

**Harvard Planning Board
Meeting Minutes
March 15, 2010
APPROVED: April 26, 2010**

Joe Sudol opened the meeting at 7:30pm in the Main Meeting Room of the Former Library

Members Present: Joe Sudol, Kara McGuire Minar, Craig Bardenheuer, Lisa Fox, Wayne McFarland and Michelle Catalina (Associate Member)

Others Present: Liz Allard (LUB Admin), Jamie Allard (Harvard Press), Peter Warren, Karl Baker (Robinson & Cole, LLP), Chuck Webberly (Structure Consulting), Michael Giaimo (Robinson & Cole, LLP), Don Haes and Bill Johnson (EDAT)

Board Reports – Committee Activities

Sudol attended the Economic Development Analysis Team meeting last week, at which he made comments on the report the Team is working on for Annual Town Meeting (ATM). The Team discussed the report and the direction they are headed for at ATM. Bill Johnson will be attending this meeting (PB) later in the evening and the subject can be discussed further.

Traffic Counts from Montachusett Regional Planning Commission (MRPC)

Sudol informed the members that MRPC will be conducting traffic counts in Harvard this spring. Five to six sites have already been identified for this round of counts. Should any members feel there is a location that is not already on the list please let Sudol know by March 31st.

Sudol stated that Selectman Tim Clark has asked for a count on Prospect Hill Road. Sudol believes Clark is trying to capture the amount of traffic during an event at Fruitlands and since you do not have a choice as to the time when the count is done it may be fruitless (no pun intended). McGuire Minar thinks a count from Still River Road to Route 2 over Prospect Hill Road should be considered. Bardenheuer asked how the five to six locations were chosen. Sudol was not sure. McGuire Minar would still like to see what type of traffic is using Prospect Hill Road from Still River Road to circumvent the Town Center. Bardenheuer would like to know how they chose those roads and how the traffic flows through Towns.

Green Community & Stretch Code

Sudol stated that he has been keeping up with the Energy Committees efforts to adopt the Stretch Code at the Annual Town Meeting (ATM) in May. Appendix 120AA of the 7th Edition of the Massachusetts Building Code 780 CRM, known as Stretch Code, calls for improved local building energy efficiency in the State. Towns and cities may adopt Appendix 120AA as an alternative to the base energy efficiency requirements of 780 CMR and the forthcoming 8th edition. It is recommended that a municipality adopt the Stretch Code in order to be designated as a Green Community in Massachusetts.

Sudol believes the adoption of this Code will increase the cost of building a new home in Harvard between \$15,000 and \$20,000. Sudol believes the pay back is not there. Sudol thinks that the government getting involved in how our homes are built is not cool. Included in that is the fact that homes built previous to the adoption of the Code are not built that way and now new homes will be required be built in this manner.

McGuire Minar explained that there is grant money available from the State as an incentive to becoming a Green Community; not to mention that the Code will be adopted by the State as a whole in the next year or so. McGuire Minar added that the pay off of constructing energy efficient homes may be much sooner than Sudol thinks.

The second piece of the Stretch Code is that of the commercial buildings, which will contain a large number of requirements, including an onsite energy producing facility such as wind, biomass or solar.

Fox asked, why now is this an issue and being rushed along to be on the Warrant at ATM. McGuire Minar stated that only the first part of the process is coming forward now to help the money that would be available for improvements to Town buildings. Sudol stated the Stretch Code and Green Communities are two different things. Sudol added that the State is looking for regional Green Communities. Fox is not willing to rush into anything until we have time to look at the numbers. McGuire Minar believes what is coming to ATM does not have to come to the Planning Board for Bylaw amendments. Bardenheuer thinks these are two different items and need to be addressed accordingly.

Renewal of an Existing Special Permit Hearing – Bell Atlantic Mobile of Massachusetts Corp., LTD d/b/a Verizon Wireless, Brown Road (Map 36 Parcel 93.4T). Opened at 8:00pm

Economic Development Analysis Team (EDAT) Update

Bill Johnson was present to give the Planning Board an update on the status of EDAT as it pertains to their charter and what they are planning for Annual Town Meeting (ATM). Johnson handed out copies of the report given to the Board of Selectmen (BOS) on March 2, 2010. McGuire Minar asked how the given charter morphed into a sewer district plan. After discussing the current road conditions of Ayer Road, Johnson stated sewer is a constraint for all of the parcels when speaking with the property owners within the commercial district. Fox believes we are all in agreement that a sewer system will make the district better, but at what cost. Johnson stated members of EDAT are reviewing a way to have a sewer system that can be limited to commercial only; if that can be accomplished than the system could be used selectively on other projects. The overall cost of such a system is another issue. Johnson stated the design would be the same as the Town Center sewer system, but with reduced cost. Johnson stated the cost for individual system would be higher than the construction of a communal system. Johnson stated that if the system can not be limited on the types of users then they will not move forward with that type recommendation.

Members discussed the plan to have a warrant article for ATM directing the BOS to create and appropriately empower a permanent Economic Development Corporation to define and manage the implementation process for the proposed commercial expansion and infrastructure investment. Members were very concerned about this group being a corporation rather than a commission.

Johnson stated that the EDAT has not come to a decision on the warrant articles for ATM, but will need to complete that process soon as time is running out for final submittal.

Continuation of Annual Town Meeting Protective Bylaw Amendments Hearing.

Opened at 9:06pm

Adjournment

Bardenheuer made a motion to adjourn the meeting at 9:22pm. McFarland seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Lisa Fox, Clerk

Harvard Planning Board

Renewal of Special Permit Hearing Meeting Minutes

Bell Atlantic Mobile of Massachusetts Corp., LTD d/b/a Verizon Wireless, Brown Road (Map 36 Parcel 93.4T)

Sudol opened the meeting at 8:00pm under M.G.L. Chapter 40A §9 and the Code of Harvard Chapter 125-27 in the main meeting room of the former library.

Members Present: Joseph Sudol, Kara McGuire Minar, Craig Bardenheuer, Lisa Fox, Wayne McFarland and Michelle Catalina (Associate Member)

Others Present: Liz Allard, Jamie Allard (Harvard Press), Karl Baker (Robinson & Cole, LLP), Chuck Webberly (Structure Consulting), Michael Giaimo (Robinson & Cole, LLP), Don Haes and Bill Johnson (EDAT)

Carl Baker was present to represent Verizon Wireless. Baker stated the original permit was issued in 2000 and then renewed in 2005 for an additional five years. The applicant is seeking another five year renewal to that Special Permit. Baker explained AT&T owns the tower and have the top spots. The Verizon antennas are located at 90' on the tower. The application includes the changing out of the current antenna with updated antennas. With no additional impacts to the antenna or the site, Baker respectfully asks that the application be approved.

Sudol asked if the width and height of the panels would be extended. Baker stated they would. Sudol asked if there would be any changes to the equipment on the pad. Baker stated there would be no changes. Bardenheuer asked how the proposed antennas compare to the existing AT&T antennas. Baker stated they are very similar. McGuire Minar recused herself from comments. No other members had any further questions.

Bardenheuer made a motion to close the public hearing. McFarland seconded the motion. The vote was unanimously in favor of the motion. McFarland will draft a decision for review at the April 5, 2010 meeting.

Signed: _____
Lisa Fox, Clerk

Harvard Planning Board

Continuation of Annual Town Meeting Protective Bylaw Amendments Hearing Meeting Minutes

March 15, 2010

Sudol opened the meeting at 9:06pm under M.G.L. Chapter 40A §5 and the Code of the Town of Harvard Chapter 125-50 in the Main Meeting Room of the Former Library

Members Present: Joseph Sudol, Kara McGuire Minar, Craig Bardenheuer, Lisa Fox, Wayne McFarland and Michelle Catalina (Associate Member)

Others Present: Liz Allard, Jamie Allard (Harvard Press), Mark Lanza

This hearing was continued from March 1, 2010 and is in regards to Protective Bylaw Amendments for the 2010 Annual Town Meeting.

Sudol stated the final warrant articles have been drafted with the exception of the drive-thru bylaw for submittal to the Town Administrator for addition to the warrant for Annual Town Meeting.

Changes were incorporated from the last meeting and sent to Town Counsel, Mark Lanza for review for the drive-through bylaw. Lanza stated from a legal perspective he sees no issues with the changes that have been suggested.

9:13pm Sudol left the meeting.

Catalina stated she has not had an opportunity to review the documents, but would like to know how we are going to get the word out about this amendment. McGuire Minar stated additional articles in the local papers will be of importance, along with some more community out reach.

The members noted that the exception of allowing a drive-through within 500' of a residential building within a mix used development had not been included in §125-20E(2). Lanza will include that language along with the deletion of "is" in the first line of that section.

With no further questions from the members or the general public, McGuire Minar made a motion to close the hearing. McFarland seconded the motion. The vote was unanimously in favor of the motion.

After a brief discussion McGuire Minar made a motion to submit the proposed amendments for inclusion on the Warrant for the Annual Town Meeting on May 1, 2010, those amendments include §125-42 Types of District; interpretation, for the digitizing of the existing Zoning Map with no proposed changes to the contents of the Map, §125-41 Signs to amend section I(1)(c) in regards to off site seasonal signs and to include the definition of "Drive-Through Facility" in §125-2 Definitions, as well as adding a new section, E, to §125-20 General, that restricts the types of drive-through facilities to banks or financial institutions and pharmacies only and requires a Special Permit from the Planning Board. McFarland seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Lisa Fox, Clerk