

**Harvard Planning Board
Meeting Minutes
October 1, 2007
APPROVED: November 19, 2007**

Chair Mary Essary called the meeting to order at 7:43pm in the Bromfield School Library

Members Present: Mary Essary, Joseph Sudol, Barbara Brady, Peter Brooks and Leo Blair (Associate Member)

Others Present: Liz Allard (LUB Admin), Phil and Lynne Wood, Steve Nigzus, Bruce Gallagher, Richard Breyer (Harvard Hillside), Ruth Silman, Annette Rosenthal and Eric Broadbent

Scenic Road Violation

Lynne and Philip Wood were present to discuss a possible violation of the Scenic Road M.G.L. Chapter 40 §15C and the Code of the Town of Harvard Chapter 90. The Woods explained that during the installation of their septic system the contractor went through a stone wall on a designated scenic road. The Woods explained no trees were disturbed. A letter was also submitted from Ratta, the contractor who has done the installation of the septic system. The Woods were asked if they knew where the Right of Way (ROW) is on their property. They stated they did not. Sudol asked if they had any pictures as to where the stones were before they were moved. Dr. Wood stated no, but if you look at the pictures you can see where they removed this scattering of rocks that creates this wall. Brooks stated that M.G.L. does not say anything about the temporary displacement of a stone wall, which this clearly is. Blair does not think this is even a wall. Brooks stated the issue is do the Woods need to go through the entire permitting process. Essary thinks a letter should be written stating that this is a temporary change with no substantial change to the existing stone wall. Sudol made a motion to writing a letter to the Woods and copy the Highway Director and the contractor rather than requiring Scenic Road Consent. The letter should state the stones are to be replaced when the work is complete. Brooks seconded the motion. The vote was unanimously in favor of the motion. Essary will write the letter.

Brady joined the meeting at 8:05pm

Continuation of a Special Permit Modification – Donald Walter, Lot 102 Lovers Lane (Map 17D Parcel 29.1). Opened at 8:05pm

Zoning Board Request – Nigzus 26 Madigan Lane (Map 16 Parcel 9)

The Board has been asked for comments from the ZBA on an Administrative Appeal filed on behalf of Steve Nigzus for a wind tower on his property, which is classified as a farm. Nigzus believes this wind tower would be an accessory use to the farm. Essary stated the question is what is an accessory to a farm. In Berlin this was argued as an accessory use to a farm. Brooks stated that may be true, but that does not exempt you from the aspects of the bylaw that would regulate an accessory use..

Essary asked that copies of the application be distributed to the members for their review and comment at the next meeting. The hearing with the ZBA is scheduled for October 24, 2007.

Windmill Task Study Committee

Residents of Town who responded to the appeal for wind turbine bylaw task force were present. Those present included Annette Rosenthal, whose brother has been working on data for twenty-three (23) years; Ruth Silman, an attorney specializing in environmental law, who has written some bylaws for other Towns; Eric Broadbent who appeared before the board last year when the subject was first raised; Bruce Gallagher is a contractor who has spent the last thirty (30) years learning more about sustainable energy; and Steve Nigzus is a Chapter 61A farmer and is interested in alternative use of power on his farm. A

Both Elaine Lazarus,, who is the Planner for the town of Hopkinton, and John Sweeny, who first petitioned the board on this subject, were unable to attend this evening, but are interested in being a part of the committee.

Sudol stated the Board is not looking for a committee to write a bylaw, but to provide us with input to the pros and cons of wind power, how would the purpose fit into the Harvard Zoning and what is the real interest in Harvard for wind power. Brady would like to have the committee to in explore what a bylaw would be that would be appropriate in Harvard and look at how comparable communities have gone about this process. Brooks stated the committee should look at other Towns that have a bylaw and what the impacts may be in a residential neighborhood. Essary is hoping out of this may come the framework for a bylaw.

Brady believes a time frame should be established as to the first phase of the process, which should be the analysis of other towns with bylaws.

Essary informed the committee they would need to meet with the Planning Board (PB) on a regular basis to update them as to the committee's progress. This update only needs to be from one of the committee members. Essary explained the process of submitting information in time for the printing of the warrant articles for the Annual Town Meeting. The final text needs to be completed by the beginning of February. Essary believes the issues that are going to be sticking points should be dealt with by the end of the year. The goal is to go into December with a good foundation for a bylaw.

The Board agreed to appoint all members of the board, and recognized that they needed to be given an official charter. Ruth Silman suggested the reference should be to wind energy conversion devices. A motion was made that the charter of this task force would be to investigate the possible development of a bylaw to allow specified wind energy conversion systems in the town of Harvard. Motion was seconded and carried unanimously. The consensus of the discussion was that this will include researching available technology; looking at existing bylaws in other towns permitting such devices; examining parameters typically covered by Harvard bylaws, such as set-backs, height restrictions, noise levels, view-shed as well as a suitable permitting process; analyzing the benefits of allowing such structures; and advising on the potential for state legislation requiring permitting of such devices.

Brooks made a motion to appoint the following individuals to the Wind Energy Conversion Systems Committee: Eric Broadbent, Elaine Lazarus, Annette Rosenthal, John Sweeney, Bruce Gallagher, Steve Nigzus and Ruth Silman. Sudol seconded the motion. The vote was unanimously in favor of the motion.

Continuation of a Amendments and Establishment of Rules - Scenic Road Consent

Essary explained that Town Counsel, Mark Lanza has stated the "road" is the entire roadway including the Right of Way (ROW) not just the paved area. The members discussed their ideas as to what a scenic road means to them.

The definition of "stone wall" was discussed. Essary asked if the Board wanted to accept the definition within the rules or tighten it up. Sudol thinks the definition is fine, in Harvard you are never going to find two walls that are the same.

Sudol has made suggested additions in section five (5) "Filing" in regards to the applicability of scenic road consent. Sudol believes this addition should be up front in some manner (preamble). Essary will work on this as the first section and label it "Applicability".

9:25pm Brooks left the meeting.

The members further discussed changes to the scenic road consent rules. Sudol will incorporate those changes and distribute to the members for comments. It was agreed upon to further discuss this topic at the October 18, 2007 meeting.

Adjournment

Brady made a motion to adjourn the meeting at 9:45pm. Sudol seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Peter Brooks, Clerk

Harvard Planning Board

Continuation of a Special Permit Modification Hearing

Donald Walter, Lot 102 Lovers Lane (Map 17D Parcel 29.1)

October 1, 2007

This hearing was opened at 8:05pm by Chairperson Mary Essary under M.G. L. Chapter 40A and "The Code of the Town of Harvard" Chapter 125-29 in the Harvard Town Hall Meeting Room.

Members Present: Mary Essary, Joseph Sudol, Barbara Brady, Peter Brooks and Leo Blair (Associate Member)

Others Present: Liz Allard (LUB Admin)

This hearing was continued from September 17, 2007 for a Special Permit modification filed on behalf of Donald Walter at Lot 102 Lover Lane, Harvard (Map 17D Parcel 29.1).

The applicant's representative requested the hearing be continued to the next meeting of the Planning Board. Brooks made a motion to continue the hearing to October 18, 2007 at 8:00pm. Sudol seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Peter Brooks, Clerk