

**HARVARD PLANNING BOARD  
MEETING MINUTES  
August 21<sup>st</sup>, 2023  
APPROVED SEPTEMBER 11, 2023**

Chair Richard Cabelus called the open meeting to order remotely at 7:00pm, pursuant to Chapter 2 of the Acts of 2023, An Act Making Appropriations for the Fiscal Year 2023, which has suspended the requirement of the Open Meeting Law to have all meetings at publicly accessible locations and allowing all public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

**Members Present:** Richard Cabelus, John McCormack, Doug Thornton, Stacia Donahue, Arielle Jennings,

**Others Present:**

Frank O'Connor (Town Planner), Dan Wolfe, James Sullivan, Bill Scanlon, Chris Tracey, Steve Nigus

**Public Hearings:**

**Scenic Road Bylaw application (§90-1A & §90-4A) request for consent to the construction of a proposed driveway / access point requiring the removal of a tree and portion of a stone wall for Robert Schmidt at 127 Bolton Road (Map 27//135)**

\*See page 4 for full details\*

**Open Space Residential Development Bylaw Amendment (§125-35) for adoption**

\*See page 5 and 6 for full details\*

**Old Business:**

**Prospective MBTA Multi-family zoned district (bylaw update)**

Frank O'Connor addressed the board with new updates about new guidelines from the state in regards to the MBTA-3A Housing Bylaw. The changes allow for the greater possibility of adding more commercial structures and mixed use in these residential areas for the potential developer. Frank O'Connor also is confident that there will be positive responses and potential developers to work with once the letters have been officially sent out.

Stacia Donahue informed the Planning Board that in a recent MRPC meeting, the bylaw language may need to be changed based on what has happened in towns that are further along in the process. The Board discussed the language and messaging needed as the process progresses, clarifying that this would be a new overlay district and will need to write an official bylaw.

**Comments on potential 40-B development at Old Mill & Ayer roads**

Frank O'Connor updated the Planning Board that the Design Review Board has reached out to a potential new member to create a full Board. O'Connor is also ready to share some potential meeting dates with the applicant once the Board is established. The applicant has also asked for some exceptions with the Zoning Board of Appeals and is currently to-be-determined.

**Proposed Town Center Mixed Use District**

Steve Nigus addressed the Planning Board about a proposal for subordinate structures for the center of town. John McCormack and Richard Cabelus believe Steve Nigus's proposal is a great start for the Board

to consider while building the overall plan for what is needed in the center of town. The Board will continue to move forward as they plan and keep Steve Nigzus's proposal in mind.

**Updates on Ayer Road visioning phases 2 & 3**

Frank O'Connor updated the Planning Board on Phases 2 and 3, informing the Board that the contract has been signed and the applicant plans to tour the area after Labor Day. Brief interviews will take place and the applicant plans to eventually meet with the Planning Board to set up a line of communication.

**Master Plan 2026**

Richard Cabelus reached out and talked with Erin McBee of the Select Board. Erin McBee mentioned looking into options for grant funding in order to alleviate the concerns about a lack of the needed funds. After speaking with the Town Administrator, Frank O'Connor reiterated that the Board does not need to completely start over and can find ways to remain brief yet thorough in order to ensure that the process remains less expensive.

John McCormack shared his screen to show the updates that he has added to the spreadsheet. The current Master Plan Spreadsheet has been organized with a color-coordinated section in order to track the progress more effectively and to more easily establish a plan of action for the areas of need. Stacia Donahue agreed with John McCormack that it is a good idea to add this to the Strategic Meeting Plan Minutes. Stacia Donahue also mentioned the possibility of receiving funds from the District Local Technical Assistance grants through MRPC. Stacia Donahue also clarified that this would be ideal for an update, but it would most likely not be able to cover a complete re-write of the Master Plans. The cap on this grant is unknown due to the process of dividing the funds between all the towns that apply and successfully receive this grant. The submitted request will need to be made around January of 2024.

Arielle Jennings asked what the order of operations should be for the Board, focusing on the formation of the committee or focusing on the tasks the committee will be in charge of fulfilling. John McCormack believes that updating each section is needed due to the large amount of plans that are out of date on the list. John McCormack also believes that this process can be quickly turned over and made more clear and accurate for the current plans. Frank O'Connor will post this to the town website.

**Standard Business:**

**Board Member Reports**

In the place of Stacia Donahue, John McCormack will attend the Climate Initiative Committee for the Open Space Residential Development Bylaw Amendment

**Minutes:**

Motion: Stacia Donahue made the motion to approve the minutes from August 7<sup>th</sup> 2023 as amended  
Seconded by Doug Thornton

Voted yes by: John McCormack, Stacia Donahue, Doug Thornton, Arielle Jennings, Richard Cabelus  
*Passed unanimously*

**Adjournment:**

Motion: Stacia Donahue made the motion to adjourn the meeting at 10:34pm

Seconded by Doug Thornton

Voted yes by: John McCormack, Stacia Donahue, Doug Thornton, Arielle Jennings, Richard Cabelus  
*Passed unanimously*

## Harvard Planning Board

### Special Public Hearing Minutes

August 21th 2023: Meeting called to order at 7:33pm

#### Robert Schmidt at 127 Bolton Road

#### **Scenic Road Bylaw application (§90-1A & §90-4A) request for consent to the construction of a proposed driveway / access point requiring the removal of a tree and portion of a stone wall**

Dan Wolfe addressed the Board with the plans and clarified that the owner of the property has the goal of creating a second entrance/exit of the property onto East Bare Hill Road. Plans have been made to collect runoff due to a street gutter that tends to collect a large amount of water. The stone wall needed to be removed for the driveway will be re-used to supplement the current stone wall in areas of need.

#### *Tree Warden comments and removal suggestions:*

- The Tree Warden initially had a concern about a 12-inch Birch tree having roots undercut. Dan Wolfe clarified the stake located at the birch tree is the furthest the stone wall would have parts removed from rather than where the driveway would be.
- There is a dead tree that the Tree Warden wished to have removed.
- There is also a plan to remove a 14-inch black walnut tree and the owners are willing to plant new trees after the removal

James Sullivan, who lives across the road from the proposed driveway, is concerned about the current drainage problem on the road. Mr. Sullivan wishes to have a plan implemented to alleviate this by having the two-foot by two-foot stone ditch have an extending curve added to the plans. Dan Wolfe took this in consideration and is okay for an eight-to-twelve trench in a southerly direction. A timeframe will also be added to the conditions of the plans in order to encourage proper growth for new trees added to the new opening.

Motion: Stacia Donahue made the motion to consent the Scenic Road permit for 127 Bolton Road with the following conditions:

- Condition 1: That the removed stones are places back on the wall with the appropriate terminus.
- Condition 2: The removal of the dead tree as indicated by the Tree Warden.
- Condition 3: The replacement of two new trees for the removed 14-inch tree as coordinated and specified by the Tree Warden four weeks after the completion of the driveway.
- Condition 4: To trench the extension further to the south to help with drainage off of East Bare hill.
- Condition 5: To keep the trench at least 12-feet away from the 12-inch Birch.

Seconded by John McCormack

Voted yes by: John McCormack, Stacia Donahue, Doug Thornton, Arielle Jennings, Richard Cabelus  
*Passed Unanimously*

## **Harvard Planning Board**

### **Special Public Hearing Minutes**

**August 21th 2023: Meeting called to order at 8:14pm**

#### **Open Space Residential Development Bylaw Amendment (§125-35) for adoption**

The Special Public Hearing started with Bill Scanlon introducing himself to the Board as a consultant hired to assist us in completing the work of getting the bylaw approved at Fall Town Meeting. John McCormack shared his screen to display the bylaw currently being worked on. Bill Scanlon noted that to have this bylaw pass, a simple majority would be needed rather than 2/3<sup>rd</sup>s approval. Bill Scanlon asked the Board what their views were on making this a Site Plan Review rather than a Special Permit, noting that doing so would help put the developer on more equal footing with the Planning Board and would make plan between the two groups more cooperative and less one-sided. Bill Scanlon also noted that the downside of this comes from a loss of the current amount of control the Board would have over the plans. Arielle Jennings and John McCormack believe that this is an important subject to talk on. Citing the potential improvement in engagement that would be seen for something that has receive a large amount of time and energy from the Board. Dan Wolfe commented that it is worth thinking about, because from the point of view of a developer, it will increase the odds that a potential plan is carried through and completed. Chris Tracey, of the Zoning Board of Appeals, is in favor of this becoming a Site Plan Review rather than a Special Permit. Arielle Jennings added the idea of reaching out to some potential developers to see if the incentives align well with both parties and if the Planning Board would be comfortable officially changing this to a Site Plan Review.

Stacia Donahue asked if the Board would be okay with giving a presentation to the Council on Aging about this bylaw. The Board was in favor of this and Stacia Donahue will look for possible dates to hold this presentation.

John McCormack had researched on the topic of Passive House Incentives and found out the answer to a previous question addressed by the Board. It appears these incentives do not overlap with any other environmental improvements and is treated as an exclusive section for the incentives list.

Dan Wolfe, Bill Scanlon, and Chris Tracey gave comments and opinions on the wordsmithing within the document for the following areas:

#### ***Submittal of the Preliminary Plan:***

Chris Tracey asked if septic and well testing would be part of the approval process and doesn't believe that this should be part of the preliminary requirements of the developer at that time. Bill Scanlon agrees with this and believes that this section should be struck from the plan. After discussion, the Board unanimously agreed to strike this from the document.

#### ***Open Space Criteria:***

Richard Cabelus noted that the original goal for this wording was to reserve as much open space as possible. Bill Scanlon suggested that the limited percentage for the wetlands used as open space should

be 50% rather than the 0% suggested by the Climate Initiative Group. The Planning Board decided to set the percentage to 25%

***Dimensional Requirements:***

Section 4 was changed to: “The minimum width of 100 feet shall be established and maintained between any existing dwelling adjacent to the OSC-PRD and the dearest dwelling unit or units in the OSC and a minimum of 25 feet from adjacent property lines”

***Criteria for Passageways:***

Part (a) was changes to include: the wording “Travel lanes” (instead of clear widths for travel) and “12 feet for one-way traffic”

***Common Open Space:***

In the aggregate a minimum of 50% of the OSC-PRD parcel shall be devoted to open space, and a minimum of 30% of the parcel must be contiguous open space, completely devoid of any structure, parking, loading and unloading space...

Motion: Stacia Donahue made the motion to continue the hearing of the bylaw for September 11<sup>th</sup>, 2023 at 8pm.

Seconded by Arielle Jennings

Voted yes by: John McCormack, Stacia Donahue, Doug Thornton, Arielle Jennings, Richard Cabelus

*Passed unanimously*