

Action Items	Member/Staff Responsible
Continue to prepare Complete Streets Application for sidewalks in Town Center; due in May	Scanlan
Support letter for NRWA re: Wild & Scenic Designation	?
Send Marijuana Establishments & Cultivation Bylaw to Ag Commission	Scanlan

**HARVARD PLANNING BOARD
MEETING MINUTES
JANUARY 22, 2018
APPROVED: FEBRUARY 26, 2018**

Chair Erin McBee called the meeting to order at 7:02pm in the Hildreth House, 15 Elm Street under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

Members Present: Erin McBee, Fran Nickerson, Rich Maiore, Michelle Catalina and Stacia Donahue

Others Present: Liz Allard (LUB Admin.), Bill Scanlan (Town Planner), Lucy Wallace (BOS), Larry Doe, Maren Toohill Littleton Town Planner)

Public Forum: Groundwater Protection Overlay District Bylaw

McBee explained to those present the Harvard Planning Board (PB) had been contacted by the Town of Littleton (TOL) in regards to a Public Water Supply (PWS) in which Littleton's groundwater overlay district fell within the boundaries of Harvard along Littleton County Road. TOL requested Harvard develop and approve a Groundwater Protection Overlay District for that area, which would further protect groundwater in Littleton. Working with the Montachusett Regional Planning Commission, under a District Local Technical Assistance grant, the Planning Board has developed the Groundwater Protection Overlay District (GWPOD). The district includes a PWS in Ayer and the two Town of Harvard PWS along Pond and Bolton Roads. This informational meeting is intended to gather any comments before finalizing the draft bylaw. The adoption of this bylaw requires public hearings, which will begin in February or March and a 2/3 vote at the annual town meeting on May 5th.

Scanlan detailed the overlay districts and explained the bylaw was based on the Department of Environmental Protection model. As drafted the bylaw allows for property owners to dispute boundaries of the district and the associated restrictions. Prohibited uses include those that would cause a contamination of the water supply. Existing uses within the district are grandfathered; property owners would not be required to change their current activities; new use or activities would be required to adhere to the bylaw.

The boundaries of the district are generated by a computer model; using hydrogeological models, existing soils, and well location and other factors to generate the district. Those present felt the bylaw was over reaching as it pertains to agricultural activities. It was suggested test wells be installed to determine where groundwater is flowing. Concerns with manure management will be discussed with the Board of Health in association with stable permits to determine who should be the lead on this activity. The term storage needs to be better defined.

Maren Toohill, the Littleton Planner, stated the proposed bylaw is much more user friendly than that in Littleton.

McBee thanked those in attendance for their comments; the PB will address the concerns raised prior to the public hearings.

Board Members Reports – Committee Activities

McBee stated representatives from the four land use boards met this morning to discuss the Comprehensive Permit for the Craftsman Village development along Ayer Road; the public hearing opens February 7 at 7:40pm in the Town Hall Meeting room. The Zoning Board of Appeals has received comments on this application from the Board of Health and Planning Board, which have been delivered to the applicant. The Conservation Commission had discussed at their last meeting off-site wetlands and concerns with potential activity within 100' of those wetlands.

Recent interaction with the new owner of Pine Hill Village was discussed; those present at the Land Use Board meeting agreed that inviting the owner to the next meeting to discuss what is needed from him prior to any activity on the site and/or the issuance of any building permit. The Commission has high concerns on the monitoring of this project. It was suggested hiring someone to monitor the project daily.

There was no new information in regards to the organization of the Land Use Office for FY2019 and beyond with the potential addition of the Director of Planning.

Planner Report

Scanlan updated the Board on the Complete Street Program; application for the next round of funding is due in May. Scanlan will be attending a Historical Commission meeting to discuss how they would like to see the sidewalks in Town Center to be constructed (Asphalt/concrete, granite curbing, etc.). The Engineering Company (TEC) is willing to prepare application at no cost to the Town. The maximum grant amount is \$400,000, with the Department of Transportation estimating funding in the \$200,000 - \$250,000 range is more likely.

Scanlan stated Bristol Engineering is revising its proposal at the request of the Procurement Officer for the next phase of the Ayer Road roundabout.

Approve Invoice

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

- William Scanlan - \$1430.00

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

Approve Minutes

Maiores made a motion to approve the minutes of January 8, 2018 as amended. Donahue seconded the motion. The vote was unanimously in favor of the motion.

Nashua River Wild & Scenic River Study and Draft River Management Plan with Lucy Wallace

Lucy Wallace, president of Nashua River Watershed Association (NRWA), was present to discuss the effort by NRWA to designate portions of the Nashua River as Wild & Scenic. Ms. Wallace explained the National Park Service Partnership Wild and Scenic Rivers program is dedicated to protecting nationally significant river resources through locally-based partnerships. This study was authorized by legislation signed into law on December 19, 2014. Eleven Massachusetts and New Hampshire communities are

working together to craft a vision for the future of the Nashua, Squannacook and Nissitissit Rivers; consider their eligibility and suitability to be part of the National Wild & Scenic River System; and determine how these rivers should be managed in order to protect water quality and the three Outstandingly Remarkable Resource Values (biological diversity, recreation & scenic and historical & cultural). Wallace stated the regulatory section of the stewardship plan is what the Planning Board will have the most interest in; noting the stewardship plan leaves cities and towns to maintain local regulations along the river.

This is a three-year process that began in January 2015, with the final draft of the stewardship plan to be completed by January 2018. Adoption of the Stewardship Plan, which includes the designation of Wild & Scenic, will require a town meeting vote at the spring annual town meeting. If the communities participating vote affirmatively, the US Congress will be asked to designate the rivers as Partnership Wild and Scenic Rivers. Wallace is requesting letters of support not only to send to Congress, but for the annual town meeting as well.

2017 Annual Report

The annual report, as drafted by Scanlan, had been previously circulated to the members for their review. Maiore made a motion to accept the Planning Board's 2017 annual report as drafted. Catalina seconded the motion. The vote was unanimously in favor of the motion.

2018 Protective Bylaw Amendments for Annual Town Meeting

- Ground Water Protection Overlay District
 - Define storage
 - Discuss manure management with the Board of Health
 - Clarify the difference between commercial use and household use
- Farm to Table Restaurants/Expansion of, or new, Commercial District
 - Attorney General (AG) office has confirmed creating a limited commercial overlay district or a separate commercial district would not be considered spot zoning
 - AG's office will send example language
 - Options before the Planning Board are to extend the existing commercial district, create a new a commercial district, or create a limited commercial overlay district
 - These options need to be discussed with those property owners who are interested in this opportunity
- Recreational Marijuana
 - Still a number of outstanding questions
 - Can the number of establishments be limited
 - If allowable, the Board agreed to limit to one establishment
 - Is cultivation limited to the agricultural–residential district
 - Board does not want to allow indoor cultivation in the AR district
 - Members agreed to create two separate bylaws – one which allows one retail establishment within the commercial district and a second that allows for the outdoor cultivation within the agricultural–residential district
 - Maiore made a motion to submit the proposed Marijuana Establishment and Cultivation bylaw to the Board of Selectmen for inclusion on the warrant for the 2018 Annual Town meeting. Donahue seconded the motion. The vote was unanimously in favor of the motion.
 - The proposed bylaws should be sent to the Agricultural Advisory Committee for feedback

Adjournment

Maiore made a motion to adjourn the meeting at 9:34pm. Donahue seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS**Planning Board Agenda, dated Monday January 22, 2018****Public Forum: Groundwater Protection Overlay District Bylaw**

- §125-56 Groundwater Protection Overlay District, undated
- Summary of the Proposed Ground Water Protection Overlay District, undated
- Harvard, MA: Proposed Groundwater Protection Overlay District – Zoning map, prepared by Montachusett Regional Planning Commission, dated October 2017

Nashua River Wild & Scenic River Study and Draft River Management Plan with Lucy Wallace

- Regulatory Review of the Nashua River Wild and Scenic Stewardship Plan Towns, version 1-18-18

Approve Invoice

- INVOICE – William Scanlan, Consulting Town Planner, dated January 5, 2018

Approve Minutes

- Draft minutes of January 8, 2018 as prepared by Liz Allard and amended by Bill Scanlan

2018 Protective Bylaw Amendments for Annual Town Meeting

- Farm to Table Restaurants
 - Possible Restaurant Overlay District Map, January 2018
 - Possible Restaurant Overlay District Parcels, undated
 - Farms in Harvard, 2017, November 2017
- Recreational Marijuana
 - Marijuana Establishment_01-16-2018