

**HARVARD PLANNING BOARD
MEETING MINUTES
SEPTEMBER 19, 2022
APPROVED: OCTOBER 3, 2022**

Chair Richard Cabelus called the meeting to order at 7:03pm 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, Doug Thornton, Arielle Jennings (arrived at 7:53pm; departed at 9:10pm) and John McCormack (Associate Member)

Others Present: Frank O'Connor (Director of Planning), Liz Allard (Land Use Administrator), Valerie Hurley (Harvard Press), Bruce Ringwall (GPR, Inc.), Lou Russo (Wheeler Realty Trust), Kerri Green, Steve Moeser, Yvonne Chern, William Bostic, Paul Pekens, Tyler Richard (Crown Castle) and Katherine Brief (Crown Castle)

Public Comment

There was no public comment this evening

Review Special Permit & Driveway Site Plan Approval - Lot 5 Prospect Hill Road (Map 11 Parcel 22.1 portion of)

Donahue made a motion to approve the decision for Lot 5 Prospect Hill Road (Map 11 Parcel 22.1 portion of) as amended. Cook seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; and Cabelus, aye.

All Boards Meeting September 28, 2022 @ 7:00pm

Cabelus stated he is willing to attend to represent the Planning Board, along with O'Connor. After some discussion the Board agreed the following items highlight the goals for the Planning Board for fiscal year 2023 and will be stated at the all boards meeting next week:

- Compliance with the MBTA regulations pertaining to multi-family housing;
- The Ayer Road Visioning Plan;
- Form base code for Town Center; and
- The update to the Master Plan.

Continuation of a Special Permit, Ayer Road Village-Special Permit and Site Plan Review - Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road. Opened at 7:30pm (see page 3 for complete details)

Extension of Special Permit & Driveway Site Plan Approval – Crown Castle, 47 Poor Farm Road. Opened at 8:13pm (see page 6 for complete details)

Proposed Protective Bylaw Amendment §125-7 Agricultural Uses

Official request to amend §125-7 of the Protective Bylaw was received from the Select Board on September 13, 2022. Members discussed the scheduling of the public hearing for this amendment, as well as the amendment for the Town Center, also being submitted by the Select Board. Cabelus will follow up with the Town Administrator to ensure appropriate material is received in a timely manner in order to open the public hearings on November 7, 2022. In the interim this item will remain on the agenda under old business.

Open Space Residential Development Bylaw Amendment

For the benefit of the new members Cabelus gave an overview as to the process thus far pertaining to the proposed Open Space Residential Development bylaw and the existing §125-35 Open Space and Conservation - Planned Residential Development (OSC-PRD). McCormack asked why the bylaw is limited to the development of only six units. Cabelus thought it is a gradual approach to development, stating it is the balance between the needs and what will be tolerated by the Town. Donahue explained further and suggested the site should dictate the number of units as opposed to the bylaw doing so. Jennings asked about why it had only been used once. Donahue explained the current bylaw requires an applicant to design and submit the engineered plans for the conventional development of the site and what could be developed under the OSC-PRD. In addition, the need to provide private water and sewer provides additional constraints to this type of development. Jennings would also be interested in how this bylaw can play into the needs of multi-family. Cook thinks there is plenty ways to get this accomplished and suggested language that states if you can do this successfully there should be some type of incentive provided. Cabelus wants to continue to move forward with this discussion as it has been in the works since early 2020. Cabelus asked the members to review both the current and the proposed bylaw for continued discussion at the preceding meetings of the Board.

Approve Minutes

None available this evening for approval

Approve Invoices

Donahue made a motion to approve the following invoices:

- Weitzman - \$10,000.00 (Ayer Road Visioning Plan)
- Beals + Thomas - \$1742.50 (203 Ayer Road)
- Beals + Thomas - \$738.44 (175 Littleton County Road)
- Mark Piermarini, P.E. - \$2000.00 (Lot 5 Prospect Hill Road)

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.

Board Member Reports

• Representatives & Liaisons Updates

Historical Commission – Cabelus stated the public hearing for the proposed revision to the historic district within the Town Center to include the Bromfield House at 39 Mass Ave was held last week. This item will be on the warrant at the Fall Town Meeting on October 1st. The Historical Commission has worked very hard to bring this amendment forward. A number of Boards are supporting the article at Town Meeting. Cabelus is asking for the support of the Board members on the article.

• Community Matters – none this evening

Adjournment

Donahue made a motion to adjourn the meeting at 9:11pm. Cook seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; and Cabelus, aye.

Signed: _____ Liz Allard, Clerk

EXHIBITS & OTHER DOCUMENTS

- Planning Board Agenda September 19, 2022
- Commercial Development 203 Ayer Road Harvard, MA, L-1.01 Planting Plan, prepared by fisher design group, April 25, 2022

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

September 19, 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), Bruce Ringwall (GPR, Inc.), Lou Russo (Wheeler Realty Trust), Kenneth Cram, Yvonne Chern and Valerie Hurley (Harvard Press)

This hearing was continued from September 12, 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.

Bruce Ringwall, of GPR, Inc., representing Yvonne Chern for the Harvard Badminton Center and Lou Russo for Wheeler Realty Trust, introduced Kenneth Cram, of Bayside Engineering, who will provide the presentation on the traffic and access study for the property. Cram provided a project description, study methodology, study area, existing conditions, probable impacts of the project and traffic operations analysis.

Cram stated new traffic counts were conducted in April of this year, along with data from Mass Department of Transportation (MassDOT) inventory were used to determine if these were average amounts or above or below average. March 1st of this year, is the point in which traffic counts are being consider the "new normal" with no adjustments, unless you are in area of a large amount of office space, post the pandemic. A K factor (the portion of annual average daily traffic on a roadway segment during a designated time) of 1.079 was applied and compared to traffic volumes with those determined for the Ayer Road Transportation Improvement Plan (TIP) project for morning volumes; evening volume were a bit lower. The study shows daily traffic to be 15,900 vehicles/day, with peak follow during normal commuting hours. Traffic counts were taken at four primary intersections: Ayer Road & Gebo Lane; Ayer Road and 202 Ayer Road Driveway; Ayer Road and Lancaster County Road; and Ayer Road & Route 2 Westbound Ramps. Data on the speeds along Ayer Road south of Gebo Lane were gathered for three days (Thursday, Friday and Saturday). With the 85% percentile speed being an average of 39mph northbound and 40mph southbound. In regard to motor vehicle crash data, Cram looked back to 2015 for trends due to the pandemic; no trends were noticed. Cram noted none of the intersection are on the MassDOT improvement list for safety improvements. The proposed TIP project will impact traffic conditions within the study area. Cram noted the Lancaster County Road bridge is not safe and has been assigned to be closed with traffic re-assigned to Gebo Lane, with the existing driveway for the Post Office being reconfigured so all exiting traffic would exit out the rear to Gebo Lane. Montachusett Regional Planning Commission indicated a 1% growth rate at this time; traffic would be encompassed by the 1% growth rate.

In determining how much traffic will be generated by this development, Cram stated office space has an existing land use code, but the badminton facility does not as it is a new type of activity. Bayside Engineering took counts at the existing facility in Westborough that consists of 8-courts. These counts were conducted Thursday – Saturday on both the in and out traffic. With the proposed facility at 16-courts the counts from Westborough were doubled. On a typical weekday, the proposed development is expected to generate 856 daily vehicle trips. During the weekday morning peak hour, 63 vehicle trips are expected. During the weekday evening peak hour, 146 vehicle trips are expected. On a typical Saturday, the proposed development is expected to generate 896 daily vehicle trips. During the Saturday midday peak hour, 118 vehicle trips are expected.

Table 10 summarizes the level of service (a quantitative measure used to describe the operation of an intersection or roadway segment). The proposed driveway for the development of 203 Ayer Road is projected to operate with slightly higher delays, with left turns at less than 1. Bayside Engineering recommends the site driveway consist of one land in and two lanes out controlled by a stop sign, with most traffic heading to and from Route 2. There are no other improvements warranted for this project as the capacity analyses indicate that there is no change in level of service at the study area intersections with the addition of the project related traffic. To maintain sight lines, it is recommended that any landscaping and proposed site signage be set back to not impede sight lines. Bayside Engineering recommends a transportation demand management plan be established to reduce the single passenger vehicles to the site. Cram concluded the review of the proposed project and the access plan shows that in relation to roadway capacity, traffic safety, and traffic impacts upon the surrounding roadway network, the proposed project will meet safety standards and have a minimal impact on existing traffic conditions. Project-related increases are in the range of 11 to 72 bi-directional vehicles during the peak hours entering or exiting the study area on Ayer Road. This is equivalent to approximately one additional vehicle every two (2) minutes or less per direction on average during the peak hours.

Donahue asked will the numbers change significantly if the office uses change to another use, such as housing. Cram stated housing would probably be compared to office use. However, traffic associated with housing would be going in the opposite direction of that for office use. Cabelus asked if the TIP project was taken into account as part of an increase in traffic. Cram explained TIP are safety improvements, and should not affect traffic. Cabelus asked about days in which counts were taken and did they include days on which there were tournaments and Sundays. Cram further explained the use of the numbers provided by using the Westborough facility. Cabelus also asked if Cram would recommend a traffic signal. Cram stated the numbers do not generate enough traffic for a signal; typically, 75 vehicles/hour are necessary to warrant a traffic signal.

The Board discussed the need for additional peer review on the traffic study. Cook stated the proposed development is not a significant impact and would support noting requiring peer review. McCormack seconded what Cook had stated; additional MassDOT has already done a study and he did not see the need for additional safety features at this location. Donahue on board knowing that if the undesigned placeholder buildings would not change the volume of traffic should those uses change. Cabelus wondered if there was a way to have a limited scope review of the traffic study as opposed to a big undertaking as previously proposed. Cram stated MassDOT has detailed guidelines with methodology to be able to make these determinations. Cabelus was looking for reassurance on the study by a peer consultant as this is not his bailiwick. Cook felt the increase in traffic is small in comparison to the overall traffic along Ayer Road. Ringwall explained how the information from the studies done by MassDOT were used, with Bayside Engineering data showing similar results.

Cook made a motion to not require a peer review of the traffic impact study for 203 Ayer Road. Donahue seconded the motion. The vote was 4-1 in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, nay.

Ringwall stated the architectural plans are being modified and once complete will be submitted to the Planning Board and the Design Review Board. Donahue asked will that be for all three buildings or just the badminton facility. Ringwall stated all three. Cabelus provided a brief overview of the advice received from Town Counsel pertaining to the requested permits for this application. After discussing reasonable timeframes to receive the architectural plan, Mr. Ringwall agreed to continue the hearing to October 17th.

Donahue made a motion to continue the hearing to October 17, 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

Harvard Planning Board

Extension of a Special Permit & Driveway Site Plan Approval

Crown Castle, 47 Poor Farm Road

September 19, 2022

The public hearing was opened at 8:13pm 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), Tyler Richard (Crown Castle) and Katherine Brief (Crown Castle)

This hearing is for the Extension of a Special Permit filed on behalf of Crown Castle for the for the existing wireless communications tower 47 Poor Farm Road, Harvard.

Katherine Brief, Urban Planner, representing Crown Castle stated the existing wireless communication tower is a mono pine that was originally permitted in 2002. The current Special Permit and Driveway Site plan approval was to expire in July of this year, however as a result of the state-of-emergency during the pandemic all existing permits were given an additional 462 days. Wanting to stay ahead of the expiration date, Crown Castle is requesting a five-year extension at this time. There are no recommended changes to the site or the tower. Allard stated a review of the site indicates compliance with the Special Permit, with perhaps the exception of the stealth covering on the tower. Brief stated the existing branches on the tower are standard, and anything larger could interfere with the antenna. O'Connor mentioned the site, both inside and outside fence enclosure, had branch debris; potentially indicating a need to fill in spots on the tower where stealth covering may not exist. McCormack requested the area be cleaned up, but as for whether to ask for additional camouflage, he could not even see the tower from Poor Farm Road. Cabelus asked if there was some standard maintenance. Brief stated annual inspection of both site and engineering are completed. Allard asked that the maintenance be more than annually for upkeep of the site. After briefly discussing, Jennings suggested twice a year and whenever maintenance is conducted.

There were no comments from the general public.

Donahue made a motion to include the condition that debris shall be maintained and cleared twice a year. Jennings 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.

Donahue made a motion to closet the hearing and issue a five-year extension for the special permit and driveway site plan approval to Crown Castle for the wireless communications tower at 47 Poor Farm Road as allowed for under §§125-27 and 125-46 of the Protective Bylaw. 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