

**HARVARD PLANNING BOARD
MEETING MINUTES
SEPTEMBER 12, 2016
APPROVED: OCTOBER 3, 2016**

Vice Chair Erin McBee called the meeting to order at 7:03pm in the Volunteer Government Room at 13 Ayer Road, under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Kara McGuire Minar, Erin McBee, Michelle Catalina and Fran Nickerson

Others Present: Liz Allard (LUB Admin.), Bill Scanlan (Town Planner), John Osborne (Harvard Press), Connie Larrabee, Thatcher Kezer (MassDev), Ed Starzec (MassDev), Ed Pare (T-Mobile), Tim Hatch, Shubee Kalra (MRPC), Chantell Fleck (MRPC) and Alex Murshteyn (T-Mobile)

Devens Zoning Amendments Presentation

Thatcher Kezer and Ed Starzec, of MassDevelopment (MassDev), were present for an advance presentation of the proposed zoning amendments at Devens for the Special Town Meeting on October 24th. Kezer stated two public hearings have been scheduled for September 20th prior to the Harvard Board of Selectmen (BOS) meeting and September 26th in Shirley prior to their BOS meeting. If additional informational sessions are needed MassDev are happy to co-ordinate.

Kezer stated the ambiguity with commercial and residential within the same district was why the zoning amendment did not pass in Harvard last year. The ambiguity has been cleared up with the new amendments. The amendments will assist in attracting a biopharmaceutical company to Devens and all the jobs associated with it. Devens has the infrastructure in place to handle this type of facility. High-tech research and development or manufacturing could also be considered. McGuire Minar asked if other parts of Devens have taken into consideration as far as noise is concerned. Starzec stated Evergreen Solar did extensive mitigation in years past and the Devens Enterprise Commission has since acquired its own equipment for noise monitoring.

Scanlan stated the associated map is much better this time; remaining land will be used to balance the open space areas for Emerson Green. Scanlan asked with a small number of residential units remaining to be developed under Chapter 498 and a large residential district available, has there been any consideration to increasing the housing cap within Chapter 498. Starzec stated there is no current plan to amend the housing cap within Chapter 498.

Nickerson asked if they use State's definition of affordable or their own. Starzec stated they use the one stated with the Re-use Plan. Scanlan provided a summary of affordable units at Devens, which was confirmed to be accurate by Starzec.

Starzec noted as a house keeping item the map indicates 17.8 acres of the Oxbow area is to be zoned as open space.

Approve Minutes

McBee made a motion to approve the minutes of June 6, 2016 as amended. Catalina seconded the motion. McGuire Minar abstained from the vote; the vote was otherwise unanimously in favor of the motion.

Modification of a Special Permit Hearing – T-Mobile Northeast, LLC, 60 Old Shirley Road. Opened at 7:31pm

Montachusett Regional Planning Commission (MRPC) Update Revision to Chapter 125-35, Open Space and Conservation Planned Residential Development Bylaw

Chantell Fleck, of MRPC, introduced her replacement, Shubee Kalra; as of this Thursday, Fleck will be moving on to the Town of Winchendon. Fleck explained she and Kalra have been gathering information from other communities in regards to open space development, based on the idea of either amending the existing bylaw or developing a new model. Fleck has reached out to three developers, Chris Tracey, Carter Scott and Mark O'Hagan. A survey has been sent to Scott & O'Hagan, but Fleck has not heard back from them. Tracey has not responded to their request as of yet. Case studies of success with these types of development in other towns have been provided within the information gathered. In addition, existing bylaws have been compared with Harvard's current bylaw.

In comparison to other towns there is not as much discussion on the design of the units as there was to the open space areas. Other towns have created a pre-application process and have consolidated the permitting process which has made it work better.

Members discussed the value of allowing for the clustering of a development as opposed to the traditional sub-division, which may not preserve open space. Scanlan stated the density of a cluster development could be based on the number of units a developer could have in a traditional development; therefore you would have the same number of new houses and be left with preserved open space.

The next step in the process is for the Board to determine if they would like to create an entirely new bylaw or amend the existing bylaw. MRPC suggested scrapping the existing bylaw and write a new bylaw. McGuire Minar asked if MRPC was suggesting to bookend with a new bylaw that would complement the existing bylaw. Fleck stated that would be the decision of the Board.

Nickerson thinks before the Board makes any decisions we need more feed back from the Town. Catalina suggested applying to the Community Preservation Committee for funding to complete community outreach on the matter.

With material received this evening the members agreed to review and discuss further at the October 3rd meeting, and meet again with MRPC on November 7th.

Proposed Chapter 125-55 Hildreth House Overlay District Bylaw Amendment

Catalina suggested removing 125-55E(2) in regards to the size of the lot. Catalina noted that in 2005 Citizens' Housing and Planning Association stated that the State would only allow such a development on five acres or larger; further investigation into this requirement will be needed. Connie Larrabee suggested 125-55F Age Restriction, should have some flexibility on the occupancy taking into consideration care givers, dependent children and/or grandchildren. Members agreed the death clause within that section seems incredibly harsh. Scanlan has been asked to address concerns expressed this evening with Town Counsel.

There has been no feedback from the Fire Chief as of yet in regards to the availability of the land behind the fire station as part of this district.

The public hearing will open on September 19th for this amendment.

Approve Minutes

McBee made a motion to approve the minutes of May 2, 2016 as amended. Nickerson seconded the motion. Catalina abstained from the vote; the vote was unanimously in favor of the motion amongst voting members.

McBee made a motion to approve the minutes of May 16, 2016 as amended. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

McBee made a motion to approve the minutes of May 23, 2016 as amended. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

Approve Invoice

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

- William Scanlan - \$2475.00

McBee made a motion to approve the invoice for William Scanlan. Catalina seconded the motion. The vote was unanimously in favor of the motion.

Planner Report

Scanlan stated he completed the application to MassWorks for funding in the amount of \$500,000, with \$100,000 for the design and \$400,000 for construction of safety improvements to the Town Center. The Town should hear back on this request by the end of October or early November.

Scanlan stated the proposed Ayer Road roundabout would require the taking of about 5,000 square feet of conservation land. As previously stated there needs to be a unanimous vote of support from Conservation Commission (ConCom) in order for other steps in the process to take place. The Commission and members of the traffic committee conducted a site walk last week to view the area in question. Questions asked at the site walk have been sent to the engineer; once those are answered the ConCom will have enough information to take a final vote.

Scanlan noted the Master Plan website will be going live shortly.

Board Member Reports

McGuire Minar stated discussions about the traffic flow around the town hall and Hildreth House have raised questions about the access between the fire station and Hildreth House as it pertains to the Site Plan Approval issued by the Planning Board. It was suggested a letter be drafted to the Board of Selectmen detailing the process as to how the Board got to its final decision within the Site Plan Approval. This letter should include a copy to the Town Administrator, the Fire Chief, the Town Hall & Hildreth House Building Committee, the Council of Aging and the Unitarian Church.

As a follow-up to last week's hearing with T-Mobile, McGuire Minar suggested the Board require the proof of any necessary bond as part of the Planning Board Regulations. Members agreed. With the need to have a public hearing to amend the regulations it was agreed to wait until after special town meeting to do so. This matter will be addressed at the November 7th meeting.

Proposed Chapter 125-39G Sidewalks Bylaw Amendment

The amendment to include a provision for sidewalks within the commercial district had only one suggested amendment, that being the width of a sidewalk from 6' to 5'. Scanlan stated the 6' width is what was recommended with the Ayer Road Functional Design Report.

Town Center Transportation Committee Final Report

Tabled until next meeting

Commercial Design Guidelines

Tabled until next meeting

Adjournment

Nickerson made a motion to adjourn the meeting at 9:45pm. McBee seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

Harvard Planning Board

Special Permit Modification

T-Mobile Northeast, LLC, 60 Old Shirley Road

September 12, 2016

Chairwoman Kara McGuire Minar opened the hearing at 7:31pm in the Volunteer Government Room, 13 Ayer Road, under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Kara McGuire Minar, Erin McBee, Fran Nickerson and Michelle Catalina

Others Present: Liz Allard (LUB Admin.), Bill Scanlan (Town Planner), John Osborne (Harvard Press), Connie Larrabee, Ed Pare (T-Mobile), and Alex Murshteyn (T-Mobile)

This hearing is for the modification of a Special Permit filed on behalf of T-Mobile Northeast, LLC for modification to the existing telecommunications antennas at 60 Old Shirley Road, Harvard.

Ed Pare, the representative for T-Mobile, was present to discuss the request to modify the existing Special Permit. In 2003, T-Mobile received approval for nine antennas; the site is currently down to three. Pare is seeking to add three additional antennas and renew the Special Permit for an additional five years, which will expire in 2017. Pare noted when asked, that there will be no changes to existing equipment cabinets. Scanlan stated he has located the rider for the name change, but not the bond itself. McGuire Minar explained the Board's unwritten policy of holding off on signing off on the Special Permit until a current bond is received.

After a brief discussion, McGuire Minar made a motion to approve the Special Permit to modify and extend to 2022 on the condition of a bond being received before the permit is released. McBee seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

Montachusett Regional Planning Commission (MRPC) Update Revision to Chapter 125-35, Open Space and Conservation Planned Residential Development Bylaw

- Findings for Harvard Planning Board meeting September 12, 2016 prepared by Montachusett Regional Planning Commission
- Zoning Comparisons for Harvard Planning Board Meeting, undated

Proposed Chapter 125-55 Hildreth House Overlay District Bylaw Amendment

- ARTICLE xxx: PLANNING BOARD – Amend the Protective Bylaw by adding a new Section 125-55, Hildreth Housing Overlay District, dated 8-30-2016_Comments from
- ARTICLE xxx: PLANNING BOARD – Amend the Protective Bylaw by adding a new Section 125-55, Hildreth Housing Overlay District, dated 8-30-2016_mark up

Proposed Chapter 125-39G Sidewalks Bylaw Amendment

- ARTICLE xxx: PLANNING BOARD – Amend §125-39, Site Standards, of the Protective Bylaw, by adding a new subsection G, Sidewalks, dated 8-30-2016