

**HARVARD PLANNING BOARD
MEETING MINUTES
FEBRUARY 3, 2014
APPROVED: MARCH 17, 2014**

Chair Kara McGuire Minar 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: Kara McGuire Minar, Jim Breslauer, Tim Schmoyer, Joe Hutchinson and Erin McBee

Others Present: Liz Allard (LUB Admin), Bill Scanlan (Town Planner), John Osborn (Harvard Press), Lucy Wallace (BOS), Rob Oliva (Ross Assoc.), Chris Tracey (ZBA) and Mark J. Lanza (Town Counsel)

Approve 2013 Annual Report

McGuire Minar previously distributed a draft of the 2013 annual report for members review. With no further comments to the draft Hutchinson made a motion to approve the 2013 annual report. Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Continuation of a Site Plan Approval – Harvard Public Schools, 39 Massachusetts Avenue

Rob Oliva, of Ross Associates, was present to discuss the recommended changes to the site plan for the parking area on Pond Road for the Bromfield School. In regards to a designated drop-off location, Oliva has taken a look at it and has concluded with two existing travel lanes the drop-offs will continue to be allowed in that location in the right lane with the left lane as bypass lane for traffic continuing forward. If it is determined after work is complete that there are issues with delayed drivers or confusion, striping can be done to guide drivers along that area.

As for the additional sidewalk on the east side of the parking lot, Oliva looked at it from a cost perspective; with the required cut into the slope and retaining wall the cost associated would be around \$35,000. There is also a potential for ledge, which would drive the cost up even more. Oliva noted the school department had reviewed and approved the design with only one sidewalk. McGuire Minar asked if the center lanes are being compressed because of the installation of the sidewalk. Oliva stated they are not, the plan proposes two twelve foot lanes. McGuire Minar asked if there would be a crosswalk at the library driveway entrance. Oliva stated there would. Hutchinson was interested in hearing Scanlan's assessment of the plan. Scanlan stated it will be good to hear how everything is working about six weeks after school opens to assess any concerns. Scanlan is okay with the drop off and no sidewalk on east side of the parking lot. Breslauer asked if there was a requirement for compact cars only in the upper spots on the upper edge, would that allow for the side walk on the east side. Oliva stated you can not gauge what types of cars students will be driving and run the risk of those with larger vehicles parking where they should not.

With no further questions or comments, McGuire Minar made a motion to approve the Site Plan for the Harvard Public Schools for the parking lot on Pond Road as shown on the plan titled Site Plan of Land in Harvard, Mass. prepared for Harvard Public Schools "Pond Road Parking Area", prepared by David E. Ross Associates, Inc, Plan #L-12247, Project#29358, dated January 2014. McBee seconded the motion. The vote was unanimously in favor of the motion.

Master Plan Steering Committee Stakeholder Questions

Lucy Wallace and Joe Hutchinson, of the Master Plan Steering Committee, were present to discuss the five priority issues/focus areas for Phase II of the Master Plan and how they may fit into the Planning

Board's long term goals. Those five areas are Devens, Ayer Road Commercial District, Housing, Town Center and Conservation.

Breslauer stated all of the areas will be impacted based on what the Town decides to do with its historical boundaries of Devens. Breslauer noted there would be a lot more work for the Planning Board if the historical boundaries of Devens are taken back; staff will need to be increased to not only a full-time Planner but an entire staff; as well as impacts on the commercial district, housing and conservation. Breslauer thinks Scanlan has proved the worth of having a Town Planner.

Schmoyer asked if these five areas are different than those in the 2002 Master Plan. Wallace stated these areas came from Phase I of the Master Plan; this is what the Town has said they want to focus on for the new Master Plan. The difference between the 2002 Master Plan and this one is that it will include Devens by developing a matrix around the consideration of taking or not taking back the historical boundaries of Devens. RKG, the consultant to the Master Plan, is recommending the establishment of the framework for Devens within this Master Plan.

McGuire Minar asked how you assess the economic impact of Devens, considering during the 2B process residents felt MassDevelopment was not on the up and up. Wallace stated the Devens Economic Analysis Team (DEAT) has been focusing on utilities and on models that look like Harvard and Devens. Wallace noted DEAT is working on a report for this year, which will be released soon.

McBee stated she would like to be assured the Master Plan will be implemented and kept on task. Hutchinson wants more of a discussion as to the goals and vision of the Planning Board. Wallace suggest going to the other boards and committees to see where they are at with their responsibilities out of the 2002 Master Plan.

McGuire Minar stated she is hearing Devens pushed off the table for the next ten years, keep an eye on that for sure, but focus on our own town for now. Schmoyer wanted to know if Planning Board should be moving on with the 2002 Master Plan goals, or has the information become outdated.

Scanlan noted that the population projections recently released are skewed by the prison; if the MPSC is looking at those figures they should be aware of the projections may not be accurate.

Wallace thanks the members for their time and comments and suggested if there are any additional thoughts or comments forward them to Hutchinson.

Protective Bylaw Amendments Hearing. Opened at 8:13pm

Board Member Reports

Schmoyer stated the Economic Development Committee (EDC) has determined there are two sections within the Protective Bylaw that limit the size of a grocery store to 15,000 square feet under 125-13J and 30,000 square feet under 125-52G(2)(b). With interest in Town for a grocery store and the research done by EDC, it has been determined that most grocery stores are looking for a 40,000 square foot building. EDC would like to amend those two sections of the Protective Bylaw to allow the larger size at this year's annual town meeting. There is also a provision under Major Buildings 125-37, that states and building larger than 10,000 square feet requires a Special Permit from the Planning Board. Further research has determined that by allowing this type of development by right is more user friendly rather than by Special Permit. Schmoyer noted that the EDC has not officially met to make a final proposal on the proposed amendment.

McGuire Minar stated with a Master Plan process is in the works and final document projected for this year, this amendment maybe head of its time; in addition the Planner is working on design guidelines for the commercial district. Hutchinson stated he prefer to hold off on such an amendment as he agrees with McGuire Minar comments on the Master Plan. Breslauer agrees as well. Members agreed that public participation during the Master Plan process is the proper venue to discuss this matter.

McBee would like to see what 40,000 square feet looks like to have an idea on how a building of that size will impact the commercial district. Schmoyer stated he would like to see this amendment happen. Members agreed there are too many other moving pieces to go forward with this amendment for this year's annual town meeting.

ZBA Request for Comments – CHOICE, Inc., 105 Stow Road

Scanlan stated he reviewed the plans submitted to the ZBA for a Comprehensive Permit at 105 Stow Road. The plans did not take into account the comments of the Planning Board previously sent to the Board of Selectmen. Members agreed the same comments should be sent to the ZBA.

Planner Report

Scanlan reported RKG, the consultant to the Master Plan, has requested ten hours of his time for the month of February. McBee made a motion to allocate ten hours of the Planners time in the month of February to the Master Plan process. Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Discuss Bylaw Amendment to 125-27 Wireless Communications Tower Overlay Districts

Scanlan reviewed the fire chief concern about requiring a provision for emergency services on towers. Scanlan distributed examples from other communities. Breslauer asked if the owners of the towers been approached. Scanlan stated he reached out to the owners of the Poor Farm Road tower, but they have not responded. Members will review the information given to them this evening and further discuss at the public hearing on February 24th.

Approve Minutes

Minutes were not available for approving this evening.

Adjournment

McBee made a motion to adjourn the meeting at 10:33 pm Schmoyer seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

Harvard Planning Board

Protective Bylaw Amendments Hearing

February 3, 2014

Chair Kara McGuire Minar opened the hearing at 8:13pm in the Town Hall Meeting Room under MGL Chapter 40A and the Code of the Town of Harvard, Chapter 125 the Protective Bylaw

Members Present: Kara McGuire Minar, Jim Breslauer, Tim Schmoyer, Joe Hutchinson and Erin McBee

Others Present: Liz Allard (LUB Admin), Bill Scanlan (Town Planner), Chris Tracey (ZBA) and Mark J. Lanza (Town Counsel)

125-3 Nonconforming Structures

Zoning Board of Appeals (ZBA) Chairman Chris Tracey was present to discuss the proposed amendment to Chapter 125-3 of the Protective Bylaw. Tracey gave a brief overview of Chapter 125-3 and the constraints the ZBA faces when issuing Special Permits under this provision of the Bylaw. The amended version allows for improvements to pre-existing non-conforming structures by right as long as the non-conformity is not being increased and the improvement remains under 15% of the foot print and/or the gross floor area. Under that provision of the amended Bylaw, 125-3B(1)(b) the ZBA discussed increasing the percentage up to 25%, but will leave that up to the Planning Board and any input from this public hearing.

Tracey has discussed the amended provision with the Building Commissioner, who voiced concern with the term "repair" under 125-3C for non-conforming structures other than one- and two-family dwellings. As drafted if a property owner of a structure that is other than a one- or two-family dwelling and wants to repair something as simple as a exterior staircase, they would be required to obtain a Special Permit. The Building Commission thought this aspect of the provision was very limiting to individuals looking to make repairs. Attorney Lanza suggested improving the definition of "repair" under 125-2. It was agreed to remove the word "repair" from 125-3C(1) & (2).

Under 125-3D, non-conforming uses, the ZBA had two versions of 125-3D(2)(b). The members of the Planning Board felt the language in the first version of (b) was less limiting than the second version of (b). It was agreed to define "detrimental" or "intensity" within the provision itself rather than amending to 125-2. Schmoyer asked if 125-20 should be referenced in 125-3. Attorney Lanza stated this is a very different provision than 125-20.

Members agreed to review 125-3E- G at the next meeting.

125-54 Floodplain Districts

It was explained to the members that the amendments being made to 125-54 Floodplain Districts are in response to the new Federal Flood Hazard Maps. A draft of the changes had previously been circulated to the members for their review. None of the members had any issues with the revisions.

Zoning Map

As previously stated the Zoning Map is being revised to reflect the proper district for wireless communication towers. The previous map actually indicated where the towers are not permitted rather than where they are permitted. Members had no comments in regards to this amendment.

Medical Marijuana Treatment Centers

A proposed amendment was previously distributed to the members. Members discussed where these facilities should be allowed. Scanlan stated to limit them to one lot would require the creation of an overlay district.

The allowable size limit of 10,000 square feet was discussed. Scanlan stated in a review of other Town provision he is not finding such a limitation on the size of the facility; however the limitation is consistent with other types of size restrictions within the Protective Bylaw.

The benefits of waiting to bring this amendment to Town Meeting will allow the Planning Board to see how other Towns are handling it. Members agreed to leave the size limitation at 10,000 square feet. Members requested that Scanlan prepare maps showing the districts and the limitations set forth within the provision for the next meeting.

125-31 and 125-39 Driveways

Scanlan stated he has been working with both the Director of the Department of Public Works (DPW) and the Driveway Inspector, Fred Hamwey in regards to determining the jurisdictions each have on new driveways. The Director of DPW has stated that his role is from the roadway to about 50' into the actual driveway. McGuire Minar stated as written right now property owners can do what they want for a driveway from 50' to 500'. Scanlan stated that is correct. Allard noted driveway site plan is required if a lot is created by Special Permit, such as a hammerhead lot. Hutchinson asked beyond safety concerns with turn outs, are there any other concerns the Planning Board has with driveways. The construction and proper maintenance of driveways is a concern, especially on common driveways. Hutchinson asked if fire or police have weighed in on the proposed amendments. Scanlan stated they have not been asked to.

Members agreed to further review this amendment at the next meeting.

McGuire Minar made a motion to continue the hearing to February 24, 2014 at 8:00pm in the Center on the Common. McBee seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Continuation of a Site Plan Approval – Harvard Public Schools, 39 Massachusetts Avenue

- ❖ Site Plan of Land in Harvard, Mass. prepared for Harvard Public Schools “Pond Road Parking Area”, prepared by David E. Ross Associates, Inc, Plan #L-12247, Project#29358, dated January 2014.

Discuss Bylaw Amendment to 125-27 Wireless Communications Tower Overlay Districts

- ❖ Options for Requiring Installation of Municipal Public Safety Communications Equipment, undated