

**HARVARD PLANNING BOARD
MEETING MINUTES
AUGUST 1, 2022
APPROVED: 12/05/2022**

Chair Richard Cabelus called the meeting to order at 7:00pm 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 February 15, 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, Jr., (Director of Planning) and Liz Allard (Land Use Administrator)

Public Comment

There were no comments from the public this evening.

Discuss Potential Bylaw Amendments for Fall Annual Town Meeting, October 1, 2022

- 125-58 Erosion Control Bylaw - Allard explained that shortly after this provision was adopted at the Fall Town Meeting last year there were concerns of a gap with the thresholds between a minor and major permit (125-58E(3)(a)[1] and 3(b)[2]). Upon further review of the language Allard has determined there is no gap between in the thresholds and that it is just a matter of not reading the section (125-58E(3)(b)) in its entirety. Provision 125-52E(3)(b)[3] actual picks up where provision 125-58E(3)(a)[1] ends as it pertains to the thresholds for impervious areas. Thornton asked if there were anyone that needed to be updated on this clarification. Allard said she would speak with the engineer who raised the item.
- Chapter 90 Scenic Road Bylaw – §90-6 E. Enforcement; violations and penalties – Cabelus stated he wondered if the Planning Board had discretion under this provision as to pertains to the second sentence within §9E that states “Violators shall be subject to a fine of \$300 as set forth under the Scenic Road Act, MGL Ch.40, Section 15C.” Cabelus wonder if there were an option for discretion enforcing the violation, changing the “shall” to “may” on the bylaw. Cook said there is already discretion built into the existing bylaw, that states “may” issue. Donahue agreed with Cook’s explanation. Allard added that the same language is in the wetlands’ protection bylaw and the Commission always uses discretion. McCormack asked why the Planning Board is reviewing this item now. Allard explained that it was brought up after a Stow Road violation in January. Cook said it is a living document and Planning Board is seeing if there were flexibility enforcing it.

Review of Ayer Road Overlay District

Donahue has shared the proposed Mix Use Overlay District (MUOD) with the former Planning Board Members who worked on senior housing. She said HCIC was disappointed there is nothing “green” in the proposed bylaw. Allard presented a Draft Letter from the PB to the Select Board regarding any thoughts and concerns with the proposed zoning amendment. Cabelus asked for thoughts and comments from PB members. McCormack said the deviations from the existing bylaws are substantial. He wondered if there were existing plans in the works that were trying to modify the zoning to fit those specific plans. Donahue agreed with McCormack. She added the process felt a bit rushed but that the letter was good. Cook said he could not give support because it is so fast. He said if the Select Board and Finance Committee were to champion this proposal, they need to answer the questions of the community. Cook welcomed the assistance of the SB and FinCom in crafting a larger overlay district with community support. He felt it could not be done before October. Thornton said the letter was good and it’s implied that it is rushed and

that the PB would like to hear more from the community. Donahue suggested waiting to hear final recommendations from Weitzman on its Ayer Road market study, then work with the proponents of this MUOD. Jennings asked what is the timeline for that study to be done. Cabelus instructed O'Connor to find out when Weitzman expects to finish that study. Jennings asked who shepherds bringing in town voices to this process. Cabelus said any town citizen could but usually it is the PB. Cabelus said this particular proposed overlay district has been a bit different because it was brought forward by an outside entity. McCormack asked about the overlay district for housing at Hildreth House and if this new proposed overlay district might torpedo the overlay district at Hildreth House. Cook reiterated this process was too quick to be ready for the October Town Meeting. Cabelus said he wanted Weitzman's input but wasn't not certain it needed to be in the letter to the SB. PB members suggested edits for Allard to make to the letter, which were incorporated.

Jennings said the Affordable Housing Committee is doing a Housing Production Plan which is aligned with the Master Plan, which will be out January 1st 2023. McCormack added that what is proposed in the Overlay district might fit in with the Housing Plan. Donahue made a motion to send the letter as amended to the Select Board. Motion seconded by Cook. Roll call vote was unanimous: Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

ZBA Request for Comments – 175 Littleton County Road

Cook and McCormack reviewed the site along with Bruce Ringwall. Cook said the driveway bylaw has gone from 10% to 8% slope requirement. Cook said he supported the request to allow the driveway steeper than 8%. Allard said she could not recall why the town bylaw was changed from 10% to 8% grade. Cook said the applicant has a letter of support from the Harvard Fire Department for the steeper driveway. Thornton said he was in favor of allowing the applicants' request. Cook said the applicant was looking for a letter of support from the Planning Board. Allard said she could draft a letter of support from the PB to the ZBA §125-31(B)5 allowing the driveway to be greater than 8% but less than 10% for the Chair to review, approve and sign. Motion made by Donahue, seconded by Cook. It was approved unanimously by a roll call vote: Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

Strategic Planning Session Potential Topics

Cabelus asked for the date of the Strategic Planning session. Allard said it would be 17th August 2022 at the Hildreth House. For the benefit of the new members, Cabelus said it was a chance to prioritize topics and establish liaisons for the coming year. Donahue asked if PB were planning to bring anything before the October Town Meeting. Allard said it does not appear that way. Cook mentioned MBTA adjacent communities housing, mapping the multi-family parcels and the Housing Production plan as potential topics. Jennings asked to discuss Inclusionary Housing bylaws and Open Space bylaws. Cabelus invited PB members to bring anything to the table for discussion. Donahue asked to include Open Space Residential Development for discussion as well as fact check the Town's marijuana bylaw. Cabelus asked Allard to include the list of priorities that Chris Ryan left. Allard said she would include the Select Board goals for the upcoming year, also. Cabelus asked the PB members to think about which committees they would be interesting in serving as liaisons.

Board Member Reports

• Representatives & Liaisons Updates

Donahue said she had not met with Harvard Climate Initiative Commission or Transportation Advisory Committee yet but that both would be having meetings relatively soon. She added that the MRPC will be sending updated planning chapter for Transportation soon for final review. Donahue mentioned that there has been Park & Recreation has had grumbling about softball fields, while it is a hot topic, there has been little action.

- Jennings said the Affordable Housing Trust is working with Metro West Collaborative in the discovery phase currently. Cabelus said Jennings can reach out to Frank or Liz for any information or guidance.
- Community Matters – none this evening.

Approve Minutes

Minutes were unavailable this evening.

Cabelus asked O'Connor how the job was progressing. O'Connor said everything was starting well and that Allard and everyone in Town Hall had been very helpful.

Adjournment

Cook made a motion to adjourn the meeting at 8:17pm. Donahue seconded the motion. The vote was unanimously in favor of the motion by roll call vote: Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

Signed: _____ Liz Allard, Clerk

EXHIBITS & OTHER DOCUMENTS

- Planning Board Agenda August 1, 2022