

**Harvard Planning Board
Meeting Minutes
September 15, 2008
Approved: October 6, 2008**

Chairman Joe Sudol called the meeting to order at 7:33pm in the Town Hall Meeting Room

Members Present: Joseph Sudol, Mary Essary, Barbara Brady, Kara McGuire, Peter Brooks and Craig Bardenheuer (associate member)

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin), Mark Lanza, David Cetola (Mc Roberts & Roberts), Caroline Gibson (Mc Roberts & Roberts), Andy Candiello (Metro PCS), Francis Parullell (Metro PCS) and Valerie Hurley (Harvard Press)

Land Use Boards Brochure

Brochures have been prepared to aid in the process when submitting a building permit. The brochures had been reviewed at the Land Use Board meeting last week. Changes from that meeting were incorporated. The Board was asked to review and comment on the brochure. The Planning Board members made comments that will be incorporated into the final brochure.

Special Permit Hearing – Metro PCS Massachusetts, LLC, 0 Brown Road (Map 36 Parcel 93.4) and 47 Poor Farm Road (Map 9 Parcel 1.2). Opened at 7:48pm, suspended at 8:09pm and reopened at 8:15pm

Continuation of a Special Permit, Driveway Site Plan and Scenic Road Consent Hearing – Fox Realty Trust, Stow Road (Map 32 Parcel 7). Opened at 8:09pm

Continuation of the Planning Board Rules & Regulations Hearing. Opened at 8:50pm

Devens Disposition Success Criteria Assignments

Essary stated that the letter written to Board of Selectmen (BOS) in the spring of 2007 was well written and should be resubmitted to them. Brady asked if the BOS wants the Planning Boards position on these criteria. Sudol believe that was correct. Assignments were decided upon, McGuire Minar and Brady will do the economics; Essary will look at community; Bardenheuer will do administrative and transitional and Sudol will do environmental & education. The members will discuss further at the October 6th meeting in order to get comments to the BOS for their October 7th meeting.

Update Accessory Apartment Deed Rider Procedure

Brady stated there is a need to document the Town policy for the lottery process for the accessory apartments. The Town currently out sources this service, it may be worthwhile for the Town to start doing it themselves. Brady added that a lottery system may be initiated this fall by Lucy Wallace, in which Brady will shadow her to document that procedure. Bardenheuer asked who covers the cost of the lottery. Brady stated the Town. Brady stated the deed rider has been established by the Department of Housing and Community Development. Brady again stated the policy on how to implement that deed rider needs to be completed, i.e., how are we going to conduct the lottery.

Update on Senate Bill 2233 – Accessory Apartment Property Tax Abatement

Sudol informed the members that Senate Bill 2233 is still in the House and should be out this week. Sudol will keep on it and inform the members at the next meeting of any developments.

Bylaw Amendments Assignments & Schedule

Assignments were made in regards to the up coming year Annual Town Meeting. McGuire Minar will work on a drive thru provision; Brooks will work on amending the sign provision, §125-41;

Bardenheuer will work on a demolish delay provision and Sudol and Brady will work on a wind turbine provision.

Zoning Violation – Kavanagh, 339 Stow Road

Sudol explained to the members that the driveway at 339 Stow has been paved, which is not part of the decision that was made and they still have not corrected the issues the driveway inspector has with the fill material. Sudol has written a letter to the home owners, to be copied to the Zoning Enforcement Officer, requesting that these issues be resolved. Essary made a motion to send the letter as written by Sudol to Paul and Hillary Kavanagh of 339 Stow requesting issues with the driveway be resolved in a timely manner. McGuire Minar seconded the motion. The vote was unanimously in favor of the motion.

Paving of Stow Road

Essary stated that the paving of Stow Road has increased the width of the roadway. No one from the Highway Department has presented this work to the Planning Board. The Director of the Highway Department should be asked to come in and speak with the Board about this issue.

Adjournment

Brady made a motion to adjourn the meeting at 9:15pm. Essary seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Peter Brooks, Clerk

Harvard Planning Board

Special Permit Hearing Meeting Minutes

Metro PCS, Massachusetts, LLC, 0 Brown Road (Map 36 Parcel 93.4) and 47 Poor Farm Road (Map 9 Parcel 1.2)

September 15, 2008

Chairman Joe Sudol opened the hearing at 7:48pm in the Town Hall Meeting Room under M.G.L. Chapter 40A and the Code of the Town of Harvard, Protective Bylaw, Chapter 125-27

Members Present: Joseph Sudol, Mary Essary, Barbara Brady, Kara McGuire, Peter Brooks and Craig Bardenheuer (associate member)

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin), David Cetola (Mc Roberts & Roberts), Caroline Gibson (Mc Roberts & Roberts), Andy Candiello (Metro PCS), Francis Parullell (Metro PCS) and Valerie Hurley (Harvard Press)

This hearing is for the installation of a Telecommunication facility onto an existing cell tower at 0 Brown Road (Map 36 Parcel 93.4) and 47 Poor Farm Road (Map 9 Parcel 1.2), Harvard.

Francis Parullell explained to the members that the antennas on 0 Brown Road will be attached to an existing cell tower and mounted at a height of seventy (70) feet. Sudol added that a new concrete pad and new fence will be added to the site. Parullell explained that the area of new concrete pad had been previously permitted, but not built out. Sudol read the letter from John Zimmer, consultant for the Planning Board. Comments from other town boards were read into the record. Essary asked about a previous issue with the site in regards to set backs. The lot with the existing cell tower may not have been divided off of Damon's original lot.

The Planning Board had another scheduled hearing to open and asked the applicant to allow them to suspend the hearing to a specific time to deal with the other hearing. The applicant agreed and Brooks made a motion to suspend the hearing to 8:15pm. Brady seconded the motion. The vote was unanimously in favor of the motion.

The hearing was re-opened at 8:15pm.

Parullell discussed the work proposed for 47 Poor Farm Road. Parullell stated there would be no generators installed and the antennas will be installed at sixty-nine (69) feet and will consist of six (6) antennas. No concrete pad or fence will need to be installed at this location.

Essary made a motion to close the hearings. Brady seconded the motion. The vote was unanimously in favor of the motion.

After a brief discussion Brooks made a motion to grant the two Special Permits in the same format as Shirley Road permit issued to Metro PCS in July. McGuire Minar seconded the motion. The vote was unanimously in favor of the motion.

The applicant requested that since the decisions are the same as the Old Shirley Road decision was there any way it could be completed sooner than the next meeting of the Planning Board. The members agreed this could be accomplished. McGuire Minar made a motion to allow Sudol to sign the final decision for the Board. Essary seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Peter Brooks, Clerk

Harvard Planning Board

Continuation of a Special Permit, Driveway Site Plan and Scenic Road Consent Hearing Meeting Minutes

Fox Realty Trust, Stow Road (Map 32 Parcel 7)

September 15, 2008

Chairman Joe Sudol opened the meeting at 8:09pm in the Meeting Room at the Town Hall under M.G.L. Chapter 40A and the Code of the Town of Harvard, Chapter 125-46, 125-31, 125-29 the Protective Bylaw and Chapter 90 Scenic Roads.

Members Present: Joseph Sudol, Mary Essary, Barbara Brady, Kara McGuire, Peter Brooks and Craig Bardenheuer (associate member)

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin), Mark Lanza, David Cetola (Mc Roberts & Roberts), Caroline Gibson (Mc Roberts & Roberts) and Valerie Hurley (Harvard Press)

This hearing was continued from July 21, 2008 on a Special Permit Driveway Site Plan and Scenic Road Consent filed on behalf of Fox Realty Trust for the construction of a single family dwelling on a hammerhead lot with a driveway over 500' on a designated 'scenic road" on Stow Road (Map 32 Parcel 7), Harvard.

Attorney Davis Cetola stated he was representing Fox Realty Trust. Attorney Cetola requested a withdrawal of the applicants applications with the Planning Board (PB). Essary asked Town Counsel, Mark Lanza, what the options of the Planning Board are in considering this request. Attorney Lanza stated the PB could accept the request on its face, which means that it would be with prejudice and would not be able to file again for two (2) years without a 4/5 vote to open within the two years or you could deny the request and proceed with the application. Attorney Cetola changed his request to be without prejudice.

Sudol asked the members their opinion as to what to do with the request on the table. Essary stated that there has been an extensive amount of testimony; the PB has raised questions that would require substantial change of the plan and with the amount of time that has been taken on this application she thinks there is enough evidence to make a decision. Essary would like to continue the hearing and collect the data at the next hearing to make a decision.

Brooks stated he would like to allow the applicant to withdraw with prejudice. If the applicant is not willing to do that than Brooks would agree with Essary and would he would like to continue the hearing.

McGuire Minar thinks a decision places a marker as to what happen before the PB. Brady thinks having everything documented in one place will help with a future application, especially noting the amount of expert testimony and input from other Board and Town officials, and allowing them to just withdraw will not give the PB that opportunity.

Brooks made a motion to deny the request to withdraw without prejudice. Essary seconded the motion. The vote was unanimously in favor of the motion.

Brooks asked if the applicant had any other evidence to provide to the PB. No new evidence was submitted.

Essary made a motion to continue the hearing to October 6, 2008 at 9:00pm. Brady seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Peter Brooks, Clerk
Harvard Planning Board

Continuation of the Planning Board Rules and Regulations Hearing Meeting Minutes

September 15, 2008

Chairman Joe Sudol opened the meeting at 8:50pm in the Town Hall meeting room under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125 the Protective Bylaw

Members Present: Joseph Sudol, Mary Essary, Barbara Brady, Kara McGuire, Peter Brooks and Craig Bardenheuer (associate member)

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin) and Valerie Hurley (Harvard Press)

This hearing was continued from September 8, 2008 for amendments to the existing Rules and Regulations of the Planning Board to include Special Permits, Subdivision, Site Plans, ANR's and Scenic Road Consent.

Sudol stated he will review the rules and regulations for accuracy and will send them to the members for their review at the next meeting. Brooks made a motion to continue the hearing to October 6, 2008 at 9:10pm. Essary seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Peter Brooks, Clerk