

**HARVARD PLANNING BOARD
MEETING MINUTES
NOVEMBER 5, 2012
APPROVED: December 3, 2012**

Chairwoman Michelle Catalina opened the meeting at 7:31pm 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, Rich Marcello, Tim Schmoyer and Joe Hutchinson

Others Present: Liz Allard (LUB Admin), Eric Smith (MRPC), Lucy Wallace, Glenn Eaton (MRPC), Bill Johnson, Ron Ricci, John Ruark and David Streb

Approval of Minutes

Marcello made a motion to approve the minutes of October 5, 2012 as amended. Schmoyer seconded the motion. The vote was unanimously in favor of the motion.

Discuss 2013 Annual Town Meeting Warrant Articles

Schmoyer and Marcello stated the solar bylaw from last spring still looks the same and will not warrant a general bylaw. Catalina suggested asking the Energy Advisory Committee for their feedback on the bylaw.

Catalina stated the suggested amendments to §125-53 Large-Scale Ground-Mounted Solar Photovoltaic Facilities Overlay District include not requiring surety if the facility is on private property and changing the electrical connection to the grid.

Marcello agreed to follow up on the amendments in regards to the Affordable Housing Plan, which include the following:

1. New Zoning Districts (§125-42)
2. Amend Conversion of Multiple Residences (§125-9)
3. Amend OSC-PRD (§125-35)
4. Development of non-conforming lots

Catalina has agreed to review Driveway requirements as they are confusing within §125-31 and 39B. The footnote in §125-31 refers to the old zoning bylaw; as well references to the Board of Selectmen regulations need to be addressed. Additional information will need to be added to Chapter 130 Subdivision Control. Catalina will also look at revising the driveway provision to include multiple turn a-rounds on a single drive and the allowed radius of a curvature on a single drive.

Request for *De Minimus* Change Site Plan Approval – Harvard Solar Garden, 285 Ayer Road

Hutchinson recused himself from the following discussion.

Catalina reviewed the request for a *De Minimus* change to the Site Plan Approval issued to Harvard Solar Garden I, LLC. The request is to change the location of the access drive from directly off Ayer Road to the corner of the existing parking lot, which will shift other amenities at the site as well. With no questions or comments from the members Schmoyer made a motion to approve the change as *De Minimus*. Marcello seconded the motion. The vote was unanimously in favor of the motion.

Montachusett Regional Planning Commission Presentation – Shirley Village Growth District I

Eric Smith, of Montachusett Regional Planning Commission (MRPC), was present along with David Streb, a planning consultant hired by MRPC to develop the Shirley Village Growth District I development plan.

Smith presented a power point presentation that outlined the process by which the plan was developed. Funding for the project was achieved through the State's District Local Technical Assistance Program. The Town of Shirley Economic Development Committee and Board of Selectmen asked MRPC to assist in planning for the SVGD I. The SVGD I is an area within the historic boundaries of Devens which had been indentified for commercial and small office use by the 1994 Devens Reuse Plan and is located south of Front Street, east of Hospital Road, behind the existing middle school and the Shirley Town Hall.

The 1994 Devens Reuse Plan created the Village Growth District to provide business expansion opportunities for Shirley Village, at a scale, development pattern and mix of uses that are compatible with that of the existing Shirley Village. The zoning created allowed for office use, no larger than 40,000 square feet, retail, cultural, lodging, and municipal uses, but not residential.

Three Alternative Development Scenarios were developed: 1) Development allowed by current zoning; 2) A mix used residential-commercial development; and 3) A mix use commercial and light industrial/research and development. Scenario one was the preferred development type, which required a market analysis to determine the scale of feasible development for the district. Other finds through the process indicated there was an opportunity for commercial development if the middle school land along Front Street could be made available by relocation of the ball fields to the rear of the district.

Mass Development funded a market analysis in October 2011 to determine the realistic development at the SVGD I location. The study indicated the market will support the mix of uses of the preferred development scenario, although not the volumes considered in the three previous scenarios. The analysis confirmed market support for retail development between 25,400 and 42,400 square feet; office development between 19,500 and 31,300 square feet and rental residential between 50 and 100 units. Although Shirley supported the mix use scenario it did not want ground floor retail or commercial space with residential space above.

In addition, the market analysis revealed the top five retail demands of the area, those being grocery, hardware and building, miscellaneous and services, appeal and accessories and dining and drinking. An implementation plan was presented before the Shirley Economic Development Committee (EDC) last November, with recommendations of mix use, but no single family homes and development to the extent supported by the market analysis, which allows for future growth at the site or community site amenities. The Shirley EDC wondered if the site could be connected to other sites such as Phoenix Park, the Nashua River or the adjoining neighborhoods.

In order to implement, all three Towns (Shirley, Ayer and Harvard) need to approve a proactive zoning change to allow Shirley to have residential uses at the site; prohibit single and two family housing and raise the housing cap by 100 units. The SGVD is completely within the Town of Shirley and is physically separated by the Nashua River from Devens. The Town of Shirley should be allowed some control over the pattern of development at the village growth district directly behind their Town Hall. A sample Town meeting warrant has been prepared that will allow residential uses in the village growth district. The Town of Shirley has not decided as of yet to move forward with this project, because they have other economic development they are pursuing at this point.

Bill Johnson asked what type of involvement there has been by town residents. Smith stated nothing on a large scale to date, however MRPC would like the Towns input. Lucy Wallace asked if the removal of the housing in the district was complete in the fashion as it was on Grant

Road due to contaminated soils. Smith stated the soils have been remediated. Wallace would suggest that the Army cleaned it up as it should.

Johnson asked if the demand was investigated to determine if the retail was interested in locating in the area. Smith stated that information is within the market analysis, which he will provide for distribution.

Catalina stated adding more housing is an interest to Harvard since students are currently being educated in Harvard. Johnson asked if there has been modeling of the number of school children. Smith stated there had not.

Schmoyer asked about the type of housing and the increase on the cap. Streb stated Shirley has a need for elderly housing, as well as housing for young professional types. It was noted that Mass Development did not want the housing balance to be effective by this development.

Wallace suggested the Town of Shirley be removed from the Devens Regional Enterprise Zone. Johnson asked if he knew any reason why Mass Development does not want this cap to affect the overall number. Smith did not know, but will ask why they care so much. Johnson asked if a timeline has been established. Smith stated it would be up to the Town of Shirley.

Catalina thanked Smith and Streb for their presentation this evening.

Discuss Possible Candidate for Associate Member Position – John Ruark

John Ruark was present to discuss with the members his interest in the associate member position that is currently vacant on the Planning Board (PB). Ruark stated he has lived in Town since July and had previously resided in the Town of Bolton, where he served on the Personnel Board. Now that he and his family have settled in to Town he is looking a several volunteer options as he would like to get involved in Town. Ruark stated he is still exploring the opportunities available to him. Schmoyer asked if there were any specific areas that interest him. Ruark stated he is still in the discovery process of determining which opportunity would best suit him and his background. Schmoyer asked about reviewing documents including Request for Proposals. Ruark stated he has. Hutchison asked Ruark why he wanted to explore an opportunity on the PB. Ruark stated it is a board that has a long term impact to the Town, and with young children in the school system he intends on being here for some time and would like have a hand in the future development of the Town.

Catalina had no questions for Ruark as they had previously discussed the opportunity available to him. Catalina thanked Ruark for attending this evening and stated the Board looks forward to hearing from him.

Discuss Planner Findings

Catalina stated she has spoken with a number of Boards and Committees in regards to input for the creation of a Planner position. Catalina stated the Conservation Commission is the least interested in a Planner. The Zoning Board of Appeals thinks it would be good to get assistances on Bylaw changes. Both the School Committee and the Municipal Affordable Housing Trust are onboard with the Town creating this position. Catalina stated she has never been opposed to this, but the money has always been an issue. Catalina created a Planning Board work pyramid of the task that needs to be done and the time associated with those tasks.

Members discussed the degree of difficulty a planner would take on and the experience level in which they would be seeking in a Planner. Schmoyer stated he would like an individual with mid-grade experience. Hutchinson stated he feels it is too soon to consider a Planner and the Town should wait and see what happens with Devens. Catalina and Marcello both stated the subject of Devens and a Planner could be argued both ways. There is no standard format for what it is a Planner will be tasked with, each town does it in their own way. Hutchinson stated if you hire a Planner who has the ability to complete the Master Plan, then that is what they should be tasked

with initially. Marcello and Schmoyer feel hiring a Town Planner is something that needs to be done. Hutchinson stated again if the Town had a better plan for its future with Devens and the Master Plan then he would be in support. Hutchinson would want a full time planner.

Bill Johnson, a member of the Board of Selectmen, asked if the cost to hire an outside consultant to get some the work done would be more cost effective then hiring a Town employee.

Catalina asked if the Board wanted to take a vote before she is to meet with the Finance Committee on November 14th. Members agreed they did and in doing so Schmoyer made a motion to pursue a proposal for a full time planner at the 2013 Annual Town Meeting. Marcello seconded the motion. The vote was 3-1 with Hutchinson voting against the motion.

Master Plan Update

Catalina stated she had not received any feed back on the draft Request for Proposals (RFP) she distributed recently, which has morphed to include the input from the Devens Economic Analysis Team (DEAT) 2012 annual report. Catalina had not requested feedback from board members, but instead, as the October 15 meeting minutes reflect, asked board members to review and come prepared to discuss at this meeting (November 5). At a meeting with DEAT, on November 02, 2012, Catalina asked DEAT to amend the population numbers as it includes the Federal inmates. DEAT indicated they had not used the number for any of the calculations within the report, and agreed to change the number. Catalina stated it was noted at the DEAT meeting that Chapter 498 indicates there shall be no cost to the Towns in accepting their historical boundaries; therefore Harvard should ask Mass Development to pay for the consultant work as indicated in the RFP.

Catalina stated the DEAT wants to hold two education forums to present the 2012 annual report, one in Harvard and one in Devens. DEAT requested the sum of \$900 from the Master Plan Phase II funds for the education forums. Catalina also stated that she wanted to advertise the beginning of a Town email list to start the Phase II process. Marcello stated he was okay with approving the funds to DEAT for this purpose. Hutchinson stated approving the \$900 would start a slippery slope. Catalina asked Schmoyer for his opinion. Schmoyer asked Marcello and Hutchinson to restate their positions for and against the \$900. Schmoyer requested the budget for spending the \$100,000 that the town approved for the Master Plan from Catalina and Allard. No budget could be produced. Schmoyer stated that he didn't understand how the Planning Board (PB) can be making decisions about spending the \$100,000 with no agreed upon budget approved by a vote by the Planning Board. Schmoyer stated that he had not voted on a line budget for the \$100,000. Schmoyer stated the Economic Development Committee (EDC) is requesting \$12,000 of the Phase II funds and \$40,000 has been discussed for the Devens Impact RFP. How is that affected if the Devens Impact RFP is sent to Mass Development and the Planning Board asks Mass Development to pay for the consultant. Must the Planning Board return \$40,000 to the town regardless what Mass Development spent? Catalina attempted to explain to Schmoyer that the breakdown in numbers had come from the Phase I Master Plan Steering Committee (MPSC) and tried to explain to Schmoyer that as a member of the (now dissolved) MPSC she had defended the budget to Finance Committee (FinCom) last year in order to gain their support for the Annual Town Meeting (ATM) and that FinCom's support of an article makes the passage of that article much easier at the ATM. Schmoyer stated he did not care what MPSC presented to FinCom. He cared about whether the Town voted or the Planning Board voted on a line budget for the \$100,000. Marcello responded to Schmoyer to say that the opportunity is there for Mass Development to pay for the Devens Impact RFP and there could be an opportunity for the Planning Board to return some amount (to be determined at a later date) of the \$100,000 to the Town. Schmoyer interrupted Marcello to say that determining the value of the Devens RFP after Mass Development awards the RFP would not be financially responsible. Marcello asked Schmoyer to please let him finish his sentences. Schmoyer continued to interrupt Marcello's explanation of how the breakdown of the budget for the Master Plan could be determined later. Catalina told Schmoyer there was no need to be angry. Schmoyer stated that his behavior was not angry, that they had not yet seen him angry. Catalina stated God help us.

9:49pm Marcello left the meeting.

Catalina stated a budget had been discussed with the FinCom during the budget process. Schmoyer maintained no budget of the \$100,000 requested at the 2012 ATM for the completion of the Master Plan was ever agreed upon. Allard stated the report given to the Planning Board by the Master Plan Steering Committee prior to ATM had a break down of the \$100,000 and was the document she referred to when residents would ask about the warrant article; as well she believed the break down was part of the handouts made for ATM.

Adjournment

Schmoyer made a motion at to adjourn the meeting at 10:12pm. Catalina seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Request for *De Minimus* Change Site Plan Approval – Harvard Solar Garden, 285 Ayer Road

- ❖ Email from Bruce Ringwall, subject Harvard Solar Garden Project I, LLC, dated November 10, 2012
- ❖ Solar Photovoltaic Farm Site Layout Plan, prepared by GPR, Inc., dated 10/31/12
- ❖ Solar Photovoltaic Farm Grading, Drainage & Paving Plan, prepared by GPR, Inc., dated 10/31/12
- ❖ Solar Photovoltaic Farm Site Layout Plan, dated 8/31/12

Montachusett Regional Planning Commission Presentation – Shirley Village Growth District I

- ❖ Shirley Village Growth District I, prepared by Montachusett Regional Planning Commission, District Local Technical Assistance Program, Assistance for the Town of Shirley, Presentation to the Town of Harvard Planning Board, November 5, 2012
- ❖ Email from Eric Smith, subject Draft Sample Shirley Growth District I Zoning Change Recommendations, dated September 21, 2012
- ❖ Town of Shirley Special Town Meeting XXXXXX, 201-, Sample Warrant
- ❖ White Paper: The Shirley Village Growth District I (SVGC I), Zoning Assessment and Recommendations, prepared by Montachusett Regional Planning Commission, undated
- ❖ Shirley Village Growth District Location Map, prepared by Montachusett Regional Planning Commission, September 2011

Discuss Planner Findings

- ❖ Planning Board Work Pyramid, undated