

<b>Action Items</b>	<b>Member/Staff Responsible</b>
Provide Open Space Design Bylaw to local engineers for feedback	Ryan
Review Erosion Control Bylaw for comment	All
Discuss the interpretation of §125-30(A) with the Zoning Enforcement Officer	Ryan

**HARVARD PLANNING BOARD  
MEETING MINUTES  
DECEMBER 3, 2018  
APPROVED: JANUARY 7, 2019**

Chair Erin McBee called the meeting to order at 7:00pm 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 (Land Use Boards Admin), Chris Ryan (Director of Community & Economic Development) and Matt Flokos (Harvard Press)

**Approve Minutes**

Donahue made a motion to approve the minutes of October 29, 2018 as amended. Rushmore seconded the motion. The vote was unanimously in favor of the motion.

**Board Member Reports**

Donahue stated Park & Recreation (P&R) Commission is still working out details of the restoration for the area between the General Store and the Congregational Church. Funding received for compensation of the filming of Little Woman was not what P&R thought it was going to be. Ryan is willing to help find funding for this project.

The Harvard-Devens Jurisdiction Committee is meeting tomorrow. Ryan has prepared a memo to the Committee detailing the impact to the Land Use Boards should Harvard resume jurisdiction over its historical boundaries at Devens.

McBee stated Community Preservation Committee (CPC) is meeting on December 19<sup>th</sup> to review the remaining applications for Fiscal Year 2020 funding. CPC has received twice as many requests as there is available funding.

The Historic Commission is seeking assistance from Ryan on a Demolition Delay Bylaw. The Town Administrator advised it may be too much of a commitment as this time, but Ryan can assist as time will allow for the time being. The Historic Commission has also asked for assistance from Ryan on the rebuilding the stone wall along Mass Ave. The Harvard Elementary School (HES) project will affect traffic and pedestrian flow in that area and will need to be taken into account.

Ryan stated in meeting with the HES Building Committee it was noted that the Dover Amendment would apply. Ryan has reached out to other communities to see how they deal with the peer review process for

a municipal project. The State's review of the plans pertains to meeting educational requirements and not local zoning.

Ed Starzac, of MassDevelopment, will be at the next Planning Board meeting to discuss proposed amendments to the Devens Reuse Plan for the redevelopment of Vicksburg Square. Donahue attended the recent public meeting at which concerns with the location of the town line (which happens to cut right through one of the buildings between Ayer and Harvard) were expressed. Many felt the amendment was too broadly written and needs some tweaking. Questions about the 25% affordable units and how it fits into the current Subsidized Housing Inventory were also expressed. The general sense from the crowd was to tighten up the language.

Ryan stated the Municipal Vulnerability Preparedness Agricultural survey has been launched on the Town website. This survey will help to shape the agricultural workshops which were scheduled for December 12<sup>th</sup>, but will be moved out about one month at this point. This workshop will allow for breakout groups to determine environmental impacts to farmers. A second agricultural workshop will address solutions to those impacts. A third workshop of the other town stakeholders will identify other environmental impacts around town.

Permanent Building Committee has discussed the addition of parking at the fire station; McBee wondered if this is something the Planning Board (PB) needs to worry about. Ryan has not seen a plan, but was in attendance when it was discussed. Nickerson feels it does relate to the PB in regards Housing at Hildreth House.

### **Director's Report**

See "Board Member Reports" above

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

- **Limited Commercial Development**
  - Ryan provided a number of options, which includes:
    - Extension of Commercial District across Route 2 to this parcel;
    - Create a new zoning district called something like "Limited Commercial" or "Business Transition" and seek to rezone the parcel (which would have to abut the existing commercial district);
    - Create a new type of special permit to allow limited business activities on certain qualifying rural, non-agricultural parcels (This could be: The Rural Life Option or a simpler, less regulated and criteria-laden option);
    - Create a Limited Business overlay zone for AR district
  - Members agreed to "Limited Commercial"
- **Open Space Design Bylaw** – Ryan suggested incorporating protections of secondary features, such as stone walls, into the bylaw beyond the primary features already being protected. As drafted the bylaw is geared to rural development only and does not take into account development in the Town Center or suburban development. Ryan further suggests allowing bonus to developments that provide public access to open space. Ryan has added a "Design Process" section that provides for a four step process when designing this type of development. Ryan will share the bylaw with local engineer firms for feedback.
- **Erosion Control Bylaw** – Ryan provide an overview of revisions to the bylaw that may assist in making a more acceptable bylaw at annual town meeting. Members shall review and provide any additional feedback to Ryan.
- **Groundwater Protection Overlay** – Nothing new to report

## **Devens Jurisdiction Input Request**

See Board Member Reports

### **ZBA Request for Comments – 19 Mill Road**

The Director's report stated a site visit determined that the site(s) is/are very difficult terrain with very few options for buildability. Related to the accessory apartment, there is no specific reason staff can see to deny this request based on the criteria that can be reviewed. For the remaining criteria, either the applicant can provide evidence of compliance or the Board can make any granting of a Special Permit contingent upon compliance.

Related to the proposed garage, please note that §125-30(A) states that "*Structures on a lot shall be such that each dwelling or other main building, with its associated accessory structures, can be provided simultaneously with its own lot, with the lot and structures thereon conforming to the Bylaw.*"

Should this section be interpreted historically and by precedent that an accessory building must be placed on the same lot as a principal building, then this proposal is non-compliant. However, if it can be interpreted as accessory buildings may indeed be located on a separate (contiguous?) lot, then it can be considered compliant. Precedence in interpreting this passage is a critical factor in any decision. Should the applicant claim hardship related to a stricter interpretation of §125-30(A), then it is assumed that the ZBA may consider a variance based on hardship. However, the fact that the accessory apartment is being established whereby a garage could otherwise be placed in that same area, may reduce the plausibility of a hardship claim.

The Board agreed this should be further discussed with the Zoning Enforcement Officer by Ryan.

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

Members had minor revisions to the decision as drafted. A final version will be available for final approval at the December 17, 2018 meeting.

### **Adjournment**

Brown made a motion to adjourn the meeting at 9:26pm. 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 3, 2018**

### **Report of the Director of Community and Economic Development, December 3, 2018**

#### **Board Member Reports**

- Memorandum to Harvard Devens Jurisdiction Committee, from Christopher Ryan, RE: Memo Entitled "Input on Return of Jurisdiction", dated November 29, 2018
- Email from Christopher Ryan, Subject: New School Project Design Team, dated Dec 3, 2018
- Dover Responses pages 1-3, undated
- 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 By-laws to Facilitate the Redevelopment of Historic Vicksburg Square, dated November 13, 2018

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

- **Open Space Design Bylaw**
  - Harvard Draft Open Space Design, November 29, 2017, 5<sup>th</sup> Draft
  - Memo to the Planning Board from Bill Scanlan dated August 31, 2017, Subject: Open Space Design Case Study
  - Memo to the Planning Board from Bill Scanlan dated September 28, 2017, Subject: Open Space Design Case Study, Oak Hill Road
  - Memo to the Planning Board from Bill Scanlan dated September 28, 2017, Subject: Open Space Design Case Study, Oak Hill Road Number 2
  - Findings from MRPC undated
  - Spreadsheet detailing other communities zoning bylaws relating to open space development, undated
- **Erosion Control Bylaw –**
  - Erosion Control Bylaw ATM 2016