

Posted April 29, 2021 @ 9:40am by LA

**TOWN OF HARVARD
PLANNING BOARD AGENDA
MONDAY MAY 3, 2021 @ 7:00PM**

This meeting will be held virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A. S.20. Interested individuals can listen in and participate online and/or by phone by following the link and phone number below.

Written public comments on any of the items listed below is strongly encouraged and can be submitted to lallard@harvard.ma.us until 3:00pm on May 3, 2021.

UpperTH ProWebinar is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/81606961396?pwd=TnJHdmp2MUhiOEZKeTBPZVV0SFdHUT09>

Meeting ID: 816 0696 1396

Passcode: 039907

One tap mobile

+19294362866,,81606961396# US (New York)

+13017158592,,81606961396# US (Washington DC)

Dial by your location

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

Meeting ID: 816 0696 1396

Find your local number: <https://us02web.zoom.us/j/81606961396?pwd=TnJHdmp2MUhiOEZKeTBPZVV0SFdHUT09>

New Business: a) Zoning Board of Appeals Request for Comments – 24 Mill Road

Public Hearings:

7:10pm Continuation of a Renewal of a Special Permit and Driveway Site Plan Approval Hearing- SBA 2012 TC Assets, LLC, 60 Old Shirley Road, to renew the existing Special Permit and Driveway Site Plan Approval for a wireless communications tower at 60 Old Shirley Road

7:30pm Continuation of the Proposed Protective Bylaw Amendments Hearing

- Add new Section 125-57 Senior Residential Development; and
- Amend Section 125-18.1 Accessory Apartment Use

8:15pm Continuation of a Renewal of a Special Permit and Driveway Site Plan Approval Hearing - CCATT LLC, 336 Old Littleton Road, to renew the existing Special Permit and Driveway Site Plan Approval for a wireless communications tower

Old Business: a) Re-introduction Open Space Residential Development Bylaw

Standard Business: a) Board Member Reports

- Representatives & Liaisons Update
- Community Matters

b) Director's Update

c) Approve Minutes

d) Approve Invoice – Isotrope \$1755.00

**NEXT SCHEDULED MEETING:
MAY 17, 2021**

Town of Harvard, MA

Open Space Residential Development [OSRD]

Introduction

The Planning Board is targeting fall 2021 Town Meeting to present for consideration a replacement for the existing Open Space and Conservation – Planned Residential (OSC-PRD) section. The reason that a replacement is being proposed rather than an amendment to the existing bylaw is that there is so much to modify that little of the existing bylaw would remain and it would largely be a redlined document and confusing to follow. This document shall serve as a resource related to the existing documents that have been prepared to-date and also a proposed summary of how the Planning Board could navigate the process, similar to the recent Senior Housing process but hopefully adjusted based on what was learned.

Summary of Documents

In the shared Dropbox folder named .../HARVARD/Harvard Planning Board/OSRD 2021 there is a collection of resources to help members get up to speed or back on track related to the proposed Open Space Residential Design bylaw amendment program. The primary folders and their contents are as follows:

1. **Archives** – Contains older versions of bylaws for reference.
2. **BILLS_Maps_2020** – These files are the maps that Bill Scanlan created for the Planning Board over the past year.
3. **Carlson Project** – These are older versions of Bill’s maps for Carlson Orchard.
4. **Other Bylaws and Resources** – This folder contains other OSRD bylaws from around the state and nation plus other technical resources on OSRD.
5. **Outreach and Presentations** – Includes outreach material used over the past two years plus PowerPoint presentations made on OSRD.
6. **Pics and Graphics** – Mostly graphics depicting OSRD.
7. **Randall Arendt** – Everything related to Randall Arendt’s 2020 visit to Harvard, his presentation, some of his emails, and his consulting work for us. Many of his project tear sheets are in this folder.
8. **Working OSRD Bylaws** – These are the most recent versions of the draft bylaws. They include the OSRD bylaw, the Rules & Regs bylaw, and the Subdivision Rules & Regs.

You might be asking, “Where do I begin?” and this is a good question. I would recommend the following documents. First, for a basic conceptual introduction, read the first set of slides in the PPT named OSRD-PPT01.pptx located in the Outreach & Presentations folder. Also in this folder is a starter FAQ that might be useful. I do have in the “library” two books by Arendt that are “everything you want to know” so please let me know and you can borrow. In the Bylaws & Other Resources folder, there is a document called OSRD_Analysis 2.pdf that compares OSRD to conventional development and it includes what

Harvard is doing. The Pioneer Valley Planning Commission has a good brochure called “Open Space Residential Development, Creative Development, & Conservation Development Bylaws” which explains the concept. The state of Massachusetts has another good one called Green Neighborhoods.

Proposed Process Summary

The Planning Board is facing a long and complex path to getting the draft Open Space Design Development Bylaw on the Warrant for a future to-be-determined Town Meeting, hopefully fall 2021. This document is intended to outline the steps recommended to successfully navigate this route. While the draft Bylaw itself is more highly complex than most members have seen, it is also going to be very difficult to be able to boil down the essence of the Bylaw for Citizens to comprehend, let alone support.

In particular, if the Planning Board supports making this Bylaw by-right (as-of-right), then the bar is higher than if we brought this forward as a Special Permit requirement. Below, I will discuss the structure of the Bylaw and associated sections, the recommended outreach and support building effort, and other considerations to optimize opportunity for success.

Bylaw Framework and Domain

There are three (3) primary areas that will require attention in order to successfully pass a new Bylaw for OSRD. These are:

1. Open Space Design Development Bylaw – This is the primary text (to replace §125-35) that describes what the Bylaw is and what it seeks to accomplish, how it is to be done, what open space is for the purpose of the Bylaw, the density of the development and how to calculate this, permitted and conditional uses, the design process, and how to make a formal application. This draft will need to pass by supermajority at Town Meeting.
2. Open Space Residential Design Option – This would be a new §130-21, to be added to the Rules and Regulations, that details how the development is to be applied for and reviewed and the site improvement details. These provisions will need to pass as a majority vote of the Planning Board.
3. Other Bylaw Sections – This is where it may become tricky. There may be provisions in either the Protective Bylaw and the Subdivision Rules and Regulations (Sec. 133), that contradict or conflict with provisions in the two new draft documents. Only a thorough review will determine where these may be.

Recommended Steps to Proceed

1. Planning Board review and discussion of the latest document (1 meeting)
2. Distribution of resource materials related to OSRD model. This can include all of the email communications with Randall Arendt.
3. Presentation of draft Bylaw and Rules and Regs to the Planning Board (2-3 meetings)
4. Discussion of provisions that need additional discussion (1-2 meetings)
5. Distribution of sections to members for knowledge “ownership”
6. Discussion of outreach program (see below)
7. Development of outreach materials including plan graphics

8. Initiate outreach program
9. Schedule regular agenda items to discuss process and progress, address concerns
10. Open Public Hearing at least two (2) months prior to closing of Warrant.
11. Close Public Hearing only when public comment has been exhausted
12. Prepare materials for Town Meeting
13. Identify specific proponents and get commitment to speak at Town Meeting
14. Identify remaining opponents and seek input from them
15. Identify member speaker from Planning Board for Bylaw
16. Develop talking points and script for Town Meeting; hold 1-2 practice sessions

Proposed Outreach Program

Since even simple zoning amendments can often experience unexpected and hard to anticipate opposition, sometimes from unexpected or unknown parties, it pays to implement a redundant and comprehensive outreach program. The supermajority (2/3 of quorum) high bar of passage is one of the more onerous provisions of MGL 40A but must be worked within for now. Again, the more complex a bylaw, the more work must be done to cover all of the public outreach bases, including seeking to identify every constituency that could be in opposition. Note that recent state law might have lowered that 2/3 bar for OSRD to 50+1 but it must meet the law criteria.

Task One: Identify Outreach Constituents

While this should be an ongoing process, right up to the day of Town Meeting, the Board can initially identify (through brainstorming) as many parties as possible who might be supporters, opposition, and other interested individuals. For the OSRD, this may include:

1. Harvard Conservation Trust
2. Harvard Conservation Commission
3. Municipal Affordable Housing Trust
4. Select Board
5. Agriculture Advisory Commission
6. Large-Lot Property Owners
7. Agricultural Property Owners
8. Engineers
9. Developers
10. Realtors

Approaching and engaging in a dialogue with each entity should be strategically approached and include a very clear and specific ask for vocal support of the project. Rejection of this request is a data point that indicates additional outreach work needs to be applied to that entity. A spreadsheet should be developed that keeps a record of outreach entities and activities.

In order to garner the kind of inclusiveness that will provide an opportunity for most citizens to speak out on the Bylaw, a set of different outreach tools and venues should be considered. However, it should be noted that while the Covid-19 Emergency Order is still in place, many of these options will not be available so provisions should be made for equivalent alternatives, if possible.

Task Two: Develop an Outreach Schedule and Determine Types and Venues of Gatherings

In addition to one or more meetings with organizational parties, the Planning Board should think about having a series of special meetings or workshops to engage the public-at-large. These meetings should be developed in order to be accessible and convenient to every cohort of the local population. This should include, as may be applicable: school-age population, working parents, seniors, two-worker households, the agricultural community, people with disabilities, people who are uncomfortable speaking or engaging in public, and those who do not speak English or where English is not a primary language. There may be other sub-groups that need to be accounted for as well.

Once the full initial set of constituencies needed to reach is developed, specific meeting or outreach tool types should be assigned to the appropriate group. For example, for people who are reluctant to speak in public, consider a short survey form to receive feedback. For working parents, consider a typical evening meeting and arrange for babysitters at the venue. Other types of meetings could include:

1. Online webinars or Zoom meetings
2. Open House
3. Focus Group
4. Speakers Series
5. Coffees

Task Three: Determine Outreach Materials and Locations

A variety of outreach materials needs to be developed to provide as much clear and concise information related to OSRD for the public and other stakeholders. This should include:

1. The Bylaw drafts, updated as needed
2. Any reports or articles that explain the OSRD concept
3. Resource website links on OSRD
4. A Frequently Asked Questions document, updated as needed
5. A summary explanation sheet, updated as needed
6. Other materials as needed

It is recommended that the current website:

<https://www.harvard.ma.us/planning-board/pages/open-space-residential-design-osrd-bylaw>

Be kept up-to-date and stocked with resources, a calendar of events, and anything else that will be useful for promoting the Bylaw...this is not the case yet. Other forms of social media should be considered such as a Twitter account, Facebook page, LinkedIn page, the current Planning blog, and potentially a podcast.

The Board should also consider use of existing media such as the Harvard Press related to potential articles or *Consider This* pieces to help get the word out about the Bylaw.

Senior Housing Bylaw for Annual Town Meeting
Spring 2021

Chapter 125-57 Senior Residential Development

Formal Motion Text Goes Here

Interpretation:

- (LARGER CONTEXT) The following two bylaw changes represent efforts as part of the Planning Board's Housing Diversification Initiative.
 - As you may be aware, housing in Harvard is characterized by
 - LARGE houses on LARGE lots.
 - If houses in Harvard were T-shirts, they would come in just ONE size
 - And that size would be – EXTRA-LARGE
 - Rather than be a one size fits all community, the Planning Board seeks to add more options to better meet the needs of our community
- (SENIORS NEED) The Planning Board's most recent efforts focus on
 - SENIORS, a group we all aspire to be a part of, if we aren't a member already
 - The need for increasing senior friendly housing is WELL-DOCUMENTED
 - Surveys: Council on Aging (COA) in 2006, 2016
 - Need for smaller scale housing to retain seniors in Harvard
 - 2016 Master Plan calls for production of senior friendly housing
 - 2017 Housing Production Plan, smaller scale housing with higher density
- (ADDRESS THE PROBLEM) While documented, the question has been
 - HOW do we address this need?
 - In 2020, the Planning Board performed additional surveys
 - Reconfirmed the need, but carried the question ONE STEP FURTHER
 - Asked – What kind of housing is needed for Harvard residents?
 - Our solution is informed by these citizen inputs
- (SOLUTION) Bylaw presented before you today, represents Phase 1 of a 3 Phase program
 - Here in Phase 1, we
 - define the essential elements of senior housing
 - update Accessory Apart. Bylaw to encourage senior friendly units
 - Phases 2 & 3 will be discussed in bite-sized pieces at future town meetings
 - Housing clusters surrounded by open space
 - Town center, affordable units, Hildreth House District Zoning
 - Chapter 125-57 Senior Residential Development, as detailed in the warrant
 - Defines what is senior housing in Harvard
 - Sets age-friendly design requirements,
 - Single floor living, zero step clearance
 - Defines age restrictions
 - following federal guidelines
 - Sets maximum rate of unit production
 - Maintain balance between single-family homes & senior housing
- (WHY SUPPORT)
 - The proposed bylaw & 3-phase program
 - helps Harvard move BEYOND A ONE-SIZE FITS ALL community
 - This proposed bylaw has UNANIMOUS endorsement by
 - Select Board and Zoning Board of Appeals (ZBA)

Senior Housing Bylaw for Annual Town Meeting
Spring 2021

- Program will help retain Seniors, who are important members of our community
 - Make-up a significant fraction of our volunteer boards
 - Serve as vessels of the longest reaching community memory
 - Add to the strength and diversity of our community
- (CLOSING) I close with a VARIATION on the CLASSIC Sesame Street Song,
 - “People in your neighborhood”
 - Oh, a SENIOR is a person in our neighborhood,
 - In our neighborhood,
 - In our neighborhood,
 - Oh, a senior is a person in our neighborhood,
 - A person that I’D LIKE TO MEET EACH DAY
 - And for that to happen, a senior needs a PLACE TO STAY
 - Planning Board looks forward to spirited debate
 - Happy to answer questions or provide clarification to the proposed changes

Amendment to Chapter 125-18.1 Accessory Apartments

Formal Motion Text Goes Here

If 125-57 fails to pass:

Mr. Moderator, the Planning Board makes a motion to table the bylaw amendment to Chapter 18-1 Accessory Apartments without prejudice at this time. Without the definitions provided in the proposed 125-57 previously discussed, the changes do not represent the wishes of the Planning Board at this time.

Interpretation:

- (EXISTING) The Planning Board Proposes
 - CHANGES to the EXISTING Accessory Apartment Bylaw in Chapter 125-18.1
 - Currently, Accessory Apartments
 - Secondary dwelling units on a single-family lot
 - Require a special permit from the Zoning Board of Appeals (ZBA)
- (CHANGES) The amendment before you respects the existing bylaw but makes targeted changes to encourage the development of senior-friendly units with age-appropriate design elements
 - Highlighted Changes
 - Name change – Accessory Dwelling Unit (ADU)
 - Use modern and widely-used terminology
 - Two structural changes
 - Accessory Dwelling production BY RIGHT
 - IF Senior design criteria in 125-57 are met
 - INCREASE maximum square footage to 1500 sq. ft from 1200
 - Inspired by the detailed surveys conducted by the Planning Board in 2020
- Measures have UNANIMOUS endorsement by
 - Select Board and Zoning Board of Appeals (ZBA)



Invoice

Date	Account #	Invoice #
1/6/2021		19235

Vendor Number

Bill To:

Town of Harvard
 Planning Board
 Liz Allard
 13 Ayer Road
 Harvard, MA 01451

Terms	Due Date	Purchase Order Number	Project		
Net 30	2/5/2021		VZW - 12 Woodchuck		
Date	Description	Quantity	Rate	Amount	
11/18/2020	Principal Senior Engineer: David P. Maxson, WCP: Measure tower and tree heights, report and revise minimum height conclusion, participate in ZBA hearing and exec session.	4	225.00	900.00	
11/24/2020	Compose query for applicant per ZBA chairman, review with chair and staff, send to applicant	0.8	225.00	180.00	
12/7/2020	Participate in PB hearing	0.5	225.00	112.50	
12/16/2020	Review applicant written response, take call from applicant to discuss ZBA questions	0.3	225.00	67.50	
12/16/2020	Participate in ZBA hearing	1	225.00	225.00	
12/30/2020	Review and comment on draft ZBA decision; participate in hearing	1.2	225.00	270.00	
			Sales Tax (6.25%)		USD 0.00
			Total		USD 1,755.00
Phone #		E-mail		Payments/Credits	
508-359-8833		riggs@isotrope.im		USD 0.00	
Web Site			Balance Due		USD 1,755.00
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