

Action Items	Member/Staff Responsible
Complete budget narrative for approval on November 19 th	Ryan
Open Meeting Law Training – November 15 th @ 5:30pm Cronin Auditorium	All
Finalize letter to Select Board re: Host Community Agreement	Maiore/Brown
Complete research on fees other communities are charging beyond permit fees for the November 19 th meeting	Ryan

**HARVARD PLANNING BOARD
MEETING MINUTES
OCTOBER 29, 2018
APPROVED: DECEMBER 3, 2018**

Chair Erin McBee called the meeting to order at 7:00pm 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, Rich Maiore (departed at 9:22pm), Fran Nickerson, Stacia Donahue, Justin Brown and Jarrett Rushmore (Associate Member)

Others Present: Liz Allard (LUB Admin), Chris Ryan (DCED), Matt Flokos (Harvard Press), Patrick McCarty (McCarty Engineering), Matthew Brace (Coil Brothers), Bruce Ringwall (GPR, Inc.), Chief Ed Denmark (Harvard P.D.), Fred Prifty, Aneta & Seth Arakelian, Theresa & Ken Hoggins, Matt Zipoli (Coil Brothers), Carolyn Burek (Coil Brothers), John Goll (Coil Brothers), Rory Frazendeiro (Adler, Pollock & Sheehan, P.C., for Coil Brothers), Lucas Thayer, Gerald Benitz, Fred Hamwey (Hamwey Engineering), Lisa & Will Engler and Bill Medeiros

Fiscal Year 2020 Budget

Ryan reviewed the proposed expenditures for fiscal year 2020. McBee suggested including Microsoft 365. Ryan will draft a narrative for review by the Board at the November 19th meeting. Maiore stated all request made through this budget process may not be funded; however it is good idea to get it out there for the future.

Open Meeting Law Training – November 15th @ 5:30pm Cronin Auditorium

Allard reminded the members of the training and the request to pre-register for the event.

Board Member Reports

McBee stated the Community Preservation Committee has begun reviewing the FY2020 applications with the applicants. First up was the Town Clerk who is seeking funding for the preservation of documents.

Donahue stated the Park & Recreation Commission is still seeking designs for the area between the Harvard General Store and the Congregational Church.

Approval Not Required – Capobianco, 281 Still River Road

Bruce Ringwall, of GPR, Inc., was present to discuss the Approval Not Required plan for the property at 281 Still River Road. This property along, with two abutting properties, is on the market; 281 Still River Road currently has an easement on 285 Still Road for the driveway. In order to assist in a smooth transaction upon sale of the properties the owner is seeking to shift existing property lines to have the

driveway for 281 Still Road complete on that property. In order to do so a small swap between the three lots, as shown on the plan, must be endorsed by the Planning Board. Ryan stated all seems to be in order with this request.

Maiores made a motion to endorse the "Plan of Land in Harvard, Mass." prepared for Two Eighty One Still River Road Trust at 281 Still River Road, dated October 22, 2018. Nickerson 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 7:15pm (see page 3 for complete hearing details)

Approve Minutes

Maiores made a motion to approve the minutes of October 1, 2018 as amended. Brown seconded the motion. The vote was unanimously in favor of the motion.

Community Host Agreement letter to the Select Board

After a brief discussion on the content of the letter Maiores agreed to work with Brown to amend the letter and send to the Select Board.

Review of Procedural Process, Applications, Fees & Public Information

A recent inquiry into the fees associated with peer review of applications and driveway inspections has brought to light the limited information available to applicants McBee gave back ground on this matter and suggested determine what other communities are charging for such activities as driveway inspections. Ryan was authorized to conduct research for the November 19th meeting.

Zoning Board of Appeals Request for Comments -62 Old Littleton Road, 36 Lovers Lane and 3 Still River Depot Road

Ryan explained he has reviewed all three applications and have there to be no outstanding issues as it pertains to the Protective Bylaw; he recommends this issuance of the Special Permits by the Zoning Board of Appeals (ZBA) as requested. A report regarding this information will be provided to the ZBA. There were no questions or comments from the members.

Still River Commons, Still River Road, Bolton

Ryan has prepared a letter to the Town of Bolton in regards to the proposed affordable housing development on the Harvard Town line. Members agreed the letter should be sent to the Town of Bolton.

Discuss Potential Bylaw Amendments for 2019 Annual Town Meeting

- Hazel Property – Ryan and McBee met with the property owners, who have not had an opportunity to speak to all of the abutters in regards to their intentions for the property. Ryan suggesting a rural type use with an accessory use. Ryan will put together a draft bylaw, which will know be known as the Rural Commercial district
- Open Space Design Bylaw – Ryan is seeking to determine how this bylaw can be crafted in a manner that is more attractive to developers.
- Erosion Control Bylaw – Ryan feels the amendments to be made to this bylaw are not problematic and should resolve previous issues with it.
- Groundwater Protection Overlay – This too should not be problematic to address at annual town meeting; additional public communication should be sought to avoid having to amend again in the future.

Adjournment

Brown made a motion to adjourn the meeting at 9:47pm. 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

October 29, 2018

Chair Erin McBee opened the public hearing at 7:15pm 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, Stacia Donahue and Justin Brown

Others Present: Liz Allard (LUB Admin), Matt Flokos (Harvard Press), Patrick McCarty (McCarty Engineering), Matthew Brace (Coil Brothers), Chief Ed Denmark (Harvard P.D.), Fred Prifty, Aneta & Seth Arakelian, Theresa & Ken Hoggins, Matt Zipoli (Coil Brothers), Carolyn Burek (Coil Brothers), John Goll (Coil Brothers), Rory Frazendeiro (Adler, Pollock & Sheehan, P.C., for Coil Brothers), Lucas Thayer, Gerald Benitz, Fred Hamwey (Hamwey Engineering), Lisa & Will Engler and Bill Medeiros

This hearing was continued from October 15, 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 establishment of a cannabis oil extraction facility at 325 Ayer Road, Harvard

Patrick McCarty, of McCarty Engineering, Inc., provided the Board with a revised site plan, responses to the second review letter from Hamwey Engineering, responses to the Report of the Director of Community & Economic Development and revised Standard Operating Procedures and Security Plan, all dated October 25, 2018. McCarty stated the existing condition plan prepared by Ducharme & Dillis has been modified as previously requested. The proposed site plan is slightly different, with an inset to the plan to show proposed dumpster location, secure with camera on corner of the building. The common loading dock area has been added as well and will be utilized for any large deliveries.

The existing one-way travel from Ayer Road will continue in front of the building, additional directional signs are proposed to assist with the flow of traffic. The existing sidewalk is proposed to be reconfigured. The two designated parking spaces for this business have been revised to be 9' x 19' as shown on the plan. The loading area at the south end of the building has been revised to allow for smaller deliveries, with the sidewalk extending along the side and rear of the loading area to allow for unloading from the back of the vehicle. This loading area will be monitored by a security camera.

The proposed project does not increase the pre-existing non-conformity in regards to Floor Area Ratio and Side Yard Setbacks. There are no fences or gates proposed because of configuration of the existing common areas within the building. The addition of gates within the building would impede emergency egress for others in the building. The side door, used for small deliveries, will have a secure vestibule, along with a security camera. Anyone entering the establishment from the front will need to be buzzed in.

As a manufacturing facility and not retail, the applicant is requesting to allow the operating hours to be 8am to 8pm, seven days a week. A detailed security plan has been submitted and the applicant is working with the Harvard Police Department (HPD) to come to an agreement of that plan.

Proposed lighting is downward directing light as required by the Zoning Bylaw. An existing hedge row screens the building from the abutters on the south side of the property. The suite will be compliant to all Federal Fire regulations, including CO₂ detection.

McCarty stated the architectural plans have been stamped by a professional as required by the State Building Code. McCartney believes all revised plans and supporting material provide allow for the Board to act favorable on the request for a Special Permit and Site Plan Approval.

Chief Ed Denmark stated he is working with Coil Brothers on the security and surveillance plan, as well as the standard operating procedures and waste management as they pertain to his purview. Chief Denmark acknowledged upon final review there will be determination that all of the standards have been met by the applicant.

The number of CO₂ deliveries will depend on how much product Coil Brothers is producing. Coil Brothers could complete their own delivery of the raw material and finished product. Brown wondered if transporter of product would be considered another type of establishment. Carolyn Burek, Coil Brothers expert from Colorado, stated that transport of material and product is part of manufacture in the State. Brown recommended confirming with Town Counsel or the Cannabis Control Commission (CCC) guidelines to better understand the boundaries set forth before selecting an interpretation.

Hamwey was still concerned with traffic flow during deliveries to the loading area on the south end of the building. McCartney stated there is no good solution, other than to require vehicles making deliveries there back into the available parking space.

Ryan suggested an additional consultant to review the Standard Operating Procedures (SOP) as he does not have the expertise with these procedures. McBee suggested asking the Board of Health to weigh in on the waste disposal with the SOP. Maiore agreed with Ryan's suggestion, as did Brown, who has read the entire SOP, but now has even more questions.

With concerns over the number of available parking spots for the overall site and the potential for the number of employees to increase in years to come, Rory Frazendeiro, legal representation for Coil Brothers, stated they project there to be four employees.

Brown stated the SOP details the cataloging of marijuana with radio frequency identification (RFID) tags, which will allow the municipality to track the product. Burek explained the seed to sale tracking procedure as required by the State. The CCC is the controlling entity; someone from HPD could be designated as the RFID coordinator. When asked about emergency procedures upon the release of CO₂, Burek stated the SOP details that procedure.

Harvard resident Will Engler asked if the Planning Board (PB) was considering issuing a Special Permit before the CCC issues Coil Brothers a license. McBee explained the process, which requires local approvals in order for the CCC to issue a license.

Harvard Resident Lucas Thayer supports Coil Brothers as a marijuana establishment, but would also like there to be a retail location in Harvard. Thayer would like PB to amend the bylaw to allow for two

establishments, so that we can buy local. Brown commented on the guidance from the CCC, which recommends one establishment per 7500 residents, so Harvard is on track with that.

Harvard resident Theresa Hoggins asked what the business plan is for the addition of employees and future expansion of the business. Matthew Brace of Coil Brothers stated the this type of facility does not require a large number of employees; as previously stated there will be no more then four employees at this location. Burek stated four employees is a realistic number for the size of this facility. Hoggins asked if the number of employees could be a condition of the Special Permit. It was explained that due to septic capacity at the site the number of employees is already limited.

Harvard Resident Lisa Engler had questions about the other security plan. Burek stated Coil Brothers does not want everyone to know all of the details of the security plan, so the plan that has been provide is not the fully detailed security plan. Engler asked about outside security cameras. Chief Demark explained final review of the entire security plan will be completed by him and will be compliant with CCC regulations. Engler asked what the cost to the town is to support this business with such things as police details. McCarty stated that is a matter that will be worked out with the Select Board as part of the Host Community Agreement; each community handles those impacts differently.

Harvard Resident Ken Hodges asked how the soluble material being used will not exceed 3000psi. McCarty stated all aspects of this operation will need to comply with current Fire Code, Building Code and OSHA regulations.

Harvard Resident Seth Arakelian was interested in the company itself; it was recommended he view the recording of the community outreach done by Coil Brothers on September 11th.

Will Engler asked where Coil Brothers is in the process for the license from the CCC? Rory Frazendeiro, legal counsel for Coil Brothers stated nothing has been submitted as of yet as not all of the steps necessary have been completed. Engler confirmed Coil Brothers only plans for manufacturing in Harvard; which they do.

Harvard Resident Bill Medeiros felt this establishment will minimal impact on Harvard due to the fact that it will be manufacturing product only. Medeiros asked what types of products are going to be produced. It was explained that the facility will be extracting cannabis oil to be used in products, by others, for both medical and recreational marijuana.

Hoggins asked about home delivery of this product. Burek stated the CCC does not allow home delivery from manufacturing facilities.

With new information received this evening Maiore made a motion to continue the hearing to November 19th at 7:10pm in the Town Hall Meeting Room, 13 Ayer Road, Harvard. 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 October 29, 2018

Town of Harvard Director's Report – October 29, 2018

Approval Not Required – Capobianco, 281 Still River Road

- Plan of Land in Harvard, Mass.” prepared for Two Eighty One Still River Road Trust at 281 Still River Road, prepared by GRP, Inc., dated October 22, 2018

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

- Letter from Patrick McCarthy, P.E. of McCarthy 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 McCarthy, P.E. of McCarthy 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
- Letter from Fred A. Hamwey Jr., P.E. of Hamwey Engineering, Inc., dated October 29, 2018 in regard to “Coil Brothers Concentrates, 325 Ayer Road, Harvard, MA (HEI File no. 18006.00)”

Approve Minutes

- Draft Harvard Planning Meeting Minutes, October 1, 2018, prepared by Liz Allard