

Posted June 3, 2021 @ 8:45AM- MK

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

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

Topic: UpperTH ProWebinar's Planning Board Zoom Meeting
Time: Jun 7, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/85075724351?pwd=R0xreCtYdzJXSU56ODNBazdsOTV4Zz09>

**Meeting ID: 850 7572 4351
Passcode: 284009**

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+13126266799,,85075724351# US (Chicago)
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Meeting ID: 850 7572 4351
Find your local number: <https://us02web.zoom.us/j/85075724351>

New Business: a) Interview Interested Volunteers

- Jefferson Burson
- Richard Cabelus

Standard Business: a) Board Member Reports

- Representatives & Liaisons Update
- Community Matters

b) Director's Update

c) Approve Minutes

Public Hearing:

7:30pm **Renewal of a Special Permit and Driveway Site Plan Approval Hearing- SBA 2012 TC Assets, LLC, 60 Old Shirley Road**, to renew the existing Special Permit and Driveway Site Plan Approval for a wireless communications tower at 60 Old Shirley Road

Old Business: a) Fall Town Meeting, October 16, 2021, Bylaw Amendments

- Ayer Road Visioning Plan Update
- Senior Residential Development – Amend Chapter 125-57
- Town Center Zoning District – Amend Chapter 125 Article IV
- Erosion Control – Add new section 125-58
- Scenic Roads – Amend Chapter 90
- Mapping the Multiple Residence District – Amend 125-42

b) Spring Town Meeting, 2022

- Open Space Residential Development – Amend Chapter 125-35 - Introduction

**NEXT SCHEDULED MEETING:
JUNE 21, 2021**



Town of Harvard

13 Ayer Road

Phone: (978) 456-4100

Volunteer Form

Good Government Starts with You

Date Submitted: May 17, 2021

Name: Jefferson C Burson

Home Address: 20 Quarry Ln
Harvard MA

Mailing Address: 20 Quarry Ln
Harvard MA

Phone Number(s): (603)930-9364 - Cell

Email Address: jefferson@7robots.org

Current Occupation/Employer: Senior Director, Enterprise Architecture | Harvard University

Have you previously been a member of a Board, Committee or Commission (either in the Town of Harvard or elsewhere)? Yes

If yes, please list the Board name and your approximate dates of service:

Just joined the Town of Harvard Community Resiliency Workgroup

Town of Merrimack Public Library Strategy Planning Committee 2013

BSA Arrowhead District Training Committee 2012-2014

Are you a registered voter? Yes

Do you, your spouse, or your employer have any current or potential business relationship with the Town of Harvard that could create a conflict of interest? No

If YES, please describe the possible conflict:

Narrative: At Chris Ryan's invitation, I am submitting my candidacy for consideration for an open Associate position for the Planning Board. I should be able to attend Board meetings two times a month without difficulty. Additionally, I'd like to represent the CRWG at the Planning Board and vice versa. I am keenly interested in advancing the work of the CRWG and have a positive impact on the Town's response to climate change.

I also work at Harvard University as a Senior Director of IT Enterprise Architecture. As such, I bring both technology and strategy experience to my volunteerism -- and have already been having a positive impact on the CRWG with this background.

I enjoy civic volunteerism and did a fair amount while living in Merrimack, NH. I hope to continue in that capacity in Harvard as well.

thank you for your consideration.

Board(s) / Committee(s): PLANNING BOARD

TOWN OF HARVARD

VOLUNTEER APPLICATION (12/02/2008)



Thank you for your interest in serving the town of Harvard. Please complete this application to be kept informed of volunteer opportunities and/or to apply for a specific position or fill a vacancy when one occurs. You may be also be contacted based on your stated areas of interest for other opportunities to volunteer. Your application will be kept on file for 3 years.

Date of Application: June 01, 2021

Applicant Information:

Name: Richard S. Cabelus

Address: 103 Pinnacle Road Harvard MA

Home/Work Phone # 5087629199

Mobile Phone# 6177497888

Email Address: Richard@cabeluslaw.com

Indicate below which Board(s) or Committee(s) are of interest to you:

Planning Board

Have you previously been a member of a Board, Committee or Commission (either in Harvard or elsewhere)? If so, please list the Board name and your approximate dates of service:

Yes. Harvard Historical Commission 3 years

Do you have any time restrictions? YES NO

Are you a registered voter? YES NO

Please list your present occupation and employer (you may also attach your résumé or CV)

Attorney / Self-Employed

Do you, your spouse, or your employer have any current or potential business relationship with the Town of Harvard that could create a conflict of interest? (If YES, please describe the possible conflict) No

Please outline any education, special training or other areas of interest you have that may be relevant to the appointment sought.

I am a practicing lawyer who understands complex statutory schemes, Code of Massachusetts Regulations, as well as Town Bylaws and land use and conservation. Thank you very much for your time and consideration.

Received by Town of Harvard

Return to: Town Of Harvard, 13 Ayer Road, Harvard MA 01451 or email jdoucet@harvard.ma.us



Director of Community and Economic Development

UPDATE

June 7, 2021

■ Interview Interested Volunteers

While volunteers are hard to come by, it still may be valuable to ask specific questions to potential volunteers to gauge their level of interest, familiarity with planning-related issues, and general attitudes related to the vision, goals, and objectives of master plans and other policies and programs developed or supported by the Planning Board. A sampling of questions could include:

- *Please share with us why you are interested in serving on the Planning Board?*
- *How much of our work program and past activities are you familiar with? Have you taken a look at the 2016 Master Plan? The Ayer Road Vision Plan web page?*
- *Are there specific issues related to planning that you are interested in? Problems that you think should or could be addressed?*
- *Have you worked on a volunteer board or committee in the past? Would you consider yourself collaborative and team-oriented?*

We may wish to develop a standard set of questions for all potential appointees.

■ Renewal of a Special Permit and Driveway Site Plan Approval Public Hearing (Continuance) - SBA 2012 TC Assets, LLC, 60 Old Shirley Road

This has been delayed by concerns by the applicant over specific wording of the special conditions and also a cancellation of a meeting that had video access issues. Since the original hearing (this is technically a new hearing), the applicant had indicated that they are satisfied with the special conditions with only minor modification. You may wish to review the original staff review from the April 26 meeting.

I have just removed the reference to peer review as this is a Board option regardless of its inclusion in the language below. Therefore, please see the special conditions as now written.

Special Conditions

The following conditions and limitations shall run with this Permit. They may be altered only by an application to this Board to modify the Permit, or if such alteration is determined to be minor and meets the following requirements, they may be altered only by the written and recorded consent of four (4) members of the five (5) member Board, upon a vote taken at an open meeting, and then only if:

- The change is consistent with the findings above;
 - The change does not reduce a requirement of the Bylaw; and
 - The change does not prejudice the interests of anyone entitled to notice of the hearing on the Permit.
1. The conditions of the original and subsequent Special Permits for this facility shall remain in full force and effect, with the exceptions to this provision noted below.
 2. The Grantee shall maintain the \$25,000 bond (Bond Number CMS0286373 from RLI Insurance Company) as required by §125-27H(2) to assure the Special Permit holder's compliance with its obligations in the event that the holder ceases to use the tower and to remove parts owned by the Special Permit holder and all accessory equipment/structures so owned.
 3. The Grantee shall file with the Building Commissioner and the Board an annual certification demonstrating continuing compliance with the standards of the Federal Communications Commission (FCC) and the American National Standards Institute (ANSI).
 4. The Grantee shall provide prior written notice to the Building Commissioner and the Board in the event of a change or increase of use of the tower or the Grantee's facilities on or at the tower, change of Grantee, or cessation of use on or at the tower. Any change in use or increase in the intensity of use of the tower shall require a new Special Permit.
 5. The term of the Special Permit is for five (5) years from the expiration of the twenty (20) day appeal period after the filing of the decision with the Town Clerk pursuant to MGL Chapter 40A, Section 17. All provisions of the Special Permit shall be binding on the Grantee, its successors, or assigns.
 6. The Grantee shall remove all installation(s) on the tower and all related accessory equipment/structures when there is a cessation of use for a period of at least one (1) year, and/or one (1) year following expiration of the Special Permit, unless renewed.

Exceptions

In recognition that cellular technology is constantly evolving, the Board shall provide the Grantee with the opportunity to provide updated technical specifications in order to amend limitations on antenna unit counts and dimensions, transmitting frequencies, transmission radiated power levels, and other relevant criteria provided that such modifications do not reduce the structural integrity of the tower, supporting structures and facilities, and accessories, and otherwise meet the requirements and use restrictions of the Bylaw and the Telecommunications Act of 1996 and successor and supplementary legislation. For any extension of this Special Permit, the applicant shall submit updated descriptions of specific use and intensity criteria to support findings of the decision.

■ Re-Introduction of Open Space Residential Development Bylaw

While I would recommend targeting the spring Annual Town Meeting at the earliest for this measure given the very short window for outreach and education, it makes sense to begin introducing the concept to members at this time because this initiative will be at least as challenging as senior housing for the following reasons:

1. It is very long and complex
2. It will require a degree of familiarity to be able to adequately explain to the public

One thing to always keep in mind is the following: *"We already have this type of development on the books!"*

This is key because we don't have to justify the elements that are already in our current Bylaw, we only have to explain how the new one is different and better. I have created a Dropbox folder in my account to share documents with you regarding OSRD. The link to the folder is below:

https://www.dropbox.com/sh/59kbnhjwi5ohjg5/AAA1orimX5KQzDT_HWeaJ8Dha?dl=0

To begin familiarization with the concept, I will recommend a few documents in the folder. But essentially, Open Space Residential Development is a form of cluster residential development that is intended to preserve a large percentage of a site as permanently protected open space. But it doesn't just protect any old open space, it is intended to protect valuable natural and cultural resources that would otherwise be bulldozed by a typical conventional subdivision. It does this through a four-step process that identifies the best land to protect and then puts the houses and infrastructure on what is left over. It essentially flips the script.

It is generally believed that this form of residential development is more supported and favorable not only because of the large tracts of open space that are never going to be developed, but they are open spaces that the town often values highly as they are farms, open fields, stone walls, copses of forest along a country road, and the like. They are also less expensive to build because the infrastructure is less and also costing less for the Town to serve. There are many other benefits but I will leave those to your homework.

NOTE: I will be developing a series of informational modules related to OSRD generally and our version specifically. I will conduct these as workshop or training oriented pieces and take it in small pieces over the next several months. I have scheduled it for every meeting but based on our meeting agendas, we may have to skip one or two.

One good starter document developed as part the Massachusetts Smart Growth Toolkit is entitled Open Space Residential Design (OSRD) and can be found at this file extension:

Location: C:\Users\cryan\Dropbox\HARVARD\Harvard Planning Board\OSRD 2021\Outreach Presentations\

And the filename is OSRD-Blackstone.pdf. This folder also has a FAQ and information regarding the event we held last year. Another great folder is the Randall Arendt folder which has email messages from him explaining concepts and talking about Harvard. It also has a folder with Development Examples and Other Resources that are a wealth of detailed subject matter. Please at least go to the umbrella folder and poke around a little bit and we can address some of your questions on the 17th and dive deeper in June.

■ Fall Town Meeting

1. Ayer Road Visioning Plan Update – I have already submitted a \$50,000 EEA Planning Assistance Grant for Phase 1 and by Friday will have submitted a \$200,000 grant in the One Stop for Growth program for the project. I am working to provide the Select Board with further information on Phase 1 so they can make a call as to whether they use discretionary funds for this work.
2. Senior Residential Development – Given my recommendation to put off OSRD until at earliest spring 2022, I believe the following is a reasonable path for fall 2021 Special Town Meeting.
 - a. Review and amend as needed the Assisted Living provision under ARV-SP. There may be a recommendation to eliminate this as a stand-alone provision if we follow through with b. below. If retained, move it under 125-57.
 - b. Consider a reasonable and appropriately scaled Continuing Care Retirement Community (CCRC) provision, to be placed within 125-57.
 - c. Consider amendments to current 125-10 related to multiple residence conversions.
 - d. Consider any definitions that may need to be added, as amendment to 125-2.
3. Town Center Zoning District – This is also a Master Plan recommendation that could be a fairly substantial lift. In my opinion, it can be handled in three specific ways:
 - a. **Overlay** – the simplest way to approach the issue would be to create a zoning overlay which would supersede the underlying AR zoning. The downside is that it could be confusing and it is not as complete of a solution.
 - b. **Base Zone** – This would be the more complete conventional zoning solution and would be my recommendation if it weren't for option c. below. This will require a lot of text to make sure that every provision is clear and illustrative. This is the downside of the base zone.
 - c. **Form-Based Solution** – The form-based code (FBC) is actually ideally designed to apply to existing town centers or developed areas where the community not only wants to retain much of the existing pattern of development but also make sure that any new buildings or building additions meets with the generally desired pattern of that area. While not a project to the scale of the Ayer Road Corridor, this is not something that can be done internally (at least not at this time). I have discussed this with a local practitioner who is willing to work with us to do this either pro bono or at a nominal cost and we should consider this offer seriously. I can see if we can bring him in a meeting to discuss.
4. Erosion Control – We already have the bylaw language ready to go. My recommendations if we want to move forward with this are as follows:
 - a. Try to determine what the specific sticking points were and either try to amend or figure out how to sell.
 - b. What kind and level of outreach will be needed? Who do we need to revisit? Who must we get explicit support from?

5. Scenic Roads – Assess the specific elements that need to be fixed and concentrate amendments on these. Should be fairly simple and non-controversial.
6. Mapping the MR District – Staci, Justin, and I have identified some potential properties for multi-family zoning. The next step is to see what the public might share related to potential properties. Staci is going to develop a first draft of a potential survey of the public and we might go live with that in late June. There has been no further guidance from the state on MBTA community compliance with this new law.

■ Other Issues of Relevance to the Board

In the spirit of keeping the Planning Board informed about various projects and issues, let me provide the following:

1. Municipal Vulnerability Preparedness (MVP) – The Community Resilience Working Group (CRWG), a Planning Board subcommittee, has been much more active recently and has been working on the following:
 - a. Apple Country Grant Project – The consultants are wrapping up their final report on “nature-based solutions” with comment from the clients. It is hope that this will be a very useful document that will provide the Town with a number of actions that can provide more local resilience. When available, I will pass along the executive summary and the action table as well as a link to the full report for those interested.
 - b. The CRWG has developed a website and social media platforms that also link to the Apple Country’s robust website and a soon to be revealed MassEnergize site.
 - c. CRWG is moving forward on climate action planning with a soon to be finalized framework for the full plan.
2. Economic Development – While Ayer Road is the centerpiece of current economic development efforts, there is a need to consider other avenues. As members may know, efforts to move forward the Rural Life bylaw were thwarted and while it may be useful to consider again in the future. Devens disposition is at least 13 years away and should not be something we “expect” or should base any short-term actions on. Other options not related to these items include the following:
 - a. Targeted Industrial Development – I do not give this much possibility, but there are some areas, for example along highways, that could be potential for light industrial or research and development. These would require the necessary infrastructure and the Town is in no position to facilitate any of this, but it is an option.
 - b. In-Home Occupations a.k.a. Home-Based Businesses – Currently our zoning is far less robust than it should be on this topic and needs amending. Encouraging more of this activity, in a sense, is sort of business-friendly, but is questionable regarding how much, if any, tax revenue could be generated. If we create a kind of “incubator” based system, then we can try to feed maturing operations into the C district which might be beneficial.
 - c. Is there anything we can do with innovation or the innovation economy? Can we do some brainstorming of ideas to think a little outside of the box?
3. Transportation Planning – The MRPC update of the Master Plan’s transportation section is due to commence in a month or two and it is hoped that not only will the Transportation

Advisory Committee be deeply involved, but also that Planning Board members will participate. We also know the nexus between transportation and land use so it is a natural fit for attention.

**HARVARD PLANNING BOARD
MEETING MINUTES
MARCH 1, 2021**

Chair Justin Brown called the meeting to order at 7:05pm virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

Members Present: Justin Brown, Fran Nickerson, Stacia Donahue, Jane Biering, Gwen Leonard and Becca Kelley (Associate Member)

Others Present: Christopher Ryan (Director of Community and Economic Development), Matthew Flokos (Harvard Press) and Beth Williams (Council on Aging)

Discuss Amending Chapter 133 Article VII Scenic Road Consent

Leonard will start on Chapter 133 revisions by making clarifications, including standards. Revisions to Chapter 133 requires approval from the Planning Board (PB) through a public hearing process. The revisions to Chapter 90 would need Town Meeting approval. Chapter 90 Scenic Roads includes enforcement and fines; Chapter 133 Planning Board procedural Regulations deals more with process. Biering asked when PB would see the proposed language. Leonard noted that it is in the works for March. Donahue suggested Leonard attend the monthly Land Use Board meeting to discuss the proposed changes in order to gain support from other boards. The Board was in agreement that Leonard would move forward and share her proposed revisions as soon as they are available.

Request to Endorse Intent to Apply for One Stop for Growth Grant

Ryan noted that he has tried to pursue funding for Ayer Road corridor in several forms, which has not been successful. The One Stop for Growth grant would take into account funding of larger projects similar to what Ryan proposed for the Ayer Road corridor. This grant opened about three weeks ago; Ryan would like to submit a 'intent to apply'. Ryan shared the first draft of economic development strategy and action plan framework.

Leonard noted that people might not buy into an economic development commission without a plan. Ryan noted that the commission would be used to create the plan. There was an economic development committee 10 plus years ago that disbanded due to being highly unpopular with the Town. Leonard supports getting out in front of development and having the program. Biering asked if the document shared would be the application. Ryan stated that this document would be paired with other documents to show Harvard's cohesive vision. Brown asked if after our 'intent to apply' would that roll into an actual application. Ryan stated that the State has to respond to our 'intent to apply' before actually applying.

Nickerson asked at what point the public would be included in this discussion; concerned that people will not be properly informed before any vote. Ryan stated the Ayer Road planning framework has been out there for two years. Ryan added there will be lots of outreach once the first step gets approved.

Leonard made a motion approving the submittal of an 'intent to apply' for the One Stop for Growth grant as discussed above. Nickerson seconded. The vote was unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Nickerson, aye; Biering, aye; and Leonard; aye.

Chapter 125-57 Senior Residential Development Bylaw

Ryan noted that with logistics and timing the first hearing might not be until the beginning of April. It is a much tighter schedule than would be ideal. The key dates were reviewed: Town Meeting May 15th and Warrant Articles due April 15th. With hearing opening on April 5th, the legal notice will have to be in the Press by March 19th. The Planning Board will need to have the language of

the bylaw before the next meeting on March 11th and be ready for discussion at the March 15th meeting.

Biering noted the language is about there with the sticking points being formulas for setting size restrictions to accessory units and allowing two units per household. On the general design requirement, the universal accessibility requirement needed to qualify as Senior Housing.

Biering reviewed outreach documents. The survey data will be posted and be accessible on the Planning Board webpage. Biering will be working toward a letter to the Harvard Press, hopefully for next week. Brown noted that Select Board are aware of the proposed bylaws bylaw; once language is available the bylaws will be formally presented to the Select Board.

Brown reviewed the homework for the Board for the March 11th meeting, which includes reviewing outreach materials. Ryan requested comments from the Board by Monday, March 8th. Biering is aiming to do at least two articles for the Harvard Press on Senior Housing, with possibly Nickerson assisting on at least one to fill in the background information.

Board Member Reports

- **Representatives & Liaisons Update**

Donahue provide an update on the *Climate Resiliency Working Group (CRWG)*, noting that it's a time intensive group and will be coming to Planning Board soon with a report. The CRWG is working toward better organization and moving forward. Donahue noted that CRWG is taking a lot of Ryan's time that really should be spent on Planning Board and Economic Development issues. Ryan noted he has submitted seven sets of meeting notes and has an additional eight or nine still backlogged.

- **Community Matters**

The letter received from Jeanie Avola in regards to health concerns surrounding *wireless communication towers* was discussed. Donahue noted that Avola should know we are volunteers and do not have bandwidth to chase this. Kelley noted that there should be a subcommittee to deal with these applications because they are so time intensive. Ryan noted it would be the Select Board's call to have an ad hoc group to review these types of applications, especially as 5G rolls out it might become more prevalent. Kelley noted that if these continue to come up that it will eat into our time to do the real work of the Planning Board. Brown noted that maybe the Planning Board should respond to the letter from Avola as a Board. Brown noted that some of the links in the letter were not the most evidence-based conclusions. Upon further research Brown was not able to find verifiable information to back up the summarized claims on these links. Biering noted that responding to say 'we hear you', but politely say it's not something that the volunteer Planning Board is able to tackle, but would support you.

Director's Update

Ryan has submitted an article to the Harvard Press detailing the pressures from Ayer Road properties. Brown reviewed the Harvard Press requirements for submissions.

Approve Minutes

Bering made a motion to approve the minutes of October 5, 2020 as amended. Nickerson seconded the vote. The vote was unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Nickerson, aye; Biering, aye; and Leonard, aye.

Approve Invoice

Donahue made a motion to approve the invoice from Mark Piermarini, in the amount of \$187.50, for the inspection of the driveway at 168 Bolton Road. Nickerson seconded the vote. The vote was unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Nickerson, aye; Biering, aye; and Leonard, aye.

Adjournment

Donahue made a motion to adjourn the meeting at 9:35 pm. Nickerson seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Nickerson, aye; Biering, aye; and Leonard; aye.

Signed: _____ Liz Allard, Clerk

EXHIBITS & OTHER DOCUMENTS

- Planning Board Agenda March 1, 2020
- Ayer Road Corridor Vision Plan Framework MARCH 2021 – Version 8.0
- Town of Harvard ECONOMIC DEVELOPMENT STRATEGY AND ACTION PLAN FRAMEWORK, December 2020
- HARVARD PLANNING BOARD MEETING MINUTES, October 5, 2020, prepared by Liz Allard
- Mark Piermarini, Invoice No. H-21001-01, February 8, 2021

