

HARVARD PLANNING BOARD
MEETING MINUTES
May 15th, 2023
APPROVED JUNE 26, 2023

Chair Richard Cabelus called the open meeting to order remotely at 7:00pm, pursuant to Chapter 2 of the Acts of 2023, An Act Making Appropriations for the Fiscal Year 2023, which has suspended the requirement of the Open Meeting Law to have all meetings at publicly accessible locations and allowing all public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

Members Present: Richard Cabelus, John McCormack, Stacia Donahue, Brian Cook, Ariel Jennings

Others Present:

Frank O'Connor (Town Planner), Dan Wolfe (Ross Associates), Marty Green (Library Trustee), Jamie (of RE Architect), Jen Manell (Library Trustee), Gail Coolidge (Library Trustee), Timothy Greene (Selco Partnership), Ken Atwell (of Lancaster County Road), Grant MacLean (Chestnut Tree and Landscaping 320 Ayer Road)

Discussion Overviews:

1. No Public Commentary

2. Minor Erosion Control Application, 30 Whitman Road for a Septic system §125-58(E)3(a)2

Dan Wolfe, representing the owners of the property, summarized the property's need for a new septic system. Client wants to install a new septic system, replacing an older system, to support 4-6 occupants. Part of the project will include tree removal and other minor runoff prevention on a "low spot" of the property that will be in close proximity to local wetlands. The Conservation Committee has also reviewed this application and has listed 9-itemized conditions that the applicant must follow in order to receive approval.

Motion: Stacia Donahue made a motion to approve the erosion control application for Whitman Road with the 9-conditions as submitted by the Conservation Committee.

Seconded by Brian Cook

Voted yes by: Ariel Jennings, Brian Cook, Stacia Donahue, Richard Cabelus

Passed unanimously

3. Site Plan Review without a Special Permit, 4 Pond Road for a proposed pavilion on the land of the Bromfield Trustees §125-35D

A permanent outdoor structure was presented by Marty Green. Frank O'Connor shared his screen so all members could see the current site plan. This plan will include electrical power but no bathrooms/plumbing, an 8-12ft connecting sidewalk would be planned from the existing sidewalk, and no additional signage. Lighting would be minimal during nighttime, occasionally coming from as a projector, but mainly from the lighting needed for functionality/security. Brian Cook also shared the idea to add a couple assessable parking spots close by.

Motion: Stacia Donahue made a motion to approve the site plan application for the pavilion at 4 Pond Road as submitted.

Seconded by Brian Cook

Voted yes by: Ariel Jennings, Brian Cook, Stacia Donahue, Richard Cabelus

Passed unanimously

4. **Approval Not Required Endorsement, 46 Warren Ave. for a tract of land that to be combined and annexed with adjoining land to form on undivided lot, §125-29**

Dan Wolfe summarized the property owner's plan to the Board as Frank O'Connor shared his screen to the Board showing a visual of the property and the adjoining lot that would be purchased and combined.

Motion: Stacia Donahue made a motion to endorse the ANR of 46 Warren Ave.

Seconded by Brian Cook

Voted yes by: Ariel Jennings, Brian Cook, Stacia Donahue, Richard Cabelus

Passed unanimously

5. **Special Permit Hearing – VERIZON Wireless, 131 Brown Road for installation of collocator equipment**
See Page 4 for complete details

6. **Continuation of Special Permit - Ayer Road Village-Special Permit and Site Plan Review Hearing - Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road**
See Page 5 for complete details

7. **Comments for ZBA Special Permit application for 32 Mass Ave.**

Currently the Board has no comments for the Zoning Board of Appeals.

8. **Invitation from Planning Board Chair to member of Select Board & ZBA to serve on ad hoc RFP Committee**

Frank O'Connor updated the Board that there were more inquiries than expected (around a dozen). The next step would be to form a committee. Frank O'Connor believes the Chair of the Planning Board/designee, one member of the Select Board, and the Zoning Board Chair. Frank plans to draft a short letter to ask for these individuals support in forming this committee.

9. **Housing Production Plan Draft**

For the next 15 days, the planners are looking for feedback from boards and committees about possible strategies. This will be followed by a community forum in mid-late June in order to reflect what the Town of Harvard wishes to be done. The goal is to have this approved within a 2-month window.

Questions/Concerns/Comments

- John McCormack had questioned on how these plans will be implemented/enforced and how this will be measured. John McCormack also questioned the results of the plan back in 2017 and if it exceeded expectations, met expectations, or did not reach their goals.
Arielle Jennings acknowledged John McCormack's valid points and requested inquiries to go directly through her with the hopes to work on these while the plan is being drafted over the next two months.
- Richard Cabelus asked does the MBTA cover the bylaw and does the inclusionary zoning fall under an overlay district, general bylaw, or possibly something else?
Arielle Jennings answered to Richard Cabelus' first question pointing out that the bylaw would be much more broad and not just fall under the multi-family zone. Arielle Jennings also pointed out that the inclusionary zoning would require development to be affordable to 25% of the units.

10. Update on 320 Ayer Road situation

Frank O'Connor update the Board on the updates over the situation at 320 Ayer Road. Frank O'Connor and the Zoning Officer visited the site to take note of evidence of actions that went against the property agreements. The main concern/focus of the Board revolves around the improper use of the property without a permit.

Grant, who had received the previous special permit, talked to the Board about some of these issues. This includes one of the storage trailers used for masonry supplies that he is willing to move. Grant also claimed that Erin McBee has assured him that he was all set to work on the property. The Board clarified that Grant would need to reapply for a new permit and adjust an expected expiration date.

11. Prospective MBTA Multi-family zoned district

Frank O'Connor and Stacia Donahue will be meeting on May 16th 2023 with the regional planning agency (MRPC) and providing technical assistance with the MBTA communities compliance work.

12. Open Space Residential Development Bylaw Amendment (§125-35) comparisons

The Board feels the language is now appropriate and agreed upon. John McCormack added that the affordable housing should be changed from 15% to 25% and suggested that 25% will come with incentives. The Board will send out the draft to various departments and also talk to other town boards in order to get the information out effectively. The Board plans to receive feedback up until June 26th 2023.

Invoice:

Motion by Stacia Donahue to approve the invoice for Beals + Thomas: #3241.2-6 Peer Review \$835.00

Seconded by Brian Cook

Voted yes by: Ariel Jennings, Brian Cook, Stacia Donahue, Richard Cabelus

Passed unanimously

Adjournment:

Motion to adjourn by Stacia Donahue at 9:52pm

Seconded by Brian Cook

Voted yes by: Ariel Jennings, Brian Cook, Stacia Donahue, Richard Cabelus

Harvard Planning Board

Special Permit Minutes

May 15th 2023: Meeting was called to order at 7:44pm

VERIZON Wireless, 131 Brown Road for installation of collocator equipment

Special Permit Hearing

Timothy Greene summarized to the Planning Board the need for updates on the collocator equipment and that this is needed every five years. Stacia Donahue wanted clarification on the specific owners of the equipment and land. Timothy Greene clarified that the applicant is Verizon Wireless and that Verizon was the owner of the equipment and would be in charge of repairs. John McCormack had visited the site and noted that the camouflage covering the top $\frac{3}{4}$ of the mast was missing and should be replaced.

Special Conditions discussed: \$50,000 removal bond, having a locked and secure gate, and repair/reinstall/replace all camouflage to properly obscure the equipment to the conditions of the bylaw.

Motion: Stacia Donahue made a motion to approve the special permit for 131 Brown Road with the following special conditions: a \$50,000 removal bond, repairing/reinstalling/replacing of all camouflage to conform to the bylaw, and to make best efforts to secure the facility.

Seconded by Brian Cook

Voted yes by: Ariel Jennings, Brian Cook, Stacia Donahue, Richard Cabelus

Passed unanimously

Harvard Planning Board

Special Permit Minutes

May 15th 2023: Meeting was called to order at 8:02pm

Yvonne Chern & Wheeler Realty Trust; 203 Ayer Road, Ayer Road Village

Continuation of Special Permit - Site Plan Review

for the updates on proposed development of three commercial use buildings, including a Commercial Entertainment and Recreation use

Bruce Ringwall started the continuation on the topic of the septic design plan. The plan has been revised to only focus on the badminton building. Water data from the current facility has been used to move to the special permits approval. Bruce Ringwall is in the process of learning if additional water treatment would be needed to be added to the plans. Septic sizes have been increased accordingly to fit the plans for second floor residences in the plan. These plans are being finalized so they can be submitted to the Board of Health. Lou Russo added clarification that the potential commercial uses building B and C would be open to not only retail and office use. Mr. Russo prefers this in order to be able to find all types of possible tenants of the buildings.

Due to conflicting requirements from multiple boards with town bylaws, Bruce Ringwall and Lou Russo are looking for approval from the Planning Board with special conditions to help move along specific steps. The Board and the applicants attempted to meet in the middle by discussing what these special conditions might look like while also maintaining minimal risk if future roadblocks occur. Ultimately, no motion was made at this time to grant special conditions.

The permit will not issue if the Board of Health does not issue approval

Questions/Concerns/Comments

- Ken Atwell of Lancaster County Road, had two questions: What are the hours of operations (24-hour access) and what is the lighting situations? Ken Atwell also clarified that while he does not think the current badminton plan is the best use of the land, he did like the plan to open the commercial usage up and to over-estimate the sewage and septic requirements in order to keep the commercial use open to more potential options.

Bruce Ringwall clarified that the time of operations would be 5 to 10pm on weekdays and then 10am to 10pm on the weekends. Memberships would be tied and higher tiered members could come to the facility outside of the listed hours. Lighting has been divided into 4 different areas. Low wattage lighting through short bollards in the front and sides of the building. In the front parking lot, lighting will use lower level residential lighting with the correct warmth of lighting according to the town. The back of the building will have two different levels of lighting: a higher lighting option during busier times with the option of lower and options and to be completely off.

Motion: Stacia Donahue made a motion to continue the Special Permit Hearing for 203 Ayer Road Village on June 5th 2023 at 8pm.

Seconded by Brian Cook

Voted yes by: Ariel Jennings, Brian Cook, Stacia Donahue, Richard Cabelus

Passed unanimously