

**HARVARD PLANNING BOARD
MEETING MINUTES
FEBRUARY 6, 2023
APPROVED MARCH 20, 2023**

Chair Richard Cabelus called the meeting to order at 7:00pm 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, Staci 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), Steve Nigzus (Design Review Board), Lou Russo, Bruce Ringwall (GPR, Inc.), Charles Oliver, Joan Eliyesil (Harvard Press), Valerie Hurley (Harvard Press), Kara McGuire Minar and Yvonne Chern

Public Comment

There was no public comment this evening

Joint Discussion with the Design Review Board (DRB)- 203 Ayer Road

Cabelus, who also chairs the DRB, explained the DRB has two guidance documents pertaining to the design of a development; §125-38F and the Commercial Design Guidelines. Based on those documents a matrix that incorporated the standards was created for DRB to consider the merits of the proposed design for the development at 203 Ayer Road. The completed matrixes were part of the previous Planning Board meeting packet. Since this is the first application brought before the DRB, the Planning Board (PB) will need to determine how they would like the DRB to proceed with their recommendations; are the received matrix review sufficient or should the DRB provide a written report to the PB?

McCormack asked if the DBR made any findings or if more information is necessary. Steve Nigzus, a member of the DRB, stated while interpreting the guidelines the applicant was very receptive to the suggestions of the DRB and have incorporated those suggestions into the plan. Nigzus explained the proposal was graded using the requirements of §125-38F and each member of the DRB provided their own analysis. Nigzus feels the DRB is at the end of their process. Nigzus added as a long-time resident of Harvard he has heard the desire for grocery store or drug store for that location over the years, but feels the proposed badminton facility will be a nice addition for the Town, along with the retail spaces that will provide some activity in that area along Ayer Road.

After discussing amount of time spent by the DRB with this application and the non-binding recommendations, the PB members agreed the recommendation by the DRB should be taken into consideration by the PB. The PB agreed with Cook's recommendation that a letter be submitted by DRB detailing their recommendations as it pertains to the design of the development at 203 Ayer Road. Cabelus requested O'Connor draft a letter to the DRB thanking them for their time and service.

2022 Annual Town Report

Thornton made a motion to accept the 2022 annual report of the Planning Board as drafted. Donahue 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.

Perspective MBTA Multi-family Zoned District

O'Connor explained the initial recommended zone for the Multi-family District was deemed too big by the Department of Housing and Community Development (DHCD); who suggested the district be reduced by half. O'Conner will be working with Montachusett Regional Planning Commission (MRPC) on the next

phase once the map is approved. After reducing the size of the district MRPC thought it was still too big and should only be around 50 acres. O'Conner stated he now looking at the junction in and around the Ayer Road/Route 2 area. McCormack stated it seems that would cut the commercial district in half; there is a danger in that as the commercial district is already limited in size and reducing it in anyway really reduces its potential for development. McCormack stated with the need for water and sewer it may be beneficial to local the district closer to Littleton to possibly collaborate with them for a water sources. Cabelus reminded the members that it not up to the Town to provide water and sewer when creating this district. Donahue thinks it should be Planning Board (PB) that creates the map and not MRPC or DHCD. Donahue also agrees with McCormack on creating an overlay district within the Commercial district will not provide the Town with mix-used development as suggested by §125-52 Ayer Road Village-Special Permit provision of the Protective Bylaw. Donahue suggested the PB look into the former CISCO parcels on the Boxborough town line, which would put housing close to commuter routes. Cabelus wants the locating of the district to be brought back to the PB as opposed to other entities. Thornton pointed out the suggested area includes a lot of conservation land, which he doubts would be taken out of conservation, at which Allard chuckled at. The members were tasked with providing feedback at the next meeting as to where they would suggest the multi-family district be located.

District Local Technical Assistance (DLTA) Funds

Donahue stated there is nothing intended from the Planning Board this year the DLTA grants provided by Montachusett Regional Planning Commission (MRPC), but if any of the members knows of a committee/board they are the liaison for Master Plan action items who could use technical support they should share the information with them. O'Connor stated the Board will be getting technical assistance from MRPC pertaining to the MBTA requirements. Cook suggested revisions to the lighting bylaw as it pertains dark skies. Members should review the action items under the Master Plan to ensure there is not something within those items that could benefit from this grant. When asked about the ability to prepare grant applications Donahue was uncertain, but will ask MRPC.

Ayer Road Market Analysis & Fiscal Impact Statement

The Board discussed the next steps of Phases 2 and 3, including funding, drafting a Request for Proposals (RFP) for Phase 2 and keeping the community engaged in the process. Kara McGuire Minar, a member of the Select Board, suggested the Planning Board request a public meet with the Select Board to walk them through the Market Study and Fiscal Impact Analysis for the Ayer Road Commercial District and gain support of the Select Board for funding of Phase 2. Donahue suggested the RFP for Phase 2 be drafted with feedback from Select Board, but that funding has been received via a Rural & Small Town grant award. O'Connor will start to work on the RFP for Phase 2.

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

Cook made a motion to accept the Site Plan Approval for 184 Ayer Road as drafted. 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.

Ratify the Termination of the Protective Bylaw Hearing

Donahue made a motion confirming that the hearings on the Protective Bylaw amendments, §§125-7 Agricultural uses and 125-59 Town Center Entertainment Overlay District terminated on January 23, 2023 and will not be further continued, the Planning Board has complied with the public hearing and recommendation/report requirements of state law pertaining to §125-59 Town Center Entertainment Overlay District. 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.

Open Space Residential Development Bylaw Amendment

The following revisions were made to §125-35 Open Space Conservation -Planned Residential Development:

- 125-35B(2) change to multi-family to be consistent with the upcoming Multi-family bylaw and don't want to box in the number of units allowed.
- 125-35B remove "4.5-acre tract", but leave by Special permit; may be able to allow specific types of development in the future by-right after Planning Board goes through the application process a few times.
- 125-35C(2) submittal of preliminary plan – revised language was acceptable to the members
- 125-35B(3)(d) edited to remove "superior to conventional development"
- 125-35B(3)(h) remove "recreational"
- 125-35D(2) remove "best possible"
- 125-35D(5) remove "large"
- 125-35D(6) remove "physically handicapped" and reference compliance with the Massachusetts Architectural Access Board under the Code of Massachusetts Regulation 521

The Board will pickup at 125-35E the next time they are able to review this provision of the Protective Bylaw.

Board Member Reports

- **Representatives & Liaisons Update**
- **Harvard Devens Jurisdiction Committee** – McCormack stated the Committee is conducting an extensive analysis of the Devens budget to look at how Harvard would create a budget should they take back the historical boundaries of Devens
- **Municipal Affordable Housing Trust (MAHT)** – Jennings stated the MAHT is wrapping up the revisions to the Housing Production Plan with the hope of releasing the draft to others for feedback in March.
- **Harvard Climate Initiative Committee (HCIC)** – Donahue stated the HCIC will be conducting a launch meeting for the Climate Action Plan (CAP) on Thursday at 7:30pm, however she cannot attend as she will be at the monthly Montachusett Regional Planning Commission meeting that evening. There are several action items within the CAP assigned to the Planning Board (PB). Anyone interested in attending on behalf of the PB can find a link to the meeting on the posted agenda.
- **Annual Appointments** – Cabelus stated he has received notification that anyone up for re-appointment must make their intentions known by early March to Julie Doucet in the Select Board office. Those up for re-appointment will receive notification from Doucet as well.

Approve Minutes

Donahue made a motion to approve the minutes of September 12, 2022 as amended. 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.

Approve Invoices

Donahue made a motion to approve the following invoices:

- Weitzman & Associates \$10,000.00 (Ayer Road Vision & Fiscal Impact)
- MetroWest Housing Consortium / Town of Hudson \$662.50 (Quarterly dues)

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.

Adjournment

Cook made a motion to adjourn the meeting at 9:11pm. Donahue 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

EXHIBITS & OTHER DOCUMENTS

- Planning Board Agenda February 6, 2023
- §125-35 Open Space Conservation -Planned Residential Development