

**HARVARD PLANNING BOARD
MINUTES OF MEETING
October 19, 2009
APPROVED: December 7, 2009**

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

Members Present: Joe Sudol, Kara McGuire Minar, Craig Bardenheuer and Lisa Fox

Others Present: Liz Allard (LUB Admin), Rob Oliva (Hamwey Engineering), Dan Wolfe (Ross Associates) and Mark Lanza

Approval of Minutes

Bardenheuer made a motion to approve the minutes of October 5, 2009 as amended. Fox seconded the motion. The vote was unanimously in favor of the motion.

Review and Approve Letter to the Conservation Commission – Palli, 10 Madigan Lane

The Planning Board was previously asked to review a plan submitted to the Conservation Commission for the installation of septic system at 10 Madigan Lane with components within 100' of the wetland buffer zone. The Commission was looking for clarification to Chapter 125-32, which states sewage disposal systems shall be set back from inland wetlands by at least 100'. Sudol has reviewed the plans and drafted a response letter to the Commission, which he read to the members. Members agreed to the language of the letter.

Montachusett Regional Planning Commission Traffic Study of Ayer Road

Sudol stated he is still working on the review of the study and is hoping to have his comment completed by the next meeting.

McGuire Minar arrived at 7:50pm

Citizens Planning Training Collaborative Workshop Attendance

Members discussed the up coming training workshops. Both Sudol and McGuire Minar requested that Allard submit an application for four different workshops. Bardenheuer is hoping to be able to attend the conference in March.

Economical Development Analysis Team (EDAT) Update

Sudol attended the last meeting of EDAT, which was to finalize the survey that is being put out in the North Harvard area. The survey is to determine what residents want to see and what they do not want to see in the commercial district. They are adding an individual to the group as an advisor, that being a member of the Town Center Sewer Committee.

Special Permit Hearing – Jane Bright, 186 Bolton Road (Map 31 Parcel 10). Opened at 8:12pm

Discuss Annual Town Meeting 2010 Bylaw Amendments

Town Counsel Mark Lanza explained the exempted use versus accessory use of a drive thru. McGuire Minar asked who decides the accessory use. Lanza stated research has shown well over 50% of construction of retail and commercial developments in that last twenty years have had drive-thru associated with them, making them accessory. Lanza recommended that a definition of drive-thru be established as Harvard has no current definition; then regulate drive-thru by site plan approval, special permit or prohibit drive-thru altogether. Lanza added that traffic, noise, light and/or circulation of traffic would be the criteria which a special permit would be required. Under site plan the Planning Board (PB) could allow by right with site plan approval. Lanza stated the best option in Harvard is by special permit or prohibit drive-thru altogether. Sudol stated the current Bylaw allows eating establishments to have a drive-thru as an accessory use. Sudol stated the best the PB can do is understand the Bylaw as it relates now to drive-thru

and what the residents of Harvard want. Sudol would prefer the general approach. Fox and McGuire Minar would like a Bylaw that states banks and pharmacies are allowed by Special Permit and all others a prohibited. Bardenheuer stated the PB job is to try and decide what is good for the community without prejudging what that answer is.

Sudol thinks that specific use allowed by Special Permit would sit well with the residents. Lanza has offered to draft a provision with specific allowable uses permitted by Special Permit.

Bardenheuer stated his gut tells him no drive-thru, but he believes there is a difference of the type of drive-thru that may be allowed. McGuire Minar agreed. Bardenheuer believes drive-thru's limit the interaction of individuals.

The Board is looking to amend the Building definition for ATM 2010. Lanza agreed with the draft proposal presented previously by Sudol.

Sudol would like to back away from the demolition delay bylaw. Sudol has spoken with Jonathan Feist, the chairman of the Historical Commission and stated it really is not under the purview of the PB and it really should be the Board of Selectmen.

Allard informed the members that she is working with the Montachusett Regional Planning Commission on updating the Zoning Map. The revised map will be in color and be more user friendly. There will be no changes to the map itself as far as any of the districts are concerned.

Review and Discuss Potential Letter to the Newspapers RE: Bylaw Amendments

Sudol will need to re-draft his letter to remove the information no longer being sought by the Planning Board.

Affordable Housing Plan Update

Sudol will provide the plan in word document along with copies of other town plans for the members review and updating.

Adjournment

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

Signed: _____
Lisa Fox, Clerk

Harvard Planning Board

Special Permit Hearing Meeting Minutes

Jane Bright, 186 Bolton Road (Map 31 Parcel 10)

October 19, 2009

Joe Sudol opened the meeting at 8:12pm under MGL Chapter 40A and the Code of the Town of Harvard Chapters 90 and 125 in the Town Hall Meeting Room

Members Present: Joe Sudol, Kara Minar McGuire, Craig Bardenheuer and Lisa Fox

Others Present: Liz Allard (LUB Admin), Nathan Lamb (Harvard Hillside), Rob Oliva (Hamwey Engineering), Dan Wolfe (Ross Associates),

This hearing is for a Special Permit, Driveway Site Plan and Scenic Road Consent filed on behalf of Jane Bright for the construction of a single family dwelling on a proposed hammer head lot with a driveway in excess of 500' at 186 Bolton Road, Harvard

Dan Wolfe was present to represent the applicant. Wolfe explained the existing site conditions, which contains a single family house and associated septic and well. The Type 2 lot was created due to the location of the existing septic. Plans have been submitted to the Board of Health. A driveway site plan was also submitted as part of the file. The egress of the driveway was chosen due the climb in the existing roadway and will meet the sight line requirements of the Protective Bylaw. Infiltration trenches have been proposed which will help in the no net runoff requirements. Hamwey Engineering submitted comments last week that Wolfe was able to address for this evenings meeting.

Approximately sixty-five feet of stonewall will be removed for the driveway egress. McGuire Minar thought the opening was excessive. Rob Oliva, of Hamwey Engineering, stated that Planning Board needs to keep in mind that Bolton Road is probably as wide as the driveway. Sudol asked Oliva about the driveway turn and the requirements of the Bylaw. Oliva sated the revised proposal is designed in the manner as required under the Bylaw. The original plan showed a forty-five foot opening in the stone wall. The twenty foot radius does not allow for the far side of the opening to be curved into the driveway. No comments have been received by the Fire Chief as of yet.

Wolfe stated the stone wall is not in the best condition, stones removed will be reused to repair the remaining wall. No trees will be removed within the Town Right of Way.

Wolfe explained that the proposed driveway will be 732' in length. The proposed access centerline has to show less than 600'. The width of the driveway on the curve is dependant on how sharp the curve is. On straight line sections the driveway is proposed to be twelve feet with two foot shoulders. The turnouts are sixteen feet wide as required by the Bylaw. Oliva stated that the Protective Bylaw 125-29D to F(4) states this is what is required on a Type 2 lot and that is what he has always gone back to. Oliva stated this is a single family use and should not have a lot of traffic. 125-29 Site Standards states the two lanes over a specific driveway length. Sudol does not want to impose something that is not required by the Bylaw which will need to be further reviewed by the Board. McGuire Minar asked why Wolfe did not continue the driveway in a straight formation near the well location. Wolfe explained the straighter you make the driveway the steeper the slope becomes. The grades will remain close to the existing grades.

Bardenheuer understands the reasoning for the width of the driveway, but does not like the expansive opening on a scenic road.

Sudol read comments from other Boards and Commissions.

Oliva is confident that the responses from Wolfe will be appropriate, but has not have time for a final and thorough review.

A site walk was scheduled for October 31, 2009 at 8:30am.

Bardenheuer made a motion to continue the hearing to November 2, 2009 at 8:00pm. Fox seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Lisa Fox, Clerk