

Planning Board Meeting

Wednesday February 11, 2015

APPROVED: February 23, 2015

The meeting was opened by Ms. McBee at 7:10 in the Hildreth House under MGL Chapter 40A and the Code of the Town of Harvard Chapter 125.

Attendance

Planning Board Members in Attendance: Don Graham, Erin McBee, Michelle Catalina, Joe Hutchinson

Planning Consultant: William Scanlan

Late (7:31PM): Kara Minar (due to a meeting with Fin Com)

7:36pm Joe Hutchinson left to make up a quorum for CPC.

7:37pm Joe Hutchinson returned.

Press: Maren Caulfield

Other: Brad Harris from MRPC

Board Member Reports

Ms. McBee and Mr. Hutchinson reported on the forum for bylaw changes to Chapter 498 (Devens). There was a low turnout at the Devens forum for zoning changes. Ms. McBee believes that Mass Dev may be trying to skirt the housing cap by making an overlay district. The second amendment was proposing health care as a use in support of the senior community. Ms. McBee and Mr. Hutchinson said that residents voiced concerns that this allowance would compete with medical businesses in Harvard's Ayer Road C district. The fourth amendment was also controversial regarding rezoning around Rogers Field and Grant Road. Despite low attendance numbers, there was a lively discussion.

Dr. Catalina updated the group that the MAHT has only been in executive session and thus she has not been able to attend.

Mr. Hutchinson reported that the Master Plan draft is due by Friday February 13, 2015.

Mr. Scanlan reported that Jack Guswa will stop by a future planning board meeting as a courtesy to explain the Town Hall Restoration project even though no site work will be done.

Ms. Minar reported on her Fin Com Meeting. They asked general questions regarding the money requested for a part-time planning consultant (no change from 2014) and it seemed to go well.

7:22pm Montachusett Regional Planning Committee (MRPC) Presentation by Brad Harris.

Mr. Harris Briefed the Planning Board on the Unified Planning Work Program

Action Item: Make an advisory committee to work with the MRPC on the Town Center Circulation Study (Parking, traffic, pedestrians, bicycles).

Mr. Brad Harris came to explain about the Town Center circulation project. The MRPC will do data collection, traffic counts, etc. The board should review the John Fitch Highway study for comparison that Mr. Scanlan sent out. The MRPC would like the town to form a committee for the study so we can produce something the town can use. Keep it a reasonable size. Typically, planning, public safety, DPW – whoever the town thinks should be involved. They will meet on a regular basis and go over information. The goal of the study is to look at the flow of the town center: safety, pedestrian, bicycle, parking. Mr. Scanlan has given Mr. Harris a copy of the town center action plan so it will be a starting point for this study. They will start with issues raised in this document and see if the town is agreeable. They will expand from this point and address other issues the town suggests. The end product will be a report that will present us with recommendations or alternatives to address these issues. The project will be finished by September. Ms. Minar wants to make sure the bulk of the money goes to the project, not hosting meetings but also wants to have public input. Mr. Scanlan has special concerns regarding traffic circulation around Town Hall and the Fire Station and would like to see this area reworked. Mr. Harris thinks they will be able to do that. Ms. Minar is concerned with the General Store area and pedestrians and also the roadway along Mass Avenue where there is poor connectivity and no safe way to walk from the school to the General. Mr. Scanlan reminded Mr. Harris that we also have a Safe Roads to School report from four years ago. Mr. Harris explained that we will be able to use the public outreach portions of this study to support our submissions for \$\$ to make them happen. You need this type of documentation in order to submit to the DOT.

Mr. Harris said there are Mass DOT, Federal and State Funds to try and get these types of projects done. The Transportation Improvement Program lists all the federal and state programs for funding. Funds are limited though.

Mr. Harris also mentioned that MRPC is in the middle of updating the regional transportation plan. This is a federally required document that must be re-done every 4 years. The MRPC would like more participation. The next two meetings will focus on transit on Feb. 18th at 1PM at the Nu Café in Gardner and at 7PM at the Great Wolf Lodge in Fitchburg, MA. Ms. McBee asked if Harvard has given feedback regarding bicycles since it appears the Town Center has become a hub for bicycles. Mr. Harris did not really answer Ms. McBee's question.

Mr. Harris asked the Harvard planning board members to go to MRPC.org., find the link to the transportation plan and fill out the survey. Mr. Harris would also like to see more participation in the joint transportation committee (JTC). Each community can send one PB member and one BOS member to the JTC.

Mr. Harris updated the planning board on the Complete Street Programs.

The state is putting together regulations so towns can qualify for Complete Street Program Money. Mr. Harris says towns will have to adopt a Complete Streets Design meeting the currently unknown guidelines, put into place a Complete Streets Review for developers, and make the roads meet the state's guidelines. Designs will have to take into account the Complete Streets. Mr. Harris believes that there is \$20 million available statewide toward projects. Towns have to qualify by adopting a complete street policy (internal) or actual zoning bylaw or a management plan. Not sure on the final program policy. Dr. Catalina asked what was a Complete Street. Mr. Harris responded that it had not been officially defined yet, but in general it is street design that takes into account all types of travel: pedestrians, bicycles and cars (hover craft and segways).

Ms. McBee asked about money for off road bike paths.

Mr. Harris gave a list of organizations which give funds for trails: North Central Pathway, DCR, STP, MAP21

Mr. Harris talked about the Mass DOT process of putting together a project. Starting point is to talk to the district office. Arthur Frost of Mass DOT will come out to the community and talk to us.

Mr. Scanlan asked for an update on the TIP funds for the road from Town Center to the Bolton line. Mr. Harris does not know about this but suggested contacting Arthur Frost. No one present knows what the project is about. Originally 110 was supposed to be re-done but then the town did a repair. No one knows who is supposed to be doing the design. Mr. Harris said that in order for the Town to use the funds the Town may first need to hire a design engineer to utilize the TIP. Typically the design cost is 10 – 20% of the total project cost. Mr. Harris added that in simple cases they just do paving which does not require design work.

Ms. Minar thinks it will be worthwhile to have Arthur Frost come talk to us.

Action item: *Ms. Minar would like Mr. Scanlan to arrange for Mr. Frost to come and talk to the Board.*

Approval of Minutes

Mr. Graham made a motion to approve the Dec. 15, 2015 minutes as amended. Ms. Minar seconded the motion. The vote was unanimously in favor of the motion.

Mr. Graham made a motion to approve the Feb. 5, 2015 minutes as amended. Ms. Minar seconded the motion. The vote was unanimously in favor of the motion.

Discussion of ByLaws for 2015 ATM

Zoning Map

The Board had no comments on the map.

Definition of Building

There is no definition in the state building code for building – the state code refers the reader to the International Building Code (IBC). The IBC's definition does not help the planning board since it uses the term " or firewall" to define a building.

The planning board is working on a version of this definition that specifically excludes firewalls from counting as exterior walls of the building.

The planning board is also deciding whether or not to allow interior courts to not count in the square foot allowance. The planning board became flummoxed with whether or not areas of the building not provided by surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above. On one hand members seemed to think it was fair to not count a farmer's porch. Dr. Catalina was concerned with unsightly over-hangs on buildings and wondered if the Design Guidelines group had anything to say regarding this portion of the definition. Mr. Hutchinson would like to visualize what this means. Ms. McBee will talk with Ms. Wendy Cote Magan, an architect, to get more clarity on this portion of the definition.

Definition of Grocery Store

The planning board was interested in adding the Town of Andover's grocery store definition of a 70% requirement for the sale of food to be consumed off-site. Mr. Scanlan is concerned this will be too difficult to calculate. Dr. Catalina will call the town planner of Andover and get information about how easily this is calculated and if it will be too difficult.

Adult Entertainment

The Planning Board is still waiting on the AG's opinion.

ANR on Prospect Hill Road.

Right of first refusal.

Ms. Minar noted this is the former site of Phil's apple cider and his award winning apple trees. The planning board had no other comments.

Acton Traffic Study Requirement

Dr. Catalina had sent out Acton's traffic study and mitigation requirement for development on Ayer Road. The planning board discussed making this a requirement. It is unknown if it is possible to get this on the warrant before town meeting. The planning board would like advice from Ms. Allard who is at the ZBA meeting tonight. The group took a straw poll and decided to find out if it is possible.

Adjournment

Mr. Graham made a motion to close the meeting at 9:33 pm. Ms. Minar seconded the motion. The vote was unanimously in favor of the motion.

Signed _____

Michelle Catalina

Exhibits and Other Documents

Proposed Definitions

Building

The Protective Bylaw currently does not have a definition of 'building'. The reason for adopting such a definition is to prevent the re-occurrence of the situation at Bowers Brook. The Bylaw limits building floor area to 30,000 sq. ft. in an Ayer Road Village Special Permit. The building was constructed in two sections separated by a fire wall from the ground through the roof. Without a local definition, the Building Code came in to play, which contains a provision to classify as separate buildings two structures built with such a firewall. The interpretation allowed the building to exceed 30,000 sq. ft. Assessors' records show a floor area of 46,356 sq. ft.

Here are two sample definitions of 'building' to choose from.

1. Building: A structure enclosed within exterior walls or firewalls, built, erected, and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property. For the purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature. Note: This definition seems to comply with the Building Code interpretation. It would allow the practice of calculating floor area for separate portions enclosed by firewalls.

2. Building: A combination of any materials, whether portable or fixed, having a roof, to form a structure for shelter of persons, animals, or property. For the purpose of this definition "roof" shall include an awning or any similar covering whether or not permanent in nature. Note: This definition can be modified by adding a "notwithstanding the State Building Code" clause at the end of the definition to clarify the intent of the Bylaw regarding floor area.

Notwithstanding the State Building Code, a fire wall shall not create separate buildings for purposes of calculating floor area.

Grocery Store

The purpose of adding a definition for grocery store is to provide clarity for determining whether a proposed retail store is permitted by the Bylaw. Many large retailers today offer groceries among their wares but may not be primarily devoted to the sale of food and related items. Presented below are three definitions of grocery store.

1. Grocery Store: A facility that is primarily used for the retail sale of household foodstuffs for offsite consumption, including any combination of fresh produce, meats, poultry, fish, deli produces, dairy products, canned foods, dry foods, baked foods, prepared foods, and beverages. A grocery store may include the sale of other household supplies and products, but only if secondary to the primary purpose of food sales.
2. Grocery Store: A retail establishment, not a convenience store, for the display and sale of meat, fruits, fresh and packaged foods, cleaning supplies, paper goods, pet supplies, health and beauty products, bakery products, dairy products and similar items for human consumption and may include a bakery, delicatessen or prescription pharmacy.
3. Grocery Store: A business engaged in the retail sale of a broad range of food products and limited household products for consumption off premises, although some limited areas may be dedicated to the on-premise sale and consumption of food.

Town of Andover's Grocery Store Definition:

An establishment where 70% of the gross floor area is devoted to the sale of food products for home preparation and consumption.

[Wording from the Town of Acton's Traffic Study Requirement](#)

Traffic Study

A traffic impact study may or may not be required depending on the BOARD's assessment of the circumstances at or near the development site. However, a traffic impact study will be required for all APPLICATIONS where the proposed USES will, in the opinion of the BOARD, be likely to produce an average of 400 additional trip ends per weekday based on the most recent edition of the Institute of Transportation Engineers' publication *Trip PCRC Rules & Regulations Page 11*

Generation. To avoid lengthy delays in the processing of an APPLICATION, consultations should be made by the APPLICANT with the Planning Department during the preliminary review process to determine the scope of the traffic impact study. In general, a traffic study shall examine and include the following:

3.13.1 EXISTING TRAFFIC CONDITIONS including roadway geometries, traffic volumes, safety, delays, and levels of service for roads and intersections (whether in Acton or another town) affected by the proposed PCRC.

3.13.2 ACCURATE TRAFFIC GENERATION ESTIMATES of future traffic conditions including trip generation, trip distribution, volume to capacity ratios, and levels of service for existing roads and intersections (whether in Acton or another town) affected by the proposed PCRC at the time of anticipated completion and 5 years beyond anticipated completion. Impacts of other previously approved projects and of projects pending approval shall be taken into consideration (consult the Planning Department for list of such projects). Approach and departure route assignments shall be based on existing traffic patterns, minimum time paths, "journey to work" data, market studies, or a combination thereof. All traffic information shall include data for both AM and PM peak hours, weekend peaks, as well as average daily data. Sight distances for turning movements to and from the PCRC as well as within the PCRC must be analyzed using AASHTO (American Association of State Highway and Transportation Officials) standards. The adequacy of vehicular queuing storage at the PCRC entrances shall also be demonstrated. The impact of any planned phasing of the project shall be discussed.

3.13.3 MITIGATION MEASURES that could be taken to reduce the impacts of the proposed PCRC and their estimated cost. These should include capacity enhancements such as added turn lanes, signalization, and improvements to intersections and medians. The traffic study shall make specific proposals for mitigation measures to be implemented by the APPLICANT. The potential for driveway connections to neighboring LOTS must be explored. The study should take into account those improvements that are planned and/or currently implemented by the TOWN or the State, and any proposed improvements must be consistent with the TOWN'S Master Plan.