

**Harvard Planning Board
Meeting Minutes
January 26, 2009
APPROVED: February 2, 2009**

Barbara Brady called the meeting to order at 7:40pm in the Town Hall Meeting Room

Members Present: Barbara Brady, Kara McGuire Minar, Craig Bardenheuer and Lisa Fox (Associate Member)

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.), Tim Firment (Fruitlands), Jonathan Williams (Fruitlands), Lindsay Shives and Valerie Hurley (Harvard Press)

Continuation of the Planning Board Rules & Regulations Hearing. Opened at 7:45pm

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 8:00pm

Continuation of a Site Plan Review – Fruitlands Museum, 102 Prospect Hill Road (Map 16 Parcel 35)

Bruce Ringwall, of GPR, Inc, Tim Firment, Lindsay Shives and Jonathan Williams were all present. Ringwall stated parking was an issue at the last meeting. A photo was submitted for the file. It was determined the photo was from around 1965. Firment stated if you look at the archived photos there shows a pattern of that location being used as parking. Ringwall stated that there seems to be a belief that if the Planning Board (PB) issues a Site Plan decision at this time that Fruitlands would have cart blanche to do what they want as an institutional use. Ringwall continued by stating that is indeed the PB's concern, Fruitlands is proposing two possible conditions. First, that any paving or creation of ten to twelve (10 –12) more parking spaces would require the applicant to return to the PB for Site Plan Review. Second, any change of the tent area (including erection of anything different on that site, even with same footprint, would also require the applicant to come back to the PB for Site Plan Review. Firment would like to give the PB the chance to review any future changes. Firment would like someone from the PB to become part of Fruitlands Master Plan Committee.

Brady stated under the requirements of 125-38B it would make it difficult for the tent to change without some type of filing with the PB, as that section includes the word erection of anything, which it would seem even includes a wall in the same place where there is currently a tent. Brady stated the process of this Site Plan Review is setting a base line of what is on site now. Fruitlands is either in conformity with the Bylaw or there are parts that are preexisting non-conformities. Brady noted areas where relief would be needed, and noted it would have to be agreed that these were preexisting non-conforming for the PB to give that relief. One of these areas is 125-396D over flow of parking; shows this is a scenario which falls some where in between conformity and preexisting non-conformities.

McGuire Minar welcomed the suggested conditions which make her feel a little bit more at ease as to what the PB is signing off on. All agreed.

Bardenheuer stated the PB has asked as many questions as they can ask, in the end what the PB was worried about is what happens in the future. To prescribe a couple of key conditions will be viable.

Brady stated 125-39B(6), construction standards, point is to ensure parking and driveways are serviceable in all weather. Brady asked how Fruitlands would feel if the field was over flow parking and if needed to be used it could be maintained for safety under the Bylaw. McGuire Minar thinks that could put the PB in a funky spot. Fox asked what "serviceable" as used in this

section of the Bylaw means. Serviceable would be plowed when needed. Bardenheuer does not think the area reflects a safety issue and is not motivated to require conditions on field parking area as serviceable.

Brady stated that the lighting on the site seems to be in keeping with the Bylaw. Brady asked if there are any internal regulations for lighting of temporary evening events. Firmment stated most events are sunset events, it is normally twilight when individuals are leaving an event and lights from the stage lighting have been sufficient and do not in conflict with the Bylaw.

Bardenheuer would like Sudol's input in the final decision. McGuire Minar and Brady and Fox agreed with that statement.

The decision will include the following condition: any construction/erection/enlargement of pavement, building, drainage or new structures over X% requires a new Site Plan review. There was discussion over whether there should be an x%, or whether it should just be ANY construction/erection/enlargement.

Tent erection was discussed, as other tents are erected on a temporary basis on site. It was suggested that a limit be placed on the length of time that a tent could be erected before it triggered the need for a new Site Plan review. The tents will be allowed to be erection no longer than seven consecutive months.

Members and the applicant agreed to continue this discussion at the February 2, 2009 meeting at 9:00pm.

Continuation of an Ayer Road Special Permit Hearing – Wheeler Realty Trust, 196/198/200 Ayer Road (Map 8 Parcel 40). Opened at 9:00pm

2008 Annual Report

Brady reviewed revisions to the Annual Report as written by Sudol. Bardenheuer made a motion to accept the 2008 Annual Report as amended. McGuire Minar seconded the motion. The vote was unanimously in favor of the motion.

Bylaw Amendments

Brady reviewed the required time line for Bylaw amendments with the members. Hearings for the amendments will open on February 23, 2009 at 8:00pm. Sudol is planning on attending the February 3rd meeting of the Board of Selectmen to present the amendments to them. Members should come prepared to discuss the specifics of their assigned amendments at the February 2nd meeting.

Adjournment

McGuire Minar made a motion to adjourn the meeting at 9:45pm. Bardenheuer seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Kara McGuire Minar, Clerk (in Brook's absence)

Harvard Planning Board

Continuation of the Planning Board Rules & Regulations Hearing

January 26, 2009

Barbara Brady opened the hearing at 7:45pm in the Town Hall Meeting Room under M.G.L. Chapter 40A §9

Members Present: Barbara Brady, Kara McGuire Minar, Craig Bardenheuer and Lisa Fox (Associate Member)

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

This hearing was continued from January 5, 2009 for amendments to the existing rules and regulations.

Members discussed the possibility of expanding the section on Enforcement, XXX-41, to include the verbiage or a link to a fee schedule for fines. McGuire Minar questioned how abutters could be made aware of significant changes made to a plan during the hearing process. Several ideas were discussed, such as requesting abutters attending hearings supply an email address, placing a note on abutter notification that if they would like additional information or notification of hearings to contact the office and/or notification on the web site. Allard will check with Mass Planners on how other Planning Boards let abutters and the general public know about future hearings and major changes to a project.

The members also discussed a requirement within the regulations that require any correspondences from the Planning Board consultants/inspectors be sent to the applicant and/or home owner and any associated vendors, to avoid home owners or applicants from being unaware of deviations from the approved plans and associated decision.

McGuire Minar made a motion to approve the Planning Board Procedural Rules and Regulations to include under Enforcement, XXX-41, the proper verbiage or link to M.G.L. for a fee schedule and any communications from any agents or consultants acting on behalf of the Planning Board shall notify the property owner and its agents of any violations or deviation from the decision and its associated plans. Fox seconded the motion. The vote was 3-1, with Bardenheuer opposing.

Signed: _____
Kara McGuire Minar, Clerk (in Brook's absence)

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)

January 26, 2009

Barbara Brady opened the hearing at 8:10pm in the Town Hall Meeting Room under M.G.L. Chapter 40A and the Code of the Town of Harvard, Chapter 125-31, the Protective Bylaw and Chapter 90 Scenic Roads

Members Present: Barbara Brady, Kara McGuire Minar, Craig Bardenheuer and Lisa Fox (Associate Member)

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.) and Valerie Hurley

This hearing was continued from January 5, 2009 for Special Permit, Driveway Site Plan and Scenic Road Consent filed on behalf of Richard and Keyo Russell for the construction of a single-family dwelling on a hammerhead lot with a driveway longer than 500' on designated scenic road at 81 Old Littleton Road (Map 18 Parcel 11.2)

A request from the applicant's representative to continue the hearing to February 2, 2009 had been received. McGuire Minar made a motion to continue the hearing to February 2, 2009 at 8:30pm. Bardenheuer seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Kara McGuire Minar, Clerk (in Brook's absence)

Harvard Planning Board

Continuation of an Ayer Road Special Permit Hearing Meeting Minutes

Wheeler Realty Trust, 196/198/200 Ayer Road (Map 8 Parcel 40)

January 26, 2009

Barbara Brady opened the meeting at 9:00pm in the Town Hall Meeting Room under M.G.L. Chapter 40A and the Code of the Town of Harvard, Chapter 125-52, the Protective Bylaw

Members Present: Barbara Brady, Kara McGuire Minar, Craig Bardenheuer and Lisa Fox (Associate Member)

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.) and Valerie Hurley (Harvard Press)

This hearing was continued from January 5, 2009 on an Ayer Road Village Special Permit filed on behalf of Wheeler Realty Trust for the construction of a commercial building and an affordable elderly housing building at 196/198/200 Ayer Road (Map 8 Parcel 40)

The applicant requested the hearing be continued to February 2, 2009. McGuire Minar made a motion to continue the hearing to February 2, 2009 at 7:45pm. Bardenheuer seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Kara McGuire Minar, Clerk (in Brook's absence)