

**Upton Connell & Devlin, LLP**

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112 Water Street, Suite 201  
Boston, Massachusetts 02109  
617-227-3277 (tel)  
617-227-3222 (fax)

May 12, 2021

Ms. Julie Doucet  
Office of the Town Administrator  
Town Hall  
13 Ayer Road  
Harvard, MA 01451

**Re: Application for Amendment to Farmer Series Pouring Permit for  
Carlson Orchards, Inc., 115 Oak Hill Road, Harvard, MA 01451**

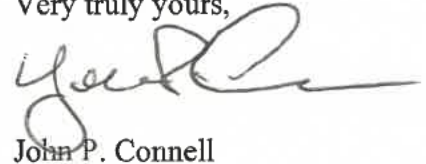
Dear Ms. Doucet:

Please find enclosed an Amendment Application for Alteration of Premises and Change of Hours for Carlson Orchards, Inc., 115 Oak Hill Road, Harvard, MA 01451.

I have attached an Index to this Application identifying by tab all of the accompanying and related documents for this Application. I have included a proof of payment online confirmation for the \$200 ABCC Fee. I respectfully request that this matter be scheduled for the next available hearing date.

Thank you for your attention to this matter.

Very truly yours,



John P. Connell

Enclosures

**Upton Connell & Devlin, LLP**

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**INDEX FOR AMENDMENT APPLICATION FOR CARLSON ORCHARDS, INC., 115  
OAK HILL ROAD, HARVARD, MA 01451  
FILED MAY 12, 2021**

| <u>Tab</u> | <u>Application Document</u>                      |
|------------|--|
| 1.         | Summary of Transaction                           |
| 2.         | Monetary Transmittal Sheet/Proof of ABCC Payment |
| 3.         | ABCC Application for Amendment to the Premises   |
| 4.         | Corporate Vote                                   |
| 5.         | Floor Plan                                       |
| 6.         | Legal Right to Occupy - Property Deed            |

## Summary of Application

### Purpose of Application:

Carlson Orchards, Inc. (hereinafter "the Applicant"), currently holds a Farmer Series Pouring Permit (License No. 05488-PP-0500), located at 115 Oak Hill Road, Harvard, MA 01451. The Applicant is applying for: (1) Alteration of premises; and (2) Change of Hours.

### Alteration of Premises:

The Applicant seeks to add a second pouring area, 20 square foot by 40 square foot (or 800 square foot total), on the winery orchards, approximately 1,000 square feet east from its existing pouring area, which shall be bound by bins and barrels and contain a seasonal tent, picnic tables and a pouring station with approximately 8 taps for pouring the winery's hard cider.

### Change of Hours:

#### *Existing Hours:*

Monday - closed  
Tuesday - closed  
Wednesday - closed  
Thursday - 11:00 am to 6:00 pm  
Friday - 11:00 am to 8:00 pm  
Saturday - 11:00 am to 8:00 pm  
Sunday - 11:00 am to 6:00 pm

#### *Proposed Change of Hours:*

Monday – closed  
Tuesday - 11:00 am to 8:00 pm  
Wednesday - 11:00 am to 8:00 pm  
Thursday - 11:00 am to 8:00 pm  
Friday - 11:00 am to 8:00 pm  
Saturday - 11:00 am to 8:00 pm  
Sunday - 11:00 am to 6:00 pm

### Contact Person for Application:

John P. Connell, Esq.  
Upton, Connell & Devlin, LLP  
112 Water Street, Suite 201  
Boston, MA 02109  
617-227-3277 (Phone)  
617-227-3222 (Fax)  
[JConnell@ucdlaw.com](mailto:JConnell@ucdlaw.com) (Email)



*The Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
MONETARY TRANSMITTAL FORM**

**AMENDMENT-Change or Alteration of Premises Information**

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL  
LICENSING AUTHORITY.

**ECRT CODE: RETA**

Please make \$200.00 payment here: **ABCC PAYMENT WEBSITE**

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE  
PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

05488-PP-0500

ENTITY/ LICENSEE NAME Carlson Orchards, Inc.

ADDRESS 115 Oak Hill Road

CITY/TOWN Harvard

STATE MA

ZIP CODE 01451

For the following transactions (Check all that apply):

- |   |   |   |   |
|---|---|---|---|
| <input type="checkbox"/> New License                  | <input type="checkbox"/> Change Corporate Name                      | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal)         | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License          | <input type="checkbox"/> Change of DBA                              | <input type="checkbox"/> Change of License Type (i.e. club / restaurant)  | <input checked="" type="checkbox"/> Change of Hours                   |
| <input type="checkbox"/> Change of Manager            | <input checked="" type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock)    |
| <input type="checkbox"/> Change of Officers/Directors | <input type="checkbox"/> Change of Location                         | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder       | <input type="checkbox"/> Management/Operating Agreement               |
| <input type="checkbox"/> Change of Ownership Interest | <input type="checkbox"/> Other                                      |   |   |

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS  
TRANSMITTAL FORM ALONG WITH  
COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

**Alcoholic Beverages Control Commission**  
**95 Fourth Street, Suite 3**  
**Chelsea, MA 02150-2358**

## Payment Confirmation

### YOUR PAYMENT HAS PROCESSED AND THIS IS YOUR RECEIPT

Your account has been billed for the following transaction. You will receive a receipt via email.



**Transaction Processed Successfully.**

**INVOICE #:** a60ea593-3d38-4d34-a31b-693109efdef8

| Description        | Applicant, License or Registration Number | Amount          |
|--------------------|---|-----------------|
| FILING FEES-RETAIL | 05488-PP-0500                             | \$200.00        |
|                    |   | <b>\$200.00</b> |

**Total Convenience Fee: \$4.70**

**Date Paid: 5/12/2021 4:44:41 PM EDT**

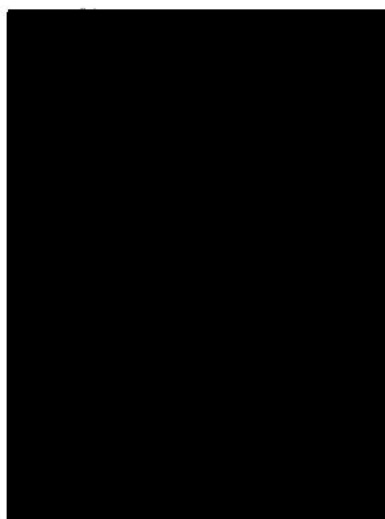
**Total Amount Paid: \$204.70**

#### Payment On Behalf Of

**License Number or Business Name:**  
05488-PP-0500

**Fee Type:**  
FILING FEES-RETAIL

#### Billing Information



**Email Address:**  
episano@ucdlaw.com



*The Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
*95 Fourth Street, Suite 3, Chelsea, MA 02150-2358*  
*www.mass.gov/abcc*

**AMENDMENT-Change or Alteration of Premises Information**

☐ **Change of Location**

- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

☒ **Alteration of Premises**

- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

**1. BUSINESS ENTITY INFORMATION**

| Entity Name            | Municipality | ABCC License Number |
|------------------------|--------------|---------------------|
| Carlson Orchards, Inc. | Harvard, MA  | 05488-PP-0500       |

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

The Applicant is applying for an alteration of premises to an existing farmer-series pouring permit, and amending the hours of operation.

**APPLICATION CONTACT**

The application contact is the person who should be contacted with any questions regarding this application.

| Name            | Title    | Email               | Phone        |
|-----------------|----------|---------------------|--------------|
| John P. Connell | Attorney | jconnell@ucdlaw.com | 617-227-3277 |

**2. ALTERATION OF PREMISES**

**2A. DESCRIPTION OF ALTERATIONS**

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

The Applicant seeks to add a 20 sq. ft. by 40 sq. ft. (or 800 square foot total), area on the winery orchards, approximately 1,000 sq. ft. east from its existing pouring area, which shall be bound by bins and barrels and contain a seasonal tent, picnic tables and a pouring station with approximately 8 taps for pouring the winery's hard cider.

**2B. PROPOSED DESCRIPTION OF PREMISES**

Please provide a complete description of the proposed premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Please see Additional Information page.

|                     |        |                  |                |                  |                |
|---------------------|--------|------------------|----------------|------------------|----------------|
| Total Sq. Footage   | 14,920 | Seating Capacity | See Add'l Info | Occupancy Number | See Add'l Info |
| Number of Entrances | 8      | Number of Exits  | 8              | Number of Floors | 1              |

## **AMENDMENT-Change or Alteration of Premises Information**

### **3. CHANGE OF LOCATION**

#### **3A. PREMISES LOCATION**

Last-Approved Street Address

Proposed Street Address

#### **3B. DESCRIPTION OF PREMISES**

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

#### **3C. OCCUPANCY OF PREMISES**

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of intent)

Please indicate by what means the applicant has to occupy the premises

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

☐ Yes ☐ No

#### **4. FINANCIAL DISCLOSURE**

Associated Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):

Associated Cost(s):

Minimal costs associated with the build out and purchase of tent, tables, etc.

#### **SOURCE OF CASH CONTRIBUTION**

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

| Name of Contributor                                 | Amount of Contribution |
|---|------------------------|
| Carlson Orchards, Inc.'s Business Operating Account | \$7,500.00             |
|   |                        |
|   |                        |
|   |                        |
| Total   | \$7,500.00             |

#### **SOURCE OF FINANCING**

Please provide signed financing documentation.

| Name of Lender | Amount | Type of Financing | Is the lender a licensee pursuant to M.G.L. Ch. 138. |
|----------------|--------|-------------------|--|
|                |        |                   | <input type="radio"/> Yes <input type="radio"/> No   |
|                |        |                   | <input type="radio"/> Yes <input type="radio"/> No   |
|                |        |                   | <input type="radio"/> Yes <input type="radio"/> No   |
|                |        |                   | <input type="radio"/> Yes <input type="radio"/> No   |



## APPLICANT'S STATEMENT

I, Franklyn Carlson the: ☐ sole proprietor; ☐ partner; ☒ corporate principal; ☐ LLC/LLP manager  
Authorized Signatory

of Carlson Orchards, Inc.  
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: Franklyn W. Carlson

Date: 5/6/2021

Title: President

## **ADDITIONAL INFORMATION**

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

### 2B: Proposed Description of Premises:

The building is a 2,520 square foot, one (1) floor farmhouse with an attached covered porch. The building has two (2) restrooms, a kitchen and a bar/seating area. There are eight (8) means of egress. There are three (3) doors on the north side of the building that lead onto the covered porch. There are two (2) doors on the east side of the building that lead into the indoor taproom from the outdoor patio. There is one (1) door on the west side of the building. There are two (2) doors located on the south side of the building. The covered porch has additional seating space and is 840 square feet. The outdoor patio is 10,760 square feet with a fence of barrels around the perimeter.

Additionally, there is a 20 square foot by 40 square foot (or 800 square foot total), area on the winery orchards, approximately 1,000 square feet east from its existing pouring area, which shall be bound by bins and barrels and contain a seasonal tent, picnic tables and a pouring station with approximately 8 taps for pouring the winery's hard cider.

The total area of the indoor taproom, porch, outdoor patio and additional outdoor space is 14,920 square feet.

### Total Square Footage Breakdown:

- Building: 2,520 Square Feet
- Covered Porch: 840 Square Feet
- Patio: 10,760 Square Feet
- Additional pouring space: 800 Square Feet

### Seating Capacity Breakdown:

- Building: 99
- Covered Porch: 40
- Patio: 100
- Additional pouring space: 100

### CORPORATE VOTE

The Board of Directors or LLC Managers of

Carlson Orchards, Inc.

Entity Name

duly voted to apply to the Licensing Authority of

Harvard, MA

and the

City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

05/06/2021

Date of Meeting

For the following transactions (Check all that apply):

☒ Alteration of Licensed Premises

☐ Change of Location

☒ Other Change of Hours

"VOTED: To authorize

Franklyn Carlson

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

A true copy attest,



Corporate Officer / LLC Manager Signature

FRANKLYN W. CARLSON

(Print Name)

For Corporations ONLY

A true copy attest,



Corporation Clerk's Signature

Bruce E. Carlson

(Print Name)

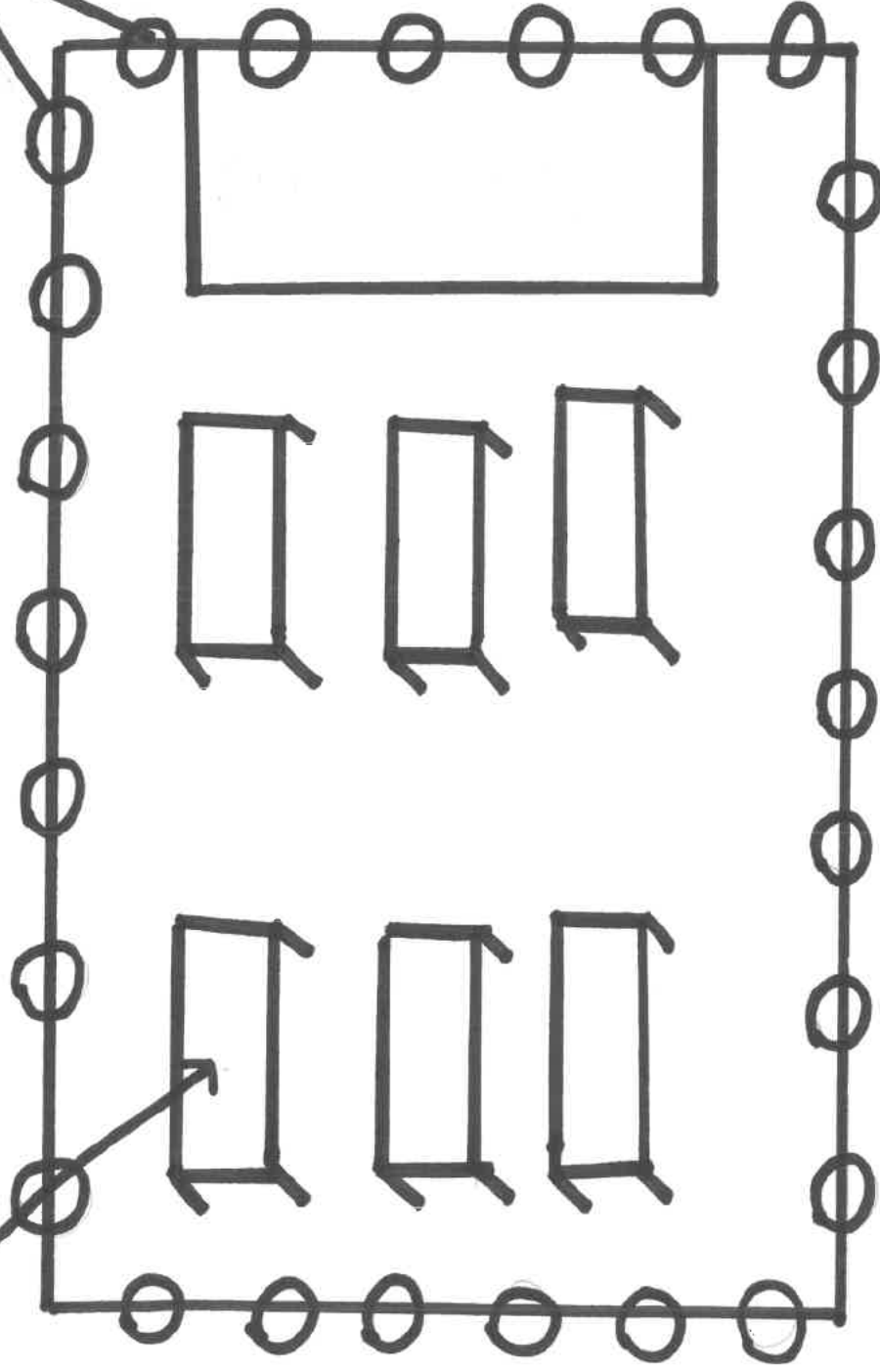
# Carlson Orchards 2<sup>nd</sup> Paving Area

Picnic  
tables

Barrels  
to  
mark  
boundaries

20'



40'



# Carlson Orchards, Inc.

Existing patio area on left at the Cider Barn.  
Proposed patio area beside the pond on right. New area 8500 sq feet. New area would have a food truck when open, and a tent for some shade.



- Legend**
-  Carlson Orchards
  -  Line Measure

Google Earth

© 2021 Google

500 ft



5371

566

Recorded AUG 9 1973 at 11:55 a.m. p.m.

WE, WALTER W. CARLSON and ELEANOR L. CARLSON, husband and wife, both

of Harvard, Worcester County, Massachusetts,

in consideration of ONE HUNDRED THOUSAND AND 00/100 (\$100,000.00) DOLLARS

grant to CARLSON ORCHARDS, INC., a Massachusetts Corporation, having an usual  
place of business in the Town of Harvard, Worcester County, Massachusetts, *(Oak Hill Road)*

and

with quitclaim covenants

the land in the Town of Harvard, County of Worcester, Commonwealth of Massachusetts,  
described as follows:

The land in the Easterly part of said Harvard consisting of two parcels of land containing  
together sixty (60) acres, more or less, with the buildings thereon, and bounded and described  
as follows:

FIRST PARCEL: bounded Southerly by land formerly of Arthur N. Calkins;

EASTERLY: by land formerly of Granville Whitcomb;

NORTHERLY: by land formerly of Arthur N. Calkins;

WESTERLY: by a Town road leading by said farm to Littleton.

SECOND PARCEL: situated on the Westerly side of said road and is bounded and described as  
follows:

On the Southerly side by land formerly of John H. Cleaves;

WESTERLY: by land formerly of said Cleaves and land formerly of Charles Maynard;

NORTHERLY: by land now or formerly of Eli Hosmer; and

EASTERLY: by said road;

ALSO: the land in the Northeasterly part of said Harvard on the Westerly side of  
the road over Oak Hill (so-called) to Littleton, bounded and described as  
follows:

BEGINNING: at the wall on said road at land formerly of Austin C. Stratton near a large  
chestnut tree, the same being the Southeast corner of said tract;

THENCE: running N. 57° 30' W., Three Hundred and Sixty-Three (363) feet as the  
wall now stands by said Stratton land to an angle in the wall at a walnut  
tree;

THENCE: by said Stratton land as the wall now stands N. 80° W., Four Hundred  
Sixty-Five (465) feet to the corner of the wall at a lane the Right of Way  
(so-called) and the end of this line at the Right of Way and runs for about  
Fifty (50) feet by land formerly of the heirs of Peter Whitcomb;

THENCE: by said Right of Way as the wall now stands N. 26° E., Three Hundred  
Thirty-Six (336) feet to a stake and stones;

THENCE: by land of the heirs of Simson Green S. 68° E., Eight Hundred Fifty-Five  
(855) feet to said road;

THENCE: by said road S. 44° W., Two Hundred Fifty-Seven (257) feet to the point of  
beginning.

Containing Six (6) acres be the same more or less.

ALSO: the land in the Easterly part of said Harvard, with the buildings thereon, on the Westerly side of the upper road leading from Harvard to Littleton containing 14 and 2/10 acres, bounded and described as follows:

BEGINNING: at a corner of land formerly of Adolphus Haskell on the Westerly side of the road;

THENCE: N. 13-1/2° W., by land of said Haskell Two Hundred Twenty-Six and 99/100 (226.99) feet to a point;

THENCE: N. 20-1/2° E., by land of said Haskell, Three Hundred Nine and 40/100 (309.40) feet;

THENCE: Northwesterly Two Hundred Sixty-Nine and 40/100 (269.40) feet to a point in the Easterly side of the Old Shaker Road so-called;

THENCE: Northeasterly Fifty (50) feet to a point;

THENCE: Northwesterly Twenty-Two and 40/100 (22.40) feet to a point;

THENCE: Northeasterly by said Old Shaker Road, Five Hundred Eighty-Two and 70/100 (582.70) feet to a point at land now or formerly of Simson Green;

THENCE: Southeasterly by land of said Green Four Hundred Sixty-Five and 80/100 (465.80) feet to a point;

THENCE: Southeasterly by land of said Green, Three Hundred Sixty-Nine and 30/100 (369.30) feet to a point in the Westerly side of the road to Littleton;

THENCE: Southwesterly by said Littleton road, angling and curving therewith, Six Hundred Fifty-Two and 40/100 (652.40) feet to a point, One Hundred Thirty-Five and 50/100 (135.50) feet to a point and Four Hundred Fifty-Eight and 90/100 (458.90) feet to the point of beginning.

All of said courses, excepting the next to last one, being by stone walls.

This conveyance is subject to whatever rights of way, if any, adjoining owners may have, set forth in deed of Warren W. Green to Peter Whitcomb dated April 13, 1898, and recorded with said Deeds, Book 1505, Page 200.

The parcel of land above described is shown on plan of property of William Lincoln Crosby by Charles Fuller Whitney, C. E. said plan being dated May 10, 1920.

ALSO: the land, with the buildings thereon, situated in said Harvard, on the Northerly side of Oak Hill Road, bounded and described as follows:

BEGINNING: at the Southwesterly corner thereof at land now or formerly of Houghton;

THENCE: running Northerly by said Houghton land to land now or formerly of Farwell and Turner;

THENCE: running Easterly by said last mentioned land to land now or formerly of Fuller;

THENCE: running by said Fuller land to land now or formerly of Cleaves;

THENCE: running by said Cleaves land to said road;

THENCE: running Westerly by said road to the point of beginning.

Containing about 31 acres.

Said premises are conveyed subject to the reservations and agreements, so far as the same are now in force, referred to in deed to the Middlesex Institution for Savings dated May 22, 1936, recorded with said Deeds, Book 2667, Page 295.

5271

568

Excepting from the above conveyance that tract of land conveyed by Walter W. Carlson and Eleanor L. Carlson to New England Power Company a Massachusetts Corporation, by deed dated April 13, 1967, recorded with Worcester District Registry of Deeds, book 4749, page 57, which said deed covers a parcel of land containing 4.88 acres of land and is shown on plan recorded in Worcester District Deeds, plan book 307, plan 114.

ALSO:

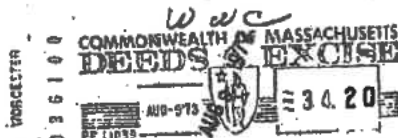
Excepting from the above described conveyance a tract of land conveyed by Walter W. Carlson and Eleanor L. Carlson to Robert W. Carlson, by deed dated April 27, 1970, which deed is recorded with Worcester District Registry of Deeds, book 6027, page 173, and contains a parcel of land of 1.50 acres, and shown on a plan and recorded with Worcester District Registry of Deeds plan book 335, plan 27.

remaining

Being the/ premises to us conveyed by deed of Eleanor L. Carlson dated August 27, 1962, and recorded in Worcester District Registry of Deeds, Book 4308, Page 217.

The above described premises are conveyed subject to a mortgage to Federal Land Bank with a principal remaining balance of \$47,250.00 and also subject to a note to Production Credit Association in the amount of \$37,986.27, which by acceptance of this deed the grantee assumes and agrees to pay. Equity being \$ 14,763.73.

*This conveyance creates no new boundaries.*



Executed as a sealed instrument this Ninth day of August 1973

Walter W. Carlson

Walter W. Carlson

Eleanor L. Carlson

Eleanor L. Carlson

The Commonwealth of Massachusetts

Worcester

ss.

August 9, 1973

Then personally appeared the above named

Walter W. Carlson and Eleanor L. Carlson

and acknowledged the foregoing instrument to be their free act and deed,

Before me,

Alice V. Cote

Notary Public - Worcester

My commission expires August 21, 1975



■ END OF INSTRUMENT ■