

**Harvard Planning Board
Meeting Minutes
April 23, 2007
Approved: June 4, 2007**

Chairman Mary Essary called the meeting to order at 7:37pm in the Hapgood Room of the former Library.

Members Present: Mary Essary, Barbara Brady, Kara McGuire Minar, Joseph Sudol and Peter Brooks;
no Member Absent

Others Present: Paula Johnson, Valerie Hurley (Harvard Press), Robert Marhefka, Edmond Plante, Bruce Ringwall (GPR, Inc.), Rich Maiore and Austin Franklin

Minutes

Sudol made a motion to accept the minutes of March 19, 2007 as amended. Essary seconded the motion. The vote was unanimous in favor of the motion.

Sudol made a motion to accept the minutes of April 2, 2007 as amended. Essary seconded the motion. The vote was unanimous in favor of the motion.

Election of Officers

McGuire-Minar made a motion to elect Essary and Sudol as Co-Chairs of the Board and Brooks as the Clerk. Brady seconded the motion. The vote was unanimous in favor of the motion.

Letter from Bob Lerner

Essary stated each member had received a copy of a letter dated April 9, 2007 from Bob Lerner expressing his concerns of the procedure that was taken at the Annual Town Meeting (ATM) in regards to the changes of the Protective Bylaw, 125-1, Purpose. Essary explained once we get closer to next year's ATM we may want to take this in to consideration, and contact Bob personally to let him know about the hearings.. Sudol could not understand what it is Mr. Lerner was getting at with regard to the references to MGL. Essary will forward the letter on to Town Counsel to see what he has to say about it.

Essary had a conversation with Bob and reassured him that not having the text in the warrant article prior to ATM was not the board's intention, but simply a communication issue, and that was why the board withdrew the article. Sudol also noted that it would be easier to respond to questions if there were a better correlation between the strikeout and the new text for the next ATM.

Appointment to Community Preservation Committee

By law, the CPC is required to have a regular member of the PB on the CPC. McGuire-Minar is willing to serve as the representative to the Community Preservation Committee as long as someone else can be on the Town Center Planning Committee (TCPC). Essary is willing to serve as the TCPC representative. This is a direct subcommittee of the PB.

Freedom's Way - Scenic Road Initiative Pilot

Essary explained to the members an email had been received from Steve Rowse requesting the attendance of a representative from the Planning Board at a meeting being held on Thursday April 26 in the Town Hall meeting room to discuss with the Department of Conservation and Recreation the piloting of a Scenic Road Initiative in the town of Harvard. Essary is willing to attend the first meeting but may not be able to attend others. McGuire-Minar pointed out that Still River Road is not listed as scenic. Roads that are considered scenic are those with stone walls and trees. It seems to McGuire-Minar that other roads should be considered scenic for reasons other than trees and stonewalls. Essary and, if possible, McGuire-Minar will attend the initial meeting.

ZBA Request

Requests have been received from the ZBA for two Special Permit applications before them. Coots/Bernhardt at 14 Ayer Road will be reviewed by Essary. And Schmidt at 58 Bolton Road will be reviewed by Sudol. Draft letters will be prepared for review at the next Planning Board meeting.

ZBA Waiver Request Letter

A letter has been received from the ZBA requesting comments to the requested waivers of the Protective Bylaw, Chapter 125, by Massachusetts Housing Opportunities Corporation for the two applications they currently have before them. Essary suggested members review the waivers prior to the next meeting. Brooks will draft a letter to the ZBA, which will be reviewed at the next meeting. .

Plan Modification- Maka, Stow Road, Map 38 Parcel 12

Hamwey Engineering has reviewed the plan submitted to the Conservation Commission requesting an amendment to the Order of Conditions issued to them on October 16, 2006. Rob Oliver, of Hamwey, reviewed the plans and has communicated that the changes are not considered deminimus and a request for a modification should be filed with the Planning Board. A letter will be sent to Steven Maka and GPR, Inc.

ZBA Request – Callaghan, 32 Turner Lane

Sudol drafted a letter in regards to the ZBA request for comments on a Special Permit application filed on behalf of Michael Callaghan at 32 Turner Lane. The members accepted the letter and requested it be submitted to the ZBA.

Informal Review of Plan – Old Mill/Ayer Road

Bruce Ringwall, of GPR, Inc., Ed Plante and Robert Marhefka were present. Mr. Ringwall explained a revised plan has been submitted for the member's comments, which they believe follows all of the bylaws and would not require any waivers. The property is about 11.5 acres located on the corner of Ayer and Old Mill Road. A mixed-use residential/commercial plan has been developed. Buildings have been downsized to allow for a traditional Title V septic system. The commercial building would have its own septic system. Mr. Ringwall explained under mixed use, 30% of the site shall be commercial; the new plan meets that number. The change of the type of septic system has reduced the number of residential units to 61 units. These units will be assisted living, consisting of two and half story buildings. Storage has been provided for each unit. Commercial use within the residential portion will be in the common area of those buildings and geared toward the inhabitants.

The commercial building will be two stories. Set backs are at the 125' requirement on both Ayer Road and Old Mill Road, which is one reason for parking in front. A Special Permit will be needed for the building size. The use of firewalls within the residential structures will create five different structures. The wells are just outside the wetlands, with no disturbance within the wetland, but disturbance within the buffer zone. Essary asked what the possibilities are for the commercial space. Mr. Ringwall stated the space could be used for retail or commercial use. At this point in time the client wants to stick with a Title V septic system and any other type of use within the commercial space would require a ground water discharge permit from the Department of Environmental Protection. The residential units are all one bed room. There could be possible variation in the size of the units.

Brady asked if the owner has any thoughts as to what type of ownership these would be. Not as of yet. Brady stated this could meet a lot of needs within Town. She added rental units with a portion of affordable units would count all of the units into the Towns affordable stock. Ed Plante stated it will all have to come down to finances. McGuire-Minar asked if they are going to be for sale units will any of them be affordable. Mr. Plante stated they have not gotten that far yet because they were not sure how the Board was going to be looking at their own bylaws. The applicant was informed the Town would be

very favorable to a portion of affordable units. Mr. Plante thinks if you make affordable units, people from Harvard may not want to live in a building that consists of individuals from other areas.

Sudol asked if on the commercial side you are limiting the use because of the septic flow. Mr. Ringwall stated yes. McGuire-Minar asked if they knew what the average price is to buy into something like this. Mr. Plante stated the cost is actually very high. McGuire-Minar asked if there are equal parking spaces in both the commercial and residential areas. Mr. Ringwall stated there is more in the commercial portion. It could be modified as needed.

Essary stated the next step is for the Board to review the plan and the notes on it. Mr. Ringwall noted on the conservation issue with the well is once it is installed you would only have to go out to it to maintain it so there will be a service road to it.

Brook stated there would be concerned with the parking, the number of spaces, as well as the parking right on the road. What type of screening will be used in these areas? Mr. Ringwall will work with the owner to answer the questions asked this evening. The discussion was continued to May 7, 2007 at 8:15pm; Ringwall will forward an enlarged copy of the numerical analysis to the board. .

Potential Associate Members: The Board interviewed two potential associate members.

Rich Maiore has recently moved back to Town; he grew up in Town. Since his father was very active as a volunteer on various boards, he feels that he is very familiar with historical background of many issues, as well as understands how different boards interact. He has a background in Public Policy and is currently working for Cone, Inc. Mr. Maiore feels Harvard is in a very unique time with development. McGuire-Minar asked what he thought about Shaker Hills and the Ayer Road developments. Mr. Maiore would not want to give his opinion since he does not have the background on the projects. Mr. Maiore was asked if he has any top topics in Harvard that he finds interesting. Mr. Maiore stated development of the Ayer Road corridor.

Austin Franklin has lived in Town for 20 years. Mr. Franklin was on the Technology Board in the early 1990s. Mr. Franklin is on a number of different nonprofit boards, and has done some work with Peggy Kempton at Fruitlands. He is an engineer by profession and does a lot of legal work involving pattern issues. He is currently self-employed. As far as Town Planning one of the issues he has had with development here in Town is people following the rules, mentioning the retaining wall on Poor Farm Road as an example. When he sees different opinions between two different engineers it is disheartening. Mr. Franklin has concerns with the over loading of the school systems. He is not against development, as long as it is appropriate.

The Board thanked both gentlemen for attending the meeting and their shared interest on being an Associate member of the Board.

Shaker Hills Golf Course – Chapter 40B

McGuire-Minar stated there was not much to report. The needs of the Town are not being properly addressed. McGuire-Minar has concerns the impacts the Town faces with such a large development are being over looked at this point.

Adjournment

Sudol made a motion to adjourn the meeting at 10:00pm. Brooks seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Peter Brooks, Clerk