

**HARVARD PLANNING BOARD
MEETING MINUTES
NOVEMBER 1, 2010
APPROVED: December 20, 2010**

Chair Kara McGuire Minar opened the meeting at 7:32pm in the Town Hall meeting room under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

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

Others Present: Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.), Tim Clark, Ron Ricci, Eric Broadbent, Brian Smith, and Rose Chaulk

Board Members Reports – Committee Activities

Catalina stated she recently attend the Montachusett Regional Planning Commission meeting, at which they requested the priority areas form sent to the Town in August be completed and submitted. Allard stated she had attempted to complete the form and was unable to get information from the Municipal Affordable Housing Trust (MAHT). McGuire Minar stated she would contact the chair of the MAHT to see if she would be able to get the information.

Approval Not Required – Bluefin Development, Lots 1, 2 & 3 Mill Road (Map 12 Parcel 26)

Bruce Ringwall was present to request the endorsement of the second Approval Not Require (ANR) plan for the Bluefin Development project on Mill Road. Lots 4 and 5 were previously approved as basic lots; tonight endorsement would be for Lots 1, 2 and 3 which required a Special Permit.

There were no questions from any of the members.

McGuire Minar made a motion to endorse the ANR as submitted this evening for Bluefin Development, Lots 1-3 Mill Road. Fox seconded the motion. The vote was unanimously in favor of the motion.

Approval of Minutes

McFarland made a motion to approve the minutes of October 4, 2010 as amended. Fox seconded the motion. The vote was unanimously in favor of the motion.

Continuation of an Approval Not Required – Getty/Egan, Massachusetts Avenue (Map 22B Parcel 14).

Rose Chaulk was present to request the endorsement of an Approval Not Required plan for Getty/Egan on Massachusetts Avenue. The Board had previously requested Town Counsel's advice in regards to the creation of a common driveway. Town Counsel has stated that the plan can be endorsed as submitted and when Lot 1 is developed the applicant will be required to apply for a Special Permit for the use of the common driveway.

McFarland made a motion to endorse the ANR as submitted this evening for Getty/Egan, Massachusetts Avenue. Fox seconded the motion. The vote was unanimously in favor of the motion.

ZBA Request for Comments – Wyrwal, 38 Lovers Lane

McGuire Minar will review and draft a response to the application submitted to the Zoning Board of Appeals for a Special Permit under 125-3 of the Protective Bylaw.

The Code of the Town of Harvard, Chapter 125 Protective Bylaw Amendment Hearing.
Opened at 8:00pm

Adjournment

McFarland made a motion at 9:18pm to adjourn the meeting. Fox seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Lisa Fox, Clerk

Harvard Planning Board

The Code of the Town of Harvard, Chapter 125 Protective Bylaw Amendment Hearing Meeting Minutes

November 1, 2010

This hearing was opened at 8:00pm by Chair Kara McGuire Minar under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125- in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.), Tim Clark, Ron Ricci, Eric Broadbent, Brian Smith,

This hearing is for Amendments to the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard as follows: 1) Add a new section, 125-53 Large-Scale Ground-Mounted Solar Photovoltaic Overlay District; 2) Amend the existing Zoning Map 125-42 to include Solar Photovoltaic Overlay District; and 3) Amend error made during the 2010 Annual Town Meeting (Article 3) in regards to the Zoning Map, 125-42.

McGuire Minar read the Purpose and Objectives of the proposed addition to the Protective Bylaw. Green Community criteria were outlined by McGuire Minar. The Planning Board felt given the financial burdens being felt by the Town, that this would be a great cost reducing effort that could be under taken by the Town.

Brian Smith, Chair of the Harvard Energy Advisory Committee, explained that Protective Bylaw amendment was required as part of Criteria 1 for Green Communities. The HEAC determined the 250kw solar array option was best suited to Harvard. Criteria 2 require expediting permitting for Criteria 1. Criteria 3 are an energy reduction plan, which requires the Board of Selectmen (BOS) and School Committee approval. Criteria 4 are similar to Criteria 3, requiring an approved plan for the purchase of fuel efficient vehicles. Criteria 5 are the adoption of the Stretch Energy Code.

Accepting and applying these criteria will allow the Town access to available grant money. Eric Broadbent stated the Zoning Map will need to be amended as well to include the overlay district created by the Bylaw amendment. McGuire Minar asked about the vehicles and when would that requirement need to be satisfied. Broadbent stated when a vehicle needs to be replaced. Police vehicles are exempt, but should a fuel efficient vehicle be available when being replaced, it should be considered.

McGuire Minar asked how the other Criteria would be met. Broadbent stated Criteria 3 & 4 need to be accepted by BOS & School Committee. Criteria 5 are a warrant article for Special Town Meeting. McFarland had no questions. Catalina asked does the overlay district have any other requirements to have a photovoltaic array there. Tim Clark stated that you can not preclude the use of the overlay. McGuire Minar asked how many acres would be needed for a 250kw photovoltaic system. Clark stated one or two acres. Clark explained the area at the old land fill location, which abuts Conservation land and the Ryan playing fields. This location is at an elevation higher than Under Pin Hill. Compost material is currently being stored in the proposed area. There is no requirement that the Town construct the facility. Site Plan approval does not constitute an undue burden. Site Plan approval must be able to be obtained within one year.

The Stretch Code was explained along with the several exemptions within it. Residential construction, at a 3,000 square foot threshold, under the current Building Code, requires energy efficiency. New homes must be tested, for performance/efficiency standard, through air barrier and thermo testing. As for additions, there are no size thresholds.

McFarland asked the PB thinks it is still a good idea to go though with the amendments regardless if the other criteria are achieved. McGuire Minar believes that photovoltaic seems to be the most passive in renewable energy.

McGuire Minar read Bardenheuer' email in regards to 125-53 A; Bardenheuer would like to see "promote" changed to "allow". Members agreed with change suggested by Bardenheuer.

Ron Ricci stated he thinks using this site is a good thing, but one thing that he thinks needs addressing is the site is shown as being on top of the old land fill. Ricci would like re-assurance that the cap is not broken. Ricci further added that there is concern over stormwater management of the entire Highway site. Ricci would like to see language within the amendment that indicates there is in fact a land fill at this location. Clark stated the entire site would be designated as the overlay; the photovoltaic system could be located in a different location on the site. McGuire Minar asked how much of the land fill was capped. Ricci stated there is not a clear definition as to where the boundaries of the capped land fill is located. Fox asked what would happen if this site does not work. Clark stated the district could be amended to be in another location. Clark reviewed the site plan approval requirements from chapter 125-38 which would allow for a required review under content. Fox suggested a notation within the overlay district provision. Language was discussed and accepted by the members.

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

After a brief discussion, McFarland made a motion to accept the amendment to the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard by adding a new section 125-53 Large-Scale Ground-Mounted Solar Photovoltaic Overlay District as amended this evening and present it at the Special Town Meeting on November 9, 2010. Fox seconded the motion. The vote was unanimously in favor of the motion.

McFarland made a motion to accept the amendment to the Protective Bylaw, Chapter 125 of the Code of Harvard by adding Large-Scale Ground-Mounted Solar Photovoltaic Overlay District to the existing Zoning Map, Chapter 125-42 and present it at the Special Town Meeting on November 9, 2010. Fox seconded the motion. The vote was unanimously in favor of the motion.

McFarland made a motion to report to the Moderator that the Planning Board voted favorable to recommend Article 2 & 3 at the Special Town Meeting on November 9, 2010. Fox seconded the motion. The vote was unanimously in favor of the motion.

McFarland made a motion to accept the proposed amendment to the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, 125-42 to correct an error made to the Zoning Map at the 2010 Annual Town Meeting. Fox seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Lisa Fox, Clerk

DOCUMENTATION & OTHER EXIHIBITS

Approval Not Required – Bluefin Development, Lots 1, 2 & 3 Mill Road (Map 12 Parcel 26)

- Form A, dated October 14, 2010
- Plan of Land in Harvard, Mass. Job 061075A, dated May 26, 2010

Continuation of an Approval Not Required – Getty/Egan, Massachusetts Avenue (Map 22B Parcel 14)

- Form A, dated September 23, 2010
- Plan of Land in Harvard, Mass. for Kevin Getty, Job No. R-212 Plan No. M-670, dated September 20, 2010

ZBA Request for Comments – Wyrwal, 38 Lovers Lane

- Zoning Board of Appeals Application and associated plans, dated September 27, 2010

The Code of the Town of Harvard, Chapter 125 Protective Bylaw Amendment Hearing

- Article 2: §125-53 Large-Scale ground-Mounted Solar Photovoltaic Overlay District, undated
- Green Community Designation, undated
- Letter from Energy Advisory Committee, dated September 30, 2010
- Town of Harvard Green Communities Designation – Executive Summary, undated
- As of Right Siting requirement options for the Green Communities Act (GCA), dated September 30, 2010