

**TOWN OF HARVARD
ZONING BOARD OF APPEALS AGENDA
WEDNESDAY, FEBRUARY 21, 2024 @ 7:00pm HYBRID:
UPPER TOWN HALL – 13 Ayer Road & Virtual Via Zoom**

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 *BOTH IN PERSON AND* via remote participation. Interested individuals may attend *at Town Hall, or* listen in and participate by phone and/or online by following the link and phone number below.

Hildreth Pro is inviting you to a scheduled Zoom meeting.

Topic: Zoning Board of Appeals

Time: Feb 21, 2024 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83628413389?pwd=NlNVZXBQTKRxE42eIMzT2hSbTd3QT09>

Meeting ID: 836 2841 3389

Passcode: 810310

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Find your local number: <https://us02web.zoom.us/u/kbktd4uZ2q>

Public Participation

7:00pm Continuation of Public Hearing of COMPREHENSIVE Permit Hearing – JUNO Construction LLC at Old Mill Road, for a proposed 40-B development

New Business:

**NEXT SCHEDULED MEETING:
WEDNESDAY, MARCH 6, 2024**

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

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February 7, 2024

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

RE: Old Mill Road – Extension of Time to Act

Dear Members of the Board,

I am writing on behalf of my client regarding the above-referenced matter. As you may know, 180 days from the initial Zoning Board of Appeals hearing is approaching and extra time will be needed to review and grant the permit. As such, please allow this letter to serve as an extension of time for the Zoning Board of Appeals to act beyond the days allowed by 760 CMR 56 through March 12, 2024.

Thank you for your time and attention to this matter.

Very truly yours,



Melissa E. Robbins

MER/eam

THE VILLAGE AT ROBIN LANE COMPREHENSIVE PERMIT
FINDINGS AND DECISION

RE: Application of Juno Construction, LLC for a Comprehensive Permit

DATE: February , 2024

**LOCATION: Assessors Map 4, Parcels 52, 52-1, 52-2 and 53
Old Mill Road and Ayer Road, Harvard, Massachusetts**

TITLE REFERENCE: Worcester District Registry of Deeds Book 56380, Page 389

correct

I. PROCEDURAL HISTORY

1. **On July 6, 2023**, Juno Construction, LLC (hereinafter, the “Applicant”) applied for a comprehensive permit from the Zoning Board of Appeals (“ZBA”) pursuant to M.G.L. c. 40B, §§20-23 for the construction of an affordable housing project located on Old Mill Road and Ayer Road in Harvard (hereinafter, the “Application”). The Applicant proposed to construct 24 homeownership “for sale” units consisting of 12 duplex style buildings (The Development) of which not less than six (6) of such units shall be restricted as affordable for low- or moderate-income persons or families as required under the terms of the Department of Housing and Community Development’s Guidelines. The Development will contain twelve three-bedroom units and twelve two bedroom units for a total of 60 bedrooms. As proposed, the Development would be located on a site with approximately 11.47 +/- acres of land, being Assessor’s Map 4, Lots 52, 52-1, 52-2 and 53 (hereinafter, the “Subject Property”). The Subject Property is zoned “Commercial” (C)” under the Town of Harvard’s Protective By-Law.

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

1.1.1 Published in the Worcester Telegram & Gazette a newspaper with general circulation in the Town of Harvard on July 14, 2023 and July 21, 2023;

1.1.2. Posted in a conspicuous place in the Harvard Town Hall on July 11, 2023, which was at least fourteen (14) days prior to the hearing; and

1.1.3. Mailed, postpaid, on July 12, 2023, which is at least fourteen (14) days before the hearing, to the petitioner, abutters, owners of land directly opposite the Subject Property on any public or private street or way, abutters to the abutters within three hundred (300) feet of the Subject Property, 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 Assessors Office.

1.2. A duly advertised public hearing was opened on August 2, 2023, and continued to September 13, 2023, further continued to November 1, 2023, again continued to December 6, 2023, once again continued to January 3, 2024 and, finally, continued to February 6, 2024 when the public hearing was closed. All continuances of the public hearing were agreed to by the Applicant.

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The ZBA retained Beals and Thomas, Southborough, Massachusetts (B&T”) pursuant to M.G.L. c. 44, §53G and its rules and regulations relative to comprehensive permits, at the Applicant’s expense, and received advice from them concerning the following aspects of the Applicant’s proposed project.

During the public hearing, the Applicant, through its Manager, Walter Eriksen, and its Engineers, Goldsmith, Prest & Ring wall, Inc., (“GPR”) presented the ZBA with the Applicant's plans and supporting materials.

1.3 Numerous abutters, other parties in interest, persons residing in the area of the proposed Development site and other residents of the Town appeared at the public hearing and gave the ZBA input relative to the anticipated impacts of the proposed project.

1.4. In addition to the Application, including the attached Exhibits A through V and plans, the following documents and exhibits were received during the public hearing:

FROM THE APPLICANT

- Mass Housing Site and Project Approval letter dated January 30, 2023.
- Long Term Pollution Prevention and Stormwater System Operation and Maintenance Plan Prepared by GPR dated June, 2023.
- Stormwater Management Report Prepared by GPR dated June, 2023, revised September 18, 2023.
- Notice of Intent under the Wetlands Protection Act and the Havard Wetlands Bylaw dated August 31, 2023 (“NOI”).
- Letter from Attorney Melissa Robbins dated September 12, 2023 requesting a continuance of the ZBA’s September 13, 2023 hearing session to October 4, 2023.

- Revised Project Site Plan prepared by GRP dated June, 2023, revised September 20, 2023 (8 sheets).
- GPR September 20, 2023 response to Conservation Commission comments on NOI dated September 7, 2023.
- GPR September 20, 2023 response to B&T comments on the Application dated September 5, 2023.
- Revised Project Site Plan prepared by GRP dated June, 2023, revised September 20, 2023 and November 16, 2023 (8 sheets).
- Gazebo Photograph (undated).
- Home Energy Rating Certificate dated August 8, 2023.
- Street Planting List (undated).
- Memorandum from GPR to ZBA dated October 26, 2023 regarding floor area ratio and parking space dimensions.

FROM PEER REVIEW CONSULTANT

- B&T letter dated September 5, 2023, First Review.
- B&T letter dated October 3, 2023 in Response to the Applicant's Comments.
- Traffic Engineering Peer Review the Village at Robin Lane – Old Mill Road and Ayer Road Harvard, Massachusetts prepared by Vanasse & Associates, Inc. (VAI) dated September 12, 2023 submitted to B&T.

FROM TOWN BOARDS AND COMMISSIONS

- Memorandum from the Harvard Board of Health (BOH) dated July 26, 2023.
- Memorandum from the BOH dated August 10, 2023.
- Memorandum from Harvard Conservation Commission dated September 7, 2023 regarding requested waivers.

- Memorandum from Harvard Fire Department dated October 11, 2023 regarding responses to Beals and Thomas waiver requests comment.
- Memorandum from Harvard Police Department dated October 18, 2023 regarding Project parking and traffic.
- Memorandum from Harvard Conservation Commission dated December 4, 2023 regarding requested waivers.
- Revised Memorandum from Harvard Conservation Commission dated December 5, 2023 regarding requested waivers.

FROM OTHERS

[list any]

Any documents or other evidence received during the public hearing which are not listed above are unintentionally omitted. All documents and plans received during the public hearing are part of the record on file relative to this decision. Documents and plans sent prior to the filing of the Application are excluded, unless submitted with the Application.

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2024

- 1.5. The ZBA deliberated on this decision at its meetings of February 6, 2024 and [redacted] 2024.

II. FINDINGS

2.1. The Applicant submitted the following information pursuant to 760 CMR 56.04(1):

- a. it will become a "limited dividend corporation" as that term is used in M.G.L. c. 40B, § 21 and 760 CMR 56.02;
- b. evidence of a subsidy as indicated by the project eligibility/site approval letter of the Massachusetts Housing Finance Agency dated January 30, 2023; and
- c. it has "control of the site" as that term is used in 760 CMR 56.04(1)(c), by virtue of a purchase and sale agreement with the fee owner of the Subject Property dated August 12, 2021.

2.2. The Town of Harvard, according to the Department of Housing and Community Development ("DHCD"), has not achieved the statutory minima set forth in M.G.L. c. 40B, §20 and 760 CMR 56.03(3) in that a.) affordable housing does not constitute more than ten percent (10%) of the total number of dwelling units located in the Town of Harvard; b.) low or moderate

income housing does not exist on sites comprising one and one-half percent (1.5%) or more of the total land area in the Town of Harvard zoned for residential, commercial or industrial use; and c.) the approval of the Development would not result in the commencement of construction of low or moderate income housing on sites comprising more than three-tenths of one percent (3/10th's of 1%) of the total land area in the Town of Harvard zoned for residential, commercial or industrial use or ten (10) acres, whichever is larger, in any one calendar year.

2.3 DHCD has not certified the Town's compliance with the goals of its approved Housing Production Plan, in accordance with 760 CMR 56.03(4) by increasing the Town's number of Subsidized Housing Inventory ("SHI") Eligible Housing units in an amount equal to or greater than its 0.50% production goal for the calendar year.

2.4 The Town has not made recent progress toward the statutory minima set forth in M.G.L. c. 40B, §20 and 760 CMR 56.03(3), in accordance with 760 CMR 56.03(5) in that the number of SHI Eligible Housing units that have been created within the Town during the twelve months prior to the date of the Application, evidenced by being inventoried by the DHCD or established according to 760 CMR 56.03(3)(a) as occupied, available for occupancy, or under permit as of the date of the Applicant's initial application to the Board, is not equal to or greater than 2% of the Town's total housing units, as determined in accordance with 760 CMR 56.03(3)(a).

2.5 A related application has not previously been received, as set forth in 760 CMR 56.03(7) in that more than 12 months has elapsed between the date of the Application for a Comprehensive Permit and (a) the date of filing of a prior application for a variance, special permit, subdivision, or other approval related to construction on the Subject Land for a prior project that was principally residential in use and it did not include at least 10% SHI Eligible Housing units; (b) any date during which such an application was pending before a permit granting authority of the Town; (c) the date of final disposition of such an application (including all appeals); or (d) the date of withdrawal of such an application.

2.6 The proposed Development was reviewed by the following municipal officers or agencies:

- + Board of Health
- + Planning Board
- + Building Inspector
- + Conservation Commission
- + Fire Department
- + Department of Public Works
- + Board of Selectmen
- + Police Department

~~+ Conservation Agent~~

[insert any others]

2.7 There are extensive inland wetlands, wetland buffer zones, a pond and a river and riverfront area on the Subject Property. Parts of the Subject Property are located in the Watershed Protection and Flood Hazard zoning districts.

2.8 There is a severity of soil limitations in the Town of Harvard for sewage or wastewater disposal, and a high vulnerability of the Town's wetlands, water absorption areas, water-bearing bedrock fissures, groundwater supply, and individual wells to pollution and contamination. Except for parts of Devens and the Town Center area of the Town, there is no system of common public sanitary sewers in the Town of Harvard. The inhabitants of the Town depend for the most part on individual wells for their drinking water, and will continue to do so for the foreseeable future, since no large sand and gravel aquifers have been located in the Town which could serve as a municipal groundwater supply.

2.12 Certain provisions of the Protective (Zoning) Bylaw of the Town of Harvard, the ZBA's Comprehensive Permit Rules and Regulations, the Board of Health's Rules and Regulations and the Town of Harvard's Wetlands Protection Bylaw and related regulations, as applied to the Applicant's proposed Development, are not consistent with local housing needs.

2.13 If developed in accordance with the terms and conditions set forth herein, the proposed Development will be consistent with housing local needs.

III. DECISION

Pursuant to M.G.L. c. 40B, §§20-23, the ZBA, after a public hearing and based on the foregoing findings of fact, hereby grants a comprehensive permit to the Applicant for the construction on the Subject Property of twenty-four (24) for sale dwelling units with associated infrastructure and improvements, subject to the following conditions. As used herein, the term "Applicant" shall mean the Applicant, its heirs, successors and assigns. Unless otherwise indicated herein, the ZBA may designate an agent or agents to review and approve matters set forth herein.

Conditions

3.1. The Development shall be constructed in substantial conformance with the plans of record set forth below. The development shall be constructed in conformance with the plans referenced in this decision, as modified in accordance with this decision (the "Plans"), except for *de minimis* deviations. Any other deviation from the Plans shall require a modification of this Comprehensive Permit by the ZBA.

3.2. The Development shall be limited to twenty-four (24) dwelling units constructed in 12 duplex style buildings which will contain twelve three-bedroom units and twelve two bedroom units for a total of 60 bedrooms. No loft space in any unit shall be converted to a

bedroom. This condition shall be placed in the organizational documents of the Unit Owners Association(s) and in the master deed(s) for the Development.

3.3. Not less than twenty-five percent (25%) of the housing units, shall be reserved in perpetuity for sale to households earning no more than eighty percent (80%) of the median household income for the "Eastern Worcester County, MA" HMFA, or applicable HMFA in the event of a change (the "Affordable Units"). The price for such Affordable Unit shall be set at the price

affordable for a household earning not more than seventy percent (70%) of the median household income in the “Eastern Worcester County, MA” HMFA, adjusted for household size, with a five percent (5%) down payment used to calculate such price.

3.4. To the extent permitted by law, preference for the sale of seventy percent (70%) of the Affordable Units in the initial round of sales shall be given to persons or families who shall qualify for the “Local Preference” established by the Town’s Board of Selectmen. The Local Preference shall be implemented by a Lottery Agent approved by the ZBA. Prior to conducting the Lottery, the Lottery Agent shall submit a final Lottery plan to the Town’s Board of Selectmen for its approval. All costs associated with the Lottery shall be exclusively borne by the Applicant.

3.5. Prior to the issuance of any building permit, the Applicant shall prepare the final draft of a Regulatory Agreement and a Deed Rider and submit same to the ZBA for approval as to form by the ZBA's legal counsel and for execution by and with the ZBA and/or the Town. Such document(s) shall contain, at a minimum, the following terms:

3.5.1. The Affordable Units shall be reserved for sale in perpetuity to households earning not more than eighty percent (80%) of the median household income for the “Eastern Worcester County, MA” HMFA, and the price for such Affordable Unit shall be set at the price affordable to a household earning not more than seventy percent (70%) of the median household income in the “Eastern Worcester County, MA” HMFA or applicable HMFA in the event of a change, adjusted for household size, with a five percent (5%) down payment used to calculate such price.

3.5.2. The right of first refusal to purchase an Affordable Unit on resale shall be granted to the Town of Harvard, or its assignee.

3.5.3 The actual Affordable Units shall be identified in the Regulatory Agreement.

3.5.4 The Affordable Units shall be owner-occupied only; provided, however, that the ZBA may authorize the temporary rental of such unit at a price affordable to a household earning not more than 80% of area median household income where the owner demonstrates that there is a bona- fide reason for same, such as an illness in the family, military duty, or the like.

3.6. Prior to the issuance of any certificate of occupancy, the Applicant shall enter into a monitoring services agreement(s) or similar agreement with a monitoring services provider, approved by DHCD or MassHousing and the ZBA, to provide project monitoring services relative to the profit limitations on the Development and the affordability restrictions on the dwelling units. Within three months of occupancy of the housing units the Applicant shall submit to both DHCD and the ZBA a project cost accounting prepared by a certified public accountant.

The ZBA reserves its right to retain an independent certified public accountant to perform an audited review of said project cost certification at the Applicant's expense.

3.7 All financial information submitted by the Applicant for the required cost certification which shall be conducted not more than ninety (90) days after the conveyance of the last unit to be sold in the initial sales of all units shall be provided by certified mail to the ZBA at the same time.

3.8. The Affordable Units shall not be segregated from the market rate units. The Affordable Units shall not be substantially different in exterior appearance from the standard market rate units. For every four (4) units constructed, at least one (1) unit shall be an affordable unit so that, at all times, at least twenty-five (25%) percent of the units constructed shall be affordable housing units. The last unit sold shall be a market rate unit.

3.9. During construction, the Applicant shall conform with all local, state and federal laws regarding noise, vibration, dust and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Exterior construction or interior construction that is audible from the exterior shall not commence on any day before 7:00 a.m. and shall not continue beyond 6:00 p.m; provided, however, that exterior construction or interior construction that is audible from the exterior shall not commence on Saturday before 9:00 a.m. There shall be no exterior construction on any Sunday or state or federal legal holiday. Hours of operation shall be enforced by the Harvard Police Department.

3.10. Prior to the issuance of a building permit for any dwelling unit, the Applicant shall submit the following final plans for review by the Building Inspector. After the Building Inspector's review is complete, said plans shall be submitted for approval by the ZBA. The ZBA's approval of said plans shall include a written determination that the Development is technically feasible. The ZBA may distribute such plan(s) to its consultants and/or Town boards and officials for a written recommendation or report.

- a. Site Plan;
- b. Lighting plan;
- c. Landscaping, fencing, and planting plan;
- d. Grading plan;
- e. Erosion control plan;
- f. Architectural plan, including all principal and accessory structures including structural, mechanical, electrical and plumbing systems;
- g. Utilities plan including water, hydrants, gas (if any), electric, cable, and telephone and detail sheets;
- h. Signage plan, including signs during the marketing phase;

i. Final Stormwater management plan consistent with the Massachusetts Department of Environmental Protection's ("DEP") Stormwater Management Policy together with a written maintenance plan;

j. Snow storage and refuse disposal plan;

k. Final wastewater disposal system permits and plans approved by the Board of Health and/ DEP;

l. Site Access and Parking plan; and

m. Final Project Approval/Site Eligibility Letter from MassHousing.

3.11. The Applicant shall design such final plans with the following specifications:

3.11.1. The Applicant shall conform with all pertinent requirements of the Americans with Disabilities Act and Massachusetts Architectural Access Board, if applicable.

3.11.2. All signage, including signs to promote sales, shall comply with the Protective By-law and shall be maintained in a slightly condition by the Unit Owners Association(s) in conformance therewith.

3.11.3 The Applicant shall provide to the ZBA a construction management plan, including, at a minimum, truck routes, fill sources and laboratory analyses and contact information for review and approval by the ZBA.

3.11.4 The Applicant shall submit to the ZBA site sections demonstrating constructability, along with spot shots.

3.11.5 The water supply well(s) and system serving the Development shall be shown on the utilities plan and shall be a public water system within the meaning of 310 CMR 22.00, *et seq.*, and shall comply with the provisions of 310 CMR 22.00, *et seq.*

3.11.6 The wastewater disposal facility(s) serving the dwelling units in the Development shall comply with the requirements of 310 CMR 15.202 (recirculating sand filters).

3.11.7 The utilities plan shall show the placement of all utilities to be located outside the Stow Road right-of-way underground.

3.11.8 Acceptable sight distances meeting AASHTO standards shall be provided. The plans showing the provision of such sight distance shall be reviewed and approved by the Police Chief.

3.11.9 The parking plan shall show 3 (12) visitor parking spaces and the method of demarcation of parking spaces on the ground. On street parking on the

sidewalk side of Robin Lane shall be permitted with no overnight parking. No parking signs shall be shown on the plan.

3.11.10 The roadway and vehicular circulation system and the placement of structures (including proximity to off-site structures) must be designed and arranged to meet the Fire Chief's fire safety standards as evidenced by a written determination of compliance from the Fire Chief.

3.11.11 The plan showing the roadway shall show two-foot reinforced shoulders on both sides of the road with soil stabilizing geo-fabric on each side and grass pavers that can support the weight of any and all public safety vehicles.

3.12. The Applicant has proposed, and the ZBA hereby requires, that the following aspects of the Development shall be and shall remain forever private, and that the Town of Harvard shall not have, now or ever, any legal responsibility for operation, maintenance, repair or replacement of same:

- ✚ All parking areas;
- ✚ Storm water management facilities, including detention basins, unless the roadway in the Development is accepted and acquired by the Town, in which case such facilities that are located within the layout of said roadway shall be maintained by the Town;
- ✚ Snow plowing, unless the roadway in the Development is accepted and acquired by the Town;
- ✚ Landscaping;
- ✚ Trash removal;
- ✚ Street lighting, unless the roadway in the Development is accepted and acquired by the Town;
- ✚ Building repair and maintenance;
- ✚ On-site wastewater disposal system; and
- ✚ On-site public water system.

3.13. In the event that the roadway within the Development is not accepted by the Town Meeting or acquired by the Town, said roadway shall be and shall remain forever private, and that the Town of Harvard shall not have, now or ever, any legal responsibility for operation, maintenance, repair or replacement of same. The surface of the roadway shall be maintained so that the porous surface does not become nonporous. Deicing agents which are detrimental to the adjacent wetlands shall not be used on said roadway.

3.14. The Applicant shall be responsible for the installation, operation, and maintenance of all aspects of the common or private facilities set forth above until the final dwelling unit is conveyed. Thereafter, such facilities shall be conveyed to a Unit Owners Association(s) and such operation and maintenance shall be the responsibility of said Association(s). Prior to the turnover of responsibility to the Association(s), the Applicant shall provide written evidence to the ZBA that an adequate reserve has been established to fund maintenance, repair, operation and replacement of such facilities. In the event that a management company is engaged, the Applicant or the Unit Owners Association(s) shall provide the ZBA with a copy of the contract.

3.15. Prior to the issuance of any certificate of occupancy, the Applicant shall establish a Unit Owners Association(s). Membership in said Unit Owners Association(s) shall be required by a deed restriction prepared by the Applicant and approved as to form by the ZBA's legal counsel prior to execution thereof. The ZBA's legal counsel shall review and approve such document(s) as to form after determining that the document is consistent with this decision. Such Unit Owners Association(s) shall maintain the facilities set forth above in Condition 3.12. The Board of Health shall review and approve such document(s) to ensure that adequate provision has been made for the operation and maintenance of the wastewater disposal system(s). The ZBA shall notify the Building Inspector, in writing, of such approvals and provide a copy of the approved documents.

3.16. The Applicant's registered professional engineer shall prepare guidelines for the operation and maintenance of the stormwater management system and the wastewater disposal system(s), subject to the approval of the ZBA or its agent. Such guidelines shall be incorporated by reference in the organizational documents of the Unit Owners Association(s). In the event a management company is engaged, the guidelines shall be incorporated by reference in the management contract.

3.17. In the event that the Applicant, its successors, or agent fails to maintain the on-site wastewater disposal system(s) or the stormwater management system in accordance with applicable guidelines for operation and maintenance, the Town may conduct such emergency maintenance or repairs, and the Applicant shall permit entry onto the Subject Property to implement the measures set forth in such guidelines. In the event the Town conducts such

maintenance or repairs, the Applicant shall promptly reimburse the Town for all reasonable expenses associated therewith; if the Applicant fails to so reimburse the Town, the Town may place a lien on the Development or any unit therein to secure such payment.

3.18. All invoices generated by the ZBA's peer review consultants during the application stage shall be paid within (30) thirty days of the filing of this decision with the Town Clerk, whether this decision is appealed or not. No post-permit reviews of documents or plans shall be conducted until such invoices have been paid in full. No building permit or certificate of occupancy shall be issued until such invoices have been paid in full.

3.19. The Applicant shall promptly pay the reasonable fee of the consulting engineer for review of the plans or documents described herein or for inspections during the construction phase. The results of any inspections shall be provided to the ZBA in written format. The ZBA may require the establishment of an escrow account to assure such payment, subject to replenishment.

3.20. A preconstruction conference with town departments shall be held prior to the commencement of construction. For the purposes of this decision, "commencement of construction" shall occur when the clearing and grubbing (removal of stumps and topsoil) has been initiated. The contractor shall request such conference at least two weeks prior to commencing construction by contacting the ZBA in writing. At the conference, a schedule of inspections shall be agreed upon by the Applicant, the ZBA, and other Town officials or boards.

3.21. The ZBA or its agents may enter onto and view and inspect the Subject Property during regular business hours, without notice, to ensure compliance with the terms of this Decision, subject to applicable safety requirements.

3.22. The Conservation Commission's Order of Conditions pursuant to 310 CMR 10.00, or any order of the Department of Environmental Protection (DEP), if applicable, regarding the Subject Property, shall be made a part of this comprehensive permit. If there is any inconsistency between the plan of record for this permit and the plans as may be approved by the Conservation Commission or the DEP, the Applicant shall submit an amended plan(s) to the ZBA and to the Conservation Commission and to DEP (if applicable) for approval in order that all approvals are consistent with one another. Such submittal shall be made by certified mail or in hand at a regular meeting. Said amended plan submitted to the ZBA shall be accompanied by a letter setting forth any and all changes from the submitted plan of record and shall include revised drainage calculations, if applicable.

3.23. No certificate of occupancy for any building unit or phase shall be issued until the infrastructure or common facilities or common improvements (i.e., roadway, utilities, stormwater management systems, wastewater disposal system(s), public water system and landscaping within and along the roadway), specified in this decision and set forth on the plans of record are constructed and installed so as to adequately serve said building or phase, or adequate security has been provided, reasonably acceptable to the ZBA, to ensure the completion of such improvements. Said performance guarantee shall be in the form specified in M.G.L. c. 41, § 81U

(2) and shall be approved as to form by the ZBA's legal counsel. The ZBA shall notify the Building Inspector, in writing, of such completion or performance guarantee.

3.24. Said performance guarantee shall be released by the ZBA pursuant to requests made by the Applicant which requests shall be reviewed by the ZBA's consulting engineer. The ZBA's action on such requests shall not be unreasonably delayed or withheld.

3.25. In determining the amount of the bond or surety, the ZBA shall be guided by the following formula in setting the sum of the security:

- a. the ZBA's estimate of the cost to complete the work; plus
- b. a ten percent margin of error; plus
- c. an appropriate rate of inflation over a five-year period.

3.26. The construction site shall be secured in a manner approved by the Building Inspector so as to prevent injury or property damage to the residents of the Town.

3.27. The Applicant shall provide an "as-built" plan to the ZBA and Building Inspector prior to the issuance of the final certificate of occupancy in the Development in accordance with applicable regulations, which shall be approved by the ZBA or its agent. The Applicant shall provide a separate as-built plan depicting the water mains and services to the Department of Public Works demonstrating compliance with said Department's rules and regulations and installation specifications.

3.28. The landscaping shown on the final approved plan shall be maintained in perpetuity by the Unit Owners Association(s). Any dead vegetation shall be removed immediately and replaced in accordance with the specifications on said plan during the life of project by Unit Owners Association(s).

Waivers

3.31. The Applicant has requested, and the ZBA hereby grants, the waivers from local rules set forth below, but only to the extent shown on the Plans and as necessary to construct the Development in accordance therewith:

3.31.1 Town of Harvard's Protective By-Law and ZBA Comprehensive Permit Rules and Regulations

Protective Bylaw

§ 125-23: waiver to permit residential dwellings in the C District;

§ 125-30 A: waiver from the individual lot and lot area requirements to allow 24 dwelling units on a single lot;

§125-30. B: Waiver to permit 15.8% of the lot as total building floor area for all the residential dwelling units;

§ 125-30. E. (2): waiver to permit the Gazebo to be located within the structure set back line but shall be set back at least the height of the structure;

§ 125-30. E. (4): waiver to permit the Gazebo to be located within 20 feet of the lot line but shall be set back at least the height of the structure;

§ 125-31: waiver to allow a private way to service 24 units in 12 structures on a lot;

§ 125-32 D: wavier to allow the use by a non-municipal entity of a communal subsurface sewage disposal system in accordance with Title 5 of the State Environmental Code;

§125-39. A.(3)(a)[1]; waiver to allow guest parking stall dimension to be 9 by 18 feet, provided that the driveway is four feet wider in front of the parking spaces to comply with the aisle width requirement of 24 feet per §125-39. A.(3)(a)[3];

§125-39. G (1): waiver to allow a 6-foot-wide bituminous concrete sidewalk to be constructed along the section of Old Mill Road up to Ayer Road only and allow an alternative surface approval by the ZBA, rather than the Planning Board provided that the sidewalk will end at approximately the location of the Ayer Road roadway expansion of the MassDOT TIP project and the shared use path;

§125-39. G (2): waiver to allow a 4-foot-wide bituminous concrete sidewalk to be constructed along one side of the street; and

§ 125-30 A, B and E: waivers to permit multiple structures per lot and reduced setback distances as shown on the Plans and Floor Area Ratio (FAR) of up to 15% for Lots 3 and 4 as shown on the Plans;

ZBA Comprehensive Permit Rules and Regulations

Section 136-3. A(1)(a)[1][b][x]: waiver of the requirement for lighting and photometric analysis as there are no proposed street lights or driveway lights and the Development is designed in accordance with "dark sky" guidelines.

3.31.2 Town of Harvard Board of Health Rules and Regulations – Chapter 145

Section 145-3J: Waiver to permit be a minimum offset distance between the primary and the reserve area of the wastewater disposal system as required by the Standards of Title 5; and

Section 15-6 B: Waiver to permit deep observation hole testing as required by Standards of Title 5.

3.31.3 Town of Harvard's Wetlands Protection Bylaw and Regulations

Section 119-4E of the Bylaw and Section 147-6C of the Regulations: waivers to allow that Applicant to pay the state mandated wetlands filing fee plus \$7,200.00, which is less than the aggregate state and local filing fee;

Section 147-12 of the Regulations: waiver to allow the Applicant to follow the Wetlands Protection Act standards for wetlands setbacks of no disturbance areas and for driveways, roads and structures; and

Section 147-14C of the Regulations: waiver to allow the Project to use best management practices in accordance with the Massachusetts Stormwater Handbook standards while still using the Extreme Precipitation in New York and New England data developed by Northeast Climate Research Center at Cornell University;

To the extent the plans are silent on a particular issue, the appropriate Town bylaw, rule or regulation shall apply. In the event the Applicant or the ZBA's consulting engineer determines, in the final design of the Development, that additional waivers, not shown on the Plans are required, the Applicant shall be required to obtain such additional waivers after written request to the ZBA, which the ZBA may grant.

The Applicant shall comply with all bylaws, rules and regulations, guidelines and codes of the Town and rules, regulations, codes and laws of the Commonwealth of Massachusetts and the Federal government. pertaining to the Subject Property unless specifically waived herein.

Recording

3.32 The Applicant shall record the Plans and an attested copy of this decision with the Worcester District Registry of Deeds and provide written evidence of such recordation to the Building Inspector prior to the issuance of any building permits for the Development.

Transfer

3.33 Prior to substantial completion of the Development a phase thereof, this Comprehensive Permit may be transferred to a person or entity other than the Applicant, upon written confirmation from the Subsidizing Agency that the transferee meets the requirements of 760 CMR 56.04(1)(a) and (b), and upon written notice to the ZBA. Transfer of this Comprehensive permit shall not, by itself, constitute a substantial change pursuant to 760 CMR 56.07(4). After substantial completion, this Comprehensive Permit shall be deemed to run with the land.

Commencement of Construction

3.34 If construction authorized by this Comprehensive Permit has not begun within three years of the date on which the permit becomes final except for good cause, this Comprehensive Permit shall lapse. This time period shall be tolled for the time required to pursue or await the determination on any appeal on any other state or federal permit or approval required for the Development. The ZBA may extend such commencement date. An extension may not be unreasonably denied or denied due to other affordable housing projects built or approved in the interim. Extension of the Comprehensive Permit shall not, by itself, constitute a substantial change pursuant to 760 CMR 56.07(4).

Project Completion

3.35 The Development authorized by this Comprehensive Permit shall be completed on or before five (5) years after the issuance of all permits and approvals, except for building permits, but in no event later than [REDACTED]. This time period shall be tolled for the time required to

30. Nov ~~2028~~ 2029

pursue or await the determination on any appeal on any other state or federal permit or approval required for the Development.

RECORD OF VOTE

The ZBA voted (3-0-0; Tracey, _____ and _____) to grant a comprehensive permit, subject to the above-stated terms and conditions, and to authorize Chairman Christopher Tracey to sign and file this decision on its behalf:

Christopher Tracey, Chairman

Filed with the Town Clerk on _____, 2024.

THE VILLAGE AT ROBIN LANE COMPREHENSIVE PERMIT

FINDINGS AND DECISION

RE: Application of Juno Construction, LLC for a Comprehensive Permit

DATE: February , 2024

**LOCATION: Assessors Map 4, Parcels 52, 52-1, 52-2 and 53
Old Mill Road and Ayer Road, Harvard, Massachusetts**

TITLE REFERENCE: Worcester District Registry of Deeds Book 56380, Page 389

I. PROCEDURAL HISTORY

1. **On July 6, 2023**, Juno Construction, LLC (hereinafter, the “Applicant”) applied for a comprehensive permit from the Zoning Board of Appeals (“ZBA”) pursuant to M.G.L. c. 40B, §§20-23 for the construction of an affordable housing project located on Old Mill Road and Ayer Road in Harvard (hereinafter, the “Application”). The Applicant proposed to construct 24 homeownership “for sale” units consisting of 12 duplex style buildings (The Development) of which not less than six (6) of such units shall be restricted as affordable for low- or moderate-income persons or families as required under the terms of the Executive Office of ’s Guidelines. The Development will contain twelve three-bedroom units and twelve two bedroom units for a total of 60 bedrooms. As proposed, the Development would be located on a site with approximately 11.47 +/- acres of land, being Assessor’s Map 4, Lots 52, 52-1, 52-2 and 53 (hereinafter, the “Subject Property”). The Subject Property is zoned “Commercial” (C)” under the Town of Harvard’s Protective By-Law.

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

1.1.1 Published in the Worcester Telegram & Gazette a newspaper with general circulation in the Town of Harvard on July 14, 2023 and July 21, 2023;

1.1.2. Posted in a conspicuous place in the Harvard Town Hall on July 11, 2023, which was at least fourteen (14) days prior to the hearing; and

1.1.3. Mailed, postpaid, on July 12, 2023, which is at least fourteen (14) days before the hearing, to the petitioner, abutters, owners of land directly opposite the Subject Property on any public or private street or way, abutters to the abutters within three hundred (300) feet of the Subject Property, 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 Assessors Office.

1.2. A duly advertised public hearing was opened on August 2, 2023, and continued to September 13, 2023, further continued to November 1, 2023, again continued to December 6, 2023, once again continued to January 3, 2024, February 6, 2024 and, finally, continued to February 21, 2024 when the public hearing was closed. All continuances of the public hearing were agreed to by the Applicant.

The ZBA retained Beals and Thomas, Southborough, Massachusetts (B&T”) pursuant to M.G.L. c. 44, §53G and its rules and regulations relative to comprehensive permits, at the Applicant’s expense, and received advice from them concerning the following aspects of the Applicant’s proposed project.

During the public hearing, the Applicant, through its Manager, Walter Eriksen, and its Engineers, Goldsmith, Prest & Ring wall, Inc., (“GPR”) and counsel Melissa Robbins from Farrell & Robbins, P.C. presented the ZBA with the Applicant's plans and supporting materials.

1.3 Numerous abutters, other parties in interest, persons residing in the area of the proposed Development site and other residents of the Town appeared at the public hearing and gave the ZBA input relative to the anticipated impacts of the proposed project.

1.4. In addition to the Application, including the attached Exhibits A through V and plans, the following documents and exhibits were received during the public hearing:

FROM THE APPLICANT

- Mass Housing Site and Project Approval letter dated January 30, 2023.
- Long Term Pollution Prevention and Stormwater System Operation and Maintenance Plan Prepared by GPR dated June, 2023.
- Stormwater Management Report Prepared by GPR dated June, 2023, revised September 18, 2023.

- Notice of Intent under the Wetlands Protection Act and the Harvard Wetlands Bylaw dated August 31, 2023 (“NOI”).
- Letter from Attorney Melissa Robbins dated September 12, 2023 requesting a continuance of the ZBA’s September 13, 2023 hearing session to October 4, 2023.
- Revised Project Site Plan prepared by GRP dated June, 2023, revised September 20, 2023 (8 sheets).
- GPR September 20, 2023 response to Conservation Commission comments on NOI dated September 7, 2023.
- GPR September 20, 2023 response to B&T comments on the Application dated September 5, 2023.
- Revised Project Site Plan prepared by GRP dated June, 2023, revised September 20, 2023 and November 16, 2023 (8 sheets).
- Gazebo Photograph (undated).
- Home Energy Rating Certificate dated August 8, 2023.
- Street Planting List (undated).
- Memorandum from GPR to ZBA dated October 26, 2023 regarding floor area ratio and parking space dimensions.

FROM PEER REVIEW CONSULTANT

- B&T letter dated September 5, 2023, First Review.
- B&T letter dated October 3, 2023 in Response to the Applicant’s Comments.
- Traffic Engineering Peer Review the Village at Robin Lane – Old Mill Road and Ayer Road Harvard, Massachusetts prepared by Vanasse & Associates, Inc. (VAI) dated September 12, 2023 submitted to B&T.

FROM TOWN BOARDS AND COMMISSIONS

- Memorandum from the Harvard Board of Health (BOH) dated July 26, 2023.
- Memorandum from the BOH dated August 10, 2023.
-
- Memorandum from Harvard Climate Initiative Committee July 31, 2023 and August 14, 2023.
-
- Memorandum from Harvard Conservation Commission dated September 7, 2023 regarding requested waivers.
- Memorandum from Harvard Fire Department dated October 11, 2023 regarding responses to Beals and Thomas waiver requests comment.
- Memorandum from Harvard Police Department dated October 18, 2023 regarding Project parking and traffic.
- Memorandum from Harvard Conservation Commission dated December 4, 2023 regarding requested waivers.
- Revised Memorandum from Harvard Conservation Commission dated December 5, 2023 regarding requested waivers.

FROM OTHERS

[list any]

Any documents or other evidence received during the public hearing which are not listed above are unintentionally omitted. All documents and plans received during the public hearing are part of the record on file relative to this decision. Documents and plans sent prior to the filing of the Application are excluded, unless submitted with the Application.

- 1.5. The ZBA deliberated on this decision at its meetings of February 6, 2024 and February 21, 2024.

II. FINDINGS

- 2.1. The Applicant submitted the following information pursuant to 760 CMR 56.04(1):

a. it will become a "limited dividend corporation" as that term is used in M.G.L. c. 40B, § 21 and 760 CMR 56.02;

b. evidence of a subsidy as indicated by the project eligibility/site approval letter of the Massachusetts Housing Finance Agency dated January 30, 2023; and

c. it has "control of the site" as that term is used in 760 CMR 56.04(1)(c), by virtue of a purchase and sale agreement with the fee owner of the Subject Property dated August 12, 2021.

2.2. The Town of Harvard, according to the Executive Office of Housing and Livable Communities ("EOHLC"), has not achieved the statutory minima set forth in M.G.L. c. 40B, §20 and 760 CMR 56.03(3) in that a.) affordable housing does not constitute more than ten percent (10%) of the total number of dwelling units located in the Town of Harvard; b.) low or moderate income housing does not exist on sites comprising one and one-half percent (1.5%) or more of the total land area in the Town of Harvard zoned for residential, commercial or industrial use; and c.) the approval of the Development would not result in the commencement of construction of low or moderate income housing on sites comprising more than three-tenths of one percent (3/10th's of 1%) of the total land area in the Town of Harvard zoned for residential, commercial or industrial use or ten (10) acres, whichever is larger, in any one calendar year.

2.3 EOHLC has not certified the Town's compliance with the goals of its approved Housing Production Plan, in accordance with 760 CMR 56.03(4) by increasing the Town's number of Subsidized Housing Inventory ("SHI") Eligible Housing units in an amount equal to or greater than its 0.50% production goal for the calendar year.

2.4 The Town has not made recent progress toward the statutory minima set forth in M.G.L. c. 40B, §20 and 760 CMR 56.03(3), in accordance with 760 CMR 56.03(5) in that the number of SHI Eligible Housing units that have been created within the Town during the twelve months prior to the date of the Application, evidenced by being inventoried by the EOHLC or established according to 760 CMR 56.03(3)(a) as occupied, available for occupancy, or under permit as of the date of the Applicant's initial application to the Board, is not equal to or greater than 2% of the Town's total housing units, as determined in accordance with 760 CMR 56.03(3)(a).

2.5 A related application has not previously been received, as set forth in 760 CMR 56.03(7) in that more than 12 months has elapsed between the date of the Application for a Comprehensive Permit and (a) the date of filing of a prior application for a variance, special permit, subdivision, or other approval related to construction on the Subject Land for a prior project that was principally residential in use and it did not include at least 10% SHI Eligible Housing units; (b) any date during which such an application was pending before a permit granting

authority of the Town; (c) the date of final disposition of such an application (including all appeals); or (d) the date of withdrawal of such an application.

2.6 The proposed Development was reviewed by the following municipal officers or agencies:

- Board of Health
- Planning Board
- Building Inspector
- Conservation Commission
- Fire Department
- Department of Public Works
- Board of Selectmen
- Police Department
- Harvard Climate Initiative Committee
- Harvard Design Review Board

2.7 There are extensive inland wetlands, wetland buffer zones, a pond and a river and riverfront area on the Subject Property. Parts of the Subject Property are located in the Watershed Protection and Flood Hazard zoning districts.

2.8 There is a severity of soil limitations in the Town of Harvard for sewage or wastewater disposal, and a high vulnerability of the Town's wetlands, water absorption areas, water-bearing bedrock fissures, groundwater supply, and individual wells to pollution and contamination. Except for parts of Devens and the Town Center area of the Town, there is no system of common public sanitary sewers in the Town of Harvard. The inhabitants of the Town depend for the most part on individual wells for their drinking water, and will continue to do so for the foreseeable future, since no large sand and gravel aquifers have been located in the Town which could serve as a municipal groundwater supply.

2.12 Certain provisions of the Protective (Zoning) Bylaw of the Town of Harvard, the ZBA's Comprehensive Permit Rules and Regulations, the Board of Health's Rules and Regulations and the Town of Harvard's Wetlands Protection Bylaw and related regulations, as applied to the Applicant's proposed Development, are not consistent with local housing needs.

2.13 If developed in accordance with the terms and conditions set forth herein, the proposed Development will be consistent with housing local needs.

III. DECISION

Pursuant to M.G.L. c. 40B, §§20-23, the ZBA, after a public hearing and based on the foregoing findings of fact, hereby grants a comprehensive permit to the Applicant for the

construction on the Subject Property of twenty-four (24) for sale dwelling units with associated infrastructure and improvements, subject to the following conditions. As used herein, the term "Applicant" shall mean the Applicant, its heirs, successors and assigns. Unless otherwise indicated herein, the ZBA may designate an agent or agents to review and approve matters set forth herein.

Conditions

3.1. The Development shall be constructed in substantial conformance with the plans of record set forth below. The development shall be constructed in conformance with the plans referenced in this decision, as modified in accordance with this decision (the "Plans"), except for *de minimis* deviations. Any other deviation from the Plans shall require a modification of this Comprehensive Permit by the ZBA.

3.2. The Development shall be limited to twenty-four (24) dwelling units constructed in 12 duplex style buildings which will contain twelve three-bedroom units and twelve two bedroom units for a total of 60 bedrooms No loft space in any unit shall be converted to a

bedroom. This condition shall be placed in the organizational documents of the Unit Owners Association(s) and in the master deed(s) for the Development.

3.3. Not less than twenty-five percent (25%) of the housing units, shall be reserved in perpetuity for sale to households earning no more than eighty percent (80%) of the median household income for the "Eastern Worcester County, MA" HMFA, or applicable HMFA in the event of a change (the "Affordable Units").

3.4. To the extent permitted by law, preference for the sale of seventy percent (70%) of the Affordable Units in the initial round of sales shall be given to persons or families who shall qualify for the "Local Preference" established by the Town's Select Board. The Local Preference shall be implemented by a Lottery Agent approved by the EOHLC. Prior to conducting the Lottery, the Lottery Agent shall submit a final Lottery plan to the Town's Select Board. All costs associated with the Lottery shall be exclusively borne by the Applicant. The Town will supply all necessary documentation requested by EOHLC in order to help secure a local preference.

3.5. Prior to the issuance of any building permit, the Applicant shall prepare the final draft of a Regulatory Agreement and a Deed Rider and submit same to the ZBA. Such document(s) shall contain, at a minimum, the following terms:

3.5.1. The Affordable Units shall be reserved for sale in perpetuity to households earning not more than eighty percent (80%) of the median household income for the "Eastern Worcester County, MA" HMFA.

3.5.2. The Town of Harvard shall have the right to purchase an Affordable Unit on resale in conformance with the Deed Rider and the rules and regulations of EOHLC.

3.5.3 The actual Affordable Units shall be identified in the Regulatory Agreement in a manner approved by EOHLC.

3.5.4 The Affordable Units shall be owner-occupied only except as allowed by EOHLC.



EOHLC EOHLC

3.6 All financial information submitted by the Applicant for the required cost certification which shall be conducted not more than ninety (90) days after the conveyance of the last unit, or upon substantial completion of the Project, shall be provided by certified mail to the ZBA at the same time.

3.7. The Affordable Units shall not be segregated from the market rate units. The Affordable Units shall not be substantially different in exterior appearance from the standard market rate units. For every four (4) units constructed, at least one (1) unit shall be an affordable unit so that, at all times, at least twenty-five (25%) percent of the units constructed shall be affordable housing units. The last unit sold shall be a market rate unit.

3.8. During construction, the Applicant shall conform with all local, state and federal laws regarding noise, vibration, dust and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Exterior construction or interior construction that is audible from the exterior shall not commence on any day before 7:00 a.m. and shall not continue beyond 6:00 p.m; provided, however, that exterior construction or interior construction that is audible from the exterior shall not commence on Saturday before 9:00 a.m. There shall be no exterior construction on any Sunday or state or federal legal holiday. Hours of operation shall be enforced by the Harvard Police Department.

3.9 The Applicant will install gutters on each structure where appropriate. Where applicable downspouts may connect to additional infiltration chambers not indicated on the approved plans. Other locations may have splash pads for surface flow to approved stormwater management conveyance systems.”

3.10. Prior to the issuance of a building permit for any dwelling unit, the Applicant shall submit the following final plans and documents for review by the Building Inspector. It is noted that

these may not be separate sheets of a Site Plan but all details below will be shown on the final Site Plan Set. After the Building Inspector's review is complete, said plans shall be submitted for approval by the ZBA. Which approval shall be deemed granted if not acted upon within 15 business days. . The ZBA may distribute such plan(s) to its consultants and/or Town boards and officials for a written recommendation or report.

- a. Site Plan;
- b. Landscaping, fencing, and planting plan;
- c. Grading plan;
- d. Erosion control plan;
- e. Architectural plan, including, principal and accessory structures, if any.
- f. Utilities plan including water, hydrants, gas (if any), electric, cable, and telephone and detail sheets;
- g. Signage plan, including signs during the marketing phase;
- h. Final Stormwater management plan consistent with the Massachusetts Department of Environmental Protection's ("DEP") Stormwater Management Policy together with a written maintenance plan;
- i. Snow storage and refuse disposal plan;
- j. Final wastewater disposal system permits and plans approved by the Board of Health ;;
- k. Site Access and Parking plan; and
- l. Final Project Approval/Site Eligibility Letter from MassHousing.

3.11. The Applicant shall design such final plans with the following specifications (as noted above some of these details will be incorporated into the final Site Plan Set and may not be separate sheets, and some may be separate plans set):

3.11.1. The Applicant shall conform with all pertinent requirements of the Americans with Disabilities Act and Massachusetts Architectural Access Board, if applicable.

3.11.2. All signage, including signs to promote sales, shall comply with the Protective By-law and shall be maintained in a slightly condition by the Unit Owners Association(s) in conformance therewith.


3.11.3 The Applicant shall provide to the ZBA a construction management plan, including, at a minimum, truck routes, fill sources and laboratory analyses and contact information for review and approval by the ZBA.



3.11.5 The water supply well(s) and system serving the Development shall be shown on the utilities plan and shall be a public water system within the meaning of 310 CMR 22.00, *et seq.*, and shall comply with the provisions of 310 CMR 22.00, *et seq.*


3.11.6 The wastewater disposal facility(s) serving the dwelling units in the Development shall comply with the requirements of 310 CMR 15.000.

3.11.9 The parking plan shall show Twelve visitor parking spaces and the method of demarcation of parking spaces on the ground..

3.12. The Applicant has proposed, and the ZBA hereby requires, that the following aspects of the Development shall be and shall remain forever private, and that the Town of Harvard shall not have, now or ever, any legal responsibility for operation, maintenance, repair or replacement of same:

- All parking areas; 
- Storm water management facilities, including detention basins,
-
-

- Snow plowing,
-
- Landscaping;
- Trash removal;
- 
- Building repair and maintenance;
- On-site wastewater disposal system; and
- -site public water system.

3.13. The roadway shall be and shall remain forever private, and that the Town of Harvard shall not have, now or ever, any legal responsibility for operation, maintenance, repair or  replacement of same.

3.14. The Applicant shall be responsible for the installation, operation, and maintenance of all aspects of the common or private facilities set forth above until the Association is conveyed to the Unit Owner Association. Thereafter, the operation and maintenance shall be the responsibility of said Association(s).

3.15. Prior to the issuance of any certificate of occupancy, the Applicant shall establish a Unit Owners Association(s).
The ZBA's legal counsel shall review and approve such document(s) as to form after determining that the document is consistent with this decision. Such Unit Owners Association(s) shall maintain the facilities set forth above in Condition 3.12.

3.16. The Applicant's registered professional engineer has prepared an Operation and Maintenance Plan guidelines for the operation and maintenance of the stormwater management system and the wastewater disposal system(s), and it shall be incorporated by reference in the organizational documents of the Unit Owners Association(s). When a management company is engaged, the guidelines shall be incorporated by reference in the management contract.

3.17. In the event that the Applicant, its successors, or agent fails to maintain the on-site wastewater disposal system(s) or the stormwater management system in accordance with applicable guidelines for operation and maintenance, the Town may conduct such emergency

maintenance or repairs, and the Applicant shall permit entry onto the Subject Property to implement the measures set forth in such guidelines. In the event the Town conducts such

maintenance or repairs, the Applicant, its successors or agent, shall promptly reimburse the Town for all reasonable expenses associated therewith; if the Applicant its successors or agent fails to so reimburse the Town, the Town may place a lien on the Development or any unit therein to secure such payment.

3.18. The Applicant shall promptly pay the reasonable fee of the consulting engineer for review of the plans or documents described herein or for inspections during the construction phase. The results of any inspections shall be provided to the ZBA in written format. The ZBA may require the establishment of an escrow account to assure such payment, subject to replenishment.

Town Counsel Comment: This subsection should be restored. It relates to the construction phase not the application review process. Agreed I put back in.

3.19. A preconstruction conference with town departments shall be held prior to the commencement of construction. For the purposes of this decision, "commencement of construction" shall occur when the clearing and grubbing (removal of stumps and topsoil) has been initiated. Testing, and other necessary site work including, but not limited to, drilling for test wells, shall be allowed prior to "commencement" of construction as required and necessary for DEP approval. Any signage or parking not shown on the plan but noted as a condition of approval will be reviewed and approved by the Town at the Preconstruction meeting. . The contractor shall request such conference at least two weeks prior to commencing construction by contacting the ZBA in writing. At the conference, a general schedule of inspections shall be agreed upon by the Applicant, the ZBA, and other Town officials or boards present at the meeting.

3.20. The ZBA or its agents may enter onto and view and inspect the Subject Property during regular business hours, without notice, to ensure compliance with the terms of this Decision, subject to applicable safety requirements.

3.21. The Conservation Commission's Order of Conditions pursuant to 310 CMR 10.00, or any order of the Department of Environmental Protection (DEP), if applicable, regarding the Subject Property, shall be made a part of this comprehensive permit. If there is any inconsistency between the plan of record for this permit and the plans as may be approved by the Conservation Commission or the DEP, the Applicant shall submit an amended plan(s) to the ZBA and to the Conservation Commission and to DEP (if applicable) for approval in order that all approvals are consistent with one another. Such submittal shall be made by certified mail or in hand at a regular meeting. Said amended plan submitted to the ZBA shall be accompanied by a letter

setting forth any and all changes from the submitted plan of record and shall include revised drainage calculations, if applicable.

3.22 On street parking on the sidewalk side of Robin Lane shall be permitted with no overnight parking. No parking signs shall be installed on the opposite side of Robin Lane.

3.23 No parking signs shall be installed on Old Mill Road as follows:

3 no parking signs on the East bound side as follows:

- 1 sign between Ayer Road and Robin Lane
- 2 signs between Robin Lane and Pole Number 3

3 no parking signs on the West bound side as follow:

- 2 sign between Ayer Road and the Eastern driveway at 6 Old Mill Road.
- 1 sign before Pole Number 4.

3.24. For the first twelve units within the development no certificate of occupancy for any unit shall be issued until the infrastructure or common facilities or common improvements (i.e., roadway, utilities, stormwater management systems, wastewater disposal system(s), public water system and landscaping within and along the roadway) are installed so as to adequately serve said unit as determined by the Building Commissioner.

Prior to Occupancy Permits for the last twelve units the *The Harvard Zoning Board of Appeals (ZBA)* will require that all pertinent aspects related to those dwellings shall have been reviewed by the ZBA's consultant engineer, as deemed necessary by the ZBA, for a written confirmation that the construction is in compliance with all aspects of the Comprehensive Permit. This includes, but is not limited to, the location of dwellings, garages, driveways, roadways, signage, grading as well as drainage and utilities as shown of the final approved plans.

The ZBA may also review at this time compliance with all other Boards and Commissions as they deem necessary to ensure the proper construction of the Development.

In addition, sign-offs from relevant Departments, Boards and Commissions stating that you are in compliance with their individual permits and/or requirements in order to receive a Certificate of Occupancy. Those Departments, Boards and Commissions include the Board of Health,

Conservation Commission, DEP, Fire and Police Department, Treasurer/Collector (all taxes paid to date) as they may be applicable to the specific development. The Zoning Board may release the units if adequate work is completed, or may require a performance guarantee in the form of a cash bond or tri party agreement.

3.25. Said performance guarantee shall be released by the ZBA pursuant to requests made by the Applicant which requests shall be reviewed by the ZBA's consulting engineer. The ZBA's action on such requests shall not be unreasonably delayed or withheld.

3.264. In determining the amount of the bond or surety, the ZBA shall be guided by the following formula in setting the sum of the security:

- a. the ZBA's estimate of the cost to complete the work; plus
- b. a ten percent margin of error; plus
- c. an appropriate rate of inflation over a five-year period.

3.27. The construction site shall be secured in a manner approved by the Building Inspector so as to prevent injury or property damage to the residents of the Town.

3.28. The Applicant shall provide an "as-built" plan to the ZBA and Building Inspector prior to the issuance of the final certificate of occupancy in the Development in accordance with applicable regulations, which shall be approved by the ZBA or its agent. The Applicant shall provide a separate as-built plan depicting the water mains and services to the Department of Public Works demonstrating compliance with said Department's rules and regulations and installation specifications.

3.29. The landscaping shown on the final approved plan shall be maintained in perpetuity by the Unit Owners Association(s). Any dead vegetation shall be removed immediately and replaced in accordance with the specifications on said plan during the life of project by Unit Owners Association(s).

3.30 The Applicant shall grant to the Town of Harvard Municipal Affordable Housing Trust, or its assignee, a gift of \$1000.00 per market rate closing. Funds shall be distributed to the Town of Harvard's **Municipal** Affordable Housing **Trust** or assignee after each Market Rate closing.

Waivers

3.31. The Applicant has requested, and the ZBA hereby grants, the waivers from local rules set forth below, but only to the extent shown on the Plans and as necessary to construct the Development in accordance therewith:

3.31.1 Town of Harvard's Protective By-Law and ZBA Comprehensive Permit Rules and Regulations

Protective Bylaw

§ 125-23: waiver to permit residential dwellings in the C District;

§ 125-30 A: waiver from the individual lot and lot area requirements to allow 24 dwelling units on a single lot;

§125-30. B: Waiver to permit 15.8% of the lot as total building floor area for all the residential dwelling units;

§ 125-30. E. (2): waiver to permit the Gazebo to be located within the structure set back line but shall be set back at least the height of the structure;

§ 125-30. E. (4): waiver to permit the Gazebo to be located within 20 feet of the lot line but shall be set back at least the height of the structure;

§ 125-31: waiver to allow a private way to service 24 units in 12 structures on a lot;

§ 125-32 D: waiver to allow the use by a non-municipal entity of a communal subsurface sewage disposal system in accordance with Title 5 of the State Environmental Code;

§125-

§125-39. A.(3)(a)[1]; waiver to allow guest parking stall dimension to be 9 by 18 feet, provided that the driveway is four feet wider in front of the parking spaces to comply with the aisle width requirement of 24 feet per §125-39. A.(3)(a)[3];

§125-39. G (1): waiver to allow a 6-foot-wide bituminous concrete sidewalk to be constructed along the section of Old Mill Road up to Ayer Road only and allow an alternative surface approval by the ZBA, rather than the Planning Board provided that the sidewalk will end at approximately the location of the Ayer Road roadway expansion of the MassDOT TIP project and the shared use path;

§125-39. G (2): waiver to allow a 4-foot-wide bituminous concrete sidewalk to be constructed along one side of the street; and

Section 136-3. A(1)(a)[1][b][x]: waiver of the requirement for lighting and photometric analysis as there are no proposed street lights or driveway lights and the Development is designed in accordance with "dark sky" guidelines.

3.32.2 Town of Harvard Board of Health Rules and Regulations – Chapter 145

Section 145-3J: Waiver to permit be a minimum offset distance between the primary and the reserve area of the wastewater disposal system as required by the Standards of Title 5; and

Section 15-6 B: Waiver to permit deep observation hole testing as required by Standards of Title 5.

3.33.3 Town of Harvard's Wetlands Protection Bylaw and Regulations

Section 119-4E of the Bylaw and Section 147-6C of the Regulations: waivers to allow that Applicant to pay the state mandated wetlands filing fee plus \$7,200.00, which is less than the aggregate state and local filing fee;

Section 147-12 of the Regulations: waiver to allow the Applicant to follow the Wetlands Protection Act standards for wetlands setbacks of no disturbance areas and for driveways, roads and structures; and

Section 147-14C of the Regulations: waiver to allow the Project to use best management practices in accordance with the Massachusetts Stormwater Handbook standards while still using the Extreme Precipitation in New York and New England data developed by Northeast Climate Research Center at Cornell University;

To the extent the plans are silent on a particular issue, the appropriate Town bylaw, rule or regulation shall apply. In the event the Applicant or the ZBA's consulting engineer determines, in the final design of the Development, that additional waivers, not shown on the Plans are required, the Applicant shall be required to obtain such additional waivers after written request to the ZBA, which the ZBA may grant.

The Applicant shall comply with all bylaws, rules and regulations, guidelines and codes of the Town and rules, regulations, codes and laws of the Commonwealth of Massachusetts and the Federal government. pertaining to the Subject Property unless specifically waived herein.

Recording

3.34 The Applicant shall record an attested copy of this decision with the Worcester District Registry of Deeds and provide written evidence of such recordation to the Building Inspector prior to the issuance of any building permits for the Development.

Transfer

3.35 Prior to substantial completion of the Development a phase thereof, this Comprehensive Permit may be transferred to a person or entity other than the Applicant, upon written confirmation from the Subsidizing Agency that the transferee meets the requirements of 760 CMR 56.04(1)(a) and (b), and upon written notice to the ZBA. Transfer of this Comprehensive permit shall not, by itself, constitute a substantial change pursuant to 760 CMR 56.07(4). After substantial completion, this Comprehensive Permit shall be deemed to run with the land.

Commencement of Construction

3.32 If construction authorized by this Comprehensive Permit has not begun within three years of the date on which the permit becomes final except for good cause, this Comprehensive Permit shall lapse. This time period shall be tolled for the time required to pursue or await the determination on any appeal on any other state or federal permit or approval required for the Development. The ZBA may extend such commencement date. An extension may not be unreasonably denied or denied due to other affordable housing projects built or approved in the interim. Extension of the Comprehensive Permit shall not, by itself, constitute a substantial change pursuant to 760 CMR 56.07(4).

Project Completion

3.32 The Development authorized by this Comprehensive Permit shall be completed on or before five (5) years after commencement of construction. This time period shall be tolled for the time required to pursue or await the determination on any appeal on any other state or federal permit or approval required for the Development.

RECORD OF VOTE

The ZBA voted (3-0-0; Tracey, _____ and _____) to grant a comprehensive permit, subject to the above-stated terms and conditions, and to authorize Chairman Christopher Tracey to sign and file this decision on its behalf:

Christopher Tracey, Chairman

Filed with the Town Clerk on _____, 2024.

THE VILLAGE AT ROBIN LANE COMPREHENSIVE PERMIT

FINDINGS AND DECISION

RE: Application of Juno Construction, LLC for a Comprehensive Permit

DATE: February , 2024

**LOCATION: Assessors Map 4, Parcels 52, 52-1, 52-2 and 53
Old Mill Road and Ayer Road, Harvard, Massachusetts**

TITLE REFERENCE: Worcester District Registry of Deeds Book 56380, Page 389

I. PROCEDURAL HISTORY

1. On July 6, 2023, Juno Construction, LLC (hereinafter, the “Applicant”) applied for a comprehensive permit from the Zoning Board of Appeals (“ZBA”) pursuant to M.G.L. c. 40B, §§20-23 for the construction of an affordable housing project located on Old Mill Road and Ayer Road in Harvard (hereinafter, the “Application”). The Applicant proposed to construct 24 homeownership “for sale” units consisting of 12 duplex style buildings (The Development) of which not less than six (6) of such units shall be restricted as affordable for low- or moderate-income persons or families as required under the terms of the Executive Office of ’s Guidelines. The Development will contain twelve three-bedroom units and twelve two bedroom units for a total of 60 bedrooms. As proposed, the Development would be located on a site with approximately 11.47 +/- acres of land, being Assessor’s Map 4, Lots 52, 52-1, 52-2 and 53 (hereinafter, the “Subject Property”). The Subject Property is zoned “Commercial” (C)” under the Town of Harvard’s Protective By-Law.

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

1.1.1. Published in the Worcester Telegram & Gazette a newspaper with general circulation in the Town of Harvard on July 14, 2023 and July 21, 2023;

1.1.2. Posted in a conspicuous place in the Harvard Town Hall on July 11, 2023, which was at least fourteen (14) days prior to the hearing; and

1.1.3. Mailed, postpaid, on July 12, 2023, which is at least fourteen (14) days before the hearing, to the petitioner, abutters, owners of land directly opposite the Subject Property on any public or private street or way, abutters to the abutters within three hundred (300) feet of the Subject Property, 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 Assessors Office.

1.2. A duly advertised public hearing was opened on August 2, 2023, and continued to September 13, 2023, further continued to November 1, 2023, again continued to December 6, 2023, once again continued to January 3, 2024, February 6, 2024, and, finally, continued to February 21, 2024, when the public hearing was closed. All continuances of the public hearing were agreed to by the Applicant.

The ZBA retained Beals and Thomas, Southborough, Massachusetts (B&T”) pursuant to M.G.L. c. 44, §53G and its rules and regulations relative to comprehensive permits, at the Applicant’s expense, and received advice from them concerning the following aspects of the Applicant’s proposed project.

During the public hearing, the Applicant, through its Manager, Walter Eriksen, and its Engineers, Goldsmith, Prest & Ring wall, Inc., (“GPR”) and counsel Melissa Robbins from Farrell & Robbins, P.C. presented the ZBA with the Applicant's plans and supporting materials.

1.3. Numerous abutters, other parties in interest, persons residing in the area of the proposed Development site and other residents of the Town appeared at the public hearing and gave the ZBA input relative to the anticipated impacts of the proposed project.

1.4. In addition to the Application, including the attached Exhibits A through V and plans, the following documents and exhibits were received during the public hearing:

FROM THE APPLICANT

- Mass Housing Site and Project Approval letter dated January 30, 2023.
- Long Term Pollution Prevention and Stormwater System Operation and Maintenance Plan Prepared by GPR dated June 2023.
- Stormwater Management Report Prepared by GPR dated June 2023, revised September 18, 2023.

- Notice of Intent under the Wetlands Protection Act and the Harvard Wetlands Bylaw dated August 31, 2023 (“NOI”).
- Letter from Attorney Melissa Robbins dated September 12, 2023, requesting a continuance of the ZBA’s September 13, 2023, hearing session to October 4, 2023.
- Revised Project Site Plan prepared by GRP dated June 2023, revised September 20, 2023 (8 sheets).
- GPR September 20, 2023, response to Conservation Commission comments on NOI dated September 7, 2023.
- GPR September 20, 2023, response to B&T comments on the Application dated September 5, 2023.
- Revised Project Site Plan prepared by GRP dated June 2023, revised September 20, 2023 and November 16, 2023 (8 sheets).
- Gazebo Photograph (undated).
- Home Energy Rating Certificate dated August 8, 2023.
- Street Planting List (undated).
- Memorandum from GPR to ZBA dated October 26, 2023, regarding floor area ratio and parking space dimensions.

FROM PEER REVIEW CONSULTANT

- B&T letter dated September 5, 2023, First Review.
- B&T letter dated October 3, 2023, in Response to the Applicant’s Comments.
- Traffic Engineering Peer Review the Village at Robin Lane – Old Mill Road and Ayer Road Harvard, Massachusetts prepared by Vanasse & Associates, Inc. (VAI) dated September 12, 2023, submitted to B&T.

FROM TOWN BOARDS AND COMMISSIONS

- Memorandum from the Harvard Board of Health (BOH) dated July 26, 2023.
- Memorandum from the BOH dated August 10, 2023.

- Memorandum from Harvard Climate Initiative Committee July 31, 2023, and August 14, 2023.
- Memorandum from Harvard Conservation Commission dated September 7, 2023, regarding requested waivers.
- Memorandum from Harvard Fire Department dated October 11, 2023, regarding responses to Beals and Thomas waiver requests comment.
- Memorandum from Harvard Police Department dated October 18, 2023, regarding Project parking and traffic.
- Memorandum from Harvard Conservation Commission dated December 4, 2023, regarding requested waivers.
- Revised Memorandum from Harvard Conservation Commission dated December 5, 2023, regarding requested waivers.

FROM OTHERS

Any documents or other evidence received during the public hearing which are not listed above are unintentionally omitted. All documents and plans received during the public hearing are part of the record on file relative to this decision. Documents and plans sent prior to the filing of the Application are excluded, unless submitted with the Application.

1.5. The ZBA deliberated on this decision at its meetings of February 6, 2024, and February 21, 2024.

II. FINDINGS

2.1. The Applicant submitted the following information pursuant to 760 CMR 56.04(1):

a. it will become a "limited dividend corporation" as that term is used in M.G.L. c. 40B, § 21 and 760 CMR 56.02;

b. evidence of a subsidy as indicated by the project eligibility/site approval letter of the Massachusetts Housing Finance Agency dated January 30, 2023; and

c. it has "control of the site" as that term is used in 760 CMR 56.04(1)(c), by virtue of a purchase and sale agreement with the fee owner of the Subject Property dated August 12, 2021.

2.2. The Town of Harvard, according to the Executive Office of Housing and Livable Communities (“EOHLC”), has not achieved the statutory minima set forth in M.G.L. c. 40B, §20 and 760 CMR 56.03(3) in that a.) affordable housing does not constitute more than ten percent (10%) of the total number of dwelling units located in the Town of Harvard; b.) low or moderate income housing does not exist on sites comprising one and one-half percent (1.5%) or more of the total land area in the Town of Harvard zoned for residential, commercial or industrial use; and c.) the approval of the Development would not result in the commencement of construction of low or moderate income housing on sites comprising more than three-tenths of one percent (3/10th’s of 1%) of the total land area in the Town of Harvard zoned for residential, commercial or industrial use or ten (10) acres, whichever is larger, in any one calendar year.

2.3. EOHLC has not certified the Town's compliance with the goals of its approved Housing Production Plan, in accordance with 760 CMR 56.03(4) by increasing the Town’s number of Subsidized Housing Inventory (“SHI”) Eligible Housing units in an amount equal to or greater than its 0.50% production goal for the calendar year.

2.4. The Town has not made recent progress toward the statutory minima set forth in M.G.L. c. 40B, §20 and 760 CMR 56.03(3), in accordance with 760 CMR 56.03(5) in that the number of SHI Eligible Housing units that have been created within the Town during the twelve months prior to the date of the Application, evidenced by being inventoried by the EOHLC or established according to 760 CMR 56.03(3)(a) as occupied, available for occupancy, or under permit as of the date of the Applicant's initial application to the Board, is not equal to or greater than 2% of the Town's total housing units, as determined in accordance with 760 CMR 56.03(3)(a).

2.5. A related application has not previously been received, as set forth in 760 CMR 56.03(7) in that more than 12 months has elapsed between the date of the Application for a Comprehensive Permit and (a) the date of filing of a prior application for a variance, special permit, subdivision, or other approval related to construction on the Subject Land for a prior project that was principally residential in use and it did not include at least 10% SHI Eligible Housing units; (b) any date during which such an application was pending before a permit granting authority of the Town; (c) the date of final disposition of such an application (including all appeals); or (d) the date of withdrawal of such an application.

2.6. The proposed Development was reviewed by the following municipal officers or agencies:

- Board of Health
- Planning Board
- Building Inspector
- Conservation Commission
- Fire Department
- Department of Public Works
- Board of Selectmen

- Police Department
- Harvard Climate Initiative Committee
- Harvard Design Review Board

2.7. There are extensive inland wetlands, wetland buffer zones, a pond and a river and riverfront area on the Subject Property. Parts of the Subject Property are located in the Watershed Protection and Flood Hazard zoning districts.

2.8. There is a severity of soil limitations in the Town of Harvard for sewage or wastewater disposal, and a high vulnerability of the Town's wetlands, water absorption areas, water-bearing bedrock fissures, groundwater supply, and individual wells to pollution and contamination. Except for parts of Devens and the Town Center area of the Town, there is no system of common public sanitary sewers in the Town of Harvard. The inhabitants of the Town depend for the most part on individual wells for their drinking water, and will continue to do so for the foreseeable future, since no large sand and gravel aquifers have been located in the Town which could serve as a municipal groundwater supply.

2.9. Certain provisions of the Protective (Zoning) Bylaw of the Town of Harvard, the ZBA's Comprehensive Permit Rules and Regulations, the Board of Health's Rules and Regulations and the Town of Harvard's Wetlands Protection Bylaw and related regulations, as applied to the Applicant's proposed Development, are not consistent with local housing needs.

2.10. If developed in accordance with the terms and conditions set forth herein, the proposed Development will be consistent with housing local needs.

III. DECISION

Pursuant to M.G.L. c. 40B, §§20-23, the ZBA, after a public hearing and based on the foregoing findings of fact, hereby grants a comprehensive permit to the Applicant for the construction on the Subject Property of twenty-four (24) for sale dwelling units with associated infrastructure and improvements, subject to the following conditions. As used herein, the term "Applicant" shall mean the Applicant, its heirs, successors and assigns. Unless otherwise indicated herein, the ZBA may designate an agent or agents to review and approve matters set forth herein.

Conditions

3.1. The Development shall be constructed in substantial conformance with the plans of record set forth below. The development shall be constructed in conformance with the plans referenced in this decision, as modified in accordance with this decision (the "Plans"), except for *de minimis* deviations. Any other deviation from the Plans shall require a modification of this Comprehensive Permit by the ZBA.

3.2. The Development shall be limited to twenty-four (24) dwelling units constructed in 12 duplex style buildings which will contain twelve three-bedroom units and twelve two bedroom units for a total of 60 bedrooms. No loft space in any unit shall be converted to a bedroom. This condition shall be placed in the organizational documents of the Unit Owners Association(s) and in the master deed(s) for the Development.

3.3. Not less than twenty-five percent (25%) of the housing units, shall be reserved in perpetuity for sale to households earning no more than eighty percent (80%) of the median household income for the "Eastern Worcester County, MA" HMFA, or applicable HMFA in the event of a change (the "Affordable Units").

3.4. To the extent permitted by law, preference for the sale of seventy percent (70%) of the Affordable Units in the initial round of sales shall be given to persons or families who shall qualify for the "Local Preference" established by the Town's Select Board. The Local Preference shall be implemented by a Lottery Agent approved by the EOHLC. Prior to conducting the Lottery, the Lottery Agent shall submit a final Lottery plan to the Town's Select Board. All costs associated with the Lottery shall be exclusively borne by the Applicant. The Town will supply all necessary documentation requested by EOHLC in order to help secure a local preference.

3.5. Prior to the issuance of any building permit, the Applicant shall prepare the final draft of a Regulatory Agreement and a Deed Rider and submit same to the ZBA. Such document(s) shall contain, at a minimum, the following terms:

3.5.1. The Affordable Units shall be reserved for sale in perpetuity to households earning not more than eighty percent (80%) of the median household income for the "Eastern Worcester County, MA" HMFA.

3.5.2. The Town of Harvard shall have the right to purchase an Affordable Unit on resale in conformance with the Deed Rider and the rules and regulations of EOHLC.

3.5.3. The actual Affordable Units shall be identified in the Regulatory Agreement in a manner approved by EOHLC.

3.5.4. The Affordable Units shall be owner-occupied only except as allowed by EOHLC.

3.6. All financial information submitted by the Applicant for the required cost certification which shall be conducted not more than ninety (90) days after the conveyance of the last unit, or upon substantial completion of the Project, shall be provided by certified mail to the ZBA at the same time.

3.7. The Affordable Units shall not be segregated from the market rate units. The Affordable Units shall not be substantially different in exterior appearance from the standard market rate units. For every four (4) units constructed, at least one (1) unit shall be an affordable unit so that, at all times, at least twenty-five (25%) percent of the units constructed shall be affordable housing units. The last unit sold shall be a market rate unit.

3.8. During construction, the Applicant shall conform with all local, state and federal laws regarding noise, vibration, dust and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Exterior construction or interior construction that is audible from the exterior shall not commence on any day before 7:00 a.m. and shall not continue beyond 6:00 p.m; provided, however, that exterior construction or interior construction that is audible from the exterior shall not commence on Saturday before 9:00 a.m. There shall be no exterior construction on any Sunday or state or federal legal holiday. Hours of operation shall be enforced by the Harvard Police Department.

3.9. The Applicant will install gutters on each structure where appropriate. Where applicable downspouts may connect to additional infiltration chambers not indicated on the approved plans. Other locations may have splash pads for surface flow to approved stormwater management conveyance systems.

3.10. Prior to the issuance of a building permit for any dwelling unit, the Applicant shall submit the following final plans and documents for review by the Building Inspector. It is noted that these may not be separate sheets of a Site Plan but all details below will be shown on the final Site Plan Set. After the Building Inspector's review is complete, said plans shall be submitted for approval by the ZBA. Which approval shall be deemed granted if not acted upon within 15 business days. . The ZBA may distribute such plan(s) to its consultants and/or Town boards and officials for a written recommendation or report.

- a. Site Plan;
- b. Landscaping, fencing, and planting plan;
- c. Grading plan;
- d. Erosion control plan;
- e. Architectural plan, including, principal and accessory structures, if any;

- f. Utilities plan including water, hydrants, gas (if any), electric, cable, and telephone and detail sheets;
- g. Signage plan, including signs during the marketing phase;
- h. Final Stormwater management plan consistent with the Massachusetts Department of Environmental Protection's ("DEP") Stormwater Management Policy together with a written maintenance plan;
- i. Snow storage and refuse disposal plan;
- j. Final wastewater disposal system permits and plans approved by the Board of Health;
- k. Site Access and Parking plan; and
- l. Final Project Approval/Site Eligibility Letter from MassHousing.

3.11. The Applicant shall design such final plans with the following specifications (as noted above some of these details will be incorporated into the final Site Plan Set and may not be separate sheets, and some may be separate plans set):

3.11.1. The Applicant shall conform with all pertinent requirements of the Americans with Disabilities Act and Massachusetts Architectural Access Board, if applicable.

3.11.2. All signage, including signs to promote sales, shall comply with the Protective By-law and shall be maintained in a sightly condition by the Unit Owners Association(s) in conformance therewith.

3.11.3. The Applicant shall provide to the ZBA a construction management plan, including, at a minimum, truck routes, fill sources and laboratory analyses and contact information for review and approval by the ZBA.

3.11.4. The water supply well(s) and system serving the Development shall be shown on the utilities plan and shall be a public water system within the meaning of 310 CMR 22.00, et seq., and shall comply with the provisions of 310 CMR 22.00, et seq.

3.11.5. The wastewater disposal facility(s) serving the dwelling units in the Development shall comply with the requirements of 310 CMR 15.000.

3.11.6. The parking plan shall show **twelve** visitor parking spaces and the method of demarcation of parking spaces on the ground.

3.12. The Applicant has proposed, and the ZBA hereby requires, that the following aspects of the Development shall be and shall remain forever private, and that the Town of Harvard shall not have, now or ever, any legal responsibility for operation, maintenance, repair or replacement of same:

- All parking areas;
- Storm water management facilities, including detention basins;
- Snow plowing;
- Landscaping;
- Trash removal;
- Building repair and maintenance;
- On-site wastewater disposal system; and
- On-site public water system.

3.13. The roadway shall be and shall remain forever private, and that the Town of Harvard shall not have, now or ever, any legal responsibility for operation, maintenance, repair or replacement of same.

3.14. The Applicant shall be responsible for the installation, operation, and maintenance of all aspects of the common or private facilities set forth above until the Association is conveyed to the Unit Owner Association. Thereafter, the operation and maintenance shall be the responsibility of said Association(s).

3.15. Prior to the issuance of any certificate of occupancy, the Applicant shall establish a Unit Owners Association(s). The ZBA's legal counsel shall review and approve such document(s) as to form after determining that the document is consistent with this decision. Such Unit Owners Association(s) shall maintain the facilities set forth above in Condition 3.12.

3.16. The Applicant's registered professional engineer has prepared an Operation and Maintenance Plan guidelines for the operation and maintenance of the stormwater management system and the wastewater disposal system(s), and it shall be incorporated by reference in the organizational documents of the Unit Owners Association(s). When a management company is engaged, the guidelines shall be incorporated by reference in the management contract.

3.17. In the event that the Applicant, its successors, or agent fails to maintain the on-site wastewater disposal system(s) or the stormwater management system in accordance with

applicable guidelines for operation and maintenance, the Town may conduct such emergency maintenance or repairs, and the Applicant shall permit entry onto the Subject Property to implement the measures set forth in such guidelines. In the event the Town conducts such maintenance or repairs, the Applicant, its successors or agent, shall promptly reimburse the Town for all reasonable expenses associated therewith; if the Applicant, its successors or agent fails to so reimburse the Town, the Town may place a lien on the Development or any unit therein to secure such payment.

3.18. The Applicant shall promptly pay the reasonable fee of the consulting engineer for review of the plans or documents described herein or for inspections during the construction phase. The results of any inspections shall be provided to the ZBA in written format. The ZBA may require the establishment of an escrow account to assure such payment, subject to replenishment.

3.19. A preconstruction conference with town departments shall be held prior to the commencement of construction. For the purposes of this decision, "commencement of construction" shall occur when the clearing and grubbing (removal of stumps and topsoil) has been initiated. Testing, and other necessary site work including, but not limited to, drilling for test wells, shall be allowed prior to "commencement" of construction as required and necessary for DEP approval. Any signage or parking not shown on the plan but noted as a condition of approval will be reviewed and approved by the Town at the Preconstruction meeting. . The contractor shall request such conference at least two weeks prior to commencing construction by contacting the ZBA in writing. At the conference, a general schedule of inspections shall be agreed upon by the Applicant, the ZBA, and other Town officials or boards present at the meeting.

3.20. The ZBA or its agents may enter onto and view and inspect the Subject Property during regular business hours, without notice, to ensure compliance with the terms of this Decision, subject to applicable safety requirements.

3.21. The Conservation Commission's Order of Conditions pursuant to 310 CMR 10.00, or any order of the Department of Environmental Protection (DEP), if applicable, regarding the Subject Property, shall be made a part of this comprehensive permit. If there is any inconsistency between the plan of record for this permit and the plans as may be approved by the Conservation Commission or the DEP, the Applicant shall submit an amended plan(s) to the ZBA and to the Conservation Commission and to DEP (if applicable) for approval in order that all approvals are consistent with one another. Such submittal shall be made by certified mail or in hand at a regular meeting. Said amended plan submitted to the ZBA shall be accompanied by a letter setting forth any and all changes from the submitted plan of record and shall include revised drainage calculations, if applicable.

3.22. On street parking on the sidewalk side of Robin Lane shall be permitted with no overnight parking. No parking signs shall be installed on the opposite side of Robin Lane.

3.23. No parking signs shall be installed on Old Mill Road as follows:

3 no parking signs on the East bound side as follows:

- 1 sign between Ayer Road and Robin Lane
- 2 signs between Robin Lane and Pole Number 3

3 no parking signs on the West bound side as follow:

- 2 sign between Ayer Road and the Eastern driveway at 6 Old Mill Road.
- 1 sign before Pole Number 4.

3.24. For the first twelve units within the development no certificate of occupancy for any unit shall be issued until the infrastructure or common facilities or common improvements (i.e., roadway, utilities, stormwater management systems, wastewater disposal system(s), public water system and landscaping within and along the roadway) are installed so as to adequately serve said unit as determined by the Building Commissioner.

Prior to Occupancy Permits for the last twelve units the Harvard Zoning Board of Appeals (ZBA) will require that all pertinent aspects related to those dwellings shall have been reviewed by the ZBA's consultant engineer, as deemed necessary by the ZBA, for a written confirmation that the construction is in compliance with all aspects of the Comprehensive Permit. This includes, but is not limited to, the location of dwellings, garages, driveways, roadways, signage, grading as well as drainage and utilities as shown on the final approved plans.

The ZBA may also review at this time compliance with all other Boards and Commissions as they deem necessary to ensure the proper construction of the Development. The Zoning Board may release the units if adequate work is completed, or may require a performance guarantee in the form of a cash bond or tri party agreement.

3.25. Said performance guarantee shall be released by the ZBA pursuant to requests made by the Applicant which requests shall be reviewed by the ZBA's consulting engineer. The ZBA's action on such requests shall not be unreasonably delayed or withheld.

3.26. In determining the amount of the bond or surety, the ZBA shall be guided by the following formula in setting the sum of the security:

- a. the ZBA's estimate of the cost to complete the work; plus
- b. a ten percent margin of error; plus
- c. an appropriate rate of inflation over a five-year period.

3.27. The construction site shall be secured in a manner approved by the Building Inspector so as to prevent injury or property damage to the residents of the Town.

3.28. The Applicant shall provide an "as-built" plan to the ZBA and Building Inspector prior to the issuance of the final certificate of occupancy in the Development in accordance with applicable regulations, which shall be approved by the ZBA or its agent. The Applicant shall provide a separate as-built plan depicting the water mains and services to the Department of Public Works demonstrating compliance with said Department's rules and regulations and installation specifications.

3.29. The landscaping shown on the final approved plan shall be maintained in perpetuity by the Unit Owners Association(s). Any dead vegetation shall be removed immediately and replaced in accordance with the specifications on said plan during the life of project by Unit Owners Association(s).

3.30. The Applicant shall grant to the Town of Harvard Municipal Affordable Housing Trust, or its assignee, a gift of \$1,000.00 per market rate closing. Funds shall be distributed to the Town of Harvard's Municipal Affordable Housing Trust or assignee after each Market Rate closing.

Waivers

3.31. The Applicant has requested, and the ZBA hereby grants, the waivers from local rules set forth below, but only to the extent shown on the Plans and as necessary to construct the Development in accordance therewith:

3.31.1. Town of Harvard's Protective By-Law

§ 125-23: waiver to permit residential dwellings in the C District;

§ 125-30 A: waiver from the individual lot and lot area requirements to allow 24 dwelling units on a single lot;

§ 125-30. B: Waiver to permit 15.8% of the lot as total building floor area for all the residential dwelling units;

§ 125-30. E. (2): waiver to permit the Gazebo to be located within the structure set back line but shall be set back at least the height of the structure;

§ 125-30. E. (4): waiver to permit the Gazebo to be located within 20 feet of the lot line but shall be set back at least the height of the structure;

§ 125-31: waiver to allow a private way to service 24 units in 12 structures on a lot;

§ 125-32 D: waiver to allow the use by a non-municipal entity of a communal subsurface sewage disposal system in accordance with Title 5 of the State Environmental Code;

§125-39. A.(3)(a)[1]; waiver to allow guest parking stall dimension to be 9 by 18 feet provided that the driveway is four feet wider in front of the parking spaces to comply with the aisle width requirement of 24 feet per §125-39. A.(3)(a)[3];

§125-39. G (1): waiver to allow a 6-foot-wide bituminous concrete sidewalk to be constructed along the section of Old Mill Road up to Ayer Road only and allow an alternative surface approval by the ZBA, rather than the Planning Board provided that the sidewalk will end at approximately the location of the Ayer Road roadway expansion of the MassDOT TIP project and the shared use path;

§125-39. G (2): waiver to allow a 4-foot-wide bituminous concrete sidewalk to be constructed along one side of the street; and

3.31.2. ZBA Comprehensive Permit Rules and Regulations

Section 136-3. A(1)(a)[1][b][x]: waiver of the requirement for lighting and photometric analysis as there are no proposed streetlights or driveway lights and the Development is designed in accordance with "dark sky" guidelines.

3.31.3. Town of Harvard Board of Health Rules and Regulations – Chapter 145

Section 145-3J: Waiver to permit be a minimum offset distance between the primary and the reserve area of the wastewater disposal system as required by the Standards of Title 5; and

Section 15-6 B: Waiver to permit deep observation hole testing as required by Standards of Title 5.

3.31.4. Town of Harvard's Wetlands Protection Bylaw and Regulations

Section 119-4E of the Bylaw and Section 147-6C of the Regulations: waivers to allow that Applicant to pay the state mandated wetlands filing fee plus \$7,200.00, which is less than the aggregate state and local filing fee;

Section 147-12 of the Regulations: waiver to allow the Applicant to follow the Wetlands Protection Act standards for wetlands setbacks of no disturbance areas and for driveways, roads and structures; and

Section 147-14C of the Regulations: waiver to allow the Project to use best management practices in accordance with the Massachusetts Stormwater Handbook standards while still using the Extreme Precipitation in New York and New England data developed by Northeast Climate Research Center at Cornell University;

To the extent the plans are silent on a particular issue, the appropriate Town bylaw, rule or regulation shall apply. In the event the Applicant or the ZBA's consulting engineer determines, in the final design of the Development, that additional waivers, not shown on the Plans are required, the Applicant shall be required to obtain such additional waivers after written request to the ZBA, which the ZBA may grant.

The Applicant shall comply with all bylaws, rules and regulations, guidelines and codes of the Town and rules, regulations, codes and laws of the Commonwealth of Massachusetts and the Federal government. pertaining to the Subject Property unless specifically waived herein.

Recording

3.32. The Applicant shall record an attested copy of this decision with the Worcester District Registry of Deeds and provide written evidence of such recordation to the Building Inspector prior to the issuance of any building permits for the Development.

Transfer

3.33. Prior to substantial completion of the Development a phase thereof, this Comprehensive Permit may be transferred to a person or entity other than the Applicant, upon written confirmation from the Subsidizing Agency that the transferee meets the requirements of 760 CMR 56.04(1)(a) and (b), and upon written notice to the ZBA. Transfer of this Comprehensive permit shall not, by itself, constitute a substantial change pursuant to 760 CMR 56.07(4). After substantial completion, this Comprehensive Permit shall be deemed to run with the land.

Commencement of Construction

3.34. If construction authorized by this Comprehensive Permit has not begun within three years of the date on which the permit becomes final except for good cause, this Comprehensive Permit shall lapse. This time period shall be tolled for the time required to pursue or await the determination on any appeal on any other state or federal permit or approval required for the Development. The ZBA may extend such commencement date. An extension may not be unreasonably denied or denied due to other affordable housing projects built or approved in the interim. Extension of the Comprehensive Permit shall not, by itself, constitute a substantial change pursuant to 760 CMR 56.07(4).

Project Completion

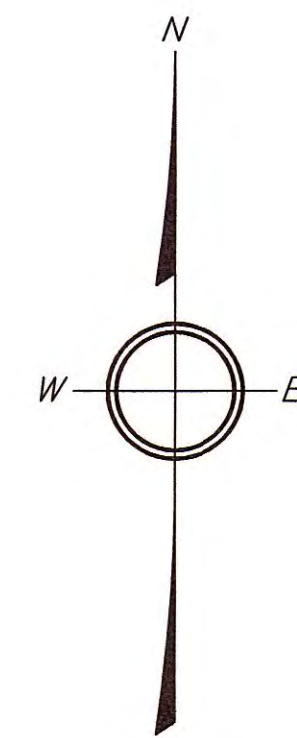
3.35. The Development authorized by this Comprehensive Permit shall be completed on or before five (5) years after commencement of construction. This time period shall be tolled for the time required to pursue or await the determination on any appeal on any other state or federal permit or approval required for the Development.

RECORD OF VOTE

The ZBA voted (3-0-0; Tracey, _____ and _____) to grant a comprehensive permit, subject to the above-stated terms and conditions, and to authorize Chairman Christopher Tracey to sign and file this decision on its behalf:

Christopher Tracey, Chairman

Filed with the Town Clerk on _____, _____, 2024.



N/F
MNC & DAG
UNRECD REV. TR.
4.3130/396

N/F
TOWN OF HARVARD
CONSERVATION
28153/214

OLD MILL
POND

LOT 1-3
11.47± ACRES

N/F
WELCH COMMERCIAL
ENTERPRISES INC.
50547/7

N/F
TOWN OF HARVARD
CONSERVATION-MAXANT
11358/46776

N/F
FOXGLOVE
HOUSING ASSOC.
14348/25

- LEGEND**
- EXISTING
- ELEVATION CONTOUR
 - SPOT GRADE
 - PROPERTY LINE
 - WETLAND DELINEATION
 - WETLAND BUFFER ZONE
 - SHORELINE
 - 100-YEAR FLOODPLAIN LIMIT
 - TREE LINE / EDGE OF VEGETATION
 - EDGE OF PAVEMENT
 - CAPE COD BERM CURBING
 - GRANITE CURBING
 - GRAVEL/DIRT ROAD
 - STOCKADE FENCE
 - STONE WALL
 - WATER MAIN
 - WATER SERVICE
 - FIRE SERVICE
 - WATER VALVE
 - FIRE HYDRANT
 - FORCE MAIN
 - GRAVITY SEWER LINE
 - SEWER MANHOLE
 - GAS LINE
 - GAS SERVICE
 - GAS VALVE
 - BURIED POWER LINE
 - OVERHEAD POWER LINE
 - UTILITY POLE
 - GUY WIRE
 - ELECTRIC BOX
 - STORM DRAIN
 - UNDERDRAIN
 - ROOF DRAIN
 - FOUNDATION DRAIN
 - CATCH BASIN
 - DRAIN MANHOLE
 - DEEP SOIL OBSERVATION HOLE
 - SITE LUMINAIRE
 - SIGN

- ABBREVIATIONS**
- EL ELEVATION
 - INV INVERT
 - SF SQUARE FEET
 - AC ACRES
 - FT FEET
 - R RADIUS
 - DIA DIAMETER
 - BIT BITUMINOUS
 - CONC CONCRETE
 - L LENGTH
 - S SLOPE
 - HDPE HIGH DENSITY POLYETHYLENE
 - PVC POLYVINYL CHLORIDE
 - RCC REINFORCED CONCRETE PIPE
 - N/F NOW OR FORMERLY
 - VP VERNAL POOL
 - WF WETLAND FLAG
 - TW TOP OF WALL
 - BW BOTTOM OF WALL
 - FG FINISH GRADE
 - BSMT BASEMENT
 - FF FINISH FLOOR

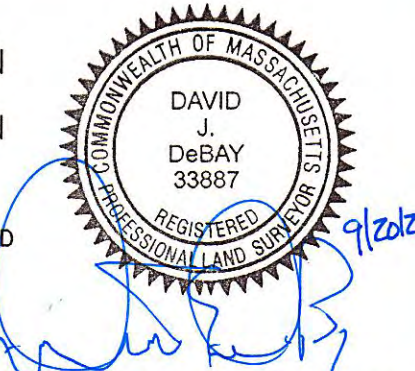
NOTE:
1. SEE TITLE SHEET C1.1 FOR EXISTING CONDITIONS NOTES AND PLAN REFERENCES.

DRAWING ISSUED FOR:

CONCEPT CONSTRUCTION
 PERMIT CONSTRUCTION RECORD

THIS DRAWING MAY NOT SHOW CONSTRUCTION DETAILS AND SPECIFICATIONS FOR ALL PROPOSED IMPROVEMENTS, AND MAY NOT IDENTIFY ALL CONSTRUCTION WORK ITEMS/AREAS OF CONTRACTOR JURISDICTION.

PER 250 CMR 5.03(13), THE FOLLOWING ARE EXCLUDED FROM THE PROFESSIONAL ENGINEER'S RESPONSIBILITY: ALL BOUNDARY INFORMATION; LOCATION OF EXISTING STRUCTURES, TREES, UTILITIES, TOPOGRAPHY OR SIMILAR FEATURES; DESIGN OF RETAINING WALLS, PROPRIETARY EQUIPMENT. SEE EXISTING CONDITION NOTES.



NO.	DATE	BY	APP.	REVISION DESCRIPTION
2	11/16/23	LT	NMP	FEMA ZONE AE UPDATE
1	9/20/23	LT	NMP	PEER REVIEW COMMENTS

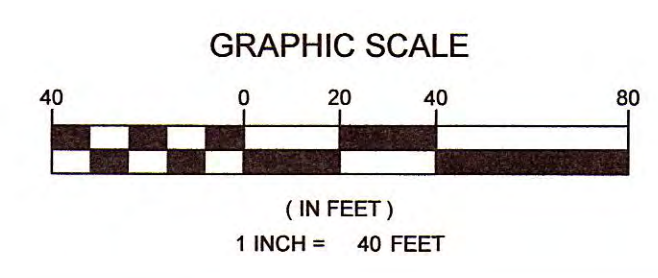
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40B RESIDENTIAL DEVELOPMENT
 EXISTING CONDITIONS PLAN

THE VILLAGE AT ROBIN LANE
 AT OLD MILL & AYER ROADS
 HARVARD, MA

PREPARED FOR:
 JUNO CONSTRUCTION, LLC
 92 MIDDLESEX ROAD, UNIT 3
 TYNGSBOROUGH, MA 01879



FIELD BY: AMB	DATE: JUNE 2023	JOB 211140	C2.1
CALC. BY: DSB			

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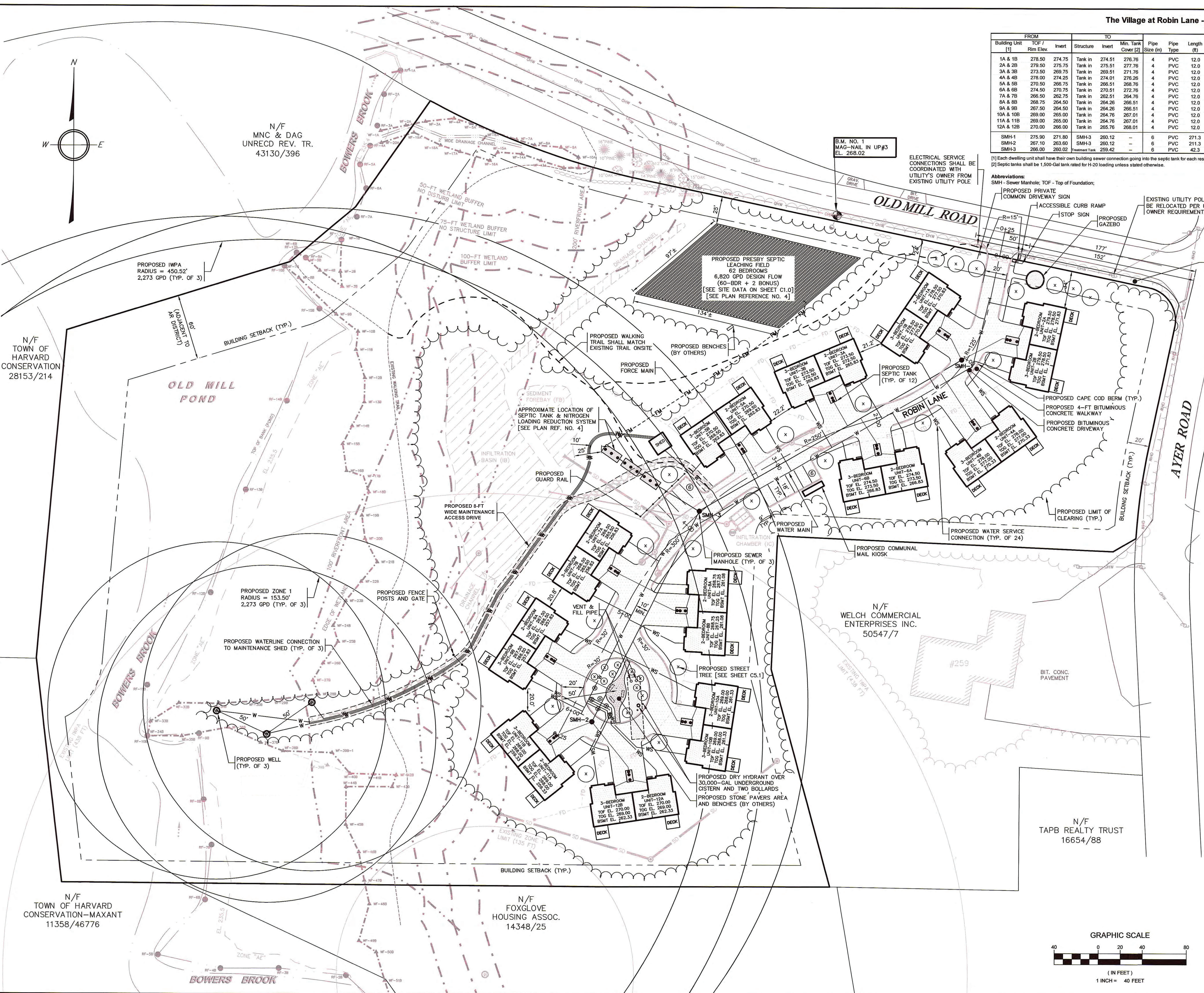
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The Village at Robin Lane - Sewer Rim & Invert Schedule

Building Unit [1]	FROM		TO		Pipe Size (in)	Pipe Type	Length (ft)	Slope (ft/ft)	From		TO		Pipe Size (in)	Pipe Type	Length (ft)	Slope (ft/ft)	Drop Wye Invert	
	TOP / Rim Elev	Invert	Structure Invert	Min. Tank Invert					Structure Invert	Structure Invert	Structure Invert							
1A & 1B	278.50	274.75	Tank in	274.51	276.76	4	PVC	12.0	0.020	Tank out	274.26	SMH-1	273.50	4	PVC	22.0	0.035	271.90
2A & 2B	279.50	275.75	Tank in	275.51	277.76	4	PVC	12.0	0.020	Tank out	275.26	SMH-1	273.50	4	PVC	43.0	0.041	271.90
3A & 3B	273.50	269.75	Tank in	269.51	271.76	4	PVC	12.0	0.020	Tank out	269.26	SMH-1 - SMH-3	268.50	4	PVC	24.5	0.031	266.71
4A & 4B	276.00	274.25	Tank in	274.01	276.26	4	PVC	12.0	0.020	Tank out	273.76	SMH-1 - SMH-3	270.92	4	PVC	62.5	0.054	-
5A & 5B	270.50	266.75	Tank in	266.51	268.76	4	PVC	12.0	0.020	Tank out	266.26	SMH-1 - SMH-3	265.50	4	PVC	24.5	0.031	262.27
6A & 6B	274.50	270.75	Tank in	270.51	272.76	4	PVC	12.0	0.020	Tank out	270.26	SMH-2 - SMH-3	269.50	4	PVC	28.0	0.027	267.32
7A & 7B	266.50	262.75	Tank in	262.51	264.76	4	PVC	12.0	0.020	Tank out	262.26	SMH-2 - SMH-3	261.47	4	PVC	39.3	0.020	-
8A & 8B	268.75	264.50	Tank in	264.26	266.51	4	PVC	12.0	0.020	Tank out	264.01	SMH-2 - SMH-3	263.50	4	PVC	22.0	0.023	261.59
9A & 9B	267.50	264.50	Tank in	264.26	266.51	4	PVC	12.0	0.020	Tank out	264.01	SMH-2 - SMH-3	263.08	4	PVC	54.6	0.017	-
10A & 10B	269.00	265.00	Tank in	264.76	267.01	4	PVC	12.0	0.020	Tank out	264.51	SMH-2 - SMH-3	263.27	4	PVC	63.4	0.027	-
11A & 11B	269.00	265.00	Tank in	264.76	267.01	4	PVC	12.0	0.020	Tank out	264.51	SMH-2	263.70	4	PVC	31.5	0.026	-
12A & 12B	270.00	266.00	Tank in	265.76	268.01	4	PVC	12.0	0.020	Tank out	265.51	SMH-2	263.70	4	PVC	54.8	0.033	-
SMH-1	275.90	271.80	SMH-3	260.12	-	6	PVC	271.3	0.043	-	-	-	-	-	-	-	-	
SMH-2	267.10	263.00	SMH-3	260.12	-	6	PVC	211.3	0.016	-	-	-	-	-	-	-	-	
SMH-3	266.00	260.02	Manhole Tank	250.42	-	6	PVC	42.3	0.014	-	-	-	-	-	-	-	-	

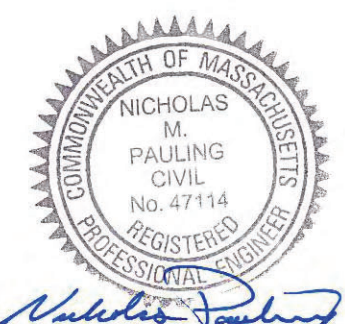
[1] Each dwelling unit shall have their own building sewer connection going into the septic tank for each residential duplex.
 [2] Septic tanks shall be 1,500-Gal tank rated for H-20 loading unless stated otherwise.

Abbreviations:
 SMH - Sewer Manhole; TOF - Top of Foundation;



SITE PLAN NOTE:
 1. PIPE ENCASUREMENT SHALL BE REQUIRED FOR WATER AND SEWER UTILITY CROSSINGS EXCEPT FOR WHERE WATER LINE CAN BE INSTALLED AT LEAST 18 INCHES OVER SEWER LINE. SEE PIPE ENCASUREMENT DETAIL ON SHEET C7.1.

DRAWING ISSUED FOR:
 CONCEPT CONSTRUCTION
 PERMIT CONSTRUCTION RECORD

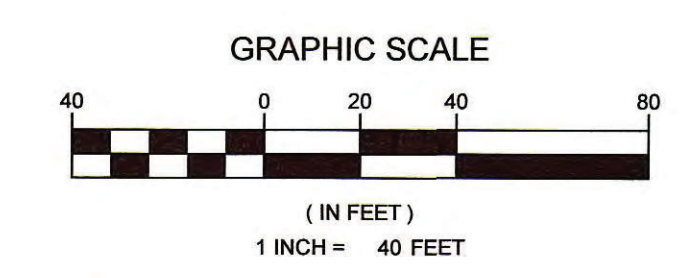


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NO.	DATE	BY	APP.	REVISION DESCRIPTION
2	11/16/23	LT	NMP	PEER REVIEW COMMENTS
1	9/20/23	LT	NMP	PEER REVIEW COMMENTS

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40B RESIDENTIAL DEVELOPMENT
SITE LAYOUT AND UTILITIES PLAN
THE VILLAGE AT ROBIN LANE AT OLD MILL & AYER ROADS HARVARD, MA
 PREPARED FOR:
 JUNO CONSTRUCTION, LLC
 92 MIDDLESEX ROAD, UNIT 3
 TYNGSBOROUGH, MA 01879



DES. BY: LT	DATE: JUNE 2023	JOB 211140	C3.1
CHK. BY: NMP			

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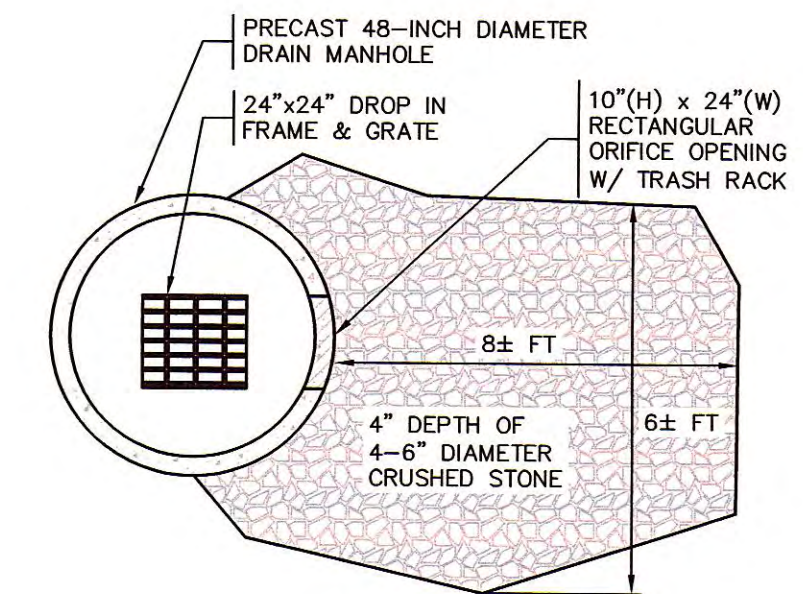
The Village at Robin Lane - Drainage Rim & Invert Schedule

Structure	FROM		TO		Pipe Size (in)	Pipe Type	Length (ft)	Slope (ft/ft)	Comments
	Rim	Invert	Structure	Invert					
CB-1 [1]	270.20	266.20	DMH-1	265.60	12	HDPE	18.0	0.033	Discharges into Infiltration Chambers (IC)
CB-2 [1]	270.20	266.20	DMH-1	265.60	12	HDPE	22.0	0.027	
DMH-1	269.50	265.50	DMH-4	260.40	12	HDPE	128.0	0.040	
DCB-3	266.70	262.30	IC	262.25	24	HDPE	4.0	0.113	Discharges into Infiltration Basin (IB)
IC	-	263.20	DMH-2	263.10	12	HDPE	4.0	0.025	
DMH-2	266.90	258.50	FES-1	255.50	12	HDPE	161.0	0.019	
DCB-4 [1]	264.40	260.40	DMH-3	260.20	15	HDPE	10.0	0.020	Discharges into Sediment Forebay
DCB-5 [1]	264.40	260.40	DMH-3	260.20	15	HDPE	16.0	0.012	
DMH-3	264.80	259.95	DMH-4	259.70	18	HDPE	24.0	0.010	
DMH-4	265.00	259.20	FES-2	258.10	24	HDPE	108.0	0.010	Drainage Diverter Structure
OCS-1	264.60	252.00	FES-3	250.00	12	HDPE	38.0	0.053	
DMH-5	267.50	261.50	DMH-6	258.60	24	HDPE	142.0	0.020	
DMH-6	268.50	258.50	FES-4	255.00	24	HDPE	139.0	0.025	

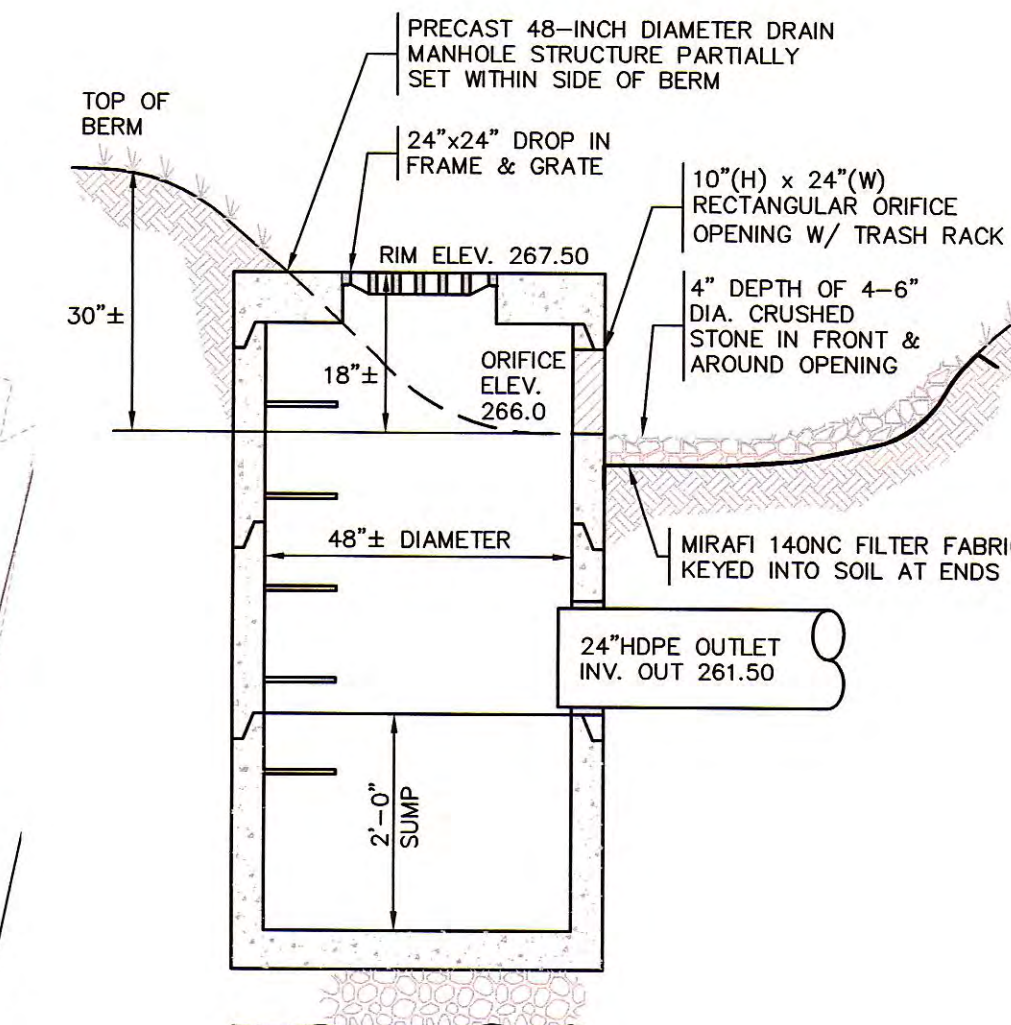
[1] Catch Basin shall be installed with Silt Prison Insert

Abbreviations:

CB - Catch Basin; DCB - Double Grate Catch Basin; DMH - Drain Manhole; FES - Flared End Section; OCS - Outlet Control Structure



PLAN VIEW



PROFILE VIEW

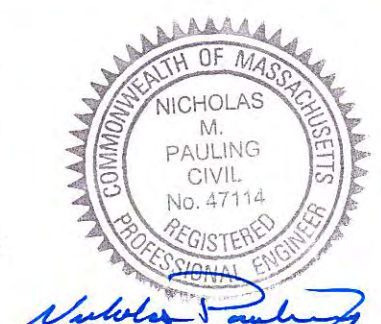
DRAINAGE DIVERTER STRUCTURE (DMH-5)

TYPICAL CROSS SECTION NOT TO SCALE

DRAWING ISSUED FOR:

- CONCEPT
- CONSTRUCTION
- PERMIT
- CONSTRUCTION RECORD

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2	11/16/23	LT	NMP	PEER REVIEW COMMENTS
1	9/20/23	LT	NMP	PEER REVIEW COMMENTS



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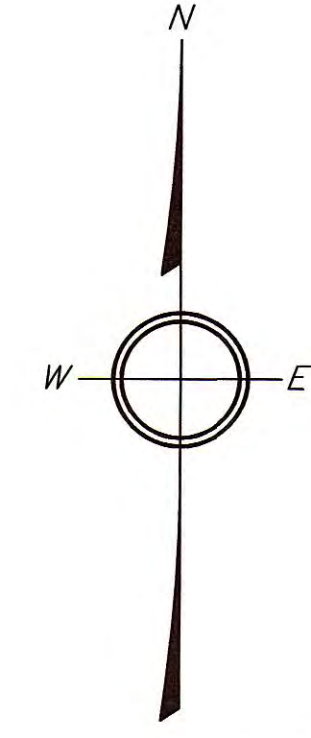
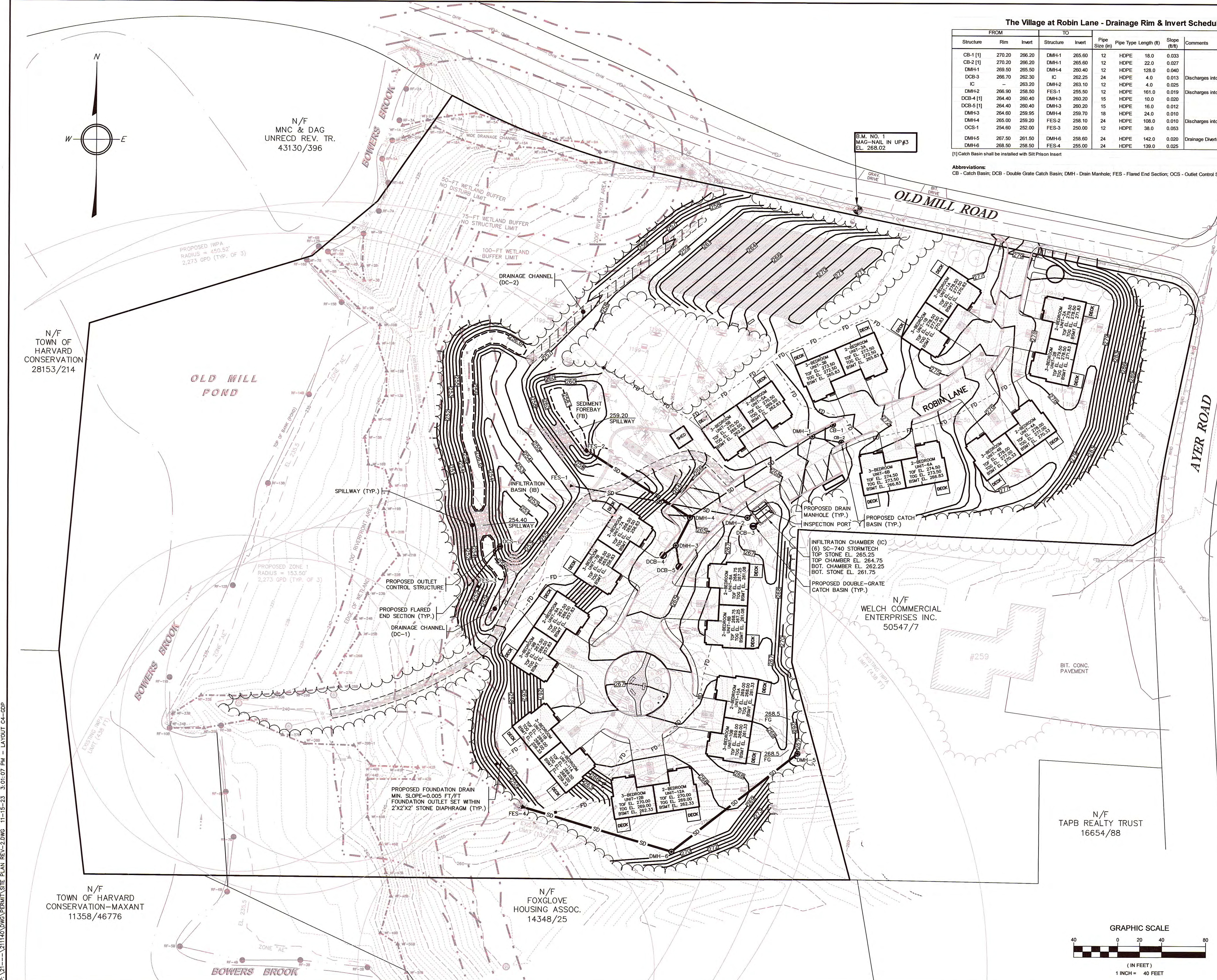
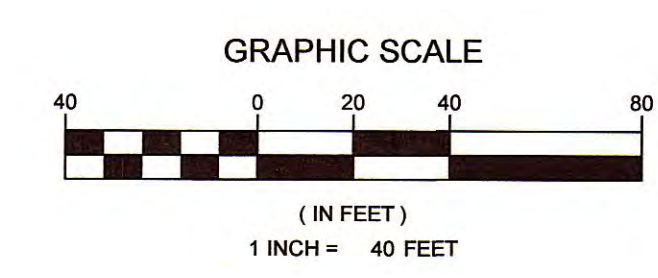
40B RESIDENTIAL DEVELOPMENT

GRADING, DRAINAGE AND PAVING PLAN

THE VILLAGE AT ROBIN LANE AT OLD MILL & AYER ROADS HARVARD, MA

PREPARED FOR:
 JUNO CONSTRUCTION, LLC
 92 MIDDLESEX ROAD, UNIT 3
 TYNGSBOROUGH, MA 01879

DES. BY: LT	DATE: JUNE 2023	JOB 211140	C4.1
CHK. BY: NMP			



N/F MNC & DAG UNRECD REV. TR. 43130/396

N/F TOWN OF HARVARD CONSERVATION 28153/214

OLD MILL POND

OLD MILL ROAD

ROBIN LANE

AYER ROAD

INfiltration CHAMBER (IC) (6) SC-740 STORMTECH
 TOP STONE EL. 265.25
 TOP CHAMBER EL. 264.75
 BOT. CHAMBER EL. 262.25
 BOT. STONE EL. 261.75
 PROPOSED DOUBLE-GRATE CATCH BASIN (TYP.)

N/F WELCH COMMERCIAL ENTERPRISES INC. 50547/7

#259

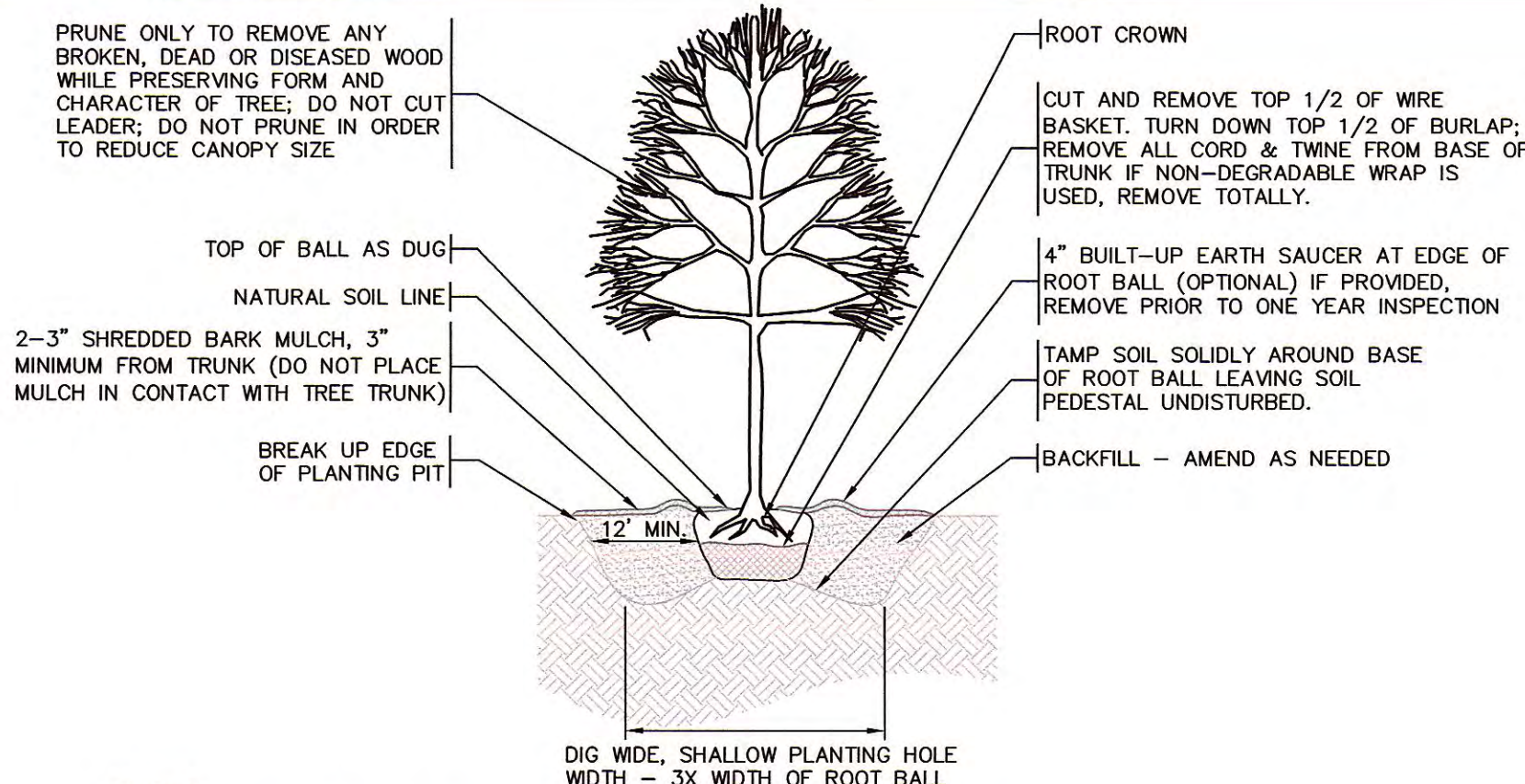
N/F TAPB REALTY TRUST 16654/88

N/F FOXGLOVE HOUSING ASSOC. 14348/25

N/F TOWN OF HARVARD CONSERVATION-MAXANT 11358/46776

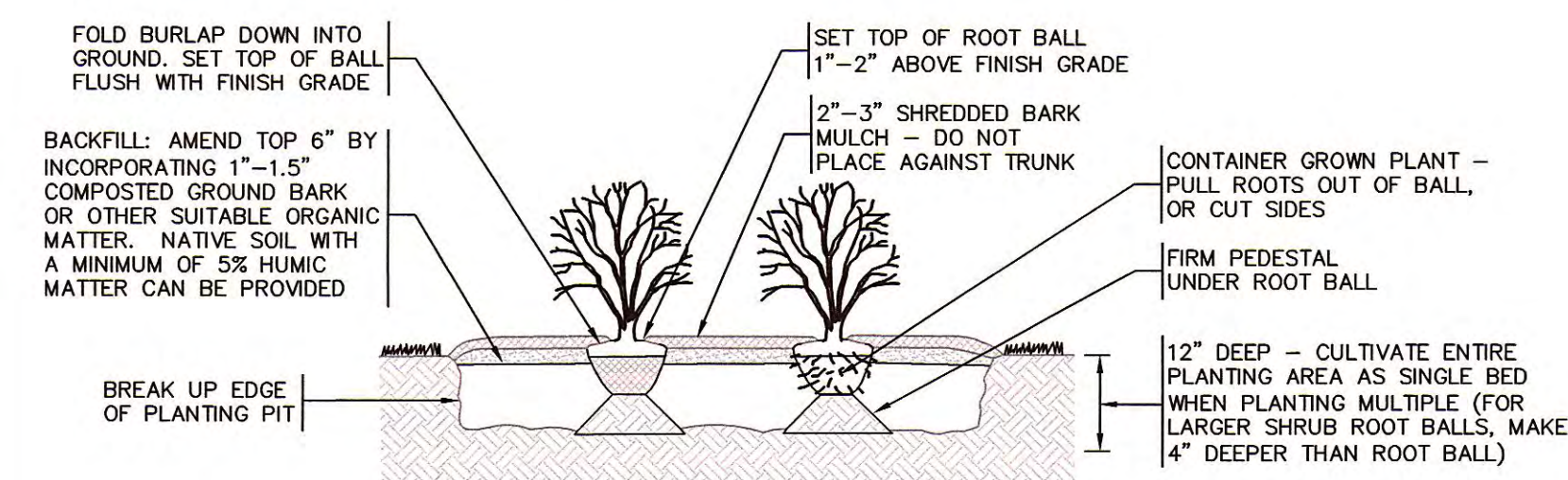
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- NOTES:**
1. CONTRACTOR TO VERIFY THAT ADEQUATE DRAINAGE EXISTS PRIOR TO PLANTING.
 2. DO NOT WRAP TRUNK OF TREE.
 3. STAKING OF TREES IS NOT RECOMMENDED, EXCEPT ON WINDY SITES OR FOR LARGE EVERGREEN TREES. IF STAKING IS DONE, FLEXIBLE STRAPS - NOT HOSE AND WIRE - SHOULD BE USED AND MUST BE REMOVED AT APPROPRIATE TIME.
 4. ALL TREES SHALL CONFORM TO THE STANDARDS SET FORTH IN THE MOST RECENT AMERICAN STANDARDS FOR NURSERY STOCK PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN (A.A.N.).
 5. TREES WITH ROOT FLARE COVERED BY MORE THAN 1.5\"/>

TREE PLANTING
TYPICAL CROSS SECTION
NOT TO SCALE



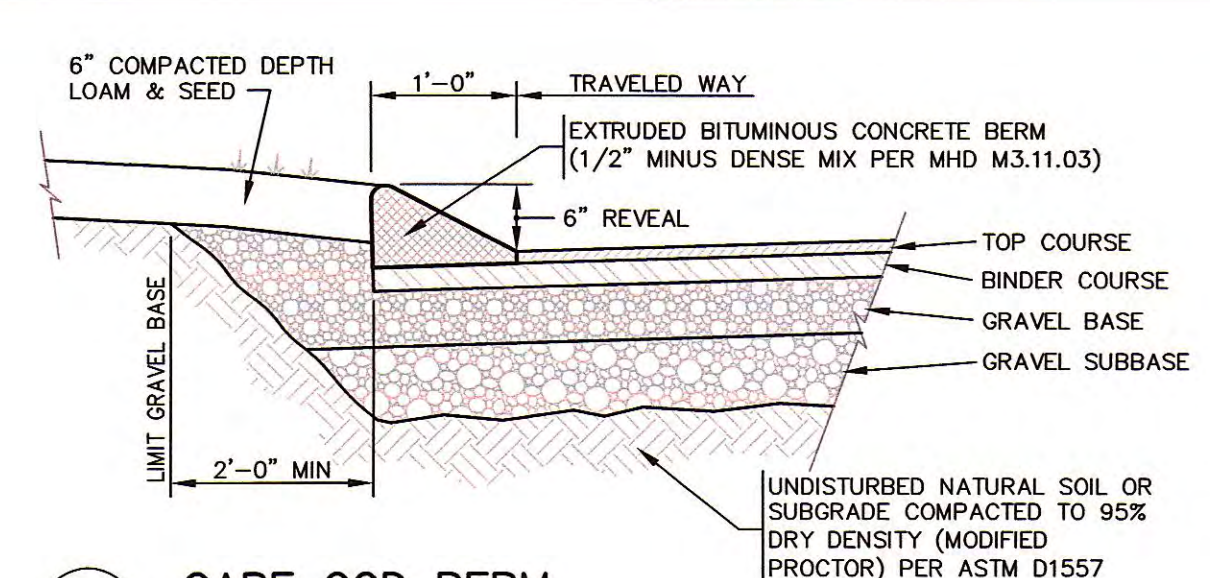
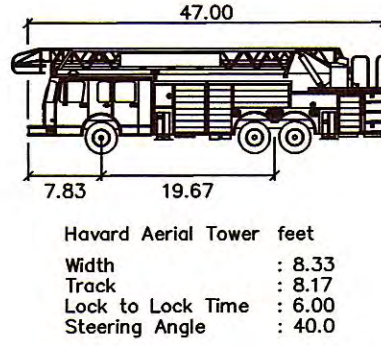
- NOTES:**
1. ALL SHRUBS MUST CONFORM TO THE STANDARDS SET FORTH IN THE MOST RECENT AMERICAN STANDARDS FOR NURSERY STOCK, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN (A.A.N.).
 2. SOIL ANALYSIS SHALL BE OBTAINED PRIOR TO PLANTING. SOIL SHALL BE AMENDED AS RECOMMENDED.
 3. SHEET PREPARATION OF BEDS IS HIGHLY PREFERRED TO INDIVIDUALLY DUG HOLES.

SHRUB PLANTING
TYPICAL CROSS SECTION
NOT TO SCALE

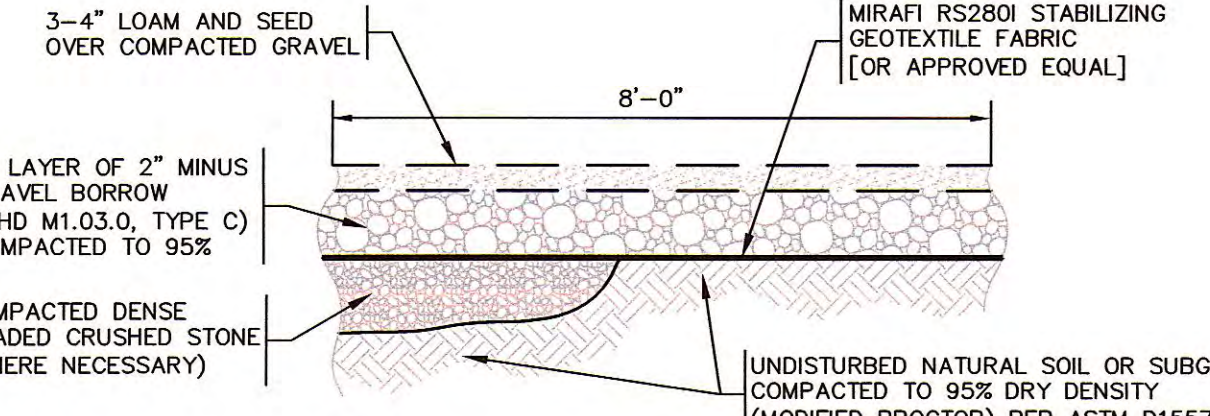
Plant List

Symbol	No.	Botanical Name	Common Name	Size
Ar	4	Acer rubrum 'October Glory'	October Glory Red Maple	1 1/2\"/>
Tp	7	Liriodendron tulipifera	Tulip Tree	1 1/2\"/>
Ft	6	Abies Fraseri	Fraser Fir	6\"/>
Ua	4	Ulmus Americana	American Elm	1 1/2\"/>

No.	Botanical Name	Common Name	Size
Vd	2	Viburnum dentatum Autumn Jazz	Arrowwood Viburnum Autumn Jazz
Rs	6	Rosa Scarlet Meidiland 'Meikrola'	Scarlet Meidiland
Md	4	Miscanthus sinensis 'Andanti'	Andanti Maiden Grass
Mc	4	Miscanthus sinensis 'Zebrainus'	Zebrainus Grass

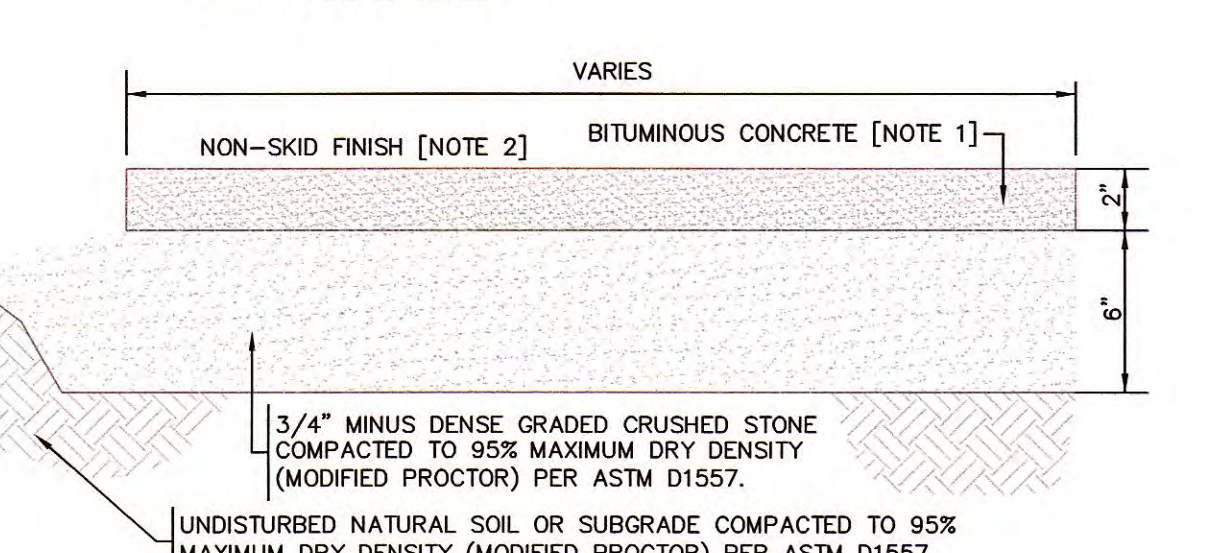


CAPE COD BERM
TYPICAL CROSS SECTION
NOT TO SCALE



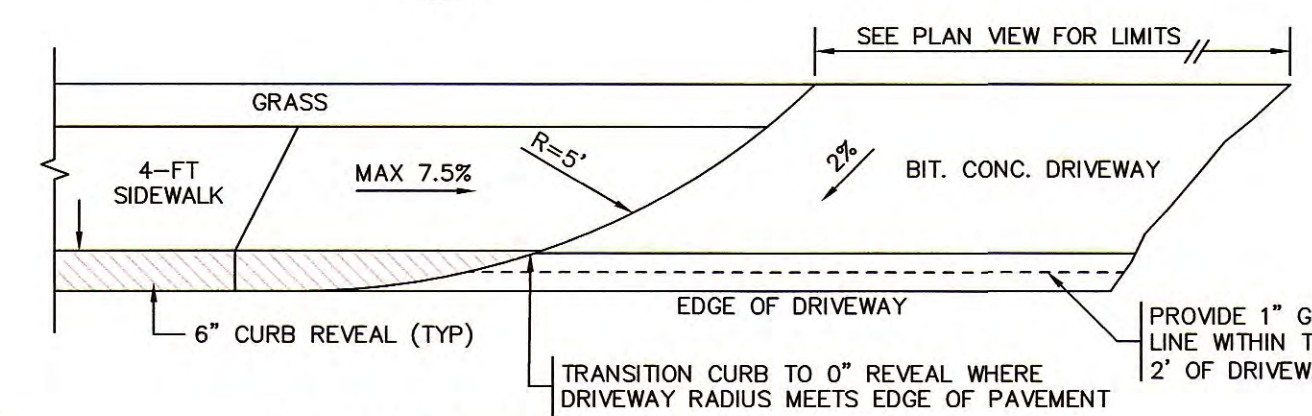
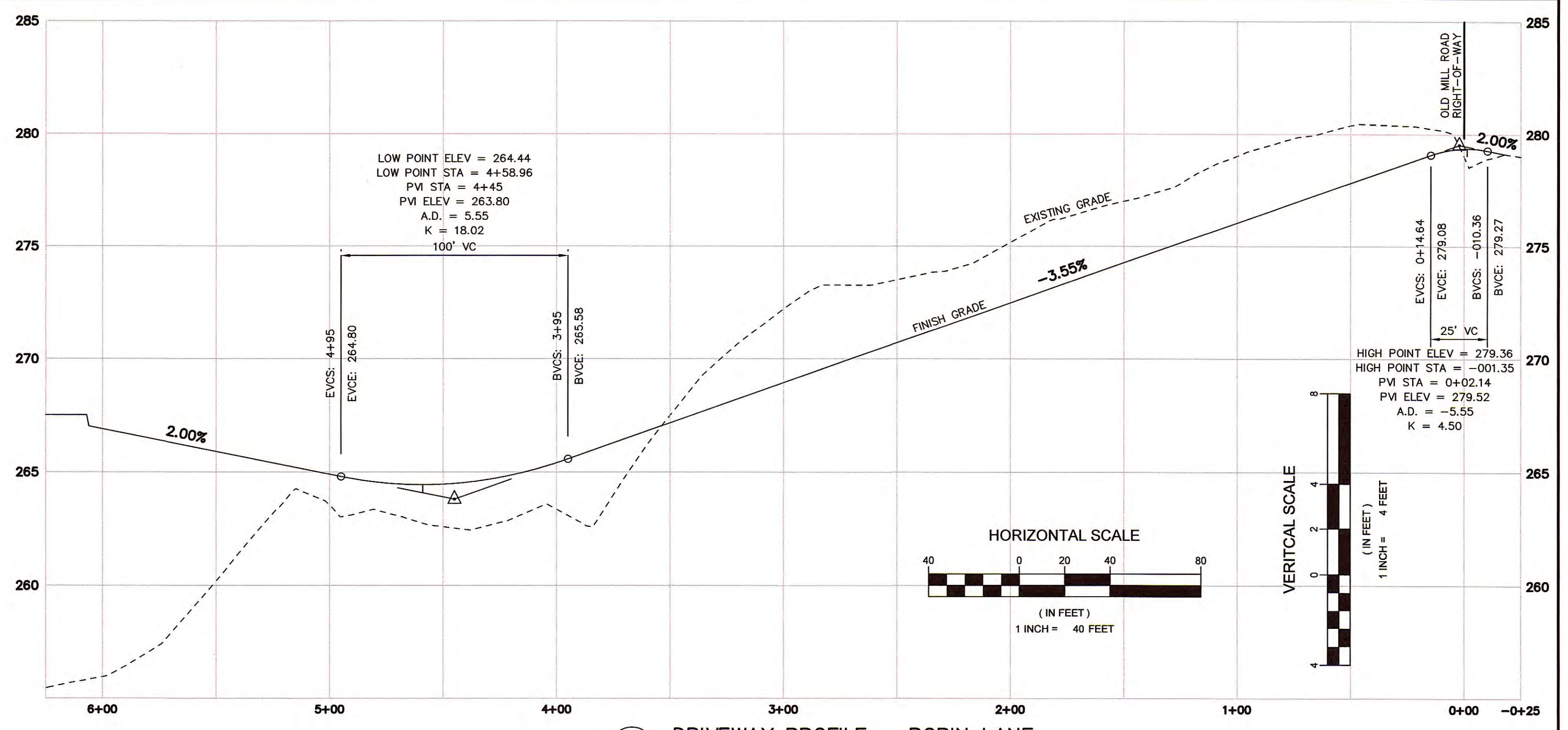
- NOTES:**
1. UNSUITABLE MATERIAL IN THE SUBGRADE SHALL BE REMOVED AND REPLACED WITH AN ACCEPTABLE SUBSTITUTE MATERIAL: 3/4\"/>
 2. FINAL GRAVEL DRIVEWAY STABILIZATION DESIGN TO BE CONFIRMED BY THE GEOTECHNICAL ENGINEER.

MAINTENANCE ACCESS WAY
TYPICAL CROSS SECTION
NOT TO SCALE

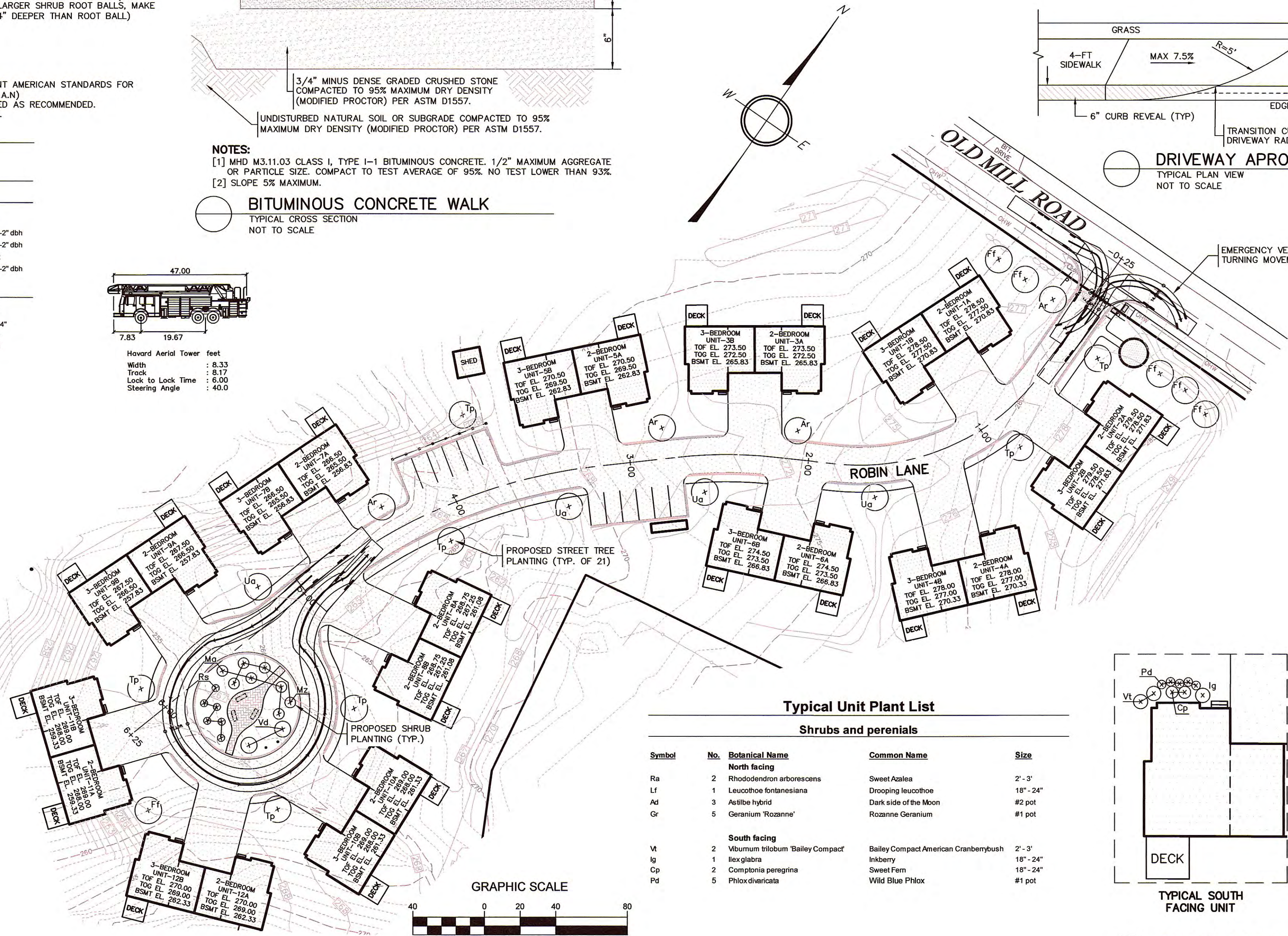


- NOTES:**
- 1] MHD M3.11.03 CLASS 1, TYPE I-1 BITUMINOUS CONCRETE, 1/2\"/>
 - 2] SLOPE 5% MAXIMUM.

BITUMINOUS CONCRETE WALK
TYPICAL CROSS SECTION
NOT TO SCALE

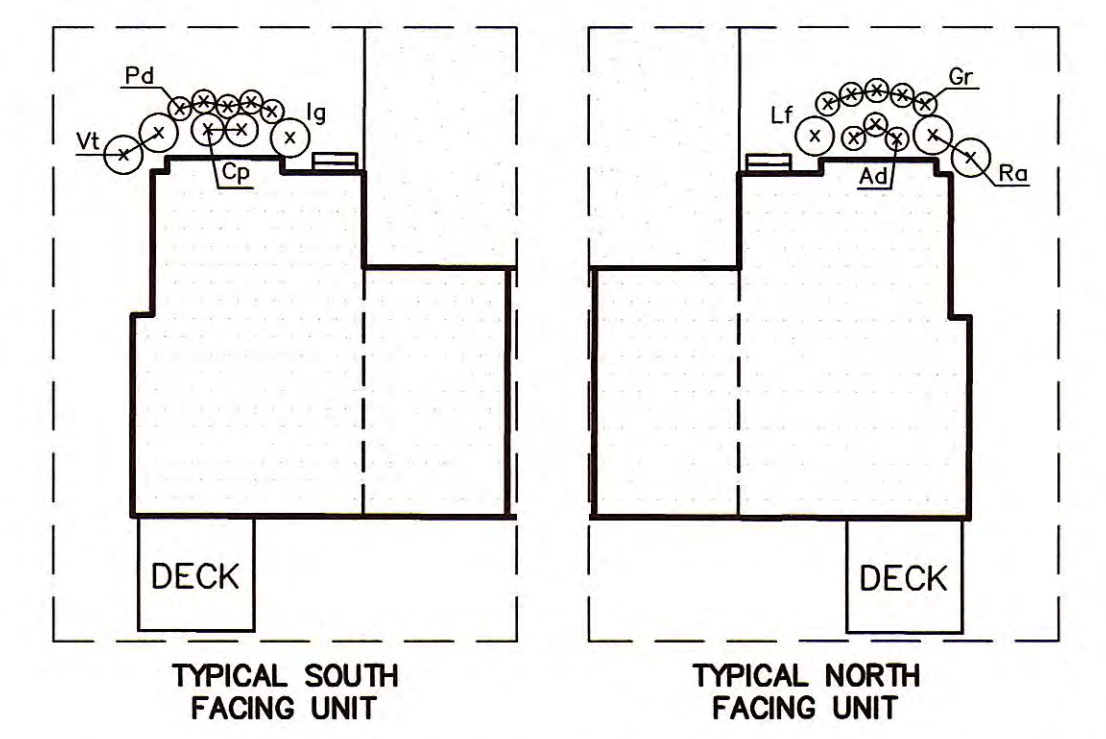


DRIVEWAY APRON
TYPICAL PLAN VIEW
NOT TO SCALE

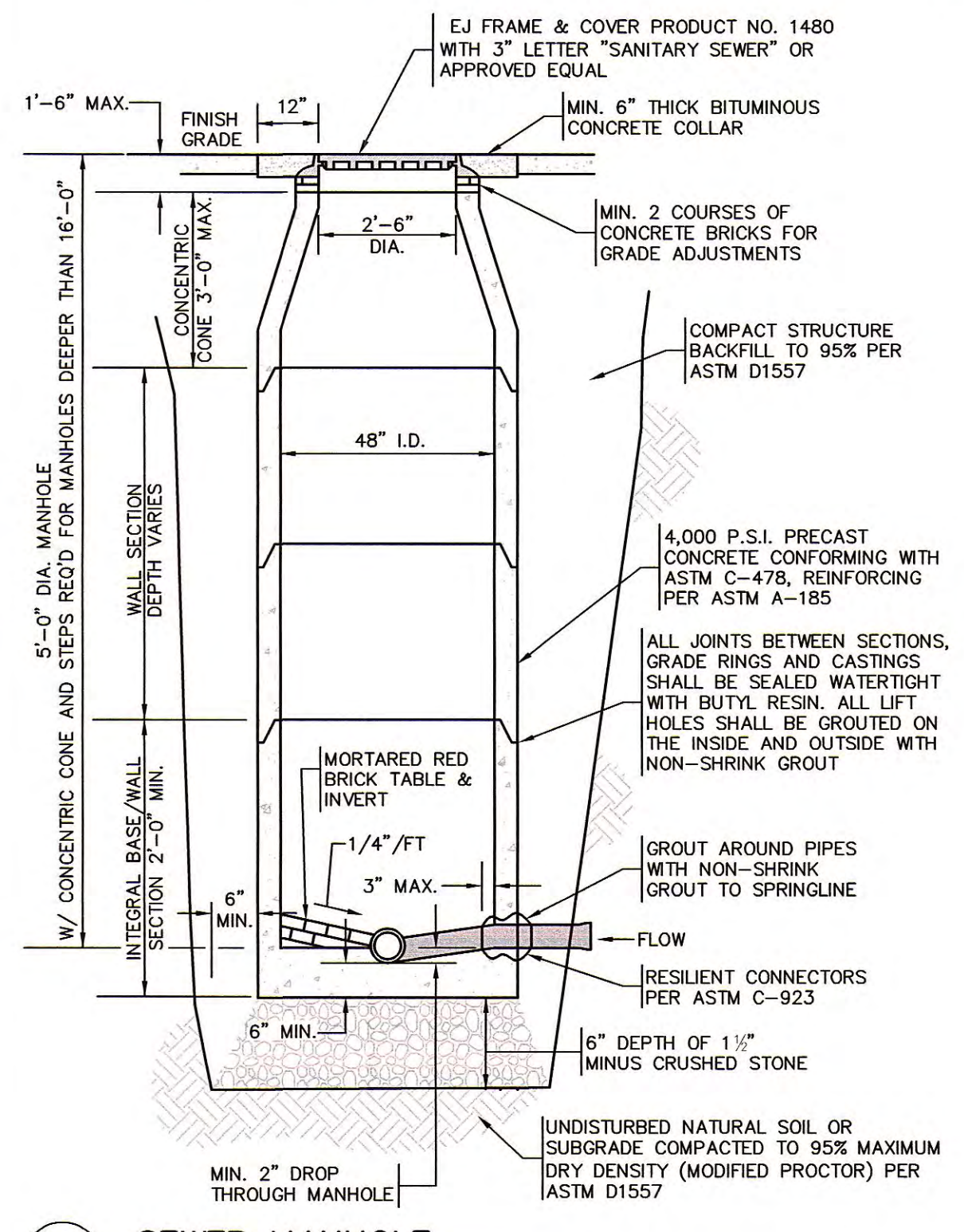


Typical Unit Plant List

Symbol	No.	Botanical Name	Common Name	Size
North facing				
Ra	2	Rhododendron arborescens	Sweet Azalea	2\"/>
Lf	1	Leucophaea fontanesiana	Drooping Heuchothoe	18\"/>
Ad	3	Asiliba hybrid	Dark side of the Moon	#2 pot
Gr	5	Geranium 'Rozanne'	Rozanne Geranium	#1 pot
South facing				
Vt	2	Viburnum trilobum 'Bailey Compact'	Bailey Compact American Cranberrybush	2\"/>
Ig	1	Ilex glabra	Inkberry	18\"/>
Cp	2	Complanis perigrina	Sweet Fern	18\"/>
Pd	5	Phlox divaricata	Wild Blue Phlox	#1 pot



TYPICAL PLANTING FOR DWELLING UNIT
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SEWER MANHOLE
TYPICAL CROSS SECTION
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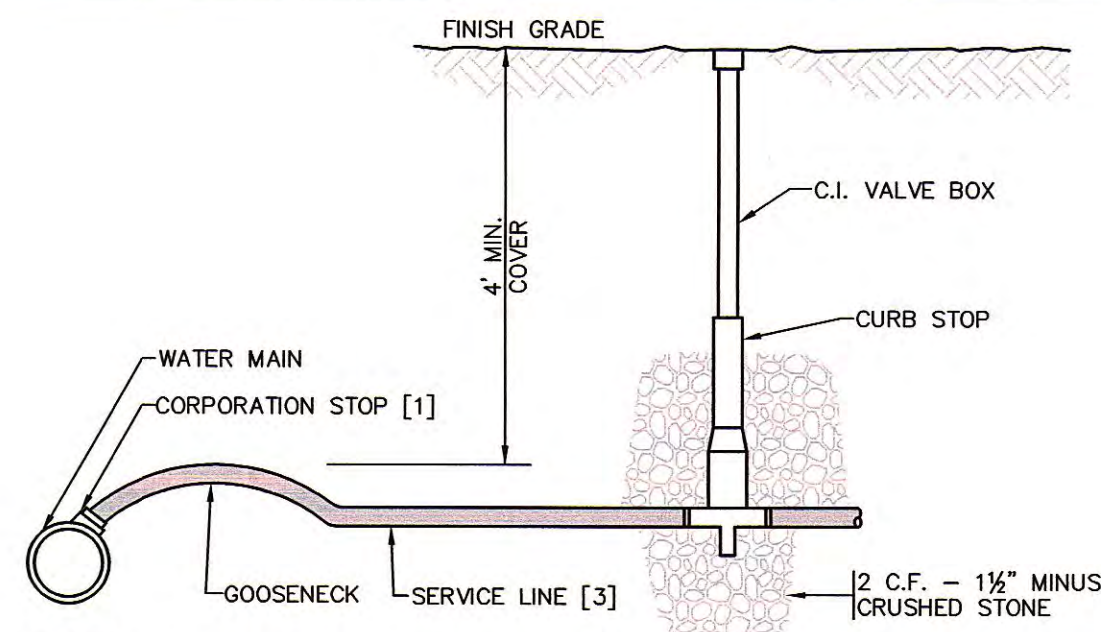
40B RESIDENTIAL DEVELOPMENT

DRIVEWAY PROFILE & EMERGENCY VEHICLE TURNING MOVEMENT

THE VILLAGE AT ROBIN LANE AT OLD MILL & AYER ROADS HARVARD, MA

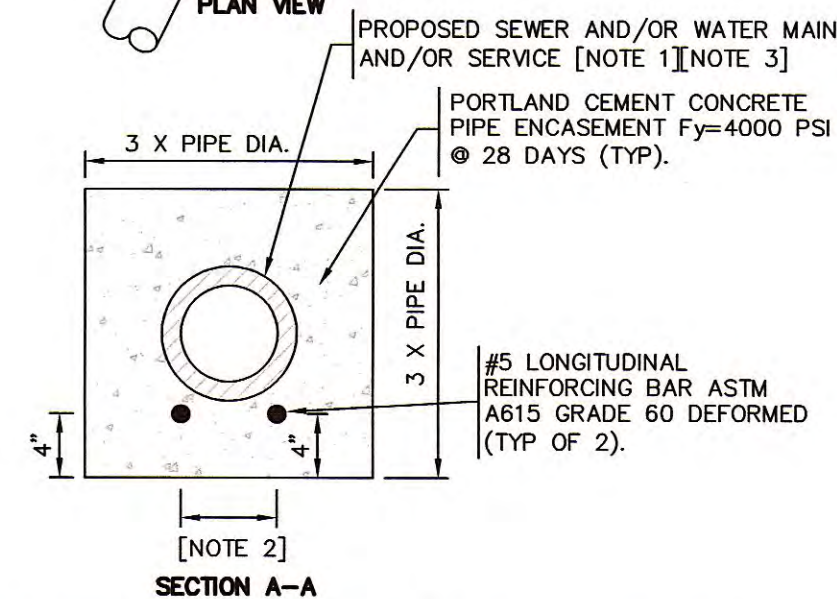
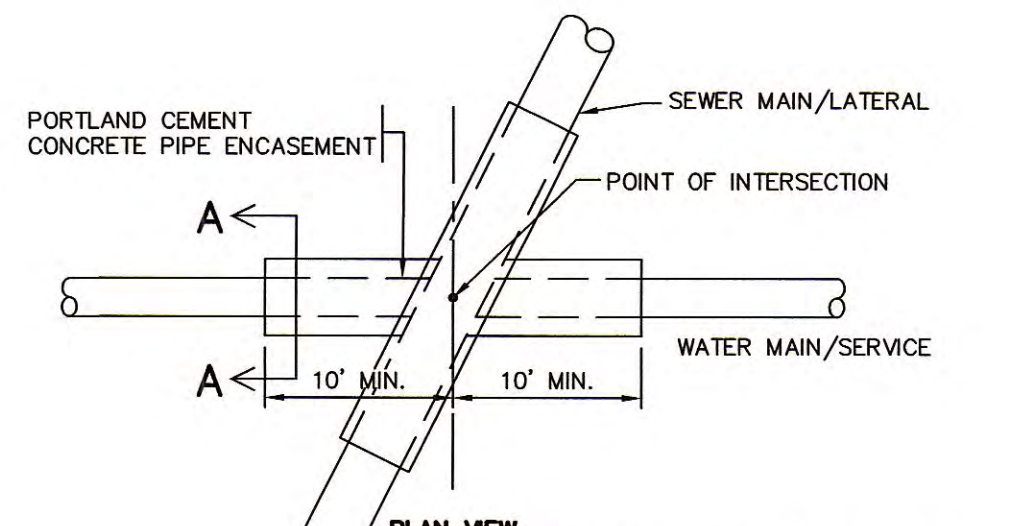
PREPARED FOR:
JUNO CONSTRUCTION, LLC
92 MIDDLESEX ROAD, UNIT 3
TYNGBOROUGH, MA 01879

DES. BY: LT	DATE: JUNE 2023	JOB 211140	C5.1
CHK. BY: NMP			



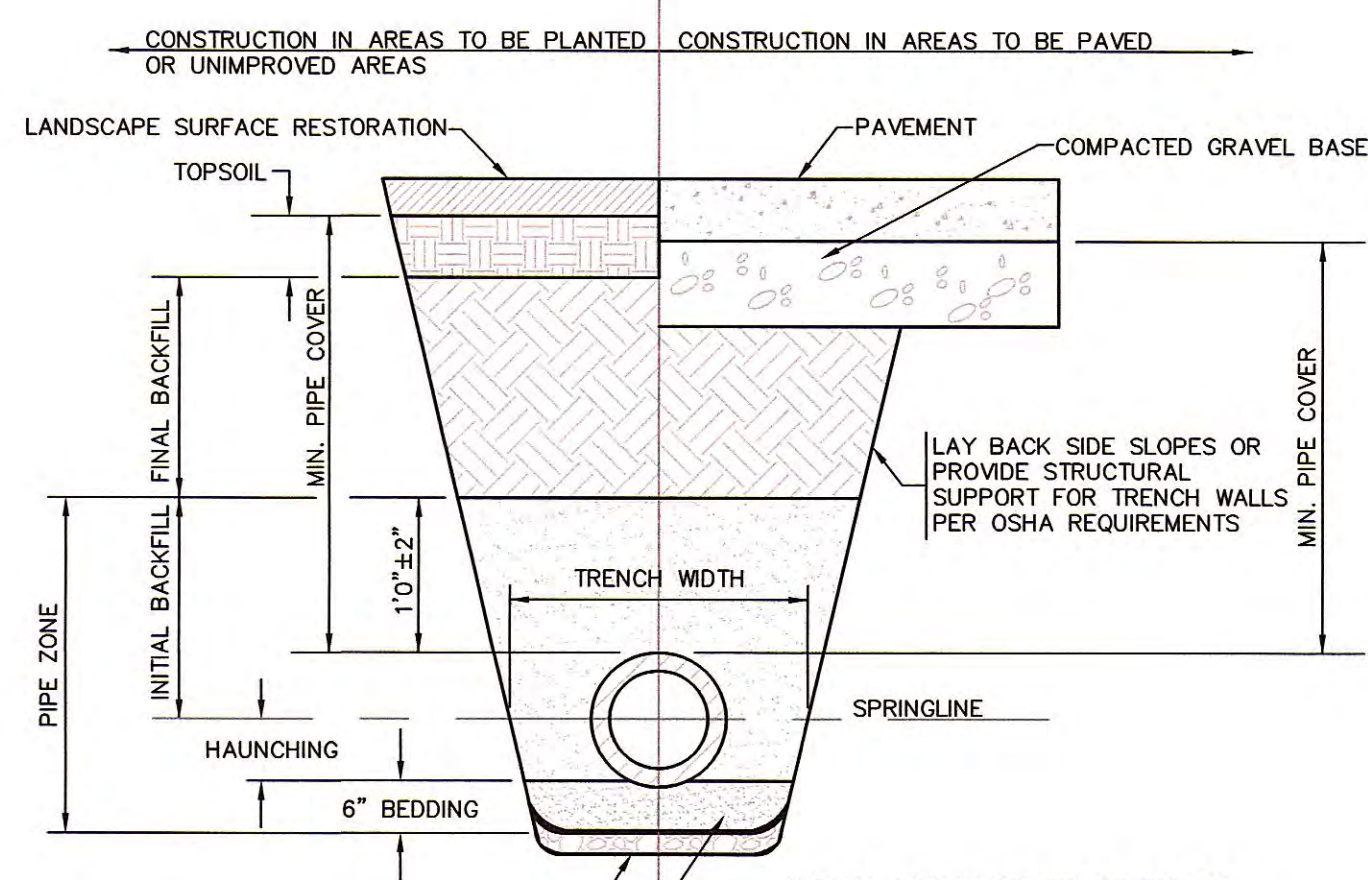
NOTES:
 [1] WATER SERVICES LARGER THAN 1" ARE TO BE RESTRAINED TO MAIN WITH APPROVED SADDLE.
 [2] COORDINATE BUILDING CONNECTION WITH PLUMBING DRAWINGS.
 [3] ALL MATERIALS PER MUNICIPAL STANDARDS.

WATER SERVICE
 TYPICAL CROSS SECTION
 NOT TO SCALE



NOTES:
 [1] CONCRETE PIPE ENCASEMENT TO EXTEND 10 FT ALONG SEWER LINE AND WATER LINE FROM POINT OF INTERSECTION.
 [2] DISTANCE EQUAL TO PIPE DIAMETER.
 [3] CONCRETE PIPE ENCASEMENT REQUIRED WHENEVER PROPOSED SEWER MAIN/LATERAL IS WITHIN 10' OF PROPOSED WATER MAIN/SERVICE.

PIPE ENCASEMENT
 NOT TO SCALE



TRENCH WIDTH:
 [1] MINIMUM WIDTH OF TRENCH MEASURED AT SPRINGLINE OF PIPE, INCLUDING ANY NECESSARY SHEATHING:

PIPE I.D.	WIDTH
LESS THAN 21"	O.D. + 12"
21" TO 42"	O.D. + 24"
GREATER THAN 42"	O.D. + 30"

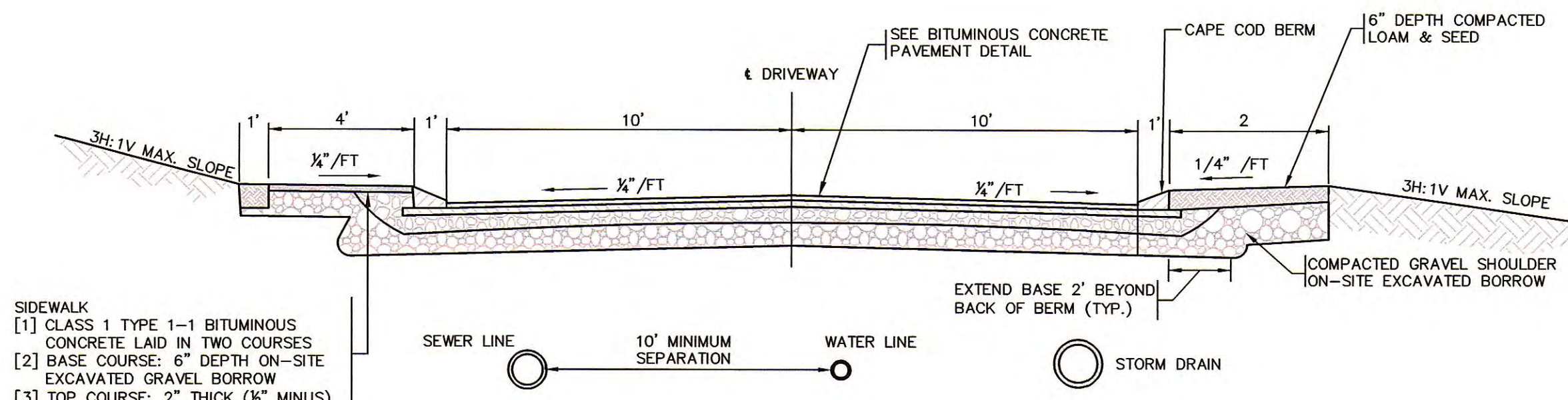
MINIMUM PIPE COVER:
 [1] MINIMUM SOIL COVER OVER TOP OF PIPE.

PIPE MATERIAL	HDP, PVC	RC, DI
WATER	5' - 0"	5' - 0"
SEWER	4' - 0"	4' - 0"
DRAIN	2' - 0"	1' - 0"

MATERIAL KEY NOTES (SEE TABLE BELOW):
 [1] PLACE 2" MINUS CRUSHED STONE.
 [2] PLACE 1/2" MINUS SAND BORROW (MHD M1.04.1), AT OPTIMUM MOISTURE IN HORIZONTAL 8" DEEP LAYERS, COMPACT TO 95% PER ASTM D-1557 MODIFIED PROCTOR METHOD.
 [3] IN PLANTED OR UNIMPROVED AREAS, USE 2-INCH MINUS ON-SITE EXCAVATED MATERIAL, COMPACT TO 80% PER ASTM D-1557. IN PAVED AREAS, OBTAIN ENGINEER'S APPROVAL OF 2-INCH MINUS ON-SITE EXCAVATED MATERIALS.

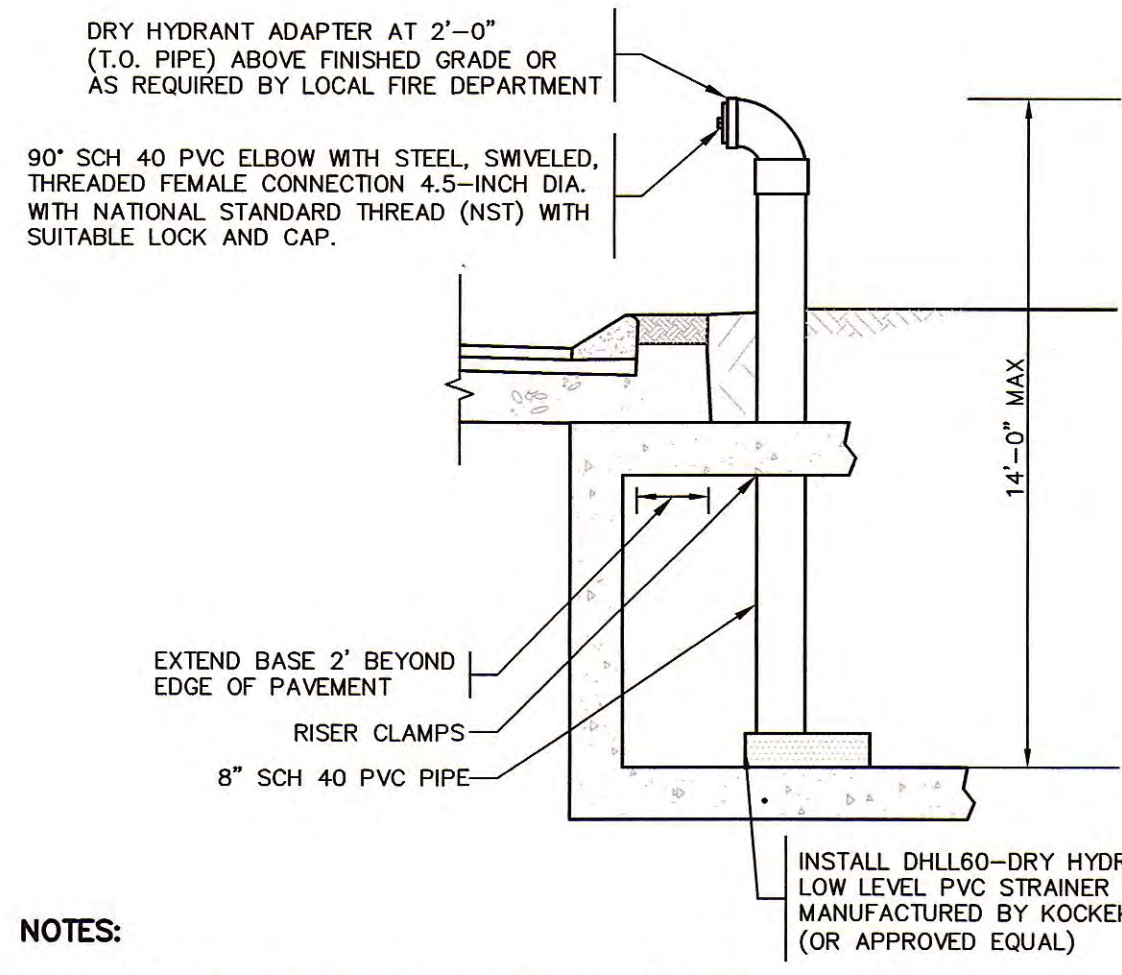
FOUNDATION, BEDDING AND BACKFILL MATERIALS	HDP, PVC	RC, DI
PIPE MATERIAL	HDP, PVC	RC, DI
FOUNDATION STABILIZATION	[NOTE 1]	[NOTE 1]
BEDDING	[NOTE 2]	[NOTE 2]
HAUNCHING	[NOTE 2]	[NOTE 2]
INITIAL BACKFILL	[NOTE 2]	[NOTE 2]
FINAL BACKFILL	[NOTE 3]	[NOTE 3]

PIPE TRENCH
 TYPICAL CROSS SECTION
 NOT TO SCALE



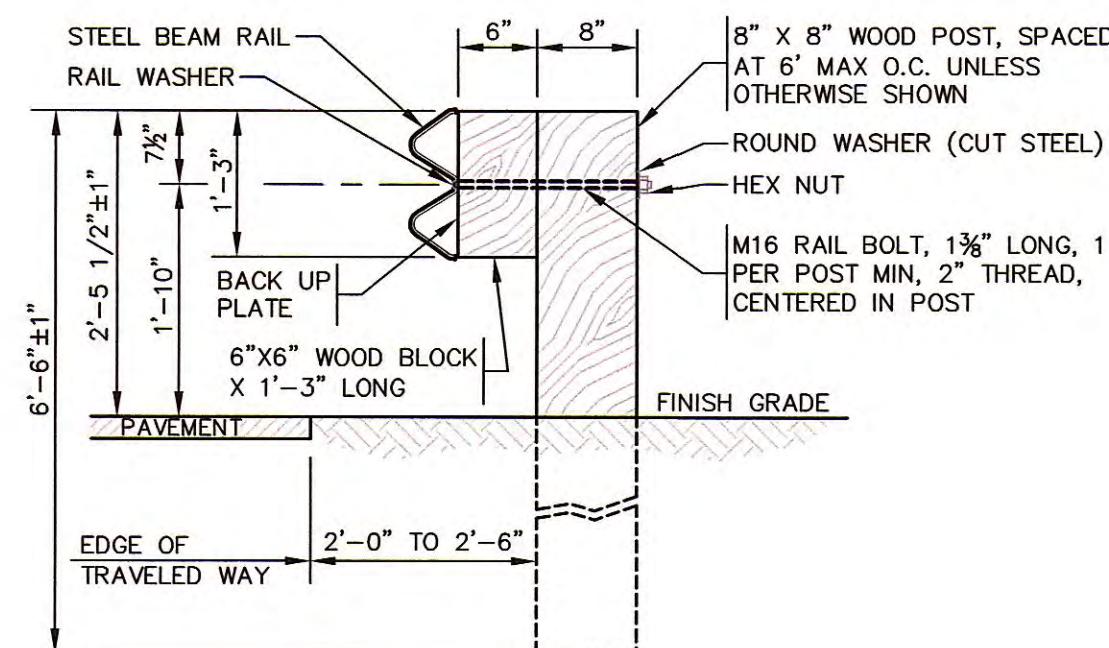
SIDEWALK
 [1] CLASS 1 TYPE 1-1 BITUMINOUS CONCRETE LAID IN TWO COURSES
 [2] BASE COURSE: 6" DEPTH ON-SITE EXCAVATED GRAVEL BORROW
 [3] TOP COURSE: 2" THICK (1/2" MINUS)

DRIVEWAY - ROBIN LANE
 TYPICAL CROSS SECTION
 NOT TO SCALE



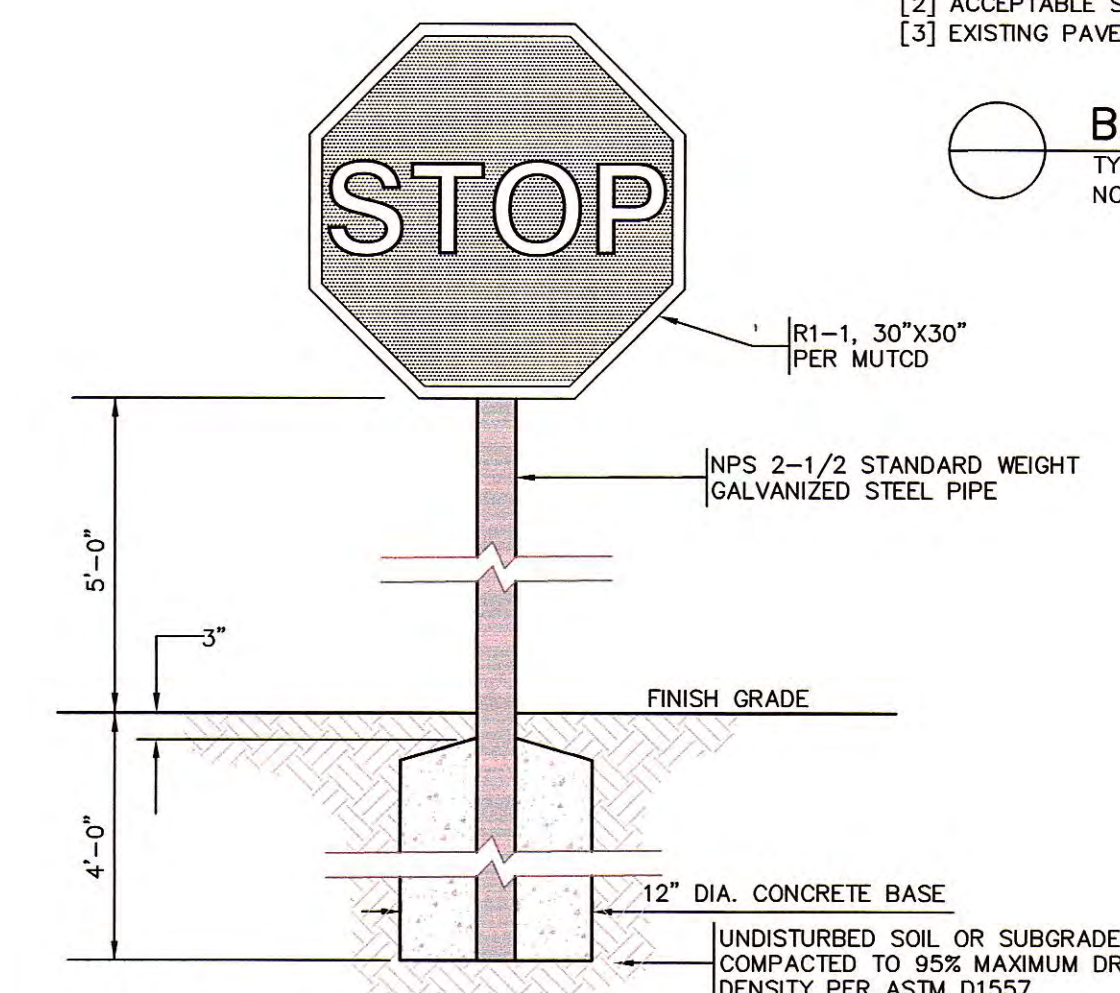
NOTES:
 [1] ALL ABOVE TANK SUCTION PIPING SHALL BE SLOPED 0.5% TOWARDS THE TANK

DRY HYDRANT
 TYPICAL CROSS SECTION
 NOT TO SCALE



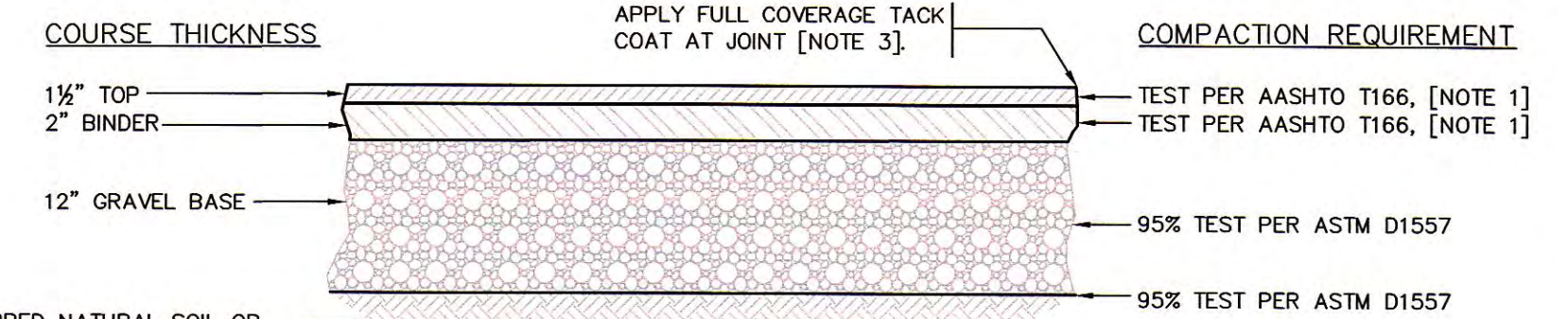
NOTES:
 [1] ALL NUTS, BOLTS & WASHERS ARE TO BE HIGH STRENGTH GALVANIZED STEEL.
 [2] ALL SPLICES ARE TO BE MADE AT POST.
 [3] BACK-UP PLATE IS TO BE PLACED BEHIND RAIL ELEMENTS AT NON SPLICE LOCATIONS (INTERMEDIATE POSTS).
 [4] WOOD AND WOOD TREATMENT SHALL COMPLY WITH MASSACHUSETTS HIGHWAY DEPARTMENT SPECIFICATIONS AND STANDARDS.
 [5] TERMINAL SECTIONS SHALL BE IN ACCORDANCE WITH MASSACHUSETTS HIGHWAY DEPARTMENT SPECIFICATIONS AND STANDARDS.

STEEL RAIL GUARDRAIL
 TYPICAL CROSS SECTION
 NOT TO SCALE



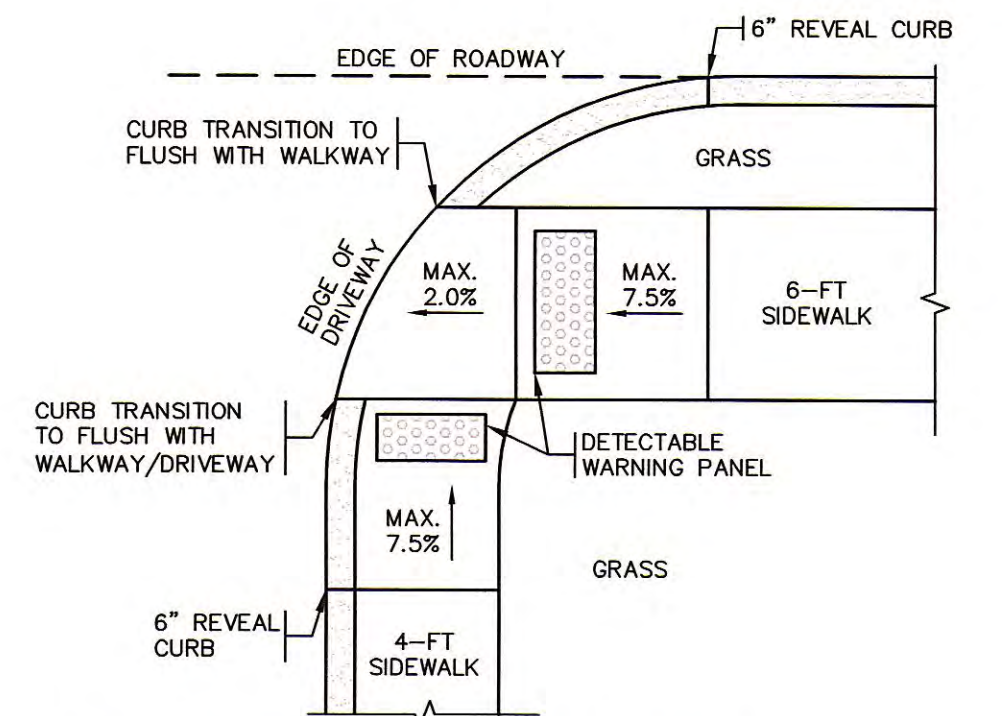
STOP SIGN
 NOT TO SCALE

BITUMINOUS CONCRETE PAVEMENT
 TYPICAL CROSS SECTION
 NOT TO SCALE

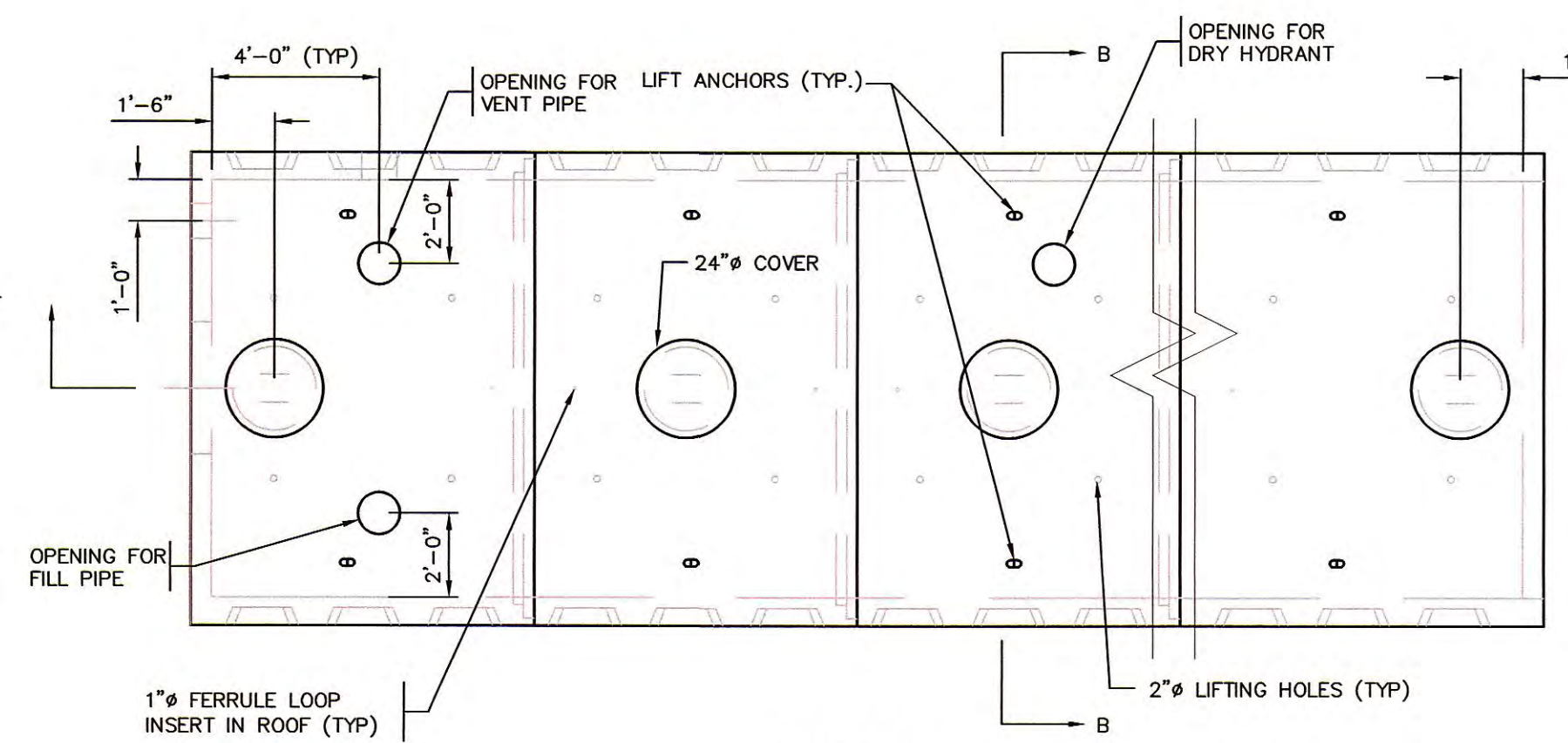


COURSE	MATERIAL	SPECIFICATION PER MASS HIGHWAY DEPARTMENT (MHD)	MAX AGG. SIZE (INCH)
TOP	BITUMINOUS CONCRETE	M3.11.03 CLASS 1, TYPE I-1	1/2
BINDER	BITUMINOUS CONCRETE	M3.11.03 CLASS 1, TYPE I-1	3/4
BASE	GRAVEL BORROW [2]	M1.03.0 TYPE B	3
UNSUITABLE SUBGRADE	ORDINARY BORROW	ON-SITE EXCAVATED MATERIAL	12

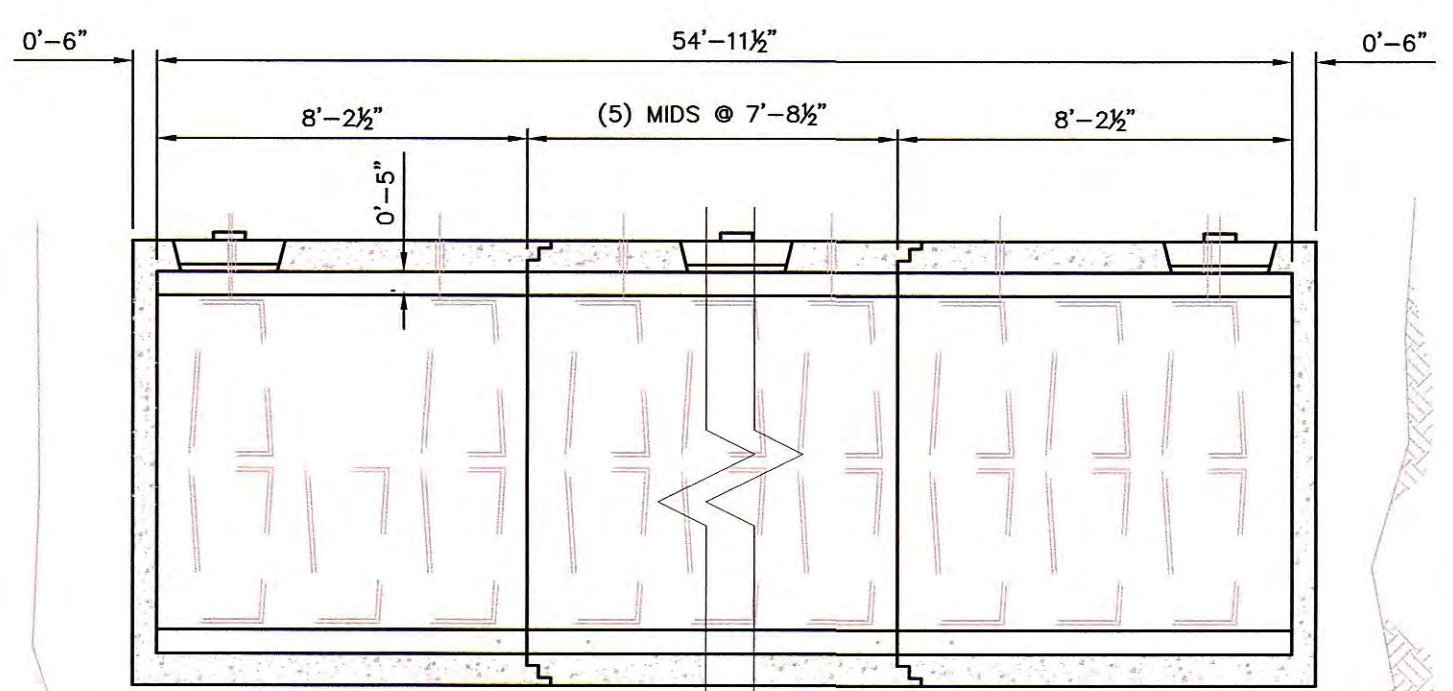
NOTES:
 [1] COMPACT TO TEST AVERAGE OF 95% NO TEST LOWER THAN 93%.
 [2] ACCEPTABLE SUBSTITUTE MATERIAL: 3/4" MINUS DENSE GRADED CRUSHED STONE.
 [3] EXISTING PAVEMENT SHALL BE SAW CUT VERTICALLY AT FINAL JOINT LOCATIONS.



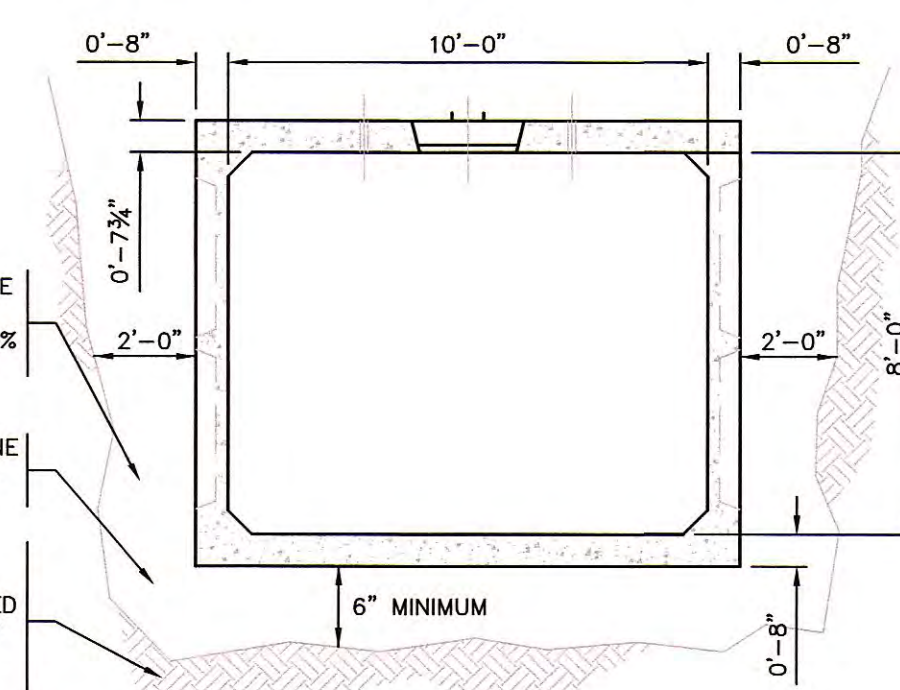
ACCESSIBLE CURB RAMP
 TYPICAL PLAN VIEW
 NOT TO SCALE



PLAN VIEW
 NOTE: THIS TANK IS NOT FOR USE IN A POTABLE WATER SYSTEM.



SECTION A-A



SECTION B-B

INSTALLATION NOTES:
 1. A MANUFACTURER'S REPRESENTATIVE SHALL INSPECT THE BASE PAD PRIOR TO INSTALLATION AND SHALL INSPECT BACKFILL MATERIALS AND APPROVE PROCEDURES.
 2. SUITABLE ON-SITE MATERIAL FOR BACKFILL SHALL CONSIST OF A MINERAL MATERIAL FREE FROM CINDERS, ASHES, ORGANIC MATERIAL, LOAM, WOOD, TRASH, AND OTHER OBJECTIONABLE MATERIALS. IT SHALL HAVE NO STONE LARGER THAN 6" IN ITS GREATEST DIMENSION.
 3. LEAKAGE TESTING SHALL BE IN ACCORDANCE WITH NFPA22 CHAPTER 18.
 4. FIRE CISTERN SHALL BE RATED FOR H-20 LOADING.

FIRE CISTERN
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NICHOLAS M. PAULING
 CIVIL ENGINEER
 No. 47514
 REGISTERED

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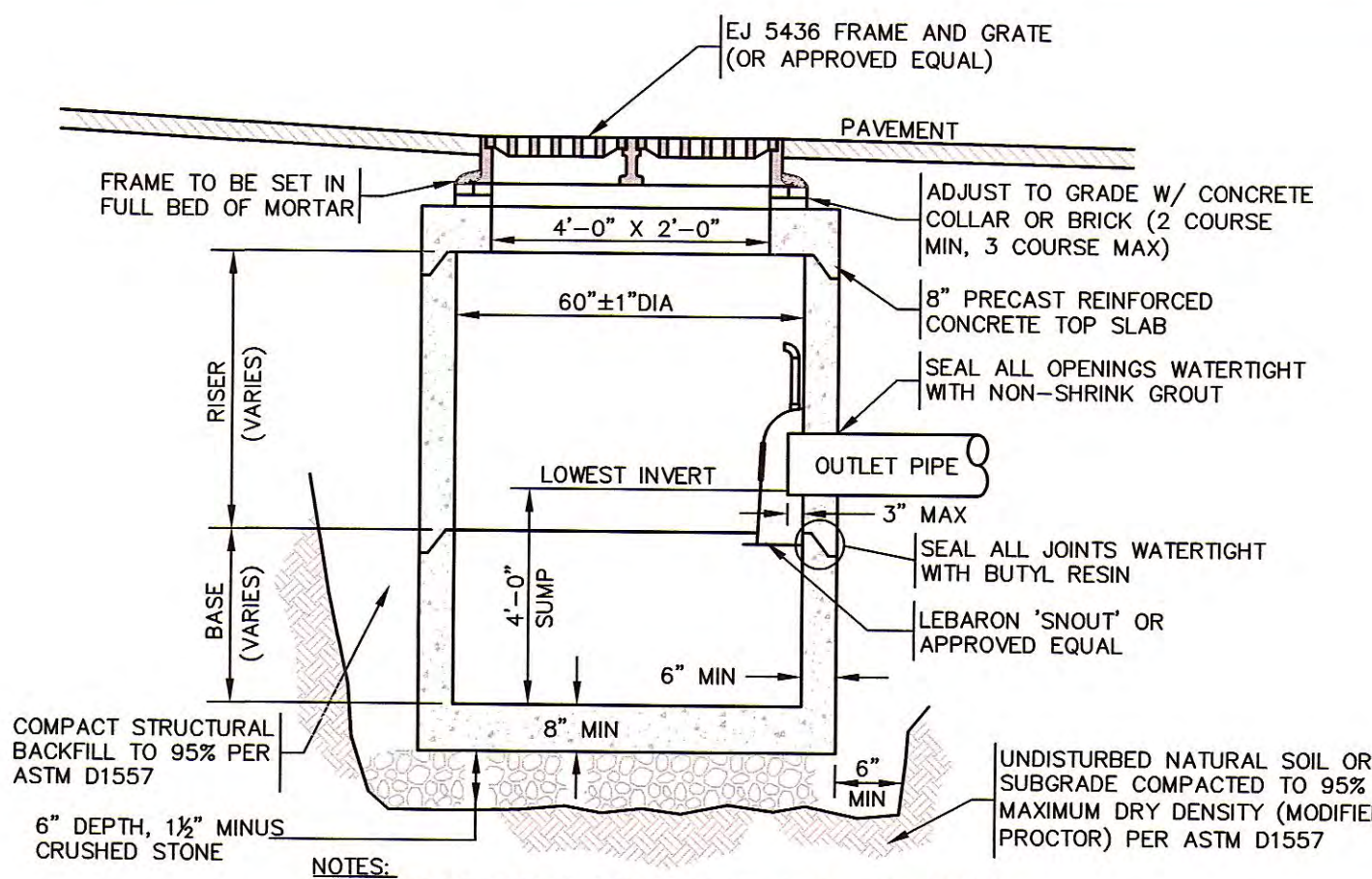
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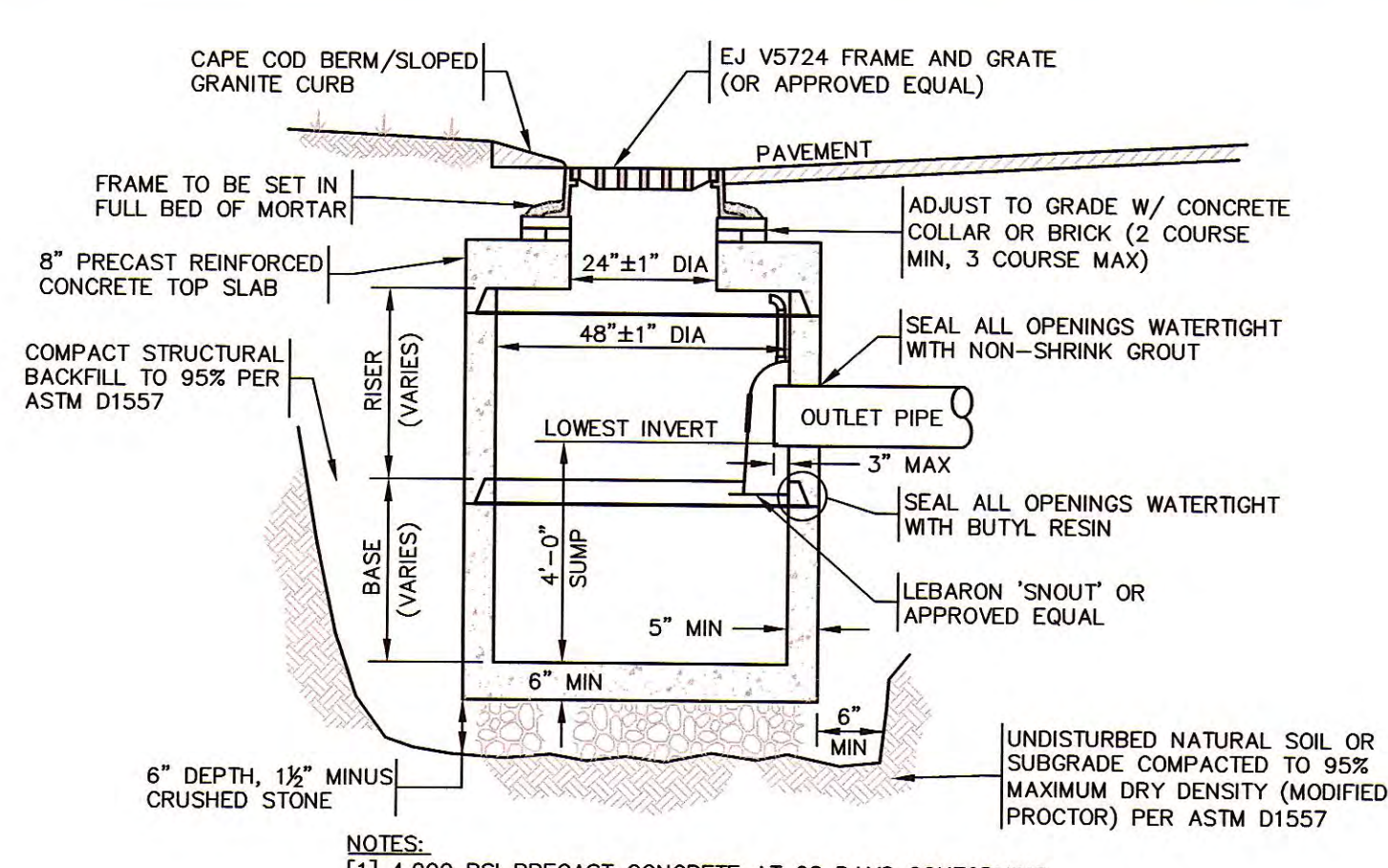
THE VILLAGE AT ROBIN LANE
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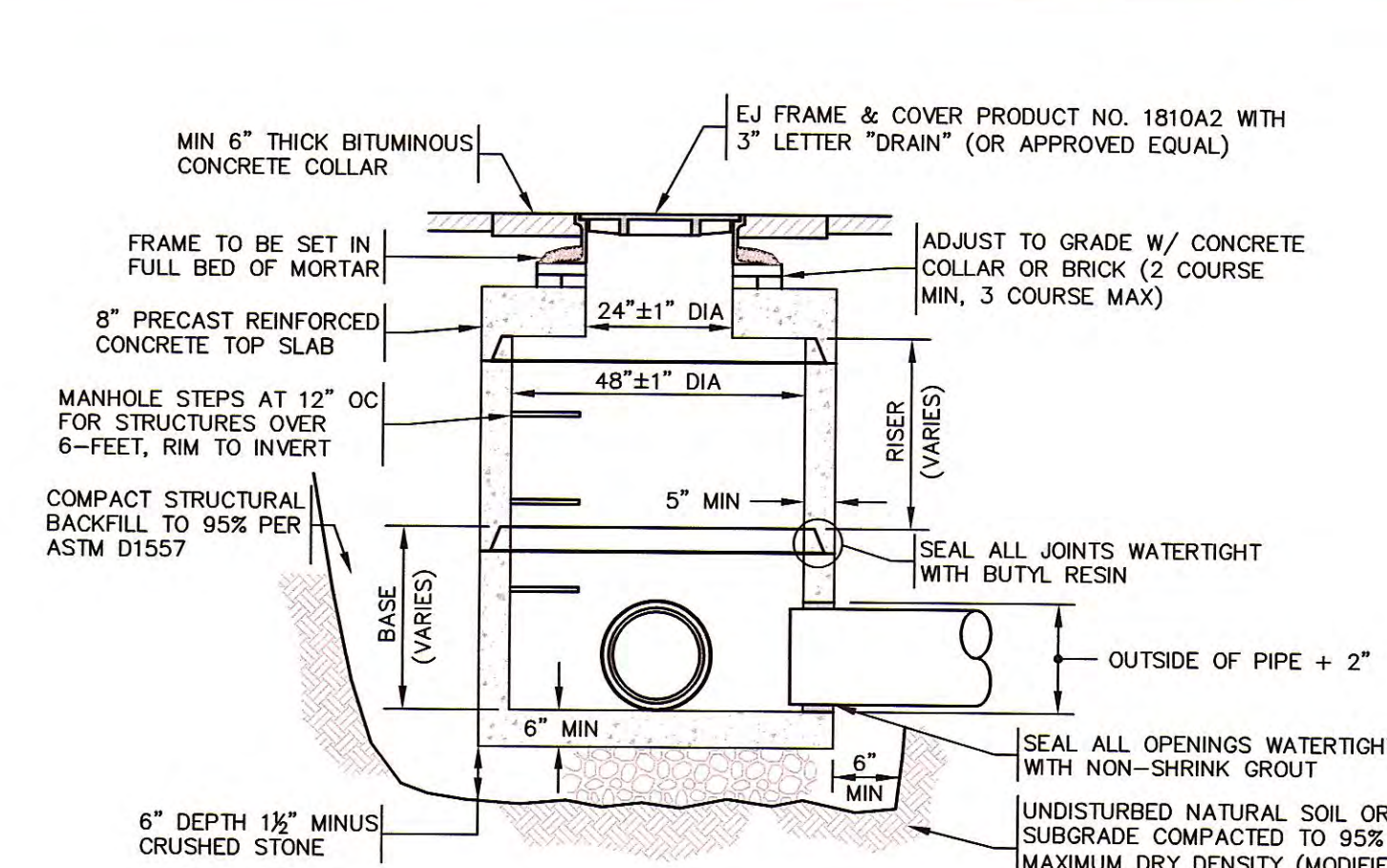
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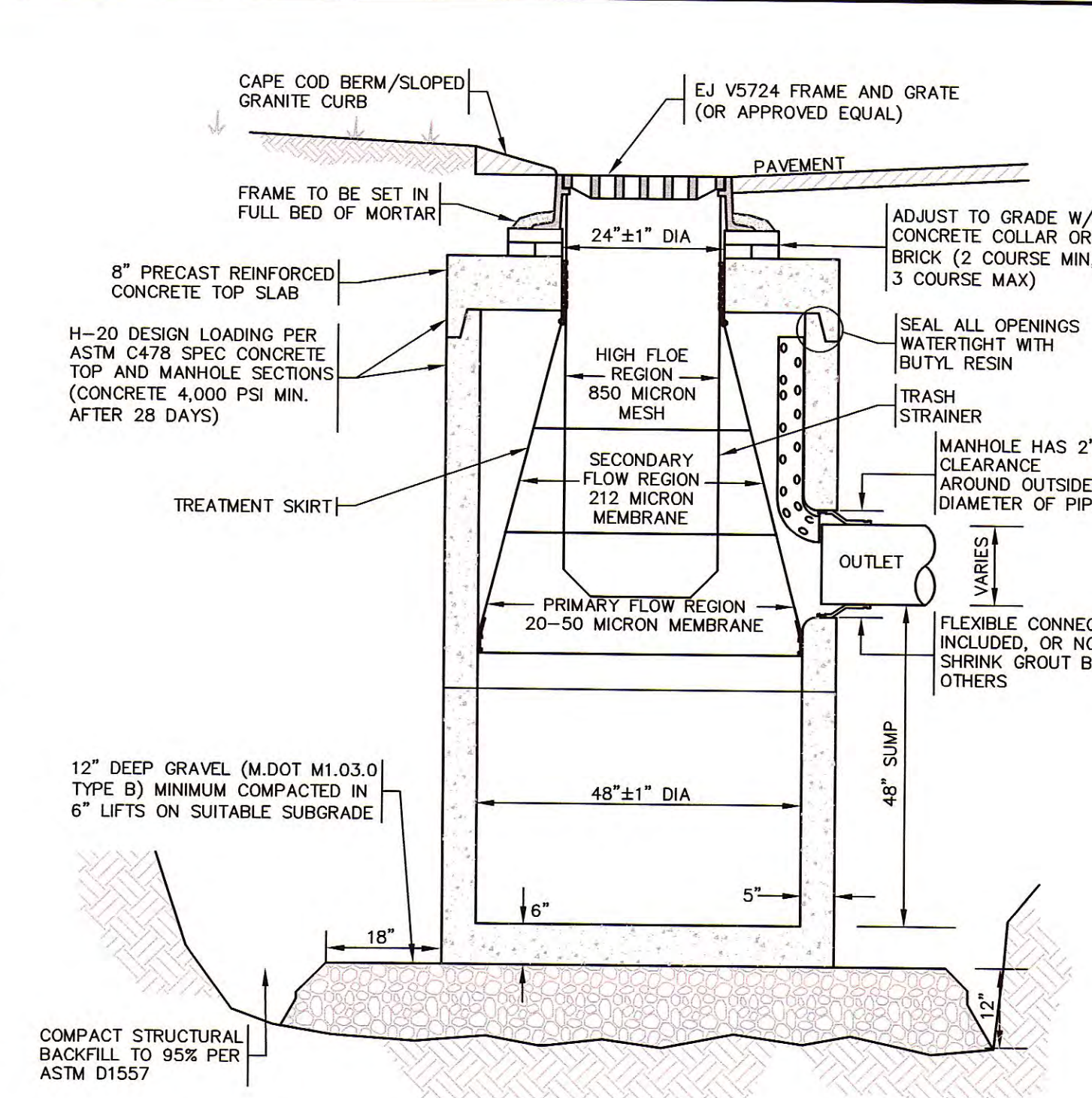
DOUBLE GRATE CATCH BASIN
TYPICAL CROSS SECTION
NOT TO SCALE



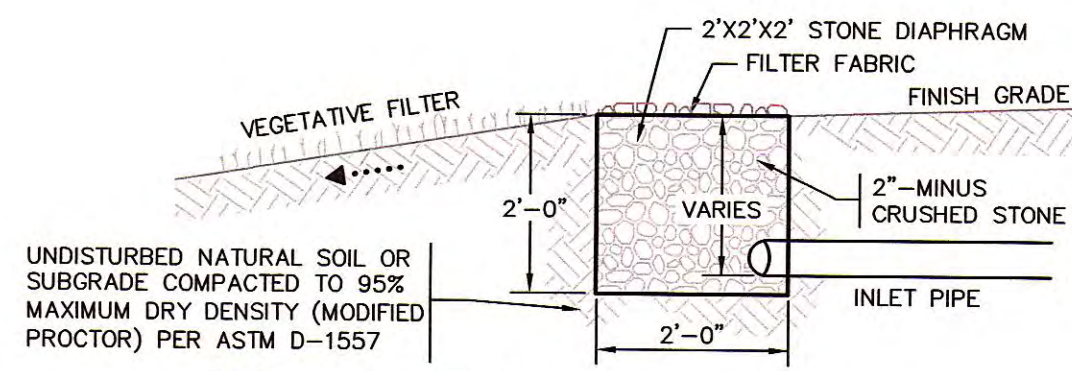
CATCH BASIN
TYPICAL CROSS SECTION
NOT TO SCALE



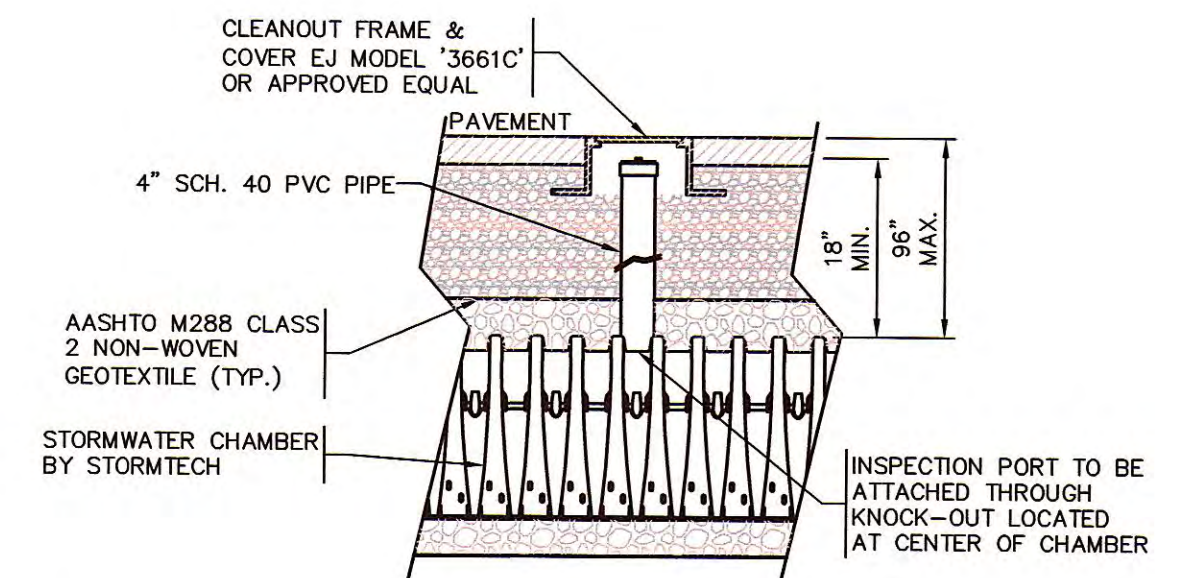
DRAIN MANHOLE
TYPICAL CROSS SECTION
NOT TO SCALE



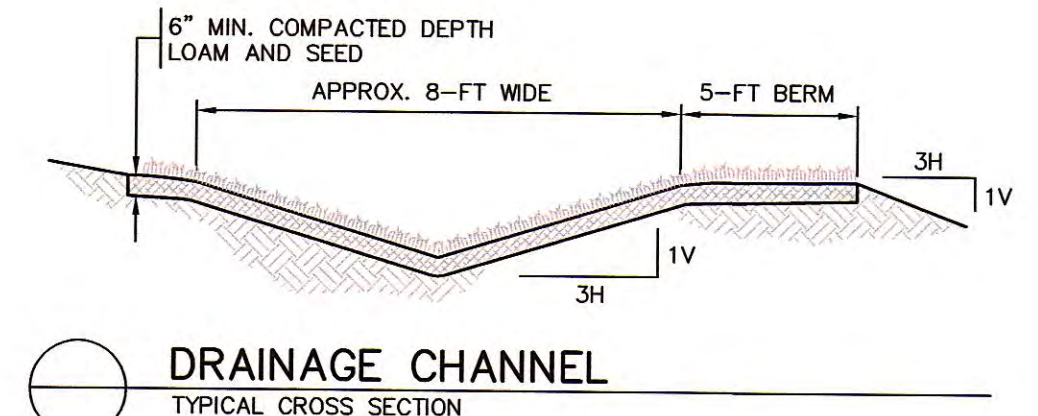
SILT PRISON CATCH BASIN
TYPICAL CROSS SECTION
NOT TO SCALE



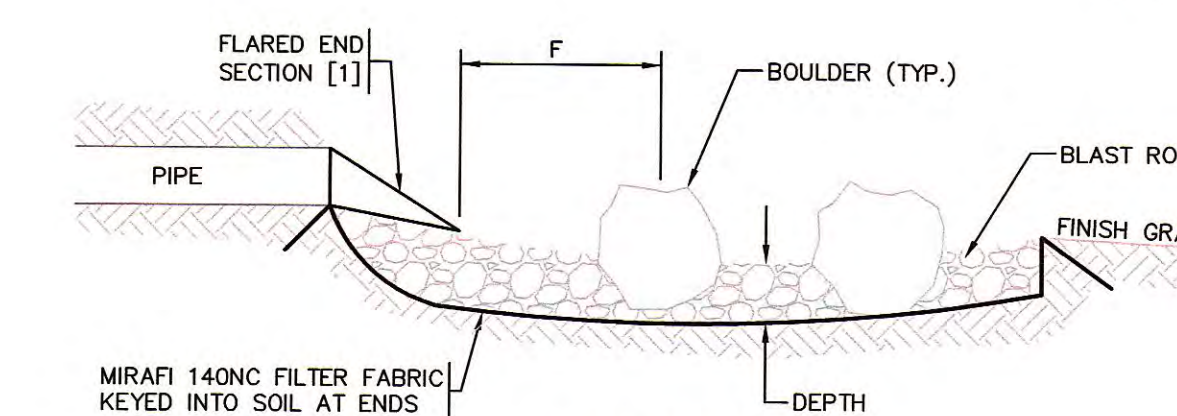
2'X2'X2' STONE DIAPHRAGM
TYPICAL CROSS SECTION
NOT TO SCALE



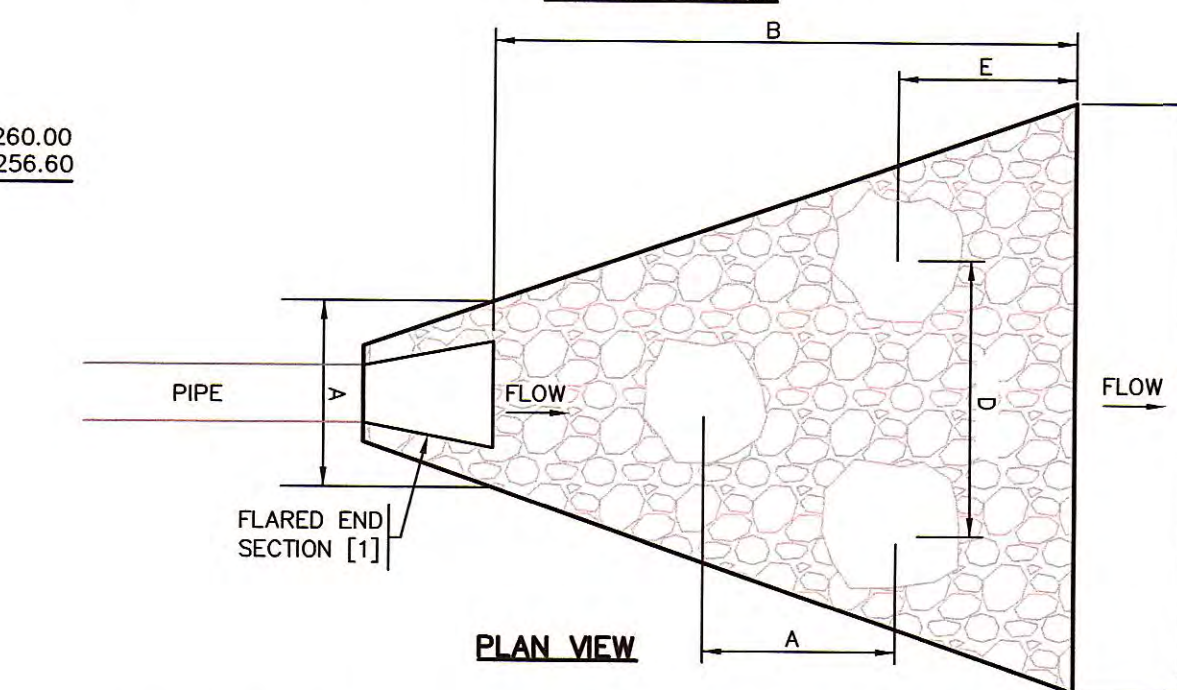
INSPECTION PORT
TYPICAL CROSS SECTION
NOT TO SCALE



DRAINAGE CHANNEL
TYPICAL CROSS SECTION
NOT TO SCALE



CROSS SECTION

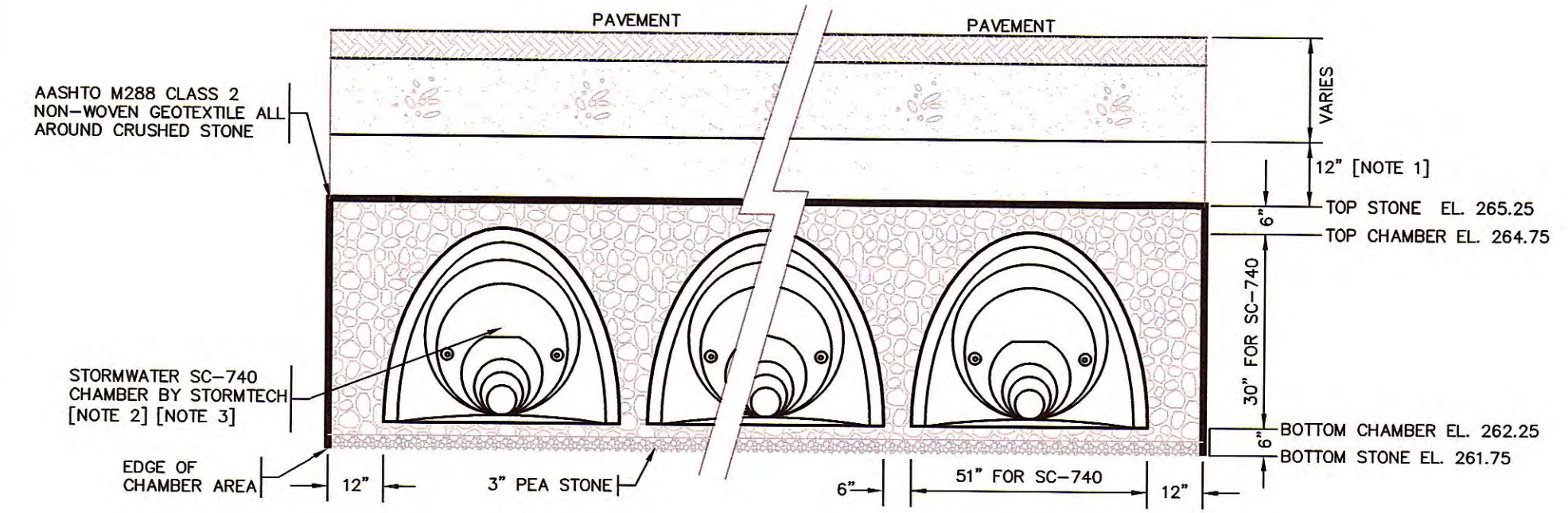


PLAN VIEW

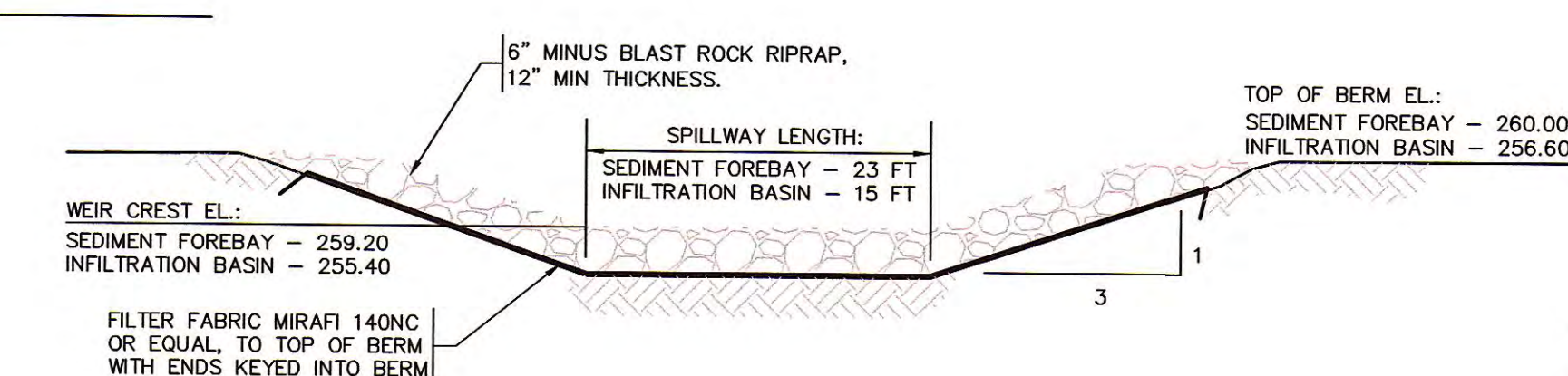
PIPE DIA. (IN.)	A (FT)	B (FT)	C (FT)	D (FT)	E (FT)	F (FT)	DEPTH (FT)	BLAST ROCK	BOULDER
12 IN.	3	8	9	4	2	1.5	0.5	6" MINUS	18" - 24"
15 IN.	4	10	11.5	5	2.5	2	0.62	6" MINUS	21" - 30"
18 IN.	4.5	12	13.5	6	3	2.25	0.75	9" MINUS	27" - 36"
24 IN.	5	14	14	7	4	2.5	0.75	9" MINUS	32" - 40"

NOTES:

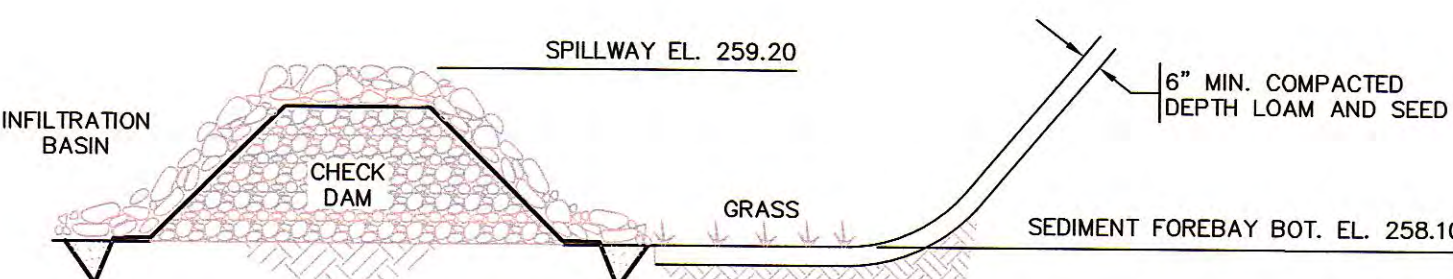
- [1] INSTALL TRASH RACK OR OTHER MEANS OF PREVENTION ON PIPE OUTLET TO PREVENT UNWANTED ITEMS FROM ENTERING CULVERT.
- [2] DO NOT PLACE BOULDERS WITHIN LEVEL SPREADER FOR INLET PIPE DIAMETERS LESS THAN 12".



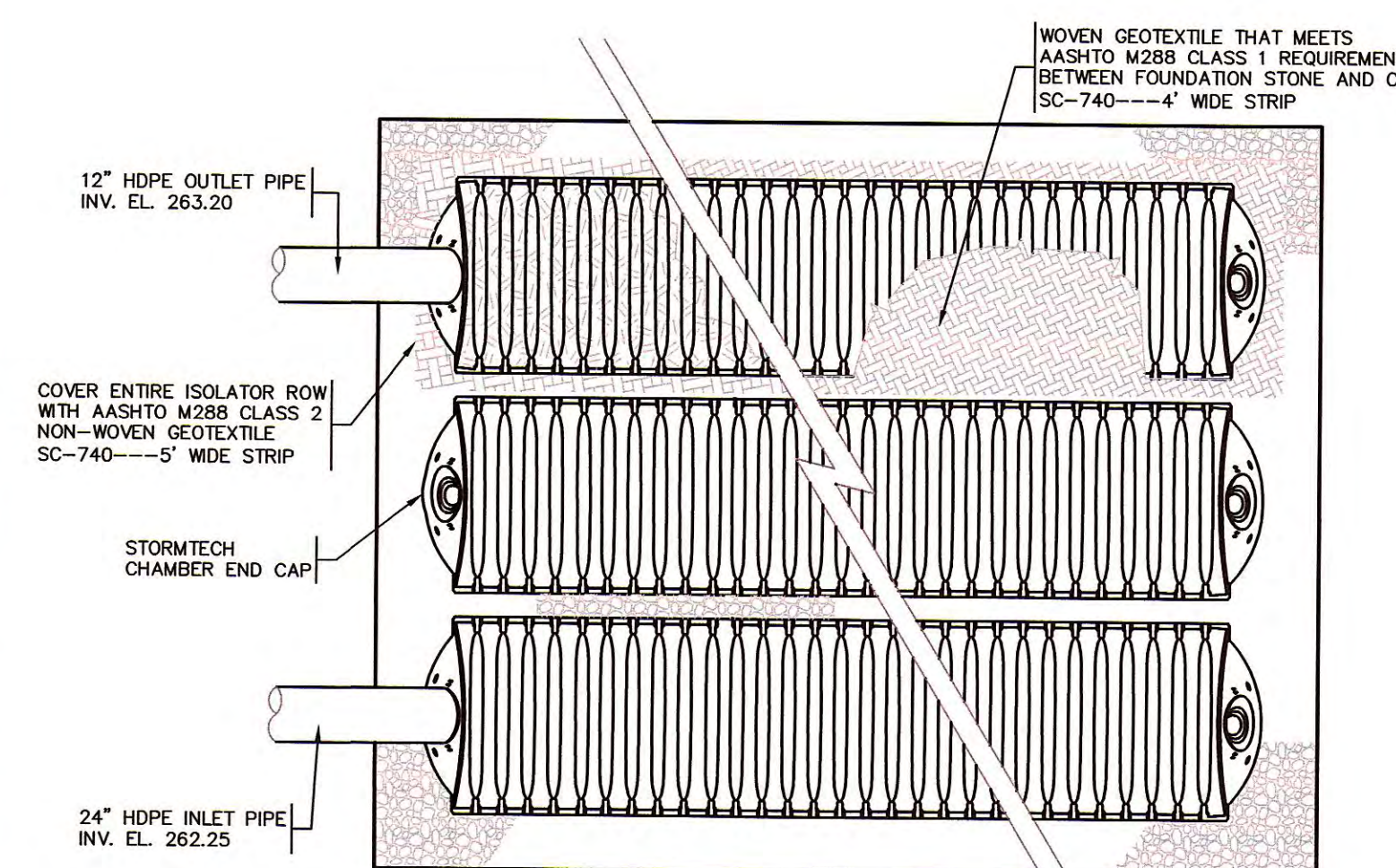
INFILTRATION CHAMBER (IC)
TYPICAL PLAN VIEW
NOT TO SCALE



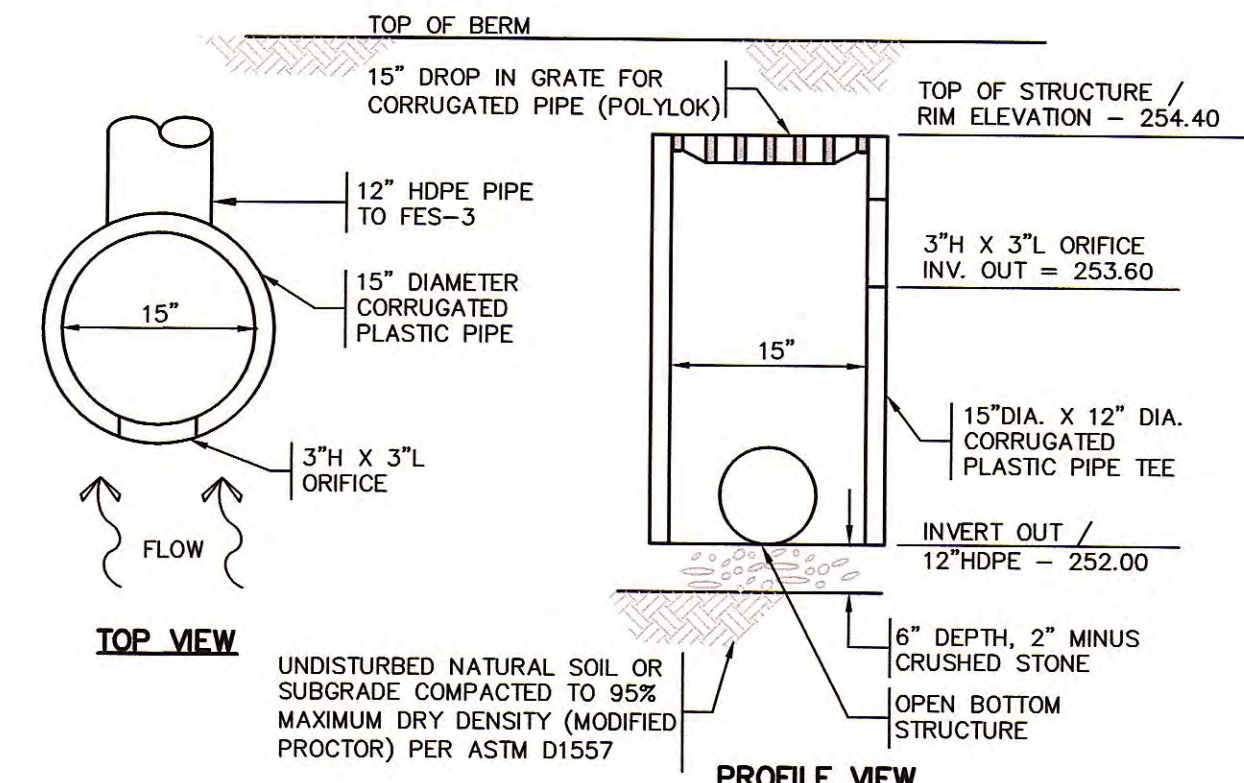
SPILLWAY
TYPICAL CROSS SECTION
NOT TO SCALE



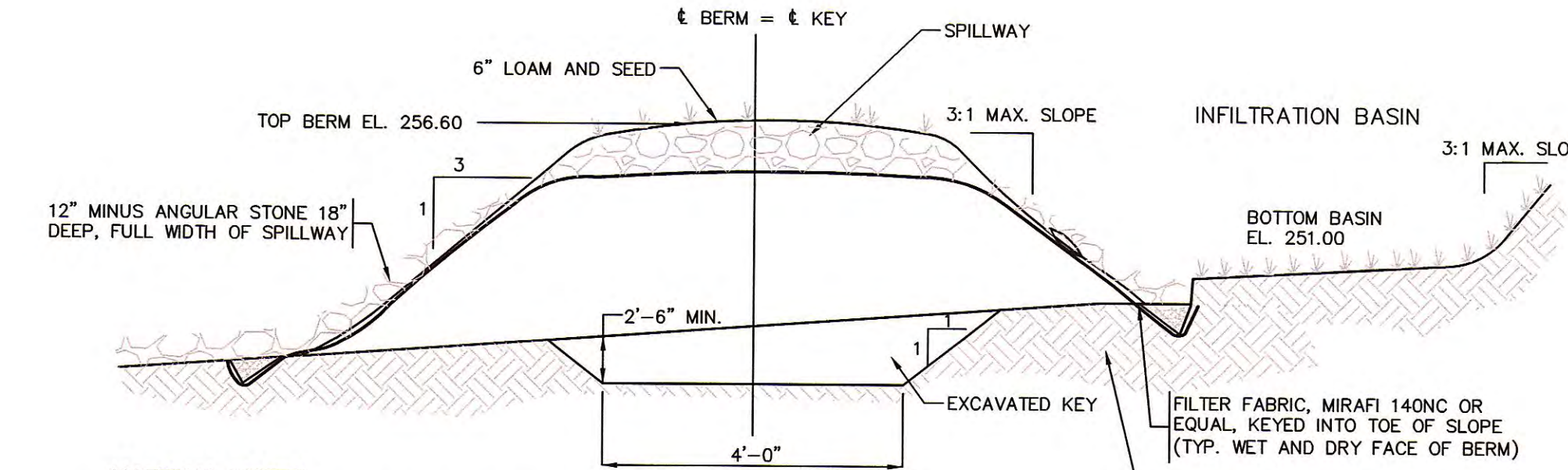
SEDIMENT FOREBAY
TYPICAL CROSS SECTION
NOT TO SCALE



INFILTRATION BASIN (IB)
TYPICAL CROSS SECTION
NOT TO SCALE



OUTLET CONTROL STRUCTURE
NOT TO SCALE



INFILTRATION BASIN (IB)
TYPICAL CROSS SECTION
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