

**HARVARD PLANNING BOARD  
MEETING MINUTES  
SEPTEMBER 20, 2021  
APPROVED: OCTOBER 4, 2021**

Chair Justin Brown called the meeting to order at 7:00pm 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, Doug Thornton and Jefferson Burson (Associate Member) (arrived at 9:10pm)

**Others Present:** Christopher Ryan (Director of Community & Economic Development), Liz Allard (Land Use Administrator), Dan Wolfe (Ross Associates, Inc.), Sarah Saleh and David Trabulsi

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

**Capital Planning and Investment Application (CPIC) – Ayer Road Visioning Plan Phase 2 & 3**

Due to the budget cycles now is the time to request funding from CPIC for Phase 2 & 3 of the Ayer Road Vision Plan. Should Phase 1 result in moving forward then this funding will be in place to allow the continued forward motion of this project in a seamless manner. Ryan is still awaiting notification on two other grants previously applied for funding of these Phases as well. Should any other grants or funding present itself Ryan will apply for those as appropriate. Thornton suggested language that indicates the reduction in the total amount requested should grants be awarded to the Town of Harvard. Cabelus made a motion to authorize the submittal of the Capital Request Form, Fiscal Years 2022 – 2026 as drafted. Donahue seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Donahue, aye; Cabelus, aye; Cook, aye; Thornton, aye; and Brown, aye.

**Approvals Not Required**

- Massachusetts Avenue & Fairbank Street (Map 17D and 22B, Parcel 51 and 41)  
Donahue made a motion to endorse the Plan of Land in Harvard, Mass owned by Sarah Saleh & Aimen Shabra, Job No. 32431, Plan No. L-14366, prepared by David E, Ross Associates, Inc., September 2021. Cook seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Donahue, aye; Cabelus, aye; Cook, aye; Thornton, aye; and Brown, aye.
- Prospect Hill Road (Map 11 Parcels 22.1 & 22.3)  
Donahue made a motion to endorse the Plan of Land in Harvard, Mass prepared for Francoise Crook, Job No. 10406, Plan No. L-14384, prepared by David E, Ross Associates, Inc., September 2021. Cabelus seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Donahue, aye; Cabelus, aye; Cook, aye; Thornton, aye; and Brown, aye.

**Continuation of the Protective Bylaw Amendments for the Fall Annual Town Meeting Hearing.** Opened at 7:38pm (see page 3 for complete details)

**Continuation of the Amendment to Chapter 90 Scenic Roads of the Code of the Town of Harvard Hearing.** Opened at 9:02pm (see page 4 for complete details)

**Community Compact Cabinet Application**

After briefly discussing the choices before the Board, Donahue made a motion to support the application to the Community Compact Cabinet for economic development along Ayer Road. 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.

#### **Climate Resiliency Working Group (CRWG) Town Resolution**

Burson stated leading up to Town Meeting CRWG and Harvard Energy Advisory Committee are seeking support and speakers for Town Meeting. Burson added the process of approving the final language, not only with the Planning Board, but with members of the CRWG as well, was an imperfect system. Neighboring towns have already accepted this type of resolution. The Board discussed resolutions 2&3 and the controversy they may incite at town meeting. Brown finds the second paragraph to be out of place and would be fine with or without it.

After Town Meeting, the Planning Board will also draft recommendations to the Select Board on considerations for implementation, consistent with the third suggestion. Given that the CRWG is a sub-group of the Planning Board, the Board notes that they should have a conversation soon on how to best review and provide oversight for these sorts of efforts going forward, so that both groups are fully aligned.

Cook made a motion agreeing to the language as drafted; after town meeting send suggestions and ideas on implementing to both CRWG and the Select Board. Donahue 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.

#### **Right of First Refusal – 39 Glenview Drive**

Donahue made a motion to recommend to the Select Board they pass on this parcel. 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.

#### **Board Member Reports**

- **Representatives & Liaisons** – None
- **Community Matters** – None

#### **Director's Report**

Items address under other topics discussed this evening.

#### **Approve Minutes**

Minutes were unavailable for approval this evening

**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 9:42pm. 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 20, 2021
- Capital Request Form, Fiscal Years 2022 – 2026, September 16, 2021
- Plan of Land in Harvard, Mass owned by Sarah Saleh & Aimen Shabra, Job No. 32431, Plan No. L-14366, prepared by David E, Ross Associates, Inc., September 2021

- Plan of Land in Harvard, Mass prepared for Francoise Crook, Job No. 10406, Plan No. L-14384, prepared by David E, Ross Associates, Inc., September 2021
- Director of Community and Economic Development Update September 20, 2021
- 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, 09/20/2021

## Harvard Planning Board

### Continuation of the Chapter 125 Protective Bylaw Amendments Hearing Minutes

**September 20, 2021**

The public hearing was opened at 7:38pm 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

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Liz Allard (Land Use Administrator) and Dan Wolfe (Ross Associates)

**Amend §125-57 Senior Residential Development by adding Assisted Living and Continuing Care Residential Community** – Section D Development requirements includes language from §125-52I requiring payments to the Town to offset the Town's cost of providing services to the development and/or the provision of services to the development by services providers other than the Town at the developer's expense. Added flexibility for Board in making a decision for a specific need or development.

#### **Add new §125-58 Erosion Control**

Edits have been made under §125-58B(3)(a) and (b) pertaining to the quantities that were inconsistent previously. In addition, at the request of Bare Hill Pond Watershed Management Committee the Assabet and Nashua Rivers watersheds were included under section §125-58A(1) and the addition of the following language under the preamble for 125-58E Applicability "When a project is within the Bare Hill Pond watershed the Bare Hill Pond Watershed Management Committee shall be requested to provide comments to the Planning Board prior to approval".

Other proposed Protective Bylaw amendments were not discussed.

Donahue made a motion to submit the following bylaws as drafted through this evening:

- Amend Section 125-21B(1) Permitted Uses in AR Districts by Special Permit;
- Delete Section 125-18.2 Affordable Accessory Apartment;
- Amend 125-57 Senior Residential Development by adding Assisted Living and Continuing Care Residential Community;
- Delete Section 125-52I Ayer Road Village – Special Permit - Assisted Living Facility;
- Amend Section 125-2 Definitions; and
- Add new Section 125-58 Erosion Control.

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.

Thurston made a motion to continue to October 4, 2021 at 7:15pm. Cabelus seconded. The vote was 4-1 in favor of the motion by roll call, Donahue, aye; Cabelus, aye; Cook, aye; Thornton, aye; and Brown; nay.

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 20, 2021**

The public hearing was opened at 9:02pm 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)

With no one in attendance and no further questions or comments from the Board, Cook made a motion to continue the hearing to October 4, 2021 at 7:20pm. Donahue 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