

**HARVARD PLANNING BOARD  
MEETING MINUTES  
MARCH 7, 2011  
APPROVED: June 6, 2011**

Chair Kara McGuire Minar opened the meeting at 7:34pm 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, Craig Bardenheuer, Wayne McFarland, Michelle Catalina and Peter Brooks

**Others Present:** Liz Allard (LUB Admin), David Le Roy (Ross Assoc.), C. Ron Ostberg, Lucy Wallace, Peter Jackson and Don Ritchie

**Board Member Reports – Committee Activities**

Catalina spoke with Elaine Lazarus, a Harvard resident and the Planner for the Town of Hopkinton, in regards to updating the Master Plan. Lazarus was obtained by the Town of Hopkinton to update their Master Plan on a part-time basis. It seems that it would be cheaper in the long run to hire a part-time planner to update the Master Plan rather than request the \$100,000 at Town Meeting. A good steering committee that is willing to take on the tasks to update the plan would reduce the cost associated with updating the plan. Catalina will get in touch with Lucy Wallace to discuss her previous experience with updating the Master Plan.

McGuire Minar is attending the Economic Development Committee (EDC) meeting scheduled for tomorrow night. Allard will re-send the answers to the questions the PB had at the February 9, 2011 meeting with the EDC and the Board of Selectmen.

**Minutes**

Bardenheuer made a motion to approve the minutes of February 9, 2011 as amended. McFarland seconded the motion. The vote was unanimously in favor of the motion.

McFarland made a motion to accept the minutes of February 28, 2011 as written. Brooks seconded the motion. The vote was unanimously in favor of the motion.

**Discuss Site Plan Review Letter**

The members discussed the draft letter to be sent to the Building Commissioner in regards to his opinion on the compliance of the Hirsch commercial property on Ayer Road. Brooks stated that a certificate of occupancy (CO) should not be issued until all conditions are met and that the only person can waive a condition is the Board that issued those conditions. Bardenheuer wanted to know how much discretion the Building Commissioner has. Brooks stated there are judgment calls, such as the adjustment of the location of a building; this however, compliance with a decision of the Planning Board (PB) is not a judgment call.

The members discussed what action that would like to take. It was determined to ask the Building Commissioner (BC) to reconsider his decision and revoke the CO. The letter should outline why the BC can not impose conditions and that he should comply with the conditions that have been imposed by the PB. It was agreed upon that the letter should ask for a re-issuance of the CO once the site is in compliance with the PB decision. Brooks noted that under Chapter 40A § 7 Enforcement, if the request to enforce the decision of the PB is not complied with then the PB has the right to appeal to the Zoning Board of Appeals.

**Approval Not Required – Love, Depot Road**

David Le Roy, from Ross Associates, was present to represent the application. Le Roy explained that the abutting property will obtain Parcel A to be added to an existing lot for agricultural use.

The plan indicates that the parcel is not a building lot. Brooks made a motion to endorse the plan. Bardenheuer seconded the motion. The vote was unanimously in favor of the motion.

**Protective Bylaw, Chapter 125 Amendments, Floodplain District and Zoning Map Revision**  
- Opened and continued to 8:40pm. Opened at 9:05pm.

**Municipal Building Committee Presentation**

Ron Ostberg along with Lucy Wallace and Pete Jackson were present on behalf of Municipal Building Committee. Ostberg gave a to-date report of the MBC activities since its inception. Buildings being discussed are the Town Hall, old library and the Hildreth House (Council on Aging). Town Meeting last year appropriated \$70,000 for additional expertise on determining the best uses of each of these buildings. The MBC came up with several development scenarios for the three buildings in question. The scenarios range from the sale of some of the buildings to the rehabilitation of all three buildings for municipal use. The MBC recommends that all three buildings remain in civic use, the Town Hall shall be renovated and expanded, along with it being incorporated into the Common, the Hildreth House shall remain as a center of senior life, the old library shall continue as a cultural center with site improvements around the exterior, and the funding sources are to be both private and public.

The MBC believes issues with traffic flow around the Town Common should be addressed by both the Board of Selectmen and the Planning Board. Bardenheuer asked if the private funding would be all capital and not on going maintenance. Ostberg stated yes, with the exception of the old library, which would be maintained by the non-profit, along with upper town hall. There has been no forecasting of the maintenance of these buildings. However, since these buildings already exist so there is some information available. It was noted that currently none of the buildings meet the State energy code, which will save some money over the long term. Code compliance is 60% of cost for all three buildings.

Catalina asked if the deposition of Devens was brought into the design of Town Hall. Wallace stated it had not, since the charge of the MBC did not include the consideration of the deposition of Devens. Brooks asked if a lease back been considered? Ostberg stated that has come up and that may be one of the things that the MBC pursues.

The Board thanked the MBC for attending this evening and presenting their findings before decisions are made at Town Meeting in April.

**Continuation of the Amendments to Chapter 133 Procedural Rules and Regulations Hearing.** Opened at 9:03pm

**Appointment of Board Clerk**

After a brief discussion, Bardenheuer made a motion to appoint Catalina as the Board Clerk. Brooks seconded the motion. The vote was unanimously in favor of the motion.

**Discuss Master Plan Update & Creation of Steering Committee**

A memo requesting volunteers from Board and Committees for the Master Plan Steering has been drafted. McGuire Minar will review this week for its release.

**Adjournment**

Brooks made a motion to adjourn the meeting at 9:26pm. McFarland seconded the motion. The vote was unanimously in favor of the motion.

Signed: \_\_\_\_\_  
Michelle Catalina, Clerk

Harvard Planning Board

Continuation of the Amendments to Chapter 133 Procedural Rules and Regulations

March 3, 2011

Chair Kara McGuire Minar opened the meeting at 9:03pm in the Old Library under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

**Members Present:** Kara McGuire Minar, Craig Bardenheuer, Wayne McFarland, Michelle Catalina and Peter Brooks

**Others Present:** Liz Allard (LUB Admin)

This hearing was continued from February 9, 2011 for the amendments to the Code of the Town of Harvard, Chapter 133 Procedural Rules and Regulations.

McGuire Minar made a motion to continue the hearing to March 21, 2011 at 7:45pm. Bardenheuer seconded the motion. The vote was unanimously in favor of the motion.

Signed: \_\_\_\_\_  
Michelle Catalina, Clerk

Harvard Planning Board

Protective Bylaw, Chapter 125 Amendment, Floodplain District and Zoning Map Revision

March 3, 2011

Chair Kara McGuire Minar opened the meeting at 9:05pm in the Old Library under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

**Members Present:** Kara McGuire Minar, Craig Bardenheuer, Wayne McFarland, Michelle Catalina and Peter Brooks

**Others Present:** Liz Allard (LUB Admin) and Don Ritchie

This hearing is for amendments to the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, to add a new section, 125-54 Floodplain District Bylaw

Don Ritchie, from the Conservation Commission, was present to work with the Planning Board on this Bylaw amendment. The Commission has not found any discrepancies within the Bylaw as drafted. Town Counsel removed Section C in its entirety. Allard has not had an opportunity to compare the new maps with the old ones to determine if there have been any significant changes. Members asked that a marked up version of the Bylaw be sent to them, along with an explanation from Counsel as to why he removed Section C. Allard will compare maps and report on any changes at the next meeting.

McGuire Minar made a motion to continue the hearing to March 21, 2011 at 8:00pm. Bardenheuer seconded the motion. The vote was unanimously in favor of the motion.

Signed: \_\_\_\_\_  
Michelle Catalina, Clerk

## **DOCUMENTS & OTHER EXHIBITS**

### **Discuss Site Plan Review Letter**

- Draft letter to the Building Commissioner, Gabriel Vellante, Jr. re: Issuance of a Certificate of Occupancy for 285 Ayer Road

### **Approval Not Required – Love, Depot Road**

- Form A and Checklist, dated March 2, 2011
- Plan of Land in Harvard, Mass., prepared for Francis W. & Lorraine B. Love, dated February 2011

### **Municipal Building Committee Presentation**

- Municipal Buildings Committee Report, March Presentation

### **Protective Bylaw, Chapter 125 Amendments, Floodplain District and Zoning Map Revision**

- Proposed Chapter 125-54 of the Protective Bylaw, Floodplain District Bylaw