

**HARVARD PLANNING BOARD
MEETING MINUTES
AUGUST 1, 2011
APPROVED: October 17, 2011**

Chair Kara McGuire Minar opened the meeting at 7:30pm in the Town Hall Meeting Room under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Kara McGuire Minar, Craig Bardenheuer, Michelle Catalina, Wayne McFarland and Peter Brooks

Others Present: Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.), Stacie Casset Green, Gabe Vellante (Building Commissioner), Mark Piermarini (Hamwey Engineering, Inc.), Mary Arata (Harvard Hillside) and Bill Eycleshymer

Board Member Reports – Committee Activities

Catalina attend a recent meeting of the Montachusett Regional Planning Commission, at which the Commission discuss the availability of low income housing grants and the required engineering for Eldridge Road to aid in the flooding issues in that area.

Catalina also attended the Community Preservation Committees (CPC) meeting as the Planning Board representative. The CPC nominated Catalina as their representative to the Master Plan Steering Committee.

Minutes

McFarland made a motion to approve the minutes of June 6 and June 20, 2011 as amended. Bardenheuer seconded the motion. The vote was unanimously in favor of the motion.

Nomination of Ken Swanton to the Harvard Historical Commission

The members had previously requested that Allard look to see if there were any reporting responsibilities associated with this nomination. Allard stated that she reviewed minutes around the time the Historical Commission was established and found no information. The members reviewed the Historic Bylaw, which states the Planning Representative is done by a nomination of the Planning Board to the Board of Selectmen, who does the actual appointment. Catalina made a motion to nominate Ken Swanton as the Planning Board representative to the Historical Commission.

Discuss with Building Commissioner Site Plan Approval for 285 Ayer Road

McGuire Minar thanked Gabe Vellante, Harvard's Building Commissioner for attending the meeting this evening. The history of the site was reviewed starting with the application of Fitchburg Savings Bank, in which the Planning Board (PB) attempted to correct the inconsistencies on the site as it pertains to Site Plan. In 2010 the property owner of the Harvard Plaza came forward to bring the sign into compliance in order to obtain a liquor license. At that time the Planning Board had the same issues and tried to get them addressed. The representative at the time would have nothing to do with other issues on the lot and stated that he was just in front of the PB to bring the sign into compliance. At the advice of Town Counsel, the PB issued a decision on September 20, 2010 with the added condition that the applicant complies to all previous site plans conditions. McGuire Minar stated that at this time the PB feels that the jersey barrier does not, as a safety issue, meet the Purpose of the Bylaw.

In November of 2010 Vellante issued a letter to the Board of Selectmen stating that he had not received any complaints regarding the absence of an island at the entrance to the plaza since his employment with the Town in 1984. McGuire Minar stated that the absence of no complaints does not make it okay. Vellante stated if you don't have a complaint then it is grandfathered after

six years. Vellante stated that he has a problem when you have a look back 30 years when someone wants to make a change to the interior. Vellante added that the property owner has been compliant with all that he has asked over the years. If the PB had an issue with his decision of November 2010 then they could have filed an appeal with ZBA. McGuire Minar stated it is hard to file an appeal on a decision when you are unaware a decision has been made.

McGuire Minar stated that it appears to the PB that there has been a history of allowing the property owner not to come into compliance. Vellante stated he did not create the problem, but stated that he could talk to the property owner to see if is willing to install the island.

McGuire Minar stated that with more potential development along Ayer Road the playing field needs to level. Bardenheuer thinks it would be helpful to collaborate on the matter. Bardenheuer believes there is a strong desire of the community get this settled. Catalina stated the condition of the license was to be in site plan compliance, which is a bit different than someone just doing the interior of a store.

Vellante asked what the differences are between the jersey barriers and an island with pretty flowers growing in it. McGuire Minar stated the island would create a wider opening, a flow of traffic and looks better.

Brooks stated one of the issues is that the Board was issuing a condition that had died with the six year statute. Brooks thinks the intent was to get the island built. PB feels that Vellante did not agree with the decision of the PB and that he determined that this is not a valid act of the PB to impose or revise that condition. Brooks added that it is up to applicant to appeal a decision of the PB and not the Building Commission not to enforce that decision. Vellante response to the PB letter of March 14, 2011 was based on Town Counsel advice. Brooks would like to have a productive conversation as to what the Vellante role is with the PB. Brooks thought that was what the PB was doing by adding the condition of compliance with previous Site Plan in there September 20, 2010. The PB intention was to make sure the location was in compliance with the site plan as it had been laid out originally. Vellante stated he would contact the property owner to see if the situation can be corrected.

Special Permit Hearing – Russell H. Harris, 69 Whitney Road. Opened at 8:03pm

Master Plan Steering Committee Appointments

Bardenheuer made a motion to appoint SusanMary Redinger as the School Committee representative to the Master Plan Steering Committee. McFarland seconded the motion. The vote was unanimously in favor of the motion.

Master Plan Steering Committee Update

Joe Hutchinson has accepted the chair of the Master Plan Steering Committee (MPSC). Those present at the meeting on July 19th agreed to go back to their boards and commissions and come back with goals and objectives for the next ten years. The Request for Proposals was also discussed. Hutchinson has gone to see the Lancaster Town Planner to discuss how their updated went. The original time line was moved back about a month. Hutchinson would like to talk about the timing for the whole Master Plan.

McGuire Minar state she would love to see a cost analysis of the Ayer Road corridor. The MPSC additional discussed the need for a Town Planner for the update of the Master Plan.

McGuire Minar stated that she does not have any issues with a Town Planner; she does however have a problem with others wanting this for their own objectives. Catalina is concerned with a part-time planner, who would report to many boards; who is going to decide what time is going to be spent on what item.

Adjournment

McFarland made a motion to adjourn the meeting at 9:16pm. Books seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Michelle Catalina, Clerk

Harvard Planning Board

Special Permit Hearing

Russell Harris, 69 Whitney Road

August 1, 2011

The hearing was opened at 8:03pm by Chair Kara McGuire Minar under M.G.L. Chapter 40A and the Harvard Protective Bylaw, Chapter 125 of the Code of the Town of Harvard

Members Present: Kara McGuire Minar, Craig Bardenheuer, Michelle Catalina, Wayne McFarland

Others Present: Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.), Stacie Casset Green, Mark Piermarini (Hamwey Engineering, Inc.), Mary Arata (Harvard Hillside) and Bill Eycleshymer

Brooks recused himself as an abutter and left the table.

Bruce Ringwall, of GPR, Inc., was present to represent the applicant. Ringwall stated that the Harris family has the desire to break up the existing lot into three remaining lots of equal size, so that the lots could not be further divided. A reduced frontage lot was created, as well as two basic lots. Since the submittal of the application a potential buyer for Lot 1 has changed the location of the house from the original plan. Revised plans were submitted to the Planning Board and the Planning Board consultant, Hamwey Engineering. Additionally, the Conservation Commission had stated that a wetland existing on the abutting site that may also be on the property as well, requiring a filing with the Commission. These two updates have caused the driveway to be shifted to the south, raising the grade and drainage basin.

The driveway is sixteen (16) feet wide, twenty (25) feet from the right of way, at that point the driveway is reduced to twelve (12) feet to about station 325, at which point the driveway widens back to sixteen (16) feet at the turn around. The driveway is proposed to be paved. An infiltration trench is proposed along the north side of the driveway. Stormwater will be brought to this low point of driveway for infiltration to ground water. Septic system plans have all been designed and submitted to the Board of Health (BOH) for review and are awaiting the Approval Not Required endorsement prior to the BOH signing the permit.

Ringwall stated the application with the Conservation Commission will be under taken at their August 18th meeting. Members reviewed the Hamwey letter dated July 11, 2011. A letter from the Department of Public Works Director, Richard Nota, requested a 10' drainage easement along the northerly side of Lot 1 for the purpose of access to perform maintenance to the existing drainage swale. A telephone pole and guide wires do not allow access to the ditch from the roadway. The access would need to be done through the abutting property due to the wetlands on Lot 1, which will require an agreement of between the homeowners. An email received today from Nota was read into the record. This message indicated that the abutter has been contacted and a verbal agreement to access the drainage ditch from his property was acceptable. McGuire Minar wanted to know if that by next meeting would Planning Board (PB) have the intent of the Blair's in writing.

McGuire Minar pointed out to Ringwall that it is at the discretion of the PB to allow a reduced lot size of hammerhead lot. Ringwall stated similar reductions have been allowed in Town. The excess acreage has been divided amongst the remaining two lots, per 125-29D(1)(a)

For Scenic Road purposes the Town's Right of Way (ROW) has been depicted on the plan. Catalina wanted to point out that Whitney Road is a Scenic Road and the stone wall and trees are

not within the ROW, making them outside of the PB jurisdiction. McGuire Minar stated that as part of the Master Plan there shall be no net loss of trees. With that said, McGuire Minar requested that the two trees have to be taken down for the driveway, be replanted with similar species along the roadway.

Catalina feels comfortable with the request to reduce the hammerhead lot as it meets the conditions that apply and the lots cannot be further subdivided.

Members discussed continuing the hearing to wait until a decision of the Conservation Commission is made. Ringwall asked that the hearing be closed in order to keep the process moving, as there is a buyer for Lot 1 who is looking to close in September. Bardenheuer suggested that the Commission be informed of the decision of the PB, but that the Commission's decision should be done independently of the PB decision.

McFarland made a motion to close the evidentiary portion of the hearing. Catalina seconded the motion. The vote was unanimously in favor of the motion.

After a brief discussion, McFarland made a motion to grant a Special Permit for Lot 1 Whitney Road subject to review by Hamwey Engineering and the decision of the Conservation Commission. Catalina seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Michelle Catalina, Clerk

DOCUMENTANTS & OTHER EXHIBITS

Special Permit Hearing – Russell H. Harris, 69 Whitney Road

- Residential Development Site Plan, Lot 1 69 Whitney Road Harvard, MA Job 111047, final revision date August 1, 2011
- Hamwey Engineering Letter, dated July 11, 2011
- Harvard Public Works Department Letter, dated June 13, 2011
- Rich Nota email, dated July 29, 2011