

**Harvard Planning Board
Meeting Minutes
October 6, 2008
APPROVED: January 5, 2009**

Chairman Joe Sudol called the meeting to order at 7:35pm in the Town Hall Meeting Room

Members Present: Joseph Sudol, Mary Essary, Barbara Brady, Kara McGuire Minar, Peter Brooks and Craig Bardenheuer (associate member)

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin), Valerie Hurley (Harvard Press), Leo Blair, Ron Ricci, Lou Russo, Bruce Ringwall (GPR, Inc.), Vincent Palmieri and Bob Douglas

Minutes

McGuire Minar made a motion to accept the minutes of September 8, 2008. Brady seconded the motion. The vote was unanimously in favor of the motion.

Brady made a motion to accept the minutes of September 15, 2008 as amended. McGuire Minar seconded the motion. The vote was unanimously in favor of the motion.

Bylaw Amendments Assignments & Schedule

Bardenheuer stated he has done a ton of research and should have no problem drafting a demolition delay bylaw. Bardenheuer will have a draft out by the end of next week. McGuire Minar has done some research on a drive-thru Bylaw, but would like to do a little more before drafting a Bylaw. Brooks needs to talk to Attorney Lanza about signs within residential areas. Brooks does not know how political signs can be handled; he will have something together for the next meeting. Sudol presented his modification of the definition of structures. Essary stated that the Bylaws definition is different then the one the Historical Commission uses. As for a Wind Turbine provision, Sudol stated this is a difficult one, he is in the process of put together a matrix that the Board should take a look at. Sudol wants to review that matrix at the next meeting to get the parameters the Board wants in this Bylaw. Essay suggested re-visiting §125-1 Purpose, of the bylaw.

Resignation of Member

Essary informed the members this is probably her last meeting depending on how much is accomplished this evening. Sudol has asked the newspapers to run an ad that there is a position available, to be filled until the election in April. Sudol thanked Essary for getting him up to speed about Harvard and its history.

Driveway Requirements

Sudol would like to take a look at the requirements of driveways over 500'. Sudol believes there should be reasonable standards for residential driveways in contrast to commercial driveways. Sudol will review the section of the bylaw and draft changes to present to the Board.

Continuation of a Special Permit, Driveway Site Plan & Scenic Road Consent Hearing – Richard & Keyo Russell, 81 Old Littleton Road (Map 18 Parcel 11.2). Opened at 8:03pm

Conceptual Plan Review – 196/198/200 Ayer Road under Ayer Road Mix Use

Bruce Ringwall, of GPR, Inc. and Lou Russo were present to present a conceptual plan to the Board at 196/198/200 Ayer Road. Ringwall explained in 2001 a Special Permit was issued by the Planning Board for a common driveway and four separate lots. Phase One of this project consisted of an office building, a modified driveway that defined the branches of the driveway and re-configured the lots. Phase Two consisted of a retail building. At this point there are two remaining lots in the back of the property to talk about. The conceptual plan utilizes the Ayer Road Mix Use provision, §125-52. Slight modifications have been made to the plans that had

been previously submitted. The conceptual plan shows one of the remaining lots with a commercial/retail unit and the other lot with elderly affordable housing rental units. The work will involve minor changes on the site. The lot lines will need to be re-arranged in order to fit a septic system. The housing building would be over 30,000 square feet, but would have fire walls separating specific areas. There will be parking to the rear of the buildings. §125-52 calls for Open Space of a 10% buffer around the perimeter. Ringwall explained with the proximity of Route 2 obtaining the 10% may be difficult. As well a leg of the common driveway would also be within the 10% buffer strip.

Russo explained that the financing for the project will require that the units are designated to be affordable rental units. Sudol asked if the commercial/retail building could be defined. Ringwall stated it would be similar to the existing structure and will be two floors with an elevator. Space will be filled as soon as possible. Sudol asked if septic systems were being designed to accept retail establishments such as a deli. Ringwall explained that the septic is being designed to accommodate a small facility with office use that will allow for retail within that.

McGuire Minar asked about the design of the housing units. Ringwall stated there will be 26 units with one-bed room and 16 two-bedroom units. McGuire Minar asked if they would be age restricted. Ringwall stated this is a proposed elderly affordable housing building. McGuire Minar asked about parking spaces. Ringwall stated there would be 1 and ½ spaces per unit for the housing structure and 4 spaces/1000 square feet for the commercial/retail building. McGuire Minar asked if any thought have been put into a traffic light on Ayer Road. Russo stated a traffic studies has been done previously and it did not warrant a traffic light. 2004 was the last traffic study, conducted by Connell Associates. The Board believes a new one would be needed. It was mentioned that Montachusett Regional Planning Commission recently conducted a traffic study of that area.

Sudol asked if under the Special Permit that created the hammerhead lots are there any special conditions the Board should be aware of. Ringwall stated that Lot 3 and Lot 4 are less than 4.5 acres. All buildings will have sprinklers for fire suppression. Russo will be talking with the Conservation Commission about the adjoining land to allow the required well radius. Lot 2, 3 & 4 will be applied for to comply with the Ayer Road requirements, that being satisfying the 300 foot frontage requirement.

Brady stated the Board does have flexibility within the provision, what she is hearing is that the lot could have been brought forward as one lot and the reason they are being brought forward with the separate lots is to have the affordable units count towards the affordable housing inventory stock. McGuire Minar asked if there is an ability to set aside any of the units for residents of Harvard. Russo stated there will not be a lottery process, but a management firm out of New Hampshire will be used. Green construction will be used. The units will remain affordable for 30 years. Brooks stated his major issue is the traffic on Ayer Road and the proximity to Route 2.

Continuation of a Special Permit, Driveway Site Plan and Scenic Road Consent Hearing – Fox Realty Trust, Stow Road (Map 32 Parcel 7). Opened at 9:02pm

Continuation of the Planning Board Rules & Regulations Hearing. Opened at 10:02pm

Devens Disposition Success Criteria Assignments

Community issues will be the most difficult issues. Harvard has not been connected to Devens in 96 years, nor has Devens been a part of Harvard for that time frame.

Both Essary and Brooks left the meeting at 9:40pm.

McGuire Minar would like to see overrides for funding for students from Devens. McGuire Minar questioned how do we find ways for funding. Balance between what was historically Harvard and

how we can retain that tax base. McGuire Minar agrees with the criteria, but would like to see a large portion of the area be commercial.

Ayer wants to take over the entire area of Devens, but Devens does not want to be controlled by one Town, Devens feel they have become their own separate area. The other scenario is that Harvard takes back a portion of Devens, however this does not seem practical. Sudol will take comments to the Board of Selectmen.

Adjournment

Brady made a motion to adjourn the meeting at 10:05pm. McGuire Minar seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Peter Brooks, Clerk

Harvard Planning Board

Continuation of a Special Permit, Driveway Site Plan & Scenic Road Consent Hearing Meeting Minutes

Richard & Keyo Russell, 81 Old Littleton Road (Map 18 Parcel 11.2)

October 6, 2008

Chairman Joe Sudol opened the hearing at 8:03pm in the Town Hall Meeting Room under M.G.L. Chapter 40A and the Code of the Town of Harvard, Protective Bylaw, Chapter 125-29D, 125-31 and Scenic Road Consent, Chapter 90

Members Present: Joseph Sudol, Mary Essary, Barbara Brady, Kara McGuire Minar, Peter Brooks and Craig Bardenheuer (associate member)

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin) and Valerie Hurley (Harvard Press)

This hearing was continued from September 8, 2008 filed on behalf of Richard & Keyo Russell for the construction of a single-family dwelling on a hammerhead lot with a driveway longer than 500' on a designated scenic road at 81 Old Littleton Road, (Map 18 Parcel 11.2), Harvard.

As an abutter, Brooks recused himself.

At the request of the applicant's representative, McGuire Minar made a motion to continue the hearing to October 20th at 8:00pm. Essary seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
McGuire Minar, Clerk

Harvard Planning Board

Continuation of a Special Permit, Driveway Site Plan and Scenic Road Consent Hearing Meeting Minutes

Fox Realty Trust, Stow Road (Map 32 Parcel 7)

October 6, 2008

Chairman Joe Sudol opened the meeting at 9:02pm in the Town Hall Meeting Room under M.G.L. Chapter 40A and the Code of the Town of Harvard, Chapter 125-46, 125-31, 125-29 the Protective Bylaw and Chapter 90 Scenic Roads.

Members Present: Joseph Sudol, Mary Essary, Barbara Brady, Kara McGuire Minar, Peter Brooks and Craig Bardenheuer (associate member)

Others Present: Mark Lanza (Town Counsel), Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin), Valerie Hurley (Harvard Press) Vincent Palmieri and Bob Douglas

This hearing was continued from September 15, 2008 on a Special Permit Driveway Site Plan and Scenic Road Consent filed on behalf of Fox Realty Trust for the construction of a single family dwelling on a hammerhead lot with a driveway over 500' on a designated scenic road on Stow Road (Map 32 Parcel 7), Harvard.

Vincent Palmieri was present to represent himself. Palmieri explained the history of the site and his intended use. Palmieri believes there are some evil forces here in Town and that certain individuals in Town have been against the development of this lot for years. Palmieri stated he was throwing himself at the mercy of this Board to allow him to move forward with this project.

Sudol thanked Mr. Palmieri for coming this evening. Sudol wanted to poll the Board as to how they would like to proceed. Essary stated she had reviewed the file today. Minutes from the last hearing were given to all the members, which required a number of items in order to proceed. There has been a significant amount of time lapses and Board would like to close the hearing. Brooks feels he has enough evidence, as did Brady and McGuire Minar.

Bob Douglas, an abutter to the property spoke about the history of the lot and the overwhelming issues associated with it. Douglas pointed out that Palmieri has already profited from the original parcel by creating the lot the Douglas' house now occupies. Douglas concluded that some times lots are just not buildable.

Essary made a motion to close the hearing. Bardenheuer seconded the motion. The vote was unanimously in favor of the motion.

Members discussed the contents of a decision. Essary agreed to write a decision and has drafted a set of findings. Based on those findings the application and associated plans do not meet the requirements of a Special Permit. This application does not meet §125-1 I, M and N. It was noted that without soil testing there was no way to know if the trenches would be adequate.

McGuire Minar stated there is a balance of property rights with the requirements of the Bylaw. The way this land was subdivided it left a parcel that had numerous problems that can not be over come. McGuire Minar stated she could empathies with someone who has bought a piece of property and is not able to use that piece over time.

Brady sympathizes with Palmieri; largest issues are the safety and the consideration of such a large wetland crossing. Brady would not be comfortable issuing a permit with that much run off and which the Conservation Commission has not approved. Brady would not be comfortable

approving a curb cut in an area that has been determined not to be a safe location. Brady stated she did not feel she could approve this application under the issues of access, environmental and safety.

Brooks stated he would be reluctant to rely on the wetland issues as a reason for denying this application. A part from those issues there are clear sight line issues, the driveway, the drainage of that driveway and the applicant had been asked for a commitment to add sprinkler to the house. Brooks would find these to be extensive safety issues that would not allow him to issue a Special Permit.

Sudol stated the placement of the driveway was very restricted and agree with all the other comments; he would also be inclined not to issue a Special Permit.

Essary made a motion denying applications based on the findings she has outlined and authorizes Sudol to sign the final decision for the entire Board. Bardenheuer seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Peter Brooks, Clerk

Harvard Planning Board

Continuation of the Planning Board Rules and Regulations Hearing Meeting Minutes

October 6, 2008

Chairman Joe Sudol opened the hearing at 10:02pm in the Town Hall Meeting Room under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125 the Protective Bylaw

Members Present: Joseph Sudol, Mary Essary, Barbara Brady, Kara McGuire Minar, Peter Brooks and Craig Bardenheuer (associate member)

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin) and Valerie Hurley (Harvard Press)

This hearing was continued from September 15, 2008 for the for amendments to the existing Rules and Regulations of the Planning Board to include Special Permits, Subdivision, Site Plans, ANR's and Scenic Road Consent.

With the lateness of the meeting Bardenheuer made a motion to continue the hearing to October 20th at 8:45pm. McGuire Minar seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
McGuire Minar, Clerk