

**HARVARD PLANNING BOARD  
MEETING MINUTES  
MONDAY, OCTOBER 3, 2022  
Approved: 02/27/2023**

Chair Richard Cabelus called the meeting to order at 7:01pm virtually, pursuant to Chapter 107 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 July 16, 2022, and under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Chair Richard Cabelus, Stacia Donahue, Brian Cook, Doug Thornton, Arielle Jennings and John McCormack (Associate Member)

**Others Present:** Frank O'Connor, Jr. (Director of Planning), Liz Allard (Land Use Administrator), Valerie Hurley (Harvard Press), Kerri Green, Franklyn Carlson, Joan Eliyesil (Harvard Press) and Rebecca Cheney

**Public Comment**

There was no public comment this evening

**Review Extension of a Special Permit & Driveway Site Plan Approval – 47 Poor Farm Road (Map 9 - Parcel 1.2) Crown Castle USA Inc, for existing wireless communications tower**

Cabelus introduced the review of the agenda item. He asked for comments and mentioned the company's visit during certain months. O'Connor explained the rationale for visiting in better weather twice a year. O'Connor pointed out a condition in the original agreement was for the antennae to look like a tree. Donahue made a motion to accept the decision as drafted for 47 Poor Farm Road (Map 9 - Parcel 1.2) Crown Castle USA Inc. Cook seconded the motion. The vote was unanimously in favor of the motion by roll call, Jennings, aye; Donahue, aye; Cook, aye; Thornton, aye; and Cabelus, aye.

**Recap All Boards Meeting**

Cabelus and O'Connor attended to represent the Planning Board. O'Connor was pleasantly surprised how efficient the process went considering how many people were there to discuss goals for the fiscal year. Topics discussed included Master Plan, Multi-family, Ayer Road Visioning Plan, with a plug for the potential ARPA funding toward the Ayer Road Visioning Plan. Cabelus said it was good to hear how other boards and committees intersect with the goals of the Planning Board. Donahue asked if there was anything that the Planning Board was unaware at the meeting. Cabelus and O'Connor did not believe there was anything mentioned that the Planning Board is unaware of going forward. Donahue asked if Transportation Advisory Committee were present. Cabelus was impressed with how much COA does.

**Proposed Protective Bylaw Amendment §125-7 Agricultural Uses**

Cabelus questioned the process because this amendment came from the Select Board. McCormick asked Kerri Green why the Ag Committee thought this proposal would be detrimental to farms in Harvard. Green stated comments centered around the language not being clear as to what would be allowed and not allowed. She expressed concern about equitable opportunity, and the sole discretion of the Select Board to decide if opportunity were warranted.

McCormack said §125-20 states normal farm activities exempt. He added the accessory use would make a permitted activity by right which would mean any of those prohibited uses in 125-20 would be allowed. McCormack inquired if Ag Committee were just opposed to the proposal on the principal of it and that he did not understand why there was an objection. Green read the agriculture definition and that it applies without regard if not for profit. Cook stated a lot of farms fit within the 5 or more acres. He added that without a limit, Harvard runs the risk of the accessory use become the primary use. Cook said there needs to be limits put on it to reduce some from taking advantage of this use. Green added the impact on abutting farms to other farms depending on what is applied for and approved. Cabelus said there needs

to be language limiting what is an accessory use. Cook suggested language that forces that primary use is maintained. McCormack said he could not find a definition for entertainment. Thornton limiting noise and traffic. Cabelus expressed the need to get better clarification from Town Counsel on the process. There was discussion on the need to add definition of entertainment, and how the changes relate to other parts of the bylaw and what other amendments may be necessary. Cabelus agreed to take the information discussed this evening to the Select Board. O'Connor agreed to draft memo to the Select Board of what was discussed. Thornton be very careful we try to do at Special Town Meeting. He mentioned that voting for a bylaw does not really represent the majority of Town. Green indicated there are definitions within case law as to what is accessory to an agricultural use. Green said entertainment is a medium -scale commercial use within the Town of Harvard under the Protective Bylaw. Green will provide additional information as it pertains to accessory use.

### **Open Space Residential Development Bylaw Amendment**

Jennings suggested pulling parts from Ryan's document to amend the existing bylaw. Cabelus and Donahue suggested taking sections of §125-35, and include the approval process from Ryan's version and work from there. Donahue said it is important Planning Board members be able to explain the bylaw in front on 300+ town residents. She said keeping it simple is key to getting this passed at Town Meeting. It was agreed to work from the existing bylaw, focusing on sections C, H and I and import what is good from the most recent version created by Ryan. Allard would share a table Ryan had created.

### **Multi-Family**

O'Connor has reached out to all but six properties owners, to date there have been 11 responses. Only one did not support the proposals. He said most inquires have been simple questions. No religious or non-profits were not sent a letter. O'Connor spoke with DHCD on the requirements under the MBTA guidelines. Cook suggested inviting those who received a letter to a meeting to express their concerns. O'Connor codifying the locations we have in town will not satisfy the requirements of DHCD. Preliminary report due after the first of next year. Donahue asked what is the new contiguous acres, and when is the report due and map out the existing, along with seeking a potential location. O'Connor said the town's Action plan is due by end of January 2023. O'Connor said he expects to submit the Action plan before end of 2022. McCormack said the final district Compliance application is by 1/31/25. No minimum land area required as long as fifteen units per acre are allowed, provided the developer can meet the state's Title V requirements. Town would work with Montachusett Regional Planning Commission to create a map of the existing locations considered multi-family/houses. Cabelus suggested keeping MBTA housing a reoccurring agenda item.

### **Ayer Road Visioning Plan**

O'Connor is coordinating with Ms. Marie-Danielle Faucher at Weitzman about the final version of the report. O'Connor is collecting comments from the Board and others about the draft report until Tuesday of next week and then will provide those to Weitzman. Once he has shared the Board's comments with Weitzman, he will invite Weitzman to attend the second meeting in October or the first in November. Cabelus asked Board members to send comments and questions to O'Connor by Tuesday.

### **Board Member Reports**

#### **• Representatives & Liaisons Updates**

McCormack asked if there were an update from Town Counsel about wording for the Town Center Overlay District. Allard said she was expecting that by 17<sup>th</sup> October 2023.

- **Community Matters**

- 400 Beaver Brook Road, Boxborough

Campanelli-Trigate Boxborough Sub, LLC plan to construct a 64,000sf Office/Research & Development facility. Donahue was looking at this as multi-family since the existing land within Harvard abuts Trail Ridge. The Harvard parcel is 46 acres. She said there is a parcel in Harvard as part of the Cisco campus, but that it appears to be landlocked. She asked if the permits issued by Boxborough would expire. Arielle Jennings asked if there were any influence the Harvard Planning Board over the development in Boxborough. O'Connor said he had shared contact info of the Worcester office of MA Dept. of Environmental Protection with the constituent to determine if there were potential wetlands or endangered species concerns.

**Approve Minutes**

Donahue made a motion to approve the minutes of September 19, 2022 as amended. Jennings seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

**Approve Invoices**

With O'Connor's suggestion that he review the contract with Weitzman Associates LLC for the Ayer Road Visioning Plan to determine if the Board can retain 10% of the total until the finished project is received, this item was moved forward to the October 17, 2022 agenda. Approval of the payment request was tabled until terms of contract were reviewed.

**Adjournment**

Cook made a motion to adjourn the meeting at 9:12pm. Donahue seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

Signed: \_\_\_\_\_ Frank O'Connor, Jr., Clerk

**EXHIBITS & OTHER DOCUMENTS**

- Planning Board Agenda October 3, 2022