

**HARVARD PLANNING BOARD  
MEETING MINUTES  
February 4, 2008**

Co-Chair Mary Essary opened the meeting at 7:33pm in the Town Hall Meeting Room.

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

**Others Present:** Liz Allard (LUB Admin), Richard Breyer (Harvard Hillside), Paul Willard, Al Barbieri, Jon Mechlin, Elizabeth Tyson-Smith, Ruth Silman and John Sweeny

**Wind Energy Conversion System Provision**

Essary explained Brady has reviewed all materials submitted by the Wind Energy Conversion System Committee (WECSC) as well as comments from Joe Sudol, and has drafted a provision for the Protective Bylaw, Chapter 125, for those structures.

Brady explained the WECSC had submitted a brief wrap up which covered many of the issues brought up by Sudol. Essary stated objections of abutters of the view shed should be covered in some way, but not certain as to how. Brooks suggested language to address that issue. Brady suggested similar language to that of cell towers which defines what a view shed is within Chapter 125. Brady stated design and sighting regulations also cover visual impacts. Blair suggested limiting the number of trees removed for such structures. Brady asked should it be a maximum foot print that can be removed or a maximum number of trees that can be removed. Essary asked what the Board would consider a reasonable height limit. Brady stated between 80 & 100 feet, which seems to be a reasonable height for these structures. You may have to go higher because a site may not be ideal. Brady suggested limiting the height to 120 feet maximum. Blair would like to create a map of sites appropriate for these structures based on wind availability and then have a provision that made a use in those areas. Blair stated if anything the Board needs to establish a provision for Chapter 61A properties, in which these structures are allowed as a matter of right. Brady will add to the provision that by right towers would also be subjected to this provision.

Brady noted that a citizens bylaw will be submitted for inclusion in the warrant (the deadline is this Thursday, and it may be more appropriate for the Planning Board to have a more comprehensive bylaw to present. The Board also noted that given the recent ZBA decision establishing wind towers are a by-right installation for a farm, the Board should take this opportunity to establish regulations for these towers.

The draft was circulated to the Board members on February 4, 2008; most members had not yet reviewed the draft in detail.

**Continuation of a Special Permit Modification – Donald Walter, Lot 102 Lovers Lane (Map 17D Parcel 29.1).** Opened at 7:53pm

**Continuation of the Protective Bylaw, Chapter 125 Amendments Hearing – §125-2, 126-16 D and H.** Opened at 8:00pm

**Proposed Amendment to the Protective Bylaw §125-46E Associate Member**

Essary has drafted new wording to the responsibilities of an associate member. After a discussion the Board unanimously agreed the suggested amendments would be a General Bylaw amendment and not an amendment to §125-46E so a public hearing would not be required for such an amendment. The amendments will be posted at Town Hall and the Selectmen will be notified of this amendment. It was noted that the description of the appointment procedure for the

associate was contained in the bylaw covering special permits, and not in any description of the Planning Board itself.

### **Proposed Town Center Overlay District Special Permit, Chapter 125-53**

Essary has redrafted the Town Center Overlay District (TCOD) provision, which was much simpler in language, and limited the provision to mention the deviations from the standard AR district that would otherwise apply. Brady agreed with this approach, and stated §125-9, the current provision covering multi-family conversion assumes that these would be spread over the entire town, not clustered in town center. Brady also noted that this was an extremely sensitive point when a revision of §125-9 was voted down at Annual Town Meeting several years ago.

Brady asked if the provision could proportion the number of business allowed within Town Center. Brooks stated you could not. Blair asked if the Board could determine a need by the Town. Brooks stated you cannot disallow a use just because you already have one.

Blair suggested that one approach to protect the residential character of the Town Center would be to reduce the size of the Town Center District. Blair discussed the available use of the school septic system. Blair added if you start to go into the heavy residential district and allow that to be business use you change the look and feel of the area. Essary stated we want some those business to continue to exist. Essary added she does not know if we want more businesses, but if someone wants to open a bed & breakfast in a large home then that might be an example consistent with the current residential character of Town Center. Essary also stated that she would not like to see conversions into office spaces as that would add little to the vitality of the town center, and change the feel. Brady supported Blair's idea since establishing an overlay in a sense enables any business to go into this area, we should try and limit what falls in this overlay district and be happy with giving a permit anywhere in that area.

Paul Willard expressed that this new version of the TCOD is a way better document, but tell him why the change of use may be done by special permit. You want to regulate by the size and not the use. There has to be some uses that are a matter of right. Blair suggested working toward this kind of language and let's see how it works with a smaller district. Blair will redefine the district and Essary will forward the draft to Brooks to work on the language for the February 11, 2008 meeting.

### **Virginia Thurston Healing Garden Site Plan Review – 145 Bolton Road**

Jon Mechlin was present to discuss with the Board a plan for an addition to a non-conforming use on a shared driveway. The plan has been sent to the Boards consultant, Hamwey Engineering, for their comments. The project does not require site plan review by the Board as it is an exempt use, but the Building Inspector requested comments.

Although Hamwey's response mentioned several points, the only site change is the increased footprint of the building, and related drainage due to the increase in impermeability. Hamwey's review stated that drainage was adequately dealt with in the plan. Paving will be added at the last apron for handicapped access. After a discussion Brady made a motion to send a letter to the Building Inspector stating that after review of Hamwey Engineering's letter the only comment relevant is #6 and the Board was comfortable that the conditions of that have been met. Essary seconded the motion. The vote was unanimously in favor of the motion.

### **Proposed Amendments to Chapter 90 Scenic Road Bylaw**

The Board unanimously agreed that the wording in regards to "tree" and been satisfied and the document with the proposed amendments can be posted at the Town Hall and the Selectmen will be notified of this amendment.

### **Adjournment**

Brooks made a motion to adjourn the meeting at 8:55pm. Brady seconded the motion. The vote was unanimously in favor the motion.

Signed: \_\_\_\_\_  
Peter Brooks, Clerk

Harvard Planning Board

Continuation of a Special Permit Modification Hearing Meeting Minutes

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

February 4, 2008

This hearing was opened at 7:53pm by Co-chair Mary Essary under M.G.L. Chapter 40A and "The Code of the Town of Harvard" Chapter 125-29 in the Town Hall Meeting Room

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

**Others Present:** Liz Allard (LUB Admin), Richard Breyer (Harvard Hillside), Paul Willard, Al Barbieri, Jon Mechlin, Elizabeth Tyson-Smith, Ruth Silman and John Sweeny

This hearing was continued from January 28, 2008 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 the next meeting of the Planning Board. No new evidence was taken. Brady made a motion to continue the hearing to February 25, 2008 at 7:50pm. Brooks seconded the motion. The vote was unanimously in favor of the motion.

Signed: \_\_\_\_\_  
Peter Brooks, Clerk

Harvard Planning Board

Protective Bylaw Amendments Hearing – Chapter 125-2 & 16 D & H

Meeting Minutes

February 4, 2008

This hearing was opened at 8:00pm by Co-Chair Mary Essary under M.G.L. Chapter 40A §5 and the Code of the Town of Harvard, the Protective Bylaw Chapter 125-50 in the Town Hall Meeting Room

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

**Others Present:** Liz Allard (LUB Admin), Richard Breyer (Harvard Hillside), Paul Willard, Al Barbieri, Jon Mechlin, Elizabeth Tyson-Smith, Ruth Silman and John Sweeny

Essary stated the Board has still not received an update from the Board of Selectmen as to the settlement agreement with Fruitlands. Since there is no update, Brooks made a motion to continue the hearing to February 25, 2008 at 8:15pm. Brady seconded the motion. The vote was unanimously in favor of the motion.

Signed: \_\_\_\_\_  
Peter Brook, Clerk