

**HARVARD PLANNING BOARD  
MEETING MINUTES  
MAY 4, 2015  
APPROVED: JULY 20, 2015**

Chair Kara McGuire Minar opened the meeting at 7:36pm in the Hapgood Room at 7 Fairbank Street under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

**Members Present:** Kara McGuire Minar, Erin McBee, Don Graham, Michelle Catalina and Fran Nickerson

**Others Present:** Liz Allard (LUB Admin.), Bill Scanlan (Town Planner), Jon Bishop (Nashoba Publishing), Maren Caulfield (Harvard Press), Charlie Case, Christopher McWhite, Nancy Meyer, Richard Case, Patricia White, Steve & Pat Rettew, Gary Shepard (Ross Assoc.) and Chris Tracey

**Special Permit & Scenic Road Consent Hearing & Approval Not Required Endorsement, Richard & Charles Case, 211 Bolton Road.** Opened at 7:40pm

**Board Member Reports**

McGuire Minar would like to put together a working group made up a member of the Planning Board, the Board of Selectmen, the Economic Development Committee and the Devens Economic Analysis Team to review the zoning amendments being proposed by MassDevelopment. McGuire Minar will contact the chairman of each of the previously mentioned boards to try and get together with the next week or two to come up with Harvard's response to the proposed amendments.

The Master Plan Steering Committee (MPSC) met earlier this evening and further vetted the Request for Proposals (RFP) for the Devens piece of the Master Plan. A few comments made by committee members this evening need to be incorporated into the RFP otherwise it is set to go out for publication as the MPSC conditional approved it. The Planning Board (PB) will need to approve it before it goes out to Goods & Services. The time line for this process was reviewed. If members of the PB have any comments they should submit them to Scanlan. Catalina made a motion to approve the RFP for the Devens Impact Evaluation as amended by MPSC this evening. McBee seconded the motion. The final vote was 4-0-1, with Nickerson abstaining.

Catalina asked when the Town Center Transportation Committee (TC<sup>2</sup>) was going to start meeting. Scanlan stated he will send out a memo to the members tomorrow to determine the best time to start meeting. TC<sup>2</sup> members will need to get up to speed on previous reports regarding the Town Center. Scanlan stated the kick off meeting of the committee will be a general meeting with a representative from Montachusett Regional Planning Commission, who will explain the schedule, the process, ask for comments and concerns on how the members see the study going and incorporate those comments in the process. Scanlan hopes to have the first meeting the week of May 18<sup>th</sup>.

**Planner Report**

Scanlan explained a representative for Bell Atlantic has provided information to the Building Commissioner (BC) that indicates under the tax relief act applicant's wishing to make modifications to their equipment on existing wireless towers can the bypass the requirements under location zoning. The applicant in question does not have a valid special permit as a co-locate on the tower at 60 Old Shirley Road. The BC is seeking guidance from Town Counsel on whether or not the representative is correct.

Planning Board members are concerned with the required bonds for removal of equipment, as required under 125-27 of the Protective Bylaw, may not be renewed. Scanlan was asked to draft a letter to Town Counsel expressing the Board's concern.

Scanlan stated he has reviewed the proposed housing project on Grant Road in Devens. There are several concerns with this project, along with concerns with the zoning amendments MassDevelopment is proposing. In regards to Grant Road, the project does not consist of any affordable housing, something Harvard is lacking; making this a good opportunity to increase subsidized housing inventory. McGuire Minar suggested a single document expressing the concerns with both the Grant Road project and the zoning amendments be drafted and distributed to other concerned boards, such as the Selectmen, Economic Development Committee, the Municipal Affordable Housing Trust and the Devens Economic Analysis Team.

### **Approve Minutes**

Graham made a motion to approve the minutes of April 11, 2015 as amended. Catalina seconded the motion. The vote was unanimously in favor of the motion.

### **Approve Invoice**

Allard stated the Board has received the following invoice for inclusion on the next bill warrant.

- William Scanlan - \$2400.00 (Town Planner)

McBee made a motion to approve the above invoice. Graham seconded the motion. The vote was unanimously in favor of the motion.

### **Approve Town Center Transportation Committee Charter**

Scanlan had drafted a charter for the Town Center Transportation Committee for approval this evening. Without any comments on the charter as drafted, Catalina made a motion to approve the charter. McBee seconded the motion. The vote was unanimously in favor of the motion.

### **MassDevelopment Zoning Changes**

As stated earlier this evening, McGuire Minar suggested a working group consisting of a member or two of the following boards, Selectmen, Economic Development Committee, the Municipal Affordable Housing Trust and the Devens Economic Analysis Team, to determine where Harvard stands on the proposed zoning amendments. Members agreed the working group was a good idea. McGuire Minar will contact individuals for the boards mentioned to arrange a time to met and discuss. Scanlan was asked to get final language of the zoning amendments from the Board of Selectmen and to distribute it to the members.

### **Master Plan Steering Committee Update**

See Board Member Reports above

### **Communications Goals**

Members agreed for the time being the Planning Board (PB) page of the Town's website should be updated as necessary in order to keep the public informed of the activities and agenda items of the PB.

Scanlan left the meeting at this time.

### **Planner Request for Proposals**

A draft of the Request for Proposals (RFP) for the Town Planner had been previously distributed to the members for their review and comment. Minor amendments were made to the document. McBee made

a motion to approve the RFP as amended this evening. Catalina seconded the motion. The vote was unanimously in favor of the motion.

**Potential Alternate Planning Board Member**

Christopher McWhite was present for this evenings meeting to get a sense of the role of the Planning Board in Town government. Mr. McWhite is interested in the available alternate member position on the Board. He is currently the plans examiner/building inspector for the City of Lowell, giving him some insight into the process he saw before the Board this evening. After a brief conversation with McWhite the members encouraged him to provide the Selectmen with a volunteer form indicating his desire to become the alternate members of the Planning Board.

**Adjournment**

Graham made a motion to adjourn the meeting at 9:25pm. McBee seconded the motion. The vote was unanimously in favor of the motion.

Signed: \_\_\_\_\_  
Liz Allard, Clerk

## Harvard Planning Board

### Special Permit & Scenic Road Consent Hearing & Approval Not Required Endorsement

#### Richard & Charles Case, 211 Bolton Road

May 4, 2015

Chair Kara McGuire Minar opened the hearing at 7:40pm in the Hapgood Room under MGL Chapter 40A and the Code of the Town of Harvard Chapter 125

**Members Present:** Kara McGuire Minar, Erin McBee, Don Graham, Michelle Catalina and Fran Nickerson

**Others Present:** Liz Allard (LUB Admin.), Bill Scanlan (Town Planner), Jon Bishop (Nashoba Publishing), Maren Caulfield (Harvard Press), Charlie Case, Christopher McWhite, Nancy Meyer, Richard Case, Patricia White, Steve & Pat Rettew, Gary Shepard (Ross Assoc.) and Chris Tracey

This hearing is for a Special Permit and Scenic Road consent, along with Approval Not Required endorsement, filed on behalf of Richard & Charles Case for the construction of a shared common driveway that will require the removal of 30 linear feet of stone wall along a scenic road and the creation of a additional conforming lot at 211 Bolton Road, Harvard

Gary Shepard, of Ross Associates, was present to represent the applicants, Richard and Charles Case, who were also present. Shepard explained the existing conditions of the site; 211 Bolton Road is a 25.36 acre parcel of land, with frontage along Bolton Road; the majority of the site is forested and in Chapter 61. The applicant's are in the process of dividing land amongst themselves, each with their own intent as to how to further develop or preserve the land. Since the back land of this parcel is in Chapter 61 the applicant's are seeking to create the common driveway to preserve an easement which will allow for the ability to continued harvesting timber from the site once the existing house at 211 Bolton Road and its associated land is sold. Shepard stated the applicant's will be back before this Board when the backland is developed; however for now they are only seeking a special permit for the common driveway. A future backland lot with 50' of frontage along Bolton Road is detailed on the plan, however sight distance in that area does not meet the standards within the Protective Bylaw, therefore a better location for access (the common driveway) was determined just east of the legal frontage. By using this access it creates a nice wooded lot for 211 Bolton Road rather than exposing it to a driveway along its property line. The proposed location for the common driveway is level and has proper sight distance in both directions.

As for the Scenic Road Consent, Shepard explained the location of the proposed common driveway is along an existing break in the stone wall and does not require the removal of any trees for its installation. Members requested that any stones that will be removed for the construction of the driveway be used to repair the remaining existing wall.

Shepard stated the remaining land area that has frontage along Bolton Road south of 219 Bolton Road has a potential to be up to three house lots; due to wetlands and ledge there is enough land area behind 211 Bolton Road for only one house lot. The total length of the proposed common driveway is 375'.

Members discussed and agreed the application should be reviewed by the Planning Board consultant, Hamwey Engineering.

Catalina stated she has no issues with the Scenic Road Consent or the Approval Not Required lots along Bolton Road, but has questions as to what additional permitting may be needed when the site developed beyond the Special Permit for the common driveway. Shepard further explained the need for the common driveway to be able to continue harvesting wood from the remaining parcel until it is developed at some point in the future.

Pat White, a direct abutter, stated that each time development occurs around her property she has found her property to be wetter then previous to that development.

Graham made a motion to endorse the Approval Not Required Plan for Richard and Charles Case, for the creation of a building lot of 2.62 acres to include the existing house at 211 Bolton Road and create a remaining lot of 22.7 acres of land with frontage along Bolton Road as shown on the plan dated February 2015, Plan No. L-12531. Catalina seconded the motion. The vote was unanimously on favor of the motion.

Shepard and the applicant's agreed to allow for the hearing to be continued allowing for the review of the plans by the Planning Board consultant. Graham made a motion to continue the hearing to May 18<sup>th</sup> at 7:30pm in the Hapgood Room. McBee seconded the motion. The vote was unanimously in favor of the motion.

Signed: \_\_\_\_\_  
Liz Allard, Clerk

## DOCUMENTS & OTHER EXHIBITS

### **Special Permit & Scenic Road Consent Hearing & Approval Not Required Endorsement, Richard & Charles Case, 211 Bolton Road**

- Driveway Site Plan, Future Lot #2, Bolton Road, Map 31 Parcel Portion of 25, Harvard Massachusetts, prepared for Richard D. & Charles A. Case, prepared by David E. Ross Associates, Inc., Job No. 26751, Plan No. L-12607, dated 4/9/2015
- Plan of Land in Harvard, Mass., owned by Richard D. Case Jr. and Charles A. Case, prepared by David E. Ross Associates, Inc., Job No. 26751, Plan No. L-12531, dated February 2015