

**HARVARD PLANNING BOARD  
MEETING MINUTES  
AUGUST 16, 2021  
APPROVED: SEPTEMBER 13, 2021**

Chair Justin Brown called the meeting to order at 7:05pm virtually pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency and signed into law on June 16, 2021, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

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

**Others Present:** Christopher Ryan (Director of Community & Economic Development), Liz Allard (Land Use Administrator), Beth Williams, Deborah O'Rourke, Ron Ostberg, Jon Osborne (Harvard Press), Ellen Leicher (Climate Resiliency Working Group)

**Public Comment**

There was no public comment this evening.

**Review Draft Request for Proposals for District Scale Real Estate Market Analysis and Fiscal Impact Analysis**

Brown explained the Request for Proposal (RFP) is to assist in the reconfiguring the commercial district to create a better balance of services for Harvard. This RFP has been reviewed by several people including Brown, Chris Tracey, chair of the Zoning Board of Appeals, and Rich Maiore, of the Select Board. Donahue and Cabelus had no additional feedback. Cook suggested a preference be made to a timeframe for examples of work. Burson asked if there should be any comparison to other communities; Ryan will think about how to include that within the RFP. The Board discussed the fact the RFP may be leading toward respondent; Ryan will review to determine if there any available adjustments that can be made to the RFP.

Cabelus made a motion to provisionally endorse the RFP as drafted. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cabelus, aye; Cook, aye; Thornton, aye; and Brown, aye.

**Protective Bylaw Amendments for the Fall Annual Town Meeting Hearing.** Opened at 7:30pm (see page 3 for complete details)

**Director's Report**

Community Compact Cabinet – champions municipal interests across all executive secretariats and agencies, and develops, in consultation with cities and towns, mutual standards and best practices for both the state and municipalities. The creation of Community Compacts creates clear standards, expectations and accountability for both partners. The Select Board is opening up to the idea of best practices for zoning and economic development, specifically a full zoning rewrite and the Ayer Road Vision Plan - Phase 2. Other areas of best practices to consider are updates to the Housing Production Plan and/or Open Space Plan. Ryan will request the appropriate placeholder with the Procurement Officer.

**Amend Chapter 90 Scenic Roads of the Code of the Town of Harvard Hearing.** Opened at 8:30pm (see page 5 for complete details)

**Board Member Reports**

- **Representatives & Liaisons Update**

- **Climate Resiliency Working Group** – Waiting on any suggested language changes from Select Board in regards to the proposed Town Resolution on climate change; Mass Energize site to go live in September; September 23<sup>rd</sup> public meeting in regard to the Climate Action Plan.
- **Historical Commission** – Recent meeting consisted of a discussion in regards to the withdrawal of an application for the solar panels at Hildreth Elementary School; Commission is trying to determine the exemption.
- **Community Matters** – None

**Spring Town Meeting, 2022 - Open Space Residential Development (OSRD) – Amend Chapter 125-35: Density of Development (as time permits)** – this item was passed over this evening

#### **Adjournment**

Donahue made a motion to adjourn the meeting at 8:57pm. Cook seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cabelus, aye; Cook, aye; Thornton, aye; and Brown, aye.

Signed: \_\_\_\_\_ Liz Allard, Clerk

#### **EXHIBITS & OTHER DOCUMENTS**

- Planning Board Agenda August 16, 2021
- Director of Community and Economic Development Update August 16, 2021
- ARTICLE XX: AMEND CHAPTER 125-2, DEFINITIONS, OF THE PROTECTIVE BYLAW
- ARTICLE XX: AMEND CHAPTER 125, THE PROTECTIVE BYLAW
- ARTICLE XX: AMEND CHAPTER 125-21, PERMITTED USES IN AR DISTRICTS, OF THE PROTECTIVE BYLAW
- ARTICLE XX: AMEND CHAPTER 125-52, AYER ROAD VILLAGE SPECIAL PERMIT, OF THE PROTECTIVE BYLAW
- ARTICLE XX: AMEND CHAPTER 125-57, SENIOR RESIDENTIAL DEVELOPMENT, OF THE PROTECTIVE BYLAW
- ARTICLE XX: AMEND PROTECTIVE BYLAW CHAPTER 125 Chapter 125-58 Erosion Control, 08/02/2021
- ARTICLE XX: AMEND SCENIC ROADS BYLAW CHAPTER 90, 08/02/2021

## Harvard Planning Board

### Chapter 125 Protective Bylaw Amendments Hearing Minutes

**August 16, 2021**

The public hearing was opened at 7:30pm 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 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency and signed into law on June 16, 2021

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

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Liz Allard (Land Use Administrator) Deborah O'Rourke, Jon Osborne (Harvard Press) and Ellen Leicher

**Amend §125-10 Conversion for Multiple Residence** – Due to the forthcoming requirements from the State pertaining to MBTA communities providing for multi-family districts, this amendment will not be brought forward at the Fall Annual Town Meeting.

**Amend §125-21B(1) Permitted Uses in AR Districts by Special Permit** – makes the bylaw consistent with the change made at the Spring Annual Town Meeting by deleting “in-law apartment” and replacing it with “Accessory Dwelling Unit”

**Delete §125-18.2 Affordable Accessory Apartment** – Deleting this section in its entire due to lack of need and effectiveness.

**Amend §125-57 Senior Residential Development by adding Assisted Living and Continuing Care Residential Community** – As a response to the surveys conducted prior to the annual town meeting in the spring, both assisted living and continuing care residential community are being added to this provision as allowed types of development. The language for assisted living is directly from §125-52I Ayer Road Village – Special Permit of the Protective Bylaw.

**Delete §125-52I Ayer Road Village – Special Permit - Assisted Living Facility** – as noted above this provision will be moved to §125-57 Senior Residential Development.

**Amend §125-2 Definitions** – The proposed added definitions are related to §125-57 Senior Residential Development, specifically continuing care residential community.

**Add new §125-58 Erosion Control** – Provides a gap in the process of developing land in Harvard, which are typically single-family lots. Massachusetts Stormwater Regulations are not triggered with the development of a single-family lot; therefore, development with the potential to cause erosion will be required provide protection against such erosion. In this third version, the term agricultural will be tied to the definition provided by the Wetland Protection Regulations (WPR) 310 CMR 10.04, therefore if the propose activity is considered agricultural use as defined by the WPR an erosion control permit from the Planning Board will be unnecessary.

#### **Outreach**

Donahue and Allard are scheduled to present §125-58 Erosion Control to Bare Hill Pond Watershed Management Committee on August 23<sup>rd</sup>. Donahue will reach out to Parks & Recreation Commission to present this provision to them. Allard noted Board of Health has not finalized their agenda for August 24<sup>th</sup>, but is hoping there will be time available to present the Erosion Control bylaw. The pair will visit the

Conservation Commission in mid-September and are still waiting to hear from the Agricultural Advisory Commission.

**Town Meeting Presenters**

§125-21B(1) Permitted Uses in AR Districts by Special Permit - Donahue

§125-18.2 Affordable Accessory Apartment – Donahue

§125-57 Senior Residential Development by adding Assisted Living and Continuing Care Residential – Cabelus

§125-52I Ayer Road Village – Special Permit - Assisted Living Facility – Burson

§125-2 Definitions – Burson

§125-58 Erosion Control – Donahue

Donahue made a motion to continue to September 13, 2021 at 7:30pm. Cabelus seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cabelus, aye; Cook, aye; Thornton, aye; and Brown; aye.

Signed: \_\_\_\_\_ Liz Allard, Clerk

## **Harvard Planning Board**

### **Amend Chapter 90 Scenic Roads of the Code of the Town of Harvard Hearing Minutes**

**August 16, 2021**

The public hearing was opened at 8:30pm 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 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency and signed into law on June 16, 2021

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

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Liz Allard (Land Use Administrator) Deborah O'Rourke and Jon Osborne (Harvard Press)

Brown explained the amendments include improvements to enforcement and codifying design guidelines. Cabelus has volunteered to present this amendment at town meeting.

With no questions or comments from the Board or those present, Donahue made a motion to continue the hearing to September 13, 2021 at 7:45pm Cabelus seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cabelus, aye; Cook, aye; Thornton, aye; and Brown; aye.

Signed: \_\_\_\_\_ Liz Allard, Clerk