

**HARVARD PLANNING BOARD
MEETING MINUTES
FEBRUARY 24, 2014
APPROVED: MARCH 17, 2014**

Chair Kara McGuire Minar opened the meeting at 8:28pm 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 and Joe Hutchinson

Others Present: Liz Allard (LUB Admin), Bill Scanlan (Town Planner), Mark Lanza (Town Counsel), Valerie Hurley (Harvard Press) and Denyse Cox

Board Member Reports

Hutchison stated the Master Plan Steering Committee has scheduled roundtable discussion for next week. On Monday evening the discussion will be town center and public facilities; Tuesday evening the discussion will be on housing and conservation; Wednesday evening discussion will be on transportation and the commercial district; Saturday's discussion will on Devens and its impact on the Town.

Planner Report

Scanlan reported that he had prepared the Special Permit decision for Bell Atlantic at 47 Poor Farm Road and the Site Plan approval for the Harvard Public Schools for the parking lot on Pond Road. Both decisions are ready for final signatures this evening.

Approve Bell Atlantic Decision – 47 Poor Farm Road

Scanlan has previously distributed the Special Permit Decision for Bell Atlantic at 47 Poor Farm for the members review. With no further comments, Hutchinson made a motion to approve the decision as drafted. Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Approve Invoices

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

- ❖ William Scanlan - \$4800.00 (Town Planner)
- ❖ Citizen Planner Training Collaborative - \$60.00
- ❖ RKG Associates - \$3100.00 (Master Plan)

Breslauer made a motion to approve the above mentioned invoices for inclusion on the next bill warrant. Hutchinson seconded the motion. The vote was unanimously in favor of the motion. Hutchinson requested the RKG bill be approved by the Master Plan Steering Committee before being submitted for payment.

Discuss Board of Selectmen Request for Bylaw Amendment to increase the allowable size of a Grocery Store to 45,000 square feet

McGuire Minar stated the Planning Board received a request from the Board of Selectmen on February 10, 2014 to develop a warrant article for re-zoning the permitted size of a grocery store. McGuire Minar asked Attorney Lanza for a briefing on the proper procedures for bylaw amendments. Attorney Lanza stated a proposal may be initiated by one of the following: Board of Selectmen (BOS), the Zoning Board of Appeals, an individual who owns land which would be affected by the proposal, ten or more registered voters (for annual town meeting), a Planning Board (PB) or a regional planning agency. Within fourteen of receipt of the proposal, the BOS must submit the proposal to the PB. The PB must hold a public hearing within sixty-five days after receiving the proposal. Following the public hearing, the PB is allowed the opportunity to submit a report with recommendations to the town meeting. If the PB fails to do so within twenty-one days after the hearing, the legislative body may proceed in the absence of such report. After receipt of the PB's report or after the lapse of the twenty-one day period without such a report, the

legislative body may adopt, amend and adopt, or reject the proposal. Two-thirds vote is required to adopt or change a zoning bylaw.

Attorney Lanza believes this discussion is a moot point, as it is his understanding that the BOS are signing the final Town Meeting warrant this evening, thereby closing the warrant to any additional articles.

McGuire Minar stated there has been no formal proposal drafted for the PB to review; the memo from the BOS indicates they would like the PB to create the proposed language, which is not the typical process for bylaw amendments proposed by others.

Breslauer stated it seems to make sense to him that this proposed amendment should be part of the Master Plan process. Hutchinson explained in Phase I the consultants suggested a mini-visioning process with the residents of North Harvard in regards to the development of the commercial district.

Breslauer made a motion that due to the time constraints and to be able to have an open deliberate discussion, the Planning Board has decided not to develop or sponsor the requested amendment to increase the allowable size of a grocery store for the 2014 annual town meeting. Hutchinson seconded the motion. The vote was unanimously in favor of the motion.

Continuation of the Protective Bylaw Amendments Hearing. Opened at 8:00pm

Adjournment

Breslauer made a motion to adjourn the meeting at 9:17pm. Hutchinson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

Harvard Planning Board

Continuation of the Protective Bylaw Amendments Hearing

February 24, 2014

Chair Kara McGuire Minar opened the hearing at 8:00pm 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 and Joe Hutchinson

Others Present: Liz Allard (LUB Admin), Bill Scanlan (Town Planner), Mark Lanza (Town Counsel) and Valerie Hurley (Harvard Press)

125-27 Wireless Communications Towers Overlay Districts

The members had previously discussed a provision within the wireless communications towers overlay districts to allow for space for emergency equipment on a tower. It seems from those previous discussions that it comes down to whether or not the members want to say the provision "shall" or "may", which "shall" is a requirement and "may" is an option. Attorney Lanza stated he does not see any issue with either, however if this is done as "shall" it may be difficult to require a property owner and tower owner to do so free of charge. Scanlan pointed out that the installation of any safety equipment would be at the expense of the Town. Attorney Lanza noted the tower owner will be giving up a portion of the tower that can be leased. Attorney Lanza stated it would be best to get the details worked out during the hearing process so that it does not look as though it was put in after the fact. Breslauer stated he prefers "shall"; as does Hutchinson.

With no further comments, Breslauer made a motion to accept the amendment to 125-27 Wireless Communications Towers Overlay Districts as drafted for inclusion on the warrant of annual town meeting. Hutchinson seconded the motion. The vote was unanimously in favor of the motion.

125-54 Floodplain Districts

Members had previously discussed the proposed amendments to 125-54 at the February 3rd meeting. There is no new information for this amendment. Hutchinson made a motion to accept the amendment to 125-54 Floodplain Districts as drafted for inclusion on the warrant of annual town meeting. Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Zoning Map

Members had previously discussed the proposed changes to the Zoning Map at the February 3rd meeting. There is no new information for this amendment. Hutchinson made a motion to accept the amendment to the Zoning map as proposed for inclusion on the warrant of annual town meeting. Breslauer seconded the motion. The vote was unanimously in favor of the motion

Breslauer made a motion to continue the hearing on the following bylaw amendments:

- ❖ Existing structures and uses
- ❖ Driveways
- ❖ Medical Marijuana Treatment Centers
- ❖ Adult Entertainment Districts

to March 10, 2014 at 7:30pm Hildreth House. Hutchinson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk