



Director of Community and Economic Development

UPDATE

May 2, 2022

■ Special Permit and Site Plan Review; 203 Ayer Road – Churn and Wheeler Realty Trust

SYNOPSIS

The application is still in the early stages of review and requires deliverables from both the Peer Review and Design Review processes. This will likely take much of the next month. The Planning Board should consider a schedule going forward that takes these external processes and timelines into consideration. Staff will not be providing any additional site plan or special permit review until the first stage of the Peer Review process has been completed. At this time, you may wish to limit hearing time to be used for Planning Board member questions and initial public comment.

Request: The Applicant is seeking two Special Permits for a commercial development in the C district. Based on the provisions of Sections 125-52 and 125-23(B)(2) of the Protective Bylaw, such developments and businesses are allowed in the C district with a Special Permit and Site Plan Review.

STATUS OF APPLICATION – See SYNOPSIS above.

PEER REVIEW¹ – Planning Board shall discuss the proposal submitted by Beals & Thomas for \$12,000 to conduct this review.

SECTION 125-37 SPECIAL PERMIT– This Special Permit was originally recommended that the applicant file due to seeking a building that met the threshold of [this section](#). As recommended by staff review, the applicant has filed to request a waiver from this requirement. Specific provisions of 125-37 can be addressed under the Section 125-52 review.

SECTION 125-38 SITE PLANS – Site plan content (Subsection D.) has been met by this filing. Revisions have included a narrative explaining the changes made since prior version. The applicant is currently undergoing the design review process and the Planning Board shall be provided a recommendation from the Design Review Board to use as an evaluative criterion for this application. The application will also be subject to

¹ The applicant has expressed a position that the Planning Board should no longer use peer review consulting services for planning and zoning related criteria because the Town now has a professional planner. It should be emphasized to both the applicant and Board that the complexity of site plan review determines whether peer review for planning and zoning is needed. In many cases, the civil engineering and other special criteria are not common knowledge bases of staff planners

peer review and it is anticipated that these findings will be available approximately three (3) weeks after executing contract.

SECTION 125-39 SITE STANDARDS – Staff provided site plan comments for the meeting of the 25th, which have not been updated based on Applicant responses. There has been no new site plan submitted for review and it is recommended that the Applicant refrain from developing any revisions until the initial peer review response has been received. Key issues remain lighting, parking, loading, screening, and access.

SECTION 125-46 SPECIAL PERMITS – Many of the basic Special Permit criteria will not be fully vetted until peer review has been conducted. This includes the Section 125-1 Purpose criteria. Therefore, no additional Staff comments regarding Sec. 125-46 will be forthcoming until that time.

SECTION 125-52 AYER ROAD VILLAGE SPECIAL PERMIT – Provided additional comments for the meeting of the 25th, which have not been updated based on Applicant responses.

- Of the six (6) objectives of Section 125-52, only two (2) indicate partial compliance while four (4) are currently non-compliant.
- Of the four (4) ARV-SP Review Criteria, part of this will require the Peer Review for full vetting, particularly Building and Site Design Impacts Mitigation. The Historical Significance criterion is not applicable.
- Of the three (3) Section G3 criteria for achieving eligibility for ARV-SP incentives, it has been preliminarily determined based on existing application materials received to-date, that none of these criteria have been met.

Based on this review, it appears that the project is not compliant with Section 125-52 objectives or criteria and until such time these are met to a degree that satisfies the Planning Board, the Planning Board may wish to postpone discussion of this Section until such time that the plans fit with Section 125-52 framework.

SECTION 125-20 USE CRITERIA – Much of these criteria will be vetted by Peer Review. Others will require consideration later in the process when discussion of site and operation details require discussion.

Recommendation: Approve Peer Review scope for this application. Continue application to a date certain subsequent to receipt of Peer Review initial comments.

■ Special Permit Modification – 256 Ayer Road (256 Ayer Road, LLC/Scott Patterson)

STATUS OF APPLICATION – Draft Decision Letter distributed to the Planning Board.

Recommendation: Review Draft Decision Letter and determine whether findings and conditions are satisfactory. If so, recommend approval of letter.

■ Special Permit and Site Plan Review – 295 Ayer Road (Kennedy & Co.)

Synopsis

The Peer Review and Design Review processes need to play out before additional Staff comments will be forthcoming. Applicant should be advised to limit discussion and further revisions until such time so as to avoid unnecessary expenses and time. The Board should consider further continuances timed to align with subsequent milestones such as Peer Review, Design Review, and Staff Review.

STATUS OF APPLICATION – See SYNOPSIS above.

PEER REVIEW – Proceeding with scope and contract with Beals & Thomas. Estimated completion within three (3) weeks.

SECTION 125-38 SITE PLANS – Site plan content (Subsection D.) has been met by this filing. Revisions have included a revised site plan dated 4/27/2022 which has not been reviewed by Staff. The applicant has also submitted a set of example photographs and a request for temporary storage of equipment on site for the Planning Board’s consideration. The applicant will apply for the design review process and the Planning Board shall be provided a recommendation from the Design Review Board to use as an evaluative criterion for this application.

SECTION 125-39 SITE STANDARDS – Staff provided site plan comments for the meeting of the 25th, which have not been updated based on Applicant responses. Key issues remain lighting, ingress/egress, screening, and the temporary office structure.

SECTION 125-46 SPECIAL PERMITS – Many of the basic Special Permit criteria will not be fully vetted until peer review has been conducted. This includes the Section 125-1 Purpose criteria. Therefore, no additional Staff comments regarding Sec. 125-46 will be forthcoming until that time.

SECTION 125-20 USE CRITERIA – Much of these criteria will be vetted by Peer Review. Others will require consideration later in the process when discussion of site and operation details require discussion.

Recommendation: Continue application to a date certain subsequent to receipt of Peer Review initial comments.

■ Ayer Road Vision Plan Project

Status of Consulting Work in Phase 1

We are close to agreeing in principle to the revised scope of work provided by Weitzman Associates. Once we go to contract, the timeline for the project is three (3) months which if we were to start the project on May 1st, it will be completed at the end of July—well in advance of Fall Special Town Meeting.

Preparations for Phases 2 and 3

There has been some public critique of the outreach conducted on Phase 2 and 3 and the request for CPIC funds. It would be helpful if members evaluated the outreach materials on the project website and provided some ideas and feedback to staff. Here are a few ideas for how we could conduct outreach for the Ayer Road Vision Plan project over the next few months:

1. Booth at Annual Town Meeting (May) – This has been discussed at the Planning Board and no further advancement of the idea as of yet. Perhaps we can have stacks of the handouts and perhaps a few bound versions of the White Paper (or we can have flash drives with the pdf loaded on it too). We could have Chris and one PB member staff the booth before and during Town Meeting. Any other ideas? Who do we need to speak to regarding securing a booth?
2. Build Up Website – So far, the project website is pretty robust but may be a little dated. Members should take a look at the site (link below) and evaluate it for what else we can do and how to improve.
3. Focus on Facebook Development – I have an economic development Facebook Group and we could further develop this or develop the Page as well. Right now, it only has seven followers but we could flesh it out a bit.
4. Other social media ideas include further marketing the Planning Blog, creating a podcast, creating a vlog, hosting coffees at the HGS, or something similar. We also discussed visiting the transfer station and we could also have a booth or presence at sports fields.

Additional ideas are welcome. The project page link is here:

<https://www.harvard-ma.gov/economic-development/pages/ayer-road-planning-framework-project>

■ MBTA Multifamily Zoning Draft Guidelines Update

Options to Proceed

The Planning Board has been provided with five (5) potential pathways on which to proceed. At this time, the only option that has garnered support is OPTION D, which has been retained for review below.

OPTION D: Look for a specific location or locations throughout Harvard that meet the guidelines and use the existing multifamily language in the bylaw as a starting point. This would require an even bigger brainstorming effort by looking at the map for the entire community. The following preliminary steps were recommended:

- a. Note the locational guidance provided by the Guidelines, which state *“When an MBTA community has no land area within 0.5 mile of a transit station, the multi-family district should, if feasible, be located in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that otherwise is consistent with the Commonwealth’s sustainable development principles—for example, near an existing downtown or village center, near an RTA bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.”*

- b. Think about other locational criteria that would apply such as being close to shopping and services, walkability, likelihood of water and sewer extensions, creation of a village or hamlet cluster, compatibility with adjacent zoning or land uses, etc.
- c. Use the GIS [HERE](#) to research parcels in town. If you do not know how to use the GIS, let us know and we can provide for you the useful tutorial that Liz developed a couple years ago. Using the GIS, you can turn on and off layers showing zoning, wetlands, topography, and other criteria that can help you seek suitable properties.
- d. I can also send you a PDF file of the town map with parcels showing if that would be helpful. I have had several members already provide a map of parcels to consider and I have created a master map showing all of them. Brian Cook now has this map and will be adding open space, recreation, and conservation parcels to it to provide further guidance. The expectation is that Brian and I will bring the updated map to a future Planning Board gathering in order to brainstorm further and pare down the potential parcels to a select few to consider sharing with the public. It is recommended that Board members be prepared to discuss this in depth soon.

Staff has also reached out to the State and the Mass Housing Partnership regarding the technical assistance that Harvard noted would be desirable on our submitted Community Information Form. MHP noted that an application for TA will be forthcoming in May. The State recommended applying for the One Stop for Growth grant for such assistance. As Harvard may be applying for a OSFG grant for another project, this may not be the best option.

At this point, the Planning Board may wish to consider getting started on the Action Plan for which the specific guidance language is as follows:

Each MBTA community must provide DHCD with a proposed action plan and timeline for any planning studies or community outreach activities it intends to undertake in order to adopt a multi-family district that complies with Section 3A. DHCD may approve or require changes to the proposed action plan and timeline by sending the MBTA community written notice of such approval or changes. Rapid transit communities and bus service communities must obtain DHCD approval of an action plan by no later than March 31, 2023. Commuter rail communities and adjacent communities must obtain DHCD approval of a timeline and action plan by no later than July 1, 2023.

Be aware that prior to taking any substantive steps toward a specific strategy to meet the Guidelines, you must be aware of two things:

1. You should wait until the final Guidelines are released. There is no point to take steps using Guidelines that may change.
2. You should prepare and submit the Action Plan. Give DHCD an opportunity to evaluate the plan and give a green light before moving on a strategy that they may reject.

■ Ayer Road TIP Project Update

MassDOT Public Hearing

On Wednesday, March 30, 2022, the Massachusetts Department of Transportation conducted a public hearing remotely via Zoom in regard to a project referred to as Resurfacing and Box Widening of Ayer Road, which locally is described as the Ayer Road TIP² Project. Similar to the 10% design public meetings, this hearing on the 25% design, included several comments about a roundabout at Gebo Lane and also some landscaping concerns in the right-of-way.

Given the continued concern by several members of the Transportation Advisory Committee (but not the TAC formally), MassDOT expressed its willingness to meet with Town officials to further discuss the roundabout and some other issues. This meeting has taken place and as a result, the Select Board sent a letter to the MPO to ask if 1) a roundabout would delay the TIP schedule and 2) whether smaller amendments such as narrower shoulders would delay. The hope is that the SB will receive a reply before the Chair's last meeting so the project can receive a final vote of support.

² TIP refers to the Transportation Improvement Program that addresses federally funded highway projects.