

**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)

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=glouis@gastocysteletronic.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)

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Board of Directors,

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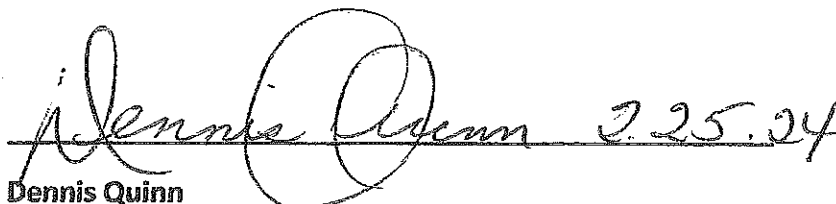
14 Wilroy Ave

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

Gregory Louis

4 Highland Ave

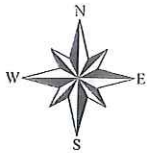
(72 Almont St. Nashua, NH.03050)

 2.25.24

Dennis Quinn

9 Wilroy Ave

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



Town of Harvard, MA

1 inch = 278 Feet

CAI Technologies
Precision Mapping Geospatial Solutions

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.

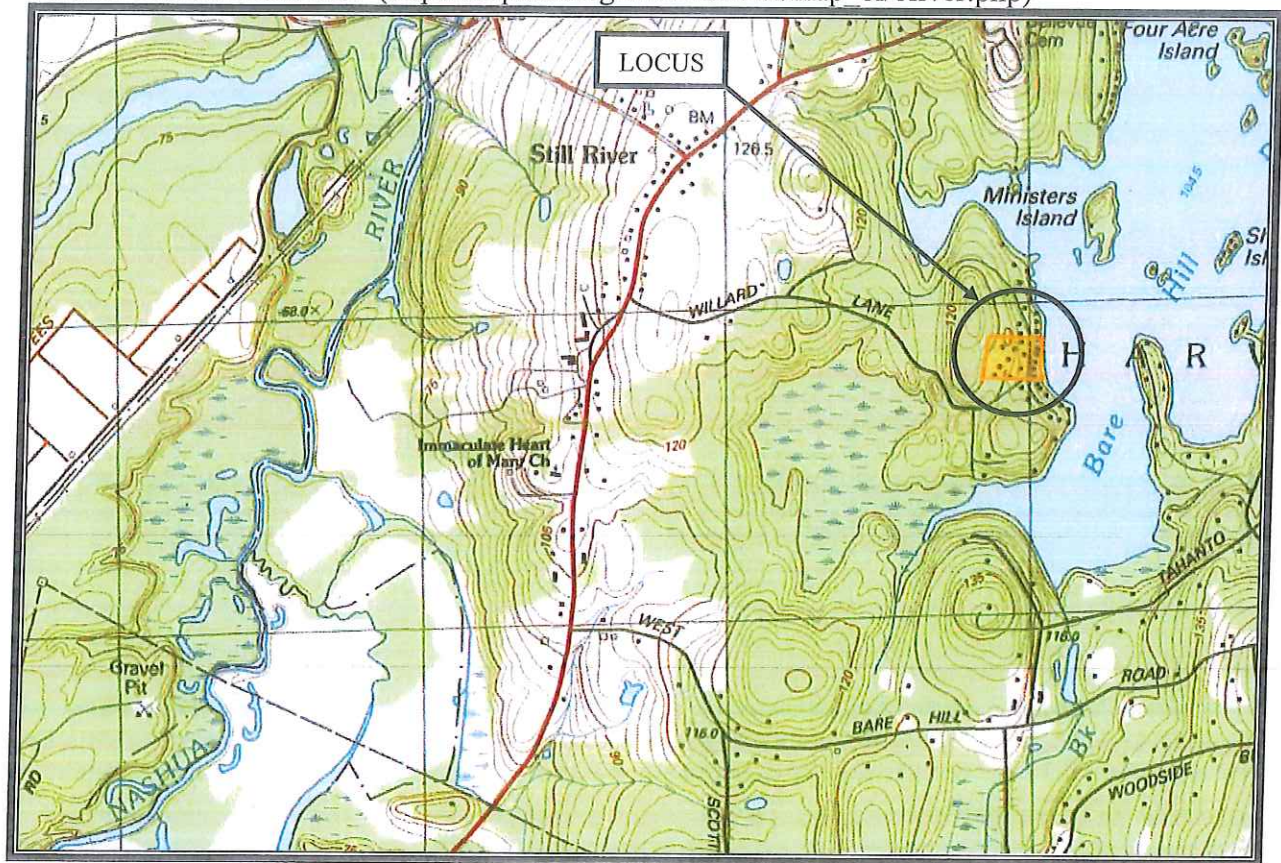
DAVID E. ROSS ASSOCIATES, INC.

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)



[illegible]



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: _____

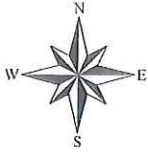
1/18/24

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



WILLARD SHORES, INC. , - BARE HILL POND

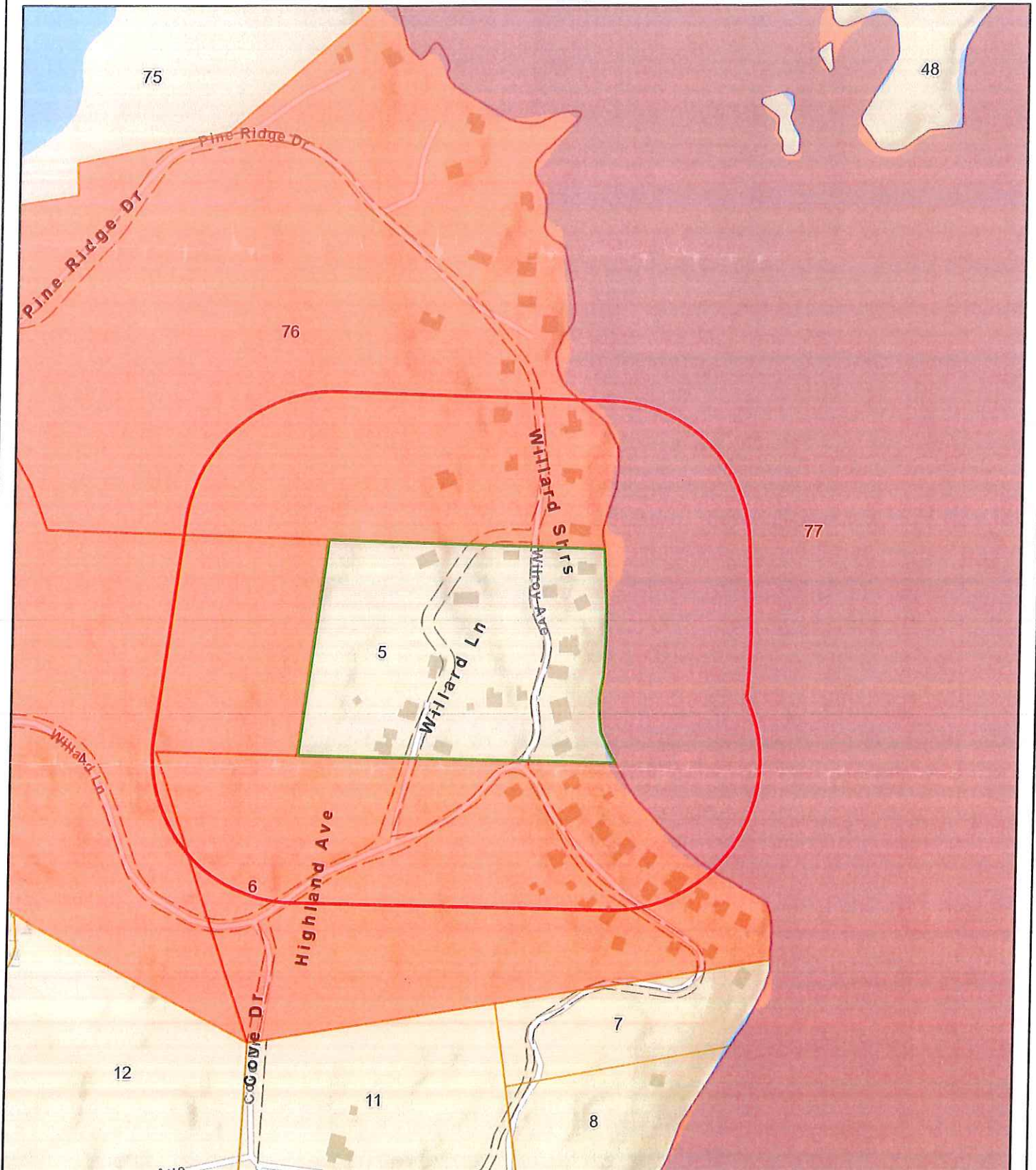
Town of Harvard, MA

1 inch = 278 Feet

CAI Technologies
Precision Mapping. Geospatial Solutions.

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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1/18/2024

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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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1/18/2024

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