

Action Items	Member/Staff Responsible
Request Select Board appoint Kelley-Munoz as the Associate Member	Allard
Recommend to the BOH that AAC review the Board of Health Marijuana Regulations	Ryan
Draft "Consider This" article on Erosion Control Bylaw	Rushmore

**HARVARD PLANNING BOARD
MEETING MINUTES
DECEMBER 17, 2018
APPROVED: JANUARY 28, 2019**

Chair Erin McBee called the meeting to order at 7:03pm in the Town Hall Meeting Room, 13 Ayer Road, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

Members Present: Erin McBee, Fran Nickerson, Stacia Donahue, Justin Brown and Jarrett Rushmore (Associate Member)

Others Present: Liz Allard (LUB Admin), Chris Ryan (DCED), Matt Flokos (Harvard Press), David King (Remax), Ken Atwell, Peter Warren, Ed Starzec (MassDevelopment), Brandon Loughy, Beth Williams, Kristin Kelley-Munoz, Matt Cronin, Julie Sniffen, Nat Beal, Pam Brown, Jeff Brown, Tom Murphy, C. Ron Ostberg (School Building Committee), SusanMary Reddinger (School Building Committee) and Larry Spang (Arrowstreet Architect & Design)

Board Member Reports

Donahue stated Park & Recreation Committee received all of the funding they were expecting from Columbia Pictures for the filming of Little Woman in the Town Center. These funds will assist in repurposing the area between the General Store and the Congregational Church.

McBee stated the Community Preservation Committee will be meeting this Wednesday with the Conservation Commission, Park & Recreation Commission, Harvard Athletic Association and the Affordable Housing Trust to discuss the applications for fiscal year 2020 funding.

Nickerson stated at a recent Housing@Hildreth House Committee (H@HHC) meeting the study for the Fire Station was discussed; this study should be completed soon. H@HHC requested Ryan follow up with appraiser to determine the value of the land with the Fire Station land being removed and reducing the number of units by one. H@HHC is still looking at a development that would not include any affordable component.

Director's Report

Ryan recommended the establishment of a Master Plan Implementation Committee. McBee explained when the Master Plan was completed the Planning Board (PB) did not want to burden volunteers with an additional time commitment; therefore the PB assigned liaisons to Boards and Committees that have items within the action plan. It is up to those liaisons to periodically check-in with the Boards and Committees to see what assistance can be provided in achieving the action items.

Ryan has discussed the potential of Harvard joining Minuteman Advisory Group on Interlocal Coordination (MAGIC) with the Municipal Affordable Housing Trust (MAHT). MAHT has expressed the willingness to fund a five-month trial period for monitoring compliance only if MAGIC is willing to allow for this. Ryan has submitted a sample letter to the Town Administrator.

Approve Minutes

Donahue made a motion to approve the minutes of November 19, 2018 as amended. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Approve Invoice

Donahue made a motion to approve the invoice of Hamwey Engineering in the amount of \$325.00. Rushmore seconded the motion. The vote was unanimously in favor of the motion.

MassDevelopment Vicksburg Square Rezoning Discussion

Ed Starzac, of MassDevelopment, was present to discuss the proposed changes to the Devens Bylaws and Reuse Plan to facilitate the redevelopment of Vicksburg Square. MassDevelopment has been conducting community outreach in all three towns (Ayer, Harvard & Shirley) in order to inform anyone who is new to area on the history of Vicksburg Square. Starzac reviewed the proposed changes to the Devens Bylaws. Ryan suggested using additional language to make the affordable units “eligible” such as the word shall. The changes to the Reuse Plan maintain the history of Devens from the departure of the Army and the implementation of MassDevelopment. Proposed changes to the Reuse Plan will update that history as well as revision to facility the redevelopment of Vicksburg Square.

The proposed changes to the Reuse Plan include:

- Removal of Innovation and Technology Center from Vicksburg Square Quadrangle and moved it to 94 Jackson Road
- Update Devens Reuse Plan Figure to reflect above change
- Accommodate small- and medium-scale business in the Innovation and Technology District
- Allow of up to 300 units of multi-family residential and/or age-restricted housing outside of the 282-unit Devens cap within the Vicksburg Square Redevelopment District
- Twenty-five percent of any residential units within the Village Growth I district and Vicksburg Square Redevelopment District will be reserved for low income individuals or families
- New subsection Vicksburg Square Redevelopment District within the Zoning and Resource Protection Overlay Districts
- New subsection Vicksburg Square Redevelopment District within the Zone Districts Goals and Objectives

The proposed changes to the Devens Bylaw include:

- Addition of subparagraph 15 to Section V.A Vicksburg Square Redevelopment District
- Include Rogers Field and exclude Vicksburg Square in Section V.A.13 Innovation and Technology Center
- Allow for multi-family dwellings containing in excess of six (6) units within Vicksburg Square Redevelopment area only
- Exclude the 300 residential units within Vicksburg Square from the housing cap of 282 units
- Revise Zoning Map

Donahue asked if there is any room to negotiate the number of total units at Vicksburg Square. Starzac stated MassDevelopment is proposing to revise the original number to 300 units, which will include smaller units to accommodate those working at Devens and within the region. The number of the three-bedroom units will be reduced from the original build-out.

Ryan asked if this project would be eligible for Mass General Law (M.G.L.)Chapter 40S (State funding to cities and towns that establish M.G.L. Chapter 40R to cover the cost of educating any school-aged children who move into such district). Starzac stated MassDevelopment explored M.G.L. Chapter 40R (Special zoning that allows for densities of 20 units/acre of apartments) this past spring with the Department of Housing and Community Development, however it comes with boilerplate that establishes affordable criteria. In addition, the sell and heavy lift of explaining this M.G.L. to the communities was not appealing to MassDevelopment. Ryan asked if M.G.L. 40S could be mimicked. Starzac stated MassDevelopment pays full rate for students to be educated in Harvard already; approximately \$18k per student. When asked if the development was a mixed use of residential and commercial would the number of units be reduced, Starzac stated yes. Starzac anticipates returning in the January/February timeframe for the required public hearings.

Harvard Elementary School Building Committee Update

SusanMary Reddinger, from the School Building Committee (SBC), stated approvals have been received from the Massachusetts and Harvard Historic Commission for the proposed new elementary school. Approval has also been received under the Massachusetts Endangered Species Act. There are a number of Boards, Committees and Departments that have been involved in the development of the project. This evening the SBC is present to informally present the plan prior to filing for Site Plan Review.

Larry Spang, of Arrowstreet Architect & Design, gave an overview of the project including landscape plan, site plan, floor plans, elevation views, site layout, utilities plan and site plan logistics. SBC hopes to have a final bid document prepared by this coming spring, a potential of submittal to the Planning Board by January. Variances will be required for maximum height and allowable floor area.

Ryan has provided guidance to the Planning Board within his report for this evening in regard to the Dover Amendment and the role staff and the Board plays when reviewing the site plan.

Presentation by David King re: Cumberland Farm, 185 – 187 Ayer Road

David King, of Remax, detailed a proposal for a Cumberland Farm gas station at the westbound onramp to Route 2. King is representing the owner of the property, Tom Curran. King opined there is a need for this type of business within the community as well as that Cumberland Farms is a responsible corporation. He also stated thirty new jobs would be created and mentioned that Cumberland Farms gives back to the community. King stated there are no service stations for a sixteen mile stretch from the Concord rotary to exit 32 in Leominster. King detailed the safe storage of fuel. In closing his presentation King stated the location is ideal, not only for some reasons already stated, but also for access to gas, food and dry goods twenty-four hours a day, a successful business and increased revenue from sale tax.

McBee stated in order to provide for such a business in the commercial district a number of bylaws would have to be amended.

Beth Williams, a resident of Granite View Lane, asked how this development would fit into the recently accepted Commercial Design Guidelines. King stated the developer would work with Harvard regulations to make a development that would be suitable to the area.

Julie Sniffen, a resident of Old Shirley Road, asked how far the gas station in Ayer is from the Route 2 interchange. King stated about one mile.

Donahue asked would not having fuel as part of the development kill the project. King stated yes. Donahue noted that if amendments were made to the Protective Bylaw it would apply to the entire district and not just this one location. King confirmed this location would not include diesel pumps. Ryan asked what type of traffic impacts could be expected from this type of development. King will provide that information.

Nickerson stated she sees this as a positive by having such a service available as a convenience to the community, in a location that would not have major impact to the community, however the provision within the Protective Bylaw that only allows for the storage of 5,000 gallons of fuel is a perspective of the Town that the Planning Board should respect.

A resident of Harvard Green corrected King's comment of there being no residential areas in close proximity to the proposed location. Harvard Green, a residential development of condominium units, actual abuts the property in question.

King stated water and sewer would be provided for on the property.

Brandon Loughy, a resident of 21 Still River Road, asked about crime studies of 24-hour facilities.

Nate Beal, a resident of Old Shirley Road, can understand why such a business is being proposed, but had lived in Harvard long enough to know that you plan ahead like a snow storm, when you need such things as a gallon of milk. Beal feels this proposed development is not really servicing the residents of Harvard, but those who travel along Route 2.

McBee thanked King for his presentation, but the majority of the Planning Board was not interested in proposing bylaw amendments to the Town in order to allow such a business within the commercial district.

Volunteer Application – Kristin Kelly-Munoz

Kristin Kelly-Munoz was present to discuss her desire to volunteer as the associate member of the Planning Board. Kelly-Munoz moved to Harvard in 2011 and is seeking to represent her part of town. Her background as an attorney may serve the Board well. After a brief discussion, Donahue made motion to recommend to the Select Board the appointment of Kelly-Munoz as the associate member of the Planning Board. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Matthew Cronin was also present to get a sense of the activities conducted by the Planning Board. Although all of the seats on the Board will be filled with the appointment of Kelly-Munoz, Cronin was encouraged to submit a volunteer for to the Select Board office to be kept on file.

Comments for Board of Health Marijuana Regulations

Upon a brief review of the proposed regulations by the Board of Health, members of the Planning Board wondered how these regulations would it relate to what is allowed within the Protective Bylaw, as well as the Right to Farm Bylaw. It was suggested the regulations be sent to the Agricultural Advisory Committee for comments as well. Members were asked to review the regulations in detail for comments at the next meeting.

Discuss Potential Bylaw Amendments for 2019 Annual Town Meeting

- **Limited Commercial Development** – Ryan explained his thought process to develop two provisions that would benefit both agricultural land and larger farm type properties. Ryan suggested the limited commercial district, with a Special Permit process that would provide fairness and a Rural Life Preservation (RLP) option that would allow limited business activities on certain qualifying rural, non-agricultural parcels, also by Special Permit. Members wondered if the business fails would the Special Permit would be transferable to a new owner. As far as any new bylaws for agricultural properties, the Agricultural Advisory Committee has asked the Planning Board to hold off any the development of any bylaws relating to agricultural properties as the State appears to be moving forward on revising the general laws regarding agricultural uses.

Ryan stated in order for the commercial district to viable there would need to be some infrastructure upgrade in that area, with significant zoning tweaks. McBee feels Limited Commercial Development may meet considerable resistance at Annual Town Meeting. Donahue agreed. Rushmore feels the Planning Board needs to think long and hard on the RLP, but likes what he is seeing thus far. Kelly-Munoz asked if there was more then one area in town that would be affected by RLP. McBee stated yes.

After further discussion on these options the Board agreed to continue developing a bylaw that is compatible to all parties of interests, including the development of a survey for large land owners, and potentially presenting at the fall Special Town Meeting.

- **Open Space Design** – Ryan has made revisions to a sixth version of this provision of the Protective Bylaw, Chapter 125-35 Open Space and Conservation – Planned Residential Development. Ryan believes this is a version that has viable option that developers will indeed take advantage of. Ryan noted some communities have made these options as a requirement of any subdivision. After a brief discussion members of the Planning Board agreed to continue to work on refining this provision for potential presentation at the fall Special Town Meeting.
- **Erosion Control Bylaw** – Ryan added a new section on waivers, additional information on the application requirements, the stock piling of materials and added to erosion controls methodology. After a brief discussion members agreed to present this new provision at the Annual Town Meeting this coming spring. Rushmore will draft a “Consider This” article for the Harvard Press. Public hearings will open on January 28th.
- **Groundwater Protection Overlay** – Minor questions on the differences on the well types needs to be clarified for explaining to the public during the hearing process and at Annual Town Meeting. Members agreed to present this amendment to Chapter 125-56 Groundwater Protection Overlay District at the Annual Town Meeting in the spring of 2019, with public hearings to open on January 28th.

Adjournment

Rushmore made a motion to adjourn the meeting at 9:39pm. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Planning Board Agenda, dated Monday December 17, 2018

Report of the Director of Community and Economic Development, December 17, 2018

Approve Minutes

- Draft Harvard Planning Board Meeting Minutes, November 19, 2018, prepared by Liz Allard

Approve Invoice

- Hamwey Engineering, Inc., Invoice No. 4460, dated December 8, 2018

MassDevelopment Vicksburg Square Rezoning Discussion

- Initial Draft for Public Hearings - Proposed Changes to the Devens Reuse Plan to Facilitate the Redevelopment of Historic Vicksburg Square, dated November 13, 2018
- Redline Version for Informational Use Only – Proposed Changes to the Devens By-Laws to Facilitate the Redevelopment of Historic Vicksburg Square, dated November 13, 2018

Harvard Elementary School Building Committee Update

- Hildreth Elementary School, Harvard Public Schools Harvard, Massachusetts, Town of Harvard Planning Board Update, December 17, 2018

Presentation by David King re: Cumberland Farm, 185 – 187 Ayer Road

- Presentation to the Town of Harvard for Cumberland Farms, Location 185-187 Ayer Road, Corner of Route 111 & Route 2, presented by David King of Remax Patriot Realty, undated

Comments for Board of Health Marijuana Regulations

- ARTICLE XI: Regulations to Ensure the Sanitary and Safe Operation of Marijuana Establishments and the Sale of Marijuana, undated

Volunteer Application – Kristin Kelly-Munzo

- Town of Harvard Volunteer Application, Kristin Kelley-Munoz, dated December 07, 2018

Discuss Potential Bylaw Amendments for 2019 Annual Town Meeting

- **Limited Commercial Development**
 - Limited Commercial (LC) Zoning District, undated
 - Rural Life Preservation, undated