

**HARVARD PLANNING BOARD  
MEETING MINUTES  
JUNE 6, 2022  
APPROVED: NOVEMBER 21, 2022**

Chair Justin Brown 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 February 15, 2022, and under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Justin Brown, Richard Cabelus, Stacia Donahue, Brian Cook, Doug Thornton and Jefferson Burson (Associate Member)

**Others Present:** Christopher Ryan (Director of Community & Economic Development), Liz Allard (Land Use Administrator), John McCormack, Pam Marston (Harvard Historic Commission), Michael Hood, Brandon Ducharme (Ross Associates, Inc), Arielle Jennings, Mate Cote (Beals + Thomas), Bruce Ringwall (GPR, Inc.), Mike Kennedy Sr. & Jr (Kennedy & Company), Valerie Hurley (Harvard Press) and Lou Russo (Wheeler Realty Trust)

**Public Comment**

There were no comments from the public this evening

**Interview Potential Planning Board Member – John McCormack**

John McCormack stated he has been in Harvard coming up on two years; as an U.S. Air Force Veteran he has lived all over the country; he was an engineering manager for Boeing; and is now retired. McCormack now has the time and interest in volunteering in the community. Moved to the area as his daughter lives in Littleton. McCormack is not planning on running the government, but helping get things done. Brown asked if he was familiar with the Ayer Road visioning plan. McCormack stated he has looked at the one-page handout on the website. His thoughts are the Planning Board needs to be looking ahead, 10, 15 years as that is their role. If we don't have a plan nothing will get done, and/or things we don't want will appear. McCormack stated you have to have a plan, but don't fool yourself that the plan as developed will end up happening. McCormack said he had no preference on being a full member or associate member of Planning Board. McCormack explained that his career work in the Air Force and at Boeing was to develop, review and implement plans and measuring performance along the way. He said he was interested in doing this at the municipal level.

**Update to the Housing Production Plan with Arielle Jennings**

Arielle Jennings stated she has been on the Municipal Affordable Housing Trust (MAHT) for two years and just took over as chair. Jennings first goal is to recertify the Housing Production Plan (HPP) with a launch meeting this Thursday. MAHT is working with Metro West on certifying the HPP. Jennings was interested in know how the previous update of the HPP went. Jennings wants to hear from key stakeholders involved during in the process. Donahue is the only Board member that was around when the HPP was last updated. Liz Allard stated Bill Scanlan, the previous contracted Town Planner revised the HPP on his own. Jennings said a housing survey is being crafted. Jennings further explained this update will be a multi-stage process to include not only the stakeholders, but the residents as well. Donahue happy to see MAHT is up and running and she asked if Jennings were still looking for new members? Jennings said yes, three members currently, need a member from the Select Board and the Planning Board. Jennings is hoping to join the Planning Board (PB) and be that representative. Jefferson said the Climate Committee would be very interested in working together on this as well as Harvard Energy Advisory Committee. Jennings would like to work together with the Board on an inclusionary bylaw and open space residential design bylaw. Brown explained in July the Board will decide on the fall amendments. Brown offered to have a PB member attend an upcoming HPP meeting. Thornton can attend that first meeting. Donahue mentioned the looming multi-family housing mandate from the State.

### **Discuss Support of the Expansion Historic District**

Brown introduced Pam Marston of the Harvard Historical Commission. Marston told the Planning Board that one of the Harvard Historical Commission's (HHC) missions is to save Bromfield House and the land around it by putting it into the Historic District. The State's Historical Commission will be reviewing the proposal this week. Marston said that in order to save the house, HHC thought they needed to include it in the historic district. Marston stated it is a unique place, that was originally built to house the first principal of the Bromfield School. It also served as the first secondary school in Town. HHC feels it is important to keep the Bromfield House in its current location. However, the Town has voted to sell the property. In the interim it is to be used for housing for the Afghan refugees. The Bromfield House is important in Harvard's history of education.

Cabelus said lots of good work has been put in by the HHC and he supports the expansion of the district and feels the building is an important part of Harvard's history. HHC will hold a public hearing in September prior to the Fall Town Meeting in October. Marston requested an endorsement from the Planning Board for this action. Brown asked if this were unanimously supported by the HHC? Marston stated it has. Brown asked if there were any members of the HCC that expressed any reservations about making this change. Marston stated there have not. Burson asked if the HHC plan were to get into the historic district before the sale goes through? Marston stated it is. Brown asked if a change in the Historic District were required to go through Town Meeting. Marston stated yes, it would be voted on at the October 2022 town meeting.

**Modification of Special Permit– Michael Hood – Three Seasons Landscape, 264 Ayer Road.** Opened at 7:40pm. (See page 4 for complete details)

**Continuation of a Special Permit & Site Plan Review – Kennedy & Company, 295 Ayer Road.** Opened at 8:00pm (see page 5 for complete details)

**Continuation of a Special Permit, Ayer Road Village-Special Permit and Site Plan Review - Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road.** Opened at 8:51pm (see page 6 for complete details)

### **Status Report on the State's MBTA Communities Multi-Family District Requirements**

After some confusion over the proposed maps, Ryan stated he will share the evaluation process for determining appropriate locations for this type of development. Donahue reminded the Board that the areas need to be near major highways, including I-495. Cook reminded the Board that not all 50 acres need to be on one site. Ryan noted that 25-acres does. Ryan has included a timeline within his update. Ryan reminded the Planning Board that he had shared 7 or 8 other points for them to keep in mind when considering where to site the MBTA community multi-family housing. By August the state is expected to provide the final version of the guidelines. Ryan mentioned that deadline dates might be further revised. Next meeting the Board will discuss the map by Cook as Ryan will not be in attendance.

### **Board Member Reports**

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

- *Open Space Committee* – Cook asked members to please fill out the survey for the Open Space & Recreation Plan Update
- *Harvard Climate Initiative Committee* – Burson stated the Natural Resources goal and action are to be reviewed at a June 15<sup>th</sup> meeting of all of the stakeholders under this section. Allard asked for the document and time for review by the Boards/Committees. This comment was noted by Burson.
- *Parks & Recreation (P&R) Commission* – Donahue stated P&R was trying to share a position with the school, however that did not work out, therefore P&R is now without a director. P&R is going to ask for a full-time Director for FY2024. Donahue noted P&R is really at the point where they need professional support staff.

- Community Matters – none this evening

**Director's Report**

Chris Ryan mentioned a variety of next steps for the MBTA Communities multi-family housing mandate, including target dates. Ryan said there is a target date of 31 DEC. 2022 for the Town to tell DHCD if it were going to be in compliance with the multi-family mandate. Obviously, Harvard will not be in compliance by that date, which will trigger an action plan that Harvard will prepare and submit to DHCD.

As for Phase 1 of the Ayer Road Visioning Plan, interviews were recently conducted by the consultants with summary document to be submitted by the end of this week or the start of next week.

**Approve Minutes**

Cook made a motion to approve the minutes of April 25, 2022 as amended. Donahue seconded the motion. The vote was unanimously in favor of the motion by roll call, Cabelus, aye; Donahue, aye; Cook, aye; Thornton, aye; and Brown; aye.

Before adjourning the meeting Brown read prepared remarks thanking Chris Ryan for his willingness and interest to help the Planning Board to be successful. Brown thanked Ryan for his professionalism and expertise, also. Ryan thanked the Planning Board for their help and said he enjoyed working with them.

**Adjournment**

Donahue made a motion to adjourn the meeting at 9:47pm. Cook seconded the motion. The vote was unanimously in favor of the motion by roll call, Cabelus, aye; Donahue, aye; Cook, aye; Thornton, aye; and Brown; aye.

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

**EXHIBITS & OTHER DOCUMENTS**

- Planning Board Agenda June 6, 2022
- Director of Community and Economic Development UPDATE, June 6, 2022

## Harvard Planning Board

### Modification of Special Permit

#### Michael Hood – Three Seasons Landscape, 264 Ayer Road

June 6, 2022

The public hearing was opened at 7:40pm by Chair Justin Brown 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 February 15, 2022

**Members Present:** Justin Brown, Richard Cabelus, Stacia Donahue, Brian Cook, Doug Thornton and Jefferson Burson (Associate Member)

**Others Present:** Christopher Ryan (Director of Community & Economic Development), Liz Allard (Land Use Administrator), Brandon Ducharme (Ross Associates, Inc.) and Michael Hood

This hearing was continued from May 16, 2022 for a Modification of Special Permit, filed on behalf of Michael Hood – Three Seasons Landscape, to identify additional areas to be used to exhibit various seasonal products and other activities not previously approved at 264 Ayer Road, Harvard.

Brandon Ducharme, of Ross Associates, Inc., was present to represent the applicant, Michael Hood. Ducharme mentioned there had been modifications to the original plan as previously requested. Brown asked if Ducharme had seen the language drafted by Chris Ryan as part of the modification to the special permit. Ducharme said he had. Ducharme highlighted the proposed modifications to the plan. Brown asked about signage and possible distractions due to those signs. Ducharme stated that signage in question would face in towards the site. Ducharme said overhead lighting on the north side of Building A would be shielded. Ryan asked about a light on a telephone pole near the visitor parking area and if signage on the site to direct traffic had been installed. Ducharme said the light would be shielded. Ryan said a condition would be for all light to be in compliance with lighting bylaws. Cabelus asked about applicant completing all work within one year. Ryan asked the language be sent to him so he could add it to the decision. Ducharme told Brown he is comfortable with the changes the Planning Board is suggesting. Donahue moved to close the hearing, seconded by Cook. The vote was unanimously in favor by roll call vote, Cabelus, aye; Donahue, aye; Thornton, aye; Cook, aye and Brown, aye. Donahue made a motion to approve the special permit as amended. Seconded again by Cook. The vote was unanimously in favor by roll call vote, Cabelus, aye; Donahue, aye; Thornton, aye; Cook, aye; and Brown, aye..

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

## Harvard Planning Board

### Continuation of a Special Permit & Site Plan Review

#### Kennedy & Company, 295 Ayer Road

June 6, 2022

The public hearing was opened at 8:00pm by Chair Justin Brown 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 February 15, 2022

**Members Present:** Justin Brown, Richard Cabelus, Stacia Donahue, Brian Cook, Doug Thornton and Jefferson Burson (Associate Member)

**Others Present:** Christopher Ryan (Director of Community & Economic Development), Liz Allard (Land Use Administrator), Bruce Ringwall (GPR, Inc.), Mike Kennedy Sr. & Jr (Kennedy & Company)

This hearing was continued from May 16, 2022 for a Special Permit & Site Plan Review filed on behalf of Kennedy & Company, 295 Ayer Road, for Landscape Services at 295 Ayer Road, Harvard.

Brown explained the proposal had been sent out for peer review and came back with extensive comments, which were read into the record. The applicant was represented by Bruce Ringwall, of GPR, Inc. Matt Cody, of Beals & Thomas, provided the peer review, including addressing issues with stormwater, where the applicant is creating an impervious site where it was once pervious. Cody's comments mentioned the applicant's proposed creation of a new lot by way of an Approval Not Required (ANR) endorsement. Landscaping, parking, car stops, handicap accessibility, screening, fire department input, sidewalk creation and turning radius were other items on the check list that need to be addressed by applicant. Brown allowed Ringwall to speak on behalf of Kennedy & Company. Ringwall said he submitted plans to the Board of Health for a septic plan that meet the requirements of Title V. Ringwall said there are no wetlands within 100 feet of the plan and he said a professional land surveyor (PLS) will stamp the site plan. Ringwall said he will propose a one-foot-wide rumble concrete driveway split. Brown asked Ringwall to confirm that with the Department of Public Works (DPW) Director. Ringwall said the state will be putting in a sidewalk. Ringwall elaborated on surface water drainage and the discrepancy between the Town's bylaw §125-39(F) and the MA Department of Environmental Protection regulations. Ringwall said those items will be addressed in writing. Ryan added that comments on the proposal had been received from Fire, Building, DPW and Board of Health. Cabelus asked about having an ANR prepared to accurately define the limits of the project. Ringwall said an ANR will be submitted along with written responses. Ryan suggested Ringwall work with Cody to rectify most of the issues before the next meeting. Cabelus asked if any easements were needed. Ringwall said there are a series of easements that have been recorded at the Registry of Deeds. Brown invited the Kennedys to address the Planning Board. Mike Kennedy Sr. said much of the lot would be gravel, woodchips or grass. Kennedy Sr. expressed his surprise on time constraints. Brown mentioned the ten-minute limit on presentations is new.

Motion was made by Donahue to have the continuation of the public hearing to Monday, 27<sup>th</sup> June 2022 at 7:30pm. It was seconded by Thornton. The vote was unanimously in favor by roll call vote, Cabelus, aye; Donahue, aye; Thornton, aye; Cook, aye and Brown; aye.

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

## 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

June 6, 2022

The public hearing was opened at 8:51pm by Chair Justin Brown 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 February 15, 2022

**Members Present:** Justin Brown, Richard Cabelus, Stacia Donahue, Brian Cook, Doug Thornton and Jefferson Burson (Associate Member)

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

This hearing was continued from May 16, 2022 for a Special Permit, an Ayer Road Village-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.

The Chair said the peer review comments from Beals & Thomas were received today along with comments from the Board of Health. Bruce Ringwall was representing the applicant and said he had spoken with the Board of Health. Brown said the Design Review Board was looking for further input to schedule its next meeting. Ringwall said he was looking to get that right into them. Brown mentioned correspondence from the Town Counsel. Cabelus explained that Attorney Lanza said it was important the Planning Board needed to interpret bylaws consistently, that it is a mix of residential and non-residential uses. Donahue asked if the Design Review Board (DRB) has examined the proposal. Brown said the DRB has not met recently and that the DRB would focus on the architectural guidelines and leave the bylaw interpretation to the Planning Board. Ryan requested that Ringwall submit his analysis of the Ayer Road Special permit, §§125-37 and 125-52(G)2 in writing so the Planning Board and staff can research it. Donahue asked on behalf of the Parks and Recreation Committee if the parking lot were available at the Charlie Wait field and if there were going to be pickle ball courts at the badminton facility.

Brown requested a motion to continue the public hearing until June 27, 2022 at 8pm. Motion made by Donahue and seconded by Thornton. The vote was unanimously in favor of the motion by roll call, Cabelus, aye; Donahue, aye; Cook, aye; Thornton, aye; and Brown; aye.

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