

Action Items	Member/Staff Responsible
Confirm with Town Counsel the terms “Shops” and “Sales” under 125-13S	Ryan
Send Pine Hill Village comments to ZBA	Ryan
Send Select Board letter of support for the Open Space Committee	Ryan

**HARVARD PLANNING BOARD
MEETING MINUTES
MARCH 18, 2019
APPROVED: APRIL 1, 2019**

Chair Erin McBee called the meeting to order at 7:15pm 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, Stacia Donahue, Justin Brown, Jarrett Rushmore and Kristin Kelly-Munoz (Associate Member)

Others Present: Liz Allard (LUB Admin), Chris Ryan (DCED), Matt Flokos (Harvard Press), Davis K. Polsey (Hall Pump), Kristy Polsey (Hall Pump), Michael Polsey (Hall Pump) and Thomas Gibbons

Request for Consideration of Permitted Uses

Attorney Thomas Gibbons explained to the Board the Building Commissioner/Zoning Enforcement Officer, Gabriel Vellante, has determined Attorney Gibbons client, Hall Pump, does not meet the requirements under Chapter 125-13I or S for medium-scale commercial uses, because there will be no retail sale of products at the proposed location, 262 Ayer Road. Attorney Gibbons argued Hall Pump conducts field visits to clients' properties for the purpose of repairing pumps on-site, which includes the sale of products for those repairs. Ryan explained the Board has been requested to make an interpretation and not a decision; therefore they would not be setting a precedent. Attorney Gibbons further argued Hall Pump is similar to any other trade type business, such as those listed in 125-13S. Attorney Gibbons state the language in 125-13S states “Shops” and “sales” not “Shop” and “sale”, meaning they are separate and not combined.

The Board pondered 125-13I and concluded this provision was exclusive to service of off-road use. The provision under 125-49A Enforcement and the role of the Board was discussed. Allard stated Town Counsel, Mark Lanza, has suggested in the past if a word is not defined within the bylaw then you should look towards a reliable source for said definition such as Merriam-Webster (M-W). “Sales” according to M-W is defines as “operations and activities involved in promoting and selling goods and services”.

After briefly discussing further, Donahue made a motion to effect the Planning Board considers Hall Pump Sales & Services Corporation compliant with Chapter 125-13S of the Protective Bylaw, based on the definition of “sales”, which Merriam-Webster defines as “operations and activities involved in promoting and *selling goods and services*” (emphasis added). In addition, the Planning Board will seek advice from Town Counsel on the terms “Shops” and “Sales”. Rushmore seconded the motion. The vote was unanimously in favor of the motion.

Joanne Saprapasen, who represents Community Adult Daycare Center, LLC, had requested that Vellante make a determination as to whether or not an Adult Daycare Center is allowed within the commercial

district. After discussing the use and services to be provided, and the language within Chapter 125-13H and W, Rushmore made a motion it is the opinion of the Planning Board that the proposal of Community Adult Daycare Center, LLC, for a non-residential senior daycare facility at 16 Lancaster County Road is not in harmony with the allowed uses under Chapter 125-12, 125-13 or 125-14 of the Protective Bylaw. Donahue seconded the motion. The vote was unanimously in favor of the motion.

The Board did agree they would entertain an amendment to the Protective Bylaw that would allow for such a use, should Saprapsen wish to further pursue bringing such a business to Harvard.

Board Members Reports – Committee Activities

Donahue attended the monthly Montachusett Regional Planning Commission (MRPC) meeting at which the District Local Technical Assistance (DLTA) grant was awarded for the creation of a Permitting Guide for the Land Use Boards. MRPC received more DLTA applications than typical, therefore any community wishing to apply for the second round may do so, but MRPC may have to limit awards to one per community.

Brown attended the Citizen Planner Training Collaborative annual conference this past Saturday and found it useful to connect with other planners and to hear from those communities. Brown took part in three workshops over the course of the day, which included Site Plan Review, Roles & Responsibilities of Planning Board and Zoning Board of Appeals members, and Writing Defensible Decisions.

The Municipal Vulnerability Preparedness (MVP) completed the second workshop focused on agricultural, which was much better than the previous workshop. A major recommendation from those in attendance is for fair taxation of agricultural properties and the associated inventory. The MVP subcommittee has scheduled the Community Resilience Building workshops for April 11 & 25 from 6-9pm at Town Hall.

McBee reported on the recent Land Use Boards meeting at which Pine Hill Village, the Chapter 40B project along Stow Road, was the main topic. The applicant has completed the process with the Board of Health and is now before the Conservation Commission (ConCom) to finalize the plan under the Order of Conditions. The ConCom and the Zoning Board of Appeals will be seeking to have additional oversight on the project beyond those available by Town employees.

McBee attend the newly formed “Conservation Coffee” at the General Store. This group brings together conservation minded individual to assist in understanding what others in Town are doing in regards to conservation. There is no formal agenda, simply an open forum to encourage discussion.

Director’s Report

Ryan reviewed his questions and comments on Pine Hill Village, the Chapter 40B project along Stow Road, which includes:

- Assume curbside trash pickup
- Assume common mailbox near entrance to Stow Road.
- Is a community sign on Stow Road proposed? Do we have a rendering?
- Rain gardens don’t seem very organically shaped. Just smaller retention basins?
- Any screening adjacent to other properties to the north?

The Board recommended these comments be sent to the Zoning Board of Appeals.

Ryan stated the proposed Open Space Committee is reasonable and good to do. Donahue thinks it is necessary, but needs representation from Park & Recreation Commission. She stated that this would be a good group to update the Open Space and Recreation Plan, as well. Donahue made a motion to recommend to the Select Board the creation of an Open Space Committee that would include representation from the Park & Recreation Commission. Brown seconded the motion. The vote was unanimously in favor of the motion.

Ryan met recently with the Chair of the Bare Hill Pond Watershed Management Committee, Bruce Leicher, to discuss the Erosion Control bylaw. In general, the Committee feels the document is too long, confusing and arbitrary. Ryan has taken comments into consideration as reflected in Version 7 of the Erosion Control bylaw.

Approve Minutes

Donahue made a motion to approve the minutes of March 4, 2019 as drafted. Brown seconded the motion. The vote was unanimously in favor of the motion.

Continuation of a Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, Amendments Hearing. Opened at 9:29pm (see page 4 for complete details)

Pine Hill Village (Chapter 40B), Stow Road

See Director's Report above.

Review Open Space Committee Proposal

See Director's Report above.

Adjournment

Donahue made a motion to adjourn the meeting at 9:56pm. Brown seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Planning Board Agenda, dated Monday March 18, 2019

Report of the Director of Community and Economic Development, March 18, 2019

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 3_2019
- §125-57 Erosion Control, Version 7, 03/05/19

Harvard Planning Board

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

March 18, 2019

Chair Erin McBee opened the public hearing at 9:29pm 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, Stacia Donahue, Justin Brown, Jarrett Rushmore and Kristin Kelly-Munoz (Associate Member)

Others Present: Liz Allard (LUB Admin), Chris Ryan (DCED) and Matt Flokos (Harvard Press)

125-57 Erosion Control

Ryan stated he has revised the bylaw as recommended by Bare Hill Pond Watershed Management Committee. Ryan has updated referenced sections throughout the document and recommended moving the definitions to the end of the document. Members pondered whether or not the creation of the waivers and exemptions has negated the need for minor permit; Ryan will further review.

125-56 Groundwater Protection Overlay District

As in the Erosion Control bylaw, Ryan suggests moving definitions to the end; the Board agreed. As advised by the Water & Sewer Commission, the protection associated with Well 3, on Bolton Road, will remain in place.

Donahue made a motion to continue the hearing to April 1, 2019 at 7:45pm in the Town Hall, 13 Ayer Road. Brown seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Liz Allard, Clerk