

**Harvard Planning Board  
Meeting Minutes  
March 5, 2007  
Approved: March 19, 2007**

Chairman Mary Essary called the meeting to order at 7:34pm in the Kitchen of the Town Hall.

**Members Present:** Mary Essary, Barbara Brady and Joseph Sudol

**Others Present:** Bonnie Chandler (Harvard Post)

**Minutes**

Brady made a motion to accept the minutes of February 12, 2007 as amended. Sudol seconded the motion. The vote was unanimously in favor of the motion.

**Review of Sub-Committees and other Town Committee Appointments**

Essary reviewed the Planning Board (PB) subcommittees and other committees the PB are involved with. The PB needs to submit a name for the Community Preservation Committee since Ashe has resigned from the Board. Brady is currently the liaison for the Housing Partnership. Minar is the liaison for the Ad Hoc Committee for the Shaker Golf Course proposed 40B.

**Discussion of vote for Warrant Articles**

Essary would like to postpone this discussion until next meeting when our minds will be fresh and others may be in attendance.

As for the Museum Bylaw, Essary would like an executive session with Board of Selectmen (BOS) and Zoning Board of Appeals (ZBA) to determine what the outcome would be with the approval of this amendment. Essary feels the PB should not overturn another Boards decision without having complete information.

After some discussion, it was agreed that it would have been better for the BOS to approach the PB directly, and perhaps schedule an executive session at the beginning; however, even if late this will be very useful.

Essary has done some back round on the original work for §125-1. She has found the 1968 town report in which this section was revised, which Liz included in the packets. Essary suggested each of the members read through it before the next meeting when the bylaw warrants are reviewed. Essary added that the issues raised in 1968 are almost identical with those we are trying to cover and in some ways Sudol's revised version of §125-1 is an even better match. Brady asked if we should have comments from Phil Shutt, who was on the PB at that time; Essary will try to get a hold of him for comment.

**Certification of Accessory Apartment**

Brady stated the feed back from the BOS was very positive at their meeting on February 27th. Brady stated the BOS asked if the last line in Section 2 of Home Rule Petition will not include someone if there is tenant turn over during the year. Brady has found out the answer is no, as long as the five criteria are met and they are following the letter of the law you would be considered to be in compliance. Lanza was contacted with a revision to further explain this section and he has approved it.

Sudol asked if there is a reason Brady used low income and not low and moderate income. Brady explained the language came from the Providence Town criteria. Brady will look into it and see if it should be edited on the floor at Annual Town Meeting (ATM). Section 1 is a little vague and Brady will confirm with the Department of Housing and Community Development (DHCD).

Essary thinks we should talk with ZBA about an amnesty clause, and perhaps with the Board of Health as well. Brady reminded the board that for an existing accessory apartment, there would

be no changes in number of bedrooms, so BOH would not be involved; this was investigated in preparing the accessory apartment bylaw last year. Essary asked if the five criteria document would go to DHCD and not the owner. Brady stated this is correct, the document is just for DHCD and an application would need to be drafted separately for the homeowner. Lanza is reviewing the deed restriction Brady has marked up to adjusted it to be used for accessory apartment.

Essary asked if the rental prices in #1 of the five criteria include utilities. Brady stated the 30% of income for housing has to include utilities. DHCD will not allow family members be a participant of the lottery. Brady would suggest making a lottery be local preference. Essary asked if you could define local as someone who works for the Town. Brady will need to look into this requirement.

The next step is to iron out issues with DCHD and let them know we are working on the deed restriction with Town Counsel. Essary asked what happens if you win the lottery for the affordable unit and then triple your income, are you still able to keep the apartment. Brady stated you have to certify your eligibility each year, so she would think this would be reviewed. She will verify with DHCD.

Brady will create a list of the criteria for residents to review for ATM. Essary suggested creating the check off sheet that will be used by homeowners and then it will complete.

Essary went on to say this has been a full time job for Brady and all of the work she has put in it has been a great gift to the town.

#### **Harvard Library Special Permit**

Essary explained the library is closing this week in order to begin the move into the new facility. Within the Special Permit issued, Conditions IV, states "Prior to substantial site work, including but not limited to rough grading of the final driveway and associated site work, a set of final plans shall be submitted to the board for review and approval". Letters were submitted by GPR and the architect, CBT at the beginning of February. These letters were in response to a letter submitted by Hamwey Engineering, who does inspections for the Board. At that time Hamwey had several outstanding issues with the project. Roy Moffa and Pete Jackson have also been made aware of these issues. The Board has been invited to tour the new facility by Moffa and Jackson. The comments from Hamwey need to be reviewed by the Board. Hamwey comments related to most of the early conditions. The letter from cbt<sup>40</sup> states lighting plans were submitted at the time of application. Essary does not remember this being submitted. Essary asked Sudol to review the plans prior to the tour for the Board. Essary will call Jackson to set up a tour, tentatively 9:00 this coming Saturday.

#### **ZBA Request for Comments – MHOC, 15 Littleton Road Comprehensive Permit**

Essary stated that Sudol's comments on the application were good. Sudol thinks the affordable units do not have garages and if they do not there is no parking spaces allocated on site for these units, which will cause a safety issue and could create increased impervious surface. Brady stated during the Ad Hoc meetings that the garage issue was raised, but she thought it had been addressed. Essary asked if anyone asking about using a LEED architect or if these are constructed as energy saving units. Brady did not think this subject was discussed at the Ad Hoc meetings. Sudol stated that all builders have to do is meet building codes. Essary thought that this was odd, given that the financial limits consider utility costs.

An additional comment was added in regards to adding an additional affordable unit.

#### **MHOC 262/264 Ayer Road Comprehensive Permit**

Essary would like to go to the Conservation Commission (ConCom) meeting and support the environmental concerns regarding the plans that have been submitted, with a well in the wetlands, and building in the buffer zone. If there are constraints on the site maybe this is not the

right plan for the project. Essary has reviewed the Planning Board (PB) minutes for a time line of this project, and the wetlands were mentioned from the very first presentation. Essary does not think there one could apply a case of hardship to the site, at least not by the zoning definition. Essary would really like to support the ConCom. The board agreed that the project as it stands is not supported by the PB because of the many environmental concerns that. Sudol stated that the ZBA position is that just because it is a LIP project signed by the BOS does not mean all of the boards are in acceptance, nor that concerns of other boards can be ignored.

Essary would like to voice the Boards concerns and support the Kathy Fricchione letter. Brady thinks if concerns are addressed they should be from Planning Board and not in conjunction with an abutters or any other concerned resident; the Fricchione letter was not from the Ad Hoc committee, but from an individual. Essary will draft a letter to include the comments from the March 21, 2005 meeting of the PB. This letter should be addressed to the ZBA and copied to ConCom. Some of the PB concerns are that the wetland is a large resource connected to Bower's Brook, the size of the septic system with extensive mounding and the soil conditions may not be to support the septic system.

### **Adjournment**

Brady made a motion to adjourn the hearing at 9:50pm. Sudol seconded the motion. The vote was unanimously in favor of the motion.

Signed: \_\_\_\_\_  
Barbara Brady, Clerk (in the absence of McGuire Minar)