

Action Items	Member/Staff Responsible
125-57 Erosion Control Revisions	Ryan

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

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, Stacia Donahue, Jarrett Rushmore and Kristin Kelley-Munoz (Associate Member)

Others Present: Liz Allard (LUB Admin), Chris Ryan (DCED), Matt Flokos (Harvard Press), Kerri Green (Ag Commission), Laura McGovern, Larry Sprang (Arrowstreet), Tom Murphy (NVS), Matt Brassard (Nitsch Engineering), SusanMary Reddinger (School Building Committee) and Dr. Linda Dwight (School Superintendent)

Director's Report

Ryan has completed his review of the Harvard Elementary School Site Plan. Ryan stated Town Counsel has confirmed under the Dover Amendment the Planning Board can issue Site Plan Approval for this project without the need for variances from the Zoning Board of Appeals for exceeded height and floor area ratio under Chapter 125. Otherwise Ryan's observation of the project include the use of Fairbanks street for traffic circulation; controlling pedestrian circulation across the property; coordination of the connections and circulation system of any sidewalk extension at all property egress points; impacts to abutting residential properties; and will exterior lighting be compliant with Chapter 125.

Ryan stated the District Local Technical Assistance grant is now open for submittal through Montachusett Regional Planning Commission. Allard will be applying for assistance with developing a permitting guide for the land use boards. Ryan suggested requesting assistance with a more comprehensive market study of the Ayer Road corridor as the previous study did go deep enough. Funding to develop connecting bike trails to Devens was discussed and can be further vetted during the strategic planning session in June.

Ryan noted two other funding opportunities; Executive Office of Energy & Environmental Affairs Planning Technical Assistance and MassDevelopment Real Estate Services Technical Assistance; either would be suitable for studies along the Ayer Road corridor.

Ryan has made the revisions, as recommended by others, to the Erosion Control Bylaw, which will be discussed later this evening. Board members should review the Open Space Design bylaw and the Rural Life bylaw for any revisions or comments. Ryan suggested an engineer's workshop in the next few weeks to discuss the proposed bylaws.

Board Member Reports

Donahue attended the Municipal Vulnerability Preparedness Agricultural workshop on Saturday at which hazards facing local agricultural were identified. A second workshop, scheduled for March 2nd, and will develop solutions for those hazards.

Reassign Planning Board Liaisons & Representatives

Board members reviewed and re-assigned liaisons and representatives as necessary. The updated list will be provided on the Town website.

Continuation of a Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, Amendments Hearing. Opened at 7:36pm (see page 3 for complete details)

Site Plan Review – Harvard Public Schools, 27 Massachusetts Avenue

Matt Brassard, from Nitsch Engineering, stated feedback on a couple of the issues from the previous meeting have been addressed. Most of the zoning dimensional criteria have been met with exception of height and floor area ratio (FAR). Height is being exceeded due to the mechanical systems, which will be enclosed in the attic space as to not have that equipment exposed to the elements and keep consistent with the request of Historic Commission. The FAR exceeds the requirements due to the size of building, which is based on the standards set by the Mass School Building Authority, which are based on projected enrollment. The new proposed school will also now house the School Administrative offices. Ryan read his report into the record. Ryan's non-Dover observations are detailed above under Director's Report. The applicant will comply with Chapter 125-40 Lighting.

With no further questions or comments, Donahue made a motion to approve the Plan Set for Hildreth Elementary School, 27 Massachusetts Avenue, Harvard, MA, Planning Board Submission, prepared by Arrowstreet Architectural & Design, Project No. 16073, dated 01/16/2019, with the finding of a public good for municipal purposes to allow a structure that exceeds floor area ratio under Chapter 125-30B and building height under Chapter 125-30C. Rushmore seconded the motion. The vote was unanimously in favor of the motion.

Zoning Board of Appeals Request for Comments – 17 Oak Hill Road

This item was passed over this evening

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

McBee asked the Board if they had any further comments in regards to the proposed regulation by the Board of Health (BOH). Ryan had comments in a previous director's report. McBee will add her comments as well. Kerri Green, chair of the Agricultural Advisory Commission (AAC), asked about the Board's request for the BOH to reach out to the AAC; Green will follow up with the BOH Administrative Assistant.

Informal Discussion RE: 125-35 Open Space and Conservation – Planned Residential Development for the potential development of a parcel of land at the corner of Ayer Road and Poor Farm Road

This item was passed over this evening.

Adjournment

Rushmore made a motion to adjourn the meeting at 9:25pm. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Liz Allard, Clerk

Harvard Planning Board

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

February 4, 2019

Chair Erin McBee opened the public hearing at 7:31pm 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, Stacia Donahue, Jarrett Rushmore and Kristin Kelley-Munoz (Associate Member)

Others Present: Liz Allard (LUB Admin), Chris Ryan (DCED), Matt Flokos (Harvard Press), Kerri Green (Ag Commission) and Laura McGovern,

125-57 Erosion Control

Revisions received from the Board members were reviewed. The following suggestions were made:

- break down section 125-57D Exemptions and Waivers into their own sections
- The threshold of 30,000 square feet needs to be clear if it is a one time measurement or accumulative over time
- Add definition for small plot farming
- Research the fee for such a permit in other communities
- Add reference to available documents
- Find out the standard tree diameter at breast height
- Determine if 125-57H(7) conflicts with Chapter 125-31

When asked about the reason behind this bylaw Ryan explained to deter open soil situations, which in turn could cause tax payers paying for remediation of damaged town infrastructure. Department of Public Works Director, Tim Kilhart has suggested that costs associated with road clean up could range from \$25 to thousands of dollars, depending on the damage done.

At 8:07pm Nickerson made a motion to continue the hearing to 8:30pm. Donahue seconded the motion. The vote was unanimously in favor of the motion.

At 8:42 pm Chair Erin McBee re-opened the public hearing.

Kerri Green, chair of the Agricultural Advisory Commission (AAC), stated she reviewed the bylaw with the AAC and the information provided by Allard on previous occurrences where this bylaw would have prevented damage to infrastructure or wetland resource areas. Green noted those locations that caused issues were new build sites. AAC feels this bylaw is mainly for new construction and may impede the agricultural integrity of the Town if residents want to have gardens on their property. As drafted the AAC does not support this bylaw; AAC understands the need, however given what it imposes on the average homeowner they feel it is unnecessary. AAC really feels this type of bylaw is for construction purposes and not the average homeowner.

Laura McGovern wondered if the entire 5,000 square foot threshold has to be within a continuous 25% slope. McGovern noted that if this bylaw is because culverts around Town are being clogged with sediment, do the culverts have to be maintained anyway. McGovern would like to see a cost analysis spent by the Town for remediation. McGovern wanted to know how many times erosion has been a concern and are there other aspects of the Protective bylaw that could be applied or enforced that would

eliminate the need for this bylaw. McGovern feels through public education residents will learn the proper measures to take when taking on such projects and therefore this bylaw would not be necessary.

Allard asked if adding info in regards to Municipal Separate Storm Sewer System (MS4) would be helpful on the fact sheet. Ryan explained MS4 to the Board. The Board agreed it would. Ryan detailed the scenarios, which indicates what type, major or minor permit, would be necessary, if at all. Green detailed Chapter 125-20(6) and asked how does that differ? The Erosion bylaw gives further ability to regulating that general provision.

125-56 Groundwater

There were no additional comments in regards to this bylaw this evening.

Donahue made a motion to continue the hearing to February 25, 2019 at 7:30pm in the Town Hall. Rushmore seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Planning Board Agenda, dated Monday February 4, 2019

Report of the Director of Community and Economic Development, February 4, 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], Version 2, January 31, 2019
- §125-57 Erosion Control, Version 3, January 31, 2019

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

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