

**HARVARD PLANNING BOARD  
MEETING MINUTES  
DECEMBER 15, 2014  
APPROVED: FEBRUARY 11, 2015**

Chairwoman Kara McGuire Minar opened the meeting at 7:05pm in the Town Hall Meeting Room under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

**Members Present:** Kara McGuire Minar, Erin McBee, Joe Hutchinson, Don Graham and Michelle Catalina

**Others Present:** Liz Allard (LUB Admin.), Bill Scanlan (Town Planner), Maren Caulfield (Harvard Press), Sam Lawton (MRPC), Jon Bishop (Nashoba Publishing), Rich Maiore (EDC), David Hopper, Roger Fradenburgh, Phyllis McNerney, Roberta Dubuc, Norman Dubuc, Steve Hierman, Susan Hansen, Helena Sylvester, Fran Nickerson, Bruce Nickerson, Jay L. Ryan, EJ Russo, Alexandra Moussouris, Ed Rubin, Rob & Mary Fernandez, Lynne & Steve Byers,

**Board Member Reports**

Graham reported that the Economic Development Committee has not met; therefore he has no report from them.

McBee stated the Commercial Design Standard Task Force has begun meeting and have started reviewing the bylaws that pertain to the commercial district. The next meeting is set for January 6, 2015.

Hutchinson stated the Community Preservation Committee (CPC) has two requests for funding from the Conservation Commission; the first for funds to purchase open space and the second for the invasive plant species program. A request from the Park & Recreation Commission for improvements to the cross-country trails behind the McCurdy Track; and the Municipal Affordable Housing Trust for funds to create affordable housing. The CPC had a long discussion on a request for the re-opening of the application period to allow for the Council on Aging to submit an application for improvements to the Hildreth House. In order to do so the CPC would need to make changes to the existing Bylaw; they voted not to do so at this time.

Hutchinson stated the Master Plan Steering Committee (MPSC) held its final forum on December 6<sup>th</sup>, which focused on Devens, with a meeting of the Committee the following Tuesday as a debrief. Opinions of the Committee varied a bit; Hutchinson's opinion is that RKG (the Master Plan consultant) would target the Devens matrix; Hutchinson did not feel RKG had done that. More importantly the MPSC has to figure out the remaining schedule as the contract is up February 15<sup>th</sup>. McGuire Minar asked how many working papers have been received. Hutchinson stated all working papers have been received, reviewed and returned to RKG for the creation of the Chapters. The MPSC has also received Chapter 2. It appears to Hutchinson that the comments submitted to RKG were not incorporated into the Chapter. The MPSC is still waiting for Chapters 1 and 3-5 and a draft of the final plan. The matrix of the forum consisted of positive and negative impacts if Devens is taken back or not taken back as part of Harvard.

**Planner Report**

Scanlan stated he had met with the Zoning Board of Appeals (ZBA) last week to discuss a potential revision to 125-18.1 Accessory Apartments. The revision was intended to loosen the restrictions on accessory apartments to help diversity housing stock in town. Revisions included allowing accessory

apartments by right in existing homes or structures and only requiring a special permit if an addition to an existing structure or the construction of a new structure was required. The revision also included the removal of the five year provision and the requirement of separate entrance. There was a good discussion with the members of the ZBA, who ultimately decided to wait and see what the Master Plan will recommend before moving forward on this revision.

Catalina stated she supports the loosening of the restrictions, with the aging population many in town will be looking towards having the ability to have family to live with them; she does not think the revisions would detract from the character of the town.

### **Approve Invoice**

The following invoices have been received for payment on the next bill warrant:

- William Scanlan -\$2160.00 (Town Planner)
- William Scanlan - \$1680.00 (Town Planner)

McBee made a motion to combine the approval of the above mentioned invoices into one motion. Graham seconded the motion. The vote was unanimously in favor of the motion.

McGuire Minar made a motion to approve the invoices for William Scanlan. McBee seconded the motion. The vote was unanimously in favor of the motion.

### **ZBA Request for Comments**

Scanlan stated the Planning Board had received two requests for comment from the Zoning Board of Appeals (ZBA). The first is for the reconstruction of a single-family dwelling on a non-conforming lot at 90 Warren Avenue. Scanlan stated as part of the changes to 125-3 Non-conforming structures and uses provisions, in which any increase of a structure over 20% would require a Special Permit. Scanlan noted this application does not include a request under that provision. McGuire Minar asked that Scanlan confirm with the ZBA to be certain it complies with the current bylaw. In addition, McGuire Minar requested Scanlan obtain the current and proposed increases in footprint from the applicant's representative.

The second application from the ZBA is for a Special Permit to convert a seasonal residence to year round residence at 50 Turner Lane. Scanlan stated the application is appropriate and he has no specific comments on the application. The Chair asked Scanlan to send a note to the ZBA in that manner will be sent.

### **District Local Technical Assistance Grant Survey Results**

Sam Lawton, from Montachusett Regional Planning Commission, was in attendance to present the updated report "Business Conditions Assessment in C District" as part of the District Local Technical Assistance grant. Lawton submitted a final revised revision this evening, which included a summary of each section, traffic count information and the building permit information, has been replaced with assessing data. Catalina noted the comment on page 3 still needs to be removed under White Paper report as requested. McGuire Minar liked that the number of surveys returned were added to the report. Rich Maiore, of the Economic Development Committee (EDC), asked how the numbers of returned surveys compare with other communities. Lawton stated the response rate is typically 10 -15%, Harvard's response was 22%. Catalina asked Maiore if the information from this survey is similar to what the EDC has collected in past surveys. Maiore thinks it is very similar. Maiore asked about the restricted uses and how does that relate to other towns. Lawton stated it is similar in other towns as well.

McGuire Minar asked Hutchinson how this was to be incorporated into the Master Plan. Hutchinson stated the report is informational only, as there is no conclusion to it. Chapter 2 of the Master Plan, details the state of the Town as a whole, which includes a section on economic development; Hutchinson believes some of the information in the MRPC report could be used as an appendix to the Master Plan. Scanlan thinks the report could be useful to EDC for outreach, to show prospective business owners the climate of the district and to identify services the town may want.

McGuire Minar thanked both Scanlan and Lawton on their efforts. Essentially, the report is a market survey. Maiore asked Lawton if he felt a market survey would be warranted. Lawton stated it depends on what you want and there would be additional steps to be taken to get that information. The big picture is that with no public water or sewer the area is not desirable to developers due to the cost associated with installing and maintaining those types of systems.

The final report will be available to the public on the Planning Boards page of the Town website.

### **Municipal Affordable Housing Trust Proposal & Local Initiative Program – 166 Littleton Road**

McGuire Minar stated to those in attendance that this evening is meant to be an informal discussion between the Planning Board and the Municipal Affordable Housing Trust (MAHT) to get a sense as to what is being proposed at 166 Littleton Road; no decisions will be made here this evening.

David Hopper, a member of the MAHT, was present to discuss the proposal for 166 Littleton Road. Hopper stated in 2012 the MAHT starting looking at properties around town for an affordable housing project; in early 2013 the MAHT located two properties, 166 Littleton Road (aka the Poor Farm) and 361 Ayer Road (aka Maxant Land). In the spring of 2013 the MAHT held a public meeting on what to do on the properties. Initially the proposal was to develop rental units on Ayer Road and develop three standard lots on Littleton Road to off set the cost of developing 17 affordable units within the existing farm house and newly constructed buildings. The Ayer Road property did not work out and the MAHT abandoned any plans for that location. In the fall of 2013 the MAHT bought 166 Littleton Road for 1.2 million dollars. The process of determining the ability to develop the site began immediately. Although soil test came back positive for the site, wetlands on the site limited the development on the property. Separating out the standard lots really constrained the development of the site.

The MAHT prepared a Request for Proposals (RFP) that listed the goals they wanted to reach in developing this property, which included 25% of the units were to be affordable, with a preference that that number be increased, preserving open space on the property, and preserving the existing farm house. The RFP did not get into too much of the specifics for the proposals. The RFP did include language in regards to traffic, as it was a concern of the abutters. The MAHT only received one proposal, from Metro West Collaborative Development, for a 100% affordable project with, 36 rental units, which would maintain open space, provide walking trails open to the public and be constructed as net zero energy housing.

A public meeting was held in November of this year to discuss the RFP with the abutters and residents of the town. The MAHT wanted community feedback before making any adjustments to the proposal. The November meeting provided a lot of good feedback. Since that time the MAHT has had one meeting, which was last Monday. Metro West Collaborative Development was present at the public meeting in November and stated they felt they could address the concerns of the general public as expressed that evening. Hopper stated it was his understanding that there were issues with the density, traffic and water. Hopper stated the developer would need to spend a considerable sum on engineering of the proposal in order to get into the actual costs of the project. Knowing these numbers allows the developer

to seek the appropriate grants; however the developer wanted a commitment from the MAHT before expending funds on this project. The MAHT felt the developer has incurred large costs on spec with this proposal, and therefore began the process of preparing a purchase and sale (P&S) agreement between the MAHT and Metro West Collaborative Development. McGuire Minar asked if the MAHT would consider moving forward using their own funds to get a better sense of what the town wants. Scanlan stated the state has just opened grant funding known as Planning Assistance Toward Housing (PATH); these grants aid in getting proposals off the drawing board and competed. Scanlan stated the town could receive up to \$25,000 in funding. Applying for this grant requires the Board of Selectmen (BOS) approval and could be a four to six week process once approval is received from BOS.

McGuire Minar asked about the compressed time frame. Hopper stated applications for funding are due the end of January, but that was before the public meeting. Hopper added typically funding is available every 6 months, depending on the State's budget; it could be a 12 month cycle. In regards to the current mortgage on the property, does the MAHT have any cut date on that? Hopper stated the property could be put on the market, but the MAHT would still want to manage who purchases the property should it come to that.

Bruce Nickerson, a member of the MAHT, came to the table and stated the MAHT has not had any votes and that he and Hopper can only give personal opinions this evening. Nickerson stated there has been no discussion with MAHT as to an end point, but they can not afford to hold on to the property for five years. Nickerson stated a potential sale price for the property could be driven up from the original \$1.2 million, the MAHT paid for the property with the site work that has been completed.

Scanlan explained the Local Initiative Program procedures adopted by the Town of Harvard, which starts with public hearings before the Planning Board. Catalina stated she is confused by the MAHT process; the feed back she heard from the public meeting was not good, yet the MAHT is still moving forward with a P&S agreement with Metro West Collaborative Development. Nickerson stated the MAHT voted to draft a P&S for their review. Catalina asked what kind of experience the developer has to do this type of development; has the MAHT checked any references? McGuire Minar stated as she understands the situation, MAHT's Counsel, Mark Lanza, is reviewing the P&S, which would be a very detailed document that would allow for an out for the MAHT should the developer not be able to complete the project in a manner acceptable to the MAHT. Steve Hierman stated Metro West Collaborative Development has never done a project such as this.

McGuire Minar asked about the PATH process and would the MAHT need to go out to bid again. Hopper stated they could; the MAHT is not bound by the typical State procurement laws. Catalina wondered what the Town owes to the developer at this point. Catalina understands that the MAHT did not want RFP to have certain restrictions within it; however these types of development need to be friendly to the majority of the Town.

McGuire Minar asked if there is a pressure situation from the developer to get moving on this project. Hopper stated there is not. Hopper stated he did not hear any objections about the units being all rentals at the November public meeting. Hopper stated he lives in the area, closer to most of the individuals in the room.

McGuire Minar stated the PB had received a letter from Hierman earlier today, which had been sent to all of the members. Hierman asked about the procurement requirements. Nickerson explained the law that creates the MAHT exempts them from some of those requirements.

Helena Sylvester, of 54 Park Lane, had questions about who would own and manage the property. Nickerson stated Metro West Collaborative Development would have an on-site office for management purposes. Sylvester asked if the MAHT has determined that Metro West Collaborative Development will have the funds needed to develop the property, considering they have never done a project of this magnitude. Sylvester suggested we step back at this point as this is not the appropriate location for this project.

Susan Hansen, of 63 Park Lane, is amazed by the fact that the MAHT walked away from the November meeting with the sense that there was no discussion of all of units being affordable rental units. She feels this is a bait and switch from what was previously proposed at the location. Hansen asked what happened to the Ayer Road project. Nickerson stated it was not feasible to do the project and the site has been dropped by the MAHT. Hansen stated the MAHT did not do its due diligence prior to buying the property; that is why it sat on the market for three years. Sylvester stated the MAHT keeps hearing how inexperienced Metro West is, yet MAHT still want to move forward. What happens if Metro West goes out of business? Sylvester stated the town would have no control of who could be maintaining the property.

Nickerson stated he takes offense to the bait and switch comment; the proposal submitted is for the best possible development for the property in order for it to be feasible to the developer.

Alexandra Moussouris, of 56 Park Lane, expressed concerns with this development and the transient nature of apartment living.

Ed Rubin, of 4 Poor Farm Road, questioned the missing minutes from past meetings of the MAHT. He is not sure if this is in violation of the open meeting law, but it makes it difficult to keep up with what is going on. Rubin wondered if we are allowing Metro West to make Harvard their beta site.

E.J. Russo, 3 White Lane, thanked Nickerson and Hopper for their time this evening. Russo had questions about Harvard's subsidized housing inventory, which is currently at 5.5%. McGuire Minar explained the more market housing you add to town the more affordable housing you are required to create; with 40B developments typically consisting of only 25% affordable units, you are basically chasing your tail to try and get to the 10% required by the State. Russo asked if there has been any feed back from Metro West Collaborative Development as to why they are proposing 100% affordable. Nickerson stated it is basically for financial reasons; they could not do 25% affordable and make the tax credits work as well. Russo expressed concerns with increased traffic in an already busy area; he suggested a four way stop.

Mary Fernandez, of 43 Park Lane, asked if the developer could do this project for less than 36 units. Nickerson stated no. Fernandez expressed concerns about traffic and line of sight from the intersection. Nickerson stated the MAHT has suggested that Pinnacle Road not be used as an exit, nor should any exit be close to the intersection.

Moussouris, of 56 Park Lane, returned to the microphone and asked if there has been any discussion on aging restricting the units. Nickerson stated as a general matter these places are for young families as well as the aging community. Nickerson stated Harvard contains large lots that may not be obtainable by young families and the Department of Housing and Community Development does not prefer senior housing. Moussouris suggested maybe not the entire property be age restricted, but perhaps a subset of the project.

Hansen, of 63 Park Lane, returned to the microphone and asked who would be responsible if the water is contaminated due to this development; as well as septic systems. Since Park Lane is up gradient from this project, those present felt it was doubtful the abutters on Park Lane would have issues with water or septic systems due to this development.

Lynne Byers, of 17 Park Lane, has concerns with the coming and going of the renters of these units in that they will have no ties to the community.

Fran Nickerson, of 212 Stow Road, is upset to hear so much reaction to rentals. Nickerson would like to think this town is big enough to accommodate our younger generations, who would rent an apartment, just as she did, until they can afford to buy a house. Nickerson hopes the "not in my back yard" thought is not the motivating factor here.

Robert Fernandez, of 43 Park Lane, takes issue with the result of the November public meeting; it seems as if our voices were not heard. Fernandez also takes issue with the lack of information from the MAHT and keeping the public, especially the abutters, informed as to what is going on. Fernandez stated no one here objects to affordable housing, but they do object to it in this manner.

Bruce Nickerson reminded everyone that no one on the MAHT is an expert at this process; we are volunteers doing the best job that we can to reflect the wants of the Town.

Byers wanted to know how are residents notified of the MAHT meetings; she has a big fear of what her property will be valued at once this development is completed. Those present were asked to include their email addresses on the sign-in sheet, which will be forwarded to the MAHT. Hopper stated the MAHT meets regularly on the second Tuesday of each month.

McGuire Minar asked Hopper what the MAHT timeline is on this project. Hopper stated the MAHT will be reviewing, with advice from Counsel, the P&S agreement and determining how to move forward with that process.

Members of the public expressed concern that the MAHT was still planning to move forward with a P&S considering the feedback received this evening. It was suggested the MAHT consider a community working group to help make this project feasible to the Town.

Rubin, of 4 Poor Farm Road, returned to the microphone and wanted to make sure he understood that there is an option for the MAHT to go back out again with another RFP. Nickerson stated that was correct.

### **Approval of Minutes**

Catalina made a motion to approve the minutes of November 17, 2014 as amended. McBee seconded the motion. The vote was unanimously in favor of the motion.

### **Update on Community Preservation Act Funding**

See "Board Member Reports" above

### **Discuss new Planning Board Recommendation to the Historical Commission – Wendy Eldredge**

Due to a scheduling conflict, Wendy Eldredge was unable to attend the meeting this evening. This item has been rescheduled for January 5, 2015.

**2015 Protective Bylaw Amendments**

Scanlan stated he has updated the Adult Entertainment provision of the Bylaw as suggested by the Attorney General. The members agreed with the revisions and suggested it be sent to the AG's office for comment.

**Revisions to Chapter 133/Policies & Procedures**

With the lateness of the evening this item was tabled until the next meeting.

**Adjournment**

Catalina made a motion to adjourn the meeting at 10:12pm. McBee seconded the motion. The vote was unanimously in favor of the motion.

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

**EXHIBITS & OTHER DOCUMENTS****District Local Technical Assistance Grant Survey Results**

- Business Conditions Assessment in C District, prepared by Montachusett Regional Planning Commission, November 2014