

**HARVARD PLANNING BOARD
MEETING MINUTES
JANUARY 9, 2012
APPROVED: January 23, 2012**

Chair Kara McGuire Minar opened the meeting at 7:33pm in the Hildreth House under M.G.L. Chapter 40A the Zoning Act and the Code of the Town of Harvard Chapter 125 Protective Bylaw

Members Present: Kara McGuire Minar, Michelle Catalina, Peter Brooks and Maggie Green

Others Present: Liz Allard (LUB Admin), Bill Johnson (Board of Selectmen), Rich Maiore, Wade Holtzman, Barbara Brady, Ron Ricci (Board of Selectmen), Mark Lanza (Town Counsel) and Jim Stevens

Master Plan Steering Committee Update

Catalina stated the survey opened with over 100 responses within the first four days. So far there has been positive feed back. The Committee has requested that the consultant tie goals to a cost. March 3rd is the second forum date at the old library. This forum will have a different format from last based on comments from the first. Survey results will be compiled by the forum. The information received from the survey has been requested for usable data by other boards and committees in Town.

Master Plan Steering Committee Appointment – Rich Maiore, Economic Development Committee Representative

With the resignation of Al Combs from the Master Plan Steering Committee (MPSC) as the representative of the Economic Development Committee (EDC), the EDC Chair Rich Maiore has volunteered to be their representative. With that said, Catalina made a motion to appoint Rich Maiore to the MPSC as the EDC representative. Green seconded the motion. The vote was unanimously in favor of the motion.

Protective Bylaw Amendments Informal Discussion - §125-41 Signs

Rich Maiore, of the Economic Development Committee (EDC) stated that the Committee has interviewed twenty-eight (28) businesses in Town over the past several months in regards to the existing limitations with in the Sign provision of the Protective Bylaw. Business owners would like to see a clearer version of the over all provision, as well as defining the allowable size on window signs, and finally locations that have multiple businesses are looking for additional language that would be suitable to that type of use.

The feedback from Planning Board in October was brought to business owners. Business owners at that point stated they are looking for more square footage, which would improve visibility from the roadway. Using the term "structure" calls attention to the sign that would require the setbacks to be met. Need to identify a different term for structure. Catalina noted that items have been deleted from the existing §125-41. Green stated that the original version was much clearer, not sure if the new version was developed to be user friendly. Green added that if discretion is not allowed to waive parts of the provision then the intent needs to be clear. Members agreed that §125-41B is clearer in the revised version.

Catalina would like to add in §125-41B(3) other parts of the Protective Bylaw that would apply, rather than having to refer back to other sections, such as §125-29 & 30 as it pertains to the sign provision. It was agreed that the set back would be the height of the sign. §125-41B(5) outdoor sign, the members would like to add from the ground to the top of the structure in regards to the height.

Some feedback has stated that the provision does not allow for an open closed sign or a sale sign; as for enforcement of this, there has been none that Maiore is aware of. Brooks asked about content based if the sign is for a non-profit or charitable. Lanza stated all signs should be treated the same regardless of content. Lanza is willing to review and draft language that will be better suited to the intent.

Green asked for additional word "gross" in §125-41C(2)(a). Catalina asked about §125-41C(4), as to what "Premises not in business use..." refers to. Maiore was not sure, but will follow up with Elaine Lazarus, who drafted the amendments. Maiore indicated that business owners would prefer a prescribed size on windows signs, as discussed in §125-41C(2)(c) rather than a percentage of window.

Green stated that in regards to indoor signs under §125-41B(1), how it is perceived from the outside or how it is affixed should be considered; Green stated that the Town of Orleans has suitable language. Green stated that the Bylaws she has reviewed indicated regulations on roofs, and on trucks or trailers as well. Add "affixed" in the definition of sign was suggested by Catalina. Catalina stated that the term "site" should be changed to "lot" to be consistent throughout the provision.

Catalina stated she does not know how §125-41C(2)(d)(2) is going to work under the current Bylaw; she would like the EDC to think more about this in conjunction with the §125-52 Ayer Road Village-Special Permit.

Maiore again stated that some businesses may be looking for relief of the sign provision and that a process in which relief can be granted should be established. It was mentioned that the model that has been considered the best is one used by the Town of Groton. Catalina is not sure if the Planning Board can provide relief, but rather it should be the ZBA. Catalina would like examples of an extenuating circumstance in which relief would be provided.

Reporting Process between the Economic Development Committee & Planning Board

McGuire Minar requested that the communication between the Planning Board (PB) and Economic Development Committee (EDC) be improved. McGuire Minar stated that her schedule has limited her ability to attend EDC meetings, but that Catalina has been picking up the slack. EDC has reported as well that there should be a better flow of communication between the two.

McGuire Minar asked about the status of the Economic Target Area. Maiore stated that it is still pending; however, Town Administrator Tim Bragan thought the approval would be given in April. McGuire Minar also noted that appointments to the EDC are a joint process of the Board of Selectmen (BOS) and the PB. In that regard, Jim Stevens will need to be re-appointed to the EDC as his original appoint was done by the BOS only.

Maiore stated that he was following the process as he did previously. Maiore added that this is a new committee that is required to report to two boards and they are trying to learn the process. McGuire Minar would suggest that the EDC come to PB first to flush out the bumps and then report to BOS publicly. The members also agreed that quarterly reports with a more formal schedule would be helpful for all involved.

Protective Bylaw Amendments Informal Discussion- Affordable Accessory Apartments Bylaw

McGuire Minar gave over view of the 2007 Affordable Accessory Apartment amendments. Brady explained that the amendment passed in 2007, with the provision that allowed for a tax incentive for affordable accessory apartments. That incentive floundered in the State House and was never approved. The Municipal Affordable Housing Trust (MAHT) has developed a program that allows for a forgivable loan that would allow for improvements to an existing structure to create an affordable accessory apartment. The Department Housing Community Development (DHCD) has since formed a Local Incentive Program that is helpful to the process. The program would

require a fifteen (15) year deed restriction. The MAHT feels this incentive is more applicable to the need in and around Town.

The language proposed by the MAHT would a subset of the bylaw passed four years ago. DHCD requires that the bylaw contain specific language. The MAHT met this evening and had made some additional changes to the language, which will be forwarded to the Planning Board in time for the public hearings on February 6, 2012.

Continuation of a Modification of a Special Permit Hearing – STC Five, LLC, 47 Poor Farm Road. Opened at 7:45pm

Adjournment

Catalina made a motion to adjourn the meeting at 10:06pm. Green seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Maggie Green, Clerk

Harvard Planning Board

Special Permit Modification

STC Five, LLC, 47 Poor Farm Road

January 9, 2012

This hearing was opened at 7:45pm by Chair Kara McGuire Minar under M.G.L. Chapter 40A and the Harvard Protective Bylaw, Chapter 125 of the Code of the Town of Harvard in the Hildreth House.

Members Present: Kara McGuire Minar, Michelle Catalina, Peter Brooks and Maggie Green

Others Present: Liz Allard (LUB Admin)

This hearing was continued from December 5, 2011 for the modification of a Special Permit filed on behalf of STC Five, LLC for minor modifications to the existing wireless communications 'tree' monopole at 47 Poor Farm Road, Harvard.

Due to hospitalization, the Planning Boards consultant, Mark Hutchins has been unable to deliver his report of his review of the material received by the Board. Mr. Hutchins has indicated that all looks to be in order with the material he has reviewed. Once Mr. Hutchins is released from the hospital he will submit his finds. Mark Cooke, the representative for STC Five, LLC has been made aware of the situation and is willing to wait for Mr. Hutchins final report.

With this said Catalina made a motion to continue the hearing until January 23, 2012 at 8:00pm. Brooks seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Maggie Green, Clerk

DOCUMENTS & OTHER EXHIBITS

Protective Bylaw Amendments Informal Discussion - §125-41 Signs

- ❖ Comparison of Existing and Draft Sign Bylaw Modifications Proposed by EDC – January 2012

Protective Bylaw Amendments Informal Discussion- Affordable Accessory Apartments Bylaw

- ❖ Draft Components, For Discussion, Proposal for AAA Bylaw to Complement existing Accessory Apt Bylaw_Jan 2011, Dec 2011