

Action Items	Member/Staff Responsible
Contact League of Woman Voters for community outreach of the erosion control bylaw	???
Send Bylaws associated with marijuana to the Board of Health	Ryan
Confirm variances are not required for the new elementary school	Ryan

**HARVARD PLANNING BOARD
MEETING MINUTES
JANUARY 28, 2019
APPROVED: MARCH 4, 2019**

Chair Erin McBee called the meeting to order at 7:03pm in the Volunteer Room at Town Hall, 13 Ayer Road, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

Members Present: Erin McBee, Fran Nickerson, Stacia Donahue, Justin Brown and Kristin Kelley-Munoz (Associate Member)

Others Present: Liz Allard (LUB Admin), Chris Ryan (DCED), Matt Flokos (Harvard Press), Toni Spacciapoli, Bill Spacciapoli, Larry Sprang (Arrowstreet), Tom Murphy (NVS), Bruce Ringwall (GPR, Inc.), Nicki Schmidt (Ag Advisory Comm.), Kerri Green (Ag Advisory Comm.), Matt Brassard (Nitsch Engineering), C. Ron Ostberg (School Building Committee), Francoise Crook, J.P. Stamm and SusanMary Reddinger (School Building Committee)

Board Member Reports

Donahue reported Park & Recreation Commission is creating a subcommittee known as the Athletic Field Planning Subcommittee to explore need for additional fields in Town.

Nickerson reported Housing @ Hildreth House Committee has hopes of bringing an article for annual town meeting for additional funding.

McBee reported Community Preservation Committee convened last week to re-approve applications for fiscal year 2020. Initial amounts available for the funding of the applications were less than originally thought. Those applications approved included the preservation of Town Hall documents; paying down the debt from the renovation to Town Hall; new roof at Old Library; affordable housing funding; open space funding; and a boat kiosk at the Town beach.

Brown reported on the Municipal Vulnerability Preparedness Subcommittee is hosting their first of three workshops this Saturday, February 2nd in the Town Hall meeting room from 9:00am – 12:30pm. This workshop will focus on the agricultural community and the impacts they face due to climate change. Brown also reported the data received from the consultant from the agricultural survey was not in great form; a request has been made to the consultant to revise.

Request for Formal Comment: BOH's "Article XI: Regulations to Ensure the Sanitary and Safe Operation of Marijuana Establishments and the Sale of Marijuana"

Tom Philippou, a member of the Board of Health (BOH), was present to discuss the regulations the BOH is proposing in regards to marijuana. McBee had previously sent BOH comments from the Planning Board; BOH has requested a Word format of those comments. Philippou explained Massachusetts

Association Health Boards, Cheryl Sbarra, Senior Staff Attorney and Director of Policy and Law, drafted a boilerplate set of regulations that duplicates some the State regulations. The Harvard BOH has added additional language that has made them more stringent.

Brown is interested in knowing how these regulations fit into the zoning bylaws associated with marijuana approved at the 2018 annual town meeting. Philippou stated BOH is not trying to step on anyone's toes, but they do not regulate zoning; what they do regulate is uses that are of a health concern in public spaces. Planning Board recommended the regulations be reviewed by Town Counsel. In order to avoid any conflicts with zoning Ryan will send BOH the bylaws approved at the 2018 annual town meeting as they pertain to marijuana.

Approval Not Required – Brackett, 37 Bower's Road

Bruce Ringwall, of GPR, Inc., explained the plan before the Board was to address an existing shed belonging to 37 Bower's Road that currently is located on the abutting parcel of land. As existing 37 Bower's Road is a conforming basic lot, while Lot 384 is not; therefore the plan before the Board indicates Lot 384 is "Not a Building Lot".

Donahue made a motion to endorse the plan entitled "Plan of Land in Harvard, Mass.", prepared for Gregory Brackett at 37 Bowers Rd., Job No. 141058, prepared by GPR, Inc., dated December 5, 2018. Brown seconded the motion. The vote was unanimously in favor of the motion.

Board Member Reports, Continued

McBee will attend the Volunteer Fair on Saturday. Ryan is meeting with the Select Board tomorrow night to review the Land Use Boards Fiscal Year 2020 budget. A developer's meeting will take place tomorrow in Town Hall to discuss the proposed Open Space Design Bylaw. Planning Board members are welcome to attend.

McBee has discussed the installation of sidewalks along Ayer Road in association with the Craftsman Village development (Chapter 40B application currently before the ZBA), with the developer, Mark O'Hagan. O'Hagan is amenable to providing sidewalks or funding for sidewalks in another area along Ayer Road.

Rural Life Preservation Bylaw Concerns

Although not an item on the agenda, McBee allowed the property owners at 143 Ayer Road to express their concerns with the proposed Rural Life Preservation Bylaw that has been considered by the Planning Board in association with a request from the owners of 150 Ayer Road to develop their property. Toni and Bill Spacciapoli are not in favor of such a Bylaw; they feel it is an odd space to locate such a use that should really be within the commercial district. The Spacciapolis understand a need preserve the viewshed and the Hazel property is iconic here in Town, but from their prospective the use of the land is cohesive to the rural nature of the Town. If the Hazel's are thinking of doing such a development, they should have approached their neighbors. The Spacciapolis feel the Hazel's have done a disservice of goodwill to their neighbors. An occasional event is very different from a dedicated event space. The Spacciapolis feel the neighborhood should have ample time to approach this and provide feedback before the Planning Board submits it to Town Meeting.

Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, Amendments Hearing. Opened at 7:36pm (see page 5 for complete details)

Director's Report

Ryan has restructured the Open Space Development Bylaw for a more logical flow and has revised the density bonus.

Ryan is seeking a suitable location of the park and ride lot that can shuttle residents to and from the Littleton commuter rail station. Current ideas include town center church parking lots and the unpaved lot opposite the Appleworks building at 325 Ayer Road.

Ryan is still working on getting the Ayer Road reconstruction project, which would include sidewalks and a round-about, on the Transportation Improvement Program (TIP) three-year program. Unfortunately the Town of Ayer is not interested in partnering on this project.

Approve Minutes

Donahue made a motion to approve the minutes of December 17, 2018 and January 7, 2019 as amended. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Approve Invoices

Brown made motion to approve the invoices for Harvard Press in the amount of \$312.00. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Site Plan Review – Harvard Public Schools, 27 Massachusetts Avenue

Larry Sprang, from Arrowstreet Architect and Design, stated the design has not changed since last meeting with the Planning Board in December. Matt Brassard, from Nitsch Engineering, presented existing conditions and the proposed site layout. The project would be phased with a new school being built while the old school is still occupied. Primary access for buses would be from the north side of building, with an exit route out southern access road. Passenger car drop off would enter the southern access road, circle the parking lot at the rear of the building, drop-off students, and then exit back out from the southern access road. The access to north from Fairbanks Street at the rear of the building is for emergency access only.

Existing stormwater on the property breaks off into different direction and discharges without treatment to the wetland area at the rear of the building. Additionally, some stormwater flows towards Mass Ave. A multi-cell bio-retention system is proposed in the rear parking lot, which will discharge to a level spreader. Due to terrain and soil conditions the site is not suitable for green infrastructures or those that recharge groundwater.

Brown asked about noise during construction. A construction manager was brought on board early and has been made very aware of the concerns and schedule of this project. Final review by the Harvard Fire Chief will take place this week. Ryan noted the Safe Routes to Schools grant for sidewalks along Mass Ave, as well as the application in process to MassDOT for road improvements.

It was noted that the height and floor area of the project exceed what is allowed under the Protective Bylaw. The authority of the Planning Board on non-compliance was discussed in relation to the Dover Amendment; as part of the Planning Board process the Board can apply reasonable design to a project as opposed to obtaining variances from the Board of Appeals. Ryan will confirm this with Town Counsel. It was noted in regards to floor area the proposed school is greater in total square footage, but is less in total land area.

Reassign Planning Board Liaisons & Representatives

This item was passed over

Informal Discussion RE: 125-35 Open Space and Conservation – Planned Residential Development

With no new information the Board passed over this item

Adjournment

Brown made a motion to adjourn the meeting at 9:22pm. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Liz Allard, Clerk

Harvard Planning Board

Protective Bylaw Amendments, Chapter 125 of the Code of the Town of Harvard

January 28, 2019

Chair Erin McBee opened the public meeting at 7:36pm in the Volunteer Room at Town Hall, 13 Ayer Road, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

Members Present: Erin McBee, Fran Nickerson, Stacia Donahue, Justin Brown, Jarrett Rushmore and Kristin Kelley-Munoz (Associate Member)

Others Present: Liz Allard (LUB Admin), Chris Ryan (DCED), Matt Flokos (Harvard Press), Nicki Schmidt (Ag Advisory Comm.), Kerri Green (Ag Advisory Comm.), Francoise Crook, and J.P. Stamm

125-57 Erosion Control

Ryan prepared a Frequently Asked Questions for the members to review. Ryan believes with the previous failure of this bylaw at the 2016 annual town meeting (ATM) community outreach is necessary to this bylaw passing at this year's ATM. Kerri Green, Agricultural Advisory Committee (AAC) chair, and Nikki Schmidt, AAC member, were present to discuss this bylaw. Green stated she finds the bylaw to be very abrasive to a homeowner and if the bylaw remains as drafted it probably will not go well at ATM. Although a provision for a minor permit has been added, it still has same requirements as major permit. Harvard is a agricultural friendly community, however this bylaw does not appear to be. A discussion on ways to allow smaller project to have a review process as opposed to needing to file an application was had. Schmidt wondered if it would make sense for this bylaw to apply only to new development and create a different, less cumbersome bylaw, for a homeowner who wants to conduct an activity that may cause erosion or increase storm water runoff. Schmidt further suggested simply educate the public on the practices of sediment control. Additional comments from Green and Schmidt included providing information on how the 25% slope is determined, providing a minor project list and creating a document of best practices for erosion control. The Board further discussed community outreach through the Legal of Woman Voters.

125-56 Groundwater Protection Overlay District

After a brief discussion on the matter of amending this bylaw that was approved at the 2018 ATM, the Board agreed to amend the language so that the bylaw will only apply to the land area within the overlay district as opposed to the entire parcel.

Brown made motion to continue the hearing to February 4, 2018 at 7:30pm Town Hall, 13 Ayer Road. 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 28, 2019

Report of the Director of Community and Economic Development, January 28, 2018

Approve Minutes

- Draft Harvard Planning Board Meeting Minutes, December 17, 2018, prepared by Liz Allard
- Draft Harvard Planning Board Meeting Minutes, January 7, 2019, prepared by Liz Allard

Approve Invoices

- The Harvard Press Invoice#7343, dated 12/18/2018
- The Harvard Press Invoice#7345, dated 12/18/2018

Approval Not Required – Brackett, 37 Bower's Road

- Plan of Land in Harvard, Mass., prepared for Gregory Brackett at 37 Bowers Rd., Job No. 141058, prepared by GPR, Inc., dated December 5, 2018

Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, Amendments Hearing

- §125-56 Groundwater Protection Overlay District [Added 05.05.2018 ATM by Art. 34], undated
- §125-57 Erosion Control, undated

Site Plan Review – Harvard Public Schools, 27 Massachusetts Avenue

- Site Engineer Report for Hildreth Elementary School, 27 Massachusetts Avenue, Harvard, Massachusetts, prepared for Arrowstreet, prepared by Nitsch Engineering, dated January 11, 2019
- Plan Set – Hildreth Elementary School, 27 Massachusetts Avenue, Harvard, MA, Planning Board Submission, prepared by Arrowstreet Architectural & design, Project No. 16073, dated 01/16/2019
- Town of Harvard Planning Board Update, Hildreth Elementary School, prepared by Arrowstreet, P.2 – P.11, P.18 and P.21, dated 17 December 2018

Request for Formal Comment: BOH's "Article XI: Regulations to Ensure the Sanitary and Safe Operation of Marijuana Establishments and the Sale of Marijuana"

- ARTICLE XI: Regulations to Ensure the Sanitary and Safe Operation of Marijuana Establishments and the Sale of Marijuana, undated