

**Harvard Planning Board
Meeting Minutes
March 17, 2008
APPROVED: April 28, 2008**

Chair Mary Essary called the meeting to order at 7:40pm in the Town Hall Meeting Room

Members Present: Mary Essary, Joseph Sudol, Peter Brooks, Barbara Brady and Kara McGuire Minar

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin), Mark Lanza, Don Green, John Sweeny, Jarrod Revaras, Eric Broadband, Ruth Silman and Steve Nigzus.

Minutes

Sudol made a motion to accept the minutes of February 25, 2008 as amended. Essary seconded the motion. The vote was unanimously in favor of the motion.

Sudol made a motion to accept the minutes of March 3, 2008 as amended. Brooks seconded the motion. The vote was unanimously in favor of the motion.

ZBA Request for Comments – Shlasko, 38 Stow Road Special Permit Application

The members reviewed the application for a Special Permit for Jessica Shlasko at 38 Stow Road. The members had no objections and agree with the applicant that the extension will be no more non-conforming. A letter will be drafted and approved at the next meeting.

Annual Town Meeting Assignments

Essary will present the museum provision; Brady will present the Board's opinion on the citizens petition for a wind energy conversion systems; Sudol will present the lighting provision; Brooks will present the requested general bylaw in regards to associate members; and Sudol will present the general bylaw regarding Chapter 90 Scenic Roads.

Town Center Planning Committee (TCPC) Charter

Essary would like to defer this discussion until after Annual Town Meeting. Sudol suggested re-forming the committee after Town election. Essary explained that the committee was formed by the Planning Board (PB) a number of years ago when there was a different composition of the PB. At some point the TCPC decided the Town Center Septic should go to the Board of Selectmen (BOS). Sudol believes the PB, ZBA, BOS and Board of Health should be a part of the committee along with representative town residents.

Brady joined the meeting at 8:52pm

Sudol made a motion that the PB dissolves the TCPC and start a new committee after Town elections. Essary seconded the motion. Brady asked why would it make more sense to dissolve the group and not just bring them together to re-focus. Essary believes there should be a fresh start for this committee, rather than picking right back up from where they left off. Sudol stated the problem he sees in making these committees to large is the requirement of a quorum. Brooks likes the idea of recomposing the committee and that individuals in that district should be on that Committee. Brady agrees with all the reasons presented. The vote was unanimously in favor of the motion.

Right of First Refusal – Callaghan Bolton Road (Map 31 Parcel 13)

Sudol reviewed the documentation and sees no reason to obtain a portion of the parcel on Bolton Road. On an Essary/Sudol motion the Board unanimously agreed to recommend waiving the right of first refusal of a portion of a parcel of land on Bolton Road (Map 31 Parcel 13).

Dissolving of the Wind Energy Conversion System Committee

On a Brooks/Sudol motion the Board unanimously agreed to dissolve the Wind Energy Conversion System Committee.

Continuation of the Protective Bylaw Amendment Hearing – Amendment to §125-2 and §125-16D, and the addition of §125-16H in regards to Museums. Opened at 8:05pm

McGuire Minar joined the meeting at 8:12pm

Vote & Sign Modification of Special Permit – Donald Walter, Lot 102 Lovers Lane (Map 17D Parcel 29.1)

On a Sudol/Brady motion the Board unanimously agreed to approve and sign the decision of Donald Walter 20 Lovers Lane related to the original 1990 decision issued to the Hildreth Trust.

Continuation of a Citizen Petition for Protective Bylaw Amendment for the Annual Town Meeting Hearing – §125-53 Wind Energy Systems. Opened at 8:17pm

ZBA Request for Comments – Transformations, Inc., Stow Road Comprehensive Permit

Sudol had previously provided comments on the Chapter 40B application currently before the ZBA. Sudol requested someone else review the application for additional comments. Sudol will draft up his comments for the next meeting. Brady wanted to know if it was acceptable to speak of the history of the site.

Revised §125-40 Lighting Bylaw Motion

Brooks made a motion to rescind the vote to recommend the lighting bylaw as previously voted upon by the Board. Brady seconded the motion. The vote was unanimously in favor of the motion. Brady made a motion that the Board recommend the amendment to the lighting bylaw as revised to include the residential exception “Residential lighting and temporary decorative lighting such as holiday lighting” in paragraph D. The vote was 4-0-1 with Essary abstaining.

Comments on Board of Selectmen Local Initiative Program (LIP) Criteria

Sudol explained some of the comments and changes to the LIP criteria. Essary thinks the Board of Selectmen should address the affordable housing problem directly, that however is a separate issue, Essary just does not want it to get lost. Brady asked if in item #4 should there be benefits as a requirement and then another set of benefits that would make it exceptional. She was informed that that was the intent. Essary would like a minimum on the time frame to provide comments. Sudol made suggested changes that the Board agreed with. Essary thinks units should not be considered affordable unless they are energy efficient units. Sudol does not think that requirement will gain us anything. Brooks asked if it could be a factor in considering it as a LIP. Sudol stated yes. Sudol will add that to the criteria. On a Brooks/ Brady motion the Board unanimously agreed to the LIP criteria as amended and the letter to the Board of Selectmen as written.

Adjournment

On a Brooks/Brady motion the Board unanimously agreed to adjourn the meeting at 9:37pm.

Signed: _____
Peter Brooks, Clerk

Harvard Planning Board

Continuation of the Protective Bylaw Amendment for the Annual Town Meeting Hearing – §125-2 and §125-16D and the addition of §125-16H in regards to Museum

March 17, 2008

This hearing was opened at 8:00pm by Chair Mary Essary under The Zoning Act M.G.L. Chapter 40A §5 Adoption and Amendment of Zoning By-Laws and Ordinances and the Protective By-Law §125-50 Amendments in the Town Hall Meeting Room.

Members Present: Mary Essary, Joseph Sudol, Peter Brooks, Barbara Brady and Kara McGuire Minar

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin), Mark Lanza, Don Green, John Sweeny, Jarrod Revaras, Eric Broadband, Ruth Silman and Steve Nigzus.

This hearing was continued from March 3, 2008 for the adoption of a proposed provision to the Protective By-Law Chapter 125 of the Code of the Town of Harvard.

With no new information on a Settlement Agreement, Brooks made a motion to continue the hearing until April 29, 2008 at 8:00am in the high school gymnasium. Brady seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Peter Brooks, Clerk

Harvard Planning Board

Continuation of the Protective Bylaw Amendment for the Annual Town Meeting Hearing – §125-53 Wind Energy Systems Meeting Minutes

Citizen Petition

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This hearing was continued from March 3, 2008 for the adoption of a proposed provision to the Protective By-Law Chapter 125 of the Code of the Town of Harvard.

The hearing was continued to allow for a vote of the Board with all the members present. Essary asked if there were any additional comments that were not addressed at the last hearing. John Sweeny wanted to know why certain individual voted against the provision written by Brady. Sudol explained, as he did previously that he felt there is no definition for small-scale systems, there are no limitations on where these turbines may be erected, what is the definition of "unobtrusive as possible", the height should be limited to 70 -100 feet, there is no provision for liability insurance requirements, noise, view shed and there is no restriction on other uses being added.

Brady stated, in her opinion, the provision she had written was done before the citizen petition was written and her version differs significantly from that of the citizen petition. Essay stated if she recalls correctly Sudol researched a number of communities where this provision did not pass at Town Meeting and those reasons for it not passing were addressed in Brady's version.

McGuire Minar has concern with there being no minimum lot size requirements. McGuire Minar does not believe that anyone on this Board thinks this is it, recommend the citizens petition or there will be no provision. McGuire Minar added in the compressed time frame, the Board would have to defend it on the floor at Annual Town Meeting (ATM). It should not be a reflection of what the committee did or this Board.

Essary stated the Board did not have a unified direction on this, Brady's version had significant amount of protection and it was something that should be presented to the Town, unfortunately the vote ended in tie. With the citizens petition on the warrant there will be a large discussion at ATM. However significant changes that make the bylaw more restrictive will not be allowed at ATM. Sweeny asked what is the base line for more restrictive. Lanza stated the legal ad and the bylaw itself.

Sudol stated he would like to hear the Towns input at ATM. Sudol pointed out that a co-location of wireless communications being allowed in the citizens petition is a direct conflict of an existing provision of the Protective Bylaw. Sudol would propose a bylaw that is similar to the cell tower provision. Sudol clearly stated that he is not against wind turbines, but would like to put a good provision together.

Lanza reviewed the options the Board had at this point.

Steve Nigzus asked if the Board knew how many towers would be constructed if the provision is passed. Brady believes the Board cannot answer this question and can not support something that they feel does not have enough control.

A letter from Tony Marolda was entered into the record.

On a Sudol/Brady motion the Board voted unanimously to close the hearing.

McGuire Minar made points in regards to the Board responsibilities. McGuire Minar feels the Board would be in support of a better provision.

Essary made a motion to recommend passage of the article as printed in the warrant.

Sudol made a motion to not recommend the passage of the article as printed in the warrant article with comments as to why at Annual Town Meeting. Minar McGuire seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Peter Brooks, Clerk