

**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: Kelsey Nickerson

Mailing Address: 133 Clinton Shore Drive-Still River, MA 01467-0071

Telephone Number: 978-456-0098 Email Address: ksnickerson@mac.com

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

Location of Property: 133 Clinton Shore Drive Assessors Map 26 Parcel: 7

Registry of Deeds: Book Number 86 Page Number 118 Certificate Number 17118

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

Owner's Address: _____

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

Nature of Application and Justification of Request: Additions to a pre-existing,
non-conforming structure.

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 AECAR
Property Owner's Signature (REQUIRED)

3-29-23
Date

Property Owner's Signature (REQUIRED)

Date

Applicant's Signature (if different from owner)

Date

DAVID E. ROSS ASSOCIATES, INC.

Civil Engineers, Land Surveyors, Environmental Consultants

March 29, 2023

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

Re: Special Permit Request
Ms. Kelsey Nickerson
133 Clinton Shore Drive, Harvard
Project No. 34130

Dear Board Members:

The purpose of this letter is to detail to you the request for a Special Permit 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, existing structures.

The accompanying plan, (Plan No. L-14641), details the locations of both the existing and proposed structures as they relate to the surrounding property lines. The lot itself contains 2.0+/- acres of land without any frontage. Access to the property is via Clinton Shore Drive over property owned by the Clinton Shore Drive Association. The property also fronts on the westerly shores of Bare Hill Pond. The original structure was built in 1948, before the adoption of the Harvard Protective by-law, and 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 construction of two small additions to the house, the reconstruction of the existing deck, the installation of a mechanical lift to aid in the transport of people and materials from the driveway to the house, along with other structural and drainage improvements. In addition, this proposal also supports the construction of a detached garage which will comply with all aspects of the Protective Bylaw. The two small additions and the installation of the lift will require a Special Permit, due to the continued non-conformance with Section 125-30E(3), Setbacks (distance to the property lines), but in no case do the proposed changes come closer to the property lines than the existing non-conforming structure. Also, no portion of the proposed structures will create any new non-conformities.

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

We have also included the attached summary of dimensional aspects of this project and the percent changes. These summary items contain measurements of footprint sizes, total floor area sizes, as well as a relationship to the "Floor area ratio", described in Section 125-30(B) of the bylaw.

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. This claim is supported by the proposal of a drywell to collect and infiltrate some of the water found around the foundation, as well as the installation of various stone recharge trenches placed strategically at the house, garage, and driveway.

This proposal will not require any further evaluation by the Harvard Board of Health, as the changes do not increase the number of bedrooms allowed under the existing approved capacity of the sewage disposal system. Furthermore, by virtue of the proximity of Bare Hill Pond, this project is the subject of a Notice of Intent filed with the Conservation Commission on March 28, 2023. We expect to meet with the Commission on April 20th and we are hopeful to present you with a positive outcome of this process when we meet with your Board.

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

NICKERSON SPECIAL PERMIT REQUEST
MARCH, 2023

EXISTING CONDITIONS

<u>Existing Floor Area</u>		<u>Existing Footprint</u>	
House: Lower Level	= 506 sf	House	= 818 sf
Upper Level	= 834 sf	Deck	= <u>420 sf</u>
Deck	= <u>420 sf</u>		
Total	= 1,760 sf	Total	= 1,238 sf

PROPOSED CONDITIONS

<u>Proposed Floor Area</u>		<u>Proposed Footprint</u>	
Lower Level	= 506 sf	Existing Structure	= 1,238 sf
Lower Level Addition	= 125 sf	Covered Patio Addition	= 75 sf
Lower Level Deck	= 295 sf		
Upper Level	= 834 sf		
Upper Level (Delete)	= (16 sf)		
Upper Level Addition	= 69 sf		
Upper Level Deck	= <u>56 sf</u>		
Total	= 1,869 sf (6.2% increase)	Total	= 1,313 sf (6.0% increase)

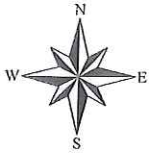
Section 125-30B Analysis:

Land Area = 2.0 acres = 87,120 sf
10% of lot area (8,712 sf) or 8,000 sf, whichever is larger.

Proposed Floor Area = 1,869 sf < 8,712 sf *conforms to bylaw

DAVID E. ROSS ASSOCIATES, INC.

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



Town of Harvard, MA

1 inch = 376 Feet

CAI Technologies
Precision Mapping. Geospatial Solutions.

www.cai-tech.com

March 28, 2023



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

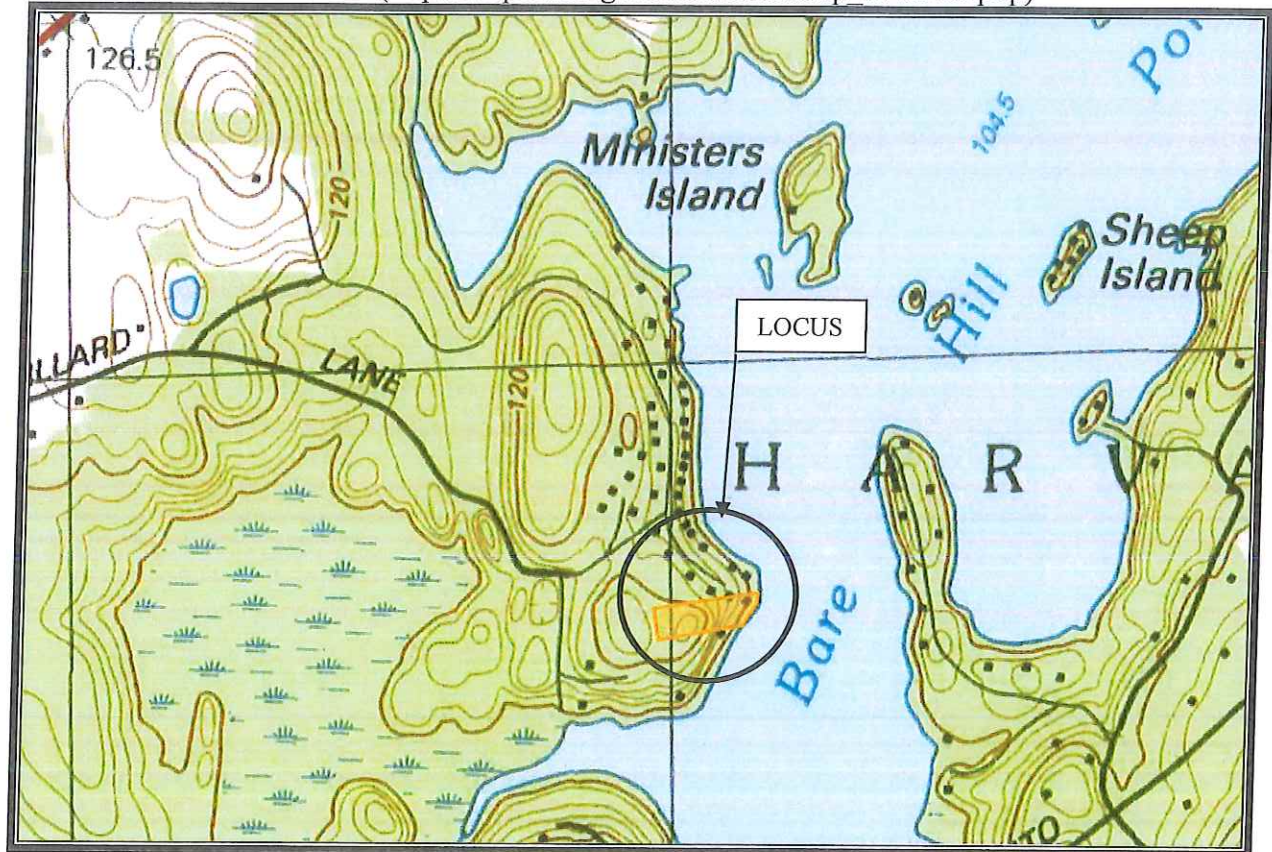
DAVID E. ROSS ASSOCIATES, INC.

Civil Engineers, Land Surveyors, Environmental Consultants

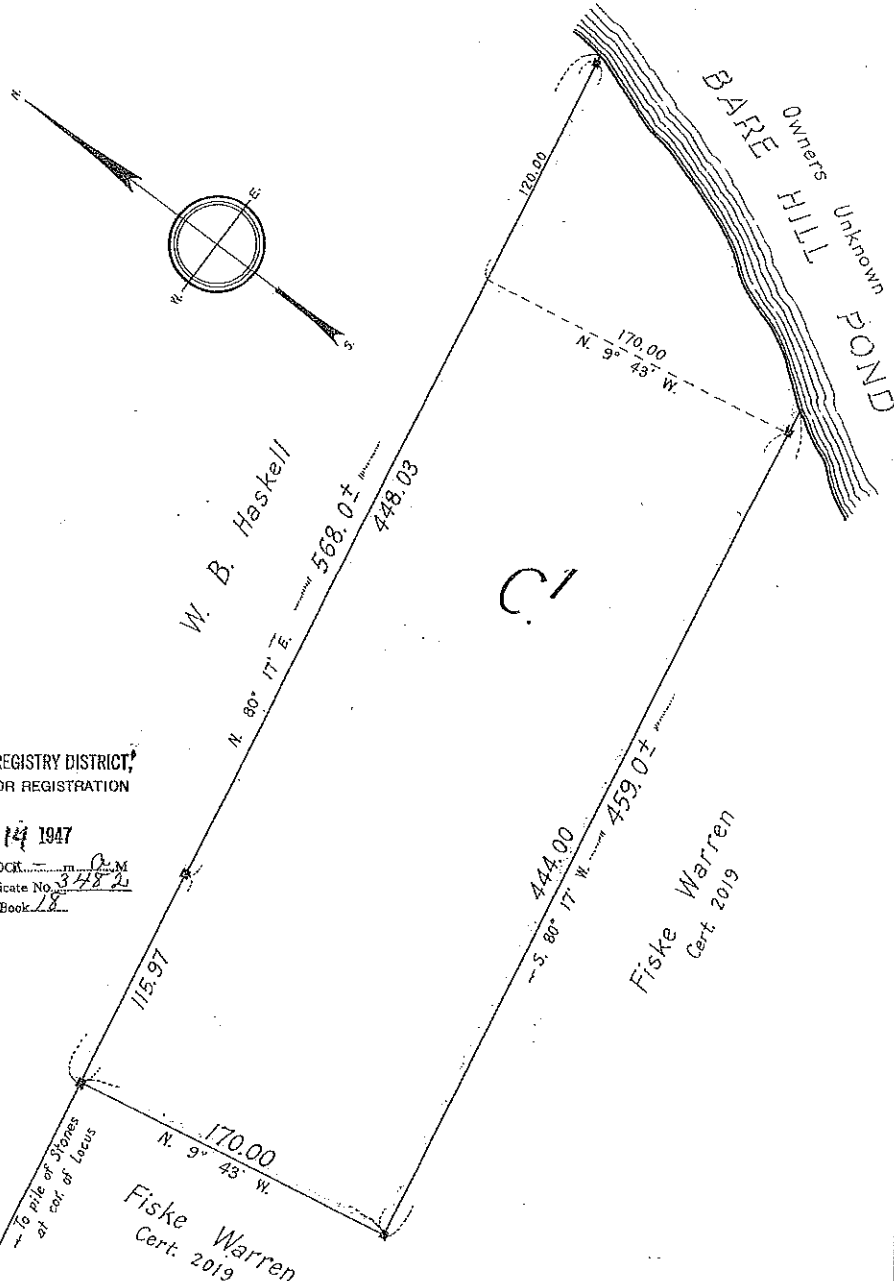
USGS

Site: #133 Clinton Shore Drive – Harvard, MA
(Map 26 – Parcel 7)

Source: Current Mass GIS (http://maps.massgis.state.ma.us/map_ol/oliver.php)



Parker, Bateman & Chase, C. Eng'rs.



Copy of part of plan
filed in
LAND REGISTRATION OFFICE
MAR. 14, 1946.
Scale of this plan 60 feet to an inch
C.D. Humphrey, Engineer for Court F.



Abutters List Report

Town of Harvard, MA

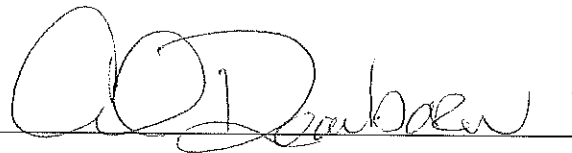
Date: February 27, 2023

Parcel Number: 026-007-000

Property Address: 133 Clinton Shore Dr

Abutters To: 300ft

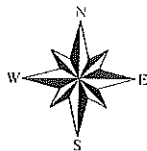
The above Certified Abutters List is a true copy of the records in the Town of Harvard Assessor's office for the last known names and addresses of owners of land located within the above stated range of the subject property.

Signed: 

Date: 2/27/23

Carol Dearborn
Assistant Assessor
(978) 456-4100 x315

FINANCE DEPARTMENT - ACCOUNTANT, ASSESSORS, TREASURER/COLLECTOR
13 Ayer Road, Harvard, Massachusetts 01451-1458
www.harvard-ma.gov



133 CLINTON SHORE DR

Town of Harvard, MA

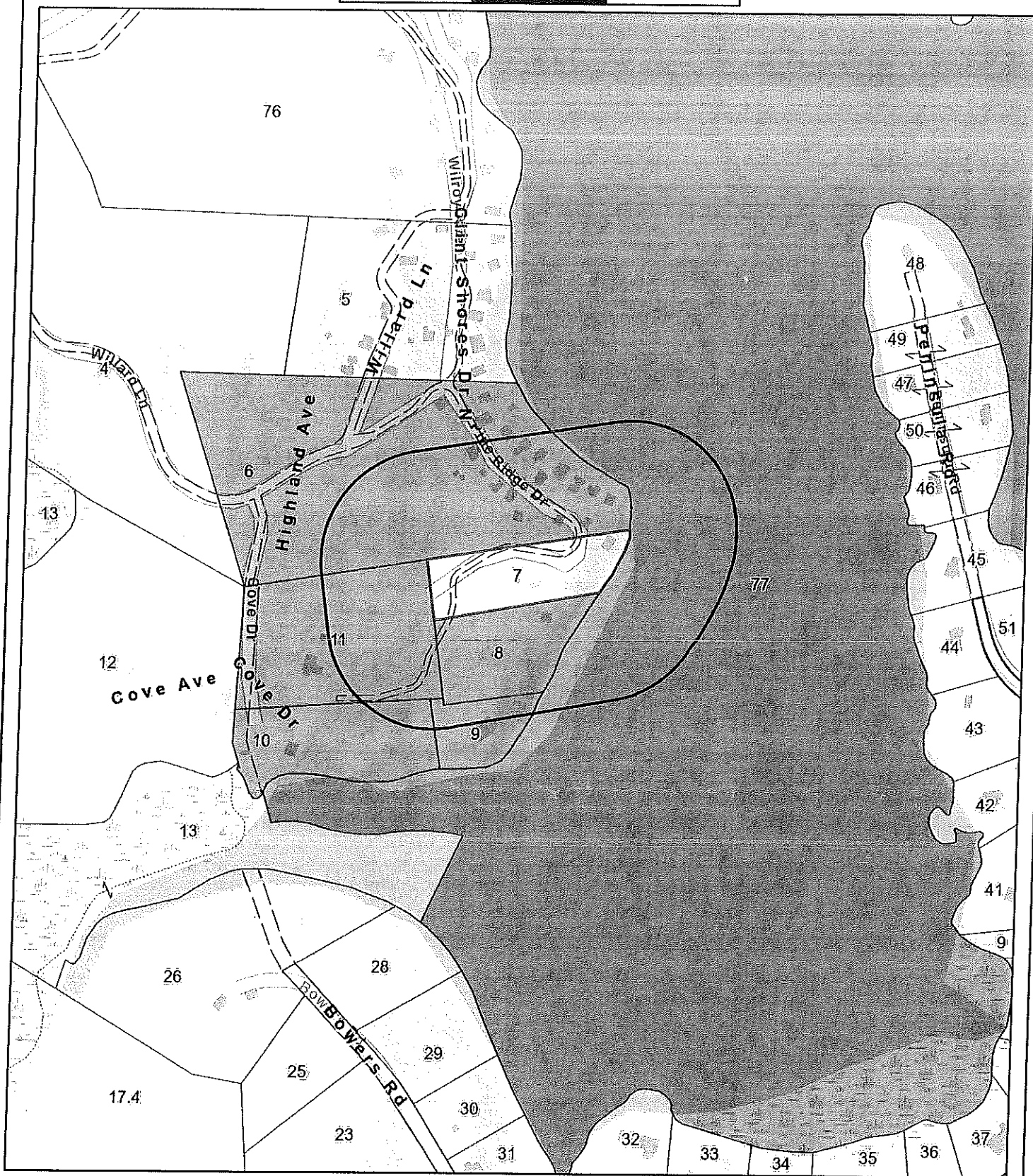
1 inch = 376 Feet



CAI Technologies
Precision Mapping Geospatial Solutions

www.cai-tech.com

February 27, 2023



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



300 feet Abutters List Report

Harvard, MA

February 27, 2023

Subject Property:

Parcel Number: 026-007-000-000
CAMA Number: 026-007-000-000
Property Address: 133 CLINTON SHORE DR

Mailing Address: NICKERSON, KELSEY
133 CLINTON SHORE DR
STILL RIVER, MA 01467-0071

Abutters:

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: 026-006-000-000
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: 026-008-000-000
CAMA Number: 026-008-000-000
Property Address: 24 COVE DR

Mailing Address: MARCELLO REALTY TRUST
24 COVE DR
HARVARD, MA 01451

Parcel Number: 026-009-000-000
CAMA Number: 026-009-000-000
Property Address: 18 COVE DR

Mailing Address: HUGHES, ADAM
20 SHAKER RD
HARVARD, MA 01451

Parcel Number: 026-010-000-000
CAMA Number: 026-010-000-000
Property Address: 12 COVE DR

Mailing Address: KDLK HOLDINGS, LLC
33 ALLEN HILL RD
PRINCETON, MA 01541

Parcel Number: 026-011-000-000
CAMA Number: 026-011-000-000
Property Address: 11 COVE DR

Mailing Address: HUNTER, DAVID M & TAN, SHIRLEY U
PO BOX 133
HARVARD, MA 01451

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



www.cai-tech.com

2/27/2023

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.

Page 1 of 2



300 feet Abutters List Report

Harvard, MA

February 27, 2023

Parcel Number:	026-006-000-000	Mailing Address:	BERGEN, JOSEPH
CAMA Number:	026-3006-000-000		173 LITTLETON CNTY RD
Property Address:	114 CLINTON SHORE DR		HARVARD, MA 01451
<hr/>			
Parcel Number:	026-006-000-000	Mailing Address:	SIMARD, WILLIAM & LINDA
CAMA Number:	026-3106-000-000		117 CLINTON SHORE DR
Property Address:	117 CLINTON SHORE DR		HARVARD, MA 01451
<hr/>			
Parcel Number:	026-006-000-000	Mailing Address:	NEE, ANDREA M
CAMA Number:	026-3206-000-000		22 ARTHUR ST
Property Address:	116 CLINTON SHORE DR		CLINTON, MA 01510
<hr/>			
Parcel Number:	026-006-000-000	Mailing Address:	BLOWER, BRADLEY
CAMA Number:	026-3306-000-000		7414 BUFFALO AVE
Property Address:	119 CLINTON SHORE DR		TAKOMA PARK, MD 20912
<hr/>			
Parcel Number:	026-006-000-000	Mailing Address:	LONG, ANDREA LYNN
CAMA Number:	026-3406-000-000		118 CLINTON SHORE DR, UNIT 34
Property Address:	118 CLINTON SHORE DR		HARVARD, MA 01451
<hr/>			
Parcel Number:	026-006-000-000	Mailing Address:	STAMSKI, BRUCE M & PLATT,
CAMA Number:	026-3506-000-000		ALEXANDER D, TTEES
Property Address:	125 CLINTON SHORE DR		PO BOX 157
			STILL RIVER, MA 01467
<hr/>			
Parcel Number:	026-006-000-000	Mailing Address:	ORR, JEFFREY F
CAMA Number:	026-3606-000-000		PO BOX 2
Property Address:	122 CLINTON SHORE DR		STILL RIVER, MA 01467
<hr/>			
Parcel Number:	026-006-000-000	Mailing Address:	STAMSKI, BRUCE M., MACKNIGHT,
CAMA Number:	026-3706-000-000		REBECCA E., STAMSKI,
Property Address:	121 CLINTON SHORE DR		PO BOX 157
			STILL RIVER, MA 01451
<hr/>			
Parcel Number:	026-006-000-000	Mailing Address:	MITCHELL, VERILYN
CAMA Number:	026-3806-000-000		15 OTIS ST
Property Address:	131 CLINTON SHORE DR		CLINTON, MA 01510
<hr/>			
Parcel Number:	026-006-000-000	Mailing Address:	GARDNER, MICHAEL JOSEPH
CAMA Number:	026-3906-000-000		28 HIDDEN BROOK DR
Property Address:	123 CLINTON SHORE DR		STAMFORD, CT 06907
<hr/>			
Parcel Number:	026-006-000-000	Mailing Address:	O'TOOLE, DAVID R & MICHAEL J JR
CAMA Number:	026-4106-000-000		61 ST ANDREWS DR
Property Address:	127 CLINTON SHORE DR		CLIFTON PARK, NY 12065 1210
<hr/>			
Parcel Number:	026-006-000-000	Mailing Address:	CARLISLE HARVARD NOMINEE TRUST
CAMA Number:	026-4306-000-000		7 PROVIDENCE PLACE
Property Address:	129 CLINTON SHORE DR		LEXINGTON, VA 24450



www.cai-tech.com

2/27/2023

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.

Page 2 of 2