

**HARVARD PLANNING BOARD  
MEETING MINUTES  
NOVEMBER 16, 2020  
APPROVED: MARCH 11, 2021**

Chair Justin Brown called the meeting to order at 7:06pm virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Justin Brown, Fran Nickerson, Stacia Donahue, Jane Biering, Gwen Leonard and Becca Kelley (Associate Member)

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Liz Allard (Land Use Administrator), Beth Williams (Council on Aging), Matthew Flokos (Harvard Press), Jim Burns (Conservation Commission), Eve Whittenberg (Conservation Commission), Mark Shaw (Conservation Commission), Don Ritchie (Conservation Commission), Paul Willard (Conservation Commission), Wendy Sisson (Conservation Commission), Bruce Ringwall (GPR, Inc.), Kyle Burchard (GPR, Inc.), Matthew Cote (Beals & Thomas), Stacy Minihane (Beals & Thomas), Dan Wolfe (Ross Associates), JC Ferguson (Tree Warden), Mari Avola, Andrew Gorman (Beals & Thomas) and Ron Henderson

**Discuss November/December Meeting Schedule**

Allard explained the reasoning for potentially adding a meeting on November 30<sup>th</sup>, with a potential of not meeting on December 21, 2020. Leonard requested 20 – 30 minutes to discuss the Scenic Road Bylaw if we meet on November 30<sup>th</sup>. All good with November 30<sup>th</sup> meeting.

**Board Member Reports**

- **Representatives & Liaisons Update** – No updates from members
  - Ryan stated the ***Climate Resiliency Working Group*** has broken up into three sub-groups:
    - Apple Country Natural Climate Solutions;
    - Outreach; and
    - Plan Development
- **Community Matters**
  - ***Harvard Press Articles***
    - Brown explained the inception of having an article in the Harvard Press once a month that would be written by a rotating schedule of Board members. The Board members were amenable to the idea. Brown will draft first article, which will be a broad overview of work of the Planning Board for the December issue of the Harvard Press.
  - ***Balloon Trial Photos, 12 Woodchuck Hill Road***
    - Board members discussed a recent request to add photos to the on-going list of comments for the application at this address. After briefly discussing the Board members agreed the person who provided the photos should provide written comments detailing the photos to be included with other comments.
  - Schedule Community Outreach Meeting for ***Ayer Road Transportation Improvement Project***
    - December 17, 2020

**Joint meeting with Conservation Commission Continuation of a Modification of a Special Permit & Driveway Site Plan Approval Hearing – Manganella, 175 Littleton County Road Approval Hearing Discuss Chapter 125-57 Senior Residential Development Bylaw.** Opened at 7:40pm (see page 3 for complete details)

**Scenic Road Consent and a Shade Tree Permit, Henderson, 108 Pinnacle Road.** Opened at 8:42pm (see page 5 for complete details)

**Approve Minutes**

Biering made a motion to approve the minutes for July 20, 2020 as amended. Donahue seconded the motion. The vote was unanimously in favor of the motion by roll call vote; Donahue, aye; Nickerson, aye; Biering, aye; Leonard, aye; and Brown, aye.

**ZBA Request for Comments – 12 Woodchuck Hill Road**

Ryan stated he is concerned that the Board is not getting direct answers from the peer consultant, Isotrope, for this application. Donahue noted Isotrope seems leery to say anything for fear of lawyers. Biering noted the representative for Verizon stated the tower could be constructed at a lower height. Based on the analysis of coverage at various heights Board does not see a reason to allow the variance for the excessive height at 160'. In addition, the Board agrees the variance for the setback could be allowed, however the applicant should provide evidence as to why the tower needs to be located within the setback area. Ryan will draft formal letter to ZBA.

**Chapter 125-57 Senior Residential Development Bylaw****• Review Schedule**

- The schedule is still on track.
- Biering requested the Board members spread the word in regards to the survey.
- Biering and Leonard are discussing the tabulating of the results.
- Kelly has posted the survey on NextDoor Harvard and comments have been good so far.
- All information should flow goes thru Ryan.

**Adjournment**

Donahue made a motion to adjourn the meeting at 10:26pm. Biering seconded the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Biering, aye; Leonard, aye; Brown, aye.

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

**EXHIBITS & OTHER DOCUMENTS**

- Planning Board Agenda November 16, 2020
- Director of Community and Economic Development Update November 16, 2020
- Residential Development, 175 Littleton County Road, Harvard, MA prepared for Luciano Manganella, JOB 181080, prepared by GPR, Inc., August 2020
- Beals & Thomas Review of Notice of Intent (MassDEP File No. 177-0694) & Special Permit Modification, 175 Littleton County Road, Harvard, Massachusetts, B+T Project No. 3241.00, October 27, 2020
- GPR, Inc Response to Peer Review Comments Notice of Intent (DEP CE# 177-0694) 175 Littleton County Road, Harvard, MA, November 11, 2020
- GPR, Inc Response to Peer Review Comments Notice of Intent (DEP CE# 177-0694) 175 Littleton County Road, Harvard, MA, November 13, 2020
- Sewage Disposal System, Ronald Henderson, 108 Pinnacle Road, Harvard, MA, Job No.: 33413, Plan No.: L-13328, prepared by David E. Ross, Associates, Inc., 9/29/20
- HARVARD PLANNING BOARD MEETING MINUTES JULY 20, 2020, prepared by Liz Allard

## **Harvard Planning Board**

### **Joint meeting with Conservation Commission on the Continuations of a Modification of a Special Permit & Driveway Site Plan Approval & Notice of Intent DEP#177-694, Harvard#0820-04 Hearing Minutes**

**Luciano Manganella, 175 Littleton County Road**

**November 16, 2020**

The Planning Board public hearing was opened at 7:40pm by Chair Justin Brown under MGL Chapter 40A the Zoning Act and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

The Conservation Commission public hearing was opened at 7:41pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Planning Board Members Present:** Justin Brown, Fran Nickerson, Stacia Donahue, Gwen Leonard, Jane Biering and Rebecca Kelley (Associate Member)

**Conservation Commission Members Present:** Don Ritchie, Paul Willard, Wendy Sisson, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Liz Allard (Land Use Administrator/Conservation Agent), Matt Flokos (Harvard Press), Bruce Ringwall (GPR, Inc.), Kyle Burchard (GPR, Inc.), Matt Cote (Beals & Thomas), Stacey Minihane (Beals & Thomas)

The Planning Board hearing was continued from October 5, 2020 filed on behalf of Luciano Manganella for modification of the existing common driveway special permit, and the construction of a driveway more than 300' in center-line length, which will include the replacement of an existing culvert and stormwater facilities for the control of stormwater at 175 Littleton County Road, Harvard.

The Conservation Commission hearing was continued from November 5, 2020 for a Notice of Intent for the construction of a single-family dwelling, barn, driveway, culvert replacement and stormwater facilities for the control of stormwater, involving the alteration of an intermittent stream and bordering vegetated wetland and activity within their associated 100' wetland buffer zone at 175 Littleton County Road, Harvard.

Bruce Ringwall and Kyle Burchard, of GPR, Inc, were in attendance to represent the applicant. Ringwall presented an overview of the site, which included a Special Permit for common driveway in 2000. The application before the Conservation Commission (ConCom) is for activity within wetland resource areas, including the existing fire pond. Ringwall stated a small portion of a 34-acre parcel lot is proposed to be developed for a single-family dwelling. Ringwall explained in 2000 when the common driveway was approved the branch leading to this lot was located on the west end of the existing fire pond. However, the new owner is requesting the driveway be relocated to the east end of the fire pond. This will require a new crossing over the existing intermittent stream. The site plan also details the construction of a barn for storage and a studio, which is intended for future development and will require a separate system. Grading for the septic system and the driveway will be within the wetland buffer zones on the site. As for the

proposed driveway, all of the requirement under Chapter 125-29B have been incorporated into the design.

Matt Cote, the Civil Engineer from Beals & Thomas (B&T), peer consultant for both Planning Board and ConCom, has reviewed the project in the aspect of the driveway. Cote stated he has no issues with the proposed slopes and comments in regards to curbing has been reconciled. Don Ritchie asked about the stormwater facilities and if Cote felt they were sufficient to contain the amount of water that will be coming of the driveway. Cote stated he is. Stacey Miniham, also from B&T, stated all comments provided with the first report have been addressed at this point.

Comments received from the Department of Environmental Protection (DEP) have also been responded to by GPR, Inc., with B&T agreeing with the proposed alternatives to file the application with ConCom as a Limited Project.

Ringwall reviewed GPR's response letter. Additional information in regards to the wetland replication has been proved to DEP.

Ryan stated the conditions within the 2000 Special Permit shall be incorporated into this new decision by the PB.

Ringwall stated comments received from the Harvard Fire Department are straight forward, with the easements for the fire pond and driveway covenant on file with the Registry of Deeds and at Town Hall.

A discussion in regards to the septic systems necessary for both the house and the barn was had. With the barn not being constructed in the near future and permits for the house not yet issued, Ringwall asked the Planning Board not tie the decision to the permits for septic.

Donahue made a motion to continue the Planning Board public hearing to December 7, 2020 at 9:00pm. Nickerson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Biering, aye; Leonard, aye; Brown, aye.

Burns made a motion to continue the Conservation Commission hearing to November 19, 2020 at 7:45pm. Shaw seconded the motion. The vote was unanimously in favor of the motion by roll call, Willard, aye; Burns, aye, Sisson, aye, Shaw, aye; and Ritchie, aye.

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

## Harvard Planning Board

### Scenic Road Consent Hearing Minutes

#### Ronald & Sandra Henderson, 108 Pinnacle Road

**November 16, 2020**

The public hearing was opened at 8:42pm by Chair Justin Brown under MGL Chapter 40A the Zoning Act and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Justin Brown, Fran Nickerson, Stacia Donahue, Gwen Leonard, Jane Biering and Rebecca Kelley (Associate Member)

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Matt Flokos (Harvard Press), Dan Wolfe (Ross Associates, Inc.)

This hearing is for Scenic Road Consent filed on behalf of Roland and Sandra Henderson, for the construction of a driveway to serve a single-family dwelling and the removal of A 13" oak tree within the right of way at 108 Pinnacle Road (Lot 1), Harvard.

Justin Brown stated as abutter to this location he has filed a conflict-of-interest disclosure with the Town Clerk.

Dan Wolfe, of Ross Associate, Inc., was present to represent the applicant. Wolfe explained Lot 1 Pinnacle Road is part of the Poor Farm property. The application details the removal of one 13" oak and the removal of a portion of stone wall to create a driveway. The stones removed from the wall will be used as driveway radius. JC Ferguson, Harvard's Tree Warden, questioned if driveway could be moved to the right. Wolfe stated there is a 14" oak in that direction and it would put the driveway within the 50' wetland buffer zone, which would require a waiver from the Conservation Commission. Ferguson wanted to know what would be planted to make up for the loss of the 13" tree. Wolfe stated that replanting of a tree is not a condition of the application, but he would be interested in knowing what Ferguson would recommend. Wolfe also noted the tree in question is within the right-of-way (ROW) and a private resident cannot plant a tree within the ROW. Ferguson did not have a problem with the removal of the 13" tree, but still wanted to know what would be planted in its place. Wolfe offered to add a tree on the private property. Biering asked if Ferguson would like the Planning Board to make it a condition of their decision to replant a tree. Ferguson requested the addition of a tree to be similar to what we required of Lot 3 Pinnacle Road. Leonard noted that due to the age and size of the existing tree being removed there should be a replacement tree to be selected by Tree Warden. This tree shall be zone 6 hardy, native to Massachusetts, 4-6" caliper, and nursery quality with a location to be selected on site by Ferguson.

Ryan noted that the 35' flare at the end of the driveway seemed large compared to the size of the driveway and that rocks removed from the ROW were going to be put on private property now. Ryan suggested that the rocks needed to stay in the ROW as they are the property of the Town of Harvard. Wolfe noted the 35' flair was put in to accommodate moving vans, oil trucks, and most important the fire trucks. The Board determined Chapter 125-39A(5) states that driveway radius should accommodate a truck with 45' training radius. The Board will defer to the Department of Public Works (DPW) to have them review the driveway and the flair.

Leonard stated she visited the site and noted roughly 35 stones make up the opening, which should be placed back to repair the parts being removed. Leonard noted the driveway was wider

than most others on that section and asked that the width be reviewed. Kelley asked what a 'normal' driveway opening was. Ryan stated noted the Board defers to the Department of Public Works and many driveways may have been constructed before current standards were in place. Leonard does not want the Town to lose the stones. Kelley noted the drawing shows the stones reused which she felt was good. Wolfe stated stones would not leave the site or possibly still remain in the right of way. Donahue noted that runoff and heavy rains come down Pinnacle Road can cause a wash out in that area if the stones are removed. Wolfe noted that runoff goes along the side of the road and not along the rocks. Kelley thinks the use of the rocks in the flair will still be in compliance with the scenic road. Leonard asked if the homeowner would be open to granite posts in lieu of the rocks at the opening. Wolfe did not agree to this request. Ryan stated Leonard is working to upgrade the Scenic Road Bylaw and maybe in the future the Board may have different issues, but right now all that can be done is being done.

Donahue made a motion to approve the Scenic Road Consent at 108 Pinnacle Road with the following conditions:

1. Provide new, suitable tree, no more than 4" caliper to be confirmed by the Tree Warden with a location to be selected on site by Tree Warden;
2. Disturbed stones should stay in the public Right-of Way; and
3. Town Planner to confirm minimum requirement for driveway connection with DPW and fire.

Nickerson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Biering, aye; Leonard, aye; Brown, aye.

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