

**HARVARD PLANNING BOARD  
MEETING MINUTES  
FEBRUARY 27, 2012  
APPROVED: April 2, 2012**

Chair Kara McGuire Minar opened the meeting at 7:33pm in the former library M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

**Members Present:** Kara McGuire Minar, Michelle Catalina, Rich Marcello, and Tim Schmoyer

**Others Present:** Liz Allard (LUB Admin), Jim Breslauer, Joe Hutchinson, Lucy Wallace, Rich Maiore, Mark Lanza (Town Counsel), Barbara Brady, Wade Holtzman, Robin Carlaw and Bill Calderwood

**Master Plan Steering Committee Update**

Members of the Master Plan Steering Committee (MPSC) were present to discuss to Phase II of the Master Plan. Joe Hutchinson, chair of the MPSC, stated the committee started meeting last August and has had over 30 meetings. The initial forum held on November 19<sup>th</sup> had approximately 95 people in attendance. The Town wide survey closed on January 31<sup>st</sup> with an overwhelming number of responses at 684. A focus group is scheduled for this coming Saturday. The survey has concluded that the Town wants to decide on Devens sooner rather than later. Hutchinson discussed the approach for funding of Phase II. Phase II approach will focus on Devens since everything follows out of Devens, such as the impact to schools, town budgets, and all the elements the Master Plan touches on.

The MPSC would like to ask the Town to vote on which direction to take with Devens when it comes to the Master Plan. Once the MPSC knows that they will know what direction to take on the Master Plan. McGuire Minar stated there are things that would not be affected by the deposition of Devens within the Master Plan as well. Hutchinson stated the term "deposition" has become an unfriendly term; Lucy Wallace stated people have told her it makes it sound like Harvard is buying the land back. Wallace added, the decision is not Harvard's unilaterally. The direction is just to determine how the Town feels for Devens. Catalina stated the idea is know what the relationship is and how to plan for it. Breslauer asked if the term "potential resolution" would work better. Everyone agreed. After a few minor adjustments to the Master Plan Phase II document, Marcello made a motion to accept the document as amended this evening. Catalina seconded the motion. The vote was unanimously in favor of the motion.

**Chapter 125 Protective Bylaw Amendments Hearing.** Opened at 8:00pm

**Zoning Board of Appeals Request for Comments**

Allard briefed the members on the application recently received from the Zoning Board of Appeals (ZBA). The application has been filed on behalf of Timothy & Sarah Arnold the addition of a garage and accessory apartment. The members agreed that they had no comments on the application as submitted.

Allard briefed the members on the application submitted to the ZBA by PRM Capital for an amendment to the Comprehensive Permit issued for the development known as Trail Ridge. The request is to change the quadplexes into duplexes, with no reduction in the number of units. The plans are not engineered plans and lack a significant amount of information. Allard explained that the applicant does not want to spend the money on the fully engineered plan until they are certain the ZBA will allow for such an amendment. The Board requested that a letter be sent to the ZBA stating that on the surface they have no issues with the requested amendment, but will need to see a complete set of engineered plans in order to comment further.

**STC Five LLC Refund**

Allard explained that the consultant bill for the review of the modifications proposed by STC Five, LLC for the cell tower on Poor farm Road have been paid, leaving a remaining balance of \$250.00. McGuire Minar made a motion to refund STC Five, LLC the remaining \$250.00 from the \$1,000.00 required consultant fee deposit. Marcello seconded the motion. The vote was unanimously in favor of the motion.

**Annual Town Meeting Warrant Articles**

McGuire Minar stated that the Finance Committee has approved the requested \$100,000 for Phase II of the Master Plan. As for the warrant article requesting funding for the hiring of a Town Planner, McGuire Minar stated that none of the Land Use Boards have been involved in the formulation of the position. McGuire Minar believes the process being proposed is not good; she feels in the future a Planner will be needed, however the timing and process is bad. McGuire Minar stated she would be willing write a letter to the Board of Selectmen expressing the concerns over this warrant article. Schmoyer made a motion to allow McGuire Minar to write a letter on behalf of the Planning Board expressing their concern with the warrant article that request the creation of a position for a Town Planner. Marcello seconded the motion. The vote was unanimously in favor of the motion.

**Adjournment**

Schmoyer made a motion to adjourn the meeting at 9:42pm. Marcello seconded the motion. The vote was unanimously in favor of the motion.

Signed: \_\_\_\_\_  
Peter Brooks, Clerk (in Green's Absence)

Harvard Planning Board

Protective Bylaw Amendments

February 27, 2012

This hearing was opened at 8:00pm 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 former library

**Members Present:** Kara McGuire Minar, Michelle Catalina, Rich Marcello, and Tim Schmoyer

**Others Present:** Liz Allard (LUB Admin), Jim Breslauer, Joe Hutchinson, Lucy Wallace, Rich Maiore, Mark Lanza (Town Counsel), Barbara Brady, Wade Holtzman, Robin Carlaw and Bill Calderwood

### **Affordable Accessory Apartment**

Barbara Brady and Wade Holtzman of the Municipal Affordable Housing Trust (MAHT) were present to discuss the proposed Affordable Accessory Apartment provision of the Protective Bylaw. Brady explained that the proposed provision has been reviewed by the Department of Housing and Community Development (DHCD). The proposed provision would allow for a monetary incentive for the creation of an affordable unit in an existing dwelling. The amount of the incentive has not been determined. Information for homeowners has to be developed that outlines the process that one would need to go through in the development of an affordable accessory apartment. A special permit would be required from the Zoning Board of Appeals (ZBA). Once the ZBA approves the special permit, the unit would be added to the Subsidized Housing Inventory (SHI). The provision requires a Local Project Administrator (LPA), who could be someone in Town Hall or it could be outsourced. For example, the Town of Carlisle farms out the LPA to the Chelmsford Housing Authority. Proof of compliance would need to be verified on a yearly basis.

The question of an increase in the income of the renter was raised. Brady stated the tenant's income can rise to 140% of the median income of the region during their tenancy. Marcello asked if there are a projected number of units that would be taking part in this program. Brady was uncertain, but wondered how many units are out there now that the Town knows nothing about. Brady added that this incentive will not get the Town to the required SHI units per year, but it would be a significant percentage.

Marcello asked if the over all program will be revenue neutral in regards to taxes. Brady stated yes, the incentive would not have any negative impact on the tax base. There will be a standard rental agreement that the MAHT is working on. The MAHT is hoping to get program up and running by the fall. Catalina asked how far a head is Carlisle on their program. Brady stated not much further, as they are currently dealing with the internal and structural of whom is doing what; the incentive tends to raises and falls on the priority list.

Schmoyer asked about the comment period from ZBA. Brady explained the zoning process. Brady further discussed a potential forgiveness program for units that have been constructed without the proper approvals, that will potential bring the units up to code. Catalina suggested a town wide mailing to explain the process.

McGuire Minar asked if the MATH has spoken with the Building Commissioner in regards to this provision. Brady stated they had not. Attorney Lanza had made comments on the draft document that will need to be incorporated into document.

**§125-41 Signs Amendment**

Rich Maiore, the chair of the Economic Development Committee, explained the process to date to the new members. Catalina stated the big change is the guidelines. Catalina asked why section I is being removed. Attorney Lanza explained that under MGL 85 §8 the Board of Selectmen (BOS) have the right to regulate off-site signs within the right of way, but does not require a bylaw. With that said Attorney Lanza suggested that BOS develop regulations. A question about real estate signs was raised in regards to the temporary sign section. Marcello suggested exempting real estate signs. Catalina said that the goal is to have a provision that is fair to all and does not single out one type of business. The member agreed that the listing of the house for sale would be the start of the event and the closing on the house would be the end of the event. Other minor adjustments were made to the provision. A revised document will be drafted for the next meeting for the members to review.

Catalina made a motion to continue the hearing to March 5, 2012 at 8:00pm for the Sign amendment and 8:45pm for the Affordable Accessory Apartment provision. Schmoyer seconded the motion. The vote was unanimously in favor of the motion.

Signed: \_\_\_\_\_  
Peter Brooks, Clerk (in Green's Absence)

## **DOCUMENTS & OTHER EXHIBITS**

### **Master Plan Steering Committee Update**

- ❖ Master Plan Phase II Report, dated 27 February 2012

### **Chapter 125 Protective Bylaw Amendments Hearing**

- ❖ Proposed Modifications – January 2012 (signs)
- ❖ Draft Components, For Discussion, for a Proposal for AAA Bylaw – Dec 2011