

Action Items	Member/Staff Responsible
Send final GWPOD to Park & Rec for final comment	Allard
What size marijuana establishments are other communities proposing?	Scanlan
Draft a "Consider This" article on Recreational Marijuana	Scanlan

**HARVARD PLANNING BOARD
MEETING MINUTES
MARCH 19, 2018
APPROVED: APRIL 2, 2018**

Chair Erin McBee called the meeting to order at 7:00pm 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, Michelle Catalina, Fran Nickerson, Rich Maiore and Stacia Donahue

Others Present: Liz Allard (LUB Admin), Bill Scanlan (Town Planner), Don & Karen Green, Chris & Kerri Green, Laura McGovern, Gail Colin, Brian & Stephanie O’Keefe and Jarrett Rushmore

Harvard Elementary School Building Committee Update

No one was in attendance for this update

Approve Minutes

Maiore made a motion to approve the minutes of February 26, 2018. Catalina seconded the motion. The vote was unanimously in favor of the motion

Approve Invoices

Maiore made a motion to approve the following invoices:

- William Scanlan \$1925.00
- CPTC \$150.00 (annual conference Donahue & McBee)
- Harvard Press \$240.00 (Bylaw legal notices)

Donahue seconded the motion. The vote was unanimously in favor of the motion.

Board Members Reports – Committee Activities

McBee has a meeting with the Ayer Road Transportation Improvement group next Monday.

Catalina stated Community Preservation Committee will be meeting next week with the School Building Committee for an update.

Donahue attended the Citizen Planner Training Collaborative annual conference last weekend, at which she learned about the Subdivision Control Law, how to conduct public hearings and affordable housing.

Montachusett Regional Planning Commission is conducting a presentation and Q&A session on March 28th at 5:00pm with members of the State Cannabis Control Commission. Seats are limited; anyone interested can register online for this event

McBee will be attending the Open Meeting Law session in Sudbury with former Planning Board chair, and current Board of Selectperson, Kara McGuire Minar.

Planner Report

Scanlan stated the Planning Board was unsuccessful in obtaining the grant from MassDevelopment under their Real Estate Development Program to assist in the financial analysis of the proposed Open Space Design Bylaw. Scanlan believes since the proposal for funding was not site specific it was not chosen for funding.

Scanlan has received a price quote of \$47.25 for a large-scale map of the Groundwater Protection Overlay District for use at annual town meeting. McBee made a motion to allocate funding in the amount of \$47.25 for the previously mentioned map. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Scanlan stated The Engineering Company is working on the application under the Complete Streets Program, which is due May 1st, for sidewalk improvements in Town Center. Scanlan will meet with the Historical Commission one final time to make sure the application is consistent with their wants.

Scanlan stated he has spoken to a representative of the Massachusetts Department of Agricultural Resources who has stated any zoning amendment should be sent to the Farmland Advisory Board; however that board does not exist. After a brief discussion, the Planning Board suggested Scanlan speak with Town Counsel as to the limits in MGL Chapter 40A, the Zoning Act, as it pertains to agricultural.

2018 Chapter 125 Protective Bylaw Amendments for Annual Town Meeting Public Hearing. Opened at 7:17pm (see page 3- 4 for complete details)

ZBA Request for Comments – Variance application, 110 Littleton Road

Scanlan stated he reviewed the application before the ZBA for a variance, which would allow for the construction of a deck within the 40’ setback at 110 Littleton Road. As submitted, Scanlan stated he has no comments to the application.

Volunteer for Associate Member – Jarrett Rushmore

Jarrett Rushmore was present to discuss his desire to be appointed as the associate member to the Planning Board (PB). Rushmore has attended the last two meetings of the PB and can see that although there is a definite learning curve, it appears the Board works well together. Rushmore’s schedule has freed up some, which gives him the opportunity to volunteer his time to the town.

Maiore made a motion to recommend to the Board of Selectmen the appointment of Jarrett Rushmore as the associate member of the Planning Board. Catalina seconded the motion. The vote was unanimously in favor of the motion.

Director of Planning Warrant Article

With nothing new to report this item was passed over.

Adjournment

Maiore made a motion to adjourn the meeting at 8:55pm. Donahue seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Liz Allard, Clerk

Harvard Planning Board

Continued Protective Bylaw Amendments Public Hearing

March 19, 2018

Erin McBee, chair of the Planning Board, opened the public hearing at 7:17pm in the Town Hall Meeting Room under the Zoning Act, M.G.L. Chapter 40A and the Code of the Town of Harvard, Protective Bylaw Chapter 125

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

Others Present: Liz Allard (LUB Admin), Bill Scanlan (Town Planner), Don & Karen Green, Chris & Kerri Green, Laura McGovern, Gail Colin, Brian & Stephanie O'Keefe and Jarrett Rushmore

This hearing was continued from March 5, 2018 on the proposed Protective Bylaw Amendments for the 2018 Annual Town Meeting. The amendments are as follow:

- **125-56 Ground Water Protection Overlay District**
 - In regards to determining sources of contamination within the district, the operator of the Public Water Supply should have a list of the types of uses within the district that will assist in narrowing down the potential sources of the contamination. The burden to prove where the contamination is coming from is on the operator of the Public Water Supply; however any required mitigation would be at the expense of the violator.
 - Reviewed comments previously made by the Park & Recreation (P&R) Commission at the February 26th meeting. A final draft will be sent to P&R for final comment.

- **125-57 Agritourism Overlay District**
 - Planning Board agreed this amendment is not ready for the annual town meeting, but will continue to take public comment
 - Survey sent to Agricultural Advisory Commission, but have not provided feedback as of yet
 - Stephanie O'Keefe, 90 Oak Hill Road, read letter into the record
 - Catalina explained intention of the Bylaw and does not disagree with what was stated in the letter from O'Keefe
 - Kerri Green, of 102 Oak Hill Road, asked how the Planning Board got to the conclusion of two locations for this overlay district. McBee explained it has been her understanding that the Zoning Enforcement Officer interpretation of the zoning bylaws can lead to confusion as to what is and what is not allowed as it pertains to agricultural uses. In an effort to clarify those uses, and potential additional uses not allowed under agriculture, the Planning Board proposed this overlay district
 - Additionally, Kerri Green suggested the Planning Board take into consideration the farms in town and reach out to them directly as opposed through the Agricultural Advisory Commission. Ms. Green is willing to help out if necessary
 - Don Green, 90 Oak Hill Road, stated Gibbet Hill in Groton, as was previously referred to as a comparable use, is within a commercial district and would have significant impacts in Harvard's rural areas.
 - Chris Green, 102 Oak Hill Road, stated the Bylaw creates a commercial property with no protection of the property long-term; if you are trying to preserve open space and rural

character, be sure you are getting some land preservation in return for the commercial use

- Maiore summarized what needs to be addressed:
 - What is a farm;
 - What is allowed as agriculture already
 - What is the right acreage for the types of additional uses the Planning Board is seeking to allow
 - What is the benefit to the Town
 - What happens to the property if the use fails

➤ **Recreational Marijuana**

- §125-14G(3) proposes a establishment no larger than six-thousand square feet; feedback provided indicates this amount may be too large and should be reconsidered
- Explanation of why this size – could be a mixed use of retail and cultivation or perhaps just a cultivation – based on the medical marijuana allowed size
- Scanlan will research as to what other communities are proposing for the allowed size of a retail and cultivation in one establishment
- Discussed changing §125-14G(2) from “retail” to “establishment” as that was the intent of the Planning Board
- Catalina wondered if the number allowed should be increased to two
- Wait on next week’s seminar for additional input (see Board Member Reports)
- Scanlan will draft a “Consider This” article to explain the State law and the vote to allow last year
- Intent was to prevent mass greenhouses all over town, but Planning Board will need to consider existing structures such as barns.
- Laura McGovern, 62 Old Mill Road, suggested allowing greenhouse that fit into the area

➤ **Citizen Petition – Amend Chapter 125-55 Hildreth Housing Overlay District**

Nickerson made motion that the Planning Board opposes the Citizen Petition to amend Chapter 125-55 Hildreth House Overlay District as submitted to the Town Clerk. Maiore seconded the motion. The vote was unanimously in favor of the motion.

McBee made a motion to continue the hearing to March 19, 2018 at 7:15pm in the Town Hall Meeting Room. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Planning Board Agenda, dated Monday March 19, 2018

2018 Protective Bylaw Amendments for Annual Town Meeting

- Comments on Zoning Amendments at the 3/5/2018 Public Hearing

- Ground Water Protection Overlay District
 - ARTICLE XX: PLANNING BOARD – Amend the Protective Bylaw Chapter 125-56, undated
- Agritourism Overlay District
 - ARTICLE XX: PLANNING BOARD – Amend the Protective Bylaw Chapter 125-57, undated
 - AGRITOURISM OVERLAY DISTRICT FAQ, undated
 - Letter from Westward Orchard, Inc., dated March 19, 2018
 - MGL Chapter 40A Zoning Section 3 Subjects Which Zoning May Not Regulate; Exemptions; Public Hearings; Temporary Manufactured Home Residences, undated
 - MGL Chapter 128 Agriculture Section 1A Farming, Agriculture, Farmer; Definition, undated
 - Massachusetts Department of Agricultural Resources Agricultural Law Memo, ALM 10-05, dated September 14, 2010, Topic: Agri-tourism and Agriculture
 - Town of Bolton, Chapter 250 Zoning, Article V Special Regulations, §250-21 Accessory uses, dated March 19, 2018 Page 171 of the Harvard Master Plan 2016

- Recreational Marijuana
 - ARTICLE XX: PLANNING BOARD – Amend the Protective Bylaw 125-2 Definitions,, 125-14G, Medical Marijuana Treatment Center and 125-21 Permitted uses in the AR District, undated
 - RECREATIONAL MARIJUANA FAQ, undated

Approve Minutes

- Draft Minutes of February 26, 2018 prepared by Liz Allard and edited by Bill Scanlan

Approve Invoices

- INVOICE – William Scanlan, Consulting Town Planner, dated March 9, 2018-03-19
- Email from Staci Donahue, Subject: Fwd: Your receipt for payment to MASSACHUSETTS CHAPTER AMERICAN PLANNING ASSO..., dated Mon, Mar 12, 2018
- The Harvard Press, Invoice#6908, dated 3/4/2018

ZBA Request for Comments – Variance application, 110 Littleton Road

- Town of Harvard Zoning Board of Appeals Application for a Hearing - Elizabeth Clark, 110 Littleton Road, dated 01 MAR 2018

Volunteer for Associate Member – Jarrett Rushmore

- Town of Harvard Volunteer Application, R. Jarrett Rushmore, dated February 14, 2018