

**HARVARD PLANNING BOARD
MEETING MINUTES
FEBRUARY 28, 2011
APPROVED: March 7, 2011**

Vice Chair Craig Bardenheuer opened the meeting at 7:34pm in the Old Library under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Craig Bardenheuer, Wayne McFarland, Michelle Catalina and Peter Brooks

Others Present: Liz Allard (LUB Admin)

Discuss Meeting with Finance Committee - Master Plan Warrant Article

Both Brooks and Allard attend the Finance Committee (FinCom) meeting last week to discuss the request for \$100,000 to update the Master Plan (MP). The real question is, does the entire document need to be updated or are there just sections that need updating, which could reduce the cost. Brooks wonder how Devens would impact the MP. Brooks suggested reducing the request to \$25,000 and see how much of the MP could be updated with that amount. Catalina stated that she is missing the information needed to defend the \$100,000 at Annual Town Meeting. Brooks volunteered to review the MP and come up with a sense of what really needs to be updated. Others were encouraged to also review the MP. Catalina will follow up with Lucy Wallace and Elaine Lazarus for any advice or knowledge they could share.

2011 Annual Town Meeting Bylaw Amendments

Members discussed the amendments made to Chapter 90-6 Enforcement under the Scenic Road Bylaw. Town Counsel, Mark Lanza, add language in regards to criminal prosecution, but Brooks is not certain the reference to M.G.L. Chapter 87 §12 is correct. McFarland asked what the difference was between a civil citation and criminal fine. Brooks stated that anyone can file with the courts for a criminal fine, where as a civil suit must be filed by Counsel. After further discussion of whether or not to pursue this amendment, the members agreed that with the difficulties of enforcing and collecting fines, along with only one violation over the last several years, that is would not be advantageous to continue with this amendment. The members request that Allard have the amendment removed from the Annual Town Meeting Warrant, however if McGuire Minar is opposed to the removal, then the Board will discuss further at the next meeting.

As for the error with the Zoning Map, Allard has not heard from Town Counsel on the information she gathered which shows clear evidence that the Map is part of Chapter 125-42 and not 125-43. Allard believes that when the articles are reviewed by Town Counsel he will suggest that there is no need for the request and have it removed from the warrant. At this point the Board has done what it could to correct the error and if support of Town Counsel is not there then the matter should be abandon.

The Conservation Commission (Concom) briefly discussed the Floodplain District Bylaw at their last meeting, at which they questioned the zones as noted in the Bylaw. Information has been obtained on the different zone types and sent to the Concom and the Planning Board. The Concom also asked if 125-54D should state "Protective Bylaw Regulations" rather than "Use Regulations". The hearings for this amendment will begin on March 7, 2011. Allard will request a member of the Concom be in attendance for the hearing.

Board Member Reports - Committee Activities

Catalina stated she attended the recent Municipal Affordable Housing Trust (MAHT) meeting at which Elizabeth Ainsley Campbell was present to discuss the Town of Carlisle efforts at getting an affordable accessory apartment program approved at the State level. Catalina stated that

Campbell has done her homework and has made great strides with the Department of Housing and Community Development. There is still one more hurdle to over come (Town Meeting vote) before all is said and done and the process can begin in Carlisle. The MAHT is waiting to see what becomes of the program in Carlisle before taking any more additional steps to move forward with this type of program in Harvard.

Adjournment

McFarland made a motion to adjourn the meeting at 8:31pm. Brooks seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Temporary Clerk

Other Documents & Exhibits

2011 Annual Town Meeting Bylaw Amendments

- Email between Town Counsel Mark Lanza and Land Use Administrator Liz Allard, Re: Scenic Road Amendment, dated February 10, 2011
- Above email attachment, §90-6 Enforcement; violation and penalties, undated