

**TOWN OF HARVARD
PLANNING BOARD AGENDA
MONDAY, AUGUST 21, 2023 @ 7:00PM**

Pursuant to Chapter 2 of the Acts of 2023, An Act Making Appropriations for the Fiscal Year 2023 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects, and signed into law on March 29, 2023, this meeting will be conducted via remote participation. Interested individuals can listen in and participate by phone and/or online by following the link and phone number below.

THVolGovt Pro is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/82069378058?pwd=Zk5VS2d3WlIEUzIjVlTWVHSWVCdVFtdz09>

Meeting ID: 820 6937 8058

Passcode: 370728

One tap mobile

+16469313860,,82069378058# US

+19294362866,,82069378058# US (New York)

Dial by your location

Meeting ID: 820 6937 8058

Find your local number: <https://us02web.zoom.us/u/kmNd31zlv>

Public Comment

- Old Business:**
- a) Prospective MBTA Multi-family zoned district (potential bylaw update) VK ?
 - b) Comments on potential 40-B development at Old Mill & Ayer roads.
 - c) Proposed Town Center Mixed Use District
 - d) Updates on Ayer Road visioning phases 2 & 3
 - e) Master Plan 2026
 - f) Potential amendments to §133-22

New Business:

Public Hearings:

7:30pm Public Hearing: Scenic Road Bylaw application (§90-1A & §90-4A) request for consent to the construction of a proposed driveway / access point requiring the removal of a tree and portion of a stone wall for Robert Schmidt at 127 Bolton Road (Map 27//135).

8:00pm Continuation of a Public Hearing: Open Space Residential Development Bylaw Amendment (§125-35) for adoption.

- Standard Business:**
- a) Board Member Reports
 - Representatives & Liaisons Update
 - Community Matters
 - b) Approve Minutes
 - c) Invoices: None this month
 - d) Planning Board budget update
 - e) Metrics update

The listing of matters are those reasonably anticipated by the chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may be brought up for discussion to the extent permitted by law, also.

**NEXT SCHEDULED MEETINGS:
MONDAY, SEPTEMBER 11, 2023**

AS

125-18.2 – [Proposed] Harvard Center Overlay District for Subordinate Structures

[Drafted by Steve Nigus – July 2023 – for review]

1.1 Intent

The intent of the Harvard Center Overlay District for Subordinate Structures is to foster well-planned, subordinate structure construction in the center in the Town of Harvard. The purpose is to further develop consistency and continuity within this District in keeping with the existing character of traditional New England villages and the Town of Harvard. By allowing these subordinate structures to be built, the ongoing usefulness and relevance of homes and businesses in the town center will be improved. Historically there were subordinate structures (such as barns, workshops and sheds) located on many of these parcels but they have not survived. The district is defined as any home or business located either in the [Harvard Common Historic district](#) or a part of the [Harvard Town Sewer district](#) and further limited to parcels that are less than 0.9 acres in size. Follow this link to see a list of properties of the [Harvard Town Sewer District](#)

The guidelines for subordinate structures include the following:

- 1.1.1 Visual impact of cars should be minimized where and when possible.
- 1.1.2 This overlay is not intended to allow for the construction of new homes or new businesses on undeveloped parcels as defined in the district above.

1.2 Design Standards and Overall appearance & Requirements

- 1.2.1 Construction of garages, workshops and sheds is by right with the following offsets: **2 feet** from any property line.
- 1.2.2 Structures are limited to 1.5 stories and not to exceed 17.5 feet from grade. Lot coverage rules are suspended to accommodate subordinate structures in this district.
- 1.2.3 The exterior appearance of a structure should mimic the primary building on the site. Clapboard, shake or brick are preferred. Vinyl or

aluminum sidings are not allowed. Composite, cement-based clapboards and shakes are allowed. Roofing may be asphalt, metal or slate.

- 1.2.4 Window placement should mimic the primary building and traditional double hung windows with mullions are mandated. An alternate style that is allowed is an awning style window with mullions akin to barn windows. Street facing walls should have windows or blind windows to harmonize with the district.

1.3 Limitations

- 1.3.1 The structure cannot be used for habitation. Business use of the structure is limited to Section 125-12 – Small Scale Commercial Uses only in the [Harvard Zoning Bylaws](#).
- 1.3.2 Total usable square footage of the subordinate structure shall not exceed 25% of the legal, usable square footage of the primary structure.

1.4 Review & Approval

- 1.4.1 Proposed structures must be submitted to the Harvard Historical Commission for approval before submission for a Building Permit regardless of whether they are in or out of the district.
- 1.4.2 Normal application processes are to be followed for submission of a building permit as required.

Please note that any text that has been ~~struck through~~ is proposed to be removed. Any text that is underlined is proposed language to be added.

§ 133-22 **Submission and processing.**

A.

A complete application for a special permit shall be submitted on the appropriate application form. This form is available at the office of the Board or on the Town of Harvard website (www.harvard-ma.gov). In the case where the applicant is a person other than the record owner of the property, the applicant shall be required to submit as part of the application written certification executed by the record owner of the property that the application is submitted with the knowledge and consent of the record owner.

B.

All information required by the application form as part of an application for a special permit shall be furnished by the applicant in the manner prescribed in this chapter and by such form unless a waiver is requested and granted by the Board. Any petition for a special permit shall include a site plan prepared by a registered engineer and land surveyor drawn at a scale of one-inch equals 40 feet or such other as the Board may require to show details clearly and adequately. The site plan must be plainly marked "Site Plan" and shall be clearly and legibly drawn in dark lines on a white background, or a similar medium acceptable for filing with the Registry of Deeds or Land Court to fully detail and explain the intentions of the applicant. The details and contents of a plan, where not otherwise specifically set forth herein, may be provided in accordance with the requirements of the Subdivision Rules and Regulations.

C.

Application copies shall be of standard size, no larger than 30 inches by 42 inches. Each copy of the application shall be folded so that it will fit neatly into a letter-sized file folder.

D.

A list of abutters and abutters to abutters within 300 feet that are parties of interest as defined in these Rules, taken from the most recent tax list of the Town and certified by the Assessors' Office, shall be included in the submission of the application. The applicant shall pay any charges required by the Assessors' Office for the list.

E.

~~Seventeen~~ TEN hard copies of the application shall be submitted to the office of the Harvard Town Clerk during posted business hours. The copies shall be: two full sized copies (no larger than 30" x 42" but no smaller than 24" x 36"), eight reduced copies (11" x 17") and a complete electronic copy. Submittals must be collated and assembled as ~~47~~ ten individual and complete "packages." The applicant may request and shall be entitled to a written receipt for the materials submitted. The date of filing shall be considered the date upon which the application has been delivered to or received by the Harvard Town Clerk as required in these Rules.

F.

Upon receipt of an application, the Board shall transmit forthwith a copy of the application to the Building Inspector, Board of Selectmen,^u Fire Department, Board of Health, Police Department, Engineering Consultant, DPW Director, Conservation Commission and Historical Commission.

[1]

Editor's Note: Now "Select Board."

G.

An affirmative vote of four members of the Board shall be necessary to grant a special permit. Only members who have attended the public hearing, including any continuations thereof, may vote. However, in accordance with MGL Chapter **39**, Section 23D, a member of the Board, when holding an adjudicatory hearing, shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he/she has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. This shall change, replace, negate or otherwise supersede applicable quorum requirements. A failure of the Board to achieve the required vote shall be deemed a denial of such application.

H.

Contents of application.

(1)

The application shall contain a detailed description of the proposed use. In the case where the applicant cannot commit to a particular use at the time that an

application for a special permit is made, the applicant must provide the Board with a description of the possible uses to which the facility may be put as allowed by the Bylaw.

(2)

The applicant shall list and provide copies of all variances, permits, and other special permits or site plan approvals previously issued by Town boards or state and federal agencies, and a list of any variances or permits required to complete the proposed work. This list ~~should~~ must include but not be limited to any permits from the Board of Health, the Conservation Commission, the Board of Appeals, the Board of Selectmen,^[2] the Department of Public Works, the Army Corps of Engineers, Mass Department of Transportation, and the Department of Environmental Protection; and certificates issued by the Secretary of Environmental Affairs under the Massachusetts Environmental Policy Act.

[2]

Editor's Note: Now "Select Board."

(3)

If any other permits are required, the applicant is strongly advised to make the applications for such additional permits concurrent with this application.

(4)

A copy of the most recently recorded plan/s for the lot(s) on which the work will take place bearing the book number(s), page number/s, and date/s of recording/s or registration(s) shall be submitted.

(5)

The development impact statement shall be completed in its entirety and shall be submitted as part of the application.

(6)

An application for a special permit that lacks information or is incomplete in any manner may be denied or significantly delayed. It is the responsibility of the applicant to assure the accuracy, thoroughness and completeness of all information submitted to the Board as part of an application for a special permit.

(7)

The applicant shall be responsible for factually supporting all points relied upon in the application concerning the proposal, including without limitation references for methodologies used in design calculations.

(8)

The Board is empowered to require information in addition to that specifically required by the Bylaw or by this chapter. The Board will require the applicant to supply additional information if it finds that such information is necessary to properly and responsibly act upon the application.

TOWN OF HARVARD PLANNING BOARD



APPLICATION & CHECKLIST FOR A HEARING UNDER THE
SCENIC ROAD BYLAW, CHAPTER 90 CODE OF THE TOWN
OF HARVARD & M.G.L. Chapter 40 §15C SCENIC ROAD ACT

The Scenic Road Bylaw provides that any repair, maintenance, reconstruction or paving work done with respect to any road designated as a Scenic Road shall not involve or include the cutting or removal of trees or tearing down or destruction of stone walls, or portions thereof, except with prior written consent of the Planning Board after a public hearing.

Seventeen (17) copies of the application, checklist, abutters list, accompanying plans and statements along with a filing fee of \$150.00 shall be submitted to the Planning Board.

Applicant's Name: Robert Schmidt

Mailing Address: 127 Bolton Rd., Harvard, MA Phone#: 978-456-9090

Property Owner's Name: Robert & Paula Schmidt

Mailing Address: 127 Bolton Rd., Harvard, MA Phone #: 978-456-9090

Location of Subject Property: East Bare Hill Rd. (Across from 31 East Bare Hill Rd.)

Assessor's Map: 27 Parcel: 135

Deed Recorded in the Worcester Registry of Deeds in Book: 65 Page: 73

Or Certificate #: 12873

Representatives Name: Daniel B. Wolfe, P.E., David E. Ross Associates, Inc.

Mailing Address: P.O. Box 795, Harvard, MA 01451 Phone#: 978-772-6232

What type of project is proposed: Construction of a proposed driveway/accessway,
requiring the removal of one street tree and a portion of a stone wall.

Applicant's Signature: *Daniel B. Wolfe, AS AGENT* Date: 7-19-23

NOTE: If applicant is not the owner of the property please attach written consent from the owner.

A Representative may sign on behalf of the applicant with written consent.

SCENIC ROAD APPLICATION CHECKLIST

The following checklist is a part of the Scenic Road Application Form to be completed by the Applicant.

- ✓ A written description and plans or drawings showing the entire frontage and the location and nature of the proposed disturbance area. The description should enable readers to locate the area of disturbance with reasonable specificity on the ground without the need for additional plans or references;
- ✓ Photographs of all stone walls and trees within and adjacent to the proposed disturbance area prior to any work,
- ✓ If tree removal is required, a separate application shall be submitted to the Tree Warden for a hearing under the Shade Tree Act, MGL Chapter 87, which may be held concurrently with the Scenic Road Hearing;
- ✓ A statement explaining the reason for the cutting or removal of a tree(s) or the tearing down or destruction of stone walls, or portions thereof, in the proposed disturbance area;
- ✓ A statement outlining possible alternatives, proposed compensatory actions, and mitigation measures including restoration, to the proposed cutting or removal of a tree(s) or the tearing down or destruction of stone walls, or portions thereof;
- ✓ A list, certified by the Assessor's office, of abutters, as defined herein;
- ✓ Except in the case of town agencies, a Scenic Road Consent fee as specified on the Planning Board's application form made payable to the Town of Harvard,
- ✓ Any other explanatory material useful to adequately inform the Planning Board and Tree Warden prior to the public hearing.

DAVID E. ROSS ASSOCIATES, INC.

Civil Engineers, Land Surveyors, Environmental Consultants

July 14, 2023

Town of Harvard
Planning Board & Tree Warden
13 Ayer Road
Harvard, MA 01451

Re: Scenic Road Application Narrative
Site: East Bare Hill Road (Assessor's Map 27, Parcel 135)
Applicant: Robert Schmidt
D.E.R.A. Project No. 30560

Dear Planning Board Members, Tree Warden, and Staff:

On behalf of our client, Mr. Robert Schmidt, we are hereby submitting the following Application package for Scenic Road Consent, including a Site Plan (Plan S-15269) and pictures of the proposed driveway location. This information is provided to seek consent under the Harvard Scenic Road Bylaw and the Shade Tree Act for the construction of a new driveway cut to serve as access to the rear portion of Mr. Schmidt's property. This proposed construction will require the disturbance of an existing fieldstone wall and the removal of one 14" Oak tree within the Town's right of way of East Bare Hill Road.

We believe the driveway is designed in the most practicable location providing the least amount of disturbance and at a reasonable grade. The proposed location also provides a 90-degree connection with East Bare Hill Road for the safest ingress and egress from the site. Proposing a driveway entrance further to the south would have a greater impact on existing street trees and would require a greater degree of grading/disturbance.

The existing fieldstone wall that borders the entire frontage of this property will be opened to the minimum degree possible to satisfy the dimensional requirements of the by-law. The stones that are proposed to be removed will be best utilized to supplement various locations along the existing wall, along the Town's right-of-way. No stones are proposed to leave the right-of-way. The project also only impacts the location of one existing street tree; a 14" oak tree within the town right of way.

We trust that this information will be helpful in the evaluation of this project and that you will agree with the design measures that were taken to build the safest and most viable accessway for the landowner. We look forward to meeting with you shortly to discuss this proposal in more detail.

Very truly yours,
DAVID E. ROSS ASSOCIATES, INC.

By:



Daniel B. Wolfe, P.E.



View of the proposed driveway entrance through the existing stone wall.

The two outer wooden stakes with pink ribbons denote the proposed limit of stone wall to be disturbed. The middle stake marks the proposed centerline of the driveway.

The 14" Oak tree to be removed is just to the right of the centerline stake.



View of stone wall and 14" Oak tree on East Bare Hill Road, looking from north to south toward Cameron Road intersection in the distance.



View of the 14" Oak tree proposed to be removed for construction of the driveway/accessway.

The stake with pink ribbon to the left of the tree is the proposed centerline of driveway.



Abutters List Report
Town of Harvard, MA

Date: July 18, 2023
Parcel Number: 027-135-000
Property Address: 127 Bolton Rd
Abutters To: 300ft

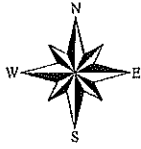
The above Certified Abutters List is a true copy of the records in the Town of Harvard Assessor's office for the last known names and addresses of owners of land located within the above stated range of the subject property.

Signed: 

Date: 7/18/23

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



127 BOLTON RD

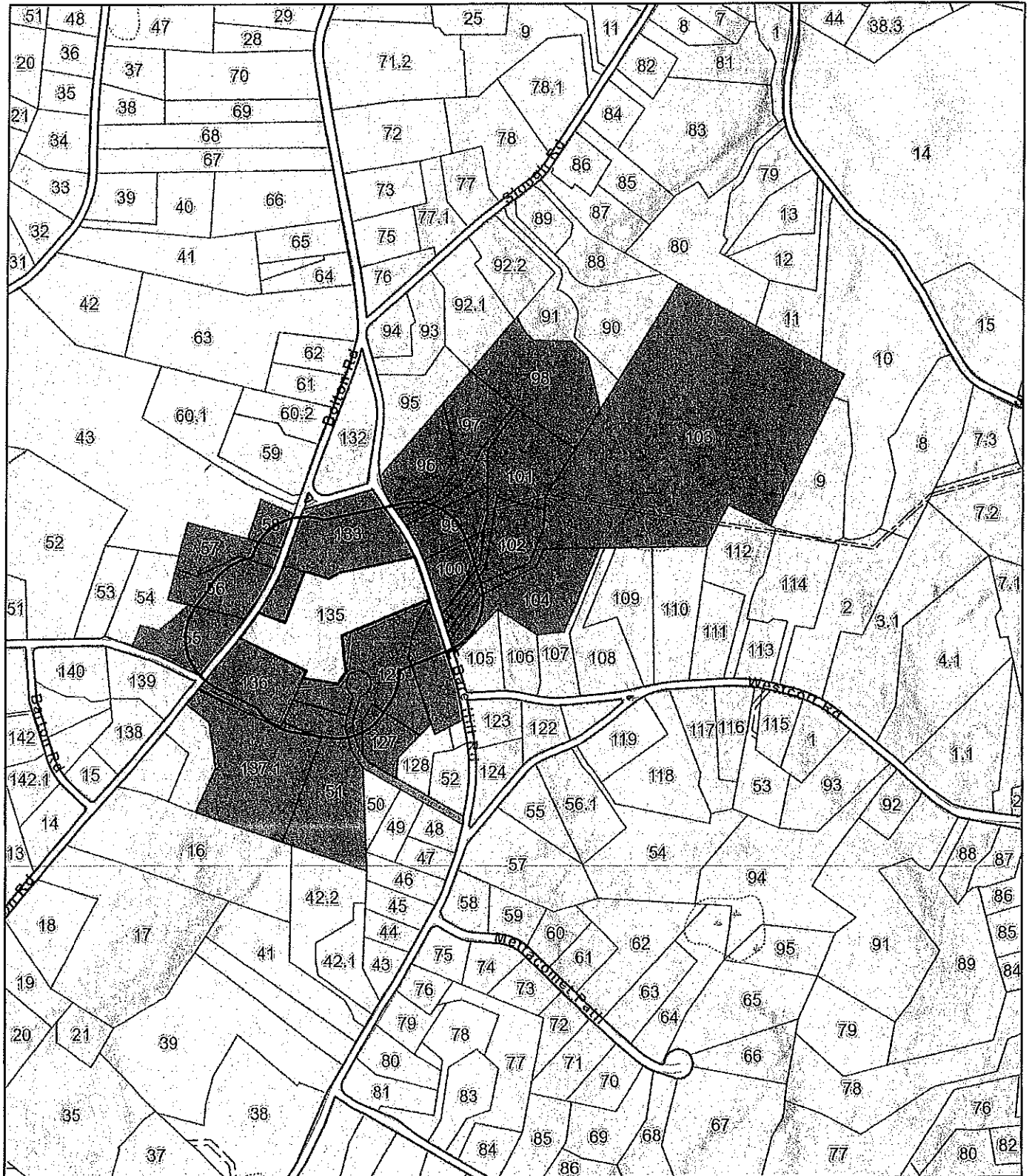
Town of Harvard, MA

1 inch = 752 Feet



www.cai-tech.com

July 18, 2023



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300 feet Abutters List Report

Harvard, MA
July 18, 2023

Subject Property:

Parcel Number: 027-135-000-000
CAMA Number: 027-135-000-000
Property Address: 127 BOLTON RD

Mailing Address: SCHMIDT, ROBERT & PAULA
127 BOLTON RD
HARVARD, MA 01451

Abutters:

Parcel Number: 027-055-000-000
CAMA Number: 027-055-000-000
Property Address: 4 WEST BARE HILL RD

Mailing Address: RANDIG, GEORGE W & MARY B
PO BOX 351
HARVARD, MA 01451

Parcel Number: 027-056-000-000
CAMA Number: 027-056-000-000
Property Address: 124 BOLTON RD

Mailing Address: MCQUILKEN, LUCY & AGOSTA,
CHARLES
124 BOLTON RD
HARVARD, MA 01451

Parcel Number: 027-057-000-000
CAMA Number: 027-057-000-000
Property Address: 120 BOLTON RD

Mailing Address: MOSTOLLER, MATTHEW L &
ANDERSON, KRISTA
120 BOLTON RD
HARVARD, MA 01451

Parcel Number: 027-058-000-000
CAMA Number: 027-058-000-000
Property Address: 116 BOLTON RD

Mailing Address: ALVIN HING WONG
112 BOLTON RD
HARVARD, MA 01451

Parcel Number: 027-096-000-000
CAMA Number: 027-096-000-000
Property Address: 17 EAST BARE HILL RD

Mailing Address: MAISEL, LOUIS J & REBA M
PO BOX 327
HARVARD, MA 01451

Parcel Number: 027-097-000-000
CAMA Number: 027-097-000-000
Property Address: 19 EAST BARE HILL RD

Mailing Address: BAUMHOVER, STEPHEN B. & JUDY
WALSH
19 EAST BARE HILL RD
HARVARD, MA 01451

Parcel Number: 027-098-000-000
CAMA Number: 027-098-000-000
Property Address: 23 EAST BARE HILL RD

Mailing Address: LUDWIG, DONALD E & HOLMES,
KATHLEEN
23 EAST BARE HILL RD
HARVARD, MA 01451

Parcel Number: 027-099-000-000
CAMA Number: 027-099-000-000
Property Address: 25 EAST BARE HILL RD

Mailing Address: MCCULLOUGH ROBERT
25 EAST BARE HILL RD
HARVARD, MA 01451

Parcel Number: 027-100-000-000
CAMA Number: 027-100-000-000
Property Address: 31 EAST BARE HILL RD

Mailing Address: SULLIVAN, JAMES F & LAURA
31 EAST BARE HILL RD
HARVARD, MA 01451

Parcel Number: 027-101-000-000
CAMA Number: 027-101-000-000
Property Address: 33 EAST BARE HILL RD

Mailing Address: WINTER, RICHARD G & LYNNE C
33 EAST BARE HILL RD
HARVARD, MA 01451



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300 feet Abutters List Report

Harvard, MA
July 18, 2023

Parcel Number: 027-102-000-000
CAMA Number: 027-102-000-000
Property Address: 35 EAST BARE HILL RD

Mailing Address: JONES, LINDA M & ERIK M
35 EAST BARE HILL RD
HARVARD, MA 01451

Parcel Number: 027-103-000-000
CAMA Number: 027-103-000-000
Property Address: EAST BARE HILL RD

Mailing Address: CUTLER, MARY MORGAN, TRUSTEE
56 STOW RD
HARVARD, MA 01451

Parcel Number: 027-104-000-000
CAMA Number: 027-104-000-000
Property Address: 37 EAST BARE HILL RD

Mailing Address: VIEL, JEFFREY P
37 EAST BARE HILL RD
HARVARD, MA 01451

Parcel Number: 027-125-000-000
CAMA Number: 027-125-000-000
Property Address: ST JOHN LN

Mailing Address: HIGGINS, WILLIAM M JR TR
51 COTTAGE LN
CONCORD, MA 01742

Parcel Number: 027-126-000-000
CAMA Number: 027-126-000-000
Property Address: ST JOHN LN

Mailing Address: HIGGINS, WILLIAM M JR TR
51 COTTAGE LN
CONCORD, MA 01742

Parcel Number: 027-127-000-000
CAMA Number: 027-127-000-000
Property Address: 10 ST JOHN LN

Mailing Address: KNIHTILA, RYAN ROBERT
10 ST JOHN LN
HARVARD, MA 01451

Parcel Number: 027-130-001-000
CAMA Number: 027-130-001-000
Property Address: 42 EAST BARE HILL RD

Mailing Address: ROJAS-TERAN, ROBERTO G & KRISTINA
S
42 EAST BARE HILL RD
HARVARD, MA 01451

Parcel Number: 027-133-000-000
CAMA Number: 027-133-000-000
Property Address: 7 ARMSTRONG RD

Mailing Address: ZIPOLI, MATTHEW
7 ARMSTRONG RD
HARVARD, MA 01451

Parcel Number: 027-134-000-000
CAMA Number: 027-134-000-000
Property Address: BOLTON RD

Mailing Address: SCHMIDT, ROBERT & PAULA
127 BOLTON RD
HARVARD, MA 01451

Parcel Number: 027-136-000-000
CAMA Number: 027-136-000-000
Property Address: 131 BOLTON RD

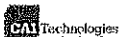
Mailing Address: NATHAN D. BAILEY AND LINDA BAILEY,
CO-TRUSTEES
131 BOLTON RD
HARVARD, MA 01451

Parcel Number: 027-137-001-000
CAMA Number: 027-137-001-000
Property Address: 141 BOLTON RD

Mailing Address: GRILLI, PETER & SUSAN
PO BOX 241
HARVARD, MA 01451

Parcel Number: 031-051-000-000
CAMA Number: 031-051-000-000
Property Address: 13 ST JOHN LN

Mailing Address: MCGRATTAN, KEVIN
13 ST JOHN LN
HARVARD, MA 01451



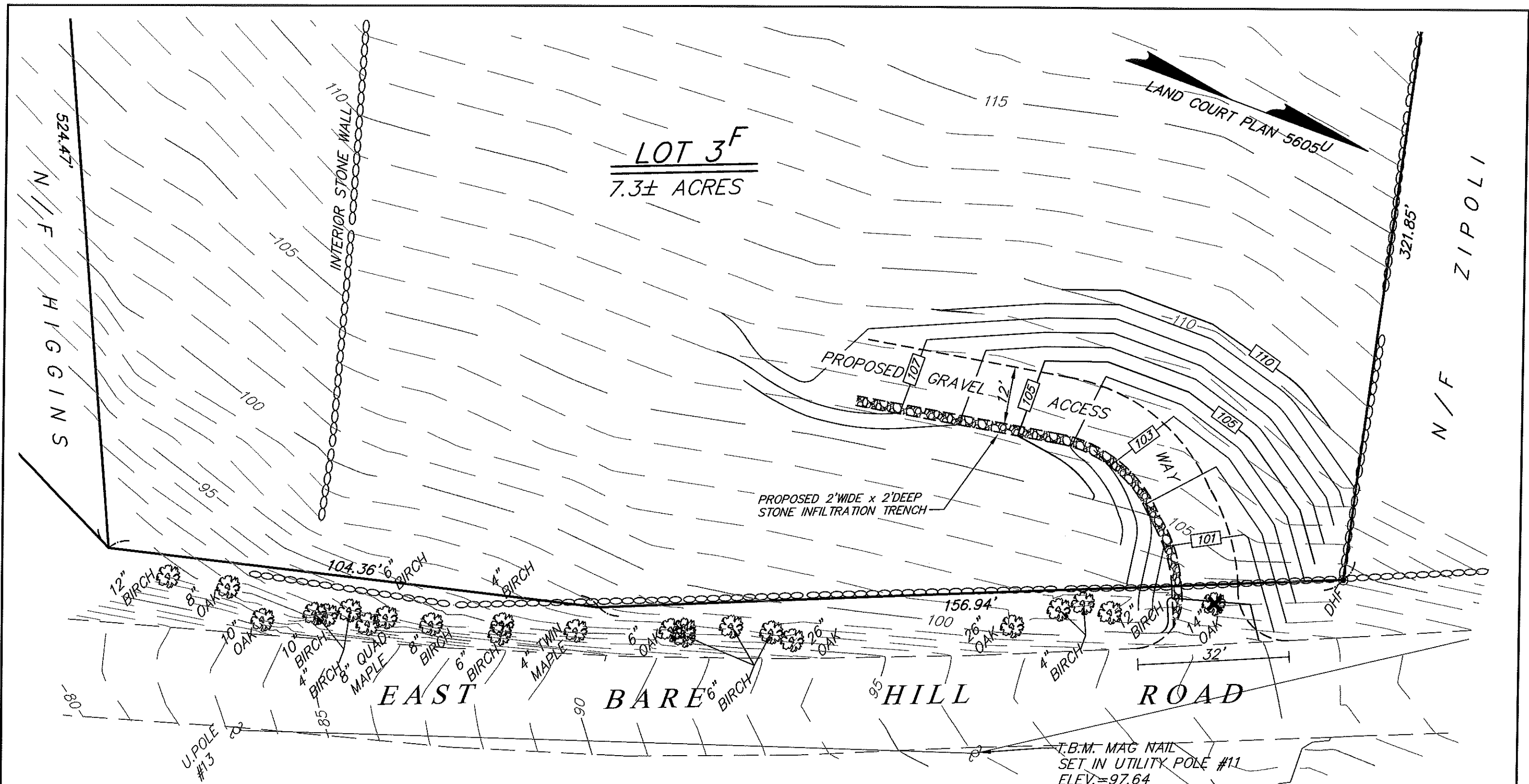
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7/18/2023

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R:\Proj\Civil3D\2015\30560 SCHMIDT\DWG\30560-SCHMIDT-SITE PLAN.dwg, 7/17/2023 8:10:43 AM, RICOH MP C3003



LEGEND

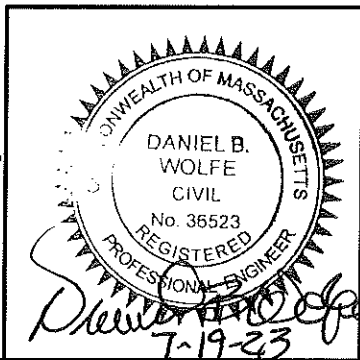
- 300 --- EXISTING CONTOUR
- 300 --- PROPOSED CONTOUR
- ☒ PERCOLATION TEST HOLE
- OBSERVATION TEST HOLE
- S SEWER LINE
- W WATER LINE
- EDGE OF WETLANDS
- 🌳 INDICATES TREE TO BE REMOVED

NOTES:

1. STONES DISPLACED DURING CONSTRUCTION SHALL BE USED TO SUPPLEMENT EXISTING STONE WALL ALONG EAST BARE HILL ROAD OR BE USED ALONG THE DRIVEWAY ROUNDING, WITHIN THE EXISTING RIGHT-OF-WAY.
2. ONE REPLACEMENT TREE SHALL BE PLANTED TO REPLACE THE EXISTING 14" OAK TO BE REMOVED. LOCATION AND SPECIES OF TREE TO BE DETERMINED BY THE TREE WARDEN AFTER INITIAL DRIVEWAY CONSTRUCTION TO ENSURE BEST LOCATION.

REVISIONS

NO.	DESCRIPTION	DATE



DAVID E. ROSS ASSOCIATES, INC.

CIVIL ENGINEERS - LAND SURVEYORS
ENVIRONMENTAL CONSULTANTS

6 Lancaster County Road
P.O. Box 795
Harvard, MA 01451-0795

978-772-6232
FAX 978-772-6258
www.davidross.com

PLAN TITLE: SITE PLAN FOR SCENIC ROAD PERMIT		DATE: JULY, 2023	
DESIGNED FOR: ROBERT SCHMIDT			
ADDRESS: #127 BOLTON ROAD, HARVARD, MA			
MAP: 27	PARCEL: 135	LOT: 3 ^F	
SCALE: 1" = 20'	SHEET NO.: 1 OF 1		
JOB NO.: 30560	PLAN NO.: S-15269		