

**HARVARD PLANNING BOARD
MEETING MINUTES
SEPTEMBER 10, 2012
APPROVED: October 1, 2012**

Chairwoman Michelle Catalina opened the meeting at 7:34pm in the Hildreth House under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

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

Others Present: Liz Allard (LUB Admin), Paul Green (DEAT), Steve Ballard (Whitman & Bingham Assoc), Tim Clark (BOS) and Sandy Chapman (DEAT)

Board Member Reports – Committee Activities

Hutchinson stated he had attended the recent Montachusett Regional Planning Commission (MRPC) meeting at which there was a discussion in regards to the classes of Planners. There are a few towns in the region that are looking for planning services. MRPC has indicated planners do three classes of task, those being economic development, land use or grants. Usually when towns hire a planner they have the skill set of one, maybe two for the tasks, but rarely do you find an individual with all three. Hutchinson stated MPRC is now shifting their focus on land use services, as apposed to economic development, which they had been focused on previously. In regards to solar, they have not developed a model bylaw as of yet.

Catalina stated she had participated in a webinar in regards to changes made to the Community Preservation Act (CPA). Changes include new sources of funding, which will be a line item on this years State budget for \$25 million from surplus; CPA funds can now be used for rehabilitation and to restore land for recreational use; the 10% allocation for open space will now be split between open space and recreation; and changes to the definitions. For each of the three categories under CPA the following changes have been made. For housing, there is additional guidance on the meaning of support. For open space there has been additional clarification of the requirements for conservation restrictions and funding them with CPA funds. For historic preservation, there has been clarification on determining if a location is historic even though it is not include on the State Registrar and changes to confusing language for following historic guidelines. Funding options for the municipalities has changes as well, which includes exemptions for the first \$100,000 for businesses and the ability to blend the 3% matching funds with other revenue such as parking fees. Additional information can be obtained from the CPA website at CPA.org.

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

Steve Ballard, of Whitman & Bingham Associates, was present to represent Shaker Hills Country Club. Ballard stated there will be no lighting associated with the structure. Access to the site will be obtained by foot or by golf cart. Additional protection has been made available from stray golf balls from near by tee boxes. The proposed deck will be constructed in a manner to allow for stormwater runoff to recharge as it does currently; as well the structure itself will be constructed on sono tubes. There is a pond, 600' north-west of the location that could be used for fire protection if need be. An emergency vehicle, such as an ambulance could access the area from the east side of the course. There will be no creation of any driveways or parking areas. As for the requirements of open space, the location, a golf course, contains an adequate amount. As for screening from abutters, the elevation of existing tree cover will keep the pavilion out of sight to abutters.

Ballard stated he has researched other golf courses that have a similar pavilion and found two, those being Wachusett and Worcester Country Club. Brooks asked about parking for the golf carts. Ballard stated there will be no designated parking for the golf carts, golfers will be allowed

to park around the pavilion. Catalina asked what the distance is from the property line to the closest developed property. Ballard stated three hundred and eighty-one (381) feet. Catalina asked what the proposed height of the structure would be. Ballard stated sixteen (16) feet. Catalina explained the Board is waiting for a response from the Fire Chief in regards to an emergency plan for the location. Catalina requested the discussion be continued to the September 17, 2012 meeting to receive the response. Ballard agreed to that request.

Revised Five-Year Strategies and Objectives FY13 –17

Catalina explained the Board had been informed that the original instructions for completing the five-year strategies and objective plan had indicated the wrong fiscal years. The correct years to be included in the plan are fiscal year 2013 to 2017 (FY 13 – 17). In addition, on Thursday afternoon additional instructions from the Board of Selectmen (BOS) have requested a status report of the previous fiscal year. Catalina had revised and distributed the FY13 – 17 five-year strategies and objective plan for members review. Members were in agreement with the revised plan. Catalina will work on the status report for submittal by September 30th to the BOS.

Discuss Town Planner

Catalina explained at the Board of Selectmen (BOS) strategic planning session in June there was an entire section on planning efforts, which including but was not limited to the hiring of a Town Planner. In addition, at a meeting held in the Town Administrators office this past spring, which was attended by Catalina, Hutchinson, Elaine Lazarus of Economic Development Committee and Bill Johnson of the BOS, to discuss the job description of a Planner; the only thing agreed upon was a planner should have a Masters degree.

Catalina thinks what is really being sought after is an Economic Development Director. Catalina believes if the Planning Board is going to be supportive of the establishment of such a position then the PB needs to determine how this is going to be good for the Town.

Hutchinson stated in preparation for this discussion he went to see Glen Eaton at Montachusett Regional Planning Commission today. Eaton supplied Hutchinson with a lot of information and would be happy to come to a Planning Board (PB) meeting to guide the PB on this matter. Eaton had stated job description need to have clarity. Hutchinson feels a first step should be talking to other towns to see how they are fulfilling this position. In addition, speaking with other boards and committees to determine what their needs for support staff are. Catalina asked if Hutchinson thought the Five-Year Strategies and Objective Plans required by the Board of Selectmen would be helpful in gathering that information from the boards and committees or should PB talk directly to each of the boards and committees. Members agreed that talking directly to the boards and committees would be a better route. Catalina asked for permission to start the process of contacting the boards and committees. Members were in agreement. Tim Clark stated it is conceivable that you can make an argument for the position at Annual Town Meeting if the position is required to seek grant funding that supplies administrative funding.

Zoning & Town Hall

Catalina stated the Municipal Building Committee will be seeking a variance from the Zoning Board of Appeals (ZBA) for the proposed addition to Town Hall as it will not meet the 75' setback from the centerline of the roadway. Tim Clark, a member of the Board of Selectmen (BOS), stated the BOS has not received Town Counsel's zoning analysis as of yet on the matter. Clark has reviewed similar application in which a variance was granted, those being the new library and the Verizon building on Littleton Road. Once a zoning analysis is received from Town Counsel an application seeking Variance will be submitted to the ZBA. Clark stated support from the PB on this application would be greatly appreciated.

Hildreth House Improvement Committee Request for Liaison

Catalina suggested Brooks could be the liaison but would not have to go to the meetings, just be available to answer zoning questions as they arise. Brooks agreed to be the representative to the

Hildreth House Improvement Committee. Schmoyer made a motion to appoint Brooks as the Planning Board liaison to the Hildreth House Improvement Committee. Marcello seconded the motion. The vote was unanimously in favor of the motion.

Zoning Board of Appeals Request for Comments

Hutchinson reviewed the application for 63 Slough Road on behalf of the Planning Board. Hutchinson stated the proposal is to extend the existing deck upward and enclose for use as a family room and office. Hutchinson believes the addition will not create a visual problem to the abutting properties. Catalina wondered if there are any issues with going from a deck to habitable space. No one was certain there are.

With no further questions or comments, Schmoyer made a motion to submit a letter to the Zoning Board of Appeals stating the application for a Special Permit filed on behalf of Douglas and Susan Mahoney for the addition to a pre-existing non-conforming structure meets the requirements of the Protective Bylaw, Chapter 125-3(3)(a) & (b), therefore the Planning Board is in support if the issuance of a Special Permit by the ZBA. Marcello seconded the motion. The vote was unanimously in favor of the motion.

Marcello reviewed the application for 204 Bolton Road on behalf of the Planning Board. Marcello reviewed the letter from David E. Ross Associates, Inc., dated August 2, 2012, and submitted with the application. Marcello was in agreement with the statements made within the letter as were members of the Board. However Marcello did have a question in regards to the paragraph that detailed the 2:1 offset line. As part of the section of the Protective Bylaw, "Exceptions for existing one- and two-family dwellings", Chapter 125-3B, provision (b) of that section has the 2:1 offset to substantiate any claim made under Chapter 125-3A(3)(b) will not produce or increase the degree or extent of any non-conformity within the Bylaw and will not be more detrimental to the neighborhood.

With no further questions or comments, Schmoyer made a motion to submit a letter to the Zoning Board of Appeals stating the application for a Special Permit filed on behalf of Christopher and Audrey Tracey for additions to a pre-existing non-conforming structures meets the requirements of the Protective Bylaw, Chapter 125-3(3)(a) & (b), therefore the Planning Board is in support if the issuance of a Special Permit by the ZBA. Marcello seconded the motion. The vote was unanimously in favor of the motion.

Devens Economic Analysis Team Report

Paul Green and Sandy Chapman, members of the Devens Economic Analysis Team (DEAT) where present to discuss the 2012 report of the DEAT and how that information will be useful in determining a future for Devens. Catalina explained as part of the Master Plan process the first task is for the Town to make a decision on the future of Devens. Paul Green has been the complying the information into one final report. The report is in its final phases of being completed. Big factors in the last year have been Vicksburg Square and economic development. In 2011 there was a one million dollar shortage and about a \$900,000 deficit in 2012. Green stated this is a difficult number to pin down as Mass Development does not function similar to a municipality. The \$900,000 is a very conservative number, but shows progress.

Green stated a year ago DEAT ignored Devens utilities, which there is nothing like it in the State, as the utilities are run by Mass Development. Only in the last two years has mass Development kept figures specifically for utilities. Mass Development took a big hit with Evergreen Solar leaving the area. In addition, Mass Development may have over paid themselves between 2010 and 2011. Green stated a few big customers can have a big impact financially. If the utility does revert to the Town it then becomes a utility that straddles Town boundaries. Financially DEAT had to figure out what kind of money Harvard can count on.

Under Chapter 498 gas and electricity are restricted, however water and sewer can be sold; because of this Devens utility rates are low and attractive to development. Not everything in

Devens is profitable, such as sewer. Chapman stated this is a yellow flag in which Harvard has to do their due diligence to watch what is going on at Devens.

Chapman stated the DEAT wants to determine in the next year how many employees it would take to service Devens. Catalina asked how DEAT is going to determine of the number of people needed for the services. Chapman stated DEAT will make a request through the Board of Selectmen to each of the departments. DEAT will also be looking at other communities to determine how they manage industrial park type areas. Initially the DEAT will focus on the bigger departments such as fire, police and public works. As for other areas, such as Mirror Lake, it may be best to ask the State to take over the management as a State park. DEAT hopes they can jump start the conversations with the departments and that it would be useful to a consultant of the Master Plan.

Catalina stated in a Request for Proposal's (RFP's) for professional services the consultant can do the analysis but the Planning Board is not sure how much this should cost. Schmoyer re-stated the break down and the recommended RFP's from the August 20th meeting of the Planning Board. Green stated it seems to him a contractor would want one large RFP to keep the work going, rather than in piece meal. Catalina has no idea how long it will take to get to a point where we have enough information to ask the Town whether or not they want to take back the historical boundaries of Devens.

Green stated the longer we can wait the better the numbers get, because the year-to-year variables are less. Marcello asked if you could bind the problem by looking at the all or nothing theory of development. Tim Clark, a member of the Board of Selectmen, stated what the Town needs to do is to do identify the triggers that could radically change the numbers.

Schmoyer stated the Planning Board job is to write a Master Plan; the Planning Board can direct the consultant to identify the triggers that would be beneficial to the Town by taking back Devens. Marcello thinks a consultant can help us through the gray area, which he would all for, but based on tonight's conversation he is not certain on that.

Green stated in his mind you bring in a consultant because they have an expertise that you do not to fill in the gaps. Green is not sure what questions he would ask a consultant; maybe sharpen up the uses, but that information could be received from the department heads.

DEAT has articulated that they need two more years to get a handle on the financial situation at Devens. Hutchinson asked if the housing cap plays a role in getting a handle on the financial situation. Clark stated once you move beyond Chapter 498 there will be no cap, just local zoning. Chapman stated DEAT has to use the numbers set out in Chapter 498, as that is all they have for now.

Catalina thanked both Green and Chapman for attending this evening; the Planning Board looks forward to a final report.

Adjournment

Brooks made a motion at to adjourn the meeting at 9:57pm. Marcello seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

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

- ❖ Letter from Whitman & Bingham Associates, Shaker Hills Country Club, Proposed Pavilion with Decking Narrative, undated

Revised Five-Year Strategies and Objectives FY13 –17

- ❖ Harvard Planning Board Five-Year Strategies and Objectives, undated

Zoning Board of Appeals Request for Comments

- ❖ Town of Harvard Zoning Board of Appeals Application for a Hearing, Douglas and Susan Mahoney, 63 Slough Road, dated August 1, 2012
- ❖ Town of Harvard Zoning Board of Appeals Application for a Hearing Christopher and Audrey Tracey, 204 Bolton Road, dated July 31, 2012