

**HARVARD PLANNING BOARD  
MEETING MINUTES  
July 19, 2010  
APPROVED: September 13, 2010**

Chairman Joe Sudol opened the meeting at 7:33pm in the Town Hall Meeting Room under M.G.L. Chapter 40A

**Members Present:** Joe Sudol, Craig Bardenheuer, Lisa Fox and Michelle Catalina

**Others Present:** Liz Allard (LUB Admin), Rose Mary Chaulk, Kevin Getty, Bill Johnson, Larry Finnegan, Steve Finnegan, Tim Firment, Christian Bilodeau (Tree Warden), David Durrant, Karen Green, Don Green, Charles McVea and Tony Shaw

**Board Members Reports – Committee Activities**

There were no reports from any of the members.

**Approval of Minutes**

Bardenheuer made a motion to approve the minutes of June 7, 2010 as amended. Catalina seconded the motion. The vote was unanimously in favor of the motion.

**Right of First Refusal - Westward Orchards, Lot B Prospect Hill Road**

Allard explained to the members that the offer on Lot B Prospect Hill Road has been withdrawn since the notice was received by the Planning Board. No further action is required.

**Review Drafts of Bluefin Development, LLC Lot 4 & 5 Mill Road Scenic Road Consent**

Sudol reviewed the drafted decisions for Bluefin Development for Scenic Road Consent on Lots 4 and 5 Mill Road (Map 12 Parcel 26). With no additional comments from the members, Fox made a motion to grant Scenic Road Consent to Bluefin Development, LLC for Lot 4 & 5 Mill Road (Map 12 Parcel 26) as written. Bardenheuer seconded the motion. The vote was unanimously in favor of the motion.

**Appoint Planning Board Liaison Economic Development Committee**

Sudol explained that the Board of Selectmen (BOS) has decided to create a committee that will develop the charter and goals for the Economic Development Committee. This committee will consist of two BOS members and two Planning Board members. Sudol stated that McGuire Minar has volunteered is also willing to volunteer Bardenheuer made a motion to appoint Sudol and McGuire Minar as the Planning Board liaison for the Economic Development Committee. Fox seconded the motion. The vote was unanimously in favor of the motion.

**Informal Discussion with Kevin Getty re: Division of Land on Mass Ave**

Rose Chaulk and Kevin Getty were present before the Board to informally discuss plans for the division of a parcel of land owned by Getty on Massachusetts Avenue. Since the last time Mr. Getty was before the Board he has reached an agreement with an abutting land owner which will meet the requirements of the Bylaw in regards to road width and the 200' build factor on the Lot 2 as shown on "Plan of Land in Harvard, Mass. for Kevin Getty", Job No. R-212, Plan No. M-670, dated July 19, 2010 (2 Sheets), prepared by Rose Land Survey. The Board agreed that the plan at this point will meet the requirements of the existing Protective Bylaw. Mr. Getty intends on creating Lot 2 for immediate sale to gain funding for the rest of the development.

**Scenic Road Consent Hearing – Westward Orchards, Inc., Lot B Prospect Hill Road (Map 16 Parcel 11.1). Opened at 8:06pm**

**Adjournment**

Fox made a motion at 8:57pm to adjourn the meeting. Bardenheuer seconded the motion. The vote was unanimously in favor of the motion.

Signed: \_\_\_\_\_  
Lisa Fox, Clerk

## Harvard Planning Board

### Scenic Road Consent Hearing Meeting Minutes

#### Westward Orchards, Inc., Lot B Prospect Hill Road (Map 16 Parcel 11.1)

July 19, 2010

This hearing was opened at 8:06pm by Chairman Joe Sudol under M.G.L. Chapter 40 §15C, Chapter 87 and the Code of the Town of Harvard Chapter 90 in the Town Hall Meeting Room

**Members Present:** Joe Sudol, Craig Bardenheuer, Lisa Fox and Michelle Catalina

**Others Present:** Liz Allard (LUB Admin), Larry Finnegan, Steve Finnegan, Tim Firment, Christian Bilodeau (Tree Warden), David Durrant, Karen Green, Don Green, Charles McVea and Tony Shaw

This hearing is for a Scenic Road Consent filed on behalf of Westward Orchards, Inc. for the removal of approximately twelve white pines, 10- 12" in diameter and two maples, 10" in diameter within the right of way of a designated scenic road in conjunction with the construction of a single family dwelling on Lots A & B Prospect Hill Road (Map 16 Parcel 11.1).

Sudol stated he had visited the site earlier today and wanted clarity that the trees in question are only in front of Lot B. Don Green stated that was correct. Green stated the trees are to be removed in order to allow a view in both directions, from the orchard and into the orchard. Green explained that at the time of the application there was an offer to purchase Lot B, since that time the offer has been withdrawn. Green stated they are simply requesting the removal of these trees because they are ugly and block the view of the orchards to motorist on Prospect Hill Road. There is no plan to place a driveway along the existing stone wall. Green explained that the removal of some of the trees may affect the stone wall, which will be put back once work is done.

Bardenheuer asked if it is necessary to remove all of the trees. Green stated no, but he and his wife, Karen wanted to be certain they only came to Planning Board (PB) once rather than coming back again for more at a later date. Green added that they intend to only remove the pine trees and the maples that would be necessary. There is a good possibility that not all of the trees that were marked will be removed.

Christian Bilodeau, Harvard's Tree Warden, thinks the removal of trees on the land owner's side of the stone wall will have an effect on the surrounding trees on the Town side of the stone wall. The trees in question have a lot have damage from the ice storm in December 2008. Green repeated that the application, although previously filed with the intent of a single family house on Lot B, is for tree removal and there are no plans for a house to be built there. Bardenheuer asked what the motivation is to the removal of these trees at this point. Mrs. Green stated the trees are ugly due to the damage they received during the ice storm. Also, the trees shade the first row of production within the orchard. Fox agrees with the two-way view the Green's have expressed.

Tim Firment, the Executive Director of Fruitland's Museum, stated the trees are part of the protective view to the west and that he strongly opposes this application. Firment believes that if the PB start allowing these trees to be removed here then is could have a domino effect down Prospect Hill Road.

Charles McVea, a directed abutter, stated that there are 11 trees within 120' of his boundary and he supports what Firment had to say. McVea believes the removal of these trees would destroy the nature of the scenic road.

Tony Shaw, a local resident, stated that a few months ago he went through the area to make sure there was a buffer between all of the lots and Fruitland's, the removal of these trees would lessen that buffer.

David Durrant, a local resident, stated the Scenic Road Bylaw is for the greater good of the Town and he does not see the reasoning for this to be allowed. Durrant stated the trees are good habitat for hawks in the area; the State has just come out with 100 great places to visit, which includes Fruitland's and the Oxbow, this location would be seen on route to both of these locations.

Larry Finnegan, a local resident, read a formal statement objecting to the application for the removal of Town trees at the Town's expense as stated in MGL Chapter 87 §5.

Mrs. Green discussed the beauty of the land, the intentions of her father when he purchased the land in the '70's and how she would not do anything that would destroy the land. She asked those opposed to give her and her family the opportunity to prove themselves. Mrs. Green added that her family is trying to keep the land as it is.

Steve Finnegan, a local resident, was in opposition of this application. Finnegan stated the property is being marketed as a great location for a Chapter 40B project.

Sudol explained that denying the application and leaving it to 40B would give no control to the Planning Board or any local regulations as it pertains to Scenic Road Consent. Sudol added that it is the PB's intention to steer it in a controllable condition. Sudol asked if the land under is under Chapter 61A. Mr. Green stated yes and there is no intention to take it out. Mr. Green added there are no plans for a 40B development.

Sudol proposed that the hearing be continued to allow for the members to review the site once again in context to what the entire length of the roadway looks like and the public comments received tonight. A site walk was scheduled for July 26, 2010 at 7:30am.

Bardenheuer made a motion to continue the hearing to August 2, 2010 at 8:00pm. Fox seconded the motion. The vote was unanimously in favor of the motion.

Signed: \_\_\_\_\_  
Lisa Fox, Clerk

## DOCUMENTS AND OTHER EXHIBITS

### **Review Drafts of Bluefin Development, LLC Lot 4 & 5 Mill Road Scenic Road Consent**

Notice of Decision on Application of Scenic Road Consent, Bluefin Development Mill Road Lot 4 & Lot 5 (Map 12 Parcel 26) – Refer to:

C:\Documents and Settings\Land Use\My Documents\Planning\Decisions\Scenic Road\2010\Bluefin Development 12.26 Lot 4

C:\Documents and Settings\Land Use\My Documents\Planning\Decisions\Scenic Road\2010\Bluefin Development 12.26 Lot 4

### **Informal Discussion with Kevin Getty re: Division of Land on Mass Ave**

"Plan of Land in Harvard, Mass. for Kevin Getty", Job No. R-212, Plan No. M-670, dated July 19, 2010 (2 Sheets), prepared by Rose Land Survey

### **Scenic Road Consent Hearing – Westward Orchards, Inc., Lot B Prospect Hill Road (Map 16 Parcel 11.1)**

APPLICATION & CHECKLIST FOR A HEARING UNDER THE SCENIC ROAD BYLAW, CHAPTER 90 CODE OF THE TOWN OF HARVARD & M.G.L. Chapter 40 §15C SCENIC ROAD ACT filed by Westward Orchards, Inc. dated 6/15/2010

Written statement from Larry Finnegan, dated 7-19-2010