

**HARVARD PLANNING BOARD
MEETING MINUTES
JANUARY 27, 2014
APPROVED: MARCH 17, 2014**

Chair Kara McGuire Minar opened the meeting at 7:33pm at the Center on the Common under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Kara McGuire Minar, Jim Breslauer, Joe Hutchinson and Erin McBee

Others Present: Liz Allard (LUB Admin), Bill Scanlan (Town Planner), Rob Oliva (Ross Assoc.), Leo Blair (BOS), Jim Stevens (EDC), Michael Giaimo (Robinson & Cole LLP), Anne McGuinness (Verizon Wireless Real Estate), Dan Goulet (Engineer for Verizon Wireless), Rich Nota (Public Works Director), Jordan Blair (Atty. for Leo Blair), Judi Barrett (RKG Assoc.), Victor Normand (MPSC) and Didi Chadran (MPSC)

Site Plan Approval – Harvard Public Schools, 39 Massachusetts Avenue

Rob Oliva, of Ross Associates, and Rich Nota, the Public Works Director, were present to discuss the improvements to the parking lot at the high school behind the library. Oliva explained there is no plan to increase the existing size of the lot, but rather to smooth out the overly heaved lot, improve drainage and add a sidewalk on the west side of the lot, connecting to the existing side walk on Pond Road. The plan calls for an under drain swale along the slope on the east side of the lot. The swale will aid in reducing icing that currently exists in the lot. Drainage has been sized for a ten year rain event. Erosion control barriers have been proposed along the length of the parking area to protect the lower playing field. The plan provides for two cross walks and new curbing along the edge. The plan will increase the number of parking spots by two.

McGuire Minar asked about the student drop off area at the back of the school and, asked should the plan designate that area. McGuire Minar explained parents dropping off children in the morning tend to slightly pull off to the side to drop off younger students at the back of the school. This causes a back-up in that lane, while others jockey for position the left lane. McGuire Minar and others present who drop off on a daily basis agreed that resolving the issue would be helpful to the process in the morning.

Scanlan asked about including landscaping on the plan. Nota stated there was no money in the budget for landscaping.

A discussion about adding an additional side walk on the east side of the lot was had. Oliva stated there was no room for a sidewalk on east side of lot due to the proposed swale and the existing slope. If parts of the slope are removed you will need to design a retaining wall, therefore increasing the cost of the project. Members requested the two concerns, the drop off and the additional side walk, be reviewed and the applicant return on February 3rd with recommended changes to the plan.

Modification of Special Permit Hearing– Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless, 47 Poor Farm Road. Opened at 7:59pm

Master Plan Update with Judi Barrett, Leo Blair & Jim Stevens

Hutchinson stated the Master Plan Steering Committee (MPSC) will finish the stake holder interviews tomorrow. Members of the MPSC are meeting with the boards and committees to discuss the five priority issues that came out of the Phase I process; those being Devens, Ayer Road Commercial District, Housing, Town Center and Conservation. Hutchinson stated this is the beginning of the process with the boards and committees, as they will be the ones who will implement the tasks outlined in the final master plan. MPSC is looking to schedule focus group meetings centered on those issues. MPSC is cranking up

web design, press releases, such as the “Consider This” article recently in the Harvard Press, in addition to direct mailer’s for events coming up.

Judi Barrett, the consultant on Phase II of the Master Plan, was present this evening as part of an update to the Planning Board on the Master Plan status. Barrett stated she will be in an information gathering mode throughout the process. Barrett wants to be certain everyone (Planning Board, MPSC and Town staff) is communicating throughout process. Barrett was recently asked if we are just duplicating what happened in Phase I, she stated no. Barrett would really like to have instructions well vetted before it gets to her.

Leo Blair, a Harvard Board of Selectmen and representative to the Joint Boards of Selectmen (JBOS), was present to discuss the current status of the JBOS. Blair stated last year the JBOS started to try and figure a way to get a sense of what the towns want in regards to Devens. All three towns (Ayer, Harvard & Shirley) have a difficult time with giving up parts of their towns to Devens. If the towns want to hold on to their historical boundaries within Devens they are going to have to do something with the land. JBOS was working toward a non-binding question that would leave the Devens Enterprise Zone as an overlay district and allow the towns to retain “ownership” of the underlying district.

However, Mass Development has started talking about governance and their continuance until 2033. A recent letter from Marty Jones states that Mass Development is here for the duration. The residents of Devens have a vote first; if they say no then it does not go to the towns for the non-binding vote. Blair pointed out that currently Devens consists of 400 to 500 potential voters, who can vote in Harvard and pay no taxes to Harvard. These voters could easily change the face of Harvard. Blair stated Ayer is in the same mind set, which is, let’s make an overlay district and retain town “ownership”.

Breslauer stated he feels Blair is flying in the face of the Phase I results. Hutchinson stated Phase I wanted a direction for Devens set, not a vote on whether or not to take the historical boundaries back. Barrett suggested creating a framework within the plan that outlines the issues that need to be addressed; but to make the Master Plan answer the question should Harvard take back Devens is not realistic. Victor Normand, a member of the MPSC, stated the Master Plan should set out the issue so the town can figure out how to address those issues.

Jim Stevens, chair of the Economic Development Committee, asked about the wait and see effect happening with economic development in Harvard because of Devens. Stevens stated there is currently no area within Devens for a grocery store. Stevens noted the proponents for a gas station, which were recently before the Planning Board, are still interested; and there are individuals still talking with Hannaford for a grocery store in Harvard. Scanlan asked if the Master Plan would address the issues within the commercial district. Hutchinson stated the MPSC will be putting that out there to determine what it is the town wants.

It was agreed the Master Plan should detail the critical decisions, how to implement those decisions and what boards and committees will be responsible for the implementation.

Approve Minutes

Minutes were not available for approving.

ZBA Request for Comments – Collins/Talbot, 74 Bolton Road

Scanlan reviewed the application before the ZBA of 74 Bolton Road for the creation of an accessory apartment on a pre-existing non-conforming lot. Scanlan stated the lot is long narrow with the house set back 500’ from road. The application proposes three different options for the apartment. The first would be a separate accessory structure; the second would be a two-story addition to the existing house, with the accessory apartment occupying the first floor of the addition; and the third option would not be for an accessory apartment, but just a two-story addition to the existing dwelling. Members felt it was not up to the boards to decide which option is best for the applicant, but that the applicant must choose one of the options. Allard explained there was conflicting advice received on the language of the Protective Bylaw and the applicant

felt this was the best way to approach the request. Allard noted the applicant has expressed a desire to construct the detached structure. Hutchinson stated with no visuals of the existing neighborhood it is hard to determine the impacts this may have to that neighborhood. Members agreed Scanlan should review the site and report back to the Board at the next meeting.

Approve of Invoices

Allard stated the following invoices have been received for payment on the next bill warrant.

- ❖ William Scanlan - \$1920.00 (Town Planner)
- ❖ William Scanlan - \$2400.00 (Town Planner)
- ❖ RKG Associates - \$3000.00 (Master Plan Consultant)

Breslauer made a motion to approve the above mentioned invoices for inclusion on the next bill warrant. McBee seconded the motion. The vote was unanimously in favor of the motion.

Breslauer left the meeting at 10:07pm

Update of the 2014 Protective Bylaw Amendments

Scanlan reviewed the proposed Protective Bylaw amendments for the 2014 annual Town Meeting. Those include: §125-31 Driveways; §125-3 Existing Structures and uses, 125-54 Floodplain Districts, the zoning map, Medical Marijuana Treatment Centers and an Adult Entertainment District

Scanlan explained he recently attended the ZBA meeting to discuss the revision to §125-3 which has language that makes it difficult to navigate each time the ZBA has an application. A revised version of the provision was discussed at the ZBA meeting with a few items for the Planning Board to work out during the hearing process. A draft of the revisions had previously been distributed to the members.

The zoning map will require the correction to the wireless communications tower overlay district as discussed at the January 8th meeting. Montachusett Regional Planning Commission will make the correction at no charge to the Town.

Scanlan distributed a proposed amendment for the Medical Marijuana Treatment Centers and the Adult Entertainment District for member to review.

The hearings for all of the above mentioned amendments, with the exception of Adult Entertainment District, will be opened on February 3rd. The hearing for the Adult Entertainment District will open on February 24th.

Adjournment

Hutchinson made a motion to adjourn the meeting at 10:27 pm. Mc Bee seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

Harvard Planning Board

Modification of Special Permit Hearing

**Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless,
47 Poor Farm Road**

January 27, 2014

Chair woman Kara McGuire Minar opened the hearing at 7:59pm at the Center on the Common under MGL Chapter 40A and the Code of the Town of Harvard, Chapter 125 the Protective Bylaw

Members Present: Kara McGuire Minar, Jim Breslauer, Joe Hutchinson and Erin McBee

Others Present: Liz Allard (LUB Admin), Bill Scanlan (Town Planner), Michael Giaimo (Robinson & Cole LLP), Anne McGuinness (Verizon Wireless Real Estate) and Dan Goulet (Engineer for Verizon Wireless)

Michael Giaimo, the attorney for Verizon Wireless, explained Verizon Wireless is in need of coverage on the north side of Harvard and are proposing a 12 foot extension to the existing wireless tower at 47 Poor Farm Road. The extension will be covered with the traditional tree branches. The top of the tower itself will be at a height of 116 feet, with additional braches covering the top of the tower, bringing the total height to 121 feet. The current Protective Bylaw does not allow for a tower to exceed 125 feet, §125-27D(2)(b)[1][b]; a variance from the Zoning Board of Appeals (ZBA) was sought and granted. The applicant is seek a Special Permit from the Planning Board under §125-27D(1) for the extension of the existing tower. Giaimo submitted a revised plan based on the meeting with ZBA.

Dan Goulet, an engineer for Verizon Wireless, explained the coverage area map, which indicates a significant gap between Routes 2 and 111.

Scanlan had previously requested space for the Town for emergency equipment and the applicant had indicated they are not the owners of the tower itself.

After brief discussion, McBee made a motion to close the hearing and issue a Special Permit to Bell Atlantic as provided for under §125-27D. Hutchinson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Site Plan Approval – Harvard Public Schools, 39 Massachusetts Avenue

- ❖ Site Plan of Land in Harvard, Mass. Prepared for Harvard Public Schools “Pond Road Parking Area”, prepared by David E. Ross Associates, Inc, Plan #L-12247, Project#29358, dated January 2014

Modification of Special Permit Hearing– Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless, 47 Poor Farm Road

- ❖ Site Name: Harvard East MA, Address: 47 Poor Farm Road Harvard, MA, plans prepared by ProTerra Design Group, LLC, dated 1/27/14

Update of the 2014 Protective Bylaw Amendments

- ❖ Amendment for Medical Marijuana Treatment Center, filed dated 1-24-2014
- ❖ Amendment for Adult Entertainment, filed dated 1-21-2014