

**HARVARD PLANNING BOARD
MINUTES OF MEETING
MAY 4, 2009
APPROVED: June 1, 2009**

Chairman Joe Sudol called the meeting to order at 7:31pm in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin), Susan Davitt (Harvard Press) and Leo Blair

Annual Town Meeting Round Up

At the 2009 Annual Town Meeting (ATM) only one of the Planning Boards (PB) four Warrant Articles passed. The PB Articles were numbers 35 – 38. Article 35: Amend Protective Bylaw – Site Standards (125-39) passed without opposition. Article 36: Amend Protective Bylaw – General (125-20), Article 37: Amend Protective Bylaw – Definitions (125-2) and Article 38: Amend Protective Bylaw – Residential Wind Energy Conversion Systems (WECS) Overlay District all failed. Bardenheuer stated one of the issues was that the PB did not have other Town Boards on board with the amendments and they were not clear as to why the amendments would be good for the Town. Fox stated it can be difficult to explain how changes to the Bylaw are going to effect individuals. Fox added it is the PB's job to speak to the general public, explain how an amendment is not going to affect, as well as how it would affect the general public. Bardenheuer thought there should have been another Board of Selectmen (BOS) member who should have spoken as well on the matter of the definitions. Sudol stated Article 37 was a never mind amendment that got lost easily. At past ATM the BOS has never talked about PB Articles. The PB tries to be too accurate and should try to stick strictly to the change and not bring in other sections that muddy the waters. Fox suggested that there should be clarity to the fact that an amendment does not go back in time, so that existing items or activity is "grandfathered".

The members noted that the attendance during these Articles was only about 120 people. The PB will request that the Articles are earlier in the day for the next ATM. It was noted that Comments made during Article 38 were misspeaks which were incorrect. Sudol stated the PB made an error in not making these changes simple. Bardenheuer believes Article 24 Home Rule Petition – Sewer District was presented brilliantly. Fox asked how the PB could get people interested before ATM. Bardenheuer thinks there should be more ways to get the information out and educate the public prior to ATM. Sudol explained what happen with the WECS last ATM. Sudol recommended the PB take a page out of the BOS book and create sub-committees to do the leg work on the amendments. Sudol stated that everybody missed the point with Article 38 and what would be allowed.

Brady stated with regard to the Articles, the PB assumed that they were germane and did not have a lot of input at the public hearings, but those individuals who remained to the end of ATM are those who want to support you or are the polar opposites. When preparing for ATM the PB does need to speak to other Boards that may have input or concerns with the amendments. When public hearings are lightly attended, the PB should consider an article in the local newspapers to better inform the public prior to ATM. Bardenheuer stated what he is hearing from the general public is "What's being proposed and why". It was agreed that the PB needs to plan better, publicize early, obtain support from other boards, and lay out the case for the amendment and the consequences. Fox added the first step should be to have Town Counsel review the amendments before opening up to the public.

Sudol asked the members if they wanted to close the building loop hole by having an article on the Special Town Meeting in June. Sudol believes the PB should modify the ARV-SP (125-52) to

close the loophole. Sudol is reluctant to change 125-46 to be specific to affordable units, as previously recommended by Town Counsel. Sudol believes changing the sentence in 125-52 that discusses the building size. This point may be moot as the provision (125-52) may go away if the Economic Development Analysis Team (EDAT) moves forward (Article 22). Bardenheuer felt if the PB rushed to get an amendment together for June it might be done incorrectly. Bardenheuer asked if there is a plan for a Special Town Meeting in October. No one is sure if there will be a Special Town Meeting in October.

McGuire Minar joined the meeting at this time.

Sudol brought McGuire Minar up to speed on whether or not to have an amendment for June. Brady would be more than happy to present the building article at another Town Meeting. Sudol stated changing the definition and coming forward with it June may not grandfather the recently approved ARV-SP. Bardenheuer asked what else is going to be on the docket and who is going to attend the June meeting. The Special Town Meeting in June is for the Vicksburg Square project at Devens and may not be heavily attended. Sudol stated that is why he asked how the members felt about closing the loophole for June or could it wait. By doing it in June we are going to go right back to the mistakes that were made this time by rushing it. Sudol asked if the Board wanted to propose any amendments for the June. Fox stated for different reasons, it seems no one thinks June is reasonable. Bardenheuer made a motion that the Planning Board re-proposes the building definition at the June Town Meeting. McGuire Minar seconded the motion. The vote was 0-5 not in favor of the motion.

Review and Approve Saydah/Whole Earth Landscape & Design Special Permit and Site Plan Approval 320 Ayer Road

After a review and brief discussion of the decision Brady made a motion to approve the Special Permit and Site Plan Review decision for Whole Earth Landscape and Design at 320 Ayer Road. Fox seconded. The vote was unanimously in favor of the motion, with the exception of Bardenheuer, who was not present for the hearing.

Approval Not Required – Wheeler Realty Trust 196 & 198 Ayer Road

No one was present to represent the applicant or the plan as submitted. Allard will contact the engineering firm to determine why no one was present.

Amendment to the Existing Application to the Harvard Planning Board and to the Planning Board Procedural Rules and Regulations. Opened at 8:45pm

Approve Minutes

Brady made a motion to approve the April 6, 2009 minutes as amended. Bardenheuer seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Fox made a motion to adjourn the meeting at 9:11pm. Brady seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Kara McGuire Minar, Clerk

Harvard Planning Board

Amendments to the Existing Application to the Harvard Planning Board and to the Planning Board Procedural Rules and Regulation Hearing Meeting Minutes

May 4, 2009

The public hearing was opened at 8:00pm by Chairman Joe Sudol under the Massachusetts General Law Chapter 40A and the Code of the Town of Harvard in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin)

This hearing is for amendments to the Existing Application to the Harvard Planning Board and to the Planning Board Procedural Rules and Regulation

Allard explained to the members that currently legal notices are paid for from the Planning Boards annual budget, which makes determining how many will be required each year a bit difficult. Allard is recommending a change to the existing application and the newly approved regulations that require the applicant to pay for the legal notice directly. Allard stated both the Conservation Commission and the Zoning Board of Appeals have similar requirements. Changes to the application and the regulations were read to the members.

After a brief discussion Bardenheuer made a motion to amend the Application to the Harvard Planning Board to include a statement informing applicants that they will be billed directly by the newspaper for the legal notice required for a hearing. Brady seconded the motion. The vote was unanimously in favor of the motion.

Brady made a motion to amend the Planning Board Procedural Rules and Regulations to include in the appropriate location language stating that an applicant shall now be responsible for paying for legal notices separate from the required filing fees. Fox seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Kara McGuire Minar, Clerk