

**HARVARD PLANNING BOARD
MEETING MINUTES
AUGUST 20, 2012
APPROVED: September 17, 2012**

Chairwoman Michelle Catalina opened the meeting at 7:33pm in the Town Hall Meeting Room under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Michelle Catalina, Tim Schmoyer, Rich Marcello and Joe Hutchinson

Others Present: Liz Allard (LUB Admin), Kerry & Tucker Evans, Jack Visniewski (Cornerstone Land Consultants, Inc.), Steve Ballard (Whitman & Bingham Assoc.), Worth Robbins, Bruce Ringwall (GPR, Inc.), Eric Broadbent, Jim Elkind, Paul & Marty Green, Steven Strong (Solar Design Assoc.), Stephen Richter and Charles Agosta

Hutchinson stated he would be recording this evenings meeting

Special Town Meeting

Catalina requested a volunteer to present the warrant articles at the Special Town Meeting on August 29th. Schmoyer stated he would present the amendments at Special Town Meeting. Allard will provide Schmoyer with the statements for the articles.

Procedure Reminders

Catalina reminded members to be careful of how they respond to questions from applicants and to be clear when responding, whether in writing or verbally, that you are only one member of a five member board and that no decision is final until voted upon at a public meeting. In addition, members are not allowed to access a site unless they have permission from the property owner. It is best to get this permission in writing before accessing any site. Accessing a site without permission is considered trespassing.

Board Member Reports – Committee Activities

Schmoyer stated he did not attend the recent Economic Development Committee (EDC) meeting. Catalina requested that if in the future, no matter how close to the start of the meeting, to please let her know he is unable to attend as it is good to keep in contact with the EDC.

Continuation of a Modification to Driveway Site Plan Approval – Evans, Lot 2 Old Littleton Road (Map 18 Parcel 11.2.4)

Jack Visniewski, of Cornerstone Land Consultants, was present and submitted a signed and stamp copy of the modified site plan. The concerns the Board had with the radius of the driveway have been addressed. A detail on the plan shows the turning radius for a Harvard fire truck. Visniewski explained water will sheet towards house and then be directed away from the house and into a swale under the driveway. Members had no additional questions.

Schmoyer made a motion to approve the modification of driveway site plan as written on April 9, 2009, subject to the following condition: an as-built plan to be filed with building commissioner. Marcello seconded the motion. The vote was unanimously in favor of the motion.

Approve Minutes

Marcello made a motion to approve the minutes of August 6, 2012 as written. Schmoyer seconded the motion. The vote was unanimously in favor of the motion.

Zoning Board of Appeals Request for Comments

Allard explained to the members the two applications submitted to the Board from the ZBA. Marcello agreed to review and bring comments back to the Board on the application for

Christopher & Audrey Tracey at 204 Bolton Road. Hutchinson agreed to review and bring comments back to the Board on the application of Douglas & Susan Mahoney, 63 Slough Road.

Continuation of a Site Plan Approval – Harvard Community Solar Garden, 285 Ayer Road
Hutchinson recused himself from the discussion and joined the audience.

Bruce Ringwall, of GPR, Inc., was present to represent the applicant. Mr. Ringwall had previously submitted revised plans that include the design plan from Solar Design Associates. As requested the revised plans show the various parcels associated with the project, a land coverage table and zoning table. In addition, Ringwall included plans that show existing conditions and proposed site clearing. The site layout plan shows the location of the racks and panels, setback to property lines, the access drive, location of the inverters and electrical connections. A lock box has been added for the required emergency access. The grading is the same as previous submission; however the drainage which indicated stone trenches previously has been removed. To control runoff at the site dry basins have been incorporated into the plan. The ongoing treatment for the surrounding vegetation has been included on the plan as well. That activity would take place between November 1st and March 30th when turtles are not in migration. Mowing within the fenced in area will be conducted more often; in the selective cutting area shrub growth and small trees will be kept at shoulder height to aid in protection of turtle habitat. The fenced in area will be cleared of vegetation and graded. A standard specification plan indicates the material for seeding grassy areas. The driveway detail indicates the standard vehicle detail as required by the Protective Bylaw as truck traffic will only take place during construction.

A letter submitted and dated August 14, 2012 addresses the issues under Site Standards, Chapter 125-39 of the Protective Bylaw. Ringwall explained the site is within a W-district, under the requirements of the Protective Bylaw any new building in this district must show fire protection; the activity to be undertaken does not include any new buildings, however the site is close (with 1000') to a hydrant across the street and there is a fire pond located north of the property along Ayer Road. In regards to open areas requirement, the lot perimeter will maintain the 10% natural green buffer. Screening will be achieved with existing vegetation out to the road along with a heavy vegetated area along the northern property line; the southern property line is a long distance away from the area of development. The plan does not call for any lighting. Information on landscaping can be found on the Existing Conditions plan, the Grading Plan and the Detail Sheet.

Catalina asked if the fence would be locked. Ringwall stated it will along with signage indicating danger high voltage and no trespassing; the lock box is key coded for the public safety departments in Town. Ringwall has spoke with Fire Chief in regards to what the procedure is in the event of a fire on the site; the Chief is waiting for final word from the State Fire Marshal. The two locations that are likely to cause a fire would be the inverters and a potential brush fire sparked by faulty wiring. Should the inverters catch on fire it is best just to let it burn out within its storage cabinet, as the equipment would be useless once a fire breaks out. As for a brush fire, it is best to fight it from the outside of the fence as you are unable to shut off the electricity to the panels. Schmoyer agrees with fighting the fire from the fence line, he is concerned if there is a fire at the inverter, could there it feed back to the building which the system is connected to. Steve Strong, of Solar Design Associates, stated it is unlikely; there is a disconnect at both ends of the line, one at the building and one at the inverter. Schmoyer asked if the two inverters are splitting the load. Strong stated yes, each inverter is 250kW.

Schmoyer asked based on other Towns how are the electrical plan approved. Strong stated the local electrical inspector reviews and approves. Schmoyer asked if Dave Woodsum, Harvard's electrical inspector, seen the electrical plans. Strong did not think so.

Ringwall made a suggestion that the Board make a decision based on the current information contingent on Fire Chief final approval. Catalina asked if there is a lease between the applicant

and the property owner as of yet. Worth Robbins stated he is working on it. Catalina pointed out that a condition of 125-53 requires a form of surety that the system be removed when no longer in use. Robbins stated the lease does have provisions to disassemble the array. Robbins thinks the provision was added to assure that Town owned land would be covered. Marcello asked what the lease allows for. Robbins stated for the land to be returned to natural state or title of the system is handed over to the property owner at the end of its life expectancy. Marcello asked in the case where it is transferred to the property owner is there an obligated for the system to be remove. Jim Elkind stated that leaving the system in place would not be the highest and best use for the land owner. Schmoyer believes the provision was provided so it does not become an issue with or for the Town. Strong stated if the system is a viable source of energy well into the future, components that fail can be replaced, which would increase the systems value over time. Schmoyer asked how much it would cost to remove the system. Strong stated he would need to think about that. Robbins stated there are provisions in the financial model for end of life of the system. Marcello would simply like something in the lease that requires the system to be removed at end of life, whether it is the applicant or the property owner. Paul Green asked where is the Town's protection should Dunkin Donuts vacate its location. Catalina stated the requirement of surety is within the provision for the installation of large-scale photovoltaic facility. Elkind stated this is a private development on private land, maybe the Planning Board should consider removing the provision at the Special Town Meeting (STM). Catalina stated that would require an amendment on the floor of Town Meeting, which could complicate the matter at hand; the PB will consider for the 2013 Annual Town Meeting.

Catalina asked about evidence that utility company will accept the generated electricity. Robbins stated a utility inter connection application will need to be submitted after the results of STM. This shall be a condition on site plan approval.

After a brief discussion on the outstanding items Schmoyer made a motion to approve the site plan with the following conditions:

- ❖ Approval from the Fire Chief/State Fire Marshal;
- ❖ signed lease agreement between the property owner and Harvard Solar Garden showing surety (compliance for surety as detailed in the lease to ensure the facility is removed a the end of its useful life);
- ❖ approval from STM;
- ❖ approval from Attorney General;
- ❖ evidence that the electrical company has been informed of project (inter connection application); and
- ❖ a certificate of use will not be issued until approval has been received by electric company

Marcello seconded the motion. The vote was 3-0 in favor of the motion.

Site Plan Approval – Shaker Hills Country Club, 146 Shaker Road

Steve Ballard, of Whitman & Bingham Associates, was present to represent the applicant, Shaker Hills Country Club. Ballard stated the plans submitted were not as well as he had hoped. Ballard explained the existing building on the site is 180 square feet; the proposed building will be 160 sq ft, with an additional deck and patio. Structure will not have a foundation. Catalina would like to conduct a site walk and requested a better plan be submitted for the Boards review. Under the provision of the Bylaw a site plan shall include elevations, distance to lot lines, and elevation of structures. Catalina noted that the scale looks to be incorrect as well. In addition a written narrative will need to be supplied.

Original site plan explains why the course was allowed in a residential area and what is and is not allowed as uses. The applicant will need to justify the use of the building is one that is allowed by other golf courses. A site walk was scheduled for Tuesday August 28th at 7:30am. The meeting was continued to September 10, 2012 at 7:45pm in the Hildreth House.

Review & Update Five-year Strategies & Objectives FY14 –18

Schmoyer does not see anything that is needed or missing. Catalina stated the PB does its best to keep with it. Schmoyer thinks it is a good idea to lay out a plan. Hutchinson his own take as it is labeled Strategic, Hutchinson debated on whether to comment or not. Catalina stated the document proves people with information on activities that other boards and committees may be doing. Catalina is not sure how well used the document is. Schmoyer made a motion to approve the plan as written. Marcello seconded the motion. The vote was unanimously in favor of the motion.

Master Plan Progress

Catalina asked the members if they have had an opportunity to read the Request for Proposals (RFP's) for Phase II of the Master Plan (MP) distributed last week. Marcello stated he had; Schmoyer stated he has skimmed over both of them. Catalina stated she had read them with a fresh head and was surprised at how similar the two were; Hutchinson had the same comment. Members agreed the documents were confusing and that it is important to re-work the document.

Catalina has been in contact with Sandy Chapman to determine where the Devens Economic Analysis Team (DEAT) is at with their report. Chapman had indicated he was very happy with outcome and is willing to share the information in the report. Catalina has invited Chapman or another member of DEAT to attend the September 10th meeting of the Planning Board (PB) to discuss the findings. Catalina had asked Chapman what more additional information the PB would need in regards to making a decision on the future of Devens. Initially Chapman had stated the information within the report would save the PB \$20,000 in MP funds, but then he backed off that statement. Catalina stated she found the organization of the RFP's in general to be unsuitable. Catalina feels the RFP should be looking for two different skill sets, Devens and then the MP for the rest of the Town.

Schmoyer first reaction to the RFP's was these are almost identically; only one section is different as far as he could tell. Schmoyer asked if there is a template for RFP's here in Harvard. There is not. Schmoyer not sure he agrees with Catalina about needing two different skill sets. Would the RFP from 2002 be a good template for the Town skill set? Catalina stated yes. Schmoyer asked if the PB could split the process into two parts. Hutchinson thinks the elements of MP will be affected by the Devens outcome, so splitting Phase II in two may not be effective. Marcello believes Devens should come first in the process as it will model the MP; it is important to know what DEAT has done so that efforts are not duplicated. Schmoyer thinks funds should be expended to investigate Devens as no one has the expertise here in Town to answer those questions. Hutchinson agrees.

Catalina wants an understanding of what it is the Town will be getting by accepting the historic boundaries of Devens. Some things can be quantified; others cannot; such as "I moved to this Town so that my kids would be in school with only certain types of kids". Need to define what it is the PB is expecting from the consultants, such as identifying the issues; which may have already been completed by others. Another example, if Harvard takes back Devens and reconnects Old Mill Road and Depot Road, how will people feel about that.

Hutchinson stated if you investigate Devens and raise the education level of the residents then you can get a direction. Marcello asked if PB wanted the consultant to add value, then how do they do that. Schmoyer does not want to reinvent the wheel; the Town has said they want to make a decision, but we don't have enough information to make the decision. Would the PB want a consultant to package it nicely and independently? Catalina does not have faith the consultant will package it correctly; worried it will be the same thing encountered in Phase I; training the consultant and correcting them on things we already know. Schmoyer asked why we are educating the consultants. Marcello stated if you look at the 2002 MP and other Towns' it is handled very well; if you add Devens that may not add any additional value. Marcello does not

think packaging up both Devens and the Land Use Plan into one RFP in this case is the best solution.

Schmoyer read from final report in regards to the deliverables for Phase II.

Schmoyer explained the federal defense governmental process using examples of the Statement of Objectives and Performance Work Statement RFP to help him and other board members determine what direction it is the PB wants to take.

Catalina is mixed on doing a MP that includes Devens; worried the time line is too short to get through all of the issues. It is not simple as laying out choices, as more choices come up as a result. Catalina believes there is no reason to complete a MP until the Town makes a decision on Devens. All presented agreed.

Schmoyer would like to work with the PB on an RFP for the Devens part. Hutchinson has researched companies that conduct financial impact reports and is willing to share that information. Marcello would like to have the DEAT report prior to finalizing and RFP.

Schmoyer would like to start collecting impact RFP's from other communities to start the process. Marcello has no debate that consultants will add value on Phase II, but does not have the same feeling about Devens.

Schmoyer made a motion that the Board agrees to make two separate requests for proposal: one to include the financial impact of Devens on Harvard and a separate one for the completion of the statutory sections of the Master Plan once the results of the first RFP report are available and the Town has voted on a direction for Devens. Marcello seconded. The vote was 3-1, with Hutchinson opposing.

Hildreth House Improvement Committee Request for Liaison

With the lateness of the evening members agreed to re-visit the request at the September 10th meeting.

Adjournment

Marcello made a motion at to adjourn the meeting at 10:20pm. Hutchinson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Continuation of a Modification to Driveway Site Plan Approval – Evans, Lot 2 Old Littleton Road (Map 18 Parcel 11.2.4)

- ❖ Driveway Re-Design, Special Permit Plan, Old Littleton Road, Harvard, Massachusetts, prepared by Cornerstone Land Consultants, Inc., Job No. 2012-141, Drawing 9149, dated July 16, 2012

Continuation of a Site Plan Approval – Harvard Community Solar Garden, 285 Ayer Road

- ❖ Letter from GPR, Inc, subject: Harvard Solar Garden Project I, LLC located behind 285 Ayer Road, Harvard, MA, dated August 14, 2012
- ❖ Harvard Solar Garden Project I LLC, 493.9kW dc/ 500kW ac PV Array, Harvard, MA 01451, prepared by Solar Design Associates, Inc., Drawing No. PV001, PV101,PV201, PV203, PV401, PV402,PV403,PV501, dated August 14, 2012
- ❖ Solar Photovoltaic Farm off of Ayer Road (MA 110 & 11), Harvard, MA, prepared by GPR, Inc., Job 121030, last revision date 8/13/2012 pages 1-6

Site Plan Approval – Shaker Hills Country Club, 146 Shaker Road

- ❖ Proposed Pavilion Site Plan for Shaker Hills Country Club in Harvard, Massachusetts, prepared by Whitman & Bingham Associates, Job Number: 12585, Plan Number: 31-D-3, dated August 10, 2012

Review & Update Five-year Strategies & Objectives FY14 –18

- ❖ Planning Board's Five-Year Strategies and Objectives FY14-18