

**HARVARD PLANNING BOARD
MEETING MINUTES
OCTOBER 5, 2015
APPROVED: OCTOBER 19, 2015**

Chair Kara McGuire Minar called the meeting at 7:00pm in the Hapgood Room at 7 Fairbank Street under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Kara McGuire Minar, Erin McBee, Don Graham and Fran Nickerson

Others Present: Liz Allard (LUB Admin.), Bill Scanlan (Town Planner), Maren Caulfield (Harvard Press) and Joe Theriault

Board Member Reports

McBee reported the Town Center Transportation (TC²) Committee received a lot of feedback at the last meeting in regards to the proposed solutions for traffic flow in the Town Center. The feedback overall was good in that it provides a sense of how people feel about the traffic in Center. McBee noted there was also a good conversation about the subject on Nextdoor Harvard, which highlighted all the points TC² has been looking at. In addition at the last meeting of TC² Brad Harris of Montachusett Regional Planning Commission presented traffic flow suggestions around town hall, which is very limited due to existing constraints (i.e. the narrowness of Elm Street). The next TC² meeting is tentatively scheduled for October 20th at the Hildreth House.

McBee stated she is polling the members of the Commercial Design Guidelines Task Force to determine a meeting date, which she is hoping will be toward the end of this month. Scanlan will send the report out to Planning Board members for their review and comment.

McGuire Minar stated the Master Plan Steering Committee (MPSC) met a week ago Thursday, at which the reports received from Burns & McDonnell (B&M) were discussed. B&M met with MPSC members to go over each of their respective reports. Scanlan stated the economic report should arrive soon. B&M will review three chapters of the Master Plan at a time; submit findings and how to integrate Devens into the town. The MPSC is also discussing sustainability issues and how it should be incorporated into the Master Plan. At the meeting of the MPSC this week members will start looking at recommendations within the Plan. Scanlan is still working on the open house, as Volunteer's Hall was not available for the original proposed date.

Scanlan reported on the meeting from last week with Arthur Frost, the district engineer for MassDOT District 3 and his colleague, at which he, McGuire Minar, Stu Sklar and Ron Ricci (Board of Selectmen) were present. The Board of Selectmen has received a proposal that will investigate the traffic flow along Ayer Road from the Route 2 interchange to Poor Farm Road, which they will be voting to accept at their meeting this week. The proposal includes detailing the potential for a round-about at either Poor Farm/Lancaster County Road or Gebo Lane. If the Town applies to DOT for construction funding for this project the Town would have to comply with state highway standards.

Frost suggested improvements in the Town Center would require details that may be better dealt with locally rather than having Federal or State funding involved due to the complexity of the area.

Forums on Housing in Harvard

Scanlan has been invited by the League of Woman Voters and the Council on Aging to participate in a forum, as a panelist, which will focus on senior housing. The LWV/COA has planned four or five forums on the subject to raise awareness of need for senior/affordable housing in Harvard. The first event in this series is scheduled for October 18th in the afternoon in Volunteer's Hall. Scanlan has requested the Board's approval to attend and participate as a panelist at the first forum. Members had no issue with Scanlan attending the first forum.

Approve Minutes

Graham made a motion to approve the minutes of September 14, 2015. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Land for Sale - Sherry Road

McGuire Minar stated she had been informed of a large track of land (50 acres) that is for sale along Sherry Road. Residents of Sherry Road are concerned with the potential for the land to be developed along a narrow dirt road here in Harvard. McGuire Minar recalled the site was discussed a number of years ago with the developer of Trail Ridge, but it never gained traction as water and sewer was an issue. The parcel contains additional acreage in Boxboro and at that time it was proposed sewer would be provided by Boxboro and water would be provided by Harvard, which was not acceptable to residents from both communities.

Scanlan has discussed the property with a real estate appraiser and determined it may be impossible to create sub-division plan or a cluster development due constraints on the property (ledge, wetland, slopes). Scanlan explained the site would be better suited for a few single family houses.

Allard will research minutes from previous Planning Board meetings to try to determine what the conclusion was then.

Approve Invoice

Allard stated the Board has received the following invoice for inclusion on the next bill warrant.

- William Scanlan - \$5160.00

Nickerson made a motion to approve the above invoice. Graham seconded the motion. The vote was unanimously in favor of the motion.

Protective Bylaw Amendments

Joe Theriault, chairman of the Historical Commission, was present to discuss the Commission's desire to increase the historic district in the center of Town to include the Hildreth and Bromfield Houses. This increase in the Historic District would decrease the Wireless Communications District; therefore requiring an amendment to the zoning map. Nickerson stated from a Council on Aging point of view it would be best to make this change in the district after the second phase of work is completed on the Hildreth House.

Scanlan asked what the differences were between the national historic district and the Harvard historic district. Theriault stated the national is larger. Scanlan asked if there has been any thought in making the local district the same as the national district. Theriault stated the Commission has never discussed it, but can imagine it may be difficult.

Therault stated the Commission has not voted to go forward with the amendment at the annual town meeting as of yet; there are still details to be determined before a final decision is made. The Planning Board will wait to hear from the Commission before proceeding with an amendment to the zoning map.

Additional discussion of Bylaw amends was held later in the meeting (see Protective Bylaw Amendments, Continued).

Right of First Refusal – Case, Bolton Road (Maps 30 & 31 Parcels 106 & 25)

Members have reviewed the information sent to them previously in regards to the land being removed from chapter along Bolton Road. There were no comments from any of the members in regards to the Town's right of first refusal. The Conservation Commission has passed on the property as well. Scanlan will send the Board of Selectmen a note indicating the Board has no comments on the matter.

Release of Escrow Account – Case, Bolton Road

Allard stated the invoices associated with the review of the Special Permit application filed by Richard and Charles Case have been paid in full, therefore the Board needs to vote to release the remaining \$460 in the escrow account. Graham made a motion to release the remaining funds with the escrow account established for Richard and Charles Case. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

ZBA Request for Comments – Hu, 13 Mass Ave

Scanlan reviewed the application for a Special Permit that has been filed with the Zoning Board of Appeals (ZBA). The application is for the demolition and reconstruction of a pre-existing non-conforming existing garage. The new garage will decrease the non-conformity of the structure. McGuire Minar asked if the height of the proposed garage was conforming to the Protective Bylaw. Scanlan will review the plans again and will determine if it will be compliant, if not he will note that in a letter to the ZBA.

Protective Bylaw Amendments, Continued

- **Assisted Living Use**
McBee had taken a look at other communities and what they have done to include all the aspects of housing of seniors. Nickerson repeated her concern with an overall plan for senior living; from downsizing existing living conditions to nursing home care. The members discussed whether or not it would be wise to allow assisted living facilities as a use and if so where in town would that use be allowed. Bylaws from other communities will be reviewed for the next meeting.
- **125-35 Open Space & Conservation – Planned Residential Development**
Catalina was not present this evening to discuss this amendment.
- **Erosion Control Bylaw**
Scanlan suggested the provision be a general bylaw rather than zoning bylaw, stating perhaps in the future the Conservation Agent will not be working for both the Planning Board & Conservation Commission, therefore creating the need for one individual to report to two different boards. Allard stated making it a general bylaw requires yet another location in which an engineer or developer has to find requirements for building here in Town; by having part of the protective bylaw these types of requirements would be in one place. Allard further explained Stow included this provision within their zoning bylaw, but also require a special permit. Allard had received resistance of this becoming another hurdle for people to achieve when developing land in Town if it requires a special permit; hence it has been drafted as a by-right provision of the protective

bylaw. As drafted, the Building Commissioner or Conservation Agent would be the reviewer of the plan for erosion control, giving options as to who reviewer is.

The bylaw is still very much a work in progress. As to where it should be located can be vetted out through the process. If a general bylaw then perhaps the Conservation Commission could submit the warrant article with support from the Planning Board.

- 125-3 Non-conforming Structures and Uses
Allard stated the figures added to this section of the bylaw have proven to be confusing. Revisions have been made to the figures to better clarify when an applicant must apply to the Zoning Board of Appeals. The revisions are still not clear and will need additional language. Allard will work with Scanlan to improve upon these figures.

Littleton Water Department Request for Water Resource Protection

Scanlan provided handouts of the Source Water Assessment Program (SWAP) Report for Harvard Water Department and a model Groundwater Protection District Bylaw. The SWAP details current threats to the ground water supply. As previously stated the model bylaw could be applied to the Littleton Zone II, as well as the Harvard Town Center drinking water wells. Graham asked who would enforce this bylaw. Allard stated if it was part of zoning then it would be the Zoning Enforcement Officer. Nickerson believes there is not a lot of awareness of the types of activities that could be detrimental to human health. The members agreed they would need a map of the area to be able to understand the radius of the area in question. In addition there will need to be discussions with the Water Commission on the matter. Scanlan will contact the Commission and prepare a map of the area in question.

Review Updates to Chapter 133 Planning Board Procedural Rules & Regulations

Due to the lateness of the evening the Board agreed to complete the review of Chapter 133 at the next meeting.

Adjournment

Graham made a motion to adjourn the meeting at 8:50pm. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

DOCUMENTS AND OTHER EXHIBITS

Littleton Water Department Request for Water Resource Protection

- Source Water Assessment Program (SWAP) Report for Harvard Water Department, prepared by the Department of Environmental Protection, undated
- Model Groundwater Protection District Bylaw, prepared by Department of Environmental Protection, updated 2011