

**HARVARD PLANNING BOARD
MEETING MINUTES
OCTOBER 18, 2016
APPROVED: NOVEMBER 17, 2017**

Vice Chair Erin McBee called the meeting to order at 7:03pm in the Hapgood Room at the Old Library, 7 Fairbank Street, under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Erin McBee, Fran Nickerson, Don Graham and Michelle Catalina

Others Present: Liz Allard (LUB Admin.), Bill Scanlan (Town Planner), Mark Lanza (Town Counsel), Joan Eliyesil (Harvard Press), Beth Williams (COA Board), David Hopper, Eric Ward, Susan Guswa, Jack Guswa and Hank Fitek

Protective Bylaw Amendments Hearing. Opened at 7:00pm

Board Member Reports

Nickerson attended the Council on Aging (COA) meeting this afternoon, where there was a discussion on senior housing as a priority to Harvard's senior residents as it pertains to the proposed bylaw amendment for the Hildreth Housing Overlay District. A subcommittee focused on senior housing is being created.

The COA received a donation towards renovation for the kitchen at Hildreth House. COA also discussed the raise in senior population.

Catalina stated the Community Preservation Committee has received five applications for funding in fiscal year 2018. Catalina has requested an agenda item for the next meeting to discuss any comments from Planning Board on the applications.

Planner Report

Scanlan stated he had no report this week as he was out of the office last week.

Approve Invoice

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

- Harvard Press - \$68.00

Graham made a motion to approve the invoice for Harvard Press. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Approve Minutes

Nickerson made a motion to approve the minutes of June 30, 2016. McBee seconded the motion. The vote was unanimously in favor of the motion amongst the members eligible to vote.

Catalina made a motion to approve the minutes of September 19, 2016 as amended. Nickerson seconded the motion. The vote was unanimously in favor of the motion amongst the members eligible to vote.

Catalina made a motion to approve the minutes of m. October 3, 2016 as amended. Graham seconded the motion. The vote was unanimously in favor of the motion amongst the members eligible to vote.

Devens Zoning Amendments

After a brief discussion, McBee made a motion in support of the amendments as presented by the Devens Enterprise Commission for Super Town Meeting on October 24th. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Update on the Proposed Ayer Road Roundabout

Scanlan stated the Conservation Commission has approved the land swap of Conservation land that will be needed to site the roundabout. The public forum is being held off for the time being. The group will need to reconvene to determine the next steps.

Discussion of revisions to Chapter 125-35, Opened Space and Conservation Planned Residential Development Bylaw

Members discussed the information provided by Montachusett Regional Planning Board in regards to how other communities permit cluster developments. Scanlan suggested eliminating the need for a preliminary plan and have a formula based approach to determine the number of dwellings. Eliminate or limiting the bonus was discussed; Catalina thought the requirements for achieving a bonus are difficult in comparison to the number of additional dwellings that would be allowed. Members agreed to incentivize starter down-sized housing as well as moderate-priced housing.

Members would like see where the existing provision would be allowed in Town to determine if the lot size should be increased. After further discussion, the members agreed that a formula based approach should be used; the existing bylaw should be streamlined and perhaps change the name.

Scanlan was asked to provide MRPC with the available information of the Poor Farm property in order to determine how the five examples provided would apply at that location.

Adjournment

Graham made a motion to adjourn the meeting at 8:46pm. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

Harvard Planning Board

Protective Bylaw Amendment Hearings

October 18, 2016

Vice Chair Erin McBee opened the hearing at 7:00pm in the Hapgood Room of the Old Library, at 7 Fairbank Street, under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Erin McBee, Don Graham, Fran Nickerson and Michelle Catalina

Others Present: Liz Allard (LUB Admin.), Bill Scanlan (Town Planner), Mark Lanza (Town Counsel), Joan Eliyesil (Harvard Press), Beth Williams (COA Board), Jack & Sue Guswa, Hank Fitek and David Hopper

Amend Chapter 125 by adding new section 125-55 Hildreth Housing Overlay District

McBee stated the forum held by the League of Woman Voters (LWV) addressed concerns with the land at the fire station that has been included in the overlay district, the sale of the land to a private developer, traffic concerns, drainage, and how the age restriction would be enforced.

Catalina suggested taking out the square footage for exclusive area under 125-55E(2) as the area available for each unit will depend on the configuration of the development.

There was no feedback from the forum in regards to 125-55C(2), the number of units per building. Sue Guswa, a member of the Council on Aging (COA) Board, thinks it would be more appealing to the voters with limitations, as this is a development in the center of our Town. Nickerson would rather see four units per building as opposed to six units. Members agreed to leave the language as is at six units, as you can reduce the number of units in the Request for Proposal process, but not increase.

Beth Williams, a member of the COA Board, stated she would like to maintain the language under 125-55D(2), which requires 25% of the units be three-bedroom, as there are grandparents raising grandchildren. Scanlan stated more three-bedroom units would increase the wastewater calculation, thereby limiting the number of units to be constructed. Nickerson thought 25% was a high number. Members agreed to leave the language as it is.

In regards to the age restriction in 125-55F, Town Counsel Mark Lanza stated the language is fine as drafted. When asked how that would be upheld, Lanza stated those who live there tend to police those types of activities as it is part of the home owner's association documents and/or it can be enforced by the Town as a deed restricted land.

When asked about the ability for the Board of Selectmen (BOS) to take land by eminent domain, Lanza stated the BOS has the authority to take land for public purpose and then sell it for a public purpose.

David Hopper asked if there have been any thoughts on creating affordable units at this location. Catalina explained the reasoning for the proposed overlay district as funding for Phase II of improvements to the Hildreth House; creating affordable units would lower the value and sale price of the land. Hopper stated this is inconsistent with the Town's Affordable Housing Plan and what is being proposed by this overlay district. Catalina explained this bylaw is to assist in creating moderate priced housing. Hopper stated Devens has language in regards to moderate-income and would be suitable in this provision. Hopper suggested adding a provision that requires moderate units by deed restriction.

Eric Ward, an abutter, asked what the setbacks are to abutting properties. Scanlan stated ten feet. Ward stated there is a walking path that exists along the edge of his property and he wanted to know how close development would be to that location. Scanlan stated ten feet and further explained with little land

available for development, the intent of the reduced setbacks was to reduce limitations on the development. A discussion in regards to screening for abutting properties was had and determined that Site Plan Approval is required under 125-55G(1), which includes screening.

Members and Lanza discussed the State requirement to have a minimum of five acres for such a development. It was the understanding of the members that this requirement had been removed in 2016. Lanza will research to determine if the Legislature passed any amendments to the statute that had not yet been incorporated into the official text.

Catalina made a motion to recommend approval of 125-55 Hildreth Housing Overlay District to Special Town Meeting. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Amend Section 125-39 Site Standards by adding new subsection G “Sidewalks”

Members discussed concerns raised at the Board of Selectmen meeting in regards to the use of asphalt as opposed to concrete and the suggestion of bike lanes at the LWV forum. Members agreed the language at this point should remain as is.

Catalina made a motion to recommend approval at of 125-39G Site Standards, Sidewalks within the Commercial District to Special Town Meeting. Graham seconded the motion. The vote was unanimously in favor of the motion.

With the question on the required size of the overlay district still outstanding, Nickerson made a motion to continue the hearing to October 24, 2016 at 6:30pm at The Bromfield School. Graham seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Protective Bylaw Amendments Hearing

- Hildreth Housing Overlay District for warrant_9-22-2016.docx
- Devens Enterprise Commission Rules and Regulation 974 CMR 5.00 Residential , dated June 2012
- Sidewalk Article_ for public hearing 10-18-2016.docx