

Action Items	Member/Staff Responsible
Send revised comments on requested waivers to ZBA for Craftsman Village	Scanlan

**HARVARD PLANNING BOARD
MEETING MINUTES
APRIL 2, 2018
APPROVED: APRIL 23, 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, Fran Nickerson, Rich Maiore, Stacia Donahue and Jarrett Rushmore (associate member)

Others Present: Liz Allard (LUB Admin). Bill Scanlan (Town Planner), Kerri Green, Stephanie O'Keefe, Alice Thayer, Jack Boyle, Marcus Upshaw, Sonia Espinosa (MRCC), Kamani Jefferson (MRCC), Joe Gilmore (MRCC), Lucas Thayer, Carl Gearing, Matthew Fiokos (Harvard Press), Emily Grandstaff-Rice (Arrowstreet Architect), Tom Murphy (NVS), SusanMary Redinger (School Committee) and Linda Dwight (School Superintendent) (MRCC = Massachusetts Recreational Consumer Council)

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

Harvard Elementary School Building Committee Update

Emily Grandstaff-Rice, from Arrowstreet Architect, presented an overview of the proposed elementary school project. As designed the proposed new school will not be meeting all of the requirements under the Protective Bylaw. A preliminary analysis of traffic has been completed by Nitsch Engineering, which includes recommended improvements to the intersections in the area. Safe routes to school have also been taken into account with the addition of sidewalks around the building, along the edges of parking lots and along Mass Ave. Bike racks will be provided as well. The removal of parking along Mass Ave will increase sight lines. Bill Scanlan reminded those present that as a Town-owned property within 2500' of Town Center, the project is exempt from the requirements of the Protective Bylaw as stated in Chapter 125-3C(3), with the exception of Site Standards, Chapter 125-39.

Approve Invoice

Donahue made a motion to approve the following invoice:

- William Scanlan \$1870.00

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

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Approve Minutes

Donahue made a motion to approve the minutes of March 5 and 19, 2018. Maiore seconded the motion. The vote was unanimously in favor of the motion

Planner Report

Scanlan stated McBee, along with the engineer, will be attending the upcoming Historical Commission meeting to further discuss the materials to be used for sidewalk improvements in Town Center.

Scanlan stated the State has revised the requirements of the general licensee under MGL Chapter 91, which provides a simplified process for owners of small docks and piers to license them. No public hearing is necessary, but the applicant must provide notification of the 30-day comment period. These comments are submitted to the local Planning Board.

Recent notification from Devens Enterprise Commission has indicated Emerson Green will no longer be providing any affordable units as previously thought with the donation of funding from Harvard's Municipal Affordable Housing Trust (MAHT). MAHT has been notified to further investigate. The public hearing is scheduled for April 17th.

Board Members Reports – Committee Activities

Maiores stated the Ayer Road Traffic Improvements working group met last week, along with the engineer, Lloyd Bristol. This project is a process that may take 3 – 5 years before it comes to fruition.

Review & Comment on Craftsman Village Requested Waivers

Allard advised that waivers that are not actually necessary, such as those to Chapter 125-54 Floodplain Districts and 125-32 sewage disposal, should not be granted. Revisions to the plan could require these waivers, but blanket approvals to waivers would provide no incentive for the applicant to seek further comment on any revisions. Scanlan can send comments to the ZBA in regards to these waivers.

Review & Comment on Pine Hill Village Final Plans

Scanlan stated as proposed development does not have any significant Planning Board issues. The number of affordable units should be confirmed as there was some conflicting numbers in recent emails from Allard.

Request to Modify Special Permit & Driveway Site Plan – 190 Bolton Road

Comments have been received from Fred Hamwey, the driveway inspector for the Planning Board, and the Fire Chief; both agree with the requested change in final surface material. Donahue made a motion to allow for star-pac gravel as the final material to be used on the driveway at 190 Bolton Road; this modification was determined to be *De Minimus* and does not require an amendment to the Special Permit. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Review “Consider This” Article re: Recreational Marijuana

Still a work in progress – refine more next time.

Director of Planning Warrant Article

With nothing new to report this item was passed over.

Adjournment

Maiores made a motion to adjourn the meeting at 9:13pm. 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

April 2, 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, Fran Nickerson, Rich Maiore, Stacia Donahue and Jarrett Rushmore (associate member)

Others Present: Liz Allard (LUB Admin), Bill Scanlan (Town Planner), Kerri Green, Stephanie O'Keefe, Alice Thayer, Jack Boyle, Marcus Upshaw, Sonia Espinosa (MRCC), Kamani Jefferson (MRCC), Joe Gilmore (MRCC), Lucas Thayer, Carl Gearing and Matthew Fiokos (Harvard Press)

This hearing was continued from March 19, 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**
 - No new questions or comments
- **125-57 Agritourism Overlay District**
 - No new questions or comments
- **Recreational Marijuana**
 - Feedback that 6,000 square feet is to big for retail establishments, which is what is allowed under the Town's current medical marijuana treatment centers
 - Discussed limiting retail floor area to 2,500 square feet; a review of ten proposed bylaws from other communities indicated that only two were imposing size limits
 - Limiting the size of any marijuana establishment may limit the types of an establishment that may come to Harvard and that is not the intent of the Board
 - Lucas Thayer, of Shaker Road, does not plan on opening a retail establishment, but does not want to see a limit of just 1; reasoning being you should let the market decide on how many establishments are suitable for an area. One establishment could run out of product, or have moldy product or not good quality product
 - Thayer also does not see any reason to limit the square footage of any type of establishment; let the State regulations dictate the development of such establishments
 - Nickerson suggested the establishments be increased to 2; Maiore is comfortable with 1 based on the mile length of existing commercial district and the proposal of an establishment just over the Ayer town line
 - Kamani Jefferson, of the Massachusetts Recreational Consumer Council (MRCC), which represents adult consumers in Massachusetts, recommends having more than 1 retail establishment, which will assist with more available product for the consumer and reduce illicit sale if product is poor or runs out

- Joe Gilmore, the Community Outreach Coordinator for MRCC, stated having additional establishments will assist in employment opportunities and tax revenue
- Markus Upshaw, a friend of a Harvard resident, stated limiting to a small retail size will limit the variety in the product
- Jack Boyle does not live in Harvard but is local to the area; his wife has epilepsy, and uses cannabis to control her seizures. He is interested in a location to cultivate and is considering Harvard
- Marijuana cultivation is not an exemption under Chapter 40A Section 3; but is considered an agricultural commodity; can require a special permit from farms for cultivation
- State Regulations, 935 CMR 500, allows for up to 100,000 square feet of canopy
- The Board discussed allowing indoor cultivation and setting the area to 10,000 square feet
- Thayer explained the growth cycle of the plant, and the potential for loss of crop due to mold
- Boyle agreed with the 10,000 square foot limitation and explained how light deprivation allows for additional harvests annually
- Upshaw stated allowing multiple green houses would allow for the cultivation of different strains of marijuana that have different light cycles
- Maiore questioned the output of light and noise from greenhouses; noise is minimal from vent fans and would need to comply with the Protective Bylaw Chapter 125-40 lighting
- Thayer opposes the limiting the outside cultivation to 10,000 square feet; should allow 100,000 square foot for outdoor cultivation as detailed in 935 CMR 500
- Boyle stated having both greenhouses and outdoor cultivation in one location assists in being able to rotate crops
- The Board agreed with so much information provide this evening on this subject matter they would meet on April 12th at 5:00pm in the Volunteer Room at Town Hall to further discuss how to regulate marijuana

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

- The Board voted on March 19, 2018 not to support this article

Maiore made a motion to continue the hearing to April 23, 2018 at 7:00pm in the Hildreth House.
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 ARIL 2, 2018

2018 Protective Bylaw Amendments for Annual Town Meeting

- 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

Approve Minutes

- Draft Minutes of March 5 & 19, 2018 prepared by Liz Allard and edited by Bill Scanlan

Approve Invoices

- INVOICE – William Scanlan, Consulting Town Planner, dated March 23, 2018