

**HARVARD PLANNING BOARD  
MEETING MINUTES  
JANUARY 9, 2023  
APPROVED MARCH 6, 2023**

Chair Richard Cabelus called the meeting to order at 7:01pm virtually, pursuant to Chapter 107 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 16, 2022, and under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Richard Cabelus, Brian Cook, Doug Thornton, Arielle Jennings and John McCormack (Associate Member)

**Others Present:** Frank O'Connor (Director of Planning), Liz Allard (Land Use Administrator), Marie-Danielle Faucher (Weitzman Associates), Brandon Nolasco (Weitzman Associates), Joan Eliyesil (Harvard Press), Kerri Green, Valerie Hurley (Harvard Press), Gerry Hall, Kara McGuire Minar, Greg Roy (Dillis & Roy Civil Design Group) and Emily Goswick

**Public Comment**

There was no public comment this evening

**Ayer Road Visioning Plan Update with Weitzman Associates**

Marie-Danielle Faucher, of Weitzman Associates, stated the market study and fiscal impact analysis has been complete with a final report recently provided to the Planning Board. The report details the existing market demand with a supply perspective, an existing conditions assessment and an analysis of potential commercial development. Weitzman has proposed three development scenarios for the commercial district (C-district), with different levels of intensity ranging from lower (Scenario 1) to higher intensity (Scenario 3); each includes a fiscal impact. Faucher stated there is a lot of potential for improving the C-district. There is a lot of demand of residential uses, but a lot of demand for commercial development as well. With the demand for smaller homes, Faucher feels the C-district a good place to locate these types of homes, as mixed use brings a diversity. Weitzman studied the capture rates to determine the potential for commercial development within the C-district. The C-district consists primarily of older offices with some medical, with not much of a demand for the traditional office uses. However, there is a demand for alternate commercial such as retail, including a pharmacy and/or food and beverage establishments. The report indicates almost 100% leakage of retail out of Harvard. There is a range of possibilities for flex space to help support the local agricultural. Small clusters of mix use along the C-district, with connectivity over time is also recommended. The biggest impediment within the C-district is access to public water and sewer, which makes it difficult to attract business. Faucher stated if Harvard wants to get out of this conundrum they have to face that hurdle.

Cabelus asked if it is Weitzman recommendation of the small-scale mixed-use scenario was based on the fact the C-district does not have connection water and sewer? Faucher stated the report focuses on all three, but developers were most comfortable with that type of development. At a minimum Weitzman is recommending Harvard offer a pharmacy or small grocery store, but not sure how a developer would overcome the lack of water and sewer. McCormack asked if Weitzman had any specific thoughts on zoning that would entice development and anything that attracts the wrong kind of development. Faucher stated Weitzman are not zoning specialist, however, an open space density ratio would allow for more than what is happening now in the C-district. Faucher stated she likes the idea of form-base code and would suggest more village style activity and to get away from low density development. Jennings asked if there were others barriers besides lack of water and sewer? The current zoning, basic public landscaping, and lack of sidewalks and bicycle path are barriers within the C-district. Faucher stated in terms of investment, water and sewer are the main thing. Cabelus stated the fiscal analysis impact on the low end is \$100,000 and on high end is \$930,000, would there not be a dramatic effect on the tax base.

Faucher stated the Town could be capturing 2 to 3 times more of revenue that is spilling out of Harvard by investing in the C-district. Faucher stated the study indicates people are leaving because they want to transition into smaller homes and there are not enough options to provide the diversity to generate fiscal revenue. Thornton is trying to figure out how this goes onto the next phase. Faucher stated the report generated by Weitzman works to create a vision for the corridor. The next steps would be a detail zoning analysis and transportation analysis. Third phase would derive from the second phase with zoning amendments and funding. Faucher believes there is potential within the C-district. Faucher stated the threat is if Harvard does not act on the potential there will be more single-family homes with lack of commercial offerings. Faucher stated eco-tourism has potential in this community. Caelus thanked Faucher and her colleague, Brandon Nolasco, for their efforts. The Planning Board will try to get Phase 2 out of the gate as quickly as they can.

**Continuation of Special Permit, Ayer Road Village-Special Permit and Site Plan Review Hearing - Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road.** Opened at 7:35pm (see page 4 for complete details)

**Review Special Permit Decision for DISH WIRELESS L.L.C., 131 Brown Road**

Cabelus had a minor typo correction on page 2, otherwise the Board was satisfied with the decision as drafted. The document will be ready tomorrow for members signatures in the office.

**ZBA Request for Comments – 90 Warren Avenue**

After briefly discussing, the Board had no objection to the application before the ZBA for 90 Warren Avenue. O'Connor will send a letter along to affect to the ZBA.

**Approve Minutes**

Cook made a motion to approve the minutes of December 19, 2022. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

**Board Member Reports**

- **Representatives & Liaisons Update**
- **Harvard-Devens Jurisdiction Committee** – McCormack stated the Committee is still working out the details of the letter they want to send other stakeholders
- **Montachusett Regional Planning Commission** – Thornton attended on behalf of Donahue at which the availability of a number of grant opportunities were presented.
- **Community Matters**
  - **Special Town Meeting** – Scheduled for February 13<sup>th</sup> and will include the Protective Bylaw amend and a proposed increase of Community Preservation Act surcharge.
  - **Master Plan Update** – O'Connor will follow up with the Town Administrator on potential funding for this update and will report back to the Board within the month

**Protective (Zoning) Bylaw Amendments Hearing.** Opened at 8:03pm (see page 5 for complete details)

**Site Plan Review – Chris & Emily Goswick, 184 Ayer Road**

Greg Roy, of Dillis & Roy Civil Design Group, was present to represent the applicant. Roy had submitted a revised set of plans, along with a narrative. The revised plan identified the lighting that is proposed as the existing lights are either outdated or not in compliance with the Town's lighting bylaw. A lighting schedule detail has been provided on the site plan. Roy detailed the proposed lighting on the plan. The existing sign is out dated; a new sign of the same size and location will replace it. Landscaping has been added to the plan. Roy stated there are a lot of invasive in the area of the property boundary to the north. The plan is to remove and replace the invasive plants. Roy detailed other landscaped areas on the site. Pertaining to the need for sidewalks, Roy stated although they have reached out to the abutters, they have not heard back from them regarding the creation of a walking path between the two properties. The

applicant remains willing to accept a condition to install a walking path between the two properties if the abutters are amenable. The narrative details two reasons for granting a waiver to this requirement.

Cabelus is concerned that a person unfamiliar with the location will be pushed out toward Ayer Road and perhaps a sidewalk would provide safety or would someone just follow around the building to the front door? Roy said they would most likely just stay close to the house when seeking to enter the front of the building. Roy also explained the seven parking spaces closest to Route 2 will primarily be used by the employees or the tenants. Cook thinks it is a great idea to connect the two sites, but the change in grade between the two would require a lot of effort to do so and does not think the abutter would be amenable. Cook still thinks having to build a sidewalk to nowhere is not logical and suggests the installation of a sign in rear indicating the location of the main entrance. Allard asked if the existing sign complies with the sign bylaw? Roy was not certain, but will be certain that the new sign is in compliance with the bylaw. Allard suggested the applicant work with the Conservation Agent on the invasive plant removal.

With no further questions or comments, Cook made a motion to approve the Site Plan 184 Ayer Road Harvard, Massachusetts prepared for Chris & Emily Goswick, Job No. 6932, prepared by Dillis & Roy Civil Design Group dated 1/3/2023, with the special conditions that the new sign will be compliant with the sign provision, §125-41, waive the requirement of sidewalks under §125-39G and the applicant is to work with the Conservation Agent on the removal of the invasive plants. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

**Open Space Residential Development Bylaw Amendment (§125-35 C, H & I)**

McCormack has not received any input since the last discussion on this matter on the areas identified as problematic. Jennings will share the draft thus far with the Municipal Affordable Housing Trust for feedback on the affordable housing component. The Board agreed time on the agenda needs to be blocked off to complete the review of this provision.

**Adjournment**

Cook made a motion to adjourn the meeting at 9:01pm. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

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

**EXHIBITS & OTHER DOCUMENTS**

- Planning Board Agenda January 9, 2023
- Site Plan 184 Ayer Road Harvard, Massachusetts prepared for Chris & Emily Goswick, Job No. 6932, prepared by Dillis & Roy Civil Design Group, 1/3/2023

**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**

**January 9, 2023**

The public hearing was opened at 7:35pm 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 107 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 16, 2022

**Members Present:** Richard Cabelus, Brian Cook, Doug Thornton. Arielle Jennings and John McCormack (Associate Member)

**Others Present:** Frank O'Connor (Director of Planning) and Liz Allard (Land Use Administrator)

This hearing was continued from December 19, 2022 for 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.

With the Design Review Board still in process of reviewing the project design the applicant's representative has requested a continuance to the January 23, 2023 meeting of the Planning Board. Thornton made a motion to continue the hearing to January 23, 2023 at 7:30pm. Cook seconded the motion. The vote was unanimously in favor of the motion by roll call, Cook, aye; Thornton, aye; Jennings and Cabelus, aye.

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

## Harvard Planning Board

### Continuation of the Protective (Zoning) Bylaw Amendments Hearing

January 9, 2023

The public hearing was opened at 8:03pm 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 107 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 16, 2022

**Members Present:** Richard Cabelus, Stacia Donahue, Brian Cook, Doug Thornton,

**Non-Voting Members:** Arielle Jennings and John McCormack (Associate Member)

**Others Present:** Frank O'Connor (Director of Planning), Liz Allard (Land Use Administrator), Kerri Green and Joan Eliyesil (Harvard Press)

This hearing was continued from December 19, 2022 on the Amendments to the Code of the Town of Harvard, Chapter 125 Protective (Zoning) Bylaw as detailed below.

#### 1) Amend Section 125-7 Agricultural uses

Board was in agreement that until they hear more from the Select Board there was nothing to discuss this evening. Jennings asked about the licenses included in the packet and what happens if the Board takes no action on this amendment. Taking no action could result in the Select Board bringing the language as submitted to Town Meeting. Pertaining to the licenses included in the packet, the Board had previously requested this information in order to see the common language the Select Board includes in these types of permits. Green asked if there is going to be a joint meeting is there anyway to get notice to the Agricultural Advisory Committee so they can be present at that meeting. Cabelus will convey that the Planning Board liaison, Erin McBee

#### 2) Add new section, 125-59 Town Center Overlay District

This item was addressed at the December 19, 2023 meeting.

Cook made a motion to continue the hearing to January 23, 2023 at 8:00pm. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Cook, aye; Thornton, aye; and Cabelus, aye.

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