

<b>Action Items</b>	<b>Member/Staff Responsible</b>
Research potential Park and Ride Lot and commuter rail shuttle with Devens	Ryan
Review Protective Bylaw Amendments	All
Continue Researching Driveway Inspection requirements in other communities	Ryan

**HARVARD PLANNING BOARD  
MEETING MINUTES  
NOVEMBER 19, 2018  
APPROVED: DECEMBER 17, 2018**

Chair Erin McBee called the meeting to order at 7:15pm in the Town Hall Meeting Room, 13 Ayer Road, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Erin McBee, Rich Maiore (arrived at 7:24pm), Stacia Donahue, Fran Nickerson (arrived at 7:58pm), Justin Brown (arrived at 7:24pm) and Jarrett Rushmore (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Patrick McCarty (McCarty Engineering), Seth Arakelian, Theresa Hoggins, Matt Zipoli (Coil Brothers), Carolyn Burek (Coil Brothers Consultant), John Goll (Coil Brothers), Rory Frazendeiro (Adler, Pollock & Sheehan, P.C., for Coil Brothers), Zigurd Mednieks, Lisa & Will Engler, Bill Medeiros, Kerri Green and Stephanie O'Keefe

**Board Member Reports**

Donahue stated she attended the November meeting of Montachusett Regional Planning Commission, but will not be able to make the December meeting. Ryan stated he could attend to represent the Town of Harvard.

McBee stated Community Preservation Committee is meeting this Wednesday, at which final totals for available funding will be available. CPC will be discussing all of the applications and how to proceed.

**Approve Minutes**

Donahue made a motion to approve the minutes of October 15, 2018 as amended. Rushmore seconded the motion. The vote was unanimously in favor of the motion.

**Devens Jurisdiction Input Request**

Ryan drafted a response to the Devens Jurisdiction Committee detailing the needs of the Land Use Boards (LUB) office should Harvard resume its historic boundaries of Devens. Information from the Devens Enterprise Commission is needed to determine the number of applications they receive annual. Regardless of that information, Ryan anticipates there will be enough volume of activity to require the LUB office to increase its staff.

**Director's Report**

Ryan has reviewed information in regards to a commuter rail shuttle that had been discussed a few years ago. Limitation on proper locations for parking for such a use slowed the discussion previously. Ryan suggests a facility that could serve not only commuter shuttle users, but others who want to park for other commuting uses, such as ride share. The facility could include EV charging stations as well. There could

be eligible funding for a multi-modal facility along Ayer Road. Members agreed this should be further researched by Ryan.

During the lag of discussing a commuter rail shuttle here in Harvard, Montachusett Regional Planning Commission (MRPC) had worked with Devens Enterprise Commission to establish shuttle service from Devens to the Littleton train station. It would be cost effective for Harvard to add a stop to that service rather than establish a new service for Harvard. There are a number of questions to be answered in order to make a final determination; Ryan will research this as well.

Ryan has reviewed and commented on the previously drafted Erosion Control Bylaw. All of the issues brought up during the 2016 annual town meeting should be addressed in hopes of creating a bylaw that is acceptable to the residents. Ryan was not sure how the threshold of 30,000 square feet was determined. Allard explained she worked with a local engineer to determine the land area that is typically cleared when a single family house lot is being developed. Brown feels the length of the bylaw is concern and it should be simplified as much as possible. Ryan suggested adding any new definitions to Chapter 125-2 of the Protective Bylaw. Members will review the comments and revisions as suggested by Ryan.

Ryan stated the requested amendment to the Groundwater Protection Overlay District is a simple fix to the no-build area on large parcels of land in which a portion of that land falls outside the district

The Board need to review the documentation provide by Ryan this evening to get up to speed on what was previously proposed for Open Space Conservation – Planned Residential Development (OSC-PRD) bylaw amendment. The current OSC-PRD is not popular due to the burdensome application requirements. A more user-friendly bylaw was crafted by MRPC and renamed Open Space Residential Development Bylaw. Ryan has made suggested edits to this bylaw and asked the Board to review for further discussion next time. The Board agreed the bylaw should find ways to incentivizes to developers to want to develop land under this provision.

Ryan explained the Limited Commercial bylaw drafted earlier this year based on the desire to develop land near the Route 2 interchange would need more work to be viable. Ryan suggested several options to address the short-term need, such as extending the commercial district across Route 2 to the parcel in question; create new zoning district and seek to rezone the parcel in question; create new type of special permit to allow limited business activity or certain qualifying rural, non-agricultural parcels; create a limited business overlay zone for Agricultural-Residential (AR) district.

Ryan suggested a Rural Life Zoning Special Permit which would allow limited commercial uses with the AR district. The draft includes design review elements, limits based on property size, by-right uses and performance standards. This bylaw may be controversial therefore there needs to be due diligence on the part of the Planning Board. Ryan is recommending this bylaw be considered for fall 2019, if not sooner.

Agricultural Limited Business Zoning would be similar to the Rural Life Zoning Special Permit, but would be specifically for properties in agriculture for the purpose of making agricultural operations more commercially viable and sustainable. This to could be by special permit or an overlay district with a special permit.

Village Center Zoning is an objective of the 2016 Master Plan. It would allow for limited commercial and residential options that would be appropriate in a village center setting. Ryan would suggest targeting this bylaw amendment for spring 2020.

Ryan believes the current zoning for the commercial district, including the Ayer Road Village-Special Permit, is not sufficient to attract the type of development Harvard is seeking for that area. Ryan suggests creating a corridor or district plan and then develop a revised zoning based on that plan. A form-based zoning option would work well in this area. A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code.

Ryan stated the Zoning Bylaw re-codification and reorganization is an important task to be undertaken to assist in the ease and use of the bylaw. Ryan suggests creating tables for dimensional criteria and uses, establishing parking and loading requirements, making signs more robust, organizing by district, creating more administrative criteria, adding detail for special permit and site plan review, making nuisance reduction more detailed and adding past amendments, as well as looking to the 2016 Master plan for other edits.

Ryan is still researching how other communities handle driveway inspections.

### **Fiscal Year 2020 Budget**

Ryan reviewed the narrative and the breakdown of the requested funding for fiscal year 2020. The request is an increase of \$1300 of the operating expenses. Ryan stated the top priority is upgrading software for administrator, with additional GIS software second, followed by other software upgrades. Ryan is hoping some of these costs can be allocated from the overall Information Technology budget. Donahue made a motion to endorse the budget and its associated narrative as prepared by the Director of Community & Economic Development for submittal to the Select Board. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

### **Approvals Not Required**

- Callahan, 168 Bolton Road – Donahue made a motion to endorse the Plan of Land in Harvard, Mass. owned by The Callahan Realty Trust, prepared by David E. Ross, Associates, Inc., Job No. 32263, Plan No. L-13663, dated November, 2018. Brown seconded the motion. The vote was unanimously in favor of the motion.
- Nesbeda, 55 Oak Hill Road - Donahue made a motion to endorse the Plan of Land in Harvard, Mass. prepared for Lucy H. Nesbeda, prepared by David E. Ross, Associates, Inc., Job No. 24800, Plan No. L-13295, dated October, 2018. Brown seconded the motion. The vote was unanimously in favor of the motion.
- Kemeza & Vallaes, 99/101 South Shaker Road Donahue made a motion to endorse the Plan of Land in Harvard, Mass. prepared for Will D. Kemeza and Charlotte L. Vallaes, prepared by David E. Ross, Associates, Inc., Job No. 32228, Plan No. L-13629, dated September, 2018. Brown seconded the motion. The vote was unanimously in favor of the motion.
- Saleh & Shabra, 15/21 Massachusetts Avenue - Brown made a motion to endorse the Plan of Land in Harvard, Mass. owned by Sarah Saleh & Aiman Shabra prepared by David E. Ross, Associates, Inc., Job No. 32643, Plan No. L-13649, dated October, 2018. Donahue seconded the motion. The vote was unanimously in favor of the motion.

**Continuation of a Special Permit Hearing & Site Plan Approval – Coil Brothers, LLC, 325 Ayer Road.** Opened at 8:04pm (see page 5 for complete hearing details)

### **Update from the Agricultural Commission**

Kerri Green, the chair of the Agricultural Advisory Commission (AAC), was present to discuss the Commission's opinion on a bylaw that would assist large land owners who are not under agricultural use. The AAC feels the suggested Rural Life Preservation bylaw is a great start for lands that are not actually in agricultural use.

**Discuss Board Vacancies**

After a brief discussion, Donahue made a motion to recommend the appointment of Jarrett Rushmore to fill the seat left vacant by Rich Maiore. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

**ZBA Request for Comments – 19 Mill Road**

Comments on this application will be prepared by the Director of Community & Economic Development; primary concern is with an accessory use on a parcel that does not have a primary use. The applicant is seeking to build a garage on a parcel in common ownership, but across the road from 19 Mill Road.

**Discuss Potential Bylaw Amendments for 2019 Annual Town Meeting (see *Director's Report above*)**

- Limited Commercial Development
- Open Space Design Bylaw
- Erosion Control Bylaw
- Groundwater Protection Overlay

**Letter to Select Board re: Coil Brothers, 325 Ayer Road**

A letter to the Select Board has been drafted in regards to the Planning Boards lack of confidence in Coil Brothers to make a go of their business. It was agreed that a statement should be include that the approval of the Special Permit and Site Plan does not, in any way, mean the Planning Board supports Coil Bothers business plan or their Standard Operating Procedures.

**Adjournment**

Brown made a motion to adjourn the meeting at 9:31pm. Donahue seconded the motion. The vote was unanimously in favor of the motion.

Signed: \_\_\_\_\_ Liz Allard, Clerk

## **Harvard Planning Board**

### **Continuation of a Special Permit Hearing & Site Plan Approval**

#### **Coil Brothers, LLC, 325 Ayer Road**

**November 19, 2018**

Chair Erin McBee opened the public hearing at 8:04pm in the Town Hall, 13 Ayer Road, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Erin McBee, Rich Maiore (arrived at 7:24pm), Stacia Donahue, Fran Nickerson (arrived at 7:58pm), Justin Brown (arrived at 7:24pm) and Jarrett Rushmore (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Patrick McCarty (McCarty Engineering), Seth Arakelian, Theresa Hoggins, Matt Zipoli (Coil Brothers), Carolyn Burek (Coil Brothers Consultant), John Goll (Coil Brothers), Rory Frazendeiro (Adler, Pollock & Sheehan, P.C., for Coil Brothers), Zigurd Mednieks, Lisa & Will Engler, Bill Medeiros, Kerri Green and Stephanie O'Keefe

This hearing was continued from October 29, 2018 for a Special Permit and Site Plan Approval as required by the Protective Bylaw Chapter 125-14G, filed on behalf of Coil Brothers, LLC for the construction of a cannabis oil extraction facility at 325 Ayer Road, Harvard

Patrick McCarty, of McCarty Engineering, was present to represent the applicant. Per the last meeting McCarty has revised the site plan, Standard Operating Procedures (SOP), updated comments on the peer review and the Director's report. McBee questioned whether or not the Planning Board wants the SOP reviewed by an outside consultant. Ryan stated upon a brief review of the SOP he does not think there is much in there in regards to the level of the special permit or site plan review. As noted previously by Brown, some language within the SOP was not directed towards Harvard. McCarty confirmed the SOP has been corrected. Some sections of the SOP will be updated along the way, such as waste disposal. The SOP for the CO<sub>2</sub> extraction will come from the manufacture. McCarty suggested conditioning the special permit to require the final version of the SOP be included as part of the record.

There were no objections from the Planning Board members to the request to adjust the hours of operation to 8:00am – 8:00pm, seven days a week.

Members reviewed the recommended special conditions drafted by Ryan as part of the Director's Report. Members agreed the first two conditions should be part of host community agreement, but all others should be included in the final decision.

General comments from those in attendance included the number of individuals trained on the extraction equipment, will the special permit limit the timeframe to obtain a license from the Cannabis Control Commission (CCC), can the facility handle potential growth of the business; and waste management.

It was explained that any changes to the application submitted to the CCC, such as the number of employees, has to be amended and approved by the CCC. Waste generated will include plant material that will be mixed with a 50/50 material such as compost and disposed of to a locked dumpster. McCarty further explained the limitation on the use of the building due to the existing water uses. Users of the

Appleworks building are educated on water use to assist in limiting the amount used at this location. If the business is successful enough to consider expanding, it would be done so at another location, potentially in another community. Planning Board members agreed not limit the number of employees.

Donahue made a motion to close the evidentiary portion of the hearing. Brown seconded the motion. The vote was unanimously in favor of the motion.

After a brief discussion, Brown a made a motion to issue a Special Permit and Site Plan Approval based on the plan set dated October 25, 2018. Special conditions shall include #3 through #9 detailed within the "Report of the Director of Community and Economic Development" dated November 19, 2018. Condition #5 shall state seven days a week as opposed to Monday through Friday. Donahue seconded the motion. Nickerson requested a friendly amendment to include a condition that under no circumstance will retail sales of marijuana be permitted at this location by Coil Brothers. Brown revised his motion to include this amendment. Nickerson seconded the revised motion. The vote was unanimously in favor of the revised motion.

Signed: \_\_\_\_\_ Liz Allard, Clerk

## **DOCUMENTS & OTHER EXHIBITS**

### **Planning Board Agenda, dated Monday November 19, 2018**

### **Report of the Director of Community and Economic Development, November 19, 2018**

#### **Fiscal Year 2020 Budget**

- Fiscal Year 2020 Budget Narrative, Town of Harvard Land Use Boards (01173), November 2018
- 2020 Land Use Budget

#### **Approvals Not Required**

- Plan of Land in Harvard, Mass. owned by The Callahan Realty Trust, prepared by David E. Ross, Associates, Inc., Job No. 32263, Plan No. L-13663, dated November, 2018
- Plan of Land in Harvard, Mass. prepared for Lucy H. Nesbeda, prepared by David E. Ross, Associates, Inc., Job No. 24800, Plan No. L-13295, dated October, 2018
- Plan of Land in Harvard, Mass. prepared for Will D. Kemeza and Charlotte L. Vallaes, prepared by David E. Ross, Associates, Inc., Job No. 32228, Plan No. L-13629, dated September, 2018
- Plan of Land in Harvard, Mass. owned by Sarah Saleh & Aiman Shabra prepared by David E. Ross, Associates, Inc., Job No. 32643, Plan No. L-13649, dated October, 2018

#### **Continuation of a Special Permit Hearing & Site Plan Approval – Coil Brothers, LLC, 325 Ayer Road**

- Letter from Patrick McCarty, P.E. of McCarty Engineering, Inc., dated October 25, 2018 in regard to “Responses to the Report of the Director of Community & Economic Development, Coil Brothers, LLC, 325 Ayer Road, Harvard, Massachusetts.”
- Letter from Patrick McCarty, P.E. of McCarty Engineering, Inc., dated October 25, 2018 in regard to “Site Plan Review & Special Permit Application, Revised/Supplemental Information, Coil Brothers, LLC, 325 Ayer Road, Harvard, Massachusetts.”
- Letter from Patrick McCarty, P.E. of McCarty Engineering, Inc., dated October 25, 2018 in regard to “Site Plan Review Submission, Coil Brothers, LLC, 325 Ayer Road, Harvard, Massachusetts.”
- A plan set dated August 10, 2018, Revised October 25, 2018 entitled “Site Plan Review & Special Permit Plans, Coil Brothers Concentrates, 325 Ayer Road” prepared for applicant Coil Brothers Concentrates, LLC of 581 Tremont Street, Boston, MA 02118, by McCarty Engineering, Inc., 42 Jungle Road, Leominster, MA 01453, containing five (5) sheets including cover sheet.
- A document entitled “Standard Operating Procedures: Coil Brothers, LLC, received October 25, 2018.”
- A document entitled “Security and Surveillance Plan: Coil Brothers, LLC, received October 25, 2018.”

#### **Update from the Agricultural Commission**

- Rural Life Preservation Special Permit (RLP), undated