

**HARVARD PLANNING BOARD**  
**MEETING MINUTES**  
**April 1<sup>st</sup>, 2024**  
**APRIL 22, 2024**

Chair Richard Cabelus called the Hybrid open meeting to order 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, Arielle Jennings, John McCormack, Doug Thornton, Stacia Donahue, Richard Abt (associate member via Zoom)

**Others Present:**

Frank O'Connor (Town Planner), Ms. Bonnie Heudorfer, Val Hurley (Harvard Press), Jon Schoenberg

**Public Participation:**

Ms. Bonnie Heudorfer of Stow Road addressed the Planning Board to discuss her concern about the request for funding to update the Town's Master Plan. She encouraged the Planning Board to withdraw Warrant Article 4 from the upcoming Town Meeting. She said there were more important items for the Town to fund at this time. She added many other towns are updating Master Plans every fifteen years.

**Old Business:**

Chair Cabelus followed up the comments of Ms. Heudorfer by introducing the agenda item to discuss Warrant Article 4, which was a request for \$24,950.00 for the 2026 Master Plan. Cabelus explained that Select Board member McBee provided the Planning Board with an update about the Select Board's deadline of January 5, 2024 to submit funding requests under \$25,000. As a result, O'Connor sent the request for funding prior to the deadline that became Warrant Article 4. Staci Donahue suggested withdrawing Article 4. Cabelus added that there were more important things to fund at this time.

**Motion by:** John McCormack made a motion to withdraw the request in Warrant Article 4 and have it removed from consideration at the Spring Town Meeting.

**Seconded by:** Staci Donahue

**Voted yes by:** Arielle Jennings, Doug Thornton, Staci Donahue, John McCormack, Richard Cabelus.

*Motion passed unanimously.*

Cabelus asked O'Connor if there were any updates on the Ayer Road Vision Plan and Form Based Code. O'Connor said he is expecting a polished draft from UTILE to share with the members. O'Connor added the proposed form-based code would be shared with every business owner and property owner in the C-District.

In addition, Cabelus asked about Open Space & Recreation plan sent out by Parks & Recreation committee. Doug Thornton said he has gone through the draft of the plan. Arielle Jennings commended that group for its efforts. She said she would be preparing comments after Town Meeting.

Standard Business:

Chair Cabelus asked members for board members' reports. Donahue said MRPC is not going to grant funds to Harvard for its Master Plan this year. Donahue said Climate Initiative Committee was not doing a major Earth Day event. She said Transportation Advisory Committee would try to get parking at Sorrento's pizza and Holy Trinity Church and that there are a few riders of the MART shuttle. She thinks a set parking area would help with ridership.

Arielle Jennings said the Affordable Housing Trust would be having a meeting with Mass Housing Partnership and that O'Connor had sent in an application for help with the Inclusionary Housing bylaw.

New Business:

Chair Cabelus opened discussion on the application by Luciano Manganella at 175 Littleton County Road requesting an Erosion Control Minor Permit for compliance with §125-58 for proposed barn. Mr. Jim Basile of Goldsmith, Prest & Ringwall presented the proposal on behalf of the applicant. The structure would be about 1,400 square feet which triggered the need for the Erosion Control Permit. Basile highlighted the work is outside of the wetland buffer zone. Doug Thornton asked if GPR were aware of the six conditions proposed by the Town of Harvard Conservation Agent. Cabelus read them into the record. These conditions were reasonable to the applicant.

Motion by: Staci Donahue to approve the Erosion Control Minor permit and include the conditions of the Conservation Agent into the permit.

Seconded by: Arielle Jennings

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

*Motion passed unanimously.*

Public Hearings:

**7:15pm - Public Hearing pursuant to Massachusetts General Laws Chapter 40A, Section 3A, to consider and receive comments from interested parties concerning proposed addition to Chapter 125 of the Code of the Town of Harvard the Protective Bylaw for a Multi-family overlay district. Potential updates to Draft Bylaw MBTA-3A Multi-family overlay district.**

\*Full details on Page 4 \*

**Invoice:**

Motion: John McCormack made the motion to approve both of the invoices from UTILE #10375 for \$28,737.97 and #10565 for \$31,981.08

Seconded by Arielle Jennings

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

*Motion passed unanimously*

**Minutes:**

Motion: Stacia Donahue made the motion to approve the minutes from October 16<sup>th</sup>, 2023 and March 18<sup>th</sup>, 2024 as amended

Seconded by Arielle Jennings

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

*Motion passed unanimously*

**Adjournment:**

Motion: Arielle Jennings made the motion to adjourn the meeting at 8:23pm.

Seconded by: Doug Thornton

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

*Passed unanimously*

## Harvard Planning Board

### Public Hearing Minutes

April 1<sup>st</sup>, 2024 (meeting called to order at 7:22pm)

**7:15pm Public Hearing pursuant to Massachusetts General Laws Chapter 40A, Section 3A, to consider and receive comments from interested parties concerning proposed addition to Chapter 125 of the Code of the Town of Harvard the Protective Bylaw for a Multi-family overlay district. Potential updates to Draft Bylaw MBTA-3A Multi-family overlay district.**

Richard Cabelus opened the continuation of the Public Hearing with a synopsis of the Planning Board's efforts to meet the state mandate for compliance with the state's mandate to meet the MBTA 3A multi-family overlay district for 113 units of housing. He added the Planning Board has been working for over a year on this bylaw to create an 8-acre overlay district with 120 units of housing to meet the requirements as a designated MBTA Adjacent community.

Chair Cabelus recognized Ms. Bonnie Heudorfer to address the Planning Board. She asked for clarification of the make-up of affordable units if the bylaw were approved. Arielle Jennings explained that the Planning Board were trying to have 25% of the development be affordable.

Mr. Jon Schoenberg of Harris Lane asked if 8 acres with 120 units of housing were a maximum or minimum on the proposed site. John McCormack explained that 120 units on 8 acres was the maximum a developer could get by right at 15 units per acre, unless the developer were to obtain a Special permit. McCormack said fewer units could be built or that no units could be built. McCormack emphasized that the Town is required to zone by right for 15 units per acre, and that the town is not required to build anything. Arielle Jennings said the Special Permit process for more than 120 units would require additional review from the Planning Board. Cabelus added that a traffic impact study would be needed, also. Mr. Schoenberg asked if any traffic study would look at trips to and from the commuter rail stations in Littleton and Ayer. Cabelus said the Planning Board would be able to set the parameters of any future traffic study. McCormack added that the Beaver Brook traffic study focused on trip count and if signage and lights were sufficient for safety. Jennings added that the objective is not to increase commuter rail ridership, just that the site be sufficiently close enough to commuter rail stations to facilitate ridership. Donahue added that most people in Harvard commute by car, so traffic is a big reason the proposed overlay district is at the junction of Ayer Road and Route 2. Cabelus said the Town needs to be in compliance with the state's mandate by December 2025.

Schoenberg asked if Devens were required to comply with the MBTA 3A mandate. McCormack explained Devens is not required to comply because it is not a municipality. Schoenberg asked if there were a sunset provision to the proposed district. Cabelus said there is no sunset provision and that the underlying zoning still is in place if a potential developer wanted to do commercial development rather than residential or mixed use. Schoenberg followed up by asking if Harvard retakes the land that is now Devens, would there be a reset to reflect a greater number of units. McCormack said the number of units required for Harvard is based on the 2020 Census, which includes Devens. Cabelus said there is nothing in the existing guidelines that indicates this would need to be revisited every ten years. McCormack added if the legislature were to change the number in the future, that Planning Board can deal with it then.

Schoenberg asked if a 40B were proposed for that site, could there be a 40B and the MBTA on the same site to potentially double the number of units. Arielle Jennings explained that the 40B at that site could have higher numbers. McCormack said that a potential 40B would require 25% affordable units and the MBTA 3A would allow for only 10% affordable units and that they could not be invoked simultaneously. Cabelus said he it is not possible to conflate the MBTA 3A and 40B to create a larger number of units on the site.

Mr. Jonathan Vos of the Montachusett Regional Planning Commission was introduced. Staci Donahue asked if he were able to attend Town Meeting. Mr. Vos said he would be there Saturday and did not think anything had been overlooked.

Arielle Jennings brought up some of the out-reach done by Planning Board members. Donahue had put up a post on Next Door and visited the Council on Aging. Thornton is going to put additional information on Facebook. Cabelus thanked everyone for trying to get the word out and mentioned that O'Connor had been to the Men's Coffee at the Council on Aging. O'Connor said that visit to COA went well.

Dr. Justin Brown of Park Lane was recognized by Chair Cabelus. Brown expressed his admiration and gratitude for the Planning Board's efforts on this item.

Motion: Stacia Donahue made the motion to continue the Special Public Hearing on to Saturday, 6<sup>th</sup>, April 2024 at 11:45am at the entrance to the Bromfield School gymnasium.

Seconded by Doug Thornton

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

*Motion passed unanimously.*