

<b>Action Items</b>	<b>Member/Staff Responsible</b>
Share Erosion Control Regulations with Director of Community & Economic Development	Allard
Review & report for the October 29 <sup>th</sup> meeting on ZBA Application, 62 Old Littleton Road	Ryan
Review the GWPOD to determine if other parcel fall into the same category as the Reitman's property at 72 Mass Ave	Ryan
Reach out to the Hazel's to further discuss their intent for the property	Ryan
Review Recording of Meeting to be eligible to vote on Coil Brother Application	Nickerson/Rushmore

**HARVARD PLANNING BOARD  
MEETING MINUTES  
OCTOBER 15, 2018  
APPROVED: NOVEMBER 19, 2018**

Chair Erin McBee called the meeting to order at 7:00pm in the Town Hall, 13 Ayer Road, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Erin McBee, Rich Maiore, Stacia Donahue and Justin Brown

**Others Present:** Liz Allard (LUB Admin), Corey Dufresne (Bylaw Review Committee), Stu Sklar (Select Board), Joe Woodsum, Patrick McCarty (McCarty Engineering), Matthew Zipoli (Coil Brothers), John Goll (Coil Brothers), Rory Frazendeiro (Adler, Pollock & Sheehan, P.C., for Coil Brothers), Nick Deane (Appleworks) and Matt Brace (Coil Brothers)

**Board Member Reports**

Donahue stated the Park & Recreation (P&R) Commission is creating a new subcommittee to determine who is responsible for each of the playing fields in Town. P&R is also holding a contest for a design plan for the area between the Harvard General Store and the Congregational Church. Bob O'Shea has been provided with the Town Center Action Plan and the Open Space & Recreation Plan.

Mc Bee stated the Devens Jurisdiction Committee is seeking input from town departments and boards on the impacts to each should Harvard resume jurisdiction over Devens. A formal request will be received shortly.

**Approve Minutes**

Minutes were not available this evening for approval

**Protective Bylaw Amendments for Special Town Meeting Hearing.** Opened at 7:15pm (see page 3 for complete hearing details)

**Special Permit Hearing & Site Plan Approval – Coil Brothers, LLC, 325 Ayer Road.** Opened at 7:15pm (see page 4 for complete hearing details)

**Discuss Potential Bylaw Amendments for 2019 Annual Town Meeting**

- Hazel Property –The new Director of Community & Economic Development, Chris Ryan, will reach out to the property owners to further discuss their intent for the property
- Open Space Design Bylaw – Ryan is working on revisions
- Erosion Control Bylaw – McBee attended the October 4<sup>th</sup> meeting of the Conservation Commission (ConCom) to discuss revising the bylaw. ConCom noted similar questions and concerns with the bylaw as previously drafted. Allard will send the previously drafted regulations to Ryan for further review of the bylaw and its regulations
- Groundwater Protection Overlay – Ryan will review the district to determine if other parcels fall into the same category as the Reitman's property at 72 Mass Ave

#### **ZBA Request for Comments – 62 Old Littleton Road**

Ryan will review and report at the October 29<sup>th</sup> meeting on this application.

#### **Adjournment**

Maiores made a motion to adjourn the meeting at 9:14pm. Brown seconded the motion. The vote was unanimously in favor of the motion.

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

### **DOCUMENTS & OTHER EXHIBITS**

#### **Planning Board Agenda, dated Monday October 15, 2018**

#### **Report of the Director of Community and Economic Development – October 15, 2018**

##### **Protective Bylaw Amendments for Special Town Meeting Hearing**

- A mock-up of the Annotated General Bylaws and Protective Bylaw of the Town of Harvard reflecting the changes that would be affected by the Warrant article proposed by the Bylaw Review Committee for the October 22, 2018 Special Town Meeting
- Draft Warrant Article Approved by BRC on September 5, 2018 Prepared by the Bylaw Review Committee

##### **Special Permit Hearing & Site Plan Approval – Coil Brothers, LLC, 325 Ayer Road**

- Plan set dated August 10, 2018, Revised October 3, 2018 entitled "Site Plan Review & Special Permit Plans, Coil Brothers Concentrates, 325 Ayer Road" prepared by McCarty Engineering, Inc., 42 Jungle Road, Leominster, MA 01453, containing five (5) sheets including cover sheet.
- "Standard Operating Procedures: Coil Brothers, LLC", received October 15, 2018.
- "Security and Surveillance Plan: Coil Brothers, LLC", received October 15, 2018.
- Report of the Director of Community and Economic Development –with comments from applicant, received October 15, 2018.
- Letter from Patrick McCarthy, P.E. of McCarthy Engineering, Inc., dated October 15, 2018, "Responses to the Report of the Director of Community & Economic Development, Coil Brothers, LLC, 325 Ayer Road, Harvard
- Letter from Fred A. Hamwey Jr., P.E. of Hamwey Engineering, Inc., dated October 9, 2018 in regard to "Coil Brothers Concentrates, 325 Ayer Road, Harvard, MA (HEI File no. 18006.00)"

## **Harvard Planning Board**

### **Protective Bylaw Amendments Hearing**

**October 15, 2018**

Chair Erin McBee opened the public hearing at 7:15pm in the Town Hall, 13 Ayer Road, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Erin McBee, Rich Maiore, Stacia Donahue and Justin Brown

**Others Present:** Liz Allard (LUB Admin) and Corey Dufresne (Bylaw Review Committee)

Corey Dufresne, from the Bylaw Review Committee, was present to discuss the proposed amendments to the Town's Bylaws to be inline with the Town Charter passed in May of this year. Amendments include changing titles to be gender neutral, such as Board of Selectmen to Select Board, as well as updating titles, such as Building Inspector to Building Commissioner. Additionally, language with regards to appointments of Associate and Alternate members were amended to be consistent with the Charter.

After a brief discussion and no comments from the public, Maiore made a motion to accept the amendments as presented for inclusion on the warrant for Special Town Meeting on October 22, 2018. Donahue seconded the motion. The vote was unanimously in favor of the motion.

Maiore agree to present this article at Special Town Meeting.

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

## **Harvard Planning Board**

### **Special Permit Hearing & Site Plan Approval**

#### **Coil Brothers, LLC, 325 Ayer Road**

**October 15, 2018**

Chair Erin McBee opened the public hearing at 7:30pm in the Town Hall, 13 Ayer Road, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Erin McBee, Rich Maiore, Stacia Donahue and Justin Brown

**Others Present:** Liz Allard (LUB Admin), Stu Sklar (Select Board), Joe Woodsum, Patrick McCarty (McCarty Engineering), Matthew Zipoli (Coil Brothers), John Goll (Coil Brothers), Rory Frazendeiro (Adler, Pollock & Sheehan, P.C., for Coil Brothers), Nick Deane (Appleworks) and Matt Brace (Coil Brothers)

This hearing is for a Special Permit and Site Plan Approval as required by the Protective Bylaw Chapter 125-14G, filed on behalf of Coil Brothers, LLC for the construction of a cannabis oil extraction facility at 325 Ayer Road, Harvard

Patrick McCarty, of McCarty Engineering, was present to represent the applicant, Coil Brothers. McCarty reviewed the application submitted, the Appleworks facility, and detailed the requirements of Chapter 125-14G Large-scale Commercial Use, Marijuana Establishment. McCarty stated the location within the existing Appleworks building will not have any retail sales of marijuana; the facility is for manufacturing only, with no public visitors. Coil Brothers will employ four to five individuals. McCarty stated they are seeking hours of operation from 8am – 8pm, as opposed to 10am – 8pm as detailed in Chapter 125-14G(5). McCarty stated that applying for a license from the Cannabis Control Commission (CCC) to operate a Marijuana Establishment, as required by Chapter 125-14G(6), is a long process, which includes having an physical address for the establishment. McCarty requested this requirement be a condition of the Special Permit. McCarty stated a simple sign with the company's name that confirms to Chapter 125-41 is proposed for the location. The applicant is aware of condition of Chapter 125-14G(10), regarding the non-transferable permit.

McCarty provided details how the space within the Appleworks building would be used. The application was reviewed by the Planning Board consultant, Hamwey Engineering. At the time of this evening's meeting Hamwey had conducted two reviews of the applications, dated September 19 and October 9, 2018. McCarty stated revisions to the plan set have been completed as detailed in Hamwey's review letters.

The applicants propose a loading and unloading location at the south east corner of the building, just outside the unit they will occupy. Hamwey had expressed concern of the size of this parking space and the movement of a delivery truck as it pertains to safety. McCarty stated he views the first five feet (5') of pavement as an apron to the parking space; Hamwey would recommend against doing so.

McCarty detailed the two parking spaces available in the front of the building for employees; with additional employees utilizing parking at the rear of the building. Brown noted the number of employees in business plan is different than was stated earlier this evening. Brace stated the business plan is a

living document – business growth may increase the number of employees. McCarty agreed to work out parking for additional staff with other uses within the building.

The site plans detail a new concrete side walk and the collection of stormwater via down spouts that are to be piped underground. Security cameras and lighting will be compliant with the regulations of the CCC. The Planning Board is seeking final definitive details for both security cameras and lighting.

McCarty had prepared and submitted responses to the Report of the Director of Community and Economic Development, dated October 15, 2018. However, it was discovered that McCarty had not received the entire report due to a computer error. In response to comment #4 on the Director's report in regards to fencing, gates or alarms, McCarty stated Coil Brothers will comply with the requirements of 935 CMR 500.110 as it relates to camera systems, however he feels with appropriate interior security there will be no need for exterior fences or gates for the property.

McCarty stated deliveries/distribution of the product are made according to random patterns, with notification to the Police Department of the deliveries/distribution. Product will arrive as a plant and will go out as oil. Brown thought the measures for CO<sub>2</sub> were excessive. Security system will be monitored 24/7 by a private security company. The CCC has to vet the security plan; therefore it is only in a draft form before the Planning Board. When asked who and how the cameras would be monitored, Matt Brace stated mostly by remote monitoring, with some onsite monitoring. When asked if on-site security would be provided, it was clear more detail on the security plan would be required.

Maiores asked why the applicant is requesting the hours of operation from 8am – 8pm. McCarty stated as a manufacturing facility and not a retail facility, the starting hour of 8am is normal for this type of business.

Coil Brothers are working on the Community Host agreement with the Town Administrator.

An updated Standard Operation Procedure (SOP) and Summary of Security Plan were submitted for the file.

McCarty stated this is a quiet operation, with no noise or odor, and is well-suited to the Town of Harvard.

McBee questioned the sidewalk location and asked if there are any plans to remove existing vegetation along the southern property boundary. McCarty stated there is not. McBee is concerned with the delivery location; how often are they to be expected. Brace believes once a week. It was suggested the Coil Brothers coordinate the deliveries to be off-hours time to avoid crowding of parking lot. Brown asked why the loading dock could not be used for CO<sub>2</sub> deliveries. After a brief discussion, McCarty agreed to further investigate the use of the existing loading dock at the rear of the building for this purposes.

Maiores asked about the disposal of waste product. Brace stated the waste is a white sandy substance, 100% vegetable protein, which will be stored in large bins until it is properly hauled away. More information about this process was requested to be included in the SOP. In regards to the SOP's Brown stated there has been minimal changes to them since they were first submitted and that they are not actual SOP's, rather a plan to operate, and not how you plan to operate.

In regards to Hamwey's comments about the proper amount of parking for the site, he feels every time a use is proposed at a location all aspects of the property as it pertains to site plan should be looked at as a whole. Hamwey notes the parking spaces in front of Siam Pepper are in front of a door, and are not actual spaces that are usable. The two spaces dedicated to the unit Coil Bros will occupy are smaller

then typical parking spaces. The site currently has 86 compliant parking spaces, as opposed to the 90 Coil Brothers has indicated.

Hamwey stated sheet 2 of the plan set should indicate that the existing building is non-conforming in floor to area ratio and side yard setbacks. There was great debate over the number of parking spaces; McCarty agreed to look into making the spaces along Ayer Road compliant.

In regards to the parking location for deliveries/distribution the space should be 10' x 20'; however the space is actually shorter on one side. Hamwey still feels this is not an ideal location for backing a delivery truck out of with traffic entering the site off of Ayer Road in order to access the parking spaces along Ayer Road. McCarty suggested paving over the apron. Hamwey would not recommend that as a solution. Nick Deane, owner of the Appleworks building, suggested changing traffic pattern to exit only from south end road cut.

With a number of outstanding items still to be addressed, the applicant through McCarty agreed to continue the hearing. Maiore made a motion to continue the hearing to October 29, 2018 at 7:15pm in the Hildreth House at 15 Elm Street, Harvard. Brown seconded the motion. The vote was unanimously in favor of the motion.

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

