

**TOWN OF HARVARD  
ZONING BOARD OF APPEALS AGENDA  
WEDNESDAY, MAY 1 2024 @ 7:00pm via ZOOM**

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

THVolGovt Pro is inviting you to a scheduled Zoom meeting.

Topic: Zoning Board of Appeals

Time: May 1, 2024 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/86825048103?pwd=WmZPU201S2ZjckVuS1dmNUU1WGRFdz09>

Meeting ID: 868 2504 8103

Passcode: 416508

One tap mobile

+13126266799,,86825048103# US (Chicago)

+16469313860,,86825048103# US

Dial by your location

• +1 312 626 6799 US (Chicago)

• +1 646 931 3860 US

• +1 929 436 2866 US (New York)

Meeting ID: 868 2504 8103

Find your local number: <https://us02web.zoom.us/u/kbkbznNX6x>

**Public Participation**

**Old Business:**

- a) Craftsman Village update
- b) Volunteer application submittal
- c) Trail Ridge update

**New Business:**

**7:00pm Special Permit Hearing – Gerald and Carole Gaw, 4 Wilroy Avenue, §125-3B** Reconstruction of a pre-existing Non-conforming, single family home and conversion to year-round use.

**7:15pm Variance Public Hearing - requested by Joshua and Greta Bretz, 39 Cleaves Hill Road, §125-30E(3)** for recently built detached garage structure built over/within the setback.

**7:45pm Special Permit Hearing – Matthew and Evangelene Kennedy, 11 Bowers Road, §125-18.1** to reapprove a previously granted Special Permit for an Accessory Dwelling Unit, which has expired on a pre-existing non-conforming lot.

**8:00pm Continuation of a Public Hearing for 247 Littleton County Road, William Ference at 247 Littleton County Road, §125-3C** Non-conforming structures other than

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.

one – and two-family dwellings and §125-3D Non-conforming uses,  
request for Modification of a Special Permit.

**Standard Business:**

- a) Approve Minutes: 3 April 2024
- b) Approve Invoice (none this month)
- c) Discuss July meeting date (July 3<sup>rd</sup> on Wednesday)

**NEXT SCHEDULED MEETING:  
WEDNESDAY, JUNE 5, 2024**

**AS/bny**

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.



**Bare Hill Pond Watershed Management Committee  
Town of Harvard  
Town Hall  
13 Ayer Road  
Harvard, MA 01451**

**Committee**

Ben Baron  
Pablo Carbonell  
Rainer Park  
Joe Pettirossi  
Kerry Shrives  
Peter von Loesecke  
Bruce Leicher, Chair

March 28, 2024

**By Email to:** [lallard@harvard.ma.us](mailto:lallard@harvard.ma.us); [ykonstantinidis@harvard-ma.gov](mailto:ykonstantinidis@harvard-ma.gov)

Harvard Conservation Commission  
13 Ayer Road  
Harvard, MA 01451

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

Re: Special Permit Request and Notice of Intent, 4 Wilroy Ave (“Applicant”)

Dear Commission and Board Members:

Thank you for requesting comments from the Bare Hill Pond Watershed Management Committee (the “Pond Committee”) on the special permit application and notice of intent filed relating to 4 Wilroy Ave. Applicant requests that the Harvard Zoning Board of Appeals (the “ZBA”) find that what appears to be non-conforming uses of the lot conforms to Section 125-3B and that the proposed reconstruction is in compliance with Section 125-11 of the Town By-Laws. As we understand it, Applicant seeks to convert a seasonally restricted lot into a year-round residence and to construct a new residence in an area that is approximately 50 feet from the shore of Bare Hill Pond. The Pond Committee requests that the ZBA and Conservation Commission carefully examine the plans and the construction process so that the Pond is protected in accordance with the By-Laws and the Wetlands Protection Act.

Unlike prior proposal for reconstruction this close to the Pond, this project is a proposal to *increase* the size of the existing home footprint, and to *increase* roof and impervious surfaces as well as to remove a number of trees. These changes appeared to the Committee as significant changes to the to the neighborhood and the view shed. No replanting or replication of the areas removed from the wetlands are proposed other than the inclusion of a trench to capture a portion of the increase in stormwater from the new

driveway. For example, when 45 Pine Ridge Drive was proposed for conversion and reconstruction, the footprint of the home was *reduced* and steps were taken to minimize impact on the wetlands to and capture storm water.

More specifically, the Committee discussed the following concerns:

- The plan calls for the removal of the vast majority (almost all) of the mature trees in on the site. This includes healthy standing white pines, healthy chestnuts (possibly misidentified as oak trees on the plans) and others within the buffer zones.
- The amount of increase in structures is virtually building a full wall of construction from one side of the “lot” to the other. The existing structure is fairly low. It is not clear if the “existing footprint” is accurate to the structure on site. With the addition of the proposed garage and likely two story house (two story is not specified) and especially after the removal most of the trees, are we setting a precedent of allowing a continuous wall of development along the shore line without maintaining the appropriate vegetative plantings in this critical zone.. As the area is not individual lots, there are no setbacks (front, side nor rear) for each “lot” making for no breaks in the continuity of neighboring structures in the future. This visual will further be amplified by the elevation of the terrain above the water as appearing to have even larger size when viewed from the pond perspective.
- Of further concern is the amount of increase in the impervious areas within the buffer zones caused by the increase in structure size, additional garage building, paved parking area, the “relocated” shed and proposed brick patio. Though there are proposed recharge trenches for some of these areas, with many of today’s storms, will some of these be overwhelmed? Will the brick patio that does not currently have any pavers or finish and no design provision for water attenuation, shed water causing erosion over the retaining wall and down the steep slope towards the pond? This patio will also receive roof load from the house and covered proposed deck.

Critically, a special permit requires a demonstration that no additional stormwater will run into the Pond. The Wetlands Protection Act requires that when there is removal of wetlands for construction, that replication be included to provide protection from the proposed activity in the buffer zone.

- Even the “setback” of the proposed garage; only 8.5 feet from the **centerline** of Wilroy Ave presents a precedent that changes the humble nature of the area towards overbuilding.
- Lastly, the conversion to year round use will by virtue of year round use, result in increased impact on the site.

Zoning Board of Appeals  
Conservation Commission  
March 28, 2024  
Page 3 of 3

Overall, the Committee concluded that this proposal seems too intensive a redevelopment of this area with little consideration for the environmental and aesthetic repercussions and would thus set a new standard for the allowable future redevelopment of other structures on association and pondside properties. This change in the standard seems inconsistent with Zoning and creates concerns under the Wetlands Protection Act.

A new plan should be submitted that is consistent with prior seasonal conversions that minimize disturbance in the buffer zone, includes remedial vegetation and rain gardens to capture any impacts from the project, and does not expand the impervious footprint.

The Pond Committee appreciates this opportunity to comment and request that the ZBA Conservation Commission address the zoning and watershed concerns before proceeding with the approval.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Leicher".

Bruce A. Leicher, Chair

# NEW RESIDENCE

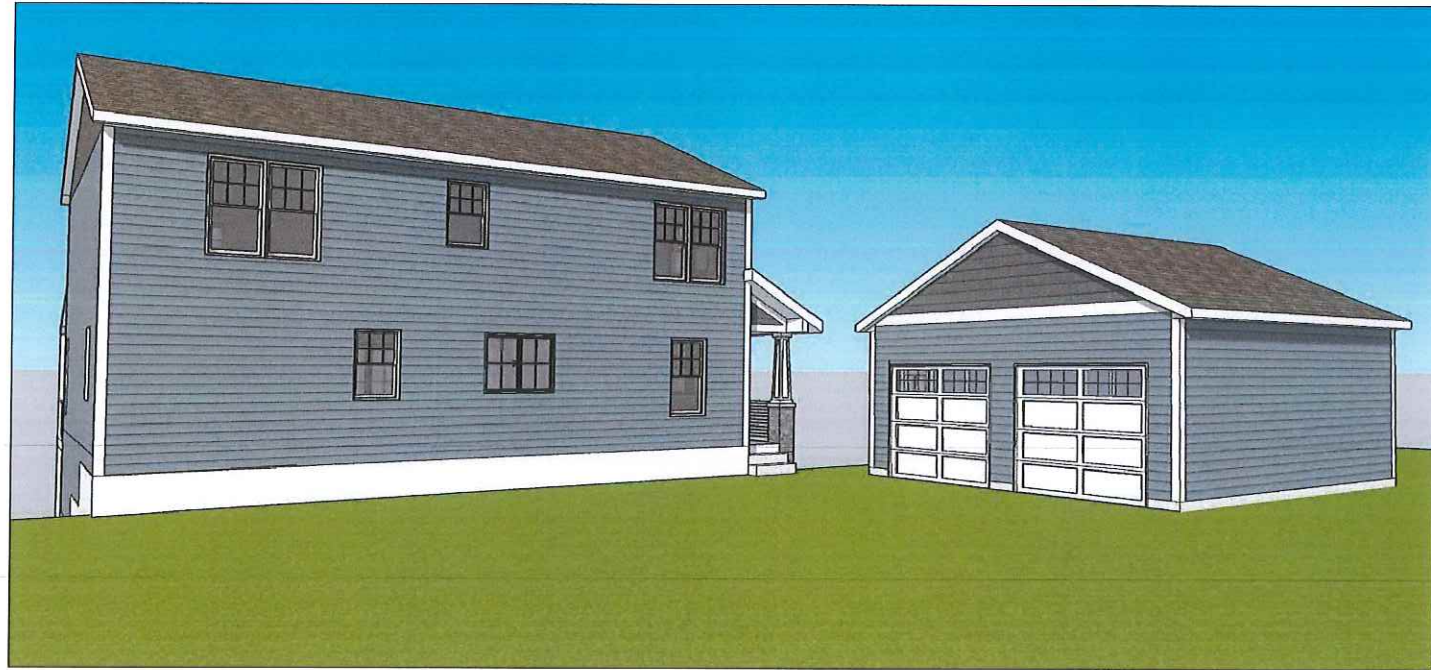
4 WILROY AVE HARVARD, MA

## APPLICABLE BUILDING CODES

MASSACHUSETTS STATE BUILDING CODE – 780 CMR– NINTH EDITION

CONTRACTOR SHALL COMPLY WITH THE ABOVE CODES AND ALL LOCAL CODES. CONTRACTOR TO NOTIFY ARCHITECT OF ANY CONDITIONS THAT VARY FROM CONSTRUCTION DOCUMENTS PRIOR TO PROCEEDING WITH CONSTRUCTION.

SCOPE OF WORK: 2,644 S.F. NEW SINGLE FAMILY RESIDENCE



FRONT VIEW



REAR VIEW

## DRAWING INDEX

### ARCHITECTURAL DRAWINGS

A0	TITLE SHEET: PROJECT INFORMATION
A1	FLOOR PLANS
A2	FLOOR PLANS
A3	ROOF PLAN, DETAILS
A4	EXTERIOR ELEVATIONS
A5	EXTERIOR ELEVATIONS
A6	BUILDING SECTION
A7	BUILDING SECTION
A8	BUILDING SECTION

### STRUCTURAL DRAWINGS

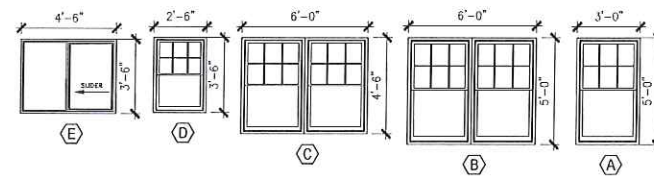
S1	FOUNDATION PLAN, DETAILS
S2	FRAMING PLANS/ DETAILS
S3	ROOF FRAMING PLAN/ DETAILS

ARCHITECT:  
Mark Schryver  
370 Goss Lane  
Lancaster, MA 01523  
ph. (978) 844-4708

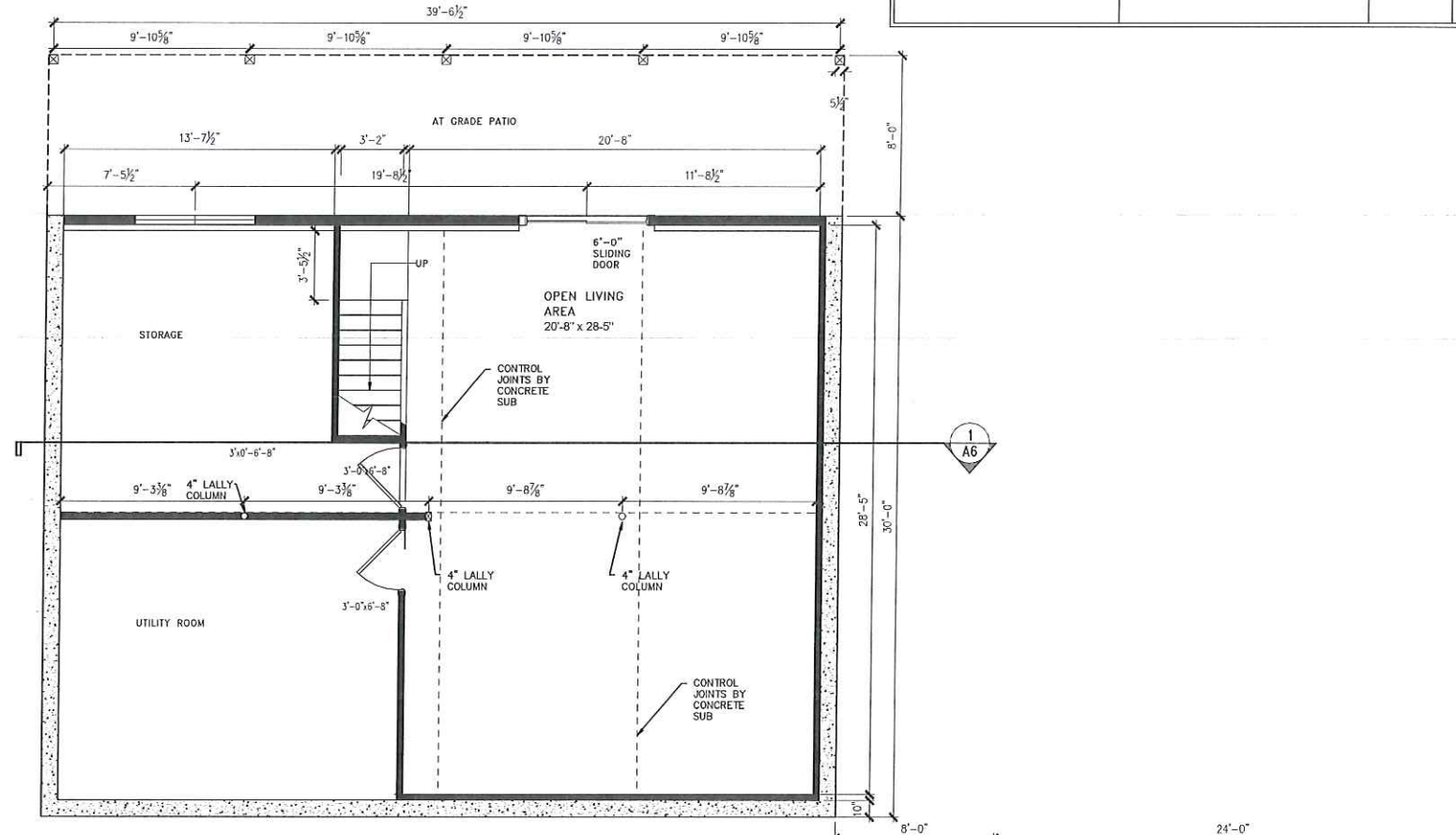


PERMIT SET DATE OF DRAWINGS: 12-11-2023 A-0

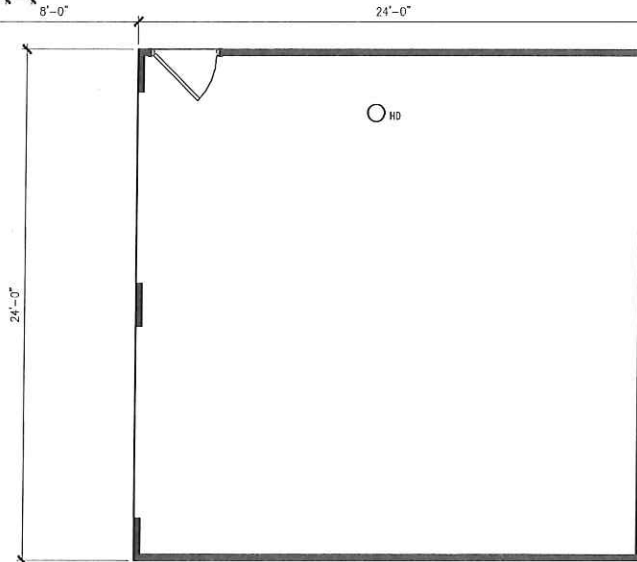




WINDOW SCHEDULE			
BASED ON HARVEY WINDOWS CONTRACTOR CAN SPECIFY OTHER MANUFACTURER AND MATCH SIZES			
ROUGH OPENING	TYPE OF WINDOW	MODEL #	COUNT
(A) R.O. = 36 1/2" X 60-1/2"	DOUBLE HUNG	...	3
(B) R.O. = 60 1/2" X 60-1/2"	DOUBLE HUNG	...	3
(C) R.O. = 60 1/2" X 54-1/2"	DOUBLE HUNG	...	8
(D) R.O. = 30-1/2" X 42-1/2"	DOUBLE HUNG	...	3
(E) R.O. = 54-1/2" X 42-1/2"	SLIDING	...	1



**BASEMENT FLOOR PLAN** 590 s.f.  
SCALE: 1/4"=1'-0"



**GENERAL NOTES**

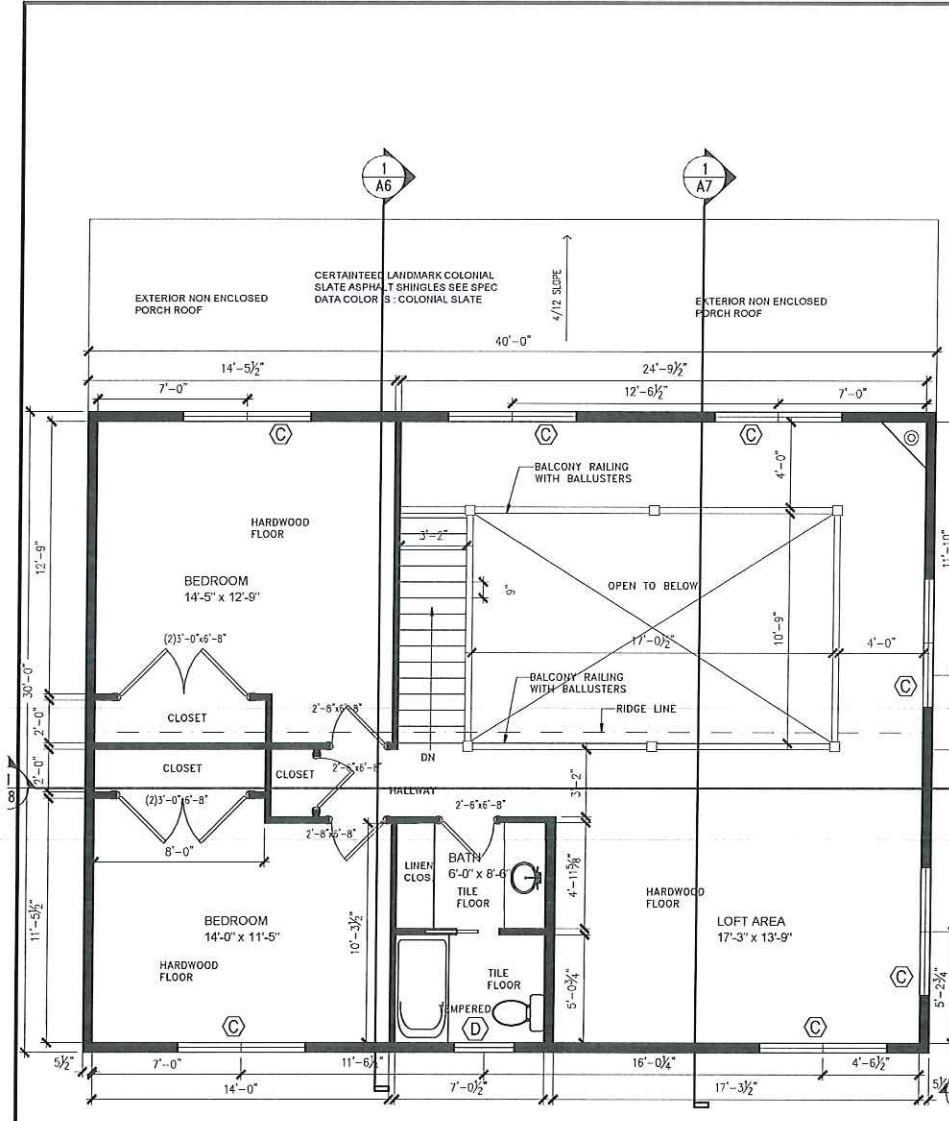
- ALL WORK TO CONFORM TO STATE BUILDING CODES
- SUPPORT ALL LOADS DURING CONSTRUCTION
- VERIFY ALL WORK WITH BUILDER PRIOR TO START. VERIFY ALL MANUFACTURERS AND PRODUCT SPECS.
- ALL DIMENSIONS ARE FACE OF STUD OR FACE OF FINISH
- VERIFY ALL DIMENSIONS AND ADJUST WORK AS REQUIRED TO MEET FIELD CONDITIONS
- SEE ADDITIONAL DRAWINGS AND SPECIFICATIONS FOR ADDITIONAL INFORMATION FOR CONSTRUCTION
- ALL STRUCTURAL BEAMS : IE MICRO LAM BEAMS, LVL TO BE INSTALLED 1/4" DOWN FROM SUB FLOOR AT ALL FLUSH BEAM LOCATIONS TO ALLOW FOR SHRINKAGE
- INSTALL SOLID BLOCKING BETWEEN JOIST BELOW ALL BEARING PARTITIONS WALLS
- 5310.1.1 MINIMUM WINDOW OPENING AREA. ALL EMERGENCY ESCAPE AND RESCUE OPENINGS SHALL HAVE A MINIMUM NET CLEAR OPENING OF 5.7 SQUARE FEET
- ALL POST TO BE INSTALLED WITH SOLID BLOCKING BETWEEN JOIST. ALL POST TO CONTINUE DOWN THROUGH FRAMING TO FOUNDATION SUPPORTS
- ALL WOOD AND MICRO LAM BEAMS TO BE GLUED AND NAILED OR BOLTED AS DEFINED IN DRAWINGS. ALL NAILING FOR ALL LVL TO MEET BUILDING CODE.
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- ALL REQUIRED HEADER SIZES TO MEET OR EXCEED THE STATE BUILDING CODE. REFER TO THE FRAMING DRAWINGS FOR ADDITIONAL INFORMATION.
- ALL CONNECTION HARDWARE : HANGERS AND STRAPS, TO BE SIMPSON BRAND ; GALVANIZED STEEL INTERIOR AND STAINLESS STEEL FOR ALL EXTERIOR APPLICATION
- REFER TO STATE BUILDING CODE FOR THE CODE REQUIREMENTS FASTENER SCHEDULE
- ALL FOUNDATIONS INSTALLED UPON UNDISTURBED SOIL, WITH FOOTINGS INSTALLED 4 FEET MIN. BELOW GRADE
- ALL WINDOWS AND EXTERIOR DOORS TO COMPLY WITH THE STATE EGRESS AND ENERGY REQUIREMENTS.

**SYMBOLS LEGEND**

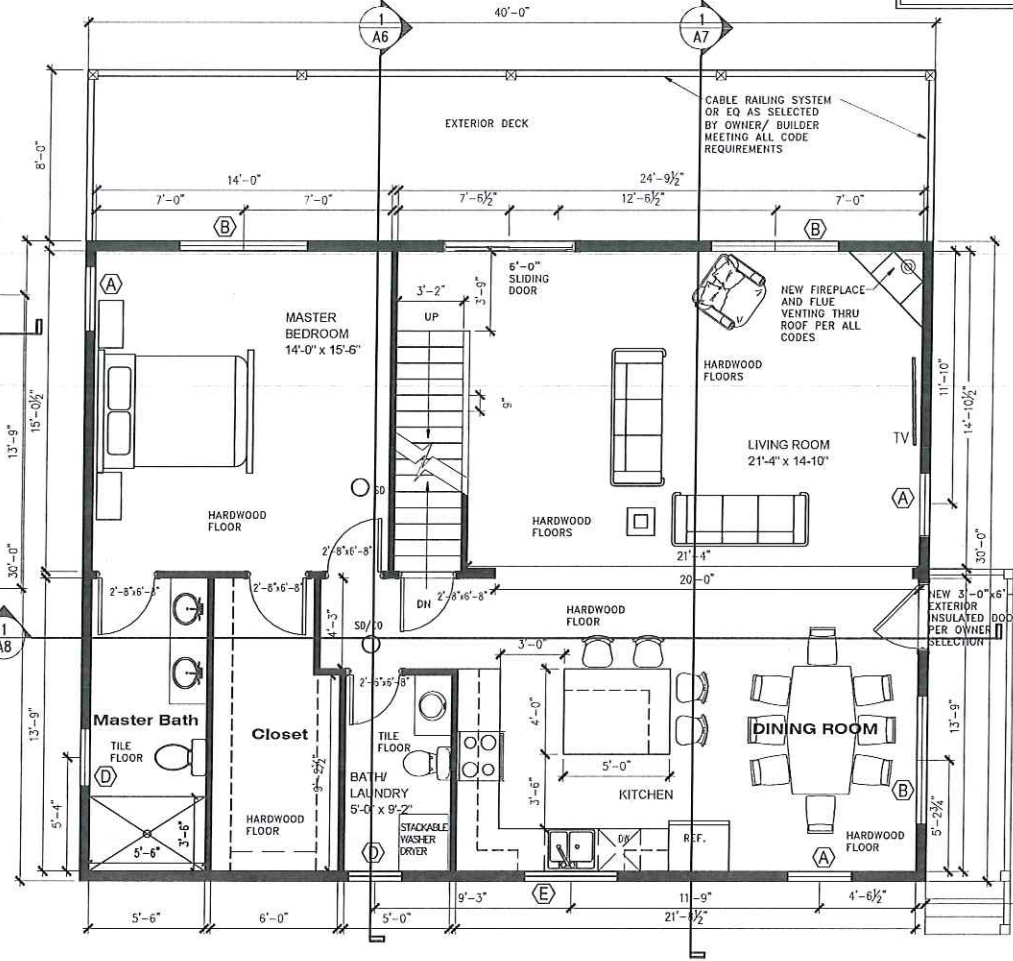
- NEW WALL CONSTRUCTION 2x4 INTERIOR 2x6 EXTERIOR UNLESS NOTED OTHERWISE
- WALL MT. LED LIGHT FIXTURE
- PENDANT OR CEILING MTG LIGHT FIXTURE
- SINGLE POLE SWITCH, TRIPPLE POLE SWITCH, DIMMER
- RECESSED CAN LIGHT FIXTURE IC TYPE PER NEC 410-10.8
- EXHAUST FAN VENTING TO OUTSIDE OF STRUCTURE
- One smoke alarm on every habitable level of the residence.  
- One smoke alarm of the base of each stairway.  
- One smoke alarm outside of each separate sleeping area.  
- One smoke alarm inside every sleeping area.  
- A minimum of one smoke alarm must be installed for every 1,200 square feet of living space per level.
- COMBINATION ALARMS (PHOTOELECTRIC SMOKE AND CARBON MONOXIDE ALARMS) MAY BE USED. COMBINATION ALARMS MUST HAVE BOTH A TONE AND SIMULATED VOICE ALARM TO DISTINGUISH THE TYPE OF EMERGENCY  
  
On every level of the residence, including basements and habitable portions of attics, and must be located within 10 feet of each bedroom door.  
-Combination alarms (photoelectric smoke and carbon monoxide alarm) may be used.  
-Must be hardwired and interconnected with battery backup.
- HEAT DETECTOR IN GARAGE  
-Must be hardwired and interconnected with battery backup.
- Combination detectors (photoelectric smoke and carbon monoxide detector) may be used if the detector is within 20 feet of a kitchen or bathroom (containing a bathtub or shower).
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NEW HOUSE  
4 WILROY AVE.  
HARVARD, MA

FLOOR PLANS  
SCALE: 1/4"=1'-0"  
PERMIT SET:  
DATE : 12.11.2023 A1

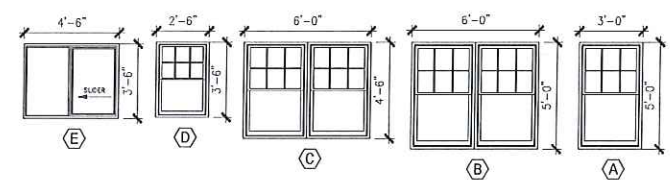


**SECOND FLOOR PLAN**  
SCALE: 1/4"=1'-0"  
917 s.f.



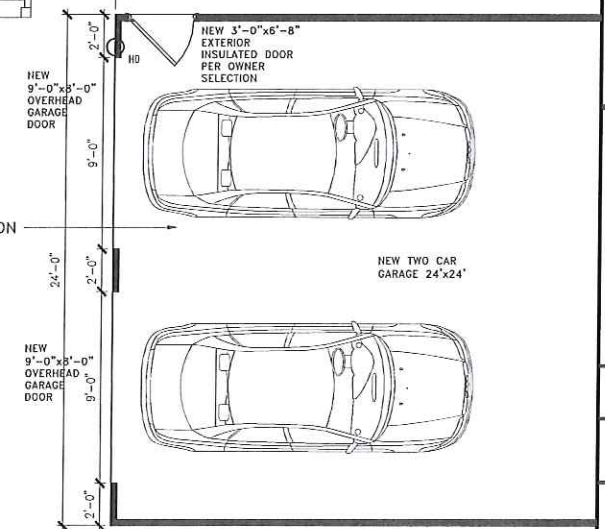
**FIRST FLOOR PLAN**  
SCALE: 1/4"=1'-0"  
1,137 s.f.

WINDOW SCHEDULE				
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- GENERAL NOTES**
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- SYMBOLS LEGEND**
- NEW WALL CONSTRUCTION 2x4 INTERIOR 2x6 EXTERIOR UNLESS NOTED OTHERWISE
  - WALL WT. LED LIGHT FIXTURE
  - PENDANT OR CEILING MTD LIGHT FIXTURE
  - \$, \$\$, D SINGLE POLE SWITCH, TRIPPLE POLE SWITCH, DIMMER
  - RL RECESSED CAN LIGHT FIXTURE IC TYPE PER NEC 410-10.3
  - F/L EXHAUST FAN VENTING TO OUTSIDE OF STRUCTURE
  - SD One smoke alarm on every habitable level of the residence. One smoke alarm at the base of each stairway. One smoke alarm outside of each separate sleeping area. One smoke alarm inside every sleeping area. A minimum of one smoke alarm must be installed for every 1,200 square feet of living space per level.
  - SD/CO COMBINATION ALARMS (PHOTOELECTRIC SMOKE AND CARBON MONOXIDE ALARMS) MAY BE USED. COMBINATION ALARMS MUST HAVE BOTH A TONE AND SIMULATED VOICE ALARM TO DISTINGUISH THE TYPE OF EMERGENCY
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FOR EXACT LOCATION OF GARAGE SEE CIVIL SITE PLAN

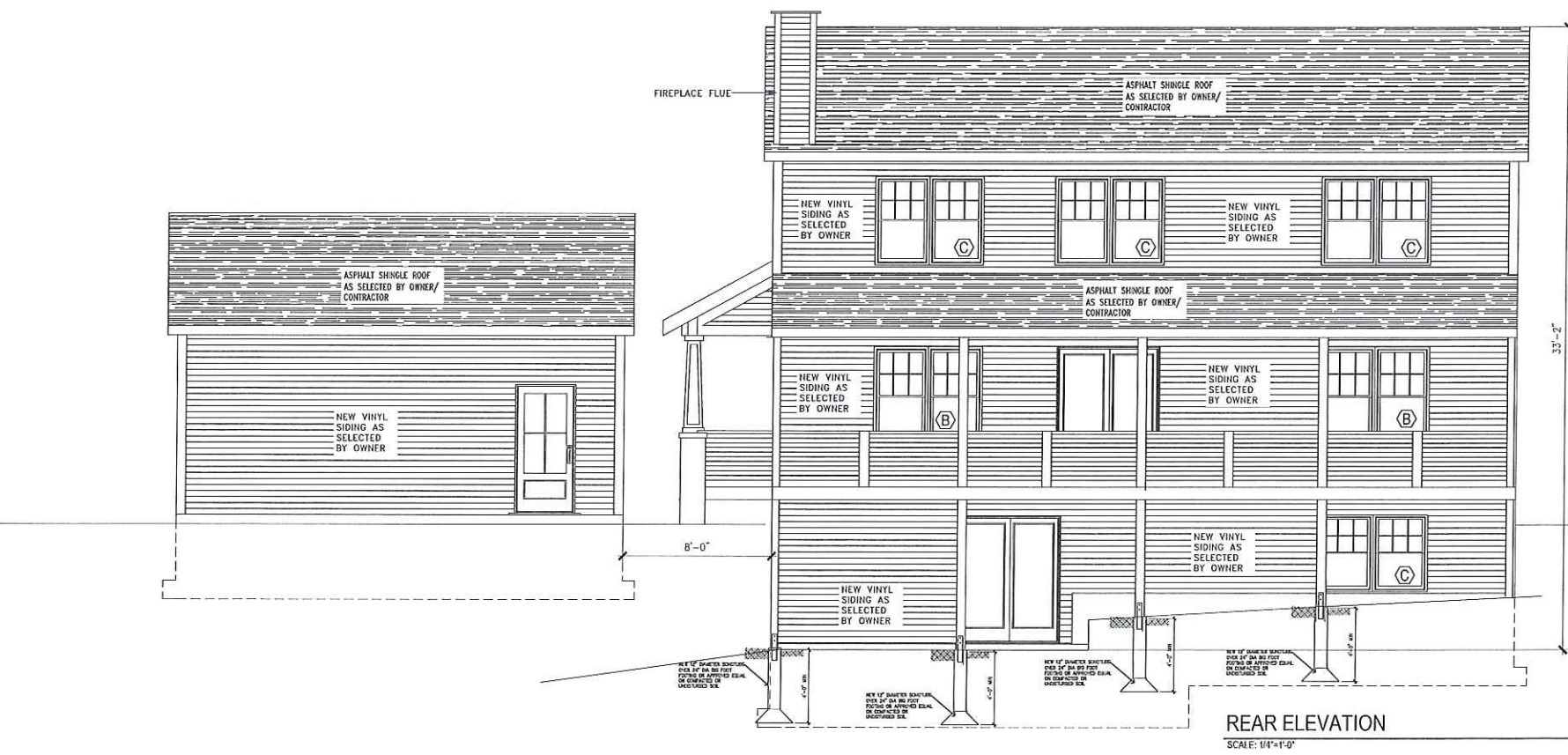
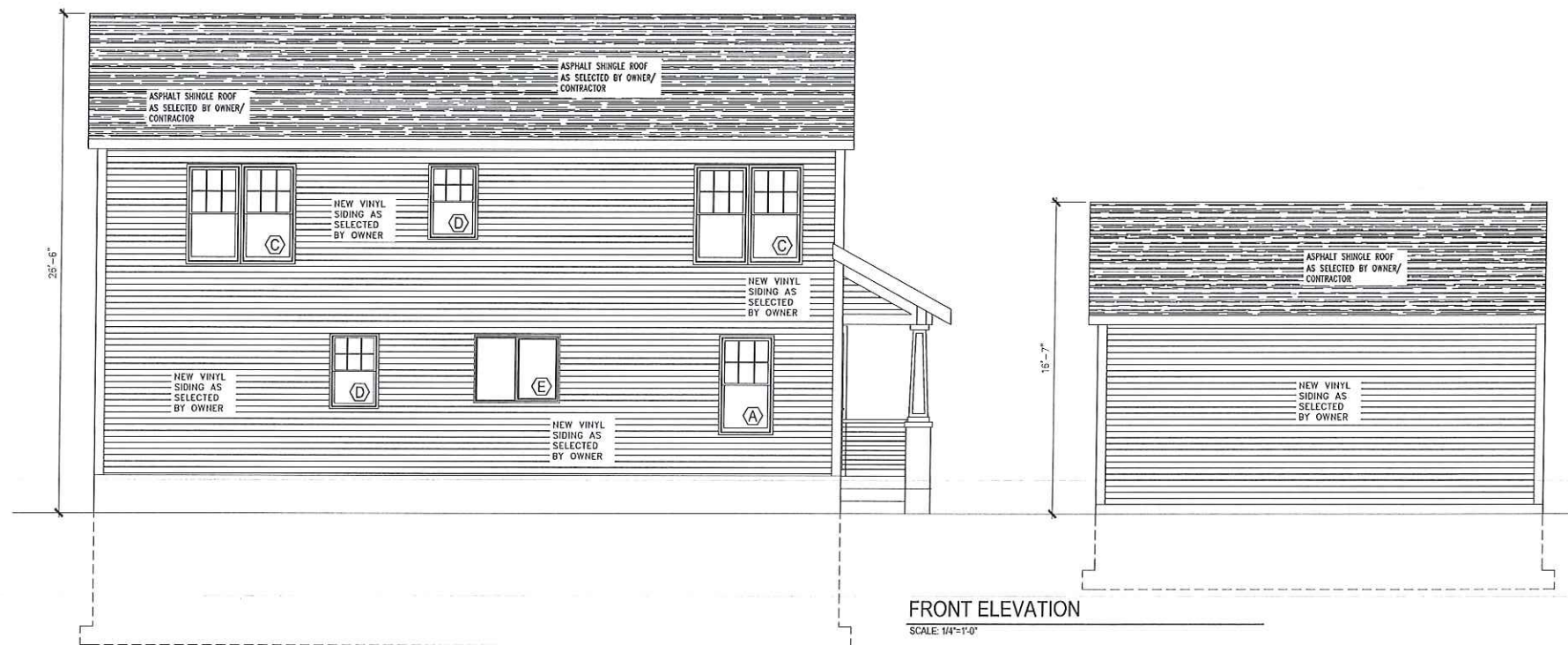
**NEW HOUSE**  
4 WILROY AVE.  
HARVARD, MA

**FLOOR PLANS**  
SCALE: 1/4"=1'-0"

DESIGN SET:  
DATE: 12.06.2023

A2





**GENERAL NOTES**

- 1- ALL WORK TO CONFORM TO STATE BUILDING CODES
- 2-SUPPORT ALL LOADS DURING CONSTRUCTION
- 3-VERIFY ALL WORK WITH BUILDER PRIOR TO START. VERIFY ALL MANUFACTURERS AND PRODUCT SPECS.
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- 8-INSTALL SOLID BLOCKING BETWEEN JOIST BELOW ALL BEARING PARTITIONS WALLS
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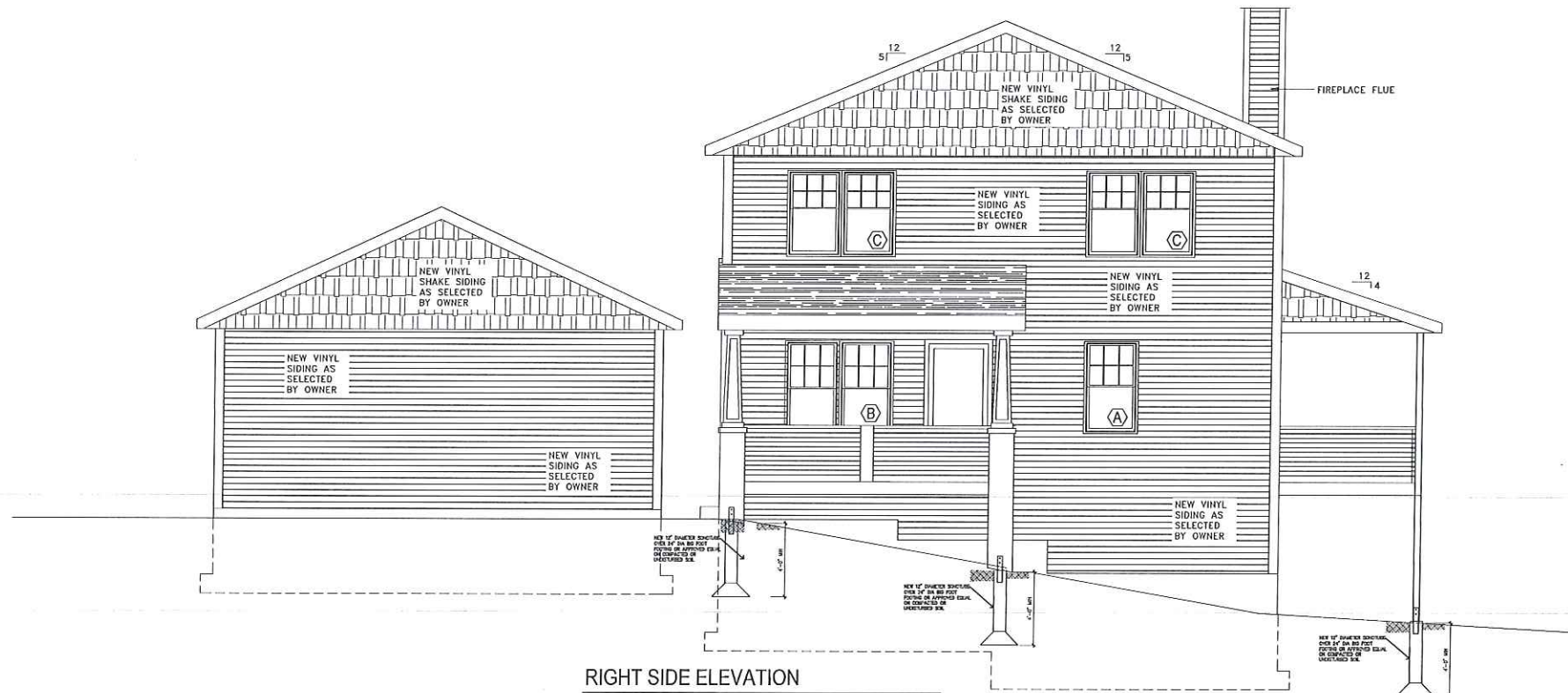
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NEW HOUSE  
4 WILROY AVE.  
HARVARD, MA

*Mark A. DeGasperis*

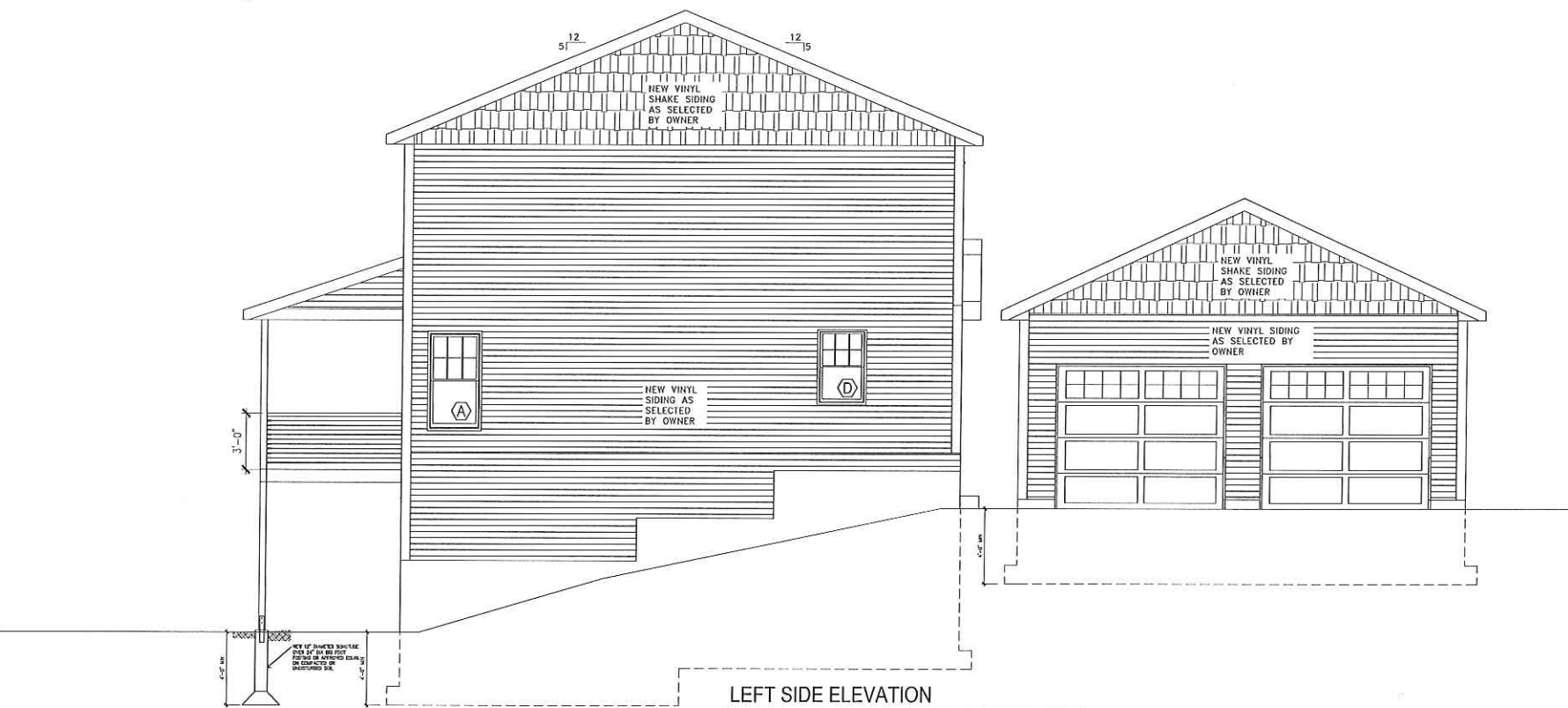
ELEVATIONS  
SCALE: AS NOTED  
PERMIT SET:  
DATE : 12.11.2022





RIGHT SIDE ELEVATION

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



LEFT SIDE ELEVATION

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

GENERAL NOTES

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- 14- ALL CONNECTION HARDWARE : HANGERS AND STRAPS, TO BE SIMPSON BRAND : GALVANIZED STEEL INTERIOR AND STAINLESS STEEL FOR ALL EXTERIOR APPLICATION
- 16- REFER TO STATE BUILDING CODE FOR THE CODE REQUIREMENTS FASTENER SCHEDULE
- 17- ALL FOUNDATIONS INSTALLED UPON UNDISTURBED SOIL, WITH FOOTINGS INSTALLED 4 FEET MIN. BELOW GRADE
- 18- ALL WINDOWS AND EXTERIOR DOORS TO COMPLY WITH THE STATE EGRESS AND ENERGY REQUIREMENTS.

SYMBOLS LEGEND

- NEW WALL CONSTRUCTION 2x4 INTERIOR 2x6 EXTERIOR UNLESS NOTED OTHERWISE
  - WALL W/ LIGHT FIXTURE FLUORESCENT OR INCAD. SUPPLIED BY OWNER INSTALLED BY GC
  - PENDANT OR CEILING MTD LIGHT FIXTURE
  - TELEPHONE JACK/DATA RUN BY OWNER
  - RECESSED CAN LIGHT FIXTURE IC TYPE PER NEC 410-6
  - EXHAUST FAN VENTING TO OUTSIDE OF STRUCTURE
  - SD One smoke alarm on every habitable level of the residence.
    - One smoke alarm at the base of each stairway.
    - One smoke alarm outside of each separate sleeping area.
    - One smoke alarm inside every sleeping area.
    - A minimum of one smoke alarm must be installed for every 1,200 square feet of living space per level.
  - SD/COZ COMBINATION ALARMS (PHOTOELECTRIC SMOKE AND CARBON MONOXIDE ALARM) MAY BE USED. COMBINATION ALARMS MUST HAVE BOTH A TONE AND SIMULATED VOICE ALARM TO DISTRINGUISH THE TYPE OF EMERGENCY
    - On every level of the residence, including basements and habitable portions of attics, and must be located within 10 feet of each bedroom door.
    - Combination alarms (photoelectric smoke and carbon monoxide alarm) may be used.
    - Must be hardwired and interconnected with battery backup.
  - HD HEAT DETECTOR IN GARAGE
    - Must be hardwired and interconnected with battery backup.
- Combination detectors (photoelectric smoke and carbon monoxide detector) may be used if the detector is within 20 feet of a kitchen or bathroom (containing a bathtub or shower).
- Combination detectors (photoelectric smoke and carbon monoxide detector) may be used if the detector is outside of 20 feet of a kitchen or bathroom (containing a bathtub or shower).

NEW HOUSE  
4 WILROY AVE.  
HARVARD, MA

ELEVATIONS

SCALE: AS NOTED

PERMIT SET:  
DATE : 12.11.2022



**TOWN OF HARVARD ZONING BOARD OF APPEALS  
APPLICATION FOR A HEARING**

Please review the Board of Appeals' Regulations, Chapter 135, The Code of the Town of Harvard, prior to filling out this Application for Hearing. This application, along with the appropriate documents and filing fee, must be filed in the office of the Town Clerk.

Name of Applicant: Gerald & Carole Gaw

Mailing Address: 3 Hillside Avenue - Clinton, Mass. 01510

Telephone Number: 978-798-8163 Email Address: ggaw@comcast.net

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

Location of Property: 4 Wilroy Avenue Assessors Map 26 Parcel: 5

Registry of Deeds: Book Number 5598 Page Number 284 Certificate Number \_\_\_\_\_

Owner's Name: Willard Shores, Inc. Tel. No.: 978-798-8163  
(If different than Applicant)

Owner's Address: P.O. Box 424 - Bolton, Mass. 01740

Representative: Daniel B. Wolfe, P.E. Tel. No.: 978-772-6232  
David E. Ross Assoc., Inc.

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

- |   |                                 |
|---|---------------------------------|
| <input type="checkbox"/> Variance (16 copies)                                 | Fee: \$150.00 + \$6.00/ abutter |
| <input checked="" type="checkbox"/> Special Permit (16 copies)                | Fee: \$200.00 + \$6.00/abutter  |
| <input type="checkbox"/> Modification/Extension (16 copies)                   | Fee: \$100.00 + \$6.00/abutter  |
| <input type="checkbox"/> Failure to Enforce Administrative Appeal (16 copies) | Fee: \$130.00                   |
| <input type="checkbox"/> Other Administrative Appeals (16 copies)             | Fee: \$175.00                   |
| <input type="checkbox"/> Comprehensive Permit (20 copies)                     | Fee: 500.00/unit                |

Specific Bylaw section (s) being applied for: 125-3B & 125-11

Nature of Application and Justification of Request: Reconstruction of a pre-existing, non-conforming, single-family home and conversion to year-round use.

The undersigned certifies that he/she has read and examined this application and the Harvard Zoning Board of Appeals Rules and Regulations, Chapter 135 of the Code of the Town of Harvard, and that the proposed project is accurately represented in the statements made in the application.

The applicant will be required to pay a local newspaper of general circulation for the current cost of advertising the hearing. The applicant will be billed directly from the newspaper for the cost of the advertised hearing or all advertising must be paid for in full prior to submittal to the newspaper.

I hereby request a hearing before the Board of Appeals with reference to the above application.

Daniel B Wolfe, AS AGENT  
Property Owner's Signature (REQUIRED)

3-12-24  
Date

Property Owner's Signature (REQUIRED)  
Daniel B Wolfe, AS AGENT  
Applicant's Signature (if different from owner)

Date  
3-12-24  
Date

# DAVID E. ROSS ASSOCIATES, INC.

---

*Civil Engineers, Land Surveyors, Environmental Consultants*

March 12, 2024

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

Re: Special Permit Request  
Mr. & Mrs. Gerard & Carole Gaw  
4 Wilroy Avenue, Harvard  
Project No. 34406

Dear Board Members:

The purpose of this letter is to detail to you the request for two Special Permits for the above referenced property. The project seeks to gain a Special Permit under Section 125-3B of the Harvard Protective (Zoning) By-Law that deals with changes to lawful, non-conforming, one and two-family dwellings. Additionally, we are also seeking a Special Permit under §125-11 of the Bylaw, for conversion of an existing seasonal, residential structure to year-round use.

**Section 125-3B – Non-conforming one- and two -family dwellings:**

The accompanying plan, (Plan No. L-14734), details the locations of both the existing and proposed structures as they relate to the offset to the centerline of Wilroy Avenue and the offset to the W-District. The lot itself, which is on the westerly shores of Bare Hill Pond, contains 6.2 acres of land and is accessed via Willard Lane and Wilroy Avenue. The land is owned by Willard Shores, Inc. and includes residences for approximately 15 different families/shareholders with their individual homes and amenities. All of the individual owners are governed by a Board of Directors and contribute to the on-site maintenance, taxes, and insurance of the property as well as yearly snow removal with quarterly assessments.

The original structure at #4 Wilroy Avenue was built in 1925, prior to the adoption of the Protective Bylaw in March of 1951. As such, we are afforded the designation of a “lawful non-conforming existing structure” as it pertains to Section 125-3A of the by-law.

The proposal itself involves the total reconstruction of the existing home in the same general location, along with an attached two-car garage. These proposed improvements will require a Special Permit, due to offset to the centerline of the roadway (Wilroy Ave.) and the offset to the W-District. Section 125-30(E)(4) requires that structures shall be set back from the center line of any roadway by at least 75 feet. In this case the existing structure is 30.5 feet from the center line of Wilroy Ave. and the proposal is to be 8.5 feet from the center line. Likewise, section 125-30(E)(7) requires that any structure shall be set back from the W-District boundaries of Bare Hill Pond by at least 60 feet. The foundation will continue to be 56.0 feet from the W-District, but the covered deck will extend to 46.4 feet from the W-District.

In accordance with Section 125-3B(2), we contend that the proposed reconstruction and addition would have been permitted before the structure became non-conforming and we also believe that the proposal will not be substantially more detrimental to the neighborhood than the existing non-

conformity. In fact, these reduced offsets to the centerline of the road are not uncommon in this pre-bylaw neighborhood.

Additionally, this proposal will not, as stated in 125-46C(1)(a), result in a substantial increase of volume or rate of runoff to neighboring properties and streets, nor will it result in substantial danger of pollution or contamination of the groundwater supply, a groundwater absorption area, wells, Bare Hill Pond, or the W-District. To forestall any of these conditions, the proposed garage structure, the edge of the proposed driveway, and the westerly side of the house will also provide recharge trenches to mitigate any additional roof or driveway runoff.

**Section 125-11 – Conversion of seasonal residence:**

According to the Protective Bylaws in the Town of Harvard, conversion of a lawful existing seasonal residence for use as a permitted year-round residence must satisfy two criteria. By virtue of this proposed house being completely rebuilt under the current Building Code requirements, we contend that this proposal will meet the minimum standards of fitness for human habitation. Secondly, we also assert that the sewage disposal system that was designed, permitted, and installed in 2006 was, and still is, in compliance with the minimum requirements for the disposal of sanitary sewage, as defined by Title 5.

And finally, we also bring forth that similar conversions of all seasonal residences in the general area would not result in substantial danger of contamination of the groundwater supply or of Bare Hill Pond. Many of the surrounding shareholders, with their respective homes on this property, have upgraded their own sewage disposal systems to meet the current Title 5 standards. These standards for upgrade do not differentiate between seasonal or full-time use, and therefore are all installed to accommodate full-time use. Those homeowners who have not upgraded to these standards would therefore need to also prove compliance if they were to ever look toward conversion to year-round use.

This proposal will soon be the subject of review before the Harvard Board of Health for a new connection to the existing sewage disposal system. We intend to simply connect this new proposed structure to the existing septic tank with a new sewer line. Details of this new connection are also shown on the attached site plan.

And finally, this proposal will also be brought before the Harvard Conservation Commission, with a Notice of Intent, for work within the 100-foot buffer zone and the 200-foot Pond buffer zone described in the Harvard Wetlands Bylaw.

We respectfully request that you evaluate this submittal for the benefit of the applicants, and see fit to grant us the special permit, as requested.

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

By:



Daniel B. Wolfe, P.E.

**DAVID E. ROSS ASSOCIATES, INC.**

**6 Lancaster County Road P.O. Box 795 Harvard, Massachusetts 01451**

**978-772-6232 FAX 978-772-6258**

**www.davidross.com**

To Whom It May Concern,

We, Gerard & Carole Gaw, the owners of the home at 4 Wilroy Avenue in Harvard, do hereby authorize Daniel B. Wolfe of David E. Ross Associates, Inc. to prepare any required applications to the Town of Harvard and to sign these applications on our behalf.

Thank you,

 3/2/2024

Gerald M Gaw

 3/2/2024

Carole M Gaw



**We, the board of directors of Willard Shores Inc, after reviewing the proposed removal of the structure at 4 Wilroy Ave, the proposed new dwelling and site plan, do approve this plan.**

**This letter is to certify that Willard Shore Inc does not object to the construction of the house and garage at 4 Wilroy Ave located within Willard Shores Inc.**

**We now state that the homeowner will comply with all state and local guidelines and the necessary documents to start and complete building construction.**

**Board of Directors,**

---

**Peter Hertel**

**14 Wilroy Ave**

**(77 Fort Pond Rd. Lancaster, Ma, 01523)**

**Greg Louis**

Digitally signed by Greg Louis  
DN: C=US,  
E=glois@gastocystedinc.com, O=Gate  
City Electric, CN=Greg Louis  
Date: 2024.02.26 16:32:09-0500

**02/26/2024**

---

**Gregory Louis**

**4 Highland Ave**

**(72 Almont St. Nashua, NH.03050)**

---

**Dennis Quinn**

**9 Wilroy Ave**

**(P.O. Box 102 StillRiver, Ma.01467)**

**We, the board of directors of Willard Shores Inc, after reviewing the proposed removal of the structure at 4 Wilroy Ave, the proposed new dwelling and site plan, do approve this plan.**

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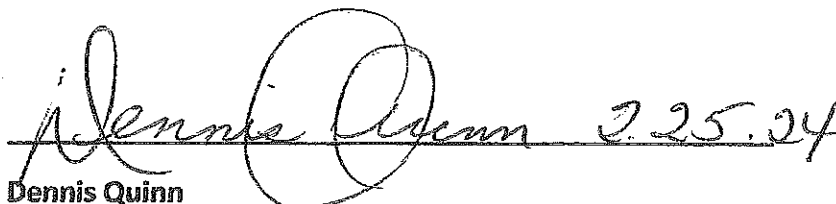
**Board of Directors,**

---

**Peter Hertel  
14 Wilroy Ave  
(77 Fort Pond Rd. Lancaster, Ma, 01523)**

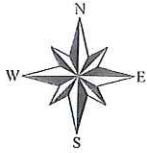
---

**Gregory Louis  
4 Highland Ave  
(72 Almont St. Nashua, NH.03050)**

 A handwritten signature in black ink that reads "Dennis Quinn" followed by the date "3.25.24". The signature is written over a horizontal line.

**Dennis Quinn**

**9 Wilroy Ave  
(P.O. Box 102 StillRiver, Ma.01467)**



Town of Harvard, MA

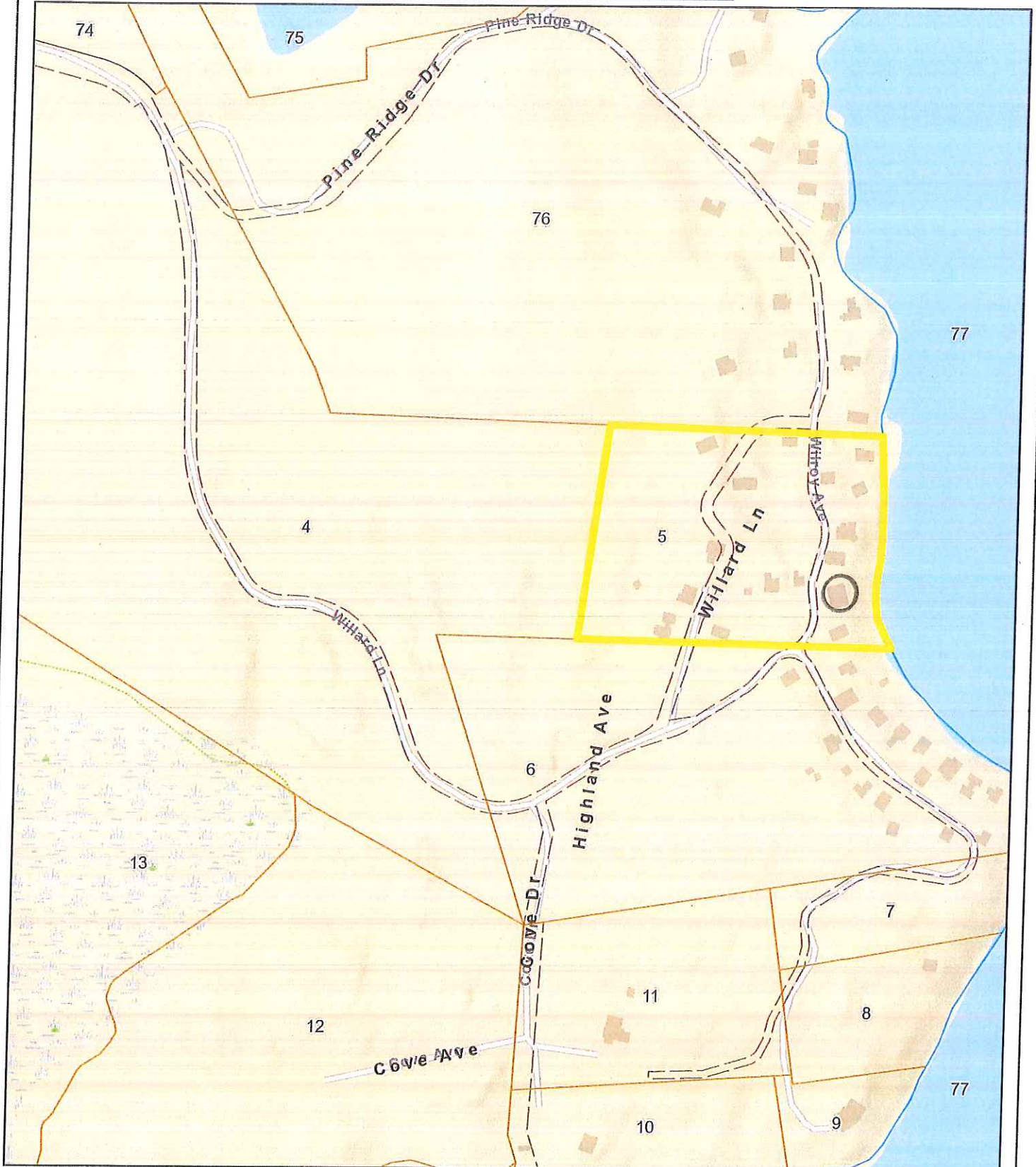
1 inch = 278 Feet

CAI Technologies

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www.cai-tech.com

March 7, 2024



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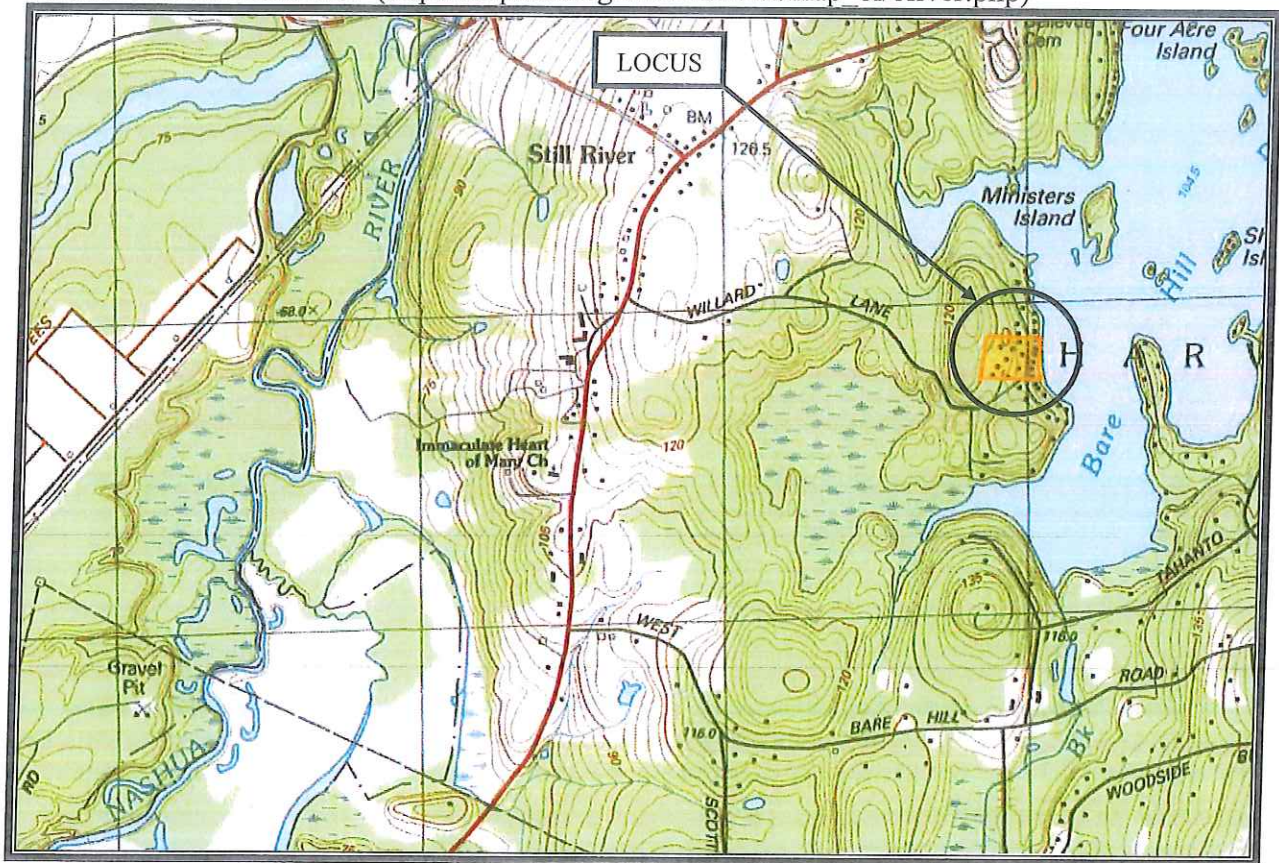
# DAVID E. ROSS ASSOCIATES, INC.

*Civil Engineers, Land Surveyors, Environmental Consultants*

## USGS

Site: #4 Wilroy Avenue – Harvard, MA 01451  
(Map 26 – Parcel 5)

Source: Current Mass GIS ([http://maps.massgis.state.ma.us/map\\_ol/oliver.php](http://maps.massgis.state.ma.us/map_ol/oliver.php))











## Abutters List Report

Town of Harvard, MA

Date: January 18, 2024  
Parcel Number: 026-005-000-000  
Property Address: Willard Shores, Inc. - Bare Hill Pond  
Abutters To: 300ft Direct Abutters

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

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

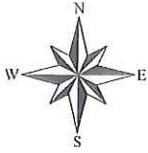
Carol Dearborn  
Assistant Assessor  
(978) 456-4100 x315

FINANCE DEPARTMENT - ACCOUNTANT, ASSESSORS, TREASURER/COLLECTOR

13 Ayer Road, Harvard, Massachusetts 01451-1458

[www.harvard-ma.gov](http://www.harvard-ma.gov)





# WILLARD SHORES, INC. , - BARE HILL POND

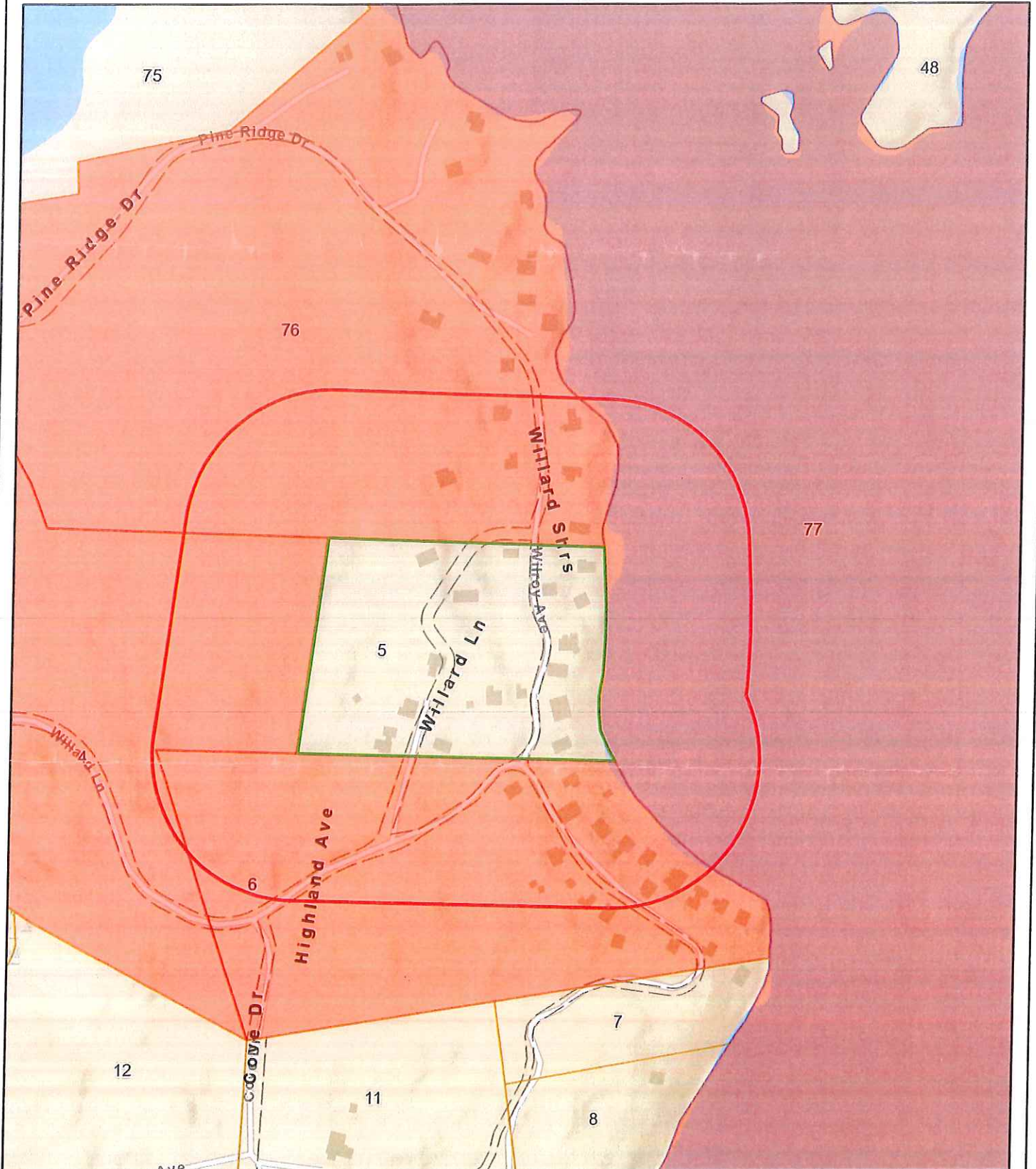
Town of Harvard, MA

1 inch = 278 Feet

**CAI Technologies**  
Precision Mapping. Geospatial Solutions.

[www.cai-tech.com](http://www.cai-tech.com)

January 18, 2024



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# 300 feet Abutters List Report

Harvard, MA  
January 18, 2024

## Subject Property:

Parcel Number: 026-005-000-000  
CAMA Number: 026-005-000-000  
Property Address: BARE HILL POND

Mailing Address: WILLARD SHORES INC  
PO BOX 424  
BOLTON, MA 01740

## Abutters:

Parcel Number: 021-076-000-000  
CAMA Number: 021-076-000-000  
Property Address: BARE HILL POND

Mailing Address: STILL RIVER REALTY TR  
PO BOX 128  
STILL RIVER, MA 01467

Parcel Number: 021-077-000-000  
CAMA Number: 021-077-000-000  
Property Address: BARE HILL POND

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

Parcel Number: 026-004-000-000  
CAMA Number: 026-004-000-000  
Property Address: BARE HILL POND

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

Parcel Number: 026-006-000-000  
CAMA Number: 026-006-000-000  
Property Address: CLINTON SHORE DR

Mailing Address: CLINTON SHORE DR ASSOCIATION  
PO BOX 63  
STILL RIVER, MA 01467

Parcel Number: 026-006-000-000  
CAMA Number: 026-2506-000-000  
Property Address: 111 CLINTON SHORE DR

Mailing Address: BAER, GARRY R & DIANA R, TTEES  
237 WHEELER ROAD  
ASHBY, MA 01431

Parcel Number: 026-006-000-000  
CAMA Number: 026-2706-000-000  
Property Address: 113 CLINTON SHORE DR

Mailing Address: BARRY A. JORDAN  
PO BOX 82  
STILL RIVER, MA 01467

Parcel Number: 026-006-000-000  
CAMA Number: 026-2806-000-000  
Property Address: 112 CLINTON SHORE DR

Mailing Address: CUMMINS, ROBERT C & PANASEVICH  
C, KAREN  
PO BOX 47  
STILL RIVER, MA 01467

Parcel Number: 026-006-000-000  
CAMA Number: 026-2906-000-000  
Property Address: 115 CLINTON SHORE DR

Mailing Address: STROLLER, RICHARD A.  
115 CLINTON SHORE DR UNIT#29  
HARVARD, MA 01451

Parcel Number: 026-006-000-000  
CAMA Number: 026-3006-000-000  
Property Address: 114 CLINTON SHORE DR

Mailing Address: BERGEN, JOSEPH  
173 LITTLETON CNTY RD  
HARVARD, MA 01451

Parcel Number: 026-006-000-000  
CAMA Number: 026-3106-000-000  
Property Address: 117 CLINTON SHORE DR

Mailing Address: SIMARD, WILLIAM & LINDA  
117 CLINTON SHORE DR  
HARVARD, MA 01451



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# 300 feet Abutters List Report

Harvard, MA  
January 18, 2024

Parcel Number: 026-006-000-000  
CAMA Number: 026-3206-000-000  
Property Address: 116 CLINTON SHORE DR

Mailing Address: NEE, ANDREA M  
22 ARTHUR ST  
CLINTON, MA 01510

Parcel Number: 026-006-000-000  
CAMA Number: 026-3306-000-000  
Property Address: 119 CLINTON SHORE DR

Mailing Address: BLOWER, BRADLEY  
7417 BUFFALO AVE  
TAKOMA PARK, MD 20912

Parcel Number: 026-006-000-000  
CAMA Number: 026-3406-000-000  
Property Address: 118 CLINTON SHORE DR

Mailing Address: LONG, ANDREA LYNN  
118 CLINTON SHORE DR, UNIT 34  
HARVARD, MA 01451

Parcel Number: 026-006-000-000  
CAMA Number: 026-3506-000-000  
Property Address: 125 CLINTON SHORE DR

Mailing Address: STAMSKI, BRUCE M & PLATT,  
ALEXANDER D, TTEES  
PO BOX 157  
STILL RIVER, MA 01467

Parcel Number: 026-006-000-000  
CAMA Number: 026-3606-000-000  
Property Address: 122 CLINTON SHORE DR

Mailing Address: ORR, JEFFREY F  
PO BOX 2  
STILL RIVER, MA 01467

Parcel Number: 026-006-000-000  
CAMA Number: 026-3706-000-000  
Property Address: 121 CLINTON SHORE DR

Mailing Address: STAMSKI, BRUCE M., MACKNIGHT,  
REBECCA E., STAMSKI,  
PO BOX 157  
STILL RIVER, MA 01451

Parcel Number: 026-006-000-000  
CAMA Number: 026-3806-000-000  
Property Address: 131 CLINTON SHORE DR

Mailing Address: MITCHELL, VERILYN  
15 OTIS ST  
CLINTON, MA 01510

Parcel Number: 026-006-000-000  
CAMA Number: 026-3906-000-000  
Property Address: 123 CLINTON SHORE DR

Mailing Address: GARDNER, MICHAEL JOSEPH  
28 HIDDEN BROOK DR  
STAMFORD, CT 06907

Parcel Number: 026-006-000-000  
CAMA Number: 026-4106-000-000  
Property Address: 127 CLINTON SHORE DR

Mailing Address: O'TOOLE, DAVID R & MICHAEL J JR  
61 ST ANDREWS DR  
CLIFTON PARK, NY 12065 1210

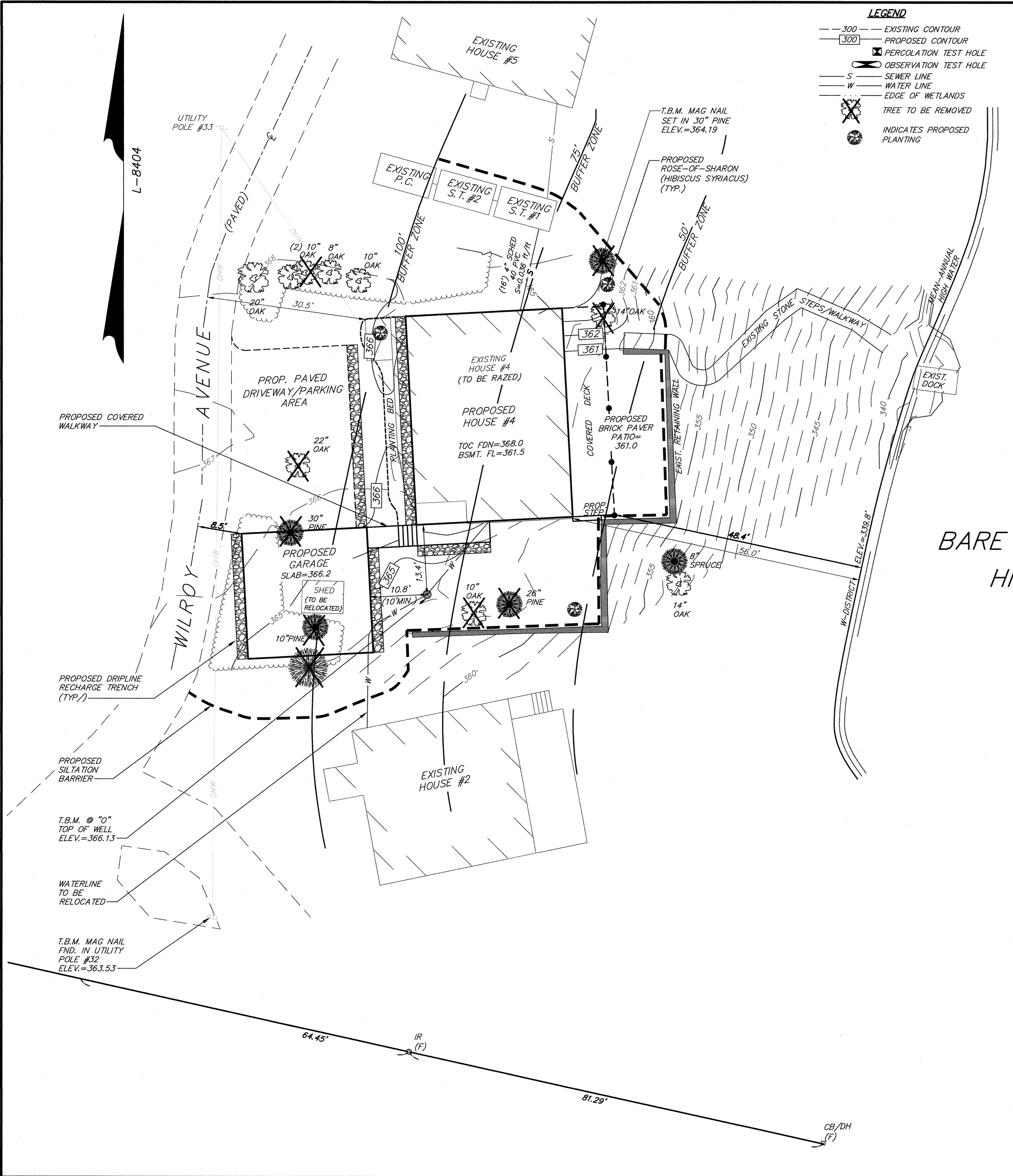
Parcel Number: 026-006-000-000  
CAMA Number: 026-4306-000-000  
Property Address: 129 CLINTON SHORE DR

Mailing Address: CARLISLE HARVARD NOMINEE TRUST  
7 PROVIDENCE PLACE  
LEXINGTON, VA 24450

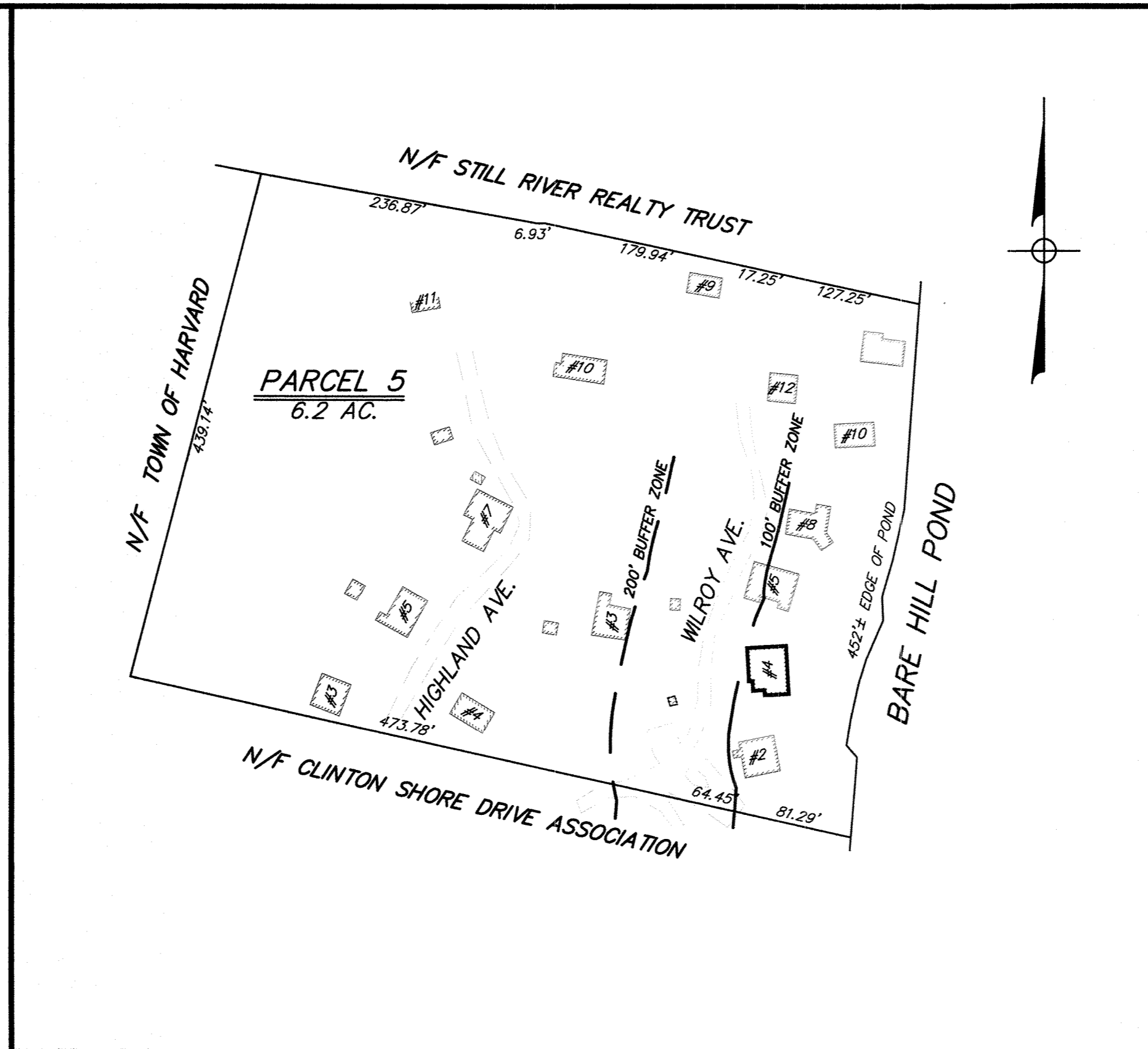


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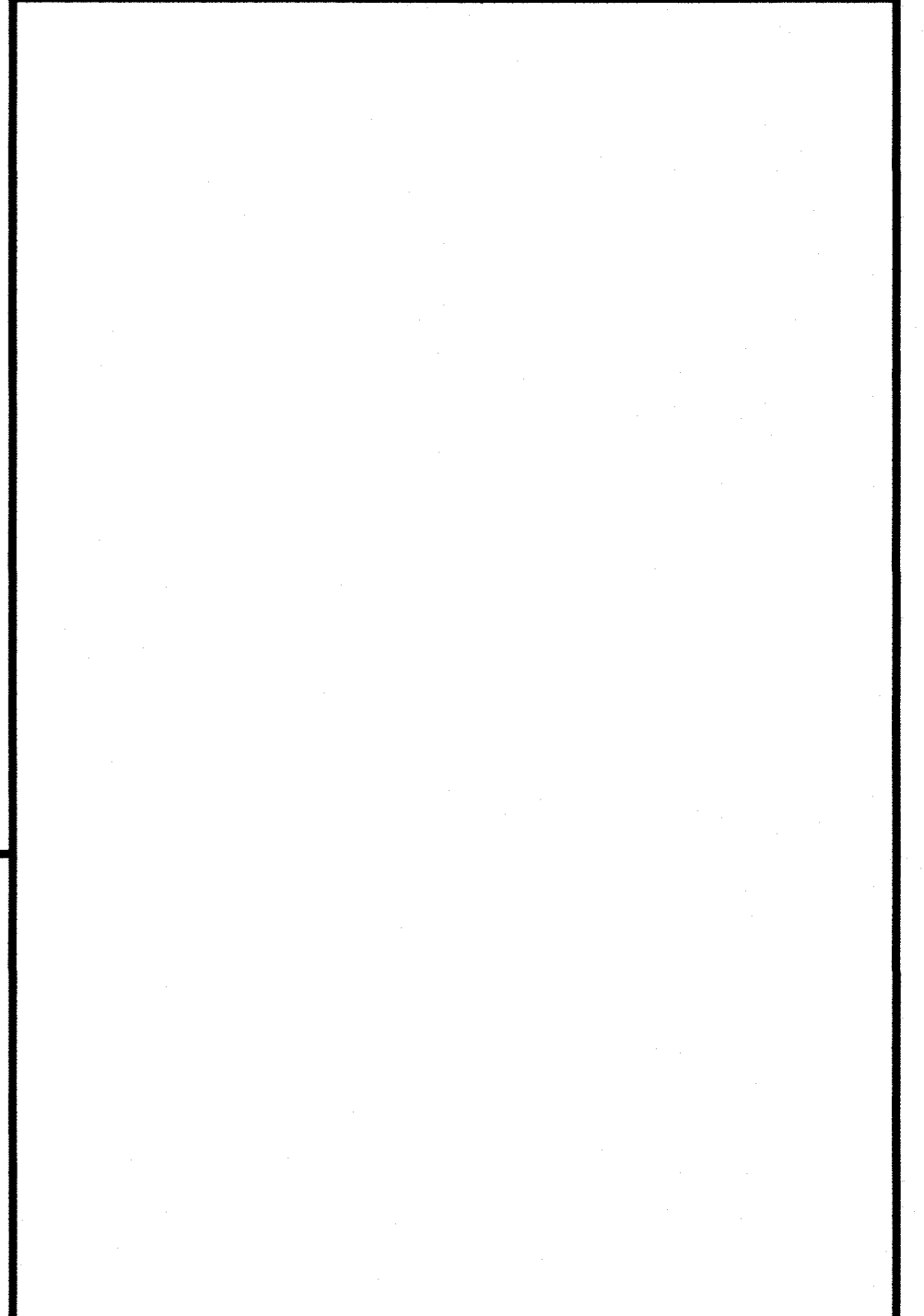
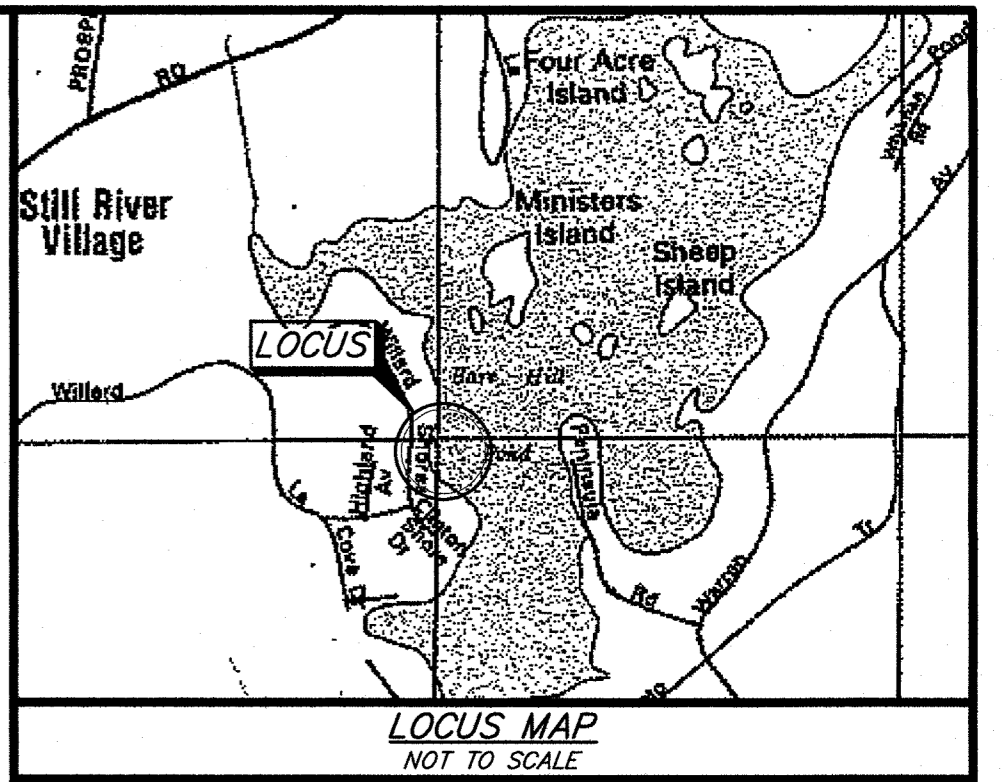


- LEGEND**
- 300 --- EXISTING CONTOUR
  - 300 --- PROPOSED CONTOUR
  - ☒ PERCOLATION TEST HOLE
  - OBSERVATION TEST HOLE
  - S — SEWER LINE
  - W — WATER LINE
  - EDGE OF WETLANDS
  - ✕ TREE TO BE REMOVED
  - INDICATES PROPOSED PLANTING



KEY MAP  
1"=100'

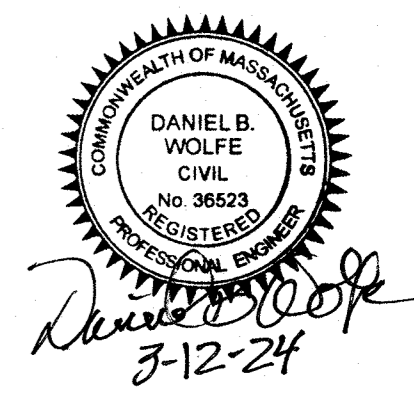
SCHEDULE OF ELEVATIONS	PROPOSED	AS-BUILT
TOP CONCRETE FOUNDATION	366.0	
INV. @ HSE. FOUNDATION	362.50	
INV. SEPTIC TANK INLET (EXIST.)	361.92	



SURV.: SPM	CALC.: SPM	DRAFT: PJT
NR: 847-68	DEED: ---	CHECK: DBW

**REVISIONS**

3/1/24	Original endorsement
3/7/24	Added Zoning dimensions
3/12/24	Added W-District offset



SHEET TITLE: **SITE PLAN**

DESIGNED FOR: **GERRY & CAROLE GAW**

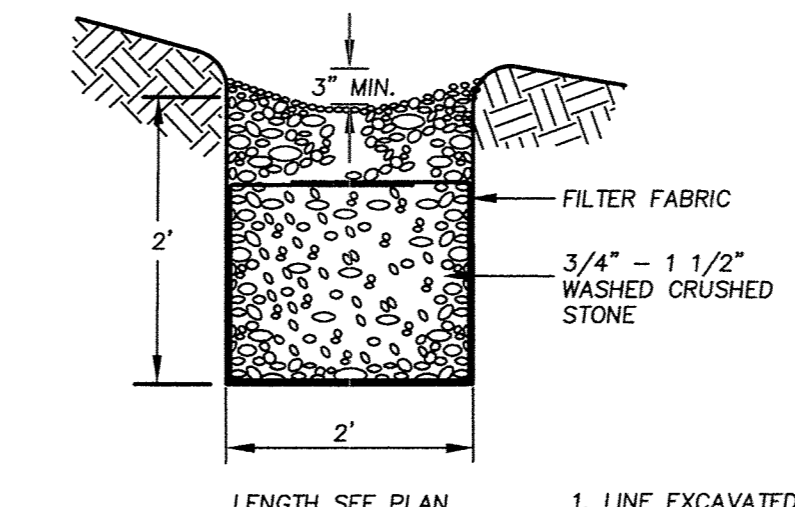
ADDRESS: **4 WILROY AVENUE HARVARD, MA**

LOT NO.: ---	ASSESSOR MAP: 26	ASSESSOR PARCEL: 5
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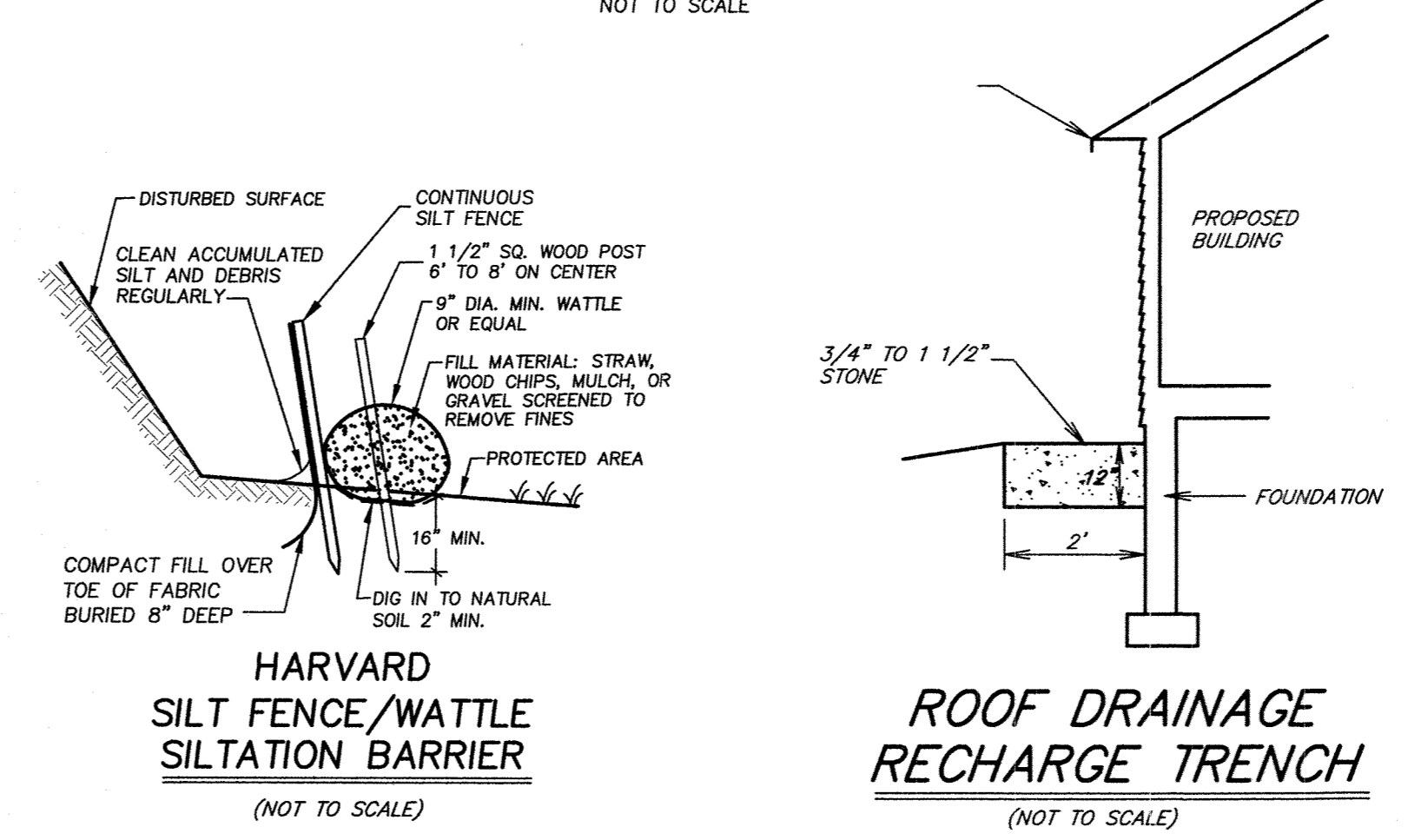
**DAVID E. ROSS ASSOCIATES, INC.**  
 CIVIL ENGINEERS - LAND SURVEYORS  
 ENVIRONMENTAL CONSULTANTS

6 Lancaster County Road P.O. Box 795 Harvard, MA 01451-0795  
 978-772-6232 FAX 978-772-6258 www.davidross.com

SCALE: 1"=10' DATE: FEBRUARY, 2024  
 REF.: L-13689, L-8404 PLAN NO.: L-14734  
 JOB NO.: 34406 SHEET NO.: 1 of 1



- LENGTH SEE PLAN
- RECHARGE TRENCH**  
NOT TO SCALE
1. LINE EXCAVATED TRENCH WITH FILTER FABRIC.
  2. ADD CRUSHED STONE TO TOP OF PERFORATED PIPE.
  3. FOLD FILTER FABRIC OVER TOP OF STONE AND PIPE.
  4. ADD REMAINING CRUSHED STONE TO FINISH GRADE.



**HARVARD SILT FENCE/WATTLE SILTATION BARRIER**  
(NOT TO SCALE)

**ROOF DRAINAGE RECHARGE TRENCH**  
(NOT TO SCALE)

**TOWN OF HARVARD ZONING BOARD OF APPEALS  
APPLICATION FOR A HEARING**

Please review the Board of Appeals' Regulations, Chapter 135, The Code of the Town of Harvard, prior to filling out this Application for Hearing. This application, along with the appropriate documents and filing fee, must be filed in the office of the Town Clerk.

Name of Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

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

Location of Property: \_\_\_\_\_ Assessors Map \_\_\_\_\_ Parcel: \_\_\_\_\_

Registry of Deeds: Book Number \_\_\_\_\_ Page Number \_\_\_\_\_ Certificate Number \_\_\_\_\_

Owner's Name: \_\_\_\_\_ Tel. No.: \_\_\_\_\_  
(If different than Applicant)

Owner's Address: \_\_\_\_\_

Representative: \_\_\_\_\_ Tel. No.: \_\_\_\_\_

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

- |  |                                 |
|--|---------------------------------|
| ___ Variance (16 copies)                                 | Fee: \$150.00 + \$6.00/ abutter |
| ___ Special Permit (16 copies)                           | Fee: \$200.00 + \$6.00/abutter  |
| ___ Modification/Extension (16 copies)                   | Fee: \$100.00 + \$6.00/abutter  |
| ___ Failure to Enforce Administrative Appeal (16 copies) | Fee: \$130.00                   |
| ___ Other Administrative Appeals (16 copies)             | Fee: \$175.00                   |
| ___ Comprehensive Permit (20 copies)                     | Fee: 500.00/unit                |

Specific Bylaw section (s) being applied for: \_\_\_\_\_

Nature of Application and Justification of Request: \_\_\_\_\_

The undersigned certifies that he/she has read and examined this application and the Harvard Zoning Board of Appeals Rules and Regulations, Chapter 135 of the Code of the Town of Harvard, and that the proposed project is accurately represented in the statements made in the application.

The applicant will be required to pay a local newspaper of general circulation for the current cost of advertising the hearing. The applicant will be billed directly from the newspaper for the cost of the advertised hearing or all advertising must be paid for in full prior to submittal to the newspaper.

I hereby request a hearing before the Board of Appeals with reference to the above application.

\_\_\_\_\_  
Property Owner's Signature (REQUIRED)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner's Signature (REQUIRED)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's Signature (if different from owner)

\_\_\_\_\_  
Date



## Written Statement for 39 Cleaves Hill Road ZBA Variance Application

The owners of 39 Cleaves Hill Road (Joshua and Greta Bretz) are asking the Zoning Board of Appeals (ZBA) for a variance on the 40 foot side setback bylaw (125.30 E.3) for a recently built detached garage structure. As seen in the attached as-built plan, one corner approaches 39.2 feet to the rightmost lot line. The rest of the structure, 99.9% of the foundation footprint, is set back over 40.0 feet. The town is withholding a final building permit until this issue is resolved.

The relevant part of town bylaw 125.30 E.3 states:

*“... structures other than fences, signs, and poles shall be set back from the lot boundaries by at least 20% of required lot width or of (maximum) lot width, whichever is lesser.”*

Every number that represents a physical measurement has a certain number of “significant digits.” In this case, 20% has at most two (2) significant digits. If three (3) significant digits were desired, then the number would have been expressed as “20.0%” which it was not, and neither was it expressed as “exactly 20%”. The number 20% therefore technically means any measurement between 19.50% and 20.49%.

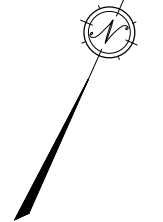
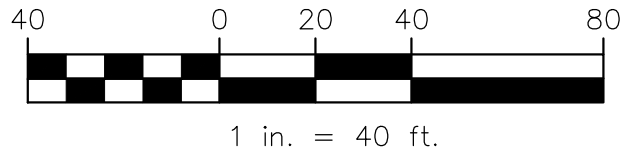
The “required lot width” in this case is 200 feet, so 20% of 200 feet is the 40 foot reference measurement. 19.50% of 200 feet is 39.0 feet, and 20.49% of 200 feet is 41.0 feet. The “20%” number therefore represents a range of possible measurements between 39.0 feet and 41.0 feet.

Given that the nominal surveyed measurement of 39.2 feet lies within the specified range, the structure is technically conforming to the statute. We hope that the Zoning Board of Appeals will agree that the attached map meets both the spirit and the exact phrasing of the existing bylaw. We therefore humbly ask the Zoning Board of Appeals for relief.

Signed,

Joshua H. Bretz

Greta S. Bretz



N58°27'30"E  
150.00'

N58°27'30"E 66.66'  
N71°44'20"E 21.86'  
N52°31'20"E 61.73'

N39°56'40"E  
109.12'

64.16'  
N63°43'10"E

N/F JOSHUA H. BRETZ & GRETA STAR BRETZ  
DEED BOOK 35021 PAGE 327  
LOTS 6,7 & 8 PLAN BOOK 250 PLAN 78  
1.2± ACRES  
PARCEL ID 18-30

LOT 6 P.B. 250 P.78  
LOT 7 P.B. 250 P.78

LOT 7 P.B. 250 P.78  
LOT 8 P.B. 250 P.78

S39°17'35"E  
329.07'

AS-BUILT GARAGE  
ROOF OVERHANG

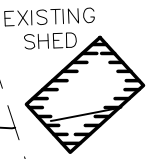
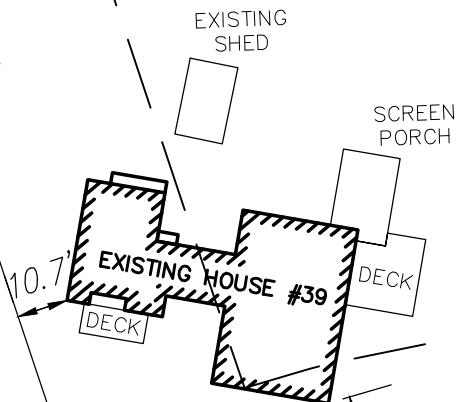
39.2'  
(TO SIDING)

APPROX. LOCATION  
OF BOULDER

APPROXIMATE  
LOCATION OF  
EXISTING SAS

75' SETBACK FROM  
ROAD CENTERLINE

N43°30'00"W  
297.99'



WELL (W)  
S48°32'00"W 51.80'  
S53°31'00"W 51.47'

S67°54'20"W

182.64'  
CLEAVES HILL ROAD

17.36'  
S54°14'10"W

S54°14'10"W  
150.00'  
LITTLETON  
COUNTY ROAD

EDGE OF PAVE APPROXIMATE



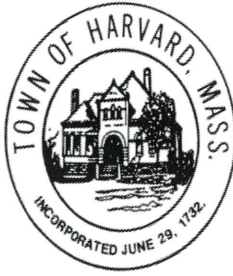
FOR PROPERTY LINE INFORMATION THIS PLAN RELIES ON DEEDS AND PLANS OF RECORD. THIS PLAN IS NOT REPRESENTED TO BE A TITLE EXAMINATION OR A RETRACEMENT SURVEY. THE SITE DOES NOT LIE WITHIN A FLOOD ZONE OF SPECIAL CONCERN PER FEMA FIRM 25027C0318E EFFECTIVE 7/4/2011.

AS-BUILT GARAGE PLAN  
HARVARD, MASSACHUSETTS  
PREPARED FOR: JOSHUA BRETZ



CIVIL ENGINEERS LAND SURVEYORS WETLAND CONSULTANTS  
CORPORATE OFFICE: CONCORD OFFICE:  
1 MAIN STREET, SUITE 1 978-779-6091 100 MAIN ST., SUITE 310  
LUNENBURG, MA 01462 www.dillisandroy.com CONCORD, MA 01742

SCALE: 1" = 40'  
DATE: JULY 25, 2023  
FILE No.: 6772



TOWN OF HARVARD  
ASSESSORS OFFICE  
13 AYER ROAD  
HARVARD, MA 01451  
978-456-4100 X315

RECEIVED

MAR 07 2024

BOARD OF ASSESSORS  
TOWN OF HARVARD

## REQUEST FOR CERTIFIED ABUTTERS LIST

PROPERTY LOCATION: 39 CLEAVES HILL RD.

MAP/BLOCK/LOT: 18/30

PROPERTY OWNERS: JOSHUA & GRETA BRETZ

REQUIRED FOOTAGE: 300'

### CONTACT INFORMATION

EMAIL ADDRESS: bretz@alum.mit.edu

MAILING ADDRESS IF DIFFERENT FROM PROPERTY LOCATION:

P.O. BOX 151

**FEE: \$25.00**

cc: Victoria

To be paid with completed Abutters List request by Cash or Check

payable to the Town of Harvard

PAID 3-7-25

**\*\*Please allow 10 working days for your request to be processed\*\***

If you have questions or concerns, please contact the Assessors office at

assessingdept@havard-ma.gov or 978-456-4100x315

Emailed  
Abutters  
Package  
3-7-24:

Sent originals  
USPS: 3/7/24



Abutters List Report  
Town of Harvard, MA

Date: March 7, 2024

Parcel Number: 018-030-000-000

Property Address: 39 Cleaves Hill Rd

Abutters To: 300ft

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

Signed:

Date:

3/7/24

Carol Dearborn  
Assistant Assessor  
(978) 456-4100 x315

FINANCE DEPARTMENT - ACCOUNTANT, ASSESSORS, TREASURER/COLLECTOR

13 Ayer Road, Harvard, Massachusetts 01451-1458

[www.harvard-ma.gov](http://www.harvard-ma.gov)





# 39 CLEAVES HILL RD

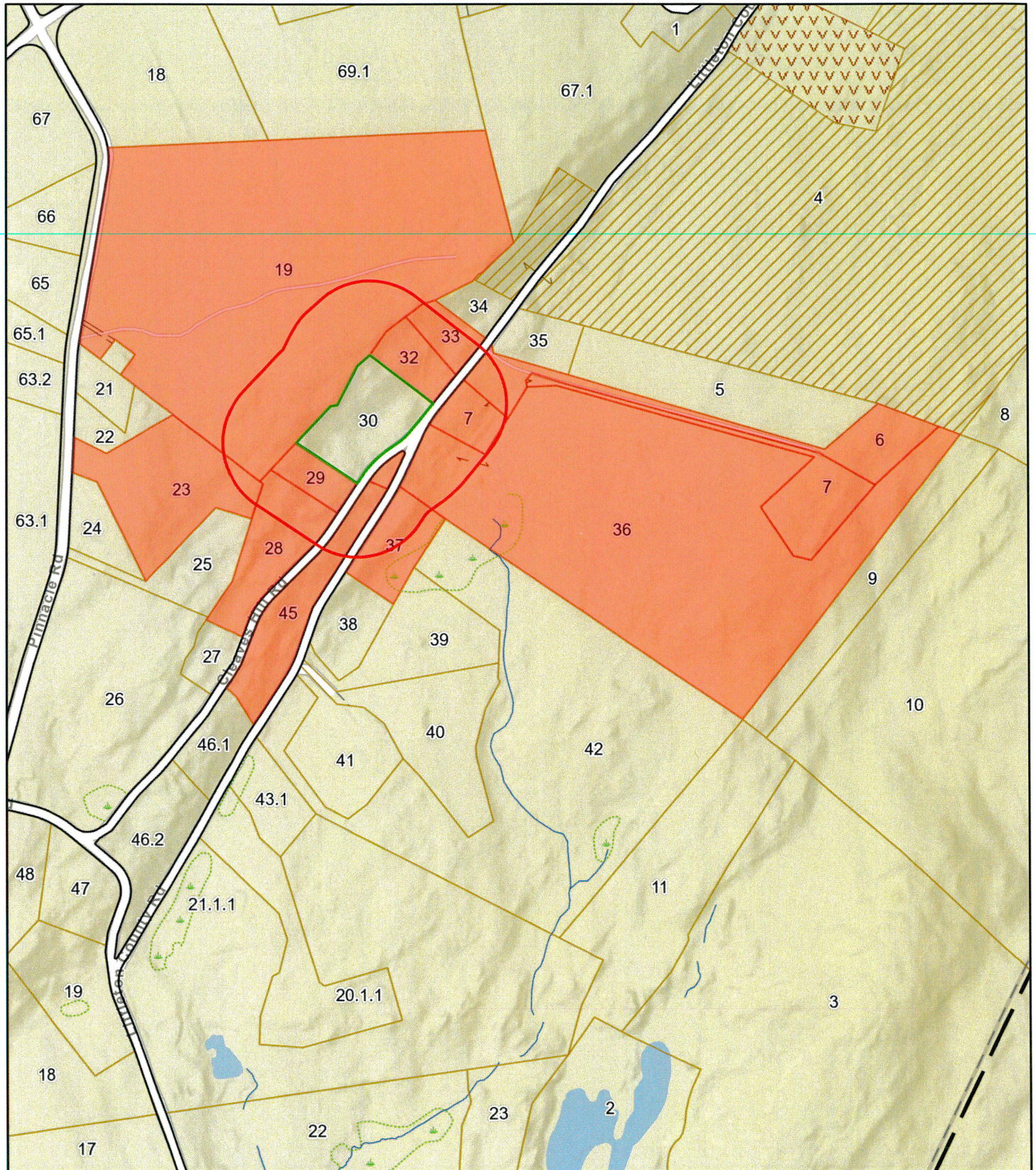
Town of Harvard, MA

1 inch = 556 Feet



www.cai-tech.com

March 7, 2024



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





# 300 feet Abutters List Report

Harvard, MA  
March 07, 2024

## Subject Property:

Parcel Number: 018-030-000-000  
CAMA Number: 018-030-000-000  
Property Address: 39 CLEAVES HILL RD

Mailing Address: BRETZ, JOSHUA H & GRETA S  
39 CLEAVES HILL RD  
HARVARD, MA 01451

---

## Abutters:

Parcel Number: 018-019-000-000  
CAMA Number: 018-019-000-000  
Property Address: 40 PINNACLE RD

Mailing Address: PRESIDENT & FELLOWS OF HARVARD  
COLLEGE  
1350 MASS AV  
CAMBRIDGE, MA 02138

Parcel Number: 018-023-000-000  
CAMA Number: 018-023-000-000  
Property Address: 28 PINNACLE RD

Mailing Address: GREAYER, ROBERT & ROCHELLE L  
28 PINNACLE RD  
HARVARD, MA 01451

Parcel Number: 018-028-000-000  
CAMA Number: 018-028-000-000  
Property Address: 27 CLEAVES HILL RD

Mailing Address: SMITH MAURICE K AS TRUSTEE OF  
27 CLEAVES HILL RD  
HARVARD, MA 01451

Parcel Number: 018-029-000-000  
CAMA Number: 018-029-000-000  
Property Address: 37 CLEAVES HILL RD

Mailing Address: JOHNSON, ANDREW L & DEBORAH M  
37 CLEAVES HILL RD  
HARVARD, MA 01451

Parcel Number: 018-032-000-000  
CAMA Number: 018-032-000-000  
Property Address: 107 LITTLETON CNTY RD

Mailing Address: RAMASWAMY, ANOOP  
107 LITTLETON CNTY RD  
HARVARD, MA 01451

Parcel Number: 018-033-000-000  
CAMA Number: 018-033-000-000  
Property Address: 111 LITTLETON CNTY RD

Mailing Address: DEBRIAE, ERIK C & DELISIO, LOUIS M  
111 LITTLETON CNTY RD  
HARVARD, MA 01451

Parcel Number: 018-036-000-000  
CAMA Number: 018-036-000-000  
Property Address: LITTLETON CNTY RD

Mailing Address: CARLSON ORCHARDS INC  
PO BOX 359  
HARVARD, MA 01451

Parcel Number: 018-037-000-000  
CAMA Number: 018-037-000-000  
Property Address: LITTLETON CNTY RD

Mailing Address: MICHAEL MORTON, ABBE ALPERT, GINA  
ASHE, et al, TRU  
P.O. BOX 31  
HARVARD, MA 01451

Parcel Number: 018-044-000-000  
CAMA Number: 018-044-000-000  
Property Address: LITTLETON CNTY RD

Mailing Address: CARLSON ORCHARDS INC  
PO BOX 359  
HARVARD, MA 01451

Parcel Number: 018-045-000-000  
CAMA Number: 018-045-000-000  
Property Address: 20 CLEAVES HILL RD

Mailing Address: CHANCHAL SHARMA  
20 CLEAVES HILL RD  
HARVARD, MA 01451



www.cai-tech.com

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



# 300 feet Abutters List Report

Harvard, MA  
March 07, 2024

Parcel Number: 019-006-000-000  
CAMA Number: 019-006-000-000  
Property Address: 114 LITTLETON CNTY RD

Mailing Address: CARLSON, BRUCE E  
PO BOX 359  
HARVARD, MA 01451

Parcel Number: 019-007-000-000  
CAMA Number: 019-007-000-000  
Property Address: 112 LITTLETON CNTY RD

Mailing Address: CARLSON, FRANKLYN W  
PO BOX 359  
HARVARD, MA 01451



[www.cai-tech.com](http://www.cai-tech.com)

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

3/7/2024

Page 2 of 2

CARLSON ORCHARDS INC  
PO BOX 359  
HARVARD, MA 01451

SMITH MAURICE K AS TRUSTE  
27 CLEAVES HILL RD  
HARVARD, MA 01451

CARLSON, BRUCE E  
PO BOX 359  
HARVARD, MA 01451

CARLSON, FRANKLYN W  
PO BOX 359  
HARVARD, MA 01451

CHANCHAL SHARMA  
20 CLEAVES HILL RD  
HARVARD, MA 01451

DEBRIAE, ERIK C & DELISIO  
111 LITTLETON CNTY RD  
HARVARD, MA 01451

GREAYER, ROBERT & ROCHELL  
28 PINNACLE RD  
HARVARD, MA 01451

JOHNSON, ANDREW L & DEBOR  
37 CLEAVES HILL RD  
HARVARD, MA 01451

MICHAEL MORTON, ABBE ALPE  
P.O. BOX 31  
HARVARD, MA 01451

PRESIDENT & FELLOWS OF HA  
1350 MASS AV  
CAMBRIDGE, MA 02138

RAMASWAMY, ANOOP  
107 LITTLETON CNTY RD  
HARVARD, MA 01451



February 14, 2024

Town of Harvard  
Director of Planning  
Town Hall  
13 Ayer Road  
Harvard, MA 01451

Dear Board Members and Town Staff,

Please accept the attached application and narrative statement below. Thank you in advance for your consideration of our project for approval.

### **NARRATIVE STATEMENT**

**1.** The application herein proposes to reestablish a previously approved Special Permit for an Accessory Dwelling Unit which has since expired. The Harvard Board of Appeals approved the same proposed project on June 25, 2014. Due to personal circumstances, the applicant was unable to effectuate the Special Permit within the required two-year permit condition.

**2.** The attached Special Permit application proposes to convert an existing accessory building into an Accessory Dwelling Unit (ADU). The ADU is proposed to have its own kitchenette, sleeping area, and  $\frac{3}{4}$  bathroom, and would be separate from the primary residence. The unit is subordinate and accessory in size (815 sq. ft.) relative to the primary residence (1,748 sq. ft. living area\*) in that it is less than one-half the living area of the primary residence, consistent with Section 125-8.1.

We request that the Board re-approve the request to convert the existing accessory structure with the same terms and conditions of those issued as part of the Special Permit granted on June 25, 2014, attached for your reference.

Please let us know if any further information is needed for your review.

Thank you sincerely,



Mike Mena  
Owner/Partner

**TOWN OF HARVARD ZONING BOARD OF APPEALS  
APPLICATION FOR A HEARING**

Please review the Board of Appeals' Regulations, Chapter 135, The Code of the Town of Harvard, prior to filling out this Application for Hearing. This application, along with the appropriate documents and filing fee, must be filed in the office of the Town Clerk.

Name of Applicant: KENNEDY, MATTHEW S & EVANGELENE O

Mailing Address: 11 Bowers Road, Harvard MA 01451

Telephone Number: 781-307-1030 Email Address: mkennedy\_matevapcb.com /evaowens@hotmail.com

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

Location of Property: 11 Bowers Road, Harvard MA 01451 Assessors Map 26 Parcel: 026-021-00

Registry of Deeds: Book Number \_\_\_\_\_ Page Number \_\_\_\_\_ Certificate Number 15864

Owner's Name: Same as above. Tel. No.: \_\_\_\_\_  
(If different than Applicant)

Owner's Address: Same as above

**Representative:** Mike Mena/ communitymattersma@gmail.com Tel. No.: 530-518-0449

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

- |   |                                 |
|---|---------------------------------|
| <input type="checkbox"/> Variance (16 copies)                                 | Fee: \$150.00 + \$6.00/ abutter |
| <input checked="" type="checkbox"/> Special Permit (16 copies)                | Fee: \$200.00 + \$6.00/abutter  |
| <input type="checkbox"/> Modification/Extension (16 copies)                   | Fee: \$100.00 + \$6.00/abutter  |
| <input type="checkbox"/> Failure to Enforce Administrative Appeal (16 copies) | Fee: \$130.00                   |
| <input type="checkbox"/> Other Administrative Appeals (16 copies)             | Fee: \$175.00                   |
| <input type="checkbox"/> Comprehensive Permit (20 copies)                     | Fee: 500.00/unit                |

Specific Bylaw section (s) being applied for: Special Permit Section 125-18.1 Accessory Apartment

Nature of Application and Justification of Request: Application to reapprove a previously granted Special Permit for an Accessory Apartment (ADU) which has since expired, on a pre-existing non-conforming lot.

The undersigned certifies that he/she has read and examined this application and the Harvard Zoning Board of Appeals Rules and Regulations, Chapter 135 of the Code of the Town of Harvard, and that the proposed project is accurately represented in the statements made in the application.

The applicant will be required to pay a local newspaper of general circulation for the current cost of advertising the hearing. The applicant will be billed directly from the newspaper for the cost of the advertised hearing or all advertising must be paid for in full prior to submittal to the newspaper.

I hereby request a hearing before the Board of Appeals with reference to the above application.

Matthew S. Kennedy  
Property Owner's Signature (REQUIRED)

2/11/2024  
Date

Quinn  
Property Owner's Signature (REQUIRED)

2/11/2024  
Date

Mike Mena  
Representative Signature (if different from owner)

2/11/2024  
Date



**11 Bowers Road – Harvard MA  
Existing Photos**



**Existing Front Elevation**



**Existing Rear Elevation**



**11 Bowers Road – Harvard MA  
Existing Photos**



**Existing Right Elevation**



**Existing Left Elevation**

3



2007 00091922  
Cert: 15864 Bk: 80 Pg: 64  
Page: 1 of 1 03/02/2007 12:38 PM

SCHEIER & KATIN, P.C.  
103 GREAT ROAD  
ACTON, MA 01720

MASSACHUSETTS QUITCLAIM DEED

PROPERTY: 11 BOWERS ROAD, HARVARD, MA 01451  
+ GRANTEES

PRUDENTIAL RELOCATION, INC., A Colorado Corporation with a principal business address of 16260 N. 71<sup>st</sup> Street, Scottsdale, AZ 85254

for consideration paid of FOUR HUNDRED SEVENTY THOUSAND AND 00/100 (\$470,000.00) DOLLARS

grant to MATTHEW S. KENNEDY AND EVANGELENE O. KENNEDY, HUSBAND AND WIFE, AS TENANTS BY THE ENTIRETY

with Quitclaim Covenants,

A certain parcel of land situate in Harvard, in the County of Worcester, and said Commonwealth, bounded and described as follows:

- EASTERLY by the westerly line of a way shown on a plan hereinafter described, one hundred fifty (150) feet;
- SOUTHERLY by Lots 54 and 38 as shown on said plan, three hundred sixty-nine and 81/100 (369.81) feet;
- WESTERLY by land now or formerly of Mable Sprague, two hundred ten and 77/100 (210.77) feet; and
- NORTHERLY by land now or formerly of Gretchen O. Warren et al, two hundred ninety-six and 61/100 (296.61) feet.

All of said boundaries are determined by the Court to be located as shown on subdivision plan #5604-52, drawn by Charles A. Perkins Co., Civil Engineers, dated June 1956, as modified and approved by the Court filed in the Land Registration Office, a copy of a portion of which is filed with Land Registration Certificate #5154.

Being Lot 77 on said plan.

There is appurtenant to the above described premises, a right of way to pass and repass for all usual purposes over George Road, which is a private way shown on the plan above referred to and is also shown on plan #5604-28, filed with Certificate #4634.

The above described premises are subject to restrictions, recited in a Deed recorded with said Deeds as Document No. 82045, insofar as in force and applicable.

Also, another Parcel of land situate in said Harvard, bounded and described as follows:

MASSACHUSETTS EXCISE TAX  
Worcester District ROD #20 001  
Date: 03/02/2007 12:38 PM  
Ctri# 061831 12102 Doc# 00091922  
Fee: \$2,143.20 Cons: \$470,000.00

EASTERLY by the line of Bowers Road, forty-five (45) feet;  
SOUTHWESTERLY by Lot 286 as shown on a plan thereafter described, one hundred ninety-six and 87/100 (196.87) feet; and  
NORTHERLY by Lot 77 on said plan, one hundred ninety-eight and 46/100 (198.46) feet.

All of said boundaries are determined by the Court to be located as shown on subdivision plan #5604-118, drawn by Charles A. Perkins Co., Inc., Surveyors dated February 1968, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Land Registration Certificate #7209. Being Lot 285 on said plan.

For title see Certificate of Title No. 15001 and Document No. 82045 at the Worcester County Registry of Deeds, Land Registration Office. SEE CERT. 15863, DOC. #91920.

THIS TRANSFER DOES NOT CONSTITUTE ALL OR SUBSTANTIALLY ALL OF THE ASSETS OF SAID CORPORATION.



IN WITNESS WHEREOF, the said PRUDENTIAL RELOCATION, INC., A Colorado Corporation, has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged, and delivered in its name and behalf by Madeline Coeffler, its Assistant Secretary, this 14 day of Feb, 2007.

PRUDENTIAL RELOCATION, INC., A COLORADO CORPORATION

Madeline Coeffler  
By: Madeline Coeffler

STATE OF: TEXAS

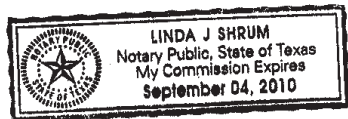
COUNTY: Bexar

DATE: 2/14/07

On this 14<sup>th</sup> day of FEB 2007, before me, the undersigned notary public, personally appeared Madeline Coeffler (name of signer) proved to me through satisfactory evidence of identification, which was personally known to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

(as partner for \_\_\_\_\_, a corporation)  
(as Asst Sec for \_\_\_\_\_, a corporation)  
(as attorney in fact for \_\_\_\_\_, the principal)  
(as \_\_\_\_\_ for \_\_\_\_\_, (a)(the) \_\_\_\_\_)

Linda J Shrum  
Notary Public-  
My Commission Expires: 9-4-2010  
(Official signature and seal of notary)



# NASHOBA ASSOCIATED BOARDS OF HEALTH

ENVIRONMENTAL HEALTH DIVISION  
AYER, MA 01432 772-3338

## SEWAGE DISPOSAL WORKS CONSTRUCTION PERMIT

- To install a new Sewage Disposal system  
 To repair existing Sewage Disposal system This permit is issued under the L.U.A. Emergency Section of the 1978 C.M.P. 1700 Environmental Code, 17B xxx

ISSUED FOR THE Harvard BOARD OF HEALTH

OWNER William White  
(NOT TRANSFERABLE - FORMAL PERMIT TRANSFER MUST BE REQUESTED UPON CHANGE OF OWNERSHIP) Assessor Map 26.

LOCATION OF LOT OR INSTALLATION 11 Bowers Road LOT NO. Parcel 21

DATE PERMIT ISSUED December 12, 1997 LOT SIZE 1.37 acres

SOIL DESCRIPTION 0-6" fine sandy loam, 6-14" fill, 14-114" loamy sand, 114-132" sandy loam, mottling @ 101"

PERC. RATE 3 min/inch

ENGINEERING OR SPECIAL PREPARATION:  System to be installed according to engineered plan No. L-4500  
by David E. Ross Assoc.  
Variances as noted on plan

SYSTEM DESIGNED FOR: Existing five bedrooms WATER SUPPLY:  Town  Well

PRIMARY INSTALLATION 1500 gallon septic tank

SECONDARY INSTALLATION 16' W x 63' L leach bed with vent

PERMIT PREPARED FOR BOARD BY NASHOBA HEALTH DEPARTMENT: 16

Rubert A. Kraft  
BOARD OF HEALTH

Jesse A. Behr  
BOARD OF HEALTH

J. Theodore Meinel  
BOARD OF HEALTH

I agree upon accepting this PERMIT to comply with all Board of Health regulations and the State Environmental Code during all phases of installing the septic system; and if I am the contractor installing this system, I further agree to correct any fault caused by defective material or workmanship appearing in this system within one year from date of occupancy.

SIGNED William White  Owner  Contractor  Licensed Installer

### CERTIFICATE OF COMPLIANCE

#### INSPECTIONS REQUIRED:

- Bed and trench excavation, before fill / stone by eng./NABH.  
 Fill in place by eng./NABH.  
 Completed system prior to backfill  
 Final fill and grading by eng./NABH.  
 Engineer certification in writing of completed system  
 As built plan  By Design Engineer  By Installer 9/15/98  
 Water supply (if well) \* Coliform  
 Recorded deed easements  
 Eng. to stk system  
  
 Inspection completed

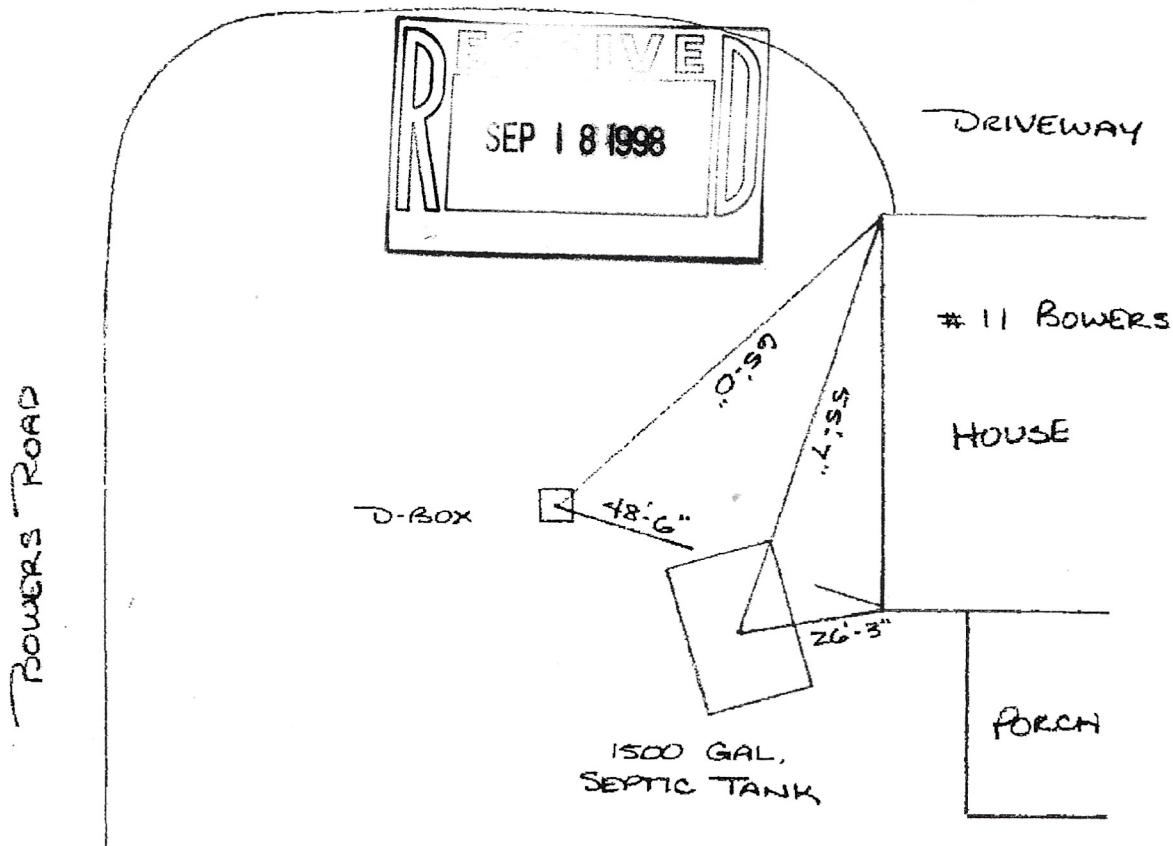
Installer D. Smith  
Date: 8/19/98 By: [Signature]  
Date: 8/19/98 By: [Signature]  
Date: 8/19/98 By: [Signature]  
Date: 9/1/98 By: [Signature]  
Date: 10/21/98 By: [Signature]  
Date: 10/21/98 By: [Signature]  
Date: 11/29/99 By: [Signature]  
Date: — By: [Signature]  
Date: — By: [Signature]  
Date: 10/98 By: [Signature]

A NEW HOUSE CANNOT BE OCCUPIED OR SOLD UNTIL THIS CERTIFICATE IS COMPLETED.

### IMPORTANT NOTES

1. THE ISSUANCE OF THIS CERTIFICATE SHALL NOT BE CONSTRUED A GUARANTEE THAT THE SYSTEM WILL FUNCTION PROPERLY.
2. INSTALLATION OR REPAIR MUST BE PERFORMED BY NASHOBA LICENSED INSTALLER.
3. FAILURE BY INSTALLER TO CONFORM TO ALL REQUIREMENTS OF THIS PERMIT MAY LEAD TO SUSPENSION OR REVOCATION OF INSTALLER'S PERMIT.
4. THE OWNER SHOULD BE AWARE OF WETLANDS PROTECTION REQUIREMENTS OF THE LOCAL CONSERVATION COMMISSION.
5. THE SYSTEM IS NOT DESIGNED FOR GARBAGE DISPOSAL.
6. THE SYSTEM IS DESIGNED FOR USE STATED ABOVE.
7. [Redacted]
8. LEACH SYSTEMS MUST BE KEPT 100 FEET FROM ALL WELLS.
9. PROPER MAINTENANCE OF A SYSTEM REQUIRES ANNUAL PUMPING.
- \*10. COLIFORM BACTERIA TEST REQUIRED, COMPLETE POTABILITY TEST RECOMMENDED.

INSTALLER'S AS-BUILT AND CERTIFICATION



I DAVID A. SMITH CERTIFY THAT ON 9/8/98 I  
(Date)

INSTALLED THE ABOVE SYSTEM FOR WILLIAM WHITE AT  
(Owner's Name)

LOT # 11 BOWERS RD., IN ACCORDANCE WITH THE APPROVED DESIGN  
(Street)

BY DAVID E. ROSS - ASSOC. L-4500 12/12/97  
Eng. or San. Plan # Revised

AND PERMIT ISSUED BY THE HARVARD BOARD OF HEALTH.  
(Town)

[Signature]  
Installer's Signature & Date

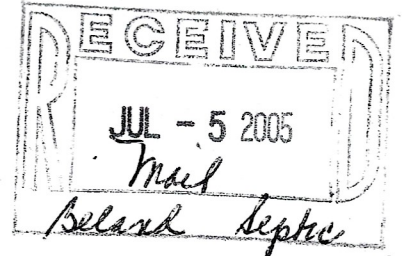
284  
License Number





COMMONWEALTH OF MASSACHUSETTS  
 EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION

TITLE 5  
 OFFICIAL INSPECTION FORM – NOT FOR VOLUNTARY ASSESSMENTS  
 SUBSURFACE SEWAGE DISPOSAL SYSTEM FORM  
 PART A  
 CERTIFICATION



Property Address: 11 Bowers RD.  
Harvard  
 Owner's Name: ANNE LYNESS  
 Owner's Address: 11 Bowers RD.  
 Date of Inspection: 6/27/05  
 Name of Inspector: (please print) Frank Murphy  
 Company Name: Beland septic  
 Mailing Address: 6 main st. Grafton  
Mass 01560  
 Telephone Number: 1508-838-7303

CERTIFICATION STATEMENT

I certify that I have personally inspected the sewage disposal system at this address and that the information reported below is true, accurate and complete as of the time of the inspection. The inspection was performed based on my training and experience in the proper function and maintenance of on site sewage disposal systems. I am a DEP approved system inspector pursuant to Section 15.340 of Title 5 (310 CMR 15.000). The system:

- Passes
- Conditionally Passes
- Needs Further Evaluation by the Local Approving Authority
- Fails

Inspector's Signature: [Signature] Date: 6/27/05

The system inspector shall submit a copy of this inspection report to the Approving Authority (Board of Health or DEP) within 30 days of completing this inspection. If the system is a shared system or has a design flow of 10,000 gpd or greater, the inspector and the system owner shall submit the report to the appropriate regional office of the DEP. The original should be sent to the system owner and copies sent to the buyer, if applicable, and the approving authority.

Notes and Comments septic system working good  
but well less than 100' but more than 50'  
Need water test

\*\*\*\*This report only describes conditions at the time of inspection and under the conditions of use at that time. This inspection does not address how the system will perform in the future under the same or different conditions of use.

**OFFICIAL INSPECTION FORM – NOT FOR VOLUNTARY ASSESSMENTS**  
**SUBSURFACE SEWAGE DISPOSAL SYSTEM INSPECTION FORM**  
**PART A**  
**CERTIFICATION (continued)**

Property Address: \_\_\_\_\_

Owner: \_\_\_\_\_

Date of Inspection: \_\_\_\_\_

Inspection Summary: Check A,B,C,D or E / ALWAYS complete all of Section D

**A. System Passes:**

I have not found any information which indicates that any of the failure criteria described in 310 CMR 15.303 or in 310 CMR 15.304 exist. Any failure criteria not evaluated are indicated below.

Comments: septic ok at this time

**B. System Conditionally Passes:**

\_\_\_\_\_ One or more system components as described in the "Conditional Pass" section need to be replaced or repaired. The system, upon completion of the replacement or repair, as approved by the Board of Health, will pass.

Answer yes, no or not determined (Y,N,ND) in the \_\_\_\_\_ for the following statements. If "not determined" please explain.

\_\_\_\_\_ The septic tank is metal and over 20 years old\* or the septic tank (whether metal or not) is structurally unsound, exhibits substantial infiltration or exfiltration or tank failure is imminent. System will pass inspection if the existing tank is replaced with a complying septic tank as approved by the Board of Health.

\*A metal septic tank will pass inspection if it is structurally sound, not leaking and if a Certificate of Compliance indicating that the tank is less than 20 years old is available.

ND explain:

\_\_\_\_\_ Observation of sewage backup or break out or high static water level in the distribution box due to broken or obstructed pipe(s) or due to a broken, settled or uneven distribution box. System will pass inspection if (with approval of Board of Health):

- \_\_\_\_\_ broken pipe(s) are replaced
- \_\_\_\_\_ obstruction is removed
- \_\_\_\_\_ distribution box is leveled or replaced

ND explain:

\_\_\_\_\_ The system required pumping more than 4 times a year due to broken or obstructed pipe(s). The system will pass inspection if (with approval of the Board of Health):

- \_\_\_\_\_ broken pipe(s) are replaced
- \_\_\_\_\_ obstruction is removed

ND explain:

**OFFICIAL INSPECTION FORM - NOT FOR VOLUNTARY ASSESSMENTS**  
**SUBSURFACE SEWAGE DISPOSAL SYSTEM INSPECTION FORM**  
**PART A**  
**CERTIFICATION (continued)**

Property Address: 11 Bowers Rd.  
Harvard

Owner: \_\_\_\_\_

Date of Inspection: 6/27/05

**C. Further Evaluation is Required by the Board of Health:**

\_\_\_\_\_ Conditions exist which require further evaluation by the Board of Health in order to determine if the system is failing to protect public health, safety or the environment.

1. System will pass unless Board of Health determines in accordance with 310 CMR 15.303(1)(b) that the system is not functioning in a manner which will protect public health, safety and the environment:

- Cesspool or privy is within 50 feet of a surface water
- Cesspool or privy is within 50 feet of a bordering vegetated wetland or a salt marsh

2. System will fail unless the Board of Health (and Public Water Supplier, if any) determines that the system is functioning in a manner that protects the public health, safety and environment:

The system has a septic tank and soil absorption system (SAS) and the SAS is within 100 feet of a surface water supply or tributary to a surface water supply.

The system has a septic tank and SAS and the SAS is within a Zone 1 of a public water supply.

The system has a septic tank and SAS and the SAS is within 50 feet of a private water supply well.

The system has a septic tank and SAS and the SAS is less than 100 feet but 50 feet or more from a private water supply well\*\*. Method used to determine distance Tap

\*\*This system passes if the well water analysis, performed at a DEP certified laboratory, for coliform bacteria and volatile organic compounds indicates that the well is free from pollution from that facility and the presence of ammonia nitrogen and nitrate nitrogen is equal to or less than 5 ppm, provided that no other failure criteria are triggered. A copy of the analysis must be attached to this form.

3. Other:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



OFFICIAL INSPECTION FORM – NOT FOR VOLUNTARY ASSESSMENTS  
SUBSURFACE SEWAGE DISPOSAL SYSTEM INSPECTION FORM

PART A  
CERTIFICATION (continued)

Property Address: \_\_\_\_\_

Owner: \_\_\_\_\_

Date of Inspection: \_\_\_\_\_

D. System Failure Criteria applicable to all systems:

You must indicate "yes" or "no" to each of the following for all inspections:

- | Yes                                 | No                                  |   |
|-------------------------------------|-------------------------------------|---|
| ___                                 | <input checked="" type="checkbox"/> | Backup of sewage into facility or system component due to overloaded or clogged SAS or cesspool   |
| ___                                 | <input checked="" type="checkbox"/> | Discharge or ponding of effluent to the surface of the ground or surface waters due to an overloaded or clogged SAS or cesspool   |
| ___                                 | <input checked="" type="checkbox"/> | Static liquid level in the distribution box above outlet invert due to an overloaded or clogged SAS or cesspool   |
| ___                                 | <input checked="" type="checkbox"/> | Liquid depth in cesspool is less than 6" below invert or available volume is less than 1/2 day flow   |
| ___                                 | <input checked="" type="checkbox"/> | Required pumping more than 4 times in the last year <b>NOT</b> due to clogged or obstructed pipe(s). Number of times pumped ____.   |
| ___                                 | <input checked="" type="checkbox"/> | Any portion of the SAS, cesspool or privy is below high ground water elevation.   |
| ___                                 | <input checked="" type="checkbox"/> | Any portion of cesspool or privy is within 100 feet of a surface water supply or tributary to a surface water supply.   |
| ___                                 | <input checked="" type="checkbox"/> | Any portion of a cesspool or privy is within a Zone 1 of a public well.   |
| ___                                 | <input checked="" type="checkbox"/> | Any portion of a cesspool or privy is within 50 feet of a private water supply well.  |
| <input checked="" type="checkbox"/> | ___                                 | Any portion of a cesspool or privy is less than 100 feet but greater than 50 feet from a private water supply well with no acceptable water quality analysis. [This system passes if the well water analysis, performed at a DEP certified laboratory, for coliform bacteria and volatile organic compounds indicates that the well is free from pollution from that facility and the presence of ammonia nitrogen and nitrate nitrogen is equal to or less than 5 ppm, provided that no other failure criteria are triggered. A copy of the analysis must be attached to this form.] |

No (Yes/No) The system fails. I have determined that one or more of the above failure criteria exist as described in 310 CMR 15.303, therefore the system fails. The system owner should contact the Board of Health to determine what will be necessary to correct the failure.

E. Large Systems:

To be considered a large system the system must serve a facility with a design flow of 10,000 gpd to 15,000 gpd.

You must indicate either "yes" or "no" to each of the following:

(The following criteria apply to large systems in addition to the criteria above)

- | yes | no  |  |
|-----|-----|--|
| ___ | ___ | the system is within 400 feet of a surface drinking water supply   |
| ___ | ___ | the system is within 200 feet of a tributary to a surface drinking water supply  |
| ___ | ___ | the system is located in a nitrogen sensitive area (Interim Wellhead Protection Area – IWPA) or a mapped Zone II of a public water supply well |

If you have answered "yes" to any question in Section E the system is considered a significant threat, or answered "yes" in Section D above the large system has failed. The owner or operator of any large system considered a significant threat under Section E or failed under Section D shall upgrade the system in accordance with 310 CMR 15.304. The system owner should contact the appropriate regional office of the Department.

**OFFICIAL INSPECTION FORM – NOT FOR VOLUNTARY ASSESSMENTS  
SUBSURFACE SEWAGE DISPOSAL SYSTEM INSPECTION FORM  
PART B  
CHECKLIST**

Property Address: 11 Bowcks RD.  
Harvard

Owner: \_\_\_\_\_

Date of Inspection: 6/27/05

Check if the following have been done. You must indicate "yes" or "no" as to each of the following:

- | Yes                                 | No                                  |  |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Pumping information was provided by the owner, occupant, or Board of Health  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Were any of the system components pumped out in the previous two weeks ?   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Has the system received normal flows in the previous two week period ?   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Have large volumes of water been introduced to the system recently or as part of this inspection ?   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Were as built plans of the system obtained and examined? (If they were not available note as N/A)  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Was the facility or dwelling inspected for signs of sewage back up ?   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Was the site inspected for signs of break out ?  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Were all system components, excluding the SAS, located on site ?   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Were the septic tank manholes uncovered, opened, and the interior of the tank inspected for the condition of the baffles or tees, material of construction, dimensions, depth of liquid, depth of sludge and depth of scum ? |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Was the facility owner (and occupants if different from owner) provided with information on the proper maintenance of subsurface sewage disposal systems ?   |

The size and location of the Soil Absorption System (SAS) on the site has been determined based on:

- | Yes                                 | no                       |   |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Existing information. For example, a plan at the Board of Health.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Determined in the field (if any of the failure criteria related to Part C is at issue approximation of distance is unacceptable) [310 CMR 15.302(3)(b)] |

**OFFICIAL INSPECTION FORM – NOT FOR VOLUNTARY ASSESSMENTS**  
**SUBSURFACE SEWAGE DISPOSAL SYSTEM INSPECTION FORM**  
**PART C**  
**SYSTEM INFORMATION**

Property Address: \_\_\_\_\_

Owner: \_\_\_\_\_

Date of Inspection: \_\_\_\_\_

**FLOW CONDITIONS**

**RESIDENTIAL**

Number of bedrooms (design): 5 Number of bedrooms (actual): 4

DESIGN flow based on 310 CMR 15.203 (for example: 110 gpd x # of bedrooms): 550

Number of current residents: 2

Does residence have a garbage grinder (yes or no): NO

Is laundry on a separate sewage system (yes or no): NO [if yes separate inspection required]

Laundry system inspected (yes or no): \_\_\_\_\_

Seasonal use: (yes or no): NO

Water meter readings, if available (last 2 years usage (gpd)): N/A

Sump pump (yes or no): YES

Last date of occupancy: same

**COMMERCIAL/INDUSTRIAL**

Type of establishment: \_\_\_\_\_

Design flow (based on 310 CMR 15.203): \_\_\_\_\_ gpd

Basis of design flow (seats/persons/sqft, etc.): \_\_\_\_\_

Grease trap present (yes or no): \_\_\_\_\_

Industrial waste holding tank present (yes or no): \_\_\_\_\_

Non-sanitary waste discharged to the Title 5 system (yes or no): \_\_\_\_\_

Water meter readings, if available: \_\_\_\_\_

Last date of occupancy/use: \_\_\_\_\_

OTHER (describe): \_\_\_\_\_

**GENERAL INFORMATION**

**Pumping Records**

Source of information: \_\_\_\_\_

Was system pumped as part of the inspection (yes or no): YES

If yes, volume pumped: 1500 gallons -- How was quantity pumped determined? TRUCK

Reason for pumping: TITLE 5

**TYPE OF SYSTEM**

Septic tank, distribution box, soil absorption system

Single cesspool

Overflow cesspool

Privy

Shared system (yes or no) (if yes, attach previous inspection records, if any)

Innovative/Alternative technology. Attach a copy of the current operation and maintenance contract (to be obtained from system owner)

Tight tank  Attach a copy of the DEP approval

Other (describe): \_\_\_\_\_

Approximate age of all components, date installed (if known) and source of information:

10/09

Were sewage odors detected when arriving at the site (yes or no): NO



OFFICIAL INSPECTION FORM – NOT FOR VOLUNTARY ASSESSMENTS  
SUBSURFACE SEWAGE DISPOSAL SYSTEM INSPECTION FORM  
PART C  
SYSTEM INFORMATION (continued)

Property Address: 11 Bowers Rd  
Harvard

Owner: \_\_\_\_\_  
Date of Inspection: 6/27/05

**BUILDING SEWER** (locate on site plan)

Depth below grade: 4' 6"  
Materials of construction: \_\_\_ cast iron  40 PVC \_\_\_ other (explain): \_\_\_\_\_  
Distance from private water supply well or suction line: \_\_\_\_\_  
Comments (on condition of joints, venting, evidence of leakage, etc.):  
\_\_\_\_\_

**SEPTIC TANK:** \_\_\_ (locate on site plan)

Depth below grade: 42"  
Material of construction:  concrete \_\_\_ metal \_\_\_ fiberglass \_\_\_ polyethylene  
\_\_\_ other(explain) \_\_\_\_\_  
If tank is metal list age: \_\_\_ Is age confirmed by a Certificate of Compliance (yes or no): \_\_\_ (attach a copy of certificate)  
Dimensions: 1500 GAL  
Sludge depth: 2"  
Distance from top of sludge to bottom of outlet tee or baffle: 38"  
Scum thickness: 1"  
Distance from top of scum to top of outlet tee or baffle: 5"  
Distance from bottom of scum to bottom of outlet tee or baffle: 12"  
How were dimensions determined: Tape  
Comments (on pumping recommendations, inlet and outlet tee or baffle condition, structural integrity, liquid levels as related to outlet invert, evidence of leakage, etc.):  
Looks good  
\_\_\_\_\_  
\_\_\_\_\_

**GREASE TRAP:** \_\_\_ (locate on site plan)

Depth below grade: \_\_\_  
Material of construction: \_\_\_ concrete \_\_\_ metal \_\_\_ fiberglass \_\_\_ polyethylene \_\_\_ other  
(explain): \_\_\_\_\_  
Dimensions: \_\_\_\_\_  
Scum thickness: \_\_\_\_\_  
Distance from top of scum to top of outlet tee or baffle: \_\_\_\_\_  
Distance from bottom of scum to bottom of outlet tee or baffle: \_\_\_\_\_  
Date of last pumping: \_\_\_\_\_  
Comments (on pumping recommendations, inlet and outlet tee or baffle condition, structural integrity, liquid levels as related to outlet invert, evidence of leakage, etc.):  
\_\_\_\_\_  
\_\_\_\_\_

**OFFICIAL INSPECTION FORM – NOT FOR VOLUNTARY ASSESSMENTS**  
**SUBSURFACE SEWAGE DISPOSAL SYSTEM INSPECTION FORM**  
**PART C**  
**SYSTEM INFORMATION (continued)**

Property Address: \_\_\_\_\_

Owner: \_\_\_\_\_

Date of Inspection: \_\_\_\_\_

**TIGHT or HOLDING TANK:** \_\_\_\_ (tank must be pumped at time of inspection)(locate on site plan)

Depth below grade: \_\_\_\_\_

Material of construction: \_\_\_\_ concrete \_\_\_\_ metal \_\_\_\_ fiberglass \_\_\_\_ polyethylene \_\_\_\_ other(explain): \_\_\_\_\_

Dimensions: \_\_\_\_\_

Capacity: \_\_\_\_\_ gallons

Design Flow: \_\_\_\_\_ gallons/day

Alarm present (yes or no): \_\_\_\_\_

Alarm level: \_\_\_\_\_ Alarm in working order (yes or no): \_\_\_\_\_

Date of last pumping: \_\_\_\_\_

Comments (condition of alarm and float switches, etc.): \_\_\_\_\_

**DISTRIBUTION BOX:**  (if present must be opened)(locate on site plan)

Depth of liquid level above outlet invert: 0

Comments (note if box is level and distribution to outlets equal, any evidence of solids carryover, any evidence of leakage into or out of box, etc.):

D-Box ok

**PUMP CHAMBER:** \_\_\_\_ (locate on site plan)

Pumps in working order (yes or no): \_\_\_\_\_

Alarms in working order (yes or no): \_\_\_\_\_

Comments (note condition of pump chamber, condition of pumps and appurtenances, etc.): \_\_\_\_\_

**OFFICIAL INSPECTION FORM – NOT FOR VOLUNTARY ASSESSMENTS**  
**SUBSURFACE SEWAGE DISPOSAL SYSTEM INSPECTION FORM**  
**PART C**  
**SYSTEM INFORMATION (continued)**

Property Address: 11 Bowers Rd.  
Harvard

Owner: \_\_\_\_\_  
Date of Inspection: 6/27/06

SOIL ABSORPTION SYSTEM (SAS): \_\_\_\_\_ (locate on site plan, excavation not required)

If SAS not located explain why: \_\_\_\_\_  
\_\_\_\_\_

**Type**

- \_\_\_\_ leaching pits, number: \_\_\_\_\_
  - \_\_\_\_ leaching chambers, number: \_\_\_\_\_
  - \_\_\_\_ leaching galleries, number: \_\_\_\_\_
  - \_\_\_\_ leaching trenches, number, length: \_\_\_\_\_
  - leaching fields, number, dimensions: 1,000 sq ft 63 x 16
  - \_\_\_\_ overflow cesspool, number: \_\_\_\_\_
  - \_\_\_\_ innovative/alternative system Type/name of technology: \_\_\_\_\_
- Comments (note condition of soil, signs of hydraulic failure, level of ponding, damp soil, condition of vegetation, etc.):  
\_\_\_\_\_  
\_\_\_\_\_

CESSPOOLS: \_\_\_\_\_ (cesspool must be pumped as part of inspection)(locate on site plan)

- Number and configuration: \_\_\_\_\_
  - Depth – top of liquid to inlet invert: \_\_\_\_\_
  - Depth of solids layer: \_\_\_\_\_
  - Depth of scum layer: \_\_\_\_\_
  - Dimensions of cesspool: \_\_\_\_\_
  - Materials of construction: \_\_\_\_\_
  - Indication of groundwater inflow (yes or no): \_\_\_\_\_
- Comments (note condition of soil, signs of hydraulic failure, level of ponding, condition of vegetation, etc.):  
\_\_\_\_\_  
\_\_\_\_\_

PRIVY: \_\_\_\_\_ (locate on site plan)

- Materials of construction: \_\_\_\_\_
  - Dimensions: \_\_\_\_\_
  - Depth of solids: \_\_\_\_\_
- Comments (note condition of soil, signs of hydraulic failure, level of ponding, condition of vegetation, etc.):  
\_\_\_\_\_  
\_\_\_\_\_



**OFFICIAL INSPECTION FORM – NOT FOR VOLUNTARY ASSESSMENTS**  
**SUBSURFACE SEWAGE DISPOSAL SYSTEM INSPECTION FORM**  
**PART C**  
**SYSTEM INFORMATION (continued)**

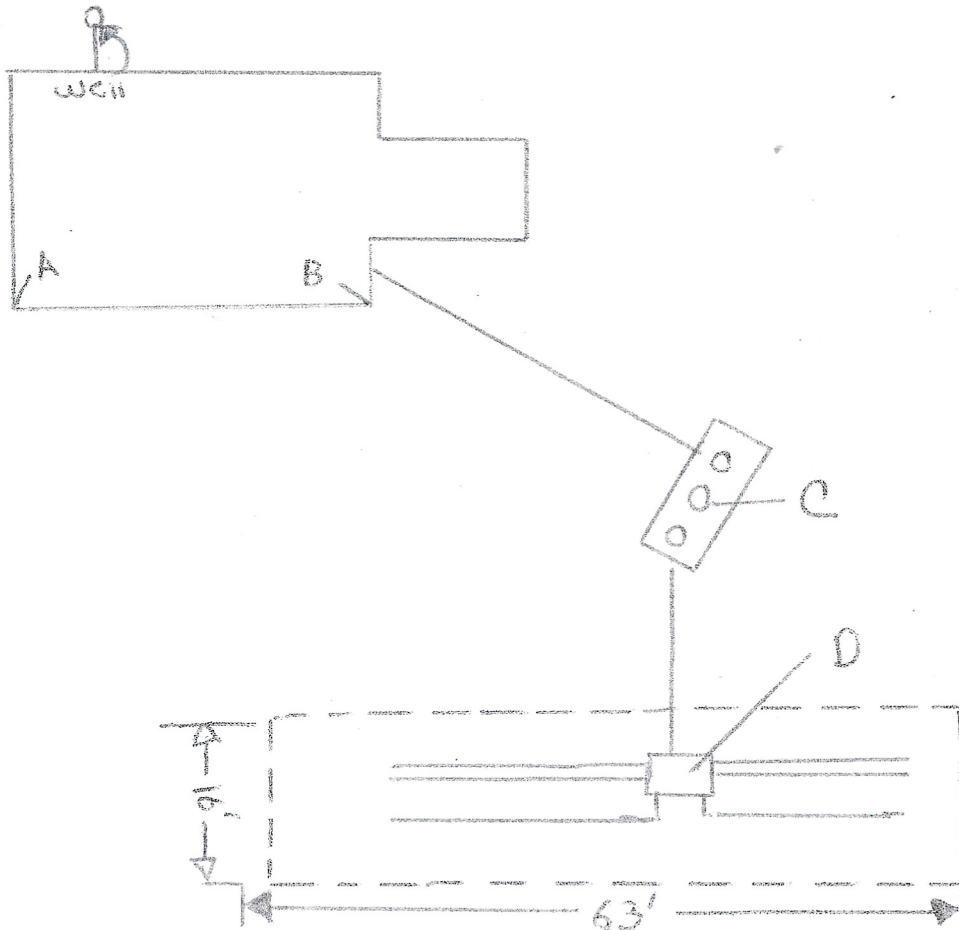
Property Address: \_\_\_\_\_

Owner: \_\_\_\_\_

Date of Inspection: \_\_\_\_\_

**SKETCH OF SEWAGE DISPOSAL SYSTEM**

Provide a sketch of the sewage disposal system including ties to at least two permanent reference landmarks or benchmarks. Locate all wells within 100 feet. Locate where public water supply enters the building.



	A	B
C	55'	26.5'
D	655'	49'

**OFFICIAL INSPECTION FORM – NOT FOR VOLUNTARY ASSESSMENTS  
SUBSURFACE SEWAGE DISPOSAL SYSTEM INSPECTION FORM  
PART C  
SYSTEM INFORMATION (continued)**

Property Address: 11 BOWERS RD.  
HARVARD

Owner: \_\_\_\_\_  
Date of Inspection: 6/29/05

**SITE EXAM**

- Slope
- Surface water
- Check cellar
- Shallow wells

Estimated depth to ground water \_\_\_\_\_ feet

Please indicate (check) all methods used to determine the high ground water elevation:

- Obtained from system design plans on record - If checked, date of design plan reviewed: 10/11/02
- Observed site (abutting property/observation hole within 150 feet of SAS)
- Checked with local Board of Health-explain: \_\_\_\_\_
- Checked with local excavators, installers- (attach documentation)
- Accessed USGS database-explain: \_\_\_\_\_

You must describe how you established the high ground water elevation:

Plans Septic System not in water  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Commonwealth of Massachusetts  
LAND COURT

Worcester ss.

I hereby certify that the foregoing is a true copy of Document  
No. 108668 registered 7-22-2016 at 9 o'clock 43 A M  
and noted on Certificate of Title, No. 15869 in the  
Worcester District Registry of Deeds.

IN TESTIMONY WHEREOF, I have hereto set my hand,  
this 22nd day of April 2016 A.D.

  
Assistant Recorder



OFFICE OF THE  
TOWN CLERK



13 AYER ROAD • HARVARD, MASSACHUSETTS 01451-1458  
(978)456-4100 • FAX: (978)456-4113



2016 00108668

Cert: 15864 Bk: 00080 Pg: 64  
Page: 1 of 0 04/22/2016 09:43 AM WD

REF: Harvard Zoning Board of Appeals  
Owner: Mathew & Evangelene Kennedy  
Applicant: Mathew & Evangelene Kennedy  
11 Bowers Road, Harvard, MA  
Map 26, Parcel 21  
Special Permit: Case #02-SP-14  
Worcester County Register of Deeds,  
Certificate #15864, Book #80 Page #64  
Granted with conditions on June 25, 2014

### CERTIFICATE OF NO APPEAL

The undersigned, being the Town Clerk of the Town of Harvard, hereby certifies that the foregoing decision was filed with the Town Clerk on July 1, 2014, that twenty (20) days have elapsed after filing of the decision, and that no notice of any action appealing the decision has been filed with the Office of the Town Clerk during this twenty (20) day period.

Certified this 4th day of August, 2014,

*Mary C. Rellie Assistant*

Janet A. Vellante  
Harvard Town Clerk



*MS*

OFFICE OF THE

**HARVARD ZONING BOARD OF APPEALS**

13 AYER ROAD HARVARD, MA 01451 978-456-4100 EXT.321 FAX: 978-456-4119

**NOTIFICATION OF SPECIAL PERMIT DECISION**

Date:	July 14, 2014
Applicant:	Matthew & Evangelene Kennedy
Property Owner:	Matthew & Evangelene Kennedy
Premises Affected:	11 Bowers Road (Map 26 Parcel 21)
Upon Request for:	Special Permit, §125-18.1 Accessory Apartment

The Harvard Zoning Board of Appeals opened a public hearing on June 25, 2014, pursuant to notice thereof, published in the Harvard Press and mailed to all parties-in-interest, all abutting Towns, and posted in the Harvard Town Hall. The hearing was closed on June 25, 2014.

On June 25, 2014, the Harvard Zoning Board **granted** the Special Permit; details of the decision are stated in the Decision dated June 25, 2014 and filed in the Office of the Town Clerk on July 14, 2014.

Appeals, if any, shall be made pursuant to §17 Chapter 40A MGL and notice of appeal shall be filed within twenty (20) days after the filing of the Special Permit in the Office of the Town Clerk.

Liz Allard,  
Land Use Administrator/Conservation Agent

7/14/14  
GA

OFFICE OF THE

**HARVARD ZONING BOARD OF APPEALS**

13 AYER ROAD HARVARD, MA 01451 978-456-4100 EXT.321 FAX: 978-456-4119



## FINDINGS & DECISION OF MATTHEW & EVANGELENE KENNEDY

11 Bowers Road, (Map 26 Parcel 21)  
Special Permit: Case #02-SP-14  
Worcester County Register of Deeds,  
Certificate#15864, Book #80 Page #64  
June 25, 2014

### PROCEDURAL HISTORY

On May 15, 2014 Matthew and Evangelene Kennedy (the "Applicants") filed an application (the "Application") with the Zoning Board of Appeals (the "Board") for a Special Permit (the "Permit") under sections 125-4 and 125-18.1 of the Harvard Protective Bylaw (the "Bylaw") for the purpose of an accessory apartment use on pre-existing non-conforming lot at 11 Bowers Road, Harvard (the "Site").

In addition to the application, the following documents were submitted to the Board and entered into the file: A narrative, undated; Property History, undated; an email from William S. Warren, dated 5/21/2014; Letter from Robert Lerner and Mary Lou Dopyera, dated November 17, 2009; Copy of a Nashoba Associated Boards of Health Sewage Disposal Works Construction Permit issued to William White, dated December 12, 1997; Nashoba Associated Boards of Health Certificate of Compliance, dated 10/98; Perspectives plan, Matthew & Eva Kennedy, 11 Bowers Road, Harvard, MA, prepared by Giattino Design, dated 3/4/14; Floor Plans, Matthew & Eva Kennedy, 11 Bowers Road, Harvard, MA, prepared by Giattino Design, dated 3/4/14; Left & Front Elevations, Matthew & Eva Kennedy, 11 Bowers Road, Harvard, MA, prepared by Giattino Design, dated 3/4/14; Back & Right Elevations, Matthew & Eva Kennedy, 11 Bowers Road, Harvard, MA, prepared by Giattino Design, dated 3/4/14; Section A-A Plan, Matthew & Eva Kennedy, 11 Bowers Road, Harvard, MA, prepared by Giattino Design, dated 3/4/14; Structural Plan, Kennedy, prepared by Warren Design Build, dated 02/15/08; Undated photos showing view from back of main house, front view of secondary structure, back view of secondary structure, inside front entry and room, full bathroom in secondary structure, electrical panel and water heater, inside front right of door and room, upstairs room of secondary structure, street view from front, and street view at side angles; Certified List of Abutters from the Town of Harvard, dated May 1, 2014, Assessor's field cards, dated 5/12/2014; and check in the amount of \$225.00.

Also as part of the record, was input from the Town of Harvard: a letter from the Conservation Commission, dated June 11, 2014; and a note from the Building Commissioner dated June 2, 2014; an email from the Harvard Fire Chief, Rick Sicard, dated May 28, 2014; a letter from the Town of Harvard Town Planner, William Scanlan, dated June 16, 2014.



A revised "Floor Plans", dated June 18, 2014, which indicates the floor area ratio for the accessory apartment and the primary residence as required by the conditions set forth during the public hearing was received on July 2, 2014.

A duly noticed public hearing was held on the application on Wednesday June 25, 2014, on which date the public hearing was closed. The legal notice ran in "The Harvard Press" for two consecutive weeks on June 6, 2014 and June 13, 2014. Sitting for the Zoning Board of Appeals were Acting Chairman Robert Capobianco, Associate Members Theodore Maxant and Orville Dodson.

The application was presented by the Applicant.

The Board reviewed the application, the plan, and all other materials and information submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.

### **FINDINGS**

1. The Applicant agreed was amenable to reducing the size of the "Upper Level" to be able to achieve the requirement under 125-18.1A(3), which states an accessory apartment may not exceed one-third of the useable floor area of the accessory apartment and the primary residence. The floor area of the accessory apartment has been reduced from 880 square feet to 815 square feet to meet this requirement.
2. The "office" on the upper level shall only be used by residents of the property.
3. The proposed new accessory apartment conforms to the Requirements and Limitations of section 125-18.1 A and B of the Protective Bylaw.
4. The proposed accessory apartment will be in harmony with the general purpose and intent of the Protective Bylaw including the requirements of section 125-46C which are pertinent to this application.
5. The proposed additions will comply with the requirements of 125-4 as pre-existing non-conforming lot.
6. No abutter spoke in opposition to the application.

### **DECISION**

After reviewing the Application, the plan and other materials and information submitted and after giving due consideration to testimony given at the public hearing, the Board made the above-referenced findings of fact and, based upon those findings, the Board hereby determines the Property is suitable for an accessory apartment use pursuant to

§125-18.1 on a pre-existing non-conforming lot, §125-4 of the Harvard Protective Bylaw and that all the required criteria for a Special Permit have been met.

Accordingly, the Board hereby **GRANTS** the Special Permit to Matthew and Evangelene Kennedy for an accessory apartment use on a pre-existing non-conforming lot at 11 Bowers Road, Harvard in accordance with Findings and the Terms and Conditions below.

**TERMS AND CONDITIONS**

This Special Permit shall lapse two years from its date of issuance, but shall not include such time require to pursue or await the determination of an appeal referenced to in M.G.L. Chapter 40A, §17, if substantial use of the Special Permit has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date, except for good cause.

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

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

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

Signed: *Robert Capobianco*  
Robert Capobianco, Acting Chairman

*Theodore Maxant*  
Theodore Maxant, Associate Member

Commonwealth of Massachusetts  
LAND COURT

*Orville Dodson*  
Orville Dodson, Associate Member

This is to certify that as of August 4<sup>th</sup>, 2014 no notice of appeal has been filed with this office in regard to this decision.

Signed: *Mary P. Relic Assistant*  
Mary Relic, Assistant Town Clerk

*Handwritten mark*  
Town Clerk  
True Copy Attest

ATTEST: WORC. Anthony J. Vigliotti, Register

\*-----\*  
Official Receipt for Recording in:

Worcester District Registry of Deeds  
90 Front St.

Worcester, Massachusetts 01608

Issued To:  
MATTHEW S KENNEDY  
978 456 5237

Recording Fees

Document Description	Number	Cert Number	Recording Amount
DECN	00108668	15864	\$75.00
			\$75.00

Collected Amounts

Payment Type	Amount
Check	\$75.00
\$75.00	

Total Received : \$75.00  
Less Total Recordings: \$75.00  
-----  
Change Due : \$ .00

Thank You  
ANTHONY J. VIGLIOTTI - Register of Deeds

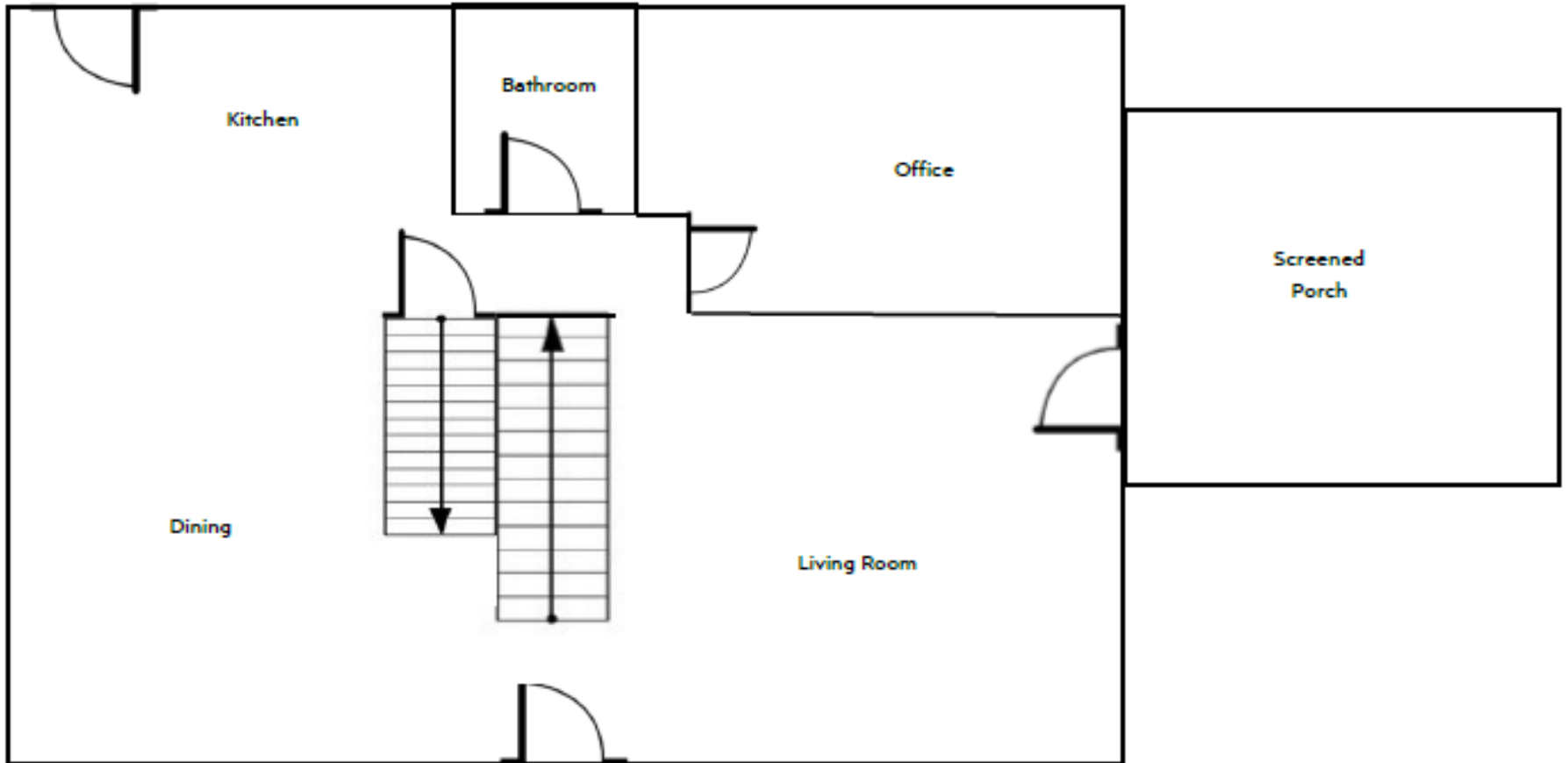
By: A Sheehy

Receipt# Date Time  
0925075 04/22/2016 09:43a



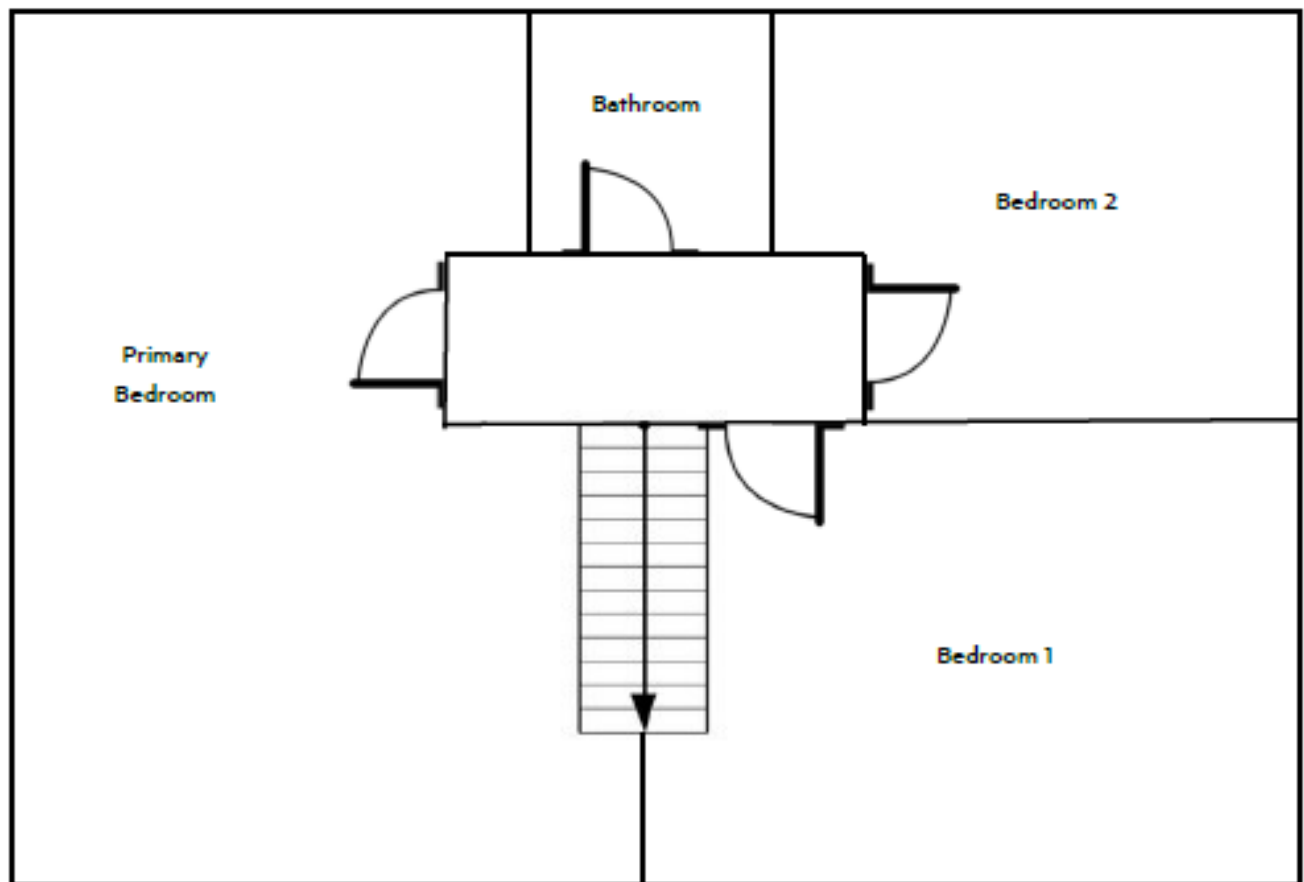
11 Bowers Road - Harvard MA

Primary Dwelling Floor Plan



**1st Floor**

1,255 Gross Square feet  
999 Total Living Area



**2nd Floor**

999 Gross Square feet  
749 Total Living Area

**Primary Dwelling:**  
2,254 Total Gross Square feet  
1,748 Square Feet Total Living Area

**Accessory Dwelling Unit:**  
815 Square Feet Total Living Area  
46.6% of TLA

Notes: Primary dwelling square footage based on Assessor data. Accessory dwelling square footage based on architectural plans and special permit approval (case #02-SP-14).

<p>Project Name: Kennedy Residence Address: 11 Bowers Road, Harvard MA Prepared by: Mike Mena Date: March 14, 2024 Scale: N/S</p>	<p><b>COMMUNITY MATTERS</b></p>  <p>Permitting and Construction Management Services www.communitymattersma.com communitymattersma@gmail.com • 530-518-0449 Michael Mena, Partner Alexis Mena, Partner</p>	<p><b>SHEET</b></p> <p><b>A1</b></p>
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Abutters List Report  
Town of Harvard, MA

Date: February 16, 2024  
Parcel Number: 026-021-000-000  
Property Address: 11 Bowers Rd  
Abutters To: 300ft

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

Signed:  Date: 2/16/24

Michael J. Saltsman  
Regional Assessor  
(978) 456-4100 x314

FINANCE DEPARTMENT - ACCOUNTANT, ASSESSORS, TREASURER/COLLECTOR  
13 Ayer Road, Harvard, Massachusetts 01451-1458  
[www.harvard-ma.gov](http://www.harvard-ma.gov)

RECEIVED  
HARVARD TOWN CLERK  
2024 MAR 18 PM 3:12



# 300 feet Abutters List Report

Harvard, MA  
February 16, 2024

## Subject Property:

Parcel Number: 026-021-000-000  
CAMA Number: 026-021-000-000  
Property Address: 11 BOWERS RD

Mailing Address: KENNEDY, MATTHEW S & EVANGELENE  
O  
11 BOWERS RD  
HARVARD, MA 01451

## Abutters:

Parcel Number: 026-017-001-000  
CAMA Number: 026-017-001-000  
Property Address: 114 WEST BARE HILL RD

Mailing Address: PON FAMILY LIVING TRUST  
114 WEST BARE HILL RD  
HARVARD, MA 01451

Parcel Number: 026-017-003-000  
CAMA Number: 026-017-003-000  
Property Address: 118 WEST BARE HILL RD

Mailing Address: MORRISON, THOMAS J.  
118 WEST BARE HILL RD  
HARVARD, MA 01451

Parcel Number: 026-022-000-000  
CAMA Number: 026-022-000-000  
Property Address: 15 BOWERS RD

Mailing Address: MORRISON, JACQUELINE CRUSOE  
82 MARGERY DR  
EAST HARTFORD, CT 06118

Parcel Number: 026-060-000-000  
CAMA Number: 026-060-000-000  
Property Address: 78 WEST BARE HILL RD

Mailing Address: MAHONEY, SUZANNE J  
78 WEST BARE HILL RD  
HARVARD, MA 01451

Parcel Number: 030-007-000-000  
CAMA Number: 030-007-000-000  
Property Address: 112 WEST BARE HILL RD

Mailing Address: CLARKE, ARON M & ALANA D  
112 WEST BARE HILL RD  
HARVARD, MA 01451

Parcel Number: 030-008-000-000  
CAMA Number: 030-008-000-000  
Property Address: 108 WEST BARE HILL RD

Mailing Address: LACKNER, JOHN T & KATRINA M  
108 WEST BARE HILL RD  
HARVARD, MA 01451

Parcel Number: 030-009-000-000  
CAMA Number: 030-009-000-000  
Property Address: 3 BOWERS RD

Mailing Address: HOPKINS, RYAN & SALVATO, JULIE  
3 BOWERS RD  
HARVARD, MA 01451

Parcel Number: 030-010-000-000  
CAMA Number: 030-010-000-000  
Property Address: 8 BOWERS RD

Mailing Address: BERND JANSSEN TR & CLAIRE  
RINDENELLO TR  
8 BOWERS RD  
HARVARD, MA 01451

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2024 MAR 18 PM 3:12



www.cai-tech.com

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BERND JANSSEN TR & CLAIRE  
8 BOWERS RD  
HARVARD, MA 01451

CLARKE, ARON M & ALANA D  
112 WEST BARE HILL RD  
HARVARD, MA 01451

HOPKINS, RYAN & SALVATO,  
3 BOWERS RD  
HARVARD, MA 01451

LACKNER, JOHN T & KATRINA  
108 WEST BARE HILL RD  
HARVARD, MA 01451

MAHONEY, SUZANNE J  
78 WEST BARE HILL RD  
HARVARD, MA 01451

MORRISON, JACQUELINE CRUS  
82 MARGERY DR  
EAST HARTFORD, CT 06118

MORRISON, THOMAS J.  
118 WEST BARE HILL RD  
HARVARD, MA 01451

PON FAMILY LIVING TRUST  
114 WEST BARE HILL RD  
HARVARD, MA 01451

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2024 MAR 18 PM 3:12





RECEIVED  
TOWN CLERK

2024 MAR 18 PM 3:12

# 300' Abutters-11 Bowers Rd

Town of Harvard, MA

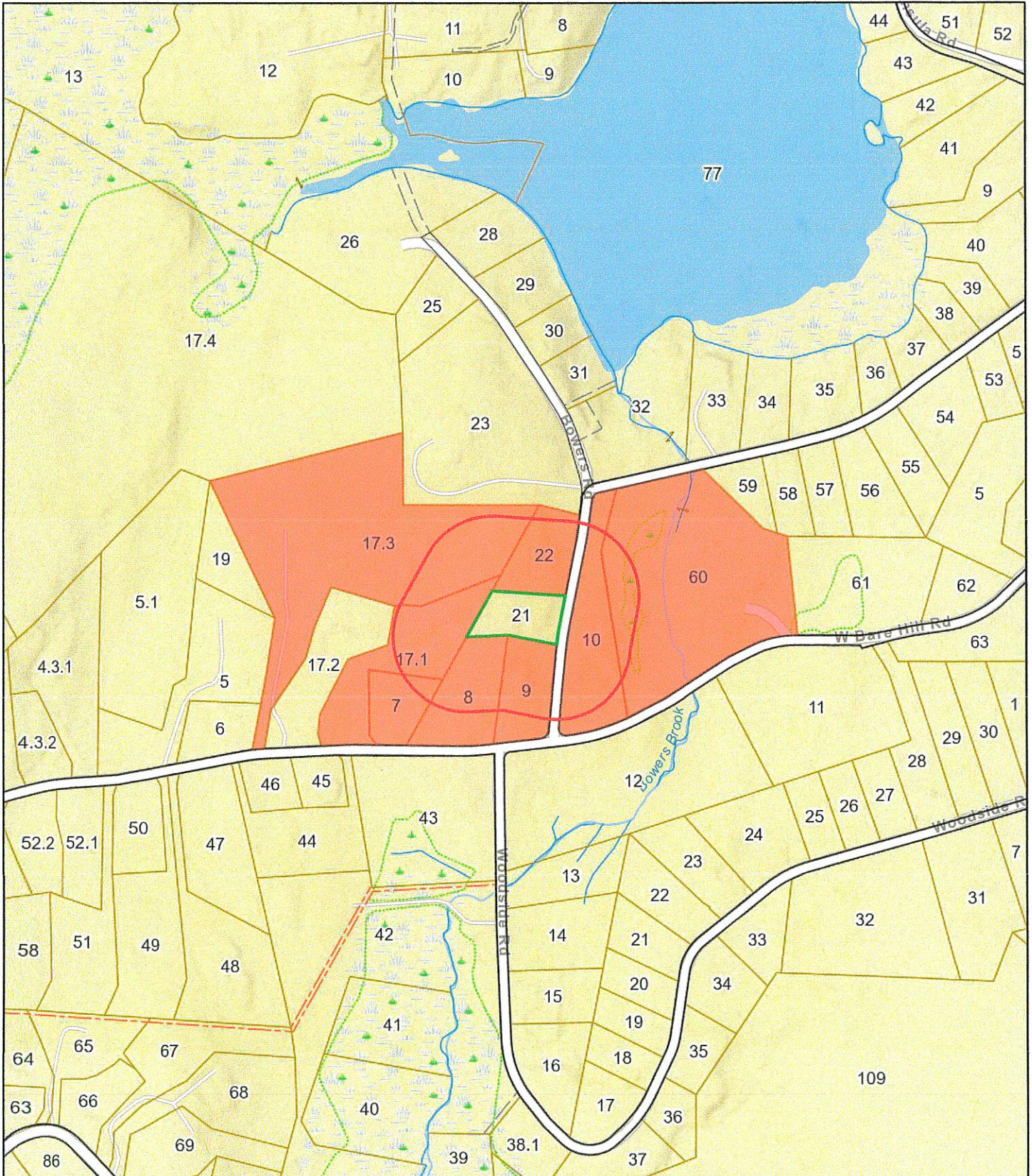
1 inch = 556 Feet



www.cai-tech.com

February 16, 2024

0 556 1112 1668



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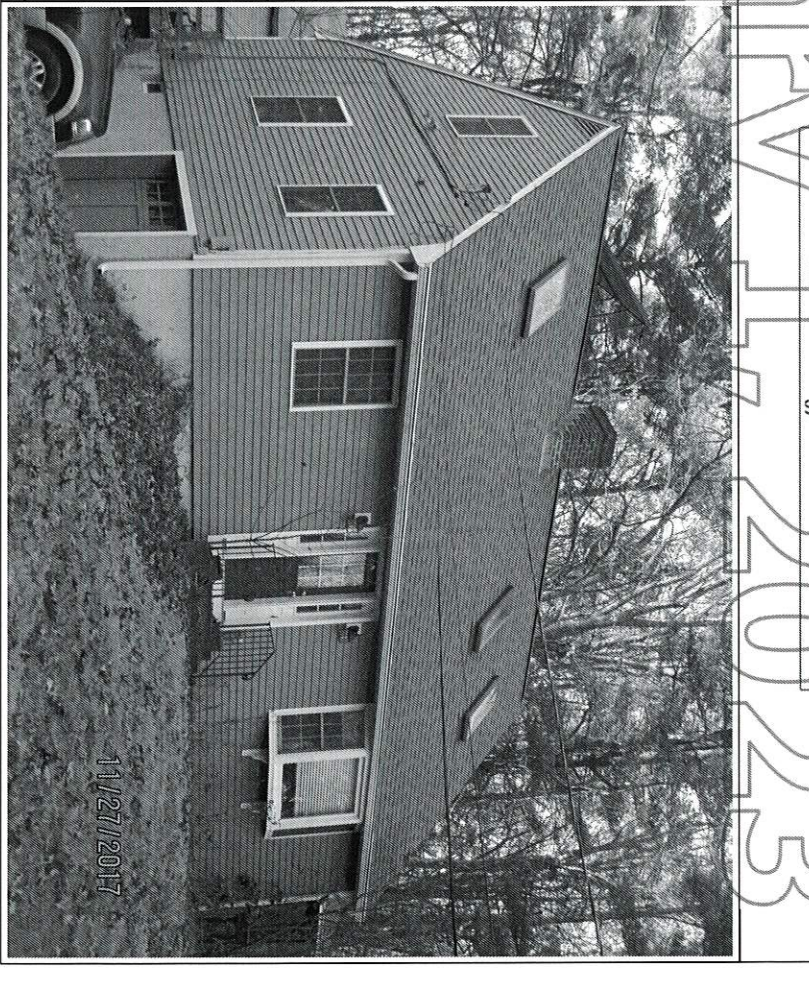
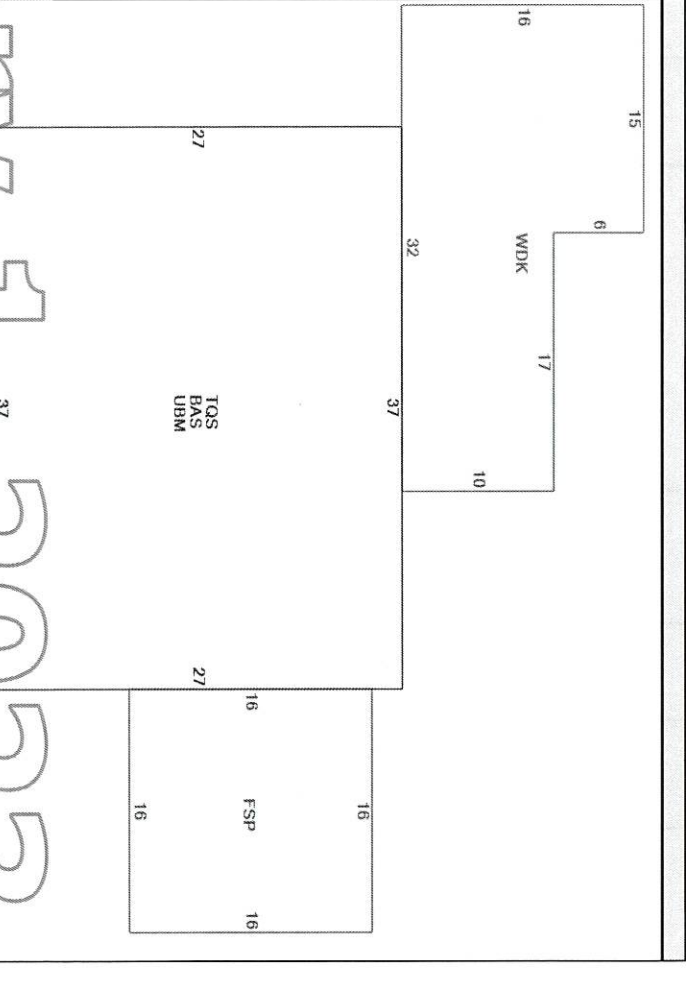
Element	Cd	Description	Element	Cd	Description
Style: Model	04	Cape Cod Residential	<b>CONDO DATA</b>		
Grade:	03	Average	Parcel Id		
Stories:	1.5	1.5 Stories	Adjust Type		
Occupancy	1	Clapboard	Condo Flr		
Exterior Wall 1	11	Gable/Hip	Condo Unit		
Exterior Wall 2	03	Asph/F Gls/Cmp	<b>COST / MARKET VALUATION</b>		
Roof Structure:	03	Drywall	Building Value New		360,375
Roof Cover	05	Hardwood	Year Built		1957
Interior Wall 1	12	Oil	Effective Year Built		
Interior Fir 1	02	Hot Water	Depreciation Code		G
Interior Fir 2	05	None	Remodel Rating		
Heat Fuel	01	3 Bedrooms	Year Remodeled		
Heat Type:	03		Depreciation %		25
AC Type:	02		Functional Obsol		
Total Bedrooms	0		External Obsol		
Total Half Baths	0		Trend Factor		1,000
Total Xtra Fixtrs	7		Condition		75
Total Rooms:	04	Average	Percent Good		270,300
Bath Style:	04	Average	RCNLD		
Kitchen Style:	04	Average	Dep % Ovr		
# of Kitchens	1		Dep Ovr Comment		
Fireplaces	1		Misc Imp Ovr		
			Misc Imp Ovr Comment		
			Cost to Cure Ovr		
			Cost to Cure Ovr Comment		

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

Code	Description	LB	Units	Unit Price	Yr Bit	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value
SHD1	Shed	L	120	15.00			100		0.00	1,800

**BUILDING SUB-AREA SUMMARY SECTION**

Code	Description	Living Area	Floor Area	Eft Area	Unit Cost	Undeprec Value
BAS	First Floor	999	999	999	162.91	162,747
FSP	Porch, Screen, Finished	0	256	64	40.73	10,426
TOS	Three Quarter Story	749	999	749	122.14	122,020
UBM	Basement, Unfinished	0	999	200	32.61	32,582
WDK	Deck, Wood	0	410	62	24.64	10,100
Ttl Gross Liv / Lease Area		1,748	3,663	2,074		337,875





CURRENT OWNER		TOPO		UTILITIES		STRT / ROAD		LOCATION		CURRENT ASSESSMENT	
KENNEDY, MATTHEW S & EVANGEL	9 Sloped	5 Well	2 Light Traffic	3 Rural	RESIDENTL	Code	Appraised	Assessed	125		
		6 Septic	1 Paved		RES LAND	1090	371,600	371,600			
			1 Two Way		RES OB	1090	302,400	302,400			
11 BOWERS RD	SUPPLEMENTAL DATA					1090	1,800	1,800			
	All Prcl ID	1250260002100000									
	House Col	TAN									
	Field Chec										
HARVARD	MA	01451									
	GIS ID	M_191516_914048	Assoc Pld#								

**VISION**

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	QU	VI	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)					
KENNEDY, MATTHEW S & EVANGEL	0080	15864	03-02-2007	Q	I	470,000	00	Year	Code	Assessed	Year	Code	Assessed
PRUDENTIAL RELOCATION INC	0080	15863	03-02-2007	Q	I	470,000	1R	2023	1090	335,900	2022	1090	264,400
LYNESS, JOHN PATRICK & ANNE D F	15001	82045	08-05-2003	Q	I	450,000	00		1090	267,800		1090	251,400
WHITE, WILLIAM H & BARBARA D	41226	10694	05-01-1985	U	I	165,000	00		1090	1,800		1090	1,400
WARREN, WILLIAM S & ELIZABETH LEE	32767	9121	07-25-1977	U	I	0	0						
	Total					605,500		Total	675,800	517,200	Total	488,500	

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

ASSESSING NEIGHBORHOOD		TRACING		APPRAISED VALUE SUMMARY	
Nbhd	Nbhd Name	Tracing	Batch	Appraised Bldg. Value (Card)	371,600
LOT 77				Appraised Xf (B) Value (Bldg)	0
				Appraised Ob (B) Value (Bldg)	1,800
				Appraised Land Value (Bldg)	302,400
				Special Land Value	0
				Total Appraised Parcel Value	675,800
				Valuation Method	C

BUILDING PERMIT RECORD		Amount	Insp Date	% Comp	Date Comp	Comments		
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments

LAND LINE VALUATION SECTION		Land Units	Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes				
B	Use Code	Description	Zone	Land Type	Land Units	Unit Price	Size Adj	Site Index	Cond.	Nbhd. <td>Nbhd. Adj</td> <td>Notes</td>	Nbhd. Adj	Notes	
2	1090	MULTI HSES	AR	Primary	0.000	AC	0.00	1.00000	P	1.00	40	1.150	
Total Card Land Units		0.00	AC	Parcel Total Land Area		1.37							

VISIT / CHANGE HISTORY		Id	Type	Is	Cd	Purpost/Result	
Year	Code	Description	Amount	Insp Date	% Comp	Date Comp	Comments

APPRAISED VALUE SUMMARY		Appraised	Assessed	Code	Assessed		
Year	Code	Description	Amount	Insp Date	% Comp	Date Comp	Comments

Total Land Value 0



**CONSTRUCTION DETAIL**

**CONSTRUCTION DETAIL (CONTINUED)**

Element	Cd	Description	Element	Cd	Description
Style: 04	01	Cape Cod Residential Average			
Model: 03					
Grade: 1.50					
Occupancy: 1					
Exterior Wall 1	11	Clapboard			
Exterior Wall 2	03	Gable/Hip			
Roof Structure:	03	Asph/F Gls/Cmp			
Roof Cover	05	Drywall			
Interior Wall 1					
Interior Wall 2	12	Hardwood			
Interior Fir 1					
Interior Fir 2	04	Electric			
Heat Fuel	07	Radiant-Elec.			
Heat Type:	02	Heat Pump			
AC Type:	01	1 Bedroom			
Total Bedrooms	1				
Total Bathrms:	0				
Total Half Baths	0				
Total Xtra Fixtrs	0				
Total Rooms:	3				
Bath Style:	01	Old Style			
Kitchen Style:	01	Old Style			
# of Kitchens	1				
Fireplaces	0				

**CONDO DATA**

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

**COST / MARKET VALUATION**

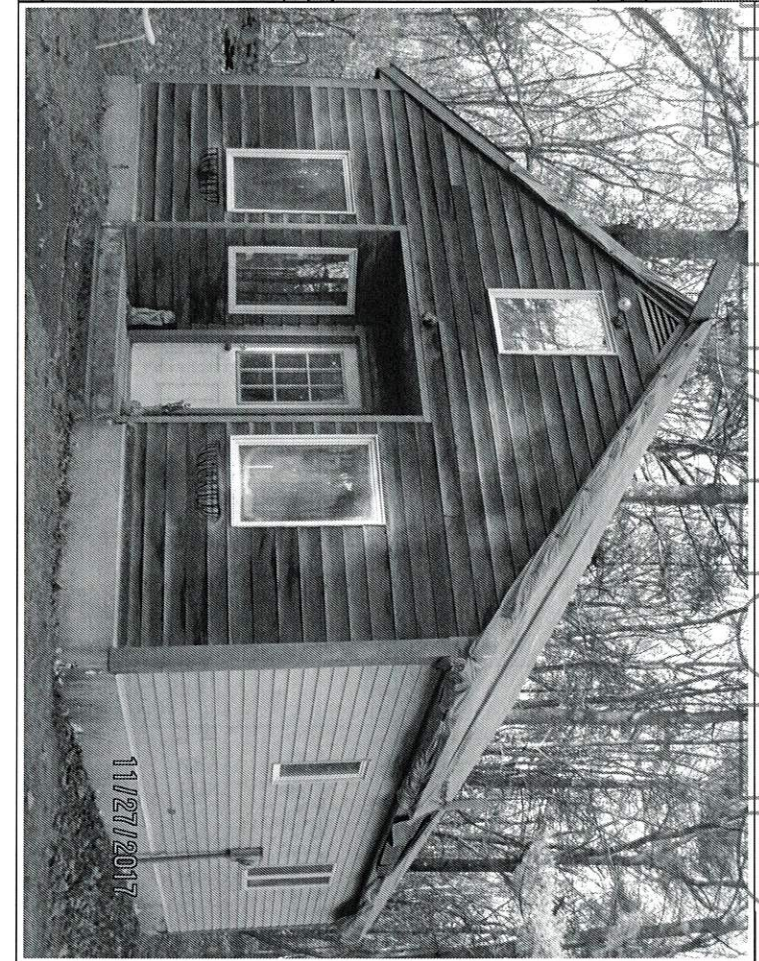
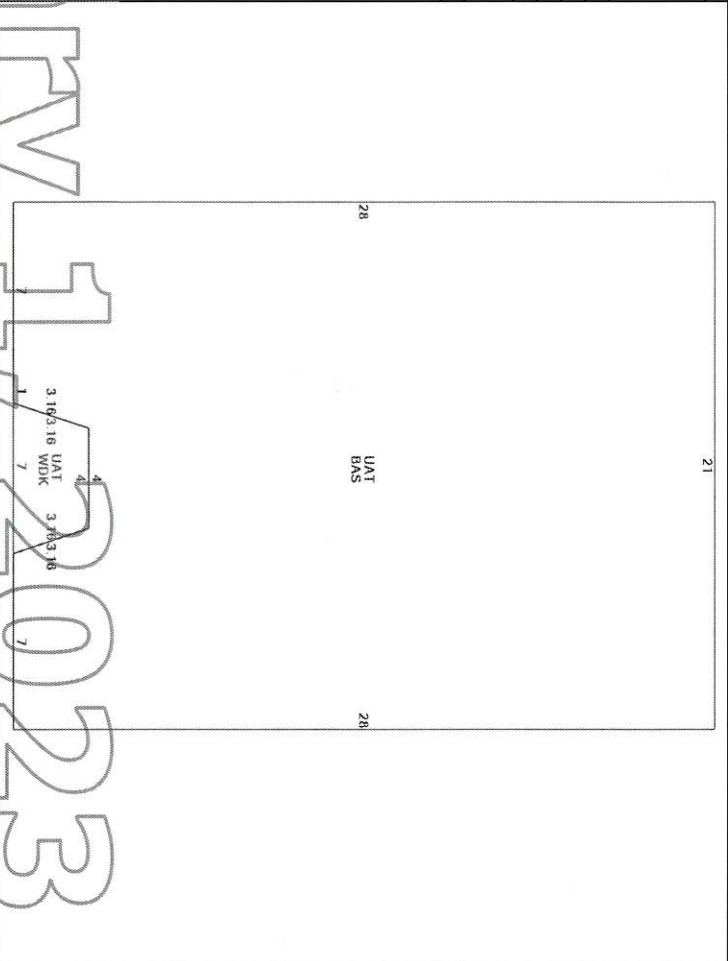
Building Value New	138,729
Year Built	1971
Effective Year Built	A
Depreciation Code	
Remodel Rating	
Year Remodeled	27
Depreciation %	
Functional Obsol	
External Obsol	
Trend Factor	1,000
Condition	
Condition %	
Percent Good	73
RCNLD	101,300
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

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

Code	Description	VB	Units	Unit Price	Yr Bilt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value

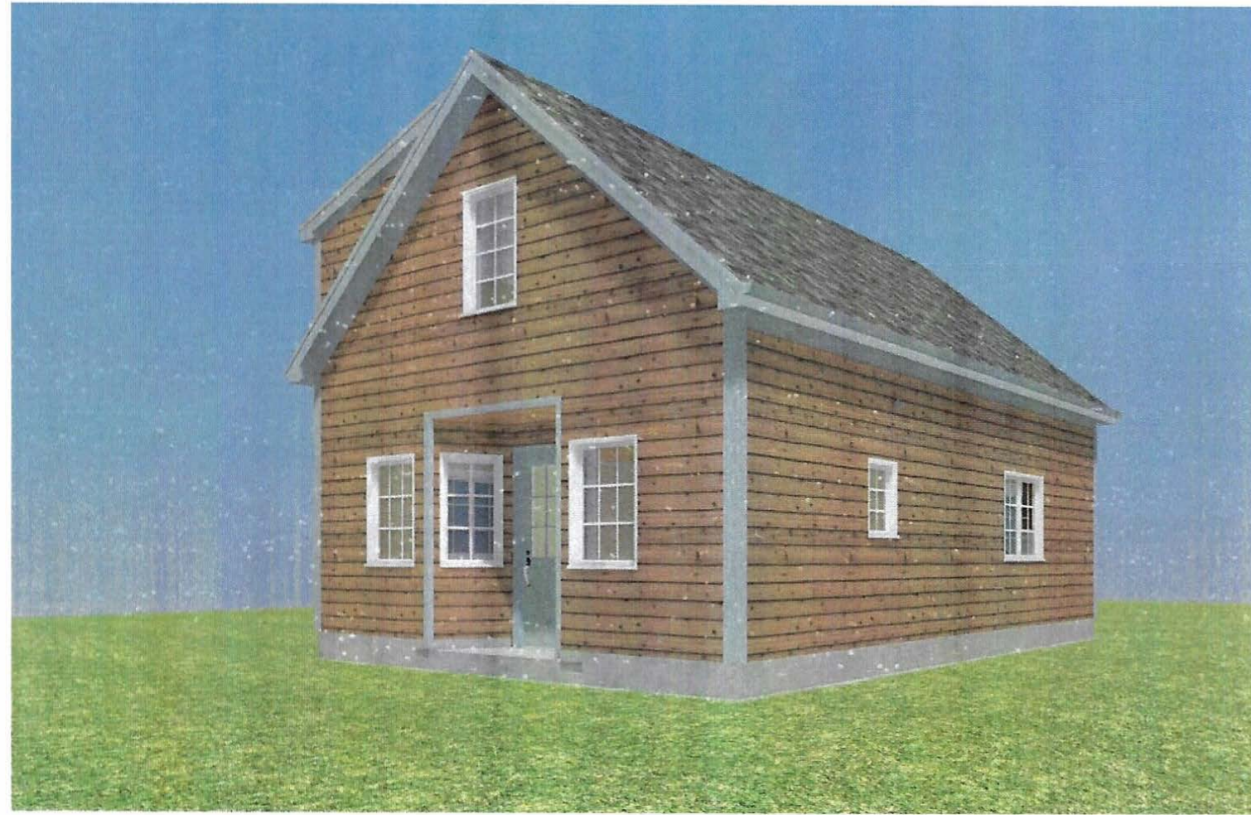
**BUILDING SUB-AREA SUMMARY SECTION**

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BAS	First Floor	573	573	573	193.80	111,047
UAT	Attic, Unfinished	0	588	59	19.45	11,434
WDK	Deck, Wood	0	15	2	25.84	388
Ttl Gross Liv / Lease Area		573	1,176	634		122,869



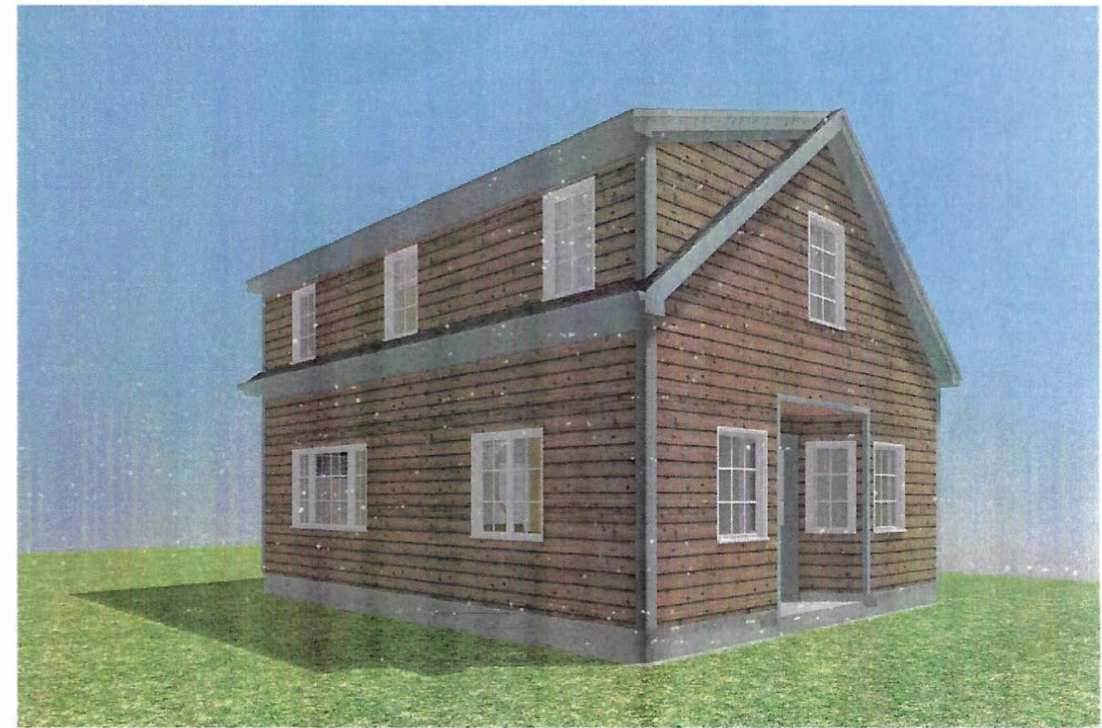
11/27/2017






FRONT VIEW

ALL DETAILS TO MATCH EXISTING. ALL WORK TO BE DONE IN CONFORMANCE WITH 180 CMR MASSACHUSETTS STATE BLDG CODE 7TH EDITION. BUILDER TO VERIFY ALL DETAILS AND DIMENSIONS. THIS PLAN IS COPYRIGHTED BY GIATTINO DESIGN AND IS PROVIDED FOR A ONE TIME BUILD.



BACK VIEW

 <b>GIATTINO DESIGN</b> <small>312 Chicopee Rd., Groton, MA 01450          Residential Design Services 978-448-2548          Maureen@GiattinoDesign.com</small>	<b>MATTHEW &amp; EVA KENNEDY</b> <b>11 BOWERS ROAD</b> <b>HARVARD, MA</b>	
	PERSPECTIVES 9/24/13 11/7/13 3/4/14	PAGE NO. <b>1 OF 5</b>



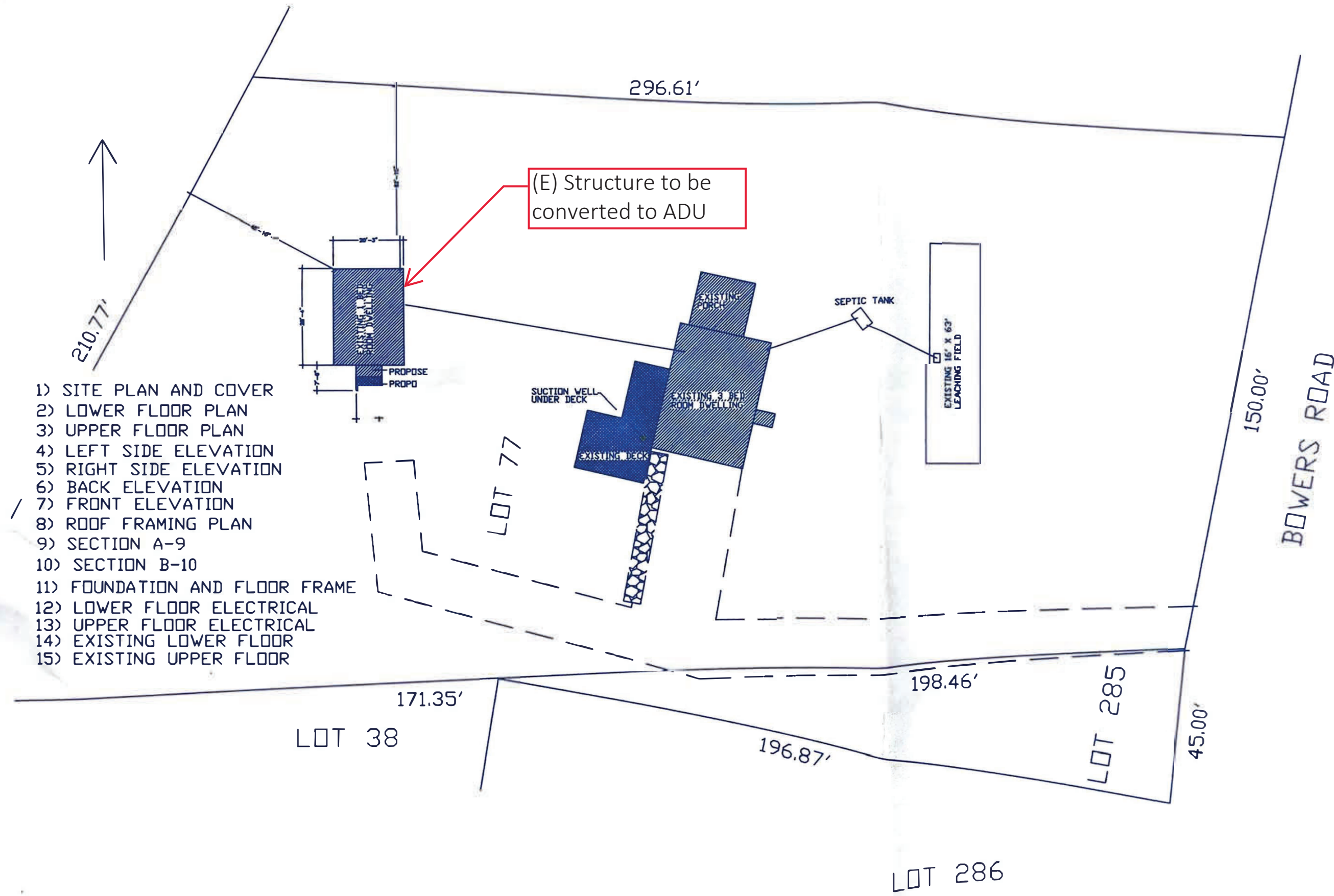
# KENNEDY ADDITION

1	STRUCTURAL	6/1
No.	Revision/Date	Date

WARREN DESIGN BUILD  
 268 WEST STREET  
 BERLIN, MA, 01503  
 978-838-0022  
 carl@warrendesign.com

MATT KENNEDY  
 11 BOWERS ROAD  
 HARVARD, MA 01451

Project	KEN08	Sheet	1
Date	02/15/08		
Scale	1/32"=1'-0"		



- 1) SITE PLAN AND COVER
- 2) LOWER FLOOR PLAN
- 3) UPPER FLOOR PLAN
- 4) LEFT SIDE ELEVATION
- 5) RIGHT SIDE ELEVATION
- 6) BACK ELEVATION
- 7) FRONT ELEVATION
- 8) ROOF FRAMING PLAN
- 9) SECTION A-9
- 10) SECTION B-10
- 11) FOUNDATION AND FLOOR FRAME
- 12) LOWER FLOOR ELECTRICAL
- 13) UPPER FLOOR ELECTRICAL
- 14) EXISTING LOWER FLOOR
- 15) EXISTING UPPER FLOOR

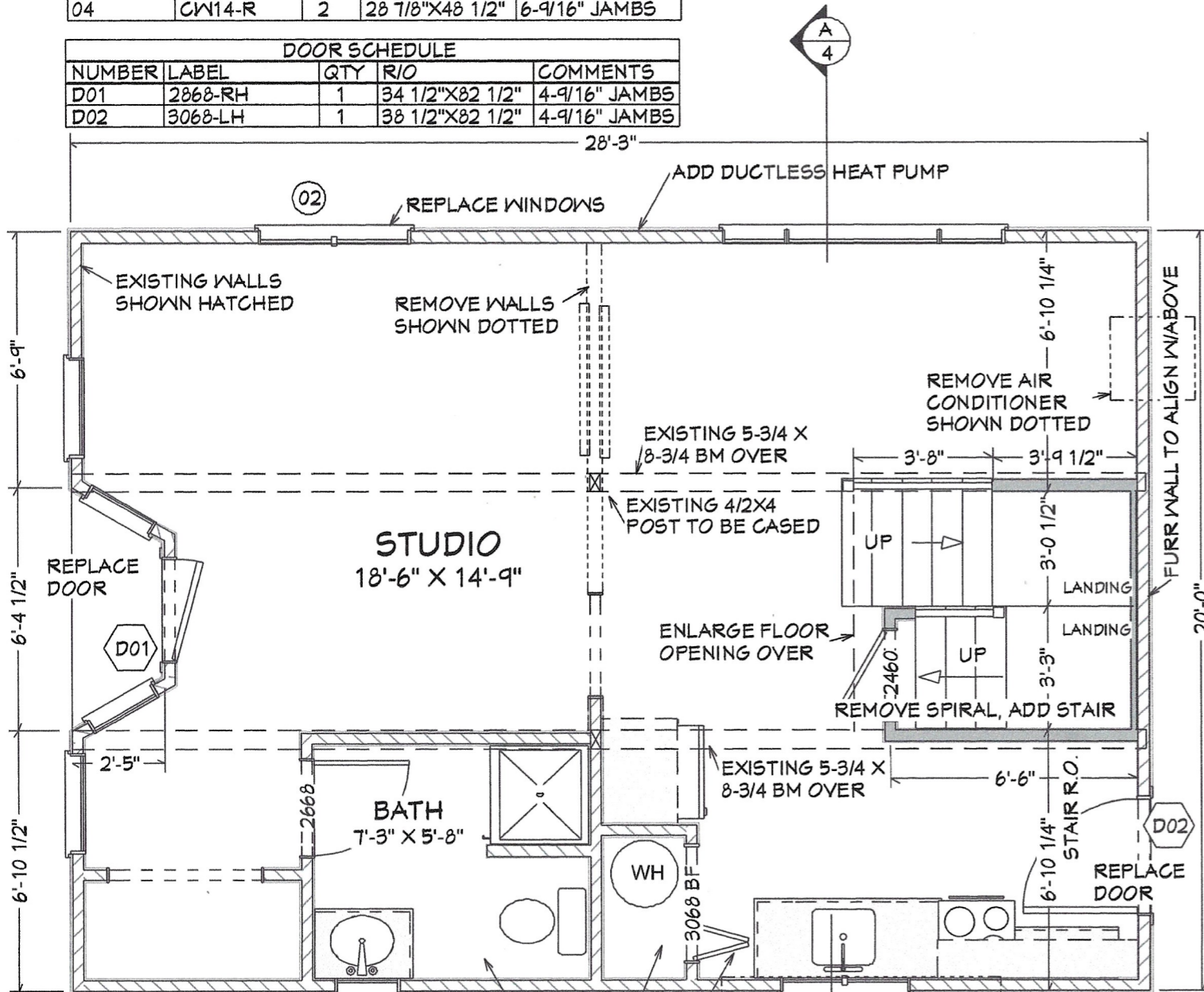


ANDERSEN WHITE CLAD SERIES 400 WINDOWS WITH HIGH PERFORMANCE LOW-E4 GLAZING, FINELITE GRILLES, JAMBS PER SCHEDULE, NICKEL FINISH HARDWARE AND SCREENS:

WINDOW SCHEDULE				
NUMBER	LABEL	QTY	R/O	COMMENTS
01	CN235	1	41 1/4" X 41 3/8"	4-9/16" JAMBS
02	C235	1	48 1/2" X 41 3/8"	4-9/16" JAMBS
03	CW135-R	3	28 7/8" X 41 3/8"	6-9/16" JAMBS
04	CW114-R	2	28 7/8" X 48 1/2"	6-9/16" JAMBS

DOOR SCHEDULE				
NUMBER	LABEL	QTY	R/O	COMMENTS
D01	2868-RH	1	34 1/2" X 82 1/2"	4-9/16" JAMBS
D02	3068-LH	1	38 1/2" X 82 1/2"	4-9/16" JAMBS

ALL DETAILS TO MATCH EXISTING. ALL WORK TO BE DONE IN CONFORMANCE WITH 780 CMR MASSACHUSETTS STATE BLDG CODE 8TH EDITION. BUILDER TO VERIFY ALL DETAILS AND DIMENSIONS. THIS PLAN IS COPYRIGHTED BY GIATTINO DESIGN AND IS PROVIDED FOR A ONE TIME BUILD.

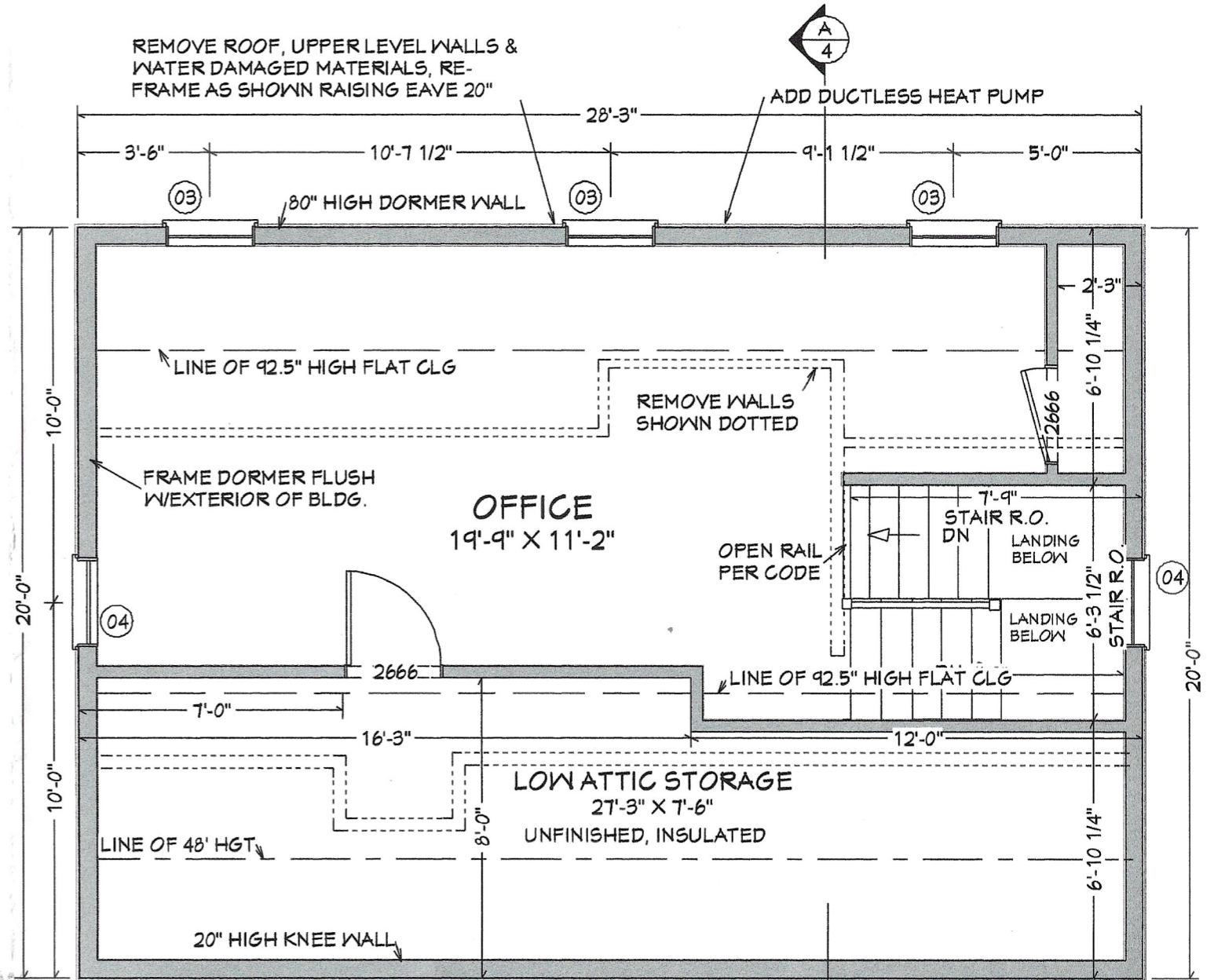
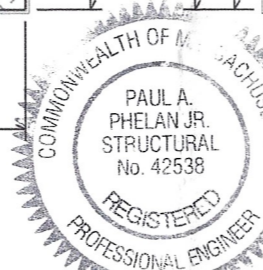


ENTRY LEVEL = 552 SQ FT  
 UPPER LEVEL = 263 SQ FT  
 TOTAL = 815 SQ FT

SQ FT AREA ALLOWED TOTAL = 2463 100%  
 SQ FT PRIMARY RESIDENCE = 1648 67%  
 SQ FT ACCESSORY APARTMENT = 815 33%

ENTRY LEVEL PLAN

The engineer's stamp on this drawing qualifies the structural design only and assumes that the foundation/footing bearing surface is undisturbed, or properly compacted, non-organic soil with a minimum bearing allowable of 3000 PSF and that all construction will be performed by qualified craftsmen in accordance with the 8th Edition of the Massachusetts building Code. All dimensions and elevations are for design and reference purposes only and should be verified and approved by the Owner, contractor and framer. On site verification of construction is likely required. It is the contractors or owners responsibility to employ Phelan Engineering to perform on site verification if required or desired. It is also the owner's or contractor's responsibility to assure that timely notification of the project progress is provided so that adequate on site engineer presence is obtained. Liability is severely diminished if engineer on site verification is not performed. In addition, nothing in this statement relieves the contractor of his/her responsibility regarding the provisions of 780 CMR 107.

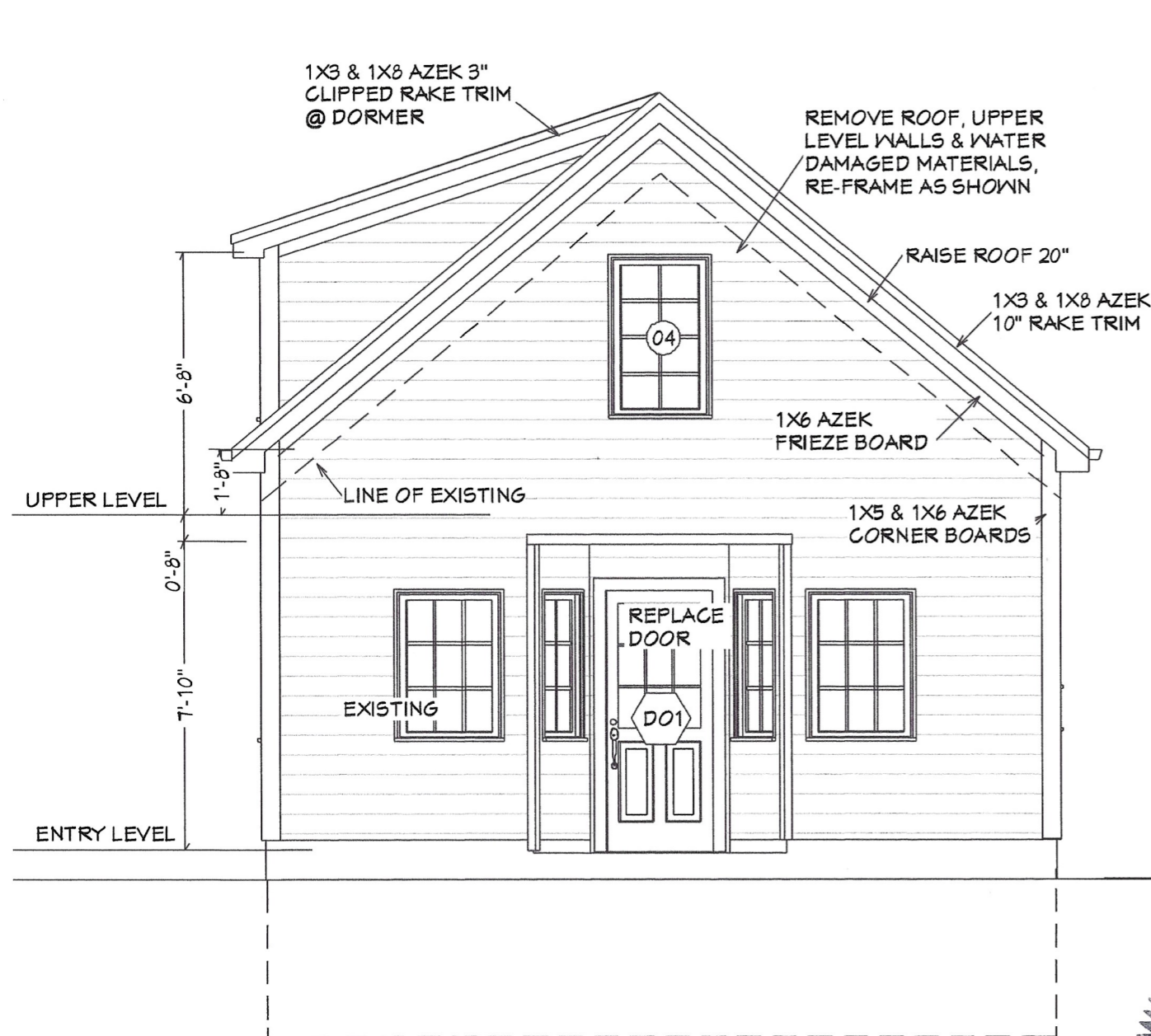


UPPER LEVEL PLAN

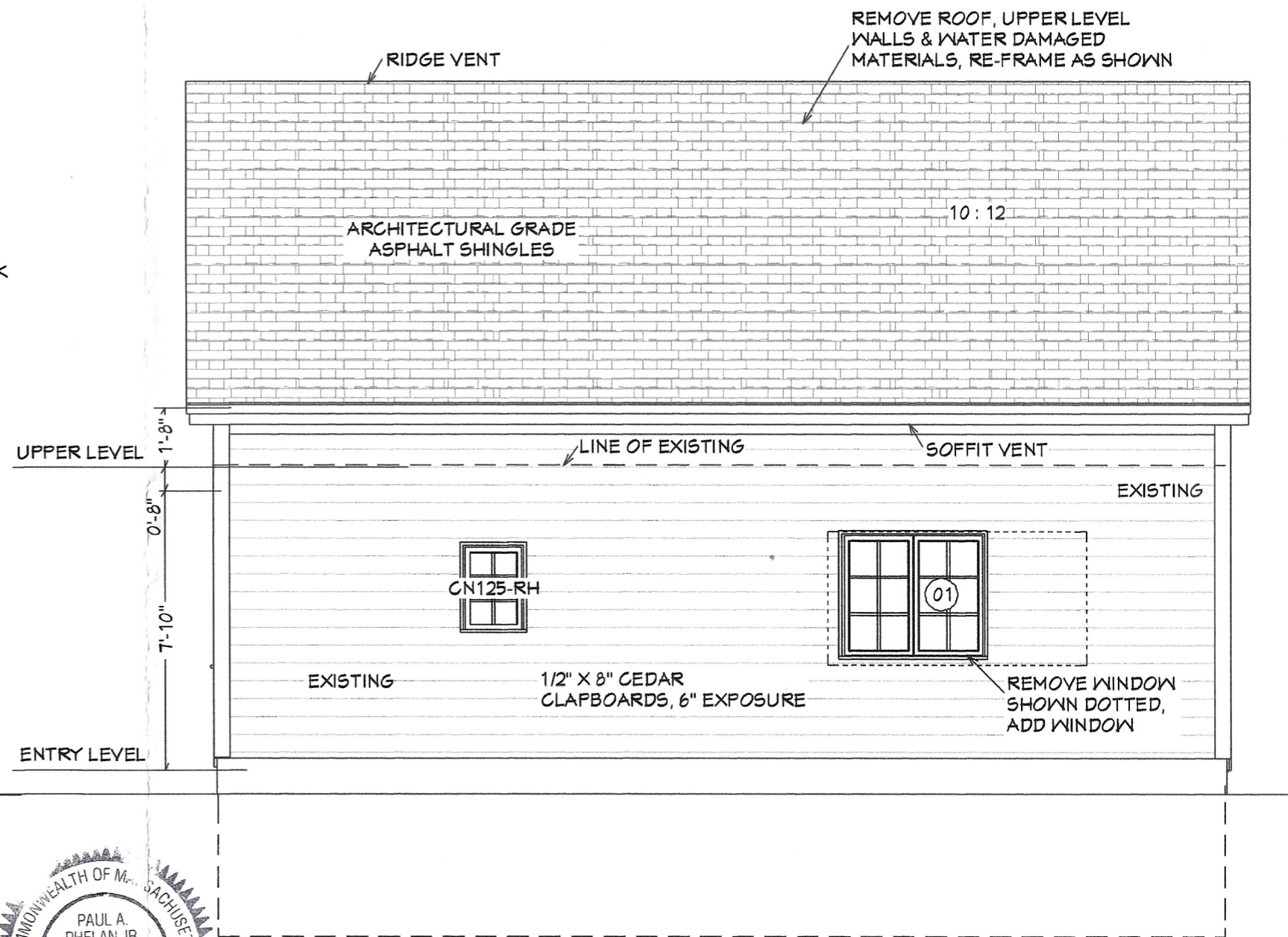
<b>GIATTINO DESIGN</b> 312 Chicopee Row, Groton, MA 01450 Residential Design Services 978-448-2548 Maureen@GiattinoDesign.com	<b>MATTHEW &amp; EVA KENNEDY</b> 11 BOWERS ROAD HARVARD, MA	
	FLOOR PLANS 1/4" = 1'-0"	9/24/13 6/18/14 11/7/13 8/7/14 3/4/14 9/27/16



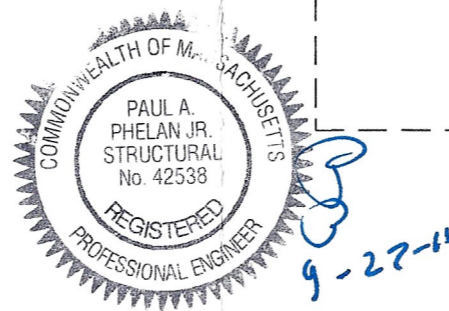
ALL DETAILS TO MATCH EXISTING. ALL WORK TO BE DONE IN CONFORMANCE WITH 780 CMR MASSACHUSETTS STATE BLDG CODE 8TH EDITION. BUILDER TO VERIFY ALL DETAILS AND DIMENSIONS. THIS PLAN IS COPYRIGHTED BY GIATTINO DESIGN AND IS PROVIDED FOR A ONE TIME BUILD.




LEFT ELEVATION



FRONT ELEVATION

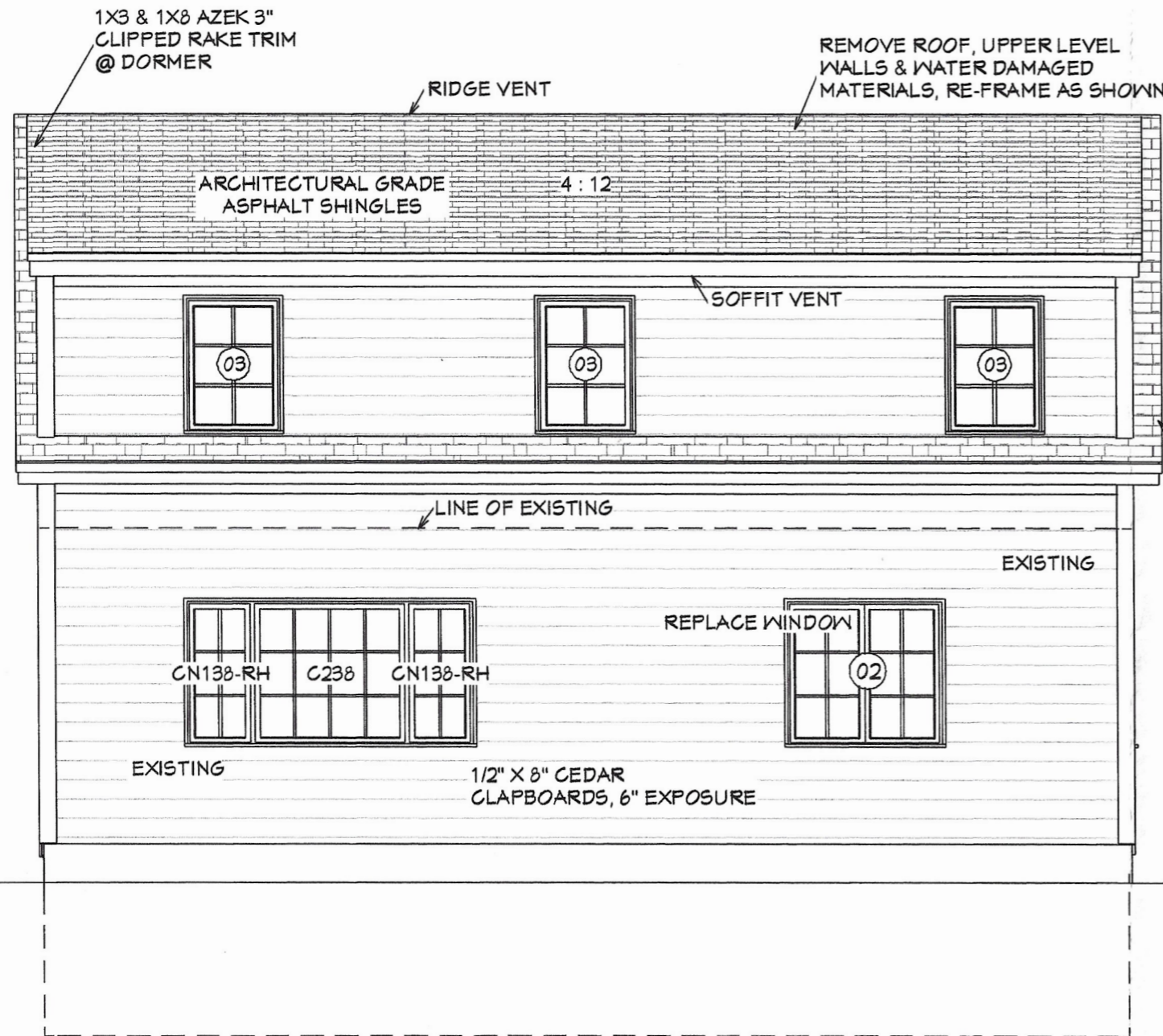


The engineer's stamp on this drawing qualifies the structural design only and assumes that the foundation/footing bearing surface is undisturbed, or properly compacted, non-organic soil with a minimum bearing allowable of 3000 PSF and that all construction will be performed by qualified craftsmen in accordance with the 8th Edition of the Massachusetts building Code. All dimensions and elevations are for design and reference purposes only and should be verified and approved by the Owner, contractor and framer. On site verification of construction is likely required. It is the contractors or owners responsibility to employ Phelan Engineering to perform on site verification if required or desired. It is also the owner's or contractor's responsibility to assure that timely notification of the project progress is provided so that adequate on site engineer presence is obtained. Liability is severely diminished if engineer on site verification is not performed. In addition, nothing in this statement relieves the contractor of his/her responsibility regarding the provisions of 780 CMR 107.

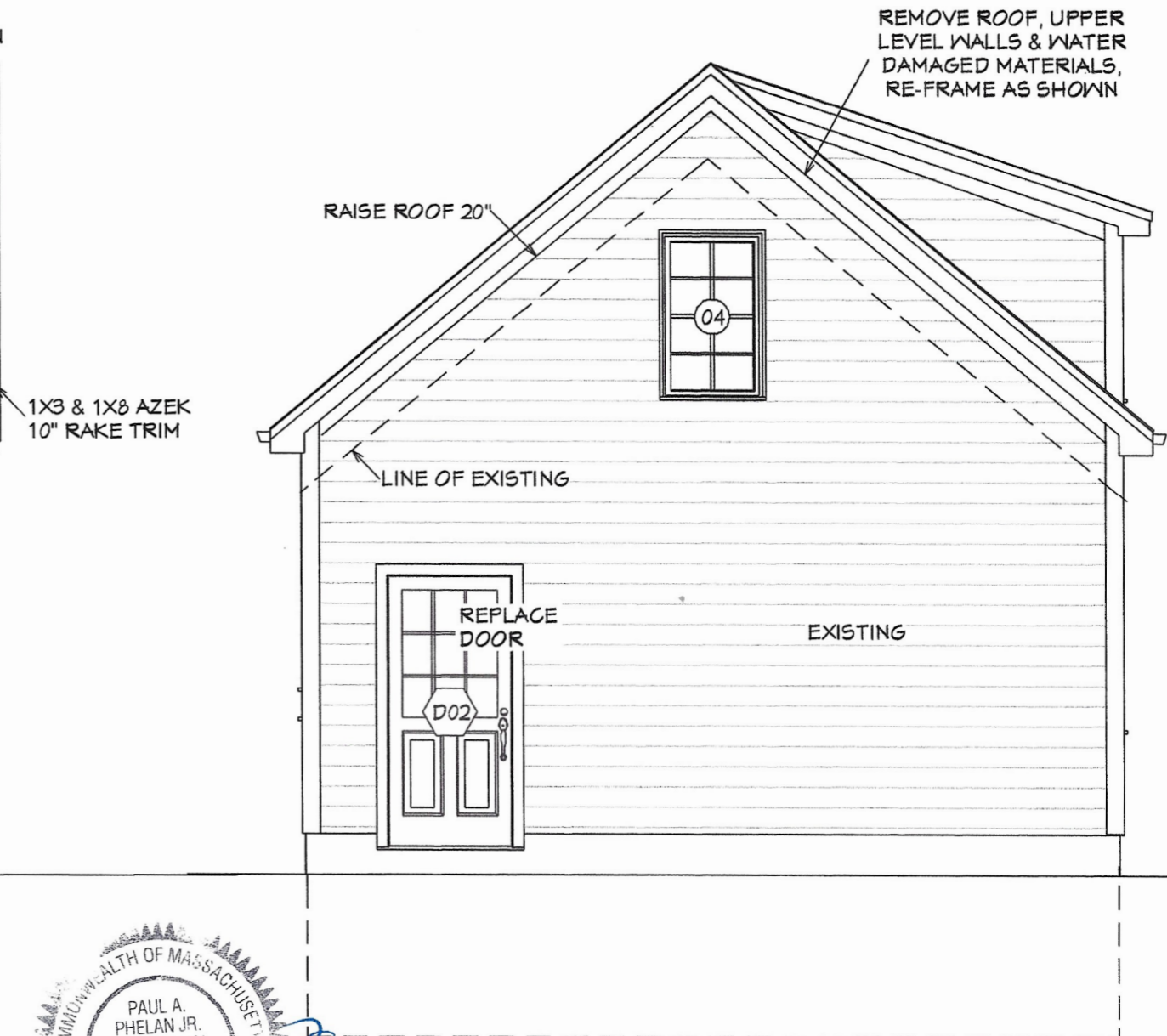
 <b>GIATTINO DESIGN</b> 312 Chicopee Row, Groton, MA 01450 Residential Design Services 978-448-2548 Maureen@GiattinoDesign.com	<b>MATTHEW &amp; EVA KENNEDY</b> 11 BOWERS ROAD HARVARD, MA	
	<b>LEFT &amp; FRONT ELEVATIONS</b> 1/4"=1'-0"	9/24/13 6/18/14 11/7/13 8/7/14 3/4/14 9/27/16



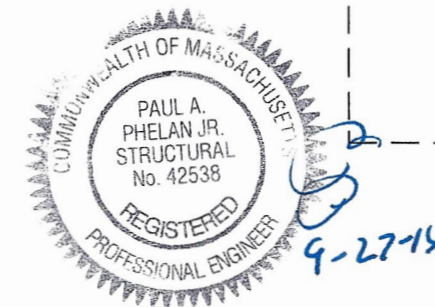
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REAR ELEVATION



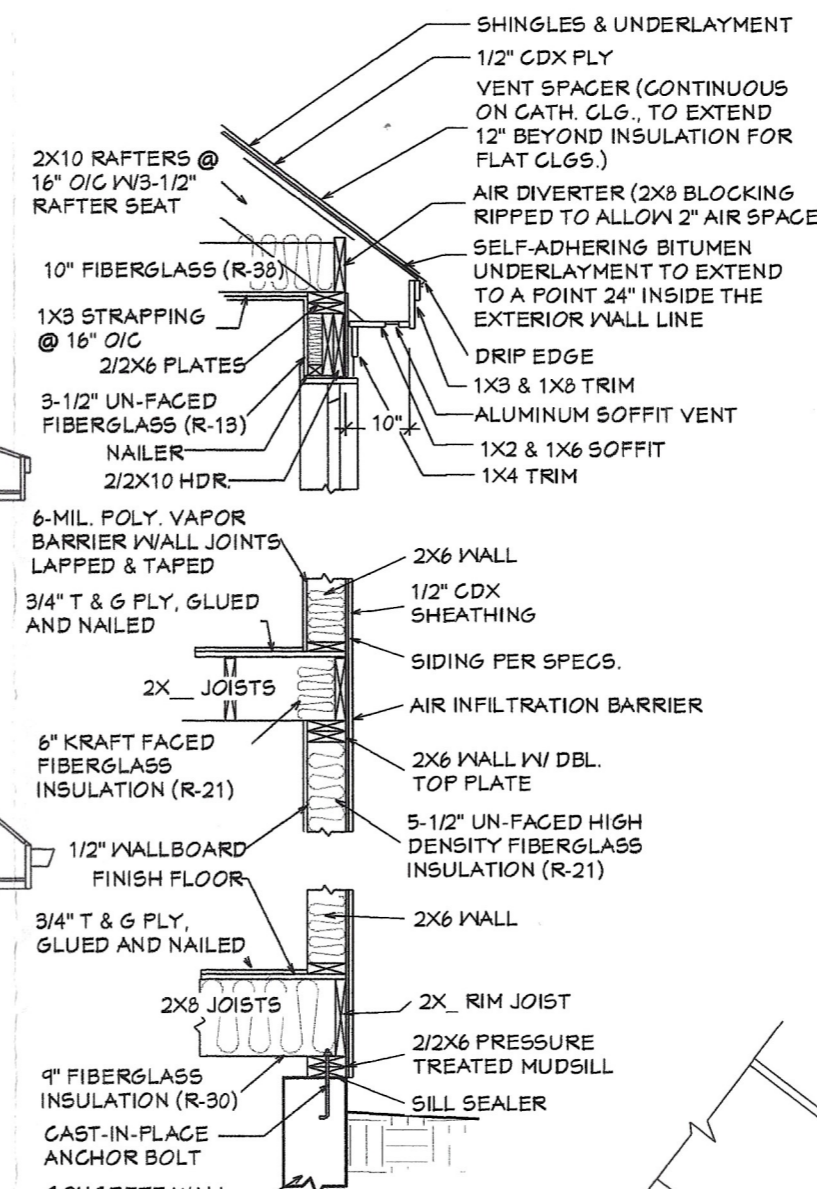
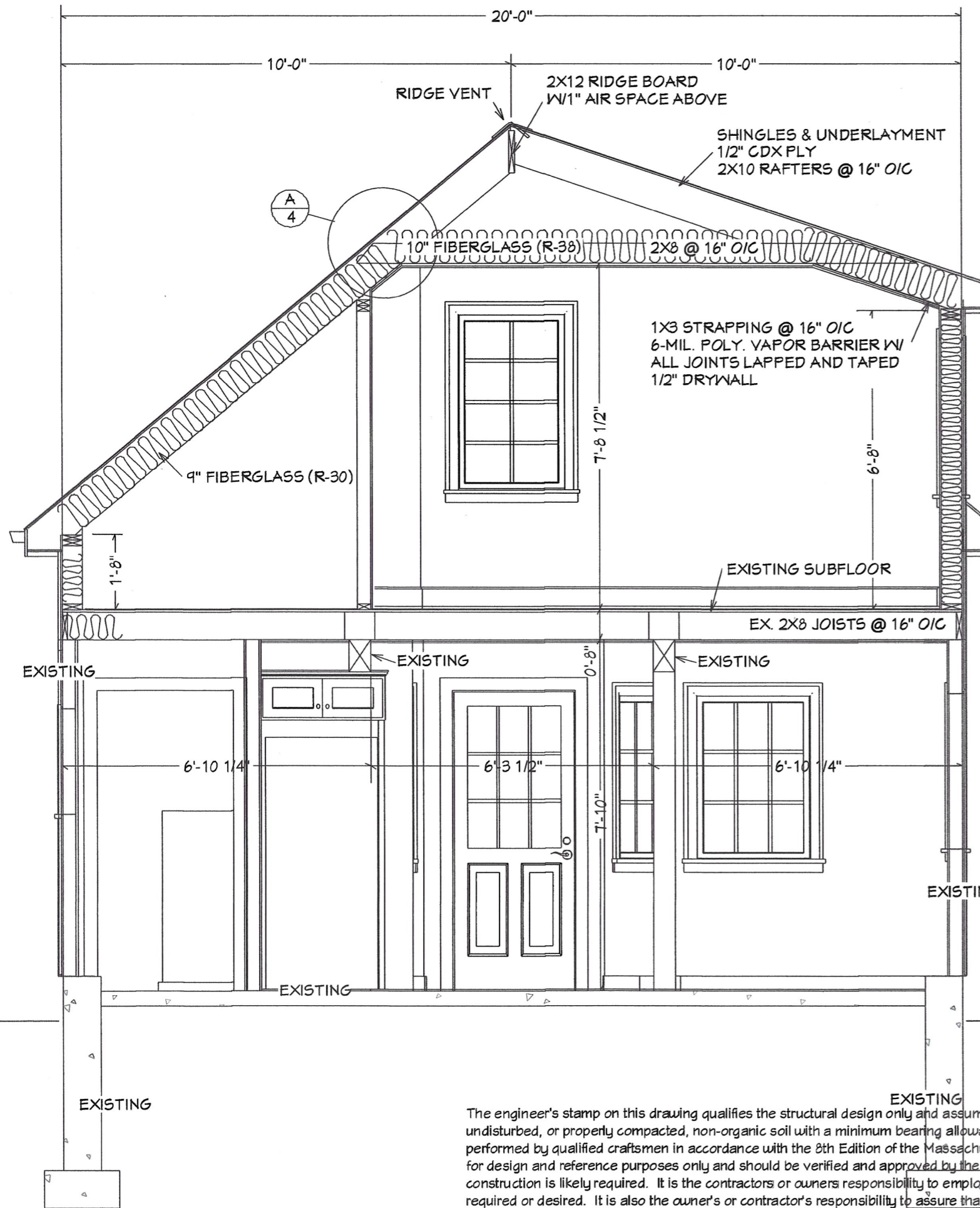
RIGHT ELEVATION



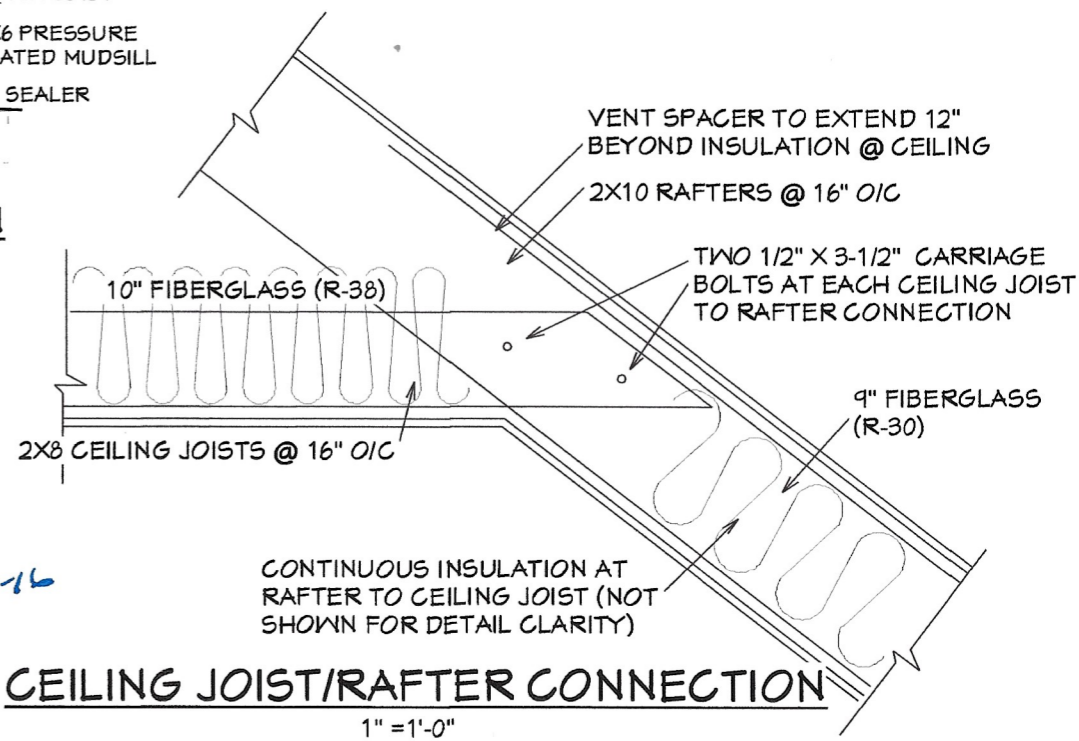
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 <b>GIATTINO DESIGN</b> 312 Chicopee Row, Groton, MA 01450 Residential Design Services 978-448-2548 Maureen@GiattinoDesign.com	<b>MATTHEW &amp; EVA KENNEDY</b> 11 BOWERS ROAD HARVARD, MA	
	<b>BACK &amp; RIGHT ELEVATIONS</b> 1/4"=1'-0"	9/24/13 6/18/14 11/7/13 8/7/14 3/4/14 9/27/16





**WALL SECTION**  
Scale: 1/2"=1'-0"



**A CEILING JOIST/RAFTER CONNECTION**  
1"=1'-0"

ALL DETAILS TO MATCH EXISTING. ALL WORK TO BE DONE IN CONFORMANCE WITH 780 CMR MASSACHUSETTS STATE BLDG CODE 8TH EDITION. BUILDER TO VERIFY ALL DETAILS AND DIMENSIONS. THIS PLAN IS COPYRIGHTED BY GIATTINO DESIGN AND IS PROVIDED FOR A ONE TIME BUILD.

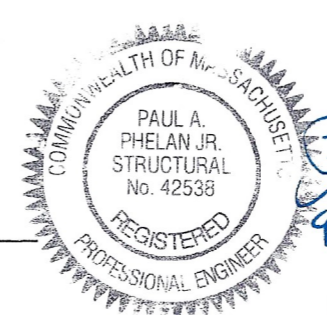
LUMBER STANDARDS:  
2X\_ MEMBERS: #2 OR BETTER S-P-F  
Fb=1000 PSI  
E=1.3X10<sup>6</sup> PSI

1-3/4X\_ LVL MEMBERS:  
Fb=2600 PSI  
E=1.4X10<sup>6</sup> PSI  
Fv=285 PSI


LATERAL SUPPORT IS REQUIRED AT POINTS OF BEARING, AND ALONG TOP EDGE OF BEAM.

MULTIPLE MEMBERS TO BE FASTENED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.

ALL BEARING POINTS TO HAVE SOLID BLOCKING DOWN TO FNDN.



The engineer's stamp on this drawing qualifies the structural design only and assumes that the foundation/footing bearing surface is undisturbed, or properly compacted, non-organic soil with a minimum bearing allowable of 3000 PSF and that all construction will be performed by qualified craftsmen in accordance with the 8th Edition of the Massachusetts building Code. All dimensions and elevations are for design and reference purposes only and should be verified and approved by the Owner, contractor and framer. On site verification of construction is likely required. It is the contractors or owners responsibility to employ Phelan Engineering to perform on site verification if required or desired. It is also the owner's or contractor's responsibility to assure that timely notification of the project progress is provided so that adequate on site engineer presence is obtained. Liability is severely diminished if engineer on site verification is not performed. In addition, nothing in this statement relieves the contractor of his/her responsibility regarding the provisions of 780 CMR 107.

 <b>GIATTINO DESIGN</b> 312 Chicopee Row, Groton, MA 01450 Residential Design Services 978-448-2548 Maureen@GiattinoDesign.com	<b>MATTHEW &amp; EVA KENNEDY</b> 11 BOWERS ROAD HARVARD, MA	
	SECTION A-A 3/8"=1'-0"	9/24/13 6/18/14 11/7/13 8/7/14 3/4/14 9/27/16



## TOWN OF HARVARD ZONING BOARD OF APPEALS APPLICATION FOR A HEARING

Please review the Board of Appeals' Regulations, Chapter 135, The Code of the Town of Harvard, prior to filling out this Application for Hearing. This application, along with the appropriate documents and filing fee, must be filed in the office of the Town Clerk.

Name of Applicant: William Ference

Mailing Address: 40 Mass Ave, Harvard, MA 01451

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

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

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

Registry of Deeds: Book Number 67898 Page Number 271 Certificate Number \_\_\_\_\_

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

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

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

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

- |   |                                 |
|---|---------------------------------|
| <input type="checkbox"/> Variance (16 copies)                                 | Fee: \$150.00 + \$6.00/ abutter |
| <input type="checkbox"/> Special Permit (16 copies)                           | Fee: \$200.00 + \$6.00/abutter  |
| <input checked="" type="checkbox"/> Modification/Extension (16 copies)        | Fee: \$100.00 + \$6.00/abutter  |
| <input type="checkbox"/> Failure to Enforce Administrative Appeal (16 copies) | Fee: \$130.00                   |
| <input type="checkbox"/> Other Administrative Appeals (16 copies)             | Fee: \$175.00                   |
| <input type="checkbox"/> Comprehensive Permit (20 copies)                     | Fee: 500.00/unit                |

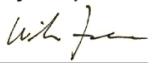
Specific Bylaw section (s) being applied for: 125-3 C Non-conforming structures other than one- and two-family dwellings and 125-3 D Non-conforming uses.

Nature of Application and Justification of Request: See attached.

The undersigned certifies that he/she has read and examined this application and the Harvard Zoning Board of Appeals Rules and Regulations, Chapter 135 of the Code of the Town of Harvard, and that the proposed project is accurately represented in the statements made in the application.

The applicant will be required to pay a local newspaper of general circulation for the current cost of advertising the hearing. The applicant will be billed directly from the newspaper for the cost of the advertised hearing or all advertising must be paid for in full prior to submittal to the newspaper.

I hereby request a hearing before the Board of Appeals with reference to the above application.

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

\_\_\_\_\_  
Property Owner's Signature (REQUIRED) Date

\_\_\_\_\_  
Applicant's Signature (if different from owner) Date



Engineering Solutions  
for Land & Structures

Civil Engineering Land Planning Land Surveying

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

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

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

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

To section “*Decision (iv)*”:

Existing Text:

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

Proposed Amended Text:

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

To section “*A. Conditions*”:

Text Addition:

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

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



# Worcester South District Registry of Deeds Electronically Recorded Document

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## Recording Information

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

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

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

13 AYER ROAD HARVARD, MA 01451

978-456-4100 EXT.321

www.harvard-ma.gov



**SPECIAL PERMIT DECISION**

**RE: Application of William Ference for a Special Permit**

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

**DATE: April 27, 2022**

**FINDINGS AND DECISION**

**I. Procedural History**

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

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

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



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

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

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

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

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

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

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

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

## II. Findings

### A. General

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

Roeder (Parcel 53.2).

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

**B. Special Permit**

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



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

III. Decision

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

A. Conditions

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

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

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

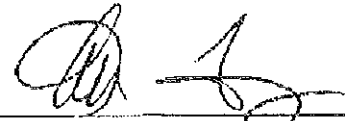
#### **B. Terms**

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

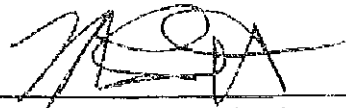
An appeal may be made pursuant to §17 of MGL Chapter 40A within twenty (20) days after the decision is filed with the Town Clerk.

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

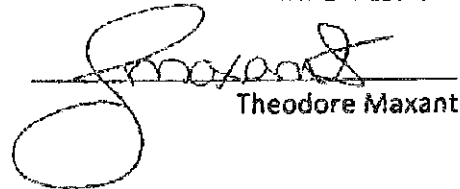
This decision does not waive or otherwise alter the requirements of the Harvard Protective Bylaw or any other law or ordinance. A copy of this decision showing book and page number of recording shall accompany an application for a building permit.



Christopher Tracey, Chairman



Michael Lawton



Theodore Maxant

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

Signed: Lynn Kelly Lynn Kelly, Town Clerk