

**HARVARD PLANNING BOARD
MEETING MINUTES
MARCH 19, 2012
APPROVED: May 21, 2012**

Chair Kara McGuire Minar opened the meeting at 7:36pm in the Old Library Multipurpose Room under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Kara McGuire Minar, Michelle Catalina, Tim Schmoyer, Peter Brooks and Rich Marcello (Associate Member)

Others Present: Liz Allard (LUB Admin), Mark Lanza, Rich Maiore, Alex Schad (Harvard Post), Sydney Blackwell (Harvard Press), Garry Helmstettler, Worth Robbins, David Fay, W. Calderwood, Terry Morton, Ron Hettich, Elaine Lazarus, Jackie Normand, Joe Hutchinson, Bill Blackwell, Pete Wharton, Tim Myllykangas, Eric Broadbent, Mark Hardy, Susan Hardy, Steven Strong, Bruce Ringwall (GPR, Inc.), Jim Elkind, Susan Tarrant, Victor Normand, Margaret Coyle Nessler, Erik de Briae, Steve Matson, Stella Watson, Alan T. Specht, Stu Sklar, Stephen Richter, Bruce Gallagher, Ruth Silman, Bill Cordner and Diane Cordner

Master Plan Steering Committee Update

Marcello stated the draft of the Phase I report is not up to the standards of the Committee; who is looking for additional feedback from the Planning Board. The members suggested starting with the executive summary, along with each section having its own executive summary. The final report is due next Friday to the Committee by the consultants. The Committee did not have an opportunity to discuss the proposed solar bylaw.

Continuation of a Driveway Site Plan Review – Myllykangas, Westcott Road (Map 32 Parcel 90 & 91)

Bruce Ringwall, of GPR, Inc., was present to represent the applicant, Timothy Myllykangas, who was also present. Ringwall explained revisions to the proposed plan which include the orientation of the garage to reduce some of the fill on the west side of the driveway; this change will reduce the fill between house and septic. Ringwall stated SU-30 vehicles will still have plenty of turning radius at the top of the driveway. A new detail has been added to the plan. The profile of the driveway has been reduced in length. The members asked for confirmation from the Fire Chief in regards to appropriate turning radius. Ringwall stated the entrance has been widened as requested by the Fire Chief.

McGuire Minar discussed item #14 under Section 125-39.B.Site Standards for Driveways of Civil Design review letter, dated March 17, 2012, in regards to the use of Recycled Asphalt Product (RAP). Civil Designed agreed the RAP is one of the materials that can be used as required under the Protective Bylaw. Page three of the plan details the options available.

With no further questions or comments, Catalina made a motion to approve the Driveway Site Plan for Timothy Myllykangas, Westcott Road, to include revisions as discussed this evening as long as the Fire Chief is in agreement with them. Brooks seconded the motion. The vote was unanimously in favor of the motion.

Protective Bylaw Amendments Hearing. Opened at 8:00pm

Adjournment

Brooks made a motion to adjourn the meeting at 10:20pm. Catalina 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

March 19, 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 Old Library Multipurpose Room

Members Present: Kara McGuire Minar, Michelle Catalina, Peter Brooks, Tim Schmoyer and Rich Marcello (Associate Member)

Others Present: Liz Allard (LUB Admin), Mark Lanza, Rich Maiore, Alex Schad (Harvard Post), Sydney Blackwell (Harvard Press), Garry Helmstetter, Worth Robbins, David Fay, W. Calderwood, Terry Morton, Ron Hettich, Elaine Lazarus, Jackie Normand, Joe Hutchinson, Bill Blackwell, Pete Wharton, Eric Broadbent, Mark Hardy, Susan Hardy, Steven Strong, Jim Elkind, Susan Tarrant, Victor Normand, Margaret Coyle Nessler, Erik de Briae, Steve Matson, Stella Watson, Alan T. Specht, Stu Sklar, Stephen Richter, Bruce Gallagher, Ruth Silman, Bill Cordner and Diane Cordner

Commercial Solar Photovoltaic Installation

The Board received a number of statements from residents requesting they be read during the open meeting this evening. McGuire Minar allowed those present to read their submitted statements. Bill Calderwood, of Woodchuck Hill Road, summarized his and Robin Carlaw letter of March 13, 2012 by stating the proposed bylaw needs to regulate systems greater than 20kW and there should be a designated overlay district. McGuire Minar read Steve & Stella Matson, of Withington Lane, letter, dated March 19, 2012 into the record. Steve Strong, of Old Littleton Road, summarized his letter to the Board, dated March 19, 2012 by stating he has dedicated his career to clean energy; the proposed Community Solar Garden (CSG) is not a non-profit, or for profit system; claims that roof mounted systems is unfounded; other letters submitted to the Board address misinformation and the proposed CSG is in accordance with State and Federal policy. Tim Schmoyer read Adam and Lynn Horowitz email dated March 18, 2012 into the record.

On the recommendation of Eric Broadbent, Bill Calderwood read his letter in its entirety. Worth Robbins, a resident of Massachusetts Avenue, an investor to the CSG read his comments into the record. Robbins comments detailed the Green Community Act, Special Town Meeting of November 2010 to designate Harvard as a Green Community, Harvard being chosen as one of the four towns to participate in Solarize Mass, Harvard CSG for residents and businesses unable to participate in Solarize Mass, bylaw recommendations, community solar garden criteria and additional considerations.

Margaret Nessler, of Cruft Lane, stated the Town has long history of stewardship of its landscape. Had Nessler known when voting for the Green Community status it would allow a large scale facility in an Agricultural-Residential (AR) district she would have never been agreeable to it. Nessler feels the proposed CSG would degrade the landscape, and will require weed control that may include pesticide use. Nessler stated the commercial district is where this large-scale development belongs or in the overlay district designated by Town meeting vote.

Ron Hettich, of Littleton County, an investor of the CSG, stated that he has invested into the CSG because he could not reasonably put solar on his property. Tree removal alone at his site would have cost \$10,000, more than his investment into the CSG.

Terry Morton, of Bolton Road, an investor of the CSG, stated he believes the Town has spoken in a number of ways of being green to our environment; believes the Board should be sensitive to a growing trend; thinks roof top solar panels are ugly; CSG pays attention to viewsapes.

McGuire Minar explained the proposed bylaw amendment is a universal bylaw and not particular to the one proposed project.

Bruce Gallagher, a concerned citizen of Still River Road, stated that he works in the solar industry and that Harvard has a wonderful opportunity to work with experts in the field to make the best situation for Harvard. Gallagher suggested taking land out of conservation to develop a solar garden that would provide energy for the entire Town.

McGuire Minar stated the goal is to try and create a bylaw that balances the desire of Green Communities and the desire of individuals who move to Town for the rural character.

Allen Specht, of Brown Road, stated that the CGS is not a non-profit system in its current proposed state. As proposed the CGS is an individual gain not a community gain. If this type of system is allowed in Harvard it should benefit the community as a whole.

Eric de Briae, of Littleton County Road, an investor of the CSG, would have to cut down a lot of trees to install solar at this house. de Briae stated one unified local system, hidden from the road could be accomplished with respects to the abutting properties and the view shed.

Catalina stated that in January she read tons of press articles on 2 – 4kW systems in which money was being given over in lieu of taxes. Once you get into the large scale there are a lot of complications. Catalina reiterated that the Town can not prevent solar as a use under MGL Chapter 40A, but there can be reasonable regulations. Catalina believes the State will be replying soon on the Bylaw recently passed in other Communities by Town Meeting vote.

Catalina stated it is the Planning Boards job is to protect property values. She has listened to comments on both side and is not seeing a lot of overlap on the issues. A lot of time has been spent on deciding if solar or belongs in a agricultural-residential (AR) district. The current bylaw before the Board is the third version Catalina has worked on.

McGuire Minar stated Community Solar Garden makes it sound as though it benefits the community; she thinks it is a commercial development and belongs in the commercial district. Town Counsel, Mark Lanza stated Towns can zone solar to the commercial district, but it is a matter of defining these entities. Brooks stated the bylaw can not regulate on who is the applicant, but can regulate the use. Brooks would like a better understanding of some of the terms that have been used. Brooks is still recommending two Bylaws that allow these types of arrays in an AR district and one that limits them to the Commercial district; bring both versions to Town Meeting and let the community decide which is best for Harvard. It is clear to Brooks there are number of different values here. Brooks added, Vermont does not regulate solar, however you must use what you produce. Brooks agrees solar is the flavor of the month and that you do get accustom to new technology over time.

Schmoyer stated Towns have to be biased to solar under MGL Chapter 40A; however there are public health and safety issues to consider. Marcello thinks topics are being confused here; there is a difference between Solarize Harvard and a CSG. Marcello believes there are two ways solar is available to every homeowner in Harvard, either by having small scale personal solar on your property or by part taking in a CSG in the overlay district. If the Board agrees to this as a principle, than the Board can look at how we can get solar for everyone.

Ruth Silman, of Bolton Road stated she is working for the CSG on a pro bono bases. Silman explained the difference between a commercial development and the proposed CSG. The energy is not directly net metered, it is virtual net metered across town. Silman believes that is what confusing the commercial aspect, it is large but is no different then residential. Attorney Lanza had previously suggested what is residential and what is not, as well as those that are accessory to residential and those that are commercial.

Brooks suggested looking at the use of the structure within the bylaw amendment. It was suggested that a three tiered system of residential accessory use, commercial and an arrogated residential use be considered. Attorney Lanza agreed that this would be suitable for reasonable regulations.

Jim Elkind, a participant of the CSG and resident Slough Road, stated the PB is grappling with a difficult policy decision. Catalina asked Elkind as member of the Harvard Energy Advisory Committee (HEAC), what their policy is on commercial use of solar. Elkind stated HEAC does not have one, as it is not part of their role.

Marcello thinks there is still a lot of work to do and the PB should table the amendment at this point. Brooks sated the language of the three tier system doesn't settle well with him, but he is willing to take a look at the language.

Susan Tarrant, a resident of Oak Hill Road, stated it is her understanding the overlay district is not useable for solar. Broadbent stated the HEAC is working to establish the feasibility of the site. Broadbent added part of the site is the old land fill, with the open question of whether or not it can be used; a good part if the site is used for storage by Department of Public Works. HEAC is actively investigating the site; there are currently no known reasons why the site can not be used.

Victor Normand, of Stow Road, an investor of the CSG, suggested allowing solar in the AR district with regulations. Robin Carlaw, an abutter to a proposed CSG on Woodchuck Hill Road, stated the subscriber benefits from the CSG have been addressed, but not the effect it will have on devaluing the property surrounding it.

Steven Richter, of Hynes Lane, an investor of the CSG, stated he does not think the CSG would benefit only specific individuals; the benefits are not limited to the people who have signed up.

Stu Sklar, resident Scott Road, an investor of the CSG, stated that when you talk about the municipal uses things get murky, because municipalities can not receive the tax credits. Catalina stated a benefit to the Town would be the leasing of the land in the overlay district.

With the lateness of the evening Brooks made a motion to continue the discussion to the next meeting of the PB. The was no second to the motion. Brooks withdrew his motion.

McGuire Minar continued to allow those present to speak. Jackie Normand, of Stow Road, an investor of the CSG, stated she thinks the committee has done a good job at developing this project. Normand stated she has invested into the CSG for really good reasons; however she feels there are some unanswered questions and hoping for some clarity.

David Kay, of Massachusetts Avenue, wanted to know about 20kW limit in the proposed bylaw amendment; he thinks that is to low, due to the trend to electric heat and powering vehicles. McGuire Minar stated amendments can be made in the future, for now the PB is just trying to put a stake in the ground.

Tarrant stated that she is concerned that she is one of few here tonight that are not investors, could there be a way to pull in more concerned individuals. McGuire Minar stated the Board is looking to have the next meeting on televised.

Schmoyer has requested for April 2nd meeting the PB have a definition for each of the three suggested types of a tiered provisions.

The discussion was continued to April 2, 2012 at 8:15pm.

§125-41 Signs

As requested Catalina has revised the sign provision of the Protective Bylaw as previously proposed by the Economic Development Committee (EDC). Those revisions included:

- maintaining §125-41A as currently written;
- adding additional language to §125-41B(1) in regards to prohibiting signs that have any type of moveable feature;
- §125-41B(2) added language prohibiting the backlighting or illuminated signs;
- §125-41B(5) added language to clarify the height of the allowed sign;
- §125-41C(1) as proposed by EDC was removed;
- §125-41D Accessory signs was replaced with Temporary signs;
- §125-41H was reduced to just the first paragraph; and
- §125-41I an additional line was added stating that special approvals was not precedent setting.

Town Counsel Mark Lanza has reviewed the proposed amendments to §125-41 and is interested in seeing how the Attorney General will handle signs on vehicles with wheels as written in §125-41B(7). Schmoyer had concerns with a recent article he read in regards to a flag that was viewed as a sign; should there be language to the effect that this bylaw does not include flags. It was Lanza's opinion that a flag is not a sign. Brooks stated maybe we need a definition of a sign. It was noted that the proposed changes from EDC included a definition for signs. Attorney Lanza will include the definition with the recommended amendments. Members will further review the amendments made by Catalina for discussion at the April 2, 2012 meeting at 7:45pm.

Affordable Accessory Apartment Bylaw

Minor edits had been made to the proposed bylaw as previously requested. With the lateness of the evening members agreed to continue the discussion to April 2, 2012 at 8:00pm.

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

DOCUMENTS & OTHER EXHIBITS

Continuation of a Driveway Site Plan Review – Myllykangas, Westcott Road (Map 32 Parcel 90 & 91)

- Residential Development Site Plan Westcott Road Harvard, MA Job 121003, dated 3/19/2012
- Civil Design Group, Inc Site Plan Review Letter, dated March 17, 2012

Protective Bylaw Amendments

Commercial Solar:

- Public Input 3/13/2012.doc, submitted by Bill Calderwood & Robin Carlaw
- Proposed Solar Bylaw letter, submitted by Steve & Marilyn Strong, dated March 19, 2012
- Proposed Solar Bylaw letter, submitted by Steve & Stella Matson, dated March 14, 2012
- May I ask you to please forward this letter to the members of the Planning Board for entry into tomorrows meeting minutes –thank you email, submitted by Adam & Lynn Horowitz, dated March 18, 2012
- Untitled document, starts with Green Communities Act, signed into law July 2, 2008, ends with Additional Considerations, submitted by Worth Robbins, undated

Signs:

- ARTICLE XX: AMEND THE PROTECTIVE BYLAW – SIGNS, undated