

**Harvard Planning Board
Meeting Minutes
November 5, 2007
APPROVED: January 28, 2008**

Co-Chair Joe Sudol called the meeting to order at 7:43pm in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin), Valerie Hurley (Harvard Press), Richard Breyer (Harvard Hillside), Al Combs (MPIC), Adam Horowitz, Pat White, Steve Nigzus, Bruce Gallagher, Annette Rosenthal, Eric Broadbent, Ruth Silman, Carlene Philips, Tim Clark, Dan Paige, Chris Ashley, Peter Warren, Pat Hatch, Kyle Hedrick, John Martin, Victor Normand, Joe and Angela Gaffney

Minutes

Minar McGuire made a motion to accept the minutes of September 10 and September 17 as amended. Brooks seconded the motion. The vote was unanimously in favor of the motion.

Update from Wind Energy Conversion System Committee

Members of the Wind Energy Conversion System Committee were present. Ruth Silman explained that Shelly Coarusio would like to join the committee.

Ms. Silman stated the committee has had a few meetings to date and have complied all of the bylaws available from other towns in Massachusetts. There are a few different types of models out there, such as wind systems as a primary use or an accessory use. Ms. Silman stated it is the Committees understanding that the Planning Board (PB) is looking at a bylaw as a secondary use. The PB stated this is correct. The bylaw can address the wind energy as being accessory to everything or limited to agricultural or residential use only. Is the PB acceptable to accessory to commercial use? . The Committee is trying to focus on accessory use. Essary stated commercial uses here in town are limited. Minar McGuire added expect for the parcels in Devens. Agricultural uses should be considered as well as residential. There should be no generating electricity for profit. Ms. Silman asked if it matters what the parameters are in either residential or commercial. The PB responded that parameters are the issue.

The Committee would like to have a public informational session on December 1st with residents from the Town. This session would aid in public outreach and educating the Town as to what the committee is trying to and not to do. This would help introduce the language and not the bylaw and enable the Committee to hear the communities concerns and questions. Minar McGuire believes this is a good idea, but is a little concerned with a Saturday session. The PB agreed that a session separate from a PB meeting would be the most effective and agreed that December would be best.

Ms. Silman asked if the PB wanted the Committee to start drafting the language for the Bylaw. Brooks stated that one of the first things that needs to be done is whether or not the Town should have a Wind Energy Conversion System Bylaw. Yet the Committee is already talking about drafting something. Minar McGuire asked for a brief report as to how bylaws are working in other communities for the next PB meeting.

The Committee will continue to work on collecting information, preparing for a public session and the items requested by the PB. The Committee will update the PB again on November 19 at 7:45pm.

Continuation of a Special Permit Modification – Donald Walter, Lot 102 Lovers Lane (Map 17D Parcel 29.1). Opened at 8:08pm

Municipal Coalition for Affordable Housing

At the last Planning Board (PB) meeting both Sudol and Minar McGuire stated they would attend a meeting on October 26th sponsored by the Municipal Coalition for Affordable Housing. For several reasons neither attended the meeting. Sudol stated that one of the newspapers reported that Harvard is a part of a group that is working on 40B reform; does anyone know what or who this may be? No one knew.

Local Initiative Program Letter

Essary informed the members that the letter for the Board of Selectmen (BOS) in regards to Local Initiative Programs was signed this evening by her and co-chair Sudol. Once all of the signatures from the other Boards & Commissions are received it will be forwarded to the BOS.

Informal Hearing for Town Center Overlay Bylaw

Essary explained to those present that the Planning Board (PB) is conducting this informal hearing to be able to present concepts of an overlay district within the Town Center and to get input from town residents. The PB is well aware of the septic issues that the Town Center is facing, but that is not the subject matter for this evening.

Sudol presented the overlay district to the individuals in attendance. Sudol explained that this hearing was the first of a number of planned meetings the PB will be having for a proposed bylaw for an overlay district in the town center. The PB is hoping to have a bylaw prepared for the 2008 Annual Town Meeting that meets the Town needs and goals to maintain a vibrant town center but also protects the Town character.

Two (2) documents used to determine the Town Center needs were the Master Plan of 2002 and Town Center Action Plan of 2005. The Master Plan suggested making the Center safe for pedestrians, continue to be a gathering place, contain community services, mix-use development while protecting residential component and allowing for increase in the housing stock diversity. The Town Center Action Plan suggested the Town Center boundaries be identified, maintain the "village" concept with small lots compact development, provide for diversity in housing, promote pedestrian traffic and attract community gathering places and business to support village atmosphere. Sudol explained the boundaries as shown on the map he was presenting. The map showed the traditional Town Center boundaries as well as areas that could be considered as part of the Town Center.

The objective of the Bylaw would be to establish the Town Center boundaries, maintain the current zoning identity, incorporate the Master Plan and the Town Center Action Plan recommendations, address current non-conformities, maintain the residential character and protect owner's property rights by mitigating adverse impact on neighboring properties.

Dan Paige, a resident of Fairbank Street, wanted to know who will determine that there would be no adverse impact. Sudol explained it would be determined by the Bylaw and that would be determined by input from residents in developing the bylaw.

The parameters of the Bylaw would include such things as the current zoning and permitted uses would remain, buildings within the Historic District within the Center would remain subject to Historical Commission review a Special Permit would be required for changes residents would want to do.

A question from Pat White warranted the explanation that Historical Commission approval would only be required if you are located within the Historic District and that the regulations required by the Historical Commission differ from the Protective (zoning) Bylaw.

The goals of the Bylaw would be to allow mix-use development, promote shared access in properties to avoid fewer curb cuts, emphasize pedestrian access, encourage building and site designs compatible with local architecture and Historical District requirements and find parking solutions that minimize multiple small parking areas.

Minar McGuire wanted to know what other parcels within the Town Center are available at this time for the types of development being suggested. Sudol stated there are not that many currently, but if someone wants to convert their single family house into mixed-use it would be allowed. On the other hand a "tear-down" in the Historic District would require a permit from the Historical Commission. Sudol added most of the non-conforming lots are within the Historic District. John Martin a member of the Historical Commission stated the Historic District can be changed by Town Meeting and the Commission is working on getting a better map of the Historic District.

The uses that would be allowed by Special Permit within the Town Center would include retail or professional services with a limited square footage, business or professional offices that would be limited on square footage as well, restaurant/food preparation service with limited seating, drive through services would not be permitted, municipal and or institutional uses, mix-use, single family conversion to multiple residential not to exceed three (3) units and one (1) accessory apartment in an owner occupied single-family dwelling.

Minar McGuire wanted to know about franchises coming in to the Town Center. Language could be developed that would restrict them. Also solutions need to be established for parking and part of the bylaw would cover that and restrict it as well.

Adam Horowitz, current owner of the General Store, explained that seating does not restrict the water usage; it is the type of uses that limit the seating.

Pat White asked if manufacturing use would be allowed. Sudol stated it would be based on what type of manufacturing it is.

Flexible building requirements could be done so that a property owner does not lose out on their property.

In summary Sudol stated the Overlay District Bylaw would retain the current zoning and permitted uses, buildings within the Historic District would remain subject to Historic Commission review, there would be uses allowed with conditions by Special Permit, flexible building site requirements, permit more than one structure or main building on lots of a certain size, permit alternative building structure setback requirements and apply alternative site standards.

Tim Clark, a long-term member of the Town Center Planning Committee, stated the Committee would like to come up with a concept that would not put more restrictions on properties in the Town Center. Clark stated what he needs is some clarity as to should we be concentrating on the center area only and what is allowed and what is not. Essary thinks the discussion on boundaries is essential; after discussion it was agreed that perhaps including the extensions suggested by the Town Center Plan should be a separate step. If we extent those boundaries we will be changing the area.

Horowitz stated he was very encouraged by the out come of Special Town Meeting in regards to the easements for the General Store. Horowitz added that he knew there were restrictions when he purchased the General Store, but the overlay district as presented would relieve some of those restrictions. Horowitz's final statement was the septic system limits the uses allowed within the store.

Glen Fredrick, a representative of the Unitarian Church, has been working on expanding and replacing the Fellowship Building, but the septic system is limiting that project. Fredrick added if

you want to keep Town Center alive you need to consider septic issue at the forefront. The Fellowship Building has tentative approval from the Board of Health for 2,000 gallons; unfortunately they cannot find a location to put a system in that size.

Victor Normand runs the Harvard Inn that consists of nine (9) affordable housing units in the Town Center. They too are concerned about septic. Normand does not know what would happen if the current system failed.

Joe Gaffney is on the building and ground committee at St. Theresa's Church, he stated the septic system is defunct and parking is an issue at the Church. St. Theresa's maybe consolidating with another local Church so they are currently looking into what they can do with their current property boundaries.

Carlene Philips asked if the Hildreth House could be included within the Historic District. John Martin stated the Historic Commission is looking to change that.

Chris Ashley is a representative of the Congregational Church, he stated regarding septic their needs are probably less urgent. They are currently looking at the options of the buildings use over time and one would have to assume septic issues, but that current expansion plans do not require additional capacity. They would like to be able to stay in the Town Center.

Sudol stated that when the this process was started we knew that the septic was an issue that needs to be addressed, but if hang everything on that the Bylaw will never get done and so that is why we decided to go forward with this Bylaw and then address septic issues.

Essary thanked everyone for coming.

Continuation of a Amendments and Establishment of Rules

This hearing was continued to the November 19th meeting at 8:45pm.

Municipal Sponsored Affordable Housing Initiative

Blair stated to the Planning Board (PB) that we have all been talking about Chapter 40B's and there impact on the Town. Each time a developer is allowed to build a 40B project they increase the number of affordable units the Town is required to have in order to reach 10%. Blair has been keeping his eyes open for a site in Town that will address this issue. Blair has currently put under contract a parcel on Ayer Road on the Ayer Town Line. Blair would like to assign the contract to the Town for one dollar. The plan would be to construct ninety (90) units in phases over six (6) years. Blair would propose the Town create a small entity to have a board of directors to implement this project. Essary noted that these units could be constructed to be energy efficient, in which grant money may be available. Blair believes the increase in school population would be deminimus and that some of the units could be age restricted and/or handicapped accessible.

If we try this it could provide a template for the State. The phasing in of the project can help in making a determination if this project is sustainable.

9:43pm Brady joined the meeting.

Minar McGuire stated in terms of a solution it is pretty interesting. Essary stated that the one objection to the gravel pit being used previously for a project such as this is that its siting was not favorable for such a large project, but that there was almost unanimous sentiment that the town wanted to limit housing growth as much as possible, i.e. the gravel pit proposal was not committed to be 100% affordable. Sudol stated he does not know who in Town we would propose to be the directors of this type of project. Sudol also wanted to know what the risks are and what the rewards are. Sudol added it is not a bad concept but is the Town capable of building it. Brooks thinks it a great idea but finding the political will is another thing. Brady stated

there a number of issues with housing in Town and we will never gain at the rate we are going. Brady believes there is the political will to do it and the Municipal Trust could be the committee to do it.

Essary think the next step is getting one of the appropriate committees involved. Brady stated the Municipal Trust is crafted to do things in partnership with another entity. The PB has to act sooner rather than later. Sudol does not think the money is there for the Town to do this. Blair believes for short dollars you could do this. Minar McGuire believes you just have to present it in the proper manner.

The Board agreed to notify all potential parties of interest of the proposal immediately as a courtesy, and that process will also clarify who would have authority to work with this project. Brady will contact Board of Selectmen Chair Lucy Wallace and Essary will contact Randy Dean, chairman of Municipal Housing Trust and Victor Normand the chair of the Municipal Affordable Housing Trust.

Support for Job Position Change of Administrative Assistant

Essary informed the members that the change of job description for the administrative assistant, Liz Allard, has not moved forward since it was first proposed at the beginning of October. Essary will write a letter to Board of Selectmen urging that this process progress as soon as possible.

Adjournment

Minar McGuire made a motion to adjourn the meeting at 10:26pm. Brady 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)

November 5, 2007

This hearing was opened at 8:08pm 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, Kara McGuire Minar, Peter Brooks and Leo Blair (Associate Member)

Others Present: Liz Allard (LUB Admin)

This hearing was continued from October 15, 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 has requested the hearing be continued to November 19, 2007. No new evidence was taken. Minar McGuire made a motion to continue the hearing to November 19, 2007 at 8:30pm. Sudol seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Peter Brooks, Clerk