

**TOWN OF HARVARD  
PLANNING BOARD AGENDA  
MONDAY, DECEMBER 5, 2022 @ 7:00PM**

Pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on July 15, 2022, 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.

UpperTH ProWebinar is inviting you to a scheduled Zoom meeting.

**Join Zoom Meeting**

<https://us02web.zoom.us/j/88625648867?pwd=dlczT0xmdWtOS2NUSzF5RDJ1bzMvQT09>

**Meeting ID: 886 2564 8867**

**Passcode: 894798**

**One tap mobile**

**+13052241968,,88625648867# US**

**+13092053325,,88625648867# US**

**Dial by your location**

**+1 305 224 1968 US**

**+1 309 205 3325 US**

**+1 312 626 6799 US (Chicago)**

**Meeting ID: 886 2564 8867**

**Find your local number: <https://us02web.zoom.us/j/88625648867>**

**Public Comment**

**New Business:** Introduction of Brie Jones, Land Use & Building Department Administrative Assistant

**Standard Business:** a) Board Member Reports

- Representatives & Liaisons Update
- Community Matters
- Approve Minutes

**Old Business:** a) Open Space Residential Development Bylaw Amendment (§125-35 C, H & I)  
b) Review Multi-Family Map

**Public Hearings:**

7:30pm **Continuation of Special Permit, Ayer Road Village-Special Permit and Site Plan Review Hearing - Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road**, for the development of three commercial use buildings, including a Commercial Entertainment and Recreation use

7:45pm **Continuation of the Protective (Zoning) Bylaw Amendments Hearing:**

- 1) Amend Section 125-7 Agricultural uses; and
- 2) Add new section, 125-59 Town Center Overlay District

**NEXT SCHEDULED MEETING:  
MONDAY, DECEMBER 19, 2022**

**HARVARD PLANNING BOARD  
MEETING MINUTES  
AUGUST 1, 2022**

Chair Richard Cabelus called the meeting to order at 7:00pm virtually, pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on February 15, 2022, and under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Richard Cabelus, Stacia Donahue, Brian Cook, Doug Thornton, Arielle Jennings and John McCormack (Associate Member)

**Others Present:** Frank O'Connor, Jr., (Director of Planning) and Liz Allard (Land Use Administrator)

**Public Comment**

There were no comments from the public this evening.

**Discuss Potential Bylaw Amendments for Fall Annual Town Meeting, October 1, 2022**

- 125-58 Erosion Control Bylaw - Allard explained that shortly after this provision was adopted at the Fall Town Meeting last year there were concerns of a gap with the thresholds between a minor and major permit (125-58E(3)(a)[1] and 3(b)[2]). Upon further review of the language Allard has determined there is no gap between in the thresholds and that it is just a matter of not reading the section (125-58E(3)(b)) in its entirety. Provision 125-52E(3)(b)[3] actual picks up where provision 125-58E(3)(a)[1] ends as it pertains to the thresholds for impervious areas. Thornton asked if there were anyone that needed to be updated on this clarification. Allard said she would speak with the engineer who raised the item.

- Chapter 90 Scenic Road Bylaw – §90-6 E. Enforcement; violations and penalties – Cabelus stated he wondered if the Planning Board had discretion under this provision as to pertains to the second sentence within §9E that states “Violators shall be subject to a fine of \$300 as set forth under the Scenic Road Act, MGL Ch.40, Section 15C.” Cabelus wonder if there were an option for discretion enforcing the violation, changing the “shall” to “may” on the bylaw. Cook said there is already discretion built into the existing bylaw, that states “may” issue. Donahue agreed with Cook’s explanation. Allard added that the same language is in the wetlands’ protection bylaw and the Commission always uses discretion. McCormack asked why the Planning Board is reviewing this item now. Allard explained that it was brought up after a Stow Road violation in January. Cook said it is a living document and Planning Board is seeing if there were flexibility enforcing it.

**Review of Ayer Road Overlay District**

Donahue has shared the proposed Mix Use Overlay District (MUOD) with the former Planning Board Members who worked on senior housing. She said HCIC was disappointed there is nothing “green” in the proposed bylaw. Allard presented a Draft Letter from the PB to the Select Board regarding any thoughts and concerns with the proposed zoning amendment. Cabelus asked for thoughts and comments from PB members. McCormack said the deviations from the existing bylaws are substantial. He wondered if there were existing plans in the works that were trying to modify the zoning to fit those specific plans. Donahue agreed with McCormack. She added the process felt a bit rushed but that the letter was good. Cook said he could not give support because it is so fast. He said if the Select Board and Finance Committee were to champion this proposal, they need to answer the questions of the community. Cook welcomed the assistance of the SB and FinCom in crafting a larger overlay district with community support. He felt it could not be done before October. Thornton said the letter was good and it’s implied that it is rushed and that the PB would like to hear more from the community. Donahue suggested waiting to hear final

52 recommendations from Weitzman on its Ayer Road market study, then work with the proponents of this  
53 MUOD. Jennings asked what is the timeline for that study to be done. Cabelus instructed O'Connor to  
54 find out when Weitzman expects to finish that study. Jennings asked who shepherds bringing in town  
55 voices to this process. Cabelus said any town citizen could but usually it is the PB. Cabelus said this  
56 particular proposed overlay district has been a bit different because it was brought forward by an outside  
57 entity. McCormack asked about the overlay district for housing at Hildreth House and if this new  
58 proposed overlay district might torpedo the overlay district at Hildreth House. Cook reiterated this  
59 process was too quick to be ready for the October Town Meeting. Cabelus said he wanted Weitzman's  
60 input but wasn't not certain it needed to be in the letter to the SB. PB members suggested edits for Allard  
61 to make to the letter, which were incorporated.

62  
63 Jennings said the Affordable Housing Committee is doing a Housing Production Plan which is aligned with  
64 the Master Plan, which will be out January 1<sup>st</sup> 2023. McCormack added that what is proposed in the  
65 Overlay district might fit in with the Housing Plan. Donahue made a motion to send the letter as  
66 amended to the Select Board. Motion seconded by Cook. Roll call vote was unanimous: Donahue, aye;  
67 Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

#### 70 **ZBA Request for Comments – 175 Littleton County Road**

71 Cook and McCormack reviewed the site along with Bruce Ringwall. Cook said the driveway bylaw has  
72 gone from 10% to 8% slope requirement. Cook said he supported the request to allow the driveway  
73 steeper than 8%. Allard said she could not recall why the town bylaw was changed from 10% to 8% grade.  
74 Cook said the applicant has a letter of support from the Harvard Fire Department for the steeper  
75 driveway. Thornton said he was in favor of allowing the applicants' request. Cook said the applicant was  
76 looking for a letter of support from the Planning Board. Allard said she could draft a letter of support  
77 from the PB to the ZBA §125-31(B)5 allowing the driveway to be greater than 8% but less than 10% for the  
78 Chair to review, approve and sign. Motion made by Donahue, seconded by Cook. It was approved  
79 unanimously by a roll call vote: Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

#### 82 **Strategic Planning Session Potential Topics**

83 Cabelus asked for the date of the Strategic Planning session. Allard said it would be 17<sup>th</sup> August 2022 at  
84 the Hildreth House. For the benefit of the new members, Cabelus said it was a chance to prioritize topics  
85 and establish liaisons for the coming year. Donahue asked if PB were planning to bring anything before  
86 the October Town Meeting. Allard said it does not appear that way. Cook mentioned MBTA adjacent  
87 communities housing, mapping the multi-family parcels and the Housing Production plan as potential  
88 topics. Jennings asked to discuss Inclusionary Housing bylaws and Open Space bylaws. Cabelus invited PB  
89 members to bring anything to the table for discussion. Donahue asked to include Open Space Residential  
90 Development for discussion as well as fact check the Town's marijuana bylaw. Cabelus asked Allard to  
91 include the list of priorities that Chris Ryan left. Allard said she would include the Select Board goals for  
92 the upcoming year, also. Cabelus asked the PB members to think about which committees the would be  
93 interesting in serving as liaisons.

#### 96 **Board Member Reports**

##### 97 **• Representatives & Liaisons Updates**

98 Donahue said she had not met with Harvard Climate Initiative Commission or Transportation Advisory  
99 Committee yet but that both would be having meetings relatively soon. She added that the MRPC  
100 will be sending updated planning chapter for Transportation soon for final review. Donahue  
101 mentioned that there has been Park & Recreation has had grumbling about softball fields, while it is a  
102 hot topic, there has been little action.

103 • Jennings said the Affordable Housing Trust is working with Metro West Collaborative in the discovery  
104 phase currently. Cabelus said Jennings can reach out to Frank or Liz for any information or guidance.  
105

106 • Community Matters – none this evening.  
107

108 **Approve Minutes**

109 Minutes were unavailable this evening.  
110

111 Cabelus asked O'Connor how the job was progressing. O'Connor said everything was starting well and  
112 that Allard and everyone in Town Hall had been very helpful.  
113

114 **Adjournment**

115 Cook made a motion to adjourn the meeting at 8:17pm. Donahue seconded the motion. The vote was  
116 unanimously in favor of the motion by roll call vote: Donahue, aye; Cook, aye; Thornton, aye; Jennings,  
117 aye; and Cabelus, aye.  
118

119  
120 Signed: \_\_\_\_\_ Liz Allard, Clerk  
121

122 **EXHIBITS & OTHER DOCUMENTS**

123  
124 • Planning Board Agenda August 1, 2022

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52

**HARVARD PLANNING BOARD  
MEETING MINUTES  
NOVEMBER 21, 2022**

Chair Richard Cabelus called the meeting to order at 7:01pm virtually, pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on July 14, 2022, and under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Richard Cabelus, Stacia Donahue, Brian Cook, Arielle Jennings and John McCormack (Associate Member)

**Others Present:** Frank O'Connor (Director of Planning), Liz Allard (Land Use Administrator), Nat Beale, Valerie Hurley (Harvard Press), Yvonne Chern and Steve Moeser

**Public Comment**

There was no public comment this evening

**Discuss Proposed Bylaw**

- §125-7 Agricultural Uses
- §125-59 Town Center Overlay District

McCormack stated both proposed bylaws include language about entertainment, but nothing about a pouring license. McCormack wondered what the underlying objective is by not clearly indicating the allowance of severing alcohol within these districts. McCormack further researched Mass General Law Chapter 138 section 12 that details the issuance of annual licenses to specific types of business, whereas section 14 being special licenses for agricultural use, which limits the serving of alcohol to 30 days within a calendar year.

Donahue wondered how the proposed Town Center Overlay District would affect the district as a whole once the Planning Board amends it to reduce the lot size standards; would any property in the TCOD be able to provide entertainment? It was pointed out that language within the proposed TCOD limits the entertainment to specific uses. McCormack suggested creating an entertainment overlay district as opposed to a TCOD for the special town meeting in January. Cabelus provided information pertaining to spot zoning and wondered why the proposed TCOD is not considered as such.

It was agreed that questions raised this evening should be provided to Town Counsel prior to the opening of the public hearing on November 28<sup>th</sup>.

**Continuation of a Special Permit, Ayer Road Village-Special Permit and Site Plan Review - Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road.** Opened at (see page 4 for complete details)

**Ayer Road Market Analysis and Fiscal Impact Update**

O'Connor stated he and the Finance Director will be meeting virtually with the consultants tomorrow to discuss the financial aspect of the report. Cabelus requested to join that call. O'Connor said he would have the link to him in the morning.

**Multi-Family update on MBTA adjacent small town housing mandate action plan**

Montachusett Regional Planning Commission (MRPC) has drafted a map of the different types of multi-family housing in Harvard. Devens will be greyed out. Looking to provide the assessing code for Accessory Dwelling Units to MRPC for inclusion on the final map. O'Connor anticipates the final map will be completed by the end of November for review and discussion in December.

53 **Open Space Residential Development Bylaw Amendment (§125-35 C, H & I)**

54 Cabelus wondered as the Planning Board moves forward on the amendment to this provision if it would  
55 be beneficial to get input from others such as a developer in the community, as well as other boards and  
56 committees, such as Conservation Commission, Climate Initiative Committee and Parks & Recreation  
57 Commission. Members agreed. There is an individual within town who is not in favor of this bylaw for  
58 whom Cabelus would like their input as well.

59  
60 Edits as collated by McCormack were reviewed as follows:

- 61 •Members agreed to the following edits, with underline = additions and ~~striketrough~~ = deletions:
- 62 ○125-35B(1)(b) multi-family dwellings ~~Attached units, not to exceed 6 or more units in any single~~  
63 ~~building.~~
  - 64 ○ 125-35B(1)(f) Passive recreation as defined in 301 CMR 5.02
  - 65 ○ 125-35B(1)(i) Active recreation as defined in CMR 5.02
  - 66 ○125-35C Requirements and process for approval. An applicant who is the owner (or with the  
67 permission of the owner) ~~of a 4.5 acre or larger tract of land in the AR District as described~~  
68 ~~above, may submit to the Planning Board a plan and application for a special permit for an OSC-~~  
69 ~~PRD...~~
  - 70 ○125-35E(1)(e) Ensure that 10% of all units are fully accessible ~~to the disabled and that a majority~~  
71 ~~of units have at least one accessible entrance and bathroom on a first floor.~~
  - 72 ○125-35E(5)(b) Deciduous trees should be placed along new and existing streets and ways.  
73 Outdoor lighting should be considered in the landscaping plan, and should be designed to  
74 complement both man-made and natural elements of the OSC-PRD and adjacent areas.  
75 ~~Appropriate methods (such as cutoff shields) should be used to avoid glare, light spillover onto~~  
76 ~~abutting property.~~
  - 77 ○ 125-35E(5)(g) Any lighting in the proposed development shall comply with Lighting Bylaw §125-  
78 40.
  - 79 ○~~125-35J(3) Attached units shall contain no more than six units in a single building.~~
  - 80 ○125-35J(6) The maximum height of proposed buildings shall be 35 feet, and shall not exceed ~~2 1/2~~  
81 ~~stories.~~
- 82 •Members agreed the following sections need to be amended but further thought needs to be taken on  
83 how:
- 84 ○ 125-35C(2) Submittal of preliminary plan
  - 85 ○125-35C(3)(d) the term “superior”
  - 86 ○125-35D(2), (5) and (6) the terms “best possible”, “large” and “physically handicapped”
  - 87 ○125-35E(1)(e) 10% is greater than that allowed by state standards; consider a number of units  
88 when ten or less units are proposed and a percentage when greater than 10 units are  
89 proposed
  - 90 ○125-35H and I – agreed numbers and percentages need to be increased, but an actual number  
91 needs to be determined
  - 92 ○125-35I(d) needs additional discussion; noted this would incentivize a need in Town for down-  
93 sized dwellings and starter homes

94 Members will discuss 125-35I(2) standards for on-site affordable units at the December 5, 2022 meeting.  
95

96 **Update on the Land Use Administrative Assistant Position**

97 Brie Jones has been hired as the new Administrative Assistant to Land Use and Building Department and  
98 will begin on November 28<sup>th</sup>. As Jones settles into this new role Allard will continue to attend the  
99 Planning Board meetings until January.

100  
101 **Board Member Reports**

102 • **Representatives & Liaisons Updates**

103 None this evening  
104

105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156

• **Community Matters**

None this evening

**Approve Minutes**

Donahue made a motion to approve the minutes of June 6 and 27, 2022 pending attendance of Valerie Hurley on the 6<sup>th</sup> of June being confirmed. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

**Approve Invoices**

Donahue made a motion to approve the following invoices and reimbursements:

- Mark Piermarini, PE - \$500 (Driveway inspection 6 NOV. 2022)
- Aucoin’s Press - \$120.04 (Invoice #16896 for PB Envelopes)

Cook seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

**Adjournment**

Donahue Cook made a motion to adjourn the meeting at 9:16pm. Cook seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

Signed: \_\_\_\_\_ Liz Allard, Clerk

**EXHIBITS & OTHER DOCUMENTS**

- Planning Board Agenda November 21, 2022
- §125-35 Open Space and Conservation – Planned Residential Development (OSC-PRD) with edits collated by John McCormack

157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185

**Harvard Planning Board**

**Continuation of a Special Permit, Ayer Road Village-Special Permit and Site Plan Review**

**Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road**

**November 21, 2022**

The public hearing was opened at 7:30pm by Chair Richard Cabelus under MGL Chapter 40A the Zoning Act and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on July 14, 2022

**Members Present:** Richard Cabelus, Stacia Donahue, Brian Cook, Doug Thornton, Arielle Jennings and John McCormack (Associate Member)

**Others Present:** Frank O'Connor (Director of Planning), Liz Allard (Land Use Administrator), Nat Beale, Valerie Hurley (Harvard Press), Yvonne Chern and Steve Moeser

This hearing was continued from November 7, 2022 for a Special Permit, an Ayer Road Village-Special Permit and Major Building Special Permit and Site Plan Review filed on behalf of Yvonne Chern & Wheeler Realty Trust for the development of three commercial use buildings, including a Commercial Entertainment and Recreation use at 203 Ayer Road, Harvard.

At the request of the applicant's representative Donahue made a motion to continue the hearing to December 5, 2022 at 7:30pm. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

Signed: \_\_\_\_\_ Liz Allard, Clerk



## § 125-35. Open Space and Conservation - Planned Residential Development (OSC-PRD).

[Added 3-29-2003 ATM by Art. 32<sup>1</sup>]

This section establishes and regulates Open Space and Conservation Planned Residential Development (OSC-PRD). Development under this section is pursuant to a special permit granted by the Planning Board.

**A. Purpose and intent.** The purpose and intent of the OSC-PRD provision is to permit high-quality residential development that preserves open space, water resources, wetlands, habitat, prime agricultural land, scenic landscapes and natural features, reduces infrastructure and site development cost, and promotes 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.

- (1) A further purpose of the OSC-PRD provision is to reduce the anticipated negative fiscal impact on the Town associated with conventional residential development.
- (2) The OSC-PRD provision is designed to 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.

**B. Applicability.** The Planning Board may grant a special permit for an OSC-PRD on an Agricultural-Residential (AR) zoned tract of land ~~that is at least 4.5 acres of land area,~~ with definite boundaries ascertainable from a recorded or registered deed(s) or recorded or registered plan(s). Existing public and private ways need not constitute boundaries of the tract, but the area within such ways shall not be counted in determining tract size.

- (1) **Permitted uses in Open Space and Conservation Planned Residential Development.** Permitted uses include the following:
  - (a) Single-family detached dwellings.
  - (b) ~~Multi-family dwellings Attached units, not to exceed 6 or more units in any single building.~~

<sup>1</sup> Editor's Note: This article also repealed former § 125-35. Cluster development for open space conservation, added 3-31-1990 ATM by Art. 18, as amended.

1. JOHN MCCORMACK November 14, 2022 at 10:45:04 AM What is the definition of Passive recreation?

2. JOHN MCCORMACK November 14, 2022 at 6:21:50 PM Would this preclude development in the C district? Yes as stated in 125-35B this bylaw is with the AR District

§ 125-35

§ 125-35

- (c) Agriculture and horticultural uses including but not limited to orchards, vineyards, forestry, farming for fruits and vegetables.
- (d) Open space.
- (e) Trails.
- 1 (f) **Passive recreation.**
- (g) Educational and religious uses and other uses not mentioned above which are exempt from regulation by zoning under Massachusetts General Laws Chapter 40A, Section 3.
- (h) Accessory residential/recreational uses (e.g., tennis court, pool, playground).

2 C. **Requirements and process for approval.** An applicant who is the owner (or with the permission of the owner) ~~of a 4.5-acre or larger tract~~ of land in the AR District as described above, may submit to the Planning Board a plan and application for a special permit for an OSC-PRD in accordance with the provisions of this section, excepting the building lots or lot shown on such plans from the lot area and other dimensional requirements specified in other sections of this Bylaw. While a subdivision plan is not required to be submitted in conjunction with the provisions of this section, in the event that a subdivision plan is being proposed by the applicant, such plan shall be submitted to the Planning Board in accordance with §133-18, the Subdivision Rules and Regulations of the Planning Board.

- (1) **Submittal requirements.** Prior to the granting of a special permit pursuant to this section, a duly submitted application for said special permit shall be submitted together with a site plan to the Planning Board, in accordance with § 125-38, Site plans, of the Bylaw, and any Site Plan Rules and Regulations adopted by the Planning Board. For purposes of this Bylaw, a landscape architect, architect, land surveyor, and professional engineer must participate in the preparation of such site plan, which shall include the following:
  - (a) The location of the proposed development.
  - (b) The size of the site in acres.
  - (c) The total number of the proposed buildings and/or lots, and the size of each in square feet.
  - (d) The acreage and proposed use of permanent open space.
  - (e) A statement on the disposition or manner of ownership of the proposed open space.

### 3. JOHN MCCORMACK

November 15, 2022 at 6:09:10 PM

Strike this paragraph entirely?  
There should be a plan detailing what could be built under conventional subdivision plan of an area in order to show the benefit of developing under OSRD, as stated in 125-35C(3)(d), but perhaps that plan does not have to be as detailed here

§ 125-35

§ 125-35

- (f) The lots or areas which are to be used as building areas or lots, and the lots or areas which are to remain as permanent open space.
- (g) Lines showing yard and setbacks as required by this Bylaw, within which dwellings or structures must lie.
- (h) Sufficient detail of proposed built and natural features as described in § 125-35D and § 125-35E to enable the Planning Board to make the required determinations of § 125-35C(3).
- (i) A landscape preservation plan sheet(s) to be included with the site plan, reflecting the existing, natural features to be preserved and proposed landscape features and details.<sup>2</sup>

3

- (2) **Submittal of preliminary plan.** In order to assist the Planning Board in making a determination, pursuant to § 125-35C(3)(d), that an OSC-PRD is superior to a conventional subdivision development, an applicant must submit a plan of the required form and content standards as a "Preliminary Plan" in accordance with the Massachusetts General Laws Chapter 41, Section 81S and the ~~"Rules and Regulations of the Harvard Planning Board Relative to Subdivision Control."~~ § 133-17, Harvard Planning Board governing laws for Subdivision Plans. Such plan, although not a formal subdivision plan filing, and submitted for conceptual purposes only, shall include a perimeter survey prepared by a registered land surveyor, location of wetlands, ~~delineated by a wetlands specialist,~~ and topography based upon the most recent United States Geological Survey map. The applicant shall demonstrate to the satisfaction of the Board that a subdivision plan, if formally filed, would be buildable without reliance on significant waivers of the subdivision regulations, and without extraordinary engineering techniques. ~~Further, the applicant must demonstrate and provide sufficient evidence, to the satisfaction of the Planning Board, that each of the lots reflected on the "Preliminary Plan" submitted are capable of being served by an individual sewage system that would comply with the regulations of the Board of Health.~~
- (3) **Approval criteria.** After notice and a public hearing in accordance with Massachusetts General Laws Chapter 40A, Section 9, 11, and 15 and after following the procedure outlined in this Bylaw, the Planning Board may grant such a special permit with any conditions, safeguards, and limitations, if it determines:

<sup>2</sup> Editor's Note: See Ch. 130, Subdivision Control.

4. JOHN MCCORMACK

November 14, 2022 at 10:55:04 AM  
Should we have a scoring sheet to assess the degree to which the proposal meets the design criteria? Or, is the percentage of open space sufficient metric?

5. JOHN MCCORMACK

November 14, 2022 at 10:57:57 AM  
set a cap on percentage of single family homes on separate lots?

§ 125-35

§ 125-35

6. JOHN MCCORMACK

November 14, 2022 at 10:59:46 AM  
how do you know it is the best possible?

- (a) That the application form and content referred to in § 125-35C(1), herein is properly completed.
- (b) That the site plan referred to in § 125-35C(1) is properly completed.
- (c) That all the other requirements of this Section and Bylaw are fully met.

7. JOHN MCCORMACK

November 14, 2022 at 10:59:18 AM  
define large?

4

- (d) That the design and layout of the proposed OSC-PRD is superior to a conventional subdivision plan in preserving open space for conservation and recreation; that it preserves natural features of the land, and allows more efficient provision of streets, utilities and other public services; and, that it provides a high degree of design quality, based on the criteria and considerations enumerated herein in § 125-35E.

8. JOHN MCCORMACK

November 14, 2022 at 11:03:23 AM  
all, including

5

- (e) That if development of single family homes is being proposed on separate lots, as opposed to a clustered village concept that is a major objective of this Bylaw, exemplary site planning is demonstrated, and other determinations in § 125-35D, are met.

**D. Design criteria.** In its consideration of an OSC-PRD, the Planning Board shall give particular attention to, and shall use as a basis for its decision, all of the following:

- (1) Lots, streets, off-street parking, sidewalks, pathways and buildings which achieve the harmonious integration of the proposed development with surrounding properties.
- 6 (2) Overall layout and design that achieves the best possible relationship between the proposed development and the land under consideration.
- (3) Appropriately sized and configured open spaces for active or passive recreation, and where possible, links to adjoining common open space areas.
- (4) Protection of natural features such as streams, mature trees or clusters of trees, rock outcrops, bluffs, slopes, high points, views, vistas, and historic or archeological features.
- 7 (5) Provision of large buffer areas, composed of existing vegetation, to surround building groupings and building envelope areas, to discourage site clearing and encourage preservation of existing land cover and mature vegetation.
- 8 (6) Provision of access to open spaces for the physically handicapped, elderly, and children.

§ 125-35

§ 125-35

- (7) Use of open spaces for preserving, enhancing, or providing scenic vistas; preservation and protection of historic resources.
- (8) Adequacy of provisions for public safety, protection from fire and flood, and maintenance of public facilities, streets, utilities, and open space.

**E. Design quality.** Project design for an OSC-PRD shall be reviewed by the Planning Board with input from Town officials, any review consultant(s), and others as appropriate. This section is to be interpreted as guidelines to be applied flexibly by the Planning Board as appropriate to the situation under review, including factors such as foundation and soil characteristics and other extraordinary site constraints. While these guidelines apply to all site improvements and buildings and structures, it is not the intent of this section to prescribe or proscribe use of materials or methods of construction regulated by the state building code, but rather to enhance the appearance of the built environment within an OSC-PRD.

- (1) **Building and structure placement.** The placement of buildings and structures in an OSC-PRD should:
  - (a) Provide for maximum buffering of buildings and structures to adjoining properties either within the proposed OSC-PRD or to adjacent land uses. Such buffering includes, but is not limited to: landscaping, screening materials, natural barriers, fencing, and related measures.
  - (b) Preserve attractive views from major vantage points, especially from major thoroughfares and residential neighborhoods.
  - (c) Avoid regular spacings and building placements that will be viewed as continuous walls from important vantage points, which may be identified in an OSC-PRD pre-application conference.
  - (d) Avoid the placement of structures, common area facilities, and private space related to individual units in a manner that eclipses views or access to open space areas described in § 125-35K.
  - (e) Ensure that 10% of all units are fully accessible to the disabled and that a majority of units have at least one accessible entrance and bathroom on a **first floor**.

9

- (2) **Building massing/articulation.** The massing/articulation of buildings should:
  - (a) Avoid unbroken building facades longer than 50 feet.
  - (b) Provide human-scale features, especially for pedestrians and at lower levels.

- (c) Avoid unarticulated and monotonous building facades and window placement.
- (3) **Building appearance and treatment.** To the extent not inconsistent with or pre-empted by the state building code, the following should be considered as applicable:
  - (a) Materials and building treatments that reduce the visibility of the buildings from distant vantage points, and that are compatible with backgrounds and surroundings.
  - (b) Materials and colors compatible with other quality buildings of similar scale in the vicinity.
  - (c) Green building technologies and materials, wherever possible, to minimize adverse environmental impacts.
- (4) **Roofline articulation.** The design of buildings should:
  - (a) Provide a variety of building heights and varied roofline articulation that stresses New England vernacular architecture.
  - (b) Locate taller buildings away from major streets, abutting and off-site single-family residential areas and homes.
- (5) **Landscaping.** Landscaping criteria are as follows:
  - (a) All open areas, exclusive of areas to remain in an existing natural state within an OSC-PRD, should be landscaped in an appropriate manner, utilizing both natural and man-made materials such as indigenous grasses, trees, shrubs, and attractive paving materials and outdoor furniture.
  - (b) Deciduous trees should be placed along new and existing streets and ways. Outdoor lighting should be considered in the landscaping plan, and should be designed to complement both man-made and natural elements of the OSC-PRD and adjacent areas. ~~Appropriate methods (such as cutoff shields) should be used to avoid glare, light spillover onto abutting property.~~
  - (c) Intensive, high-quality landscaping or preservation of existing vegetation should be provided within the OSC-PRD where it abuts major streets, existing residential areas, and along internal drives.
  - (d) Preservation of existing vegetation or tree-lined areas should be maintained.

10. JOHN MCCORMACK

November 14, 2022 at 6:58:42 PM

Suggestion to increase density to as much as 15 units/acre - because the max would still be limited by the max allowable under standard subdivision control methods. An alternative to increasing the base development density by that magnitude is to greatly increase Incentives in section I, potentially to approach the 15 u/acre density. That will help achieve the desired result, and provide incentives for adhering to the principles of the OSC-PRD. For example, a base density of 3 units per acre with incentives permitting 3.5x increase would permit as many as 13.5 units per acre. Need to discuss.

§ 125-35

§ 125-35

- (e) Parking areas and lots should use landscaping and terracing to break up large areas of pavement and to enhance residential flavor and appearance; trees and shrubs should be used to the maximum extent feasible.
- (f) Features such as shade trees, forest trees, and expansive planting areas should be preserved and/or introduced along external property boundaries and on the perimeter of the OSC-PRD itself, to buffer the site from adjoining parcels.
- (g) Any lighting in the proposed development shall comply with Lighting Bylaw §125-40.

(6) **Pedestrian amenities and recreation.** In this category, the design should include the following components/characteristics, appropriate to the land under consideration.or the number of units proposed.

F. **Utilities.** To the maximum extent feasible, all utilities should be located underground.

G. **Signage.** All signs shall comply with Protective Bylaw § 125-41. ~~At each principal entrance to the site, one sign only shall be permitted; it should be of a maximum signboard area of three square feet, with content limited to identifying the name and address of the development.~~

~~(1) Within the development, signs, not to exceed two square feet each, of a number and location to be approved as part of the OSC-PRD, may be permitted for the sole purposes of orientation and direction, and of identifying common building spaces.~~

10 H. **Base development density.** The maximum number of dwelling units per acre permitted in an OSC-PRD shall not exceed ~~one~~two units per ~~1.50~~ acres of land area, and in no event exceed the maximum number of lots or dwelling units obtainable under a conventional subdivision plan for the land area under consideration, except as provided in § 125-35I.

I. **Development incentive.**

(1) The Planning Board may authorize an increase in lots or dwelling units up to a maximum of ~~25%~~350% above that allowed under § 125-35H of this Bylaw, provided the following conditions are met:

- (a) The applicant proposes a significant increase in open space above 50%, and preserves significant natural resources, in the opinion of Planning Board.

§ 125-35

§ 125-35

- (b) There is permanent preservation of land devoted or set aside for agricultural use or other unique preservation strategy, including preservation of historic structures or barns, or other special features of the built environment.

(If (a) and (b) above are found to be satisfied, in the opinion of Planning Board, it may authorize a 5100% increase in applicable base density.)

- (c) The applicant proposes public improvements or amenities that result in substantial benefit to the Town and the general public, provided:

- [1] There are significant improvements to the environmental quality or condition of the site and its surrounding areas, including a decrease in stormwater runoff from what would otherwise result from a conventional subdivision plan.

- [2] There are provisions contributing to off-site public facilities or environmental improvements beyond those necessary to mitigate the impacts of the proposed development.

(If (c) above is found to be satisfied, in the opinion of Planning Board, it may authorize a 5100% increase in applicable base density.)

11

- (d) The applicant proposes attached dwellings that include a maximum of two bedrooms per unit, and are developed in the character of a New England Village style of architecture.

(If (d) above is found to be satisfied, in the opinion of Planning Board, it may authorize a 505% increase in applicable base density.)

- (e) Housing units for senior citizens and persons aged 55 years and over housing is provided. Such units should conform to §125-57E, Age Appropriate Design.

(If (e) above is found to be satisfied, in the opinion of Planning Board, it may authorize a 50% increase in applicable base density.)

- (f) The applicant sets aside 10% or more of lots or dwelling units on the site for "affordable housing" for purchase or rental by those with households of low or moderate incomes. Such units must count toward the Town's Subsidized Housing Inventory, and be in accordance with the provisions of 760 CMR 45.00, as may be amended. The Planning Board shall review and approve the actual percentage distribution of qualifying low versus moderate income units.



12. JOHN MCCORMACK

November 14, 2022 at 6:53:34 PM

Is there a height standard somewhere else in the bylaws?

125-30C Why this constraint? when written it was associated with the size of a ladder truck. Those requirements have changed.

However, the PB attempted to revise this provision in 2017 that failed at

TM What height can the ladder truck be used for?

§ 125-35

§ 125-35

(If (f) above is found to be satisfied, in the opinion of Planning Board, it may authorize a 520% increase in applicable base density.)

- (2) **Standards for on-site affordable units.** Housing units set aside as affordable housing, as described in § 125-35I(1)(f), shall have a gross floor area comparable to market-rate units and shall be integrated into the development and not grouped together. When viewed from the exterior, the affordable units shall be indistinguishable from the market-rate units in the same development. The developer shall provide adequate guarantee, acceptable to the Planning Board, to ensure the continued availability and affordability of the units in perpetuity; such guarantee must include recorded deed restrictions, recorded restrictive covenants relative to equity limitation, or other acceptable forms of guarantees. No more than 80% of the building permits for the market-rate units shall be issued within an OSC-PRD until construction has commenced on all the affordable units; no more than 80% of the certificates of occupancy for the market-rate units shall be issued until all of the certificates of occupancy for the affordable units have been issued.

**J. Dimensional requirements.** The following provisions shall apply:

- (1) The Planning Board may waive the minimum requirements for frontage and/or yard requirements that would normally be applicable to land within the AR District in order to achieve maximum open space area, and may permit more than one single or two-family dwelling be located on a lot in an OSC-PRD, except as provided below.

- (2) The parcel proposed for development must have a minimum of 50 feet of frontage on a public way or private way which is open to the public.

~~(3) Attached units shall contain no more than six units in a single building.~~

- (43) The minimum distance between clusters of multiple unit dwellings, shall be 50 feet.

- (45) A minimum width of 150 feet of green area shall be established and maintained between any property adjacent to the OSC-PRD and the nearest dwelling unit or units in the OSC. [Amended 4-2-2005 ATM by Art. 34]

- (56) The minimum setback from internal roads shall be 25 feet.

- 12 (67) The maximum height of proposed buildings shall be 35 feet, and shall not exceed 2 1/2 stories.

- (78) Except as provided in this Bylaw, any lot in an OSC-PRD shall comply with any other dimensional requirements of the zoning district in which it is located.

13. **JOHN MCCORMACK** November 15, 2022 at 6:19:18 PM 50% contiguous seems high. perhaps lower?km

14. **JOHN MCCORMACK** November 16, 2022 at 11:55:26 AM What is meant by "Usable?" for passive recreation purposes Does that mean such space will not be included in the computation of the open space percentage? How does "finished grade" align with "undisturbed natural condition"? If the open space is common, why is there a distance from building requirement? it should be easily accessible to those that it serves

§ 125-35

§ 125-35

**13** **K. Common open space.** A minimum of 50% of the OSC-PRD parcel shall be devoted to contiguous open space, completely devoid of any structure, parking, loading and unloading space, access ways thereto, or as private yards, patios, or gardens for the exclusive or principal use by residents of individual dwelling units. To the greatest extent possible, such open space shall be left in its undisturbed natural condition or 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. 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.

**14** (1) **Open space criteria.** The following criteria define open space, and open space that is considered usable within an OSC-PRD parcel:

- (a) No more than 25% of common open space in an OSC-PRD shall be wetlands.
- (b) Unless approved by the Planning Board, common open space shall not be considered usable if the slope of the finished grade exceeds 33%.
- (c) Unless approved by the Planning Board, the nearest part of the common open space shall not be more than 300 feet in distance from the nearest point of any building that it is proposed to serve.
- (d) No common open space shall be considered usable unless it is compact and contiguous and has no dimension of less than 50 feet.
- (e) All usable open space shall be open to the sky and pervious.

**L. Open space conveyance.**

- (1) The common open space shall be conveyed in the following ways as approved by the Planning Board:
  - (a) To a corporation or trust comprising a homeowners association whose membership includes the owners of all lots or units contained in the development. The developer shall include in the deed to owners beneficial rights in said open land, and shall grant a perpetual open space restriction to the Town of Harvard or a non-profit corporation or organization over such land to insure that it be kept in an open state and not be built upon for residential use, or developed for accessory uses such as parking or roadways. Such restriction shall be in such form and substance as the Planning Board shall prescribe, and may

contain such additional restrictions on development and use of the open space as the Planning Board may deem appropriate.

- (b) To a non-profit organization, the principal purpose of which is the conservation of open space. The developer or non-profit organization shall grant an open space restriction as set forth above.
  - (c) To the Town for a park or open space use, subject to the approval of the Select Board, for management by the Park and Recreation Commission if a park, otherwise by the Conservation Commission, with a clause insuring that it be maintained as open space. [Amended 10-22-2018 STM by Art. 2]
- (2) **Multiple conveyance.** To provide flexibility, and when deemed in the public interest, the Planning Board may approve more than one organization to accept the open space conveyance, particularly when it is appropriate that a major portion of such land be conveyed to the Town or a non-profit conservation organization, and another portion of such land is more appropriately conveyed to an owners association.

**M. Passageways.** Private roadways and common driveways shall be allowed in OSCPRD parcels. While roadway surface widths may be narrower than widths associated with a traditional subdivision, the durability of passageway surfaces and subsurfaces must be comparable to those in a conventional subdivision. [Amended 4-2-2005 ATM by Art. 34]

- (1) **Criteria for passageways.** The following criteria shall guide the development of these passageways:
- (a) Cleared widths for traveled ways (excluding on-street parking spaces and passing turnouts) shall not be more than 20 feet or less than 12 feet. A cleared height of not less than 16 feet above the entire passageway shall be established and maintained.
  - (b) Drainage and surface runoff from all passageways must be suitably accommodated by an approved drainage system, using best management practices.
  - (c) All OSC-PRD plans shall specify that such passageways will not be dedicated to the Town, but are to remain private ways; all deeds or other instruments conveying any portion of land or structure in an OSC-PRD containing such a passageway(s), shall specify that such passage way(s) are and shall remain private way(s) in perpetuity; and

**N. Site improvements.** Site improvements specific to an OSC-PRD are listed below. To assist the Planning Board's evaluation of site changes and improvements from

any OSC-PRD plan, the applicant shall submit said plan to the Town's Conservation Commission and Board of Health for review and recommendations to the Planning Board.

- (1) **Water supply.** Each lot and the development in its entirety shall be served by water supply systems.
- (2) **Sewage disposal.** Privately owned and maintained on-site sewage disposal or treatment systems may be approved to serve buildings and lots in an OSCPRD, if owned, maintained, operated, and monitored by a residents association, notwithstanding the provisions of § 125-32D of this Bylaw, if such treatment facility or system is approved by the Board of Health and in compliance with the requirements of Title 5, 310 CMR 15.00, or approved in accordance with the requirements of 314 CMR 5.00 (the Ground Water Discharge Permit Program). An approved system may be located on land owned in common by the owners of the building lots or residential units within the development.
- (3) **Parking.** Unless otherwise approved by the Planning Board, a minimum and maximum of 1.5 off-street parking spaces shall be provided for each unit, exclusive of spaces within garages. The Planning Board may also approve, based upon the nature of the development proposed and exclusive of the 1.5 parking space ratio provided, areas for visitor parking.
- (4) **Storm runoff control.** The applicant shall demonstrate that, as compared with the situation that would exist on the site without the development, no phase of the proposed OSC-PRD will result in an increase in the peak rate of storm runoff at the parcel boundary for the OSC-PRD as a whole for the 25-, 50- and 100-year design storms, and that there will be no net loss in flood storage capacity for the 100-year design storm. In making such determinations, any state or local orders or requirements of the Wetlands Protection Act or the Town's Wetlands Protection Bylaw<sup>3</sup> shall be assumed in the calculations of runoff and flood storage without the OSC-PRD, but alternative forms of development shall not be assumed.
- (5) **On-site runoff and erosion control.** The applicant shall demonstrate that any adverse existing off-site runoff and erosion conditions or off-site runoff and erosion conditions which would result from the development of the OSC-PRD, are fully identified and that workable and acceptable mitigation measures are proposed as part of the submission of a final plan.

**O. Residents association.** In order to ensure that common open space and common facilities within the development will be properly maintained, each OSC-PRD shall have a residents association, which shall be in the form of a corporation, non-profit

---

<sup>3</sup> Editor's Note: See Ch. 119, Wetlands Protection.

organization, or trust, established in accordance with appropriate State law by a suitable legal instrument or instruments properly recorded with the Worcester County Registry of Deeds or registered in the Worcester County Registry District of the Land Court. As part of the final OSC-PRD site plan submission, the applicant shall supply to the Planning Board copies of such proposed instruments, which shall at a minimum provide the information required by said OSC-PRD submission requirements, § 125-35L of this Bylaw, and Site Plan Rules and Regulations in effect at the time of final submission.

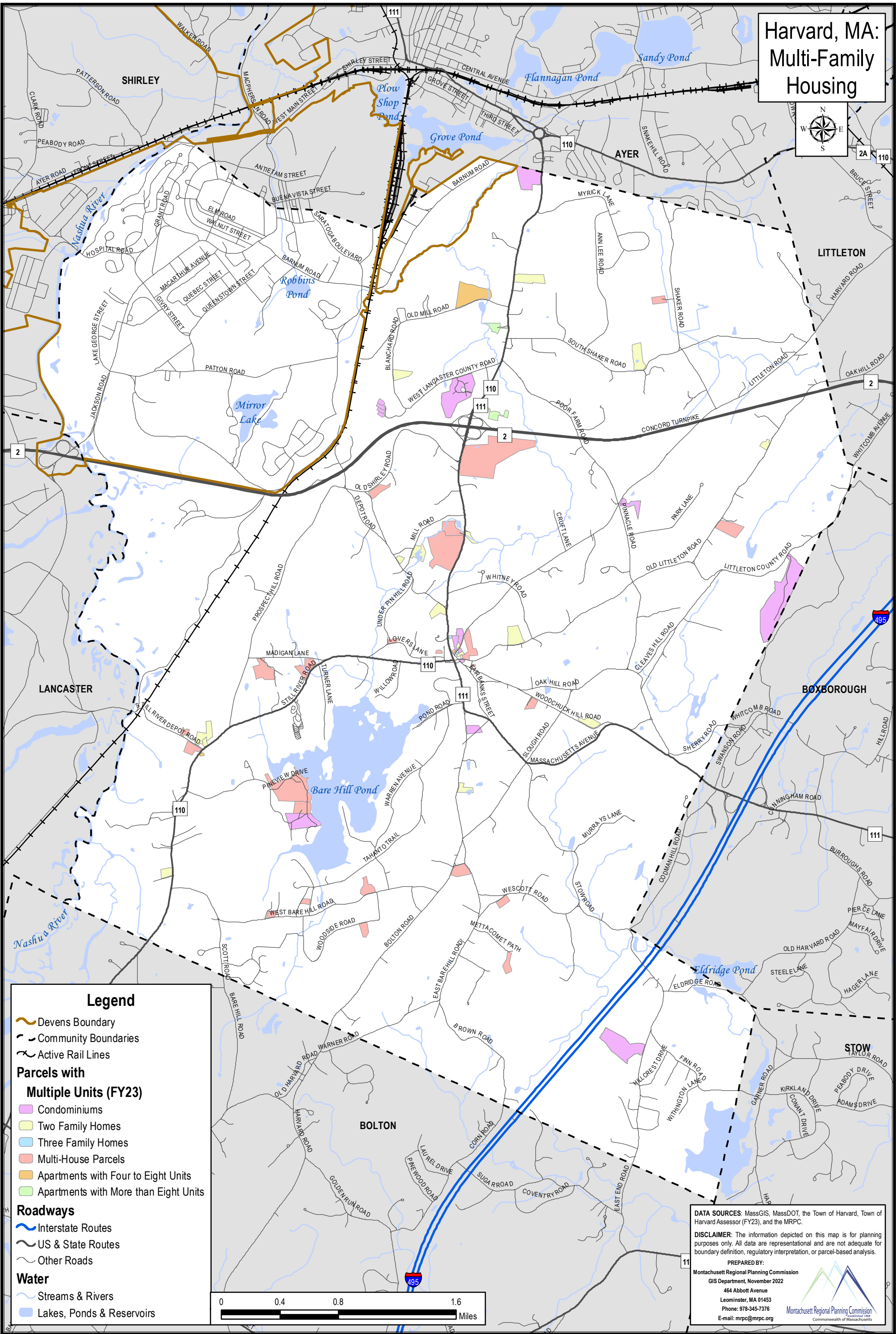
- (1) **Responsibilities of the residents association.** Said legal instruments pertaining to the residents association shall specify that the residents association shall be solely responsible for all related improvements, and all costs associated with the operation of the development, including:
  - (a) Roadway maintenance.
  - (b) Snow-plowing.
  - (c) Maintenance of street lighting and on-site improvements and utilities.

**P. Amendments without public hearing.** Following the granting of a special permit pursuant to this Section, the Planning Board may, upon application and for good cause shown, without public hearing, amend the OSC-PRD plan solely to make changes in lot lines shown on the plan, which lot lines are not part of the perimeter of the site, or other minor engineering changes, provided, however, that no such amendment shall:

- (1) Grant any reduction in the size or change in location of the open space as provided in the permit;
- (2) Grant any change in the layout of the ways as provided in the permit;
- (3) Increase the number of lots or units as provided in the permit; or
- (4) Decrease other dimensional requirements of any lot below the minima permitted by the approval of the initial site plan and special permit.

**Q. Amendments requiring public hearing.** Any proposed change to an existing OSC-PRD special permit considered substantial by the Planning Board, shall require notice and a formal public hearing in accordance with Massachusetts General Laws Chapter 40A, Section 9, 11, and 15 and an amendment to the special permit decision made pursuant to this section.

# Harvard, MA: Multi-Family Housing



**Legend**

- Devens Boundary
- Community Boundaries
- Active Rail Lines

**Parcels with Multiple Units (FY23)**

- Condominiums
- Two Family Homes
- Three Family Homes
- Multi-House Parcels
- Apartments with Four to Eight Units
- Apartments with More than Eight Units

**Roadways**

- Interstate Routes
- US & State Routes
- Other Roads

**Water**

- Streams & Rivers
- Lakes, Ponds & Reservoirs

**DATA SOURCES:** MassGIS, MassDOT, the Town of Harvard, Town of Harvard Assessor (FY23), and the MRPC.

**DISCLAIMER:** The information depicted on this map is for planning purposes only. All data are representational and are not adequate for boundary definition, regulatory interpretation, or parcel-based analysis.

**PREPARED BY:**  
 Montachusett Regional Planning Commission  
 GIS Department, November 2022  
 464 Abbott Avenue  
 Leominster, MA 01453  
 Phone: 978-345-7376  
 E-mail: mrpc@mrpc.org

## WARRANT ARTICLE

Article \_\_. Amend the Protective Bylaw to Allow  
Accessory Entertainment on Farms

To see if the Town will vote to amend Section 125-7, Paragraph A of the Code of the Town of Harvard relative to general agricultural uses and uses accessory thereto by making the following revision thereto, or take any vote or votes in relation thereto.

[Key to revision: underlining denotes added text]

### **§125-7 Agricultural uses.**

Amended 3-5-1966 ATM by Art. 44; 3-6-1971 ATM by Arts. 33 and 34; 3-4-1972 ATM by Art. 44; 3-25-1978 ATM by Art. 23; 3-31-1990 ATM by Art. 18; 4-5-1997 ATM by Art. 46]

**A. General agriculture.** Agriculture (see § 125-2, Definitions) conducted on a parcel of five or more acres in area shall not be subject to the provisions of § 125-20 of this Zoning Bylaw, provided that the otherwise prohibited activity constitutes or is accessory to a principal agricultural use, as set forth in G.L. c. 40A, § 3. Accessory uses may include:

**(1)** An accessory camp for seasonal farm labor, approved by the Board of Health. A mobile home unit may be used for such a camp provided a permit issued by the Building Commissioner<sup>u</sup> is in effect. A permit shall be for a sixty-day period. A permit may be renewed for additional periods up to a total additional time of 50 days. Setbacks for structures shall apply to the extent permitted by law.

**(2)** An accessory farm stand for sales of natural produce principally from the premises or from other premises that are part of the same principal agricultural use including premises constituting a "farming use" pursuant to § 125-35D(2)(a)[4].

**(3)** Accessory entertainment activities and events, provided that a license for such entertainment is obtained from the Select Board.

## WARRANT ARTICLE

Article \_\_. Amend the Protective Bylaw to Allow  
Accessory Entertainment in Town Center  
Overlay District.

To see if the Town will vote to amend Chapter 125 of the Code of the Town of Harvard, the Town's Protective Bylaw, by adding thereto the following new Section 125-59 relative to the Town Center Overlay District, or take any vote or votes in relation thereto.

**A. Purpose.** The purpose of the Town Center Overlay District (TCOD) is to allow entertainment as an accessory use on certain properties which are primarily used for business, institutional and cultural purposes.

**B. Establishment of overlay district.** The TCOd is established as an overlay district. The TCOd consists of certain parcels of land on Still River Road, and Fairbank Street as shown on the Town Center Overlay District Map on file with the Town Clerk. Within the TCOd, all regulations of the underlying district remain in effect.

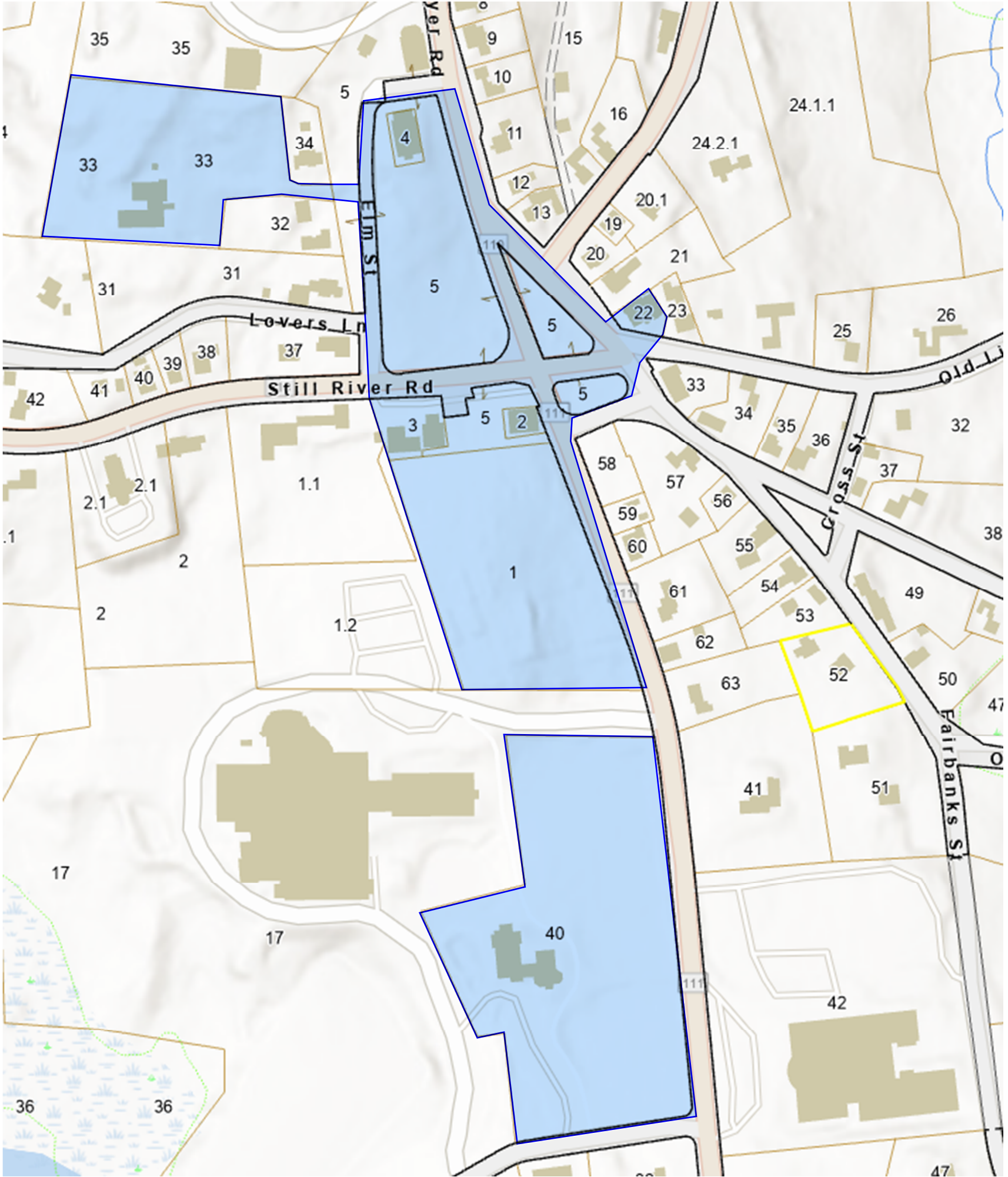
**C. Permitted Accessory Uses in the Town Center Overlay District.**

(1) All uses that are clearly subordinate to, and customarily incidental to, and located on the same premises with the main use or structure to which it is accessory.

(2) Accessory entertainment, provided that a license for such entertainment is obtained from the Select Board, except on properties in the TCOd which are use primarily for residential purposes.



Town Center Entertainment Overlay District

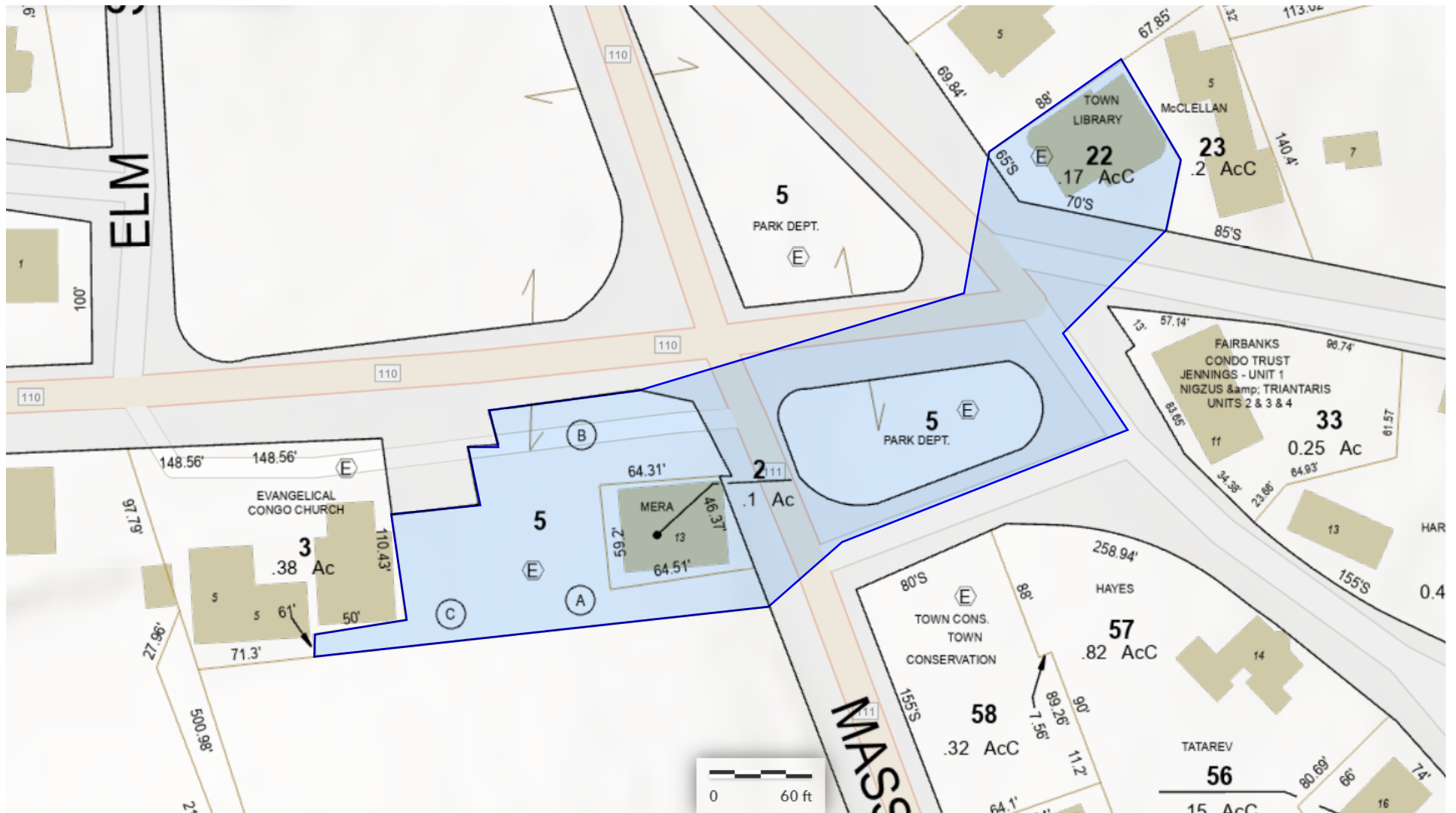


Parcels added:  
Congo and UU Churches  
Church Event space off Elm  
All Town Common parcels  
Library parcel

Should be added?  
Bromfield and HES parcels?  
St. Theresa's parcel on Still River (2.1)?

Do I need to make a tiny sliver of 'zone' to connect  
library parcel to rest?

Map amended per 11/28/2022 Hearing discussions



Original Map proposed by SB 10/20/2022