TOWN OF HARVARD
ZONING BOARD OF APPEALS AGENDA
WEDNESDAY JULY 12, 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/86494798915?pwd=bmRvKytLdVlDOWtXTVFKcHJFUXhxZz09

Meeting ID: 864 9479 8915
Passcode: 966805
One tap mobile
+19294362866,,86494798915# US (New York)
+13017158592,,86494798915# US (Washington DC)
Dial by your location
• +1 929 436 2866 US (New York)
• +1 301 715 8592 US (Washington DC)
• +1 305 224 1968 US
• +1 309 205 3325 US
Meeting ID: 864 9479 8915

Find your local number: https://us02web.zoom.us/u/kdBYKSaeIE

7:00pm **Continuation of Special Permit Hearing** – **William Ference at 247 Littleton County Road**, §125-3C Non-conforming structures other than one – and two-family dwellings and §125-3D Non-conforming uses, for Modification of a Special Permit.

7:15pm **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 & JUNE 14, 2023
b) Approve Invoice (none this month)
c) Request to modify initiating ZBA meeting night starting in October 2023
d) Cellco Partnership d/b/a/ Verizon decision from December 30, 2020 – (Robinson + Cole)
e) Final inspection passed on the final unit at Craftsman Village (# 19, 3 Cortland Way)
f) Cautionary Letter from ZBA to Condo Association at Pine Hill Village
g) Update on 40-B at Old Mill Rd.

NEXT SCHEDULED MEETING:
WEDNESDAY, AUGUST 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.

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): X 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:

☐ Variance (16 copies)	Fee: $150.00 + $6.00/ abutter
☐ Special Permit (16 copies)	Fee: $200.00 + $6.00/abutter
☑ Modification/Extension (16 copies)	Fee: $100.00 + $6.00/abutter
☐ Failure to Enforce Administrative Appeal (16 copies)	Fee: $130.00
☐ Other Administrative Appeals (16 copies)	Fee: $175.00
☐ 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.

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

____ — ____
Property Owner's Signature (REQUIRED) — Date

____ — ____
Applicant's Signature (if different from owner) — Date

Revised 04-14-2021

GPR

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)*":

<u>Existing Text:</u>
"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."

<u>Proposed Amended Text:</u>
"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*":

<u>Text Addition:</u>
"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 Bechtel 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. <u>Special Permit</u>

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. <u>Terms</u>

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 P. 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: C Dearborn Date: 4/3/23

Carol Dearborn
Assistant Assessor
(978) 456-4100 x315

200 STILL RIVER RD

Town of Harvard, MA

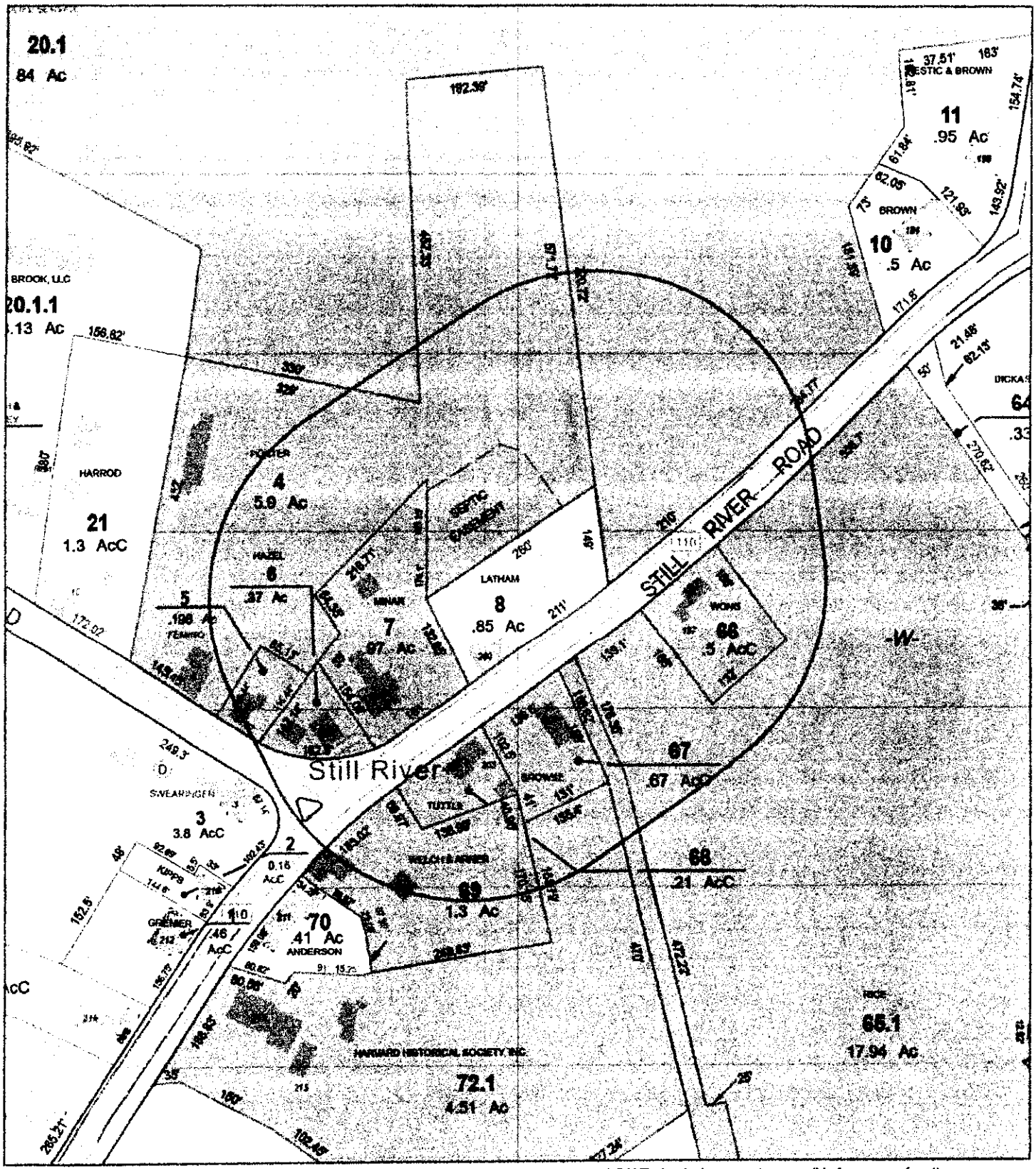
1 inch = 188 Feet

0 188 376 564

April 3, 2023

CAI Technologies
Precision Mapping. Geospatial Solutions

www.cai-tech.com



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

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

300 feet Abutters List Report

Harvard, MA
April 03, 2023

Parcel Number:	021-069-000-000	Mailing Address:	WELSH, ERIC S & ARNER, JENNIFER M P.O. BOX 118 STILL RIVER HARVARD, MA 01467
CAMA Number:	021-069-000-000		
Property Address:	207 STILL RIVER RD		

Parcel Number:	021-072-001-000	Mailing Address:	HARVARD HISTORICAL SOCIETY INC PO BOX 542 HARVARD, MA 01451
CAMA Number:	021-072-001-000		
Property Address:	213 STILL RIVER RD		

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 Dickinson Architects Tel. No.: 978 341 8267

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

- ☐ Variance (16 copies) — Fee: $150.00 + $6.00/ abutter
- ☒ Special Permit (16 copies) — Fee: $200.00 + $6.00/abutter
- ☐ Modification/Extension (16 copies) — Fee: $100.00 + $6.00/abutter
- ☐ Failure to Enforce Administrative Appeal (16 copies) — Fee: $130.00
- ☐ Other Administrative Appeals (16 copies) — Fee: $175.00
- ☐ 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.

Property Owner's Signature (REQUIRED) — Date: 4/4/23

Property Owner's Signature (REQUIRED) — Date: 4/4/2023

Applicant's Signature (if different from owner) — Date: 04/03/23

Revised 04-14-2021

Dickinson
ARCHITECTS LLC

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

Property Location 200 STILL RIVER RD | Map ID 21/ 8/ / / | Bldg Name | State Use 1010
Vision ID 1315 | Account # 125021000080000 | Bldg # 1 | Sec # 1 of 1 | Card # 1 of 1 | Print Date 12/21/2022 2:57:15 P

CURRENT OWNER

LATHAM, ALEXANDER M & LOUISA C

200 STILL RIVER ROAD

HARVARD MA 01451

TOPO		UTILITIES		STRT / ROAD		LOCATION	
1	Level	5	Well	3	Med Traffic	3	Rural
		6	Septic	6	Paved		
				T	Two Way		

SUPPLEMENTAL DATA

Alt Prcl ID 1250210000800000
House Col YELLOW
Field Chec

GIS ID M_190445_915814

Assoc Pid#

CURRENT ASSESSMENT

Description	Code	Appraised	Assessed
RESIDNTL	1010	403,000	403,000
RES LAND	1010	217,500	217,500
RES OB	1010	1,500	1,500
	Total	622,000	622,000

125

HARVARD, MA

VISION

RECORD OF OWNERSHIP

	BK-VOL/PAGE		SALE DATE	Q/U	V/I	SALE PRICE	VC
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
CORDEIRO, CHARLES B JR & BONNIE	26256	0140	03-28-2002	Q	I	360,000	00
NOGLER, ESTATE OF, BARD, THOMAS B &	20308	0044	08-17-1998	U	I	100,000	1A
NOGLER, ALFRED L, SR	16696	0396	11-10-1994	U	I	1	1A

PREVIOUS ASSESSMENTS (HISTORY)

Year	Code	Assessed	Year	Code	Assessed V	Year	Code	Assessed
2022	1010	358,800	2021	1010	291,500	2020	1010	247,900
	1010	202,500		1010	202,500		1010	202,500
	1010	1,200		1010	1,200		1010	1,200
	Total	562,500		Total	495,200		Total	451,600

EXEMPTIONS

Year	Code	Description	Amount
		Total	0.00

OTHER ASSESSMENTS

Code	Description	Number	Amount	Comm Int

This signature acknowledges a visit by a Data Collector or Assessor

ASSESSING NEIGHBORHOOD

Nbhd	Nbhd Name	B	Tracing	Batch
1				

NOTES

3/13 PER MLS FSP NOW HEATED RM/CHGD

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

BUILDING PERMIT RECORD

Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments
08-099	07-07-2008	RS	Residential	800		100	12-08-2008	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

Property Location 200 STILL RIVER RD | Map ID 21/ 8/ / / | Bldg Name | State Use 1010
Vision ID 1315 | Account # 125021000080000 | Bldg # 1 | Sec # 1 of 1 | Card # 1 of 1 | Print Date 12/21/2022 2:57:15 P

CONSTRUCTION DETAIL

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	

CONSTRUCTION DETAIL (CONTINUED)

Element	Cd	Description

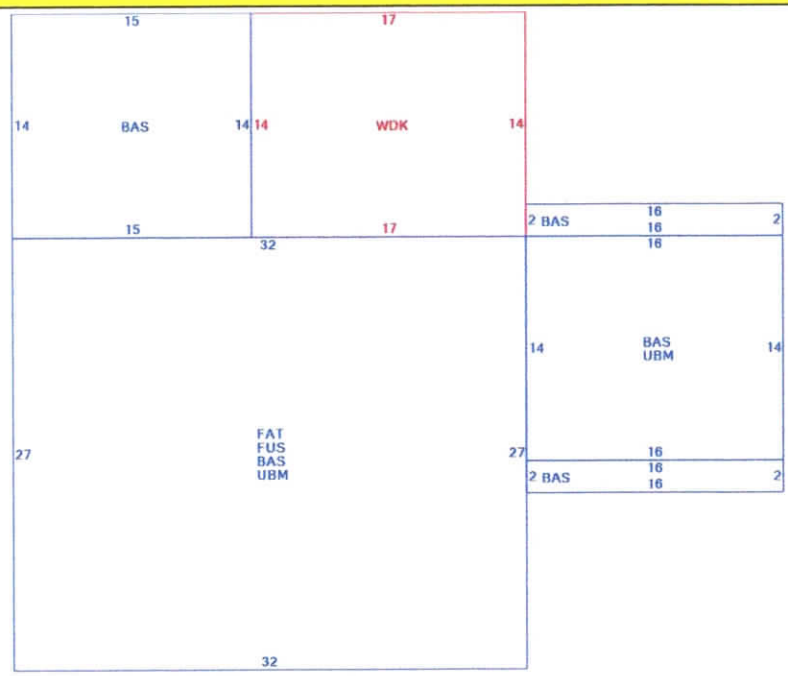
CONDO DATA

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	

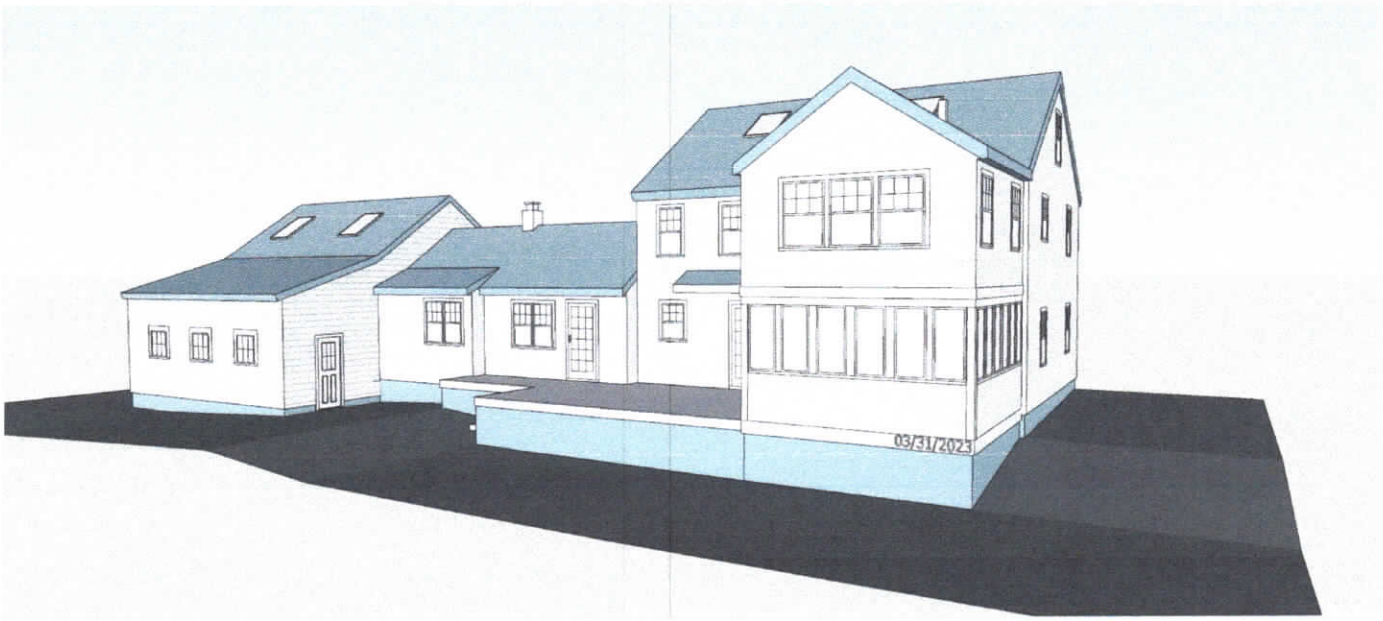


OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

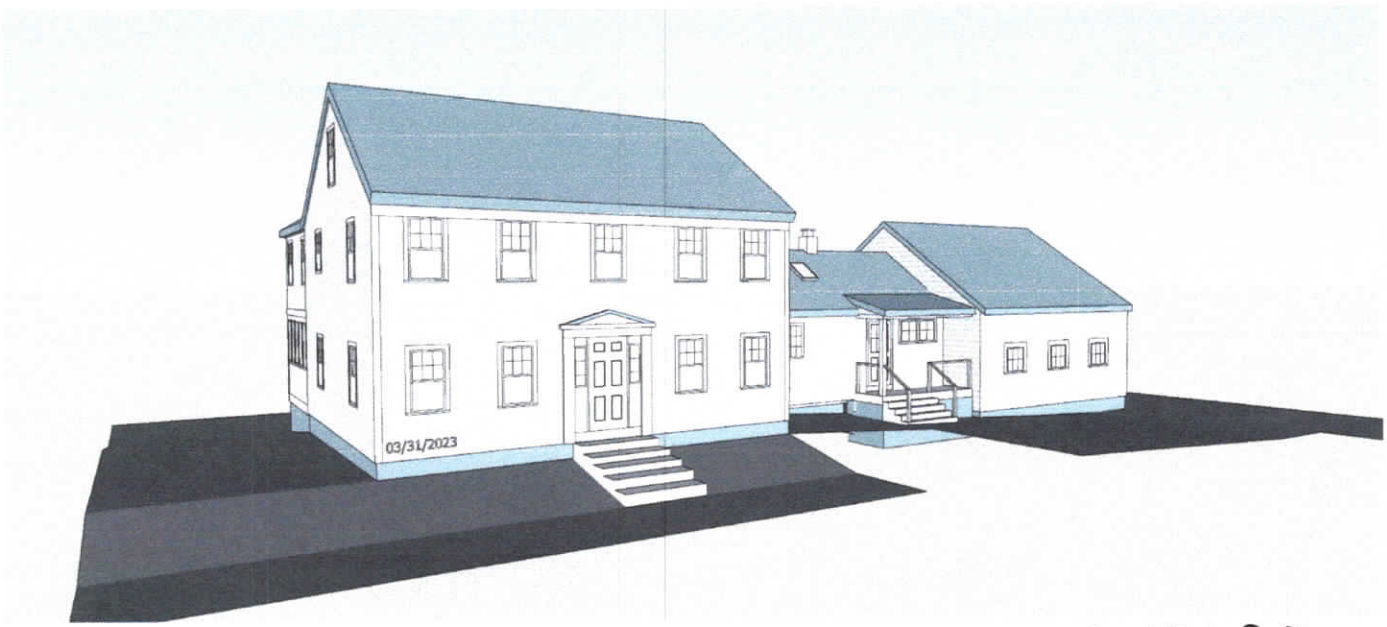
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value
SHD1	Shed	L	120	15.00	2000		81		0.00	1,500

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



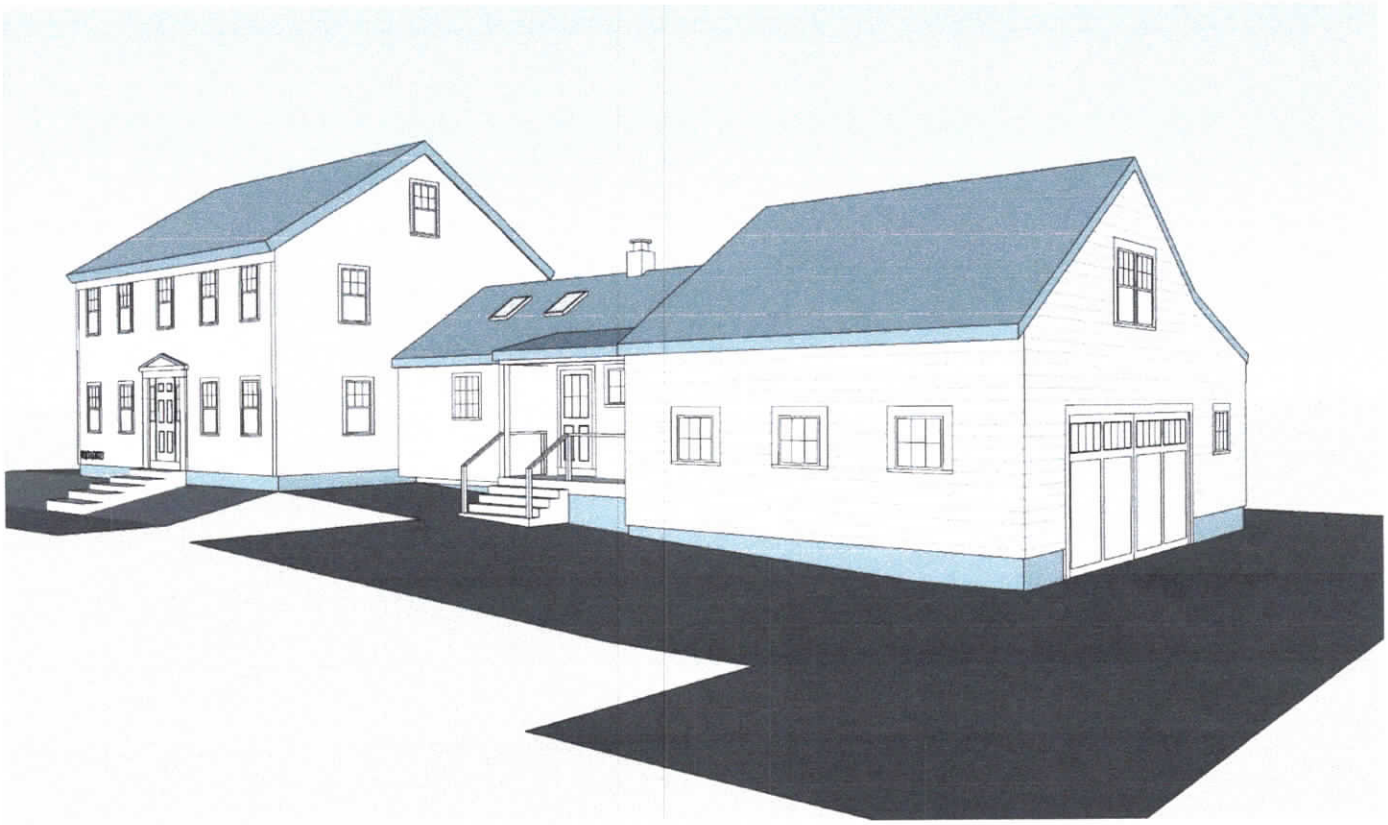
BACK



FRONT

200 STILL RIVER RD.

BACK



FRONT

200 STILL RIVER RD

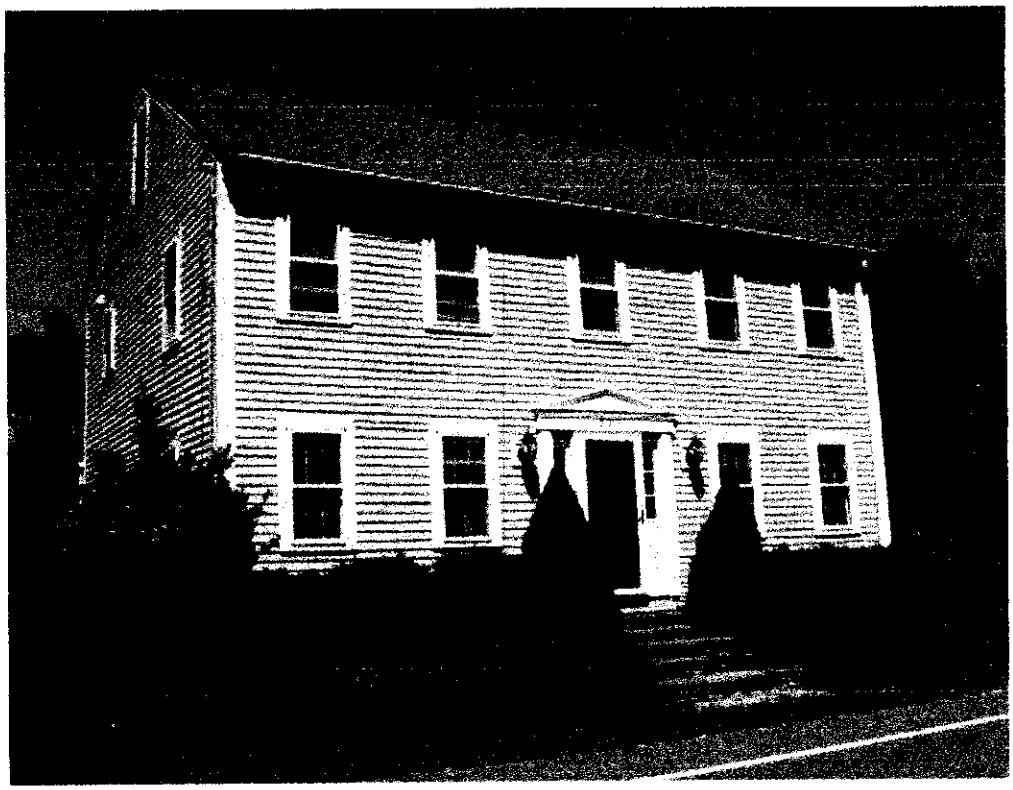
EXISTING BACK

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 x 200% = 880 gallons (minimum)
   Septic tank provided = 1500 Gallons

3. Design percolation rate = 2.0 M.P.I. (Soil Class)
   Effluent Loading Rate = 0.53 gallons/S.F.

4. Leaching Area
   Primary Leaching Area
   Total area provided = 832 s.f. x 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. X ___ 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
—℄— Denotes approximate property line
—O.W.— Denotes overhead wires
—D— Denotes storm drain pipe
—■— Denotes catch basin
—/—/— Denotes vegetated wetland

RECEIVED DEC 29 1998

AS-BUILT PLAN

NO.	DATE	DESCRIPTION	BY
2	12/29/98	AS-BUILT DATA	MDM
1	9/30/98	REVISED TO ACTUAL PERC 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
[illegible] NEW [illegible]
[illegible] MA 02467

SCALE: 1" = 20' DATE: 6/5/98

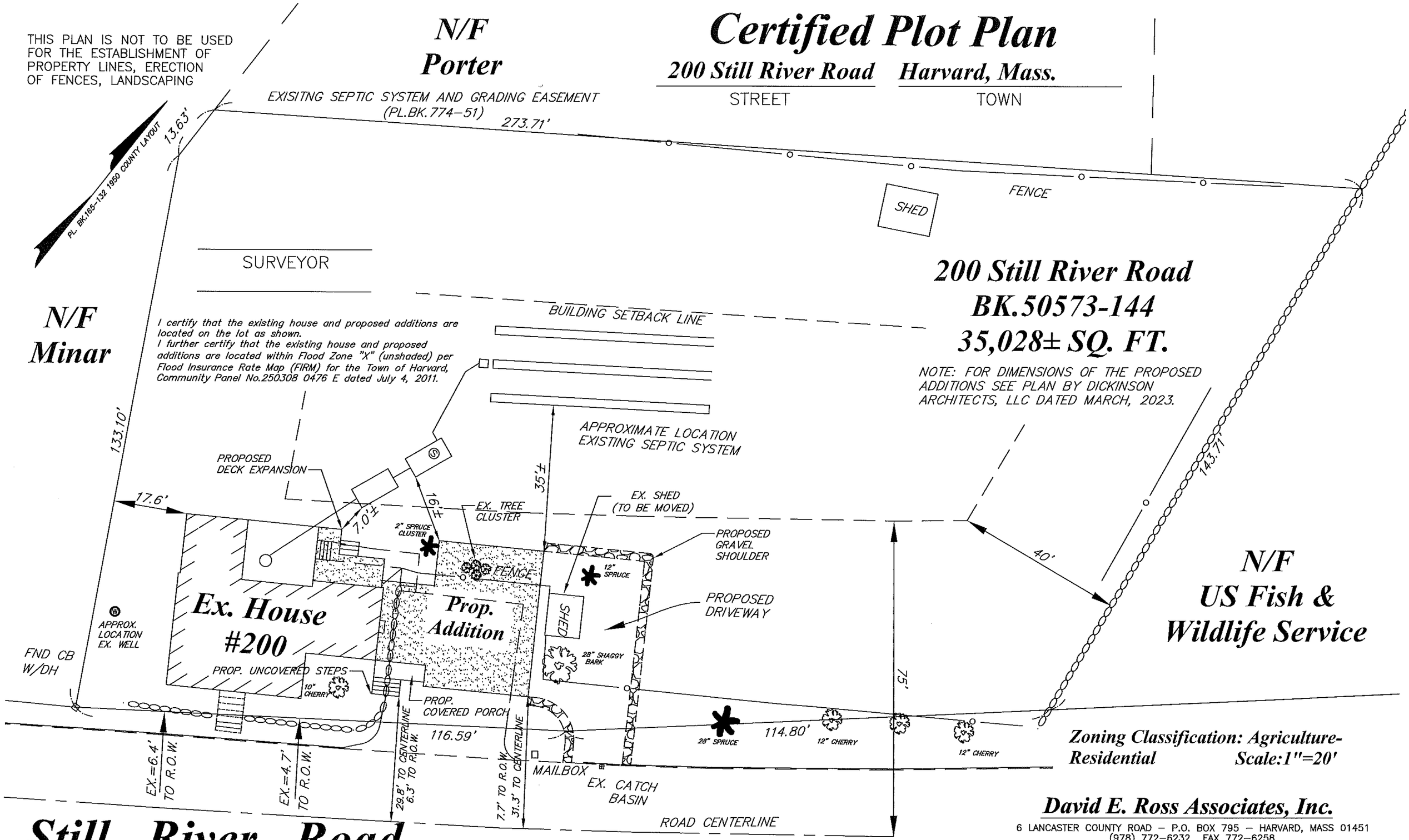
DUCHARME & WHEELER, INC.
1092 MAIN STREET, P.O. BOX 427, BOLTON, MA. 01740

SHEET OF J.N. [illegible]

Certified Plot Plan

200 Still River Road — STREET
Harvard, Mass. — TOWN

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



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

REFERENCES: **Job #34260, NB843-3**

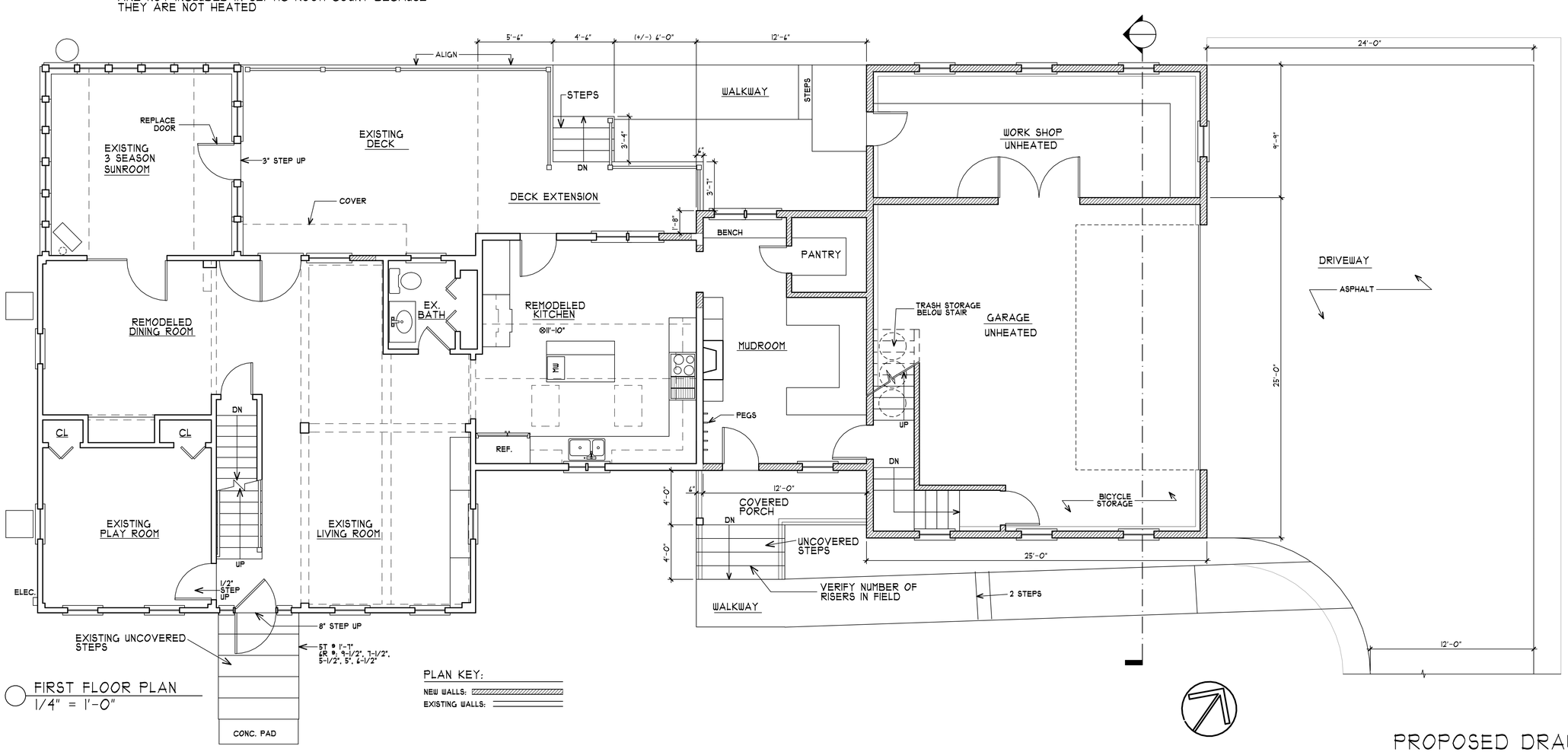
PLAN NO. **S-15248**

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

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

TABLE OF AREAS			
	EXISTING	PROPOSED	% INCREASE
GROSS SF.	3,680 SF	4,621 SF	25%
BUILDLING 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%

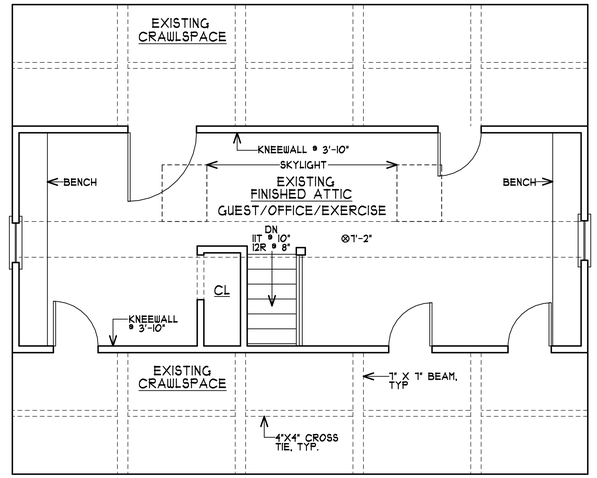
NOTES:
1. GROSS INCLUDES INTERIOR GARAGE PARKING AND COVERED PORCHES. IT DOES NOT INCLUDE DECKS AND UNCOVERED STEPS.
2. BUILDING FOOTPRINT INCLUDES DECK, DECK EXPANSION AND UNCOVERED STEPS.



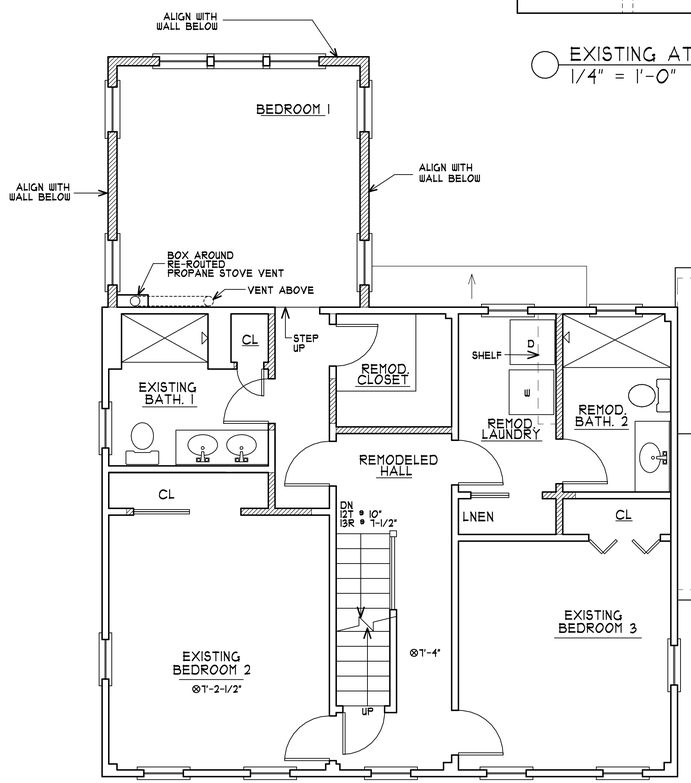
FIRST FLOOR PLAN
1/4" = 1'-0"

PROPOSED DRAWINGS

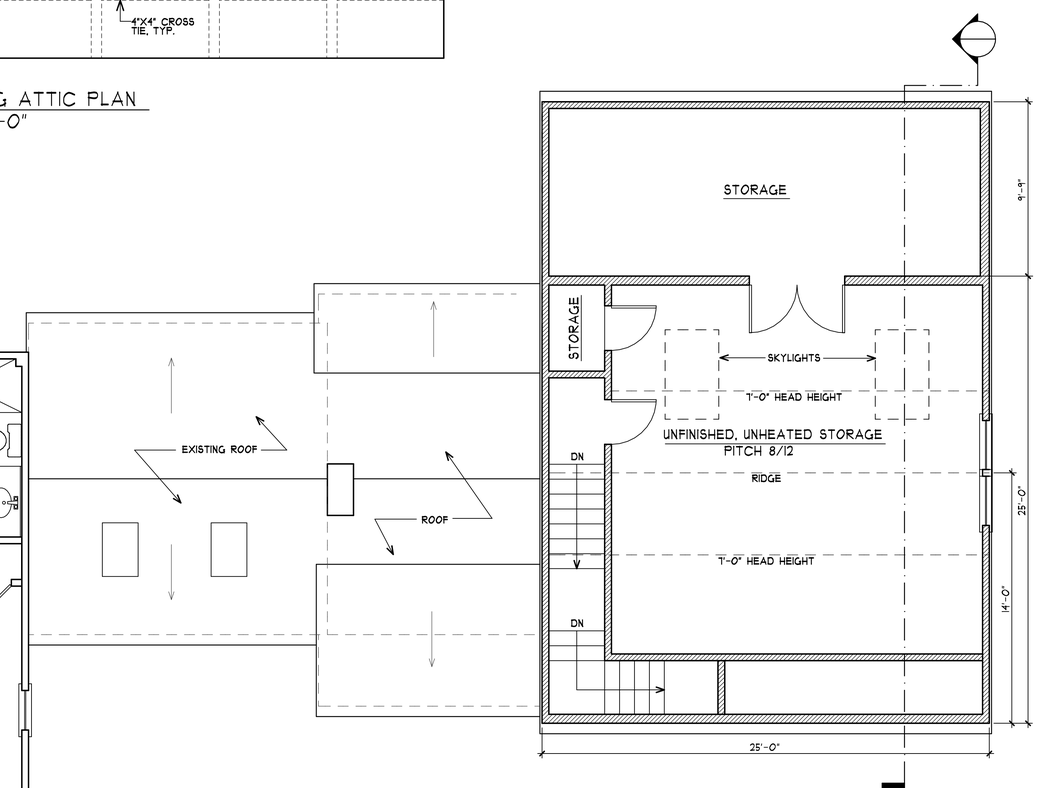
DICKINSON ARCHITECTS, LLC P.O. BOX 704 91 MAIN STREET CONCORD, MA 01742 (978) 341-8267	LATHAM RESIDENCE 200 STILL RIVER RD. HARVARD, MASSACHUSETTS	scale: AS NOTED date: 03/31/2023 drawn by: E.C. checked by: N.D



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

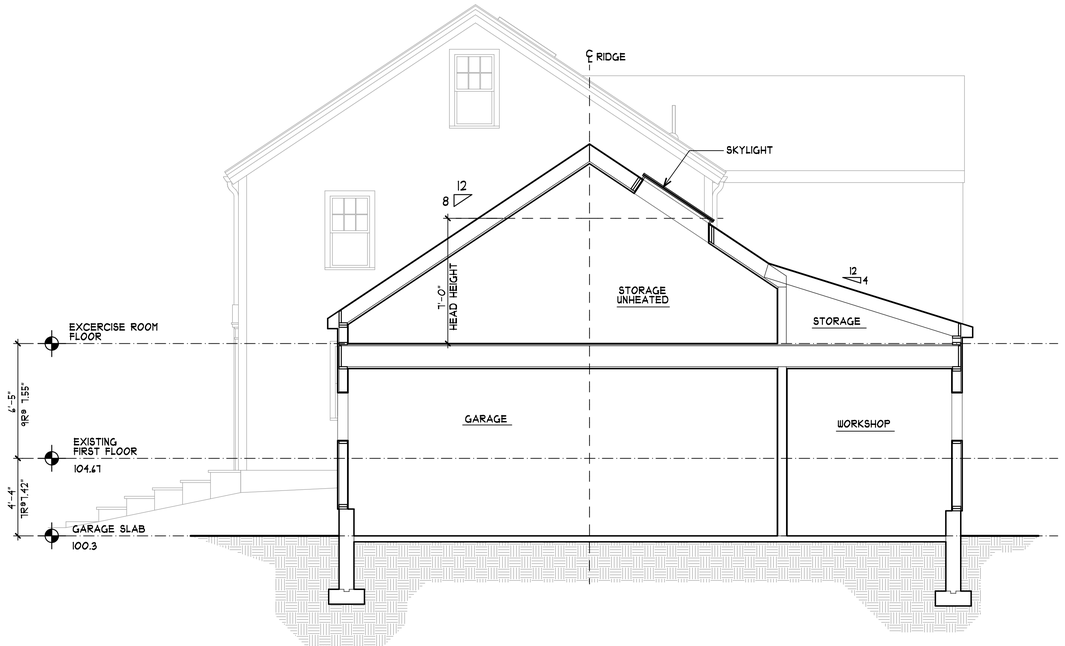


SECOND FLOOR PLAN
1/4" = 1'-0"

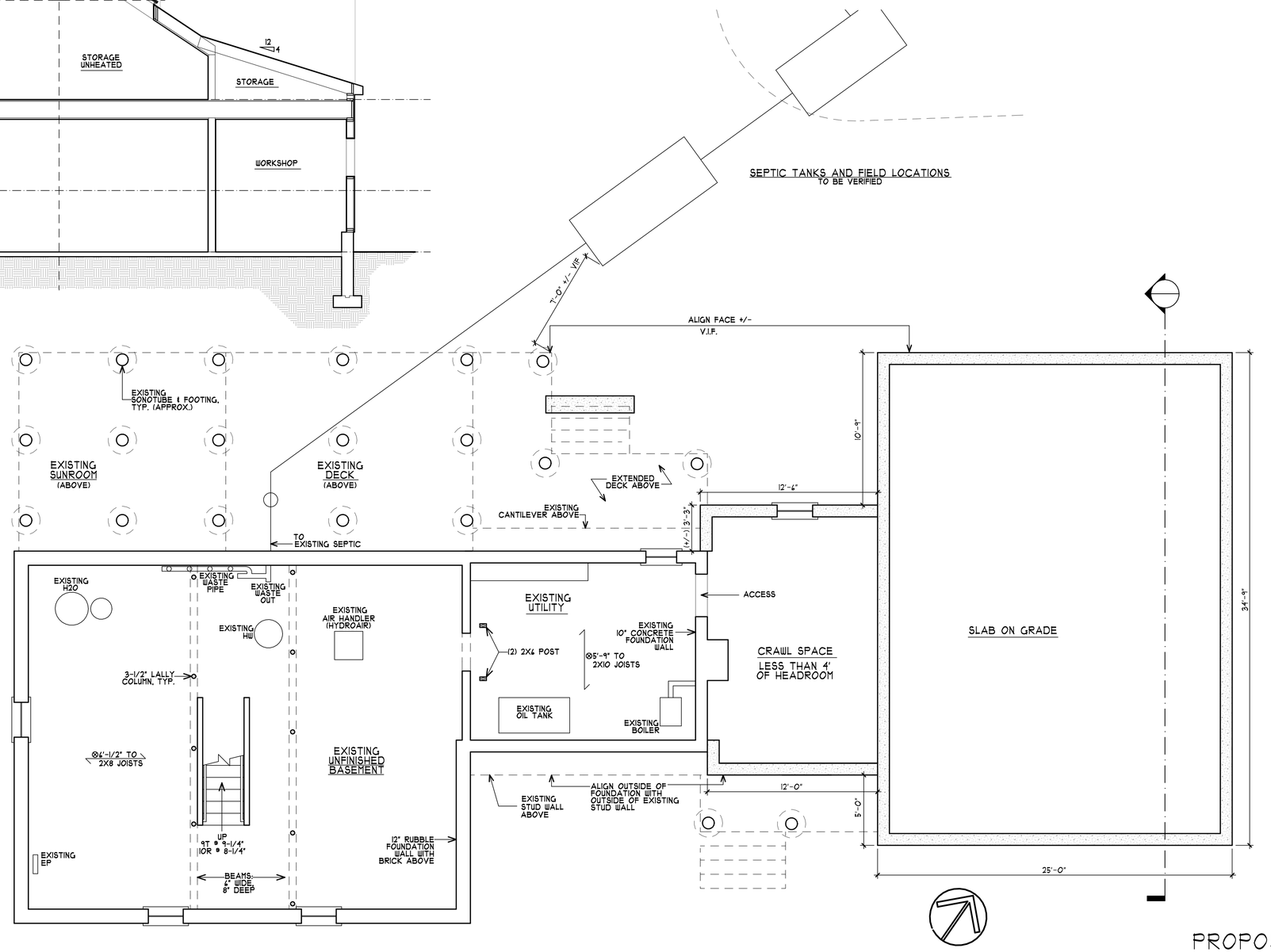


PROPOSED DRAWINGS

DICKINSON ARCHITECTS, LLC P.O. BOX 704 91 MAIN STREET CONCORD, MA 01742 (978) 341-8267	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 P.O. BOX 704 91 MAIN STREET CONCORD, MA 01742 (978) 341-8267	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

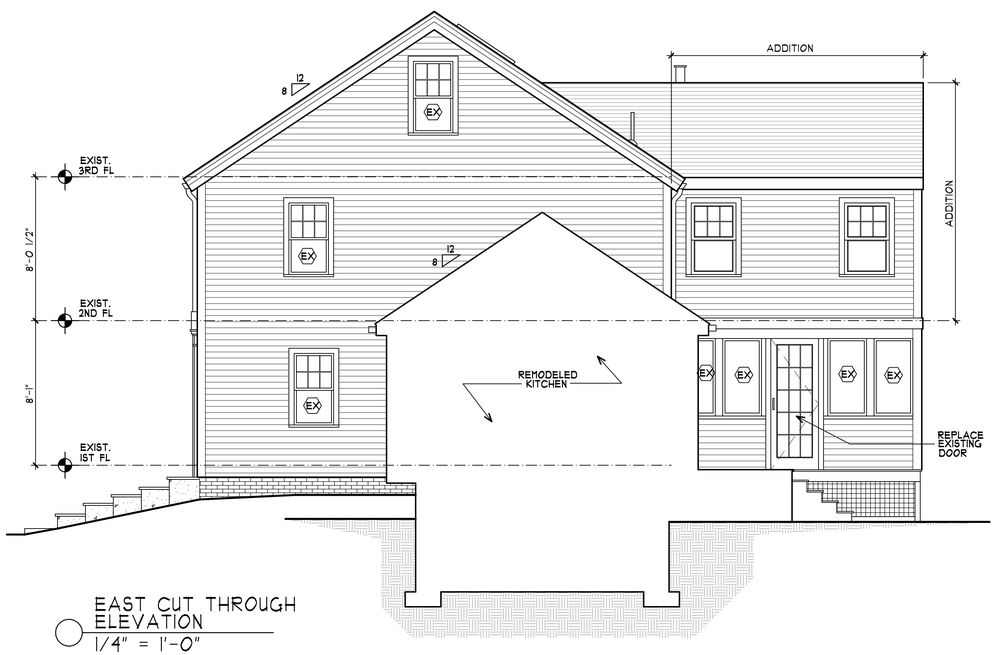
DICKINSON ARCHITECTS, LLC
P.O. BOX 704
91 MAIN STREET
CONCORD, MA 01742
(978) 341-8267

LATHAM RESIDENCE
200 STILL RIVER RD.
HARVARD, MASSACHUSETTS

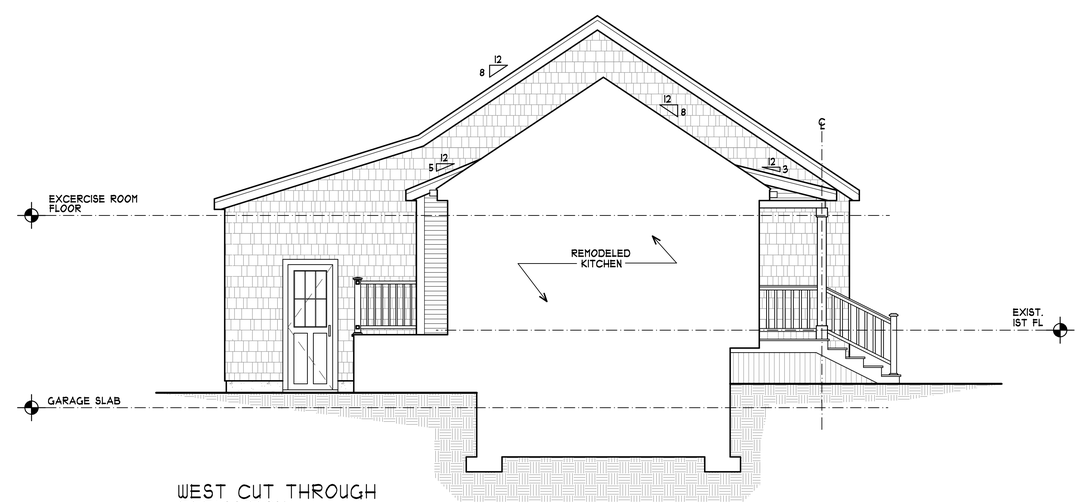
scale:	AS NOTED
date:	03/31/2023
drawn by:	E.C.
checked by:	N.D

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

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



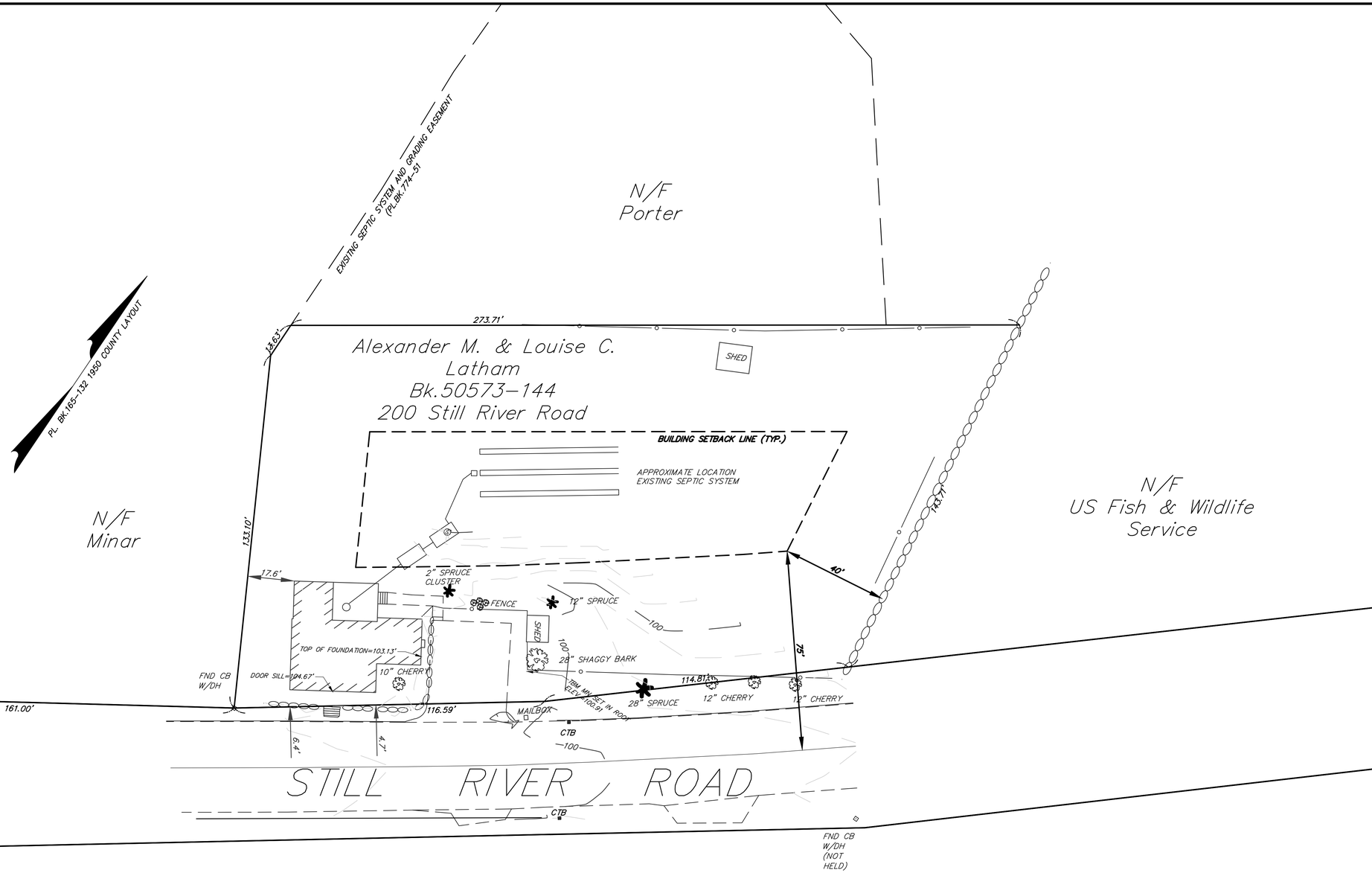
EAST CUT THROUGH ELEVATION
1/4" = 1'-0"



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

PROPOSED DRAWINGS

DICKINSON ARCHITECTS, LLC P.O. BOX 704 91 MAIN STREET CONCORD, MA 01742 (978) 341-8267	LATHAM RESIDENCE 200 STILL RIVER RD. HARVARD, MASSACHUSETTS	scale: AS NOTED date: 03/31/2023 drawn by: E.C. checked by: N.D



20 0 10 20 40 60

GRAPHIC SCALE IN FEET

SURV.: SPM/MSB	CALC.: KRC	DRAFT: KRC
NB: 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.:	ASSESSOR MAP:	ASSESSOR PARCEL:
XXXXX1	21	8

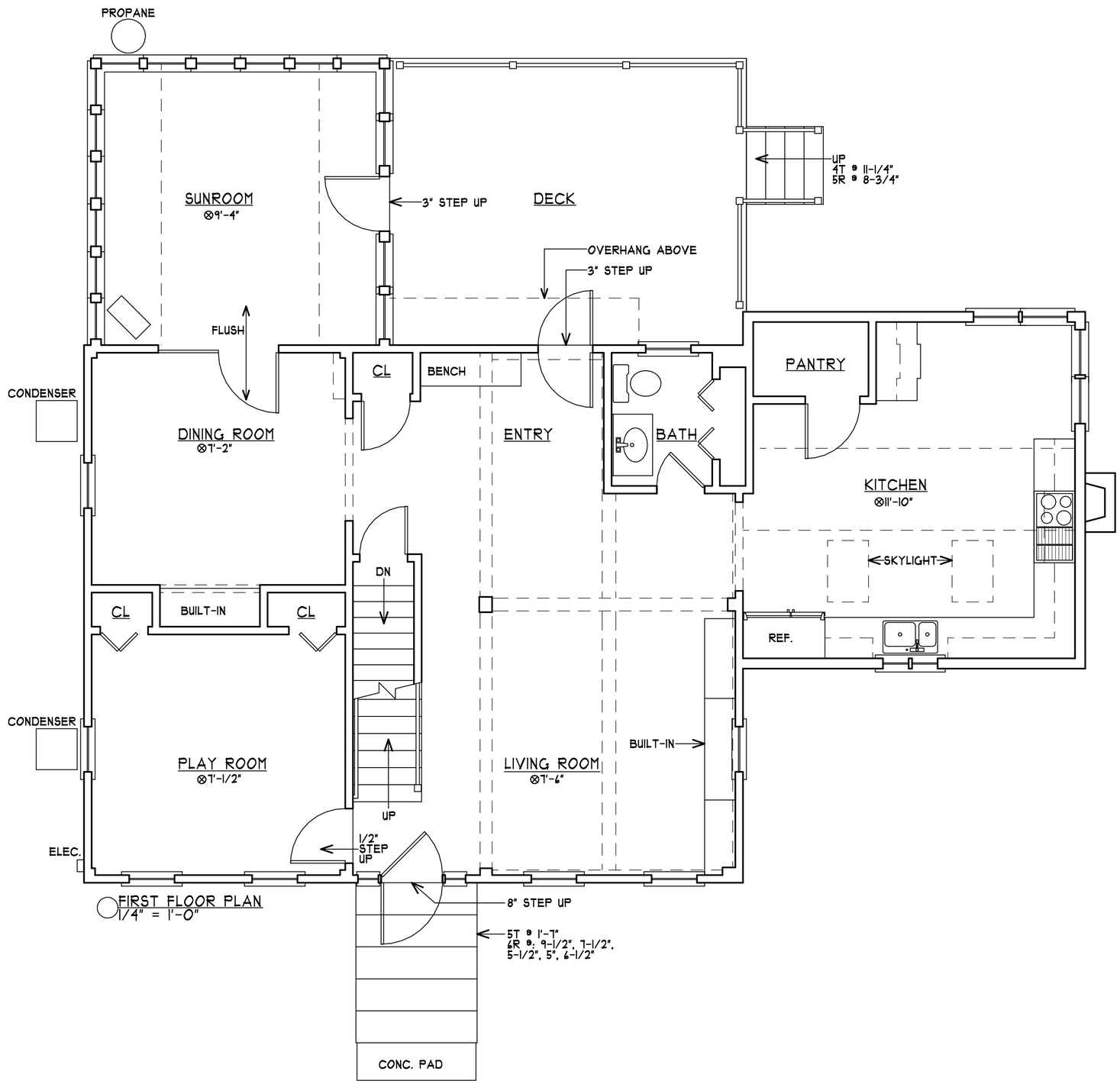
DAVID E. ROSS
ASSOCIATES, INC.

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.:



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

EXISTING

LATHAM RESIDENCE
200 STILL RIVER ROAD
HARVARD, MASSACHUSETTS

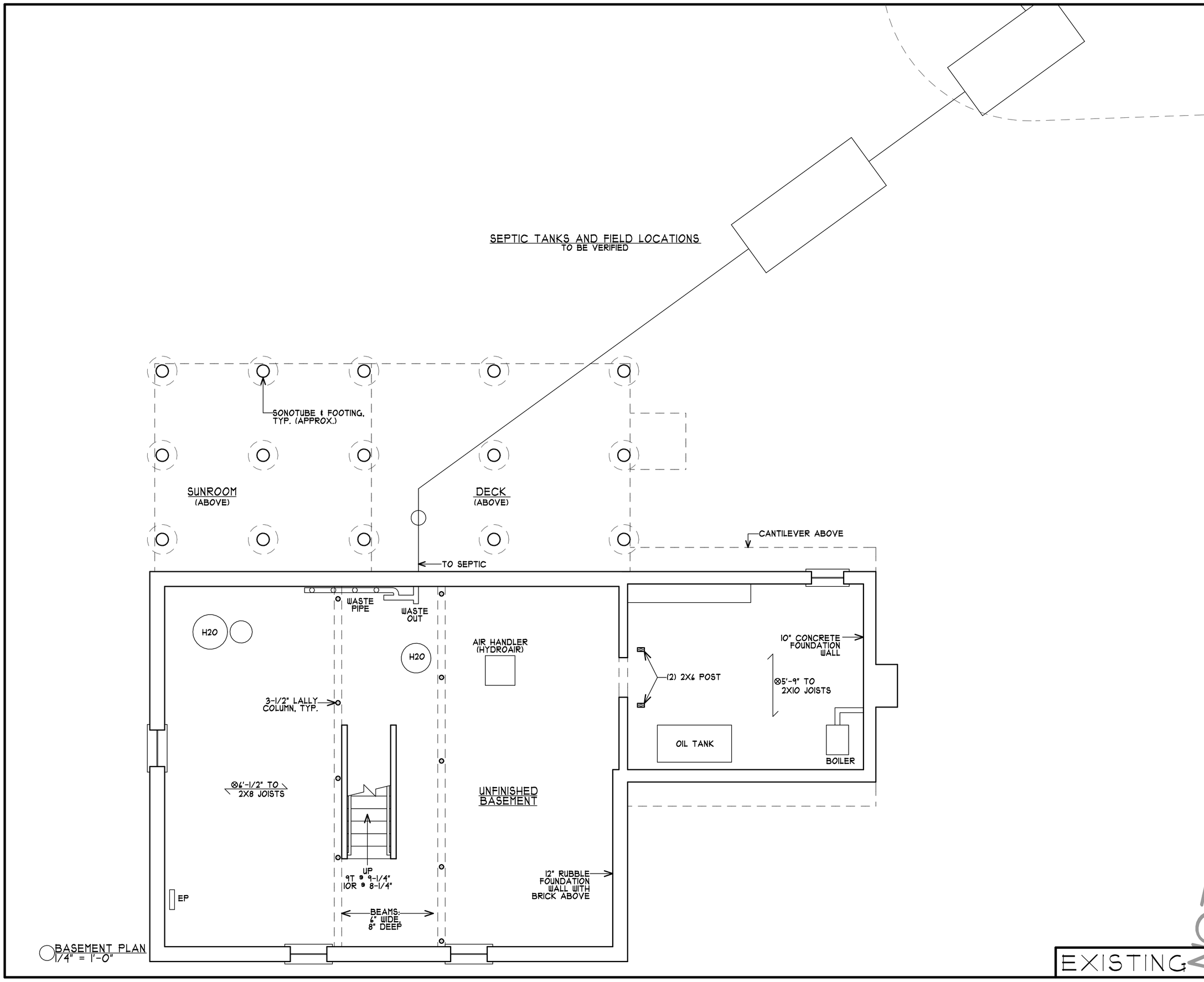
revisions:
3 XX/XX/XX
2 XX/XX/XX
1 XX/XX/XX

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

FIRST FLOOR PLAN

scale: 1/4"=1'-0"
date: 9/22/22
drawn by: KE
checked by: ND

A1



EXISTING

LATHAM RESIDENCE
200 STILL RIVER ROAD
HARVARD, MASSACHUSETTS

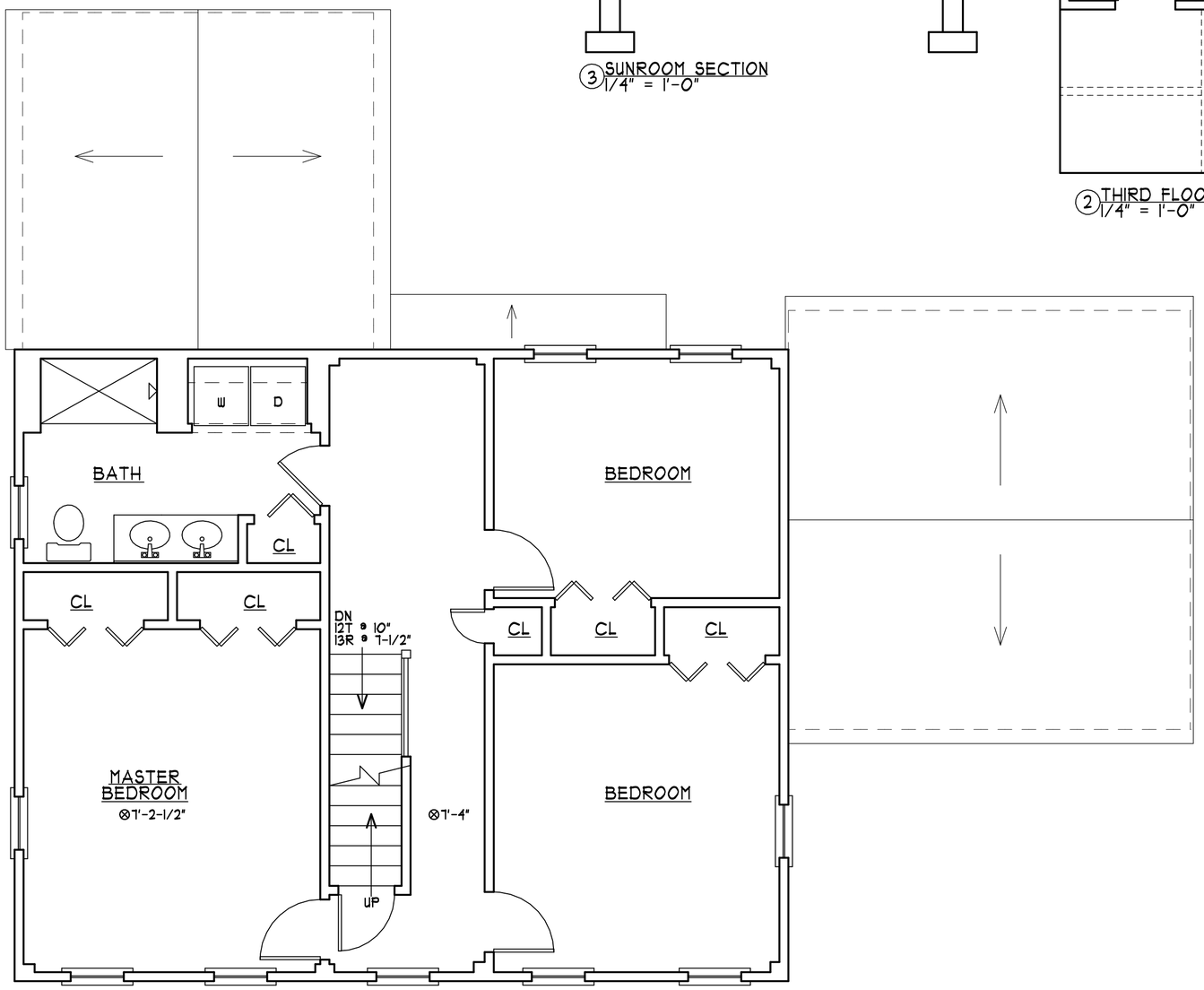
revisions:
3 XX/XX/XX
2 XX/XX/XX
1 XX/XX/XX

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

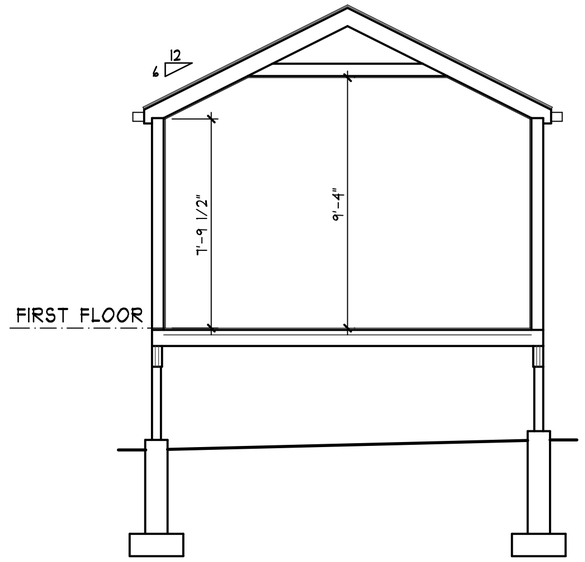
BASEMENT FLOOR PLAN

scale: 1/4"=1'-0"
date: 9/22/22
drawn by: KE
checked by: ND

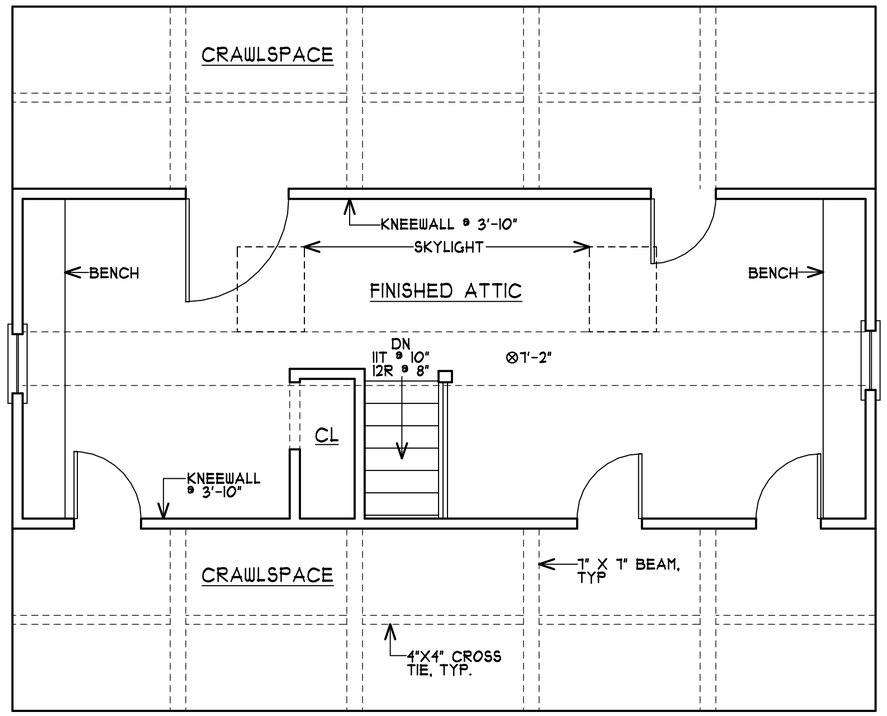
A2



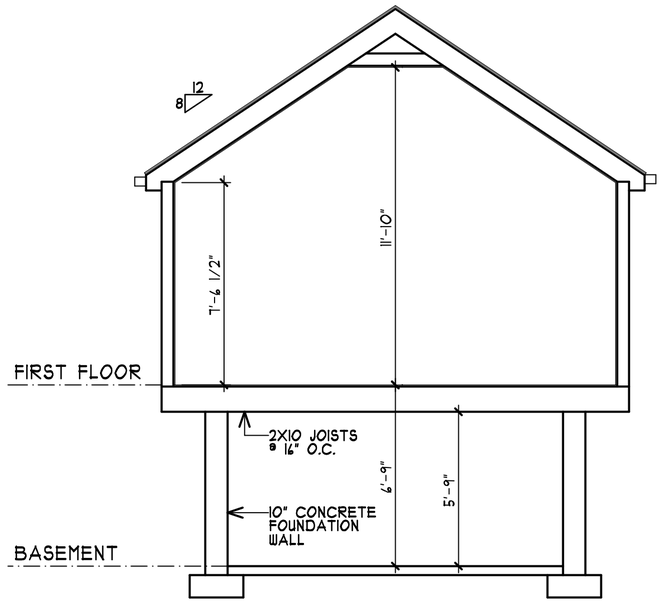
1 SECOND FLOOR PLAN
1/4" = 1'-0"



3 SUNROOM SECTION
1/4" = 1'-0"



2 THIRD FLOOR PLAN
1/4" = 1'-0"



4 KITCHEN SECTION
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

2ND FLOOR AND ATTIC PLANS
KITCHEN AND AND SUNROOM SECTIONS

scale: 1/4"=1'-0"
date: 9/22/22
drawn by: KE
checked by: ND

A3

NOT FOR CONSTRUCTION

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

2 SOUTH ELEVATION
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

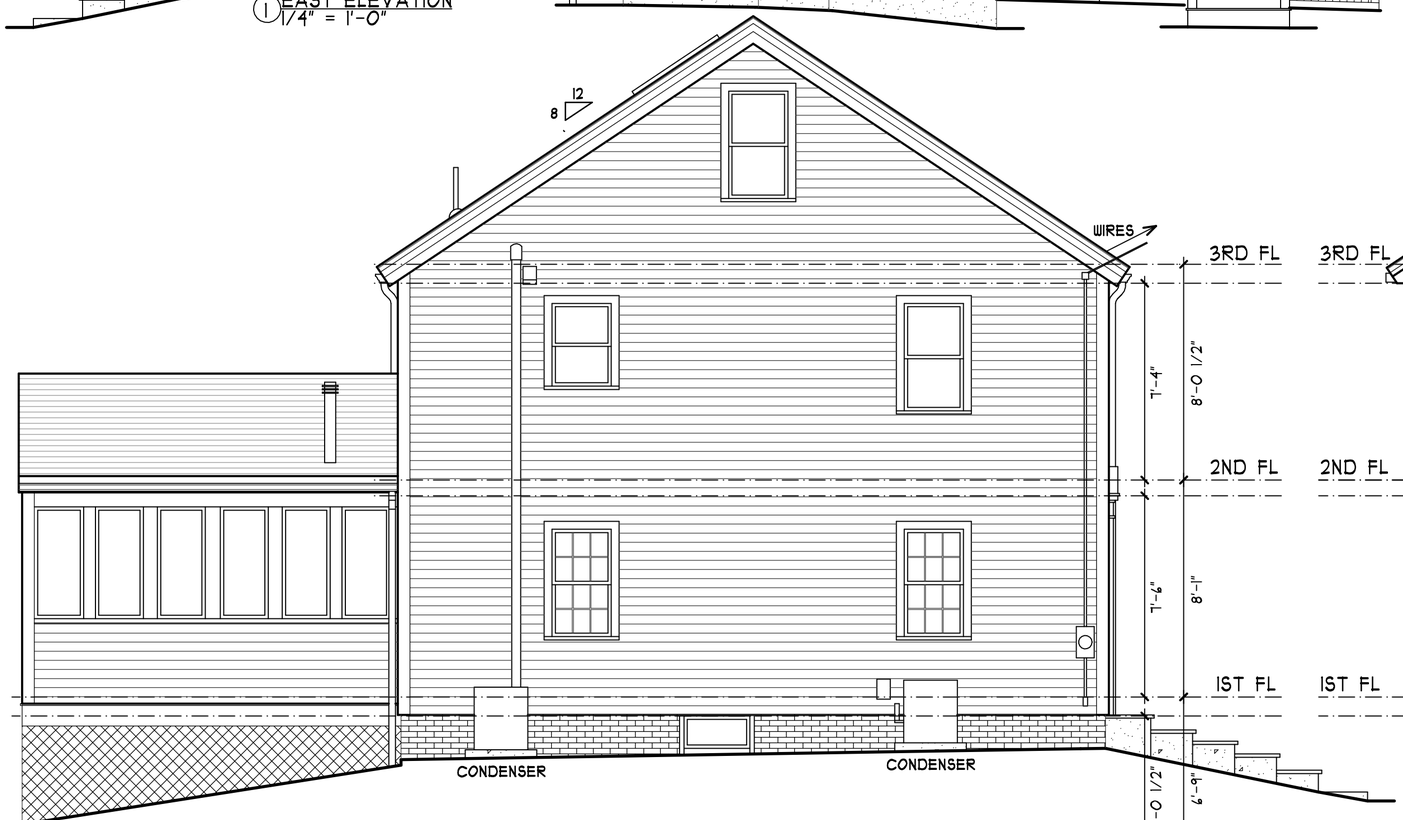
NORTH AND SOUTH EXTERIOR ELEVATIONS

scale: 1/4"=1'-0"
date: 9/22/22
drawn by: KE
checked by: ND

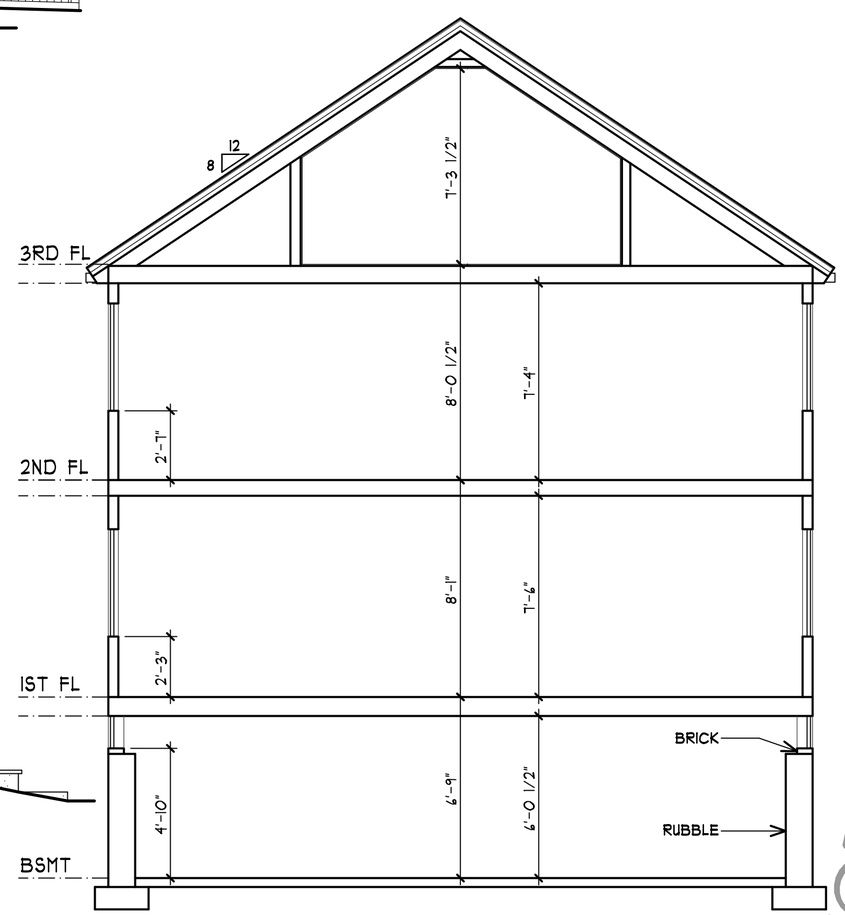
A4

NOT FOR CONSTRUCTION

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:
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

EAST AND WEST EXTERIOR ELEVATIONS
MAIN BUILDING SECTION

scale: 1/4"=1'-0"
date: 9/22/22
drawn by: KE
checked by: ND

A5

NOT FOR CONSTRUCTION

HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
June 14th, 2023

Chair Christopher Tracey called the meeting to order, 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)

Others Present: Frank O'Connor, Bruce Ringwall, Michelle Tuck, Alex Latham

Special Permit Hearing – Michael & Lauren Derse, 32 Massachusetts Ave: 7:00pm

See full details on page 3 through page 4

Continuation of Special Permit Hearing – William Ference at 247 Littleton County Road: 7:30pm
Request for a continuance for the next meeting (July 12th 2023 at 7:00pm)

Motion: Chris Tracy called for a motion for a continuance of the Special Permit for the next meeting on July 12th 2023 at 7:00pm.
Seconded by Steve Moeser
Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton
Approved unanimously

Continuation of Special Permit Hearing – Latham at 200 Still River Road 8:00pm
§125-3B Non-conforming one- and two-family dwellings, and §135-25 Special rule applicable to one- and two-family dwellings.
Alex Latham requested a continuance for the Special Permit Hearing to take place in July 2023.

Motion: Steve Moeser called for a motion for a continuance of the Special Permit for the next meeting on July 12th 2023 at 7:15pm.
Seconded by Steve Moeser
Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton
Approved unanimously

Minutes
Motion: Steve Moeser made the motion to approve the minutes from March 22nd 2023
Seconded by Michael Lawton
Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton
Approved unanimously

Decisions

Extension of Pine Hill still needs to be drafted. Steve Moeser believes this one is all in order with no issues. Chris Tracey looked at the draft but wants to revisit this to fully discuss the project before approving.

Chris Tracey updated the Board about "Trail Ridge" and that he was informed that the previously scheduled trials did not occur and that it has been extended by the court to take place in the Spring or Summer of 2024.

Chris Tracey will sign off on the following:

- Rainier Park at 7 Peninsula Road
- Nickerson at 13 Clinton Shore Drive
- 90 Warren Avenue

Frank O'Connor updated about the 40B at the corner of Mill Road:
Bruce Ringwall is working with the property owner and told Frank that the owners will need more time and have not submitted their draft.

Adjournment

Motion: Steve Moeser made the motion to adjourn at 8:23pm
Seconded by Michael Lawton
Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Harvard Zoning Board of Appeals

Special Permit Minutes

June 14th 2023: Meeting called to order at 7:00pm

Michael & Lauren Derse, 32 Massachusetts Ave

Special Permit Hearing — Additions to a preexisting, non-conforming structure. §§125-3 &125-46 and to Construct an Accessory Dwelling §125-18.1 & §125-30B with an elevator§125-57E.

Bruce Ringwall started his presentation with a summary of the current property's background before describing the plans listed on the special permit. The structure was built in 1907 and currently uses both town water and town sewer. The structure on the property is currently 6025 square feet in total. The property owners are looking to expand upon the size of the structure by building a dwelling that is handicap accessible for the second floor that includes an elevator. These plans also include tearing down the current garage and building the proposed three-car garage and additions both connected (mud room) and above the garage (in-law dwelling). This will bring the total square footage of the structure to 7,990 feet (about a 32% increase from the original 6025 square feet). The property meets all the proposed setbacks, but is 12% over on the allowed enlargement. Driveway expansion would have a stone filtration fence to help reduce any runoff that could lead to unintended pollution to the local groundwater.

Michelle Tuck (Tuck and Tuck Architects in Bolton) shared a diagram for both the existing floor plan and the proposed floor plan. In the proposed plans, Michelle Tuck started showing the plan to add a mudroom addition to connect to the new three-car garage. The garage would have small ramp to the mud room where the user can easily access the proposed elevator from the basement. On the first floor, a balcony and the in-law space were added (separate but still connected). While the plans would create two individual dwellings on the property, Michelle Tuck explained that the architectural plans to in account both the town bylaws as well as the family's realistic familial expectations that privacy would not be a pertinent issue.

Chris Tracey had a concern about meeting the criteria of the bylaw regarding separate entrances and if communal garage parking and new back entrance will appropriately adhere to the bylaw.

(At 7:30, Chris Tracy made the following motion to quickly issue a continuance for the 7:30 Special Permit Hearing so the Board could continue discussions on the current 7:00pm Special Permit Hearing)

<u>Motion</u>: Chris Tracy called for a motion to continue the permit hearing until 7:35pm.
<u>Seconded</u> by Steve Moeser
<u>Voted yes</u> by: Chris Tracey, Steve Moeser, Michael Lawton
Approved unanimously

The meeting reconvened and the board addressed the following concerns:

- Michael Lawton wanted to know if the bylaw (specifically) required the separate entrances for each party.
- Chris Tracey questioned if the Zoning Board of Appeals was the appropriate board or if the Planning Board was the correct avenue to take but was then clarified by Bruce Ringwall on the intent of the special permit.

- Steve Moeser had a concern about the number of bedrooms the property will have when finished and the strain it could have on current sewage plans. Bruce Ringwall clarified that there would only be one added bedroom (along with additional kitchen). The additional requirements for the kitchen dwelling was a possible concern.

Micelle Tuck continued the presentation with a 3-D outdoor visual of the proposed plan. In-law space will have a cathedral style ceiling and no attic/storage space. The board had no other questions or concerns with this section of the presentation.

Motion: Steve Moeser made the motion to close the evidentiary portion of the hearing.
Seconded by Michael Lawton
Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton
Approved unanimously

Motion: Michael Lawton made the motion to grant the special permit for the new structure as defined in the plans and the information submitted with the condition that the building permit can only be issued subject to the Sewer Commission approving the increased flow to the existing town sewer system that will be generated from the plans submitted.
Seconded by Steve Moeser
Voted yes by: Chris Tracey, Steve Moeser, Michael Lawton

Robinson+Cole

MICHAEL S. GIAIMO

One Boston Place, 25th floor
Boston, MA 02108-4404
Main (617) 557-5900
Fax (617) 557-5999
mgiaimo@rc.com
Direct (617) 557-5959

Via Electronic Mail (vkonstantinidis@harvard-ma.gov)

B-22-397

June 20, 2023

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

Re: 12 Woodchuck Hill Road, Harvard MA ("Premises")

Dear Chair and Board Members

By decision dated 12/30/2020 and filed with the Town Clerk on 1/7/2021, the Harvard Zoning Board of Appeals ("ZBA") issued a special permit and finding ("ZBA Decision") permitting Cellco Partnership d/b/a Verizon Wireless ("Verizon") to construct a new 125 foot tall monopole tower and wireless communications facility (the "Project") at the Premises. As part of the project, Verizon Wireless would demolish an existing nonconforming 139 foot tall tower at the Premises. The ZBA Decision found that the Project was necessary in order to fill a substantial gap in coverage that Verizon experiences in that part of Harvard and avoid a prohibition of service. Verizon recorded the ZBA Decision on 2/8/2021.

Transfer to New Owner: Condition 12.a of the ZBA decision states that Verizon must provide notice to the ZBA, Planning Board and Building Inspector within 7 days after any change in ownership of the Tower. One purpose of this letter is to advise the ZBA that Verizon is entering into an agreement with Blue Sky Towers III, LLC d/b/a BSTMA III, LLC ("Blue Sky") to assign its rights under the lease with the property owner and the zoning approvals for this facility to Blue Sky. Blue Sky would construct, own and operate the new tower. As part of that transaction, Verizon would sublease from Blue Sky space on the tower and in the equipment compound. Blue Sky is an experienced developer and operator of wireless communications facilities with over 1,000 owned and managed wireless communications sites throughout the United States. It is aware of the terms and conditions in the ZBA decision and the other approvals that were required for this project. While dependent upon the timing of this Board's action upon this request for a determination, Blue Sky anticipates beginning construction in fourth quarter 2023.

Exercise of ZBA Decision: Section 125-46.D. of the Harvard Protective Bylaw ("Bylaw") states that a special permit shall lapse two years from the date the permit is issued (plus time required for making or resolving judicial appeals as provided in Section 17 of the Zoning Act) if substantial use under the special permit has not sooner commenced except for good cause, or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

Through this letter, Verizon is seeking confirmation from the ZBA that the activities of Verizon to date in reliance on the ZBA Decision constitute the exercise of that decision or that there is good cause for the delay in commencing construction such that the special permit and finding remain in effect.

Verizon has taken material steps in reliance on the ZBA Decision. After the ZBA Decision issued, and based on the design approved in the ZBA Decision, Verizon obtained site plan approval for the Project from the Harvard Planning Board on 2/22/2021. Verizon then finalized its lease with the property owner, which was signed in May 2022. The Project is more complicated than most wireless projects because it involves the complexity of removing an existing tower and foundation, and is occurring at an occupied property, and required further discussions with the property owner and vendors concerning locations for staging and crane set-up.

Verizon conducted a bid walk with prospective general contractors for the Project on May 2, 2022, and awarded the bid to a General Contractor on June 1, 2022. In anticipation of commencing construction, Verizon then began ordering electrical equipment needed for the Project. During the first half of 2022, also, Verizon's environmental consultant commenced a supplemental environmental and historic assessment of the Project to reflect the final Project design as approved in the ZBA Decision. This was required as part of Verizon's FCC licensing and environmental compliance process, and was completed on August 18, 2022.

Verizon applied for a building permit on November 9, 2022 and received building permit B-22-397 on November 29, 2022. In the meantime, Verizon had begun discussions with Blue Sky about the latter taking on the assignment of the lease and development of the Project. Those discussions were still in progress on 1/7/2023.

Verizon did take substantial and necessary steps in furtherance of the Project in reliance on the ZBA Decision even though it did not physically commence construction of the Project at the Premises before 1/7/2023. Further, there is good cause in this case for the fact that construction did not commence for more than two years after the ZBA Decision. First, at the time the decision issued, and for the entire two years, Massachusetts and the rest of the country was in the throes of the Covid-19 pandemic that included a state of emergency declaration from Governor Baker, which generally complicated and increased timeframes and costs for pre-construction activities and construction projects. Second, as discussed above, the ZBA Decision was the initial step of many that were needed before Verizon could pull a building permit for the Project. Third, Verizon did apply for and obtain a building permit within the two year period, but did not immediately exercise that permit itself in light of the efforts to engage in the transaction with Blue Sky. In late March, site work began with the clearing of several trees that were identified for removal on the approved plans; however, further work has remained on hold in anticipation of the assignment to Blue Sky.

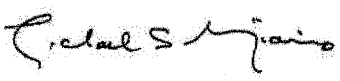
The property owner has consulted with Building Inspector Jeffrey Hayes, who confirmed on April 3, 2023 that building permit B-22-397 remains active and authorizes the completion of the Project. Subsequently, Mr. Hayes has issued an extension of the building until December 29, 2023. Based upon all the foregoing factors and the exigent circumstances, Verizon is respectfully requesting by this letter that the ZBA confirm that with consideration of the substantial efforts undertaken and relatively brief delay of the planned construction, the ZBA Decision likewise remains valid and in effect.

As the ZBA Decision found, "[t]he construction and operation [of the Project] is necessary for Verizon to fill a substantial gap in coverage of wireless communications services for its customers in the land area surrounding the center of town including approximately ½ to 1 mile of the various feeder roads diverging from the center of town as shown on the signal propagation maps . . . filed with the original application." The ZBA Decision also found that "[d]enial of the zoning relief granted by this decision will result in an effective prohibition of Verizon fully providing personal wireless services ... in the aforementioned land area surrounding the center of town." Both of these findings remain true. The proposed Project, as approved in the ZBA Decision, is necessary in order for Verizon Wireless to fill a substantial coverage gap affecting the area. The inability to proceed with this project would result in an effective prohibition of Verizon service in the area that the Project is designed to serve.

For all of the foregoing reasons, Verizon respectfully requests that the Harvard ZBA confirm that the ZBA Decision dated December 30, 2020 remains valid and in effect, that Verizon has exercised the ZBA Decision by the various steps it has taken in reliance on it, and that in any case, there is good cause for any failure to commence construction under the ZBA Decision within the two year presumed lapse period.

Representative of Verizon and Blue Sky would be pleased to attend your next ZBA meeting in order to discuss this matter.

Sincerely,



Michael S. Giaimo
Attorney for Cellco Partnership d/b/a Verizon Wireless

Copy by email to: David Tivnan, SAI
Daniel Klasnick, Esq. Blue Sky
Richard Maiore