

Action Items	Member/Staff Responsible
Research 125-30 Height amendment from 1997	Allard

**HARVARD PLANNING BOARD
MEETING MINUTES
JANUARY 13, 2020
APPROVED: FEBRUARY 3, 2020**

Chair Erin McBee called the meeting to order at 7:04pm 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, Justin Brown, Fran Nickerson, Stacia Donahue and Jarrett Rushmore

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Steve Morris and Matthew Flokos (Harvard Press)

Discuss Bylaw Amendment for the 2020 Annual Town Meeting – Chapter 125-30C Height

Harvard Fire Chief Rick Sicard was present to discuss the amendments to the Height provision within the Protective Bylaw. Chief Sicard stated the maximum height the Fire Department is able to reach safely with existing equipment is thirty-five feet. The existing language within the provision states the height of a building above average grade shall be less than thirty-five feet. However, as an average, the grade could be lower in some areas, such as a dwelling with a walk-out basement, which may exceed the thirty-five feet limitation, making fighting a fire from that location impossible. Similarly, the Zoning Board of Appeals had difficulty with this provision during the public hearings for comprehensive permit for The Elms on Stow Road. The average grade around one of the structures at The Elms was less than thirty-five feet, but as proposed the height of one side of the building was greater than thirty-five feet, which created a public safety issue for the ZBA in regards to the ability for the Fire Department to safely access the building.

It was clear to those present that the words “above average” should be removed. Language as to how height shall be measured from and defining finished grade will be included in the provision. Allard noted the existing language detailing what is not to be included when determining height, such as chimneys or spires, seemed to exclude wireless communications towers and antenna for some reason. Allard will research the amendment made in 1997 to determine why the language excludes the wireless communications towers and antenna.

Public hearings on this amendment will open on January 27, 2020.

Appointment of Community Resilience Working Group

After a brief discussion Donahue volunteered to be the Planning Board representative to the Community Resilience Working Group.

101 Training Introduction

This item was passed over this evening.

Board Member's Reports – Committee Activities

Brown stated he attended the community outreach meeting on December 19th in regards to the proposed marijuana cultivation on South Shaker Road. Brown stated Harvard residents did not represent themselves well. Matt Flokos, of the Harvard Press, did an excellent job to represent the event in the newspaper. Brown stated unfortunately the proponents were not well prepared and appeared to not have thought through all of the aspects of their proposal, nor were they prepared to guide a civil discussion.

The Board agreed that it will need to be clear to those in attendance during the Special Permit hearings to maintain civility. Allard stated if necessary the Board can request a police presence at the hearing to assist in maintaining a civil discussion.

McBee noted a letter received today requested the Board to consider amending Chapter 125-21D(5) Marijuana Cultivation. This will be discussed at the next public meeting on January 27th.

Donahue stated she attended a recent Minuteman Advisory Group on Interlocal Coordination (MAGIC) meeting. MAGIC is a group of 13 communities northwest of Boston working collaboratively on issues of regional concern. As previously stated Donahue feels Harvard would be better served by a planning commission that works with communities east of Harvard. Donahue stated she learned more in that one meeting than she has in two years of attending Montachusett Regional Planning Commission meetings. The only difficulty with MAGIC meetings is that they are conducted during the day. Donahue will continue to attend as she is able. Ryan will be asked to determine what will be necessary to join this commission.

McBee stated the Permitting Guide is being reviewed tomorrow during the Land Use Boards monthly meeting. Once all revisions and comments are complete a draft will be circulated to all of the boards for comment before final approval in February.

McBee stated the Ayer Planning Board is meeting tomorrow night in regards to the development known as Pond View on Shaker Road. Allard stated she had been informed there are two easements available to the golf course to access for deliveries and that it is a matter of which they prefer to use; this will maintain the conditions within the Site Plan Approval from Harvard, which does not allow for the main entrance on Shaker Road in Harvard to be used for deliveries.

McBee stated Ryan has been contacted by the proponents of the Rural Life Preservation bylaw who are showing interest in creating this bylaw again. Ryan explained to the proponents that the earliest the Planning Board could bring this to town meeting would be the fall.

Rushmore stated he meet with former Town Planner Bill Scanlan and Chris Ryan a few week ago to start charting out examples of the Open Space Design bylaw. Mc Bee stated Ryan has received comments from the Board of Heath that indicate that due to water and sewer requirements, these types of developments are difficult to achieve. Rushmore suggested instead of the bylaw being known as "open space" it may be better to refer to it as "conservation design".

Director's Update

This item was passed over this evening

Approve Minutes

Brown made a motion to approve the minutes of December 4, 2019 as drafted. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Donahue made a motion to approve the minutes of December 16, 2019 as drafted. Rushmore seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Brown made a motion to adjourn the meeting at 8:24pm. 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 January 13, 2020
- Chapter 125-30 Height proposed revisions, undated