

**Harvard Planning Board
Meeting Minutes
August 6, 2007
APPROVED: September 17, 2007**

Chair Mary Essary called the meeting to order at 7:34pm in the Town Hall Meeting Room.

Members Present: Mary Essary, Joseph Sudol, Peter Brooks and Leo Blair (Associate Member)

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin), David Browchok (GPR, Inc.), Mary Ann & Leon Piasecki, Jim O'Brien, Robert Huffman, Mark Koenig, Marty Bloom and Larry Beals

Request for Amendments for Special Town Meeting

Essary explained to the members that she had received an email from the Town Administrator. Tim Bragan, asking if the Planning Board (PB) had any amendments to the Bylaw, particularly the museum bylaw, they would like to put on the warrant for the Special Town Meeting in October. Essary feels the museum bylaw would be inappropriate to discuss at a Special Town Meeting, not to mention the time constraints the PB would have to get the required hearings completed before October. The members were in agreement with Essary's statement. Essary will respond to Bragan's email giving the sentiment of the PB.

Right of First Refusal – Maka, Lot 1 Stow Road (Map 38 Parcel 12)

The members have reviewed the submitted information in regards to a right of first refusal for Stephen Maka at Lot 1 Stow Road (Map 38 Parcel 12). The Planning Board has no interest in the Town purchasing this parcel, for reasons stated when this property previously became available. Sudol made a motion to exercise the right of first refusal and inform the property owner that the PB has no interest in this parcel. Brooks seconded the motion. The vote was unanimously in favor of the motion. Allard will write and send a letter to Mr. Maka's attorney.

ANR Endorsement – George Schaffer, 46 Warren Avenue (Map 22 Parcel 57.1)

David Browchok, of GPR, Inc., was present to present an Approval Not Required plan for endorsement to the Planning Board. The lot being created is not a building lot. The members had no questions for Browchok. Brooks made a motion to endorse the plan as submitted. Sudol seconded the motion with a correction to the parcel number on the adjoining parcel. The vote was unanimously in favor of the motion.

Devens Acceptance Criteria Input Request from the Board of Selectman

Sudol has had no time to look into the Devens Acceptance Criteria as requested by Tim Bragan. Essary stated it is important that the criteria be consistent with the Master Plan that was adopted by the Town; she also has found out that these criteria were adopted by the Board of Selectmen (BOS) in January of 2005, which means that they were developed in 2003/2004, and part of the recommendation at that time was to have a "straw vote", which was included in the March 2005 ballot. The voting on "2B" was almost 50/50, but the Town definitely supported the creation of the Town of Devens.

Sudol asked what the acceptance criteria is asking for the Town of Harvard to accept. Are we accepting a portion of Devens as a part of Harvard? Essary stated it is this Boards opinion that as part of the acceptance Harvard should control Planning and Zoning within the portions of Devens that would be a part of Harvard. Blair believes as written the criterion is totally unobtainable. Essary is concerned with obtaining a portion of Devens that is not the way it was when it was under Harvard's control. Harvard is a rural community and Devens is not. The only thing we can do to protect our taxes is to protect our rural community. Brooks stated when the Planning Board held hearings on 2B as requested by the BOS our final out come was we did not want it. Sudol does not think you even need to mention the Master Plan in response to the BOS.

Essary will draft a letter to the BOS for the members to review, the main issues being those raised by the PB members of there being no way to guarantee these criteria being met in perpetuity. Allard will assure the letter is delivered in time for the BOS meeting tomorrow night.

Scenic Road Consent Hearing – Jim O'Brien, 46 Prospect Hill Road (Map 11 Parcel 23).
Opened at 8:17pm

Rules & Practices of Procedures

Blair recommended a meeting be held on just the regulations in order to get them completed. It was that determined the September 17, 2007 meeting will not have any hearings scheduled and would allow work to begin work on the regulations. Brooks will draft a set of rules and practices as it pertains to special permits. Sudol will submit the information he has gathered for ANR applications for the members review prior to the meeting. Allard will work on regulations for scenic road consent.

ZBA Request for Comments – Farrell, 19 Tahanto Trail (Map 26 Parcel 59)

Sudol reviewed the application submitted by Kathryn Farrell at 19 Tahanto Trail for a Variance and a Special Permit. Sudol stated he would not support the one foot eight inch variance in the set back, it can be taken out of the size of the house, and there is no hardship here. Brooks asked if there are soil issues that require the request for the Variance. Sudol stated there is not. Sudol will draft a letter for the members review.

Continuation of a Special Permit Modification Hearing – Donald Walter, Lot 102 Lovers Lane (Map 17D Parcel 29.1) Opened at 8:30pm

Request for Comments - Evergreen Solar Barnum Road, Devens

Sudol has reviewed the plan submitted and had the following comments. The application does not show any emission stacks on the site nor do they indicate how tall the buildings will be. As for traffic, the site will be in operation 24 hours 7 days a week, 30 truck trips per day, every day with 300 employees. Sudol is recommending limiting truck traffic on Sundays and re-routing traffic to Route 2. As for lighting, parking lot lights will be illuminated all night by 25 foot high light post that do not meet Harvard's Zoning requirement on lighting. The information submitted contained no hazardous material information, nor is there any information on the toxic effluent. Sudol will write a letter for the Devens Enterprise Commission (DEC) for the members review and comment. Allard will assure the letter is submitted to DEC prior to the August 14, 2007 hearing at Devens.

Informal Project Review–Harvard Realty Associates, LLC, 185 Ayer Road (Map 8 Parcel 59)

Mark Koenig was present to meet with the Planning Board (PB) to discuss conceptual plans for 185 Ayer Road. Koenig stated that he and his associates appreciate the PB seeing them so earlier in the process. Koenig explained the site currently consist of a five-unit house with four residential units and one commercial unit. The retail uses proposed are not currently available here in Town.

Sudol does not know how much marketing has been done, but personally the bank, pharmacy and coffee shop are good ideas, but not a gas station. Sudol stated other developers have tried to get a pharmacy to come in and it has not worked out. Essary stated the key here maybe the access to Route 2. Koenig stated that the density is a concern for this area. Koenig stated they want to try to develop a site that keeps in mind what is needed for the community. Koenig has been speaking with local banks as well.

Blair asked what luck Koenig was having with national retails on changing their look to fit in with the rural aspects of Harvard. Koenig stated if the retail wants to be there they will do what is needed. Brooks is very concerned with access and egress with this difficult spot and the on ramp to Route 2. Brooks would like to see traffic concerns on Ayer Road addressed as part of this process. Essary stated we do not have any parking requirements in Town and we seem to end up with more parking then is needed. Koenig stated the plan shows 20 – 25 for bank, 18 - 20 for

the coffee shop and about 60 - 65 for pharmacy. The PB recommended a traffic study be done due to the large number of accidents that have taken place since the opening of the Dunkin Donuts across the street from this location. Koenig stated the driveway will be 100 feet from the Route 2 West bound on ramp. Brooks stated he think everyone here would love to see some more retail come into town.

Essary asked if Koenig has seen the comments from Ira Grossman of the Board Health. Koenig stated he has and they have assumed that the existing system would have to be revised. Blair asked at what point during the process will you know who you are going to have as tenants. Koenig stated as soon as we can, it makes the design and dealing with traffic issues easier. First is to find the tenants and then find the right mix. Sudol suggested taking a look at what the PB has done with permitting Dunkin Donuts. That is going to be the model that the PB is going to use. Sudol suggested doing a little more homework on the septic system.

Adjournment

Brooks made a motion to adjourn the meeting at 9:21pm. Essary seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Peter Brooks, Clerk

Harvard Planning Board

Scenic Road Consent Hearing

Jim O'Brien, 46 Prospect Hill Road (Map 11 Parcel 23)

August 6, 2007

This hearing was opened at 8:17pm by Chairperson Mary Essary under M.G.L. Chapter 40 §15C and the Code of the Town of Harvard Chapter 90 in the Harvard Town Hall Meeting Room.

Members Present: Mary Essary, Joseph Sudol, Peter Brooks and Leo Blair (Associate Member)

Others Present: Liz Allard (LUB Admin) and Jim O'Brien

This hearing is for Scenic Road Consent filed on behalf of Jim O'Brien for the removal of a portion of a stone wall for the installation of a driveway on a designated scenic road at 46 Prospect Hill Road, Harvard.

Jim O'Brien was present to explain that a driveway was going to be put in place to avoid the maple tree on the roadway. Any stone removed will be used to curve the driveway into the lot. Essary asked if the drainage is directed down hill and all goes on to his property. O'Brien stated this was correct. There were no questions from Sudol or Brooks. Blair asked O'Brien to please be more specific as to what trees he is planning on taking down. O'Brien plans on not taking down anything that is over six feet, he plans to clean up any of the poison ivy growing there to try to expose the wall we are all trying to protect.

Brook made a motion to grant the Scenic Road Consent. Sudol seconded the motion. The vote was unanimously in favor of the motion. Sudol will write the decision for the members review.

Signed: _____
Peter Brooks, Clerk

Harvard Planning Board

Continuation of a Special Permit Modification Hearing

Donald Walter, Lot 102 Lovers Lane (Map 17D Parcel 29.1)

August 6, 2007

This hearing was opened at 8:30pm by Chairperson Mary Essary under M.G. L. Chapter 40A and the Code of the Town of Harvard Chapter 125-29 in the Harvard Town Hall Meeting Room.

Members Present: Mary Essary, Joseph Sudol, Peter Brooks and Leo Blair (Associate Member)

Others Present: Liz Allard (LUB Admin), Mary Ann & Leon Piasecki

This hearing was continued from July 16, 2007 for a Special Permit modification filed on behalf of Donald Walter at Lot 102 Lover Lane, Harvard (Map 17D Parcel 29.1).

The applicant legal representative has requested the hearing be continued to the next meeting of the Planning Board. Brooks made a motion to continue the hearing to August 20, 2007 at 8:15pm. Sudol seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Peter Brooks, Clerk