

**HARVARD PLANNING BOARD  
MEETING MINUTES  
April 3rd, 2023  
APPROVED MAY 1, 2023**

Chair Richard Cabelus called the open meeting to order remotely at 7:00pm, pursuant to Chapter 2 of the Acts of 2023, An Act Making Appropriations for the Fiscal Year 2023, which has suspended the requirement of the Open Meeting Law to have all meetings at publicly accessible locations and allowing all public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

**Members Present:** Richard Cabelus, John McCormack, Stacia Donahue, Doug Thornton, Brian Cook, Ariel Jennings (1:37:00)

**Others Present:**

Frank O'Connor, Dan Wolfe, Ellen Sachs Leicher, Michael Lawton of 94 Old Shirley Road, Greg Winter, Erin McBee, Steve Moeser, Kara McGuire Minar, Nessa Hedberg, Nancy Hoover

**Topics of Discussion:**

1. Public Commentary
2. Erosion Control plan - 79 Whitney Road
3. Discuss Harvard Climate Initiative Comm. and the Mass. Vulnerability Prevention grant with Montachusett Regional Planning Commission
4. Special Permit Hearing – DISH Network, 60 Old Shirley Road for installation of collocator equipment
5. Proposed Bylaw Amendment Hearing – Wheeler Realty Trust and 12 Lancaster County Road LLC, 185-189 Ayer Road, for proposed Overlay District
6. Ayer Road: pursue Phases II & III (vision plan & zoning to facilitate vision) RFP with funds from Rural & Small-Town Grant award

**Discussion Overviews:**

**1. No Public Commentary:**

**2. Erosion Control plan - 79 Whitney Road**

Dan Wolfe from David Ross and Associates is representing the owners of 79 Whitney Road. Wolfe is requesting to build a 30x30 horse barn and a 10x18 overhang on their property. The property would need smaller trees cleared, but leaving the bigger ones for shade. It is also suggested that swales are put around property to direct runoff to prevent erosion problems. Wolfe did not believe using swales due to lack of need and risk of unforeseen erosion problem.

Frank O'Connor spoke on behalf of the Nashoba Board of Health Septic Specialist that he believed that the plan for swales could prevent the runoff from mounding.

**Motion:** Stacia Donahue motioned to approve the Erosion Control Special Permit with the conditions presented by the Conservation Commission Agent in the March 30<sup>th</sup> memo

**Seconded** by Brian Cook

**Voted** yes by: Doug Thornton, Brian Cook, Stacia Donahue, Richard Cabelus

*Passed unanimously*

Motion: Stacia Donahue motioned to allow the Chair of the Planning Board to sign the conditional approval prior to the next meeting

Seconded by Doug Thornton

Voted yes by: Doug Thornton, Brian Cook, Stacia Donahue, Richard Cabelus

*Passed unanimously*

### **3. Discuss Harvard Climate Initiative Comm. and the Mass. Vulnerability Prevention grant with Montachusett Regional Planning Commission**

The grant application will be due at the beginning of May 2023. Ellen Sachs Leicher requested help looking into the current bylaw and the possibility of hiring an outside expert to check on the language and if this will allow for the grant. Stacia Donahue offered to work with Ellen Sachs Leicher until the next Planning Board meeting by helping with the remaining questions and looking at the possibility of amending the erosions and wetland bylaws.

### **4. Special Permit Hearing – DISH Network, 60 Old Shirley Road for installation of collocator equipment**

Frank O'Connor refreshed the Boards memory, explaining that David Bass is going to plug a new meter into the existing board. Frank O'Connor also mentioned that fencing was gone and needs to be repaired/replaced. SBA was made aware of the issue and had secured the gate after the last meeting. SBA is now in the process of repairing the gate in its entirety.

*Questions/Concerns:*

Michael Lawton of 94 Old Shirley Road expressed the importance to the board to about the camouflage used for the tower

Motion: Stacia Donahue made a motion to close the Special Permit Hearing for the application on 60 Old Shirley Road as well as to make amendments to the application by striking the second sentence of Condition 11 and adding the language "the new antenna will be mounted at the appropriate height nor exceed 105 feet" to Condition 5 on page three of six.

Seconded by Brian Cook

Voted yes by: Doug Thornton, Brian Cook, Stacia Donahue, Richard Cabelus

*Passed unanimously*

### **5. Proposed Bylaw Amendment Hearing – Wheeler Realty Trust and 12 Lancaster County Road LLC, 185-189 Ayer Road, for proposed Overlay District**

Greg Winter represented the property owner, stating that the public hearing was requested to be closed for a future date. Frank O'Connor clarified through a received email that the owner would like to close the hearing until the late summer or early fall to revise the proposal.

*Questions/Concerns:*

John McCormick questioned if there was a requirement to issue a report if this proposal officially closes Greg Winter articulated that more time would be needed in order to fulfill the concerns of the public heard at the prior meeting.

Susan Pamateer of Poor Farm Road expressed the traffic concerns and the importance of a full look into the future impact report. Susan Pamateer also agreed with Steve Moeser about rejecting the proposal.

Erin McBee thinks that closing the proposal would be an unfortunate path. Instead, having a general continuance in order to avoid repeating the application process and keeping the information updated.

Steve Moeser believes the proposal should be rejected due to the consequences of the large amount of units that would be added to this development.

Kara McGuire Minar believes that the applicant should withdraw and re-apply at a later day in order to abide by the 65-day plan.

Brian Cook believes that the board should continue the hearing, request more of the requested information, but close the hearing during the next meeting if said evidence is not brought. Kara McGuire Minar agrees.

Nessa Hedberg of Lancaster County Road wants the board to be mindful of their choice to either withdraw or close the proposal due to the large impact the proposal could have in multiple areas.

Nancy Hoover of Shaker Hills is concerned that a quick closing of the proposal could lead to less scrutiny and an opportunity for the proposal to come back without addressing all the concerns.

Doug Thornton believes the Board should write the bylaw rather than the developer.

Motion: Brian Cook motions a continuance of the Smart Growth Bylaw on April 24<sup>th</sup> 2023 at 8:00pm with the request that the applicant withdraw the bylaw prior to the meeting.

Seconded by Stacia Donahue

Voted yes by: Ariel Jennings Doug Thornton, Brian Cook, Stacia Donahue, Richard Cabelus

*Passed unanimously*

#### **6. Ayer Road: pursue Phases II & III (vision plan & zoning to facilitate vision) RFP with funds from Rural & Small-Town Grant award**

Frank O'Connor had questions about the wording in the last paragraph on Page 8 regarding creating the criteria for the contractor for Phase II to earn consideration for Phase III.

Some of the following language was suggested for wording and points of emphasis for the paragraph:

- "Successful interim of Phase II will reward/allow the option of Phase III"
- "Completing the five benchmarks"
- "Initial Feedback"

Frank also questioned the wording on page 9-12 and the need to define "advantageous" and "highly advantageous" when it comes to the criteria.

John McCormick has a concern that the bar may be getting set too high when it comes to applicants for this contract but approves of the criteria so far. John McCormick also offered to help look for areas in the criteria to loosen the requirements.

#### **Minutes**

Motion: Stacia Donahue made a motion to approve minutes from November 28<sup>th</sup> 2022 and December 5<sup>th</sup> 2022

Seconded by Doug Thornton

Voted yes by: Doug Thornton, Ariel Jennings, Brian Cook Stacia Donahue, Richard Cabelus

*Passed unanimously*

#### **Invoices**

Motion: Stacia Donahue made a motion to approve the invoices for Invoices for:

- Harvard Press: #9395 for 203 Ayer Rd. \$168.00
- Harvard Press: #9397 for DISH Wireless & Proposed amendment to bylaw \$336.00
- Citizen Planner Training Conference: 27 March 2023 for \$95.00

Seconded by Doug Thornton

Voted yes by: Doug Thornton, Ariel Jennings, Brian Cook, Stacia Donahue, Richard Cabelus

*Passed unanimously*

**Adjournment:**

Motion to adjourn by Stacia Donahue at 9:47pm

Seconded by Brian Cook

Voted yes by: Ariel Jennings, Doug Thornton, Brian Cook, Stacia Donahue, Richard Cabelus