

**Harvard Planning Board
Meeting Minutes
October 20, 2008
Approved: January 5, 2008**

Chairman Joe Sudol called the meeting to order at 7:37pm in the Town Hall Meeting Room

Members Present: Joseph Sudol, Kara McGuire, Peter Brooks and Craig Bardenheuer (associate member)

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin), Mark Lanza, Rob Oliva (Hamwey Engineering), Deb Pierce, Bruce Ringwall (GPR, Inc.) and Ned & Susan Leeming

Board Member Search

Sudol stated he has someone who would be interested in filling the vacancy left by Essary until the election in the spring. Brooks suggested running an ad through the local papers again before scheduling appointments.

Bylaw Amendments Draft

Sudol drafted a list of attributes in regards to wind turbines and distributed them to the members. Sudol asked for members to review this document and send him any comments.

Minar McGuire is working on a drive thru bylaw; she stated the outcome will depend on what the Planning Board wants to do. McGuire Minar will need to talk with Lanza as to determine what makes sense. Some Towns do not allow drive-thru at all or do not allow such places as a fast food restaurant to have a drive-thru. Brooks asked if that would be limiting the types of business coming to Town. The members did not believe it would.

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

Continuation of the Planning Board Rules & Regulations Hearing. Opened at 9:42pm

Adjournment

McGuire Minar made a motion to adjourn the hearing at 9:44pm. Brooks 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 20, 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: Joe Sudol, Kara Minar McGuire, Peter Brooks and Craig Bardenheuer (Associate Member)

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin), Mark Lanza, Rob Oliva (Hamwey Engineering), Deb Pierce, Bruce Ringwall (GPR, Inc.) and Ned & Susan Leeming

This hearing was continued from October 6, 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.

Brooks recused himself as an abutter.

It was explained to the applicant's representative, Bruce Ringwall, that one of the four voting members was absent this evening, but could review the records of the meeting and be eligible as a voting member. Town Counsel, Mark Lanza, suggested continuing the hearing, but ultimately it is up to the applicant or his representative if he wants to proceed. Ringwall stated he would proceed.

Ringwall explained the differences between the revised plan and plan reviewed last month is the lot line is back to where it was originally. There have been modifications to the drainage as discussed previously. The Planning Board's consultant, Hamwey Engineering, reviewed the changes.

Sudol agreed the extension of the trench and sizing was adequate. Sudol asked Rob Oliva, of Hamwey Engineering, if the drainage analysis was sufficient. Oliva stated the design is to picking up an amount of water that will be recharged to the wetlands, which is the nearest watercourse. The applicant has not provided any additional analysis, nor is it required since it will be diverted to the closes watercourse. Sudol stated that the discharge of water to the wetland would be an issue for the Conservation Commission. Ringwall asked why, since the Protective Bylaw states that water can be recharge to a near by water course and it what has been done many times in the past.

In regards to driveway widths near the house, Oliva stated the pavement widths should be 16' and the shoulders 5' per Table 2 in Chapter 125-39B(3)(b). GPR has responded that the curve in question is at terminal end of the driveway used for tuning maneuvers by vehicles rather than a traveled way like other curves within the proposed alignment. Sudol would like to determine where the driveway ends and the parking area begins. Oliva stated he had questioned it as well initially; it is not so much the travel way of the driveway but part of the terminus of the driveway. Oliva added the plan shows the turning radius for an SU-30 vehicle. Oliva, did not push the issue because they have shown that the type of vehicle that needs to get out of there can.

In regards to sight line at the roadway, McGuire Minar travels Old Littleton often, came down it on Saturday, on the newly paved road, someone was coming around the corner on the inside curve towards her she stated. What you have for a sight line is what would be required if the road were straight. It has been stated several times that people are not going 25 miles per hour on that road and negotiating that driveway will be difficult.

In regards to the view easement, the Board is still wondering if the land that is part of the view easement is part of the buildable area. Lanza stated that the view easement does not render the area un-buildable. Lanza added that you have to determine if the structures will obstruct the view easement. Ringwall stated if you look at the topography of the land you will not see any additional structure that may be placed on the site, such as a shed. Ringwall believes this is a moot issue. Sudol stated the PB question has been, does the easement affect the build able area and Lanza has answered that. Lanza added the view easement restricts the height of trees and you cannot build above that height. Sudol stated the probability that something could be built within the view easement is moot. Ringwall would advise not writing a decision that imposes changes to the view easement. Ringwall added that, other than the question in regards to the lots buildable area is not pertinent. Lanza stated easement and restrictions are not for the Board, it is a private matter. McGuire Minar wanted to know what the bounds of a view easement are. Lanza stated it is usually set to a bound such as a mountain, pond or ocean. If the easement said no buildings, it absolute would a different issue. The PB issue is does it comply with the Bylaw. McGuire Minar believes the easement would be in any direction regardless of height and the proposed structure would be in the view of the abutters.

Bardenheuer stated in regards to sightline of the driveway he has the same concerns McGuire Minar. Bardenheuer did some research and has found that at 30mph the stopping distance is 200 feet. Ringwall noted that this at a driveway and those numbers are for an intersection. Ringwall stated the clearing of vegetation would be approximately 150'. The point Bardenheuer wants to make is that it is not safe.

Ned Leeming, an abutter, has driven that part of the road a number of times in the last 25 years, people coming down the hill cut into the edge of the road to make the corner, people coming up the hill cut the corner as well.

Deb Piece, an abutter, stated she has made no agreements in regards to a revised view easement. Piece understands the view easement the way McGuire Minar does. Piece stated that she needs to get in contact with Ringwall to discuss this issue. Piece added one of the reasons we bought that property was that the adjoining lot was not buildable in that area.

Brooks, an abutter, stated the easement protects the view down and out, it is his opinion this project will effect the Pieces view. A bigger issue that still has not been addressed is site plan approval and sight standards of §125-39. Ringwall stated the Bylaw is broken down into requirements for "uses"; site plan is for uses. Sudol believes that the PB has been lacking on requiring applicants to meet the site plan requirements.

Lanza understands Ringwall's interpretation of "use" in the bylaw, but does not agree with it. The only item that would apply here is §125-39B. Lanza would recommend an amendment of the Bylaw. If there is different standard for driveways it should be clear.

Ringwall responded to Brooks' first comment about the view easement being and the ability to see a structure up to 35' high. Ringwall believes the easement refers to a view in a forward direction and not down or to the side.

Sudol asked about the endorsed ANR application, the PB assumed that Lot 3 is a buildable lot that is remaining. Ringwall stated the applicant would come back with an application for a Scenic Road Consent and a filing with Conservation Commission for that lot.

Leeming asked for more clarification about the drainage that would end up on Lot 3. Ringwall stated no drainage from Lot 2 would be go on to Lot 3. It was explained to Ringwall that Nick Paulding, of GPR, Inc., had previously stated that the drainage from Lot 2 would bypass Lot 1 and drain to Lot 3. Ringwall was unaware of that design and would review the plan to be certain that is not the case.

With a number of items to resolve Bardenheuer made a motion to continue the hearing to November 3, 2008 at 8:30pm. McGuire Minar 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 20, 2008

Chairman Joe Sudol opened the meeting at 9:42pm 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: Joe Sudol, Kara Minar McGuire, Peter Brooks and Craig Bardenheuer (Associate Member)

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin) and Mark Lanza

This hearing was continued from October 6, 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 McGuire Minar made a motion to continue the hearing to November 3, 2008 at 9:00pm. Bardenheuer seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Peter Brooks, Clerk