

Action Items	Member/Staff Responsible
Send letter of support to DEC for Climate Action Plan	Ryan
Seek Town Counsel's advice on the removal of "retail" from the definition of Marijuana Establishment	Ryan
Seek funding for the re-codification of the Protective Bylaw	Ryan

**HARVARD PLANNING BOARD
MEETING MINUTES
APRIL 1, 2019
APPROVED: MAY 6, 2019**

Chair Erin McBee called the meeting to order at 7:00pm 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, Stacia Donahue, Fran Nickerson, Jarrett Rushmore and Kristin Kelly-Munoz (Associate Member)

Others Present: Chris Ryan (DCED), Matthew Flokos (Harvard Press), Linda Jones, Lauri Johnson, Lorraine Childs, Theresa Hoggins, Diana Curtin, Seth Arakelian, Bill Medeiros, Jack Spero, Ken Hoggins, Jim Breslauer, Alice Bartam, Kerry Green, Lisa Engler, William Engler, Jayesh Patel, Sonya Patel, Maureen Riteman, Ned & Susan Leeming and Kerri Green (Agricultural Advisory Committee)

Board Members Reports – Committee Activities

Donahue reported on the recent Montachusett Regional Planning Commission (MRPC) meeting at which they presented their budget report and up coming grants, which are available on their website. Donahue noted Harvard and Clinton are the only communities within the MRPC region that are developing a Municipal Vulnerability Preparedness (MVP) Plan.

McBee noted some of the trees along Littleton County Road, which are the subject matter of a Scenic Road Consent application scheduled for the April 22nd meeting, are missing the markers (ribbons). A site walk with members of Planning Board, Tree Warden and Department of Public Works Director will be arranged for the week of April 15th.

McBee stated the engineer developing the improvements around town center is working with Scott Hayward, of the General Store, to determine the best design for parking in that area.

McBee stated Devens Enterprise Commission (DEC) has an application before them for to increase the number of truck bays at 64 Jackson Road; Ryan has questions about the traffic study and will have a full report at the next meeting.

Ryan noted DEC is seeking support of their recently completed Climate Action Plan. Kelly-Munoz made a motion to support DEC on their Climate Action Plan. Nickerson seconded the motion. The vote was unanimously in favor of the motion. Ryan will send a letter on behalf of the Board.

After a brief discussion about the representation of the Planning Board on the Municipal Vulnerability Preparedness (MVP) Subcommittee, Donahue made a motion to appoint Rushmore as the alternate

member of the MVP Subcommittee. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Director's Update

Ryan stated he is still working on the Ayer Road proposal and should be ready for the next meeting. The report will provide a history of the corridor and a comprehensive plan for moving forward.

The Protective Bylaw is in desperate need of re-codifying, Ryan will seek out appropriate funding for this undertaking.

Approve Minutes

Donahue made a motion to approve the minutes of March 18, 2019 with minor edits. Kelly-Munoz seconded the motion. The vote was unanimously in favor of the motion.

Citizen Petition to Amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard 125-2 Definitions "Marijuana Establishment" Hearing. Opened at 7:30pm (see page 3 for complete details)

Continuation of a Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, Amendments Hearing. Opened at 8:07pm (see page 5 for complete details)

Adjournment

Donahue made a motion to adjourn the meeting at 8:45pm. 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 April 1, 2019

Director of Community and Economic Development Update, April 1, 2019

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

- ARTICLE 30: AMEND THE PROTECTIVE BYLAW, §125-56 Groundwater Protection Overlay District
[Added 05.05.2018 ATM by Art. 34], undated
- ARTICLE 31: AMEND PROTECTIVE BYLAW, §125-57 Erosion Control, undated

Harvard Planning Board

Citizen Petition to Amend the Protective Bylaw

Chapter 125 of the Code of the Town of Harvard

125-2 Definitions “Marijuana Establishment”

April 1, 2019

Chair Erin McBee opened the public hearing at 7:30pm 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, Stacia Donahue, Fran Nickerson, Jarrett Rushmore and Kristin Kelly-Munoz (Associate Member)

Others Present: Chris Ryan (DCED), Matt Flokos (Harvard Press), Linda Jones, Lauri Johnson, Lorraine Childs, Theresa Hoggins, Diana Curtin, Seth Arakelian, Bill Medeiros, Jack Spero, Ken Hoggins, Jim Breslauer, Alice Bartam, Kerry Green, Lisa Engler, William Engler, Jayesh Patel, Sonya Patel, Maureen Riteman, Ned & Susan Leeming and Keri Green (Ag Advisory Committee)

This hearing is for a Citizen’s Petition for the amendment of Chapter 125-2 Definitions – Marijuana Establishment – a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, ~~marijuana retailer~~, medical marijuana treatment center and/or any combination thereof, but excluding a marijuana retailer as defined in M.G.L. c.94G Section 1 and marijuana social consumption establishment. (key: strikethrough = deletion; underline = new text)

Bill Medeiros, of 2A Trail Ridge Way, the petitioner detailed the concerns he and others of the community have with the establishment of a marijuana retail facility in Harvard. Those concerns included increased traffic, public safety, the potential to diminish the rural character of the Town, the reduction in property valuation and the human cost due to mental health disorders caused by habitual use of marijuana.

Donahue asked if Town Counsel has reviewed the language of the amendment to be certain the Town is not in violation of any State laws by not allowing retail sales. Ryan stated he is not positive Town Counsel has reviewed the petition; however the warrant is being signed by Select Board tomorrow, which may indicate there are no issues with the proposed language. Ryan noted if the proposed amendment passes at Town meeting, Chapter 125-14G will need to be amended at a future Town meeting to remove references to retail marijuana establishments.

Jim Breslauer was not in favor of the amendment as proposed. The safe guards put in place to limit retail sales to individuals over the age of twenty-one will assist in prevent from marijuana from getting in the hands of children. In addition, Harvard is already looked upon as a community that is not business-friendly; not allowing a retail business to locate in Harvard would further added to that mindset. Breslauer also noted the potential tax revenue the Town could collect on such a retail business.

Several members of the public spoke in support of the petition citing the same concerns of Medeiros and refuted the comments made by Breslauer.

After a discussion amongst the Board members, it was agreed the Board would not make a recommendation to Town meeting on the petition, but will make the appropriate amendments to Chapter 125-14G at a future Town meeting should this petition pass at the May Town meeting. In addition, the Board will seek advice from Town Counsel on legal liability to the Town by not allowing a retail establishment.

No there was no motion to close or continue the public hearing.

Signed: _____ Liz Allard, Clerk

Harvard Planning Board

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

April 1, 2019

Chair Erin McBee opened the public hearing at 8:07pm 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, Fran Nickerson, Stacia Donahue, Jarrett Rushmore and Kristin Kelly-Munoz (Associate Member)

Others Present: Chris Ryan (DCED), Matt Flokos (Harvard Press), Keri Green (Ag Advisory Committee), Jim Breslauer and Maureen Riteman

125-57 Erosion Control

Keri Green, chair of the Agricultural Advisory Commission (AAC) stated the AAC speaks on behalf of agricultural community in Town, but also for the general homeowners who are conducting agricultural activities on their property, but do not qualify for the exemptions large-scale agricultural entities do. Green stated the AAC still feels strongly that the erosion control bylaw should not apply to the average homeowner. AAC recommends a time frame to complete work be added to the bylaw. Ryan stated most Special Permits have a two-year time frame; this same timeframe could be included here. McBee read comments received by the AAC, which included a comment in regards to the threshold for land clearing. AAC researched other communities and found it to be one-acre of land, as opposed to the 30,000 square feet in this bylaw. McBee explained the 30,000 square foot limitation was determined to be the average area cleared for the construction of a single-family structure here in Harvard. Ryan noted he too found this limitation in other communities, but noted that those communities are required to have a stormwater bylaw, that includes provisions for erosion control, under the EPA's Municipal Separate Storm Sewer System (MS4). Harvard however is exempt from those requirements as a rural community. AAC suggested providing a packet of Best Management Practices (BMP's) and other guidance documents to the applicant's of a minor permit. In addition, the applicant should be required to sign an affidavit of receipt of these documents. On last item the AAC suggested is that the Planning Board designee should be able to issue a minor permit, as opposed to having to attend a planning board meeting. The Board was acceptable to all of the suggested amendments presented by the AAC.

Jim Breslauer stated he supports the bylaw and made a few minor recommended amendments; all of which were acceptable by the Board

125-56 Groundwater Protection Overlay District

Ryan stated advice received from the Department of Environmental Protection states a bylaw must be compliant with 310 CMR 22.21(2). The amendments made to Chapter 125-56 would make the bylaw non-compliant. Ryan suggested returning to the current bylaw, but only referencing the drinking water wells (wells 2 & 5) and applying the regulations only to the area on a property that is within the district itself, as opposed to the entire property. Ryan will be meeting with the Water & Sewer Commission on April 10th to get their input on the proposed amendments.

Riteman thanked the Board for the time spent on making the suggested amendments and noted the associated overlay district map will need to be updated.

Rushmore made a motion to continue the hearing to April 22, 2019 at 7:45pm in the Hildreth House, 15 Elm Street. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Liz Allard, Clerk