

**TOWN OF HARVARD  
PLANNING BOARD AGENDA  
MONDAY JUNE 6, 2022 @ 7:00PM**

Pursuant to Chapter 22 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 February 15, 2022, this meeting will be conducted via remote participation. Interested individuals can listen in and participate by phone and/or online by following the link and phone number below.

UpperTH ProWebinar is inviting you to a scheduled Zoom meeting.

**Join Zoom Meeting**

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**Public Comment**

- New Business:** a) Interview Potential Planning Board Member – John McCormack (7:05pm)  
b) Update to the Housing Production Plan with Arielle Jennings (7:15pm)  
c) Discuss Support of the Expansion Historic District

**Public Hearings:**

- 7:30pm **Modification of Special Permit– Michael Hood – Three Seasons Landscape, 264 Ayer Road, to identify additional areas to be used to exhibits various seasonal products and other activities not previously approved**
- 8:00pm **Continuation of a Special Permit & Site Plan Review – Kennedy & Company, 295 Ayer Road, for Landscape Services**
- 8:30pm **Continuation of a Special Permit, Ayer Road Village-Special Permit and Site Plan Review - Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road, for the development of three commercial use buildings, including a Commercial Entertainment and Recreation use**

**Old Business:** a) Status Report on the State's Multi-Family District Requirements

**Standard Business:** a) Board Member Reports

- Representatives & Liaisons Update
  - Community Matters
- b) Director's Report  
c) Approve Minutes

**NEXT SCHEDULED MEETING:  
JUNE 20, 2022**





## Director of Community and Economic Development

# UPDATE

June 6, 2022

### ■ Discussion of Expansion of Historic District to Include Bromfield House

No need to repeat the summary and analysis as provided by the Historic Commission. The request is to discuss Planning Board support of the request and consider whether to provide a recommendation for action. The Board may choose from the following options: no action, recommendation to deny, recommendation to approve or approve with suggested conditions.

### ■ Special Permit and Site Plan Review; 203 Ayer Road

#### SYNOPSIS

No additional information has been provided by the applicant and the peer review consultant has not released their report as yet.

**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.

#### LEGAL OPINION RENDERED

The following text encompasses the legal opinion requested from Town Counsel on Tuesday, May 3, 2022. The questions are in regular text while the responses are in **bold, italic, blue**. If I have a further comment on the opinion, it will be in **bold, italic, dark red**.

At the regularly scheduled meeting of the Planning Board on Monday, May 2, 2022, the Planning Board voted 5-0-0 to request a legal opinion regarding certain elements of the Protective (Zoning) Bylaw.

For context, the application subject to this request is for the following:

1. Special Permit for Major Building under §125-37 Major Buildings
2. Special Permit for Commercial entertainment and recreation; indoor under §125-13 Large-scale commercial uses
3. Special Permit for Ayer Road Village Special Permit (ARV-SP)
4. Site Plan Review

The applicant is seeking to build a ±30,000 s.f. indoor recreation facility and two future 8,000 s.f. commercial buildings as part of a phased development within the Commercial (C) zoning district under the provisions of the Ayer Road Village Special Permit. The applicant is asserting that this is intended to be a “mixed-use” development, but as yet does not know what the other commercial tenants will be.

Since this application addresses provisions in the Bylaw that have either not been tested or have been tested only peripherally and not for an extensive period of time, the Planning Board feels that clarity regarding these provisions is paramount.

FIRST, the Planning Board has noted that §125-52, Section G. states, “...in reviewing and acting on applications for special permits issued pursuant to this section for a mixed-use village development...”, the Board interprets this phrasing to mean that the two incentives listed under G(2) “may” be authorized by the Planning Board, and are *only* applicable within a “mixed-use village development” framework. Is this a correct interpretation?

**Yes.**

SECOND, under §125-13 Large-scale commercial uses, this exact term “mixed-use village development” is listed as a permitted use as Subsection Z. Does Counsel interpret the use of the term “mixed-use village development” in §125-52, Section G(2) as referring to the use of the term in Subsection Z. of §125-13 Large-scale commercial uses?

1. If the answer is yes, how does Counsel interpret the list 1-4 under §125-13(Z)? Is this list exhaustive and exclusive? Examples only? Something else? Based on the answer here, what latitude does the Planning Board have to define and delimit what constitutes “Mixed-use village development”?

***The list is not exhaustive and exclusive, especially Z (1) which includes “commercial use” without limitation. Where “and” is not used, the list uses are not conjunctive. Where the term “mixed-use village development” is not defined in the Protective Bylaw, the Planning Board may not define it or delimit in a manner inconsistent with Z (1) or state law. Under the State Zoning Act, Mass. Gen. Laws Ch. 40A, Sec. 1A a “mixed-use development”, is defined as a “development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses”.***

***This sufficiently supports the Board’s desire to have a robust interpretation of mixed-use by reliance on the 40A definition.***

2. If the answer is no, what latitude does the Planning Board have to interpret the definition of the term, "mixed-use village development?" Can the Board devise what specific uses are or are not included (e.g., residential, retail, office...) and in what percentages (for example shall include at least 30% residential)?

*As discussed above, any such interpretation must be consistent with the Protective Bylaw and state law. If the PB has an interpretation which it would like me to opine on, I will opine on its consistency and legality. I will not opine generally.*

*Once the Planning Board settles on a specific interpretation for this application, Counsel is open to a further assessment if necessary.*

3. Alternatively, does the applicant possess any leeway to propose their own definition of the term and if so, what is the Planning Board's authority to accept, deny, or negotiate that definition?

*The applicant can propose a definition, but the PB need not accept it or negotiate about it.*

THIRD, §125-52, Section B states that, "Selected mixed-use village development uses also require a special permit under this section and pursuant to § 125-13." Does this mean that there are additional special permits required under this Subsection? Is there any other guiding interpretation of this specific language for the Planning Board regarding whether mixed use is an objective, requirement, or requirement under certain circumstances as noted in subsequent sections?

*An additional special permit is required pursuant to Sec. 125-23 B, which requires a special permit for certain Medium-Scale Commercial Uses listed in Sec. 125-13 including a mixed-use village development. The requirements for such a special permit are listed in Sec. 125-46 C.*

FOURTH, regarding the incentives listed under §125-52(G), subsection b. allows, "Greater total building size than allowed under § 125-37, Subsection A, provided that no building shall exceed 30,000 square feet of gross floor area." there are several questions that arise.

1. Firstly, can you determine definitively how this provision relates to §125-37? Is it exclusive, superseding, or something else? If an applicant is seeking to build a 25,000 s.f. building as part of 125-52, do they need both the 125-37 and 125-52 special permits or just the 125-52 special permit? Can you pinpoint where 125-52 specifically supersedes 125-37?

*Reading the 2 sections in harmony, Sec. 125-52 allows the PB to grant a special permit to allow any building, including residential, to exceed the limits in Sec. 125-37 A. By its plain language referencing the limits in 125-37A, 125-52(G) (2) (b) creates an exception to the limits. If exceeding the limits in Sc. 125-37A (1), a project in the ARV overlay district would not need both the 125-37 A and ARV special permits.*

2. The 125-37 appears to state that while it refers to a “...*maximum gross floor area specified herein.*” that in fact no such maximum is so stated in this §125-37 although one could surmise that the 10,000 square feet of gross floor area listed in A(1) is what is being referred to for that purpose. However, if this is so, this Section states that “A *nonresidential building proposed with a length of greater than 150 feet or greater than 10,000 square feet of gross floor area may be erected...*” but does not appear to define or delimit “greater” in this case. What is your interpretation?

*“Greater” in Sec. 125-37 A (1) is not defined or delimited. The FAR limit in Sec. 125-30B, which can be exceeded by 10% under 125-52 (G)(2)(a) in the ARV, will impose a limit on floor area in relation to the area of the lot.*

*These last two responses hint at the lack of clarity in 125-37 and may suggest that the applicant be better safe than sorry in making the application, which they did. The Board may still choose to waive the 125-37 SP and offer an application fee refund if desired.*

**Recommendation:** Continue hearing to a future date certain after providing an opportunity for public input.

### ■ Special Permit Modification – 264 Ayer Road (Michael Hood D.B.A. Three Seasons Landscape)

#### **SYNOPSIS**

A draft decision letter has been provided to Board members. If no edits and applicant finds acceptable without changes, recommend approving modification to Special Permit.

**Summary:** The applicant, Michael Hood, is seeking to modify a previously granted Special Permit to use the front yard of the parcel for the display of seasonal products in bins. The revised site plan broadly depicts the areas in the front where the Applicant seeks to have display areas approved by this request. See a photograph of current conditions below:

**Recommendation:** A draft decision letter has been provided for your review. Recommend approval with or without edits.

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

#### **Synopsis**

The initial peer review process has concluded. The following review addresses the comments from Beals & Thomas and any ongoing comments from staff.

**Recommendation:** Hear peer review verbal report, response from the applicant, and staff report. I anticipate continuing the hearing to a future date.

**Request:** The Applicant is seeking a Special Permit for a landscaping and nursery business in the C district. Based on the provisions of Section 125-13(T) of the Protective Bylaw, such businesses are allowed in the C district with a Special Permit and Site Plan Review.

**STATUS OF APPLICATION** – See SYNOPSIS above.

**PEER REVIEW** – The following has been gleaned from the peer review report:

### **General Comments**

- §125-20(D) of the Bylaw requires the development to provide water supply and sewage disposal approved by the Board of Health. In relation to maintaining the existing on-site structure, the Applicant proposes a new subsurface sewerage disposal system will be provided. Design details, including the decommissioning of the existing on-site system, have not been provided. We defer review and approval of the sewage disposal system, the installation of the new water well, and the decommissioning of the existing water well to the Board of Health Review process.

Reviewer defers to the BOH on water and wastewater (see below).

- §125-29.I of the Bylaw requires a building factor calculation to confirm the lot shape. The referenced calculation does not appear to have been provided by the Applicant. We request that the Applicant provide the referenced calculation in accordance with the referenced section of the Bylaw.

Build factor calculation is requested. This will be necessary as part of the Approval Not Required review. If ANR not conducted prior to completion of this application, the entire legal lot should be considered the area under review.

- §125-32.B of the Bylaw requires that sewage disposal systems shall be set back 100-ft from W Districts and inland wetland boundaries. Though the proposed sewage disposal system is not within the referenced buffer zone to the adjacent resource area to the north, it is within 100-ft of a drainage inlet that is directly tributary to the resource areas. We note this for the benefit of the Board and defer to the Board on the applicability of the Bylaw in reference to the on-site drainage infrastructure.

Reviewer defers application of inland wetland resource area boundaries to the Board. This will need to be assessed by the Conservation Commission.

- §125-38.D(1) of the Bylaw requires that site plans include lot boundaries. The Applicant is only proposing developing a portion of the subject property with a future ANR submittal to the Board. We defer to the Board on this approach, but note with the lack of an established lot boundary on the east side of the Site, there is insufficient boundary information included on the plan. Additionally, the Applicant has not provided an existing conditions plan endorsed by a Professional Land Surveyor (PLS) in accordance with 250 CMR 6.00. Easements for the solar garden, the existing on-site septic system and other potential encumbrances are

not depicted on the plans. We request that the Applicant provide a submission stamped by a PLS.

The reviewer makes a valid point regarding the future ANR and the boundary as well as lacking an existing conditions plan. The Board may wish to urge the applicant to follow through with an ANR at this time to simplify the review process and this may also reduce the potential issues that may arise when requiring the Board to consider the entirety of Parcel 27.

- §125-38.F(1) of the Bylaw requires that renderings of the proposed development be provided. The required renderings do not appear to have been provided by the Applicant. We request that the Applicant document compliance with the noted section of the Bylaws.

Renderings generally required for design review, which was deferred for this application. Recommend not applying this requirement for this application.

- §125-38.G of the Bylaw requires a landscape plan, prepared by a Registered Landscape Architect (RLA). We acknowledge the landscape plan provided; however, it does not appear to have been prepared by an RLA. We request that the Applicant document compliance with the noted section of the Bylaws.

Up to the Board's discretion as to whether the landscape plan should be prepared and stamped by a registered LSA.

- §125-39.A(3)(b)[2] of the Bylaw requires that car stops be provided for parking areas. It does not appear that the required car stops have not been provided. We request that the Applicant detail and depict the required infrastructure in accordance with the noted section of the Bylaw.

While edge of pavement can be considered a minimally functional stopping point and spaces in this lot will be striped, the Board at its discretion could require car stops as a consistency factor.

- §125-39.B(5)(a) of the Bylaw requires that shared entrance/exit driveways be separated by a traffic island. A traffic island has not been provided for the shared use driveway as proposed. We request that the Applicant detail and depict the required infrastructure in accordance with the noted section of the Bylaw.

Valid point by the reviewer. Since it will be two-way, the traffic island should be provided and of a design that is functional and attractive. The DPW Director comments as follows: "*...the location shouldn't be a problem and they must put in the island as required in the by-law. They will also need to apply for and obtain a residential connection permit for the curb cut.*"

- §125-39.B(5)(e)[1] of the Bylaw requires specific turning radii for the proposed driveway. The radii for the driveway as proposed is not identified. We request that the Applicant document compliance with the noted section of the Bylaw. Furthermore, a swept path analysis for



emergency access has not been provided. We defer to Town of Harvard Fire Department personnel relative to the adequacy of the emergency access provided.

It is not anticipated that the paved parking area will be utilized by trucks but certainly may be the preferred area of access for emergency vehicles. The Board may wish to ask the applicant to provide this analysis. The Fire Department responded as follows: *"...based on the plans submitted it appears there will be sufficient access for emergency vehicles in both the existing solar array driveway and the proposed new commercial."*

- §125-39.C(1) of the Bylaw requires a perimeter buffer zone be provided around parking areas. As proposed, the new parking area will not have the required buffer to the north relative to the existing home to remain. We request that the Applicant clarify the design location of the new parking area and document compliance with the noted section of the Bylaw.

The existing home will not be used for residential purposes and the required buffer would not be required for that. The perimeter buffer, as per the Bylaw, is intended for the "lot" perimeter and not the "parking lot" perimeter. This lot perimeter buffer is still required as per C(1).

- §125-39.C(2) of the Bylaw requires an open space calculation for the Project. As noted herein, the Project is proposed to be on an ANR lot that has not yet been established; therefore, it is unclear how this calculation was made. We request that the Applicant clarify the calculation methodology and document compliance with the noted section of the Bylaw.

Another good reason to follow through with the ANR at this time. Should the Board not wish to so require, the applicant should use the entirety of Parcel 27 as the analytical base. This includes calculating required Open Space.

- §125-39.D(2) of the Bylaw requires screening of storage areas from abutting parcels. It does not appear adequate screening has been provided for the abutter to the south adjacent to the proposed material bins. We request that the Applicant clarify the design intent and document compliance with the noted section of the Bylaw.

Adequate screening and buffering of storage areas should be an important criteria to provide, particularly as it may relate to dust and particulates.

- §125-39.E of the Bylaw requires provision be made for fire protection, considering the Project is proposed to be served by a private well. We request, to the satisfaction of Harvard Fire Department personnel, that the Applicant document compliance with the noted section of the Bylaw.

The Fire Department responded as follows: *"...there are two fire department approved water sources within an acceptable distance from this location."*

- §125-39.G(1) of the Bylaw requires projects subject to the site standards within the Commercial District provide curbs and sidewalks. As proposed the Project does not propose

either. Understanding that sidewalks and curbs do not exist on this portion of the Ayer Road, it is unclear if the referenced Bylaw is applicable to this specific Site. We defer to the Board to determine the applicability of the noted Bylaw relative to the Project location.

Since a shared use path will be provided, installation of a sidewalk in this location, at this time, is not required. I will defer to my previous comments regarding the sidewalk.

- §125-41.B(3) of the Bylaw stipulates setback requirements for signage. The sign location proposed does not appear to comply. We request that the Applicant clarify the design intent and document compliance with the noted section of the Bylaw.

The sign should be appropriately located on the site plan, to scale.

- §125-52 of the Bylaw provides for special permit provisions within the Ayer Road Village. The Applicant does not appear to make reference to this section of the Bylaw in their submission. The Applicant should clarify their interpretation of the applicability of this district to the Project. We defer to the Board whether the Applicant should be filing for, and meeting the requirements of, a special permit in compliance with the referenced section of the Bylaw for a proposed commercial development on Ayer Road.

The ARV-SP is not being applied for and shall not be part of the review criteria.

- The Applicant indicates the existing on-site home will be retained. As observed, the existing structure appears to be dilapidated and in need of significant restoration. We request that the Applicant clarify the design intent relative to retaining the existing on-site structure.

The intent has been articulated and the Planning Board is comfortable with the intended use. The issue will be the quality of the rehabilitation and the timeline for completion.

- The alignment of the proposed path from the on-site home to the new parking area is unclear. The new path appears to intersect the parking area directly into parking spaces and does not appear to provide for MAAB/ADA accessibility. We request that the Applicant clarify the design intent of the proposed pathway.

The Building Commissioner has commented as follows: *“Will be looking for an accessible route from the building to parking with an access aisle as described [in] 521 CMR: ARCHITECTURAL ACCESS BOARD, 23.4.6 Access aisles.”*

- Low hanging overhead wires exist on the west side of Ayer Road, on the Project side of the roadway. We recommend that provision be added to the plans to support, protect, and maintain the existing overhead infrastructure throughout the duration of construction.

The DPW Director has commented as follows: *“...they just need to maintain the wires and it will not have an effect on the Ayer Rd. project as that is down the road and will be dealt with at that time.”*

## **Stormwater Management Comments**

The peer review consultant provided ten (10) stormwater management comments and I do not have enough technical or regulatory knowledge in this area and thus cannot comment. I would rely on the expertise of the peer reviewer to apply these criteria.

### **Other Comments**

**Note that an email dated May 26, 2022 from Health Agent Ira Grossman provided twelve (12) comments in regard to this application. I will provide these below:**

1. The proposed lot delineation is not the legal lot bound and the actual lot would need to be established;
2. Title 5, 15.010 (2) Prior to dividing a facility all existing systems shall be inspected in accordance with 310 CMR 15.301(8). The division of a facility shall not be approved unless the Approving Authority has determined that the division will not put existing systems in noncompliance with the Title 5 and the applicant has demonstrated to the satisfaction of the Approving Authority that the division of property will not prevent the upgrade of existing systems in accordance with Title 5. Failed systems shall be upgraded in accordance with 310 CMR 15.305. Existing systems shall be altered as required by the Approving Authority for each new facility divided out of the original facility.
3. No inspection of the existing on-site system has been provided (if a sale is to occur), nor has any water quality testing been provided for the onsite well;
4. Given that the proposal remains part of the existing facility known as the Harvard Plaza the proposed use of a well is prohibited. Harvard Board of Health regulation and by-law section 145-13 states "Any new dwelling or occupied structure on property with a lot line that is within 500 feet of a municipal or water department service line must be connected to the water supply system." The property is subject to the Public Water System serving the facility;
5. The plan does not show any storage areas for garden or landscaping materials, particularly those containing herbicides, pesticides, fertilizers or soil amendments, please add the locations to the plan;
6. Dual pumps are required for all systems serving commercial uses;
7. The Presby system should be designed for H-20 Loading given the proposed use of the site;
8. The current pump for the effluent is rated at 46 gallons per minute, the maximum pumping rate for a Presby system is 40 gallons per minute;
9. How will the force main line be protected from freezing?;
10. The benchmark is greater than 75 ft. from the leaching area and is subject to disturbance during construction, 15.220(4)(q);

11. Pump cycles are not in accordance with Presby's guidance and recommendation for 6 cycles per day;
12. Inverts of the septic tank and pump chamber are not a minimum of 12 inches above the seasonal high groundwater;
13. No approved capacity is established for the existing house and the documentation of the facility capacity is that of a proposed installation on an onsite system that was not installed and therefore, was not issued a certificate of compliance. The proposed SDS will be considered as new construction and be required to meet full compliance with Title 5 and the Harvard of Health regulations; (including percolations testing);
14. The use of DEP's "Title 5 Alternative To Percolation Testing Guidance For System Upgrades" is not appropriate for new construction nor should be used when there is no immediate threat to the environment and where percolation could be performed, 15.405(1)(i).

While these comments do not need to be addressed individually in the meeting, the Board should determine what level of regulatory compliance will be needed prior to any decision. If the Board wishes, it may provide a special condition stating that the project must adhere to all Title V and other BOH requirements prior to receiving an Certificate of Occupancy.

**Recommendation:** Based on the above comments, the Board may wish to allow deliberation on each of the 30 points raised by peer reviewer and recommend allowing applicant response once all comments have been raised to make the best use of time. It is likely that a further plan revision will be required regardless, and suggest continuing to the following meeting date. It is premature given this to discuss a decision letter. However, a draft has been started with basic application information included for further development at the appropriate time.

## ■ Update Regarding MBTA Multifamily Zoning Guidelines

- **CURRENT STATUS:** At this point, Harvard is in full interim compliance with the guidelines including having completed the Community Information Form and having held a public briefing, all before the deadline of May 2, 2022.
- **NEXT IMPORTANT DATE:** The next deadline for Harvard is December 31, 2022 whereby the Town, if no zoning has been passed yet, must provide DHCD with a letter of notification that there is no existing multi-family district that fully complies with these guidelines, and thereafter submit a proposed action plan as described in section 9.b of the guidelines and have it approved by the date specified below.
- **ACTION PLAN:** Harvard 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 Harvard written notice of such approval or changes. The Action Plan and associated timeline must be APPROVED by DHCD by July 1, 2023.

- **IMPLEMENTATION OF PLAN:** Harvard will need to meet the milestones set forth in the ACTION PLAN in a timely manner and adopt the zoning bylaw amendment by the date specified in the action plan, which can be no later than December 31, 2024.
- **FULL COMPLIANCE:** A Determination of Full Compliance can only be granted once the new zoning is in place and meets all Section 3A requirements.
- **MGL 40R AND 40S:** A few years ago, in order to incentivize multifamily housing development and to compensate communities for possible fiscal impacts, including additional schoolchildren, the state passed legislation creating the following:
  1. The Smart Growth Zoning Overlay District Act, Chapter 149 of the Acts of 2004, codified as M.G.L. chapter 40R, encourages communities to create dense residential or mixed-use smart growth zoning districts, including a high percentage of affordable housing units, to be located...in areas of concentrated development such as existing city and town centers...and in other highly suitable locations. Projects must be developable under the community's smart growth zoning adopted under Chapter 40R, either as-of-right or through a limited plan review process akin to site plan review.
  2. The Smart Growth School Cost Reimbursement codified as M.G.L. chapter 40S, directs additional state funding to cities and towns that establish a 40R district, to cover the costs of educating any school-age children who move into such districts.

It is highly recommended that Harvard consider this option given that it is already a proven model and also that it provides payments through both 40R and 40S. Since there is complexity to it, it is also highly recommended that Harvard consider technical assistance through the Mass Housing Partnership or DHCD.

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## ■ Update Regarding Phase 1 Market and Fiscal Impact Analysis Project

Last Wednesday, May 25<sup>th</sup>, representatives from Weitzman Associates, the consultant for the Phase 1 project, visited Harvard for the day. At 11:00 am, the reps were given a briefing and then taken on a tour of the C District and adjacent areas around Harvard to provide some context. They also saw the schools and the Pond.

After the tour, interviews were conducted with Erin McBee, Kerri Green, and Debbie Thompson in person and the consultants have a lengthy list of other individuals and organizations that I had recommended that they speak to. These will be scheduled over the next few weeks.

The consultants are due to submit a first summary document of analysis conducted to-date and for this, a first invoice will be submitted for payment.



# TOWN OF HARVARD

## VOLUNTEER APPLICATION (12/03/2009)



Thank you for your interest in serving the town of Harvard. Please complete this application to be kept informed of volunteer opportunities and/or to apply for a specific position or fill a vacancy when one occurs. You may be also be contacted based on your stated areas of interest for other opportunities to volunteer. Your application will be kept on file for 3 years.

**Date of Application:** May 16, 2022

**Applicant Information:**

**Name:** John McCormack

**Address:** 13A Trail Ridge Way Harvard MA 01451

**Home/Work Phone #** [REDACTED] **Mobile Phone#** [REDACTED]

**Email Address:** [REDACTED]

**Indicate below which Board(s) or Committee(s) are of interest to you:**

any

**Have you previously been a member of a Board, Committee or Commission (either in Harvard or elsewhere)? If so, please list the Board name and your approximate dates of service:**  
none

**Do you have any time restrictions?**

YES

NO

**Are you a registered voter?**

YES

NO

**Please list your present occupation and employer (you may also attach your résumé or CV)**

Retired, CV Attached


**Do you, your spouse, or your employer have any current or potential business relationship with the Town of Harvard that could create a conflict of interest? (If YES, please describe the possible conflict)** No conflicts

**Please outline any education, special training or other areas of interest you have that may be relevant to the appointment sought.**

see CV

# CV: John McCormack

13A Trail Ridge Way  
Harvard MA 01451



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## Education

Bachelor of Science, United States Air Force Academy, CO 1979 (Distinguished Graduate)

Masters of Science, Air Force Institute of Technology, OH 1987 (Distinguished Graduate)

PhD Candidate (Engineering), University of Pennsylvania 2003-2006.

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## Employment

United States Air Force (Retired, Lt. Col). 1979-1999. Pilot, Assistant Professor of Electrical Engineering (USAFA), Requirements Specialist, Director of Advanced Programs.

The Boeing Company (Retired, Senior Manager) 1999-2020. Engineering Functional Leader, Research Program Manager, Subcontract Program Manager.

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## Community

Community Theater - Colorado Springs CO 1988-1991; Midland MI 1992

Community Band - Hampton VA 1994-1997

IEEE Section Officer, Chairman - Hampton VA 1996-7, Philadelphia PA 2000-2003

Parish Councils - Guam 1985, Hampton VA 1997

Volunteer - Central PA Youth Ballet 2000-2003

Bookkeeper - Northeast Youth Ballet, Reading MA 2022-current

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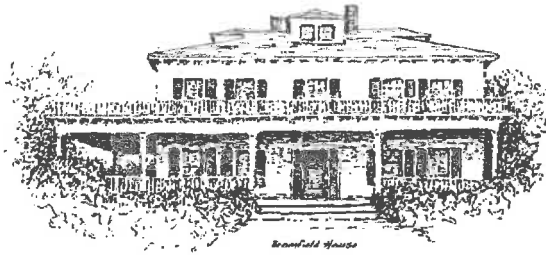
## Technology

Office Suite (Microsoft: Word, Powerpoint, Excel, Access) (Apple: Pages, Keynote, Numbers)

Financial (bookkeeping - eg. Quickbooks, Quicken, TurboTax)

Programming/scripting (VB, C, Java and many others)





# TOWN of HARVARD, MASSACHUSETTS

REPORT OF  
THE HARVARD HISTORICAL COMMISSION  
TO  
THE HARVARD PLANNING BOARD  
AND  
THE MASSACHUSETTS HISTORICAL COMMISSION

REGARDING  
PROPOSED ADDITION TO  
THE HARVARD COMMON HISTORIC DISTRICT

May 2022

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## SUMMARY

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Richard Cabelus (Secretary)  
Steve Nigzus  
Emanuel Lindo  
Brandon Loughery  
Matthew McRae

Date of Public Hearing: September 7, 2022

Date of Town Meeting: October 2022 (exact date TBD)

### Property Proposed for Addition to Harvard Common Historic District:

39 Massachusetts Avenue, Harvard, MA 01451, shown as lot 43 on "Plan of Harvard Common Historic District Revision D March 2015" and as "added property" on "Plan of Harvard Common Historic District Revision E May 2022"

The structure on the lot is known as Bromfield House or The Principal's House for Bromfield School.

### Proposal and Conclusion:

This report proposes that the property located at 39 Massachusetts Avenue be added to the Harvard Common Historic District. The structure on this property is historically significant to the history of the Town of Harvard as well as of architectural significance, and is located in a key position on the edge of the historic district.

Prominent citizen, philanthropist and advocate for access to education Margaret Bromfield Blanchard, through her estate and trust, funded the construction of the 1914 Bromfield House, located at 39 Massachusetts Avenue, as the principal's residence associated with the original 1878 Bromfield School for secondary education (which she also funded). The property has been owned by the Town of Harvard since 1982 when it was purchased from the Trustees of the Mrs. Blanchard's estate. For many years the house was used as a principal's residence and then for school administrative offices. Recently, with the completion of a new elementary school on the adjoining property, the administration has vacated the house.

When it became likely that the town would no longer utilize the structure for educational purposes, citizens put forth several efforts to preserve the structure (see below). Harvard's Select Board voted unanimously on March 1, 2022 to sell the parcel on which the Bromfield House stands and is working on a petition to the probate court for authorization to proceed.

The addition of Bromfield House to the Harvard Common Historic District will ensure that the structure is protected as it is repurposed as a private residence. Currently the Common District includes 63 properties and the Shaker Village Historic District contains 62 properties.

The Harvard Historical Commission voted unanimously at its January 5, 2022 meeting to submit a report recommending that the Harvard Common Historic District be enlarged to include Bromfield House to the Town of Harvard Planning Board and the Massachusetts Historical Commission for their consideration.

## INTRODUCTION

The Town of Harvard voted to establish the Harvard Common Historic District and to adopt an Historical District By-Law in accordance with the Massachusetts Historical Districts Act (M.G.L., Chapter 40C) on March 3, 1972 by article 37, amended March 3, 1973 by article 21 and subsequently amended from time to time. The bylaw is found in the Code of the Town of Harvard. Part 1: General Bylaws, Chapter 48: Historic Districts. Consistent with the Harvard Bylaw and the Massachusetts General Laws Chapter 40C District Act, an historic district may be enlarged after notice to the planning board and the Massachusetts Historical Commission, a public hearing conducted by the historical commission, and two thirds vote of the citizens attending a town meeting.

Under the Harvard Historical District By-law, the Harvard Historical Commission (HHC) is comprised of seven members and two alternate members, all residents of Harvard. Three members are appointed by the select board, one member from the American Institute of Architects, one member submitted by the Board of Realtors covering the area, one member from nominees submitted by the Harvard Planning Board, and one member from nominees submitted by the Harvard Conservation Commission. Two alternate members are chosen by the Select Board. All members serve for three years. Regular meetings are held once a month, usually on the first Wednesday, with public notice posted of the agenda for each meeting. Special meetings are held from time-to-time following notice to the public.

The Harvard Historical District By-Law provides guidelines for structures within the district. The purpose of the Historic Districts is "to preserve and protect the historic assets of Harvard, its buildings, structures, places, sites and surrounding settings, of historical or architectural significance."

The Commission is responsible for reviewing applications for permanent changes to the exterior of structures, visible from a common way, applications for new construction and applications for demolitions. The By-Law outlines the criteria for HHC's review of those applications, including the standards for its decisions and the types of changes that are exempted or excluded from review.

When determining the appropriateness of a proposed change, the HHC considers the proposal in relation to the historical and architectural significance of the buildings and structures in the surrounding area. When an application is considered, it is first determined whether the proposed change is substantial or insubstantial. A substantial change requires review during a public hearing after which the application is voted on and a certificate of appropriateness may be issued. An insubstantial change does not require a public hearing and decisions are made by vote at the next meeting (after abutters are notified). The HHC may issue a certificate of non applicability for ordinary maintenance as defined in the Bylaw and the rules and regulations. The commission may issue a certificate of hardship when the refusal of an application would create a hardship to the applicant.

## METHODOLOGY

The Town of Harvard has two historic districts. One is the Shaker Village Historic District located in the northern section of town. This district includes historic buildings constructed or used by the Harvard Shaker Community which was active from the late 18<sup>th</sup> century until the early 20<sup>th</sup>, as well as more modern structures, and includes the historic Shaker burial ground.

The other district is the Harvard Common Historic District located in the center of the town and includes many of the iconic structures that are central to Harvard's identity as an historic rural New England town. The HHC proposes to enlarge the size of the Common Historic District to include Bromfield House. Constructed in 1914 to serve as the residence of the principal of the Bromfield School, the structure has been used since 1982 as the School Superintendent's office. With the construction of the new elementary school the structure is no longer needed for office space and requires extensive updating. If the property is added to the Harvard Common Historic District, the HHC would have purview over any alterations made to the exterior of the building visible from a public way including proposed additions or demolition.

A citizen's petition was presented at the October 16, 2021 annual town meeting proposing that the Select Board be directed to sell the house as a residence and direct the historical commission to enlarge the district to include the property.

The petition passed with a 2/3 vote. At the town election on November 2, 2021, a non binding referendum was included on the ballot to sell the house as a residence. The referendum passed by 2/3 majority. The citizens of Harvard clearly wish to see this structure preserved as a private residence and have indicated this preference by 2/3 vote on two occasions. The Select Board has endorsed this approach by voting to sell the property as a private residence.

The HHC will submit this proposal for adding the Bromfield House property to the Common Historic District to the Harvard Planning Board and to Massachusetts Historical Commission for consideration and recommendation. The HHC will then hold a public hearing, after notice citizens and especially district residents, to answer questions from the public about the proposal and to review and approve the submission of a warrant article for vote at town meeting. HHC will work with interested town commissions and boards, members of the public, and district residents to obtain approval of the warrant at town meeting by a 2/3 majority vote.

## SIGNIFICANCE

### Historical Significance

The property at 39 Massachusetts Avenue holds a unique place in the history of Harvard and the education of Harvard students. In 1878 Margaret Bromfield Blanchard donated funds to build the first secondary school in town. Margaret Bromfield was a woman ahead of her time. Education as well as the advancement of women and those emancipated in the southern states following the Civil War, were of the utmost importance to her. Through her generosity, a quality secondary school education was made available to Harvard residents.

In 1914 Margaret's trust donated monies to build a house for the principal of the school she had founded. This became known as Bromfield House. The structure housed subsequent principals until 1982 after which it was used by school administrators. In a very real sense, Bromfield House stand as monuments to the foresight, wisdom and charitable ideals of Harvard's most generous resident, Margaret Bromfield Blanchard.

### Architectural Significance

Bromfield House sits majestically back from and above Massachusetts Avenue. It is considered a colonial revival home. Like many New England colonial revival buildings, its front façade has a center entrance door, a symmetrical window arrangement and clapboard siding. The architect chose pilasters at the corners and bracket on the eaves. Bromfield House was built in 1914 at a time when architects were more eclectic when executing designs. In Bromfield House we see this in the wrap around porch. Although porches have existed in America for centuries, large wrap around porches were more common to southern architecture. The wide porch is supported on simple Tuscan columns creating a welcoming entrance to the home.

### Summary of Significance

Bromfield house has stood at the southern entrance to the center of the town for more than 100 years. It beckons visitors with its expansive lawn and quintessential and appropriate New England architecture located on the doorstep of the town's historic district. It faces the historic school building the principal of which it housed (now restored as the town library, included in the Harvard Common Historic District and listed on MACRIS as HRV.11) as well as two other period houses making it an integral part of an attractive welcome into historical Harvard at one of its main entrances. Its absence would drastically diminish that impact. As current stewards of Harvard's historical legacy, the HHC strongly recommends the inclusion of this important property in the Historic District to ensure that it is not lost or significantly and irrevocably altered.

### JUSTIFICATION OF THE BOUNDARIES

In order to ensure that the house is preserved, it is important that the Common Historic District be enlarged to include it, thereby protecting it with the provisions of the Historical District By-Law. We note that the boundaries of the District were originally drawn to exclude an existing elementary school building that stood between Bromfield House and the rest of the District. That building has since been replaced with a new school on the same lot (although in a different location). The Town of Harvard, by vote of its citizens, has indicated that that the modern school buildings not be a part of the Historic District although they are proximate to historic structures.



## PROPERTY INDEX

Property Address: 39 Massachusetts Avenue, Harvard, MA

MHC ID #: HRV.88

Constructed: 1914

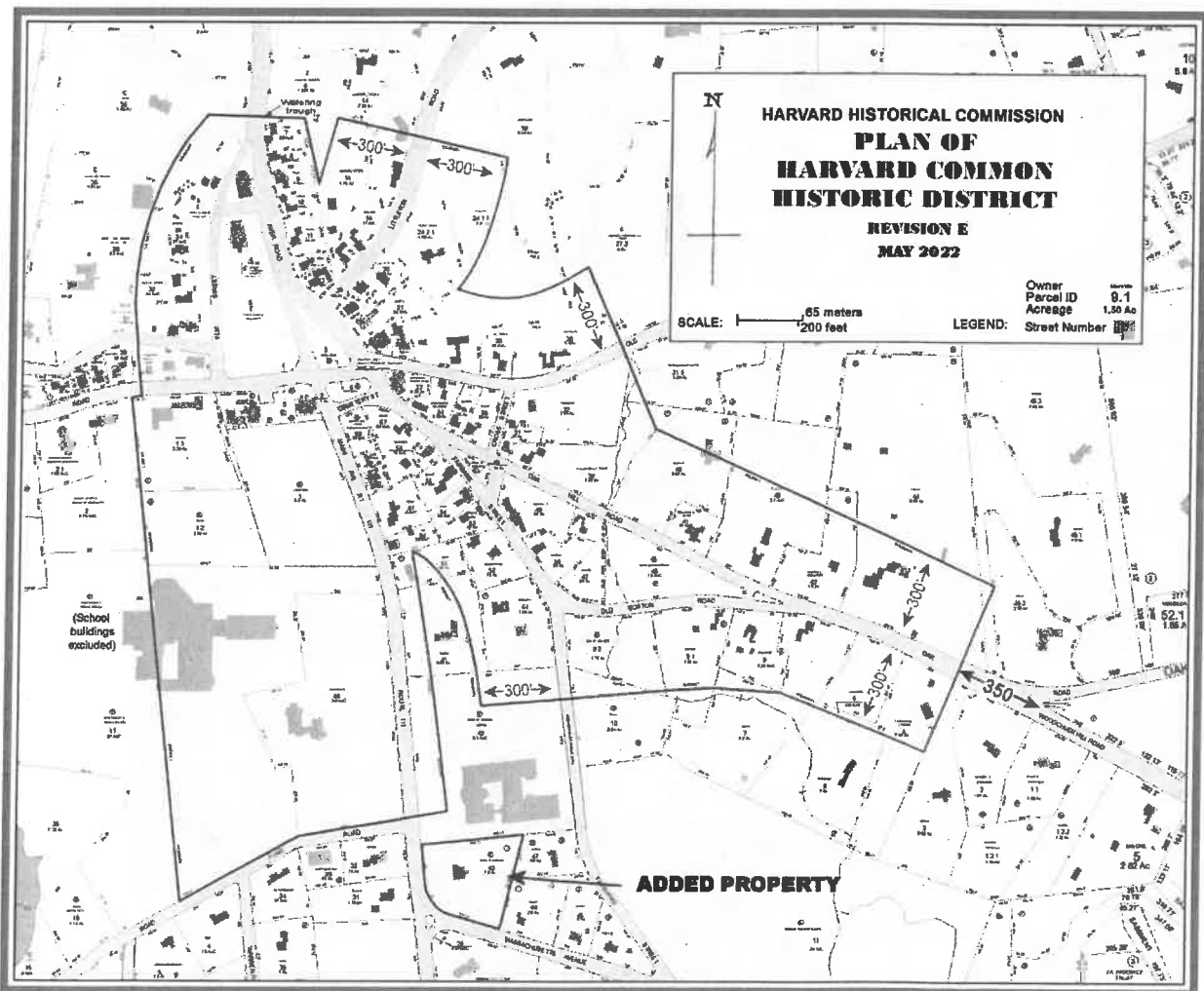
Name of Structure: Bromfield House

Architectural Style: Colonial Revival

## MAP

Proposed Harvard Common Historic District Map

“Plan of Harvard Common Historic District Revision E May 2022”



## PHOTOGRAPHS

Below are several current photographs (taken May 2022) and an historic photograph (Dunlop family archive circa 1930)







### HARVARD HISTORIC DISTRICT BY-LAW

The property will be added to district as part of the bylaw found at Code of the Town of Harvard, Part 1: General Bylaws, Chapter 48: Historic Districts.



**JUNE 6, 2022**

**HARVARD PLANNING BOARD  
NOTICE OF DECISION ON APPLICATION OF  
MICHAEL HOOD D.B.A THREE SEASONS LANDSCAPE  
FOR A MODIFICATION TO A SPECIAL PERMIT AND SITE  
PLAN APPROVAL FOR THE ESTABLISHMENT OF  
A LANDSCAPING BUSINESS AT  
264 AYER ROAD  
HARVARD, MA 01451  
ASSESSORS MAP 4 – PARCEL 39  
WORCESTER REGISTRY OF DEEDS  
BOOK 13051 PAGE 139**

**PROCEDURAL HISTORY**

- I. Application for the modification to a Special Permit issued on May 18, 2020 for a landscaping business as per §125-23B, Permitted uses in C Districts, of the Protective Bylaw, for the property located at 264 Ayer Road was made by the above referenced applicant.
- II. The following plans and documents were submitted in support of the application:
  - A. An application for a Modification to a Special Permit and site plan review for the landscaping business located at 264 Ayer Road pursuant to §125-23B of the Town of Harvard Protective Bylaw was received by the Harvard Town Clerk on April 18, 2022, including a cover letter from Daniel B. Wolfe, P.E., of David E. Ross Associates, Inc. dated April 19, 2022 and the following:
    - 1) Corresponding fees paid via check in the amount of \$340.00
    - 2) A document entitled "Modification to Special Permit Application, 264 Ayer Road, Harvard, MA", which also included:
      - a. Application form referenced above
      - b. Cover letter referenced above
      - c. Certified abutters list report dated April 11, 2022
  - B. A plan set revision dated April 25, 2022 entitled "Site Plan, Michael Hood, Three Seasons Landscape, 264 Ayer Road, Harvard, MA" prepared for applicant Michael Hood, 108 Old Mill Road, Harvard, MA 01451, by David E. Ross Associates, Inc., 6 Lancaster County Road, Harvard, MA 01451, containing one (1) sheet.

III. The following additional documents were provided to the Planning Board in regard to the application:

A. None

IV. Legal Notices: Advertised and Letters to Abutters

A. An Affidavit of Mailing to Abutters dated April 25, 2022 was endorsed by the Town Clerk on the same date.

B. A Legal Notice dated April 20, 2022 advertising the virtual public hearing to be held on May 16, 2020 on the modification of a Special Permit for a landscaping business appeared in "The Harvard Press" on April 29, 2022 and May 6, 2022.

V. A public hearing, after proper notice was given, was opened on Monday, May 16, 2022, continued to and closed on June 6, 2022.

VI. Public Input

At public hearing sessions held on May 18, 2022 and June 6, 2022, the representatives of the applicant attended including Daniel B. Wolfe, P.E., David E. Ross Associates, Inc., PE.

Members of the public attending public hearings: None.

## RELEVANT SPECIAL PERMIT AND SITE PLAN CRITERIA

For the purpose of the request for modification, the following site plan and special permit criteria were deemed applicable and contributory to findings and original and new special conditions:

- A. Section 125-1(D), To protect the community from the detrimental effects of unsuitable development;
- B. Section 125-1(E), To preserve and increase the amenities of the Town;
- C. Section 125-1(J), To avoid confusing and distracting signs in areas along the streets;
- D. Section 125-39(A)(3)(b), Parking Stalls;
- E. Section 125-39(D)(2), Screening, Any outdoor area for storage or for utilities shall be screened from view from neighboring properties and streets;
- F. Section 125-41(C), On-site signs;
- G. Section 125-41(E), Temporary signs
- H. Section 125-41(F), Deviations

## BACKGROUND AND FINDINGS

The Harvard Planning Board reviewed the application, the plan sets, and all other materials and information submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.

- I. The subject property is a 2.68 acre parcel within a Commercial (C) zoning district and the land use is commercial and residential with three (3) existing buildings (Building "A" at 998 s.f. will be used for the retail store building "B" will continue to be used for a garage for another business, and building "C" is a large storage building which will be used partially for storage for the landscaping business).
- II. The existing conditions include stock bins in the rear, front and side yards, display areas in the front yard, stockpiles with mulch, and front parking spaces for the retail store.
- III. The May 18, 2020 Special Permit and Site Plan approval included six (6) special conditions. Of these, the following have not been met as of the date of this application:
  - A. The applicant provides 6' commercial grade parking blocks for all gravel spaces.
  - B. The driveways provide clear directional signage and that the narrower portion of the driveway be restricted from two-way commercial traffic.
  - C. The applicant provides an as-built site plan upon completion of project prior to final inspection.
- IV. The applicant has asserted that special conditions regarding parking blocks and directional signage have not been provided because the "project has not been completed yet" and the as-built plans will be provided at that time.

## **DECISION**

After reviewing the Application, plans, and other materials and information submitted, after reviewing the comments by the Town's Director of Community and Economic Development, and responses by the applicants consulting engineer, the Board made the above-referenced findings of fact and, based on those findings, the Board hereby decides that the Property is suitable for a modification to a Special Permit for a landscaping business pursuant to §125-23B of the Town of Harvard Protective Bylaw and that all the required criteria for said modification has been met. Accordingly, the Board hereby grants modification to the Special Permit and approves the accompanying revised Site Plan to Michael Hood, Three Season Landscape for a landscaping business, pursuant to §§125-1, 125-2, 125-23B, 125-38, 125-39, and 125-46 of the Town of Harvard Protective Bylaw in accordance with the terms and conditions stated below.

## **TERMS AND CONDITIONS**

The following Standard and Special Conditions were voted affirmatively by the Planning Board at their regular meeting of June 6, 2022:

### **Standard Conditions**

- I. All standard conditions from the original 2020 Special Permit shall remain valid and applicable and shall be adhered to.

### **Special Conditions**

- I. The applicant brings all site lighting into full compliance with Section 125-40, Lighting, of the

Protective Bylaw, as may be amended;

- II. The revised site plan, including but not limited to the designated seasonal display areas, shall be adhered to;
- III. The applicant completes all work as part of this modified Special Permit within one (1) year of the date of this decision and submit a final set of as-built plans by that date;

## VOTE

The following members of the Board voted to grant the Special Permit, subject to the above stated terms and conditions:

- I. Justin Brown, Chair
- II. Richard Cabelus, Vice-Chair
- III. Stacia Donahue
- IV. Brian Cook
- V. Doug Thornton

The following members voted to deny the grant of a Special Permit:

None

By a unanimous vote of five (5) members of the Planning Board, the application for Modification of a Special Permit and Site Plan Approval is **APPROVED** subject to the Conditions and Limitations contained herein.

## RECORDING

This decision shall be recorded with the Worcester District Registry of Deeds and a recorded copy shall be furnished to the Planning Board and Building Commissioner within 30 days after the expiration of the appeal period as set forth in M.G.L. c. 40A, §17.

Appeals may be made pursuant to M.G.L. c. 249 §4 and shall be filed within twenty (20) days after the date this Decision is filed with the Town Clerk.

Recorded at the Worcester South District Registry of Deeds Book \_\_\_\_\_, Page \_\_\_\_:

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Justin Brown, Chair

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Richard Cabelus, Vice-Chair

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Stacia Donahue

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Brian Cook



\_\_\_\_\_  
Doug Thornton

This is to certify that as of \_\_\_\_\_ no notice of appeal has been filed with this office in regard to this decision.

Signed: \_\_\_\_\_

Lynn Kelly, Town Clerk

DRAFT



**HARVARD PLANNING BOARD  
MEETING MINUTES  
April 25, 2022**

Chair Justin Brown called the meeting to order at 7:00pm virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Justin Brown, Richard Cabelus, Stacia Donahue, Doug Thornton, Brian Cook, and Jefferson Burson (Associate Member)

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Bruce Ringwall (GPR, Inc.), Catherine Warner (Harvard Press), Valery Hurly (Harvard Press), Ken Atwell (Chair of Harvard Green Condominiums), Gerry Hall, Jesus Mena, Louis Russo, Beth Sopka, Yvonne Chern, Mike Kennedy Jr and Mike Kennedy Sr.

**Public Comment**

There was no public comment this evening.

**Multi-family (MBTA community) District Requirements**

*Status Update:*

- Harvard is in compliance to-date with the State requirements, which include the briefing of the Select Board on the draft Compliance Guidance that took place on April 19, 2022 and the submittal of the Community Information Form.

*Bylaw Options:*

- Ryan provided an overview of the options detail in his April 4, 2022 Director's Update.
- Donahue noted that Board should consider mapping the existing multi-family parcels for the 2022 Fall Town Meeting. Thornton noted that it might be aggressive schedule to push for mapping the parcels by Fall. Brown noted the Board needs to get this start to avoid falling further behind on these requirements.
- Cabelus noted that they are looking for 25-acre contiguous parcel, which requires determining suitable locations.
- Brown and Cook noted that Option C, making \$125-52 Ayer Road Village-Special Permit by right, was not an attractive option since our design guidance was not strong enough to meet the intent of the original written Bylaw.
- Cook and Ryan will work together to prepare a visual map to start review, with the intent to have something prepared no later than the May 16<sup>th</sup> meeting.

**Ayer Road Visioning Plan Update**

This item was passed over this evening

**Ayer Road Transportation Improvement Project Update**

This item was passed over this evening

**Board Member Reports**

• **Representatives & Liaisons**

- *Open Space Committee (OSC)* - Cook noted that comments on the Open Space & Recreation Plan Survey are due back to OSC by May 11<sup>th</sup> in advance of their May 12<sup>th</sup> meeting. The draft survey will be sent to Board members for review.

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- **Community Matters**

- *Earth Day Fair* – The Planning Board will have a booth at the General from 11am to 4pm. Burson will be at Harvard Elementary School representing Harvard’s Climate Initiative Committee and Donahue and Brown will be at the General Store representing Planning Board.

**Approve Invoice**

Donahue made a motion to approve the invoice from the Harvard Press in the amount of \$144.00. Cabelus seconded the motion. The vote was unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Cabelus, aye; Cook, aye; and Thornton; aye.

**Continuation of Modification of Special Permit & Site Plan Approval Hearing – Scott Patterson, 256 Ayer Road.** Opened at 7:31pm (see page 3 for complete details)

**Continuation of Special Permit, Ayer Road Village-Special Permit & Site Plan Approval Hearing – Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road.** Opened at 8:09pm (see page 5 for complete details)

**Continuation of Special Permit & Site Plan Approval Hearing – Kennedy & Company, 295 Ayer Road.** Opened at 9:05pm (see page 7 for complete details)

**Adjournment**

Cook made a motion to adjourn the meeting at 10:31pm. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Cabelus, aye; Thornton, aye; and Cook, aye.

Signed: \_\_\_\_\_ Stacia Donahue, Member

**EXHIBITS & OTHER DOCUMENTS**

- Planning Board Agenda April 25, 2022
- Director of Community and Economic Development Update, April 25, 2022
- Special Permit Large Scale Commercial Uses Construction Record Drawing 256 Ayer Road Harvard, MA prepared for 256 Ayer Road, LLC., JOB 181090, prepared GPR, Inc. dated 4/13/22
- Graphic entitled “Athletic Barn Addition, depicting proposed rear and side elevations of the building’s expansion, dated April 21, 2022
- Commercial Development Special Permit prepared for Yvonne Chern, JOB 211009, prepared by GPR, Inc., dated March 2022
- Commercial Development 203 Ayer Road Harvard, MA L-1.01 Planting Plan, prepared by Fisher Design Group April 25, 2022
- Director of Community and Economic Development Update, April 25, 2022, with “New Comments” from GPR, Inc
- Architectural Drawings New Badminton Facility 203 Ayer Road Harvard, MA Project No.202119, prepared by Choo & Company, dated 04-25-22
- Commercial Development Special Permit/Site Plan prepared for Kennedy & Company, Inc., JOB 211096, prepared by GPR, Inc., dated 4/13/22

106 **Harvard Planning Board**

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108 **Continuation of a Modification of Special Permit & Site Plan Approval Hearing Meeting Minutes**

109

110 **Scott Patterson, 256 Ayer Road**

111

112 **April 25, 2022**

113

114 The public hearing was opened at 7:31pm by Chair Justin Brown under MGL Chapter 40A the Zoning Act  
115 and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually in accordance with the  
116 Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A  
117 §20.

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119 **Members Present:** Justin Brown, Richard Cabelus, Stacia Donahue, Doug Thornton, Brian Cook and  
120 Jefferson Burson (Associate Member)

121

122 **Others Present:** Christopher Ryan (Director of Community and Economic Development), Bruce Ringwall  
123 (GPR), Catherine Warner, Valery Hurley (Harvard Press), Gerry Hall and Jesus Mena

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125 This hearing was continued from April 4, 2022 for the Modification of a Special Permit & Site Plan  
126 Approval filed on behalf of Scott Patterson to expand the facility known as "The Barn" to properly space  
127 existing equipment at 265 Ayer Road, Harvard

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129 Bruce Ringwall, of GPR, Inc., reviewed the updated plans that are now shown in the 'as-built' condition of  
130 the site. The client had suggested moving the dumpster to behind a spruce tree near to the parking area.  
131 The site plan now shows expanding parking area to increase the 13 spaces to 28 spaces. This should be  
132 more than needed to accommodate the business, but should prevent any parking that blocks the  
133 movement of fire trucks. Plan now also includes simulated turn movements of the ladder truck to prove  
134 out the turn area complies.

135

136 Ringwall reviewed the architectural elevations submitted for review. It was noted that the architectural  
137 renderings were pretty sparse, but show the basic structure and heights. On the dumpster location, the  
138 Board had suggested the dumpster be located next to the house and hidden by the plantings. The owner  
139 and tenant of the house would prefer to have the dumpster at the parking area so that they do not have  
140 the noise and smell in close proximity to the residential structure. Ryan noted that the 'as-built' plan  
141 needs to be submitted separately from the revised site plan currently before the Board. Cook noted that  
142 both the addition of the extra parking looks fine as well as the dumpster located near the parking instead  
143 of where suggested. Burson and Cabelus echoed that the parking and dumpster location are acceptable.  
144 Cabelus asked if the trash was the residents or the business. Ringwall noted that it's mostly residential  
145 use and not so much for the business. After clarification, Cabelus asked if it made more sense to put it  
146 nearer to the house. Ringwall noted that there is no alternate site available that was suitable. Cabelus  
147 asked if additional lighting was needed for the additional parking. Ringwall noted that the owner did not  
148 request additional lighting as the bulk of their business is during the afternoon and early evening. Brown  
149 noted that we need to review the hours of operation that are listed in the original decision to ensure that  
150 it is still in compliance.

151

152 Brown noted there was no more public comment, along with no additional comments from the Board.

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154 Brown suggested continuing the hearing to review the final language in the draft decision at the next  
155 meeting. The following conditions were reviewed and generally agreed upon as outlined below:

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1. That Planning Board has a review of the final architectural drawings when submitted for building permit.
2. Complete the plantings at the front of the house as originally designed.
3. That no new lighting shall be added to the site.
4. That if the tree blocking the view of the dumpster were to be damaged or removed that it will be replaced with vegetation to shield the dumpster for the duration of the occupation.
5. Wheel stops to mark all the parking spaces in the parking area.

Cabelus motion to continue the hearing to 7:30pm on May 2, 2022. Cook seconded the motion. The vote was unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Cabelus, aye; Cook, aye; and Thornton; aye.

Signed: \_\_\_\_\_ Stacia Donahue, Member

DRAFT

172 **Harvard Planning Board**  
173  
174 **Continuation of Special Permit, Ayer Road Village-Special Permit (ARV-SP) and Site Plan Review Hearing**  
175 **Meeting Minutes**

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177 **Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road**

178  
179 **April 25, 2022**  
180

181 The public hearing was opened at 8:09pm by Chair Justin Brown under MGL Chapter 40A the Zoning Act  
182 and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually in accordance with the  
183 Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A  
184 §20.

185  
186 **Members Present:** Justin Brown, Richard Cabelus, Stacia Donahue, Doug Thornton, Brian Cook and  
187 Jefferson Burson (Associate Member)

188  
189 **Others Present:** Christopher Ryan (Director of Community and Economic Development), Bruce Ringwall  
190 (GPR, Inc.), Louis Russo and Yvonne Chern (co-applicants), Beth Sopka, Catherine Warner (Harvard Press),  
191 Valery Hurley (Harvard Press), Ken Atwell (Chair of Harvard Green Condominiums), Gerry Hall and Jesus  
192 Mena

193  
194 This hearing was continued from April 4, 2022 for a Special Permit, an Ayer Road Village-Special Permit  
195 and Site Plan Review filed on behalf of Yvonne Chern & Wheeler Realty Trust for the development of  
196 three commercial use buildings, including a Commercial Entertainment and Recreation use at 203 Ayer  
197 Road, Harvard.

198  
199 Beals + Thomas has submitted a proposal for peer review, however the but Board has not had a chance to  
200 review the proposal at this point.

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202 Bruce Ringwall, of GRP, Inc., reviewed the updated landscape plan by Fisher Design Group and noted that  
203 efforts have been made to make the building and parking layouts in compliance with the spirit of the  
204 'village' feel that the §125-52 Ayer Road Village-Special Permit has intended. The plan now includes the  
205 updated Ayer Road Transportation Improvement Project layout with the Shared Use Path that runs along  
206 Ayer Road. An access easement has been added to the plan so that should the parcel to the south be  
207 developed in a way that allows connection, the access will be there.

208  
209 **Architectural Review**

210 Review of the architectural drawings will be kept brief as the Design Review Board (DRB) will be the  
211 primary reviewer of the design. However, the plans were reviewed preliminarily by the applicant's  
212 architect. The next DRB meeting is May 8<sup>th</sup>. Ringwall noted that the grade goes up toward the back of the  
213 parcel, so the building may not appear as large since it's set into the hillside a bit. Ringwall noted that a  
214 traffic study is ongoing and will be submitted soon.

215  
216 **Response to the Director of Community and Economic Development Update**

217 Earlier today Ringwall submitted responses to Ryan's Update for this project. Ringwall reviewed his  
218 extensive comments. Cabelus noted Ringwall provided a verbal review, however it would have been a  
219 better review had the Board had time to review the written comments prior to the meeting. Ryan noted  
220 that all communication needs to be submitted through the proper channels so that it can be distributed  
221 to the Board members in proper procedure. It was determined that the Board needed more time to  
222 review the materials.  
223

224 **Peer Review**

225 It was noted that peer review is in process and the applicant is amenable to this. With limited time the  
226 Board did not review the proposal, nor did they vote to engage Beals & Thomas, but will review at the  
227 next meeting.

228

229 **§125-25G(3) ARV-SP Incentives and Specific Uses**

230 Ringwall noted that in the last meeting several of the members felt this section has been met. Ringwall  
231 also noted the multiple points of connectivity being made in several pedestrian pathways to connect the  
232 adjoining parcels.

233

234 **Public Comment**

235 Ken Atwell, of 35 Lancaster County Road, asked for 3-D renderings of the back of the building and the  
236 views specifically from the parcels at 35 Lancaster County Road. Additionally, the Harvard Green Condo  
237 Association would like more clarity on the hours of operation, the hours of the lighting, and intensity of  
238 the lighting in the parking lot areas.

239

240 Cabelus motion to continue the hearing to 8:00pm on May 2, 2022. Thornton seconded. The vote was  
241 unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Cabelus, aye; Cook, aye; and  
242 Thornton; aye.

243

244 Signed: \_\_\_\_\_ Stacia Donahue, Member

245



246 **Continuation of Special Permit & Site Plan Approval Hearing Meeting Minutes**

247  
248 **Kennedy & Company, 295 Ayer Road**

249  
250 **April 25, 2022**

251  
252 The public hearing was opened at 9:05pm by Chair Justin Brown under MGL Chapter 40A the Zoning Act  
253 and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually in accordance with the  
254 Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A  
255 §20.

256  
257 **Members Present:** Justin Brown, Richard Cabelus, Stacia Donahue, Doug Thornton, Brian Cook and  
258 Jefferson Burson (Associate Member)

259  
260 **Others Present:** Christopher Ryan (Director of Community and Economic Development), Bruce Ringwall  
261 (GPR), Mike Kennedy (applicant), Beth Sopka, Catherine Warner, Valery Hurley (Harvard Press)

262  
263 This hearing was continued from April 4, 2022 for a Special Permit & Site Plan Review filed on behalf of  
264 Kennedy & Company for Landscape Services at 295 Ayer Road, Harvard.

265  
266 **Plan Review**

267 Bruce Ringwall, of GPR, Inc., reviewed the updated plans. The temporary trailer is now shown as  
268 'temporary for 1 year' and it is the intention to move activities to the existing house after it is renovated.  
269 Accessibility to this build will be for staff only, therefore no ramp will be provided. The retention pond  
270 has been reduced in size (width) but maintains the same volume. The materials bins have been moved to  
271 be outside the required setbacks from the adjoining parcels. The easement across the parcel to the  
272 Harvard Solar Garden will be maintained. Landscaping plan has been updated to show the new  
273 landscaping at the parcel entrance so that the site distance looking out on Ayer Road will have an  
274 unobstructed view. Trees will be maintained where possible.

275  
276 Ryan noted that the Shared Use Path should be shown as it could be used by employees and that it could  
277 be used by future patrons.

278  
279 There is no new lighting proposed for the site at the front of the parcel, but a downlight/security light will  
280 be provided at the back near the equipment.

281  
282 Ryan noted that having the Design Review Board (DRB) take a look at this project would be appropriate at  
283 this point and should be relatively easy. Ringwall noted that the applicant does not have an architect  
284 hired for this project currently as the rehabilitation of the house does not require it, nor does the  
285 proposed hoop house or temporary trailer. Ringwall was hoping that the applicant would not have to hire  
286 one to present to the DRB. Cook asked if it would be possible for the Planning Board to give guidance to  
287 the DRB so the applicant is not forced to hire an architect. Cabelus asked if the applicant knows the  
288 condition of the house. Ringwall noted that the roof needs immediate replacement and the interior will  
289 be demolished to the studs, but much of the structure is sound. The applicant has reviewed the house  
290 with contractors to determined level of refurbishment and it does not appear as bad as they had originally  
291 expected. The existing roofline will remain, with the same basic materials. The building use in the future  
292 will be for paperwork and internal company work and not intended for public use. Donahue asked if any  
293 part of the house would be used as a residence again. Ringwall noted that once a non-conforming  
294 structure changes use, it can't go back. In this case, the non-conforming is a residence in a commercial  
295 district so after this change to commercial use it can not revert to residential use.

296 Brown noted that having details of the business plan/site use could be incorporated into the draft  
297 decision. Ringwall noted that this is already included in the submitted documentation. Brown wants to  
298 make sure it is all captured correctly so it is in the draft decision.  
299

300 Cabelus noted that refurbishment of the house sounds expensive and what assurances can the Board  
301 have that this is actually a feasible plan. What happens if the house ends up not being able to be  
302 refurbished? The applicant noted that they have experience in general contracting/construction so they  
303 will be doing some of the work themselves and they have enough experience to know that it can be  
304 refurbished. The hope is to work on the house between January and March, as they typically do  
305 construction work in their off-season. The applicant needs to be out of their Acton location by the end of  
306 May and are hoping for a fast turn around to move materials to the new location. Ringwall will be  
307 submitting that paperwork for a temporary permit for review for the May 2<sup>nd</sup> meeting.  
308

309 The Beals + Thomas proposal was reviewed by the Board members. Ryan noted that the proposal has a  
310 little extra scope that is not required, so the hope is that possibly the fee can be reduced a bit more since  
311 the fee is a bit high. Cook asked if the fee could be revised to time and materials with a 'not to exceed', as  
312 this pricing seems to be 'surge' pricing. Ringwall felt this site did not need peer review as it is not  
313 adjoining any wetlands or anything complicated. Ryan will review with proposal to try to get more insight  
314 into why this cost is so high. Brown asked if we could move forward provisionally at the proposed cost or  
315 if the applicant wanted to see if we could reduce the cost first.  
316

317 Cabelus moved to accept Beals + Thomas proposal as submitted for 295 Ayer Road Special Permit and Site  
318 Plan Review with the modification of removing §125-52 from the scope. Thornton seconded the motion.  
319 The vote was unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Cabelus, aye;  
320 Cook, aye; and Thornton; aye  
321

322 Cook suggested the Board present to the DRB our opinion on reviewing just what has been submitted and  
323 try to limit the amount of additional design monies on a mostly exterior business.  
324

325 Brown asked for public comment and heard none.  
326

327 The following conditions were reviewed and generally agreed upon with more to come as the Board  
328 receives feedback from the peer reviewers and the DRB:  
329

- 330 1. Condition: That the temporary trailer to comply with the removal in 1-2 years. Cook noted that  
331 the building inspector would be the one to re-approve the permit at 180-day intervals. Need to  
332 ensure that the temporary structure does not stay.
- 333 2. Condition: That no new lighting shall be added to the site.  
334

335 Donahue motion to continue the hearing to 9:00pm on May 2, 2022. Thornton seconded. The vote was  
336 unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Cabelus, aye; Cook, aye; and  
337 Thornton; aye  
338

339 Signed: \_\_\_\_\_ Stacia Donahue, Member