

**HARVARD PLANNING BOARD
MEETING MINUTES
SEPTEMBER 13, 2021
APPROVED: OCTOBER 4, 2021**

Chair Justin Brown called the meeting to order at 7:01pm 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, Laura Clarage and Aaron Castor-Katz

Public Comment – There was no comments from the public this evening

Climate Resiliency Working Group Appointments

Donahue made a motion to appoint the following members to a three-year term to the Climate Resiliency Working Group: Adam Meier, representing Harvard Conservation Trust; and Catherine Warner, Robert Benson and Deborah O'Rourke, as Citizens-at-Large. 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.

Select Board Request for Top Three Action Items

Donahue made a motion to approve the following as the top three action items, to be submitted to the Select Board for the upcoming all-boards meeting on September 21, 2021:

- 1.Support all Planning Board related initiatives by enhancing staff support and organizational structure, including:
 - a. Consider a restructuring of the Land Use Board staffing to provide more support for both Conservation Commission and Board of Health.
 - b.Support continued development of CRWG with clearly identified staff assistance and budget.
- 2.Support all phases of the Ayer Road Vision Planning Project with an emphasis on Phase I: Market Study and Fiscal Impact to refine the path forward on Phases 2 and 3.
- 3.Continue housing diversification through open space residential design and senior friendly housing development.

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.

Scenic Road Consent – Laura Clarage, 129 Poor Farm Road. Opened at 7:21pm (see page 4 for complete details)

Continuation of the Protective Bylaw Amendments for the Fall Annual Town Meeting Hearing. Opened at 7:42pm (see page 5 for complete details)

Board Member Reports

- **Representatives & Liaisons Update**
 - **Montachusett Regional Planning Commission (MRPC)** – Donahue stated Economic Development Administration grant has 400-million dollars to spend across the nation – Harvard will not see any of it as MRPC will be seeking improvements in regards to industrial zones
 - **Parks & Recreation Commission** – Donahue stated she has explained to Commission that if they support Ayer Road development there may more funding available for playing field maintenance.

Open Space Committee Chair Peter Dorward is willing to generate maps for the Commission once they provide him with the parameters of their needs for more fields.

- **Open Space Committee (OSC)** – Cook stated the need for more rectangular playing fields was a big discussion. With two fields identified, OSC is working on Capital Planning Investment Committee application.
- **Community Preservation Committee** – Thornton reviewed dates for application submittal and noted the Climate Resiliency Working Group has requested to be able to review applications from a climate impact point of view.
- **Board of Health (BOH)** – Cook stated the BOH discussed their top three goals for the All-Boards meeting on September 21st, which are, increase Board of Health Administrative Assistant hours; increase outreach to the Town; and increase awareness in Town of all topics the BOH addresses.
- **Municipal Affordable Housing Trust** – Thornton is trying to find out when they are going to meet next.

Continuation of the Amendment to Chapter 90 Scenic Roads of the Code of the Town of Harvard Hearing. Opened at 8:32pm (see page 7 for complete details)

Board Member Reports, continued

- **Representatives & Liaisons Update**
 - **Transportation Advisory Committee (TAC)** – Has met with Montachusett Regional Planning Committee (MRPC) representative for the District Local Technical Assistance grant. With an increase of development at Devens and delivery services, such as Amazon, along with the addition of the truck stop on the Ayer Town line, the TAC has requested updated traffic counts. There have been no counts conducted on Ayer Road since 2018/2019. Traffic counts were not conducted in 2020 due to the pandemic with most of MRPC staff working from home.
 - **Harvard-Devens Jurisdiction Committee** – Cabelus stated the Committee is working on a position paper in regard the re-zoning of Vicksburg Square; trying to obtain funding from MassDevelopment for a consultant on the disposition. Ryan suggested an agenda item at a future date to discuss more in depth. Brown suggested after fall town meeting would be best.
 - **Conservation Commission** – Cook stated the recent meeting included a discussion on the annual draw down, which was approved again this year based on the reports and science as why it is being done.
 - **Climate Resilience Working Group**
 - **Town Meeting Resolution** – language has been finalized for town meeting; effort underway to visit other boards and committees to provide support
 - **Outreach** – A public meeting on September 23rd will detail the history and moving forward with climate action plan; Donahue will be attending to gain support for Erosion Control bylaw
 - **Round Robin** – Are under way and are an important way for the Board members to get to know each other and activities of the Board
- **Community Matters** – None

Director's Report

The Request for Proposals (RFP) for Market Analysis and Fiscal Impact Analysis has been posted with a deadline for responses of October 1st. The Board should consider if they are going to create a formal or informal working group to evaluate responses and select a preferred contractor. During RFP draft review Justin Brown, Stacia Donahue, Chris Tracey, and Rich Maiore provided feedback. Ryan suggested the Board could continue with that group, create a new one, or add a fifth member for voting purposes. The Board should also determine a process to review the RFP's.

The Planning Board should make a determination as to whether they should apply for funding for the Ayer Road Vision Plan, which would be considered at Annual Town Meeting next May. To not do so would either require an alternative funding source such as a grant, or push the next project Phase to July 2023.

Ryan strongly urged the Board to vote authorization to submit this request for a sum approximating \$260,000.

As for the Community Compact Cabinet, Ryan prefers focusing on the zoning bylaw; this area is one in which finding funding may be difficult. Brown asked members if they had an opinion on either zoning rewrite or Phase 2 of the Ayer Road Visioning Plan. Donahue suggesting asking for two as we are losing out through Montachusett Regional Planning Commission decision to use EDA and District Local Technical Assistance funds for industrial projects, which Harvard does not have an industrial zone.

Approve Minutes

Donahue made a motion to approve the minutes of August 2, 7 and 16, 2021, as amended. 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.

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 9:24pm. 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 September 13, 2021
- Director of Community and Economic Development Update September 13, 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, 09/13/2021
- ARTICLE XX: AMEND SCENIC ROADS BYLAW CHAPTER 90, 09/13/2021

Harvard Planning Board

Scenic Road Consent Hearing Minutes

Laura Clarage, 129 Poor Farm Road

September 13, 2021

The public hearing was opened at 7:21pm 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) and Laura Clarage

This public hearing is for Scenic Road Consent filed by Laura Clarage for the construction of a second access to an existing driveway at 129 Poor Farm Road, Harvard.

Laura Clarage, of 129 Poor Farm Road, explained the application request to install an additional access to her property from Poor Farm Road to create a U-shaped driveway for safety reasons. The location of the proposed driveway will only create a small change in the aesthetics of the existing stone wall. Clarage will enhance the existing stone wall with the stone removed for the driveway. Ryan stated the justification for the request makes sense, which is public safety. Ryan stated the re-use of the stones is fine or tapering the stones into the driveway would be ok too. The proposed driveway cut in not close to Ayer Road, therefore would be no issue with vehicles turning onto Poor Farm Road from Ayer Road. There are no trees to be removed.

After a brief discussion Donahue made a motion to close the hearing and issue a Scenic Road Consent to Laura Clarage, of 129 Poor Farm Road, with a condition requiring the stones that are removed are to be tapered into the new driveway; a site visit shall be conducted with Ryan to confirm the proper location for these stones. 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

Harvard Planning Board

Continuation of the Chapter 125 Protective Bylaw Amendments Hearing Minutes

September 13, 2021

The public hearing was opened at 7:42pm 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) and Liz Allard (Land Use Administrator)

Amend §125-10 Conversion for Multiple Residence - As previously stated this amendment has been withdrawn for this town meeting.

Amend §125-2 Definitions – If the amendment for §125-57 passes these definitions will be necessary in regards to Continuing Care Retirement Communities

Delete §125-18.2 Affordable Accessory Apartment - This is a provision that has never been used and has not resulted in any affordable units being created. Currently, there is no incentive to use it and there is, in fact, a disincentive due to the lengthy requirements and paperwork. It is understood that a financial incentive was intended to accompany this Bylaw that was never included and therefore it does not reflect the original intent of the drafters. Removal of this Section will not have any impact on the provision of affordable housing in Harvard and there are several much better ways that Harvard can address this type of housing.

Amend §125-21B(1) Permitted Uses in AR Districts by Special Permit - Changing “accessory apartment” to “accessory dwelling unit” based on changes made to §125-18.1 at the Spring Town Meeting.

Amend §125-57 Senior Residential Development by adding Assisted Living and Continuing Care Residential Community - This will enhance the original 125-57 passed in May. It included adding the text for Assisted Living moved from 125-52 and adding a new section on Continuing Care Retirement Community; something indicated as a need in the senior housing surveys

Delete §125-52I Ayer Road Village – Special Permit - Assisted Living Facility - Remove and replace in §125-57 Senior Residential Development

Add new §125-58 Erosion Control – Minor edits to grammar and format have been made. Comments received from Bare Hill Pond Watershed Management Committee will be added as well.

Outreach

Donahue updated the Board on the outreach conducted so far for the erosion control bylaw, which includes Bare Hill Pond Watershed Management Committee and Board of Health. Both have provided comment, but have not given support as of yet.

The Board blessed the press release prepared by Ryan.

Cook made a motion to continue to September 20, 2021 at 7:30pm. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Cabelus, aye; Cook, aye; Thornton, aye; and Brown; aye.

* Donahue dropped out at 8:15pm causing her to miss the vote above; she returned at 8:20pm.

Signed: _____ Liz Allard, Clerk

Harvard Planning Board

Continuation of the Amendment to Chapter 90 Scenic Roads of the Code of the Town of Harvard Hearing Minutes

September 13, 2021

The public hearing was opened at 8:32pm 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) and Liz Allard (Land Use Administrator)

Allard stated she has incorporated comments made by the Tree Warden, JC Ferguson, in §90-C(1) Tree Replacement in regard to how a tree is to be measured.

With no public present, Donahue made a motion to continue the hearing to September 20, 2021 at 7:45pm. 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