

**HARVARD PLANNING BOARD
MEETING MINUTES
DECEMBER 21, 2015
APPROVED: JANUARY 4, 2016**

Vice Chair Erin McBee called the meeting at 7:04pm in the Hapgood Room at 7 Fairbank Street under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Erin McBee, Don Graham, Michelle Catalina and Fran Nickerson

Others Present: Liz Allard (LUB Admin.), Bill Scanlan (Town Planner), Maren Caulfield (Harvard Press), Worth Robbins, Rick Roper, Steve Mullaney, Stu Sklar

Board Member Reports

Scanlan stated the Master Plan Steering Committee wanted to expand the contract with Burns & McDonnell to incorporate their key findings into the Master Plan. Funding for the Master Plan was not extended past June 30, 2015, therefore there are no available funds to expend not only the contract, but to complete the Master Plan. McGuire Minar is working to seek additional funding prior to Town Meeting; otherwise the Planning Board will need to request a warrant article for the funds.

McBee stated the members of the Commercial Design Guideline Task Force seem willing to serve on the committee as recommended by the guidelines. Scanlan stated the Town will need to create and approve this committee as a general bylaw at Town Meeting. In addition, the design guidelines recommended amendments to the Protective Bylaw. Scanlan is anticipating a public meeting in February to release the design guidelines and receive feedback. Scanlan has prepared a draft for the needed amendments. Members discussed the best way to tackle the large number of revisions that will need to be done in order to make the required amendments.

On the matter of whether or not to create a committee for the commercial design guidelines, Catalina suggested a sub-committee that meets jointly with the Planning Board and a potential developer prior to filing with the Planning Board. Catalina wants to avoid a committee telling a developer that everything looks great and then the Planning Board turning down the proposal, because of other stipulations within the Protective Bylaw. Scanlan stated the thought was that there would be initial review by the committee rather than trying to work with a large number of people. The committee would be made up of those who would be well versed on the guidelines. McBee noted the Town of Bolton has a committee. Catalina is okay with the committee as long as there is a Planning Board member on it. McBee stated there would be, along with the Town Planner.

Graham asked if the design guidelines are an option or required. Scanlan stated required; adding a developer would provide conceptual layouts and no final decision would be made by the committee. Catalina asked if there would be any issues with getting a quorum of the committee. Scanlan stated the committee would only meet when necessary, with the stipulation that they have 30 days to review and make a recommendation to the Planning Board. Graham asked if this is something the Town Planner could review rather than a committee. This topic will require further vetting at the next meeting as time is running short as it pertains to warrant articles for annual town meeting.

Protective Bylaw Amendments Hearing. Opened at 7:40pm

Charter Commission

Worth Robbins was present to discuss with the Planning Board his desire to gather the required signatures to have a question on the ballot in April in regards to the Town of Harvard creating a Charter Commission. Robbins explained the 1966 Home Rule Amendment process by which a town could create a Charter Commission; the charter is reviewed locally, approved by the Attorney General, then enacted into law by the Legislature and further approved by an annual town meeting vote. Robbins further explained a charter is like the constitution for a town, the frame work or structure of how the governance in town runs, such as positions in town being elected or appointed.

In order to be on the ballot in April Robbins needs to collect signatures from 15% of the registered voters in town. At the same time the question is on the ballot, the nine members of the commission are elected.

Catalina asked why Robbins thinks Harvard needs this now. Robbins stated a 2011 report from the Division of Local Services recommended Harvard adopt a charter. In addition, the 2002 Master Plan calls for a review of the governance of the Town.

Robbins also detailed the process currently taking place by the Board of Selectmen to determine whether or not Harvard should go from a Town Administrator to a Town Manager. Robbins indicated the process is not transparent. Robbins concluded by stating eight-nine towns in Massachusetts have adopted this process.

Maxant Land Proposal

Rick Roper, a developer from Ayer and Steve Mullaney, of S.J. Mullaney Engineering, were present to discuss with the Planning Board the property that is for sale along Ayer Road current owned by the Theodore Maxant (Map 2 Parcel 8). Roper is interested in the developing the 17 acre property with an affordable housing component. Roper's target demographics are young families and those looking for down-size housing. Roper has approached the Ayer Department of Public Works in regards to connecting to Ayer's water and sewer.

It would be Roper's desire to complete this project as a Local Initiative Program (LIP) project. Roper is aware of the process in Harvard as it pertains to a LIP project. In addition, he is aware of the limitations he will face as the property has a stream that runs through it. Roper has taken into consideration the residents on Myrick Lane and maintaining screening between the existing neighborhood and this project.

Catalina advised Roper against the pitfalls other proposals have met in Town as it pertains to affordable housing. Although rental units allows for all of the units to be counted toward the subsidized housing inventory, Harvard has not been receptive to this type of housing recently. The number of units should be considered carefully; if the number of units proposed is one that does not fit well into the landscape, those who are in opposition of such a development will get hung up on the original number, even if you reduce it. Catalina also agreed that screening between the Myrick Lane residents and this development should be carefully considered.

Scanlan believes a LIP project would be the way to go with this. Catalina believes a development in the range of 36 units may be better received by local residents. Scanlan asked if the Town of Harvard would need to be involved with an agreement with the Town of Ayer in regards to water and sewer. Roper was not sure and would to have further discussions with the Town of Ayer.

Planner Report

Scanlan stated he and others would be meeting tomorrow with the consultant for the Ayer Road rotary.

Approve Minutes

Graham made a motion to approve the minutes of November 2, November 16 and December 7, 2015 as drafted. Catalina seconded the motion. The vote was unanimously in favor of the motion.

Approve Invoice

Allard stated the Board has received the following invoice for inclusion on the next bill warrant.

- William Scanlan - \$2700.00

Nickerson made a motion to approve the above mentioned invoices. Graham seconded the motion. The vote was unanimously in favor of the motion.

Protective Bylaw Amendments

- Assisted Living Use
Catalina stated this type of use would have an impact on an ambulance service that is already stretched. On January 4th Catalina will present a statement she would like to release to the residents of Town, perhaps through such outlets as Nextdoor Harvard, to get feedback on whether or not there is a desire to allow such use in Town. Members also need to consider the size of such a facility and what will be tolerated in Town. Catalina would suggest 40,000 square feet.
- 125-35 Open Space & Conservation – Planned Residential Development
Members agreed there is not enough time to get together an amendment to this provision of the bylaw for the upcoming town meeting.
- Commercial Design Guidelines
Members continued the discussion from earlier in the evening (see Board Member Reports, above). There was an overall feeling that a design review board could create more gridlock in development, thereby deterring interest in developing in Harvard. Members agreed to further discuss this matter and the need for bylaw amendments at the next meeting.

Town Planner FY17

The members briefly discussed the options available in regards to the Town Planner for fiscal year 2017 and agreed to be prepared on January 4th to make a decision.

Adjournment

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

Signed: _____
Liz Allard, Clerk

Harvard Planning Board

Protective Bylaw Amendments Hearing Minutes

December 21, 2015

Vice Chair Erin McBee called the meeting at 7:40pm in the Hapgood Room at 7 Fairbank Street under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Erin McBee, Don Graham, Michelle Catalina and Fran Nickerson

Others Present: Liz Allard (LUB Admin.), Bill Scanlan (Town Planner), Maren Caulfield (Harvard Press),

- **Chapter 125-3 Non-conforming structures and uses**

Allard explained the figures added to the Protective Bylaw two years ago have been helpful, but could use additional language for further clarification on when and if an applicant needs to file with the Zoning Board of Appeals.

With no questions or comments on the amendments from the members, Graham made a motion to favorably recommend the amendment as presented to Town Meeting. Catalina seconded the motion. The vote was unanimously in favor of the motion.

- **Chapter 125-32 Sewage and other sources of contamination**

Allard explained it had been brought to the Zoning Board of Appeals (ZBA) attention that the setbacks detailed in this provision have not been enforced since being added to the Protective Bylaw. Systems installed after March 31, 1984 are starting to need to be replaced. If the setbacks are now enforced applicants will need to obtain a variance in order to do so. The ZBA agreed requiring a variance for sewage disposal systems is in direct conflict with the Protective Bylaw itself under 125-1 Purpose. By removing the dates (March 31, 1984 and June 3, 1984) as detailed in Chapter 125-32C(6) you remove the need for a variance. A variance could delay the replacement of a septic system that is creating a threat or nuisance to health. In addition, language in 125-32C(5) has been amended to update the reference to Title V.

Scanlan noted as drafted the language does not flow well and made suggestions to the language. The changes will be re-presented to the ZBA at their January 13th meeting. With that said, Nickerson made a motion to continue the hearing until January 25, 2016 at 7:30pm in the Hildreth House.

Signed: _____
Liz Allard, Clerk