

Planning Board Meeting

Thursday February 5, 2015

APPROVED: FEBRUARY 11, 2015

Meeting Opened by Chairwoman Kara Minar at 7:05 PM in the Hildreth House under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125.

Attendance:

Planning Board Members in attendance: Kara Minar, Erin McBee, Joe Hutchinson, Don Graham

Planning Consultant William Scanlan

Late (15 minutes): Michelle Catalina

Press: Jon Bishop, Maren Caulfield

Board Member Reports

Mr. Hutchinson reported on MPSC. MPSC still doesn't know when the Master Plan will be completed.

Mr. Hutchinson reported on the CPC. CPC allocated 75k to Park and Rec to do the trail but the other committees only received 10% minimum allocations

Mr. Graham on the EDC. Next meeting next Thursday (February 12, 2015).

Ms. McBee. The committee for design guidelines is having productive meetings. They decided not to create a formal committee at town meeting this year. Dr. Catalina wants to understand how design review works in other towns. Mr. Scanlan is going to ask Kathy Joubert, the town planner from Northboro to come and talk to the design guideline committee on how the implementation of design guidelines works in practice. The Planning Board should try and make it to this meeting. Feb. 24th is the next meeting.

Last year Mr. Ken Swanton discussed with Ms. Minar and Mr. Scanlan the parking at the Hildreth House. However, the plan seems to have changed. Mr. Swanton says they want to focus on renovating the building. They are keeping the existing site plan. Ms. McBee thinks there are issues with the expanded parking. Ms. Minar thinks we should discuss with Connie what the goal is. Mr. Hutchinson thinks the first thing should be safety. Mr. Hutchinson thinks the most important thing is the site plan.

Planner Report

Mr. Scanlan gave the planner report. He met with Mr. Jack Guswa of the town hall construction committee. It turns out they are not doing any site work. Mr. Scanlan suggested that Mr. Guswa come and talk to the Planning Board in lieu of submitting a site plan since there are no changes being planned to the site. The planning board nodded that it would be okay for him to come.

Mr. Scanlan reported on the Lawton Property on Old Littleton Road. Mr. Scanlan helped the appraiser to evaluate the cost of the preservation restriction. They decided to do a value based on the whether or not the land theoretically could be a Hammerhead lot. Mr. Scanlan wrote that it is possible that it could be a Hammerhead lot. Mr. Scanlan has not seen the appraisal yet.

Mr. Scanlan met with a potential commercial developer who is looking at a few properties in the Ayer Road C-district. This developer would like to make a warehouse type building with individual bays to sell to contractors. Each contractor might have their own bay and their own office. The board was not sure this is an allowed use in the C-district. Ms. Minar pointed out that this business would be unlikely to generate any revenue.

ANR on Brown Road.

- Applicant: Stephen Daman. 9 Whitcomb Road, Bolton, MA
Mr. Greg Roy from Ducharme and Dillis discussed the creation of Lot 1B. Mr. Scanlan asked who is responsible for maintaining this part of the road? Mr. Roy doesn't know. It is a public way. Kara Minar asked questions regarding the set-back for a house from a Cell Tower. This land abuts a non-buildable lot with a Cell Tower.
Ms. Minar asked Mr. Scanlan to check Harvard's Protective Bylaw. Mr. Scanlan found that our bylaws require a Cell Tower to be set back from existing or permitted house by at least 500 feet. It appears that our bylaws only cover the situation where the house or a permit for a house is already in existence.
Ms. Minar recalled the discussions for a proposed windmill bylaw and set back requirements. Ms. Minar asked for further clarification on the by-law. Mr. Scanlan repeated that there is no requirement for a new house to be built 500 feet from the existing cell tower in Harvard's existing Protective By-law.

Ms. Mc Bee moved to approve the ANR. Mr. Hutchinson seconded. The motion to approve the ANR was unanimous.

Approval of Minutes

The committee tried to approve the minutes. The committee was confused by which minutes are the right minutes. The committee moved to table the minutes.

District Local Technical Assistance Survey Results

Ms. Minar asked Mr. Scanlan to get the new copy of Sam Lawton's (from MRPC) changes that Dr. Catalina asked for at the last meeting. Mr. Scanlan thinks that the change Dr. Catalina asked for was added. Ms. Minar asked for Mr. Scanlan to forward the changed report to the entire board.

Invoices.

The planning board reviewed Mr. Scanlan's billable hours.

Ms. McBee moved to approve Mr. Scanlan's Jan. 30th invoice. Mr. Graham seconded. The vote to approve the motion was unanimous.

Ms. McBee moved to approve Mr. Scanlan's Jan. 16th invoice. Mr. Graham seconded. The vote to approve the motion was unanimous.

Mr. Graham moved to approve Mr. Scanlan's Jan. 2nd invoice. Ms. McBee seconded. The vote to approve the motion was unanimous.

Sprint Spectrum, LLC. 47 Poor Farm Road Tower

Ms. Minar made a motion to approve the Sprint Spectrum changes.

Ms. McBee seconded. The board voted unanimously to approve the motion.

The board signed the special permit for Sprint Spectrum LLC. Poor Farm Road Tower.

Request for Comments from the ZBA on Cleaves Hill Road.

The planning board looked at a plan for a variance in set-back from Cleaves Hill Road for the construction of a single family house. The board was concerned with the steep drop off on the back of the house, but determined there were no issues within their purview for concern. Mr. Scanlan will send a quick note to the ZBA to let them know the planning board has no comments on the change in set-back for the Cleaves Hill Road property.

2015 Protective Bylaw Amendments

Discussion on the Creation of a Planning Department versus hiring a Planning Consultant

Ms. Minar discussed the current ATM placeholder warrant article for 60k for a contract consulting planner. This would be no change from the current year and it has not been discussed at Fin Com yet. Mr. Hutchinson would like to have a planning department and a Planning department director. This is an institutional change. Ms. Minar would like to have a bigger discussion before Town Meeting. Mr. Hutchinson believes you need a professional to monitor the implementation and the state of the town's planning activities. The basic benefits of having a planning department as seen by Mr. Hutchinson are institutional knowledge and a contact person.

Mr. Hutchinson sees this as a salaried position. Ms. Minar asked what is the "department"? Mr. Hutchinson replied community development, and being proactive regarding planning. Ms. Minar asked again what constitutes a department. Mr. Hutchinson says the planner is the department.

Dr. Catalina pointed out that this is a huge change in governance. Dr. Catalina would like to keep the status quo for this year and suggests a retreat after town meeting to discuss the change in governance that would come with a Planning Department.

Ms. Minar would like to propose a compromise. She would like to stick this year with the Town Planner as a contract service and meet after Town Meeting to decide about a change in governance.

Ms. Minar pointed out that it is premature to add a Town Planner to enact a plan we have not seen yet.

Mr. Graham doesn't have a clear picture of how this would benefit the town in the long term.

Ms. Minar asked the members to take a vote on which plan they would support to bring forward.

Mr. Graham made a motion to support a warrant article for the 60k planning consultant. Ms. McBee seconded. Dr. Catalina, Ms. Minar, Mr. Graham, and Ms. McBee voted yes. Mr. Hutchinson voted no.

Ms. Minar made a motion to support a warrant article to create a planning department and hire a planning director to oversee this department. Mr. Hutchinson seconded. Mr. Hutchinson voted yes. Ms. Minar, Ms. McBee, Mr. Graham and Dr. Catalina voted no.

Adult Entertainment Bylaw

Mr. Scanlan reported that the town has not heard back from the Attorney General regarding new language in the towns proposed adult entertainment bylaw. Ms. McBee pointed out that new rulings had led to some changes in language that should make the bylaw okay with first amendment rights.

Zoning Map

Mr. Scanlan said that we are keeping the historical district on the map even though it is not technically a zoning district. The solar overlay district on Ayer Road has been added to the map.

Dirt Bylaw.

Ms. McBee and Dr. Catalina reported back on information they found regarding creating large piles of dirt on your property. Dr. Catalina said there are three places in other towns' bylaws where this topic is covered: storm water run-off, earthmoving, and nuisance bylaws. Ms. McBee showed an excerpt from Lincoln's zoning bylaws, but it did not define the size of a pile of dirt. Ms. McBee and Dr. Catalina suggested this topic be moved to next year due to the difficulty in defining a mound of dirt. Ms. McBee had met with Ira Grossman from the Harvard Board of Health and found that there is already an EPA rule regarding dirt piles and dirt blowing from the wind. There may be recourse for Harvard Green residents though the Board of Health if Mr. Russo does not move his piles of dirt.

Definition of Building

Mr. Scanlan gave a brief history of why the committee is considering defining building in the Protective Bylaw. The Bowers Brook apartments on Ayer Road comprise a 40k square foot building even though the intention in the Protective Bylaw was to limit the size of buildings on Ayer Road to 30k square feet. The developer divided the building with a firewall and claimed it was two 20k square foot buildings. The planning board would like to close up this loophole.

The planning board discussed the two choices for building definition. Dr. Catalina does not believe the definition that states, "or firewalls" will clarify the issue. Ms. Minar asked Mr. Scanlan to get the Board a copy of the state's definition of building for the next meeting.

Definition of Grocery Store

The Board is still interested in defining the term grocery store. This is due to some interest in possibly allowing increased square footage for grocery stores on Ayer Road. The board came to no decision regarding wording.

Adjournment

Mr. Graham made a motion to close the meeting. Ms. McBee and Mr. Hutchinson both seconded. The vote was unanimously in favor of the motion.

Signed: _____

Michelle Catalina

Exhibits and Other Documents