

**HARVARD PLANNING BOARD
MEETING MINUTES
APRIL 22nd, 2024
APPROVED MAY 6, 2024**

Chair Richard Cabelus called the open meeting to order remotely at 7:00pm, pursuant to Chapter 2 of the Acts of 2023, An Act Making Appropriations for the Fiscal Year 2023, which has suspended the requirement of the Open Meeting Law to have all meetings at publicly accessible locations and allowing all public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

Members Present: Richard Cabelus, John McCormack, Doug Thornton, Stacia Donahue, Arielle Jennings, Richard Abt (associate member),

Others Present:

Frank O'Connor (Town Planner), Fred Curtis, Atty. Pamela Brown, Scott Rossi, David Rossi & Steve Nigzus

PUBLIC COMMENTS: none

New Business:

Chair Cabelus introduced New Business. He invited Mr. Fred Curtis to present his proposal for a Site Plan Review Without Special Permit on behalf of Shaker Hills Country Club at 146 Shaker Road. §125-38 and 125-39. Mr. Curtis requested to allow for the existing smaller snack shack to be replaced with a larger and more accommodating snack shack/refreshment center. Curtis explained that the old one will remain and serve as storage and support for the newer one.

Staci Donahe asked about the need for a generator. Curtis explained the generator was to keep the coolers cold and that the generator does not run at night. The generator is fueled by a propane tank according to Curtis. John McCormack asked about water supply. Curtis said there was no water supply, and that fire safety and irrigation was from nearby ponds.

Cabelus asked if Curtis were amenable to the original conditions being incorporated into this decision. Curtis said he was fine with it.

Motion was made by John McCormack and seconded by Staci Donahue to approve the Site Plan as presented with the existing conditions from the original decision.

Public Hearings: (details on page 4)

7:15pm Public Hearing requested by Atty. Pamela J. Brown for David Rossi of Bespoke Landscaping 288 Ayer Road, Harvard seeking approval of a Site Plan Review with a Special Permit or other relief as appropriate under M.G.L Chapter 40A, and the "Code of the Town of Harvard" as amended, the Protective Bylaw Chapters 125-23 B(1) (Medium Scale Commercial Uses) and §125-13T Landscaping business & §125-13Y Warehousing as well as §125-38 Site plan approval with Special permit - Permitted uses in C Districts.

Old Business:

2016 Master Plan progress report

Richard Cabelus brought up the Town Center Overlay district. He invited the Planning Board members to take a look at the template O'Connor shared and make any suggested edits for future discussion. Cabelus said he liked the purpose and intent of the Town Center Overlay district to help codify what is already there. McCormack and Cabelus discussed defining the potential perimeter of the district and a definitions section. Cabelus said determinations would need to be made if items were to be addressed by Site Plan review or Special Permit.

Cabelus introduced Steve Nigzus. Nigzus mentioned he had spoken with the Fire Department about building heights and setbacks. McCormack said it was important to keep in mind the 2005 plan. Doug Thornton said it will be important to decide the scope of the plan. Donahue said she would prepare a draft map similar to the sewer district. She added that letters will be need to send to the parcel owners in any proposed district so they may participate.

2016 Master Planning progress report

Cabelus asked if there were any updates. McCormack brought up that the updated Master Plan will need to reference the plans of other committees such as Open Space and Climate Initiative. McCormack said he expected a Master Plan by 2026 that everyone will be happy with.

Ayer Road Vision update & Form Based Code

Cabelus asked O'Connor for an update. O'Connor said he would like permission to invite UTILE to present a polished draft at the Planning Board meeting on Monday, 6th May 2024 at 8pm. Cabelus said that would be a good idea.

Comments for Draft Open Space & Recreation Plan:

Donahue pointed out that the draft does not mention another flat athletic field. She said the Stone Field held by Conservation Commission would serve as another athletic field. Cabelus asked and Thornton confirmed that money at town meeting was approved for Conservation land. Cabelus said the draft did not appear to offer concrete solutions for fields and recreation.

Donahue suggested a vote for a motion to amend Section 6e to have Park & Rec find a flat field space without taxpayers' money. Thornton asked if the Park & Rec Director might address the Planning Board about it. Donahue said it might be possible for a land swap between Conservation and Park & Rec.

Donahue made a motion, which was seconded by Doug Thornton, to suggest that the Planning Board recommend that Objective 6e on page 159 be revised to Identify parcels of land, INCLUDING LAND CURRENTLY OWNED BY THE TOWN suitable for additional playing fields capable of meeting the recreational needs of the community based on activity type, availability, and corresponding demand and identify and secure funds for purchase IF REQUIRED. The motion passed unanimously 5-0. In addition, a

note was made to include the Conservation Commission as a responsible party along with Parks & Rec and the Open Space Committee. Motion by Donahue, seconded by McCormack to make that modification to the original motion. That motion passed unanimously also.

Cabelus instructed O'Connor to write it up with the points of emphasis and send to the chair.

TIP 75% Plan:

Cabelus asked if there were an update. Donahue said a review is not required by asked if it were helpful for the Town to hear it at this point. McCormack asked if there were copies of the 75% plan. Staci said she thought there were plans in the Planning Department office. Donahue said the last public meeting was in 2022. She said it would be valuable to see them and that a hearing would be helpful.

Cabelus mentioned that Vittoria sent out a matrix on applications before the Planning Board. John McCormack thanked Vittoria for sending it out.

Staci Donahue said the Conservation Commission is working on a tree clearing bylaw. Donahue said the Con. Comm. Hopes to have a draft to Planning Board by the end of May 2024.

John McCormack said Town Cleanup would be soon and encouraged folks to sign up.

Invoice:

Motion: Stacia Donahue made the motion to approve the UTILE invoice #10627 and invoice #10628 for work on the Ayer Road Vision Plan and Form based Code.

Seconded by Doug Thornton

Voted yes by: John McCormack, Doug Thornton, Stacia Donahue, Richard Cabelus

Passed unanimously

Minutes:

Motion: Stacia Donahue made the motion to approve the minutes from November 20, 2023, and January 22, 2024, and January 29, 2024 and April 1, 2024 and April 6th 2024 as amended.

Seconded by John McCormack

Voted yes by: John McCormack, Doug Thornton, Stacia Donahue, and Richard Cabelus

Passed unanimously

Adjournment:

Motion: Stacia Donahue made the motion to adjourn the meeting at 9:31pm.

Seconded by Doug Thornton

Voted yes by: John McCormack, Doug Thornton, Stacia Donahue & Richard Cabelus

Passed unanimously

Public Hearings:

7:15pm Public Hearing requested by Atty. Pamela J. Brown for David Rossi of Bespoke Landscaping 288 Ayer Road, Harvard seeking approval of a Site Plan Review with a Special Permit or other relief as appropriate under M.G.L Chapter 40A, and the "Code of the Town of Harvard" as amended, the Protective Bylaw Chapters 125-23 B(1) (Medium Scale Commercial Uses) and §125-13T Landscaping business & §125-13Y Warehousing as well as §125-38 Site plan approval with Special permit - Permitted uses in C Districts.

Chair Cabelus invited Atty. Brown to present the application. Atty. Brown shared her screen and presented an overview of the site. She mentioned the wetlands and the 2-family home on the site. She explained that the Rossi family would like to use some of the space on the parcel for their Bespoke Landscaping business by way of an existing driveway to the left / due north of the home. Atty. Brown highlighted a potential barn/ garage in the future.

Staci Donahue asked about business transactions. Scott Rossi explained the Bespoke business office is in Bedford. He said the Harvard location would be for warehousing equipment and materials. Cabelus commented there were already landscape companies on Ayer Road, but not really service clients in Harvard. Rossi explained he does have clients in Harvard but that Bespoke is not a maintenance landscape company. David Rossi said the house is rented and that there is a residential driveway and a separate gravel driveway for the business. David said his tenants and abutters have no problem with it. Cabelus asked if there were any concern about the business interfering with the tenants' quiet enjoyment of the residents. Mr. Rossi said there would be no problems. Mr. Rossi said there would be no need for a business sign.

Cabelus asked when was the last time the wetlands on the property were marked out. David Rossi mentioned that the wetlands were staked out with the knowledge of the Conservation Agent. Rossi said the property had been cleaned up, including the removal of a pool and shed. Cabelus asked if the Fire Department needed to sign off on the request. O'Connor said the Fire Department does not need to by that the Department of Public Works does need to sign off on a driveway apron / tie-in to Ayer Rd.

Donahue said there would be a sidewalk on the other side of Ayer Road with the new Shared Use Path. McCormack asked about paving. Scott Rossi said some gravel might be added in the driveway. O'Connor asked the applicant to list what materials would be stored at the site. Rossi said the materials would primarily be at the Bedford location, but that some sand, stone and gravel might be on the site. Cabelus asked for an exhaustive list of what and how materials would be stored. McCormack pointed out items in the narrative about what will be on the site. Rossi said no fertilizer or explosives would be on the site. Atty. Brown suggested a condition of what materials and equipment would not be allowed on the site. Rossi said either was fine with him. McCormack felt the provided list was fine.

Donahue asked if the Conservation Agent were aware of it. O'Connor said the Conservation Agen is well aware of the application. He said there were no conditions from the Conservation Agent because there is no work within 100 feet of the wetlands and that there is no need for an Erosion Control permit. O'Connor said he had not received any comments from abutters or the public, just the DPW Director.

Donahue proposed a condition for no signs, no combustibles and lights. O'Connor suggested a condition for no dumpsters on the site without a permit from the Fire Department. Rossi said no debris comes back to the site. O'Connor asked about tree limbs and felled trees being quartered and stored to be sold as firewood. Rossi said he does not do that work.

Cabelus instructed O'Connor to prepare and circulate a rough draft of the decision before the next meeting. McCormack liked the idea of framing the conditions on the decision. Rossi asked about the process for a decision. Cabelus said the draft would be deliberated at a continued public hearing.

Cabelus asked about how many trips and traffic on Ayer Road from the location. Rossi said it might be a few times each week, but not a daily use.

Staci Donahue made a motion to continue the Public Hearing until Monday, May 6, 2024 at 7:45pm. It was seconded by Arielle Jennings. The vote was unanimous to approve the motion.