

**HARVARD PLANNING BOARD  
MEETING MINUTES  
DECEMBER 5, 2016  
APPROVED: DECEMBER 19, 2016**

Chair Kara McGuire Minar called the meeting to order at 7:16pm in the Town Hall Meeting Room, 13 Ayer Road, under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

**Members Present:** Kara McGuire Minar, Michelle Catalina and Erin McBee

**Others Present:** Liz Allard (LUB Admin.), Bill Scanlan (Town Planner), John Osborne (Harvard Press), Shubee Kalra (MRPC), Ron Ricci (MAHT), Bruce Ringwall (GPR, Inc.), Steve Moser, Jennifer Pinney, Jason Pinney, Pam & Jeff Brown, Norm Dubuc, Steve Holmes, Lynne Byers, Susan Hansen, Adam Horowitz, Paul Brandvold, Bob McNerney, Phyllis McNerney, Mary Fernandez, Richard Ohlin, Susan Mitchell, Sandra & Scott Sloan, Jay Ryan, Brint Ferguson, Karen Brandvold, Steve Byers, Ed Rubin

**Montachusett Regional Planning Commission (MRPC) Update Revisions to Chapter 125-35, Open Space and Conservation – Planned Residential Development Bylaw**

Shubee Kalra, of MRPC, was present to discuss the draft Open Space Design (OSD). Kalra explained the reasoning for updating the provision. The draft before the Planning Board (PB) this evening works in other communities and might work in Harvard. As drafted the OSD allows for one unit per 1.25 acres of land area, includes a net acreage calculation, a consolidated Special Permit, and density bonuses.

Catalina suggested finding a medium between the basic lot at 1.5 acres and the hammerhead lot at 4.5 acres, typically developed here in Harvard for the base development density. McGuire Minar too was not comfortable with 1.25 acres for the base development density. McGuire Minar asked how the density bonuses add up. Kalra stated they are accumulative; however a cap can be placed on the bonuses. McGuire Minar suggested the bonuses should be tied to the square footage of the homes rather than the number of bedrooms. Scanlan stated the provision will require language for shared septic systems, as they are only allowed under the existing Open Space and Conservation – Planned Residential Development (OSC-PRD). Members agreed duplexes may be more desirable than the suggested six units. McBee noted the open space criteria may be better suited with consultation from the Conservation Commission.

Karla had previously applied the OSD, as drafted, to the property at 166 Littleton Road, known as the Poor Farm. When the formula is applied to the Poor Farm it results in a development of thirteen units, and the preservation of a minimum of fourteen acres of land. Catalina noted the draft proposes that only 25% of the open space may be wetlands, which needs to be considered when determining the 50% open space requirement. McGuire Minar suggested the preservation of existing structures as a density bonus.

A number of residents were in attendance this evening as the provision is being considered as an overlay district for the Poor Farm. Catalina is not certain that such an overlay district can be created; this may be what is referred to as “spot zoning”. Catalina further explained the PB has been working since April to revamp the existing OSC-PRD as it has upfront costs that made it undesirable to developers. Recently the Municipal Affordable Housing Trust Fund requested the PB create appropriate zoning to expand the possible residential uses of the Poor Farm property. The PB has not determined if this provision will be ready for the 2017 annual town meeting.

Those in attendance requested the PB take into consideration the financial implications of this type of development and the impact on local residents. McGuire Minar stated the PB is trying to balance the interests that are best for the Town.

Kalra will revise the OSD as suggested this evening for the members review at the December 19<sup>th</sup> meeting.

### **Annual Town Meeting 2017 Bylaw Amendments**

#### **Poor Farm Overlay District**

This was a continued conversation from the above topic; with the primary question being is it legal to create an overlay district that is beneficial to one property owner. The other point of concern with those in attendance was the nineteen units the Municipal Affordable Housing Trust Fund (MAHTF) have requested zoning for the site. Ron Ricci, a member of MAHTF, stated it is his belief the number is derived from the number of bedrooms that could be developed if the parcel was divided into single-family lots.

There was discussion on whether or not additional percolation testing should be conducted on the site to determine the full development potential. It concluded with Ricci stating the MAHTF does not want to spend any additional funds on this property.

Catalina stated there is a potential to create the proposed natural resource overlay district first for the Poor Farm and if it works well put it out to the whole Town. Personally she would not be happy with nineteen units, she would be happier with six units.

McBee noted that even with an overlay district a developer could develop the property under MGL Chapter 40B, which removes all local bylaws and regulations. McBee is in support of a solution that will preserve land and maintains the existing uses, such as the snowmobile trail.

Residents are concerned with the precedence that will be set if an overlay district is created. The Planning Board needs to determine the legality of this overlay district and find a number for the units that is palatable to the area. As stated above, Kalra will revise the OSD as suggested this evening for further discussion on December 19<sup>th</sup>.

#### **Natural Resource Zoning (aka Open Space Design)**

Suggested revisions to this proposed bylaw were discussed under the above topic Montachusett Regional Planning Commission (MRPC) Update Revisions to Chapter 125-35, Open Space and Conservation – Planned Residential Development Bylaw.

#### **125-30C Land Structure Relations - Height**

Scanlan has drafted revised language for this provision of the bylaw, which was previously circulated to the members. Members will fully review at the December 19<sup>th</sup> meeting.

#### **Marijuana Retail Facilities Moratorium**

Scanlan has drafted language for this provision of the bylaw, which was previously circulated to the members. Members will fully review at the December 19<sup>th</sup> meeting.

### **Review Comments on the Draft Proposed Town of Harvard Charter**

A letter expressing the comments made by the Planning Board at the November 21<sup>st</sup> meeting had been previously circulated to the members. Members agreed the letter covered the discussion and can be sent to the Charter Commission.

### **FY18 Budget Questions from FinCom**

McGuire Minar stated the chairs of the Planning Board, Conservation Commission, Zoning Board of Appeals and Board of Health met last week and will seek further guidance from the Finance Committee

chair on the possibility of increasing the hours of the BOH clerical staff position for assistance to the other three land use boards.

#### **Discuss Commercial Design Guidelines Review Board**

Scanlan had drafted and circulated a proposal for a design review board, as well as the existing language with Chapter 125 that allows for the adoption of design guidelines. Members agreed to further discuss this item at the December 19<sup>th</sup> meeting.

#### **Request for Temporary Sign-off of Driveway at 190 Bolton Road**

Information requested of the proponent has not been received; therefore the Planning Board is unable to discuss this matter.

#### **Schedule January Meeting Dates**

After a brief discussion the Board agreed to meet on January 9<sup>th</sup> and 23<sup>rd</sup> in the month of January due to holidays on the first and third Mondays in that month as long as those not present can attend on those dates.

#### **Affordable Housing Plan Update**

Scanlan previously distributed the draft Planned Production Plan for Affordable Housing. Scanlan has completed the necessary analysis for the plan. Members agreed to further discuss this item at the December 19<sup>th</sup> meeting.

#### **Board Member Reports**

Catalina stated the Community Preservation Committee has held off their final decision on FY18 projects until the Board of Selectmen and Planning Board decide on whether or not the Town will participate in the Complete Streets program. The request from the Park & Recreation Commission is to complete the stone wall along Mass Ave, which may be in conflict with sidewalk improvements the PB is hoping to achieve under the Complete Streets program.

In addition, the funds requested from the Conservation Commission (ConCom) for the Horse Meadow Knoll project are no longer necessary since the ConCom did not receive the Land Acquisition for Natural Diversity grant from the State.

#### **Planner Report**

Scanlan had circulated a revised site plan for the Hildreth House this afternoon. This is not a formal submission requesting a modification to the Site Plan Approval, but intended for comment. The revised site plan is not consistent with the Site Plan Approval. Scanlan will contact the Town Hall and Hildreth House Construction Committee requesting a meeting to review the proposed changes.

Scanlan has arranged a meeting with Montachusett Regional Transit Authority and Montachusett Regional Planning Commission on December 16<sup>th</sup> at 10am in the volunteer government room to discuss the possibility of a commuter shuttle from Harvard to the Littleton train station.

#### **Approve Invoice**

Liz Allard stated the following invoice have been received for inclusion on the next bill warrant:

- William Scanlan - \$2200.00

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

## **Adjournment**

McBee made a motion to adjourn the meeting at 9:38pm. Catalina seconded the motion. The vote was unanimously in favor of the motion.

Signed: \_\_\_\_\_ Liz Allard, Clerk

## **DOCUMENTS & OTHER EXHIBITS**

### **MRPC Update Revision to Chapter 125-35 Open Space & Conservation – Planned Residential Development**

- Harvard Draft Open Space Design, prepared by MRPC, undated

### **Annual Town Meeting 2017 Bylaw Amendments**

#### Poor Farm Overlay District

- Letter from the HMAHT, undated

#### Natural Resource Zoning

- Harvard Draft Open Space Design, prepared by MRPC, undated

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#### 125-30C Land Structure Relations - Height

- Existing Height Regulation in §125-30.C & Proposed Revision, undated

#### Marijuana Retail Facilities Moratorium

- Section 125-\_\_\_\_: Temporary Moratorium on the Cultivation, Manufacture and Retail Sale of Marijuana and Related Products as Authorized by the “Regulation and Taxation of Marijuana Act” (the Act) Adopted on November 8, 2016, undated

### **Review Comments on the Draft Proposed Town of Harvard Charter**

- Memo to the Charter Commission re: Request for Comments – Proposed Town of Harvard Charter, dated December 5, 2016

### **Discuss Commercial Design Guidelines Review Board**

- Proposal for a Design Review Board, undated
- Excerpts from Harvard’s Zoning By-Law – Design Review, undated

### **Affordable Housing Plan Update**

- Town of Harvard, Planned Production Plan for Affordable Housing, prepared by the Harvard Planning Board and the Municipal Affordable Housing Trust, undated