

Action Items	Member/Staff Responsible
None	None

**HARVARD PLANNING BOARD  
MEETING MINUTES  
APRIL 23, 2018  
APPROVED: JUNE 4, 2018**

Chair Erin McBee called the meeting to order at 7:00pm in the Hildreth House, 15 Elm Street under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Erin McBee, Michelle Catalina, Rich Maiore, Stacia Donahue and Jarrett Rushmore (associate member)

**Others Present:** Liz Allard (LUB Admin). Bill Scanlan (Town Planner), Mark Lanza (Town Counsel), Kerri Green, Stephanie O'Keefe, Stu Sklar, Kara Minar, Alice von Loesecke, Roseanne Saalfeld, Matthew Fiokos (Harvard Press), Fred Hamwey (Hamwey Engineering), Neil Gorman (Ross Associates), Eric Broadbent, Rosemary McKeever, Ken Van Wormer, Mike Peters, Robin Peters, Robin Carlaw and Bill Calderwood

**2018 Chapter 125 Protective Bylaw Amendments for Annual Town Meeting Public Hearing.** Opened at 7:00pm (see page 3 for complete details)

**Special Permit & Driveway Site Plan – Lucy Nesbeda, 55 Oak Hill Road.** Opened at 7:30pm (see page 4 for complete details)

**Board Members Reports – Committee Activities**

McBee reported the group working on traffic improvements along Ayer Road will be meeting soon to review the traffic study prepared by the consultant.

McBee attend the Historical Commission meeting on April 4<sup>th</sup> to discuss sidewalk improvements in the Town Center as part of the application for the Complete Streets Program.

Catalina stated the Community Preservation Committee funding match for fiscal year 2020 will be down to 10 -12%, due to the increase in the number of communities that are taking part in the program.

**Planner Report**

There was no report this evening

**Approve Minutes**

Maiore made a motion to approve the minutes of April 2 and 12, 2018. Donahue seconded the motion. The vote was unanimously in favor of the motion

**Approve Invoice**

Catalina made a motion to approve the following invoice:

- William Scanlan \$1815.00

Donahue seconded the motion. The vote was unanimously in favor of the motion.

**Nashua River Wild & Scenic Designation Support**

Donahue made a motion to approve the letter, as drafted, to Nashua River Watershed Associations, in regards to support for designating portions of the Nashua River as Wild & Scenic. Catalina seconded the motion. The vote was unanimously in favor of the motion.

**Harvard's Environmental Forum – May 31<sup>st</sup>**

McBee stated Harvard Energy Advisory Committee is preparing for the second annual environmental forum in the Town of Harvard. This year's theme is climate change and its effect on Harvard. The Planning Board has been invited to talk about matters related to climate change that they may be working on.

**Director of Planning Warrant Article**

With nothing new to report this item was passed over.

**Review "Consider This" Article re: Recreational Marijuana**

Maiore made a motion to approve the "Consider This" article drafted by Scanlan on the bylaw amendments for recreational marijuana. Catalina seconded the motion. The vote was unanimously in favor of the motion.

**Adjournment**

Donahue made a motion to adjourn the meeting at 9:24pm. Maiore seconded the motion. The vote was unanimously in favor of the motion.

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

## Harvard Planning Board

### Continued Protective Bylaw Amendments Public Hearing

**April 12, 2018**

Erin McBee, chair of the Planning Board, opened the public hearing at 7:00pm in the Hildreth House, 15 Elm Street, under the Zoning Act, M.G.L. Chapter 40A and the Code of the Town of Harvard, Protective Bylaw Chapter 125

**Members Present:** Erin McBee, Michelle Catalina, Rich Maiore, Stacia Donahue and Jarrett Rushmore (associate member)

**Others Present:** Liz Allard (LUB Admin), Bill Scanlan (Town Planner), Mark Lanza (Town Counsel), Kerri Green, Stephanie O'Keefe and Matthew Fiokos (Harvard Press)

This hearing was continued from April 2, 2018 on the proposed Protective Bylaw Amendments for the 2018 Annual Town Meeting. The amendments are as follow:

- **125-56 Ground Water Protection Overlay District**
  - Park & Recreation Commission has confirmed they are satisfied with the changes made to the proposed amendment
- **125-57 Agritourism Overlay District**
  - No new questions or comments
- **Recreational Marijuana**
  - Kara Minar, member of the Board of Selectmen, raised concern over the allowed 6,000 square feet, which could be all retail space; suggested the Planning Board limit the retail size; *Planning Board response: Research shows the average size of a retail establishment is 1500 – 3000 square feet*
  - Minar asked what the limits will be on cultivation; *Planning Board response: 10,000 square feet of canopy*
  - Stu Sklar, a member of the Board of Selectmen, asked about the set-up of the establishment such as those in other States which require identification be provided before actually entering the retail store; *Planning Board response: Not sure this is included in the regulations from the Cannabis Control Commission (CCC), but will further research to determine if so*
  - Town Counsel, Mark Lanza, explained that it is not true that if a town does not have a bylaw retailers can go anywhere in the commercial district

With another hearing on the agenda McBee made a motion to continue this hearing to 8:15pm this evening. Maiore seconded the motion. The vote was unanimously in favor of the motion.

At 8:15pm Erin McBee re-opened the hearing.

- Lanza explained that under the Harvard Protective Bylaw, which is a prohibitive bylaw, if a use is not allowed within the bylaw then it is not allowed
- Members of the Planning Board discussed with the members of the Board of Selectmen present the Community Host Agreements necessary under the CCC regulations
- The allowed square footage for retail space was revised to 1,500 square feet

➤ **Citizen Petition – Amend Chapter 125-55 Hildreth Housing Overlay District**

- The Board voted on March 19, 2018 not to support this article

Maiore made a motion to close the hearing. Donahue seconded the motion. The vote was unanimously in favor of the motion.

Catalina made a motion the Planning Board support the addition of section 125-56 Ground Water Protection Overlay District to the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard as shown on the warrant for annual town meeting. Donahue seconded the motion. The vote was unanimously in favor of the motion.

Catalina made a motion the Planning Board withdraw the addition of section 125-57 Agritourism Overlay District to the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard as shown on the warrant for annual town meeting. Maiore seconded the motion. The vote was unanimously in favor of the motion.

Donahue made a motion the Planning Board support the amendments to sections 125-2, 125-14G and 125-21 of the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard as shown on the warrant for annual town meeting. Maiore seconded the motion. The vote was unanimously in favor of the motion.

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

## **Harvard Planning Board**

### **Special Permit & Driveway Site Plan Hearing Meeting Minutes**

#### **Lucy Nesbeda, 55 Oak Hill Road**

**April 12, 2018**

Erin McBee, chair of the Planning Board, opened the public hearing at 7:30pm in the Hildreth House, 15 Elm Street, under the Zoning Act, M.G.L. Chapter 40A and the Code of the Town of Harvard, Protective Bylaw Chapter 125

**Members Present:** Erin McBee, Michelle Catalina, Rich Maiore, Stacia Donahue and Jarrett Rushmore (associate member)

**Others Present:** Liz Allard (LUB Admin), Bill Scanlan (Town Planner), Mark Lanza (Town Counsel), Kerri Green, Stephanie O'Keefe, Roseanne Saalfeld, Matthew Fiokos (Harvard Press), Fred Hamwey (Hamwey Engineering), Neil Gorman (Ross Associates), Eric Broadbent, Rosemary McKeever, Ken Van Wormer, Mike Peters, Robin Peters, Robin Carlaw and Bill Calderwood

Neil Gorman, Ross Associates, was present to represent the applicant. Gorman explained there is an existing house at 55 Oak Hill Road and the applicant is seeking to create an additional lot. The two proposed lots meet the standards for a type 4 lots (backland lots), under Chapter 125-29F. The plan also calls for the addition of land area to 57 Oak Hill Road to increase that parcel from a 1.85 acre lot to a 4.02 acre lot. Lot 2, with the existing house at 55 Oak Hill Road, will be 9.42 acres and Lot 1, the proposed new lot, will have 8.22 acres of land. Currently 55 Oak Hill Road is serviced by an existing driveway along a stone wall, which serves as the property boundary. The plan proposes extending the driveway to the new house on Lot 1. Both 55 & 57 Oak Hill Road have received passing Title V reports in regards to the existing septic systems. Testing has located a primary and reserve area for a septic system on Lot 1. The driveway to Lot 1, as proposed, is 1182' from Oak Hill Road; the Protective Bylaw allows for a maximum length of 1000'. Ross Associates has understood this provision of the Protective Bylaw to be measured from the roadway to where a driveway bisects the lot width circle. Gorman stated the plan could be modified to shorten the driveway to 1000' if the Planning Board does not agree with the reading of the provision.

Peer review has been conducted by Fred Hamwey, of Hamwey Engineering. Gorman has had an opportunity to provide comments to the review prepared by Hamwey on April 13, 2018. Gorman detailed the comments for those in attendance. With the existing driveway proposed to be overlaid with an inch and half of pavement, Hamwey is recommending testing be completed to determine the existing thickness of gravel.

Michael Peters, of 51 Oak Hill Road, detailed his property and the negative impact on his family's lives and the value of his property should the lot be developed. The negative impacts include reduced privacy and an increase in traffic. Peters is disappointed with the driveway option and suggest the existing farm road be used as the driveway to Lot 1. Currently there is a natural boarder between the Peters property and the Nesbeda property; Peters would like to see the planting of evergreens between the two

properties to shield the view of the proposed house, reduce traffic noise and block headlights from shining into his home. Additional requests of the Peter's are detailed in their letter dated April 10, 2018.

Gorman explained the development of the Peters lot was similar to what is being proposed as a shared driveway located along the stone wall. Gorman further explained a driveway to Lot 1 along the eastern property boundary is not feasible due to wetlands. Additionally using the existing farm road would bring the driveway to Lot 1 close to the existing house on Lot 2 (55 Oak Hill Road).

Rosemary McKeever, of 87 Old Littleton Road, had questions about the two septic systems. Gorman explained under Title V regulations you need to provide a reserve area when developing a lot to provide for a location of a new system when and if the original system fails.

Eric Broadbent, of 73 Oak Hill Road, asked if any of the lots could be further divided in the future. Gorman stated Lot 3 (57 Oak Hill Road) could be divided into two lots.

Gorman will discuss with his client about modifying the driveway and house location to avoid a variance due to exceeding the maximum driveway length.

Bill Calderwood, of 54 Woodchuck Hill Road, stated from a proactive standpoint the bylaw should address the multiple backland lots.

Jim Saalfeld, of 15 Oak Hill Road, asked how to address an absent property owner and maintenance of the driveway. Common driveways require a covenant between the property owners, which details the responsibilities including maintenance.

Frank Carlson asked about using the existing farm road as the driveway and the personal preference of the applicant not to use that road. Scanlan stated it is within the Planning Board purview to require some type of natural buffer between the driveway and the abutting property.

McBee read comments received into the record. With this being Catalina's last meeting as a Planning Board member, McBee assigned Rushmore as a voting member for this application.

The members of the Planning Board will arrange a site walk to view the property.

Donahue made a motion to continue the hearing to May 21, 2018 at 7:45pm. Maiore seconded the motion. The vote was unanimously in favor of the motion.

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

## **DOCUMENTS & OTHER EXHIBITS**

### **Planning Board Agenda, dated Monday APRIL 23, 2018**

#### **2018 Protective Bylaw Amendments for Annual Town Meeting**

- Recreational Marijuana
  - ARTICLE XX: PLANNING BOARD – Amend the Protective Bylaw 125-2 Definitions,, 125-14G, Medical Marijuana Treatment Center and 125-21 Permitted uses in the AR District, Draft dated 4/12/2018

#### **Special Permit & Driveway Site Plan – Lucy Nesbeda, 55 Oak Hill Road**

- Plan of Special Permit Lots, Lucy Nesbeda, 55 Oak Hill Road, Harvard, MA, prepared by David E. Ross Associates, Inc., Job No. 24800, Plan No. L-13453, dated March 2018
- Driveway Plan, Lucy Nesbeda, 55 Oak Hill Road, Harvard, MA, prepared by David E. Ross Associates, Inc., Job No. 24800, Plan No. L-13340, dated March 2018
- Plan of Special Permit Lots, Presentation Plan, Lucy Nesbeda, 55 Oak Hill Road, Harvard, MA, prepared by David E. Ross Associates, Inc., Job No. 24800, Plan No. L-13453, dated 4/23/18
- Driveway Plan, Presentation Plan, Lucy Nesbeda, 55 Oak Hill Road, Harvard, MA, prepared by David E. Ross Associates, Inc., Job No. 24800, Plan No. L-13340, dated 4/23/18
- Mass GIS Plan, Presentation Plan, Lucy Nesbeda, 55 Oak Hill Road, Harvard, MA, prepared by David E. Ross Associates, Inc., Job No. 24800, Plan No. L-GIS, dated 4/23/18
- Letter from Hamwey Engineering, Re: Shared Driveway Review, 55 Oak Hill Road, Harvard, MA (HEI File no. 18001.00), dated April 13, 2018; comments added by David E. Ross Associates, Inc., dated May 15, 2018
- Letter from Michael and Robin Peters, Re: Special Permit and Driveway Site Plan Application, Lucy Nesbeda, 55 & 57 Oak Hill Road, Harvard, Two Type 4 backland lots with a shared long driveway, including illustrations 1 -4, dated April 2018
- Email from Tim Kilhart, DPW Director, Subject: Fwd: Re: 55 Oak Hill, dated April 19, 2018
- Note from Gabe Vellante, Building Commissioner, dated 23, Apr '18
- Letter from Paul Willard, chairman of the Conservation Commission, RE: Special Permit & Driveway Site Plan – 55 Oak Hill Road, dated April 11, 2018
- Letter from Andrew Perry, Lieutenant/Fire Prevention, Harvard Fire Department, Re: Special Permits – Nesbeda – 55 Oak Hill Road
- Letter from Mary E. and Jeffrey A. Jarvis, Re: Special Permit and Driveway Site Plan Application, Lucy Nesbeda, 55 & 57 Oak Hill Road, Harvard; Two Type 4 backland lots with a shared long driveway, dated April 19, 2018

#### **Approve Minutes**

- Draft Minutes of April 2 and 12, 2018 prepared by Liz Allard and edited by Bill Scanlan

#### **Approve Invoices**

- INVOICE – William Scanlan, Consulting Town Planner, dated April 6, 2018

#### **Nashua River Wild & Scenic Designation Support**

- Draft letter to Nashua River Wild and Scenic River Study Committee, dated April 23, 2018

#### **Review “Consider This” Article re: Recreational Marijuana**

- Consider This Town Meeting to Decide on Marijuana Zoning, Erin McBee, Chairman On behalf of the Harvard Planning Board, April 23, 2018