

**HARVARD PLANNING BOARD
MEETING MINUTES
MAY 16, 2011
APPROVED: August 1, 2011**

Chair Kara McGuire Minar opened the meeting at 7:36pm 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, Michelle Catalina, Wayne McFarland and Peter Brooks

Others Present: Liz Allard (LUB Admin) and Al Combs

Discuss Letter of Determination – 181 Littleton County Road

Al Combs was present to discuss the letter he submitted to the Board in regards to an unfinished building on his property at 181 Littleton County Road. The land is in agricultural under Chapter 61A. Mr. Combs is proposing to create a new two bedroom space with a firewall separating the storage area from the housing area. The housing unit would have year round occupancy for staff of the riding facility. Mr. Combs feels as though this structure would be an accessory structure to the farm, therefore exempt under MGL Chapter 40A, the Zoning Act.

After a brief discussion, the members agreed that under MGL Chapter 40A §3 this activity would be exempt as any agricultural use on the property. Brooks stated that the Board technically does not have a way of expressing our opinion since it should go to the Zoning Enforcement Officer (ZEO) and then to Zoning Board of Appeals, if denied by the ZEO. The members agreed that a letter could be sent to Mr. Combs outlining tonight's discussion as an informal opinion that a Special Permit is not needed for this activity.

Historical Commission Request for Comments – 25 Fairbank Street

The Board discussed the plan for exterior improvements to an existing structure within the historic district at 25 Fairbank Street. The Board has no comments on this request. A letter will be sent to the Historical Commission in this regard.

Response to Building Commissioners Letter

Brooks drafted a letter in response to the Building Commissioners letter from March 28, 2011. As a whole the members did not have any issues with the letter as written. Any comments should be forwarded to Allard who will make any adjustments.

Comprehensive Land Use Reform and Partnership Act (CLURPA) Update

CLURPA would require consistency between the Master Plan and Zoning Bylaw. Bardenheuer believes there will always be gaps between the Master Plan and Zoning. The Board wondered if they could be sued by a developer if the Master Plan and Zoning Bylaw do not mesh. Brooks stated yes. There is no time frame to be compliant with the Master Plan and Zoning Bylaw. The Board believes it would be an unbelievable lift to get the two to comply. Bardenheuer can understand why it is the States business if Harvard has a Master Plan or not. The Boards responsibility is to the residents of Harvard and not the developers. Bardenheuer wanted to know what happens if Harvard does not opt into CLURPA? Opting in would require that acceptance of the new laws, which would require such actions as 5% annual growth. Choosing to opt out would make Harvard ineligible for additional powers that an opt-in community may enjoy (rate of development, natural resource protection zoning, vested rights, development agreements and development impact fees).

With some minor tweaks to the Stow letter to the Joint Boards on Municipalities and Regional Government, dated April 26, 2011, the Harvard Planning Board would like to sign onto this letter. McGuire Minar will follow up with the Stow Planning Board.

Adjournment

McFarland made a motion to adjourn the meeting at 8:38pm. Bardenheuer seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Michelle Catalina, Clerk

DOCUMENTS & OTHER EXHIBITS**Discuss Letter of Determination – 181 Littleton County Road**

- Letter of Determination, 181 Littleton County Road, LLC, dated May 2, 2011

Response to Building Commissioners Letter

- Letter drafted by Peter Brooks, re: 285 Ayer Road – Robert Hirsch

Comprehensive Land Use Reform and Partnership Act (CLURPA) Update

- Letter from the Stow Planning Board to the Joint Committee on Municipalities & Regional Government, dated April 26, 2011