

**HARVARD PLANNING BOARD
MEETING MINUTES
AUGUST 4, 2014
APPROVED: AUGUST 18, 2014**

Joe Hutchinson opened the meeting at 7:35pm in the Town Hall Meeting Room under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Joe Hutchinson, Tim Schmoyer and Don Graham

Others Present: Liz Allard (LUB Admin.), Bill Scanlan (Town Planner), Kevin Conover (Ross Associates) and David Browchuk (GPR, Inc.)

Board Member Reports

Schmoyer reminder the members of the joint meeting tomorrow evening with the Board of Selectmen, Economic Development Committee and the Planning Board. A PowerPoint presentation was previously distributed to the members for this meeting.

Hutchinson discussed the Master Plan contract extension with RKG. Hutchinson is trying to lay out dates that RKG can meet. Schmoyer asked about the March 31, 2014 date with the contract extension. Hutchinson will double check to ensure the date is correct. Scanlan had suggested not including the schedule; may not need the budget either as it will not be amended. Hutchinson included it as a reminder of the available funds. Scanlan thinks it is unnecessary, as we are only amending the time. Schmoyer asked for additional clarification on the contract extension. Scanlan explained the extension is not increasing or changing from the original proposal, the contract is only extending the time to complete the project. The revised contract extension includes the penalty clause; the steering committee agreed to retain this clause. Schmoyer asked if there is a possibility that RKG may not accept the contract as amended. Hutchinson stated that was correct.

The discussion was postponed until after the two Approval Not Required items on the agenda were dealt with.

Approval Not Required – 24 Prospect Hill Realty Trust, 24 Prospect Hill Road

Kevin Conover, of Ross Associates, was present to represent the applicant, 24 Prospect Hill Realty Trust. Mr. Conover stated the proposed lot will have 300' of frontage with 4.5 acres of land; the existing house lot will have 180' of frontage and 1.5 acres of land. Scanlan had asked Mr. Conover to revise the plan because of an error in the Building Factor, and Mr. Conover had complied. Schmoyer made a motion to endorse the Approval Not Required plan for 24 Prospect Hill Realty Trust, 24 Prospect Hill Road. Graham seconded the motion. The vote was unanimously in favor of the motion.

Approval Not Required – Delker Brothers Land Management, LLC, Ayer Road (Map 2 Parcel 7.1)

Dave Browchuck, GPR, Inc., was present to represent the applicant, Delker Brothers Land Management, LLC. Mr. Browchuck stated the remaining land from the division of 361 Ayer Road will be further subdivided into two lots. Lot 3 has 200'+ of frontage which contains a guardrail and wetlands and has 9.05 acres of land. Lot 2 has 200' of frontage and 3.51 acres of land. Scanlan has reviewed the plans and has no issues with them. Graham made a motion to endorse the Approval Not Required plan for Delker Brothers Land Management, LLC. Schmoyer seconded the motion. The vote was unanimously in favor of the motion.

Board Member Reports, Continued

Schmoyer would like to see the language on the deliverables be clear. Scanlan suggested using the outline RKG provided previously. Schmoyer thinks the penalty clause is not that painful. Hutchinson did not want to over burden with the penalty, but wanted them to know we want to stay on task. Hutchinson asked what Schmoyer recommended for a dollar figure. Schmoyer thought raising the penalty to \$500 or a \$1000 could make them shy about signing the contract. Graham thinks that the penalty is to minuscule to be of any matter. Graham is not sure there will be sufficient time for all those involved, including the Planning Board to review and comment on the draft Master Plan prior to the December 15th deadline. Graham does not see how the \$100 penalty is going to help, but if Hutchinson believes it will serve a purpose then it should remain.

With no further comments or questions Graham made a motion to approve the contract extension with RKG, to include the recommended amendments this evening. Schmoyer seconded the motion. The vote was unanimously in favor of the motion.

Planner Report

Scanlan stated the Sustainable Communities Act (aka Zoning Reform) did not get passed in this session of the House. Proponents of the Act will now have to go back to drawing board to craft yet another version. The Town Center transportation plan has been approved through Montachusett Regional Planning Commission (MRPC) and will take place this fiscal year. Schmoyer asked if there is anything the Planning Board needs to do to complete this or kick this off. Scanlan stated no; he has asked MRPC to postpone work until after the Master Plan is complete. The Building Commissioner has requested that Town meeting repeal a residential swimming pool policy; which is less restrictive than building code. The Building Commissioner provided Scanlan a copy of the bylaw since it is not in the Town Code. The Building Commissioner has asked Scanlan to work on this and he is going to do so. Schmoyer stated the Building Commissioner should first check with Town Administrator to see how this should be handled.

Discuss Bylaw Amendment re: 125-13J Grocery Store Limitation

Scanlan explained the situation from previous bylaw amendment season in regards to the Economic Development Committee's request for an amendment to the limitation on the size of a grocery store. Typically when a bylaw amendment is requested by a group other than the Planning Board (PB), amended text is provided. Since no text was provided, the PB had nothing to work from. With that and the timing of the request, the PB had voted not to move forward on the amendment at the 2014 Annual Town Meeting. It has been since clarified by Town Counsel that amended text does not need to be provided. The question remains as to what is the next step PB should take. Under Mass General Law they are required to hold a public hearing within 65 days of the request, but not more than six months prior to Town Meeting. At this time either of those requirements can not be or have not been met. After a brief discussion, Scanlan suggested having a public forum this fall to get the Town's opinion and then have the required public hearing. Scanlan suggests just starting the process fresh as the PB has already missed the 65 day opportunity. Schmoyer suggested public forums in September or October and hearings scheduled in November or December. Members agreed and scheduled a tentative date of September 22nd for the public forum.

Approve Invoice

Allard stated the following invoice has been received for payment on the next bill warrant.

- William Scanlan - \$2400.00 (Town Planner)

Schmoyer made a motion to approve the invoice for inclusion on the next bill warrant. Graham seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Schmoyer made a motion to adjourn the meeting at 8:57pm. Graham seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

EXHIBITS & OTHER DOCUMENTS**Approval Not Required – 24 Prospect Hill Realty Trust, 24 Prospect Hill Road**

- Plan of Land in Harvard, Mass., owned by 24 Prospect Hill Realty Trust, prepared by David E. Ross Associates, Inc., Job No. 29208, Plan No. L-12398, dated July 2014

Approval Not Required – Delker Brothers Land Management, LLC, Ayer Road (Map 2 Parcel 7.1)

- Plan of Land in Harvard, Mass., owned by Delker at Ayer Road, prepared by GPR, Inc., Job 071044, dated July 15, 2014