

**HARVARD PLANNING BOARD
MEETING MINUTES
MONDAY, AUGUST 15, 2022
APPROVED: DECEMBER 19, 2022**

Chair Richard Cabelus called the meeting to order at 7:03pm 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 July 14, 2022, and under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125.

Members Present: Richard Cabelus, Stacia Donahue, Brian Cook, Doug Thornton, Arielle Jennings and John McCormack (Associate Member)

Others Present: Frank O'Connor (Director of Planning), Liz Allard (Land Use Administrator), Erin McBee (Select Board Liaison), Steve Moeser (Design Review Board), Valerie Hurley (Harvard Press), Bruce Ringwall (GPR, Inc.), Lou Russo (Wheeler Realty Trust), Yvonne Chern, Dan Wolfe (Ross Associates) and Amy Howard

Public Comment

Erin McBee, Select Board liaison to the Planning Board, requested the Planning Board consider scheduling a proposed overlay district for the for the spring annual town meeting. McBee mentioned a proposed Mill Pond Estate Chapter 40B development. She said a site walk may be coordinated. Donahue asked McBee if there were new language written regarding Town Center Overlay. McBee said she had been looking at other towns such as Falmouth and Concord because those towns had entertainment language in their Town Center overlay but that she had nothing written yet.

Compliance with Special Permit – 256 Ayer Road

Cabelus said the compliance with Special Permit for a barn was approved to be amended on 25th April 2022. Cabelus added there were nine sketches/drawings of the rear view of the barn provided to the Planning Board members. Cook said it was as the applicant stated it would be and Cook had no issues. Cabelus agreed with Cook that the applicant is doing his due diligence to be in compliance. Donahue made a motion to accept the architectural plans of the facility at 256 Ayer Road as required by the Special Permit. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Jennings, aye; Donahue, aye; Cook, aye; Thornton, aye; and Cabelus, aye.

Zoning Board of Appeals (ZBA) Request for Comments

Allard reminded the Planning Board (PB) that the ZBA would be meeting in September to discuss these items.

- 110 Warren Avenue (Special Permit) – requests permission for a permit to add to a pre-existing non-conforming structure. Allard said the proposed project is not making the structure more non-conforming. Planning Board had no comments for ZBA. Allard said letter stating no comments would be prepared for the ZBA.
- 31 Glenview Drive (Variance) – proposed project would create a new deck with stairs four feet closer to the boundary. Donahue said there is plenty of space on the parcel to put the structure in a location that does not require a variance. Cook said it is not a hardship. Cabelus said he shared the thoughts of Donahue and Cook. Cabelus and Thornton said it would be acceptable to review again next time to see what develops with respect to the abutters' input. Cook suggested pushing out a final decision until next meeting. Cabelus said the PB could keep the item for a future agenda.

Continuation of a Special Permit, Ayer Road Village-Special Permit and Site Plan Review - Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road. Opened at 7:35pm (see page 3 for complete details)

Board Member Reports

• Representatives & Liaisons Updates

- **MBTA** -Donahue said requirements have been issued – district size has been waived. She said the unit density per acre had not been reduced. Public hearing on September 8th at 1pm. Cabelus asked O'Connor to follow that and provide and update.
- **Climate Initiative Committee** – Donahue said there would be a public hearing on climate action plan on September 8th. She added the chair willing to attend a meeting to update the Board at any time.

• Community Matters – none this evening

Approve Minutes

Cook made a motion to approve the minutes of July 18, 2022 as amended. Thornton seconded the motion. The vote was unanimous in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

Special Permit & Driveway Site Plan Review – Francoise Crook, Lot 5 Prospect Hill Road (Map 11 Parcel 22.1 portion of). Opened at 8:12pm (see page 5 for complete details)

Adjournment

Cook made a motion to adjourn the meeting at 8:31pm. Donahue seconded the motion. The vote was unanimously in favor of the motion by roll call; Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye and Cabelus, aye.

Signed: _____ Liz Allard, Clerk

EXHIBITS & OTHER DOCUMENTS

- Planning Board Agenda August 15, 2022
- Commercial Development 203 Ayer Road Harvard, MA L-1.01 Planting Plan prepared by Fisher Design Group, March 10, 2022
- Plan of Special Permit Lot, Francoise Crook, Prospect Hill Road Harvard, MA, Job No.: 16406, Plan No.: L-14578, prepared by David E. Ross Associates, Inc., July 2022
- Driveway Site Plan, Francoise Crook, Prospect Hill Road Harvard, MA, Job No.: 16406, Plan No.: L-14518, prepared by David E. Ross Associates, Inc., July 2022

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

August 15, 2022

The public hearing was opened at 7:35pm by Chair Richard Cabelus 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 July 14, 2022

Members Present: Richard Cabelus, Stacia Donahue, Brian Cook, Doug Thornton, Arielle Jennings and John McCormack (Associate Member)

Others Present: Frank O'Connor (Director of Planning), Liz Allard (Land Use Administrator), Bruce Ringwall (GPR, Inc.), Lou Russo (Wheeler Realty Trust) and Yvonne Chern

This hearing was continued from July 18, 2022 for a Special Permit, an Ayer Road Village-Special Permit and Major Building 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.

Bruce Ringwall, of GPR, Inc., representing Yvonne Chern for the badminton facility and Lou Russo for Wheeler Realty Trust. Planning Board re-advertised this application to be able to bring the new board members and staff up to speed on this application and have five voting members. Ringwall provide an overview of the site parcel slightly over 11 acres along Ayer Road, close to Route 2. He cited looking for relief from the Board under those provisions. Using the landscape plan, Ringwall showed location of three buildings. He said the largest of the 3 buildings is for badminton to house interior courts, office, bathroom, work out area, managers suite. Ringwall said the other two are each 8,000 sq ft buildings. Parking behind or adjacent to the buildings with limits on parking allowed in front of buildings. Lot is such that it could be developed as three separate lots, but as part of ARV-SP, proposal is looking to unify the development to allow for one access point as rather than three. The proposal allows for pedestrian travel, crosswalk from Dunkin' across the way, access to the Waite Field, McCurdy and new Council on Aging. Proposal is for a Major building Special Permit because construction would be limited 10,000 sq foot structure unless otherwise approved by Planning Board.

Ringwall said the water from Public Water Supply to the North of this property and has rights to that water. He added the design for septic system is in lot panhandle which had limited capacity. Ringwall said the applicant has gone to Massachusetts Department of Environmental Protection for relief of the requirements for flow and that Massachusetts Department of Environmental Protection has approved relief under Title V. Ringwall added that proposal has been re-designed to have the badminton facility solely on the Harvard Green system. Will be completing soil testing tomorrow for septic system to service other two buildings. Notice of Intent filed with Conservation Commission for all of the work within the buffer zone areas. Ringwall said there is an area of wetland replication for the fill of an isolated wetland under the Harvard Wetland Protection Bylaw. He added the applicant received the Order of Conditions from Conservation Commission for that replication. Ringwall mentioned the applicant is asking for relief for part of the drainage basin to be within fifty-foot buffer in north east corner.

Ringwall said a peer review has been completed by Beals + Thomas to which GPR has responded. Comments to the Conservation Commission have been addressed as well. Applicant filed a traffic study

by Bay State Engineering for the proposed three building uses. The project Architect has made revisions based on comments from Design Review Board (DRB). Applicant now has two more sets of plans for the DRB.

McCormack wanted to know what about this permit that makes it a §125-52 ARV-SP and not just a general commercial development. Cabelus suggest taking a deep dive into both sections §125-52, and §125-37 as this is an open question of the Board. Ringwall stated that section of the bylaw has specific requirements that allow for development with minimum acreage and specific frontage, allowing for a single curb cut.

Donahue asked if it were too dry for soil testing. Ringwall explained in 1995 when Title 5 had a major revamping in which allowed for soil evaluator certification to determine indicators and modeling in the soil, as a result there is no season for testing. Donahue asked if this project were going to be phased, as the other two buildings are undetermined and would need to come back to DRB once the uses are determined. Donahue asked if applicant were doing all the parking now. Ringwall said yes, and that he hoped to have package ready to go with new for DRB and Planning Board with the revised submission soon. Ringwall said he is looking to re-start with the DRB. Donahue inquired if the Harvard Green Home Owners Association were updated on the proposal and had the Planning Board heard from them? Allard said she would check the file and share any information with the new members of the PB. McCormack asked what is Harvard Green. Ringwall told the PB that Harvard Green was a 40B project behind the lot at 203 Ayer Road.

Cabelus mentioned Town Counsel has provided feedback earlier today that will be shared with Ringwall and the Board shortly. B+T is asking for an additional \$7,500 for review of the traffic study and attendance at additional meetings. The threshold is 400 trips/day. Ringwall pointed out that the cost by the applicant for this study is the same for the review by B+T. Applicant formally requested the Board to allow the study and findings to be presented by the engineer that conducted the study to answer questions. Cabelus said the request was reasonable and invited the Applicant's team to provide a traffic presentation on September 19th. Cabelus said traffic is a serious concern in the C-District.

Steve Moeser, a member of the Design Review Board, encouraged the Board to understand all the conditions necessary for this permit specifically to understanding the massing, the size and grading of this site and frontage along Ayer Road.

Donahue made a motion to continue the hearing to September 12, 2022 at 7:30pm. Cook seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

Signed: _____ Liz Allard, Clerk

Harvard Planning Board

Special Permit & Driveway Site Plan Review

Francoise Crook, Lot 5 Prospect Hill Road (Map 11 Parcel 22.1 portion of)

August 15, 2022

The public hearing was opened at 8:12pm by Chair Richard Cabelus 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 July 14, 2022

Members Present: Richard Cabelus, Stacia Donahue, Brian Cook, Doug Thornton, Arielle Jennings and John McCormack (Associate Member)

Others Present: Frank O'Connor (Director of Planning), Liz Allard (Land Use Administrator) and Dan Wolfe (Ross Associates)

This hearing for a Special Permit and Driveway Site Plan Review filed on behalf of Ms. Francoise Crook for the approval of a Type 2 hammerhead lot and associated driveway at Lot 5 Prospect Hill Road (Map 11 Parcel 22.1 portion of), Harvard.

Dan Wolfe, Ross Associates, Inc., 10.99 acres, lot width of 270', frontage 56.78', in no location does the lot get any narrower. Wolfe said the centerline length is no greater than 600 feet. The lot and design plan conforms to all of the requirements of a Type 2 lot and Driveway Site Plan requirements. Wolfe said the plan shows the driveway length to be 488 feet and that the steepness of the driveway does not exceed eight percent. Wolfe added that the plans show the mitigation for runoff from the driveway has no ill effects on any abutting properties. He said the driveway plans show a recharge trench along the downhill side of the driveway to capture any runoff, allowing infiltration to take place. Wolfe mentioned there is a gravel turnaround area sufficient for any fire apparatus or emergency vehicle to back into and turn around. He added this turn around area is strategically placed to accommodate any conflicting traffic that might be headed in or out at the same time.

Donahue asked if there were a Scenic Road permit that goes along with the proposal. Wolfe said there is no stone wall or tree along the frontage that would require a permit under the Scenic Road bylaw. Allard said she has reached out for a peer review of the proposed project. Cook asked what would be peer reviewed. Allard explained that the peer review is to check the application for compliance with the Town bylaws. Wolfe asked if that were a discretionary issue with the Planning Board (PB). Allard could not recall if the peer review were discretionary. Cabelus asked if Wolfe were making a request to deviate from that peer review. Wolfe said he was not requesting that but he did ask why the proposal was not for peer review before the meeting to have resolution more quickly. Donahue said peer review has always been part of the process as long as she has been part of the PB. Allard was not certain when a peer review would be completed.

Cabelus said the public hearing would be continued to allow the peer review to be completed. Donahue made a motion to continue the hearing to September 12, 2022 at 8:30pm. Cook seconded the motion. The vote was unanimous in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

Signed: _____ Liz Allard, Clerk