

**HARVARD PLANNING BOARD
MEETING MINUTES
June 12th, 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, Doug Thornton, Stacia Donahue, Arielle Jennings, Brian Cook

Others Present:

Frank O'Connor (Town Planner), Patrick Killeen (Of Lancaster County Road), Bruce Ringwall (GPR), Louis Russo (Wheeler Realty Trust), Erin McBee (Select Board liaison), Yvonne Chern

Public Hearings:

Continuation of Special Permit - Ayer Road Village-Special Permit and Site Plan Review Hearing -
Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road

See details on page 2 through page 4

Old Business:

Review Draft Decision for Public Library pavilion

Stacia Donahue made a motion to approve the draft language for the sight plan approval for Four Pond Road as submitted

Seconded by: Brian Cook

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

Abstained by: Doug Thornton

Motion Approved

Brian Cook made a motion to adjourn at 10:32pm

Seconded by: Stacia Donahue

Voted yes by: Arielle Jennings, Brian Cook, Doug Thornton, Stacia Donahue, Richard Cabelus

Approved unanimously

Harvard Planning Board

Special Permit Minutes

June 12th 2023: Meeting called to order at 7:09pm

Yvonne Chern; 203 Ayer Road

Continuation of a Special Permit Hearing

The Board discussed the draft's language and considered what else to incorporate for the following:

Phasing Concerns:

John McCormack has a concern that the language about possible phases to the current plans along with a concern that may require building A to be built, but no clarification that all three buildings must be built. He suggests that the language be changed to require that both Buildings A and B be built. Bruce Ringwall assured that the project isn't going to go in phases and that it is based on good faith that all three buildings are going to be built. Building A needed to be built and up in running, but that construction will be happening on Building B and Building C as Building A nears its completion.

Louis Russo clarified that while the initial goal is to align buildings A and B, the potential tenant of Building B and Building C may request slight changes to the structure and he wants to accommodate this tenant as best as possible (while also coming back to the Planning Board for authorization for modification of the special permit).

Brian Cook doesn't believe that this is a compliant project if they do not maintain language that clarifies the language that the Board is asking for.

Stacia Donahue agrees with Brian Cook based on the requirements needed for the mixed use property and does not think it is wise to have the projects phased.

Currently Arielle Jennings is okay with the plan to phase out each buildings plans based on the commercial benefits that were mentioned.

Square Footage:

Stacia Donahue wanted clarification of the square footage needed for the site plans.

Richard Cabelus clarified that the applicant filed a Special Building Permit as well as a Large Building Permit.

Bruce Ringwall clarified that this Large Building Permit was needed due to storage needs and this was added during revisions. This additional area will not be seen/habitable and is underground to better accommodate the storage needs.

Stacia Donahue had a question on the revision of 8,000 to 15,500 and if this would now be non-compliant with §125-30.B.

Bruce Ringwall clarified that to remain compliant, the plans added a MUVD to the property to be able to increase over 10% to 11%. The increase would be an 11.84% increase, but Brian Cook and the Board do not think this will be a big issue.

Plans and Procedural history:

1. Stacia Donahue added the following lines based on Bruce Ringwall's words into "Subsequent plans and documents issued include:"

- Line 151 - xv-xix: "From March response to B&T"
- Line 152 - xv-xx: "From March cut sheets from lighting rep and updated lighting plan"

- Line 153 - xv-xxi: "Updated arch"
 - Section C on line 154-158 was struck on the draft
 - Section D on line 159 was deleted from draft
2. The following added to line 227: "f. Frank to review to see if any other emails from Attorney Lanza that need to be added to the record?"
 3. Section II on line 167: a note has been added that "(these should just be a reference to the public record? Instead of re-writing the memo here – attach the documents as an addendum)"
 4. Storm water Management Comments: "(should this just be part of the above reverence to the B&T review)"
 5. Heading needed to be added to IV unless it is clarified that this is a duplicate of Line 483 U
 6. Update to include today (June 12th 2023)

Findings

1. All sections have a semi-colon added to the end so addition information can be added
2. New Section I: "That 125-26 special permit applications – get language from other version"
3. Section I (now Section II): Language changed to say "mixed use village development"
4. Section II now Section III and IV): has been split into two sections for §125-52.B and §125-52.C
5. Section VII now Section VIII): Needs to be referenced as building A
6. Section XI and Section XII has been split into two sections and are now the following:
 - Section XII: Focusing on preservation of wetlands
 - Section XIII: Focusing on connectivity between adjoining sites, shared access, and shared parking (all need to be incorporated and listed)
 - Section XIV: Permit more than one structure on building lot (all need to be incorporated and listed)
 - Section XV: Focusing on 10% increase in floor area
7. Section XVII: second part of the language has been struck out

Conditions and Limitations of Exercise of the Special Permit

1. First paragraph adding the language "may be altered only by modification (or amendment) of the original special permit application"
2. Section I: "within the confines of the proposed Buildings B and C" added
3. Section II: "Upon issuance of a building permit, construction shall be completed with reasonable diligence. Construction phasing shall be such that Building A and Building B are permitted and started and completed within the timeframe of the permit? Building C can follow at some later phase?" left highlighted and held for review for the Town Attorney
4. Section III: MUTCD acronym has been spelt out: Manual of Uniform Traffic Control Devices
5. Section IV and V struck out
6. Section VI (now V):
 - Added "a. Entire submittal package of Construction Documents and specifications"
 - Conservation Commission conditions and wetland replication plans (reference ConCom order of conditions? Double check with Liz)
 - BoH approval (Bruce Ringwall will email language)
 - Traffic study shall be revised if the tenants of Building B and Building C are determined to be different than what was originally studied (commercial generic uses).
 - Richard Cabelus has a concern about the parking and the possibility of it being excessive when unused. Richard Cabelus wants the following special condition proposed:
"If after 5 years from certificate of occupancy, the Planning Board has a good faith belief that Building A's allotted 120 parking spaces are vastly greater than what is reasonably necessary to service the

herein ascribed needs of Building A, it may compel the applicant to alter said spaces by reducing the number of spaces by a reasonable amount agreed upon by the applicant and the Planning Board. The Applicant shall be given the opportunity to rebut any such good faith finding by the Planning Board at an open hearing. Any ultimate finding which results in a reduction of spaces should convert said space to previous open space. Any action commenced by the Planning Board shall be considered a minor alteration.”

7. Bruce Ringwall had the following language added on behalf of Harvard Green’s Request:

- Lighting shall be staged (Harvard Greens’ request)
- Beals and Thomas condition about extra test hole
- Use of Building C and 1st floor of Building B commercial uses as allowed by 125-12

Public Comment:

1. Patrick Killeen (Of Lancaster County Road) asked if the town would be allowed to take land in order to make sidewalk space.

Brice Ringwall answered this question that both the plans and the town have taken this into account.

2. Mr. Killeen also asked if there was a limit on the amount of units that could be built in the space.

Mr. Ringwall explained that there may be additional space, but it is based on the septic requirements

Brian Cook clarified that the property will have to be septic

Stacia Donahue made a motion to continue the 203 Ayer Road Special Permit Hearing on June 26th 2023 at 8pm

Seconded by: Brian Cook

Voted yes by: Arielle Jennings, Doug Thornton, Brian Cook, Stacia Donahue, Richard Cabelus

Approved unanimously