

**HARVARD PLANNING BOARD  
MEETING MINUTES  
JANUARY 23, 2012  
APPROVED: April 2, 2012**

Chair Kara McGuire Minar opened the meeting at 7:39pm in the former library under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

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

**Others Present:** Liz Allard (LUB Admin), Mark Lanza, Bruce Ringwall (GPR, Inc.), Rich Marcello, Maribeth Marcello, Peter Rose, Mark Cook, Jim Saalfield, Sydney Blackwell (Harvard Press), Robin Carlaw, William Calderwood, Margaret Nessler, Roseanne Saalfield, Worth Robbins, Steven Strong, Ruth Silman, Eric Broadbent and Jim Elkind

**Master Plan Steering Committee Update**

Catalina reported that the Committee has received 580 completed surveys. The deadline for completing the survey is January 31, 2012. A reminder with link to the survey will be sent out this week. Stakeholders meetings are taking place over the next several weeks. The second forum is scheduled for March 3<sup>rd</sup> at the old library.

**Informal Discussion with GPR, Inc. re: 24 Cove Road**

Bruce Ringwall was present to discuss with the Board the proper way to deal with the property at 24 Cove Road in regards to the existing driveways. Ringwall explained that the Marcello's have purchased a lake front property and wanted to do an architectural design that works with the land. Currently there are two driveways that access the site. One that is on the southern side of the property at 11 Cove Road and is shared along with the Perry's at 18 Cove Road. The other is along the northern and eastern portion of the property at 11 Cove Road. The question is what type of driveway is the second driveway. Peter Rose, the architect for the Marcello's, stated the site contains a beautiful stand of oak trees, rock out cropping, and a steep slope to the pond. The site of the house sits at the edge of an existing cart path and above the location of the previous house. The intent is to make the structure look as if it has been there for a long time. The driveway that is to the north would terminate at a new garage. The driveway to the south would accommodate the required access for emergency vehicles. Catalina asked what the distance is from the 360<sup>o</sup> in front of the Perry's house to Cove Road. Ringwall stated 615'. Ringwall is requesting that the Board determine if the southern driveway is suitable to meet the requirements of a driveway under the Protective Bylaw. Members stated they would like additional time to research the Bylaw to be certain having an accessory driveway is suitable as long as the primary driveway is suitable for emergency access.

**Continuation of a Modification of a Special Permit Hearing – STC Five, LLC, 47 Poor Farm Road.** Opened at 8:09pm

**Master Plan Steering Committee Appointment – Rich Marcello**

The Master Plan Steering Commission has requested that Rich Marcello be appointed to the Committee as a citizen at large representative. Catalina stated the Committee would be happy to have Mr. Marcello join. Green made a motion to appoint Rich Marcello to the Master Plan Steering Committee. Catalina seconded the motion. The vote was unanimously in favor of the motion.

**Protective Bylaw Amendments Discussion:**

**§125-41 Signs – Amendments to the existing size limitation**

The Board had previously requested the Economic Development Committee make some suggested changes to their amendments of §125-41 Signs of the Protective Bylaw. Not all of the

changes have been as of yet. Changes discussed the last meeting were re-discussed. Catalina will add them into the provision and re-distribute to the members. Town Counsel Mark Lanza will make a suggested changes to §125-41C(1) for the Boards review.

### **Solar Community Gardens**

Town Counsel Mark Lanza was present to discuss how even though the Town designated a district for large scale ground mounted photovoltaic facilities under Mass General Law the facilities can go anywhere. The exemption in the Zoning Act allows for solar with reasonable regulations. Lanza clarified that a Bylaw can regulate a solar farm but it can not prohibit them. Lanza added that generating energy for off site use can also be regulated. Lanza stated that it is better to have a regulation than not.

Worth Robbins explained the Green Communities designation received by the Town and how the community solar garden evolved. There are property owners in Town that are unable to take part in Solarize Harvard because their property is not suitable for solar. Robbins stated there are thirty-three residences and three local businesses that are interested in a community solar garden. McGuire Minar asked what the delivery method of the generated electricity will be. Robbins stated the utilities are required to allow virtual net metering so that the energy being produced can be allocated back to the home owner. McGuire Minar feels this is opening up commercial use within the Agricultural-Residential (AR) district. Robbins stated the system would be owned by the investors for their own benefits. Robbins added it would be really great if we start to have a facility that is producing electricity for the Town. Due to the constraints of the overlay district, that area may not be feasible. Robbins added that projects of this scale are done because of the tax benefits; however the Town cannot take advantage of those benefits as a municipality. McGuire Minar is still looking at it as a commercial enterprise in the AR district, regardless of the good of it.

Jim Saalfield thinks there is a very specific benefit to very specific individuals. Ruth Silman stated that zoning has always been blind to owner use. We should separate ourselves from regulating the amount of profitability. What are the goals of the Board, if it is to get establish setbacks, require screening, etc would not site plan approval be enough. McGuire Minar noted that site plan approval does not require notification of abutters.

McGuire Minar asked Lanza if the Board could determine on a case by case base what type of review should be required. Lanza believes it is not unreasonable to regulate. McGuire Minar asked what is a reasonable setback, because one could plant trees that could shade a panel on an abutting property. Lanza stated the law does not provide much guidance currently, but suggest the Board obtain technical advice on the requirements for these types of facilities. Lanza does not think this issue is going to be solved by this year's annual town meeting.

Steve Strong stated that for a system that is greater than 250kW you need an acre to an acre and a half. Not all site are the same, some slope in the wrong direction, trees cast shadows that can be anywhere from three to four times their height during the course of the day. It is going to be hard to find a respectable site here in Harvard, let's not try and make it more difficult by regulating the installation.

Bruce Ringwall stated the Bylaw will need to be clear that the structure is what is being considered within the build area. Ringwall added that when special permit is issued, there is an allowance for a waiver to the requirements, such as setback. Hard fast rules will need to be established.

The Board believes there needs to be a balance with the need, wants and the abutters. Jim Elkind asked about the proposed setbacks in the drafted bylaw. Catalina stated she had used the setbacks established in the Bylaw prepared by the Town of Lincoln. Strong stated that suggesting that these structures are 25 – 35' tall is adding fuel to the fire. An array can follow the

terrain and not be as tall as suggested. McGuire Minar noted that a bylaw amendment must pass Town Meeting vote by 2/3 majority, which is a good representation of the community.

Green would like to take a look at the concerns of abutters to such projects, such as property values. Need technical input on the development of this. Certainly the idea of Harvard Community Solar Garden is a great idea today, but 15 years down the road, the de-commissioning of these possible unused, or technology changes needs to be addressed as well.

Robbins stated the property owners who are leasing the land for the community solar gardens have many of the same concerns as to when the project comes to an end. The lease agreement does have language about returning the land back to its original conditions. Elkind agrees, but what if the operator can no longer afford to decommission the systems. Silman suggested the requirements of a bond. Saalfield suggested that a carbon footprint be included as a requirement for each project when applying to the Planning Board, whether it is for a Special Permit or Site Plan Approval. The payback of the system should be considered as well. Many in attendance were not in agreement of that.

Silman explained the difference between a solar community garden and a commercial development; the LLC owns the equipment, each members of the LLC has an interest with the net metering being credited to the members. There is a provision in the LLC agreement that an investor has a choice as to what to do with his or her interest in the LLC. Green asked if you move out of town could you net meter to another community. Robbins stated yes, that National Grid allows for it. To be clear Green followed up by asking if you could have a system that is not being used by members of the community. Robbins stated that was correct.

Elkind asked about proposed setbacks and those being more than existing on a basic lot. Catalina stated she had taken a look at a lot of other bylaws and that what other Towns are doing. Calderwood asked if there is a way to limit the number of panels that can be allowed. Lanza stated it may be possible, but that refers back to the technical review.

Catalina explained that the Attorney General will need to approve bylaws that have been passed recently in other communities.

Calderwood asked about regulating the view shed. Catalina thinks that section will need to be deleted, but not sure this is the right way to go about it.

McGuire Minar thanked those present for their input and stated that the Board will work to create a Bylaw that addresses all of the concerns expressed.

### **Approval of Minutes**

McGuire Minar made a motion to approve the minutes of December 5, December 19, 2011 and January 9, 2012 as amended. Catalina seconded the motion. The vote was unanimously in favor of the motion.

### **Adjournment**

Catalina made a motion to adjourn the meeting at 11:10pm. 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 23, 2012

This hearing was opened at 8:09pm 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 old library

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

Others Present: Liz Allard (LUB Admin) and Mark Cook

This hearing was continued from January 23, 2012 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.

Liz Allard explained to the members the consultant, Mark Hutchins, has reviewed the application and has favorably agreed with the proposal. Mark Cook stated at the previous meeting members of the Board requested additional information on the proposed equipment; that information has been provided on the revised plan. As well, photo simulations were submitted as requested. Cook agreed that the antenna could be painted green rather than the gray that they are to better blend into the surrounding vegetation.

With no further questions or comments Catalina made a motion to close the hearing. Green seconded the motion. The vote was unanimously in favor of the motion.

After a brief discussion Catalina made a motion to accept the minor modification as presented by STC Five, LLC. Green seconded the motion. The vote was unanimously in favor of the motion.

Signed: \_\_\_\_\_  
Maggie Green, Clerk

## DOCUMENTS & OTHER EXHIBITS

Informal Discussion with GPR, Inc. re: 24 Cove Road

❖ 3D Model of 24 Cove Road

