

**HARVARD PLANNING BOARD  
MEETING MINUTES  
AUGUST 4, 2010  
APPROVED: September 13, 2010**

Chairman Joe Sudol opened the meeting at 7:30pm in the Town Hall Meeting Room under M.G.L. Chapter 40A

**Members Present:** Joe Sudol, Craig Bardenheuer, Lisa Fox, Wayne McFarland and Michelle Catalina (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Don and Karen Green, Larry Finnegan, Marie Finnegan, Peter Warren, Ron Ricci, Gail Conlin and Christian Bilodeau (Tree Warden)

**Board Members Reports – Committee Activities**

Bardenheuer stated that he recently attended the Montachusett Regional Joint Transportation meeting at which new officers were elected. There were some changes to TIP, none of which affected Harvard.

**Review Special Permit & Driveway Site Plan Decision - Bluefin Development, LLC 31 Mill Road (Map 12 Parcel 26)**

Sudol has drafted and distributed the Special Permit and Driveway Site Plan decision for Bluefin Development, LLC at 31 Mill Road. Sudol explained that the drainage from Lots 1, 2, and 3 are drainage onto Lot 4, so Sudol made a note in the findings that this does not meet the requirements of the Bylaw. The members were concerned with assuring that the check dam and easement is maintained. After some discussion and modification to the wording of Condition #3 the members agreed that the concern would be covered and the dam and drainage easement will be maintained. McFarland made a motion to approve the decision as amended this evening. Fox seconded the motion. The vote was unanimously in favor of the motion.

**Review and Approve New Policy on Electronic Filing of Applications**

Allard explained that with the new requirements under the Open Meeting Law it would be useful to have a policy that all applications are submitted in an electronic format as well as a paper format. Applications can be either emailed to Allard or submitted on disc along with the paper application when filed with the Town Clerk. Members had questions about whether this should be included with the regulations. Allard explained that in order to include it with the regulations the Board would need a public hearing to amend the regulations, where as a policy can be approved at a open meeting. Allard further explained that the policy could be included with the regulations when there are additional amendments to be made to them, but would not recommend amending the regulations for just one item. The members were concerned with how applicants would know of such a policy. Allard explained that the Town deals with a small number of local engineering firms and it would not be that difficult to get the word out. The members asked that Allard draft a policy for their review at the next meeting.

**Continuation of a Scenic Road Consent Hearing – Westward Orchards, Inc., Lot B Prospect Hill Road (Map 16 Parcel 11.1). Opened at 8:02pm**

**Adjournment**

Bardenheuer made a motion to adjourn the meeting at 8:23pm. Fox seconded the motion. The vote was unanimously in favor of the motion.

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

## Harvard Planning Board

### Continuation of a Scenic Road Consent Hearing Meeting Minutes

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

**August 4, 2010**

This hearing was opened at 8:02pm by Chairman Joe Sudol under M.G.L. Chapter 40 §15C and the Code of the Town of Harvard Chapter 90 in the Town Hall Meeting Room

**Members Present:** Joe Sudol, Craig Bardenheuer, Lisa Fox, Wayne McFarland and Michelle Catalina (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Don and Karen Green, Larry Finnegan, Marie Finnegan, Peter Warren, Ron Ricci, Gail Conlin and Christian Bilodeau (Tree Warden)

This hearing was continued from July 19, 2010 and is for Scenic Road Consent filed on behalf of Westward Orchards, Inc. for the removal of approximately 14 trees along Prospect Hill Road, Harvard (Map 16 Parcel 11.1)

Members of the Planning Board attended a site walk on Monday July 26, 2010 in order to have a better sense of how other locations along the roadway compare in regards to the location in question. Sudol stated that most of the individuals present this evening attended the hearing on July 19<sup>th</sup> and had made comments at that time, if anyone from the public had something new to add they were welcome to speak this evening at the appropriate time.

Sudol asked for comments from the members. Fox would like the opinion of the Tree Warden. Christian Bilodeau, Harvard's Tree Warden, stated in general, trees that are dying, diseased or in decline he is okay with removing, all of the trees in question are viable street trees. Bilodeau wondered if the Town would want to open up the view to the orchard; he further stated the variety of trees in question are not an invasive species or prone to disease. Bardenheuer stated the trees looked healthy and that their attractiveness (or lack thereof) was a matter of opinion.. Sudol stated a majority of the trees are white pines that have been stripped further up the trunk; he also looked in all of the directions of the roadway and how the removal of these trees would affect the surrounding area. Sudol would like to see the number of trees removed reduced.

There were no comments from the applicant.

Larry Finnegan stated that he is trying to find out what would be the Planning Boards (PB) reasoning for considering allowing the cutting of trees on one of the primary scenic roads in Harvard. Sudol stated that the PB acts on the application considering how it balances the applicants request, how it fits in with the surrounding area and how the application impacts the desire to maintain our scenic roads.

With no further questions or comments Bardenheuer made a motion to close the public hearing. Fox seconded the motion. The vote was unanimously in favor of the motion.

Fox made a motion to allow the Scenic Road Consent with the modification to allow only 12 of the requested 14 trees to be removed. Bardenheuer stated the PB has considerable discretion here; the issue really comes down to a matter of aesthetics to open up a view. Bardenheuer thinks the Scenic Roads Bylaw exist for the protection of the Town and Town character, rather than the needs of a particular land owner. Bardenheuer cannot find in favor for removing them as there does not appear to be a compelling reason for allowing the removal.

Sudol amended Fox's motion to grant the Scenic Road Consent for the removal of no more than 8 of the 14 trees, with no specification as to which 8 trees could be removed. Fox seconded the motion. The vote was Sudol and Fox in favor of the motion and Bardenheuer opposing the motion.

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

## DOCUMENTS AND OTHER EXHIBITS

### **Special Permit & Driveway Site Plan Decision - Bluefin Development, LLC 31 Mill Road (Map 12 Parcel 26)**

Refer to: C:\Documents and Settings\Land Use\My Documents\Planning\Decisions\Special Permits\2010\Bluefin 12.26.pdf

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

Scenic Road Consent Application dated 6/15/10