



Director of Community and Economic Development

UPDATE

September 13, 2021

■ Climate Resilience Working Group (CRWG) Appointments

The following appointments are up for Planning Board consideration for the CRWG, intended to replace vacated positions:

- Adam Meier, Harvard Conservation Trust
 - Catherine Warner, Citizen
 - Jefferson Burson, Planning Board
 - Ellen Sachs Leicher, Energy Advisory Committee, Chair
 - Sharon McCarthy – Board of Health
 - Patricia Natoli, Public Safety
 - Christiane Turnheim, Agriculture Advisory Commission
 - Janet Waldron, Conservation Commission
 - Lucy Wallace, Select Board
 - Robert Benson, Citizen
 - Deborah O'Rourke, Citizen
 - Open Position, Citizen
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■ Three Action Items for Select Board

1. Support all Planning Board related initiatives by enhancing staff support and organizational structure, including:
 - a. Consider a restructuring of the Land Use Board to provide more support for both Conservation Commission and Board of Health.
 - b.
 - c. Support continued development of CRWG with clearly identified staff assistance and budget.
 2. Support Ayer Road Vision Planning Phase I: Market Study and Fiscal Impact.
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3. Continue housing diversification through open space residential design and senior friendly housing development.

■ Public Hearing on Scenic Road Consent – 129 Poor Farm Road

Applicant Laura Clarage, 129 Poor Farm Road, Map 8/Parcel 008-035, seeks creating an opening through a stone wall for a second driveway. This project is asserted to be removing approximately 20' of stone wall for this ingress/egress.

The justification for the 2nd driveway is to be able to have a loop to avoid backing out on Poor Farm Road so close to the intersection with Ayer Road.

Applicant asserts that removed rocks will be used to supplement the relatively low wall in this area. She is open to alternatively using rocks to create a tapir. I have no recommendation regarding this but the pictures may offer some guidance. Since the wall is low for longer than rocks would supplement, the tapir may be a more aesthetic solution.

Note that the proposed wall breach is smaller than some recent requests.

Recommendation: Approve scenic road consent request with a preferred solution regarding rocks.

■ Fall 2021 Town Meeting

For Fall 2021 Special Town Meeting, the Planning Board will be taking on a number of amendments to the Protective (Zoning) Bylaw and other Town Bylaw sections. I will provide a simple description of each below with some commentary below that.

Senior Residential Development Summaries – As a means to continue to advance substantive Bylaw amendments related to senior housing, it is recommended that we address the following this October:

- a. **Section 125-2, Definitions**: Add several definitions related to CCRC.
- b. **Section 125-18.2, Affordable Accessory Apartment**: Delete this section from the Bylaw due to lack of need and effectiveness.
- c. **Section 125-21, Permitted uses in AR Districts**: Change accessory apartment to accessory dwelling unit based on amendments at ATM in May.
- d. **Section 125-52, Ayer Road Village Special Permit**: Remove Assisted Living and place in Section 125-57.
- e. **Section 125-57, Senior Residential Development**: Move assisted living to this section and add CCRC.

Senior Residential Development Selected Detailed Analysis

Sec. 125-2, Definitions – This article will merely add a set of definitions that relate to the senior housing bylaws (specifically CCRC) that we will be presenting. It should be considered last among all articles since it will not be necessary if 125-57 does not pass.

Sec. 125-18.2, Affordable Accessory Apartment – This is a provision that has never been used and has not resulted in any affordable units being created. Currently, there is no incentive to use it and there is, in fact, a disincentive due to the lengthy requirements and paperwork. It is understood that a financial incentive was intended to accompany this Bylaw that was never included and therefore it does not reflect the original intent of the drafters. Removal of this Section will not have any impact on the provision of affordable housing in Harvard and there are several much better ways that Harvard can address this type of housing.

Sec. 125-21, Permitted uses in AR Districts – This amendment simply changes the reference to “accessory apartment” to “accessory dwelling unit” based on amendments at ATM in May.

Sec. 125-52, Ayer Road Village Special Permit – This is simply removing the Assisted Living section and placing it in Section 125-57 with other senior housing types.

Sec. 125-57, Senior Housing Development – This will enhance the original 125-57 passed in May. It included adding the text for Assisted Living moved from 125-52 and adding a new section on Continuing Care Retirement Community (CCRC)—something indicated as a need in the senior housing surveys. The following will be elements of the CCRC that could be more sensitive:

[1] Scale: Project size is noted as between 5-12 acres. These are bigger developments than any one type of senior housing because they contain multiple types and need a certain scale for viability. Density targeted at 10 units/acre which is 50% less than what a multifamily district would have to have. Therefore, developments would be between 50 and 120 units overall.

[2] Uses: A list of uses was provided that are typically a part of CCRD developments. I checked with several people in the industry and they largely confirm that such uses are standard and valuable in marketing the facility to prospective residents. None of the proposed uses should be controversial or undesirable.

[3] Open Space: Projects will have to have from at least 40-50% of open space to provide buffers, scenic areas, and recreational lands. If we pass OSRD, we can tie the open space criteria to this OS requirement.

[4] Types: Independent living, congregate care, assisted living, and nursing care are the four primary unit categories and only independent living is proposed to have multiple unit types because of the general range of users for such units. So single-family cottages, duplexes or townhouses, and apartments are all possible. Again, this mix is needed for marketability and should not create concerns.

[5] Note on Infrastructure: Many residents are concerned that without water and sewer, most developments of this type could not be built. In fact, the smaller scale CCRC developments could be built with a public water supply and a septic system. It

would just require a lot of land and much of that could also be calculated as part of their required open space. But yes, water and sewer would allow the larger developments. As with the Ayer Road Vision Plan, I still recommend that the zoning be put in place first before water and sewer are hooked up.

Other Fall Bylaws

Erosion Control – This would be brought back for the 3rd time seeking to address any of the remaining public concerns and a better outreach program.

Scenic Roads – Liz will be the Project manager (PM) for this effort to modify a few minor issues.

Please note that this office has created several documents in support of the senior housing bylaws. These include:

- [Two-Pager w/ FAQ](#)
- [Bylaw Summary](#)
- Press Release (pending)
- Draft “Consider This” Piece (pending)

Additionally, I am scheduled to speak at the following venues:

- UU Women’s Alliance – September 14th
- COA Women’s Coffee – September 17th
- COA Men’s Coffee – September 15th
- COA Board Monthly Meeting – September 21st
- Planner Coffee – September 23rd

■ Re-Introduction of Open Space Residential Development Bylaw

The next session on the Open Space Residential Development Bylaw will be conducted on Monday. The topic will be development density and this is a fairly dry topic (as I guess all zoning is) but essentially there are two ways in OSRD to calculate density—one is formulaic and the other is based on a Yield Plan.

1. **Formula Method** – After subtracting all primary and secondary open space, the base density (that allowed under the district regulations) is applied to the remaining lands plus any units awarded by density bonus.
2. **Yield Plan** – The Yield Plan method uses the four-step process advocated by concept pioneer Randall Arendt. Density is determined by the yield of a conventional subdivision on the same parcel. For example, if a 100-acre parcel could yield 58 house lots, then density is determined by applying 58 units to the buildable area after primary and secondary open space is set aside.

The Yield Plan method may be a bit more expensive than the Formula Method because the developer must spend the money to establish a plan that will never be used. This is one reason why our current Bylaw has not been used much.

I will provide a PowerPoint slide show in conjunction with this UPDATE for Monday and can go through it if time allows.

■ Other Issues of Relevance to the Board

RFP for Market Analysis and Fiscal Impact Analysis

The RFP has been posted and the deadline for responses is October 1st. The Board should consider if we are going to create a formal or informal working group to evaluate responses and select a preferred contractor. We have been proceeding during RFP draft review with Justin Brown, Stacia Donahue, Chris Tracey, and Rich Maiore. We can continue with that group, create a new one, or add a fifth member for voting purposes. We should also determine a process that I could compose and send out that addresses not only this review and selection process but also maybe having this group in place for the duration of the project. This is not necessary but it can be done to provide more transparency and connect to the other boards. The process should mirror the scope and tasks and talk about meetings and milestones. Also advise if we should formally keep the SB in the loop since it is their money.

IMPORTANT: The Planning Board should make a determination as to whether we should apply for a Capital Request in this current budget cycle for Ayer Road Vision Plan, which would be considered at Annual Town Meeting next May. To not do so would either require an alternative funding source such as a grant, or push the next project Phase to July 2023. I strongly urge the Board to vote authorization to submit this request for a sum approximating \$260,000.

Community Compact Cabinet Best Practices

Note: *We did discuss this topic during the last meeting but I did not come away with a clear directive or preference. This would be helpful.*

The state, through the Governor's office, has a program called Community Compact Cabinet where communities can identify a best practice they want to focus on, get those best practices (2 at most) accepted by the state, and then apply for grant funding for specific projects in that area.

I have long sought the Town Administrator's assistance in seeking best practices for both zoning and economic development and this is our opportunity. The FY22 application period is now open.

1. For zoning, we could apply for funding to do our full zoning rewrite.
2. For economic development, we could apply for funding of our Phase 2 Vision Plan.

Certainly, there are other areas of best practice we could consider. But if you have any interest in these two, perhaps we could formally vote to authorize me to pursue. Let me know if you have any questions.

CRWG Climate Action

The CRWG is planning to kick off a formal climate action planning process similar to a Master Plan. There is a scheduled public meeting on September 23rd to introduce the public to the project and get their comments and hopefully participation.

Transportation Plan

MRPC is updating the transportation element of the 2016 Master Plan and we should be scheduling a kick off public meeting soon. If there are any specific projects that you think we should make sure are in the plan, either send them to me or join the distribution email list for the project and participate.

This will be a relatively short time horizon for the project so we need to be active and attentive to communications. It will also be coordinated with TAC and CRWG.

Hazard Mitigation Plan

Reserve Fund Transfer funding was provided for this project which is important to complete in order for the Town to be eligible again for hazard mitigation project grant funding. If you have any interest in participating, please let me know. It relates strictly to natural hazards. The result will not only meet MEMA requirements but also be an element of the climate action plan.
