

**HARVARD PLANNING BOARD
MEETING MINUTES
March 4th, 2024
APPROVED MARCH 18, 2024**

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

Members Present: Richard Cabelus, John McCormack, Doug Thornton, Stacia Donahue, Arielle Jennings, Richard Abt (associate member),

Others Present:

Frank O'Connor (Town Planner), Dan Wolfe, Steve Nizgus

Public Hearings:

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.

See Page 4 for full details

Old Business:

Proposed Town Center Overlay District and Town Center Action Plan (invite Steve Nizgus)

Steve Nizgus joined the Planning Board to help answer some questions the Board currently had at this time. Steve Nizgus shared his screen in order to show a map of the historic district as well as the sewer district. Steve Nizgus believes about 70% to 75% of the houses in this area have applied for town sewer and water. Frank O'Connor will look into a list of people who have town water and sewer available. When it comes to people potential building up in this area, Steve Nizgus does not have an answer for exactly how much could be allowed.

Stacia Donahue added that she hopes that these future plans for the historic district will create a more dynamic area of mixed use for the Town. John McCormack suggested extending the district north on Ayer Road could be a good idea the Board should consider. Doug Thornton made the point that the Board needs to look into what the potential max capacity would be for the district so they can more realistically know how to move forward for this area. Richard Cabelus shared and suggested using the previous Town Center Overlay Bylaw as a template for their ideas moving forward.

Inclusionary Bylaw Amendment

Discussion to submit request to access District Local Technical Assistance (DLTA) Program to enable the Montachusett Regional Planning Commission (MRPC) to provide technical assistance to help with an Inclusionary Bylaw Amendment.

Arielle Jennings took time to discuss the potential bylaw and how the Affordable Housing Committee is interested in helping support this. Arielle Jennings asked if it could be allowed that the Affordable Housing Committee lead this and pass it on to the Planning Board. Stacia Donahue referenced that a previous Erosion Bylaw started outside of the Planning Board and it was not passed due to others in the Town not approving the process because it did not go through the Planning Board. Arielle Jennings noted that she has been talking with the MA Housing Partnership for help with technical assistance. Doug Thornton suggested that the Planning Board makes a motion to help alleviate the concerns of the Affordable Housing Committee working on this amendment.

Motion: Doug Thornton made the motion to approve the MHP request that the Town will be making.

Seconded by Stacia Donahue

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

Passed unanimously

2026 Master Planning steering committee & funding request

Arielle Jennings mentioned that she had talked to Bonnie, the lead author of the Housing and Production Plan, and that she is not interested in joining the Steering Committee. Due to the potential housing and commercial cap removal in Devens, Arielle Jennings thinks that the Board should postpone some of the plans for the Master Plan until there are more answers to how things will look for the Town of Harvard and the surrounding communities.

Discussion of Ayer Road Vision Plan & Form Based Code

Frank O'Connor informed the Planning Board that he had a meeting with the code specialist. The code specialist would like to attend a Planning Board meeting in April in order to present the timeline they are working on while also addressing any questions for the various parts to their future presentation. Frank O'Connor noted that Code Form is the name of the group working with the UTILE group.

New Business:

Request to grant an Erosion Control Minor Permit at 184 Old Littleton Road by James & Oliva DiNardo for compliance with §125-58E(3) creation of new impervious area less than 2,500 sq. ft.

Dan Wolfe, with David Ross Associates (representing the home owners), shared his screen to show the plot plan proposal to add another barn structure to the property. Due to the plans going over 1200 square feet, it is required to be approved through a minor permit. Dan Wolfe explained that the likelihood of potential erosion problems are very minimal due to how flat the property is. He has also walked the property with Liz Allard, the conservation agent, in order to have a summarized list of potential conditions that the Planning Board could consider. There are currently six items on the conservation agent's summary and Dan Wolfe has no objections to this list.

Motion: John McCormack made the motion to approve the application for the minor erosion control permit for 184 Old Littleton Road with the six conditions from the conservation agent.

Seconded by Stacia Donahue

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

Passed unanimously

Standard Business:

Review Metrics

John McCormack shared his screen to show the current agency funds, the land use department budget, and two state grant funds. The agency funds are currently in the positive, but the land use is running close to being empty. John McCormack was confused about where the money was coming from for the state grants. Frank O'Connor clarified that the invoices for the money has come in, but he has not submitted that information yet at this time.

Community Matters

Devens Jurisdiction Committee: John McCormack updated that the governor is proposing in a bill to lift the housing and commercial cap at Devens. The Framework Committee is still talking and there is a possibility of proposing a super town meeting to address rezoning Vicksburg Square because this would not be in the governor's proposed bill.

Adjournment:

Motion: Stacia Donahue made the motion to adjourn the meeting at 9:35pm.

Seconded by Arielle Jennings

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

Passed unanimously

Harvard Planning Board

Special Public Hearing Minutes

March 4th 2024: Meeting called to order at 8:10pm

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 updated the Planning Board that Frank O'Connor had reached out to the Central MA Assistant Attorney General and was given some comments. The assistant attorney general only had an issue with the cap on 225 for the special permit in section D2-b and D2-c, stating that it needs to either be struck from the record or that there must be a valid justification expressed for this in order to remain in the current draft. The Planning Board decided to strike both mentions of a cap in D2-b and D2-c from the bylaw with the reasoning that the wording was already unnecessary due to the limited boundaries the parcel gives. The Planning Board also clarified the language for the affordable units in section D2-c by saying *"a sufficient number of units above 120 units must be designated affordable such that at least 25% of rental units the development shall be restricted to occupancy by Income Eligibility Households."*

Stacia Donahue reached out to the Council on Aging and volunteered to come and talk during lunch in the upcoming week to show the planned parcel and answer any questions. Richard Cabelus mentioned that Erin McBee had sent some dates to the Planning Board to meet with the League of Women Voters. Frank O'Connor mentioned that the Board was allowed only two members to attend at the max. Stacia Donahue offered to post the updated and important information to Nextdoor.com so word could get out to the people of the town. She plans to post something during the next week. Arielle Jennings suggested posting the newspaper article around the same time as the meeting with the Council on Aging so that they can come out in tandem and have more of an effect for word-of-mouth. The Planning Board is satisfied with the bylaw draft and it has been submitted to the Select Board for inclusion at the upcoming Town Meeting.

Motion: Stacia Donahue made the motion to continue the Special Public Hearing for March 18th at 8:00pm

Seconded by Doug Thornton

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