

<b>Action Items</b>	<b>Member/Staff Responsible</b>
Contact HR Director regarding process for hiring Town Planner	McBee
Poll members for best date for Strategic Planning session	Allard
Contact Town Counsel re access issues for Willard Lane property	Scanlan
Participate as speaker in Climate Change forum	McBee, Allard

**HARVARD PLANNING BOARD  
MEETING MINUTES  
MAY 7, 2018  
APPROVED: JUNE 4, 2018**

Chair Erin McBee called the meeting to order at 7:04pm in the Town Hall Meeting Room, 13 Ayer Road, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Erin McBee, Rich Maiore, Stacia Donahue, Fran Nickerson and Jarrett Rushmore (associate member)

**Others Present:** Liz Allard (LUB Admin), Bill Scanlan (Town Planner), Robert Capobianco, Shelia Ste. Marie-Anderson, David Outman (HCT), Matthew Fiokos (Harvard Press), Paul Green, Marc Sevigny, Bruce Ringwall (GPR, Inc.), Theodore Maxant, Allen Edwards, Christine Maxant, Jim Lee and Tom Cotton

**Board Members Reports – Committee Activities**

There were no reports from the Board Members this evening

**Planner Report**

Scanlan reported the grant from the Executive Office of Energy & Environmental Affairs (EEA) to plant trees at Bromfield, the Town Library and the Ryan Field has been granted. The Elm Commission will be taking the lead and plans on planting the trees next spring. The grant in total is for \$12,452 with in kind and volunteer services.

Scanlan is working with Eric Broadbent, from the Harvard Energy Advisory Committee, on the Municipal Vulnerability Preparedness Program Planning grant, which is due this Friday. This grant assists municipalities that wish to prepare for climate change impacts, build community resilience and receive designation from EEA as a Climate Change Municipal Vulnerability Preparedness (MVP) program municipality.

**Approve Invoices**

Nickerson made a motion to approve the following invoices:

- William Scanlan, \$1375.00
- J&S Business Products, \$75.00

Maiore seconded the motion. The vote was unanimously in favor of the motion.

**Support Municipal Vulnerability Preparedness Grant**

Letters of support from various boards and committees are needed as part of the Municipal Vulnerability Preparedness Program Planning grant (detailed above under Planner Report). Donahue made a motion

to submit a letter of support to accompany the Municipal Vulnerability Preparedness Program Planning grant being prepared by the Harvard Energy Advisory Committee. Maiore seconded the motion. The vote was unanimously in favor of the motion.

### **Approval Not Required – Robert Capobianco, Trustee of Two Eighty One Still River Trust, 281 Still River Road**

Bruce Ringwall, GPR, Inc., was present to represent the applicant, Robert Capobianco, who was also present. Ringwall stated the existing lot was created in 1967 as a reduced frontage lot approved by the Planning Board. The lot was created before special permits were in place for such things as driveway standards. The plan proposes creating a 4.83 acre lot consisting of the existing structure at 281 Still River Road. The remaining area, of 23.33 acres, will make up Lot 2, with frontage along Willard Lane. The required lot width circles are shown for each of the two lots.

The lot at 285 Still River Road was created to allow for the existing structure on the lot to have the required 40' setback, which created an unusual shape along the access to 281 Still River Road. Under the Town of Harvard Subdivision Control, Chapter 130-12A, lots that were created before March 27, 1981 may be altered on an Approval Not Required plan without a special permit proceeding.

McBee clarified that Lot 2 may require a Special Permit in the future, depending on what type of development transpires on that lot. Ringwall stated that was correct. McBee asked about access frontage on Willard Lane. Ringwall explained the State regulations when endorsing an ANR plan; MGL Chapter 41 Section 81L, the lot must front on one of the three types of ways and lots must meet the minimum frontage requirements; MGL Chapter 41 Section 81M Planning Board's determination that the vital access to such lots as contemplated, otherwise exists. Ringwall stated Willard Lane is a way in existence prior to 1953 (the year the Subdivision Control Law became effective in Harvard). Ringwall provided evidence of an ANR for an abutting lot from 1956. The road provides access for approximately 60 homes beyond this property. In 2009 the Planning Board determined the property at 24 Cove Road met the requirements of a basic lot even though it had no frontage on a public way.

Scanlan stated Ringwall has done a good job laying out the reasons why this is a buildable lot; however he is not sure the layout of Willard Lane provides legal access to the lot. Scanlan stated he is not qualified to make that determination and suggested seeking advice from Town Counsel. Ringwall noted portions of Willard Lane, including that which runs past this property, are owned by the Town as open space. Scanlan stated the Town buying the Willard land does not change the status of the road. Nickerson asked if the town maintains the road. Ringwall stated it does not, it is his understanding (and confirmed by those in attendance) it is maintained by the residents along Willard Lane and the other adjoining roads by Bare Hill Pond.

Theodore Maxant, of 53 Willard Lane, had provided the Planning Board with information including, but not limited to, a photo of the street sign that indicates Willard Lane is a private way, an invoice for snow plowing and two plans detailing the additional subdivision of the land in question. Maxant stated this information indicates Willard Lane is a private road not maintained by the Town of Harvard. Maxant wanted the Planning Board to understand the conditions of Willard Lane as a one lane road that is substandard and may not have adequate width. Maxant would recommend the Planning Board consider Lot 2 as not a buildable lot.

Marc Sevigny, a former Planning Board member, stated Capobianco does not have deeded access over Willard Lane, as others do, therefore he does not have legal access to the land. Sevigny reiterated what

Maxant stated in regards to the road conditions, adding that at its greatest width Willard Lane is only 38'. Sevigny too suggested the PB endorse the plan as not a building lot.

Christine Maxant, of 53 Willard Lane, grew up on Willard Lane and detailed the conditions of the road then and now. Maxant stated that not all of the properties that use Willard Lane are year-round. If further development of Lot 2 is allowed there will be an increase in traffic along Willard Lane; how will that benefit the Town if Willard Lane becomes a public way?

Allen Edward, of 33 Willard Lane, explained how seasonal renters on Bare Hill Pond already speed along Willard Lane, and increased development will increase traffic. The road is so narrow that cars are constantly beeping to warn on-coming cars. Safety is a point he would like to highlight. Nickerson can agree with the roadway conditions as her daughter lives at the end of the road. Ringwall stated we are only speaking of the adequacy of the road to this lot.

With guidance needed from Town Counsel this discussion was continued to the May 21, 2018 meeting.

#### **Review Director of Planning Job Description & Hiring Process**

After a brief discussion, Maiore made a motion authorizing Erin McBee to begin the process of hiring a Director of Planning with the Human Resource Director. Donahue seconded the motion. The vote was unanimously in favor of the motion.

#### **Schedule 2018 Strategic Planning Session**

Allard will send out a poll to determine which of the following dates, May 30<sup>th</sup> or June 2<sup>nd</sup>, works best for the 2018 Strategic Planning Session.

#### **Harvard's Environmental Forum – May 31<sup>st</sup>**

McBee has been asked to speak at this forum on any plans the Board has in regards to preparing for climate change.

#### **Adjournment**

Donahue made a motion to adjourn the meeting at 8:09pm. Maiore seconded the motion. The vote was unanimously in favor of the motion.

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

## **DOCUMENTS & OTHER EXHIBITS**

### **Planning Board Agenda, dated Monday May 07, 2018**

#### **Approve Invoices**

- INVOICE – William Scanlan, Consulting Town Planner, dated April 20, 2018

#### **Approval Not Required – Robert Capobianco, Trustee of Two Eighty One Still River Trust, 281 Still River Road**

- Plan of Land in Harvard, Mass. Owned by Two Eighty One Still River Trust at 281 Still River Road, Job 181019, prepared by GPR Inc., dated May 2, 2018
- Letter from T. Maxant titled CAPOBINCO, dated 05/03/18
- Photo of “Not a Thru way” and “Private way pass at your own risk”, received 5/7/18
- Photo of Private Way Willard Lane street sign, May 7, 2018
- Snow Removal Invoice, received 5/7/18
- Bare Hill Pond Homeowners Association 2013 Road Dues, received 5/7/18
- Bare Hill Pond Homeowners Association 2011 Road Dues, received 5/7/18
- Proposal from J.R. Grady & Sons, Inc., Proposal No L2010-908, dated 6/16/2010
- Conceptual Development Plan C, prepared for Robert Capobianco, #281 Still River Road Harvard, MA, prepared by David E. Ross associates, Inc., received 5/7/18
- Conceptual Development Plan A, prepared for Robert Capobianco, #281 Still River Road Harvard, MA, prepared by David E. Ross associates, Inc., received 5/7/18
- Email from Robert Capobianco to Theodore Maxant, RE: you and I, dated December 23, 2017
- Email from Robert Capobianco to Theodore Maxant, RE: departure, dated December 24, 2017
- Email from David Outman to Theodore Maxant, RE: Capobianco, dated May 5, 2018
- Land in Harvard, Mass. of Robert Shepard, Plan from Deed and Survey June, 1956
- Land in Harvard, Massachusetts by Joseph Luongo, July 2, 1967
- Google Maps Willard Lane, dated 5/7/2018