

Posted March 4, 2021 @ 12:45am by LA
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**TOWN OF HARVARD
PLANNING BOARD AGENDA
MONDAY MARCH 11, 2021 @ 7:00PM**

This meeting will be held virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A. S.20. Interested individuals can listen in and participate online and/or by phone by following the link and phone number below.

Written public comments on any of the items listed below is strongly encouraged and can be submitted to lallard@harvard.ma.us until 3:00pm on March 11, 2021.

UpperTH ProWebinar is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/86231965894?pwd=MXIPWXI1SnJUUN6b3dDTXZYN1Bpdz09>

Meeting ID: 862 3196 5894

Passcode: 175195

One tap mobile

+19294362866,,86231965894# US (New York)

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Meeting ID: 862 3196 5894

Find your local number: <https://us02web.zoom.us/j/86231965894>

A) Board & Committee Updates

- **Ayer Road Revitalization Summary Sheet**
- **Climate Resiliency Working Group**

B) Approve Minutes

C) Discuss Annual Town Meeting Bylaw Amendments








- **Section 125-18.1 - Accessory Apartments**
- **Section 125-18.2 - Affordable Accessory Apartments**
- **New Section 125-57 - Senior Housing**

**NEXT SCHEDULED MEETING:
MARCH 15, 2021**

Ayer Road Revitalization Plan

Description of Project Funding Request for Annual Town Meeting (ATM)

Spring 2021

ATM Request – The Planning Board requests \$200,000 from Capital Funds to produce legislation to revitalize the Ayer Road corridor that aligns with the rural character of Harvard. These funds support a community led process to define a vision for the corridor in the first 2 phases of a 3-phase plan described below.	
Challenges – (1) Harvard has a structural budget flaw overly reliant on a residential tax base (2) The commercial district contains a patchwork of businesses characteristic of slow suburban sprawl that does not positively reflect Harvard’s rural character (3) Restrictive zoning and limited connectivity between parcels dissuades business from locating in our community (4) Past efforts at incremental zoning changes have demonstrated that a new vision is required to revitalize this district and diversify the town tax base	
Status Quo – Current zoning provides a defensive network to restrict growth in the corridor. Growing pressure from the outward expansion of Boston exacerbated by the COVID-19 public health crisis may overwhelm this deterrent and lead to rapid advancement of suburban sprawl lacking in a cohesive vision.	
The Harvard Solution – A community-led process to establish a unique vision for the corridor and produce zoning legislation to present at ATM. This effort follows a three-phase “smart-growth” initiative as follows:	
<ul style="list-style-type: none"> • Phase 1 Market Analysis and Fiscal Impact (~\$45,000, 6 months) – An initial market study will determine possible uses and scale of development that the district can support. A fiscal impact analysis will provide an estimate of tax and other revenues matched to each corresponding development level. Phase II will commence if a positive fiscal outcome is determined. 	 <p>What can be done?</p>
<ul style="list-style-type: none"> • Phase 2: Vision Plan (~\$140,000, 12-14 months) – The citizens of Harvard are passionate about their rural community and will play a key role in defining the vision of the corridor based on the possibilities established in Phase I. Outside consultants will guide a public process for the community to develop a clear direction for the corridor including protection of open space, traffic solutions for enhanced safety, infrastructure considerations for water and sewer, and clear definition uses and scales of uses. 	 <p>What should be done?</p>
<ul style="list-style-type: none"> • Phase 3: Form-Based Code (~\$120,000, 3-10 months) – The Phase II plan will be transformed into the formal legal language of zoning to establish the citizens’ vision. A form-based code is the most appropriate zoning tool to give Harvard the capacity to guide the destiny of development along the Ayer Road corridor. A new zoning bylaw will be presented to ATM for a vote. 	 <p>How is it implemented?</p>
Return on Investment (ROI) – This request represents an internal investment in Harvard that offers to establish a sustained income stream in the form of revitalized commercial tax revenues. Additional dividends in the form of permit fees and higher tax values partners with the recirculation of local dollars within the community to reduce economic leakage that occurs now.	
Other Benefits – The “smart growth” strategy creates a connected district amenable to pedestrians and cyclists that facilitates greater social interaction. In addition, it protects valuable open spaces and natural areas. Finally, it introduces a variety of housing types for seniors and other underserved sectors, creates jobs, and enhances local shopping and service uses for our community.	
<p>See the Frequently Asked Questions on the rear of this sheet and visit our webpage for more information: https://www.harvard.ma.us/economic-development/pages/ayer-road-planning-framework-project </p>	

Ayer Road Revitalization Plan

Frequently Asked Questions (FAQ)

Q: Why should we spend any more money on another plan? We keep funding plans and nothing happens.

A: This plan is different and the first time Planning Board has connected feasibility with citizen desires and zoning in a single effort. Past attempts have faced fits and starts as a direct consequence of the demands on a single volunteer board to execute in isolation. For this project, the Planning Board seeks to embrace the citizenry to articulate the vision for the Ayer Road commercial corridor and produce zoning based on that vision. Phase 3 will produce zoning legislation for ATM.

Q: Have you seen this year's budget? Why not just fund Phase I and revisit Phase II next year?

A: The Planning Board presented Phase 1 at ATM in Spring 2020. It was not funded because it was isolated from the larger vision and could "sit on a shelf" like all past studies if the next phase of funding was not awarded in a timely manner. At this time, the Planning Board would prefer to fund all three phases but has scaled back this request due to the current budget challenges and the opportunity to find supplemental funds for Phase 3 through grants.

Q: Why does the Town have to fund this? Aren't there grants for these kinds of projects?

A: The Planning Board has requested funds for this project from state and regional agencies such as MassDevelopment as well as other sources. Past reviews have been favorable; however, reviewers respond more favorably when building on initial community investment. In addition, Harvard is a small community with relatively high income, and grants are often prioritized for larger communities with fewer resources. This modest request for Phases 1 and 2 independently defines our own future while increasing the chances of follow-on funding to complete the project.

Q: Isn't reincorporation of Devens the real solution to a commercial base and the way to establish tax revenues?

A: There is no certainty to taking back Devens lands, and no guarantee that if we do, it will be revenue positive. It may take 12 years or more for such a solution to be forthcoming. Meanwhile, we have a nearly 400-acre area within the current limits of town that can serve as a significant economic development boost for our area.

Q: What about traffic, noise, and other quality of life issues? Won't the development of the Ayer Road corridor result in traffic jams, pollution, excess noise, and the destruction of our wetlands and other natural areas?

A: These are key reasons why this plan was developed. Harvard is unique and should have its own unique commercial district that nestles into the rural landscape. The vision plan will identify important natural areas to protect in perpetuity, introduce traffic calming measures, and enable more pedestrian and bike-friendly environments to serve as a welcome destination for residents and visitors alike.

Q: This will change the very character of Harvard and turn us into an Acton or Natick. Why would we want to do that?

A: The Planning Board proposes this plan so as not to alter our character. In fact, the goal is to enhance our character with the kind of businesses and architecture that Harvard residents take pride in.

Q: Why can't the Director of Community and Economic Development execute this project? Isn't that why we created this position?

A: Our director helped identify and define this kind of project in recognition of the challenges past boards have faced and the uniqueness of the rural landscape. Management of this project extends beyond a single individual and requires time and attention beyond the capacity of current staff; however, the staff provides the interface between consultants and citizenry to guarantee the project team provides the level of service that is needed to carry out the work.

Q: Why can't we just leave well enough alone and do nothing?

A: There are a number of sites along Ayer Road right now that do not reflect the rural character of Harvard. The area is more attractive to developers interested in self-storage warehouses, large apartment complexes, and industrial and automotive-related uses. For Harvard to ensure that the area is developed based on a positive vision will require proactive planning on the part of all of us.

Q: How do we know this funding is sufficient? Will you need more next year?

A: In September 2020, the Planning Board received responses to a Request for Information (RFI) from a variety of consulting firms that specialize in guiding communities through these kinds of projects. A number of attractive proposals are available for review and in line with the cost request (Figure 1). See [website](#) on front page for more information.



Figure 1: Excerpt from Town Planning and Urban Collective (TUPD) RFI Response.

**HARVARD PLANNING BOARD
MEETING MINUTES
OCTOBER 19, 2020**

Chair Brown called the meeting to order at 7:05pm virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

Members Present: Justin Brown, Fran Nickerson, Stacia Donahue, Gwen Leonard, Jane Biering and Rebecca Kelley (Associate Member)

Others Present: Christopher Ryan (Director of Community and Economic Development), Liz Allard (Land Use Administrator) Matt Flokos (Harvard Press) and Beth Williams (Counsel on Aging)

Review Bylaw Amendments from Strategic Planning Session

In July the priorities in regards to bylaw amendments were:

1. Open Space Residential Design
2. Senior Residential Development
3. Town Center
4. Scenic Roads
5. Multifamily District
6. Recodification of Protective Bylaw
7. Rural Life

After briefly discussing the Board agreed to change the priority order with Senior Residential Development (SRD) as the top priority and Open Space Residential Design as the seconded priority.

In regards to SRD, Nickerson suggested speaking with real estate agents to put them on alert as to what is going on for available land around Town. Ryan intends to have focus groups that will include realtors, along with asking regional agency to map available land area, which the members should start taking a look at too. Donahue stated while reviewing maps for SRD the Board should not forget about finding locations for the Multiple Residential District.

Discuss Chapter 125-57 Senior Residential Development Bylaw

Brown expressed the objective for this Bylaw, which is to diversify our housing production, since the bulk of the housing stock in Harvard are single family homes. The median number of rooms in the standard Harvard house is eight, whereas the State average is 5. In regards to number of bedrooms, Harvard has on average four, whereas the State average is less than four. This is what the Board is trying to address with this bylaw. Brown questioned whether public comment is constructive and what is the real motivation behind the comments. Those who comment should offer solutions to assist in the Board's effort. The Board needs to encourage public engagement through the public meeting process. Brown is excited about how the Board is engaged in the process, but not excited about late requests for information. Brown suggested as the Board moves forward try to ask questions early on. Brown is disappointed by people pretty much saying they do not want to have seniors in this community.

Biering feels strongly about one thing she learned, that was the Board should have started with input. That is the reason she believes the Board found ourselves scrambling at the end. Getting comments before preparing a draft is key. Kelley stated it is hard for someone to comment on something without actual language. Leonard believes concepts should be a first step.

Brown stated discussions in regards to a Bylaw of this type started in 2016 and is surprised by two former Board members being so against this Bylaw. Nickerson stated the 2006 and 2016 surveys by Council on Aging (COA) were comparably the same, as seniors were leaving Harvard because there was no where for them to downsize to. Nickerson stated until you are that situation you don't really understand what the problem is; adding, there is no question there is a major need in Harvard for this type of housing.

Donahue feels similar to what everyone is saying and the next steps should include a parcel that shows the different proposed types of SRD and to get that to the COA and others for feedback.

Beth Williams who has been in Town for over 40 years and on the COA since 2004, stated this is the first time she has seen these types of developments being purposed. Williams stated it is nice to see, as Harvard needs the diversity. Rich Maiore stated the Board has taken on something that past Planning Boards have not done and commended the Board for taking it on.

Ryan needs traction on getting the reserve fund transfer of \$2000 for further outreach associated with the SRD Bylaw. Brown will follow up with Maiore, who happen to have left the meeting. The Board really needs to start looking at the zoning map as to where they realistically believe the different types of development can be located. Kelley asked about the criteria on these proposed plans. Ryan stated the maximum standards are to be used, adding a selection of parcels having at least one for each type would assist in showing what can be done under this bylaw. Kelley followed up with what types of land are we considering; ones that are for sale. Brown feels the Board should have the property owner's permission to create these maps.

At this point in the discussion Brown suggested the following action items for the next meeting: reviewing plan and density.

Biering suggested revising the proposed next steps and framework into four parts:

- I. Reflection, Visioning, Questions and Merge the Visions (Steps 1-4)
- II. Input from Residents & Experts
- III. Revise Bylaw (Steps 5 & 6)
- IV. Outreach (Steps 7-9)

The Board discussed the time table and concluded Leonard and Biering Gwen would work it out better for the next meeting. Kelley will continue to work on the survey.

Update on Ayer Road Corridor Plan

Ryan reminded the Board that although funding for this plan was denied at the Annual Town Meeting, the recently received Request for Information provided a lot of feedback on the matter. Ryan is meeting with Capital Planning and Investment Committee (CPIC) tomorrow on a request to fund this plan. This funding would provide visuals for what would work here in Harvard along the corridor. The entire plan could be completed in three phases; if CPIC approved funding all three could be done by the same consulting group, ideally. If it is determined that any phase is a deal breaker then the Board would stop at that point and return the funds to CPIC. Ryan believes this would be a 10-24 months process from start to finish and receiving all of the funding now would keep the momentum going.

Leonard asked what could be completed with less money. Ryan stated Phase 1 could be completed with \$30-40k. Ryan noted these funds are dedicated for making improvements on the Town, and do not increase any burden to the residents, with the potential to create a better revenue stream out of the commercial district. It would be the Town investing in itself.

Biering made a motion to endorse the 3-Phase Plan of the Ayer Road Corridor as to be presented to the Capital Planning and Investment Committee. Nickerson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Leonard, aye; Biering, Aye; and Brown, aye.

Board Member Reports

• Representatives & Liaison Reports

- **All Boards Meeting** – Brown attended this meeting, at which a level-funded budget across all departments is being required due to the major fiscal challenges; State budget is coming up \$4 million short this year, which means the money Harvard receives will be less overall; State is pulling \$900 million from rainy day fund; and the Town is looking to the Planning Board for Senior Housing Development.

- **Municipal Affordable Housing Trust (MAHT)** – Nickerson as a member of this committee was in attendance at their most recent meeting at which new members were brought up to date on matters facing the MAHT
- **Master Plan Implementation**
 - Biering has provided reports on Board of Health, Department of Public Works and Energy Advisory Committee, but still unable to connect with the Water & Sewer Commission
 - Members were reminded to review who they are liaisons to and to follow up with them
- **Scenic Road Bylaw** – Leonard feels the current bylaw lacks details in process and enforcement. She has researched 30 other towns bylaws and feels improving Harvard's bylaw is another way Harvard can invest in their community. Leonard would like to include regulations on signs, fences, and standing solar panels to be included, but have not found any language in the other Towns she has researched. Ryan will assist Leonard by reaching out to the MassPlanners listserv on this matter.
- **Transportation Committee**
 - Donahue made a motion formally approving the creation of a Transportation Committee. Leonard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Leonard, aye; Biering, Aye; and Brown, aye.
 - Ayer Road Transportation Improvement Project
 - ❖ Brown wonders if there is value in holding another public informational session to re-address the status of the project. Donahue stated yes in order to keep it fresh in people's minds. Ryan will update the website to reflect the choice of design number 3 as the final design. Kelley expressed concerns with crosswalks, she is looking for better plan detailing how many and where they will be located along Ayer Road. Ryan stated the plan is for two at beginning and end of the corridor. Brown requested as new information is added to the website that old information be preserved as well.
- **Community Matters**
 - **Bromfield House Follow-up** – Town meeting gave control of the Bromfield House to the Select Board, who must return to Town Meeting before making a final decision. The Board discussed the idea of this location for senior housing. Donahue would like the Building Commissioner to assess the building before the Board has any further discussions. Leonard would think that it would be up to a developer to bring the property up to standards as opposed to the Town. Brown suggested just sending a letter to the Select Board, as opposed to the previous voted upon proclamation. Ryan stated the house is located in such a strategic location, that care and thought should be put into the development of this property. Biering likes the idea of a letter to the Select Board. The letter can request a walk through as well. Ryan will work with Leonard on this letter.
 - **Open Hearings** – Brown detailed the roles of members during the application process and not creating conflicts outside of the public meeting. Encourage comments and questions be directed to staff. Recent comments in regards to a current application and the Select Board liaison have been resolved, as there has been found to be no open meeting law conflict.

Director's Update

Covered under other topics tonight

Approve Minutes

This item was passed over.

Adjournment

At 10:24pm, Donahue made a motion to adjourn the meeting. Leonard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Leonard, aye; Biering, Aye; and Brown, aye.

Signed: _____ Liz Allard, Clerk

165 **EXHIBITS & OTHER DOCUMENTS**

166

167

- Planning Board Agenda October 19, 2020

168

- Director of Community and Economic Development Update, October 19, 2020

169

- Senior Residential Development Bylaw Proposed Next Steps and Framework, October 2020

170

- TOWN OF HARVARD PLANNING BOARD STRATEGIC PLANNING SESSION, JULY 18, 2020,
prepared by Liz Allard

171

172

- HARVARD PLANNING BOARD MEETING MINUTES, JULY 20, 2020, prepared by Liz Allard

DRAFT

**HARVARD PLANNING BOARD
MEETING MINUTES
NOVEMBER 2, 2020**

Chair Justin Brown called the meeting to order at 7:00pm virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

Members Present: Justin Brown, Fran Nickerson, Stacia Donahue, Jane Biering, Gwen Leonard and Becca Kelley

Others Present: Christopher Ryan (Director of Community and Economic Development), Beth Williams, Cameron Caroom, Brandon Ducharme (Ross Associates, Inc.), Tom Cotton (Harvard Conservation Trust), James Ellis, Rich Maiore, and Matthew Flokos (Harvard Press)

Approval Not Required Endorsements (7:00pm)

• **19 South Shaker Road**

Donahue made a motion to endorse the "Plan of Land in Harvard, Mass. owned by Stone Realty Trust", Job No.: 33275, Plan No.: L-14086T, prepared by David E. Ross Associates, Inc., September, 2020. Nickerson seconded the motion. The vote was unanimously in favor of the motion by roll call vote; Donahue, aye; Nickerson, aye; Biering, aye; Leonard, aye; and Brown, aye

• **55 Whitney Road/68 Littleton Road**

Donahue made a motion to endorse the "Plan of Land in Harvard, Mass. prepared for Cote Contracting LLC", Job No.: 33349, Plan No.: L-14139, prepared by David E. Ross Associates, Inc., October, 2020. Nickerson seconded the motion. The vote was unanimously in favor of the motion by roll call vote; Donahue, aye; Nickerson, aye; Biering, aye; Leonard, aye; and Brown, aye

Driveway Site Plan Review – Aldrich, 168 Bolton Road

Brandon Ducharme, from Ross Associates, Inc., was present to represent the applicant. Ducharme explained the site plan calls for the extension of existing driveway to the new house location. The existing house was removed and the new house will be further back on the property. Ducharme explained how new design will comply with the Town's driveway standards. There is no need to file an application with the Conservation Commission for this development as it does not encroach on any existing wetland areas. Ryan noted that Allard thought a peer review of this application would not be required as the driveway is mostly existing and does not impact wetlands. The Department of Public Works will be reviewing the plan for connection to the road, at that time perhaps they could review the entire driveway for compliance with the Bylaw.

Leonard asked about the cut in the scenic road stone wall, which there was no plan included with the application. Ducharme noted that the existing cut in the stone wall was to remain as is and there will be no tree removal within the right-of-way. Donahue noted that erosion control was not shown on the plans as it's not required, however with a previous application before the Board there was concern about the wetlands on the adjoining property being impacted by the construction run off. It was requested that Allard be consulted and erosion control measures added if it were determined to be needed.

Donahue made a motion to approve Driveway Plan, for Nathan Aldrich, 168 Bolton Road, Harvard, MA Job No.: 33340 Plan No.: L-14129 prepared by David E. Ross Associates, Inc., with the conditions that the Conservation Agent looks at the erosion control barrier and the Department of Public Works looks at the construction of the driveway. Nickerson seconded the motion.

Biering suggested a friendly amendment, to which Donahue made a motion include the conditions that the Conservation Agent assesses the need for erosion control and the Department of Public Works inspects the driveway construction. Nickerson second the motion. The vote was unanimously in favor of the motion by roll call vote; Donahue, aye; Nickerson, aye; Biering, aye; Leonard, aye; and Brown, aye

Donahue then made a motion to approve Driveway Plan, for Nathan Aldrich, 168 Bolton Road, Harvard, MA Job No.: 33340 Plan No.: L-14129 prepared by David E. Ross Associates, Inc. Nickerson second the motion. The vote was unanimously in favor of the motion by roll call vote; Donahue, aye; Nickerson, aye; Biering, aye; Leonard, aye; and Brown, aye

Communicating with the public

The Board discussed what they are allowed to discuss outside of Planning Board meetings. The general intent is to point people back to the public record. Members should be careful about topics related to open hearings. General information about Board happenings is fine, but open hearings need to be 'listen only' and can't really respond. In regards to the Protective Bylaw, try not to 'interpret' them for anyone. Let people figure it out on their own as they are legal documents once they have passed and need to be interpreted professionally, not by Board. Biering noted that our meetings should be listed in the 'meetings and hearings' section of the Harvard Press.

Discuss Chapter 125-57 Senior Residential Development Bylaw

• Process and Timing

- Reviewed the senior housing development project timeline by Leonard.
- Reviewed project kick-off thoughts by Biering, who has drafted something for the Bylaw to announce in the Harvard Press.
- Reviewed the thought of having an informal sub-committee or group, which would not have meetings or responsibility, but a loose knit group of people to ask about back history on the project. Good will ambassadors for the Bylaw as it moves forward is the hope.
- Donahue expressed concern about the schedule/time and input. Concerned about burnout as the Board members are all volunteers and our staff time is very limited. The Board also have other tasks from the Master Plan.
- Input, revision, outreach is the mantra for moving forward.
- Bylaw language will be complete by March, then work to get support during April and May

• Survey

- Nickerson feels survey will be same as the last two conducted by the Council on Aging; other members feel the survey will be different this time since the questions will be different and will provide different information than the last time.
- There will be two separate surveys – one for seniors and one for non-seniors

• Reflection on Process / Vision Exercise

- Ryan reviewed what is in the visioning exercises to help keep the members focused.

Board Member Reports

• Representatives & Liaisons Update

- Donahue stated **Parks & Recreation Commission** will be applying to the Community Preservation Committee for funding to study a possible use for the parcel along Pond Road; wanted to know if the Board had any plans for that parcel with regards to the Town Center upgrades.
- Transportation Improvement Project** – there are no available funds to include The Engineer Company (TEC) at the most recently discussed public input meeting, however Board members still want to have the meeting to bring it keep fresh in the resident's minds. Any questions that arise at this meeting can be brought back to TEC. Kelley

wanted to make sure that Option 3 is updated on the website and that it's the only thing showing; she is having trouble finding the 'final' version. Website needs to be update to status of current project. Ryan will look to put Option 3 in the forefront of the website and move option 1 and 2 lower on the page, but keep them on the page in case we are forced back into either of those options.

Approve Minutes

Donahue made a motion to approve the minutes for July 6 and 18, 2020 as amended. Nickerson seconded the motion. The vote was unanimously in favor of the motion by roll call vote; Donahue, aye; Nickerson, aye; Biering, aye; Leonard, aye; and Brown, aye

Approve Invoice

Donahue made a motion to approve the invoice from the Harvard Press in the amount of \$240.00. Nickerson seconded the motion. The vote was unanimously in favor of the motion by roll call vote; Donahue, aye; Nickerson, aye; Biering, aye; Leonard, aye; and Brown, aye.

Adjournment

Biering made a motion to adjourn the meeting at 9:58pm. Donahue seconded the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, abstained; Biering, aye; Leonard, aye; Brown, aye.

Signed: _____ Liz Allard, Clerk

EXHIBITS & DOCUMENTS

- Planning Board Agenda November 2, 2020
- Planner Update – November 2, 2020
- Plan of Land in Harvard, Mass. owned by Stone Realty Trust, Job No.: 33275, Plan No.: L-14086T, prepared by David E. Ross Associates, Inc., September, 2020
- Plan of Land in Harvard, Mass. prepared for Cote Contracting LLC, Job No.: 33349, Plan No.: L-14139, prepared by David E. Ross Associates, Inc., October, 2020
- Driveway Plan, Nathan Aldrich, 168 Bolton Road, Harvard, MA Job No.: 33340 Plan No.: L-14129 prepared by David E. Ross Associates, Inc.,

**HARVARD PLANNING BOARD
MEETING MINUTES
NOVEMBER 16, 2020**

Chair Justin Brown called the meeting to order at 7:06pm virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

Members Present: Justin Brown, Fran Nickerson, Stacia Donahue, Jane Biering, Gwen Leonard and Becca Kelley (Associate Member)

Others Present: Christopher Ryan (Director of Community and Economic Development), Liz Allard (Land Use Administrator), Beth Williams (Council on Aging), Matthew Flokos (Harvard Press), Jim Burns (Conservation Commission), Eve Whittenberg (Conservation Commission), Mark Shaw (Conservation Commission), Don Ritchie (Conservation Commission), Paul Willard (Conservation Commission), Wendy Sisson (Conservation Commission), Bruce Ringwall (GPR, Inc.), Kyle Burchard (GPR, Inc.), Matthew Cote (Beals & Thomas), Stacy Minihane (Beals & Thomas), Dan Wolfe (Ross Associates), JC Ferguson (Tree Warden), Mari Avola, Andrew Gorman (Beals & Thomas) and Ron Henderson

Discuss November/December Meeting Schedule

Allard explained the reasoning for potentially adding a meeting on November 30th, with a potential of not meeting on December 21, 2020. Leonard requested 20 – 30 minutes to discuss the Scenic Road Bylaw if we meet on November 30th. All good with November 30th meeting.

Board Member Reports

- **Representatives & Liaisons Update** – No updates from members
 - Ryan stated the *Climate Resiliency Working Group* has broken up into three sub-groups:
 - Apple Country Natural Climate Solutions;
 - Outreach; and
 - Plan Development
- **Community Matters**
 - **Harvard Press Articles**
 - Brown explained the inception of having an article in the Harvard Press once a month that would be written by a rotating schedule of Board members. The Board members were amenable to the idea. Brown will draft first article, which will be a broad overview of work of the Planning Board for the December issue of the Harvard Press.
 - **Balloon Trial Photos, 12 Woodchuck Hill Road**
 - Board members discussed a recent request to add photos to the on-going list of comments for the application at this address. After briefly discussing the Board members agreed the person who provided the photos should provide written comments detailing the photos to be included with other comments.
 - Schedule Community Outreach Meeting for **Ayer Road Transportation Improvement Project**
 - December 17, 2020

Joint meeting with Conservation Commission Continuation of a Modification of a Special Permit & Driveway Site Plan Approval Hearing – Manganella, 175 Littleton County Road Approval Hearing Discuss Chapter 125-57 Senior Residential Development Bylaw. Opened at 7:40pm (see page 3 for complete details)

Scenic Road Consent and a Shade Tree Permit, Henderson, 108 Pinnacle Road. Opened at 8:42pm (see page 5 for complete details)

57 **Approve Minutes**

58 Biering made a motion to approve the minutes for July 20, 2020 as amended. Donahue
59 seconded the motion. The vote was unanimously in favor of the motion by roll call vote;
60 Donahue, aye; Nickerson, aye; Biering, aye; Leonard, aye; and Brown, aye.
61

62 **ZBA Request for Comments – 12 Woodchuck Hill Road**

63 Ryan stated he is concerned that the Board is not getting direct answers from the peer
64 consultant, Isotrope, for this application. Donahue noted Isotrope seems leery to say anything for
65 fear of lawyers. Biering noted the representative for Verizon stated the tower could be
66 constructed at a lower height. Based on the analysis of coverage at various heights Board does
67 not see a reason to allow the variance for the excessive height at 160'. In addition, the Board
68 agrees the variance for the setback could be allowed, however the applicant should provide
69 evidence as to why the tower needs to be located within the setback area. Ryan will draft formal
70 letter to ZBA.
71

72 **Chapter 125-57 Senior Residential Development Bylaw**

73 • **Review Schedule**

- 74 ○ The schedule is still on track.
- 75 ○ Biering requested the Board members spread the word in regards to the survey.
- 76 ○ Biering and Leonard are discussing the tabulating of the results.
- 77 ○ Kelly has posted the survey on NextDoor Harvard and comments have been good so far.
- 78 ○ All information should flow goes thru Ryan.
79

80 **Adjournment**

81 Donahue made a motion to adjourn the meeting at 10:26pm. Biering seconded the motion. The
82 vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Biering,
83 aye; Leonard, aye; Brown, aye.
84

85 Signed: _____ Liz Allard, Clerk
86
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89 **EXHIBITS & OTHER DOCUMENTS**
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- 91 • Planning Board Agenda November 16, 2020
- 92 • Director of Community and Economic Development Update November 16, 2020
- 93 • Residential Development, 175 Littleton County Road, Harvard, MA prepared for
94 Luciano Manganella, JOB 181080, prepared by GPR, Inc., August 2020
- 95 • Beals & Thomas Review of Notice of Intent (MassDEP File No. 177-0694) & Special
96 Permit Modification, 175 Littleton County Road, Harvard, Massachusetts, B+T Project
97 No. 3241.00, October 27, 2020
- 98 • GPR, Inc Response to Peer Review Comments Notice of Intent (DEP CE# 177-0694)
99 175 Littleton County Road, Harvard, MA, November 11, 2020
- 100 • GPR, Inc Response to Peer Review Comments Notice of Intent (DEP CE# 177-0694)
101 175 Littleton County Road, Harvard, MA, November 13, 2020
- 102 • Sewage Disposal System, Ronald Henderson, 108 Pinnacle Road, Harvard, MA, Job
103 No.: 33413, Plan No.: L-13328, prepared by David E. Ross, Associates, Inc., 9/29/20
- 104 • HARVARD PLANNING BOARD MEETING MINUTES JULY 20, 2020, prepared by
105 Liz Allard
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Harvard Planning Board

Joint meeting with Conservation Commission on the Continuations of a Modification of a Special Permit & Driveway Site Plan Approval & Notice of Intent DEP#177-694, Harvard#0820-04 Hearing Minutes

Luciano Manganella, 175 Littleton County Road

November 16, 2020

The Planning Board public hearing was opened at 7:40pm 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 in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

The Conservation Commission public hearing was opened at 7:41pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

Planning Board Members Present: Justin Brown, Fran Nickerson, Stacia Donahue, Gwen Leonard, Jane Biering and Rebecca Kelley (Associate Member)

Conservation Commission Members Present: Don Ritchie, Paul Willard, Wendy Sisson, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Christopher Ryan (Director of Community and Economic Development), Liz Allard (Land Use Administrator/Conservation Agent), Matt Flokos (Harvard Press), Bruce Ringwall (GPR, Inc.), Kyle Burchard (GPR, Inc.), Matt Cote (Beals & Thomas), Stacey Minihane (Beals & Thomas)

The Planning Board hearing was continued from October 5, 2020 filed on behalf of Luciano Manganella for modification of the existing common driveway special permit, and the construction of a driveway more than 300' in center-line length, which will include the replacement of an existing culvert and stormwater facilities for the control of stormwater at 175 Littleton County Road, Harvard.

The Conservation Commission hearing was continued from November 5, 2020 for a Notice of Intent for the construction of a single-family dwelling, barn, driveway, culvert replacement and stormwater facilities for the control of stormwater, involving the alteration of an intermittent stream and bordering vegetated wetland and activity within their associated 100' wetland buffer zone at 175 Littleton County Road, Harvard.

Bruce Ringwall and Kyle Burchard, of GPR, Inc, were in attendance to represent the applicant. Ringwall presented an overview of the site, which included a Special Permit for common driveway in 2000. The application before the Conservation Commission (ConCom) is for activity within wetland resource areas, including the existing fire pond. Ringwall stated a small portion of a 34-acre parcel lot is proposed to be developed for a single-family dwelling. Ringwall explained in 2000 when the common driveway was approved the branch leading to this lot was located on the west end of the existing fire pond. However, the new owner is requesting the driveway be relocated to the east end of the fire pond. This will require a new crossing over the existing intermittent stream. The site plan also details the construction of a barn for storage and a studio, which is intended for future development and will require a separate system. Grading for the septic system and the driveway will be within the wetland buffer zones on the site. As for the

proposed driveway, all of the requirement under Chapter 125-29B have been incorporated into the design.

Matt Cote, the Civil Engineer from Beals & Thomas (B&T), peer consultant for both Planning Board and ConCom, has reviewed the project in the aspect of the driveway. Cote stated he has no issues with the proposed slopes and comments in regards to curbing has been reconciled. Don Ritchie asked about the stormwater facilities and if Cote felt they were sufficient to contain the amount of water that will be coming of the driveway. Cote stated he is. Stacey Minihane, also from B&T, stated all comments provided with the first report have been addressed at this point.

Comments received from the Department of Environmental Protection (DEP) have also been responded to by GPR, Inc., with B&T agreeing with the proposed alternatives to file the application with ConCom as a Limited Project.

Ringwall reviewed GPR's response letter. Additional information in regards to the wetland replication has been proved to DEP.

Ryan stated the conditions within the 2000 Special Permit shall be incorporated into this new decision by the PB.

Ringwall stated comments received from the Harvard Fire Department are straight forward, with the easements for the fire pond and driveway covenant on file with the Registry of Deeds and at Town Hall.

A discussion in regards to the septic systems necessary for both the house and the barn was had. With the barn not being constructed in the near future and permits for the house not yet issued, Ringwall asked the Planning Board not tie the decision to the permits for septic.

Donahue made a motion to continue the Planning Board public hearing to December 7, 2020 at 9:00pm. Nickerson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Biering, aye; Leonard, aye; Brown, aye.

Burns made a motion to continue the Conservation Commission hearing to November 19, 2020 at 7:45pm. Shaw seconded the motion. The vote was unanimously in favor of the motion by roll call, Willard, aye; Burns, aye; Sisson, aye; Shaw, aye; and Ritchie, aye.

Signed: _____ Liz Allard, Clerk

222 **Harvard Planning Board**

223
224 **Scenic Road Consent Hearing Minutes**

225
226 **Ronald & Sandra Henderson, 108 Pinnacle Road**

227
228 **November 16, 2020**

229
230 The public hearing was opened at 8:42pm by Chair Justin Brown under MGL Chapter 40A the
231 Zoning Act and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually in
232 accordance with the Governor's Executive Order Suspending Certain Provisions of the Open
233 Meeting Law, MGL Chapter 30A §20.

234
235 **Members Present:** Justin Brown, Fran Nickerson, Stacia Donahue, Gwen Leonard, Jane Biering
236 and Rebecca Kelley (Associate Member)

237
238 **Others Present:** Christopher Ryan (Director of Community and Economic Development), Matt
239 Flokos (Harvard Press), Dan Wolfe (Ross Associates, Inc.)

240
241 This hearing is for Scenic Road Consent filed on behalf of Roland and Sandra Henderson, for the
242 construction of a driveway to serve a single-family dwelling and the removal of A 13" oak tree
243 within the right of way at 108 Pinnacle Road (Lot 1), Harvard.

244
245 Justin Brown stated as abutter to this location he has filed a conflict-of-interest disclosure with the
246 Town Clerk.

247
248 Dan Wolfe, of Ross Associate, Inc., was present to represent the applicant. Wolfe explained Lot
249 1 Pinnacle Road is part of the Poor Farm property. The application details the removal of one 13"
250 oak and the removal of a portion of stone wall to create a driveway. The stones removed from
251 the wall will be used as driveway radius. JC Ferguson, Harvard's Tree Warden, questioned if
252 driveway could be moved to the right. Wolfe stated there is a 14" oak in that direction and it
253 would put the driveway within the 50' wetland buffer zone, which would require a waiver from the
254 Conservation Commission. Ferguson wanted to know what would be planted to make up for the
255 loss of the 13" tree. Wolfe stated that replanting of a tree is not a condition of the application, but
256 he would be interested in knowing what Ferguson would recommend. Wolfe also noted the tree
257 in question is within the right-of-way (ROW) and a private resident cannot plant a tree within the
258 ROW. Ferguson did not have a problem with the removal of the 13" tree, but still wanted to know
259 what would be planted in its place. Wolfe offered to add a tree on the private property. Biering
260 asked if Ferguson would like the Planning Board to make it a condition of their decision to replant
261 a tree. Ferguson requested the addition of a tree to be similar to what we required of Lot 3
262 Pinnacle Road. Leonard noted that due to the age and size of the existing tree being removed
263 there should be a replacement tree to be selected by Tree Warden. This tree shall be zone 6
264 hardy, native to Massachusetts, 4-6" caliper, and nursery quality with a location to be selected on
265 site by Ferguson.

266
267 Ryan noted that the 35' flare at the end of the driveway seemed large compared to the size of the
268 driveway and that rocks removed from the ROW were going to be put on private property now.
269 Ryan suggested that the rocks needed to stay in the ROW as they are the property of the Town
270 of Harvard. Wolfe noted the 35' flair was put in to accommodate moving vans, oil trucks, and
271 most important the fire trucks. The Board determined Chapter 125-39A(5) states that driveway
272 radius should accommodate a truck with 45' training radius. The Board will defer to the
273 Department of Public Works (DPW) to have them review the driveway and the flair.

274
275 Leonard sated she visited the site and noted roughly 35 stones make up the opening, which
276 should be placed back to repair the parts being removed. Leonard noted the driveway was wider

277 than most others on that section and asked that the width be reviewed. Kelley asked what a
278 'normal' driveway opening was. Ryan stated noted the Board defers to the Department of Public
279 Works and many driveways may have been constructed before current standards were in place.
280 Leonard does not want the Town to lose the stones. Kelley noted the drawing shows the stones
281 reused which she felt was good. Wolfe stated stones would not leave the site or possibly still
282 remain in the right of way. Donahue noted that runoff and heavy rains come down Pinnacle Road
283 can cause a wash out in that area if the stones are removed. Wolfe noted that runoff goes along
284 the side of the road and not along the rocks. Kelley thinks the use of the rocks in the flair will still
285 be in compliance with the scenic road. Leonard asked if the homeowner would be open to
286 granite posts in lieu of the rocks at the opening. Wolfe did not agree to this request. Ryan stated
287 Leonard is working to upgrade the Scenic Road Bylaw and maybe in the future the Board may
288 have different issues, but right now all that can be done is being done.

289
290 Donahue made a motion to approve the Scenic Road Consent at 108 Pinnacle Road with the
291 following conditions:

- 292 1. Provide new, suitable tree, no more than 4" caliper to be confirmed by the Tree Warden
293 with a location to be selected on site by Tree Warden;
- 294 2. Disturbed stones should stay in the public Right-of Way; and
- 295 3. Town Planner to confirm minimum requirement for driveway connection with DPW and
296 fire.

297 Nickerson seconded the motion. The vote was unanimously in favor of the motion by a roll call,
298 Donahue, aye; Nickerson, aye; Biering, aye; Leonard, aye; Brown, aye.

299
300 Signed: _____ Liz Allard, Clerk
301

§ 125-18.1 Accessory ~~apartment-used~~dwelling units.

[Added 3-27-1982 ATM by Art. 37; amended 4-5-1986 ATM by Art. 33; 3-25-2006 ATM by Art. 10; 11-6-2017 STM by Art. 1

A. **Intent.** The intent of this bylaw is to provide the owner of a single-family residence the ~~possibility of establishing a single and separate opportunity to establish an~~ accessory ~~apartment~~dwelling unit (ADU) in a section of the residence or in an accessory building with no change in the principal use of the premises. The establishment of such ~~an accessory apartment~~ADU will be by special permit issued by the Zoning Board of Appeals ~~unless otherwise specified below~~. The outside appearance of the premises shall remain that of a single-family residence. The ~~apartment is~~unit ~~are~~ for the use of a limited number of persons, with no restriction on the relationship of the occupants to the owner. To be considered a separate ~~apartment, the apartment~~unit, an ADU must have its own kitchen, sleeping, and interior toilet and bath facilities, as well as a separate entrance. To be considered accessory, the ~~apartment~~unit shall be restricted in size relative to the primary residence, and must be clearly accessory ~~and subordinate~~ to the principal use of the premises as a single-family residence. ~~The apartment will~~Any such unit shall provide adequate privacy, safety, and convenience for the occupants. Establishment of ~~such an accessory apartment is~~ADU shall be as follows:

B. A. Requirements. ~~By special permit from the Board of Appeals, one accessory apartment~~

(1) Number and approach: One (1) ADU on a premises can be established, provided the applicant demonstrates ~~that adherence with the provisions of this section:~~

(a) (1) ~~—The outside appearance~~By special permit from the Board of the residenceAppeals; or

(b) ~~By right, provided the unit is designed and premises constructed according to Universal Design Criteria as defined in §125-57E.~~

(2) Dimensional requirements: The unit or units shall ~~remain that of a single-family premises. meet the following dimensional limitations:~~

(a) (2) ~~—The apartment~~ADU, whether located in a detached accessory structure or in the primary residence structure, shall occupy a maximum of 1,200500 square feet, but ~~in no more than 1/3 case shall the total square footage of the total usable~~ADU exceed one-third (1/3) of ~~the total habitable floor area of both the apartment and the primary residence. and the ADU.~~

(3) (3) ~~—Design:~~ Accessory dwelling units shall be designed and constructed as follows:

(a) ~~The apartment~~outside appearance of the residence and premises shall remain that of a single-family home.

(b) ~~The ADU~~ shall have its own separate entrance from the outside.-

(c) (4) ~~—The apartment~~ADU shall have its own kitchen, sleeping, interior toilet, and bathing facilities.-

(d) (5) ~~—The rooms in the apartment~~ADU shall have adequate ventilation and shall have heat that is adequately supplied and controlled.-

(e) ~~(6)~~ — The ~~apartment~~ADU shall ~~have smoke~~comply with all health and/or ~~fire detectors~~ safety requirements for residences.

~~(3)(4)~~ (7) — If the ~~Water and wastewater: The creation of the accessory apartment involves an increase in the count of the number of bedrooms, the addition~~any ADU must comply with standard Board of Health regulations for such an increase.-

~~B.C.~~ B. — **Limitations.** The special permit and/or building permit shall be issued only if ~~it~~the application contains the following limitations and conditions:

(1) ~~(1)~~ — The ~~premises~~owner shall continue to ~~be used~~reside on the property as ~~at~~their principal residence ~~by its owner.~~

(2) ~~(2)~~ — The number of residents of ~~the apartment~~any unit is limited to three, but no more than the number which ~~the Board of Appeals finds to~~is be consistent with the adequacy of the facilities provided.-

(3) ~~(3)~~ — All turnaround and parking areas shall be provided on the lot. As viewed from the street, turnaround and parking area should be that of a single-family ~~premises.~~ home.

D. ~~C.~~ Site plan standards. A special permit and/or building permit issued under this section, by itself, does not require separate site plan review under § 125-39. However, if any ADU results in new building area on the lot, an engineered site plan shall be required showing the addition and all relevant zoning dimensions to determine compliance with this section.

E. Review and approval. Accessory dwelling units shall be reviewed based on whether the unit includes universal design features as follows:

(1) Accessory dwelling units that are not designed according to the Universal Design Criteria provided in §125-57(E). Age-appropriate design, are required to file for a Special Permit with the Zoning Board of Appeals. Filings shall include an application, fee, engineered site plan as applicable, and building plans and elevations showing sufficient detail to determine compliance with this section.

~~(1)(2)~~ Accessory dwelling units that are designed according to the Universal Design Criteria provided in §125-57(E). Age-appropriate design, are required to file for a building permit with the Building Inspector. Filings shall include an application, fee, engineered site plan as applicable, and building plans and elevations showing sufficient detail to determine compliance with this section.

§125-57, Senior Residential Development

A. Purpose and Intent.

- (1) To address the town's demonstrated need for a variety of housing types, settings, and residential services to meet the needs of people as they age.
- (2) To permit the development of appropriately located, specially designed, and appropriately priced housing for seniors who would otherwise not have such housing opportunities within the town.
- (3) To provide opportunities for Harvard residents to age-in-place.
- (4) To allow flexibility in land use planning in order to improve site layouts, protect natural features and environmental values, and use land in harmony with neighboring properties;
- (5) To encourage the implementation of "Smart Growth" and sustainable development techniques to reduce land consumption and sprawl, provide for open space preservation, expand housing options, and encourage re-use of existing structures;
- (6) To reduce the typical costs of providing municipal services to residential developments;
- (7) To allow a type of development which has positive fiscal benefits to the Town; and
- (8) To protect Harvard's rural New England character by permitting the development of residential housing in clusters and village-like settings, in a manner which is in harmony with Harvard's historic development pattern, preserves and protects its natural resources, and is pedestrian friendly.

B. Applicability.

- (1) The Planning Board may approve a site plan or grant a Special Permit for a Senior Residential Development project in accordance with this Section 125-57 based on the requirements of the applicable section below.
- (2) A Senior Residential Development is one that anticipates and is marketed to people age 55 or over or age 62 and older strictly following the U.S. Department of Housing and Urban Development (HUD) requirements (See CRF Title 24, Subpart E, 43 U.S.C. § 3601 *et seq.*, and Massachusetts General Laws Chapter 151B). Specific age-restriction criteria is provided in Section C(3) below.
- (3) Senior Residential Developments are restricted to the criteria and zoning district(s) specified in Section G. below.
- (4) The provisions of this Section are exempt for Accessory Dwelling Units (ADUs) except for Age-Appropriate Design.

C. General Compliance

- (1) A Senior Residential Development proposal must comply with all other applicable Town Bylaws, and the applicable rules, regulations, and requirements of all departments, boards, and

commissions, including the special requirements of the Historic District and the Groundwater Protection Overlay District. For development proposed as part of this Bylaw, the provisions of Chapter 125, shall apply in full except where in conflict with this Bylaw. In the latter case, this Bylaw shall supersede.

- (1) Local Preference – The applicant is encouraged to provide, for an initial limited duration, a local preference program for the purchase or lease of dwellings unit. Fifty (50%) percent of units shall be offered to Harvard residents from the initial sale or lease up to 120 days beyond.
 - (a) Residency in Harvard shall be established through Town Clerk certification based on the Town Census, voter registration, or other acceptable evidence, as determined by the Town Clerk.
 - (b) Purchaser/Tenant Selection - Procedures for the selection of purchasers and/or tenants shall be subject to approval by the Town of Harvard or its designee.
 - (c) The developer of the Senior Residential Development shall make a diligent effort to locate eligible purchasers or renters for the Senior Residences who meet the local preference criteria.
 - (d) Exemptions: Assisted Living facilities shall be exempt from this provision.
- (2) Age Restriction¹ - A Senior Residential Development may impose an age restriction described in a deed, deed rider, restrictive covenant, or other document that shall be recorded at the Registry of Deeds or the Land Court. The age restriction threshold shall meet the requirements of the Housing for Older Persons Act of 1995 (HOPA). In addition:
 - (a) For communities or units intended to be marketed to and occupied by residents age 62 or older, the age restriction may be comprehensive and applied to all units.
 - (b) For communities or units intended to be occupied by residents age 55 and older
 - [1] At least eighty (80%) percent of units shall be occupied by at least one (1) person who is 55 years of age or older.
 - [2] The facility must publish and adhere to policies and procedures that demonstrate the intent to operate as “55 or older” housing.
 - [3] The facility must comply with the U.S. Department of Housing and Urban Development (HUD) regulatory requirements for age verification of residents.
 - (c) The age restriction shall run with the land in perpetuity and shall be enforceable by any or all of the owners of dwelling units in the senior residential development or by the Town of Harvard.
 - (d) Note specifically related to projects that shall include affordable units under the Local Initiative Program (LIP):

Commented [CR1]: Check Section 2 with AG office and Town Counsel.

¹ See https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_housing_older_persons

- [1] Projects that intend to include a strict over-62 restriction are not eligible for inclusion in the LIP program and shall not be eligible for the Inclusionary Housing density bonus.
- [2] Projects that propose LIP units shall not exclude persons under 18 years of age from occupying the affordable units as long as at least one occupant is over the age of 55.

D. Basic Development Requirements.

- (2) **Maximum Number of Senior Housing Dwelling Units in Harvard** – The maximum number of permitted housing units within all permitted senior housing developments in the Town of Harvard shall be limited to a number equivalent to 15% of the existing total residential housing units located in the Town of Harvard. For the purpose of this bylaw, the number of residential housing units shall be as established by the Board of Assessors as of January 1 of the calendar year. The Planning Board may waive this limitation if the Board finds that the proposed development fulfills a critical senior housing need for the Town of Harvard or the surrounding region.

Pace of Development – A maximum of 100 units may be approved by Special Permit on an annual basis but no more than 30 units may be permitted in any one year. One exception is that the Planning Board may approve larger, master planned developments that may allow for more than 100 units approved on a per project basis as follows:

- (a) The project is exceptional in meeting all of the stated purposes and intents as per Section A above, undisputedly meets all 20 of the development standards as described in Section F below, and meets all criteria in Section 125-46C, Special Permit Authorization.
- (b) The total number of units approved for a larger project would be annualized. For example, a project approved with 225 units would extend a cap over a period of 2.25 years.
- (c) The only new Senior Development Units permitted over this cap period shall be accessory, infill, or conversion units.

E. Age-Appropriate Design.

- (1) A Senior Residential Development shall be designed to provide housing options in a setting that encourages and supports aging in community. Units for seniors must be “visitable” and designed for people as they age. At minimum, these terms mean that a Senior Residential Development shall have the following features:
 - (a) At least one (1) zero-step entrance,
 - (b) Doorways with a 36-inch clear passage space,
 - (c) Master bedroom and an accessible en-suite bathroom located on the same floor as the kitchen, living room, and dining room, all being on the same floor as the zero-step entrance,
 - (d) Master bedroom and en-suite bathroom designed and equipped for seniors and people mobility impairments, and
 - (e) For developments with three or more units, the following provisions must apply:
 - [1] Covered, indoor or structured parking.
 - [2] Any structure with three (3) or more units shall, at a minimum, comply with the accessibility requirements of the Massachusetts Architectural Access Board.

Commented [CR2]: Need specific standards...ask Jeff Hayes.

- [3] Outdoor facilities, such as walkways, gardens, and recreation areas, shall be designed for universal access as provided in the Federal Fair Housing Act and the Americans with Disabilities Act, as amended.

F. Development Standards.

As part of the Planning Board's site plan and special permit review process, the Board shall evaluate the proposed Senior Residential Development for conformance to the following minimum design standards as they may be applicable.

(1) Development design shall conform to the requirements of the applicable section of the Harvard Protective Bylaw for the type of development noted in Section G. below.

- (1) Senior Residential Developments shall, as applicable, meet the requirements of Residential Design Requirements provided in Chapter 133, Article X, Design Review, of the Town of Harvard Bylaws.

G. Senior Residential Development Types

This bylaw provides for two (2) Senior Residential Development types as follows:

- (1) Senior Accessory Dwelling Units
- (2) Assisted-Living Senior Residential (ALSR)

General provisions covering all developments shall be provided in Sections D-F. Applicants should also refer to Chapters 125-38, 39, and 46, as these may be relevant to the application as well.

- (1) Senior Accessory Dwelling Units (SADU) – Senior Accessory Dwelling Units shall be permitted as a part of §125-18.1
- (2) Assisted-Living Senior Residential (ALSR) – Communities that offer a multi-faceted residential setting that provides personal care services, 24-hour supervision and assistance, and activities and health-related services for seniors, located within ARV-SP districts. Requirements for ALSR developments are provided in §125-52(I).