

**HARVARD PLANNING BOARD
MEETING MINUTES
MARCH 16, 2015
APPROVED: APRIL 6, 2015**

Chairwoman Kara McGuire Minar opened the meeting at 7:03pm in the Town Hall Meeting Room under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Kara McGuire Minar, Erin McBee, Joe Hutchinson, Don Graham and Michelle Catalina

Others Present: Liz Allard (LUB Admin.), Bill Scanlan (Town Planner), Jon Bishop (Nashoba Publishing), Phil Cunningham, Fran Nickerson

Board Member Reports

Catalina stated the Municipal Affordable Housing Trust (MAHT) has a very short meeting and then went into executive session. Town Counsel was present to explain the open meeting law and the allowable reasons for going into executive session. The MAHT is moving forward with the sale of the Poor Farm at 166 Littleton Road and have hired a realtor to sell the property.

Planner Report

Scanlan stated he has been working on the commercial design standards report for the Commercial Design Standards Task Force. The Task Force has requested the Bolton and Northborough Town Planners attend an upcoming meeting to discuss how these standards have worked in their communities. McGuire Minar suggested speaking with Bellingham Town Planner as well. McGuire Minar will reach out to resident who is formerly of Bellingham and was on the ZBA there to get her input.

Scanlan stated he worked on a request for a zoning determination from Middlesex Gases, who was seeking to locate a facility at 202 Ayer Road, with approximately eight tanker trucks at this facility containing nitrogen, argon, and carbon dioxide. These trucks would be re-fueled at night by large eighteen-wheeler trucks. The Zoning Enforcement Office (ZEO) has deemed this to be a trucking facility, which is not allowed under the Protective Bylaw. The decision of the ZEO can be appealed to the Zoning Board of Appeals if Middlesex Gases chose to do so.

McBee arrived at 7:14pm

Protective Bylaw Amendments Hearing. Opened at 7:16pm

Approve Minutes

McBee made a motion to approve the minutes of March 2, 2015 as amended. Graham seconded the motion. The vote was 4-0 with Catalina abstaining from the vote.

Discuss Town Center Traffic Committee

A draft letter, to be sent to prospective members of a task force that will assist in the Town Center traffic study under the Unified Planning Work Program, had been circulated to the members earlier today for their review. The project is to be completed by September 30th. Scanlan was asked to inform Montachusett Regional Planning Commission that any traffic

counts should take place prior to the end of the school year as a large majority of the community leaves town for the summer.

With no revisions to the drafted letter, McGuire Minar made a motion to approve the letter for distribution to the individuals listed at the previous meeting. McBee seconded the motion. The vote was unanimously in favor of the motion.

Approve Invoices

The following invoices have been received for payment on the next bill warrant:

- William Scanlan -\$2400.00 (Town Planner)
- Harvard Press - \$250.00

McGuire Minar made a motion to approve the above mentioned invoice. Catalina seconded the motion. The vote was unanimously in favor of the motion.

Discuss Next Steps with the Master Plan

Hutchinson stated the Master Plan Steering Committee (MPSC) has met to discuss how to proceed with getting the Master Plan completed in a timely manner. Hutchinson explained when the MPSC received the drafts of chapters 3 & 4 of the Plan they realized in order to do a thorough review they would need the entire Plan all at once. The MPSC received the Devens framework from the consultants, but could not make heads or tails of it. After some very frustrating communications with the contractor Hutchinson sought the assistance of the Town Administrator and the Finance Director on how to get to the end point with the contractor or to terminate the contract. The MPSC was not confident that the end product from the existing contractor would be a quality document based on the trend of the already received documents. Hutchinson stated the MPSC voted to ask the Planning Board not to extend the contract with RKG.

McGuire Minar wondered what the next steps should be. There is less than 50k in funds remaining to complete the master plan currently. If you go the route of hiring a new contractor you would have to have the process of going out to bid and approving a new contractor by June 30th. If the current contractor decides to take legal action then the existing funds would be tied up until a court decision or settlement is made.

Hutchinson made a motion to not extend or pay RKG any further. Catalina seconded the motion.

McBee asked if there are any outstanding charges from RKG. Hutchinson stated RKG could bill for Chapter 3 & 4 and the Devens framework. Scanlan stated RKG has proposed to assign a different planner to lead the project. Scanlan suggested this may be something the PB may want to consider; he further suggested meeting with this individual. Scanlan feels RKG is trying to come up with a solution. McGuire Minar stated she and the Town Administrator were going to make one more attempt to meet with the president of RKG to see if there is a reasonable solution to the matter. Catalina thinks there is no better planner than Judi Barrett; she has concerns with this firm finishing this work. Catalina stated there have been problems throughout the project; she is concerned with the quality of work and this is not a new problem that has plagued the MPSC throughout the project. McGuire Minar argued the point of starting with a new contractor with limited funds; bidders will be low enough to have a poor quality report. Will RKG be willing to turn over all of their documents to these new contractors? McGuire Minar thinks this option would be tough going. Catalina has grave concerns over this. Hutchinson stated you could section out the Master Plan and have several contracts.

Members of the PB should attend the MPSC meeting this Thursday to further vet the process. McGuire Minar questioned the fact that the MPSC was not getting one final reviewed document back to RKG for editing, but was submitting individual comments from members of the Committee. Hutchinson reiterated that the MPSC wanted a completed document to review before making comments. Hutchinson noted RKG has consistently missed deadlines throughout this process. Graham thinks bringing on a new contractor is counter productive. Scanlan thinks RKG would have very big hurdles to over come to gain the confidence of the MPSC at this point. Hutchinson stated having Barrett at the table to discuss and have her on board to take this to the goal line would help make the decision of extending the contract easier. The members voted 1-4, with Hutchinson in favor of the motion. The motion was denied.

Adjournment

McBee made a motion to adjourn the meeting at 9:28pm. Hutchinson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

Harvard Planning Board

Protective Bylaw Amendments Hearing

March 16, 2015

Chairwoman Kara McGuire Minar opened the hearing at 7:18pm in the Town Hall Meeting Room under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Kara McGuire Minar, Erin McBee, Joe Hutchinson, Don Graham and Michelle Catalina

Others Present: Liz Allard (LUB Admin.), Bill Scanlan (Town Planner), Jon Bishop (Nashoba Publishing) Phil Cunningham, Fran Nickerson

This hearing was continued from February 23, 2015 for the amendments to the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard.

Adult Entertainment District

Scanlan stated the Attorney General's office has accepted the revised provision for adult entertainment . Scanlan has revised the informational map used last year for both the medical marijuana and the adult entertainment buffers, to only include text that refers to adult entertainment. After a brief discussion, the members agreed the map should indicate the allowable areas for such a business. Scanlan will revise the map to include that designation.

With no further comments in regards to the amendment, McGuire Minar made a motion to accept the amendments to the Protective Bylaw, Chapter 125 as it pertains to adult entertainment use and its associated definitions. Catalina seconded the motion. The vote was unanimously in favor of the motion.

Graham made a motion to close the hearing as it pertains to adult entertainment. Catalina seconded the motion. The vote was unanimously in favor of the motion.

Amend the Zoning Map

With the acceptance of the revisions to the zoning map at the February 23, 2015 meeting, Graham made a motion to close the hearing as it pertains to the amendments to the zoning map. Hutchinson seconded the motion. The vote was unanimously in favor of the motion.

Amend 125-2 Definitions

Members continued the discussion from the previous meeting in regards to the definition of building and how it could be limiting to different types of development, such as assisted living. It was noted currently, assisted living facilities are not allowed under the Bylaw.

Members discussed the term "courts" versus "courtyard". It was agreed to keep the term "courts" within the definition of building.

McGuire Minar made a motion to accept the amendment to the Protective Bylaw for the addition of the definition of "building" in Chapter 125-2. Graham seconded the motion. The vote was unanimously of the favor.

McBee made a motion to accept the amendment to the Protective Bylaw for the addition of the definition of "grocery store" in Chapter 125-2. Graham seconded the motion. The vote was unanimously in favor of the motion.

McGuire Minar made a motion to close the hearing as it pertains to the amendments to definitions. Hutchinson seconded the motion. The vote was unanimously in favor of the motion.

Amend 125-39B Standards for Driveways

McGuire Minar stated she has found that Bellingham has an extensive traffic impact analysis section within their bylaw. Members discussed trip generation counts and what would be suitable for traffic studies. Members agreed additional information would be necessary prior to closing the hearing on this amendment.

McGuire Minar made a motion to continue the hearing for the amendments to Chapter 125-39B(5)(a), Nonresidential Driveways, to March 28, 2015 in the Bromfield Gymnasium at 8:30am.

With the limited number of members at Annual Town Meeting (ATM) it was determine that the members attend ATM will participate in presenting amendments.

Signed: _____
Liz Allard, Clerk