

**Harvard Planning Board
Meeting Minutes
March 19, 2007
Approved: April 23, 2007**

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

Members Present: Mary Essary, Barbara Brady, Joseph Sudol and Peter Brooks

Others Present: Bonnie Chandler (Harvard Post), Mark Lanza, David Le Roy (Ross Assoc.), Larry Finnegan, Peter Jackson (Library Building Committee) and Roy Moffa (Library Building Committee)

Minutes

Sudol made a motion to accept the minutes of March 5, 2007 as amended. Brady seconded the motion. The vote was unanimously in favor of the motion.

ANR Endorsement – Callahan Trust, Bolton Road

David Le Roy, of Ross Associates, was present to represent Callahan Trust. Le Roy stated the parcel in question is almost 22 acres with frontage on Bolton Road. The ANR plan in front of the Board is to create a parcel of 35,366 square feet from the 22 acres. The reason for the parcel is unknown. Sudol commented as configured it will not give the property owner the opportunity to divide her lot into two building lots. Brooks made a motion to endorse the Callahan Trust ANR plan for a 35,366 square foot parcel on Bolton Road. Brady seconded the motion. The vote was unanimously in favor of the motion.

Shaker Hills Golf Course – Chapter 40B

Minar-McGuire was not present to update the Board of the ad hoc committee's progress for this project. This item will be on the agenda for the April 2, 2007 meeting.

Certification of Accessory Apartments

Since our last meeting Brady has spoken to the Department of Housing and Community Development (DHCD), in regards to the question that arose. Brady explained "moderate" under the LIP criteria is strictly according to the Housing and Urban Development (HUD) language. The formula used to determine the rates are based on HUD income guidelines. Brady has prepared a chart for the certification form. Essary believes the one thing that will become increasingly important is the cost of the utilities.

At the previous meeting Essary had asked what would happen if tenant's income increases: do they then become disqualified for the apartment? Brady stated DHCD guidelines stated that they do not want to create a disincentive to grow and they will allow the rent to float to 140% of what the original rent was. If the tenant can afford more, then the difference can actually go into the Town's affordable housing trust fund. Larry Finnegan wanted to know if Brady has spoken with the Harvard Conservation Trust, as they have a very good plan in place currently. Brady stated this is something she still needs to do.

Brady stated the Town has a couple of rental scenarios they are going to need to deal with. There still has to be a lottery process but the owner has the opportunity to choose the tenant.

As for local preference when a lottery is conducted, is it acceptable to have two applicants from a local list and one from outside of Harvard as the choices for the owner.

Essary asked if there would be a handout for town meeting. Brady stated she has been drafting a version that would be the worksheet someone would pick up at Town Hall to apply for certification. Both Essary and Brooks would like to see the last draft when available.

Brady stated the general feedback and response she has received from DHCD has been positive. Brady stated Lanza is reviewing the deed restriction she has drafted.

Library Special Permit Conditions Review and Approval

Essary thank both Peter Jackson and Roy Moffa for the two tours they had given over the weekend to the Planning Board members. Essary stated one of the things we want to be sure to get cleaned up with the Special Permit are items IV a –f, under Conditions and Limitations on Excise of Special Permit.

Jackson explained as part of the bid package a plan was submitted showing all of the walkways and the flares. The Fire Chief wanted two vehicle accesses in the event of an emergency situation. This would require a minimum 18 foot width, although that would be tight for e.g. a fire truck and a regular passenger vehicle. The as-built will show the exact size which is about 21 feet, slightly reduced from the original plan. Essary must admit it seems in scale with Pond Road. The Chief was concerned that if the area was jammed up at the end of the parking lot he wanted an additional way to get trucks in/out. It was explained there is just a small portion of the building that an emergency vehicle can not get to, but there is also a provision for entrance from Mass Ave.

The landscaping by the garden club switched some of the trees once the site lines were achieved. There have been no changes to the drainage. An outlet pipe that had ice in it may have issues and some of the wicks have top soil in them. Once the spring weather arrives they will come back to clean up those areas. Soil was lost during the first seeding due to wash out. This satisfies condition IV c.

As for condition IV d signage will be added that states “one way do not enter”. Condition IV e, the plan shows the stations from Pond Road to Pond Road with a side profile. The low point of the drive will need to be lowered a bit more.

Condition IV f, lighting plan is shown on Plan L401 which will be used. There will be six lamp posts and two small posts on the steps. The plan includes small exterior lights that stay on for fire safety at the emergency egress. Signage plans will be presented to the historic commission. The State will require a small blue library sign at the road.

Brady made a motion to accept the plans received tonight as well as plans previously received and the requirements per Condition IV a –f of the Special Permit have been satisfied. A letter will be sent to the Library Trustees and copied to Gabe Vellante, the building inspector and Hamwey Engineering. Sudol seconded the motion. The vote was unanimously in favor of the motion.

Discussion of Vote for Warrant Articles

Members discussed who would speak on behalf of the Board at the Annual Town Meeting (ATM). Brady will represent the Board for the Home Rule Petition. Sudol will cover the changes to 125-1. Essary or Minar-McGuire will cover the driveways. A written report is required for town meeting.

Lanza stated Fruitlands will discontinue the lawsuit if the museum bylaw is passed. If there are any deviations of the bylaw there will be no withdraw of the lawsuit. Essary asked what if there is an amendment made on the floor. Lanza does not know the answer to that as of yet. The changes made by Bill Marinelli, if acceptable to Planning Board, will need to be amended at ATM.

Lanza explained his definition of museum is a combination of Webster dictionary definition and a statement made by the National Organization of Museums. Essary asked about the reasoning on the terms “literary and benevolent”. Lanza explained they are used to avoid the opposite

coming into Town. Sudol stated it seems these words were taken from Fruitlands charter. Lanza stated they were not; in fact they are from the National Museum Organization. Lanza stated the question is would both of the current museums meet this definition, and the answer is yes.

Lanza agreed to add "group of buildings" to the definition. Essary believes "non-profit" should be kept because that is the wording that requires or does not require review. The definition was further tweaked by the members. The final agreement was the following:

Museum – a building or group of buildings operated by a non-profit educational, literary and benevolent organization, institution, or the Town of Harvard in the service of society and its development, which is open to the public, and in which activities to acquire, conserve, research and exhibit, for the purpose of study and enjoyment, materials evidence of people and their environment, especially objects of artistic, historical or scientific importance and value are conducted.

Essary wanted to be certain putting "Town Uses" in front of 125-16D was acceptable. Lanza stated it was.

In section 125H b, Sudol suggests adding "temporary" before on-site social function facility. Essary suggested stating "permanent or temporary". Sudol is all right with taking out temporary if his language previously discussed is accepted. Sudol is concerned without this language you would be allowing events to occur that we do not want. Lanza explained the Board of Selectmen (BOS) has to issue several licenses with all sorts of requirements before any event can take place. Sudol asked how will issues such as noise, hours of operation and traffic be controlled. Lanza explained he would advise the BOS on these matters, which he would make certain they issued a permit that incorporated the conditions set forth within the ZBA decision.

Members agreed that 125-16H b could remain as written.

Sudol has had recommendations given to him in regards to 125-16H c for the percentage of the total area. Lanza stated the Board can not take on this type of a change at this time because it is outside the scope of the legal advertisement.

Essary asked if 125-16H d should be deleted. During discussion it was pointed out that the IRS rules over funding sources for a non-profit organization, and that this could be interpreted to be less stringent than those rules at worst, and at best was redundant or could cause confusion. The members agreed it should be deleted.

Members asked if 125-15H e set back only apply to places that have a permanent eating establishment. Lanza stated the law only allows issuing liquor licenses to eating establishments with 100 or more seats only. The concern of the Board is does this unwittingly undo what the HHS is already doing. Lanza stated the only thing it does is enforce the State laws that are already in place. The activities of the HHS would not be regulated by this Bylaw. Members agreed to add "pursuant to an alcoholic beverage license" after "sold" in section 125-16H e to make this completely clear.

Essary would like to vote to recommend or not recommend the articles, but wait to vote on the Museum Bylaw Article until we have heard what the reaction is with all other parties involved. Lanza thinks this is an unusual situation for a Planning Board, but agrees with it. Lanza suggest the Board come to BOS meeting tomorrow night to discuss the issue further.

Essary stated Bylaw amendment 125-1 has not been given its due, considering the time Sudol has put into it. Wording was tweaked, Sudol will make correction.

Essary made a motion that the Planning Board recommends approval of the amendments but not the museum bylaw at this time. Brady seconded the motion. The vote was unanimously in favor of the motion.

Chapter 40B Application - MHOC Ayer Road

Essary drafted a letter to the ZBA giving the history of the discussion had with MHOC prior to filing an application. The letter also expressed the environmental constraints on the property. Brady suggested the letter reference the Ayer Road site, since MHOC has two 40B projects in Town. Brady made changes and Essary will correct and resend for the members to review.

Adjournment

Sudol made a motion to adjourn the meeting at 10:33pm. Brady seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Barbara Brady, Clerk (in the absence of Minar-McGuire)