

**Harvard Planning Board
Meeting Minutes
April 7, 2008**

THIS MEETING DID NOT HAVE AN ACTIVE QURUM AS TWO OF THE MEMBERS WERE NOT SWORN IN AFTER THE APRIL 1, 2008 ELECTION! THESE MINUTES ARE FOR REFERENCE PURPOSES ONLY!

Chair Mary Essary called the meeting to order at 7:35pm in the Town Hall Meeting Room

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

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin), Mark Lanza, Don Green, Valerie Hurley (Harvard Press), Adam Brodsky, Bill Calderwood, Bob Douglas, Gary Shepard (Ross Assoc.) and Vincent Palmieri

Potential Associate Members

Essary requested that the Administrator contact the local papers and ask them to have an item in the paper in regards to the Planning Board need of an Associate Member.

ZBA Request for Comments – Transformation, Inc. Stow Road (Map 36 Parcel 85 & 86.1)

Sudol sent comments around previously for others to review. Brady only request was adding abutter input. According to Brady the abutters hired their own engineer who dealt with water issues. Sudol feels this will be a subject that will be covered by ZBA. A question about the number of affordable units was raised. It was stated that the applicant has already increased the number of affordable units by four (4) based on the money received by the Municipal Housing Trust. Essary made a motion to accept the letter to the ZBA written by Sudol as it reflects the Planning Board's discussion at the March 17th meeting. Sudol seconded the motion. The vote was unanimously in favor of the motion.

Sign ZBA Request for Comments Letter – Shlasko, 38 Stow Road

Essary, as the Chair, signed the letter written to the ZBA in regards to a Special Permit application filed on behalf of Jessica Shlasko at 38 Stow Road for an extension to her pre-existing nonconforming structure. The letter reflects the Planning Boards discussion at the March 17th meeting.

Request to Withdraw Driveway Site Plan Application – Laroache, 68 Prospect Hill Road

Brady made a motion to accept the request to withdraw the driveway site plan approval filed on behalf of Karen Laroache at 68 Prospect Hill Road without prejudice. Sudol seconded the motion. The vote was unanimously in favor of the motion.

Town Center Planning Committee (TCPC) Charter & Committee Make Up

Essary suggest the Planning Board (PB) go back and look at how active the TCPC was on collecting information and see what the process was. Sudol would not want to go back and rehash all of this information. The PB has two pieces of the pie that need to be completed. Once the Board of Selectmen is seated and they determine how they are going to go forward with Town Center septic, then the PB can determine how the TCPC should move forward.

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

Board of Selectmen Request for Comments – Chapter 40T

Sudol explained to the members present that the Town of Harvard is not going to affect what the State does, although we always have the option not to entertain Chapter 40T. Chapter 40T essentially would create town within a town in which the Town will have little control over. The

Board of Selectmen (BOS) had implied this would be a good idea for the Town Center. Sudol believes the Town would be divided if this was done in Town Center. Sudol has drafted comments and reviewed them with the members. Essary stated it seems there are some clear logistical problems; bottom line is that the Planning Board does not think this is good for Harvard. Sudol feels the points he has made are the points as to why the BOS should understand this is not good for Harvard. Sudol added that the places where Chapter 40T has worked are in large cities. Sudol will draft a letter for circulation for editorial comments to be directed to Sudol only. Once compiled the letter will be signed and sent to the BOS.

Special Permit, Driveway Site Plan and Scenic Road Consent Hearing – Fox Realty Trust, Stow Road (Map 32 Parcel 7). Opened 8:04pm

Brooks joined the meeting at 8:04pm

Comments on Annual Town Meeting

Brooks stated the wind energy is something the Planning Board (PB) could get done if it is something subject to a special permit. Brady agrees with Brooks and there was enough interest in it to go forward with a PB written bylaw. Sudol was surprised that there were less individuals in attendance than last year. Sudol supports Brooks's comments about the wind energy and it would behoove the PB not to wait until September or October to start reviewing a wind energy bylaw. Essary agrees with the wind energy comments; the disagreement she has with Sudol is that the bylaw written by Brady was good and does not need much work. Essary asked should the PB try and get the wind energy bylaw on for the Special Town Meeting (STM) in May. Sudol does not want to talk about this tonight. Brady believes we should keep the momentum going, but she does not think the PB should say it will be ready for STM.

Election of Officers

Essary thinks that when it comes to interacting with other Town officials Sudol has more time and would nominate him as the Chair. Brooks seconded the nomination. Sudol accepted the nomination. The vote was unanimously in favor. Sudol nominated Essary as the Vice Chair. Brooks seconded the nomination. The vote was unanimously in favor of the motion. Sudol asked Town Counsel, Mark Lanza, if the clerk has to be a Planning Board member. Lanza stated the Clerk can be of the Board or to the Board. Brooks made a motion nominating McGuire Minar as the Clerk. Brady seconded the motion. The vote was unanimously in favor of the motion.

Planning Board 2008 Goals

Brooks has drafted a set of rules and regulations and would like to get them on the next agenda. Essary stated the affordable housing plan is already out of date. Brady looked at the deed restriction for the affordable apartments and would like to get that completed this year. Sudol stated there is a Master Plan that has not been implemented and the Planning Board needs to look at that and start thinking about updating it in 2010. The Master Plan Committee will need to be reestablished to start the update.

8:37pm Brooks left the meeting.

Blair joined the meeting at 8:40pm

Sudol stated a lot of towns have spent a major effort making progress towards their affordable unit goals. There is a lot of coordination that needs to be put in place so that the affordable housing goals can be reached.

Blair stated it is clear to him that the Board of Selectmen (BOS) are going to have to meet more often than they currently are and have some of those meetings be only one topic. Blair stated he would need to talk and meet with other boards and determine how these goals can be reached. Brady stated housing goals have been subcontracted out to committees in which there are gaps

and overlaps of the committees. Blair stated he is only speaking only for himself and not the entire BOS.

Blair explained there will be a Special Town Meeting and the Planning Board (PB) should try and get a petition together for the wind energy for that meeting. Blair stated Sudol concerns with the citizen's bylaw were spot on and the PB would have to get it revised immediately. Sudol is not against a bylaw he just wants a well thought out, well written bylaw. Sudol would like to see all of the members get actively involved. Sudol would like other members to read through the bylaws submitted by the committee. Sudol would like to take members out to residential sites and view the sites.

Master Plan Implementation Committee Direction

Essary believes the membership of the Master Plan Implementation Committee will need to be reviewed. Determine if the current members want to continue.

Resignation of Associate Member

Blair stated he regretfully has to resign from the Planning Board. Blair stated that this Board is the best run Board in Town and he will miss working with everyone. The Board wished Blair good luck in his endeavor as a Selectman.

Adjournment

Essary made a motion to adjourn the meeting at 9:04pm. Blair seconded the motion. The vote was unanimously in favor of the motion.

Signed: XXXXXXXXXXXXXXXXXX
Barbara Brady, 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)

April 7, 2008

This hearing was opened at 7:53pm by Chair Mary Essary under The Zoning Act M.G.L. Chapter 40A and the Code of the Town of Harvard, Chapter 125 Protective By-Law in the Town Hall Meeting Room.

Members Present: Mary Essary, Barbara Brady and Joseph Sudol

Others Present: Liz Allard (LUB Admin), Richard Breyer (Harvard Hillside), Mark Lanza (Town Counsel), Don Green, Valerie Hurley (Harvard Press), Adam Brodsky, Bill Calderwood, Bob Douglas, Gary Shepard (Ross Assoc.) and Vincent Palmieri

This hearing was continued from March 3, 2008 for a Special Permit Modification filed on behalf of Donald Walter for Lot 102 Lovers Lane, Harvard.

The applicant's representative requested that the hearing be continued to April 28, 2008. With no new evidence received, Sudol made a motion to continue the hearing to April 28, 2008 at 7:50pm. Brady seconded the motion. The vote was unanimously in favor of the motion.

Signed: XXXXXXXXXXXXXXXXXXXXXXXXXXXX
Barbara Brady, Clerk (In Brooks's absence)

Harvard Planning Board

Special Permit, Driveway Site Plan Review & Scenic Road Consent Hearing Meeting Minutes

Fox Realty Trust, Stow Road (Map 36 Parcel 7)

April 7, 2008

This hearing was opened at 8:04pm by Chair Mary Essary under The Zoning Act M.G.L. Chapter 40A and Chapter 40 §15C Scenic Roads and the Code of the Town of Harvard Chapter 125 Protective By-Law and Chapter 90 Scenic Road Bylaw in the Town Hall Meeting Room.

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

Others Present: Liz Allard (LUB Admin), Richard Breyer (Harvard Hillside), Mark Lanza (Town Counsel), Don Green, Valerie Hurley (Harvard Press), Adam Brodsky, Bill Calderwood, Bob Douglas, Gary Shepard (Ross Assoc.) and Vincent Palmieri

This hearing is for a Special Permit for a hammerhead lot, Driveway Site Plan Review and Scenic Road Consent filed on behalf of Fox Realty Trust on Stow Road (Map 36 Parcel 7), Harvard.

Essary explained that it takes four members of the Planning Board to vote on a Special Permit decision. Currently there are only four members present and the PB does not have an associate member. The absent member could invoke the Mullin Rule and be allowed to participate in future hearings. If any members are not able to attend more than one subsequent hearing the hearing would have to be continued. Also, Brooks would be unable to stay at tonight's meeting after 8:35pm.

Adam Brodsky, legal representation of Fox Realty Trust stated he and his applicant would take a chance and would like to proceed this evening.

Bob Douglas, an abutter, stated individuals were informed there would not be a hearing this evening so they are not in attendance. Douglas asked that the hearing be continued with no evidence taken.

Brodsky asked for a moment to confer with his client and engineer. After a brief discuss, Brodsky stated since there is not a great deal of time to present the application he would request the hearing be continued to the next meeting. Brooks made a motion to continue the hearing to April 28, 2008 at 8:00pm. Brady seconded the motion. The vote was unanimously in favor of the motion.

Signed: XXXXXXXXXXXXXXXXXXXXXXXXXXXX
Peter Brooks, Clerk