

**HARVARD PLANNING BOARD
MEETING MINUTES
JUNE 27, 2022
APPROVED: NOVEMBER 21, 2022**

Chair Justin Brown called the meeting to order at 7:01pm virtually, 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, and under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

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

Others Present: Christopher Ryan (Director of Community & Economic Development), Liz Allard (Land Use Administrator), Beth Williams, John McCormack, Bruce Ringwall (GPR, Inc.), Matt Cote (Beals + Thomas), Mike Kennedy Sr. & Jr (Kennedy & Company), Ken Atwell, Valerie Hurley (Harvard Press), Lou Russo (Wheeler Realty Trust), Yvonne Chern, Gabriel Medjanis (Transportation Advisory Committee), Bruce Leicher (Transportation Advisory Committee) and Rebecca Miller Brown

Public Comment

There were no comments from the public this evening.

Transportation Advisory Committee (TAC) Update

Chairman Brown introduced Staci Donahue, the Planning Board liaison to the TAC. Donahue said the group is new and getting its feet under Planning Board. Gabriel Medjanis, chair of the TAC, spoke about getting support and collaborative efforts with Planning Board. Bruce Leicher, a member of the TAC, spoke about information being provided to Select Board (SB) but the SB not taking the TAC advice. Medjanis said the TAC will be requesting time with the Select Board to discuss how the two groups can work together better. Donahue explained the composition of the TAC has representatives from different town boards and committees so it is supposed to be more collaborative because it has been able to bring a lot of boards together. Donahue said if the Planning Board were to dissolve the TAC, those responsibilities handled by the TAC would come to the Planning Board. Ryan mentioned the TAC message is not getting out clearly because SB does not always include TAC on transportation items. Ryan said the Transportation chapter of the Master Plan will be a very valuable tool. Medjanis wants to make sure all of TAC efforts are getting noticed between the TAC, the Select Board and the Planning Board. Medjanis is hoping the support that is needed by the staff will remain after the departure of Ryan. Leicher was more assertive here. Leicher said Ryan has been great along with Donahue to get TAC up to speed. Leicher said a report sent to SB was not responded to, not involved in discussions that involve transportation such as speed limits. Leicher said if no one were interested in the advice then what's the point (feelings of the TAC). Donahue noted if TAC fails PB will have to take back a number of tasks that are now the responsibility of the TAC. Brown suggested a regular check-in with the Planning Board. Brown suggested and Medjanis agreed bi-monthly meetings would be beneficial. Ryan said Rich Maiore is the new SB liaison to the TAC. Both Medjanis and Leicher thanked Ryan for his help.

Approve Invoices – Beal + Thomas

Cook made a motion to approve two invoices: \$2,722.61 (295 Ayer Road) and \$5,112.55 (203 Ayer Road). It was seconded by Cabelus. Roll Call vote was unanimous: Cabelus, aye; Donahue, aye; Thornton, aye; Cook, aye; and Brown, aye.

Discuss July Meeting Schedule

Brown mentioned that the 4th of July is the first Monday of the month, so the Planning Board (PB) would not meet until the 18th of July. Liz Allard said it might be necessary for the PB to look ahead to meeting dates in September with the Labor Day holiday. Allard added the PB would have its annual strategic meeting in July also.

Continuation of a Special Permit & Site Plan Review – Kennedy & Company, 295 Ayer Road. Opened at 7:33pm (see page 4 for complete details)

Continuation of a Special Permit, Ayer Road Village-Special Permit and Site Plan Review - Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road. Opened at 8:36pm (see page 6 for complete details)

Strategic Planning Session & Discuss Potential Topics

Brown asked Liz Allard for guidance to set up annual strategic planning session for Planning Board. Allard said she would inquire from PB members about their availability on a week night. Allard request PB members send her any topics to include and if they had a preference to meet virtually or in person.

Board Member Reports

• Representatives & Liaisons Updates

- *Harvard Climate Initiative Committee* – Burson stated a special meeting on the Natural Resources goal and action (G&A) specific to Land Use will be scheduled with the responsible parties. Two points under G&A add other jurisdictional committees; second point was to have a representative from Conservation Commission be assigned to review the recommended open space to be preserved under the Open Space Residential Development. Cabelus suggested revisiting the floodplain overlay district and the solar bylaw. Allard said all boards and commissions would have a chance to review the proposal when it gets to public comments.
 - *Montachusett Regional Planning Commission (MRPC)* –Donahue stated MRPC has suggested communities hold-off on any work on new bylaw under the new guidelines set forth pertaining to MBTA communities until regulations are finalized.
 - *Parks & Recreation Commission (P&R)* – Donahue stated P&R met on Friday night, and discussed the response from to Sudbury Valley Trust and Harvard Conservation Trust to discuss a land swap, which was no.
 - *Municipal Affordable Housing Trust* – Thornton said he attended its introductory meeting, which was informative, with more information to come as the process continues.
 - *Conservation Commission* – Cook had no update
 - *Ayer Road Vision Plan* – Brown said that Harvard is under contract with Weitzman for fiscal and impact analysis. Representatives from Weitzman have recently visited Harvard; a memo has been generated from that visit, which includes Harvard's Strength, Weakness, Opportunity and Threat (SWOT). Ryan said the first deliverable was a good product and that they would be back in Harvard soon for more work.
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 - *Director's Memo* – Brown thanked Ryan for preparing a final document shared today with the Planning Board members.
- Community Matters – none this evening

Director's Report

Ryan said there was no additional information to provide.

Approve Minutes

Minutes were unavailable this evening.

Closing Remarks for the Chair

Brown informed the Planning Board it was his final meeting. Brown thanked several people for their help and guidance. Brown elaborated on his appreciation for the bureaucracy and process that protect Harvard. Brown added that he will remain informed and looked forward to seeing the guidance the Planning Board would provide to Town.

Adjournment

Cook made a motion to adjourn the meeting at 9:37pm. Cabelus seconded the motion. The vote was unanimously in favor of the motion by roll call, Cabelus, aye; Donahue, aye; Cook, aye; Thornton, aye; and Brown; aye.

Signed: _____ Liz Allard, Clerk

EXHIBITS & OTHER DOCUMENTS

- Planning Board Agenda June 27, 2022
- Director of Community and Economic Development UPDATE, June 27, 2022
- Special Permit and Site Plan Review Application 203 Ayer Road, Harvard, MA Project Review Response Letter, prepared by GPR, Inc, June 23, 2022
- Closing comments from the Chair, Justin M. Brown, June 27, 2022

Harvard Planning Board

Continuation of a Special Permit & Site Plan Review

Kennedy & Company, 295 Ayer Road

June 27, 2022

The public hearing was opened at 7:33pm by Chair Justin Brown under MGL Chapter 40A the Zoning Act and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually 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

Members Present: Justin Brown, Richard Cabelus, Stacia Donahue, Brian Cook and Doug Thornton

Others Present: Christopher Ryan (Director of Community & Economic Development), Liz Allard (Land Use Administrator), Matt Cote (Beals + Thomas), Bruce Ringwall (GPR, Inc.), Mike Kennedy Sr. & Jr (Kennedy & Company) and Valerie Hurley (Harvard Press)

This hearing was continued from June 6, 2022 for a Special Permit & Site Plan Review filed on behalf of Kennedy & Company for Landscape Services at 295 Ayer Road, Harvard.

Brown said he would ask Matt Cote, of Beals + Thomas, to speak first on all the technical issues have been addressed and give Bruce Ringwall, of GPR, Inc., an opportunity to address any issues. Cote said the technical issues had been addressed but a few administrative items still need to be addressed. Cote said the applicant is working with the Board of Health on Water & Sewer. Cote said the Professional Landscape Surveyor stamp had been added. Cote said the landscape plan had not been stamped by a Registered Landscape Architect. Brown asked how the members of the Planning Board (PB) felt about that item. Cote mentioned the landscape plan was originally stamped by a Civil Engineer. Cote said in his professional opinion, this seemed appropriate. Cote said a fence had been added, which is adequate for the parking area. Cote said a concrete rumble strip for the shared driveway had been added to the plan. Ryan inquired if Department of Public Works (DPW) were aware of this solution. Ringwall said DPW was not contacted but that the feature meets Mass Department of Transportation standards. Brown instructed that the notification of DPW be made a special condition of the permit to check with. Ringwall said DPW had more than 30 days to comment on something that met the state's standard. Brown thanked Ringwall and reminded him that the plan has had several revisions since it was initially submitted. Ryan said it was not unreasonable to double check with DPW, especially since DPW made a comment specific to this item. Cabelus asked Cote if the rumble strip divide was state and bylaw compliant. Cote said it was common practice but would like DPW to sign off on it. Ryan said the comment infers that DPW would like to see it to be comfortable it is compliant but that it would be up to the PB to accept that. Cook said it was compliant with MA highway requirements and that DPW would see it when the applicant applied for the curb cut. Cote said the radii of the driveway had been corrected, but that he would defer to the Fire Chief to make certain it was acceptable. Cote told the PB that Ringwall had elaborated on the screening for the storage bins would be a wall and Cote was comfortable with that. Brown asked Ringwall to show that on the plan. Ringwall proved a visual that pointed out the screening. Cote pointed out that the lot will be along the future Ayer Road shared use path.

Brown asked the PB if there were any questions. Hearing none, Brown asked Cote to continue. Cote explained that the condition of the on-site home on the parcel is not ADA compliant but that there would

not be and reason for customers to enter the home, so it does not need to meet ADA requirements. Cote mentioned low hanging wires on Ayer Rd. Notes have been added to check those throughout the project. Cote mentioned removing storm water issues and he concurs with Ringwall that is not necessary to strictly follow the state guidelines. Cote said the grading has all runoff going towards the rear of the parcel and into the swales. Riprap is provided. Soil conditions and ground water analysis are provided to the Board of Health. Cote added the depth of ground water related to the bottom of basin; he is comfortable with it. Cote said EPA requires a permit for construction over one acre. Cote said other items would be triggered as construction began. Cote recommended these conditions be filed. Cote said the plans referenced a previous Operation & Maintenance plan. Ringwall said he would provide an updated plan. Allard mentioned on page 4 that there was a reference to Haverhill, MA and she wanted monthly plans during construction and annual plans there after sent to the Conservation Commission. Ringwall said he would get it. Cote said the elevation of a berm was raised to be one foot higher than the height of a 100-year storm and he was comfortable with that. Cote added he was comfortable with hay bales being added in specific areas out to Ayer Road. Brown asked if there were anything Cote wanted to add, and Cote said no. Allard requested a condition be that the Conservation Agent inspect the erosion barrier.

Ringwall said the Approval Not Required (ANR) plan was submitted but unaccepted because it was missing appropriate required information. Ringwall shared the proposed ANR plan. Brown thanked Ringwall, mentioning how it would help Board of Health (BOH) status also. Ringwall stated this site is no different than any other site that septic and well permits are required. Ringwall said more testing to be conducted on July 14th other than that the plan meets all the requirements of BOH. Brown asked Ringwall if there were a possibility to have to change his site plan to meet this condition. Allard explained that BOH instructed PB not to issue any permit until BOH issues are resolved. Ringwall said he submitted information months ago to BOH. Brown asked Ringwall if he were in receipt of a memo from BOH with five items dated 14 April 2022. Ringwall said yes. Ringwall said he will set up a meeting with the BOH.

Brown asked PB members if there were any special conditions they may have noticed. Donahue asked if the six-foot commercial grade parking blocks were being replaced by the split rail fence. Brown said that was correct. Brown said there would be a condition to limit the use of the trailer as an office. Donahue said it would be allowed on site up to 18 months. Cook said the curb cut would be reviewed by DPW. Cabelus agreed with Cook. Cook suggested boiler plate language that all permits from other boards and DPW must be obtained before the start of construction. Brown asked for intended hours of operation from Ringwall. Ringwall said it would be during daylight hours because there are no lights on the site. Mike Kennedy, Jr. clarified that retail hours would be 10am to 5pm and that landscape hours would be 7am to 5pm. Brown mentioned an unsigned anonymous letter delivered to Town Hall with no return address that inquired about dust control at the site. Brown said Kennedy told him that mulch piles are watered down regularly as part of the operations. Cabelus asked about best practices for reasonable control of dust to mitigate debris. Both Kennedys responded that their irrigation system is on timers to water gravel driveway and other areas as needed. Ryan said he would combine and modify conditions for the PB.

Bruce found the April 14 BOH memo and stated he has submitted everything they requested. Brown reminded Ringwall that Ringwall had just submitted the updated ANR plan. Kennedy, Jr. expressed his surprise at the deliberate pace of the permitting process. Brown asked if there were any member of the public who wished to speak on this item.

Cook made a motion to continue the hearing to July 18, 2022 at 7:30pm. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call: Cabelus, aye; Donahue, aye; Thornton, aye; Cook, aye; and Brown; aye.

Signed: _____ Liz Allard, Clerk

Harvard Planning Board

Continuation of a Special Permit, Ayer Road Village-Special Permit and Site Plan Review

Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road

June 27, 2022

The public hearing was opened at 8:36pm by Chair Justin Brown under MGL Chapter 40A the Zoning Act and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually 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

Members Present: Justin Brown, Richard Cabelus, Stacia Donahue, Brian Cook and Doug Thornton

Others Present: Christopher Ryan (Director of Community & Economic Development), Liz Allard (Land Use Administrator), Bruce Ringwall (GPR, Inc.), Lou Russo (Wheeler Realty Trust) and Yvonne Chern

This hearing was continued from June 6, 2022 for a Special Permit, an Ayer Road Village-Special Permit and Site Plan Review filed on behalf of Yvonne Chern & Wheeler Realty Trust for the development of three commercial use buildings, including a Commercial Entertainment and Recreation use at 203 Ayer Road, Harvard.

Brown reviewed the documents received to date. Brown said the Planning Board had limited info, with no movement on Design Review Board, and that Beals + Thomas were still in process of the peer review; issues to be resolved with Board of Health; suggest applicant to provide the information in a more complete way; suggested hearing be continued to September 12, 2022. Ringwall has submitted additional information, with the traffic study almost complete; he was hoping to continue the hearing to August 1st meeting. Brown inquired if that were adequate time frame to get numerous tasks successfully completed. Brown added that Ringwall had the option of withdrawing the application without prejudice, addressing the known items to be addressed and resubmit the application at a later date.

Donahue stated Transportation Advisory Committee wanted to know if the easement the state holds can be maintained for a future Park & Ride lot. Lou Russo stated there is no easement to access that land and he is not interested in it.

Brown asked for public comment – no members of the public chose to speak.

Thornton made a motion to continue the hearing to July 18, 2022 at 8:00pm. Cabelus seconded the motion. The vote was unanimously in favor of the motion by roll call, Cabelus, aye; Donahue, aye; Cook, aye; Thornton, aye; and Brown; aye.

Signed: _____ Liz Allard, Clerk