

**HARVARD PLANNING BOARD
MEETING MINUTES
DECEMBER 3, 2007
APPROVED: January 28, 2008**

Unable to open the meeting officially without a quorum, McGuire Minar decide to allow John Sweeny of the Wind Energy Conversion System Committee to give the Board an update of the Committee as part of a general discussion.

Wind Energy Conversion System Committee Update

John Sweeny was present to update the Board of the progress the Wind Energy Conversion System Committee has made. The Committee had their first informational session on Saturday December 1st. The event was attended by approximately one hundred (100) people. Ruth Silman gave an introduction, followed by Steve Strong who spoke in general terms of the alternative energy source. Sweeny himself gave his presentation he had given to the Board last year. Silman stressed to the attendees that the Committee wanted to hear concerns and questions. Those raised were noise, end of use and wildlife concerns for birds and bats. Also individuals wanted to know what to do if someone sells the property or a system falls into disrepair. Sweeny stated these topics have been covered in other bylaws.

McGuire Minar stated in her review of the matrix, submitted today by the Committee, she did not see the number of units allowed or information about view sheds. Sweeny stated the Committee will look into those concerns. He is not certain how that would be characterized within the other Town Bylaws.

Meeting Opened: Essary arrived at 7:50, providing a quorum, and the meeting was officially opened.

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

Others Present: Liz Allard (LUB Admin), Al Combs (MPIC), Rhonda Sprague, Valerie Hurley (Harvard Press), Chris Tracey (MPIC), John Sweeny (WECSC), Al Barbieri, Lyn & Adam Horowitz, Margaret Nestler and Don Green

Wind Energy Conversion System Committee Update, Continued

Essary noted that the wind information event was recorded and is being re-broadcasted on the local access channel. Sweeny believes people were excited about it and the tone was good. The Committee is planning a second session in January to get public comment on documents they will generate.

McGuire Minar is interested in learning if there are any Towns where the bylaw failed and why. Sweeny stated the Committee will look into that. Sweeny stated the amount of energy allowed to be generated is limited in some of the other bylaws.

Sweeny stated that Ted van Dusen would like to be appointed to the committee. McGuire Minar thinks the Committee needs to balance the concerns and would like a committee that does that. Sweeny stated that if the Board had any suggestions of other individuals who would help balance the Committee that would be helpful. Essary pointed out that the meetings are public and any participation or input is allowed, but believes that it would be best to leave the committee as it was appointed in October. Brady agrees with Essary.

Sweeny stated they are still on track for getting something together for Annual Town Meeting (ATM).

Don Green thinks some of these ATM articles are on the fast track. Green hopes the Board is not rushing along these items. Blair is curious how the Board sees this process moving forward from this point, i.e. whose responsibility is it to generate a bylaw, if appropriate. Essary believes that there were some differences of opinion at the time the Committee was appointed. Essary read from the minutes of the meeting when the Committee was appointed. Blair asked once the submitted bylaws from other Towns were reviewed would the Board decide to write a bylaw? Blair added as a citizen I would think it is the

Boards job to write a bylaw and not a sub-committees job. Sweeny stated that it is the Committees understanding that they would not be writing the bylaw, but giving the Board bullet points that would help generate a bylaw. Blair thinks what we have is an advocacy group and that this Board needs to know that and address the concern. Blair thinks the wind turbines are a good idea, but he does not want one on his property nor does he want his neighbors to have one either. The Board agreed that it would have to take responsibility for generating a bylaw.

Continuation of the Informal Hearing for Town Center Overlay Bylaw

In Joe Sudol's absence, Essary led the discussion on the work on the draft of the town center overlay, continued from the previous meeting. She stated that a draft of the Town Center Overlay Bylaw was sent to Town Counsel, Mark Lanza. Attorney Lanza's comments have not been returned. The Bylaw would establish the limits of Town Center, and that following comments from last meeting, the committee decided to keep the district limited to the current boundaries.

Essary explained that an overlay district does not change the underlying zoning. All the uses are by Special Permit. Attorney Lanza further explained overlay districts are superimposed and they follow rules that are not the same as the underlying zoning in place. They can either be more restrictive or more permissive or a combination of both. Attorney Lanza added this one seems to be more permissive.

However, Attorney Lanza noted that the bylaw cannot be set up so every use is by Special Permit. Attorney Lanza has several recommended changes that he will be commenting on. Sudol had asked Essary to remind everyone that this is a bylaw that is compliant with the Master Plan and Town Center Action Plan.

Final language will be available by January so that the Board can hold the required hearings. Essary explained that there are no businesses in the Town Center now that are within the business district. Essary reviewed Sudol's previous presentation. Almost everything within Town Center is non-conforming and the overlay district would make things more conforming. Attorney Lanza added overlay district can not make all things conforming as it may violate the building code. It was noted that special permit use runs with the land, unless otherwise specified on the permit.

Don Green stated this bylaw will not work if we do not have Town Center septic. Essary explained that that is probably correct, but that is a separate issue, and not a bylaw. She noted that her understanding was that the Board of Selectmen would be presenting information at their next meeting, December 4th, on Town Center septic. Green stated his question is if you do not have that information in front of you when you are going to get the two things together. Green wants to see information from the Board that determines that we need Town Center septic and who is going to pay for it. Green asked how we can have an overlay district without septic. Green thinks the Board is misleading a lot of people in town without Town Center septic. Essary thinks these two efforts are working in parallel and will be presented at the same ATM.

Green noted that the draft bylaw does not answer the problem of parking. Green asked if we could address the things that are broken first. Al Combs stated this is an overlay district and it is his understanding that one of the Selectmen is going to bring forward State money to address parking. Margaret Nestler stated she does not think parking is strong enough in the Bylaw. Why can't areas that are contiguous or within walking distance of the Center be used for parking? Blair agreed that the overlay as drafted is inadequate without septic. Blair added the real issue here if you are trying to create a vibrant retail district it would not happen here. If you pass this without septic it will be un-effective, but if sewer comes behind it would allow for much more development – perhaps more than people want.

Rhonda Sprague asked what is it that people do not like about our Town Center? Sprague would hate to see the Board muck up centuries of residential development. Essary stated the Board does not want to see is a Town Center that is dead. McGuire Minar asked how the Board protects the Town Center from over development if septic is brought in. The Board does not want over development either.

Blair asked if you wanted to give a use to the General store, the library and Harvard Realty could you do that. Attorney Lanza stated yes and added, prior non-conforming uses would still be allowed. Blair asked if the bylaw would be creating a new zoning district that could be detrimental to the Town Center. Essary

stated that what she is hearing is that there are not enough restrictions to limit the development of the Town Center. Brady stated this bylaw does two things, it set the frame work to protect, but it also allows for expansion of the Town Center, and perhaps this should be re-examined.

Chris Tracey suggested rather than eliminating the business district, may be it should be re-defined to actually match the existing businesses. Essary agreed that perhaps this bylaw version would allow much more than the town really wants. The general consensus of the board was that we want to protect the town center and allow it to thrive, but that we do not want to create any huge changes in its character. Essary stated maybe Attorney Lanza can draft some language that will head us in the direction that we are trying to protect.

Green stated that the Board of Health has previously determined that the Town Center Municipal buildings can be fixed without an overlay district by connecting into the school septic system. Tracey stated the Committees need to go back to the drawing board and determine what the areas of concern are.

Continuation of a Special Permit Modification – Donald Walter, Lot 102 Lovers Lane (Map 17D Parcel 29.1). Opened at 9:04pm

ANR Endorsement – MERA07, LLC Still River Road

After a review of the plan McGuire Minar made a motion to endorse the ANR plan for MERA07LLC. Brady seconded the motion. The vote was unanimously in favor of the motion.

Potential Warrant Articles to be submitted to the Board of Selectmen for Annual Town Meeting

Essary informed the members that Brooks is going before the Board of Selectmen tomorrow to let them know what the Planning Board is planning on for Annual Town Meeting. Essary reviewed those items, which are the definition of structure, Chapter 125-40, the Lighting provision within the Protective Bylaw, the expansion of the Associate Member's ability to vote on administrative purposes and site plan approval.

Continuation of a Amendments and Establishment of Rules Hearing

With not all of the members present to participate, this hearing was continued to the December 17th at 8:15pm.

Adjournment

Brady made a motion to adjourn the meeting at 10:19pm. McGuire Minar seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
McGuire Minar, clerk (in Brooks's absence)

Harvard Planning Board

Continuation of a Special Permit Modification Hearing Meeting Minutes

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

December 3, 2007

This hearing was opened at 9:04pm by Co-chair 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.

This hearing was continued from November 19, 2007 for a Special Permit modification filed on behalf of Donald Walter at Lot 102 Lovers Lane, Harvard.

The applicant's representative has requested the hearing be continued to December 17, 2007. No new evidence was taken. Minar McGuire made a motion to continue the hearing to December 17, 2007 at 8:00pm. Brady seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Kara McGuire Minar, clerk (in Brook's absence)