

**Harvard Planning Board
Meeting Minutes
March 2, 2009
Approved: April 6, 2009**

Chairman Joseph Sudol called the meeting to order at 7:34pm in the Town Hall Meeting Room

Members Present: Joseph Sudol, Barbara Brady, Peter Brooks, Kara McGuire Minar and Lisa Fox (Associate Member)

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin), Lou Russo (Wheeler Realty Trust), Valerie Hurley (Harvard Press), Susan Davilt, Bruce Leicher (BHPWMC), Bill Johnson (BHPWMC) and Tom Gormley (BHPWMC)

March 16, 2009 Meeting Vicksburg Square

Sudol explained to the members that there will be a joint meeting between Harvard, Ayer, Shirley and the Massachusetts Development Finance Agency to be held in Harvard on March 16, 2009 at 7:00pm. Both Ayer and Shirley will have similar meetings in their Towns on a later date. This public hearing is to provide information on proposed changes to the Reuse Plan and Zoning Bylaws for the Devens Regional Enterprise Zone, which would remove Vicksburg Square from the innovation and technology center zoning district and would add a new section to the Devens Zoning Bylaws creating the Vicksburg Square Redevelopment zone. An amendment to the Devens Reuse Plan and the Zoning Bylaw would be required to allow up to 400 residential housing units in addition to the 282 units presently allowed within Devens.

Ayer Road Village Special Permit Approval- Wheeler Realty Trust 196/198//200 Ayer Road

Sudol stated everyone has received a final version of the Wheeler Realty Trust decision for their review. Changes include a date change and minor grammar change (providing to provide). Bardenheuer made a motion to approve the notice of decision for Wheeler Realty Trust. Brooks seconded the motion. The vote was unanimously in favor of the motion

Re-appointment of Board Clerk

With the resignation of Books this evening, Bardenheuer made a motion to appoint McGuire Minar as the clerk. Brady seconded the motion. The vote was unanimously in favor of the motion.

Town Caucus March 14, 2009

The Board reviewed the current positions available for election this year. Bardenheuer will be running for a two-year term. McGuire Minar and Brady will also be running each for a three year term. Fox is interested in learning more before running for the position vacated by Peter Brooks. Bardenheuer encourage Fox to run as she probably knows more than she thinks. Fox will reconsider.

Site Plan Approval - Fruitlands 102 Prospect Hill Road

Members had no further comments on the Fruitlands decision other than the time frame for the appeal period. Brooks explained the appeal periods. The final page of the document will be changed to reflect the proper appeal period. McGuire Minar made a motion to issue the Site Plan decision as written with the addition of the proper appeal period. Brooks seconded the motion. The vote was unanimously in favor of the motion.

Special Permit Decision – Russell, 81 Old Littleton Road

Brooks recused from the discussion as he is an abutter to the property.

Sudol has spoken with the Town Administrator who has stated that the Planning Board (PB) can condition signage and/or mirrors to be installed for safety. Brady stated that the PB can only require it to be done under the Special Permit (SP) and that the applicant would have to get

approval from the proper approving authorities. Sudol stated the SP is conditional upon approval of the signage and or mirror. McGuire Minar wanted to know what happens if the Highway Department does not allow the driveway. McGuire Minar stated this is coming down to the way this lot has been parceled out and that all of us on the site walk had concerns in regards to the location of the driveway. In Bardenheuer mind this is the only issue in this case, and that a mirror could make it safer for an individual coming out of the driveway. Brady has similar thoughts; she thinks the situation is a little bit less complicated than the Codman Hill application of last year. Bardenheuer asked since the public hearing is closed how do we determine if a mirror would be helpful. Sudol stated if the Board thinks it is worth wild accepting a condition he would like to find a balance that does not detain the property owner from using his property. Sudol thinks that another visit of the site would be beneficial. Fox stated the question of safety would be to the person pulling out of the driveway. Bardenheuer stated a driver is blind in three locations, up and down the hill and coming out of the driveway; a mirror may aid in the person making a decision coming out of the driveway. Bardenheuer asked about the sizes and locations of such mirrors. Sudol will follow up with the Highway Director, Rich Nota and Chief of Police Ed Denmark.

Proposed Protective Bylaw Amendments Hearing. Opened at 8:10pm

Bare Hill Pond Watershed Management Committee Overlay District

Bruce Leicher was present to discuss the potential of an overlay district around Bare Hill Pond. Leicher explained that the Bare Hill Pond Watershed Management Committee (BHPWMC) had received a grant for storm water protection of the pond. Leicher explained that the BHPWMC has been reviewing applications from the ZBA, Planning Board and Conservation Commission for a few years now. The BHPWMC has provided comment on several applications to aid in the protection of the pond. Rather than picking and choosing rules to be applied on an application by application basis the BHPWMC would like to create an overlay district with clear indications as to what is and is not allowed in the area around the pond. The BHPWMC would come with the boundaries of the district and the language. Johnson stated this is a year long notion that they would work on and would bring back to the Planning Board for the 2010 Annual Town Meeting. Bardenheuer stated coming back to the quality of life in Town this makes a lot of sense.

Adjournment

McGuire Minar made a motion to adjourn the meeting at 9:49pm. Bardenheuer seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Kara McGuire Minar, Clerk

Harvard Planning Board

Proposed Protective Bylaw Amendments Hearing Meeting Minutes

March 2, 2009

Chairman Joseph Sudol opened the meeting at 8:10pm in the Town Hall Meeting Room under M.G.L. Chapter 40A and the Code of the Town of Harvard, Chapter 125-50, The Protective Bylaw

Members Present: Joseph Sudol, Barbara Brady, Kara McGuire Minar, Peter Brooks and Lisa Fox (Associate Member)

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

Amend §125-39B(5)(c) Relative to Driveway Sight Distance

Sudol stated this topic was discussed at the last meeting and questions from the audience have been resolved.

Amend §125-41I(2) On-Site Signs

Sudol stated the provision for signs to be removed thirty (30) days after an election come from neighboring Towns provisions. The Board was conflicted with the off site signs on Town ways. McGuire Minar believes the Board should further look into the allowance of off-site signs on Town ways. Members find it hard to believe that elections signs are allowed on Town property. Bardenheuer does not think the Board should not regulate political signs on individual's property. McGuire Minar will take a look at the provisions 125-41I(2) and J for the next meeting.

Amend §125-2 Definitions - Structure

Brady asked if we could investigate the definition of building as well as it relates to structure. Brooks believes there is nothing you can do about it now at this point due to legal time frames. McGuire Minar asked if the Planning Board could at least give it a college try and get it on the warrant article for Annual Town Meeting. Members did not think this was possible. Sudol stated that the building code has changed and now allows for a structure to be built without a foundation. Language has been changed to address this. Brady asked about wall and its definition and suggested the following:

Any platform, tower, pole, sign, fence or wall that is greater than six (6) feet in height, dam, swimming pool or any assemblage of materials or building greater than 120 square feet in floor area with or without pilings, footings or foundations. Underground utilities, driveways and storage buildings having not more than 120 square feet for floor area shall not be considered a structure.

Amendment to Restrict Certain Types of Drive-Thru

Sudol stated that Town Counsel Mark Lanza was clear that the Board needs to define drive-throughs those allowed, those not allowed and/or those allowed by Special Permit only. Does the Board want the commercial district developed in that manner that attracts drive-thru businesses? Sudol suggested that only banks and pharmacies should be allowed a drive-thru. Bardenheuer stated that the character of the Town is lost by allowing drive-throughs.

Books left the meeting at 9:06pm

Sudol asked if the Town is better off leaving some benign drive-thru such as banks or pharmacies. Brady thinks the Board has to be pretty tight on what the bones of a zone is and when you open the gate to allow other uses that still leaves a lot of room for different commerce to come in. Brady stated that if the Board does not allow drive-thru, she does not see that

stopping commerce from coming in to Town. Sudol gets a sense the Board is in agreement to ban drive-throughs. Bardenheuer commented that if the Board thinks that drive-thru are not good then there should be a ban on all. Fox stated she knows of plenty of situations of other retail business who do not want their neighboring tenant to have a drive-thru as they do not generate foot traffic.

McGuire Minar will write a revision and determine where it needs to be placed within the Protective Bylaw.

Residential Wind Energy Conversion System Overlay District

Sudol stated one of the issues raised at the previous meeting was there was concern of not being able to construct a Wind Energy Conversion System (WECS) within a multi-family development. Lot size should be limited to the basic lot allowed within the bylaw. Brady asked if the parameters are met, then why limit amount generated to ten (10) kilowatts. If you are not going to allow the physical size to be changed then why limit the energy limitations. Bardenheuer asked with a number of conditions that are already limited, how did we get to that size? Sudol stated it came out of the research complied by the committee. Sudol added a bigger blade requires a bigger generator. Also, we do not want to turn a residential WESC into a commercial operation. Fox believes this is a Bylaw that will need to be updated every few years with the change in technology. Bardenheuer would not limit kilowatts. Brady thinks the Board should look at the physical constraints and not the amount used. McGuire Minar agrees. Sudol stated for the time being keep the other requirements, remove the ten (10) kilowatt requirement and keep the non-sharing provision. McGuire Minar asked what the criteria for view shed are. Sudol stated that is a touchy subject, as the only view sheds defined in Harvard are those defined in the Freedoms Way report. It would be up to the Board and/or the opinion of the abutters.

Sudol wants to be certain that members are okay with other portions of the provision. Sudol will red line the document as suggested this evening and last week. He will also send it to Lanza. Sudol could not find a good definition of Town Center. Suggestions were made. Sudol will look at it again.

Brady made a motion to continue the hearing to March 16, 2009 at 8:30pm. McGuire Minar seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Kara McGuire Minar, Clerk