

**TOWN OF HARVARD
ZONING BOARD OF APPEALS AGENDA
WEDNESDAY JUNE 14, 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/83993018093?pwd=RFA0K0p0cjFOYjFRazMwLzdFRWQ1QT09>

Meeting ID: 839 9301 8093

Passcode: 131264

One tap mobile

+13052241968,,83993018093# US

+13092053325,,83993018093# US

Dial by your location

• +1 305 224 1968 US

• +1 309 205 3325 US

• +1 312 626 6799 US (Chicago)

• +1 646 931 3860 US

Meeting ID: 839 9301 8093

Find your local number: <https://us02web.zoom.us/u/kgA8VleOI>

7:00pm Special Permit Hearing – Michael & Lauren Derse, 32 Massachusetts Ave – additions to a pre-existing, non-conforming structure. §§125-3 &125-46 and to Construct an Accessory Dwelling §125-18.1 & §125-30B with an elevator§125-57E.

7:30pm Continuation of Special Permit Hearing – William Ference at 247 Littleton County Road, Harvard. §125-3C Non-conforming structures other than one – and two-family dwellings and 125-3D Non-conforming uses, for Modification of a Special Permit.

8:00pm Continuation of Special Permit Hearing – Latham at 200 Still River Road, §125-3B Non-conforming one- and two-family dwellings, and §135-25 Special rule applicable to one- and two-family dwellings.

New Business: a) Approve Minutes from May 10, 2023
b) Approve Invoice (none this month)

**NEXT SCHEDULED MEETING:
WEDNESDAY, JULY 12, 2023**

AS

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 also be brought up for discussion to the extent permitted by law.

OFFSETS ARE NOT FOR THE REPRODUCTION OF PROPERTY LINES



MASSACHUSETTS (PUBLIC WAY) AVENUE

STONE BOUND (NOT RECOVERED)

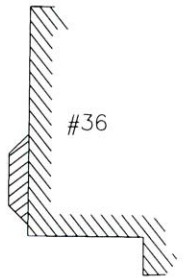
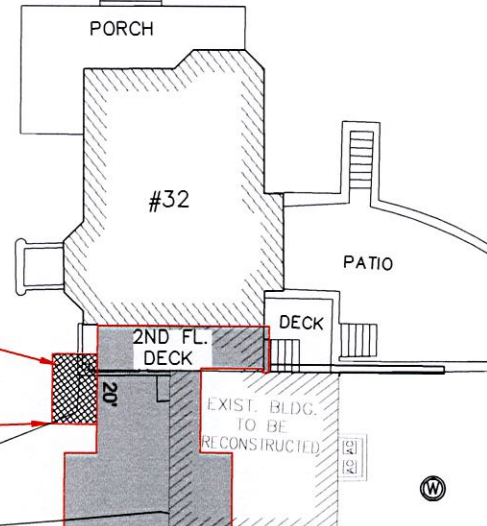
Stone Bound (found)

LOT 1
AREA = 33,845±S.F.

POND (PUBLIC WAY) ROAD

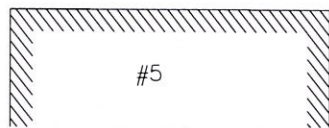
222.27'

221.06'



N/F
HENRY J. &
NANCY A.
PARK
TRUST
56968/68

N/F
MAHAGONY RUN REALTY TRUST
9490/246



THIS LAND MAY BE SUBJECT TO EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, COVENANTS, OR OTHER LIMITATIONS WHICH MAY BE DISCLOSED BY A TITLE EXAMINATION.

THE STRUCTURE SHOWN IS NOT IN A FLOOD HAZARD AREA, BEING ZONE X (AREAS OF MINIMAL FLOODING) AS SHOWN ON THE F.E.M.A FLOOD INSURANCE RATE MAP FOR HARVARD, MASS., DATED JULY 16, 2014, COMMUNITY-PANEL NO. 250-27CO-477F. ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. ACCURATE DETERMINATION CANNOT BE MADE UNLESS A VERTICAL CONTROL SURVEY IS PERFORMED.

ASSESSOR'S MAP 22B, PARCEL 32
DEED BOOK 49451 PAGE 387
PLAN BOOK-172, PLAN #122

THE EXISTING FEATURES SHOWN HAVE BEEN LOCATED BY AN INSTRUMENT SURVEY PERFORMED BY THIS OFFICE ON MARCH 14, 2022.

BUILDING PERMIT PLAN at #32 MASS. AVE. HARVARD, MASS.

PREPARED FOR: MICHAEL DERSE
DATE: MAY 3, 2023 SCALE: 1"=30'

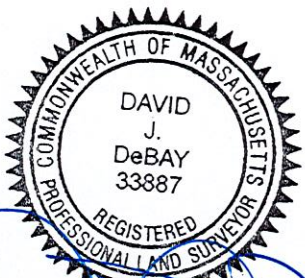


Engineering Solutions
for Land & Structures

GOLDSMITH, PREST & RINGWALL, INC.

39 MAIN ST., SUITE 301, AYER, MA 01432

CIVIL ENGINEERING • LAND SURVEYING • LAND PLANNING
VOICE: 978.772.1590 FAX: 978.772.1591 WEB: www.gpr-inc.com



DAVID J. DeBAY, P.L.S. # 33887

FLD: AMB CALC: DSB DWN: DSB

P:\22-1111\DWG\SURVEY DWG\FINAL\221111_BPP_1A.DWG

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**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: Michael & Lauren Derse

Mailing Address: 32 Massachusetts Ave., Harvard, MA 01451

Telephone Number: 805-407-7175 Email Address: mikederse@gmail.com

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

Location of Property: 32 Massachusetts Ave. Assessors Map 22B Parcel: 32

Registry of Deeds: Book Number 49451 Page Number 387 Certificate Number _____

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

Owner's Address: _____

Representative: Goldsmith, Prest & Ringwall, Inc. (GPR) Tel. No.: 978-772-1590

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: Section 125-3B(2) & 125-46

Nature of Application and Justification of Request: See attached Nature & Justification

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.

M. Derse
Property Owner's Signature (REQUIRED)

5/9/23
Date

L. Derse
Property Owner's Signature (REQUIRED)

5/9/23
Date

Applicant's Signature (if different from owner)

Date



May 9, 2023

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

RE: Special Permit Request
Michael & Lauren Derse
32 Massachusetts Ave.
Harvard, MA

Dear Board Members:

On behalf of the proponent, Michael & Lauren Derse, and in accordance with Sections 125-46 and 125-3B and specifically subsection 125-3B(2) of the Harvard Zoning Bylaws, GPR submits herewith an application for a special permit to alter and enlarge a lawful, non-conforming existing structure. Pursuant to the zoning enclosed are the application and supporting documentation.

The subject property contains 33,845± SF at the corner of Mass Ave and Pond Rd as shown on the attached Building Permit Plan and Harvard Assessor Map 22B parcel 32. The property is zoned AR and is serviced by the Town's water and sewer systems. According to Harvard Assessor records the house was built in 1907, before the adoption of the Harvard Protective Bylaw and therefore a lawful non-conforming house and lot pursuant to Section 125-3A.

The proponents desire to construct an Accessory Dwelling Unit (ADU) in accordance with Sections 125-18.1 and specially subsection 125-18.1A(1)(b) meeting the requirements of Section 125-57E. The existing garage would be demolished for the construction of a new garage with the ADU located above the garage. There is a proposed elevator meeting the zero-step requirement of Section 125-57E (see Tuck & Tuck Architectural plans).

The existing house and garage have a gross floor area of 6,025 SF. The existing house plus the addition of the mudrooms, garage and ADU will have a gross floor area of 7,990 SF. Said addition is roughly 32% larger than the structure prior to becoming a non-conforming structure. Said addition meets all current setback requirements and therefore would have been permitted prior to becoming non-conforming. It is our opinion the completed structure will not be substantially more detrimental to the neighborhood than the existing non-conformity. We have attached a summary of the existing and proposed structure as well as the "floor area ratio" pursuant to Section 125-30(B).

Goldsmith, Prest & Ringwall, Inc.

The proposed addition at 32 Mass Ave will not result in a substantial increase of volume or rate of surface water runoff to neighboring properties and street, and will not result in substantial danger of pollution or contamination of the groundwater supply, a groundwater absorption area, a well, pond, stream, water course, W-district, or inland wetland. If approved this project will be in harmony with the general purpose and intent of the Bylaw and the purposes as outlined in Section 125-1.

On behalf of the proponents, Michael & Lauren Derse, GPR respectfully request the ZBA schedule a hearing for the review of the special permit request at your June 14th, 2023 meeting. Should the Board require additional copies or documentation please contact our office.

Sincerely,



Bruce D. Ringwall, Pres.

Copy to: Lynn Kelly, Town Clerk
Michael & Lauren Derse
Michelle Tuck, Tuck & Tuck Architects
GPR file 221111

Special Permit Request §125-3B(2)
Michael & Lauren Derse
32 Mass Ave
Harvard, MA

SQUARE FOOTAGES (GROSS FLOOR AREA)

EXISTING BASEMENT:	1,350 SF
EXISTING FIRST FLOOR:	1,265 SF
EXISTING SECOND FLOOR:	1,345 SF
EXISTING THIRD FLOOR:	1,345 SF
TOTAL EXISTING HOUSE:	5,305 SF

EXISTING GARAGE (TO BE DEMOLISHED): 720 SF

EXISTING HOUSE & GARAGE: 6,025 SF

NEW BASEMENT MUDROOM ADDITION:	285 SF
NEW 1ST FLOOR MUDROOM ADDITION:	245 SF
NEW IN-LAW SUITE ADDITION:	1,115 SF
NEW GARAGE:	1,040 SF

NEW HOUSE & NEW GARAGE: 7,990 SF

Said increase being roughly 32% larger than the prior non-conforming structure.

Section 125-30B: Floor area ratio shall not be greater than 10% of the lot area or 8,000 SF whichever is larger.

10% of 33,845 SF = 3,385 SF
8,000 SF > 3,385 SF

7,990 SF < 8,000 SF

May 8, 2023

**Subject: 32 Massachusetts Ave, MA
Tax Map 22B, Parcel 32**

To Whom It May Concern:

I hereby authorize Goldsmith, Prest & Ringwall, Inc., 39 Main Street, Suite 301, Ayer, MA, 978.772.1590, to act as my agent in administrative and civil engineering matters pertaining to the proposed Assessor's Dwelling Unit (ADU) at the subject site. This authorization covers the execution of application forms, presentation of plans and designs, and communication with involved parties.

Respectfully,



Michael Derse
32 Mass Ave.
Harvard, MA 01451

Copy: Goldsmith, Prest & Ringwall, Inc.
File #221111

Worcester District Registry of Deeds - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 8/16/2022 7:28:38 AM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
96827	DEED		49451/387	08/15/2012	653300.00
Property-Street Address and/or Description					
32 MASSACHUSETTS AVE					
Grantors					
DECK GENTRY O, DECK DINAH S					
Grantees					
DERSE MICHAEL T, DERSE LAUREN E, DIMINICO LAUREN					
References-Book/Pg Description Recorded Year					
64849/83 MTG 2021					
Registered Land Certificate(s)-Cert# Book/Pg					



Bk: 49451 Pg: 387
Page: 1 of 3 08/15/2012 01:18 PM WD

MASSACHUSETTS EXCISE TAX
Worcester District ROD #20 001
Date: 08/15/2012 01:18 PM
Ctrl# 113627 29483 Doc# 00096827
Fee: \$2,979.96 Cons: \$653,300.00

MASSACHUSETTS QUITCLAIM DEED

WE, GENTRY O. DECK AND DINAH S. DECK of Harvard, Worcester County,
Massachusetts 01451,

for consideration paid, and in full consideration of SIX HUNDRED FIFTY-THREE
THOUSAND THREE HUNDRED AND 00/100 Dollars (U.S. \$653,300.00)

grant to MICHAEL T. DERSE AND LAUREN E. DERSE F/K/A LAUREN DIMINICO,
HUSBAND AND WIFE AS TENANTS BY THE ENTIRETY

with *quitclaim covenants* the following property in Worcester County, Massachusetts.

The land in said Harvard, with the buildings thereon, situated on the westerly side of Bromfield
Street, sometimes known as Massachusetts Avenue, bounded and described as follows:

BEGINNING at a stone bound at the intersection of said Bromfield Street, also known as
Massachusetts Avenue, and Pond Road, said bound being buried eighteen (18) inches;

THENCE running S. 06 degrees 01' E., by said Bromfield Street, one hundred fifty-five and
05/100 (155.05) feet to a stake;

THENCE running S. 82 degrees 45' W. by land of Mildred E. Savage, two hundred twenty-one
and 06/100 (221.06) feet to a stake;

THENCE running N. 06 degrees 25' W., by land of Mildred E. Savage, one hundred fifty and
30/100 (150.30) feet to a stake at said Pond Road;

THENCE running N. 81 degrees 31' 30" E., b said Pond Road, two hundred twenty-two and
27/100 (222.27) feet to the point of beginning.

Containing 33,845 square feet, more or less.

(Property and Grantee)
32 Massachusetts Avenue, Harvard, MA 01451

GT
3

Being Lot 1 as shown on plan of "Land in Harvard, Mass., surveyed for Mildred Savage, Mar. 1951, Charles A. Perkins Co., Civil Engineers, Clinton, Mass.". Said plan duly recorded in Plan Book 172, Plan 122.

I/We GENTRY O. DECK AND DINAH S. DECK release our Rights of Homestead with respect to the above-mentioned real estate.

For title see deed of Emery K. Perry and Eleanor D. Perry dated June 3, 1972 and recorded with Worcester South Registry of Deeds in Book 5226, Page 301.

Witness my/our hand(s) and seal(s) this 3 day of Aug. 2012.

Gentry O. Deck
GENTRY O. DECK

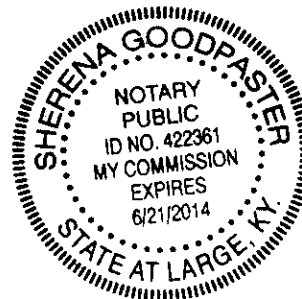
Dinah S. Deck
DINAH S. DECK

COMMONWEALTH OF KENTUCKY

Worcester, ss.

On this 3rd day of August 2012, before me, the undersigned notary public, personally appeared GENTRY O. DECK AND DINAH S. DECK, proved to me through satisfactory evidence of identification, which was/were [] driver's license(s) or [] _____, to be the person(s) whose name(s) is/are signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

Sherena Goodpaster
Notary Public: Sherena Goodpaster
My Commission Expires: 6/21/14



CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				
DERSE, MICHAEL T & LAUREN E		1 Level	2 Public Water 6 Septic	3 Med Traffic 6 Paved 1 Two Way		Description RESIDENTL RES LAND	Code 1010 1010	Appraised 784,900 187,000	Assessed 784,900 187,000	
32 MASS AV		SUPPLEMENTAL DATA								
HARVARD MA 01451		Alt Prcl ID 125022B003200000 House Col WHITE Field Chec								
		GIS ID M_193181_916196 Assoc Pid#						Total	971,900	971,900

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)					
DERSE, MICHAEL T & LAUREN E	49451	0387	08-15-2012	U	I	653,300	10	Year	Code	Assessed V	Year	Code	Assessed
DECK, GENTRY O & DINAH S	5226	0301	06-07-1972	U		0	1N	2022	1010	595,200	2020	1010	564,100
								177,800	1010	177,800		1010	177,800
	Total							908,200	Total	773,000		Total	741,900

EXEMPTIONS		OTHER ASSESSMENTS	
Year	Description	Code	Amount
	SW SEWER BETTE		0.00
	Comm Int		0.00
	Total		0.00

ASSESSING NEIGHBORHOOD		NOTES	
Nbhd	B	Tracing	
1			

PROPERTY IN TOWN CENTER SEWER DISTRICT;
 SEWER BETTERMENT PLAN RECORDED 11/9/12
 BP#13-050 4/22/13 FOR HVAC SYSTEM
 5/2013- GUTTING INT% COMPL. FORWARD-REVI
 SIT

BUILDING PERMIT RECORD				VISIT / CHANGE HISTORY										
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments	Date	Id	Type	Is	Cd	Purpose/Result
B-21-199	06-22-2021	RF	Roofing	5,525	03-20-2014	100	12-23-2013	STRIP & INSTALL RUBBER R	07-21-2014	SV	X	N	F	Field Review
13-032	03-25-2013	RE	Renovation	225,000	03-20-2014	100		RENO INTERIOR	03-20-2014	DC	X	N	11	BP Only, Reinsp Incomplet
13-006	01-28-2013	DE	Demolish	1,200	03-20-2014	100		INT DEMO	05-28-2013	DE	X	N	M	Maintenance/Buid Permt
03-167	10-06-2003	RM	Renovations	4,500	08-26-2004	100		REPL REAR DECK & STRS T	07-14-2006	AM	C	O	C	Cyclical Insp
76	07-03-1989		ADDITION	2,400	08-26-2004	100		Deck 14 x 14	08-26-2004	AM	C	O	M	Maintenance/Buid Permt
Total														

LAND LINE VALUATION SECTION															
B Use Code	Description	Zone	Land Type	Land Units	Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Location Adjustment	Adj Unit P	Land Value	
1	1010	Single Fam	AR	Primary	0.750	AC	225,000.00	1.25925	P	1.00	20	0.880		187,000	
Total Card Land Units										0.75	AC	Parcel Total Land Area	0.75	Total Land Value	187,000

AS OF January 1, 2022

CONSTRUCTION DETAIL **CONSTRUCTION DETAIL (CONTINUED)**

Element	Cd	Description	Element	Cd	Description	
Style:	63	Antique				
Model:	01	Residential				
Grade:	07	Very Good				
Stories:	2.75	2.75 Stories				
Occupancy:	1	Wood Shingle	CONDO DATA			
Exterior Wall 1	14	Cleapboard	Parcel Id	C	Owne	
Exterior Wall 2	11	Gable/Hip		B	S	
Roof Structure:	03	Asph/F Gls/Cmp	Adjust Type	Code	Description	Factor%
Roof Cover	03	Drywall	Condo Fir			
Interior Wall 1	05	Hardwood	Condo Unit			
Interior Wall 2	12	Gas	COST / MARKET VALUATION			
Interior Fir 1	03	Forced Air-Duc	Building Value	New	981,164	
Interior Fir 2	04	Central	Year Built		1907	
Heat Fuel	03	4 Bedrooms	Effective Year Built		VG	
AC Type:	04		Depreciation Code		20	
Total Bedrooms	3		Remodel Rating		1.000	
Total Half Baths	2		Year Remodeled			
Total Xtra Fixtrs	2		Depreciation %			
Total Rooms:	8		Functional Obsol			
Bath Style:	02	Modern	External Obsol			
# of Kitchens	1	Modern	Trend Factor			
Fireplaces	1		Condition		80	
			Condition %		784,900	
			Percent Good			
			RCNLD			
			Dep % Ovr			
			Dep Ovr Comment			
			Misc Imp Ovr			
			Misc Imp Ovr Comment			
			Cost to Cure Ovr			
			Cost to Cure Ovr Comment			

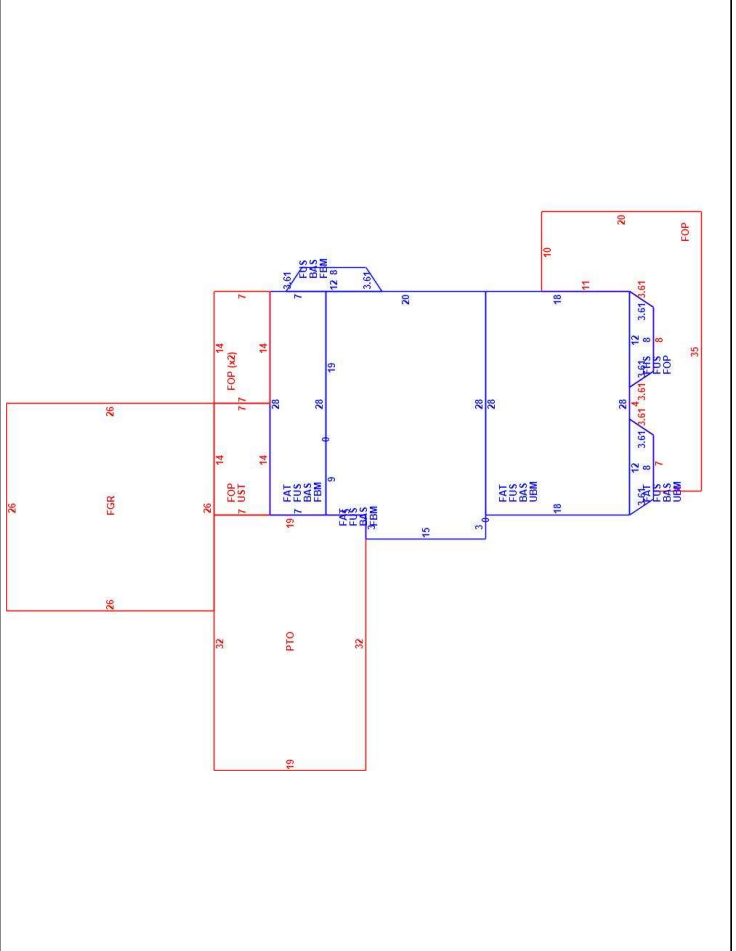
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

Code	Description	L/LB	Units	Unit Price	Yr Bfr	Cond.	Cd	% Gld	Grade	A	Adj.	Appl. Value



BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BAS	First Floor	1,365	1,365	1,365	225.95	308,427
FAT	Attic, Finished	401	1,335	401	67.87	90,607
FBM	Basement, Finished	0	831	332	90.27	75,017
FGR	Garage, Finished	0	676	304	101.61	68,690
FHS	Half Story, Finished	15	30	15	112.98	3,389
FOP	Porch, Open, Finished	0	695	139	45.19	31,408
FUS	Upper Story, Finished	1,395	1,395	1,395	225.95	315,205
PTO	Patio	0	608	61	22.67	13,783
UBM	Basement, Unfinished	0	534	107	45.28	24,177
UST	Utility Storage, Unfinished	0	98	29	66.86	6,553
Totl Gross Liv / Lease Area		3,176	7,567	4,148		937,256





Abutters List Report
Town of Harvard, MA

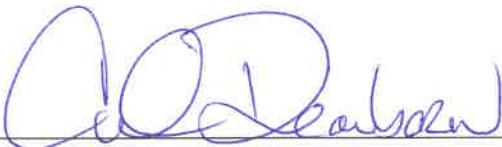
Date: April 26, 2023

Parcel Number: 022B-032-000

Property Address: 32 Mass Ave

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: 

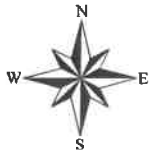
Date: 4/26/23

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



32 MASS AVE

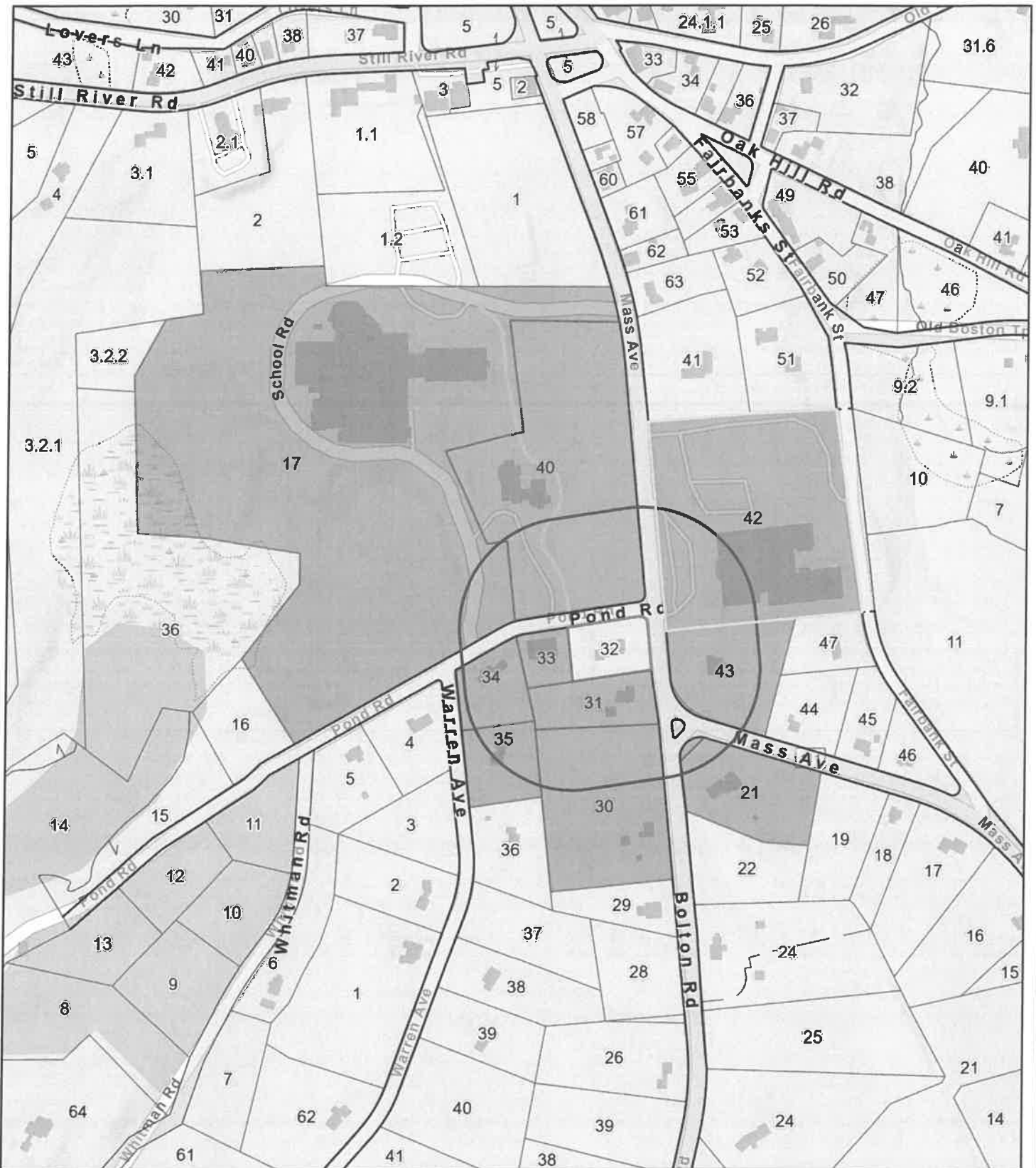
Town of Harvard, MA

1 inch = 376 Feet



www.cai-tech.com

April 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
April 26, 2023

Subject Property:

Parcel Number: 22B-032-000-000
CAMA Number: 22B-032-000-000
Property Address: 32 MASS AV

Mailing Address: DERSE, MICHAEL T & LAUREN E
32 MASS AV
HARVARD, MA 01451

Abutters:

Parcel Number: 22A-017-000-000
CAMA Number: 22A-017-000-000
Property Address: 14 MASS AV

Mailing Address: HARVARD, TOWN OF
13 AYER RD
HARVARD, MA 01451

Parcel Number: 22B-020-000-000
CAMA Number: 22B-020-000-000
Property Address: 0 BOLTON RD

Mailing Address: HARVARD, TOWN OF
13 AYER RD
HARVARD, MA 01451

Parcel Number: 22B-021-000-000
CAMA Number: 22B-021-000-000
Property Address: 40 MASS AV

Mailing Address: FERENCE, WILLIAM
40 MASS AV
HARVARD, MA 01451

Parcel Number: 22B-030-000-000
CAMA Number: 22B-030-000-000
Property Address: 4 BOLTON RD

Mailing Address: PAYNE, COLLEEN P
4 BOLTON RD
HARVARD, MA 01451

Parcel Number: 22B-031-000-000
CAMA Number: 22B-031-000-000
Property Address: 36 MASS AV

Mailing Address: PARK, HENRY J., TRUSTEE
36 MASS AV
HARVARD, MA 01451

Parcel Number: 22B-033-000-000
CAMA Number: 22B-033-000-000
Property Address: 5 POND RD

Mailing Address: MRC TRUST CONDO MAIN
PO BOX 517
HARVARD, MA 01451

Parcel Number: 22B-034-000-000
CAMA Number: 22B-034-000-000
Property Address: 9 POND RD

Mailing Address: BLYDENBURGH, EMMA
9 POND RD
HARVARD, MA 01451

Parcel Number: 22B-035-000-000
CAMA Number: 22B-035-000-000
Property Address: 5 WARREN AV

Mailing Address: WARD, KAYE S.
5 WARREN AVE
HARVARD, MA 01451

Parcel Number: 22B-040-000-000
CAMA Number: 22B-040-000-000
Property Address: 4 POND RD

Mailing Address: BROMFIELD TRUSTEES
46 JACOB GATES RD
HARVARD, MA 01451

Parcel Number: 22B-042-000-000
CAMA Number: 22B-042-000-000
Property Address: 27 MASS AV

Mailing Address: HARVARD, TOWN OF
13 AYER RD
HARVARD, MA 01451



www.cai-tech.com

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300 feet Abutters List Report

Harvard, MA
April 26, 2023

Parcel Number: 22B-043-000-000
CAMA Number: 22B-043-000-000
Property Address: 39 MASS AV

Mailing Address: HARVARD, TOWN OF
13 AYER RD
HARVARD, MA 01451

Parcel Number: 22B-033-000-000
CAMA Number: 22B-1033-000-000
Property Address: 5 POND RD

Mailing Address: MAHOGANY RUN REALTY TR I
PO BOX 517
HARVARD, MA 01451

Parcel Number: 22B-033-000-000
CAMA Number: 22B-2033-000-000
Property Address: 5 POND RD

Mailing Address: MAHOGANY RUN REALTY TR II
PO BOX 120
HARVARD, MA 01451

Parcel Number: 22B-033-000-000
CAMA Number: 22B-3033-000-000
Property Address: 5 POND RD

Mailing Address: WALKER, JOHN H
197 EIGHTH STREET
CHARLESTOWN, MA 02129



www.cai-tech.com

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4/26/2023

Page 2 of 2

**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: William Ference

Mailing Address: 40 Mass Ave, Harvard, MA 01451

Telephone Number: 267-566-2637 Email Address: bill.ference@gmail.com

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

Location of Property: 247 Littleton County Rd Assessors Map 14 Parcel: 53.1

Registry of Deeds: Book Number 67898 Page Number 271 Certificate Number _____

Owner's Name: 247 Littleton County Road LLC Tel. No.: _____
(If different than Applicant)

Owner's Address: 1 Bolton Road, Harvard, MA 01451

Representative: Goldsmith, Prest & Ringwall, Inc. Tel. No.: 978-772-1590

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

- | | |
|---|---------------------------------|
| <input type="checkbox"/> Variance (16 copies) | Fee: \$150.00 + \$6.00/ abutter |
| <input type="checkbox"/> Special Permit (16 copies) | Fee: \$200.00 + \$6.00/abutter |
| <input checked="" 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 |

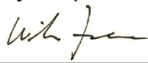
Specific Bylaw section (s) being applied for: 125-3 C Non-conforming structures other than one- and two-family dwellings and 125-3 D Non-conforming uses.

Nature of Application and Justification of Request: See attached.

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.

 3/16/2023
Property Owner's Signature (REQUIRED) Date

Property Owner's Signature (REQUIRED) Date

Applicant's Signature (if different from owner) Date



Engineering Solutions
for Land & Structures

Civil Engineering Land Planning Land Surveying

Harvard Zoning Board of Appeals
Special Permit Modification
Nature and Justification
Bill Ference
247 Littleton County Road

The property at 247 Littleton County Road (“the property”), also known as Friendly Crossways, was issued a Special Permit by the ZBA on April 22, 2022, recorded at the WSRD in book 68247 page 319, allowing the continued non-conforming use as an events venue and allowing the construction of a commercial kitchen and tent platform.

The construction of the kitchen is critical to the property’s operation and is required by the Board of Health in order to prepare food onsite. Whereas the proposed kitchen addition falls within Zone I of the property’s existing Public Water System (PWS) and whereas construction is not permitted within a PWS Zone I, the applicant seeks to de-certify the PWS. In order to approve the de-certification, MassDEP has requested that the Applicant amend the Special Permit text to limit the usage of the property to below the threshold for a PWS, defined as a system that “regularly serves an average of at least 25 individuals daily at least 60 days of the year.”¹

The proponent is petitioning the ZBA to amend the text of the referenced Special Permit as follows:

To section “*Decision (iv)*”:

Existing Text:

“increasing the number of events held at the Locus to 130 per year, including the service of alcoholic beverages and entertainment, subject to the following conditions.”

Proposed Amended Text:

“limiting the number of events with 25 or more guests served at the Locus to 59 or fewer per year, including the service of alcoholic beverages and entertainment, subject to the following conditions...”

To section “*A. Conditions*”:

Text Addition:

“If the Applicant ever seeks to hold more than 60 events with an average of 25 guests or more per year, the Applicant will register the property's well as a Public Water System (PWS) through the MassDEP. With a PWS, the property will be allowed to host up to 130 events per year of any size.”

We believe the proposed text amendment is de minimis. On behalf of the proponent, we respectfully request the ZBA amend the text of the referenced Special Permit as requested and ask that all materials associated with the original filing be accepted by reference.

Worcester South District Registry of Deeds Electronically Recorded Document

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

Recording Information

Document Number	: 103841
Document Type	: DECN
Recorded Date	: September 21, 2022
Recorded Time	: 03:45:07 PM
Recorded Book and Page	: 68247 / 319
Number of Pages(including cover sheet)	: 7
Receipt Number	: 1471795
Recording Fee	: \$105.00

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

**OFFICE OF THE
HARVARD ZONING BOARD OF APPEALS**

13 AYER ROAD HARVARD, MA 01451

978-456-4100 EXT.321

www.harvard-ma.gov



SPECIAL PERMIT DECISION

RE: Application of William Ference for a Special Permit

PROPERTY ADDRESS AND TITLE REFERENCE: 247 Littleton County Road, Harvard Massachusetts; Assessors Map 14, Parcels 53.1 and 53.2; Worcester District Registry of Deeds, Book 21955, Page 5 and Book 60401, Page 353

DATE: April 27, 2022

FINDINGS AND DECISION

I. Procedural History

On March 10, 2022 the applicant, William Ference (the "Applicant") filed an application ("the Application") with the Board of Appeals ("ZBA") seeking a special permit pursuant to the provisions of Sections 125-3, Paragraphs C and D of the Protective Bylaw ("the Bylaw") to allow changes and modifications to the prior nonconforming structure and uses at 247 Littleton County Road, Harvard, Massachusetts (the "Locus"), also known as "Friendly Crossways", by (i) constructing an approximately 1,200 square foot addition at the rear of the building and installing a commercial kitchen in the addition to prepare food for events; (ii) enhancing the outdoor area behind the existing building with a constructed platform and seasonal tent; (iii) constructing a new gravel parking lot in the southeastern corner of the adjacent corn field; and (iv) increasing the number of events held at the Locus to 130 per year.

A notice of the public hearing on the Application, a true copy of which is on file in the Office of the Town Clerk, was:

1. Published in the Harvard Press, a newspaper with general circulation in the Town of Harvard on March 18, 2022 and March 25, 2022;
2. Posted in a conspicuous place in the Harvard Town Hall on March 15, 2022, which was at least fourteen (14) days prior to the ZBA's hearing; and
3. Mailed, postpaid, on March 15, 2022, which is at least fourteen (14) days before the hearing to the Applicant, abutters, owners of land directly opposite the Locus on

any public or private street or way, abutters to the abutters within three hundred (300) feet of the Locus, the planning boards of the abutting towns. The notice was mailed to the names and addresses shown on the most recent tax list provided by the Assessor's Office.

A public hearing before the ZBA on the application was held on April 13, 2022 and April 27, 2022, on which date the hearing was closed.

At the hearing, the Applicant and his engineer, Goldsmith, Prest and Ringwall, Inc. presented the ZBA with the Applicant's plans, photographs and supporting materials concerning the proposed changes to the structure and uses at the Locus.

In addition to the Application, the ZBA received and reviewed the following documents relative to the Application:

- ZBA Special Permit Plan - Site Plan 247 Littleton County Rd., prepared by Goldsmith, Prest & Ringwall, Inc. dated March 2022.
- Architectural plans for Ference Catering, Harvard MA, prepared by Becthel Frank Erickson Architects, Inc.
 - A-1 SW Elevations Proposed and Existing
 - A-2 NW Elevations Proposed and Existing
- Letters of support from Suzanne Buell of 237 Littleton County Rd, and from Todd Brown and Rob Cullinane of 279 Littleton County Rd.

The ZBA received written comments on the Application by letters from the Board of Health dated April 12, 2022 and the Building Commissioner dated April 13, 2022.

No parties in interest appeared or voiced their opposition to the requested special permit.

The ZBA deliberated on this decision at its meeting of April 27, 2022, and made the following findings and decision based on the foregoing documents and other evidence submitted at the public hearing.

II. Findings

A. General

1. The Locus is owned by Mary Helen Vesenka-Turner and Keith Turner (Parcel 53.1) and Mary Helen Vesenka-Turner, James P. Vesenka, Ruth Anne Lewis and Hannah

Roeder (Parcel 53.2).

2. The Locus has a land area of approximately 24.57 acres, in the aggregate. It is improved with a residential building having a floor area of approximately 13,040 square feet, which was constructed on or about 1880. The Locus has frontage on and is accessible from Littleton County Road.
3. The Locus is situated in the AR (Agricultural/Residential) Zoning District.
4. The Building on the Locus is non-conforming as to front setback and size. The existing front yard setback is approximately sixty-five feet (65') from the centerline of the road and which is less than the current requirement under the Bylaw of seventy-five feet (75'). The gross floor area of the building of approximately 13,040 square feet is greater than the maximum allowable floor area under Section 125-37 of Bylaw, Major Buildings, of 10,000 square feet.
5. The existing and prior uses of the Locus as an event venue, including the service of alcoholic beverages and entertainment, a retreat and conference center with lodging, and a hostel are nonconforming in the AR Zoning District.
6. The proposed uses of the Locus as an event venue, including the service of alcoholic beverages and entertainment, a retreat and conference center with lodging, and a hostel are nonconforming in the AR Zoning District.

B. Special Permit

1. The nonconforming aspects of the building on the Locus as to front setback and size pre-date the first Bylaw adopted by the Town. Those aspects of the building are prior nonconforming or grandfathered.
2. The existing and prior uses of the Locus, which began on or about 1947, as an event venue, including the service of alcoholic beverages and entertainment, a retreat and conference center with lodging, and a hostel pre-date the first Bylaw adopted by the Town. Said uses have not been abandoned or discontinued for a period of 2 years or more since they were commenced. Those uses are prior nonconforming or grandfathered.
3. The proposed changes to the building and parking area on the Locus:
 - a.) will not result in substantial increase of volume or rate of surface water runoff to neighboring properties and streets, and will not result in substantial danger of pollution or contamination of the groundwater supply, a groundwater absorption area, a well, pond, stream, watercourse, W District, or inland wetland. Any and all surface water runoff resulting from the changes will be retained within the Locus.

- b.) will result in no substantial increase in traffic, compared to refusal of the special permit, on any residential street where the Locus have access;
 - c.) will be in harmony with the general purpose and intent of the Bylaw, including each purpose stated in § 125-1, Purpose, which is pertinent to the Application;
 - d.) would have been permitted before the building became non-conforming; and
 - e.) will not be substantially more detrimental to the neighborhood than the existing non-conformity.
4. The proposed change to the nonconforming uses of the Locus will not be substantially more detrimental than the existing non-conforming uses to the neighborhood.

III. Decision

Based on the foregoing evidence and findings, on April 2022, the ZBA voted unanimously (Chairman Tracey and Members Lawton and Maxant) to grant a special permit pursuant to the provisions of Section 125-3, Paragraphs C and D of the Bylaw, to allow changes and modifications to the prior nonconforming structure and uses at the Locus by (i) constructing an approximately 1,200 square foot addition at the rear of the building and installing a commercial kitchen in the addition to prepare food for events; (ii) enhancing the outdoor area behind the existing building with a constructed platform and seasonal tent; (iii) constructing a new gravel parking lot in the southeastern corner of the adjacent corn field, all as shown on the plans and drawings referenced above and (iv) increasing the number of events held at the Locus to 130 per year, including the service of alcoholic beverages and entertainment, subject to the following conditions:

A. Conditions

1. Before the issuance of a building permit for said changes to the building, the Applicant shall obtain:
 - a.) Site Plan approval from the Planning Board; and
 - b.) a subsurface wastewater disposal permit.
2. Before the use of the commercial kitchen for catered events, the applicant shall obtain:
 - a.) a Certificate of Compliance for the installed subsurface wastewater disposal system; and

b.) approval of the Harvard Board of Health of the commercial kitchen facility in accordance with Massachusetts DPH and Federal Food Code requirements.

3. Before serving alcoholic beverages at any events at the Locus, the Applicant shall obtain the appropriate liquor licenses from the Select Board and/or the Alcoholic Beverages Control Commission.
4. Before serving food and nonalcoholic beverages at any events at the Locus, the Applicant shall obtain a common victualler's license from the Select Board
5. Before providing any entertainment at any events at the Locus, the Applicant shall obtain the appropriate entertainment licenses from the Select Board.
6. Before providing any lodging to guests at the Locus, the Applicant shall obtain an inn keeper's license from the Select Board.
7. Before erecting any tent(s) at the Locus for which a tent permit is required, the Applicant shall obtain a tent permit(s) from the Building Commissioner.
8. Events at the Locus shall begin no earlier than 8:00 A.M. and shall end no later than 11:00 P.M. Amplified music played or broadcast at such events shall occur only during hours established by the Select Board as conditions of entertainment licenses.
9. Noise generated by events at the Locus shall comply with MassDEP's noise pollution policy and 310 CMR 7.00, *et seq.*
10. Before the Applicant exercises the rights granted under this Special Permit, he shall record an attested copy of it at the Worcester District Registry of Deeds in the chain of title to the Locus and provide documentation of said recording to the Building Commissioner.
11. The modifications and changes to the Locus and the building on the Locus shall be substantially the same as those shown on the Special Permit Plan and Architectural plans referenced above. De minimis modifications to said plans may be may by the Applicant, with the approval of the Building Commissioner, without review and approval by the ZBA.

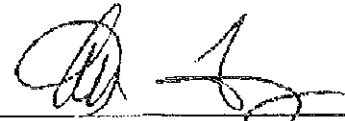
B. Terms

Action under this Special Permit shall lapse two (2) years from its date of issuance, but shall not include such time require to pursue or await the determination of an appeal referenced to in M.G.L. Chapter 40A, §17.


An appeal may be made pursuant to §17 of MGL Chapter 40A within twenty (20) days after the decision is filed with the Town Clerk.

This decision is not valid until after the Town Clerk of Harvard has certified it with respect to appeal provided in §9 of MGL Chapter 40A and a copy so certified has been recorded in the Worcester Registry of Deeds, referenced to the land.

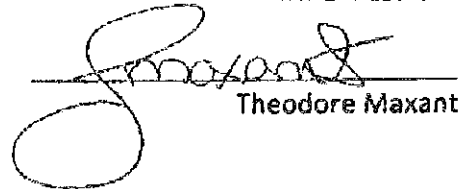
This decision does not waive or otherwise alter the requirements of the Harvard Protective Bylaw or any other law or ordinance. A copy of this decision showing book and page number of recording shall accompany an application for a building permit.



Christopher Tracey, Chairman



Michael Lawton



Theodore Maxant

This is to certify that as of June 16, 2022 no notice of appeal has been filed with this office in regard to this decision. I hereby certify that the twenty day appeal period has lapsed.

Signed: Lynn Kelly Lynn Kelly, Town Clerk



Abutters List Report
Town of Harvard, MA

Date: April 3, 2023
Parcel Number: 021-008-000
Property Address: 200 Still River 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: Carol Dearborn

Date: 4/3/23

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



200 STILL RIVER RD

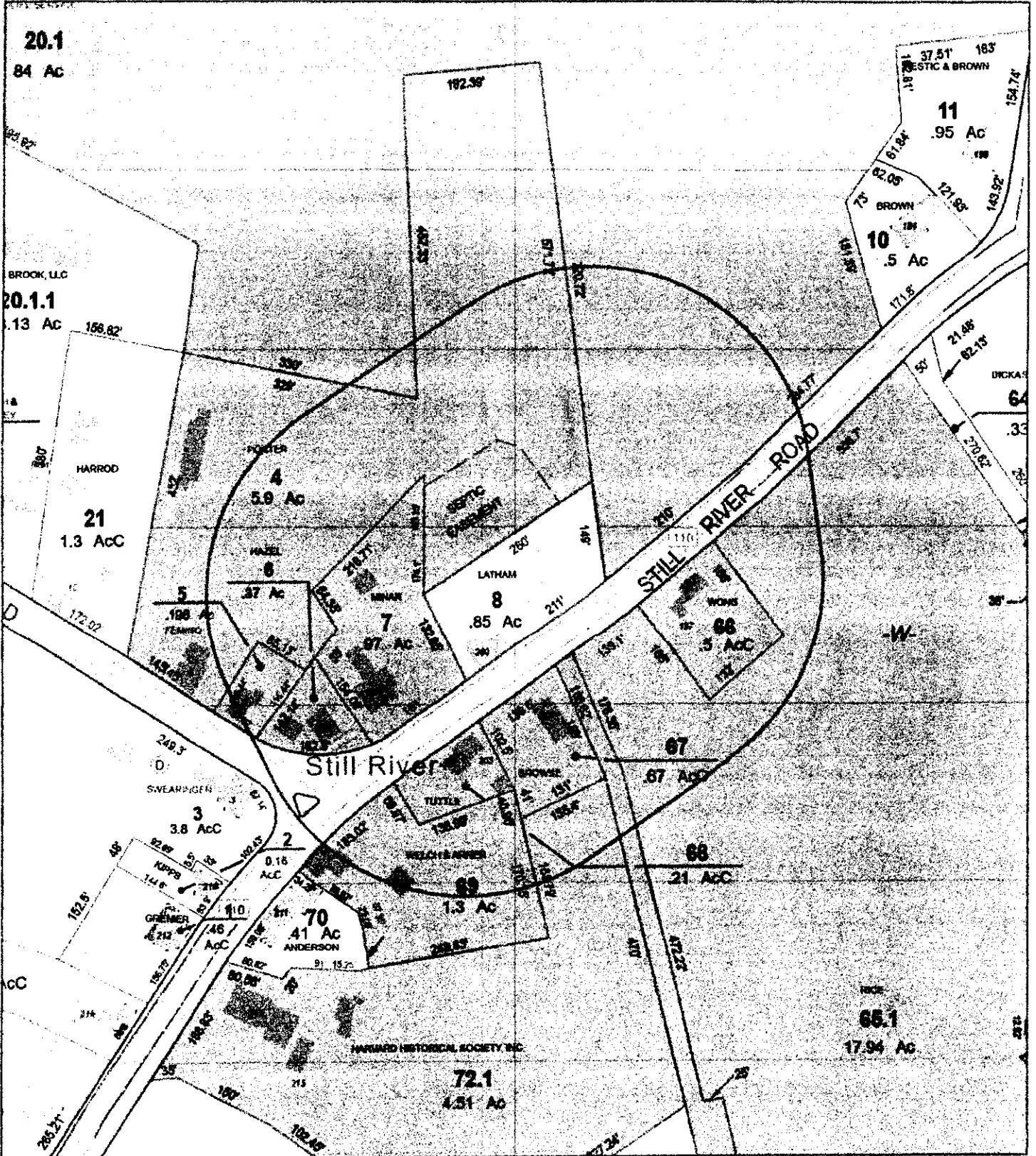
Town of Harvard, MA

1 inch = 188 Feet



www.cai-tech.com

April 3, 2023



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300 feet Abutters List Report

Harvard, MA
April 03, 2023

Subject Property:

Parcel Number: 021-008-000-000
CAMA Number: 021-008-000-000
Property Address: 200 STILL RIVER RD

Mailing Address: LATHAM, ALEXANDER M & LOUISA C
200 STILL RIVER ROAD
HARVARD, MA 01451

Abutters:

Parcel Number: 020-020-001-000
CAMA Number: 020-020-001-000
Property Address: DEPOT RD-STILL RIVER

Mailing Address: US FISH AND WILDLIFE SERVICE
73 WEIR HILL RD
SUDBURY, MA 01776

Parcel Number: 021-004-000-000
CAMA Number: 021-004-000-000
Property Address: 6 DEPOT RD-STILL RIVER

Mailing Address: THE SARAH R PORTER 2006
REVOCABLE TRUST
PO BOX 206
STILL RIVER, MA 01467

Parcel Number: 021-005-000-000
CAMA Number: 021-005-000-000
Property Address: 4 DEPOT RD-STILL RIVER

Mailing Address: FEMINO, SANDRA MARIE
PO BOX 7
STILL RIVER, MA 01467

Parcel Number: 021-006-000-000
CAMA Number: 021-006-000-000
Property Address: 206 STILL RIVER RD

Mailing Address: HAZEL, NANCY J & WILLIAM T
150 AYER RD
HARVARD, MA 01451

Parcel Number: 021-007-000-000
CAMA Number: 021-007-000-000
Property Address: 204 STILL RIVER RD

Mailing Address: MINAR, RUDOLF J & KARA MCGUIRE
MINAR
PO BOX 204
STILL RIVER, MA 01467

Parcel Number: 021-065-001-000
CAMA Number: 021-065-001-000
Property Address: 199 STILL RIVER RD

Mailing Address: METCALF, THOMAS III
PO BOX 796
HARVARD, MA 01451

Parcel Number: 021-065-002-000
CAMA Number: 021-065-002-000
Property Address: 0 STILL RIVER RD

Mailing Address: THEODORE W MAXANT TRUSTEE OF
THE
PO BOX 11 53 WILLARD LANE
STILL RIVER, MA 01467

Parcel Number: 021-066-000-000
CAMA Number: 021-066-000-000
Property Address: 197 STILL RIVER RD

Mailing Address: D'ARCONTE, ADRIENNE A.
202 ARMINGTON ST
CRANSTON, RI 02905

Parcel Number: 021-067-000-000
CAMA Number: 021-067-000-000
Property Address: 201 STILL RIVER RD

Mailing Address: NICHOLAS BROWSE & CARYL GRAHAM
BROWSE
PO BOX 187
STILL RIVER, MA 01467

Parcel Number: 021-068-000-000
CAMA Number: 021-068-000-000
Property Address: 203 STILL RIVER RD

Mailing Address: TUTTLE, LEIGH D & SHARLENE F
PO BOX 156
STILL RIVER, MA 01467



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300 feet Abutters List Report

Harvard, MA
April 03, 2023

Parcel Number: 021-069-000-000
CAMA Number: 021-069-000-000
Property Address: 207 STILL RIVER RD

Mailing Address: WELSH, ERIC S & ARNER, JENNIFER M
P.O. BOX 118 STILL RIVER
HARVARD, MA 01467

Parcel Number: 021-072-001-000
CAMA Number: 021-072-001-000
Property Address: 213 STILL RIVER RD

Mailing Address: HARVARD HISTORICAL SOCIETY INC
PO BOX 542
HARVARD, MA 01451



www.cai-tech.com

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4/3/2023

Page 2 of 2

D'ARCONTE, ADRIENNE A.
202 ARMINGTON ST
CRANSTON, RI 02905

US FISH AND WILDLIFE SERV
73 WEIR HILL RD
SUDBURY, MA 01776

FEMINO, SANDRA MARIE
PO BOX 7
STILL RIVER, MA 01467

WELSH, ERIC S & ARNER, JE
P.O. BOX 118 STILL RIVER
HARVARD, MA 01467

HARVARD HISTORICAL SOCIET
PO BOX 542
HARVARD, MA 01451

HAZEL, NANCY J & WILLIAM
150 AYER RD
HARVARD, MA 01451

METCALF, THOMAS III
PO BOX 796
HARVARD, MA 01451

MINAR, RUDOLF J & KARA MC
PO BOX 204
STILL RIVER, MA 01467

NICHOLAS BROWSE & CARYL G
PO BOX 187
STILL RIVER, MA 01467

THE SARAH R PORTER 2006 R
PO BOX 206
STILL RIVER, MA 01467

THEODORE W MAXANT TRUSTEE
PO BOX 11
53 WILLARD LANE
STILL RIVER, MA 01467

TUTTLE, LEIGH D & SHARLEN
PO BOX 156
STILL RIVER, MA 01467

**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: Alexander and Louisa Latham
 Mailing Address: 200 Still River Rd., Harvard, MA 01451
 Telephone Number: 978 994 4914 Email Address: alexander.latham@gmail.com
 Applicant is (check one): Owner Tenant Licensee Prospective Buyer
 Location of Property: 200 Still River Rd. Assessors Map 21 Parcel: 8
 Registry of Deeds: Book Number 50573 Page Number 144 Certificate Number _____
 Owner's Name: Same Tel. No.: Same
 (If different than Applicant)
 Owner's Address: Same
 Representative: Nancy Dickinson Tel. No.: 978 341 8267
Dickinson Architects

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: 135-25, 125-3B(2) b

Nature of Application and Justification of Request: Requesting to add onto a pre existing non conforming one family dwelling. we will not be increasing the existing non-conformity and the addition will not be substantially more detrimental to the neighborhood. See attachment for more detail.
 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.

<u>[Signature]</u> Property Owner's Signature (REQUIRED)	<u>4/4/23</u> Date
<u>[Signature]</u> Property Owner's Signature (REQUIRED)	<u>4/4/2023</u> Date
<u>[Signature]</u> Applicant's Signature (if different from owner)	<u>04/03/23</u> Date



P.O. Box 704, 91 Main Street, Concord, MA 01742
978-341-8267, DickinsonArc.Com

April 4, 2023

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

Special Permit Application For:
Additions to Latham Residence
200 Still River Road, Harvard, MA 01451

135-10: WRITTEN STATEMENT:

Louisa and Alexander Latham reside at 200 Still River Road in Harvard, MA. They are proposing adding a mudroom, front porch, unheated garage and workshop, with storage above on the east side of their house, a bedroom over the existing 3 season sunroom, and extending their existing deck. Their house was built around 1800, before the zoning by-law was enacted. It became non-conforming with the creation of the zoning by-law. This house is pre-existing non-conforming because it sits entirely beyond the current required front setback. An existing 4 bedroom mounded septic system sits behind the house. The garage addition will be located further away from the existing front property line than the existing house. The addition will not be substantially more detrimental than the existing house because we will not be closer to the front property line than the existing house. The gross SF will increase from 3,680 sf to 4,621 sf, resulting in a 25% increase. Of the nearby houses, 2 have more gross square footage (8,835 and 5,546 sf), one has similar gross square footage, and three house have less gross sf (2,585, 2,416 and 2447). Therefore, the proposed amount of square footage will fit in with the scale of the neighborhood. Cedar shingles, instead of clapboards and awning windows will make the garage resemble a barn, which will help it look like it belongs with an historic house.

The new driveway will be safer for traffic because the owners will not have to back up onto Still River road (as they do now). The use of the property will remain as single family. The number of bedrooms will remain as 4. There will be no new vibrations or noises due to change of use or increase in occupancy. If the project is to go forward, construction will only take place during weekdays, between 7:00 am and 4:00 pm, for a finite period. The new asphalt driveway will have a 2' gravel shoulder which will help keep rainwater on site. In conclusion, we do not believe that the proposed addition will be more detrimental to the neighborhood than the existing non-conforming house because we are not getting closer to the existing front property line, and the size, scale, massing and style of the addition will be in harmony nearby properties. Also, no new noises, uses or traffic will interfere with the peace of the neighborhood. This addition does not qualify to be de minimus because we are requesting to add more than 15% to the footprint.

Respectfully,


Nancy Dickinson, AIA

Enclosures

CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				
LATHAM, ALEXANDER M & LOUISA C 200 STILL RIVER ROAD HARVARD MA 01451		1 Level	5 Well	3 Med Traffic	3 Rural	Description	Code	Appraised	Assessed	125 HARVARD, MA VISION
			6 Septic	6 Paved		RESIDNTL	1010	403,000	403,000	
				T Two Way		RES LAND	1010	217,500	217,500	
						RES OB	1010	1,500	1,500	
SUPPLEMENTAL DATA										
		Alt Prcl ID 1250210000800000 House Col YELLOW Field Chec								
		GIS ID M_190445_915814			Assoc Pid#		Total		622,000 622,000	

RECORD OF OWNERSHIP								PREVIOUS ASSESSMENTS (HISTORY)							
BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	Year	Code	Assessed	Year	Code	Assessed V	Year	Code	Assessed	
LATHAM, ALEXANDER M & LOUISA C	50573 0144	03-12-2013	Q	I	445,000	00									
DANGELO, JAMES P & KIMBERLY A	46191 0061	08-20-2010	Q	I	440,000	00	2022	1010	358,800	2021	1010	291,500	2020	1010	247,900
CORDEIRO, CHARLES B JR & BONNIE	26256 0140	03-28-2002	Q	I	360,000	00		1010	202,500		1010	202,500		1010	202,500
NOGLER, ESTATE OF, BARD, THOMAS B & NOGLER, ALFRED L, SR	20308 0044	08-17-1998	U	I	100,000	1A		1010	1,200		1010	1,200		1010	1,200
	16696 0396	11-10-1994	U	I	1	1A									
Total							562,500		Total		495,200		Total		451,600

EXEMPTIONS				OTHER ASSESSMENTS			
Year	Code	Description	Amount	Code	Description	Number	Amount
Total			0.00				

ASSESSING NEIGHBORHOOD			
Nbhd	Nbhd Name	B	Tracing
1			

NOTES	
3/13 PER MLS FSP NOW HEATED RM/CHGD	

This signature acknowledges a visit by a Data Collector or Assessor

APPRAISED VALUE SUMMARY	
Appraised Bldg. Value (Card)	403,000
Appraised Xf (B) Value (Bldg)	0
Appraised Ob (B) Value (Bldg)	1,500
Appraised Land Value (Bldg)	217,500
Special Land Value	0
Total Appraised Parcel Value	622,000
Valuation Method	C
Total Appraised Parcel Value	622,000

As of January 1, 2022

BUILDING PERMIT RECORD							
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp
08-099	07-07-2008	RS	Residential	800		100	12-08-2008
Comments: CONST CHIMNEY ENCLOSU							

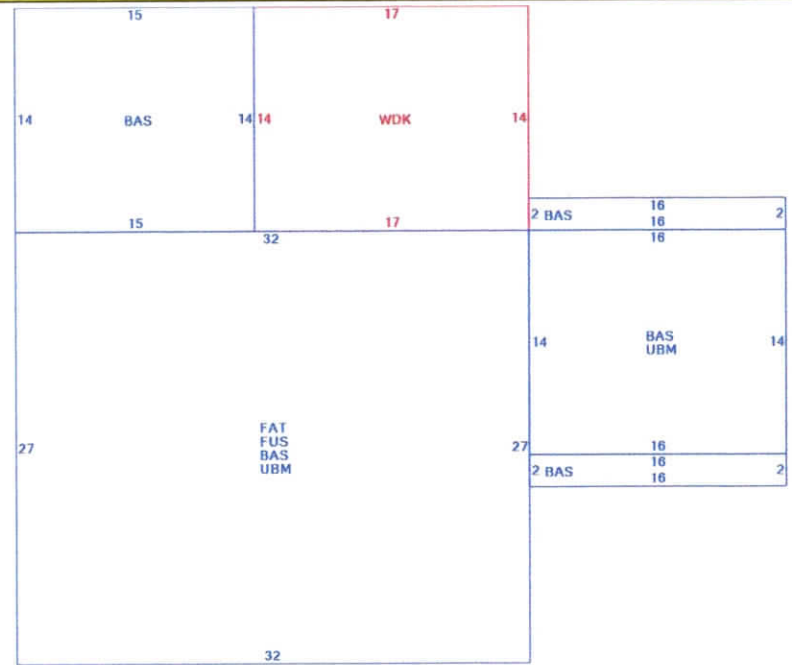
VISIT / CHANGE HISTORY					
Date	Id	Type	Is	Cd	Purpost/Result
12-06-2016	DH	X		C	Cyclical Insp
05-17-2011	LC	C	O	A	Appeal
08-28-2008	AM	C	O	C	Cyclical Insp
01-05-1996	CLT	R	M	A	Appeal

LAND LINE VALUATION SECTION															
B	Use Code	Description	Zone	Land Type	Land Units	Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Location Adjustment	Adj Unit P	Land Value
1	1010	Single Fam	AR	Primary	0.850 AC	225,000.00	1.13725	P	1.00	30	1.000		1.0000		217,500
Total Card Land Units					0.85	AC	Parcel Total Land Area			0.85	Total Land Value			217,500	

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	63	Antique			
Model	01	Residential			
Grade:	05	Good			
Stories:	2.5	2.5 Stories			
Occupancy	1				
Exterior Wall 1	11	Clapboard			
Exterior Wall 2					
Roof Structure:	03	Gable/Hip			
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	03	Plastered			
Interior Wall 2					
Interior Flr 1	12	Hardwood			
Interior Flr 2					
Heat Fuel	02	Oil			
Heat Type:	04	Forced Air-Duc			
AC Type:	01	None			
Total Bedrooms	04	4 Bedrooms			
Total Bthrms:	1				
Total Half Baths	1				
Total Xtra Fixtrs	1				
Total Rooms:	7				
Bath Style:	02	Modern			
Kitchen Style:	02	Modern			
# of Kitchens	1				
Fireplaces	0				

CONDO DATA			
Parcel Id		C	Owne
		B	S
Adjust Type	Code	Description	Factor%
Condo Flr			
Condo Unit			

COST / MARKET VALUATION	
Building Value New	575,724
Year Built	1700
Effective Year Built	
Depreciation Code	G
Remodel Rating	
Year Remodeled	
Depreciation %	30
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	70
RCNLD	403,000
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	



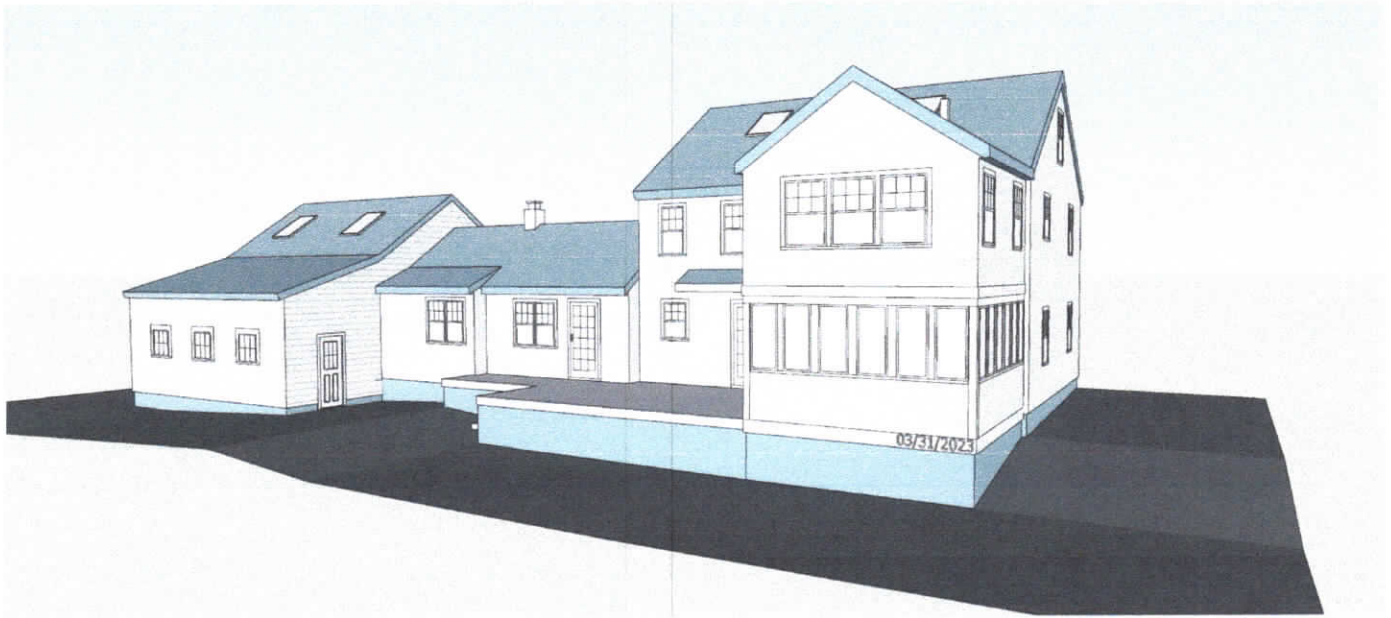
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

Code	Description	L/B	Units	Unit Price	Yr Bld	Cond.	Cd	% Gd	Grade	Grade Adj.	Appr. Value
SHD1	Shed	L	120	15.00	2000			B1		0.00	1,500

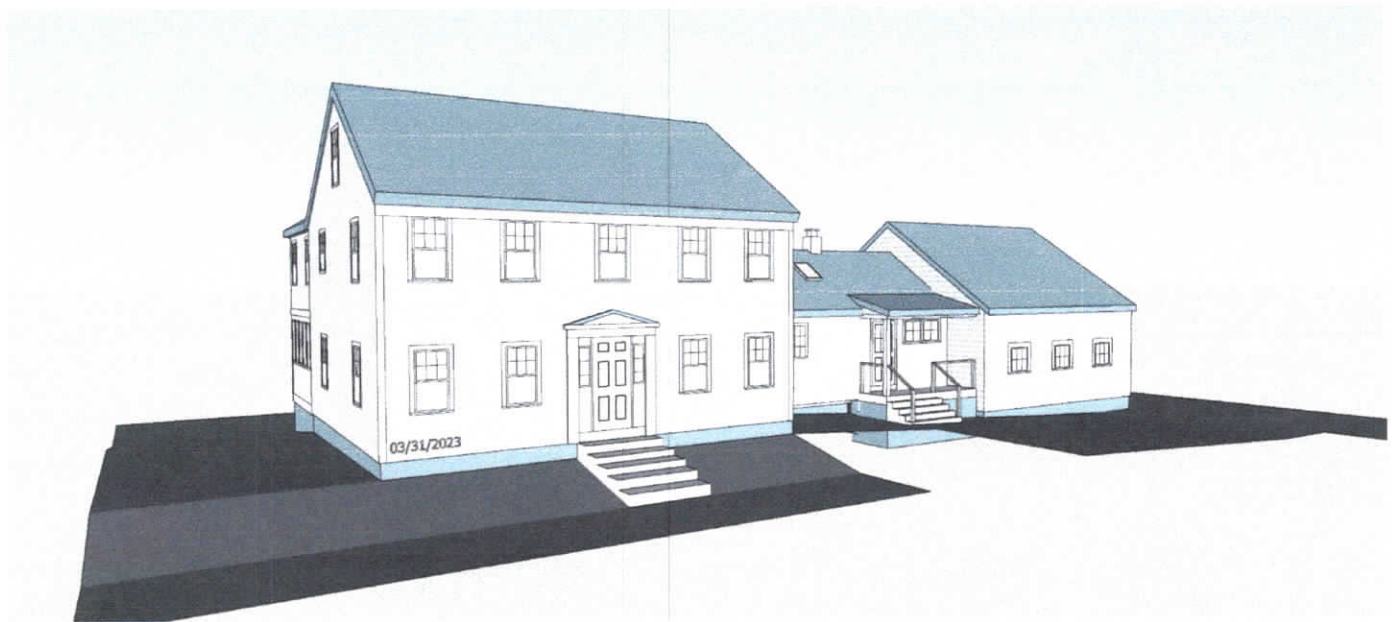
BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BAS	First Floor	1,362	1,362	1,362	203.21	276,775
FAT	Attic, Finished	259	864	259	60.92	52,632
FUS	Upper Story, Finished	864	864	864	203.21	175,576
UBM	Basement, Unfinished	0	1,088	218	40.72	44,300
WDK	Deck, Wood	0	238	36	30.74	7,316
Ttl Gross Liv / Lease Area		2,485	4,416	2,739		556,599





BACK

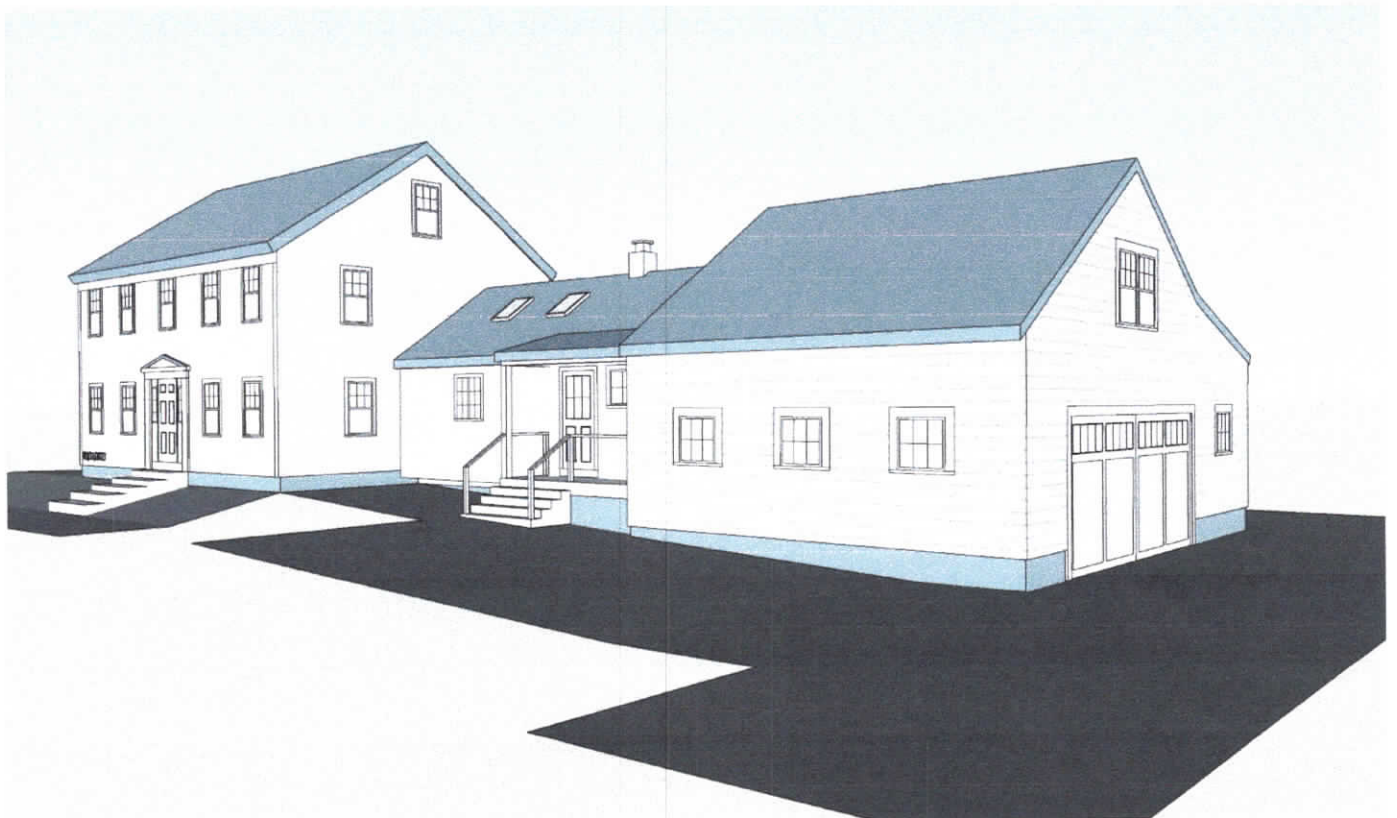


FRONT

200 STILL RIVER RD.



BACK



FRONT

200 STILL RIVER RD



EXISTING BACK



EXISTING FRONT

200 STILL RIVER RD.

Joseph G. Harwood House (1800)

by Dan / February 4, 2014 / Federal, Harvard, Houses



In the late eighteenth-century, a farming community developed along Still River Road in Harvard. The house at 200 Still River Road was built around 1800 by Joseph G. Harwood, who had obtained a license to sell alcohol. Around 1850 the house was acquired by William F. Bateman, who was postmaster of Still River (also a librarian). His widow, Louisa H. Bateman, took over his postmaster duties after his death in 1877. In the 1890s, the house was acquired by Amos H. Keyes and in 1907 by Arthur Hunter, an engineer with the Boston & Albany railroad. It was then owned by F. S. Savage, Sr., author of *Memoirs of Old Harvard Days* (1924). Savage also sold real estate. For many years it was a double house with a long garage addition on the northeast side. It has since been converted to a single-family home, with a new front entry molding and the old addition shortened.

DESIGN DATA

1. Hydraulic Loading

4 Bedrooms at 110 gallons per day per bedroom = 440 G.P.D.

2. Septic Tank Size

Average daily flow = $440 \times 200\% = 880$ gallons (minimum)
 Septic tank provided = 1500 Gallons

3. Design percolation rate = 2.0 M.P.I. (Soil Class)

Effluent Loading Rate = 3.55 gallons/S.F.

4. Leaching Area

Primary Leaching Area

Total area provided = 832 s.f. \times 0.53 gal./S.F. = 452.4 gal.

Minimum size leaching area allowed under the Town of HARVARD

Board of Health requirement is N/A square feet.

Reserve Leaching Area

Design percolation rate = _____ M.P.I. (Soil Class)

Effluent loading rate = _____ gallons / S.F.

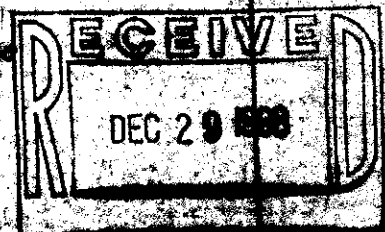
Total area provided = _____ S.F. \times _____ gal./S.F. = _____ gal.

Invert at beginning leaching line = _____

Invert at end of leaching line = _____

Elevation of S.A.S. Bottom = _____

- W — Denotes water service
- P — Denotes approximate property line
- O.W. — Denotes overhead wires
- D — Denotes storm drain pipe
- ■ — Denotes catch basin



AS-BUILT PLAN regulated structure



NO.	DATE	DESCRIPTION	BY
1	9/5/88	REVISED AS-BUILT DATA	MDM
		EXAMINED TO ACTUAL FIELD DATA	GGB
DESIGN BY: GGB		DRAWN BY: GGB	CHECKED BY: GGB

AS-BUILT SEWAGE DISPOSAL SYSTEM
 200 STILL RIVER ROAD
 HARVARD, MA

PREPARED FOR: **TOM BARD** TEL: (617) 305-7286
 275 NEW HEBBARD ST
 WILMINGTON, MA 02147
 SCALE: 1" = 20' DATE: 6/5/88

DUCHARME & WHEELER, INC.

1092 MAIN STREET, P.O. BOX 427, BOLTON, MA, 01740

THIS PLAN IS NOT TO BE USED FOR THE ESTABLISHMENT OF PROPERTY LINES, ERECTION OF FENCES, LANDSCAPING

N/F
Porter

Certified Plot Plan

200 Still River Road Harvard, Mass.
STREET TOWN

EXISTING SEPTIC SYSTEM AND GRADING EASEMENT
(PL.BK.774-51) 273.71'

SURVEYOR

SHED

FENCE

200 Still River Road
BK.50573-144
35,028± SQ. FT.

NOTE: FOR DIMENSIONS OF THE PROPOSED ADDITIONS SEE PLAN BY DICKINSON ARCHITECTS, LLC DATED MARCH, 2023.

I certify that the existing house and proposed additions are located on the lot as shown.
I further certify that the existing house and proposed additions are located within Flood Zone "X" (unshaded) per Flood Insurance Rate Map (FIRM) for the Town of Harvard, Community Panel No.250308 0476 E dated July 4, 2011.

N/F
Minar

N/F
US Fish & Wildlife Service

Zoning Classification: Agriculture-Residential
Scale: 1"=20'

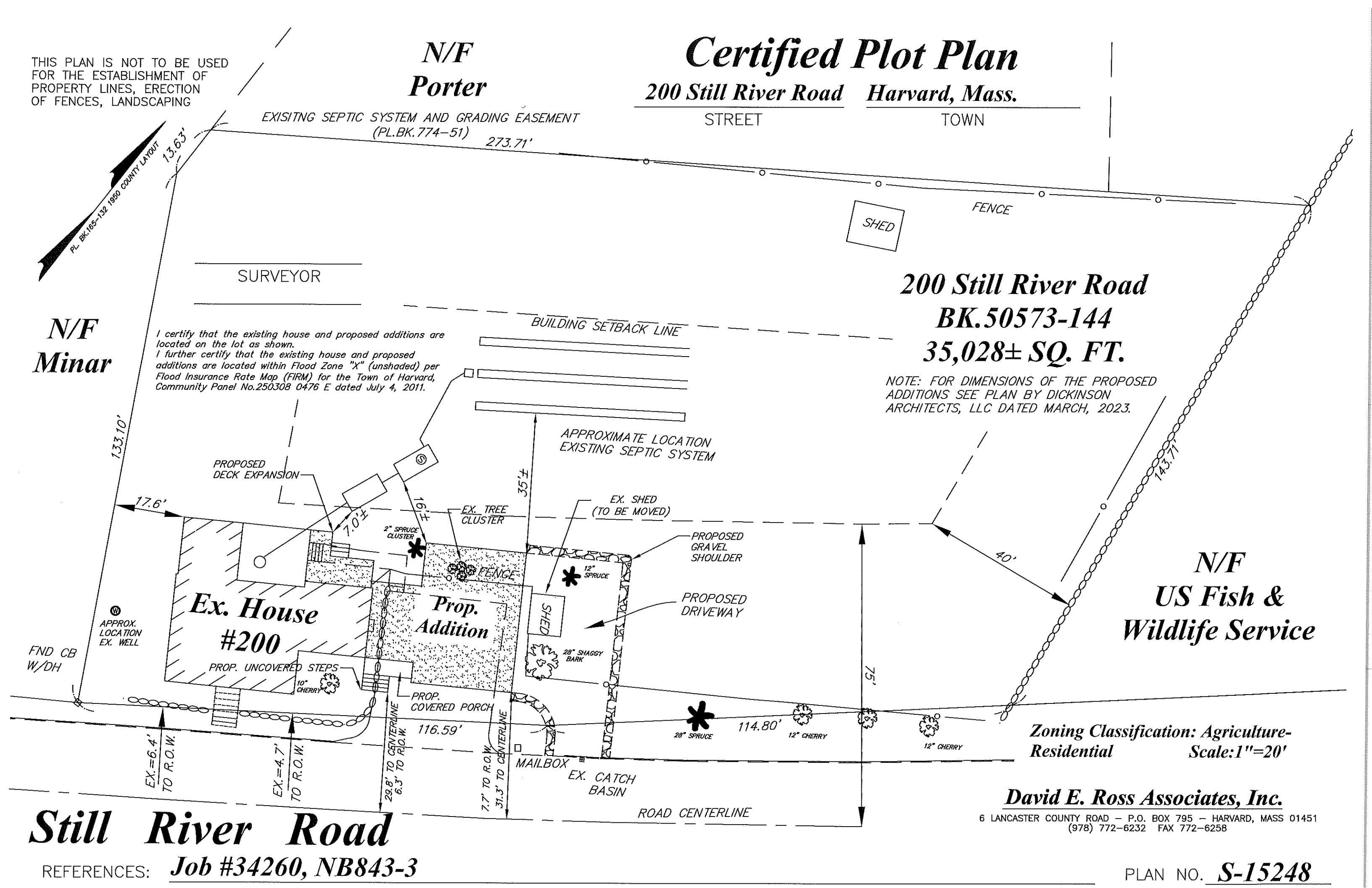
David E. Ross Associates, Inc.

6 LANCASTER COUNTY ROAD - P.O. BOX 795 - HARVARD, MASS 01451
(978) 772-6232 FAX 772-6258

Still River Road

REFERENCES: Job #34260, NB843-3

PLAN NO. S-15248

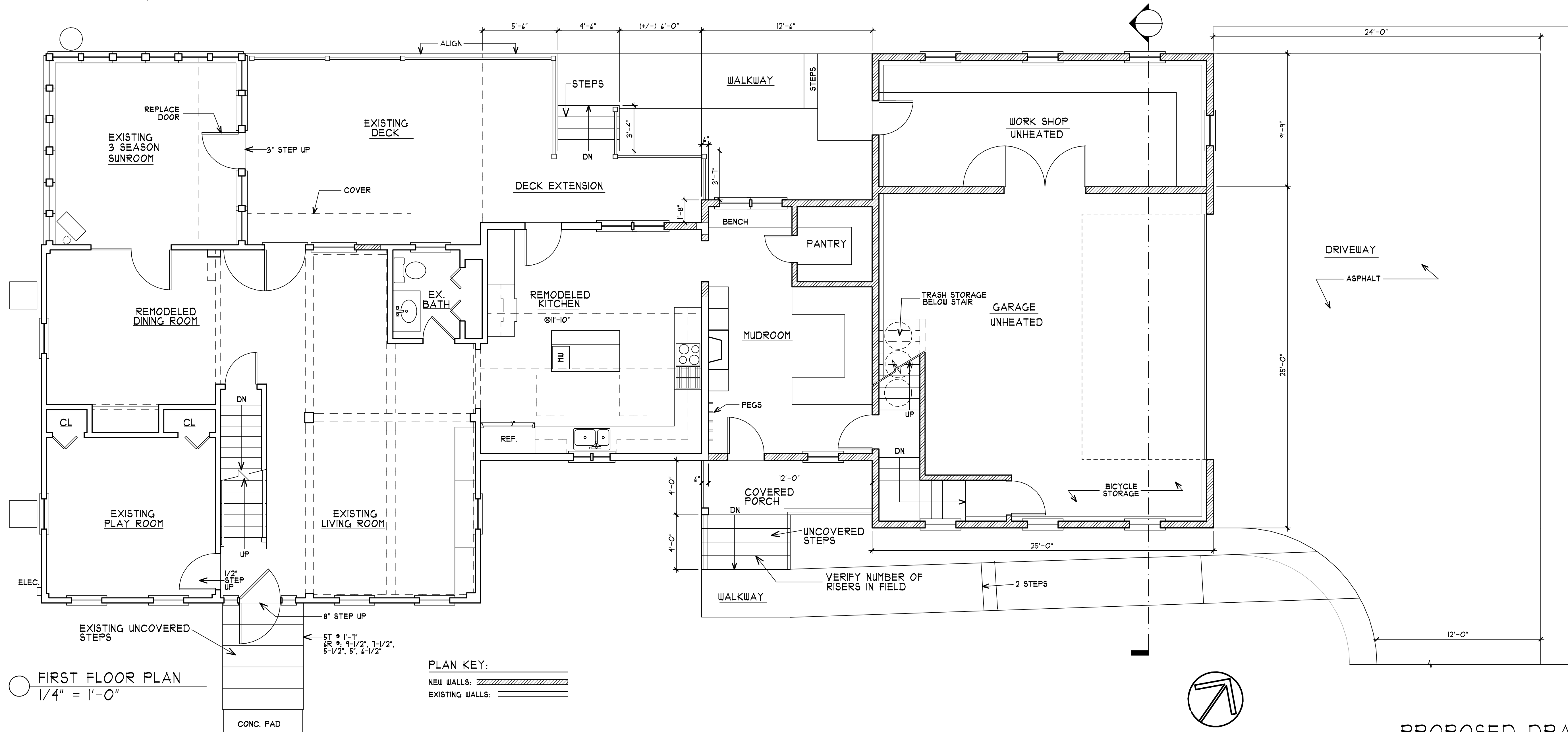


SEPTIC ROOM COUNT		
	EXISTING	PROPOSED
FIRST FLOOR	4 ROOMS: KITCHEN LIVING DINING PLAYROOM	5 ROOMS: KITCHEN LIVING DINING PLAYROOM MUDROOM
SECOND FLOOR	3 BEDROOMS	3 BEDROOMS
ATTIC	1 GUEST RM	1 GUEST RM
TOTAL NUMBER OF ROOMS	8 ROOMS, 4 BEDROOMS	9 ROOMS, 4 BEDROOMS
EXISTING SEPTIC SIZED FOR 4 BEDROOMS, 9 ROOMS	COMPLIANT	COMPLIANT

TABLE OF AREAS			
	EXISTING	PROPOSED	% INCREASE
GROSS SF.	3,680 SF	4,621 SF	25%
BUILDING FOOTPRINT	1,659 SF	2,954 SF	78%
WALKS AND DRIVEWAY	1,206 SF	1,304 SF	8%
IMPERVIOUS: FOOTPRINT WALKS AND DRIVEWAY	2,865 SF	4,258 SF	49%

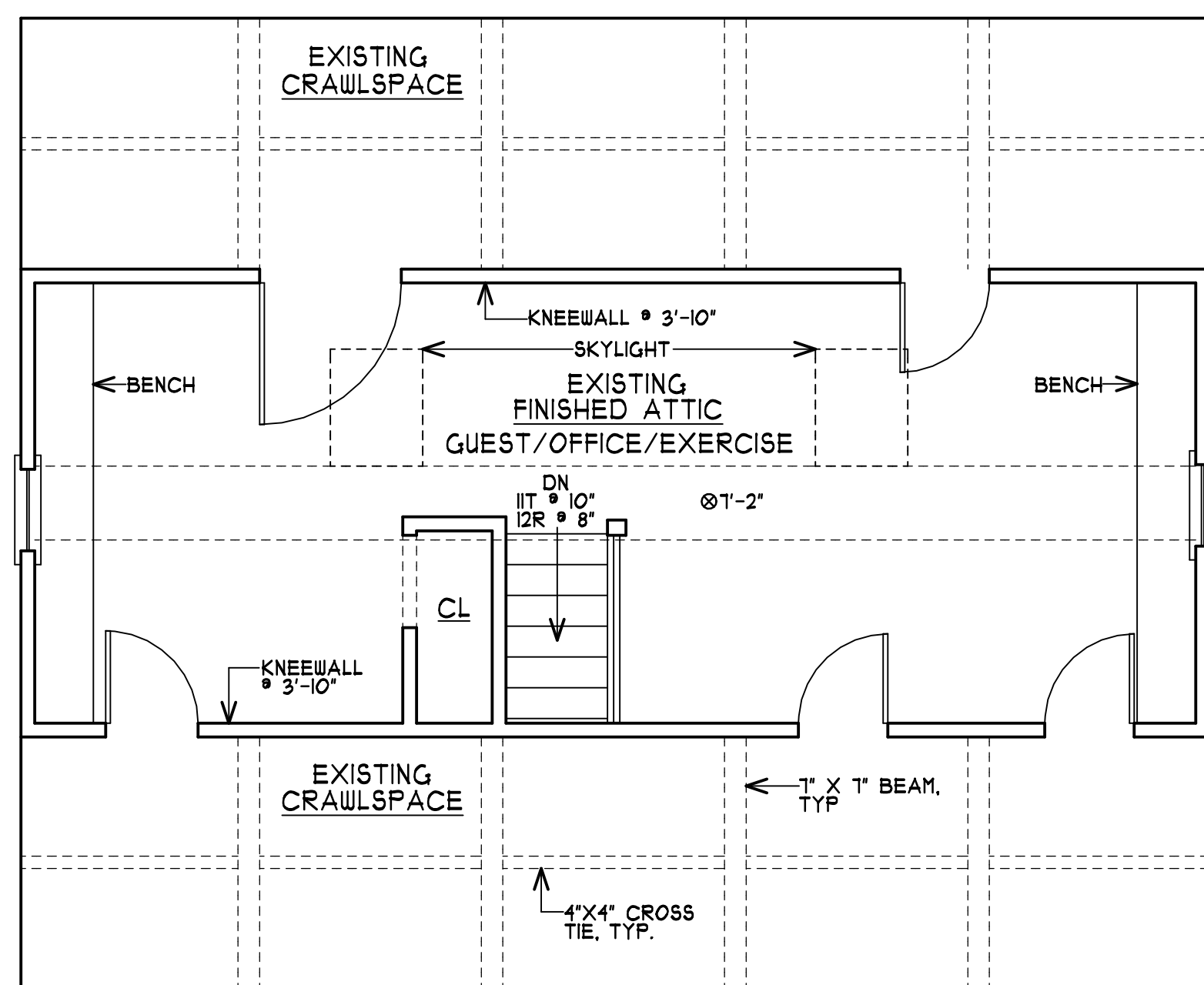
- NOTES:
- GROSS INCLUDES INTERIOR GARAGE PARKING AND COVERED PORCHES. IT DOES NOT INCLUDE DECKS AND UNCOVERED STEPS.
 - BUILDING FOOTPRINT INCLUDES DECK, DECK EXPANSION AND UNCOVERED STEPS.

NOTE: 3 SEASON SUN ROOM, WORKSHOP, GARAGE, STORAGE ABOVE GARAGE, UNFINISHED BASEMENT AND PROPOSED CRAWL SPACE ARE NOT INCLUDED IN SEPTIC ROOM COUNT BECAUSE THEY ARE NOT HEATED

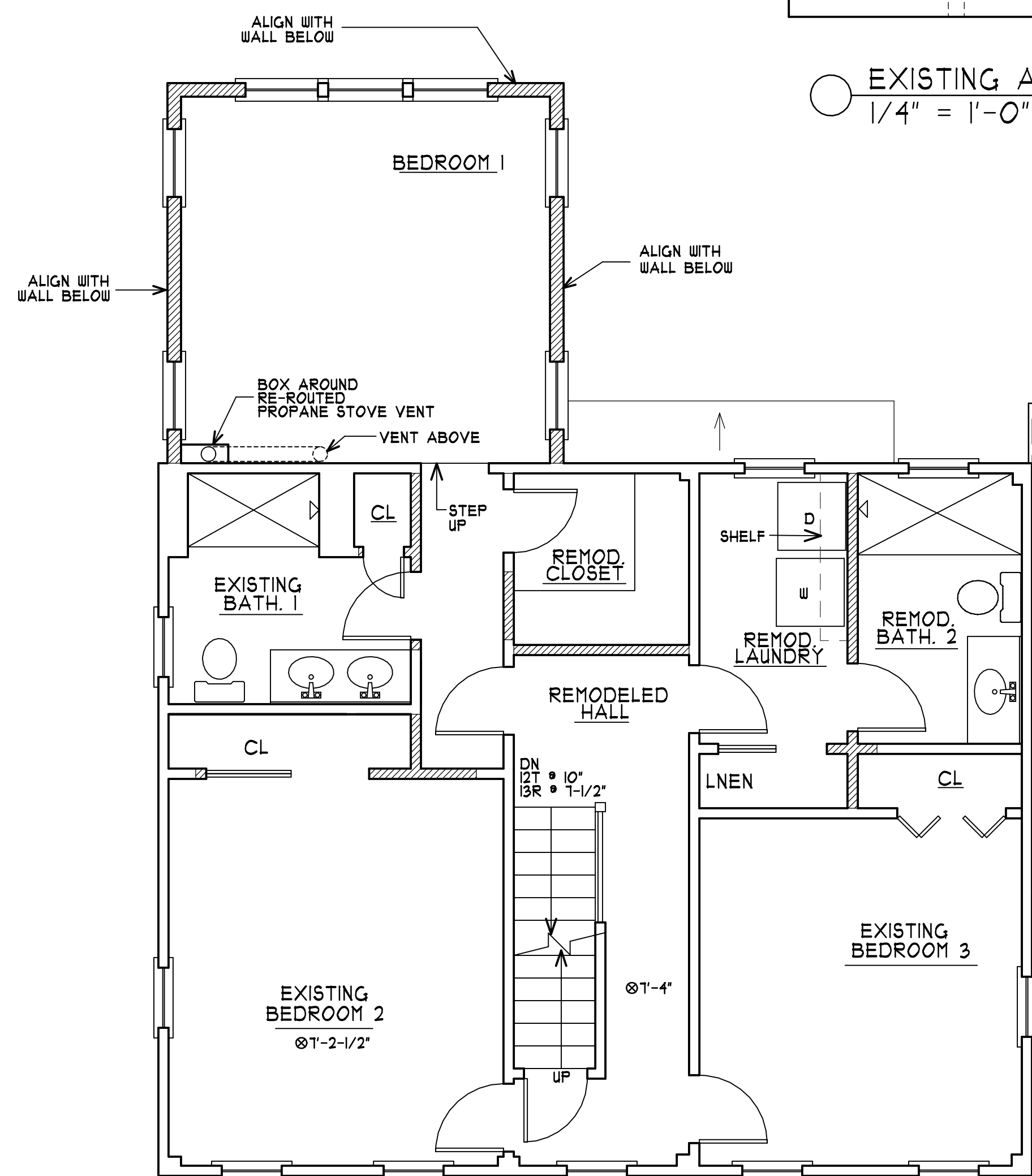


PROPOSED DRAWINGS

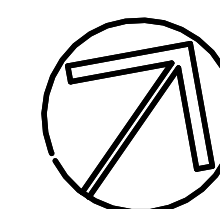
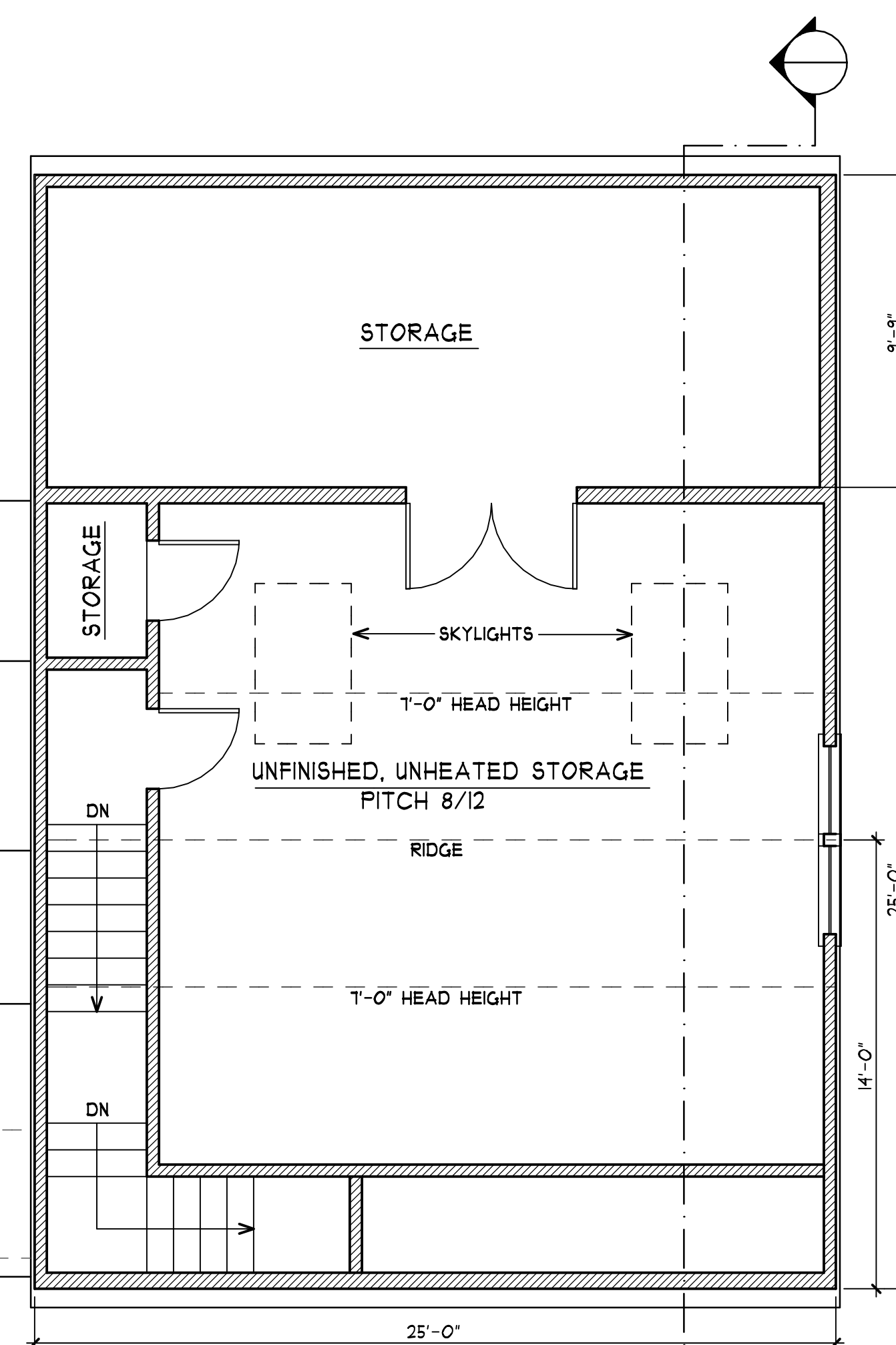
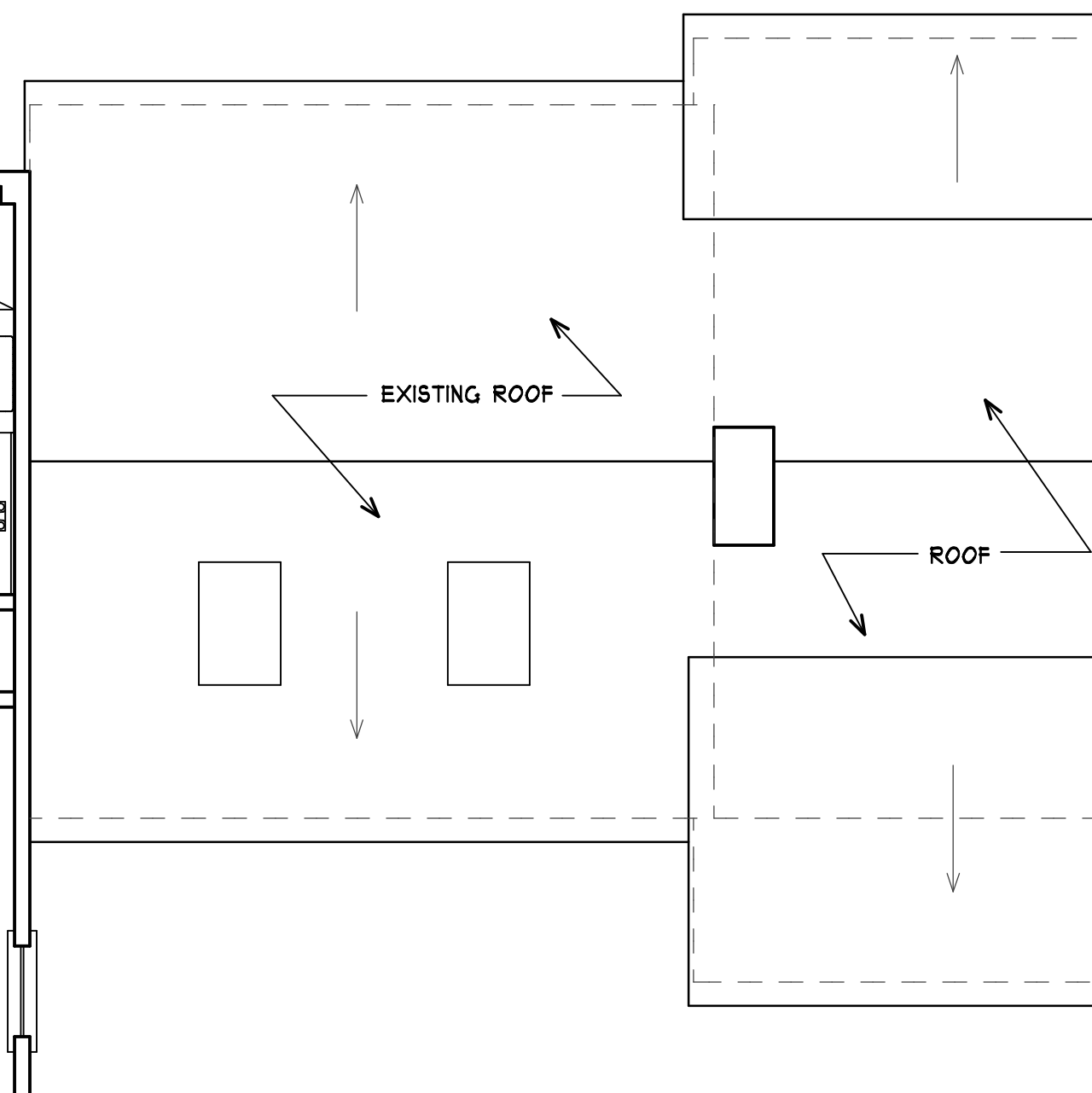
DICKINSON ARCHITECTS, LLC P.O. BOX 704 91 MAIN STREET CONCORD, MA 01742 (978) 341-6267	LATHAM RESIDENCE 200 STILL RIVER RD. HARVARD, MASSACHUSETTS	scale: AS NOTED date: 03/31/2023 drawn by: E.C. checked by: N.D.
--	--	---



EXISTING ATTIC PLAN
1/4" = 1'-0"



SECOND FLOOR PLAN
1/4" = 1'-0"

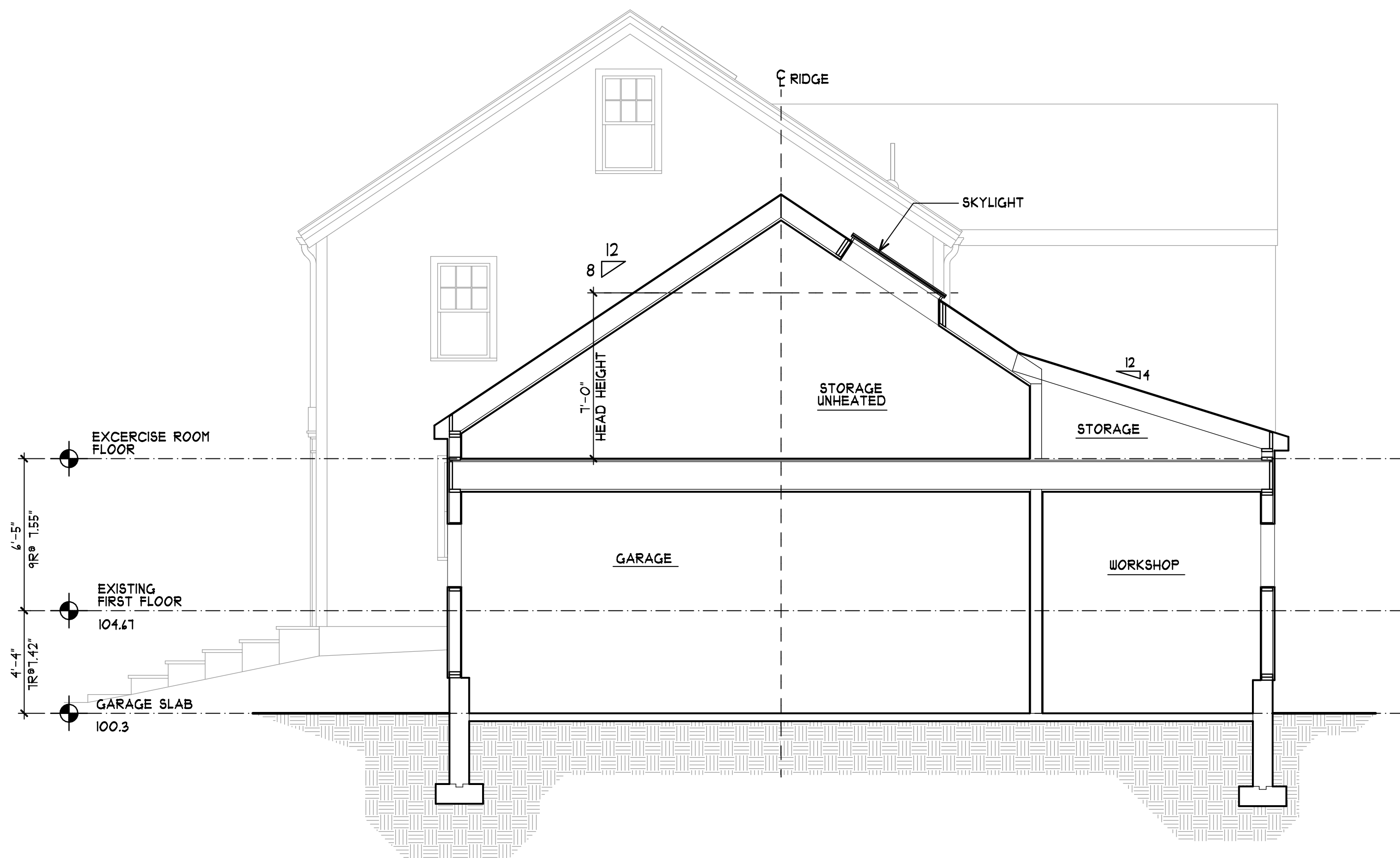


PROPOSED DRAWINGS

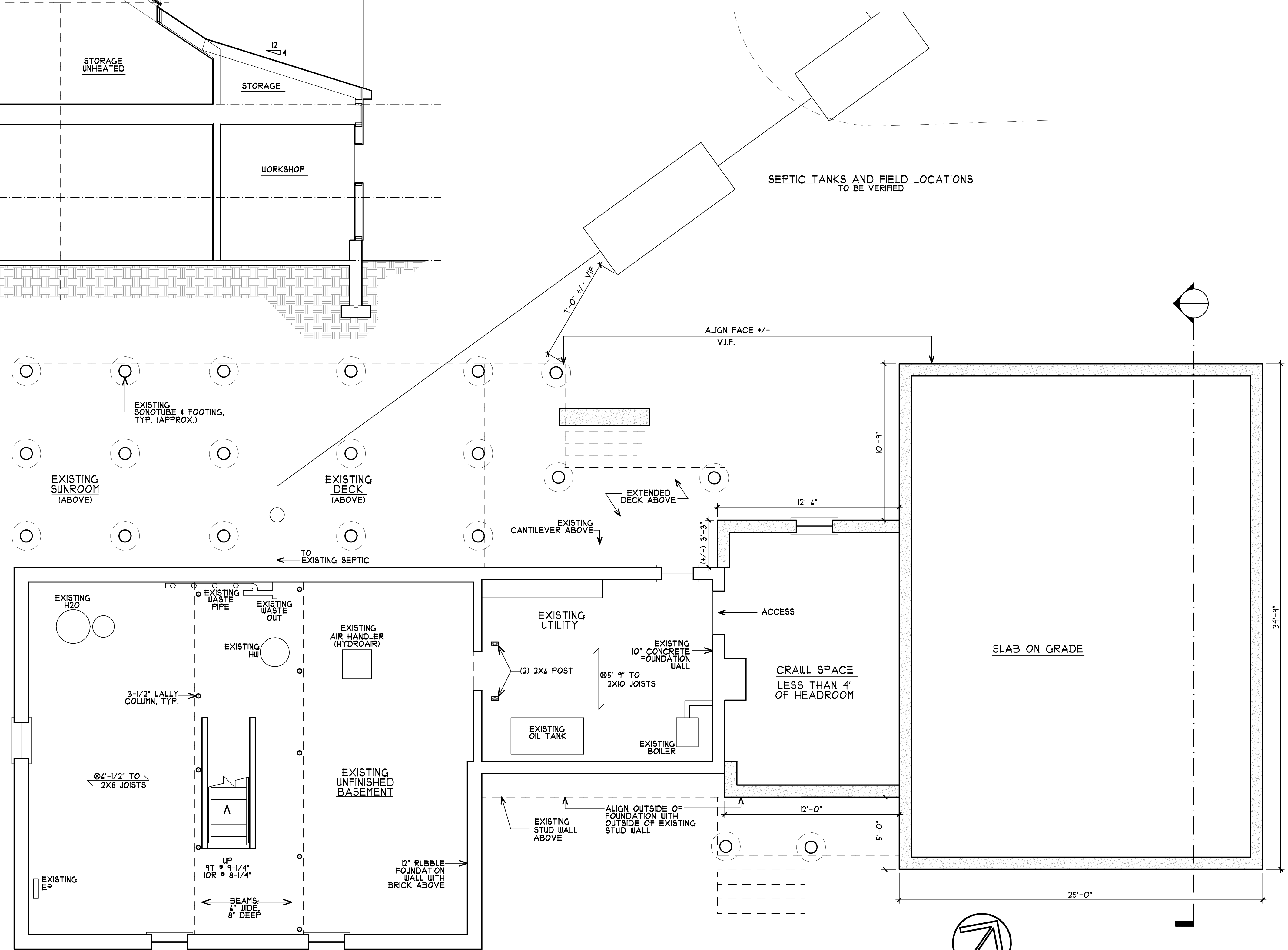
DICKINSON ARCHITECTS, LLC
P.O. BOX 704
91 MAIN STREET
CONCORD, MA 01742
(978) 341-6267

LATHAM RESIDENCE
200 STILL RIVER RD.
HARVARD, MASSACHUSETTS

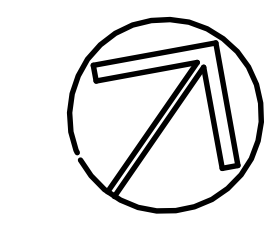
scale:	AS NOTED
date:	03/31/2023
drawn by:	E.C.
checked by:	N.D.



SECTION THROUGH GARAGE
 1/4" = 1'-0"



BASEMENT PLAN
 1/4" = 1'-0"

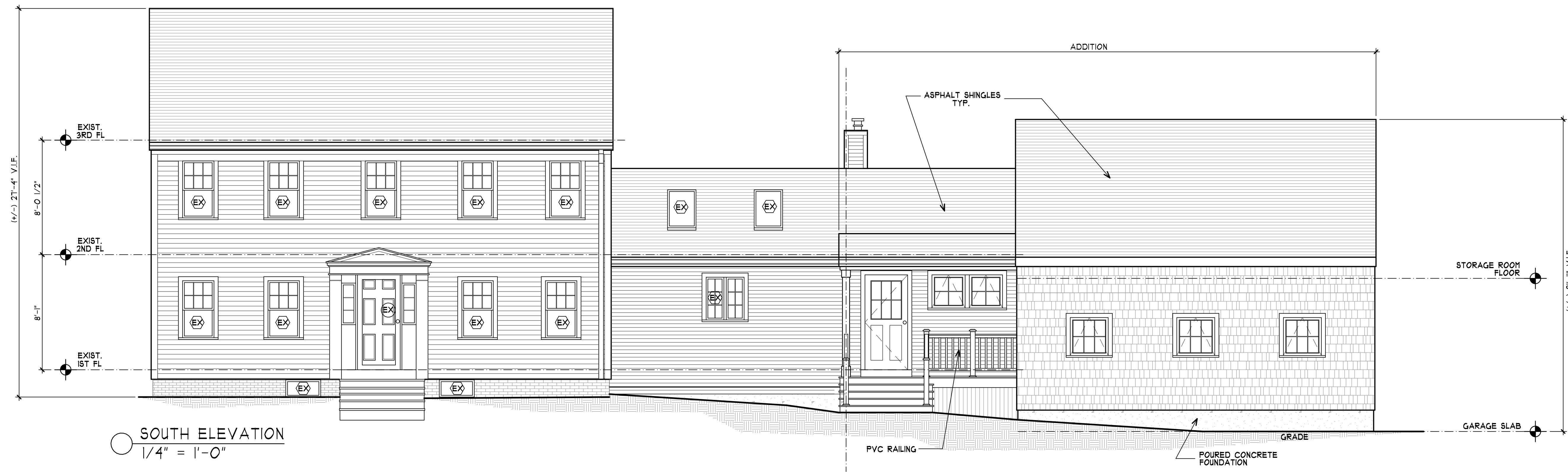


PROPOSED DRAWINGS

DICKINSON ARCHITECTS, LLC
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 91 MAIN STREET
 CONCORD, MA 01742
 (978) 341-6267

LATHAM RESIDENCE
 200 STILL RIVER RD.
 HARVARD, MASSACHUSETTS

scale:	AS NOTED
date:	03/31/2023
drawn by:	E.C.
checked by:	N.D.



SOUTH ELEVATION
1/4" = 1'-0"



NORTH ELEVATION
1/4" = 1'-0"

PROPOSED DRAWINGS

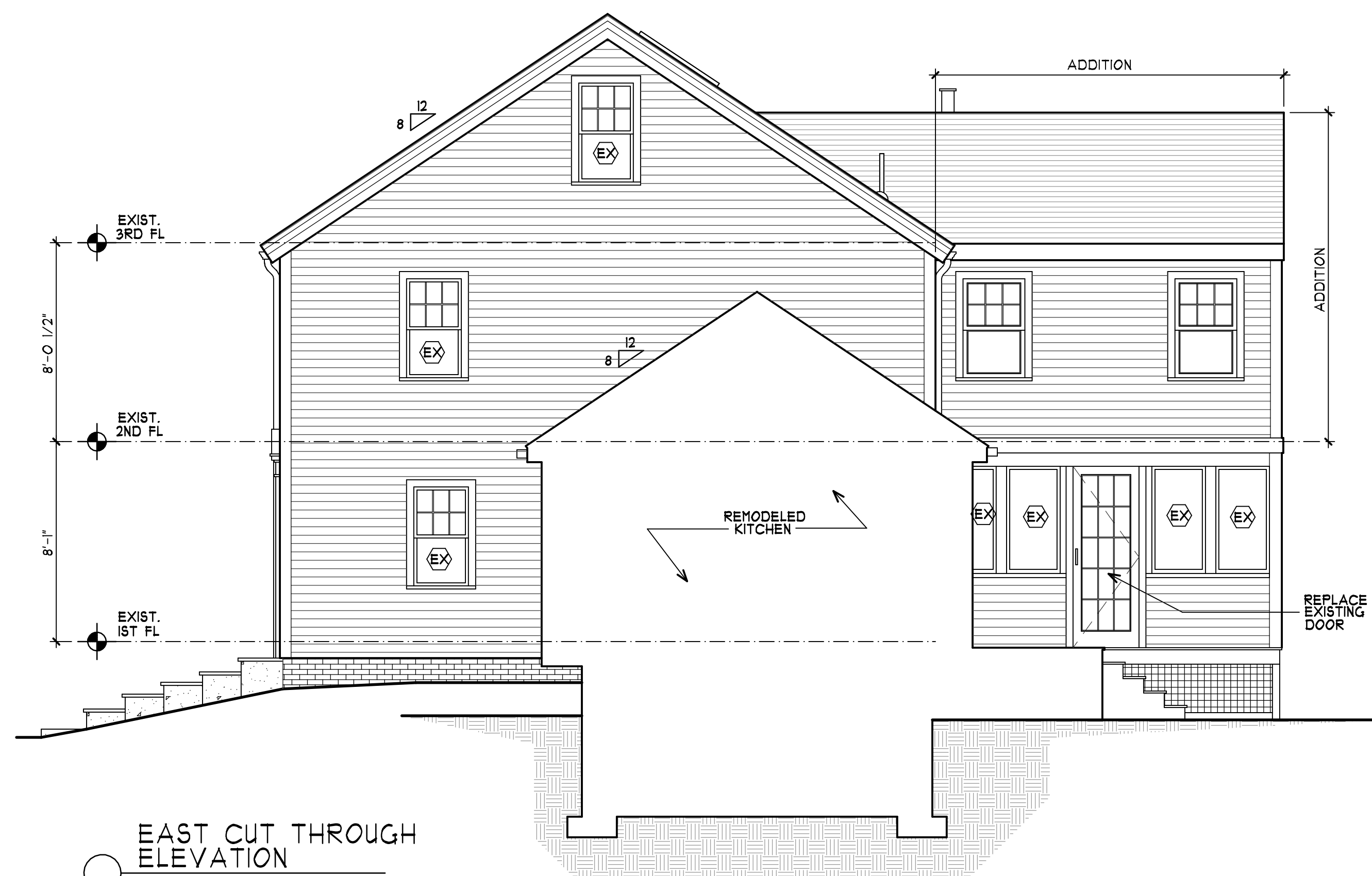
DICKINSON ARCHITECTS, LLC P.O. BOX 704 91 MAIN STREET CONCORD, MA 01742 (978) 341-6267	LATHAM RESIDENCE 200 STILL RIVER RD. HARVARD, MASSACHUSETTS		scale: AS NOTED
			date: 03/31/2023
			drawn by: E.C.
			checked by: N.D.



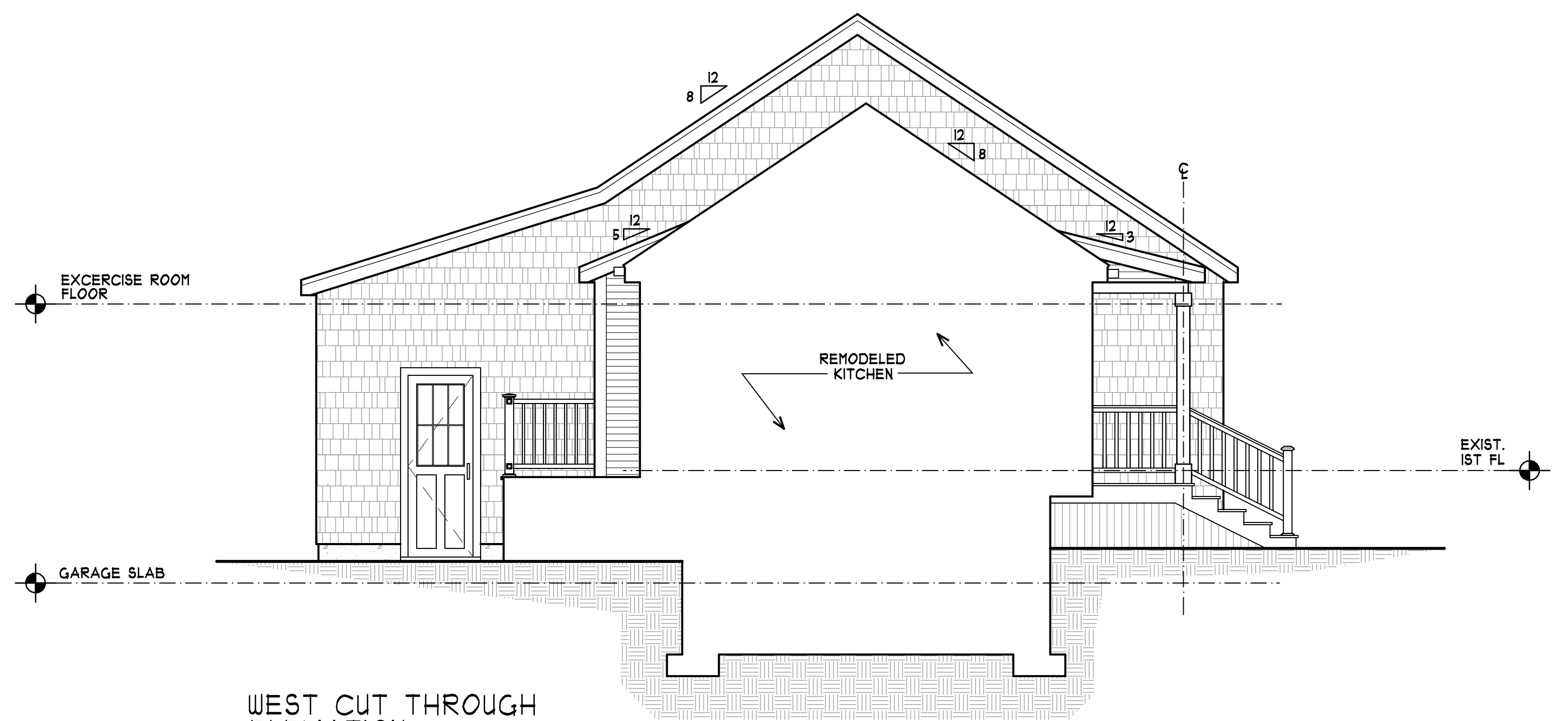
○ EAST ELEVATION
1/4" = 1'-0"



○ WEST ELEVATION
1/4" = 1'-0"



○ EAST CUT THROUGH ELEVATION
1/4" = 1'-0"



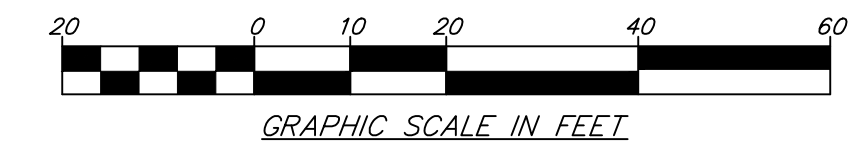
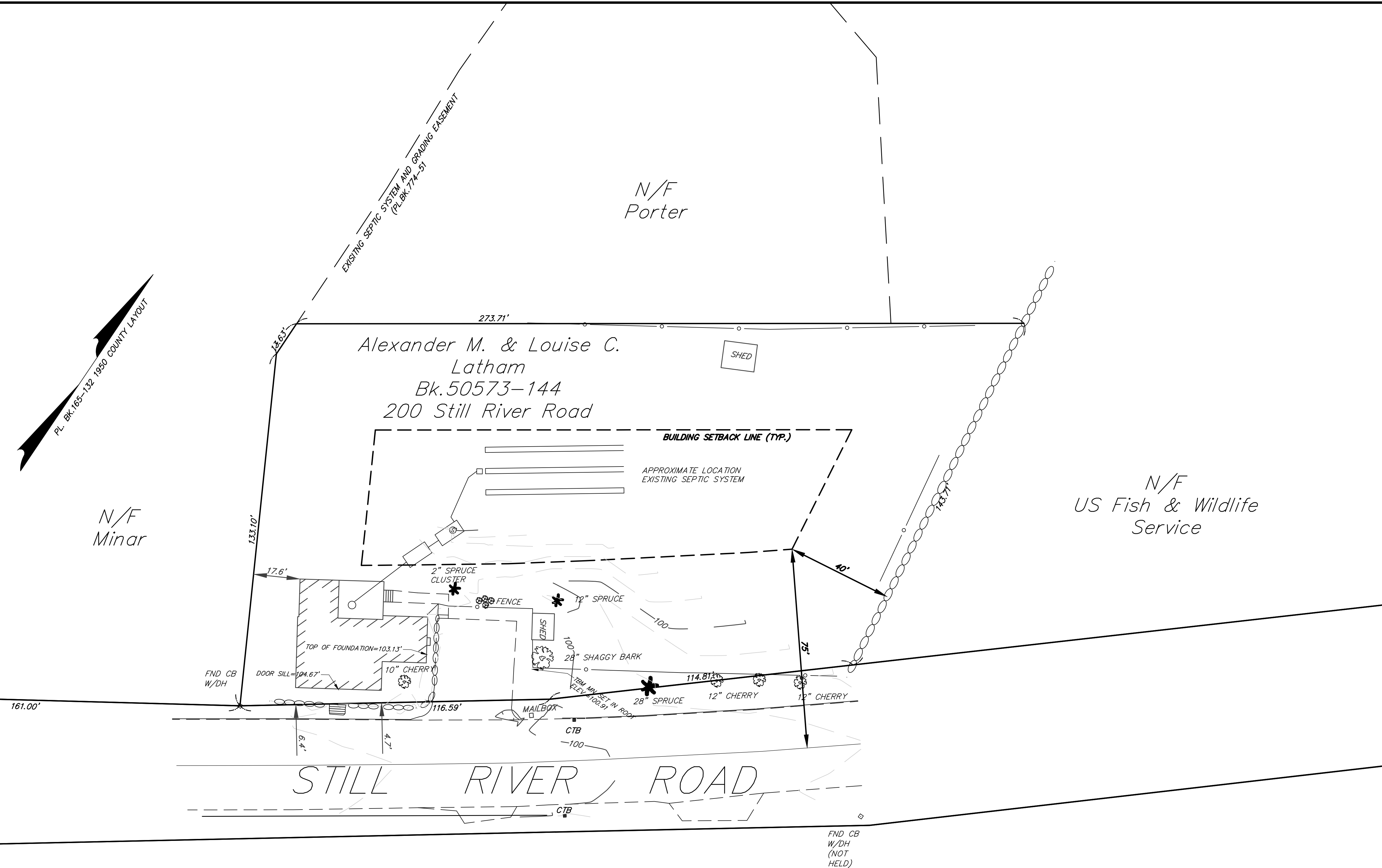
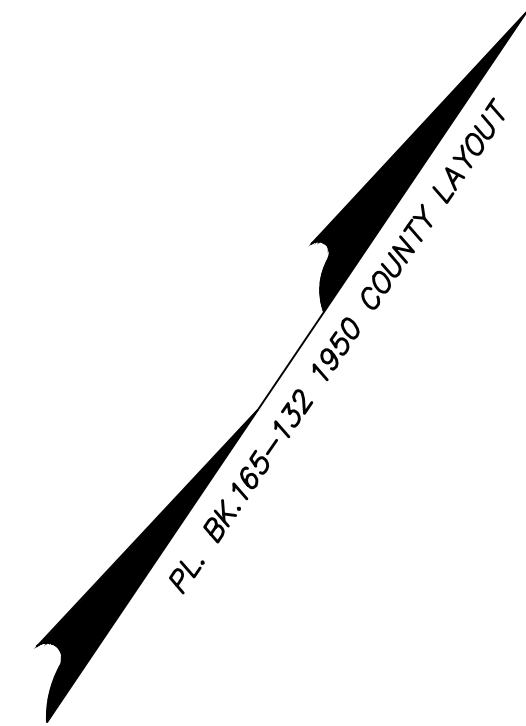
○ WEST CUT THROUGH ELEVATION
1/4" = 1'-0"

PROPOSED DRAWINGS

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91 MAIN STREET
CONCORD, MA 01742
(978) 341-6267

LATHAM RESIDENCE
200 STILL RIVER RD.
HARVARD, MASSACHUSETTS

scale:	AS NOTED
date:	03/31/2023
drawn by:	E.C.
checked by:	N.D.



SURV.: SPM/MSB	CALC.: KRC	DRAFT: KRC
INR: 843-3	DEED: BK. 50573-144	CHECK: KRC

REVISIONS	

SHEET TITLE:
EXISTING CONDITIONS PLAN

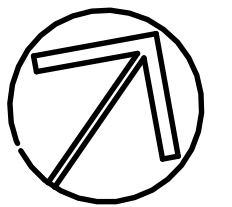
DESIGNED FOR:
ALEXANDER LATHAM

ADDRESS:
**200 STILL RIVER ROAD
HARVARD, MA**

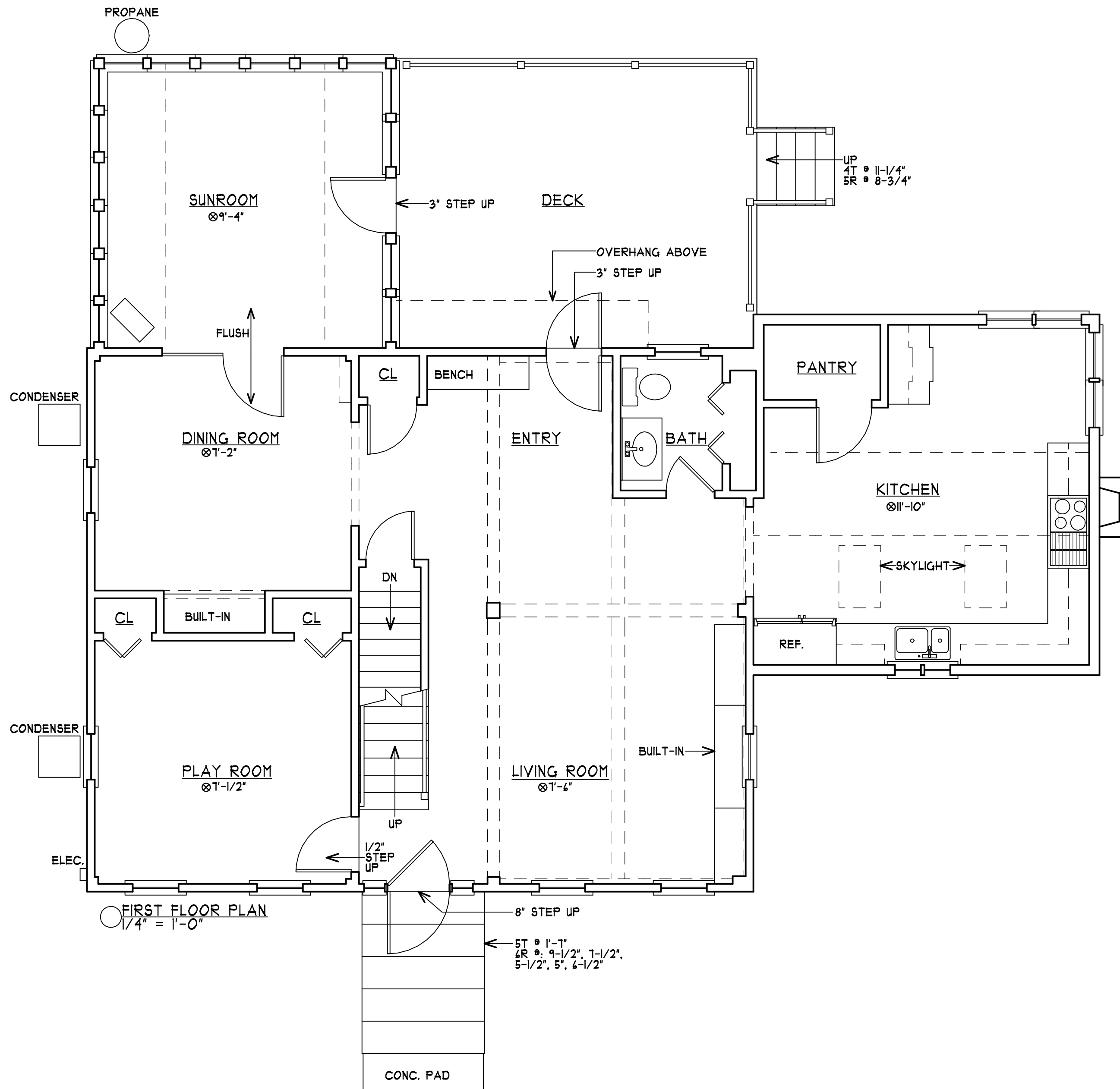
LOT NO.: XXXXX1	ASSESSOR MAP: 21	ASSESSOR PARCEL: 8
-----------------	------------------	--------------------

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.davideross.com

SCALE: 1"=20' DATE: FEBRUARY, 2023
 REF.: PLAN NO.:
 JOB NO.: 34260 SHEET NO.:



LATHAM RESIDENCE
200 STILL RIVER ROAD
HARVARD, MASSACHUSETTS



revisions:

- ③ XX/XX/XX
- ② XX/XX/XX
- ① XX/XX/XX

DICKINSON
ARCHITECTS, LLC
P.O. BOX 704
18 MAIN STREET
CONCORD, MA 01742
(978) 341-8267

FIRST FLOOR
PLAN

scale: 1/4" = 1'-0"

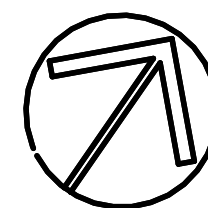
date: 9/22/22

drawn by: KE

checked by: ND

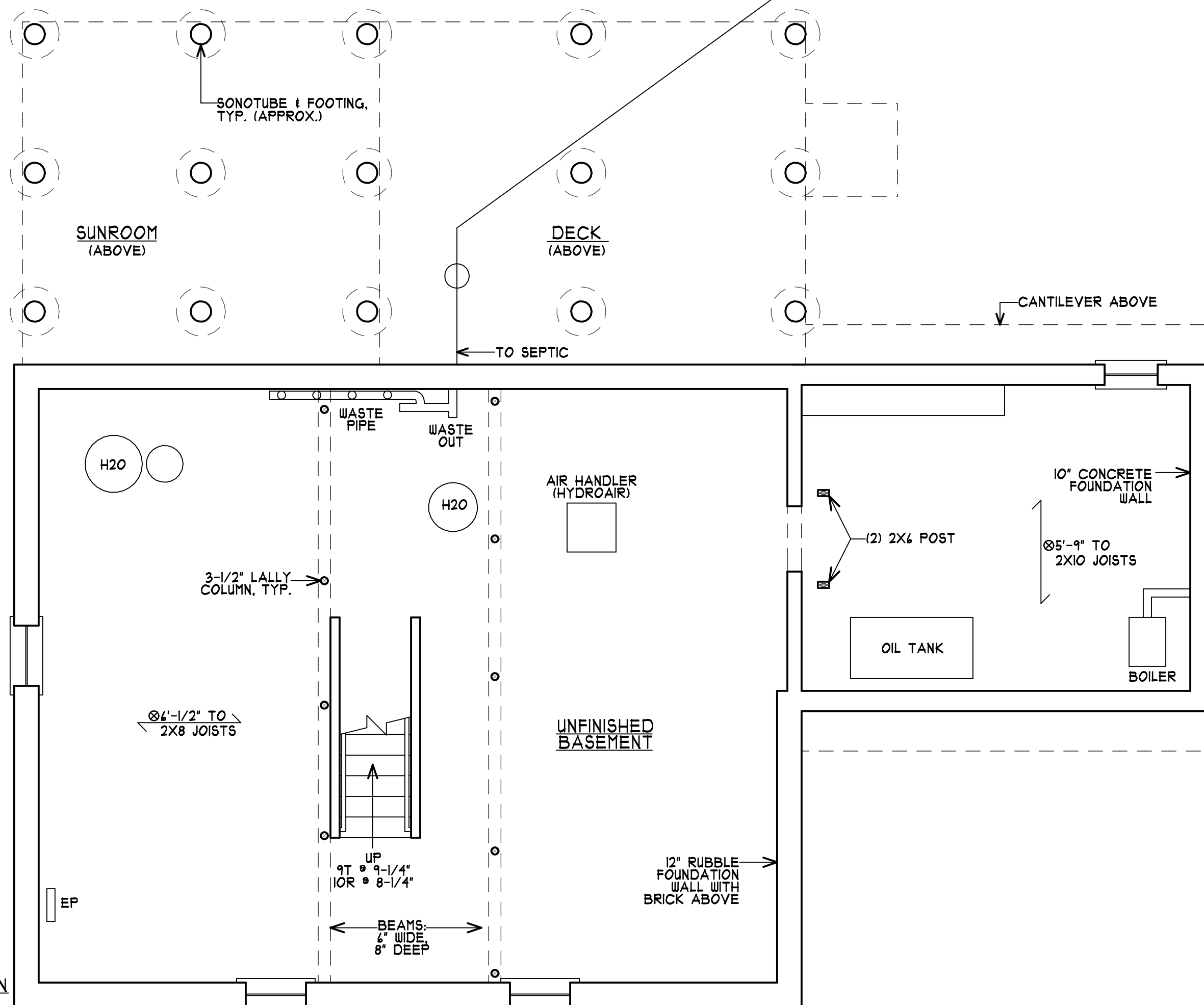
EXISTING

NOT FOR CONSTRUCTION



LATHAM RESIDENCE
 200 STILL RIVER ROAD
 HARVARD, MASSACHUSETTS

SEPTIC TANKS AND FIELD LOCATIONS
 TO BE VERIFIED



revisions:

- △ XX/XX/XX
- △ XX/XX/XX
- △ XX/XX/XX

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 P.O. BOX 704
 18 MAIN STREET
 CONCORD, MA 01742
 (978) 341-8267

BASEMENT
 FLOOR PLAN

scale: 1/4" = 1'-0"

date: 9/22/22

drawn by: KE

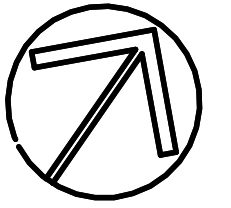
checked by: ND

○ BASEMENT PLAN
 1/4" = 1'-0"

EXISTING

NOT FOR CONSTRUCTION

VA 2



LATHAM RESIDENCE
200 STILL RIVER ROAD
HARVARD, MASSACHUSETTS

revisions:

Ⓐ	XX/XX/XX
Ⓑ	XX/XX/XX
Ⓒ	XX/XX/XX

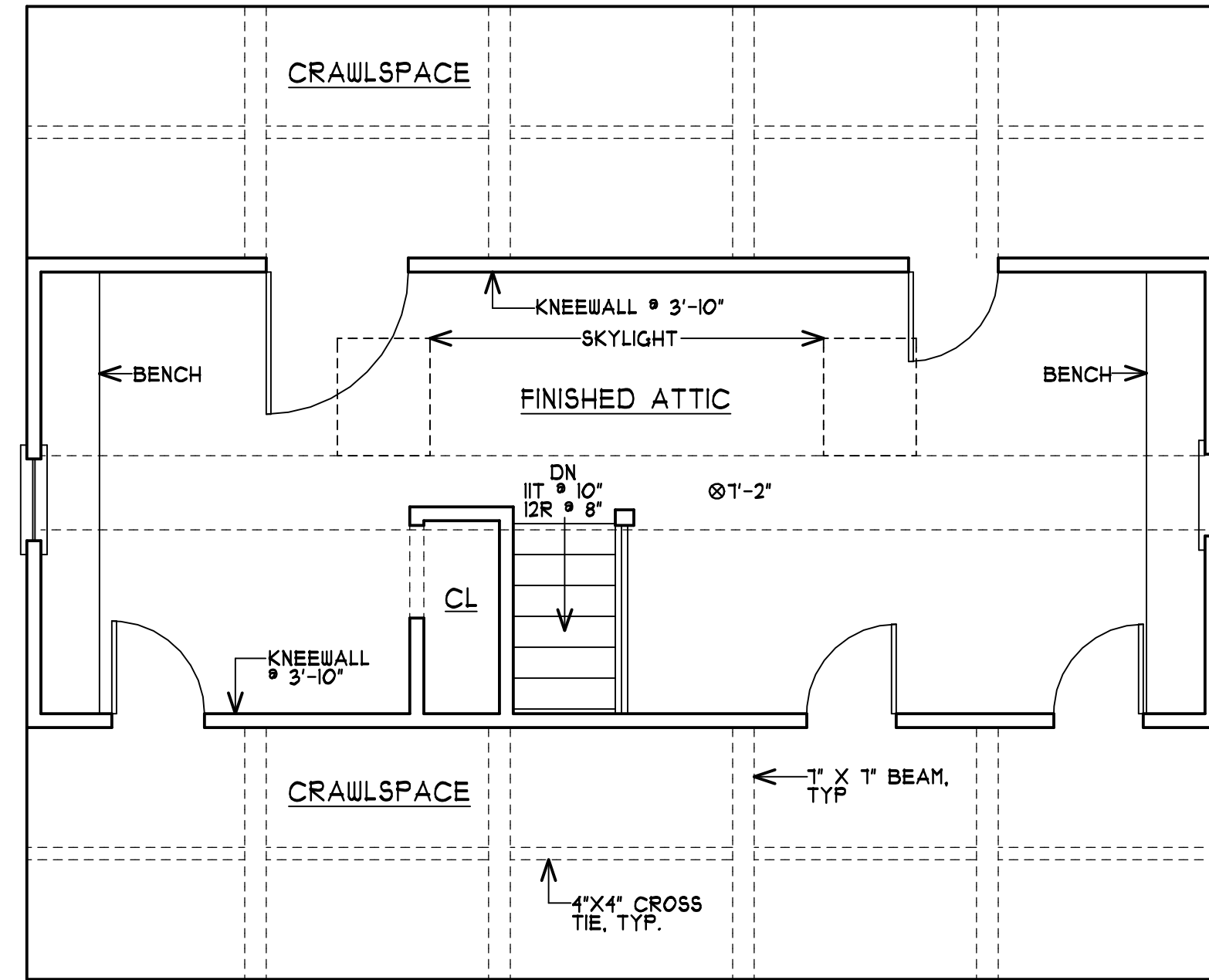
DICKINSON ARCHITECTS, LLC
P.O. BOX 704
18 MAIN STREET
CONCORD, MA 01742
(978) 341-8267

2ND FLOOR AND ATTIC PLANS
KITCHEN AND SUNROOM SECTIONS

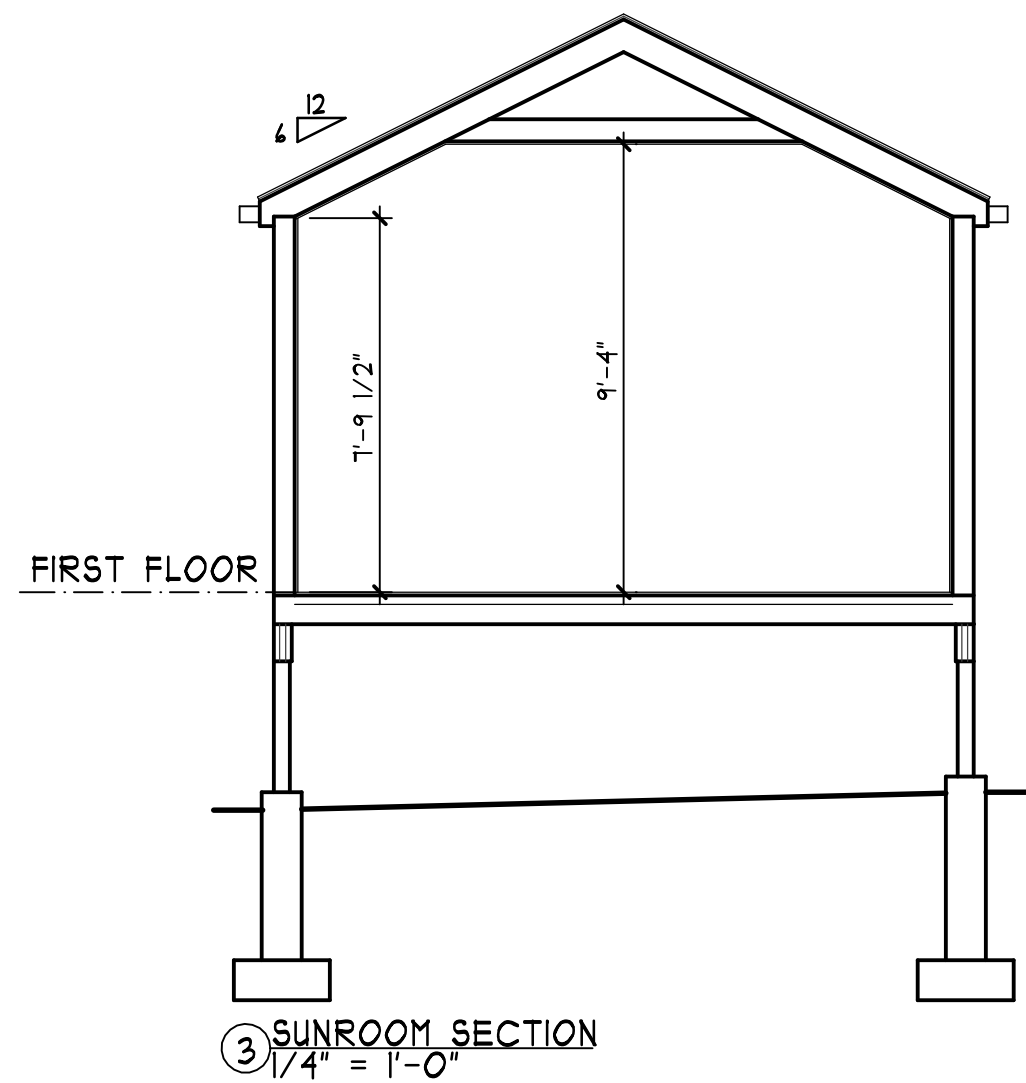
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date: 9/22/22

drawn by: KE
checked by: ND

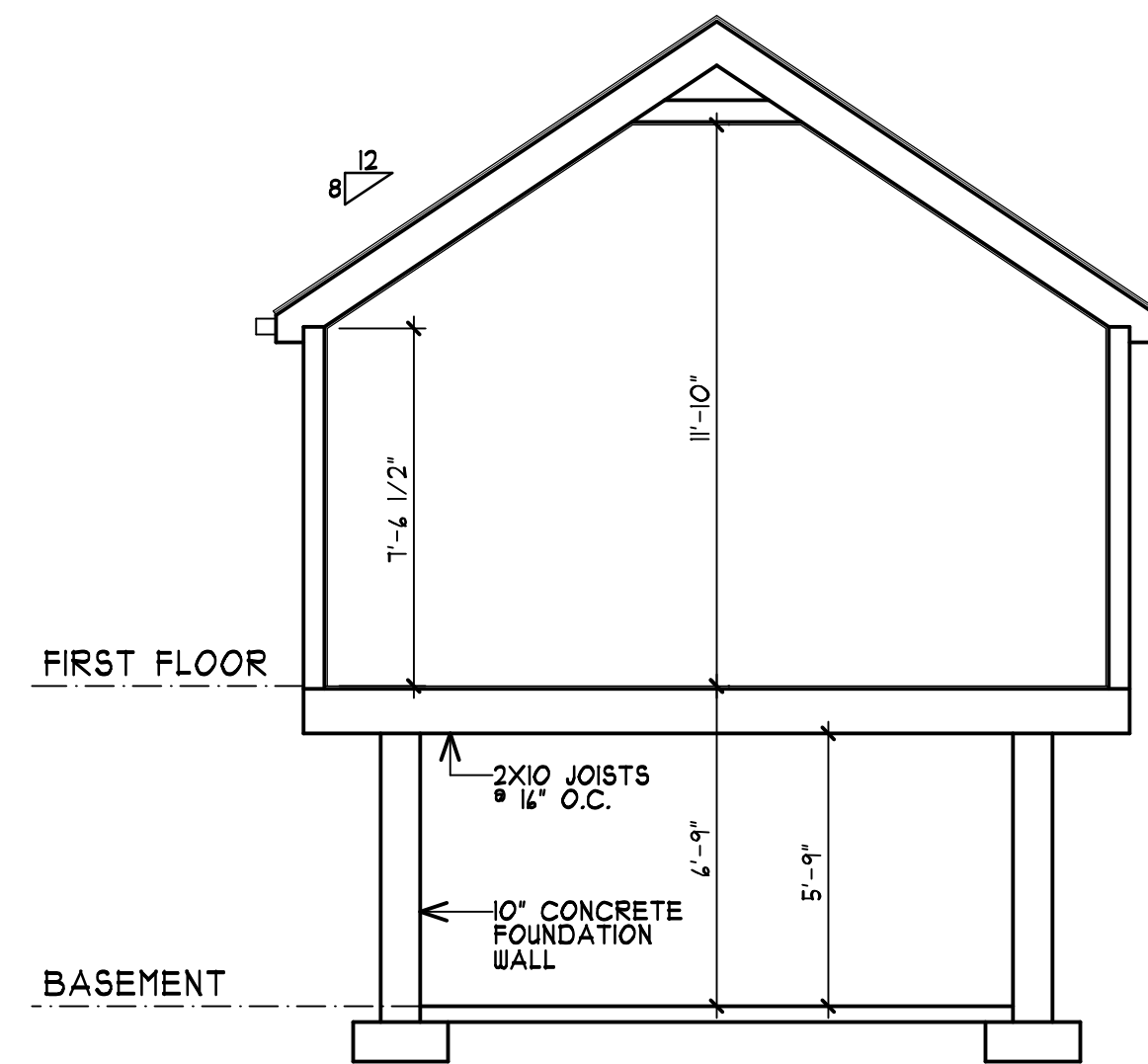
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NO. 3



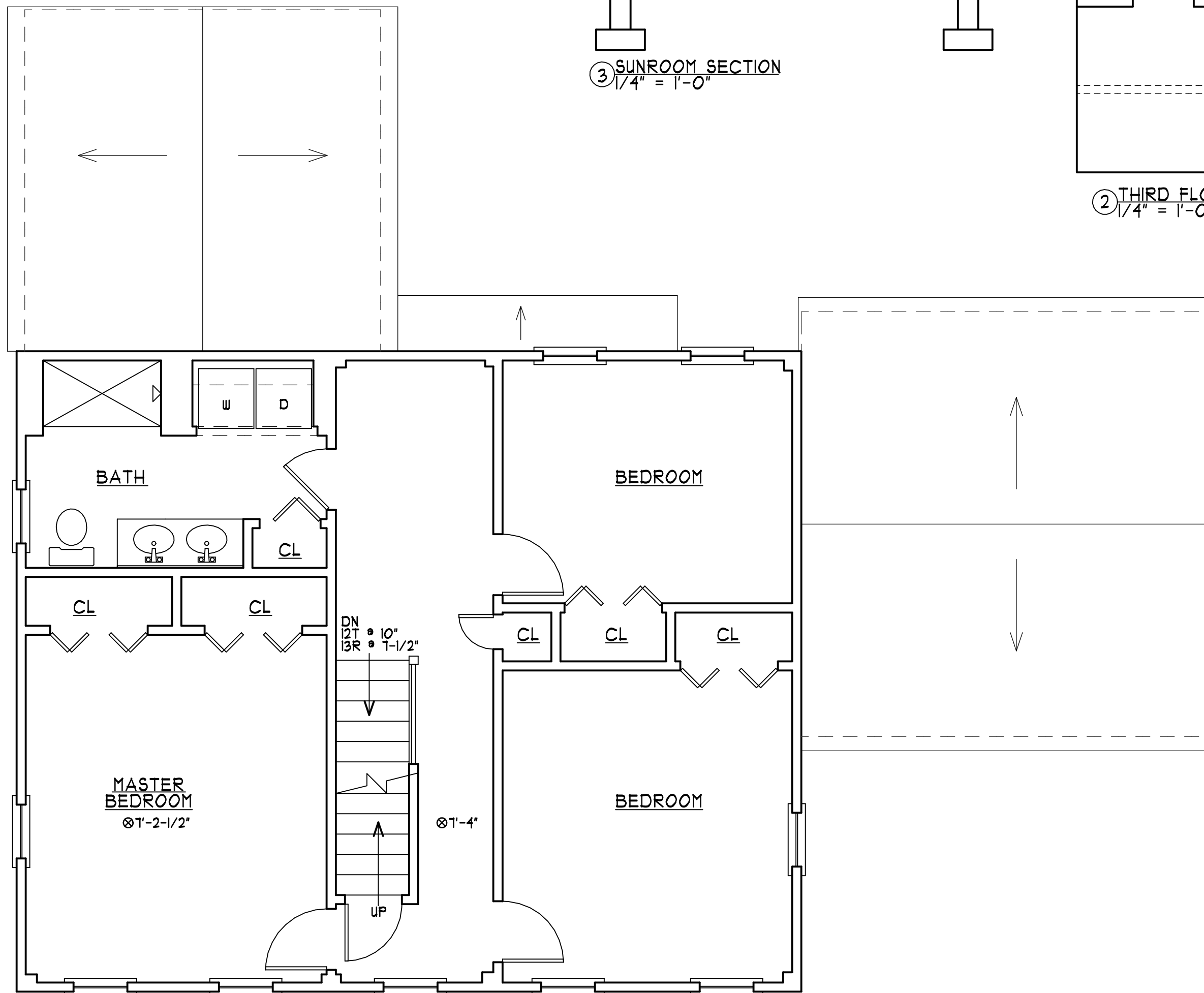
② THIRD FLOOR PLAN
1/4" = 1'-0"



③ SUNROOM SECTION
1/4" = 1'-0"



④ KITCHEN SECTION
1/4" = 1'-0"



① SECOND FLOOR PLAN
1/4" = 1'-0"

EXISTING



LATHAM RESIDENCE
200 STILL RIVER ROAD
HARVARD, MASSACHUSETTS

revisions:

- ③ xx/xx/xx
- ② xx/xx/xx
- ① xx/xx/xx

DICKINSON
ARCHITECTS, LLC
P.O. BOX 704
18 MAIN STREET
CONCORD, MA 01742
(978) 341-8267

NORTH AND
SOUTH
EXTERIOR
ELEVATIONS

scale: 1/4" = 1'-0"

date: 9/22/22

drawn by: KE

checked by: ND

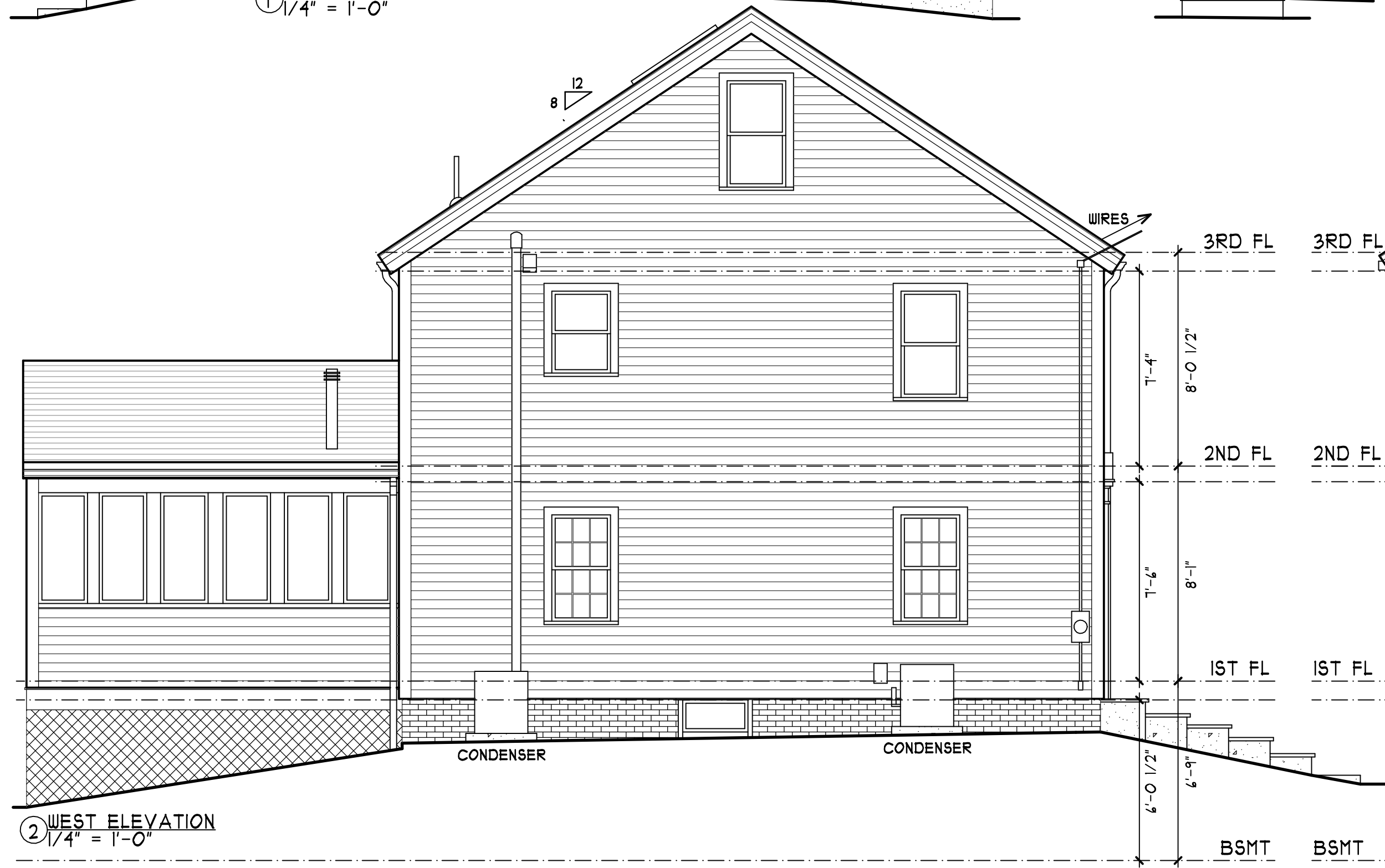
EXISTING

NOT FOR CONSTRUCTION

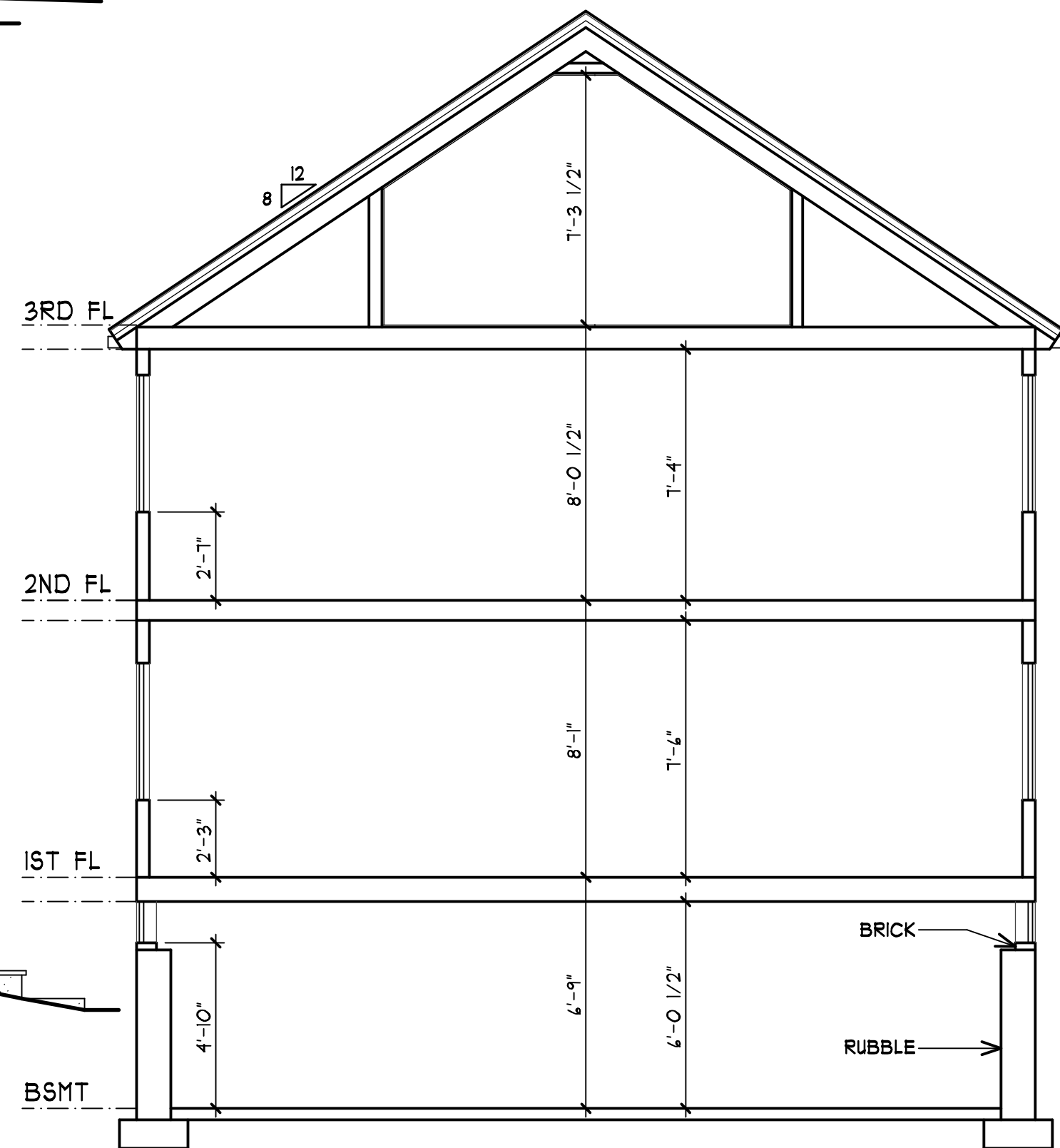
4



① EAST ELEVATION
1/4" = 1'-0"



② WEST ELEVATION
1/4" = 1'-0"



③ BUILDING SECTION
1/4" = 1'-0"

EXISTING

LATHAM RESIDENCE
200 STILL RIVER ROAD
HARVARD, MASSACHUSETTS

revisions:

△	XX/XX/XX
△	XX/XX/XX
△	XX/XX/XX

DICKINSON
ARCHITECTS, LLC
P.O. BOX 704
18 MAIN STREET
CONCORD, MA 01742
(978) 341-8287

EAST AND
WEST
EXTERIOR
ELEVATIONS
MAIN BUILDING
SECTION

scale: 1/4" = 1'-0"

date: 9/22/22

drawn by: KE

checked by: ND

NOT FOR CONSTRUCTION

5

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
MARCH 22, 2023**

Chair Christopher Tracey called the meeting to order at 7:01pm, virtually in accordance with legislation S. 2475, an act relative to extending certain COVID-19 measures adopted during the Covid Pandemic state of emergency and under M.G.L. 40A and Code of the Town of Harvard Chapter 125.

Members Present: Chris Tracey, Michael Lawton, Steve Moeser, Barbara Romero (Associate Member) and Orville Dodson (Associate Member),

Others Present: Frank O'Connor, Jr. (Director of Planning), Seth Donohoe (Dillis & Roy), Emily & Chris Goswick (Applicants)

Special Permit Hearing – Emily & Chris Goswick, owners of 184 Ayer Road. Opened at 7:03pm (see page 2 for details).

Approve Minutes – Tracey asked if there any changes to the January 11, 2023 minutes. Lawton mentioned a typographical error. O'Connor said it would be corrected. Tracey requested a motion to approve the minutes as amended. Moeser made that motion, and Lawton seconded the motion. The motion to approve passed unanimously: Lawton, aye; Moeser, aye; and Tracey, aye.

Approve Invoice – Tracey introduced the invoice for \$248 to Nitsch Engineering (related to Pine Hill Village). There was a question about which project the invoice was pertaining to on the invoice. Moeser made a motion to have Tracey review the invoice to pay, seconded by Lawton. The motion to pay the invoice passed unanimously: Lawton, aye; Moeser, aye; and Tracey, aye.

Chair Tracey updated the ZBA members that Liz Allard had relinquished her role with the ZBA. Tracey added that O'Connor would be clerking the ZBA going forward and that the minutes would be handled by a third-party vendor who would work from the Zoom tapes of the meetings.

Tracey added that the Select Board and Town Administrator would need all of the members of the ZBA to update their status and intentions to keep or relinquish their seats. O'Connor said he would share an updated list from the Town Administrator.

ZBA members had an impromptu discussion of the proposed Overlay District at 185-189 Ayer Road. O'Connor said he would be happy to share any comments from ZBA members or the residents of Harvard with the Planning Board and the property owner. Tracey mentioned that there is a new Land Use Board Administrator working in Town Hall.

At 7:44pm, Tracey asked for a motion to adjourn, seconded by Lawton. The motion to adjourn passed unanimously: Lawton, aye; Moeser, aye; and Tracey, aye.

Harvard Zoning Board of Appeals

Special Permit Minutes

Phoenix-Durango LLC (Emily & Chris Goswick) owner for 184 Ayer Road (Map 8 // Parcel 41)

March 22, 2023

The hearing was opened by Chair Christopher Tracey at 7:04pm virtually in accordance with legislation S. 2475, an act relative to extending certain COVID-19 measures adopted during the Covid Pandemic state of emergency and under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125.

Members Present: Chris Tracey, Michael Lawton, Steve Moeser, Barbara Romero (Associate Member) and Orville Dodson (Associate Member),

Others Present: Frank O'Connor, Jr. (Director of Planning), Seth Donohoe (Dillis & Roy), Emily & Chris Goswick (Applicants)

This hearing is for a Special Permit filed on the behalf of Phoenix-Durango LLC for the change in commercial use from a small intensity business to a medium intensity business at 184 Ayer Road.

Seth Donohoe of Dillis & Roy, stated the property is a pre-existing non-conforming building that had previously housed an accounting office on the main floor and a small residential unit on the upper floor. He added it is about 2.2 acres in the C-District. He explained that the previous commercial use as an accounting office was a small-scale use and the new proposed commercial use as an optometrist's office is a medium scale use. Donohoe said this increase in intensity resulted in the need for a Special Permit. He mentioned that the Planning Board had granted a Site Plan approval. He said that the building conforms to all the set backs required and that the street scape and façade of the building would be improved but no substantial changes to the building other than the small vestibule entrance.

Tracey asked about the increase in traffic from the previous use as an accounting office to a medical / optometrist office. Donohoe said the plan was for the optometrists to see patients at the 184 Ayer Road site three days a week and that it would not have the same volume of traffic as at Acton Medical just down the road. Tracey said it was perplexing how there was a need for a Special Permit due to the change in use from a conforming use to another conforming use. Moeser felt the compelling reason was due to the increase in intensity of traffic.

Tracey explained that the Building Inspector required the applicant to obtain the Special Permit from the ZBA. Tracey asked if the other ZBA members had questions. Lawton mentioned the change to the leaching field, which would be addressed by the Board of Health. Neither Donohoe or the Goswicks had anything to add. Tracey asked for a motion to close the evidentiary portion of the meeting. Motion was made by Moeser, seconded by Lawton. Roll call vote was unanimous: Lawton, aye; Moeser, aye; and Tracey, aye. Then Tracey asked for further discussion, Moeser referenced conditions. Motion by Lawton to GRANT the Special Permit was seconded by Moeser. Roll call vote was approved unanimously: Lawton, aye; Moeser, aye; and Tracey, aye.

Submitted: _____ Frank O'Connor, Jr. as clerk

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HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
MAY 10th, 2023

Chair Christopher Tracey called the meeting to order at 7:01pm, virtually in accordance with legislation S. 2475, an act relative to extending certain COVID-19 measures adopted during the Covid Pandemic state of emergency and under M.G.L. 40A and Code of the Town of Harvard Chapter 125.

Members Present: Chris Tracey, Michael Lawton, Steve Moeser, and Orville Dodson

Others Present: Frank O'Connor, Nancy Dickinson, Dan Wolf, Theodore Maxant, William Ference, Daniel Carr, Peter Cricones, Tim Pond, Isabel (Perspective Buyer for Unit 8), Carla Page,

Topics of Discussion:

1. **Special Permit Hearing – Kelsey Nickerson, 133 Clinton Shore Drive** – additions to a pre-existing, non-conforming structure.
2. **Special Permit Hearing** – William Ference, 247 Littleton County Road - for the change in use of non-conforming structures other than one or two family and modification to a special permit.
3. **Special Permit Hearing – Rainer Park, 7 Peninsula Road** – replace a pre-existing non-conforming dwelling with a new dwelling.
4. **Special Permit Hearing – Alexander & Louisa Latham, 200 Still River Road** – requesting to add a garage to a pre-existing non-conforming single-family dwelling that will not increase the existing non-conformity.
5. **Request for Certificates of Occupancy - Pine Hill Village Units 2, 4, 6A, 6B, 8, 10 12A & 12B Pine Hill Way**

Discussion Overviews:

1. **Special Permit Hearing – Kelsey Nickerson, 133 Clinton Shore Drive** – additions to a pre-existing, non-conforming structure.

Dan Wolf gave a breakdown of the plans made for the property. The current plan involves 2 additions (that do not come any closer to the property line) and a new walkway. The two additions are a mechanical lift for the steep hillside and a detached garage planned (with an extended driveway to the garage). In regards to environmental impact prevention, storm water runoff plans have been made for the following: Stone trench that deposits off into a drywell, roof recharge trenches, and multiple infiltration trenches to be added.

Questions/Comments/Feedback:

- Steve Moeser asked if the garage was part of the application.
Answer: It is part of the plan, but not on the application.
- Theodore Maxant commented that he believes this will not have a detrimental impact on the town/environment.
- Michael Lawton wanted clarification on the pathways and parking easement.
Dan Wolf clarified that the mapping is out of date and the access on these are not passable. Dan wolf clarified that the easement is still in use today and the driveway for the garage will go through this pathway.

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

Seconded by Michael Lawton

Voted yes by: Steve Moeser, Michael Lawton, and Christopher Tracey

Passed unanimously

49 Motion: Steve Moeser made a motion to approve the special permit as described and outlined in the
50 submitted plans while also including the Conservation Commission Order of Conditions

51 Seconded by Michael Lawton

52 Voted yes by: Steve Moeser, Michael Lawton, and Christopher Tracey

53 *Passed unanimously*

54

55 2. **Special Permit Hearing** – William Ference, 247 Littleton County Road - for the change in use of non-
56 conforming structures other than one or two family and modification to a special permit.

57 William Ference requested an extension for his application at 247 Littleton Country Road.

58

59 Motion: Steve Moeser made a motion to move the hearing to take place on June 14th 2023 at 7:30pm

60 Seconded by Michael Lawton

61 Voted yes by: Steve Moeser, Michael Lawton, and Christopher Tracey

62 *Passed unanimously*

63

64 3. **Special Permit Hearing – Rainer Park, 7 Peninsula Road** – replace a pre-existing non-conforming
65 dwelling with a new dwelling.

66 Daniel Carr had the plot plans presented through Frank O'Connor to explain the proposed project in
67 greater detail. There was confusion on whether a special permit was required for the property due to it
68 being a preexisting non-conforming structure. The property has wetlands surrounding on two sides and
69 a garage that is less than 60ft to these wetlands. Renovations of the current garage are in the plans. The
70 new dwelling would be more than 60ft from the wetlands (including the deck) and will include a green
71 roof.

72 *Questions/Comments/Feedback:*

- 73 • Christopher Tracey questioned if the Board of Health require a deed of restriction.

74 Daniel Carr answered that there was no requirement for this, but a variance needed to allow usage of the
75 existing well.

76

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

78 Seconded by Michael Lawton

79 Voted yes by: Steve Moeser, Michael Lawton, and Christopher Tracey

80 *Passed unanimously*

81

82 Motion: Michael Lawton made the motion to grant issuance of a special permit for the reconstruction of
83 the existing structure at 7 Peninsula Road based on the plans and evidence presented (including color of
84 the building) with reference of the order of conditions issued by the Conservation Committee as well as
85 the standard language pertaining to the use of chemicals in the area of Bear Hill Pond.

86 Seconded by Steve Moeser

87 Voted yes by: Steve Moeser, Michael Lawton, and Christopher Tracey

88 *Passed unanimously*

89

90 4. **Special Permit Hearing – Alexander & Louisa Latham, 200 Still River Road** – requesting to add a
91 garage to a pre-existing non-conforming single-family dwelling that will not increase the existing non-
92 conformity.

93 Nancy Dickinson requested a one-month continuance for the application at 200 Sill River Road.

94

95 Motion: Steve Moeser made a motion to move the hearing to take place on June 14th 2023 at 8:00pm

96 Seconded by Michael Lawton

97 Voted yes by: Steve Moeser, Michael Lawton, and Christopher Tracey

98 *Passed unanimously*

99

100 **5. Request for Certificates of Occupancy - Pine Hill Village Units 2, 4, 6A, 6B, 8, 10 12A & 12B Pine Hill**
101 **Way**

102 Christopher Tracey listed the approved steps that have been submitted to the Board. These include: The
103 Board of Health has approved both septic systems, the fire Department found no issues, and the
104 Conservation Committee says the site is currently meeting the expectations. The following locations are
105 still in need of building inspections: 2 Pine Hill, 4 Pine Hill, 6A Pine Hill, 6B Pine Hill. 10 Pine Hill, 12A Pine
106 Hill, and 12B Pine Hill.

107 *Questions/Comments/Concerns:*

- 108 • Steve Moeser mentioned that a certificate of compliance is still needed before any COs would be
109 released, but this will be addressed later down the line.

110

111 Motion: Steve Moeser made the motions to issue the COs for the units 2, 4, 6A, 6B, 8, 10 12A & 12B Pine
112 Hill Way

113 Seconded by Michael Lawton

114 Voted yes by: Steve Moeser, Michael Lawton, and Christopher Tracey

115 *Passed unanimously*

116

117 Motion: Steve Moeser made the motions to issue an extension to the comprehensive subunit from June
118 30th 2023 to June 30th 2024

119 Seconded by Michael Lawton

120 Voted yes by: Steve Moeser, Michael Lawton, and Christopher Tracey

121 *Passed unanimously*

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123

124 **Minutes**

125 Motion: made the motion to approve the

126 Seconded by

127 Voted yes by: Steve Moeser, Michael Lawton, and Christopher Tracey

128 *Passed unanimously*

129

130 **Changes in the Schedule for Future Board Meetings**

131 Motion: Steve Moeser made a motion to make the first Wednesday of every month, starting in September
132 of 2023, as the standard meeting night for the Zoning Board of Appeals with the understanding that
133 additional meetings will occur on the third and fourth Wednesday of the month as applications require.

134 Seconded by Michael Lawton

135 Voted yes by: Steve Moeser, Michael Lawton, and Christopher Tracey

136 *Passed unanimously*

137

138 **Adjournment**

139 Motion: Michael Lawton motioned to adjourn at 9:22pm

140 Seconded by Steve Moeser

141 Voted yes by: Steve Moeser, Michael Lawton, and Christopher Tracey

142 *Passed unanimously*