

**HARVARD PLANNING BOARD  
MEETING MINUTES  
SEPTEMBER 20, 2010  
Approved: October 18, 2010**

Chairman Joe Sudol opened the meeting at 7:37pm in the old library under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

**Members Present:** Joe Sudol, Lisa Fox and Wayne McFarland

**Others Present:** Liz Allard (LUB Admin), Hillary Kavanagh, Bruce Ringwall (GPR, Inc.), Jamie Allard (Harvard Press), Jessie Panek and Jon Panek

**Board Members Reports – Committee Activities**

There were no committee activities since the last meeting.

**Green Community Update**

Allard informed the members that the update with the committee has been postponed until the October 4, 2010 meeting.

**Election of Officers/Appointments to Other Boards & Committees**

With only three members present, one being resigning member Sudol, the members agreed to postpone the election of officers and appointments until the October 4, 2010 meeting.

**Review & Approve Site Plan Approval Decision – Hirsch, 285 Ayer Road**

Sudol and McFarland have reviewed the decision drafted for Site Plan approval for 285 Ayer Road and have no revisions, nor were any comments received from McGuire Minar or Bardenheuer. Sudol and McFarland signed the decision; Allard will obtain McGuire Minar and Bardenheuer signatures.

**Review & Approve Special Permit & Driveway Site Plan Approval Decision – New Cingular Wireless PCS, LLC, 0 Brown Road (Map 36 Parcel 93.4)**

Members reviewed and signed the Special Permit and Driveway Site Plan Approval decision for New Cingular Wireless at 0 Brown Road. Allard will collect the remaining signatures and file the decision with the Town Clerk.

**Scenic Road Consent Violation – 339 Stow Road**

Hillary Kavanagh requested that Sudol allow her to record the meeting. Sudol stated he objected to the request and would not allow Kavanagh to record the meeting.

Kavanagh stated she was asked not to attend the meeting this evening because McGuire Minar and others could not attend this evening. Three members were able to make the decision previously, so Kavanagh sees no reason why the three members at the table this evening can not make a decision as well. Kavanagh stated that neither the Tree Warden nor the Highway Director were present when the cutting occurred so their presence at this meeting was also unnecessary. Sudol stated he had no objections making a decision tonight with the members that are present and that any decision made tonight could be appealed. Kavanagh wanted to know if it was an individual case of not notifying her of the meeting on August 16<sup>th</sup> at which the violation (the cutting of a cedar tree along Stow Road) was discussed. Sudol stated that it was not an individual case that she was not notified of the meeting, but a choice of his. Sudol noted that Kavanagh had not at the time of the incident contacted any Town official to report the violation. Kavanagh stated she had called the Highway Department to come and remove the mess left behind by the tree cutters (Asplundh).

Kavanagh stated that in mid July she and her husband had returned home at 339 Stow Road to a detail outside the driveway cutting an existing dead elm tree. Pleasantries were exchanged and the Kavanagh's proceed down the driveway and into the house. Mr. Kavanagh returned to the end of driveway to offer water to the detail. Kavanagh stated the Asplundh employee had interesting words about the Town of Harvard and the on going request of National Grid to remove a dead tree on the wires. Mr. Kavanagh at that time stated the cedar at the end of his driveway was trouble as well. The Asplundh employee asked Mr. Kavanagh if he would like it cut down; Mr. Kavanagh stated he would like to but he was not allowed. Mr. Kavanagh went back into the house and returned about a half an hour later and to find that the tree was cut down.

Kavanagh stated that neither her nor her husband asked to have the tree removed, would they have stopped it from being removed, no. Kavanagh contended that they did not pay for the tree to be taken down, or barter or offer work for it to be removed. Kavanagh stated we definitely played a role in it; she is upset no one ever asked her what happened, but instead just decide to go a head and imposed a \$1,900 fine. Kavanagh finds it shocking that someone would be charged \$1,900 for the replacement of a tree. Kavanagh further stated that she does not see the relevancy at all of having other parties present for this discussion.

Sudol asked if the members had any questions. Fox had no questions. McFarland asked who hired Asplundh. It was stated that National Grid had. McFarland asked when the Scenic Road Consent was issued. He was informed 2007. McFarland stated he does not know much about the subject as he is new to the Board.

Bruce Ringwall, of GPR, Inc., was also present and stated that he too found out about the issue the same way as Mrs. Kavanagh had, by reading it in the newspaper. Ringwall proceeded to read excerpts from the Scenic Road Bylaw. Ringwall contended that no where does it say replacement cost. Sudol explained that the Board had a discussion in regards to the language that states "correct" under Enforcement.

Sudol suggested that in his opinion the Kavanagh's were a party to this violation. Sudol recommend that the Board bring this action up with Town Counsel to determine whether or not they can impose a cost for the replacement of the tree and to discuss further at the October 4<sup>th</sup> meeting. Fox stated that more often than not things can not be handled because people are not here. Sudol asked if Fox was looking to push it to a vote tonight. Fox stated no, but she understood as to why Kavanagh was upset that she was asked not to come this evening. The October 4<sup>th</sup> date did not work for Kavanagh, but agreed to return on October 18<sup>th</sup>.

**Scenic Road Consent Hearing – Jessie Panek, Lot 371 West Bare Hill Road (Map 27 Parcel 51).** Opened at 8:12pm

#### **Adjournment**

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

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

**Harvard Planning Board**

**Scenic Road Consent**

**Jessie Panek, Lot 371 West Bare Hill Road, (Map 27 Parcel 51)**

**September 20, 2010**

This hearing was opened at 8:12pm 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, Lisa Fox and Wayne McFarland

**Others Present:** Liz Allard (LUB Admin), Jessie Panek and Jon Panek

This hearing is for Scenic Road Consent filed on behalf of Jessie Panek for the widening of an existing break or the creation of a new break in an existing stonewall at Lot 371 West Bare Hill Road (Map 27 Parcel 51), Harvard.

Lisa Fox disclosed that she is an abutter to the site; Sudol asked if anyone present had any issues with her hearing the matter before the Planning Board. No one present had any issues.

Jessie Panek state she would like to widen existing opening from 7' to 11' or create a 16' opening to allow for occasional access to the interior of the property for landscape and maintenance vehicles and equipment. Members reviewed the sketches presented in the application. Fox preferred sketch C, which proposes to create a new gateway in the stone wall. Fox stated that the removed stones shall be used to rebuild wall at existing opening. McFarland agreed as did Sudol.

Sudol made a motion to close the hearing and grant the Scenic Road Consent for the removal of 16' of stone as shown in sketch C and use the removed stones to rebuild the wall at the existing opening. McFarland seconded the motion. The vote was unanimously in favor of the motion.

McFarland will draft the decision.

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

## DOCUMENTATION AND OTHER EXHIBITS

### **Review & Approve Site Plan Approval Decision – Hirsch, 285 Ayer Road**

Site Plan Review Decision, dated 9/20/2010

### **Review & Approve Special Permit & Driveway Site Plan Approval Decision – New Cingular Wireless PCS, LLC, 0 Brown Road (Map 36 Parcel 93.4)**

Special Permit & Driveway Site Plan Approval Decision, dated 9/20/2010

### **Scenic Road Consent Violation – 339 Stow Road**

Code of the Town of Harvard, Scenic Road Bylaw, Chapter 90

### **Scenic Road Consent Hearing – Jessie Panek, Lot 371 West Bare Hill Road (Map 27 Parcel 51).**

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, Applicant – Jessie Panek, dated August 24, 2010