

**TOWN OF HARVARD
PLANNING BOARD AGENDA
MONDAY, NOVEMBER 6, 2023 @ 7:00PM**

Pursuant to Chapter 2 of the Acts of 2023, An Act Making Appropriations for the Fiscal Year 2023 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects, and signed into law on March 29, 2023, this meeting will be conducted via remote participation. Interested individuals can listen in and participate by phone and/or online by following the link and phone number below.

THVolGovt Pro is inviting you to a scheduled Zoom meeting.

Topic: Planning Board

Time: Nov 6, 2023 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81603919703?pwd=NkxYTTg0ZFo5Tm4veGptMDNWMjBpZz09>

Meeting ID: 816 0391 9703

Passcode: 982690

One tap mobile

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Meeting ID: 816 0391 9703

Find your local number: <https://us02web.zoom.us/u/kpNyAEvxU>

Public Comment

Old Business: a) Proposed Town Center Overlay District and Town Center Action Plan.
b) 320 Ayer Road, Chestnut Tree & Landscape consideration of remedial measures and damages for operating under expired permit.
c) Prospective MBTA Multi-family zoned overlay district bylaw.

New Business: a) 203 Ayer Road: remittance of Escrow holdings \$311.20 to Ms. Yvonne Chern.
b) Planning Board comments to ZBA related to proposed 40-B at Old Mill & Ayer roads

Public Hearings:

7:30pm **320 Ayer Road, Chestnut Tree & Landscape request for a Special Permit** under §125-13T to operate a Medium-scale commercial use, Landscaping Services involving equipment parking as allowed by special permit pursuant to the “Code of the Town of Harvard” as amended, and Site Plan approval under §125-38A(4) as well as the Protective Bylaw Chapter §125-23B and §125-46.

Standard Business: a) Review Metrics
b) Board Member Reports
 • Representatives & Liaisons Update
 • Community Matters: Review this year's CPC requests.

- c) Master Planning for 2026
- d) Approve Minutes: Oct. 2, 2023 & Oct. 21, 2023
- e) Approve Invoices: Town of Hudson Housing Consortium FY24-Q1 for \$262.50

The listing of matters are those reasonably anticipated by the chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

**NEXT SCHEDULED MEETINGS:
MONDAY, NOVEMBER 20, 2023**

AS



Town of Harvard, MA Planning Board

MEMORANDUM

To: Richard Cabelus, Chair of the Planning Board
From: Frank O'Connor, Jr., Dir. of Planning
CC: Staci Donahue, Arielle Jennings, Doug Thornton & John McCormack
Re: MBTA-3A UPDATE:
Date: 1 NOV. 2023

State web page information at: <https://www.mass.gov/info-details/section-3a-guidelines>

The Town of Harvard needs to choose a site for the state mandated MBTA-3A housing. Harvard is classified as an "Adjacent small town" which means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) either has a population density of less than 500 persons per square mile, or a population of not more than 7,000 year-round residents as determined in the most recently published United States Decennial Census of Population and Housing. Harvard must create a zoning by-law that provides for at least one (1) district of reasonable size in which multi-family housing is permitted as of right. The district shall be without age restrictions and shall be suitable for families with children. For the purposes of this by-law, the district shall have a minimum gross density of 15 units per acre, and is subject to any further limitations imposed by Title 5 of the state environmental code.

State guidelines define “Developable land” to mean land on which multi-family housing can be permitted and constructed. For purposes of these guidelines, developable land consists of: all privately-owned land except lots or portions of lots that meet the definition of excluded land, and developable public land.

“Excluded land” means land areas on which it is not possible or practical to construct multi-family housing. For purposes of these state guidelines, excluded land is defined by reference to the ownership, use codes, use restrictions, and hydrological characteristics in MassGIS and consists of the following: All wetland resource areas, together with a buffer zone around wetlands and waterbodies equivalent to the minimum setback required by Title 5 of the state environmental code; Protected open space and recreational land that is legally protected in perpetuity (for example, land owned by a local land trust or subject to a conservation restriction), or that is likely to remain undeveloped due to functional or traditional use (for example, cemeteries); All public rights-of-way and private rights-of-way; Privately-owned land on which development is prohibited to protect private or public water supplies, including, but not limited to, Zone I wellhead protection areas and Zone A surface water supply protection areas; Privately-owned land used for educational or institutional uses such as a hospital, prison, electric, water, wastewater or other utility, museum, or private school, college or university.

When choosing the location of a new multi-family zoning district, every MBTA community should consider how much of a proposed district is sensitive land on which permitting requirements and other considerations could make it challenging or inadvisable to construct multi-family housing. For example, an MBTA community may want to avoid including in a multi-family zoning district areas that are subject to flooding, or are known habitat for rare or threatened species, or have prime agricultural soils in active agricultural use.

At this time, the Town of Harvard has put forward five areas to be evaluated by the Montachusett Regional Planning Commission as a potential site for the MBTA-3A district. The Harvard University observatory site has the acreage for a capacity of 560 units of multi-family housing but it meets the state’s definition of “excluded” land, being owned by a university.

The land at Friendly Crossways and the lots across from Craftsman Village on Ayer Road at the Ayer Town Line are both used for agriculture such as hay, wheat, tillable forage, cropland, etc... (Ch. 61A is land in agricultural use, not classified as Open Space). DHCD, now EOHLC has instructed municipalities to avoid including in a multi-family zoning district areas that are prime agricultural soils in active agricultural use. It is possible the landowner could sell a portion of the Friendly Crossways site.

Craftsman Village on the Ayer town line is a 40-B development that has a comprehensive permit to construct twenty units. While the 12.46 acre parcel could meet a density of 187 units, it has been configured in such a way that development is not possible.

The Elms at 105 Stow Road is State Public Housing development monitored and maintained by the Chelmsford Housing Authority. The size of the property would allow for only sixty-two units of multi-family housing. However, it is surrounded by wetlands and the

Chelmsford Housing Authority will not allow that type of development to happen on the site.

The site at 185-189 Ayer Road is in the Harvard C-District and adjacent to the recently permitted badminton site at 203 Ayer Road. The area meets the definition of “developable” land, being all three parcels are privately-owned land and could facilitate mixed use with the right commercial development at the site. The combined 16 acres could easily accommodate the 113 units of multi-family housing Harvard must permit. The Shared Use Path will access the parcels, making the site pedestrian friendly. It would be equidistant to MBTA commuter rail stations in Ayer and Littleton without the loss of agricultural land. There has been a proposal to bring water & sewer to the site.

Recommending a site is the first step to complying with the state mandate. It is reasonable to expect help from the state to alleviate potential traffic due to the development at any site.