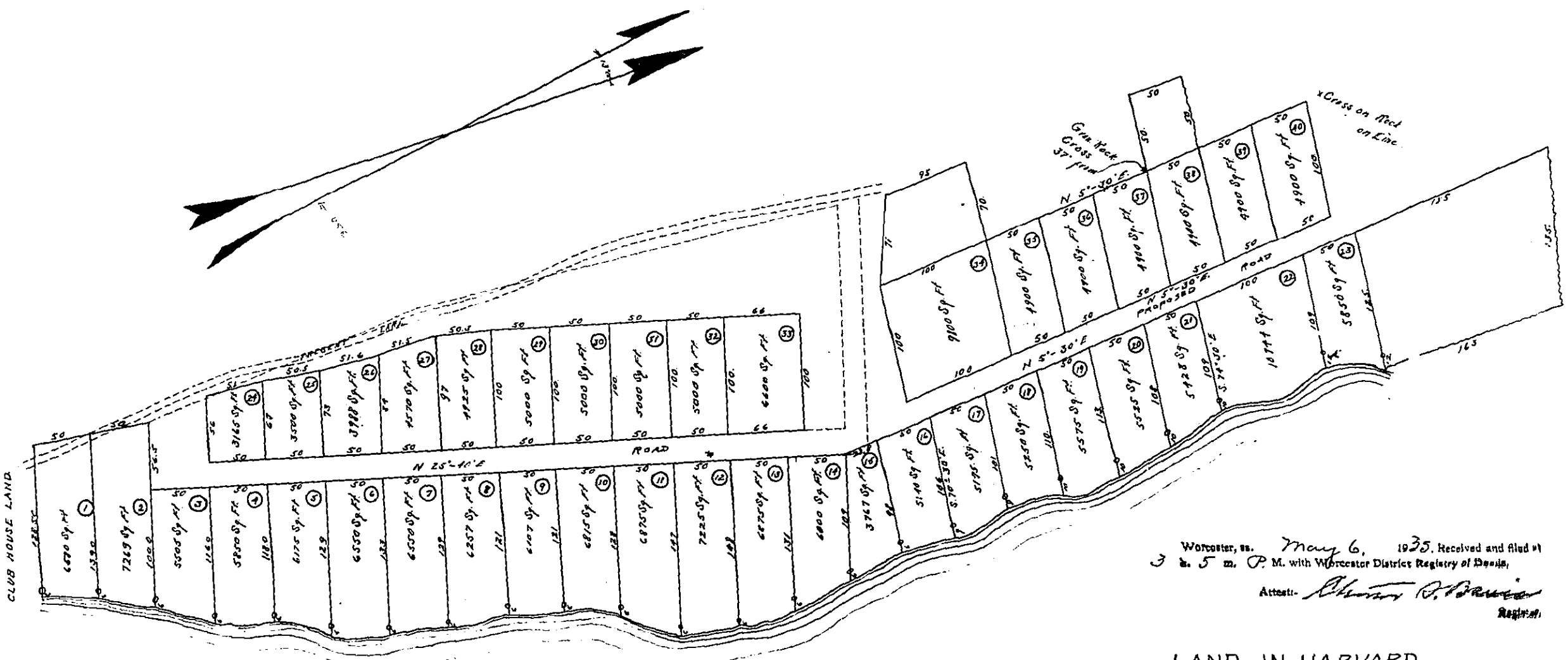
M. Miller, ss

December 9th, 2021

On this 9th day of December, 2021, before me, the undersigned notary public, personally appeared Nikolaus C. von Hoyningen-Huene a/k/a Nikolaus C. von Huene who proved to me through satisfactory evidence of identification which was/were driver's license(s), to be the person(s) whose name(s) is/are signed on the preceding document and acknowledged to me that he signed it voluntarily for its stated purpose as Trustee of The von Huene Family Trust.


Notary Public
My commission expires:

ATTEST: WORC Kathryn A. Toomey, Register

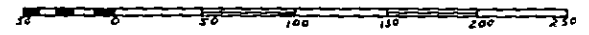


Worcester, ss. May 6, 1935. Received and filed at
 3 o' 5 m. P. M. with Worcester District Registry of Deeds,
 Attest: *Arthur P. Davis*
 Register

LAND IN HARVARD
 SURVEYED FOR
 ARTHUR H. TURNER

BY PARKER & BATEMAN 1894
 JOHN E. MAYNARD 1911

SCALE 1 IN = 50 FT



WORCESTER DISTRICT REGISTRY
 OF DEEDS-WORCESTER, MA
 PLAN BOOK 85 PLAN 2
 Received MAY 6 1935
 3 o' 5 m P M
 Sheet 1 of 1
 ATTEST: *Arthur H. Fields*
 Register

BARE HILL



**TOWN OF HARVARD
ASSESSORS OFFICE
13 AYER ROAD
HARVARD, MA 01451
978-456-4100 X315**

RECEIVED
OCT 24 2023

BOARD OF ASSESSORS
TOWN OF HARVARD

REQUEST FOR CERTIFIED ABUTTERS LIST

PROPERTY LOCATION: 39 Turner Lane

MAP/BLOCK/LOT: 21/35

PROPERTY OWNERS: Paul Cavicchio

REQUIRED FOOTAGE: 300-Ft

CONTACT INFORMATION

John Murphy

EMAIL ADDRESS: JMurphy@Mccartydb.com

MAILING ADDRESS IF DIFFERENT FROM PROPERTY LOCATION:

42 Tucker Drive, Leominster, MA 01453

FEE: \$25.00

To be paid with completed Abutters List request by Cash or Check

payable to the Town of Harvard

****Please allow 10 working days for your request to be processed****

If you have questions or concerns, please contact the Assessors office at

assessingdept@havard-ma.gov or 978-456-4100x315

*Emailed 10-26-23
Abutters
List Package:*

*Sent Originals:
USPS 10-26-23*



Abutters List Report

Town of Harvard, MA

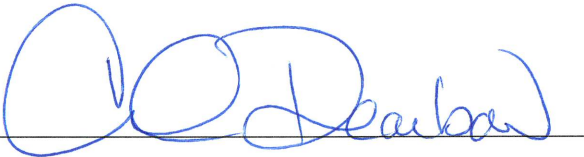
Date: October 26, 2023

Parcel Number: 021-035-000

Property Address: 39 Turner Ln

Abutters To: 300ft

The above Certified Abutters List is a true copy of the records in the Town of Harvard Assessor's office for the last known names and addresses of owners of land located within the above stated range of the subject property.

Signed: 

Date: 10/26/23

Carol Dearborn
Assistant Assessor
(978) 456-4100 x315

FINANCE DEPARTMENT - ACCOUNTANT, ASSESSORS, TREASURER/COLLECTOR
13 Ayer Road, Harvard, Massachusetts 01451-1458
www.harvard-ma.gov



39 TURNER LN

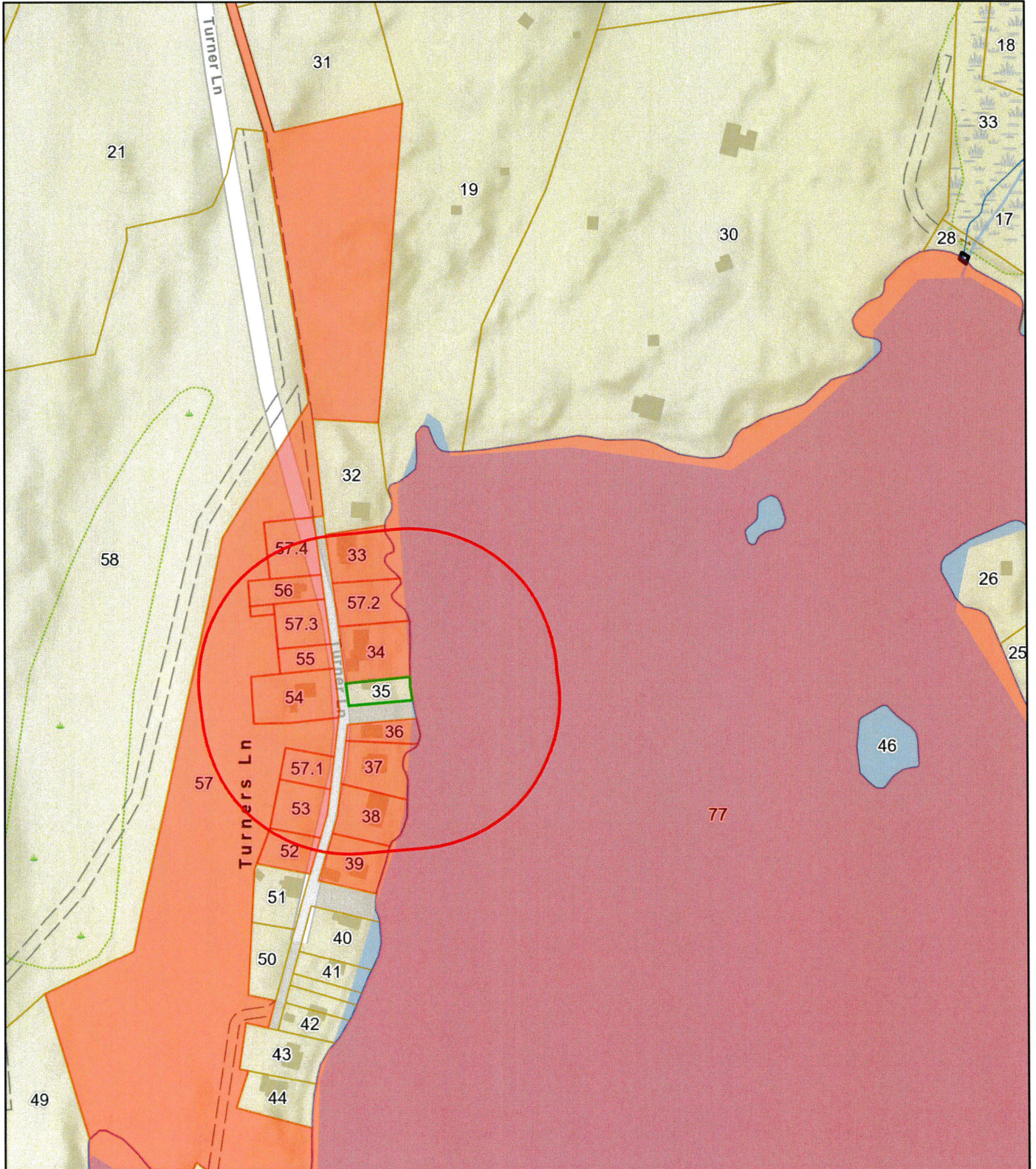
Town of Harvard, MA

1 inch = 278 Feet



www.cai-tech.com

October 26, 2023



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.



300 feet Abutters List Report

Harvard, MA
October 26, 2023

Subject Property:

Parcel Number: 021-035-000-000
CAMA Number: 021-035-000-000
Property Address: 39 TURNER LN

Mailing Address: CAVICCHIO, JR., PAUL F
412 GREAT RD
STOW, MA 01775

Abutters:

Parcel Number: 021-033-000-000
CAMA Number: 021-033-000-000
Property Address: 33 TURNER LN

Mailing Address: GRIESBACH, MICHAEL T & BARBARA C
33 TURNER LN
HARVARD, MA 01451

Parcel Number: 021-034-000-000
CAMA Number: 021-034-000-000
Property Address: 37 TURNER LN

Mailing Address: 37 TURNER LANE, LLC
412 GREAT ROAD
STOW, MA 01775

Parcel Number: 021-036-000-000
CAMA Number: 021-036-000-000
Property Address: 43 TURNER LN

Mailing Address: CAVICCHIO, PAUL F JR & YAKOVLEV,
NATASHA
412 GREAT RD
STOW, MA 01775

Parcel Number: 021-037-000-000
CAMA Number: 021-037-000-000
Property Address: 45 TURNER LN

Mailing Address: BYRNE, JOHN A & IRENE M
PO BOX 148
HARVARD, MA 01451

Parcel Number: 021-038-000-000
CAMA Number: 021-038-000-000
Property Address: 47 TURNER LN

Mailing Address: HUGHES, ROBERT H & LUCILLE T
PO BOX 79
STILL RIVER, MA 01467

Parcel Number: 021-039-000-000
CAMA Number: 021-039-000-000
Property Address: 49 TURNER LN

Mailing Address: EDWARD G. LYON, TRUSTEE OF THE
NLSS INVESTMENT TRU
49 TURNER LN
HARVARD, MA 01451

Parcel Number: 021-052-000-000
CAMA Number: 021-052-000-000
Property Address: TURNER LN

Mailing Address: LYON, EDWARD G & SOONG, SHARON E
49 TURNER LN
HARVARD, MA 01451

Parcel Number: 021-053-000-000
CAMA Number: 021-053-000-000
Property Address: TURNER LN

Mailing Address: HUGHES, ROBERT H & LUCILLE T
PO BOX 79
STILL RIVER, MA 01467-0079

Parcel Number: 021-054-000-000
CAMA Number: 021-054-000-000
Property Address: 40 TURNER LN

Mailing Address: SIEDLAR, DONNA J & SARAH A &
AMANDA J
PO BOX 211
CARLISLE, MA 01741

Parcel Number: 021-055-000-000
CAMA Number: 021-055-000-000
Property Address: TURNER LN

Mailing Address: CAVICCHIO, JR., PAUL F
412 GREAT RD
STOW, MA 01775



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300 feet Abutters List Report

Harvard, MA
October 26, 2023

Parcel Number: 021-056-000-000 CAMA Number: 021-056-000-000 Property Address: 32 TURNER LN	Mailing Address: BARE HILL REAL ESTATE TRUST 33 TURNER LN HARVARD, MA 01451
Parcel Number: 021-057-000-000 CAMA Number: 021-057-000-000 Property Address: TURNER LN	Mailing Address: TURNER, ARTHUR S & ROBERT TURNER 630 GREENLEAF DR RICHARDSON, TX 75080
Parcel Number: 021-057-001-000 CAMA Number: 021-057-001-000 Property Address: TURNER LN	Mailing Address: BYRNE, JOHN A & IRENE M PO BOX 148 HARVARD, MA 01451
Parcel Number: 021-057-002-000 CAMA Number: 021-057-002-000 Property Address: TURNER LN	Mailing Address: GRIESBACH, MICHAEL T & BARBARA C 33 TURNER LN HARVARD, MA 01451
Parcel Number: 021-057-003-000 CAMA Number: 021-057-003-000 Property Address: TURNER LN	Mailing Address: 37 TURNER LANE, LLC 412 GREAT ROAD STOW, MA 01775
Parcel Number: 021-057-004-000 CAMA Number: 021-057-004-000 Property Address: TURNER LN	Mailing Address: GRIESBACH, MICHAEL T & BARBARA 33 TURNER LN HARVARD, MA 01451
Parcel Number: 021-057-007-000 CAMA Number: 021-057-007-000 Property Address: TURNER LN	Mailing Address: BARE HILL REAL ESTATE TR 33 TURNER LN HARVARD, MA 01451
Parcel Number: 021-077-000-000 CAMA Number: 021-077-000-000 Property Address: BARE HILL POND	Mailing Address: HARVARD, TOWN OF 13 AYER RD HARVARD, MA 01451



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10/26/2023

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Page 2 of 2

37 TURNER LANE, LLC
412 GREAT ROAD
STOW, MA 01775

HUGHES, ROBERT H & LUCILL
PO BOX 79
STILL RIVER, MA 01467

BARE HILL REAL ESTATE TR
33 TURNER LN
HARVARD, MA 01451

HUGHES, ROBERT H & LUCILL
PO BOX 79
STILL RIVER, MA 01467-0079

BARE HILL REAL ESTATE TRU
33 TURNER LN
HARVARD, MA 01451

LYON, EDWARD G & SOONG, S
49 TURNER LN
HARVARD, MA 01451

BYRNE, JOHN A & IRENE M
PO BOX 148
HARVARD, MA 01451

SIEDLAR, DONNA J & SARAH
PO BOX 211
CARLISLE, MA 01741

CAVICCHIO, JR., PAUL F
412 GREAT RD
STOW, MA 01775

TURNER, ARTHUR S & ROBERT
630 GREENLEAF DR
RICHARDSON, TX 75080

CAVICCHIO, PAUL F JR & YA
412 GREAT RD
STOW, MA 01775

EDWARD G. LYON, TRUSTEE O
49 TURNER LN
HARVARD, MA 01451

GRIESBACH, MICHAEL T & BA
33 TURNER LN
HARVARD, MA 01451

GRIESBACH, MICHAEL T & BA
33 TURNER LN
HARVARD, MA 01451

HARVARD, TOWN OF
13 AYER RD
HARVARD, MA 01451