

**HARVARD PLANNING BOARD
MEETING MINUTES
JUNE 25, 2012
APPROVED: July 17, 2012**

Vice Chair Peter Brooks opened the meeting at 7:36pm in the Multi-purpose Room of the former library under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Peter Brooks, Rich Marcello and Joe Hutchinson

Others Present: Liz Allard (LUB Admin), Gary Shepard (Ross Associates), Rob and Jessica Moran, John Nidzgorski, Steven Strong, Worth Robbins, Tim Clark, Lucy Wallace, Eric Broadbent, Jim Elkind and Matt Cook (Harvard Press)

Board Member Reports – Committee Activities

Marcello stated the Master Plan Steering Committee is still working on the Request for Proposals as well as the make up of the Committee. Meetings have been set for Monday evenings opposite Planning Board meetings at 7:00pm in the old library.

Marcello stated he has been working on an amendment to the large-scale ground-mounted photovoltaic facility overlay district, which would not allow facilities within the agricultural-residential district, increase the district to include the commercial district, but limited to the back of a commercial lot. This topic will be further discussed this evening (see below).

Approve Minutes

Hutchinson made a motion to approve the minutes of June 4, 2012 as amended. Marcello seconded the motion. The vote was unanimously in favor of the motion.

Scenic Road Consent Hearing & Driveway Site Plan Approval – Robert & Jessica Moran, Prospect Hill Road (Map 16 Parcel 1.1). Opened 7:45pm

Discuss Bylaw Amendment 125-53 Large-Scale Ground-Mounted Solar Photovoltaic Facilities Overlay District

Hutchinson recused himself from the discussion and joined the audience.

As stated earlier this evening Marcello has been thinking about amendments to the existing solar bylaw (Chapter 125-53). Marcello suggested that community gardens such as that proposed by the Harvard Community Solar Garden, LLC on Woodchuck Hill Road should be kept out of the Agricultural-Residential (AR) district, and allow for it in the Commercial (C) district.

The Board of Selectmen (BOS) discussed last week the potential of amending the existing Large-Scale Ground-Mounted Photovoltaic Facility Overlay District to increase the district. At the same time the Harvard Energy Advisory Committee (HEAC) is seeking the viability of the existing site in the overlay district. Tim Clark, a member of the BOS, has drafted amendments to the existing bylaw. Lucy Wallace, chair of the BOS, stated there is a potential to address the amendment at a Special Town Meeting in August depending on the timing required for the Planning Board (PB) to have the required hearings for the amendments. The available grant money for solar development is driving the urgency of this amendment.

Worth Robbins, of the Harvard Community Solar Garden (HCSG), LLC, explained the events that have lead to the request to amend the bylaw. Under the States Solarize Mass program it was determined that some of the interested applicant's properties were not suitable for the installation of solar. Robbins stated the LLC includes thirty-six (36) individuals and three (3) businesses who did not qualify for a solar system. A building permit for the construction of a 249.9kW facility on

Woodchuck Hill Road was denied by the Building Commissioner on the basis that it is a commercial development in an AR district. The decision of the Building Commission was appealed to the Zoning Board of Appeal (ZBA). The ZBA upheld the Building Commissioners decision and concluded that the use was not an accessory use as defined in the Protective Bylaw. Robbins met with the BOS last week and requested that a Request for Proposals be prepared for the overlay district.

In addition, Robbins stated the HCSG, LLC has submitted a building permit for a 500kW facility on Ayer Road within the C district. Robbins is anticipating the building permit will be denied as solar is not an allowable use within the C district. A permit has been obtained from the Conservation Commission for this property as it contained both wetlands and riverfront area.

Clark reviewed his suggested amendments which includes a change to 125-53 to expand the district to include the commercial district along Ayer, Road, an amendment to 125-42 the zoning map, indicating the added overlay district and an amendment to 125-23 Permitted uses in C districts. Allard asked if the BOS would be agreeable to allowing the PB to use a portion of the allotted eight (8) from Montachusett Regional Planning Commission for the require amendments to the zoning map. Both Wallace and Clark agreed that they saw no reason why the BOS would not allot some of the available hours to the PB.

Brooks stated it would trouble him to make a zoning amendment for one business owner in the C district, but a plan to include the entire C district is more amenable. Brooks expressed concern with a special town meeting in August.

Clark further explained when the Town adopted the Green Communities Act one of the requirements was an overlay district for by-right solar use. During that decision making process it was decided to utilize a municipal parcel. The site, the transfer station and associated Department of Public Works yard, had best solar opportunities, but has since been found that it may not be suitable or usable.

Brooks wonder if there would be any way to push this off until the fall when more residents are in Town. Robbins stated HCSG, LLC maybe out of time and options. Robbins stated if HCSG, LLC is not able to locate in the C district, then is no place solar of this size can go, then HCSG, LCC believes there is a violation of Massachusetts General Law Chapter 40A section 3. Brooks was amenable to a special town meeting in September. Wallace questioned a September date with people coming back to town and getting back into the school year and then be confronted by a special town meeting.

Jim Elkind, a member of the HEAC, stated that it is relevant to discuss the timing of a special town meeting, but the focus this evening should be on the amendments. Another suggested amendment to 125-53 is to consider is the greater than 250kW requirement of the existing bylaw; this could be reduced and still meet the requirements of the Green Communities Act.

Brooks asked what the cost of a special town meeting would be, considering this amendment would only benefit a small number of residents. Wallace was uncertain of that amount. Eric Broadbent, a member of the HEAC, thinks the proposed amendments solves two problems by bringing another location into the overlay district and allows the HCSG, LLC a location. Brooks stated he has no animosity towards the project, he just wants time to digest it; the C-district was meant to be village like and would this be in line with that? Clark stated that is why the availability of land would not be limited to just the HCSG, LLC, but marketed to all interested parties. Wallace stated at the time of acceptance as a Green Community Act there was good support from the town residence; Harvard would not want to lose its Green Community Act status because there is no real location for by-right solar.

Brooks thinks it is up to the BOS when they will have the special town meeting and PB will have the hearings as required. Brooks asked whose warrant this would be. Clark thinks it would be

great for it to be from the PB. Marcello and Brooks agreed to start the hearing process at the July 16th meeting.

Adjournment

Hutchinson made a motion at to adjourn the meeting at 9:17pm. Marcello seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

Harvard Planning Board

Scenic Road Consent Hearing & Driveway Site Plan Approval

Robert & Jessica Moran, Prospect Hill Road (Map 16 Parcel 1.1)

June 25, 2012

Vice Chairman Peter Brooks opened the hearing at 7:45pm in the Multi-purpose room of the former library under MGL Chapter 40A and 40 §15C and the Code of the Town of Harvard Chapter 90 & 125

Members Present: Peter Brooks, Rich Marcello and Joe Hutchinson

Others Present: Liz Allard (LUB Admin), Gary Shepard (Ross Associates), Rob and Jessica Moran and John Nidzgorski

This hearing is for Scenic Road Consent and includes Driveway Site Plan Approval filed on behalf of Rob and Jessica Moran for the construction of a driveway that will require the removal of eight linear feet of stone wall and three trees within the road right-of-way to serve a new single family home on Prospect Hill Road (Map 16 Parcel 1.1).

Gary Shepard, Ross Associates, was present to represent the applicants, who were also present. Mr. Shepard explained the lot does not require any Special Permits as it is a conforming lot, however the driveway as proposed will be longer than 500', therefore requires Driveway Site Plan Approval. The proposed house is over 200' off the road. Due to the steepness of the lot the driveway would need to come into the property on either the north or south side of the lot. The views dictated the location of the hose and garage. Draw backs to having the driveway to the north is the pull off would be steep and site distance would not be great to the north. The driveway will have a ten percent (10%) grade at some points. Brooks asked what the max grade would be if the driveway came straight in to the proposed house. Shepard stated it would be about fifteen percent (15%) at the north side, and as much seventeen percent (17%) on the south side. Marcello asked if the Fire Chief has reviewed the plan. Allard stated a copy of the plan was given to him, but no comments were received. Brooks is concern with the amount of disturbance required for this type of driveway rather than a design that is a straight shot into the lot. Shepard stated the difference in disturbance would be minimal. Shepard stated the proposed plan includes a carriage house that may not be built initially, but the gravel base for the driveway will be completed up to its proposed location. Brooks asked if the Barzun, the direct abutters, have been contacted. Mr. Shepard stated he had not personally discussed the proposal with the Barzun, but the lot before the Planning Board was split from their parcel and the proposed house is a fair amount away from the property line. Marcello asked why you could not do a straight shot on the south side of the lot with the driveway. Shepard stated due to the septic system the driveway could not be located to the south side of the lot; as well as the angling of the driveway would make it more difficult for emergency vehicles. Shepard stated runoff was addressed with a swale under the driveway with a small portion draining toward the road, with a six inch drop in the driveway to direct water to the sides of the driveway.

In regards to the Scenic Road Consent, a twelve inch (12") and eight inch (8") white pine along with an eight inch (8") popular will be removed along with eight feet (8') of stone wall for the installation of the driveway. Brooks thinks Shepard has done his best to meet the requirements of the Protective Bylaw along with the wishes of the home owner.

With no further comments from the members, Hutchinson made a motion to close the hearing and issue a favorable decision as requested for Scenic Road Consent and Driveway Site Plan

Approval for Rob and Jessica Moran, Prospect Hill Road (Map 16 Parcel 1.1). Marcello seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Scenic Road Consent Hearing & Driveway Site Plan Approval – Robert & Jessica Moran, Prospect Hill Road (Map 16 Parcel 1.1)

- ❖ Site Plan, designed for Rob & Jessica Moran, Job No. 21721, Plan No. L-11867, dated May 2012

Discuss Bylaw Amendment 125-53 Large-Scale Ground-Mounted Solar Photovoltaic Facilities Overlay District

- ❖ Suggested Revisions to the Protective bylaws for the Town of Harvard to include the C-District as part of Section 125-53 for Large-Scale Ground Mounted Solar Photovoltaic Facilities, dated June 25, 2012