

Action Items	Member/Staff Responsible
Send Ayer Road Project Proposal	Ryan
MRPC Request for Traffic Counts	Ryan

**HARVARD PLANNING BOARD
MEETING MINUTES
APRIL 22, 2019
APPROVED: JULY 1, 2019**

Chair Erin McBee called the meeting to order at 7:00pm 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, Fran Nickerson, Stacia Donahue, Justin Brown, Jarrett Rushmore and Kristin Kelly-Munoz (Associate Member)

Others Present: Liz Allard (LUB Admin), Chris Ryan (DCED), Matt Flokos (Harvard Press), Jason Goyette (Ross Associates), John Boardman (Places Associates), Jennifer Sundeen, Karen Shea, Margaret Nessler, Gwen Leonard, Dharma Copper, Glen Copper, Marty Green, Davida Bagatelle, Rochelle Greayer, Emma Franzeim, Meredith Greayer, Julie Sniffen, Matt Beale, Robert & Theresa Ledoux, Bruce Nickerson, Bill & Robin Calderwood, Tim Kilhart (DPW Director), Len & Judith Schutzman, Teresa Garti, Christian Bilodeau, Susan Mitchell, Sandra Sloan, Dan Dirocco, Karen Braidwell, Lisa Frackiewicz, Steve Hierman, Mark Finnegan (Deputy Tree Warden), Dave Caponera, Mamie Wytrwal, Karen Johnson-Taylor, Tracy Landeryou, Molly Cutler, Josh Bretz, Deb Vellante, Sarah Rosenfield, Jessie Panek, Maureen Reitman and Jennifer Finch

Approval Not Required

➤ **Nestler, 31 Cruft Lane**

Donahue made a motion to endorse the plan entitled “Plan of Land in Harvard, Mass. owned by Margaret Coyle Nessler”, Job No. 31002, Plan No. L-13821, prepared by David E. Ross Associates, Inc., dated April, 2019. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

➤ **Ayer Harvard Nominee Trust U/D/T, 154 Shaker Road**

Rushmore made a motion to endorse the plan entitled “Approval Not Required Plan (ANR), off Shaker Road, Ayer & Harvard, Massachusetts prepared for Aho Development Corp”, Project No.: 5320, Plan No. 5320 ANR, prepared by Places Associates, Inc., dated April 2019. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Board Members Reports – Committee Activities

Kelly-Munoz stated the Community Preservation Committee met to extend the sunset date of the funds allocated for the renovations to the entry at the old library. Kelly-Munoz also reported the structure which the State provides fund under the Community Preservation Act may be changing, which would allocate more funding for each community.

McBee noted the Municipal Vulnerability Preparedness Subcommittee will be holding its last workshop this Thursday in the Town Hall Meeting Room; all are encouraged to attend and to take the survey that is available on the Town website.

McBee will be attending the Select Board meeting tomorrow night to present the proposed bylaws for the upcoming Town Meeting.

Director's Update

Ryan stated a recent Unified Permit from the Devens Enterprise Commission for Jackson Road does not show enough detail within the traffic study. The plan also details the doubling of the number of loading bays at this location. The public hearing is scheduled for April 30th.

Ayer Road Project Proposal

Ryan is seeking feedback from the Board on the first draft of the Ayer Road Corridor Planning Framework. It was recommended to send to the former members of Economic Development Committee members for feedback as well.

Montachusett Regional Planning Commission (MRPC) Request for Traffic Counts

McBee reviewed the roadways to be completed this year. Ryan recommended additional counts for Still River Road, Old Shirley and Prospect Hill Roads, Oak Hill/Woodchuck Hill Road (related to use as cut-through), Littleton County Road (related to use as cut-through) and Bolton Road. Department of Public Works has one request for Slough Road as part of a grant process for a project for that road. Ryan will follow up MRPC on the additional locations.

Scenic Road Consent and Shade Tree Hearing – Department of Public Works, Littleton County Road, between Whitney Lane and Sherry Road. Opened at 7:35pm (see page 3 for complete details)

Continuation of Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, Amendments Hearing. Opened at 8:52pm (see page 5 for complete details)

ZBA Request for Comments

➤ 20 Cleaves Hill Road

Ryan recommends approval of the Variance as long as hardships are not self-imposed or the property does not have any deed restrictions or notations on any Approval Not Required plans noting "this is not a buildable lot"

➤ 44 Littleton County Road

Ryan recommends the approval of the Special Permit as long as the requirements under Chapter 125-18.1B(2), A(3) and (5) – (8) are met.

Election of Vice Chair

After a very brief discussion, Rushmore made a motion to elected Brown as the Vice Chair of the Planning Board. Donahue seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Donahue made a motion to adjourn the meeting at 9:33pm. Brown seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Liz Allard, Clerk

Harvard Planning Board

Scenic Road Consent and Shade Tree Hearing

Department of Public Works, Littleton County Road, between Whitney Lane and Sherry Road

April 22, 2019

Chair Erin McBee opened the public hearing at 7:35pm in the Town Hall Meeting Room, 13 Ayer Road, under M.G.L. by M.G.L Chapter 40, Section 15C and Chapter 87 Section 3, and the “Code of the Town of Harvard” as amended, Scenic Roads Chapter 90

Members Present: Erin McBee, Fran Nickerson, Stacia Donahue, Justin Brown, Jarrett Rushmore and Kristin Kelly-Munoz (Associate Member)

Others Present: Liz Allard (LUB Admin), Chris Ryan (DCED), Matt Flokos (Harvard Press), Jennifer Sundeen, Karen Shea, Margaret Nessler, Gwen Leonard, Dharma Copper, Glen Copper, Marty Green, Davida Bagatelle, Rochelle Greayer, Emma Franzeim, Meredith Greayer, Julie Sniffen, Matt Beale, Robert & Theresa Ledoux, Bruce Nickerson, Bill & Robin Calderwood, Tim Kilhart (DPW Director), Len & Judith Schutzman, Teresa Garti, Christian Bilodeau, Susan Mitchell, Sandra Sloan, Dan Dirocco, Karen Braidwell, Lisa Frackiewicz, Steve Hierman, Mark Finnegan (Deputy Tree Warden), Dave Caponera, Mamie Wyrwal, Karen Johnson-Taylor, Tracy Landeryou, Molly Cutler, Josh Bretz, Deb Vellante, Sarah Rosenfield, Jessie Panek, Maureen Reitman and Jennifer Finch

This hearing is for Scenic Road Consent and a Shade Tree Permit filed on behalf of the Harvard Department of Public Works for removal of the following trees along Littleton County Road, between Whitney Lane and Sherry Road:

- 34-inch Maple marked as tree #5;
- 36-inch White Oak marked as tree #8;
- 42-inch White Oak marked as tree #10;
- 34-inch Ash marked at tree #12; and
- 18-inch Norway Maple marked as tree #13

Erin McBee read into the record a letter from the Harvard Tree Warden, JC Ferguson, deputizing Mark Finnegan as Tree Warden for this public hearing.

Tim Kilhart, Director of the Harvard Department of Public Works, read a statement which detailed the proposal for Littleton County Road, which includes the removal of the above mentioned trees to reduce “pinch points” along the roadway, as well as improve safety during winter months. There is no plan to widen the roadway from its existing 20’.

Mark Finnegan, Deputy Tree Warden, stated from a historical aspect this trees were discussed when he was the Tree Warden a number of years ago. The trees create a traffic calming effect as Littleton County Road is a cut through to and from Route 495 and/or Route 2. The safety element could be looked at as an increase in speed and traffic with the removal of these trees as well as the safety aspect stated by

Kilhart. Finnegan read the prepared statement of JC Ferguson, which detailed his recommendation to remove trees #12 and #13 and not to remove trees #5, 8 and 10.

Kelley-Munoz asked if Finnegan had any recommendation for replanting of additional trees. If trees are to be removed Finnegan would recommend the replanting of trees. Rushmore asked the extent of the damage to the trees that are recommended for removal. Finnegan stated ash trees in general are in decline and one of the trees is hollow in the back. Rushmore asked about any ability to save the trees that are declining. Christian Bilodeau, the former Tree Warden, stated the decay is too far along to save the tree. Brown asked Finnegan if his evaluation on the scenic element of the roadway is as the Tree Warden or as a resident of Harvard. Finnegan stated he feels they go hand and hand, as you are protecting trees that are on the roadside of the scenic road.

Twelve different residents came to the microphone to express their objection to this request. Statements made included adding signage that would not allow trucks along this part of the roadway; people drive fast on that road already and removal of trees would increase that even more; as cut-through this would only increase that aspect; and what other safety mechanisms can be implied to reduce the safety issue.

A petition with over 1,000 signatures was given to the Board requesting the trees be saved. Comments received on that petition were submitted as well. Additionally, a copy of "Harvard Reconnaissance Report" was submitted, which details Littleton County Road as "Scenic road with farms and woodlands, great views across orchard and open land. Tree canopy".

In response to the statements made by the public, Kilhart stated any proposed truck route would have to have alternative routes for the trucks; speed limits are a Police Department issue and not a Department of Public Works; changing speed limits requires studies and could result in an increase of the current limit as opposed to a decrease; making the road a one-way would require a large detour and place traffic on other roads.

The Board deliberated on the matter for some time, taking into consideration any potential liability on their part should they not allow the trees to be removed; addressing the decaying trees, but keeping the healthy ones; the existing "pinch points" acting as a natural slow-down point along the roadway; and re-assessing the trees after the roadway is paved. McBee felt that the recommendations of the tree warden (retain 3 trees and take down 2 unhealthy trees) should be followed.

Rushmore asked the tree warden's deputy whether it was reasonable to continue to monitor the trees health to which he replied affirmatively.

Rushmore then made a motion to close the hearing to deny the request to remove any of the trees along Littleton County Road and ongoing monitoring of the trees. Nickerson seconded the motion. The vote was 3-2, with McBee and Brown opposed to the motion.

Signed: _____ Liz Allard, Clerk

Harvard Planning Board

Continuation of Protective Bylaw Amendments, Chapter 125 of the Code of the Town of Harvard

April 22, 2019

Chair Erin McBee opened the public hearing at 8:52pm 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, Fran Nickerson, Stacia Donahue, Justin Brown, Jarrett Rushmore and Kristin Kelly-Munoz (Associate Member)

Others Present: Liz Allard (LUB Admin), Chris Ryan (DCED), Matt Flokos (Harvard Press) and Maureen Reitman

125-57 Erosion Control

After a brief discussion Donahue made a motion to accept the revisions to the proposed Chapter 125-57 Erosion Control, as presented this evening. Nickerson seconded the motion. The vote was unanimously in favor of the motion amongst the members eligible to vote.

125-56 Groundwater Protection Overlay District

Ryan reported the State did not approve the revisions made with the exception of the change that only the area of a property of a lot within the zone would be subject to the regulations and further explained that Littleton and Ayer would constantly be requested Harvard accept the State standards. The amendments to the bylaw would be limited to protection for the drinking water wells and the land area within the district being subject to the bylaw and not the entire property as previously approved. The Water and Sewer Commission did not support the bylaw protecting just the drinking water wells.

Brown made a motion to accept the revisions to Chapter 125-56 Groundwater Protection Overlay District, as presented this evening. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Brown made a motion to continue the hearing to May 4, 2019 at 8:15am outside The Bromfield Gymnasium. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Planning Board Agenda, dated Monday April 22, 2019

Report of the Director of Community and Economic Development, April 22, 2019

Approval Not Required

- Plan of Land in Harvard, Mass. owned by Margaret Coyle Nessler, Job No. 31002, Plan No. L-13821, prepared by David E. Ross Associates, Inc., dated April, 2019.
- Approval Not Required Plan (ANR), off Shaker Road, Ayer & Harvard, Massachusetts prepared for Aho Development Corp, Project No.: 5320, Plan No. 5320 ANR, prepared by Places Associates, Inc., dated April 2019

Scenic Road Consent and Shade Tree Hearing – Department of Public Works, Littleton County Road, between Whitney Lane and Sherry Road

- Letter from Office of the Harvard Tree Warden, Deputizing Mark Finnegan in the absence of JC Ferguson, dated April 16, 2019
- Littleton County Rd. Tree Hearing, statement of Tim Kilhart, Department of Public Works Director, undated
- Letter from Office of Harvard Tree Warden, to the attendees, expressing JC Ferguson's recommendations of the tree along Littleton County Road, dated April 16, 2019-06-13
- Change.org, Recipient: Harvard Planning Board, emcorchid@yahoo.com, Letter: Greeting, Alert! Save Harvard's Beautiful Trees on Littleton County Road, Signatures, undated
- Change.org, Recipient: Harvard Planning Board, emcorchid@yahoo.com, Letter: Greeting, Alert! Save Harvard's Beautiful Trees on Littleton County Road, Comments, undated
- Harvard Reconnaissance Report, Freedom's Way Landscape Inventory, Massachusetts Heritage Landscape Inventory Program, dated June 2006

Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, Amendments Hearing

- §125-56 Groundwater Protection Overlay District, warrant version with edits
- §125-57 Erosion Control, warrant version with edits