

**Harvard Planning Board
Meeting Minutes
May 7, 2007
APPROVED: July 16, 2007**

Chairman Mary Essary called the meeting to order at 7:37pm in the Town Hall Meeting Room.

Members Present: Mary Essary, Barbara Brady, Kara McGuire Minar, Joseph Sudol and Peter Brooks

Others Present: Leo Blair, Valerie Hurley (Harvard Press), Nathan Lamb (Harvard Hillside), Paula Johnson, Bruce Ringwall (GPR, Inc.), Jim O'Brien, Al Barbieri, Don Walter and Dan Justicz, Liz Allard, (Administrative Assistant, Land Use Boards)

Interview of Potential Associate Member

Leo Blair was present to be interviewed by the members as a potential associate member. Blair has lived in Town for nine years. He has been in real estate development for 30 years. Currently he works exclusively in real estate development in Maine. Blair's developments are green developments. He is concerned about 40B's; he stated at one time they were good for the state, but they are not anymore. He has empathy for developers in some cases. Blair believes a good comprehensive bylaw is important to give an applicant a fair shake. He has no biases on cluster or high-density development, but you have to look at the impacts on other aspects of Town.

The Board thanked Blair for coming in and talking to them. The Board stated they would be making their decision soon as to whom they will recommend to the Board of Selectmen.

Scenic Road Consent Hearing – Theodore Shasta, 50 Westcott Road. Opened at 8:11pm

Continuation of Informal Review of Plan – Old Mill/Ayer Road

Bruce Ringwall, of GPR, Inc., was present to continue discussing with the members the informal plan for an assisted living facility and commercial space on the corner of Old Mill and Ayer Road. Members had reviewed the Zoning details on the plan. Sudol asked about the parking in the front of the commercial building adjacent to Ayer Road. Ringwall explained set backs have driven the placement of the commercial building. The 120 foot setback created a large portion of open area in which the plan calls for parking. Brooks asked if the starting point is determining how much parking is actually needed. Ringwall stated that it was, but he wanted to determine how the Board felt about the project before nailing anything down. Brady stated if there is an opportunity to loose any of the parking the Board would like to see it in the area adjacent to Ayer Road.

McGuire-Minar asked if sidewalks would make sense on this property. Ringwall explained there is a trail currently on the property that connects to the Post Office. The applicant wishes to maintain the trail that is on the site.

Brooks would like the topic of the number of buildings to be discussed with the Fire Chief. He would also like the citation to Mass Building Code in regards to the reference made in the Bylaws definition of 'floor area'. Ringwall will forward us the Building Code references.

Ed Plante, an interested party to the project, stated they want to be sure they are on the right track with the mix used bylaw. Plante stated they definitely plan on downsizing the parking. Essary stated there are some conservation issues that will need to be addressed. Ringwall explained the plan was designed to show the worst cases so they can work back from there. Ringwall also stated that the septic design could be much smaller if it were a Presby System.

Brady left the meeting at this time.

Scenic Road Violation – 46 Prospect Hill Road

Jim O'Brien was present to explain why a portion of a stonewall was taken down. O'Brien stated it was the only way to get his trailer, which contains his tools, off the property. Brook asked where the stone that were removed are. O'Brien stated they are still on site and he plans to reuse them and curve the wall around the proposed driveway. McGuire-Minar asked what the steepness of the driveway is. O'Brien stated 6.5%. O'Brien's plan is not to disturb the oak tree on the road.

The members determined that O'Brien needs to apply for Scenic Road Consent and confirm with DPW in regards to the curb cut.

Review of ZBA Decision & Town Meeting Vote – Walter, Lot 102 Lovers Lane (Map 17C Parcel 29.1)

Don Walter and his legal representative, Al Barbieri were present to discuss what to do next now that the ZBA has denied the Variance request and Walter can not come to an agreement for the common driveway with the abutters. Essary stated some of the items the abutters are requesting be part of the common driveway agreement appeared to be out of bounds. Essary added they have no jurisdiction over the placement of the house. Barbieri believes they are trying to stop the process. Essary wants to communicate with the abutters and Mark Lanza before making a final decision. Brooks stated since the issue is the abutters are going to unreasonable, what are the options. The ZBA could not grant the variance because there was no hardship. If Essary speaking to the abutters does not resolve the common driveway agreement issues than the Board will turn it over to Town Counsel for his opinion. Walter asked if there is no success from Essary or Lanza what is his option. The Board agreed Walter should apply for a modification of the Special Permit if terms cannot be reached with the abutters.

ZBA Request

Essary reviewed the application for a Special Permit at 14 Ayer Road filed by Doug Coots and Amy Bernhardt for an addition to an existing nonconforming structure. Essary saw no increase in the nonconformity and even if there was it would be conforming to the neighborhood. There are no objections to the plan as submitted.

Sudol reviewed the application for a Special Permit at 58 Bolton Road filed by Alice Schmidt for renovations to an existing nonconforming structure. Sudol reviewed the letter he wrote with the members. The Board approved the letter and Essary signed it.

ZBA Waiver Requests – 262/264 Ayer Road

Brooks reviewed the waivers for 262/264 Ayer Road; he did not see any requests that were life safety issues, and noted that the nature of a 40B is that such waivers are a matter of "right" unless health or safety issues were involved. Allard explained the ZBA is looking for their comments in regards to how the Planning Board (PB) would act on these requested waivers. The waivers were reviewed by each of the members. Comments were made on each requested waiver noting how the board would view this if it appeared as a requested variance; many are in keeping with the Ayer Village Bylaw, but some would never be allowed. Essary will write a formal letter to the ZBA expressing the PB opinion on each listed waiver.

Interview of Dan Justicz for Associate Member

Dan explained that he had attended the meeting because he was potentially interested in the associate position. He has had development experience in Europe, and has an MBA from Dartmouth. He stated that he felt that the experience of other applicants' was a better fit for the Board.

Recommendation of Appointment of Associate Member

After discussion, the Board agreed that of all the applicants for the associate position, Leo Blair had the strongest set of skills that were not already duplicated by the current board. Sudol made a motion to recommend to the Board of Selectmen Leo Blair as the associate of the PB. Essary

seconded the motion. The vote was unanimously in favor of the motion. Allard will schedule a meeting with the BOS to vote on this appointment.

Adjournment

McGuire-Minar made a motion to adjourn the meeting at 10:10pm. Brooks seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Peter Brooks, Clerk

Harvard Planning Board

Scenic Road Consent Meeting Minutes

Theodore Shasta, 50 Westcott Road, Map 32 Parcel 93

May 7, 2007

The public hearing was opened at 8:11pm by Chairman Mary Essary under M.G.L. Chapter 40 Section 15C and 87, and the Code of the Town of Harvard, Chapter 90-2 Scenic Roads Repair and Maintenance.

Members Present: Mary Essary, Barbara Brady, Kara McGuire Minar, Joseph Sudol and Peter Brooks

Others Present: Bruce Ringwall (GPR, Inc.)

This hearing is for a Scenic Road Consent filed on behalf of Theodore Shasta to modify a portion of a stonewall in order to straighten out the entrance to an existing driveway at 50 Westcott Road, Harvard.

Bruce Ringwall explained to the members the wall in question is a field stone wall that was built 15 years ago. Ringwall stated water overflows the swales in front of the wall due to the slope of Westcott Road. On the April 27, 2007 site walk water was viewed by the members present. Rich Nota, DPW Director, wanted this site to duplicate what the neighbor's property does. The wall will be take out and moved 15 – 20 feet back on the property. A row of sugar maples will be planted in front of the wall. The other component of the plan is to shift the driveway over. Nota wants the design to hold the high point of the driveway and grade it down to the road. The wall will blend into grade at either end. The portion of the wall on the neighbor's property will be taken out. The lawn area in front of the wall will be graded to the road. Brady stated this could be a potential improvement with the addition of the trees and adding the drainage. The apron of the driveway will be paved as requested by Nota.

Brady made a motion to close the hearing. McGuire-Minar seconded the motion. The vote was unanimously in favor of the motion.

Brooks will draft the consent, in which the Board will vote on once it is accepted.

Signed: _____
Peter Brooks, Clerk