

**HARVARD PLANNING BOARD
MEETING MINUTES
DECEMBER 6, 2021
APPROVED: DECEMBER 20, 2021**

Chair Justin Brown called the meeting to order at 7:02pm virtually, pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures adopted during the State of Emergency and signed into law on June 16, 2021, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

Members Present: Justin Brown, Stacia Donahue, Richard Cabelus, Brian Cook, Doug Thornton and Jefferson Burson (Associate Member) (Arrived at 7:16pm)

Others Present: Christopher Ryan (Director of Community & Economic Development), Liz Allard (Land Use Administrator), Steve Nigzus, George Proakis, Valerie Hurley (Harvard Press) and Timothy Greene

Public Comment

There were no comments from the public this evening

Form-Based Code with George Proakis

Ryan introduced George Proakis, the Director of Strategic Planning and Community Development in Somerville. Proakis stated his goal for the evening is to explain form-based code (FBC) and how it can fit into Harvard, with a focus on what the tool can do for Harvard.

Conventional zoning tools challenges include:

- Emphasis on regulation by use
- Density regulations often do not address form or design
- Design is often covered in a 'guideline'
- Administration struggles to balance certainty and flexibility
- Systems are established to use 'nonconformity' review as a proxy for 'design review'
- Difficult to build public support for regulatory changes because it is difficult to answer the 'what will it look like' question

Conventional zoning existing tools include:

- Setbacks
- Floor area ratio
- Open space
- Regulation of uses

These existing tools traditionally work well to address single-family homes, but New England has traditional town centers and trying to create commercial district in these areas conflicts with what town centers looks like.

The differences between FBC and conventional zoning are:

- Public can see 'what happens where'
- Reflect a diversity of architecture within a community vision and legal framework
- Define and codify a neighborhood 'DNA'
- Concise, organized, and written for nonplanners to understand

FBC allows a community to achieve a desired outcome, with benefits such as:

- Codes the outcome of a planning process
- Helps the community understand outcomes in physical form
- Facilitates high-value development in areas where feasible

Benefits to property owners include:

- Certainty on development options
- Development ideas tested in the planning process
- Confidence that neighbors will be held to same high standards

Types of Districts include:

- Town-wide applications
- Commercial centers and Neighborhood Squares
- Areas for transformation
- Special development districts

Five Tools for FBC:

- 1.Successful codes that connect desired outcomes with the right permitting authorities;
- 2.Plan first, develop second;
- 3.Measure what matters;
- 4.Putting together the code; and
- 5.Good Code = Good Results.

Donahue asked about how to get funding for design, since the community wants to “see” what they would be getting with FBC, but in order to provide visuals you need funds. Proakis suggested to continue to explain to the community that you are starting from nothing and want to bring them along in that design. Start with the underling idea of visioning – what do you like and not like within the district.

Brown asked how do you convince the community to join you in this process. Proakis stated both Littleton and Ayer have taken this on; Littleton’s town common is similar to Harvard; they came up with a community typology – farmhouse-style and made their code fit that style; this may be too narrowly focused than Harvard may want to be. Cook and Ryan are working with local student on some conceptual designs to use as examples. Proakis stated it is important that the citizens understand the process and that they will be in the driver’s seat.

Cabelus asked if initial development helped seed more development in the same manner in an area that may already have significant development. Proakis stated it does and can work depending on the effort and have the right financial balance. Burson asked if Proakis can highlight any potential pitfalls to avoid overextending or burdening ourselves as we think about this. Proakis suggested reviewing the FBC [library](#) as it ranges from outrageously crazy to simple ones. Additionally, Proakis stated FBC does not have to be by-right; you would dial back the regulatory process, but leave in site design process. FBC has to be flexible to your community. Pertaining to Harvard’s Town Center, where lots and structures are typically non-conforming, Proakis stated regardless whether or not a house is non-conforming, FBC will let you do certain building improvements to the structure, such as add an outbuilding like a garage, workshop, etc.

Continuation of a Renewal and Modification of a Special Permit & Driveway Site Plan Approval – Sprint Spectrum Realty Company, LLC, 47 Poor Farm Road. Opened at 8:08pm (see page 5 for complete details)

Review Fiscal Year 2023 (FY23) Land Use Boards Budget

Ryan stated the proposed FY23 budget brings the Land Use Boards Department back on-track with the FY21 budget, as the FY22 budget was reduced due to COVID-19. Ryan is requesting a new desk and the Handbook of Massachusetts Law of Land Use and Planning Law. The items under technology have been removed from the budget and re-directed to the Finance Director and Assistant Town Administrator, as requested by the Town Administrator. Donahue asked about the re-organization and how that is reflected. Ryan stated it is within the addendum. The Board discussed the GIS license and the current overall cost-savings to continue to pay for the annual license.

Donahue made a motion to endorse the Land Use Board Fiscal Year 2023 budget. Cook seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cabelus, aye; Cook, aye; Thornton, aye; and Brown, aye.

Devens Jurisdiction Update

Ryan recently met with Victor Normand, chair of the Harvard-Devens Jurisdiction Committee, who has concluded the Town is just going to affectively run out the clock as the question of whether or not to take back the historical boundaries of Harvard is too hard to figure out. Cabelus believes the Planning Board needs to take a look at this issue and determine what the Town Charter will allow for the Planning Board to gain from MassDevelopment (MD) to fulfill the mission of that Charter. Ryan stated Normand is open to Planning Board input. Ryan stated each individual party has their own special interest and coming to consensus may be challenging. Ryan is meeting with the Town Administrator this week and hopes for an outcome of a clear landscape before him and the Board. Donahue wanted to know if there is a default position should the clock run out. Cabelus, stated no, it would be up to the State Legislation to determine whether or not Devens remains its own town or the historical boundaries are returned to the three communities. Brown would like to take a proactive role over the next ten years and work together to make sure all involved get what they want in the end. Cabelus feel the Town needs to start being proactive and not wait for MD to come around. Ryan pointed out that from time-to-time Harvard needs cooperation from Devens, such as Emerson Green, water and sewer, or trail connections. Why can't we negotiate these things while MD move forwards on developing Vicksburg Square. Cabelus truly feels the Town needs to find out about water and sewer immediately. The key question is: How can Harvard get more intertwined with Devens to put us in a better position in 11 years?

Ayer Road Vision Plan Request for Proposals Update

Brown stated a final recommendation of The Chesapeake Group and Tischler-Bise will be made to the Select Board tomorrow night. With the award of the Massachusetts Executive Office of Energy & Environmental Affairs grant funding previously provided from the Rantoul Trust could now be used for the other Phases of the plan.

Spring Annual Town Meeting, 2022 - Open Space Residential Development (OSRD)

➤ **Review schedule** – passed over

➤ **Comments on Proposed Draft**

The Board discussed some of their concerns with the draft, which included:

- By-right or Special Permit
- Does the Planning Board engage the design review board?
- What is the interplay between the Planning Board, Conservation Commission and Historic Commission?
- How is the open space conveyed - options are Home Owners Association (HOA), local Conservation Commission, and/or land trusts.
- Open space liability
- How a by-right process would flesh out the open space - would still require process through the Planning in association with others.
- Maintenance of the open space and the Town being able to maintain if the HOA are not doing so.

Brown asked for more review by members, which should be provided to Ryan for collation and discussion at the next meeting.

Board Member Reports

- Representatives & Liaisons Updates
 - *Community Resiliency Working Group (CRWG)* – Burson stated revisions to the name and Charter are being discussed at the Select Board tomorrow night.
- Community Matters - None this evening

Director's Report

Ryan informed the Board that the Hazard Mitigation Plan is another big project on the horizon.

Approve Minutes

Donahue made a motion to approve the minutes of November 18, 2021 as amended. Cook seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cabelus, aye; Cook, aye; Thornton, aye; and Brown; aye.

Adjournment

Cook made a motion to adjourn the meeting at 9:25pm. Cabelus seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cabelus, aye; Cook, aye; Thornton, aye; and Brown; aye.

Signed: _____ Liz Allard, Clerk

EXHIBITS & OTHER DOCUMENTS

- Planning Board Agenda December 6, 2021
- Director of Community and Economic Development UPDATE, December 6, 2021
- Form-Based Codes an Introduction Presented by: George J. Proakis, AICP December 6, 2021
- [Simsbury Center Code Simsbury Connecticut](#), dated January 21, 21

Harvard Planning Board

Continuation of the Renewal and Modification of a Special Permit & Driveway Site Plan Approval

Sprint Spectrum Realty Company, LLC, 47 Poor Farm Road

December 6, 2021

The public hearing was opened at 8:08pm by Chair Justin Brown virtually, pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures adopted during the State of Emergency and signed into law on June 16, 2021, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

Members Present: Justin Brown, Stacia Donahue, Richard Cabelus, Brian Cook, Doug Thornton and Jefferson Burson (Associate Member)

Others Present: Christopher Ryan (Director of Community & Economic Development), Liz Allard (Land Use Administrator), Valerie Hurley (Harvard Press) and Timothy Greene

This hearing was continued from November 15, 2021 for the Renewal and Modification of a Special Permit & Driveway Site Plan Approval filed on behalf of Sprint Spectrum Realty Company, LLC for the replacement of six antennas and addition of three antennae for new network service upgrade with associated equipment, fiber and coax conduits at 47 Poor Farm Road, Harvard.

Tim Greene, representing Sprint Spectrum Realty Company, stated the map on title page has been fixed, the indication of a generator has been removed from the plan and the site photos were provided as requested at the previous meeting.

Donahue made a motion to close the hearing. Cook seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cabelus, aye; Cook, aye; Thornton, aye; and Brown; aye.

Donahue made a motion to approve the Renewal and Modification to the Special Permit for Sprint Spectrum Realty Company at 47 Poor Farm Road. Cabelus seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cabelus, aye; Cook, aye; Thornton, aye; and Brown; aye.

Signed: _____ Liz Allard, Clerk