

**HARVARD PLANNING BOARD
MEETING MINUTES
DECEMBER 20, 2021
APPROVED: JANUARY 3, 2022**

Chair Justin Brown called the meeting to order at 7:03pm virtually, pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures adopted during the State of Emergency and signed into law on June 16, 2021, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

Members Present: Justin Brown, Stacia Donahue, Richard Cabelus, Brian Cook and Doug Thornton

Others Present: Christopher Ryan (Director of Community & Economic Development), Liz Allard (Land Use Administrator) and Bruce Ringwall (GPR, Inc.)

Public Comment

There were no comments from the public this evening

Request for Minor Modification to the Special Permit & Site Plan Approval – 256 Ayer Rd

Bruce Ringwall, of GPR, Inc., detailed the site that includes “The Barn”, an athletic conditioning facility. A Special Permit and Site Plan approval was granted in June of 2020. Ringwall explained an existing barn on the site was converted, along with existing garage; erroneous pavement was removed; and an existing house was rehabbed, which is now being rented. The proposed modification would remove the existing garage and replace it with addition to the Barn for additional operating and storage space.

Ryan detailed his comments, which included concerns with the existing parking being over stressed, as there were 4-5 vehicles parked along the driveway today. Ringwall noted the addition is for the same activities plus storage. With the loss of the garage, Donahue asked where are the tenants of the house parking? Ringwall stated tenants are parking near the house and using the driveway to the south, whereas the driveway to the north is for the commercial use. Cook stated with an increase in occupancy there should be an increase in parking by that same ratio. Ryan was concerned with the tenants using the driveway as parking, which blocks the circular driveway from emergency vehicles having complete access. Ryan will need to confer with the Fire Department. Brown recalls there was a lot of discussion with the parking and garage, as well as the design and façade of the building.

Cabelus indicated Chapter 133-30A has been mentioned, but not section B of the same provision, that states *“Unless the original Special Permit specifically allows certain modifications or alterations without the necessity of a new public hearing, all requests for amendments shall require a new public hearing to be advertised and conducted in accordance with this Chapter”*. Cabelus thinks it is clear that a new public hearing would be required. Ringwall explained he does not disagree with the need to have the Site Plan reviewed by the Board, but the need to re-open the hearing is not necessary as he is not seeking to modify the Special Permit. Cook feels the modification does not require the re-opening of the Special Permit, but does require the modification of the Site Plan, which can allow for the Board to address the parking issue on the site. Brown is torn, as the previous discussion was the owner was to live on site and he likes clear transparency. Ryan stated the modification is a substantial increase of the commercial building and the only way the Board can amend the parking is by re-opening the public hearing. Cabelus went back to 133-30B, adding that it is not at the discretion of the Board whether or not the public hearing is to be re-opened.

After much discussion, Donahue made a motion to require the applicant of 256 Ayer Road submit an application to modify the Special Permit and Site Plan Approval. Cabelus seconded the motion. The vote

was 3-2 in favor of the motion by roll call, Donahue, aye; Cabelus, aye; Cook, nay; Thornton, nay; and Brown; aye.

Spring Annual Town Meeting, 2022 - Open Space Residential Development (OSRD)

➤ Comments on Proposed Draft

The Board in general had concerns over the flow of the bylaw, stating it needs a more logical structure and outline. The Board is conflicted with the by-right versus special permit; how the open space will be maintained and the math to determine the number of units and density bonuses. Allard wondered since we know what is wrong with the existing bylaw why are we not just taking out the bad and adding in some good language.

Ryan stated the current bylaw is the worst he has ever seen as it does not get into the specificity of open space with the homes being actually connected to that open space. Ryan has used Randall Arndt's elements to prepare this bylaw along with some of the things that people liked from the original bylaw. Brown thought the essential elements are not here and he struggled on how to put it together. The use of definitions within the bylaw itself were discussed. Those pertaining to the bylaw should remain, whereas those that are generic terms can be within section 125-2 of the Protective Bylaw.

Ryan will work to address the comments provided and made this evening for further discussion at the January 3, 2022 meeting.

➤ Review schedule

Brown noted the Board will need to review the Planning Board goals at the end of January, at which point we should have a better understanding if zoning amendments can be on the warrant for the Spring Town Meeting. In addition, the Board may not be ready with a solid bylaw this Spring.

Board Member Reports

- Representatives & Liaisons Updates
 - *Montachusett Regional Planning Commission (MRPC)* – Thornton attended the monthly meeting in place of Donahue, who was unable to attend. The document presented was shared with the Board in an email from Donahue. MRCP voted in new staff. Thornton noted there is a lot of funding out there that Harvard should continue to try to receive. Donahue has reached out to Karen Chapman for assistance with the Hazard Mitigation Plan, but has not heard back from her as of yet.
 - *Community Preservation Committee (CPC)* – Thornton stated the Open Space Committee and Town Hall has submitted application for funding, for assistance with an Agricultural Preservation Restriction on the Community Harvest land along Prospect Hill Road and the refurbishing of the war monuments at Town Hall. Thornton will provide additional detail at the January meeting. CPC discussed the types of projects that are seeking funding, as some are maintenance projects and should not be funded through CPC. Thornton added there is much misconceptions amongst the CPC members as to how funding can be provided.
 - *Ayer Road Visioning Plan* – Ryan and Brown presented and received approval of the final recommendation of The Chesapeake Group and Tischler-Bise from the Select Board last week. In addition, it was requested the Rantoul Trust Fund be used for half of Phase 1, with the other half and all of Phase 2 to be funded with the State funding that has been awarded.
 - *Transportation Advisory Committee* – A community meeting with residents on Old Mill and Blanchard Road will take place in January. The deed for the Red Tail Golf Course details language of an easement from Old Mill Road to Devens.
 - Community Matters - None this evening

Director's Report

Ryan stated he has begun the process of reviewing the draft compliance guidelines for MBTA communities to establish an as-of-right multi-family zoning district under M.G.L. Chapter 40A Section 3A. Brown asked what is the deadline? Donahue stated non-compliance with this requirement would affect

Harvard under the Mass Works grants, which should be highlighted to the Select Board. Cabelus asked about the 750 units requirement; is that correct? Ryan will need to vet this out further, as he believes its 10% of the overall housing stock. As for the deadline, while DHCD is collecting public comment on the draft guidelines, MBTA communities must submit the MBTA Community Information Form and hold a briefing with the Select Board on the draft Compliance Guidance no later than May 2, 2022.

Approve Minutes

Donahue made a motion to approve the minutes of December 6, 2021 as amended. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cabelus, aye; Cook, aye; Thornton, aye; and Brown; aye.

Adjournment

Donahue made a motion to adjourn the meeting at 9:17pm. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cabelus, aye; Cook, aye; Thornton, aye; and Brown; aye.

Signed: _____ Liz Allard, Clerk

EXHIBITS & OTHER DOCUMENTS

- Planning Board Agenda December 20, 2021
- Director of Community and Economic Development UPDATE, December 20, 2021
- Special Permit Large Scale Commercial Uses Site Plan & Construction Details 256 Ayer Road Harvard, MA JOB 181090 prepared by GPR, Inc., 12/10/21