

**HARVARD PLANNING BOARD  
MEETING MINUTES  
NOVEMBER 21, 2022  
APPROVED: 12/05/2022**

Chair Richard Cabelus called the meeting to order at 7:01pm virtually, pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on July 14, 2022, and under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Richard Cabelus, Stacia Donahue, Brian Cook, Arielle Jennings and John McCormack (Associate Member)

**Others Present:** Frank O'Connor (Director of Planning), Liz Allard (Land Use Administrator), Nat Beale, Valerie Hurley (Harvard Press), Yvonne Chern and Steve Moeser

**Public Comment**

There was no public comment this evening

**Discuss Proposed Bylaw**

- §125-7 Agricultural Uses

McCormack stated both proposed bylaws include language about entertainment, but nothing about a pouring license. McCormack wondered what the underlying objective is by not clearly indicating the allowance of severing alcohol within these districts. McCormack further researched Mass General Law Chapter 138 section 12 that details the issuance of annual licenses to specific types of business, whereas section 14 being special licenses for other use, which limits the serving of alcohol to 30 days within a calendar year.

- §125-59 Town Center Overlay District

Donahue wondered how the proposed Town Center Overlay District would affect the district as a whole once the Planning Board amends it to reduce the lot size standards; would any property in the TCOD be able to provide entertainment? It was pointed out that language within the proposed TCOD limits the entertainment to specific uses. McCormack suggested creating an entertainment overlay district as opposed to a TCOD for the special town meeting in January. Cabelus provided information pertaining to spot zoning and wondered why the proposed TCOD is not considered as such.

It was agreed that questions raised this evening should be provided to Town Counsel prior to the opening of the public hearing on November 28<sup>th</sup>.

**Continuation of a Special Permit, Ayer Road Village-Special Permit and Site Plan Review - Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road.** Opened at (see page 4 for complete details)

**Ayer Road Market Analysis and Fiscal Impact Update**

O'Connor stated he and the Finance Director will be meeting virtually with the consultants tomorrow to discuss the financial aspect of the report. Cabelus requested to join that call. O'Connor said he would have the link to him in the morning.

**Multi-Family update on MBTA adjacent small town housing mandate action plan**

Montachusett Regional Planning Commission (MRPC) has drafted a map of the different types of multi-family housing in Harvard. Devens will be greyed out. Looking to provide the assessing code for Accessory Dwelling Units to MRPC for inclusion on the final map. O'Connor anticipates the final map will be completed by the end of November for review and discussion in December.

## **Open Space Residential Development Bylaw Amendment (§125-35 C, H & I)**

Cabelus wondered as the Planning Board moves forward on the amendment to this provision if it would be beneficial to get input from others such as a developer in the community, as well as other boards and committees, such as Conservation Commission, Climate Initiative Committee and Parks & Recreation Commission. Members agreed. There is an individual within town who is not in favor of this bylaw for whom Cabelus would like their input as well.

Edits as collated by McCormack were reviewed as follows:

- Members agreed to the following edits, with underline = additions and ~~strikethrough~~ = deletions:
  - 125-35B(1)(b) multi-family dwellings ~~Attached units, not to exceed 6 or more units in any single building.~~
  - 125-35B(1)(f) Passive recreation as defined in 301 CMR 5.02
  - 125-35B(1)(i) Active recreation as defined in CMR 5.02
  - 125-35C Requirements and process for approval. An applicant who is the owner (or with the permission of the owner) ~~of a 4.5 acre or larger tract~~ of land in the AR District as described above, may submit to the Planning Board a plan and application for a special permit for an OSC-PRD...
  - 125-35E(1)(e) Ensure that 10% of all units are fully accessible ~~to the disabled and that a majority of units have at least one accessible entrance and bathroom on a first floor.~~
  - 125-35E(5)(b) Deciduous trees should be placed along new and existing streets and ways. Outdoor lighting should be considered in the landscaping plan, and should be designed to complement both man-made and natural elements of the OSC-PRD and adjacent areas. ~~Appropriate methods (such as cutoff shields) should be used to avoid glare, light spillover onto abutting property.~~
  - 125-35E(5)(g) Any lighting in the proposed development shall comply with Lighting Bylaw §125-40.
  - ~~125-35J(3) Attached units shall contain no more than six units in a single building.~~
  - 125-35J(6) The maximum height of proposed buildings shall be 35 feet, and shall not exceed ~~2 1/2~~ 3 stories.
- Members agreed the following sections need to be amended but further thought needs to be taken on how:
  - 125-35C(2) Submittal of preliminary plan
  - 125-35C(3)(d) the term “superior”
  - 125-35D(2), (5) and (6) the terms “best possible”, “large” and “physically handicapped”
  - 125-35E(1)(e) 10% is greater than that allowed by state standards; consider a number of units when ten or less units are proposed and a percentage when greater than 10 units are proposed
  - 125-35H and I – agreed numbers and percentages need to be increased, but an actual number needs to be determined
  - 125-35I(d) needs additional discussion; noted this would incentivize a need in Town for down-sized dwellings and starter homes

Members will discuss 125-35I(2) standards for on-site affordable units at the December 5, 2022 meeting.

## **Update on the Land Use Administrative Assistant Position**

Brie Jones has been hired as the new Administrative Assistant to Land Use and Building Department and will begin on November 28<sup>th</sup>. As Jones settles into this new role Allard will continue to attend the Planning Board meetings until January.

## **Board Member Reports**

### **• Representatives & Liaisons Updates**

None this evening

- **Community Matters**

None this evening

**Approve Minutes**

Donahue made a motion to approve the minutes of June 6 and 27, 2022 pending attendance of Valerie Hurley on the 6<sup>th</sup> of June being confirmed. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

**Approve Invoices**

Donahue made a motion to approve the following invoices and reimbursements:

- Mark Piermarini, PE - \$500 (Driveway inspection 6 NOV. 2022)
- Aucoin's Press - \$120.04 (Invoice #16896 for PB Envelopes)

Cook seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

**Adjournment**

Donahue Cook made a motion to adjourn the meeting at 9:16pm. Cook seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

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

**EXHIBITS & OTHER DOCUMENTS**

- Planning Board Agenda November 21, 2022
- §125-35 Open Space and Conservation – Planned Residential Development (OSC-PRD) with edits collated by John McCormack

**Harvard Planning Board**

**Continuation of a Special Permit, Ayer Road Village-Special Permit and Site Plan Review**

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

**November 21, 2022**

The public hearing was opened at 7:30pm by Chair Richard Cabelus under MGL Chapter 40A the Zoning Act and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on July 14, 2022

**Members Present:** Richard Cabelus, Stacia Donahue, Brian Cook, Doug Thornton, Arielle Jennings and John McCormack (Associate Member)

**Others Present:** Frank O'Connor (Director of Planning), Liz Allard (Land Use Administrator), Nat Beale, Valerie Hurley (Harvard Press), Yvonne Chern and Steve Moeser

This hearing was continued from November 7, 2022 for a Special Permit, an Ayer Road Village-Special Permit and Major Building 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.

At the request of the applicant's representative Donahue made a motion to continue the hearing to December 5, 2022 at 7:30pm. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

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