

**HARVARD PLANNING BOARD
MEETING MINUTES
JANUARY 3, 2022
APPROVED: JANUARY 24, 2022**

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, Doug Thornton and Jefferson Burson (Associate Member)

Others Present: Christopher Ryan (Director of Community & Economic Development), Liz Allard (Land Use Administrator), Chris & Molly Cutler, Valerie Hurley (Harvard Press), Marty Green (Harvard Press) and Peter Dorward

Public Comment

There were no comments from the public this evening

Discuss the State's Multi-Family District Requirements

Ryan updated the Board on the draft compliance guidelines for Massachusetts Bay Transit Authority (MBTA) communities to establish an as-of-right multi-family zoning district under M.G.L. Chapter 40A Section 3A. The period for public comment on the guidelines ends March 31, 2022. By May 2, 2022 communities must create an action plan with implementation, followed by the submittal of a zoning amendment. By not complying with these requirements, Harvard would not be eligible for grants, such as those from MassWorks. Donahue stated this topic is on the agenda with Montachusett Regional Planning Commission this Thursday; there are a lot of small-town grappling with the same issues as Harvard, in particular the requirement of a minimum of 750 units. Reaching out to the state as a coalition may enable small communities with limited infrastructure to support such development to encourage the state to identify more appropriate criteria that also helps achieve the overall housing goals.

Ryan suggested meeting with the Select Board to discuss the implications of these requirements, sooner rather than later. Ryan also has a few questions regarding the guidelines pertaining to incorporating these requirements into existing provisions of the Protective Bylaw. Members were encouraged to review the draft guidelines in order to provide feedback to Ryan.

Board Member Reports

- Representatives & Liaisons Updates
 - *Ayer Road Visioning Plan* – Brown was disappointed the Select Board chose to apply the entirety of the State grant funding to Phase I and withdraw support from the Rantoul Trust Fund from the project.
 - *Capital Planning & Investment Committee* (CPIC) – Ryan stated the committee reduced the funding by \$45,000 without coordinating with the Select Board
- Community Matters - None this evening

Director's Report

Items addressed under other items this evening

Approve Minutes

Donahue made a motion to approve the minutes of December 20, 2021 as amended. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Thornton, aye; and Brown; aye.

Scenic Road Consent – Philip Cutler, 56 Stow Road. Opened at 7:15pm (see page 3 for complete details)

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

With the limited number of members present this evening this item was passed over.

Adjournment

Donahue made a motion to adjourn the meeting at 8:11pm. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Thornton, aye; and Brown; aye.

Signed: _____ Liz Allard, Clerk

EXHIBITS & OTHER DOCUMENTS

- Planning Board Agenda January 3, 2022
- Director of Community and Economic Development UPDATE, January 3, 2022
- Memorandum to Planning Board Members from Christopher Ryan, AICP, Scenic Road Consent, Philip Cutler, 56 Stow Road, December 30, 2021

Harvard Planning Board

Scenic Road Consent Hearing

Philip Cutler – 56 Stow Road

January 3, 2022

The public hearing was opened at 7:20pm 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 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

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

Others Present: Christopher Ryan (Director of Community & Economic Development), Liz Allard (Land Use Administrator) and Philip & Molly Cutler

This hearing is for Scenic Road Consent filed by Philip Cutler for the rebuilding of a stonewall on either side of the existing driveway at 256 Stow Road, Harvard.

Brown provided context explaining staff was alerted to a violation in November, the applicant responded immediately, complied with the stop work request and filed an application in a timely manner. In addition, the area was stabilized to avoid any runoff of sedimentation onto Stow Road. Brown added the details of how to handle the enforcement aspect of this violation will be discussed at the end of the hearing.

Philip Cutler stated the stone wall at the front of the property retains a field on his property, which was in need of repair. This repair included extending the stonewall into the existing driveway. Cutler noted all of the stones used for the repair are original to the site. Cutler stated some 15 to 20 years ago he asked the then Director of the Department of Public Works (DPW) if the Town was going to fix the wall, the Director stated they were not. Cutler continued to pick the stones up over the years, until last year when he decided to rebuild the wall.

Donahue asked if the stones are within the Right-of Way or on the property. Cutler stated within the Right-of-Way. When asked, Cutler stated no trees were removed; however, an existing stump was removed that had been previously left by the telephone company. Brown asked if the flare of the driveway is within the Right-of-Way or on the property. Cutler stated on the property. Brown asked if the work was preformed by a local landscape company. Cutler stated yes, Beyond Construction; the same company that rebuilt the wall in front of the library along Mass Ave. Brown asked if there had been any discussion with Beyond Construction about the need for Scenic Road Consent. Cutler stated there had not. Brown noted there were no comments received pertaining to this application from other Departments or Board/Commissions.

Ryan reviewed his comments provided in his memorandum, dated December 30, 2021. Allard stated in regard to the DPW not wanting to repair the stone wall, if they were to do so they would need to continue that all over Town, which would not be economically feasible. Also, the stonewall repair completed by Beyond Construction was on Mass Ave, which is not a scenic road, therefore Scenic Road Consent was not necessary for the rebuilding of the stone wall in front of the library. Brown noted the two favorable comments received by abutters to the property.

Donahue made a motion to approve the Scenic Road Consent for Philip Cutler at 56 Stow Road. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Thornton, aye; and Brown; aye.

After a brief discussion, Donahue made a motion to fine the applicant \$300 as detailed within Chapter 90 of the Code of Harvard. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Thornton, aye; and Brown; aye.

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

Signed: _____ Liz Allard, Clerk