

**HARVARD PLANNING BOARD
MEETING MINUTES
June 26th, 2023
APPROVED AUGUST 7, 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, Doug Thornton, Stacia Donahue, Brian Cook

Others Present:

Frank O'Connor (Town Planner), Peter Daley (57 Brown Road), Jan Daley (57 Brown Road), Bruce Ringwall, Louis Russo (Wheeler Realty Trust), Atty. Mark Lanza and Ms. Yvonne Chern

Public Hearings:

Public Hearing – William Ference, 247 Littleton County Road for Consent to a Scenic Road Application §90-3 and §90-4(A)&(B)

See details on page 4

Continuation of Special Permit - Ayer Road Village Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road

See details on page 5 through page 7

New Business:

Minor Erosion Control Application, 57 Brown Road for an addition to the existing structure and crawl space to allow for HVAC equipment §125-58(E)(3)(a)1

Peter Daley started the discussion for the proposed property additions with a quick overview of the important information regarding the plans. The modification to the property will only be a 17 x 44ft addition (crawl space). It is located on a flat piece of ground with low potential of significant runoff. There will be 60-100 cubic yards of net material (not returned to the foundation area) that would be redistributed throughout the property.

Questions/Comments/Concerns

- Stacia Donahue asks if the re-location of the fill would be on the lot line or the setback line. Stacia Donahue suggested that it would probably be preferred if the fill was in the setback rather than the lot line.

Peter Daley did not take this in consideration, but assured the Board that this can be modified with the relatively large lot to keep the neighbor's property line in consideration when redistributing the fill.

- John McCormack requested some clarification on why this request goes to the Planning Board rather than the Zoning Board.

Richard Cabelus and Frank O'Connor clarified that while this request falls under a minor permit, it is still under the Planning Board's jurisdiction per the Town Meeting passing the measure in 2021.

Motion: Stacia Donahue made the motion to approve the application with the minor change of moving the fill to the setback rather than the lot line.

Seconded by: Brian Cook

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

Approved unanimously

Old Business:

Prospective MBTA Multi-family zoned district(s)

Frank O'Connor and Stacia Donahue have a meeting on June 27th 2023 for a check-in.

The Board is at the end of their contract for technical assistance, but Stacia Donahue is confident at the moment that they will be able to move ahead if there is a gap in-between receiving support. Frank O'Connor is planning to send a draft letter out after the meeting. He has already sent out a letter requesting the Board receives funding for guidance.

Open Space Residential Development Bylaw Amendment (§125-35) update

The Board is currently expecting to hold a public meeting on July 17th 2023.

Stacia Donahue added that she wrote a draft of a "consider this piece" for the Harvard Press. Harvard Climate Initiative Group is in talks to become a co-sponsor and helping with promotion.

Questions/Comments/Concerns

- John McCormack asked the Board what would be needed in order to be ready for the public hearing, focusing on areas such as: Who from the Board will be making the presentation? What will that presentation be? (PowerPoint, verbal, screen sharing, etc.), and who will be creating this if needed? After discussing, John McCormack offered to create a simple presentation. He will also follow Stacia Donahue's suggestion with the one-page intro. Frank O'Connor will share the document with all parties so it could be seen and read through page by page. Stacia Donahue pointed out that this will also be sent out to the other town boards and that they will be listening to comments from the other boards. Doug Thornton suggested the idea to present the document one page at a time in order to go through efficiently.

Explanation / discussion of Housing Production Plan Zoom update 7pm Wed. June 28, 2023

Arielle Jennings was absent for the meeting, but Frank O'Connor updated that Arielle's PowerPoint has been created and is very helpful in explaining what a Housing Production Plan is and how the Town of Harvard can utilize it.

Update on 320 Ayer Road Chestnut Tree & Landscaping

Frank O'Connor spoke recently to the property owner and believes that the owner is still working on resolving the issue. The property owner will have to make a permit request for medium scale commercial use and meet the site standards under §1-25-39 and §1-125-13. The property owner's last permit expired in August of 2022, so the Board will prepare for the possibility of addressing this issue with more formal consequences if the property owner is unable to meet the Board's expectations in resolving this issue.

Standard Business:

Approve Minutes

Motion: Stacia Donahue made the motion to approve the following Planning Board Minutes, as amended:

- April 24th 2023
- May 1st 2023
- May 15th 2023
- June 5th 2023
- June 12th 2023

Seconded by: Brian Cook

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

Approved unanimously

Invoices

Invoices Montachusett Regional Planning Commission annual assessment \$2,079.46

Motion: Stacia Donahue made the motion to approve the invoice for the MRPC annual assessment

Seconded by: Doug Thornton

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

Approved unanimously

Adjournment

Motion: Stacia Donahue made the motion to adjourn at 11:15pm

Seconded by: Brian Cook

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

Approved unanimously

Harvard Planning Board

Special Permit Minutes

June 26th 2023: Meeting called to order at 7:33pm

William Ference, 247 Littleton County Road

Consent to a Scenic Road Application §90-3 and §90-4(A)&(B)

The hearing started with Bruce Ringwall informing the Board that the application has been updated with more information for the Board to consider. Since the last meeting, Bruce Ringwall had met up with the property owner at the location and agreed on the original plan for the new entrance to the facility. Bruce Ringwall also took the time to go through the visuals of the property that specifically focus on the borders of the property. This included the overgrown areas, the stonewall, and the prospective driveway location. Bruce Ringwall also expanded on goals in mind to create a gravel parking lot, allow for 50 parking spots, and have grazing farm animals regularly used in the maintaining of the landscape.

There is a concern about the stone wall, specifically creating the required amount of opening for emergency vehicles. Bruce Ringwall believes the current width/radii of the stone wall is a bit excessive, and hope to reduce this in the final plans. In regards of the landscape and maintaining the areas that are overgrown, the owner wishes to keep up with this maintenance and give the facility a cleaner look from outside viewers.

Frank O'Connor pointed out the Conservation Agents recommendation about an invasive management plan from the previous special permit meeting on this topic and wanted to make a note that he would try to receive clarification on whether the area occupied by the stone walls would be within this plan.

Motion: Brian Cook made the motion to grant consent to the Scenic Road Application §90-3 and §90-4(A)&(B) with an additional comment that the Planning Board consents to the requirements per the Scenic Road Bylaw for turning radii, while supporting Bruce Ringwall in making that as small as possible.

Seconded by: Stacia Donahue

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

Approved unanimously

Motion: Brian Cook made the motion to close the public hearing

Seconded by: Stacia Donahue

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

Approved unanimously

Harvard Planning Board

Special Permit Minutes

June 26th 2023: Meeting called to order at 8:04pm

Yvonne Chern; 203 Ayer Road

Continuation of a Special Permit Hearing for the development of three commercial use buildings, including a Commercial Entertainment and Recreation use.

Bruce Ringwall updated the Board that he had emailed Stacia Donahue the updated information that was requested. Frank O'Connor shared his screen to present the latest draft (Attorney Mark Lanza's) of the proposal.

Attorney Mark Lanza clarified on the documents, and commented for the following:

Line 273: Attorney Lanza believes Section XIII should be relocated to Actions of the Board rather than Findings. Later in the Special Hearing, Section XIII of Findings (Line 273) was moved to Actions on Line 353.

Frank O'Connor added the following language under the Actions section of the document:

- On line 347: "Based on the foregoing findings herein, the Planning Board takes the following actions (enumerate actions)". On Line 348, the following was added: "Therefore, pursuant to MGL Ch. 40A section 9, the Planning Board, upon a vote taken on 26 June 2023 takes the following actions: Grants the Applicant's request..."
- "That the Planning Board Grants the Major Buildings Special Permit pursuant to 125-37. That the Planning Board allows Large Scale Commercial use for Building A pursuant to 125-23B(2), 125-14D."
- "That the Planning Board approves and requires in conjunction with the Ayer Road Village Special Permit a Mixed Used Development Special Permit pursuant to 125-23B(1) and 125-13Z(1)."
- "That the Planning Board approved the Special Permit and Site Plan Preview pursuant to 125-28."
- Frank O'Connor added the following language to line 352. Subject to the following conditions and limitations." Conditions and Limitations of Exercise of Special Permit (previously Line 289-Line 342) has been moved to now be below this section.

Attorney Lanza also gave feedback on the Board's previous concerns about whether or not the conditions can include the requirement that multiple buildings be completed together within a certain time frame. Attorney Lanza assured the Board that this is a very common condition that is made in other towns and large plans like these. He further stated that the Board can grant a special permit for these buildings and require a specific timeframe, but the owner of the permit cannot be forced to carry out the construction and can ultimately let the special permit expire.

Stacia Donahue had a concern that the septic system plan has not been fully planned out and does not know if this will lead to a scenario where all three buildings cannot be built. While the septic needed to be approved before any construction could take place, the Board had the following added to Line 317: "Any material change due to septic design changes shall be brought through an amendment pursuant to 133-30.

Bruce Ringwall assured that these steps are going to be addressed and had not planned on moving forward to the construction phase before all septic systems have been submitted and approved. Bruce Ringwall

clarified that the septic in Building A was all set and already in place. Buildings B and C cannot move forward without the relief of 1-25-52E.

After discussions on how to move forward so all parties are comfortable with the conditions set on this topic (discussions held between Richard Cabelus, Brian Cook, Bruce Ringwall, and Louis Russo), Brian Cook worked on the following language for replace section III with the following:

“The Planning Board approves the ARSVP for a mixed-use development, however, incentives as described in 125-52 may not be realized without a building permit being issued for “Building B” which included the required Mixed-Use occupancies of commercial and multi-family. Additionally, the Planning Board approves the use of 125-52E for design and approval of Septic Systems for Buildings B and C to be reviewed by the Board of Health prior to the issuance of a Building Permit.”

Mark Lanza made a note on Line 287 that the criteria for of the separate findings in the special permit should be relative. Frank O’Connor added the following to line 245: “That the development as proposed with respect to Building A meets the requirement for the granting of the Special Permit as set for in Section 125-37. The Planning Board through its reviews has determined that Building A meets the requirements of 125-37 A & B.”

There were concerns of a lack of shrubbery on the proposed property. Bruce Ringwall informed the board that the plan was updated to enhance the plantings to help the Design Review Board’s wishes. It was pointed out by the Design Review Board that there would not be too many trees on the north side of the badminton building, but the Planning Board finds this to be adequate while Bruce Ringwall noted any other additions inappropriate due to the drastic slope that is located in these areas along with the trees that are already in place further down away from the building.

In Section XI: The following language was presented and to possibly be edited at a later time: “That the presently unidentified commercial uses for Buildings B and C be permitted herein for all uses in Section 125-12 and 125-13 with the following exceptions for 125-13, subsections I and X are not permitted, Subsections M, T, U, and V are allowed by special permit. Uses within Section 125-14 are not permitted with the following exception, subsection D would be allowed by special permit.”

In Sections V of Findings, Frank O’Connor added the following language: “The development is located, grouped, and sited in a manner harmonious with the context the adjoining existing residential uses. All uses in the new development are clustered appropriately. Development is designed for pedestrian and bicycle passage. Building and site design will mitigate potential adverse impacts of proposed development upon neighboring properties and the streetscape. The Planning Board finds that the development as proposed meets the criteria.”

Doug Thornton noted the lighting bylaws in the document and the need to discuss this further. The concern revolves around parking lot lighting and the possible use of parking for 24-hour members. To alleviate the concern for over-use of lighting the Board had Frank O’Connor add the following under Line 318: That lighting will be “compliant with 125-40. Between 11pm and 6am, the front lot shall be prioritized.”

The Board wrapped up the hearing by quickly running through the document once again and cleaning up the edits so all changes were clearly in place as intended.

Motion: Stacia Donahue made the motion to close the hearing.

Seconded by: Brian Cook

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

Approved unanimously

Motion: Brian Cook made the motion to approve the Ayer Road Special Village Permit §125-23B(2), §125-14(D), Major Building Special Permit §125-37, Mixed Use Village Development Special Permit §125-23B(1), §125-13Z(1), §125-46 Special Permit and Site Plan Review §125-38 at 203 Ayer Road with the formatting changes discussed during this meeting and approve the Major Buildings Permit Building.

Seconded by: Stacia Donahue

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

Approved unanimously