

**HARVARD PLANNING BOARD
MEETING MINUTES
April 6, 2009
APPROVED: May 18, 2009**

Chair Joe Sudol opened the meeting at 7:47pm in the Town Hall Meeting Room.

Members Present: Joe Sudol, Barbara Brady, Kara McGuire Minar and Craig Bardenheuer and Lisa Fox (Associate Member)

Others Present: Liz Allard (LUB Admin), Susan Davitt (Harvard Press), Al Barbieri and Peter Warren

Review & Discuss Russell Decision – Lot 2 Old Littleton Road

The members reviewed the draft that included changes Brady made this afternoon. Minar wants stronger language in regards to the view easement and its recording. Bardenheuer made a motion to approve the decision as amended this evening. Brady seconded the motion. The vote was 4-0.

Approval of Minutes

Brady made a motion to approve the minutes of March 2, 2009 and March 16, 2009 as amended. Bardenheuer seconded the motion. The vote was unanimously in favor of the motion.

Proposed Protective Bylaw Amendments Hearing – 125-2 Definitions Floor Area & Building. Opened at 8:03pm

ZBA Request for Comments Waugh, 49 Littleton Road

Brady has reviewed the application submitted to the ZBA on behalf of Kathy Wauge and Francis Begue for additions to a pre-existing non-conforming structure on a pre-existing non-conforming lot at 49 Littleton Road. Brady stated there are no Planning Board issues with the application, she only suggests that the Conservation Commission review the application with regards to the proximity to wetlands. A letter will be sent to the ZBA expressing the opinion of the Board.

Annual Town Meeting Assignments

The Board agreed the Annual Town Meeting assignments would be as follows: Brady will present the amendments to §125-2 Definitions; Sudol will present §125-53 Residential Wind Energy Conversion System Overlay District; Bardenheuer will present §125-39B(5)(c) Driveway Sight Distance; and McGuire Minar will present §125-20 addition of a provision for Drive throughs.

Request for Traffic Counts from Montachusett Regional Planning Commission

Sudol informed the members that a request has been made to Montachusett Regional Planning Commission for a free traffic count on Ayer Road. The request was for counts at three locations, those being just north of the Route 2 west bound interchange, just before the entrance to Dunkin' Donuts and just before Gebo Lane, both north and south bound at each location, for seven days from 6:00 am to 7:00pm. Members question when these counts would take place. Sudol was not certain. The members wanted to be certain they did not take place midsummer when traffic is lighter. Allard will follow up with MRPC to determine when the counts will be conducted.

During this discussion McGuire Minar questioned why the highway signs on Route 2 say Harvard/Worcester. Could this be bringing unwanted traffic through the area? No one knew the answer as to how the State determines what locations will be displayed.

Adjournment

Brady made a motion to adjourn the meeting at 9:04pm. McGuire Minar seconded the motion. The vote was unanimously in favor of the motion. Signed: Kara McGuire Minar

Harvard Planning Board

Proposed Protective Bylaw Amendments Hearing Meeting Minutes

April 6, 2009

This hearing was opened at 8:03pm by Chair Joe Sudol under M.G.L. Chapter 40A and "The Code of the Town of Harvard" Chapter 125-50 in the Town Hall Meeting Room

Members Present: Joe Sudol, Barbara Brady, Kara McGuire Minar and Craig Bardenheuer, Lisa Fox (Associate Member)

Others Present: Liz Allard (LUB Admin), Peter Warren and Susan Davitt (Harvard Press)

This hearing is for amendments to the Protective Bylaw, Chapter 125-2 Definitions: Floor Area and Building.

Sudol read the amended definition of Floor Area and the new definition for building. Bardenheuer stated the amendments were eloquently written and presented. Changes were made to the definition of Floor Area. Peter Warren asked if this was geared toward the commercial zone. The members agreed the amended floor area definition and the new Building definition were geared to the commercial district. Warren asked why the Board was submitting warrant articles that would negate the efforts of the Fiscal Impact Analysis Team (FIAT) Committee to improve and develop the commercial district. Minar explained that this came about with the filing of the Ayer Road Village Special Permit (ARV-SP) by Wheeler Realty Trust in which a firewall was proposed, which separated the structure into two buildings, which then surpassed the size limit within the ARV-SP. Warren thinks this should not be considered since the Annual Town Meeting (ATM) already has an article for the commercial district and this amendment could step on the toes of that. Brady explained the intent in not to change what is in the Bylaw already, but because the Bylaw lacks a definition of building the Town lacks enforcement of the building size under ARV-SP. If the FIAT Committee recommends changes to building sizes the Board is okay with that, but in the interim this would cover building size for enforcement before those changes are made.

Bardenheuer made a motion to close the hearing. McGuire Minar seconded the motion. The vote was unanimously in favor of the motion.

After a brief discussion Bardenheuer made a motion to approve the definitions of floor area and building as amended. McGuire Minar seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Kara McGuire Minar, Clerk