

**HARVARD PLANNING BOARD  
MEETING MINUTES  
April 25, 2022  
APPROVED: JUNE 6, 2022**

Chair Justin Brown called the meeting to order at 7:00pm virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Justin Brown, Richard Cabelus, Stacia Donahue, Doug Thornton, Brian Cook, and Jefferson Burson (Associate Member)

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Bruce Ringwall (GPR, Inc.), Catherine Warner (Harvard Press), Valery Hurly (Harvard Press), Ken Atwell (Chair of Harvard Green Condominiums), Gerry Hall, Jesus Mena, Louis Russo, Beth Sopka, Yvonne Chern, Mike Kennedy Jr and Mike Kennedy Sr.

**Public Comment**

There was no public comment this evening.

**Multi-family (MBTA community) District Requirements**

*Status Update:*

- Harvard is in compliance to-date with the State requirements, which include the briefing of the Select Board on the draft Compliance Guidance that took place on April 19, 2022 and the submittal of the Community Information Form.

*Bylaw Options:*

- Ryan provided an overview of the options detail in his April 4, 2022 Director's Update.
- Donahue noted that Board should consider mapping the existing multi-family parcels for the 2022 Fall Town Meeting. Thornton noted that it might be aggressive schedule to push for mapping the parcels by Fall. Brown noted the Board needs to get this started to avoid falling further behind on these requirements.
- Cabelus noted that they are looking for 25-acre contiguous parcel, which requires determining suitable locations.
- Brown and Cook noted that Option C, making §125-52 Ayer Road Village-Special Permit by right, was not an attractive option since our design guidance was not strong enough to meet the intent of the original written Bylaw.
- Cook and Ryan will work together to prepare a visual map to start review, with the intent to have something prepared no later than the May 16<sup>th</sup> meeting.

**Ayer Road Visioning Plan Update**

This item was passed over this evening

**Ayer Road Transportation Improvement Project Update**

This item was passed over this evening

**Board Member Reports**

- **Representatives & Liaisons**
  - *Open Space Committee (OSC)* - Cook noted that comments on the Open Space & Recreation Plan Survey are due back to OSC by May 11<sup>th</sup> in advance of their May 12<sup>th</sup> meeting. The draft survey will be sent to Board members for review.

- **Community Matters**

- *Earth Day Fair* – The Planning Board will have a booth at the General from 11am to 4pm. Burson will be at Harvard Elementary School representing Harvard’s Climate Initiative Committee and Donahue and Brown will be at the General Store representing Planning Board.

**Approve Invoice**

Donahue made a motion to approve the invoice from the Harvard Press in the amount of \$144.00. Cabelus seconded the motion. The vote was unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Cabelus, aye; Cook, aye; and Thornton, aye.

**Continuation of Modification of Special Permit & Site Plan Approval Hearing – Scott Patterson, 256 Ayer Road.** Opened at 7:31pm (see page 3 for complete details)

**Continuation of Special Permit, Ayer Road Village-Special Permit & Site Plan Approval Hearing – Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road.** Opened at 8:09pm (see page 5 for complete details)

**Continuation of Special Permit & Site Plan Approval Hearing – Kennedy & Company, 295 Ayer Road.** Opened at 9:05pm (see page 7 for complete details)

**Adjournment**

Cook made a motion to adjourn the meeting at 10:31pm. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Cabelus, aye; Thornton, aye; and Cook, aye.

Signed: \_\_\_\_\_ Stacia Donahue, Member

**EXHIBITS & OTHER DOCUMENTS**

- Planning Board Agenda April 25, 2022
- Director of Community and Economic Development Update, April 25, 2022
- Special Permit Large Scale Commercial Uses Construction Record Drawing 256 Ayer Road Harvard, MA prepared for 256 Ayer Road, LLC., JOB 181090, prepared GPR, Inc. dated 4/13/22
- Graphic entitled “Athletic Barn Addition, depicting proposed rear and side elevations of the building’s expansion, dated April 21, 2022
- Commercial Development Special Permit prepared for Yvonne Chern, JOB 211009, prepared by GPR, Inc., dated March 2022
- Commercial Development 203 Ayer Road Harvard, MA L-1.01 Planting Plan, prepared by Fisher Design Group April 25, 2022
- Director of Community and Economic Development Update, April 25, 2022, with “New Comments” from GPR, Inc
- Architectural Drawings New Badminton Facility 203 Ayer Road Harvard, MA Project No.202119, prepared by Choo & Company, dated 04-25-22
- Commercial Development Special Permit/Site Plan prepared for Kennedy & Company, Inc., JOB 211096, prepared by GPR, Inc., dated 4/13/22

## **Harvard Planning Board**

### **Continuation of a Modification of Special Permit & Site Plan Approval Hearing Meeting Minutes**

**Scott Patterson, 256 Ayer Road**

**April 25, 2022**

The public hearing was opened at 7:31pm by Chair Justin Brown under MGL Chapter 40A the Zoning Act and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Justin Brown, Richard Cabelus, Stacia Donahue, Doug Thornton, Brian Cook and Jefferson Burson (Associate Member)

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Bruce Ringwall (GPR), Catherine Warner, Valery Hurley (Harvard Press), Gerry Hall and Jesus Mena

This hearing was continued from April 4, 2022 for the Modification of a Special Permit & Site Plan Approval filed on behalf of Scott Patterson to expand the facility known as "The Barn" to properly space existing equipment at 265 Ayer Road, Harvard

Bruce Ringwall, of GPR, Inc., reviewed the updated plans that are now shown in the 'as-built' condition of the site. The client had suggested moving the dumpster to behind a spruce tree near to the parking area. The site plan now shows expanding parking area to increase the 13 spaces to 28 spaces. This should be more than needed to accommodate the business, but should prevent any parking that blocks the movement of fire trucks. Plan now also includes simulated turn movements of the ladder truck to prove out the turn area complies.

Ringwall reviewed the architectural elevations submitted for review. It was noted that the architectural renderings were pretty sparse, but show the basic structure and heights. On the dumpster location, the Board had suggested the dumpster be located next to the house and hidden by the plantings. The owner and tenant of the house would prefer to have the dumpster at the parking area so that they do not have the noise and smell in close proximity to the residential structure. Ryan noted that the 'as-built' plan needs to be submitted separately from the revised site plan currently before the Board. Cook noted that both the addition of the extra parking looks fine as well as the dumpster located near the parking instead of where suggested. Burson and Cabelus echoed that the parking and dumpster location are acceptable. Cabelus asked if the trash was the residents or the business. Ringwall noted that it's mostly residential use and not so much for the business. After clarification, Cabelus asked if it made more sense to put it nearer to the house. Ringwall noted that there is no alternate site available that was suitable. Cabelus asked if additional lighting was needed for the additional parking. Ringwall noted that the owner did not request additional lighting as the bulk of their business is during the afternoon and early evening. Brown noted that we need to review the hours of operation that are listed in the original decision to ensure that it is still in compliance.

Brown noted there was no more public comment, along with no additional comments from the Board.

Brown suggested continuing the hearing to review the final language in the draft decision at the next meeting. The following conditions were reviewed and generally agreed upon as outlined below:

1. That Planning Board has a review of the final architectural drawings when submitted for building permit.
2. Complete the plantings at the front of the house as originally designed.
3. That no new lighting shall be added to the site.
4. That if the tree blocking the view of the dumpster were to be damaged or removed that it will be replaced with vegetation to shield the dumpster for the duration of the occupation.
5. Wheel stops to mark all the parking spaces in the parking area.

Cabelus motion to continue the hearing to 7:30pm on May 2, 2022. Cook seconded the motion. The vote was unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Cabelus, aye; Cook, aye; and Thornton; aye.

Signed: \_\_\_\_\_ Stacia Donahue, Member

## **Harvard Planning Board**

### **Continuation of Special Permit, Ayer Road Village-Special Permit (ARV-SP) and Site Plan Review Hearing Meeting Minutes**

#### **Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road**

**April 25, 2022**

The public hearing was opened at 8:09pm by Chair Justin Brown under MGL Chapter 40A the Zoning Act and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Justin Brown, Richard Cabelus, Stacia Donahue, Doug Thornton, Brian Cook and Jefferson Burson (Associate Member)

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Bruce Ringwall (GPR, Inc.), Louis Russo and Yvonne Chern (co-applicants), Beth Sopka, Catherine Warner (Harvard Press), Valery Hurley (Harvard Press), Ken Atwell (Chair of Harvard Green Condominiums), Gerry Hall and Jesus Mena

This hearing was continued from April 4, 2022 for a Special Permit, an Ayer Road Village-Special Permit and Site Plan Review filed on behalf of Yvonne Chern & Wheeler Realty Trust for the development of three commercial use buildings, including a Commercial Entertainment and Recreation use at 203 Ayer Road, Harvard.

Beals + Thomas has submitted a proposal for peer review, however the but Board has not had a chance to review the proposal at this point.

Bruce Ringwall, of GRP, Inc., reviewed the updated landscape plan by Fisher Design Group and noted that efforts have been made to make the building and parking layouts in compliance with the spirit of the 'village' feel that the §125-52 Ayer Road Village-Special Permit has intended. The plan now includes the updated Ayer Road Transportation Improvement Project layout with the Shared Use Path that runs along Ayer Road. An access easement has been added to the plan so that should the parcel to the south be developed in a way that allows connection, the access will be there.

#### **Architectural Review**

Review of the architectural drawings will be kept brief as the Design Review Board (DRB) will be the primary reviewer of the design. However, the plans were reviewed preliminarily by the applicant's architect. The next DRB meeting is May 8<sup>th</sup>. Ringwall noted that the grade goes up toward the back of the parcel, so the building may not appear as large since it's set into the hillside a bit. Ringwall noted that a traffic study is ongoing and will be submitted soon.

#### **Response to the Director of Community and Economic Development Update**

Earlier today Ringwall submitted responses to Ryan's Update for this project. Ringwall reviewed his extensive comments. Cabelus noted Ringwall provided a verbal review, however it would have been a better review had the Board had time to review the written comments prior to the meeting. Ryan noted that all communication needs to be submitted through the proper channels so that it can be distributed to the Board members in proper procedure. It was determined that the Board needed more time to review the materials.

**Peer Review**

It was noted that peer review is in process and the applicant is amenable to this. With limited time the Board did not review the proposal, nor did they vote to engage Beals & Thomas, but will review at the next meeting.

**§125-25G(3) ARV-SP Incentives and Specific Uses**

Ringwall noted that in the last meeting several of the members felt this section has been met. Ringwall also noted the multiple points of connectivity being made in several pedestrian pathways to connect the adjoining parcels.

**Public Comment**

Ken Atwell, of 35 Lancaster County Road, asked for 3-D renderings of the back of the building and the views specifically from the parcels at 35 Lancaster County Road. Additionally, the Harvard Green Condo Association would like more clarity on the hours of operation, the hours of the lighting, and intensity of the lighting in the parking lot areas.

Cabelus motion to continue the hearing to 8:00pm on May 2, 2022. Thornton seconded. The vote was unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Cabelus, aye; Cook, aye; and Thornton; aye.

Signed: \_\_\_\_\_ Stacia Donahue, Member

## **Continuation of Special Permit & Site Plan Approval Hearing Meeting Minutes**

### **Kennedy & Company, 295 Ayer Road**

**April 25, 2022**

The public hearing was opened at 9:05pm by Chair Justin Brown under MGL Chapter 40A the Zoning Act and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Justin Brown, Richard Cabelus, Stacia Donahue, Doug Thornton, Brian Cook and Jefferson Burson (Associate Member)

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Bruce Ringwall (GPR), Mike Kennedy (applicant), Beth Sopka, Catherine Warner, Valery Hurley (Harvard Press)

This hearing was continued from April 4, 2022 for a Special Permit & Site Plan Review filed on behalf of Kennedy & Company for Landscape Services at 295 Ayer Road, Harvard.

#### **Plan Review**

Bruce Ringwall, of GPR, Inc., reviewed the updated plans. The temporary trailer is now shown as 'temporary for 1 year' and it is the intention to move activities to the existing house after it is renovated. Accessibility to this build will be for staff only, therefore no ramp will be provided. The retention pond has been reduced in size (width) but maintains the same volume. The materials bins have been moved to be outside the required setbacks from the adjoining parcels. The easement across the parcel to the Harvard Solar Garden will be maintained. Landscaping plan has been updated to show the new landscaping at the parcel entrance so that the site distance looking out on Ayer Road will have an unobstructed view. Trees will be maintained where possible.

Ryan noted that the Shared Use Path should be shown as it could be used by employees and that it could be used by future patrons.

There is no new lighting proposed for the site at the front of the parcel, but a downlight/security light will be provided at the back near the equipment.

Ryan noted that having the Design Review Board (DRB) take a look at this project would be appropriate at this point and should be relatively easy. Ringwall noted that the applicant does not have an architect hired for this project currently as the rehabilitation of the house does not require it, nor does the proposed hoop house or temporary trailer. Ringwall was hoping that the applicant would not have to hire one to present to the DRB. Cook asked if it would be possible for the Planning Board to give guidance to the DRB so the applicant is not forced to hire an architect. Cabelus asked if the applicant knows the condition of the house. Ringwall noted that the roof needs immediate replacement and the interior will be demolished to the studs, but much of the structure is sound. The applicant has reviewed the house with contractors to determined level of refurbishment and it does not appear as bad as they had originally expected. The existing roofline will remain, with the same basic materials. The building use in the future will be for paperwork and internal company work and not intended for public use. Donahue asked if any part of the house would be used as a residence again. Ringwall noted that once a non-conforming structure changes use, it can't go back. In this case, the non-conforming element is a residence in a commercial district so after this change to commercial use it cannot revert to residential use.

Brown noted that having details of the business plan/site use could be incorporated into the draft decision. Ringwall noted that this is already included in the submitted documentation. Brown wants to make sure it is all captured correctly so it is in the draft decision.

Cabelus noted that refurbishment of the house sounds expensive and what assurances can the Board have that this is actually a feasible plan. What happens if the house ends up not being able to be refurbished? The applicant noted that they have experience in general contracting/construction so they will be doing some of the work themselves, and they have enough experience to know that it can be refurbished. The hope is to work on the house between January and March, as they typically do construction work in their off-season. The applicant needs to be out of their Acton location by the end of May and are hoping for a fast turn around to move materials to the new location. Ringwall will be submitting that paperwork for a temporary permit for review for the May 2<sup>nd</sup> meeting.

The Beals + Thomas proposal was reviewed by the Board members. Ryan noted that the proposal has a little extra scope that is not required, so the hope is that possibly the fee can be reduced a bit more since the fee is a bit high. Cook asked if the fee could be revised to time and materials with a 'not to exceed', as this pricing seems to be 'surge' pricing. Ringwall felt this site did not need peer review as it is not adjoining any wetlands or anything complicated. Ryan will review the proposal with Beals + Thomas to try to get more insight into why this cost is so high. Brown asked if we could move forward provisionally at the proposed cost or if the applicant wanted to see if we could reduce the cost first. The applicant's representative elected to move forward with the proposal, with the hopes the fee can be reduced after consulting with Beals + Thomas on the overall cost. .

Cabelus moved to accept Beals + Thomas proposal as submitted for 295 Ayer Road Special Permit and Site Plan Review with the modification of removing §125-52 from the scope. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Cabelus, aye; Cook, aye; and Thornton; aye

Cook suggested the Board present to the DRB our opinion on reviewing just what has been submitted and try to limit the amount of additional design monies on a mostly exterior business.

Brown asked for public comment and heard none.

The following conditions were reviewed and generally agreed upon with more to come as the Board receives feedback from the peer reviewers and the DRB:

1. Condition: That the temporary trailer to comply with the removal in 1-2 years. Cook noted that the building inspector would be the one to re-approve the permit at 180-day intervals. Need to ensure that the temporary structure does not stay.
2. Condition: That no new lighting shall be added to the site.

Donahue motion to continue the hearing to 9:00pm on May 2, 2022. Thornton seconded. The vote was unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Cabelus, aye; Cook, aye; and Thornton; aye

Signed: \_\_\_\_\_ Stacia Donahue, Member