

**TOWN OF HARVARD
PLANNING BOARD AGENDA
MONDAY JANUARY 24, 2022 @ 7:00PM**

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, 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.

TOHpro1 Account is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/89858106275?pwd=aDJKcTlsSUpxazhXeUxCQ2x0UmNKQT09>

Meeting ID: 898 5810 6275

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Find your local number: <https://us02web.zoom.us/j/89858106275?pwd=aDJKcTlsSUpxazhXeUxCQ2x0UmNKQT09>

Public Comment

- New Business:** a) Ayer Road Market Study Update from Howard Kohn of the Chesapeake Group
b) Bi-annual Review of Planning Board Goals from Strategic Planning Session
c) Harvard-Devens Jurisdiction Committee Position Paper
d) Review the 2021 Annual Report
e) Discuss Proposed Change to Vice Chair Position

Standard Business: a) Board Member Reports

- Members Role & Responsibility
 - Representatives & Liaisons Update
 - Community Matters
- b) Director's Report
c) Approve Minutes

Old Business: a) Discuss the State's Multi-Family District Requirements

- b) Chapter 125 Bylaw Amendment – 125-35 Open Space Residential Development (OSRD)
- Review schedule
 - Comments on Proposed Draft

**NEXT SCHEDULED MEETING:
FEBRUARY 7, 2022**

**TOWN OF HARVARD
PLANNING BOARD
STRATEGIC PLANNING SESSION MINUTES
AUGUST 7, 2021
APPROVED: SEPTEMBER 13, 2021**

Chair Justin Brown called the meeting to order at 12:05pm on the porch of the Hildreth House at 15 Elm Street, Harvard.

Members Present: Justin Brown, Stacia Donahue, Richard Cabelus, Brian Cook and Doug Thornton (via Zoom) and Jefferson Buron (Associate Member)

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

Review Policy & Procedure

- Planning Board Handbook – Provided to all new Board members
- Attending Citizen Planner Training Collaborative Training Sessions – Funding available to pay for attendance by Board members
- 1-on-1 Training with new members/Role of the Staff – New members can be in touch with Ryan for training
- Continuation of Board Training – Ryan will continue to provide training at regular meetings as time allows
- Social Media – Harvard NextDoor is not the platform to engage in discussion and/or debate; only use it to direct residents to the Town website

Master Plan

- Review Progress of Implementation under the Planning Board purview
 - Form a Master Plan Implementation & Evaluation Committee. Update the Master Plan in ten years - Still seeking Planning Board formal endorsement before submitting to Select Board.
 - Re-codify the Zoning Bylaw – Recodification is only one of several updates needed for Bylaw; barriers are funding and availability of staff to complete.
 - Provide for mixed-use buildings as of right in the C District, e.g., retail on the first floor and housing above - Part of Ayer Road Development Plan but could also as interim modify C zoning or merge ARV-SP with C.
 - Replace or modify the existing OSC-PRD bylaw with the state’s new Natural Resource Protection model to remove barriers that restrict its utility - Draft completed with help of MRPC. Seeking funding for financial analysis. MRPC draft revised by staff and consultant and ready to begin public outreach for Spring 2022 STM.
 - Amend the Zoning Bylaw to allow housing alternatives for seniors. (In 2016, Town Meeting approved an amendment to allow assisted living facilities as part of an ARV-SP.) - Draft for Senior Housing Development bylaw has been passed along with changes to Accessory Apartments.
 - Create a vision for the C District that encourages village or Main Street style development and establish Design Guidelines to achieve it - A three-phase planning process for the corridor including a market analysis, fiscal impact analysis, vision plan, and zoning tools. Plan formally endorsed by Planning Board and Select Board. Seeking funding for all phases as of June 2021.
 - Amend the Zoning Bylaw to provide for agriculture-related businesses - This and following action item were addressed in the Rural Life bylaw draft in 2019. This was withdrawn from the Warrant and not reintroduced again since that time.
 - Amend the Zoning Bylaw to allow tourist-oriented business in the AR district, such as antique shops, B&B’s, recreation businesses, tea rooms, etc. – See above

- Create a comprehensive Economic Development Plan for the Town that includes viable strategies for facilitating acceptable growth - An outline for an Economic Development plan and process has been developed and endorsed by the Planning Board.
 - Adopt a Watershed Protection Overlay District for Bare Hill Pond – status unknown
 - Adopt a zoning district for the Town Center which reflects the historic lot pattern and allows small businesses, second floor apartments, and moderate-density housing - Frequent item of discussion at the Planning Board and several stakeholders. Need to determine if the Town Center Action Plan (2005) needs to be updated as a prerequisite. Have held several discussions about using FBC as the tool for the district.
 - Amend the Zoning Bylaw to provide authority for the Planning Board to adopt Town Center Design Guidelines - Discussed with Board but not structurally or how afforded.
 - Modify the Scenic Road bylaw to include an enforcement mechanism to ensure compliance with the regulations - Multiple cases highlight the need to address. Staff undertaking bylaw amendments for Fall 2021 Town Meeting.
 - Develop documentation for administering and enforcing the Scenic Road Bylaw - Some preliminary steps have been taken but no formal initiation.
 - Establish a multifamily district on the Zoning Map and add district regulations to the ZBL - Has been a subject of discussion at Planning Board. 2020 Economic Development Bond Bill will require all MBTA communities to establish multifamily zoning of at least 15 units per acre. Final guidelines from state pending.
 - Reduce the size of the Commercial District - Not recommended by Director; counter to economic development efforts.
- Review Select Board FY2022 Goals
 - Key goals for the Planning Board are:
 - Senior by-law
 - OSPRD (continue plan for preserving open space)
 - Creating a strategic vision for the Commercial District.
- Set Priorities for FY2022
 - Ayer Road, Commercial District, economic development
 - Open Space residential Development & Senior Housing - Spring 2022;
 - Town Center Zoning
 - Multifamily re-writing zoning and mapping
 - Rural Life/Ag Tourism
 - Re-codify Zoning Bylaw
- Future Direction and Vision

Transportation Advisory Committee Update

- Transportation Improvement Project for the repaving and improvements to Ayer Road from the Ayer town-line to Route 2 is at the 25% review phase; scheduled to commence in 2026
- Priority Plan for Complete Streets
 - Town Center – additional improvements to expand sidewalk work completed in 2020
- Safe Routes to School – have been denied grants as Harvard is too rural and does not have not enough walkers; working with School Committee to provide more information
- Park & Ride Lot – working with Montachusett Area Regional Transportation
- Commuter Rail Shuttle - Harvard is allocated funds from the MBTA to partially fund such a service but we will still need additional funding plus the location for pick up and drop off.
- MRPC DLTA grant update - This project is to update the transportation chapter of the Master Plan. It is getting a late start due to it being a 3rd round funded project, but also a backlog of MRPC projects; optimistic that it can get this done this year, but if not, will apply for a second-round next year.

- Nashoba Regional Greenways – working on additional shared land marking (a.k.a. sharrows), signage, and connection points; connection to Devens reestablished on Depot & Old Mill Road to get bike travel between Harvard and Devens

Ayer Road Corridor

- Mass DOT Transportation Improvement Project - See Transportation Advisory Committee Update above
- Vision Plan
 - Phase 1: Market Study Status; funded by the Select Board; Request for Proposal in process; goal is for release at the end of August.
 - Phase 2 will include public hearings for feedback from the community.
- Review Comments from Spring Annual Town Meeting
 - Don't over-develop like big cities
 - Water & Sewer area not viable without it
 - Urge Select Board to begin discussion with MassDevelopment

Housing

- Housing Production Plan – By meeting the goals (10%) incrementally you can hold off Chapter 40B developments; large developments assist with crediting Subsidized Housing Inventory; inclusionary bylaw would also assist in achieving this goal.
 - Implementation Tasks and Review of Goals
 - Certifying the Plan
- Senior Housing – Primary focus over the past year through bylaw amendments, which will continue over at least the next two town meetings
- Housing Choice Initiative Program – State program to assist in jump-starting affordable housing in the Commonwealth. There are currently 14 criteria that a community needs at least seven to be considered for grant funding; Harvard meets two of the 14 criteria.
- Inclusionary Bylaw – Allows a community to protect itself from unfriendly Chapter 40B development; Harvard would benefit from adopting one soon before any new housing development occurs

Protective & General Bylaw Amendments

- Fall Annual Town Meeting 2021
 - Senior Residential Development
 - Erosion Control
 - Scenic Roads
- Spring Annual Town Meeting 2022
 - Senior Residential Development
 - Open Space Design Bylaw
 - Town Center Zoning District
- Future Annual Town Meetings
 - Mapping the Multi-Family District
 - Re-codify Zoning Bylaw
 - Rural Life

Appoint Liaisons & Representatives

- Montachusett Regional Planning Commission – Donahue
- Montachusett Joint Transportation Committee – Donahue
- Community Preservation Committee – Thurston
- Historic Commission Nominee – Cabelus
- Design Review Board – Brown
- Community Resiliency Working Group – Burson
- Harvard/Devens Jurisdiction Committee – Cabelus

- Open Space Committee – Cook
- Transportation Advisory Committee – Donahue
 - Nashoba Regional Greenways – Bruce Leicher
- Master Plan Implementation:
 - Water & Sewer Commission - Cabelus
 - Conservation Commission – Cook
 - Community Preservation Commission – Thornton
 - Municipal Affordable Housing Trust - Thornton
 - Energy Advisory Committee - Burson
 - Select Board - Brown
 - Bare Hill Pond Watershed Management Committee – Cook
 - Board of Health - Thornton
 - Park & Recreation Committee – Donahue
 - Department of Public Works - Cabelus
 - Historic Commission – Cabelus

Miscellaneous Items

- Proposed FY2023 Staffing Organizational Chart - In order to provide better coverage of specific boards and also provide a more balanced structure, it is proposed to break the Land Use Boards into two departments—one for Planning and Economic Development, the other for Conservation and Board of Health.
- Montachusett Regional Planning Commission - Provides a range of services to their member local communities such as transportation planning, land use and environmental planning, economic development, and more. They are funded by an annual assessment of member communities based on population. They also receive grant funding from the state and also perform contract work for cities and towns.
- Electronic Application Filing Process for Planning Board Review – Funding currently not available at this time
- Grants:
 - *DLTA Grants* – As noted above, these are from RPAs to towns and cities and are typically small, typically \$15,000 equivalent or less for planning and economic development projects. The cycle is calendar year and applications typically are due in January.
 - *MVP Grants* – Once communities become MVP designated, they are eligible for MVP Action Grants which can be for planning, study, and construction projects (e.g., culvert replacement). Harvard has received one such grant for the KLA project in 2020 and a second in partnership with Devens and Bolton in 2021.
 - *EOEEA Planning Technical Assistance Grants* – These grants are up to \$50,000 and are for planning projects that result in some legislative change or a development. We applied for one in March for Ayer Road Vision.
 - *Mass Cultural Council Grants* – These are for a variety of cultural-related projects. One subcategory from MCC was awarded to Harvard for the Old Library roof in 2021.
 - *One Stop for Growth Grants* – This new state grant program combines all of the growth and development-related grants into one single application so that multiple element projects can be funded by a single grant. We applied for \$200,000 in 2021 for Ayer Road Vision.
 - *Mass Trails Grants* – Annual cycle of grants from the state available for trails planning and construction.
 - *Green Communities Grants* – Funds for Green Communities (incl. Harvard) for energy goals.
 - *Housing Choice Grants* – As noted above, there are a range of grants available for communities that are Housing Choice designated. Funds could be used for planning, zoning, and a range of project applicability.
 - *MEMA/FEMA BRIC Grants* – Funds for Hazard Mitigation plan development but they have a very long cycle for fund awards.

- *DCR Tree Planting Grants* – Funds for planting trees in communities.
- *AARP Community Challenge Grants* – Grants for projects that meet the criteria established in the AARP Age-Friendly Community program such as transportation and land use.
- Economic Development (Policy, Survey, Focus, Revenue, Data)
- Municipal Vulnerability Preparedness: Hazard Mitigation Plan
 - Allows you to be eligible for grants
 - Crosses over to Climate Resiliency Working Group to develop plan; working with Fire Chief to gain funding
- Website Reorganization and Development – Still a work in progress
- GIS and Mapping – ERSI program available to the Land Use office, however time to devote to maintaining skills by staff is limited

Adjourn

Donahue made motion to adjourn the meeting at 3:28pm. Cabelus seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____ Liz Allard, Land Use Administrator/Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- 2016 Master Plan Action Plan Implementation Matrix – August 2021
- FY22 Select Board Goals/Action Items
- Director of Community and Economic Development Update August 2, 2021
- Housing Choice Initiative
- Housing Choice Designation Guidelines
- Housing Production Plan, 2017 Table 1 – Summary of Implementation Strategies
- Inclusionary Zoning – A Tool For Affordable Housing Progress

Harvard-Devens Jurisdiction Committee Rezoning Vicksburg Square

Recommendation

The Harvard Devens Jurisdiction Committee (HDJC) believes firmly that it is critical for the stakeholders to come to consensus on final disposition and local governance of Devens before taking a proposed rezoning of Vicksburg Square to the three towns for approval at a Super Town Meeting. In addition, HDJC believes that any rezoning effort should provide clarity on the type and mix of residential uses, along with any ancillary uses, in order to estimate the population to be served by the local governing entity and the degree to which local housing needs are being met.

Changing zoning in Devens requires approval by all three towns voting simultaneously in a Super Town Meeting. It is a complicated and time-consuming process under the best of circumstances. And until the governance question is resolved, it is not actually clear what the towns would be voting for...a recipe for failure or for poor decision-making.

In fact, the three towns have voted down the rezoning idea twice in the past....in 2009 and 2012. And if it fails yet again, the outlook for a successful redevelopment will seem even more elusive.

Rationale

Our reasoning here is straightforward: until final disposition and local governance are resolved, any effort to rezone and redevelop Vicksburg Square for largely residential use will most likely fail. There are simply too many unknowns for voters, as witnessed by the previous two failed votes. Without having clarity on the character of the housing to be developed and who will be permanently providing services, the towns will, once again, be reluctant to approve a rezoning.

The HDJC offers the following further detail for its recommendation:

TOWNS WON'T SUPPORT: Until the residents of Ayer, Harvard, and Shirley know what town (or towns) will have ultimate responsibility for Devens (and for Vicksburg Square in particular), they will be unlikely to vote in support of a zone change that could add several hundred new households to Devens. They won't know – no one will know -- the most basic implications of a zoning change: Who will levy and collect property taxes on Vicksburg Square? Will there be a mix of rental/ownership? Only rental? Only ownership? What will be the number of units, estimated number of residents? Of seniors? Of children? In what town would the children attend school? What town would be responsible for providing services for these residents? Should the town and county lines through Vicksburg Square which is presently divided 70% in Ayer (Middlesex County) and 30% in Harvard (Worcester County) be changed so it is all in one town?

Given that Devens does not have its own school district; MassDevelopment has been contracting with neighboring towns for this service. Currently, MassDevelopment has chosen

to contract with Harvard to educate the students residing in Devens. The potential addition of several hundred units at Vicksburg Square means there will be a significant number of new children to educate. It is unlikely that Harvard residents will endorse the redevelopment of Vicksburg Square without having a good understanding of its impact on the schools. Discussions and planning for where students will be educated permanently must take place before any proposals about Vicksburg Square are put forth in order for the effort to succeed.

DEVELOPERS WON'T BITE: Until governance is resolved, even if the three towns did vote to change the zoning, developers are unlikely to take full advantage of the opportunity to develop mixed use housing. Why? Developers, and their lenders, succeed when there are the fewest unknowns and uncertainties. Marketing residential development also involves marketing the larger community. Potential home buyers or renters want to know "where they are living."

Furthermore, current Devens homeowners will want the future redevelopment of Vicksburg Square to enhance, not decrease, their investment in their homes. With certainty of future governance known, a wider and deeper pool of developers will vie for Vicksburg Square. MassDevelopment took advantage of such a competition when choosing a developer for Emerson Green, which is now becoming a new neighborhood, all in one town. And in the end, they chose a developer whose proposal will result in a mix of housing; two thirds homeownership and one third rental, both with affordable housing components. Should Vicksburg Square be developed as all rental, as both MassDevelopment and the Devens Enterprise Commission expect, over sixty percent of all the housing in the Devens community will not be owner occupied. This would drastically change the character of the community and would not be a consistent distribution of housing types with either the current mix or that of surrounding towns.

MassDevelopment has taken great pains to develop the commercial and industrial areas of Devens with diverse, stable, growing, and ground-breaking businesses, resulting in the successful implementation of the Devens Reuse Plan. In order to attract residential development as complimentary to the commercial development, the need is to attract the same level of committed developers. The need for a significant percentage of housing available for first time homebuyers is important to the region, where such buyers have been priced out of the market, and to the Devens workforce whose average annual income exceeds \$90,000. With future governance known, developers will respond to this opportunity.

UNKNOWN CAN BECOME KNOWN SOONER RATHER THAN LATER: It is likely that resolving the unknown of Devens disposition could happen sooner rather than later. The structure and charge of the existing Devens Jurisdiction Framework Committee could produce a consensus recommendation on permanent government in a timely manner, ready for a Super Town Meeting, which could also include the re-zoning of Vicksburg Square. The enabling legislation, Chapter 498 of the Acts of 1993, Section 23 provides that the decision on permanent governance can be made anytime **on or before July 31, 2030**. Section 12 of the Act also provides that MassDevelopment (successor to the Massachusetts Government Land Bank) **shall be the interim government until July 31, 2033**. Determining future local governance now will be good for the redevelopment of Vicksburg Square and not interfere with the ongoing implementation of the Reuse Plan by MassDevelopment.

The HDJC wants Devens to continue to thrive and is particularly interested in helping to bring about a resurgence of development at historic Vicksburg Square, an iconic property on Devens. We know that rezoning, if supported by the towns, could bring exciting housing opportunities to the area. All the parties involved in this process want it to succeed. The most effective way to do that is to resolve unknowns, and then move ahead with the rezoning effort. Attempting to do the reverse would divert the time and energy from the work of resolving the all-important governance question and likely lead to another failed Super Town Meeting vote.

Unanimously approved:
Harvard Devens Jurisdiction Committee
January 6, 2022

PLANNING BOARD ANNUAL REPORT 2021

Introduction

The Planning Board seeks to preserve and protect the character of Harvard and works to advance important community projects that address significant needs. The Board works collaboratively with the Select Board and other local boards and committees and seeks to engage the public in a variety of community planning initiatives to help Harvard grow in a sustainable manner as expressed in the 2016 Master Plan and other policy documents. In 2021, despite the declared Covid-19 State of Emergency through April 2021 and a continuation of remote meetings on the Zoom platform, the Planning Board met a total of thirty-three (33) times. This included a Strategic Planning Session and two public input listening sessions including one for senior housing and one for the Ayer Road corridor vision plan project.

Development Activity

Development activity declined slightly during the past year. In 2021, the Planning Board endorsed four (4) ANR plans; issued three (3) Special Permit Renewals; approved one (1) site plan; and issued four (4) Scenic Road Consents.

Item	2021	2020	2019
Approval Not Required (ANR) Plans	4	6	4
Special Permits	3	5*	1
Site Plan Review	1	1**	3
Scenic Road Consent	2	2	1

** One (1) Driveway Site Plan Approval

* One (1) Special Permit with Site Plan Approval and One (1) Special Permit with Driveway Site Plan Approval

2016 Master Plan Implementation

The 2016 Master Plan is in its sixth year of implementation and the Board has continued to move to implement key actions in the Plan and to coordinate action by others. The Board continues to reach out to other committees to remind them of their tasks and offers to provide assistance as they might require.

The following action items from the Master Plan that the Board is primarily responsible for were started, advanced, or implemented in 2021:

- Replace or modify the existing Open Space Conservation-Planned Residential Development (OSC-PRD) bylaw with a new version that incorporates elements of the State's new Natural Resource Protection model as well as best practices of open space and conservation subdivision design practices in order to remove barriers that restrict its current utility. The Board continued to work on revising the OSC-PRD Bylaw beginning in May 2021 and hopes to present a final revision to Town Meeting in the spring of 2022, along with other amendments associated with the Bylaw.
- Working with the Montachusett Regional Planning Commission (MRPC) to obtain funding for safety and aesthetic improvements to Ayer Road. The Town, along with The Engineer Company (TEC), has recently developed a 25% design for an Ayer Road Redevelopment Transportation Improvement

Program (TIP) project that would address roadway deterioration, safety issues, and add pedestrian and bicycle facilities to the corridor. A public hearing on the 25% design is expected in early 2022.

- Regular Land Use Board meetings have continued to facilitate good communication and coordination of projects in common. Staff has furthered work on a five-year plan to fully transition to a Department of Community & Economic Development as the plan calls for and to facilitate a full-time Conservation Agent, necessitating additional personnel changes.
- The Board has continued to work on amendments to the Zoning Bylaw to provide for senior housing. In May, Annual Town Meeting approved a senior housing section to the Bylaw and modified Accessory Apartments and renamed them Accessory Dwelling Units (ADUs). The key ADU reform included increasing the maximum size to 1500 s.f. and making them as-of-right if built for seniors. Fall Special Town Meeting continued senior housing amendments with some house-keeping amendments, moving assisted living from Section 125-52 to the new senior housing section, adding continuing care retirement communities to the new senior housing section, and adding senior housing-related definitions. Town Meeting also finally passed an erosion control bylaw and amendments to the scenic road bylaw.

- Several Commercial (C) Zoning District actions were pursued and advanced in 2021. First, a capital request to fund all three phases of the Ayer Road Corridor Vision Plan project was rejected by Town Meeting in May 2021 with mixed feedback noting that various elements were either not needed or valuable without other elements. Funding for the project was also not supported by grant requests as the One Stop for Growth grant was rejected by the state. However, Phase 1, the market and fiscal impact analysis tasks, was initially funded at \$45,000 by the Select Board's Rantoul Trust. In December 2021, Harvard received word that it was successful in receiving a Planning Technical Assistance grant in the amount of \$45,000 from the Executive Office of Energy and Environmental Affairs, and thus the Rantoul Trust funding was no longer required for Phase 1. Also in 2021, the Planning Board developed and executed a Request for Proposals (RFP) for a consultant to carry out Phase 1 work and received two responses. It is anticipated that in 2022, a contract will be executed, and that Phase 1 will be completed by May 2022.

Transportation Planning and Programming

Once again in 2019, transportation issues continue to be a focus for the Board. The Board continues to work closely with the Department of Public Works (DPW) Director to implement the Complete Streets program of Mass Department of Transportation in order to continue to work

on pedestrian and roadway improvements in the Town Center. The Planning Board continued to look for a subsequent Complete Streets project for a 2021 grant application.

In March of 2021, the Town was awarded a District Local Technical Assistance grant for updating the transportation chapter of the 2016 Master Plan. This project began late but is expected to be completed in early 2022 and include updates to the Complete Streets list of priority projects plus a range of other projects related to transportation.

The Director has also worked with the DPW Director, Planning Board, and Select Board, to qualify Ayer Road improvements for funding through the regional Transportation Improvement Program (TIP) coordinated by the MRPC. The Complete Streets and MassWorks Programs provide opportunities for the Town to continue to work on pedestrian, roadway, and bicycle facility improvements in the Town Center as recommended by the Town Center Transportation Committee, which issued a report and recommendations in 2016. The Director continues to pursue a Board interest in creating a commuter shuttle to a local rail station. Potential locations for a Park and Ride lot to host a shuttle continue to be sought but no further progress was made on securing a location.

The Planning Board successfully lobbied for a Town Transportation Advisory Committee to be created. The Committee was developed to be a coordinator of all transportation and mobility-related issues and projects so that separate projects can not only be coordinated but other types of projects that impact or are impacted by a

transportation criterion can also be coordinated.

Zoning Amendments

Open Space Residential Development (OSRD) – The Planning Board continued to work on the draft OSRD Bylaw as well as amendments to other Bylaw sections to facilitate OSRD.

Senior Housing Development – The final phase of senior housing bylaw amendments includes the OSRD bylaw which it expected to be a key element in facilitating senior housing.

Other Zoning Initiatives – The Planning Board at their annual retreat and at regular meetings discussed projects such as Village Center Zoning, Protective Bylaw Rewrite, mapping the Multifamily Residential (MR) zoning district and each were deemed lower priorities for the 2021 Planning Board work program. However, in late 2021, information was forthcoming related to the State guidelines for mandated multifamily as-of-right zoning and this may be elevated to a higher priority entering 2022. Additionally, the Board considered using the One Stop for Growth grant as an opportunity to fund the Zoning Bylaw rewrite.

Housing

Harvard continued to participate as a member of the Assabet Regional Housing Consortium, an organization that now includes the towns of Bolton, Boxborough, Devens, Harvard, Hudson, Littleton, Clinton, Berlin, and Stow, to perform housing advisory services, maintain a database of

affordable housing, assess the level of compliance, and respond to other affordable housing questions and issues that might emerge. The Consortium continues to be assisted by a housing consulting firm, Metro West Collaborative Development (MWCD), that assists the Consortium and its member communities by performing those tasks. MWCD maintains an affordable housing inventory for the Town.

Other Projects of Note

The Municipal Vulnerability Preparedness (MVP) project continues to make progress toward its priorities identified in the 2019 prioritization plans developed by the Town with assistance by The Harriman Group.

The Community Resilience Working Group or CRWG, was very active in 2021. The group developed and passed a climate action resolution at Town Meeting, held a number of events and activities, developed social media, a website, and an action portal called Harvard Energize, and petitioned the Select Board to become a Town advisory committee. The CRWG also made progress on a local climate action plan.

Related to CRWG, Harvard began work on updating its Hazard Mitigation Plan, first passed in 2016. An Request for Proposals for the update was sent out in late 2021 and the Town received four responses and was in the process of evaluating the proposals at the close of 2021.

Staffing and Board Members

Christopher Ryan continued to serve the Planning Board and the CRWG, along with

other boards and committees such as Open Space, Transportation Advisory, and the Harvard Devens Jurisdiction Committee, as needed. He also provides staff supervision of the Land Use Administrator/Conservation Agent, Liz Allard and Board of Health Administrative Assistant Allison Flynn.

Mr. Ryan continued to work on economic development and community development projects; attended meetings of the Devens Framework Committee; assisted the Planning Board on a number of Protective Bylaw draft amendments; the Assabet Regional Housing Consortium; attended regional meetings of MRPC and the 495 Metro West Collaborative Development; and assisted the Department of Public Works Director on Transportation Improvement Program and other transportation projects such as Complete Streets, cluverts, and the Transportation Plan Update.

Liz Allard continues to serve as the Land Use Administrator, handling all administrative matters for the Planning Board, Conservation Commission, and Zoning Board of Appeals. Ms. Allard also serves as the Conservation Agent for the Town reviewing wetlands applications and conducting compliance inspections. The Planning Board would also like to express its sincere thanks and appreciation to Liz for this exemplary service to the Town and Planning Board.

Justin Brown continued his role as chair of the Board in 2021, along with Stacia Donahue as vice-chair. Member Fran Nickerson retired and members Jane Biering and Gwen Leonard left the Board, while new members Brian Cook, Richard Cabelus, and Doug Thornton were added

and, Jefferson Burson was named a new Associate member.

Liz Allard, Land Use
Administrator/Conservation Agent

Members serve as representatives on a number of other Town and regional committees. Chair Justin Brown serves as the Board's representative to the Select Board, and serves on the Design Review Board. Vice-Chair Stacia Donahue serves as the Board's delegate to the Montachusett Regional Planning Commission and is a representative serving on the Transportation Advisory Committee. Richard Cabelus is the Board's Historic Commission nominee and serves as the representative to the Harvard-Devens Jurisdiction Committee. Doug Thornton serves as the Board's representative to the Community Preservation Committee. Brian Cook serves as the Board's representative to the Open Space Committee. Jefferson Burson is also a member of the Harvard Climate Initiative Committee.

The Board typically meets the first and third Monday of the month at the Harvard Town Hall. It may be reached in the Land Use office on the first floor of Town Hall, 13 Ayer Road, by calling 978-456-4100 ext. 323, or by email to cryan@harvard-ma.gov. Office hours are Monday - Thursday 8:00 am-4:30 pm.

Respectfully submitted:

Justin Brown, Chair
Stacia Donahue, Vice Chair
Brian Cook, Member
Richard Cabelus, Member
Doug Thornton, Member
Jefferson Burson, Associate Member
Christopher Ryan, Director of Community
and Economic Development

Requesting Organization	Application/ Funding Title	Mass CPA Category	Requested Amount	CPC Funded
Harvard Fire Department	Fire Reports Preservation	Historic Preservation	\$11,495.00	\$11,495.00
Harvard Historical Commission	Shaker Herb House	Historic Preservation	\$58,500.00	\$58,500.00
Parks & Recreation	Completion of Town Docks	Open Space & Conservation	\$25,000.00	\$25,000.00
Parks & Recreation	Mooring/Raft Anchoring System	Open Space & Conservation	\$30,000.00	\$30,000.00
Parks & Recreation	Safety Improvements to Harvard Parks & Playgrounds	Open Space & Conservation	\$36,000.00	\$10,352.00
Open Space Committee	Community Harvest Project APR	Open Space & Conservation	\$100,000.00	\$100,000.00
Open Space Committee	Still River Woods	Open Space & Conservation	\$50,000.00	\$50,000.00
Harvard Town Hall	Civil War Tablet Restoration	Historic Preservation	\$11,774.50	\$11,774.50
Town Hall	Preservation of Historic Documents	Historic Preservation	\$21,480.00	\$21,480.00
Town Hall	Town Hall Debt	Historic Preservation	\$48,000.00 estimated	\$48,000.00
MAHT	Affordable Housing	Affordable Housing	\$37,700.00 estimated	\$37,700.00
CPC	CPC Expenses		\$2,500.00	\$2,500.00
		TOTAL:	\$432,449.50	\$406,801.50



Director of Community and Economic Development

UPDATE

January 24, 2022

■ Ayer Road Market Study Progress Report

Howard Kohn of The Chesapeake Group will give the Planning Board a brief update on progress related to the survey and other tasks. Please see more information about this project further down in this UPDATE.

■ Strategic Planning Goals

The priorities listed for FY 2022 include the following:

- Ayer Road, Commercial District, economic development
- Open Space residential Development & Senior Housing - Spring 2022;
- Town Center Zoning
- Multifamily re-writing zoning and mapping
- Rural Life/Ag Tourism
- Re-codify Zoning Bylaw

Related to progress, the Ayer Road project, Phase 1, has been progressing well with The Chesapeake Group having released a survey and have now begun setting up interviews with local officials. I have given over 30 names. If you can think of people that Howard should speak to about the local or regional market, pass them along and I will get them to him. OSRD progress is noted below. Town Center Zoning is not being pursued through grants at this time but we could at any point. I was hoping to have a chance to make more progress related to a Form-Based Code for the Ayer Road Corridor before broaching this for the Center. Multifamily progress is noted below as is recodification of the Bylaw. There has been no progress on Rural Life but occasionally I am asked about it by Tim Bragan or Rich Maiore.

■ **DRAFT Compliance Guidelines for Multi-family Districts Under Section 3A of the Zoning Act**

Here is the information from the Memo I sent last week. Look forward to the discussion on Monday night.

On Wednesday, December 15th, the Department of Housing and Community Development released Compliance Guidelines for the requirements for MBTA communities to establish an as-of-right (by-right) multifamily housing zoning district. I also attended a webinar conducted by the state to provide more clarity related to the draft guidelines. Therefore, please see what Harvard would be required to do as follows:

Draft Guidelines Summary

1. Must establish a district of a “reasonable” size (at least 50 acres of land).
2. May have sub-districts with differing densities as long as the overall district meets the minimum requirement.
3. Must allow at least 15 units/acre (minimum gross density).
4. Must be without any age restrictions.
5. Must be legally and practically allowed.
6. Should be in areas that have safe and convenient access to transit by bicycles and pedestrians.
7. Must allow for at least 10% of units as share of total housing stock but also must allow at least 750 units (50 acres x 15 units/acre). The 750 unit minimum for Harvard was confirmed today. I expect that we can determine how lack of current water and sewer infrastructure might impact this number. I understand that this is a “freak out” number but to me and my research, it is not ambiguous, and it is important that we be transparent about this but also emphasize that we may make formal comments to the state pushing back at this threshold.
8. Communities must estimate the unit capacity for each district. The minimum required capacity must be attainable in the district(s). The state and MHP will be developing tools that communities can use to make these calculations on a per lot basis.
9. Districts may be established that already include existing multifamily units. Therefore, Foxglove, Bowers Brook, and Harvard Green can be included in such a district and count toward both units and density if we wish.
10. When an MBTA community has no land area within 0.5 mile of a transit station (Harvard), the multi-family district should, if feasible, be located in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that otherwise is consistent with the Commonwealth’s sustainable development principles.

11. DHCD must make a “Determination of Compliance” for each applicable community, which may be interim, allowing Harvard to establish the requisite bylaws and mapped area(s).
12. Interim compliance requires:
 - a. Creation of an Action Plan
 - b. Implementation of Action Plan
 - c. Adoption of Zoning Amendment
 - d. Request Determination of Full Compliance
13. Effect of Non-Compliance – The MBTA community will not be eligible for funds from the following grant programs:
 - a. the Housing Choice Initiative;
 - b. the Local Capital Projects Fund; or
 - c. the MassWorks infrastructure program.
14. To remain in compliance while DHCD is collecting public comment on the Draft Guidelines, an MBTA community must:
 - Submit the MBTA Community Information Form by 5:00 p.m. on May 2, 2022.
 - Hold a briefing of your City Council, Town Council or Select Board on the Draft Compliance Guidance no later than May 2, 2022 and attest to that on the MBTA Community Information Form.

More on this will be noted below under **Important Dates**

Some Initial Thoughts

1. I asked in the webinar whether the guidelines can be met as part of a mixed-use zoning as long as the 15 units/acre is incorporated. The question was not answered but if the answer turns out to be yes, then it seems clear that we can incorporate this mandate within our Ayer Road commercial district ultimately as part of our vision plan and a form-based code regime.
2. I also wonder whether it could be a part of a MGL 40R and 40S district which involves the payment of funds from the state to communities for the units and for school children. I can provide more details about this later.
3. If this cannot be achieved before December 31, 2024 (see below), perhaps we could preliminarily modify the ARV-SP to incorporate these requirements and then later integrate it into the Ayer Road Form Based Code?
4. Erin McBee asked the question as to whether Harvard can become de-listed as an MBTA Community and if this is possible and desirable by the Town, further inquiry

is unnecessary. However, Harvard would lose somewhere in the vicinity of \$30,000 annually.

The Planning Board meeting should cover the following three (3) key issues:

- 1. *Initial thoughts should be prepared for the Select Board. This should include a recommended pathway and plan of action—plus what comments should be packaged up and sent out to the state.***
- 2. *What specific comments or questions do we wish to submit to MRPC and EOHEd? Some initial thoughts include:***
 - a. How to reduce the 750 to a manageable number for Harvard?
 - b. How can limitations due to lack of water and sewer impact our requirement?
 - c. Can we meet the guidelines as part of a mixed-use development zoning?
- 3. *We need to take the following steps after speaking to SB and sending out comments:***
 - a. Community Information Form – Needs to be completed by May 2nd.
 - b. Action Plan – We need to begin thinking about the development of an “Action Plan” due next year. What steps do we want to take to achieve compliance?

Available Resources for Harvard

Today’s webinar noted a range of technical resources available to assist MBTA communities to respond to the guidelines. These include:

1. Mass Housing Partnership – MHP has a Housing Toolbox on their website but is also offering personalized technical assistance to six (6) communities on a first come-first served basis with an application due in May.
2. One Stop for Growth Grant Program – This grant program, where we previously applied for Ayer Road but were declined, will now be prioritized for MBTA communities. We could revise our previous application to include these requirements and resubmit.
3. EEA Planning Technical Assistance Grant Program – This is the FY 2023 cycle of the grant we received for Ayer Road (\$45,000) this year. I understand that EEA will prioritize 2023 applications for MBTA communities.
4. DLTA Grant Program – As Stacia has already reported, MRPC is prioritizing DLTA grant applications for MBTA community projects.

Important Dates

Please see below the set of important dates related to the new MBTA multifamily zoning district guidelines. We should add them to our calendars.

- **March 31, 2022** – Deadline for submitting comments on Draft Guidelines.
 - Before **May 2, 2022** – The Select Board must hold a briefing on the Draft Compliance Guidance.
 - **May 2, 2022 @ 5:00 pm** – The MBTA Community Information Form must be submitted.
 - **July 1, 2023** – Deadline for obtaining DHCD approval of a timeline and action plan.
 - **December 31, 2024** – Deadline for adopting an appropriate zoning amendment that complies with guidelines.
-

■ Other Topics in Planning and Development

OSRD – I have updated both the Bylaw and the Rules plus created a guidebook to accompany everything that hopefully makes it easier for members (and others) to understand the process and the content. In doing this piece, I was able to confirm, at least in my mind, the logic of the structure of the documents. While the two documents could be combined, I see some merit in separating them due to the length. But at this point, I am still awaiting any feedback from members.

I would like to recommend another way to consider our review of OSRD. In reality, I'd guess that 85% of what is in these chapters is of little or no consequence to residents a.k.a. Town Meeting voters. What they really care about is:

“What could this result in for Harvard?”

“What would it look like”

“Where would it go”

What impact would it have?”

I suggest that they do not care much about process...applications, review steps, paperwork, etc. They probably don't care much about how open space is calculated or pedestrian connections or anything that doesn't have to do with the end product or where it will or could be located.

I'd recommend first focusing on getting the product and distribution right and then once we have that, we can tweak process, procedure, and those other details. First and foremost, it needs to be a non-threatening product. I think it should be easy to have a chart that compares what we have now to what we are proposing. Something like this:

CURRENT OSC-PRD BYLAW

Base Development Density = 1 unit per 1.5 acres

Development Incentive (Density Bonus)

Up to a 25% density bonus for:

1. More open space and preservation of agriculture (5%)
2. Public improvements or amenities (5%)
3. Small attached dwellings (5%)
4. Affordable housing (20%)

Minimum Open Space = 50% of parcel

Permitted Uses: single-family, attached units, agriculture and horticulture, open space, trails, passive recreation, education and religious uses, accessory residential



PROPOSED OSRD BYLAW

Base Development Density = 1 unit per 1.5 acres

Density Bonus

Up to a 50% density bonus for:

1. More open space (5%)
2. Affordable housing (15%)
3. Age restricted housing (10%)
4. Starter homes (10%)
5. Green score (10%)
6. Sustainable development (5%)

Minimum Open Space = 50% of parcel

Permitted Uses: single-family, two, family, townhouses, agriculture and horticulture, open space, accessory residential, clubhouse, civic uses

MBTA Multifamily – I have now attended two sessions covering this topic and read and re-read the guidelines. I have also conferred with peers. I am confident that the memo I just sent out and repeated above ↑ reflects my latest and deepest understanding of the issues involved. In summary, I think we could meet the spirit and intent if we focus on the Ayer Road Commercial Corridor and use the current process for the 3-phase project to move in that direction. While we could craft interim regulations for ARV-SP that could bridge to a more permanent solution, I think that if we continue to move forward on phases 2 and 3 without delay, that we will not need to do that. Key now is making sure citizens know the timing and consequences of all of this.

Zoning Rewrite – This is just an FYI because I am taking some preliminary steps to see if we may be able to 100% grant fund a large 2016 Master Plan project that it didn't seem apparent where the funding would come from. In reviewing both the MVP and One Stop grant awards, I have seen several projects ask for funding for zoning projects. So, I began to look into opportunities to address the action item in the Master Plan to update the Bylaw, rewrite the Bylaw. My idea was, similar to the transportation plan update, to tackle multiple goals with one megaproject. This effort is essentially broken into two parts, each based on a specific grant, as follows:

- One Stop for Growth: Apply for the larger comprehensive rewrite with this grant.
- MVP Action: Apply for a range of climate action and environmental provisions similar to Marlborough or Wrentham.

I'd be glad to show you how I have described the scopes of work for each in the RFI documents that I have crafted. I will not have time to execute the climate action RFI but I might be able to pull off the One Stop related RFI.

Just as background, as noted above, the Master Plan has an action item of recodifying the entire Bylaw. This has been a master plan action item back to at least 2002 and likely before. The 2002 Master Plan actually included a Zoning Diagnostic identifying all of the perceived flaws at that time. It's gotten worse sense then hence the 2016 Master Plan action item. This project is also a priority for this year.

I won't mince words and say it'll be easy, but it may not be as bad as we may think. A consultant will be heavily responsible for the public process and will have to show their expertise at that. Many towns are doing this as evident on **MassPlanners** listserv. I have actually completed three in my career elsewhere—internally. I would not attempt that here as you may understand why. It's comparable to a master planning process in terms of time and work, but again, the consultant will do 90% of it and do the public outreach hand holding, with our assistance.

It is deeply needed and users such as present and past Building Commissioners, local engineers, developers have all emphasized, and a rewrite will accomplish many things including making things much easier for boards, staff, and users. There are other benefits but I'll leave it at that for now. Be glad to elaborate.

Transportation Plan – The draft transportation plan from MRPC is now in hand and needs some work. I have distributed to the Planning Board, Transportation Advisory Committee, the HCIC, and Mr. Kilhart. We must determine a process for comments and edits and convey back to MRPC. After they finalize the plan, MRPC will present to Select Board and perhaps we can make this a joint meeting with all the stakeholder boards there. Let me know what you think.

Hazard Mitigation Plan – I have been going through the process of evaluating proposals (4), sending follow up questions to respondents, and just finished reference checks for 3 of the 4. The last step has been more difficult and time-consuming than expected, but it is done. I just sent the review team the reference information and asked them to direct me to what they want to do next. We should have a selected consultant sometime next week and will confer with Tim B. on the recommended selection.

Devens – A lot is happening with Devens and some may elbow its way into Planning Board domain. You may be aware of the Jaime Eldridge letter that has been circulating. If not, let me know and I can send it to you...or I can send to the full Board. In this letter, essentially Eldridge is 1) supporting VBS and affordable housing at Devens generally, saying that MassDevelopment needs to be a leader in this area. He also is asking MassDevelopment to assist in funding the member towns on the consultant study on impact, as the Framework Committee has called for. I see this letter as leading to pressure on Harvard to be willing to allow VBS to be rezoned and the CAP increased. I don't think the HDJC is going to be swayed. The HDJC has developed a memo or position paper that seeks support from boards and committees in Town for their intended track of trying to bring back historical lands of Harvard as the solution. They have already asked the Planning Board for this support and it will be on the 1/24 agenda.

I did finally have a chance to speak to Rich Maiore and he is in general agreement with us about the progress of this group and their pathway. Based on this and other discussions,

the Board should consider asking Victor to widen the scope to consider other possible outcomes and have the consultant look at multiple scenarios...and in a much-reduced time frame than 2033.

Therefore, I would recommend that the Board discuss this request and consider asking the HDJC to widen their scope and consider options for jurisdiction that do not include taking back historical lands. These options should be creative, innovative, and consider outside the box thinking. But in this vein, the Planning Board can support the HDJC preferred outcome should it prove to be the most beneficial to Harvard with the lowest down side.

CRWG – I do not put much time into this anymore but do help from time to time. They are nearing being formalized but I am not sure of SB timeframe. I know all current members have refiled their volunteer forms, but the SB may not take all of them, who knows. But the climate action plan is being rapidly developed and I have contributed a bit to that. I am also helping them find staffing solution through the Nashoba Health Board. Ellen and I met with state rep Hillary King on grant application ideas.

The CRWG was just made the Harvard Climate Initiative Committee (HCIC) on Tuesday evening. I would recommend taking action to dissolve the CRWG as soon as they are ready to meet as the new group.

DLTA – DLTA applications are due very soon and the Board needs to determine what ONE project, if any, we'd like to apply for. I suggest the update of the Housing Production Plan, which is expiring in June. Other ideas are welcome. Note that this year, 70% of DLTA funds will be earmarked to helping MBTA communities address the new guidelines. I don't think we need that type of help, but we could make a claim that updating the HPP will help facilitate multifamily development and that it is related...so could be part of the 70%.

Culvert – Another possible MVP Action Grant is for Apple Country recommended culvert replacement. One on the AC list was one that Tim Kilhart also sees merit in pursuing. So I am now working with BSC Group, the consultants who developed the Apple Country Report, to come up with the necessary information for the Intent to Apply online form due on 2/1.

Budget – Attended FinCom and gave brief update on proposed staffing changes and also withdrew the Reserve Fund Transfer request for local match for Old Mill path to Devens. I have noted that CPIC has not yet reinstated the full amount that we asked for...a concern.

Market Analysis – The final scope and contract should be finalized this week. I have been working to get the word out about the market behavior survey over the last two weeks. There has been some good feedback and a lot of not-so-great feedback. We need to do a better job of getting the word out regarding the survey. It is on the Town home page and the Planning Board page, but frankly nobody goes there. I tried to create a Facebook page but it is more trouble and time than it is worth. It also costs at least \$35.00.

I also gave 27 names of people and organizations to Howard to begin making calls regarding interviews and/or focus groups. This is the second step in garnering data for the analysis.

Town Report – Latest version available for Board member review and comment. It is due to TA by 1/31/22.

Economic Development – I met/spoke with the new Appleworks owner this week. Bill Buckley of GFI Partners noted that they bought the building and the 23 acres at 325 Ayer Road. Sounds like they are eager to do something on the vacant piece...maybe sooner than later. They may be supportive of Vision Plan work though and could provide good market data to our consultant.

■ OSRD Review Discussion

As noted in the comments document sent on 12/15, So far I have received comments from four individuals. I have made edits to the primary document, the proposed Chapter 125-35, plus both accompanying documents, Chapter 125-2 and Chapter 133-60 and had previously recommended that we focus on specific review subjects as follows:

1. Overall Document Organization and Structure
2. Errors, Omissions, Inconsistencies, Conflicts
3. Key Question #1: By-Right, Special Permit, or Both
4. Key Question #2: The Economics of OSRD (Public and Private)
5. Key Question #3: Open Space Ownership and Maintenance
6. Dimensions, Calculations, and the Overall Math of the Bylaw
7. Other Issues

We had previously begun to discuss organization and structure and there were several comments received that asked to address this. In the process of trying to address all comments received, I did take another look at structure. At this point in time, I chose not to make any changes to the structure after making a number of edits in response to other comments and after developing a guidebook, I made the judgement that these changes and the guidebook clarify some of the perceived ambiguity.

Importantly, I also noted that what might have created some of the confusion emanates from the decision to decouple the processes and procedures from earlier drafts and move this material over to Chapter 133. Comments on how other bylaws from other towns are easier to understand have noted that process is integrated into these bylaws and that is correct. They do have everything self contained. We chose to move process out because at that time, the draft was over 20 pages long and members were concerned that this length was excessive and would never pass Town Meeting. So let me summarize that changes that have been made since the last draft and hope that this has simplified things slightly:

1. Added a contents section at the top. While our Bylaw has not done this previously, many other bylaws around the country do (see the one I did for Brookline [HERE](#)).
2. I moved B(2) to Chapter 133-60.
3. I added a preliminary statement to the Open Space section explaining that since open space is the central organizing principle for the Bylaw, this is why it is located here.
4. Changed C(1) from Generally to Calculation of Open Space.

5. Eliminated some extraneous open space language including non-common OS.
6. Changed Permanent Open Space to Open Space Logistics.
7. Increased additional density from 25% to 33%.
8. Eliminated conditional uses and blended all uses together in one section.
9. Modified language for starter home bonus and added language for MGL 40R.
10. Eliminated the hybrid or subdivision option.
11. Deleted the first dimensional table and put the criteria in text.
12. Modified the second dimensional table.
13. Summarized the four-step design process in 133-60 in G.
14. Summarized the application process in 133-60 in H.

I have also developed a draft OSRD Guidebook intended to explain what it is and how it works. I am hoping that these explanations plus the Guidebook will clarify things and make them easier to understand.

As noted above, I would recommend approaching the review going forward in decending order of priority related to who we need to “sell” on this which includes, 1) the public, 2) users like local engineers, and 3) property owners. Obviously selling Town Meeting is the highest priority and they are mostly concerned about what projects will look like, function, impact, and where they will be located. So, I’d start with this content including density, dimensions, and design. We may also want to consider a limitation or cap—either annual, total, or both.

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**HARVARD PLANNING BOARD
MEETING MINUTES
JANUARY 3, 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. Bonding small communities together against these requirements may be of assistance, considering the limiting infrastructure of these types of communities.

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 all of the State grant funding to all of the phases and not use any of the Rantoul Trust Fund for this project.
 - *Capital Investment & Planning Committee* – Ryan stated he was able to reduce the funding request by \$45,000
- 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.

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

54

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

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

57

58 **Adjournment**

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

61

62 Signed: _____ Liz Allard, Clerk

63

64 **EXHIBITS & OTHER DOCUMENTS**

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

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106 Harvard Planning Board
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108 Scenic Road Consent Hearing
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110 Philip Cutler – 56 Stow Road
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112 January 3, 2022
113

114 The public hearing was opened at 7:20pm by Chair Justin Brown under MGL Chapter 40A the Zoning Act
115 and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually pursuant to Chapter 20 of
116 the Acts of 2021, An Act Relative to Extending Certain COVID-19 measures adopted during the State of
117 Emergency and signed into law on June 16, 2021
118

119 **Members Present:** Justin Brown, Stacia Donahue, Doug Thornton and Jefferson Burson (Associate
120 Member)
121

122 **Others Present:** Christopher Ryan (Director of Community & Economic Development), Liz Allard (Land Use
123 Administrator) and Philip & Molly Cutler
124

125 This hearing is for Scenic Road Consent filed by Philip Cutler for the rebuilding of a stonewall on either
126 side of the existing driveway at 256 Stow Road, Harvard.
127

128 Brown provided context explaining staff was alerted to a violation in November, the applicant responded
129 immediately, complied with the stop work request and filed an application in a timely manner. In
130 addition, the area was stabilized to avoid any runoff of sedimentation onto Stow Road. Brown added the
131 details of how to handle the enforcement aspect of this violation will be discussed at the end of the
132 hearing.
133

134 Philip Cutler stated the stone wall at the front of the property retains a field on his property, which was in
135 need of repair. This repair included extending the stonewall into the existing driveway. Cutler noted all of
136 the stones used for the repair are original to the site. Cutler stated some 15 to 20 years ago he asked the
137 then Director of the Department of Public Works (DPW) if the Town was going to fix the wall, the Director
138 stated they were not. Cutler continued to pick the stones up over the years, until last year when he
139 decided to rebuild the wall.
140

141 Donahue asked if the stones are within the Right-of Way or on the property. Cutler stated within the
142 Right-of-Way. When asked, Cutler stated no trees were removed; however an existing stump was
143 removed that had been previously left by the telephone company. Brown asked if the flare of the
144 driveway is within the Right-of-Way or on the property. Cutler stated on the property. Brown asked if the
145 work was preformed by a local landscape company. Cutler stated yes, Beyond Construction; the same
146 company that rebuilt the wall in front of the library along Mass Ave. Brown asked if there had been any
147 discussion with Beyond Construction about the need for Scenic Road Consent. Cutler stated there had
148 not. Brown noted there were no comments received pertaining to this application from other
149 Departments or Board/Commissions.
150

151 Ryan reviewed his comments provided in his memorandum, dated December 30, 2021. Allard stated in
152 regard to the DPW not wanting to repair the stone wall, if they were to do so they would need to
153 continue that all over Town, which would not be economically feasible. Also the stonewall repair
154 completed by Beyond Construction was on Mass Ave, which is not a scenic road, therefore Scenic Road
155 Consent was not necessary for the rebuilding of the stone wall in front of the library. Brown noted the
156 two favorable comments received by abutters to the property.
157

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

161
162 After a brief discussion, Donahue made a motion to fine the applicant \$300 as detailed within Chapter 90
163 of the Code of Harvard. Thornton seconded the motion. The vote was unanimously in favor of the motion
164 by roll call, Donahue, aye; Thornton, aye; and Brown; aye.

165
166 Donahue made a motion close the hearing. Thornton seconded the motion. The vote was unanimously in
167 favor of the motion by roll call, Donahue, aye; Thornton, aye; and Brown; aye.

168
169 Signed: _____ Liz Allard, Clerk

DRAFT

**HARVARD DRAFT OPEN SPACE RESIDENTIAL DESIGN (OSRD) DEVELOPMENT
DECEMBER 23~~28~~, 2021 – 3rd DRAFT**

- A. [Purpose and Intent](#)
 - B. [Applicability](#)
 - C. [Open Space](#)
 - D. [Development Density](#)
 - E. [Permitted Uses](#)
 - F. [Dimensional and Design Requirements](#)
 - G. [Project Site Design Process](#)
 - H. [Formal Process and Application](#)
-

A. Purpose and Intent

The purpose and intent of the Open Space Residential Development (OSRD) development option is to permit high-quality residential development in harmony with the natural features of the land that is consistent with historic land use patterns of village-like areas where residences are grouped, surrounded by areas of open space used for agriculture, forestry, recreation and similar purposes. It is also the purpose of the OSRD option to:

- (1) Preserve open space, scenic landscapes, water resources, wetlands, natural (particularly native) vegetation, habitat, prime agricultural land, key natural features, and cultural and historic resources with emphasis on goals and actions included in Harvard's 2016 Master Plan and 2016 Open Space and Recreation Plan.
- (2) Reduce site development and public and private maintenance costs.
- (3) Promote a diversity of housing opportunities within the Town, while respecting and enhancing neighborhoods, and promoting attractive standards of appearance and aesthetics consistent with town character.
- (4) Reduce the anticipated negative fiscal impact on the Town associated with conventional residential development by reducing street length and width, public utility extent, providing efficient stormwater runoff technology, and other public infrastructure.
- (5) Encourage the siting of homes in a manner that clusters units together in well-designed village settings, on buildable portions of the site, as a distinct alternative to the more arbitrary siting associated with lot-by-lot development typically reflected in plans submitted pursuant to Massachusetts General Laws Chapter 41, Sections 81K through 81GG, the Subdivision Control Law. At least 80 percent of dwellings shall be contiguous with some type of Open Space, and all OSRDs shall generally contain at least one neighborhood green or common, bounded by a street or streets in the traditional New England manner.
- (6) Prohibit a lot that has been approved for OSRD to apply for further subdivision of the lot for ten (10) years after the first approval.

B. Applicability

OSRD is Special Permit ~~development~~ option for residential development. The Planning Board may grant approval of an OSRD on an Agricultural-Residential (AR) zoned tract of land.

- ~~(1) If the proposed OSRD involves one or more common driveways, density bonuses, and/or any other use that requires a Special Permit, the proceedings for all such Special Permits and the Site Plan review shall occur in one Consolidated Special Permit proceeding before the Planning Board.~~

Commented [CR1]: Moved to Section 133-60

C. Open Space

Open Space is the organizing principle for OSRD projects and as such, requires the bulk of the up-front project tasks. The following sections describe (1) how open space is calculated, (2) how open space may be classified, and (3) the logistics regarding ownership and maintenance.

- (1) ~~Generally~~ Calculation of Open Space – A minimum of fifty (50%) percent of an OSRD must be open space made up of conservation areas and other open spaces such as commons or greens, parks, historic or cultural sites and features, and passive and active recreation areas. The specific allocation of this open space shall be as follows:
- (a) Determine the acreage of Primary Resource Protection Areas (PRPAs), as defined in Section 125-2.
 - (b) Determine the acreage of Secondary Resource Protection Areas (SRPAs), as defined in Section 125-2.
 - (c) The combination of PRPA and SRPA area must equal at least 50% of the total site area.
 - (d) At least 50% of the SRPA must remain in its natural state, completely devoid of any structure, parking, loading and unloading space, or as private yards, patios, or gardens for the exclusive or principal use by residents of individual dwelling units, unless the conservation or preservation value is as an improved asset such as a farm field, stone wall, well, historic building or structure, or other modified landscape, protecting and maintaining those assets that were agreed upon by the Planning Board and Conservation Commission.
 - (e) The remaining 50% of SRPA may be improved into commons or greens, parks, and passive and active recreation areas, which may include unpaved walking paths and trails. All OSRDs shall generally contain at least one neighborhood green or common, bounded by a street in the traditional New England manner. The common open space described herein is in substitution of and supersedes any other reference to common open space that may be described elsewhere in the Bylaw.
 - (f) All Open Space, to the extent possible, shall be appropriate in size, shape, dimension, location, and character to assure its use as a conservation area, and where appropriate, a recreational area, and be a visual and natural amenity for the development and the Town. Preserved open space shall also be contiguous to the greatest extent practicable, except for neighborhood greens. Where noncontiguous pockets of open space are preferable to protect features of high conservation value, applicants shall attempt to connect these resource areas to the greatest extent practicable through the use of trails, vegetated corridors, or to adjacent external open space. Open Space will still be considered contiguous if it is separated by common elements such as a shared driveway, roadway, or an accessory amenity (such as a barn, paved pathway or trail, or shed for the storage of recreational equipment).

- (g) The remaining land area, after all open space has been established, is available for the infrastructure, dwelling units, accessory buildings, and exclusive use areas (if a part of the design scenario).
- (h) Plan-Site plan shall include a notation that states: “*Designated Open Space shall not be further subdivided or used for future building lots.*”
- (2) Open Space Classification – For the purpose of this Section, open space, as defined generally in Section 125-2, shall include ~~and be qualified as active recreation space, common open space, conservation open space, stormwater open space, or utility open space. The following are the three-two (32)~~ primary types of open space within an OSRD parcel (See Section 125-2 for definitions):
 - (a) Open Space, Primary Resource Protection Area
 - (b) ~~Open Space, Non-Common~~
 - (c) Open Space, Common Use (Secondary Resource Protection Area)

(3) ~~Permanent~~ Open Space Logistics

Open space set aside in an OSRD or as a condition of any Special Permit or Site Plan approval shall be permanently preserved from development as required by this Section. The Planning Board may not require such open space land to be accessible to the public; ~~unless a density bonus is allowed under Subsection D (4).~~ Any development permitted in connection with the setting aside of open space land shall not compromise the conservation value of such open space land, based upon the conservation findings of the Planning Board, determined in consultation with the Conservation Commission as provided in Section 130. This section shall also provide for how Open Space may be owned and maintained.

[1] Permanent Preservation of Open Space Land – All land, except to be town-owned, required to be set aside as open space in connection with any OSRD shall be so noted on any approved plans and shall be protected by a 1) permanent conservation restriction, as defined in Article XIII, or 2) agricultural preservation restriction (APR), to be held by the Town of Harvard, the Commonwealth of Massachusetts, or a non-profit conservation organization qualified to hold conservation restrictions under G.L. Chapter 184, Section 31, and also qualified to hold tax-deductible conservation easements under Section 170(h) of the Internal Revenue Code. The restriction shall specify the permitted uses of the restricted land. The restriction may permit, but the Planning Board may not require public access or access by residents of the development to the protected open space land.

[2] Ownership of Open Space Land

At the Planning Board’s ~~discretion~~discretion, the Open Space may be owned by:

- (1) The Town or its Conservation Commission;
- (2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;
- (3) A corporation or trust owned jointly or in common by the owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for

mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

[3] Maintenance Standards for Open Space

- [a] Ongoing maintenance standards shall be established in a formal Maintenance Plan as a condition of development approval to ensure that the open space land is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials, and to ensure that it is maintained properly. Maintenance Plans shall therefore delineate all conservation lands within the OSRD into various land-types (such as woodlands, fields, meadows, pastures, neighborhood greens, active recreation areas, etc.) and shall describe in some detail the maintenance regime and schedule for each of those areas, to be implemented by the owners of those conservation lands. (For example, neighborhood greens and active recreation areas shall be mowed weekly during the growing season.). Standards and maintenance frequency and thresholds shall be specific enough so that violations are clear and unassailable.
- [b] Such standards shall be enforceable by the Town against any owner of open space land, including an HOA.
- [c] If the Select Board finds that the provisions of Subsection [a] above are being violated to the extent that the condition of the land constitutes a public nuisance, it may, upon 30 days written notice to the owner, enter the premises for necessary maintenance, and the cost of such maintenance by the Town shall be assessed ratably against the landowner or, in the case of an HOA, the owners of properties within the development, and shall, if unpaid, become a property tax lien on such property or properties.

D. Development Density

The method for determining the maximum number of residences is defined as the Formula Method:

- (1) The maximum number of residences is determined by dividing the total area of the tract of land by the minimum conventional lot size specified in the zoning district. This base density may be increased by density bonuses as noted in Section (2) below up to a maximum of an additional ~~25~~33% permitted additional units.
 - (1) ~~Determine Parcel Size~~ -- The gross acreage of the parcel or parcels under consideration for the project shall be the starting point in determining density. This number shall be designated as Gross Area (GA).
 - (2) ~~Minimum Open Space~~ -- The minimum acreage required to be set aside for open space is 50% of Gross Area.

Refer to Section C(2) above to determine the minimum requirements for open space.

(3) Base Development Density (BD) – The maximum number of dwelling units per acre permitted in an OSRD shall not exceed one (1) unit per 1.5 acres and no more than 2.0 bedrooms per acre of the net density of the land area.

(4) Permitted Yield (PY) – The Permitted Yield (PY) is the maximum number of residential units in an Open Space Residential Design and is calculated by multiplying the allowed (base) density or BD by the Gross Acreage (GA). Fractional units of less than 0.5 shall be rounded down and 0.5 or more shall be rounded up.

(5) Total Open Space Set Aside (TOS) is the total amount of open space set aside for the project. This is calculated by taking the Minimum Open Space from (2) above and adding any additional open space set aside to achieve a density bonus for Bonus Open Space or BOS to the minimum 50%.

In these calculations, density credit may be applied to certain other unconstrained parts of the site, such as land used for onsite sewage disposal, including nitrification fields and fields used for “spray irrigation” (sometimes called “land treatment”). Unless specified otherwise, these lands may also be counted toward meeting the minimum open space requirements for Open Space developments.

(6) Bonus Units – The unit count determined above (PY) may be increased by a density bonus at the discretion of the Planning Board based upon the eligible density bonuses listed in (2) below. The density bonuses allowed above may not increase the density by more than ~~25~~50 percent of the base number of units and said density bonuses may only be used if the resulting development complies with Title 5 of the State Environmental Code as determined by the Board of Health. Fractional units of less than 0.5 shall be rounded down and 0.5 or more shall be rounded up.

(2) Residential Density Bonuses – Eligible residential density bonuses include the following as specific public benefits:

(a) Additional Open Space – For projects that provide SRPA open space in excess of the minimum fifty percent (50%), a by-right density bonus of one (1%) percent (minimum 1 unit) for each five (5%) percent of additional open space (minimum 7,500 s.f.) provided, up to a five (5%) percent bonus.

(b) Affordable Housing Component – The Planning Board may award a density bonus to increase the number of dwelling units/lots beyond the maximum number where affordable housing or affordable Over 55 Housing is provided. All affordable units shall meet the requirements of M.G.L. Chapter 40B and the developer shall demonstrate that said units will count towards the Town of Harvard’s 10% affordable quota as determined by the Massachusetts Department of Housing and Community Development. When affordable units exceed 15% and up to 25%, all of the affordable units on site must be Over 55 Housing. Computations shall be rounded to the highest number. The density bonus units may only be granted if they are restricted perpetually as SHI eligible affordable housing. The permanent restriction shall be approved as to form by legal counsel to the Planning Board, and a right of first refusal upon the transfer of such restricted units shall be granted to the Town of Harvard or its designee for a period of not less than 120 days after notice thereof. Designating 15% affordable units may be awarded a ten (10%) density bonus whereas any percentage in excess of 15% may be awarded one (1%) additional density for each percentage increase in affordability up to fifteen (15%) percent.

Developers may pay a fee in lieu of unit designation to the Harvard Municipal Affordable Housing Trust to receive the density bonus. This fee is based on a formula established by the Harvard Housing Production Plan;

- (c) Age Restricted or Age Targeted Housing – The Planning Board may award a density bonus of up to ten (10%) percent for a development that is certified as restricted age 62 and older active adult independent living units;
- (d) Starter Home Development – The Planning Board may award a density bonus of up to ~~five ten (510%)~~ percent for a development containing at least ~~fifty-ten (5010%)~~ percent of the units as “starter” homes each with less than 1,850 s.f. of floor area but no more than fifty (50%) -percent. Each ten percent increment shall result in up to a 2% bonus. Should a MGL 40R Starter Home Zoning District be utilized, density, siting, and other requirements of the program shall be incorporated herein and density bonus will reflect such compliance.
- (e) Green Score Landscaping - If the applicant provides a minimum Green Score for the site of at least 0.35, a density bonus of 10%. See Section 133, Article XII for Green Score criteria and scoring.
- (f) Sustainable Development – There are two categories of sustainable development including:

- [1] Green Buildings
- [2] Green Roofs and Stormwater Management

Applicants may gain an additional five (5%) percent density bonus for each category met. See Section 133, Article XII for Sustainable Development criteria and scoring.

~~Table – Unit Calculation for Hypothetical 40 Acre Scenario~~
 Table 1 - Unit Calculation for Hypothetical 40 Acre Development Scenario

<u>Total Acres</u>	<u>Open Space (Acres)</u>	<u>Base Density (Units/Acre)</u>	<u>Base Units</u>	<u>Maximum Units (+5035%)</u>	<u>Final Gross Density (Units/Acre)</u>	<u>Final Net Density (Units/Acre)</u>
40	20	0.667	27	40.536	1.010.9	1.8

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E. Permitted Uses

Permitted uses include the following:

- (a) Single-family and two-family detached dwellings;
- (b) Townhouse dwellings;
- (c) Agriculture and horticultural uses including but not limited to orchards, vineyards, forestry, farming for fruits and vegetables, and grazing animals including horses, donkeys, sheep, llamas, vicunas, and similar animals;
- (d) Open space, active and passive; trails; and bikeways.
- (e) Accessory residential/recreational uses (e.g., tennis court, pool, playground);
- (f) Clubhouse or community building;

(g) Civic uses (e.g. library);

F. Dimensional and Design Requirements

(1) Development Types – There are three (3) primary OSRD development types as follows:

- (a) Condominium w/ Exclusive Use Areas
- (b) Condominium

(2) Dimensional Requirements – The following provisions shall apply:

(a) Project Scale Requirements

- [1] Project Size: Minimum (none), Maximum (none)
- [2] Setbacks:
 - [a] 50’ to external side and rear lot lines
 - [b] For projects smaller than 3 acres, the Design Review Board shall establish setbacks.
- [3] Frontage: 50’
- [4] Maximum Build Out: Base Zoning Plus Density Bonus
- [5] Applicable Zoning District: Agricultural-Residential (AR)

(b) Dimensional Requirements Table:

The table below provides a set of dimensional requirements for the three land use types permitted in an OSRD development. Since projects will not involve separate building lots, dimensional criteria shall follow these conventions:

- [1] Land Use Area Size – Area dedicated to specific land uses will not be on the basis of lot size but rather will use an equivalent called an Exclusive Use Area or site pad.
- [2] Setbacks – shall be measured from the structure to the extents of the EUA or site pad.
- [3] Frontage – refers to the horizontal ground measurement of the front of a EUA or site pad facing an internal circulation roadway.
- [4] Building Size – Limits on the amount of floor area a specific use may have.

Table 2 – OSRD Land Use Dimensional Requirements

Land Use	Exclusive Use Area (EUA) or Pad Size	Setbacks (Minimum) From EUA Boundary or Site Pad ¹	Frontage	Building Size (Maximum)
Open Space Passive and active recreation, parks, squares, natural areas, plazas and courtyards (see definition)	Minimum 50% of Net Acreage (NA)	NA	NA	N/A
Civic/Institutional Building Community space, library, house of worship, museum, theater, or similar	Minimum: 5,000 s.f.	Front: 10’ Side: 8’ Rear: 30’	Minimum: 24’ Maximum 75’	5,000 s.f.
Residential One and two-family	Minimum: 4,000 s.f. No Maximum 30,000	Front: 10’ Side: 8’	Minimum: 36’ No Maximum	None

¹ Minimum rear setbacks will be waived if a rear facing garage and alley is proposed.

detached dwellings	s.f.	Rear: 25'	75'	
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- (c) The Planning Board may waive the minimum requirements for frontage and/or exclusive use area requirements that would normally be applicable in order to achieve maximum open space area and to facilitate a creative or innovative design;

A buffer and/or screening may be required adjacent to sites outside of the OSRD if it is determined that such a buffer will provide relief from potential nuisances. Such buffers shall provide visual screening at all times of year, and preferred options include evergreen planted screening, except those that lose their lower branches as they grow (such as pines) or which are highly susceptible to deer damage (such as arborvitae).

- (d) Exclusive Use Areas (EUAs) or lots proposed for a width of 60' or less, townhomes, or duplexes shall use rear-facing garages on alleys or back lanes. EUAs wider than 60' are encouraged to have rear yard garages, side yard garages, or front facing garages offset behind the façade.

(3) Arrangement of Structures – Structures and other site features shall be located and arranged in a manner that protects:

- (a) Views from public roads and other publicly accessible points such as parks or land trust preserves;
- (b) Farmland, including fields and pastures;
- (c) Wildlife habitat;
- (d) Large intact forest areas, particularly ones older than 75 years, as seen on early aerial photographs;
- (e) Hilltops;
- (f) Ponds, creeks, and streams;
- (g) Steep slopes; and
- (h) Other sensitive environmental, historic, or cultural resources deemed important (including resources noted by the 2016 Master Plan and the 2016 Open Space and Recreation Plan).

Siting shall be designed to facilitate pedestrian circulation and connect to other development assets such as common areas and facilities. Pedestrian facility type may be a formal sidewalk in a village center type of project or a pedestrian or multi-purpose path in a rural hamlet type of project.

The Planning Board shall take into consideration the conservation analysis and findings in approving the arrangement of lots but, to the extent possible, each lot shall either front or rear on Open Space.

(4) Design Requirements –OSRD projects are also characterized by special attention to site and architectural design that directly reflects or highly complements the principles of town and architectural design that represents the character and history of the Town of Harvard. Specific design criteria are as follows:

(a) Project Site

- [1] Developments shall be designed in the manner of a rural New England village, hamlet, or neighborhood with clusters of residences within a square or fronting on a town common or green.
- [2] The development shall establish narrow, shaded streets conducive to pedestrians and cyclists.
- [3] Buildings shall be established close to the street to facilitate a pedestrian scale.
- [4] To the extent practicable and applicable, developments shall be integrated into the existing townscape by common edge treatments. This shall include frequent street connections and pathways to surrounding areas and a high degree of internal connectivity within the development.
- [5] Projects are encouraged to possess a wide range of housing types and sizes—such as large and small townhouses, duplexes, single-family homes, small apartment buildings, or special needs housing.

(b) Exclusive Use Areas and Buildings

- [1] All Exclusive Use Areas shall share a frontage line with a street, square, courtyard, neighborhood green, or park (public access).
- [2] All buildings, except accessory structures, shall have their main entrance (include in definitions) opening onto a street, square, courtyard, neighborhood green, or park.
- [3] Unenclosed porches may encroach into front setbacks as indicated in this bylaw.
- [4] All residences shall be within 600 feet of trailheads or other pedestrian facilities.
- [5] Garages entrances for Exclusive Use Areas 60' width or less shall be facing the rear of the EUA. Access to rear-facing garages should be from an alley or back lane, which may be a private common drive.
- [6] Proposed two-family residences shall either be designed as a “Shaker Double” or a corner opposed front entrance double.

(a) Miscellaneous Design Standards

- [1] Porches. Unenclosed front or side Porches are encouraged for residential uses and may be built within the setback line or required front area.
- [2] Appearance/Architectural Design: Architectural design shall be compatible with the character and scale of buildings on the site, in the neighborhood, and in the Town through the use of appropriate building materials, screening, breaks in roof and wall lines and other architectural techniques. Variation in detail, form and siting shall be used to provide visual interest and avoid monotony. Proposed buildings shall relate harmoniously to each other with adequate light, air circulation, and separation between buildings where appropriate.

[3] Design Review: OSRD projects shall be reviewed by the Design Review Board based on the criteria in this Section G. The design review process is outlined in Chapter 133, Article XII, of the Planning Board Rules and Regulations.

G. Project Site Design Process

The site design process for OSRD is provided in Chapter 133, Planning Board Rules and Regulations, Section 133-21(A). This process, in summary, mirrors the four (4) step design process as recommended by Randall Arendt, and is as follows:

- (1) Step One: Identifying All Potential Resource Protection Areas
- (2) Step Two: Locating the Building Sites
- (3) Step Three: Designing Street Alignments and Trails
- (4) Step Four: Drawing in Exclusive Use Areas or Site Pads

Site improvements including requirements for water and wastewater, stormwater and erosion control, road design, and pedestrian and bicycle facilities are found in Section 133-21(B).

H. Formal Process and Application

The process for seeking approval of an OSRD project requires the following steps:

- (1) Pre-Application – Preliminary document development and discussion
- (2) Resource Protection Findings – Resulting in a conceptual plan for proposed development
- (3) Long-Range Development Plan (Optional) – Only for phased projects
- (4) Preliminary Project Approval
- (5) Formal Application Process – Design Review, Special Permit, and Site Plan Review processes

The full process for seeking approval of an OSRD project is provided in Chapter 133-21(C), Planning Board Rules and Regulations, which provides applicants with details of all of the required steps, plans, and documents that will be required.