

**TOWN OF HARVARD  
PLANNING BOARD AGENDA  
MONDAY, FEBRUARY 27, 2023 @ 7:00PM**

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Pursuant to Chapter 107 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 16, 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.

**Public Comment**

- Old Business:**
- a) §125-35 Open Space Residential Development Bylaw Amendment
  - b) District Local Technical Assistance funds (MRPC funding) & new District Local Technical Assistance Augmentation funds
  - c) Prospective MBTA Multi-family zoned district
  - d) Update on Ayer Road Phases II & III (vision plan & zoning to facilitate vision) RFP with funds from Rural & Small-Town Grant award

- New Business:**
- a) Proposed Ayer Road Smart Growth Overlay District
  - b) Planning Board annual appointments

**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 updates on proposed development of three commercial use buildings, including a Commercial Entertainment and Recreation use.

- Standard Business:**
- a) Board Member Reports
    - Representatives & Liaisons Update
    - c) Harvard Climate Initiative Comm. – Climate Action Plan Update
    - Community Matters
  - b) Approve Minutes

**NEXT SCHEDULED MEETING:  
MONDAY, MARCH 6, 2023**

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

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[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 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.
    - (c) Agriculture and horticultural uses including but not limited to orchards, vineyards, forestry, farming for fruits and vegetables.

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<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.

- (d) Open space.
- (e) Trails.
- (f) Passive outdoor recreation, cf. 301 Mass. Reg. 5.02.
- (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).
- (i) Active outdoor recreation, cf. 301 Mass. Reg. 5.02.

**C. Requirements and process for approval.** An applicant who is the owner (or with the permission of the owner) 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 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.

- (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>
- (2) **Submittal of preliminary plan.** 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 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, 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.
- (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:
- (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.
  - (d) That the design and layout of the proposed OSC-PRD preserves open space for conservation and recreation; that it preserves natural features of the land; allows more efficient provision of streets, utilities and other

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

public services; and, that it provides a high degree of design quality, based on the criteria and considerations enumerated herein in § 125-35E.

- (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.
- (2) Overall layout and design that achieves the 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.
- (5) Provision of 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.
- (6) Provision of accessibility to open spaces for all, consistent with Massachusetts Architectural Access Board 521 CMR Accessibility Guidelines.
- (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~~ an appropriate number of units are designed to be fully accessible consistent with Massachusetts Architectural Access Board 521 CMR Accessibility Guidelines. If greater than 4 but fewer than 10 units, one unit must be accessible. If greater than 10 and fewer than 19, two units must be made accessible. For more than 20 units, 10% must be made accessible. ~~to the disabled and that a majority of units have at least one accessible entrance and bathroom on a first floor.~~
- (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.
  - (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.~~

**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%~~ **3.5 times 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.

(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.)

(d) The applicant proposes attached dwellings that include a maximum majority 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.

(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.

(67) The maximum height of proposed buildings shall be 35 feet, and shall not exceed 2-1/23 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.

**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.

- (1) **Open space criteria.** The following criteria define open space, and open space that is considered usable for passive outdoor recreation 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 usable open space shall not be more than 300 feet in distance from the nearest point of any building that it is proposed to serve, in order to make the space accessible to those who use it.
  - (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 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

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

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.



February 14, 2023

**TO:** All Planning Boards, MRPC Commission Members  
and Alternates, Select Boards, Mayors, City Councils, Town Administrators and Managers

**FROM:** Karen Chapman, Planning & Development Director

**RE: District Local Technical Assistance Augmentation Funds Call for Proposals**

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The MA Department of Housing and Community Development (DHCD) has allotted additional DLTA Augmentation funds to each Regional Planning Agency to assist our communities with tasks related to project prioritization and completing grant applications. An historic amount of funds is coming from the federal government to states and communities through multiple grant programs. What we are calling DLTA-A will allow MRPC to assist our communities with activities and projects that may include, but are not limited to, the following:

- identification and understanding of top project priorities;
- research, assessment, and identification of federal, state and other funding opportunities;
- review of grant application guidelines and preparation of applications and/or identification of specialty skills needed (e.g. specialized technical assessment, engineering, cost benefit analysis);
- provision of needed procurement services; and
- assessment of municipal grant reporting capacity and determination if assistance is needed by the RPA.

If your community is interested in MRPC’s assistance for any of the above activities or if you have other project related tasks, please have the CEO of your community discuss and vote to send a letter detailing the project(s) and how MRPC can help. Proposals will be addressed according to the schedule below.

	<b>Call for Proposals Issuance Dates</b>	<b>Proposals Due to MRPC Dates</b>	<b>Funding Award Votes by Commissioners</b>
<b>Round #1</b>	February 14, 2023	March 7, 2023	March 9, 2023
<b>Round #2</b>	February 14, 2023	April 4, 2023	April 6, 2023

MRPC reserves the right to reject any proposal that is beyond our capacity to undertake.

Should you have any questions or want to know if your project is eligible, please do not hesitate to contact me via phone or email at (978)798-6168 or [kchapman@mrpc.org](mailto:kchapman@mrpc.org)

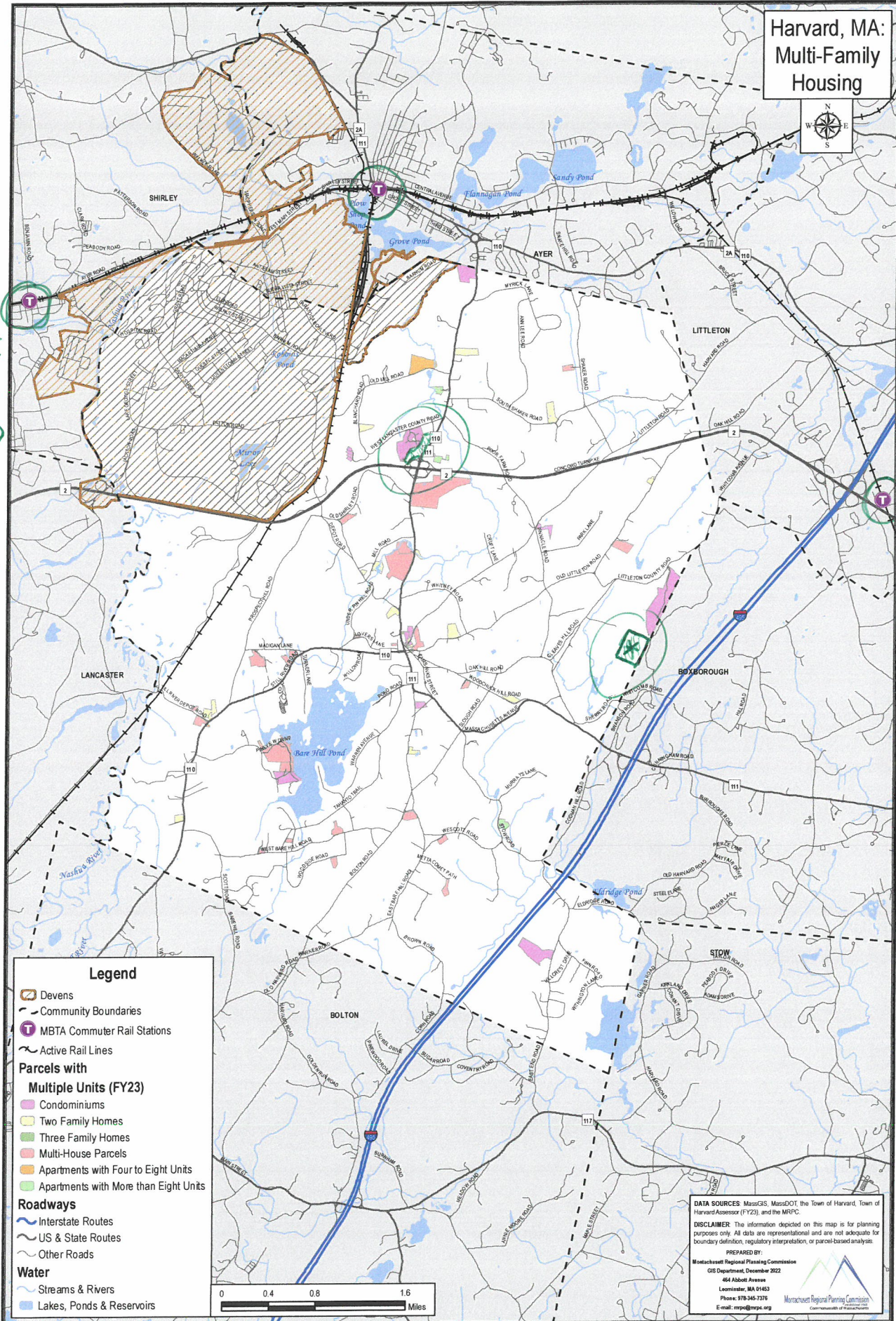
# Proposed MBTA 3-A OVERLAY District

Harvard, MA:  
Multi-Family  
Housing



MAP 8 PARCELS 59, 60 AND 62.2

MAP 19 PARCEL 10



Jan. 2023





**Town of Harvard  
Request for Proposals  
For  
Planning Consultant**

**RFP 2023-001**

**Town of Harvard  
Request for Proposals  
For  
Planning Consultant**

**RFP 2023-001**

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Attachments

- A. Certificate of Non-Collusion
- B. Statement of Tax Compliance

## **I. PROJECT BACKGROUND AND GOALS**

The Town of Harvard recently commissioned a comprehensive Market Study and Fiscal Impact Analysis to guide the Town's actions and decisions as detailed for the next ten years in the 2016 Harvard Master Plan. The 2016 Harvard Master Plan describes the strong and widespread interest of residents in a re-imagined and re-vitalized Ayer Road Corridor, also known as the C-District. Re-vitalization of Harvard Ayer Road Corridor includes potential changes to the Town infrastructure within the C-District including the installation of a sewage system serving the C-District, Complete Street improvements, public gathering areas and public amenities. The Town now wishes to engage a planning consultant to assist it in implementing this portion of the 2016 Harvard Master Plan.

The Town is seeking planning consulting services to: (1) develop a Vision Plan for the Ayer Road Corridor; and (2) develop a very carefully crafted set of zoning tools to facilitate and realize the vision. This is anticipated to be a "form-based" zoning model that is a prescriptive, graphic-based zoning tool that pre-establishes the building form, siting and bulk. (This form-based code is currently being considered as a tool in Ayer and Littleton and has already been utilized in Lowell and other communities around the U.S.).

The product(s) from the work requested are:

- Prepare multiple options for commercial and residential development of the C-District area that address community goals of re-vitalizing the Ayer Road Corridor while preserving the small-town, historical and rural atmosphere of Harvard.
- Prepare economic impact analyses including Cost/Benefit Analyses of such options.
- Assist Town Counsel with the preparation of proposed zoning bylaws and associated Form Base Code that are supported by Harvard Town Boards and ready for Town meeting that bring any and all out of compliance zoning regulations into compliance with state and federal law.
- Assist the Town with necessary reporting for the state agencies and a Planning Assistance Grant.

The Town seeks to nurture the C-District to be a place for residents of all ages and to preserve resources in the area. As such, it must support a variety of commercial and residential development, redevelopment and restoration along with associated amenities for the public who chose to access the C-District. Among the desired goals for the Ayer Road Corridor are small shops, services aimed at area residents, safe walkways and access, and housing. A preference for a commercial district that presents itself as a small town New England village but reflecting the history of Harvard as a farming village is a vision shared among many residents.

The Town may look to provide modern waste management infrastructure to the C-District to address and mitigate potential health threats from failing septic systems in and around the Ayer Road Corridor, the opportunity to encourage property owners, residents, and other stakeholders to carefully consider a fresh look and take appropriate action has arisen. The Town and all stake holders now face many questions, choices and options and the answers and potential solutions will guide the revitalization of the C-District as well as the impacts, benefits and costs to the Town and its residents. Potential questions and issues that need to be

addressed are:

- What are the benefits and tradeoffs of encouraging mixed use?
- What combinations of commercial and residential sites provide the greatest benefits to the Town (financial, social, commercial and residential) and what are the tradeoffs in terms of cost (impact on taxpayers and Town finances, traffic flow and transportation, parking, pedestrian access / safety)?
- What is the impact of limiting town potential economic, commercial and residential gains by emphasizing small scale changes?

The process for determining proposed changes to zoning bylaws and developing alternative visions for how the C-District might be developed needs to include extensive outreach to and input from all stakeholders including Town residents, business and property owners, Town Counsel, and Town Boards and Committees. Any proposed zoning regulations and strategies designed to foster development and re-vitalization of the C-District must also work to protect the small-town, historic and rural atmosphere that defines Harvard. All models showing development options for the C-District must include an economic impact analysis measuring the costs and benefits to the Town and stakeholders.

## II. SCOPE OF WORK

- a. Read and understand the 2016 Town of Harvard Master Plan and the 2023 Weitzman Market Study and Fiscal Impact Analysis.
- b. Utilize publicly available maps, assessor office lot size data bank and other information, and other sources, comprising the Harvard C-District.
- c. Become familiar with the parcels of private property via on site observations of the area comprising the Harvard C- District and surrounding areas.
- d. Review potential infrastructure changes for the C-District including installation of sewage system, Complete Streets improvements and other components.
- e. Carry out a critical review and assessment of the existing Zoning Bylaw including but not limited to Section 125 Protective Bylaw of its limiting effects on achieving the goals described in the 2016 Harvard Master Plan for the revitalization of the Ayer Road Corridor including but not limited to housing, amenities, parking, building height, sustainable land use, contributing to Town revenues, infrastructure changes in the C-District, historic resources and economic factors that affect small and medium businesses and others. This review will likely touch on many sections of the Town Bylaws, including Definitions, Parking, Landscaping and Screening, and Aquifer and Water Resources.
- f. Obtain Town Counsel's review of Zoning regulations and by-laws of the Town of Harvard and diagnoses of any non-compliance with state and/or federal law and assist Town Counsel with proposals of changes necessary to bring such non-compliant regulations and by laws into compliance.
- g. Conduct community-wide meetings and forums (a minimum of 3) to gather input from Town residents as well as conducting meetings with Town Boards, Committees and officials and property and business owners.
- h. On the basis of items a-e and g, as cited above, construct at least four different architectural/landscape renditions in 3D of the proposed Harvard C-District, using current CAD design software such as, but not limited to, Sketchup Pro and Turbo CAD Deluxe capable of generating animations in which lot coverage and building heights can be dynamically altered. At least one rendition needs to be based on the current land use and building structures and other existing conditions of the C-District. The remaining three need to each present varying density and different types of structures, including those of varying heights consistent with the current and proposed changes in zoning for mixed use.
- i. Using the four renditions prepared in h, above, prepare an economic impact analysis of each, using (at a minimum) the US Bureau of Economic Analysis and the Bureau of Canadian Statistics, as standards.
  - 1) Include current trends in US retail industry along with trends in housing in Harvard and in the I-495 corridor and other pertinent factors developed in consultation with the Town.
  - 2) Compare and contrast the results of the Weitzman economic impact analyses with the vision and goals set out in the 2017 Harvard Master Plan.
- j. Prepare renditions created in h, above, in a form suitable for inclusion in Harvard's website and in a format that allows users to see each rendition with brief descriptions and associated economic impact analysis.

- k. Present final plans and recommendations to the Town via community-wide forum, meetings with Town Boards and Committees and at Town Meeting.
- l. Framework Paper: Work with Town Counsel to advise and inform the Town concerning results of initial assessments of zoning bylaws. Present framework paper with initial results and assessments. Outline policy decision points and gather feedback from Planning Board, Board of Selectmen, residents, property owners, and business owners.
- m. Outline Zoning Bylaw Amendments: Assist Town Counsel with the formulation and presentation to Board of Selectmen, Planning Board, and Master Plan Implementation Committee of an outline and descriptions of zoning bylaw changes and any necessary mapping that address limitations found therein, including but not limited to: housing, amenities, parking, building height, sustainable land use, contributing to Town revenues and cost, infrastructure changes in the C-District, historic resources, and economic factors such as those affecting retail industry.
- n. First Reading, Second, and Third Draft Zoning Bylaw Amendments: Work with Town Counsel to formulate and present to Board of Selectmen, Planning Board, and staff rationales for such alterations to zoning bylaws, including any necessary mapping that reduce and/or eliminate such limitations that impede revitalization of the Harvard Ayer Road Corridor as described in the 2016 Harvard Master Plan and 2023 Weitzman Report including but not limited to: housing, amenities, parking, building height sustainable land use, contributing to Town revenues and cost, infrastructure changes in the C-District, historic resources, and economic factors such as those affecting retail industry.
- o. Public Outreach for First, Second, and Third Reading Draft Zoning Bylaw Amendments: Outreach to current property owners in the Harvard C-District, residents and stakeholders. Present first, second, and third reading drafts and descriptions of zoning bylaw amendments and associated mapping, including the rationales that reduce or eliminate limitations that might impede revitalization of the Harvard Ayer Road Corridor as described in the 2016 Harvard Master Plan.
- p. Final Draft Zoning Bylaw Amendment for Public Hearing: Assist Town Counsel with drafting and presenting final draft Zoning Bylaw Amendment(s) and proposed map amendment(s) to the Planning Board for a Public Hearing and submission to Town Meeting for approvals. Prepare public outreach documents for the Public Hearing and in preparation for Town Meeting, including any maps. Assist Town Counsel with drafting Planning Board regulations to implement proposed zoning bylaw amendments.
- q. Provide required reporting information for state agencies and Planning Assistance Grant.

### III. MINIMUM QUALIFICATIONS

- a. The firm and its team must have at least five years' experience in urban design, urban economics, planning, public policy, management consulting, architecture, and statistics.
- b. The principal and project manager to be assigned to this project must be available for meetings with the Town on days or evenings, as required.
- c. The firm must have previous experience in the management of public information processes, conducting assessments, and drafting of municipal zoning regulations. Completion of two such projects in municipalities in Massachusetts within the last five years is required, and completion of at least five overall is desired.
- d. The firm must have proven experience in the public sector and working with federal state and municipal agencies and neighborhood as well as business organizations.
- e. The volume of the firm's current and projected workload must not adversely affect its ability to immediately initiate work and to follow through with the project in a timely and professional manner. The firm and all team members must be capable of devoting a significant amount of time in this project in order to complete the work within the schedule outline in this RFP.
- f. Significant experience developing and implementing public participation techniques such as holding public stakeholder and neighborhood meetings conducting key persons interviews and developing citizen surveys.

#### IV. COMPARATIVE EVALUATION CRITERIA

The selection committee will review all proposals to determine which contain all proposal submission requirements and meet the minimum qualifications. Those that do not will be not accepted. Those proposals that contain all proposed submission requirements and meet the minimum qualifications may be asked for interview and will be evaluated based on the following comparative evaluation criteria:

- a. Staffing plan and methodology: including the professional qualifications of all project personnel with particular attention to training, educational background, and professional experience. Demonstrated expertise and experience of the principal in charge project manager and other key personnel, and any consultants to be assigned to the project, including professional registration of the consultants and their qualifications:

Highly advantageous: the plan of services proposes a detailed, logical, creative and highly efficient scheme for producing a complete project that addresses all of the required issues and meets all of the minimum applicant qualifications detailed in Minimum Qualifications.

Advantageous: the plan of services proposes a credible scheme for producing a complete project that addresses all of the required issues and meets all of the minimum applicant qualifications detailed in minimum qualifications.

Not advantageous: the plan of services is not sufficiently detailed to fully evaluate, or the plan does not contain all the components necessary to produce a complete project that addresses all of the required issues and meets all the minimum applicant qualifications detailed in minimum qualifications.

Unacceptable: the plan of services does not meet all of the minimum applicant qualifications detailed in minimum qualifications.

- b. Depth of experience with similar projects, and prior experience with public contracts and relevant codes, laws, regulations, economic impact analyses in the urban setting, design and architecture:

Highly advantageous: the consultant has at least five years of experience consulting with municipalities on projects of similar size and scope to this project.

Advantageous: the consultant has at least three years of experience consulting with municipalities on projects of similar size and scope of this project.

Not advantageous: the consultant has had less than three years of experience



but more than one year consulting with municipalities on projects of similar size and scope to this project.

Unacceptable: the consultant has less than one year of experience consulting with municipalities on projects of similar size and scope in this project.

- c. Ability and knowledge to serve as a resource to the town as evidenced by direct involvement in (1) project utilizing innovative zoning techniques, (2) projects involving public-private ventures and innovative economic development practices, (3) projects utilizing mixed-use smart growth revitalization strategies, (4) ability to create and use dynamic architectural renditions of urban development projects suitable for deployment in mixed media including websites, and (5) ability to use cost/benefit analytic techniques and other economic impact assessment tools appropriate and valid to provide outcome models suitable for the urban setting, as well as available to aid public understanding of options.

Highly Advantageous: substantial involvement i.e. lead consultant in each of the five types of projects specified.

Advantageous: involvement in each of the five types of projects specified.

Not Advantageous: involvement in at least two of the five types of projects specified.

Unacceptable: involvement and no more than one of the five types of project specified.

- d. Strength and credibility of client references: prior client satisfaction with working relationship, project management, capabilities, and technical expertise in developing similar projects:

Highly Advantageous: more than four clients who consider consultant's service satisfactory or better.

Advantageous: only three clients who consider consultant's services satisfactory or better.

Not Advantageous: only two clients who consider consultant's services satisfactory or better.

Unacceptable: fewer than two clients who consider client's services satisfactory, or better or three or more clients who consider your services unsatisfactory.

- e. Desirability of approach to the project as well as a demonstrated understanding of all project components and public outreach needs. Harvard places a premium on the applicant's approach to the project and the ability to present a program of services which complies with the required project scope in a manner which is clear, concise and complete with respect to required activities and creative with respect to including

unique or fresh methods of gathering input and presenting concepts.

Highly advantageous: the response contains a clear, creative, and comprehensive plan that addresses all of the project objectives stated in the RFP.

Advantageous: the response contains a clear plan that addresses most of the project objectives stated in the RFP.

Not Advantageous: the response does not contain a clear plan that addresses most of the project objective stated in the RFP.

Unacceptable: the response does not contain any plan to address the project objectives stated in the RFP.

f. Demonstrated ability to meet project budget and project schedule.

Highly Advantageous: all of the consultant's references indicate that the projects on their behalf were completed within budget and on schedule with minimal insignificant delays.

Advantageous: one of the consultant's references indicates a project was not completed within budget attributable to the consultant or with substantial delays attributable to the consultant and no current project or project completed in the last three years' has experienced substantial delays attributed to the consultant.

Not Advantageous: two of the consultant's references indicate that the project was not completed within budget attributable to the consultant or was completed with substantial delays attributable to the consultant, and no current project completed in the last year experienced substantial delays attributable to the consultant.

Unacceptable: more than two of the consultant's references indicate that the project was not completed within budget attributable to the consultant or was completed with substantial delays attributable to the consultant.

g. Familiarity with the Town of Harvard:

Highly Advantageous: very familiar with the Town of Harvard.

Advantageous: some familiarity with the Town of Harvard.

Not Advantageous: minimal familiarity with the Town of Harvard.

Unacceptable: unfamiliar with the Town of Harvard.

## V. PROPOSAL SUBMISSION REQUIREMENTS

Submission of a technical and a price proposal is required. The price proposal must be sealed and submitted separately from the technical proposal. ***The deadline for submitting proposals either in person or by mail is 3:00 PM on April 28, 2023. Late proposals will be rejected. Postmarks will not be considered. Proposals must be addressed to Town of Harvard, Town Administrator's Office; 13 Ayer Road, Harvard, MA 01451.***

- a. Technical Proposal: Five (5) printed copies of the technical proposal must be submitted in a sealed envelope, along with one electronic version on a USB stick, clearly marked:

PROPOSAL ENVELOPE A – TECHNICAL PROPOSAL  
TOWN OF HARVARD – PLANNING CONSULTANT  
Consultant Name:\_\_\_\_\_.

The Technical proposal must contain the following information:

- 1) **Cover Letter**: a cover letter introducing the Consultant (firm) and the proposal Consultant team, including sub-consultants, and identifying the project manager and the name, title, address and telephone number of the person with authority to negotiate and contractually commit to all services. The cover letter shall be signed as follows: (1) if the respondent is an individual, by her/him personally; (2) if the respondent is a partnership, by the name of the partnership, followed by the signature of each general partner; and (3) if the respondent is a corporation, by the authorized officer, whose signature must be attested to by the Clerk/Secretary of the corporation and the corporate seal affixed.
- 2) **Table of Contents and page numbers**
- 3) **Statement of Project Understanding and Approach**: A statement, not exceeding three pages, that describes the Consultant's understanding of the project, the Consultant's approach, and key considerations and guideposts that, in the Consultant's view, are essential to project success.
- 4) **Scope of Services**: A proposed scope of services that is detailed and responsive to the project as outlined in this RFP.
  - The scope must be detailed by tasks (and subtasks if appropriate) beginning with the tasks identified in this RFP and expanding where the consultant feels is appropriate and necessary.
  - It needs to be organized chronologically in clearly defined phases, milestones, or components with proposed completion dates for each. Tasks may overlap or run simultaneously.
  - Include an estimated schedule of hours that the Consultant expects to spend on the various project tasks and sub-tasks, broken down by project team member.
  - The Town's staffing resources are limited. The proposed scope must, to the extent necessary, define what organizational support would be needed from the Town.

- 5) **Project Team:** Provide the names and specific educational backgrounds, qualifications and expertise of all professional members of the Consultant's and sub-consultant's (if any) project team who will perform the work related to some or all of the project tasks. Identify the person who will be the project manager with ultimate responsibility for the work.
  - 6) **Relevant Experience and Prior Performance:** Provide details of relevant experience and prior performance for all the members of the Consultant team, including the sub-consultant's team members if any.
  - 7) **References:** Respondents shall provide at least three references.
  - 8) **Competing Commitments:** Respondents shall disclose any commitments that they may have that may compete or interfere with the respondent's ability to perform the Project in an expedient manner.
  - 9) **Certificates:** signed certificates of non-collusion and tax compliance attached to this RFP.
- b. **Price Proposal:** Five (5) printed copies of the price proposal are required for submission. The price proposals must be submitted separately from the technical proposal, and sealed in a separate envelope marked:

PROPOSAL ENVELOPE B – PRICE PROPOSAL  
TOWN OF HARVARD – PLANNING CONSULTANT  
Consultant Name: \_\_\_\_\_.

The price proposal must contain:

- 1) The proposed fee for the entirety of all services proposed in the technical proposal, including but not limited to travel, meetings, telephone, postage, and reproduction.
- 2) A breakdown of the professional service fees by each task and sub-task as shown in the Technical Proposal.
- 3) The hourly rates to be charged by the Consultant for services performed by each team member.
- 4) Consultants must agree to honor price quotes until April 6, 2018.

### **Proposal Form**

All proposals shall be received and evaluated in conformance with the requirements of Applicable Law and the RFP.

Each proposal set must clearly state "Non-Price Services Proposal" and include a separate sealed envelope containing a "Price Proposal."

A proposal Selection Committee shall separate the "Price Proposal" from the "Non-Price Services Proposal". The "Price Proposal" will not be opened until a review and ranking of the Services "Non-Price Services Proposal" by the Selection Committee.

The Selection Committee will determine whether the Non-Price Proposals contain all Proposal Submission Requirements and meet the Minimum Qualifications set forth herein. Failure of a proposal to contain any proposal submission requirement(s) and/or meet a minimum qualification will disqualify the proposal from further consideration. The Committee shall state in writing its reason for disqualifying any proposal.

### **Modification of Proposals**

A Consultant may correct or modify a proposal by written notice received by the Town prior to the receipt deadline. Modifications must be submitted in a sealed envelope clearly labeled "Modification No. \_\_\_." Each modification must be numbered in sequence, and must reference the original RFP.

After the receipt deadline, a Consultant may not change any provision of the proposal in a manner prejudicial to the interests of the Town or fair competition. Minor informalities will be waived or the Consultant will be allowed to correct them. If a mistake and the intended proposal are clearly evident on the face of the document the mistake will be corrected to reflect the intended correct proposal, and the Consultant will be notified in writing; the Consultant may not withdraw the proposal. A Consultant may withdraw a proposal if a mistake is clearly evident on the face of the document, but the intended correct proposal is not similarly evident.

### **Withdrawal of Proposals**

Proposals may be withdrawn prior to the time of receipt of proposals, only on written request to the Town. No Consultant shall withdraw his proposal within a period of sixty (60) days after the date set for the receipt of proposals.

### **Unexpected Closures**

If at the time of the scheduled receipt deadline, the Town Offices are closed due to uncontrolled events such as fire, snow, ice, wind, building evacuation, etc. the receipt of proposals will be postponed to the next normal business day at the time posted in the request for proposals. Proposals will be accepted until that date and time.

### **Rule for Award of Contract**

A contract will be awarded to the Consultant offering the most advantageous proposal, taking into consideration all evaluation criteria as well as price. The Town reserves the right to reject any or all proposals as it deems to be in the best interest of the Town.

## **Execution of Contract**

Upon the acceptance of selected consultant's submittal, the Town will incorporate into its Standard Contract, appropriate specifics for this procurement and submit the contract to the successful consultant for signing. In the event that the selected consultant fails, neglects or refuses to execute the contract within a specified number of days after receiving a copy of the contract from the Town, the Town may at its option terminate and cancel its action in awarding the contract and the contract shall become null and void and of no effect.

Incorporated by reference into the contract to be executed by the Town and the selected consultant will be all of the information presented in or with this RFP and the accepted portions of the consultant's response thereto.

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**ATTACHMENT A**

**CERTIFICATE OF NON-COLLUSION**

The undersigned certifies under the penalties of perjury that this bid or bid has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business partnership, corporation, union, committee, club or other organization, entity or group of individuals.

\_\_\_\_\_  
Signature of person submitting contract/bid

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Business

DRAFT

**ATTACHMENT B**

**STATEMENT OF TAX COMPLIANCE**

Pursuant to M.G.L. c. 62C, §49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

\_\_\_\_\_  
*Social Security Number or  
Federal Identification Number*

\_\_\_\_\_  
*Signature of Individual or  
Corporate Name*

\_\_\_\_\_  
*Corporate Officer  
(if applicable)*

DRAFT



§ 125-59. Smart Growth Overlay District.

A. Purposes.

1. The purposes of the Smart Growth Overlay District (“SGOD”) include but are not limited to
  - a. Promoting a mixture of residential, commercial and recreational land uses;
  - b. Providing a diversified housing stock for Town of Harvard and the greater community with (i) for sale and rental units, (ii) market rate and affordable units, (iii) in townhomes and higher-density multifamily buildings with studio, 1-, 2- and 3-bedroom units;
  - c. Assisting the Town of Harvard with its efforts to provide affordable housing eligible for inclusion in the Department of Housing and Community Development’s (DHCD) Subsidized Housing Inventory (SHI) and multifamily housing as an MBTA community under Mass. General Laws Chapter 40A, § 3A;
  - c. Generating tax revenue for the Town of Harvard to help meet its long-term public finance and infrastructure needs;
  - d. Ensuring high-quality site planning, architecture and landscape design that enhances the visual character and identity of the Town of Harvard generally and the Ayer Road neighborhood in particular;
  - e. Allowing compact, flexible design through appropriate lot and building dimensional requirements;
  - f. Reducing curb openings and uncoordinated access, circulation and signage;
  - g. Encouraging shared parking and utilities including water and sewer;
  - h. Promoting reduced impervious surfaces and greater open space; and
  - i. Creating a strong sense of place or community through common facilities and a pedestrian-friendly living environment.

B. Definitions.

1. “Affordable Housing” means housing that is eligible for inclusion in DHCD’s SHI.

2. “Affordable Housing Unit” means a housing unit either leased or sold to an Income Eligible Household and that is eligible for inclusion in the DHCD’s SHI.
3. “Income Eligible Household” means a household of one or more persons whose maximum income does not exceed 80% of the area median income, adjusted for household size, or as otherwise established by the DHCD in guidelines. For homeownership programs, the Subsidizing Agency (as defined in 760 CMR 56.02) may establish asset limitations for Income Eligible Households by statute, regulations, or guideline. In the absence of such provisions, Income Eligible Households shall be subject to asset and/or other financial limitations as defined by the DHCD in guidelines.
4. “SGOD” means the Smart Growth Overlay District which is the subject of this § 125-59.
5. “SGOD Project” means a project permitted, constructed and maintained in accordance with the requirements of this § 125-59 and consisting of one or more of the following uses as defined herein: Affordable Housing, Senior Housing, Market Rate Multi-Family Residential, Small-scale Commercial, Medium-scale Commercial, Large-scale Commercial, Recreational and/or Restaurant uses.
6. “Senior Housing” means multi-family or duplex housing for persons older than age 55 or 62 in compliance with applicable requirements of the U.S. Department of Housing and Urban Development (HUD) and Massachusetts General Law chapter 151B.
7. “Market Rate Multi-Family Residential” means residential housing containing more than one unit which is rented at rates or sold at prices determined by the market rather than by the government.
8. “Small-scale commercial” means the uses defined in this Bylaw, § 125-12(A)-(I).
9. “Medium-scale commercial” means the uses defined in this Bylaw, § 125-13(A)-(AC).
10. “Large-scale commercial” means the uses defined in this Bylaw, § 125-14(A)-(I).
11. “Recreational” means the uses defined in this Bylaw, § 125-14(D).
12. “Restaurant” means the uses defined in this Bylaw, § 125-13(P).
13. “Open Space” means land completely devoid of any structure but shall include (i) land supported by pervious pavers or a similar structure solely to permit access/egress for emergency vehicles, and (ii) drainage basins and other Low

Impact Development (LID) and Best Management Practices (BMP) stormwater infrastructure, provided, however, that it shall exclude impervious parking areas and access/egress thereto

14. “Gross Floor Area” means, gross floor area as defined in the Massachusetts Building Code, which is the floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts. For purposes of this § 125-59, the following areas shall be excluded from the calculation of gross floor area: (i) The floor area of crawl spaces having less than four feet of headroom; and (ii) In a dwelling, the floor area of unfinished attic space under a roof with a pitch no greater than 12/12 (vertical over horizontal) and (iii) underground, enclosed or semi-enclosed parking under a building.

C. Establishment of Overlay District and Applicability.

1. The SGOD consists of parcels 59, 60, and 62.6 on the Town of Harvard Assessors' Map 8 and contains approximately 16 acres in the aggregate as shown on the SGOD Map on file in the Town Clerk's Office. [To be prepared.]
2. The SGOD is an overlay district. Applicants seeking to develop a SGOD Project within all or part of the SGOD, must comply only with the provisions of § 125-59 and such other provisions of this Bylaw as are expressly incorporated by reference into § 125-59.
3. Parcels 59, 60, and 62.6 on the Town of Harvard Assessors' Map 8 and containing approximately 16 acres in the aggregate make up both the SGOD and another overlay district, the “Ayer Road Village Special Permit” (“ARV-SP”), § 125-52. All or part of the land within these two overlay districts may be the subject of only one overlay district at a time; provided, however, that an Applicant who has secured an approval under either overlay district may seek an approval under the other overlay district so long as the initial approval is relinquished, annulled or is otherwise of no further force and effect.
4. In cases where a SGOD Project is proposed to be located on a site subject to an existing Ayer Road Village Special Permit under Bylaw, § 125-52 (“ARV-SP”) and/or an SGOD authorized use is proposed to be located within an existing building that has been approved as part of an ARV-SP, and no changes are proposed to the ARV-SP site plan, the Planning Board may waive the requirement for a new, additional site plan submission in conjunction with such SGOD application, and instead require the Applicant to add an appropriate notation to the

previously approved site plan upon approval of the new SGOD Site Plan Approval.

5. No building permit shall be issued for, and no person shall undertake, any use or improvement in the SGOD pursuant to this section unless an application for Site Plan Review under the SGOD has been filed for the proposed development in accordance with the requirements of this § 125-59 and the SGOD a Site Plan Approval has been granted by the Planning Board.

D. Procedures.

1. An application for Site Plan Review for a SGOD Project (“SGOD-SPR”) shall be filed with the Town Clerk and submitted to the Planning Board. The Applicant shall submit two hard copies and one electronic copy of the application on a USB device to the Planning Board which shall forthwith transmit one electronic copy from the USB device to the Department of Public Works, Building Department, Police Department, Fire Department, Board of Health, Conservation Commission, Historical Commission, and the Select Board. Such departments and boards shall, within 30 days of receiving said copy, submit a report containing any comments, recommendations and recommended conditions, all with supporting reasons, to the Planning Board. The Planning Board shall not render a decision until said reports have been received and considered or until the 30-day period has expired, whichever is earlier. Failure of such departments and/or boards to submit a report shall be treated as concurrence with the application.
2. The Planning Board shall commence a public hearing on the SGOD-SPR application within 65 days after the filing of an application, provide notice of such hearing, and render its decision within 90 days of the close of said hearing. Except as provided herein, the applicable provisions of G.L. c. 40A, §§ 9 and 11 shall govern all procedural aspects of the SGOD-SPR application including the notice, hearing and decision. All costs of the notice requirements shall be at the expense of the Applicant. Approval of the SGOD-SPR application shall require a simple majority vote (the “SGOD Site Plan Approval” or “SGOD-SPA”).
3. The Planning Board may waive strict compliance with one or more of the standards, criteria or requirements set forth in this § 125-59 by making a finding, in writing, that the Applicant has demonstrated that the requested waiver is consistent with the purposes of the SGOD or allows the SGOD Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this § 125-59. The Planning Board may also waive compliance with one or more submittal requirements set forth in this § 125-59 by making a finding, in writing that the Applicant has demonstrated that such information is not appropriate or relevant to the SGOD Project. Approval of waiver by the Planning Board shall require a simple majority vote.

4. If, in the discretion of the Planning Board, a peer review of the application is required to evaluate the impacts of an SGOD-SPR application, the Planning Board may require the Applicant to pay for a Peer Review Consultant. The Planning Board shall select the Peer Review Consultant. The Planning Board, Applicant, and Peer Review Consultant shall confer in a good faith effort to agree on a written scope of work for and the cost of said work by the Peer Review Consultant.

E. Submittal Requirements.

1. The following plans and materials shall be included in the submittal:
  - a. Site plans as defined in § 125-38.D (1-5);
  - b. Renderings as defined in § 125-38.F (1)(a);
  - c. Landscape plans as defined in § 125-38.G;
  - d. Project Overview. Narrative and accompanying plans describing ownership of the property and SGOD Project, the number, size and type of buildings and dwelling units; gross floor area where applicable; estimated time required to complete the proposed project, expected start of construction; and all proposed phases and zoning compliance;
  - e. Stormwater. Drainage calculations with an accompanying narrative demonstrating compliance with the MassDEP Stormwater Management Standards and rules and regulations of the Town of Harvard Department of Public Works and showing use, to the extent practicable, of municipal, state and federal Best Management Practices. These materials shall be prepared by a registered professional engineer;
  - f. Site planning/Architecture/Landscaping. Narrative and accompanying plans describing rationale behind and goals for the proposed design and placement of buildings, roads, driveway, open space, landscaping locations, and building design. These materials shall be prepared by a civil engineer working in collaboration with a registered architect and landscape architect;
  - g. Site Infrastructure. Narrative with accompanying plans of the design and location of proposed mechanical equipment, including HVAC equipment; related noise levels; location and operation of trash storage and removal systems; location and operation of loading facilities; mitigation measures to reduce visual and/or noise impacts on abutters. These materials shall be prepared by a professional engineer;

- h. Sewer and Water. Plans, calculations and narrative of the existing and/or proposed sewer and water service infrastructure either on-site and/or off-site including existing and proposed capacity, impacts on municipal infrastructure, condition of any existing infrastructure, proposed infrastructure improvements, and any legal arrangements necessary to secure adequate capacity. These materials shall be prepared by a professional engineer;
- i. Parking. Narrative describing the number of spaces needed for the SGOD Project and how the Project will accommodate those spaces with adequate and safe off-street parking at the SGOD Project. These materials shall be prepared by a professional traffic engineer;
- j. Traffic. A Traffic Impact Study addressing existing and proposed site circulation, vehicular traffic volumes, peak hour levels, average daily traffic, trip distribution and levels of service (LOS) for the nearest and/or most impacted intersections. This report shall also address proposed methods to mitigate the estimated traffic impact if necessary including traffic calming measures. These materials shall be prepared by a professional traffic engineer; and
- k. Environmental. Narrative addressing any environmental impacts to wetlands, floodplains, or other sensitive resources including proposed methods to mitigate the estimated environmental impacts. These materials shall be prepared by a professional civil engineer and/or environmental scientist.

F. Use Regulations.

1. Within the SGOD, the following uses are permitted as-of-right subject to approval of the SGOD-SPR application:

- a. Affordable Housing.
- b. Senior Housing which may include accessory amenities for its residents including, but not limited to, common facilities such dining rooms, common rooms, activity rooms, exercise rooms, theater, chapel, library, pharmacy/gift shop/convenience store, beauty salon, barbershop, personal banking services, concierge, valet services, third-party vendor services, as well as real estate and management offices.
- c. Multi-Family Market Rate housing which may include accessory amenities for its residents including, but not limited to, common facilities such dining rooms, common rooms, activity rooms, exercise rooms, theater, chapel, library, pharmacy/gift shop/convenience store, beauty

salon, barbershop, personal banking services, concierge, valet services, third-party vendor services, as well as real estate and management offices.

2. Within the SGOD, the following uses are permitted by an SGOD Special Permit subject to (i) approval of the SGOD-SPR application and (ii) compliance with the purposes of § 125-59 of the SGOD unless these uses are accessory to uses 1.a through 1.c above, in which case said uses are permitted as-of-right:

- a. Small-scale Commercial.
- b. Medium-scale Commercial.
- c. Large-scale Commercial.
- d. Recreational.
- e. Restaurant.

3. To ensure that uses of land permitted pursuant to a Special Permit granted prior to the enactment of § 125-59 remain in compliance with this Protective Bylaw, said Special Permit uses, if permitted in the SGOD, may be included in an SGOD-SPR/SGOD Special Permit application which, if approved, shall supersede the originally issued Special Permit as the legal authority for said use. In such event, the Special Permit granted prior to the enactment of § 125-59 shall be of no further force and effect.

G. Dimensional Regulations and Other Development Standards.

1. Lot Dimensions.

- a. Minimum lot size is 1 acre.
- b. Minimum lot frontage is 100 feet.

2. Density.

- a. Residential
  - i. The maximum density for Affordable Housing, Senior Housing and Market Rate Multifamily is, collectively, 25 units per acre.
- b. Commercial
  - i. The maximum density for Small-scale, Medium-scale and Large-scale Commercial is, collectively, one building per acre and 48,000 square feet of gross floor area.

- c. Restaurant
    - i. The maximum square feet of gross floor area per restaurant is 15,000 square feet of gross floor area.
3. Setbacks.
- a. Front yard setback shall be 20 feet from the SGOD boundary.
  - b. Side Yard setback shall be 20 feet from the SGOD boundary.
  - c. The rear yard setback along the SGOD's common boundary with 35 Lancaster County Road shall be 60 feet; provided, however, that there shall be a 10-foot landscape buffer.
  - d. Between buildings the minimum setback shall be 0 feet.
  - e. From driveways, the minimum setback shall be 10 feet.
  - f. Any sign, wall, fence or landscape plantings within 20 feet of Ayer Road shall be located so as not to substantially impair visibility between any driveway and vehicular traffic entering or exiting Ayer Road.
  - g. Sewage disposal. Privately owned and maintained on-site sewage disposal or treatment systems may be approved to serve buildings and lots in an SGOD Project, if maintained and operated by an owner if such disposal or treatment facility or system is approved by the Town's Board of Health and in compliance with the requirements of Title 5, 310 CMR 15.00, or is approved in accordance with the requirements of 314 CMR 5.00 (the Ground Water Discharge Permit Program). Such an approved system may be located on land owned in common by the owners of the building(s) or lots within the development. The minimum setbacks of such system and any absorption area must comply with Title 5, 310 CMR 15.00, the Town Board of Health's regulations, or with 314 CMR 5.00 (the Ground Water Discharge Permit Program).
4. Height.
- a. The maximum building height, above average grade, shall be no more than four residential stories above average grade and sixty feet. For purposes of this provision, silos, and chimneys, parapets, ventilators, antennas (except for wireless communications towers and antennas), spires, and similar unoccupied projections, including rooftop solar arrays, above the roof are not included in building height. Height shall be



calculated by the average proposed finish grades around the building perimeter to the highest peak of the roof.

5. Multiple Buildings on Single Lot.
  - a. Multiple buildings on a single lot shall be permitted for any SGOD Project.
6. Open Space.
  - a. A SGOD Project must provide at least 25 percent open space.
  - b. Open Space may be either landscaped or left in its undisturbed natural condition. It shall be appropriate in size, shape, dimension, location, and character so as to serve as a visual and natural amenity for the SGOD Project, the Town of Harvard and the Ayer Road neighborhood.
7. Landscaping.
  - a. Open areas 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. Native trees should be placed along new and existing driveways and streets. Outdoor lighting should be considered in the landscaping plan, and should be designed to complement both man-made and natural elements of the SGOD and adjacent areas. Appropriate methods (such as cutoff shields) should be used to avoid glare, and light spillover onto abutting property.
  - c. Professional landscaping or preservation of existing vegetation should be provided within the SGOD where it abuts Ayer Road, existing residential areas, and along internal drives.
  - d. To the extent practicable, preservation of existing vegetation or tree-lined areas should be maintained.
  - 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 on the perimeter of the SGOD to buffer it from adjoining parcels.

8. Parking.
  - a. In general, in the SGOD, the Planning Board shall seek to make the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the Planning Board shall consider complementary or shared use of parking areas by activities having different peak demand times, and the Applicant shall seek to locate adjacent uses in a manner that facilitates the complementary use of such parking areas.
  - b. The following minimum parking ratios, which include parking for visitors, apply to an SGOD Project:
    - i. 1 space per studio unit for Affordable, Senior Housing and Market Rate Multifamily uses;
    - ii. 1.5 spaces per 1-bedroom unit for Affordable, Senior Housing and Market Rate Multifamily uses;
    - iii. 1.75 spaces per 2-bedroom unit or 3-bedroom unit for Affordable, Senior Housing and Market Rate Multifamily uses;
    - iv. 3 spaces per 1000 square feet of gross floor area for Small-scale Commercial, Medium-scale Commercial and Large-Scale Commercial
    - v. 5 spaces per 1000 square feet of gross floor area for Restaurant
  - c. All parking spaces required for the SGOD Project shall be off-street parking located in the SGOD. On-street parking for a SGOD Project is prohibited. Parking may be provided at ground level, underground or in a basement or parking garage. Parking garages can be freestanding or attached to building(s) used for other purposes.
9. Driveways.
  - a. To reduce the impact of impervious surfaces and the number of curb cuts, within the SGOD it is intended that the number of driveways within the SGOD onto Ayer Road shall be no more than two.
10. Utilities.
  - a. Structures and uses within the SGOD may share septic, sewer and/or water supply infrastructure and facilities constructed and maintained in the SGOD or they may be connected to other septic, sewer and/or water

supply infrastructure facilities subject to any necessary licensing or approvals by the applicable approval authority. Any pipes necessary for this connection installed on land owned by the Town of Harvard shall be subject to any necessary licensing or approvals by the applicable Town of Harvard and/or Devens approval authority. An approved system may be located on land owned in common by the owners of the lots within the SGOD. The existing buildings at 188, 196, 198 and 200 Ayer Road may be connected into any sewer system or water system that is in the SGOD Project or to which the SGOD Project is connected subject to any applicable licensing or approvals by the necessary Town of Harvard and/or Devens approval authority.

- c. To the maximum extent feasible, all utilities should be underground.

#### 11. Signs

- a. Signage in the SGOD shall be governed by § 125-41(A-C) and (E-F); provided, however, that signs are subject to applicable height and setback requirements of this § 125-59. In addition to the foregoing, two monument or standing signs shall be permitted for the purpose of identifying all of the uses in the SGOD Project.

#### H. Review Criteria.

- 1. The Planning Board may approve a SGOD-SPR application if it finds that the proposed development meets the following criteria:
  - a. The SGOD Project complies with the dimensional and other requirements of this § 125-59;
  - b. Adequate and appropriate facilities, infrastructure and utilities are provided for the proposed uses and structures;
  - c. Safe and viable access to and from the site is provided;
  - d. The uses and structures as developed will not create a hazard to abutters, pedestrians, vehicles, and/or the environment; and
  - e. Traffic and pedestrians can access and circulate to/from and with SGOD Project safely.

#### I. Expiration and Extension.

- 1. A SGOD-SPA shall lapse after three (3) years from the date of issuance which shall not include such time required to pursue or await the determination of an

appeal referred to in G.L. c. 40A, § 17, from the grant of the SGOD-SPA, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

2. Prior to the expiration of the SGOD-SPA, the Applicant may request an extension of time of not more than three (3) years for which the Applicant must show good cause.

J. Amendments.

1. Following the granting of a SGOD-SPA, an Applicant may file with the Building Commissioner who, in his sole discretion, shall determine if the change is major or minor provided, however, that (a) minor amendments include, but are not limited to, changes in lot lines shown on the plan, except for changes to perimeter lot lines and (b) major amendments include, but are not limited to, an increase the number of buildings or units, increase the height of buildings, or decrease of the number of rental Affordable Housing Units below ten (10) percent or reduction of the size or change the location of Open Space. Where the Building Commissioner determines the change is minor, he may issue a Building Permit for the change.
2. In those instances where the Building Commissioner determines that the change is major, the Applicant shall file an application to amend the SGOD-SPA and follow all procedural requirements in § 125-59 above, including holding a public hearing, and rendering its decision in accordance with the criteria of this section.

K. Phased Development.

1. An Applicant may propose that a SGOD Project be developed in phases, provided that the application shows the full buildout of the project and all associated impacts as of the completion of the final phase. Such a phased development shall be considered a single development project.

L. Subdivision Control Law.

1. In the event the Applicant seeks a subdivision approval pursuant to the Subdivision Control Law, G.L. c. 41, §§ 81K through 81GG, in connection with an application for a SGOD-SPR, the Applicant shall file the appropriate application thereunder. In order to facilitate processing, the Planning Board shall consider said application simultaneously with the application for the SGOD-SPR.

M. Severability.

1. If any provision of this § 125-59 is found to be invalid by a court of competent jurisdiction, the remainder of § 125-59 shall remain in full force and effect.



Director of Planning  
**UPDATE**  
23 FEB. 2023

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■ **Special Permit and Site Plan Review: 203 Ayer Road**

**Name of Applicant:** Yvonne Churn and Wheeler Realty Trust  
**Location of Property:** 203 Ayer Road, Harvard, MA  
**Assessors Map/Parcel:** 8/62.2  
**Zoning District:** Commercial (C)  
**Property Owner:** Wheeler Realty Trust  
**Consulting Engineer:** Goldsmith, Prest, & Ringwall, Inc.  
**Application For:** Special Permit and Site Plan Review w/ Special Permit

**SYNOPSIS**

- **Section 125-37 Special Permit** – Recommend that Planning Board consider waiving the requirement.
- **Section 125-38 and 125-39 Site Plan Review** – There were a number of criteria that are missing or not fully clear in the initial site plan submittal. Much of these sections will need the peer review to be conducted before final assessment.
- **Section 125-46 Special Permits** – Much of these criteria must await the review of the peer review consultant. There are a few elements that are either clearly met or not met as noted below.
- **Section 125-52 ARV-SP Criteria** – Much of these criteria are not met and as the application currently stands, I would suggest that the project currently does not meet the criteria for this Special Permit.
- **Section 125-20 Use Criteria** – Similar to above, these Use Criteria are a mix of “need more information” and subject to peer review.
- **UPDATE Design Review** – Project is in process with the 6<sup>th</sup> meeting of the DRB scheduled for 12 January 2023. Applicant will provide narrative addressing DRB recommendations. DRB has presented written comments to the Planning Board.

**RECOMMENDATION:** Hear applicant update and anticipate Design Review Board comments, continuing the hearing to a future date.

**Request:** The Applicant is seeking two Special Permits for a commercial development in the C district. Based on the provisions of Sections 125-52 and 125-23(B)(2) of the Protective Bylaw, such developments and businesses are allowed in the C district with a Special Permit and Site Plan Review.

### **Summary of Meeting #1 Comments**

1. PEER REVIEW – Recommended peer review consultant. Planning Board voted to authorize staff to develop a consultant scope in conjunction with the Applicant’s representative. This scope has been released and we are awaiting responses.
2. SECTION 125-37 – Originally recommended that the applicant file the needed Special Permit. Conducted additional research, as follows:
  - [a] It was noted in April 4<sup>th</sup> UPDATE that the applicant would be required to also apply for a Section 125-37 Special Permit for Major buildings since the building subject of the application is 29,998 s.f. The primary purposes of this specific Special Permit are to further evaluate the proposed building related to bulk, design, and fire protection.
  - [b] The Applicant asserts that due to a filing of a 125-52 Special Permit, which includes a Section G(2) request for authorization of a building larger than that permitted by 125-37(A) supersedes the latter requirement. This notwithstanding that there is no specific limitation on size noted in this Section.
  - [c] Regardless of the lack of clarity of the 125-52 reference, it is inferred that this section 125-37 intends to allow a building larger than 10,000 s.f., a threshold that appears to only be identified in the Bylaw through provisions seeking to exceed this number.
  - [d] The applicant’s claim that a Section 125-52 Special Permit filing supersedes the need for a Section 125-37 Special Permit seems rational but is unsupported by any provision in the Bylaw and thus, in this reviewer’s opinion, should dictate a Planning Board finding of same and consideration of granting of a waiver of the necessity of filing a 125-37 Special Permit due to the inferred redundancy. Since the Planning Board is the Special Permit Granting Authority for both special permits, it would seem logical that the Planning Board has the authority to waive or render superfluous, the 125-37 Special Permit by a formal vote. However, the Board may wish to seek Town Counsel opinion on this step.
3. SITE PLAN COMMENTS – The following comments were intended to be actionable by Applicant or inquiries for further clarity or needed information:
  - [a] Noted that elevations for the rear and two sides of the building were required to be submitted.
  - [b] Recommended further lighting information including lighting intended in parking areas and attached to building.
  - [c] Noted that additional screening and/or buffering elements may be necessary but not to be addressed until further into the application process.
  - [d] Wastewater solution needs to be approved by the Board of Health for current proposed use. Board of Health should address what the remaining capacity in the system would be after this use meets the requirements.
  - [e] Design review is in process and will be available to the Planning Board prior to a decision to be considered as part of the Special Permit.

- [f] Basic submittal requirements of site plan review for landscaping have been submitted. However, additional criteria may be required based on special permit review and peer review process.

#### 4. PARKING, LOADING, AND DRIVEWAYS

- [a] No shared parking elements are being proposed in this application. Shared parking is specifically where adjacent or proximal parcels share (typically a combined) parking area. This is one of the important criteria for the ARV-SP as well.
- [b] Expressed a concern over the proposed ingress/egress location along this stretch of Ayer Road.<sup>1</sup> This will be a focus of peer review and DPW should comment.
- [c] Thus, the proposed alignment of the driveway in relation to the existing curb cuts along Ayer Road and whether alignment or coordination with other driveways may be deemed appropriate. Further, such a 4-way intersection, with the associated turning movements, may require intersection signalization. A traffic study may be necessary to make these determinations.
- [d] No loading docks or facilities are provided. Applicant should provide details related to any needed loading facilities unless using parking and driveway areas, which should be verified.
- [e] Recommended that a traffic impact study be conducted based on the proposed use and an assumed set of other uses (in this case suburban office and general variety retailing). Reviewing the recommended ITE Trip Generation 10<sup>th</sup> edition data for peak hour, the 3 use categories are estimated as follows:
- Badminton (16 courts) – evaluated in line with tennis, on a per court basis, at 4.21 trips per court peak hour or  $16 \times 4.21 = 68$
  - General Office (Suburban) – evaluated at 1.16 trips per 1,000 s.f. or  $8 \times 1.16 = 9$
  - Variety Retail – evaluated at 6.84 trips per 1000 s.f. or  $6.84 \times 8 = 55$
  - TOTAL COMBINED PEAK HOUR = 132
- [f] Granted that each use may have a different peak hour, but this trip generation suggests that the site, if developed as illustrated, would likely well exceed the threshold 400 trips needed to justify a traffic impact study.

#### 5. OPEN AREAS, LIGHTING, BUFFERS, & SCREENING

- [a] The applicant states on the Site Plan cover page that there is an 867' lot width but that they wish to employ the alternative building siting offered as an incentive under 125-52. While the 125-52 provision is unrelated to the buffer strip, it appears that what the applicant explained in the meeting regarding the measurement of lot width, which is not the same as that provided in the zoning table, is accurate. I would seek the peer review consultant's analysis on this point.
- [b] Thus, an 86.7' buffer strip around the perimeter of the property would not be required as previously stated.
- [c] Still suggest that the applicant needs to provide a complete lighting plan as indicated in the UPDATE dated 4/4/2022.
- [d] Planning Board may wish to request that screening solution be upgraded to include more plantings, a berm, or fencing.

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<sup>1</sup> The ideal solution would be to a) line up the driveway with the Bowers Brook development driveway to create a formal 4-way intersection and signalize it. Connect parcel to the Kurian property to the south and to the Harvard Green property to the west. Eliminate one or both curb cuts to the two Kurian properties to the south.

6. FIRE PROTECTION

- [a] Fire Dept. comments will be provided as received. Additional comments regarding fire protection may accrue from peer review consultant.

7. DRAINAGE

- [a] Peer review consultant (PRC) will provide comments on drainage. However, please see Harvard Green Order of Conditions #16 from 1997:

m. The **detention basin design has not, and cannot be approved for future development** not included within the Notice of Intent covered by these Orders, including but not limited to the development of the adjacent Commercial portion of the original parcel. **THIS IS A PERMANENT CONDITION.**

8. SIDEWALKS

- [a] Proposed gravel paths suggesting connection to external properties should 1) indicate how these will be received by these abutters and 2) that they connect directly to the internal sidewalk system proposed by the applicant.
- [b] Proposed TIP Shared Use Path has been engineered and should be shown on the site plan.
- [c] The Board should request on bond or other surety as a provisional compliance with sidewalk requirements in the event that the SUP is not constructed.

9. SIGNS

- [a] Anticipated standing and wall signs shall be provided as part of the Site Plan and Design Review Board processes and the PRC and staff planner will evaluate according to the provisions of this Section 41.
- [b] Business sign appears to possibly interfere with visibility of stop sign.

10. ZONING REQUIREMENTS

- [a] Rather than complying with the recently adopted minimum 20' setback and maximum 50' setback from the ROW, the applicant has requested the alternative minimum standard as depicted in Section 125-52(G)(1)(c) and as such has proposed a 104' setback for this PHASE 1 structure. This is not recommended and defeats the purpose of the new standards, design guidelines, and the ARV-SP objectives.
- [b] However, should the applicant propose a revised site layout which more closely aligns with the ARV-SP principles and the Design Guidelines for a village-like cluster, this may be more suitable.

11. SPECIAL PERMIT REQUIREMENTS

- [a] Advice from Planning Board or Other Town Boards – Pending
- [b] Special Permit – General Criteria

- [1] Will not result in substantial increase of volume or rate of surface water runoff to neighboring properties and streets, and will not result in substantial danger of pollution or



contamination of the groundwater supply, a groundwater absorption area, a well, pond, stream, watercourse, W District, or inland wetland. Any and all surface water runoff resulting from development shall be retained within the lot in which it originates or shall be discharged into existing identifiable watercourses without material impact on abutting properties – **To be determined based on stormwater analysis and peer review.**

[2] Will, if the use is not agricultural or residential, result in no substantial increase in traffic, compared to refusal of the permit, on any residential street where the premises have access – **Not seen as applicable.**

[3] Will be in harmony with the general purpose and intent of the Bylaw, including each purpose stated in § [125-1](#), Purpose, which is pertinent to the particular application.

(i) **Elements Met**

- To prevent overcrowding of the land

(ii) **Elements Not Met**

- To protect the community from the detrimental effects of unsuitable development
- To conserve natural conditions and open spaces

(iii) **Elements To Be Determined**

- To conserve health
- To secure safety from fire, wind, flood, and traffic (traffic issues)
- To preserve and increase the value of land and buildings (based on final design)
- To preserve and increase the amenities of the Town (inconclusive)
- To provide for compatibility with individual water supply and sewage disposal systems and their renewal, and with public systems which may become available (Board of Health determination)
- To facilitate future reuse and redevelopment of property (inconclusive)
- To provide for safe, rapid traffic flow to, from, and along the streets (traffic issues)
- To avoid confusing and distracting signs in areas along the streets (unknown)
- To protect persons and property against the hazards of inundation and pollution
- To prevent pollution or contamination of, to conserve, and to protect watercourses, and their adjoining lands, groundwater absorption areas, and the groundwater table on which the inhabitants depend for their water supply
- To separate and otherwise isolate potentially conflicting property uses

(iv) **Inapplicable Elements**

- To avoid unsuitable traffic on residential streets
- To preserve the streets of the Town as firebreaks
- To preserve storage areas for seasonal or periodic high waters
- To protect ponds from accelerated and excessive plant growth and premature decay into swamps

[c] Section 125-52 ARV-SP Criteria

[1] Objectives of ARV-SP

(i) Promotion of mixed-use development – **Not met by current application.**

- (ii) Promotion of shared access in properties, with appropriate links to adjoining properties, lessening the need for curb openings on Ayer Road- **Not met by current application.**
- (iii) Promotion of development that emphasizes pedestrian accessible walkways, benches, pathways, bicycle racks, and pedestrian-scale lighting and signage - **Initial plan set had partial compliance. Will re-review subsequent submissions.**
- (iv) Encouragement of building and site designs compatible with the local architecture, rather than generic designs - **Not met by current application.**
- (v) Avoidance of excessive building massing and unbroken building facade treatments – **Not met by current application.**
- (vi) Subordination of parking, loading docks, on-site utilities, heating, ventilation and air conditioning equipment (HVAC), utility lines, and solid waste dumpsters to building form – **Partially met by current application. Parking subordination not met.**

[2] ARV-SP Review Criteria

- (i) Mixed Use Project Siting – Not located, sited, or grouped in a manner that aligns with the context of adjoining residential uses. Does not meet appropriate clustering.
- (ii) Historical Significance – Not applicable.
- (iii) Development Designed for Pedestrian and Bicycle Passage – Does have some measure toward this objective but will need additional modifications.
- (iv) Building and Site Design Impacts Mitigation:
  - Applicant has appeared to comply with the parking lot provisions.
  - Stormwater and landscaping do not seem to be integrated. For example, there are no obvious Low Impact Development (LID) features but rather more typical detention basins.
  - Solid waste appears to be addressed adequately related to PHASE 1.
  - No loading facilities have been proposed.
  - PHASE 1 building is out of scale with the neighborhood and surrounding properties.
  - Changes in grade and these impacts shall be evaluated by PRC.
  - Sewage disposal shall be evaluated as per meeting Title V requirements by the Harvard Board of Health and in conformance with this section by the PRC.

[3] Section G3 Findings – Section G3 of Section 125-52 provides for specific incentives to applicants in exchange for meeting the objectives and criteria. The Planning Board must first assess whether they feel the objectives and criteria have been met at a threshold level and then have been exceeded before determining to what extent these incentives should be awarded.

- (i) Preservation of an agricultural use, natural resources, including but not limited to woodlands, wetlands, streams and/or fields, or land with historic structures or other unique features - **NO**
- (ii) Connectivity between adjoining sites, or provisions for curb-cut reduction, shared access, and shared parking - **NO**
- (iii) Inclusion of multifamily use with a set aside of affordable housing units - **NO**

It is assessed that Section G3 criteria have not been met and that this project, in the assessment of this reviewer, is not eligible for any of the incentives noted in Section G2. Overall, no objectives of the ARV-SP have been met in full or partially. At this point, this reviewer does not see that this application has met the minimum criteria to be eligible for an ARV-SP and should resubmit a revised application packet that shows how it meets these specific provisions.

### Section 125-20 Use Criteria

The applicant shall show satisfactorily that the use will comply with the Bylaw including in particular § [125-20](#). If a special permit is authorized, the authorizing board shall impose as a part of such permit conditions, safeguards, and limitations of time and use, in addition to any specifically provided in the Bylaw, as may be appropriate for protection of the neighborhood, the community, and the natural environment, including the groundwater supply, a groundwater absorption area, or other wetland resource. These criteria shall be reviewed by the PRC as part of their analysis.

(A) No use is permitted which is injurious, offensive, or otherwise detrimental to the neighborhood, the community, or the natural environment, including the groundwater supply, a groundwater absorption area, or other wetland resources, because of:

- Concussion, vibration, noise, or other mechanical disturbance; *Applicant should speak to hours of operation, use of machinery on site, and idling vehicles;*
- Smoke, dust, odor, fumes, or other air pollution; *Not anticipated based on initial PHASE 1 use but this should be confirmed;*
- Glare, fluctuating light, or electrical interference; *The applicant needs to provide additional information related to lighting as noted above;*
- Danger of fire, explosion, radioactivity, or other danger; *Fire or explosion are not anticipated based on proposed PHASE 1 use;*
- Wastes or refuse (except at the Town Transfer Station); *Applicant should note what times of the day waste will be hauled away given the close proximity to a residential area;*
- Likelihood of substantial increase in volume or rate of surface water runoff to neighboring properties and streets, or substantial danger of pollution or contamination of the groundwater supply, a groundwater absorption area, or a well, pond, stream, watercourse, W District, or inland wetland; *Shall be reviewed as part of PRC;*
- Other characteristics. *None anticipated.*

(D) Development shall provide water supply and sewage disposal approved by the Board of Health.

*Defer to comments to be provided by the Board of Health.*

### **Comments and Recommendations**

Based on a review of the submitted packet, site visit, and review of the Protective Bylaw, staff has the following comments:

- **See Synopsis above for a summary of comments, status, and recommendation.**

**Recommendation:** Hear applicant update and continue hearing to a future date certain.

Design Review Board has submitted comments and suggestions. Planning Board will reopen the Public Hearing on Monday, 27<sup>th</sup> FEB. 2023 to determine if applicant were modifying building design as recommended by the Design Review Board.

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### **■ Ayer Road Vision Plan Project**

#### *Status of Consulting Work in Phase 1*

We are close to agreeing in principle to the revised scope of work provided by Weitzman Associates. Once we go to contract, the timeline for the project is three (3) months which if we were to start the project on May 1<sup>st</sup>, it will be completed at the end of July—well in advance of Fall Special Town Meeting.

#### *Preparations for Phases 2 and 3*

There has been some public critique of the outreach conducted on Phase 2 and 3 and the request for CPIC funds. It would be helpful if members evaluated the outreach materials on the project website and provided some ideas and feedback to staff. Here are a few ideas for how we could conduct outreach for the Ayer Road Vision Plan project over the next few months:

1. Booth at Annual Town Meeting (May) – This has been discussed at the Planning Board and no further advancement of the idea as of yet. Perhaps we can have stacks of the handouts and perhaps a few bound versions of the White Paper (or we can have flash drives with the pdf loaded on it too). We could have Chris and one PB member staff the booth before and during Town Meeting. Any other ideas? Who do we need to speak to regarding securing a booth?
2. Build Up Website – So far, the project website is pretty robust but may be a little dated. Members should take a look at the site (link below) and evaluate it for what else we can do and how to improve.

3. Focus on Facebook Development – I have an economic development Facebook Group and we could further develop this or develop the Page as well. Right now, it only has seven followers but we could flesh it out a bit.
4. Other social media ideas include further marketing the Planning Blog, creating a podcast, creating a vlog, hosting coffees at the HGS, or something similar. We also discussed visiting the transfer station and we could also have a booth or presence at sports fields.

Additional ideas are welcome. The project page link is here:

<https://www.harvard-ma.gov/economic-development/pages/ayer-road-planning-framework-project>

**UPDATE:** *Weitzman has provided final version of its MARKET ANALYSIS AND FISCAL IMPACT ANALYSIS FOR AYER ROAD COMMERCIAL DISTRICT. It has been posted on the Planning Board page of the Town of Harvard web site. If Planning Board determines that this analysis indicates a net positive impact, Phase II would be initiated. Phase II would be a Vision Plan for the Ayer Road Corridor and Phase III would be zoning to facilitate the vision.*

*The Town of Harvard has been awarded \$250K from the Commonwealth's Rural & Small Town grant program to cover costs for Phase II & III.*

*Issuing a Request for Proposals (RFP) would be the next step, pending approval by the Planning Board.*

**UPDATE:** *Draft of the RFP is being reviewed by Town's Procurement Officer for compliance with procedural requirements.*

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## ■ MBTA Multifamily Zoning Draft Guidelines Update

### *Draft Letter*

The draft letter was finalized, signed, and submitted to the state on 3/29/2022. It was also sent to MAPC, MRPC, 495 MetroWest Collaborative, and the Assabet Regional Housing Consortium.

### *Select Board Briefing*

This required public briefing was held on Tuesday, April 12, 2022 during the Select Board's regular meeting.

### *Community Information Form*

The required Community Information Form (CIF) was submitted on Wednesday, April 13, 2022 and confirmation was sent on to Planning Board members and other stakeholders.

*Options to Proceed*

At this point and to be discussed at the last meeting and this meeting, the Planning Board needs to further discuss potential alternatives for approaching this task. Once alternatives are developed, the Board can assess whether a single strategy will be pursued or whether it makes sense to try to develop more than one as a contingency. Here are some suggestions:

1. **OPTION A:** Consider weaving the provisions into the Ayer Road Vision Plan. Here we would shoot for Annual Town Meeting 2023 with a Form-Based Code solution that would include the multifamily requirements. This is arguably the ideal solution as we were advocating for a mixed-use solution for Ayer Road anyway and this allows for the seamless integration of MBTA Guidelines into our postponed bylaw.

Positives	Negatives
<ol style="list-style-type: none"> <li>1. Best location</li> <li>2. Aligns with pre-existing goals and objectives</li> <li>3. Easiest to advocate for and sell</li> <li>4. Citizens have expressed an interest in this area</li> </ol>	<ol style="list-style-type: none"> <li>1. Will take the longest time frame</li> <li>2. No guarantee project will move forward</li> </ol>

2. **OPTION B:** Find a specific location in the vicinity of the Ayer Road Corridor (but not in the C District) to zone for a standalone district. We will need to use a map and brainstorm specific locations that have reasonable access to Ayer Road and also are good options for hooking up to Devens or Ayer water and sewer. Ideally these parcels should be either part of larger parcels already zoned commercial or that are adjacent to commercially zoned parcels. Utilize a new standalone replacement language for existing multifamily language in bylaw.

Positives	Negatives
<ol style="list-style-type: none"> <li>1. Next or alternative best location</li> <li>2. Near alignment with pre-existing goals and objectives</li> <li>3. Easiest to advocate for and sell</li> <li>4. Citizens have expressed an interest in this area</li> </ol>	<ol style="list-style-type: none"> <li>1. May cause opposition from neighbors</li> </ol>

3. **OPTION C:** Consider a temporary provision by amending the ARV-SP to meet the minimum requirements in order to buy time to develop something more appropriate and fitting. This would involve enhancing the ARV-SP to align with state guidelines and also remove it as a special permit (or say that if multifamily is built to requirements, it can be by-right but otherwise would need a special permit still).

Positives	Negatives
<ol style="list-style-type: none"> <li>1. Best Location</li> <li>2. Allows Town to buy time to thoughtfully consider a better permanent solution</li> </ol>	<ol style="list-style-type: none"> <li>1. Will be hard to build trust on a temporary solution</li> <li>2. May be unintended consequences</li> </ol>

4. **OPTION D:** Look for a specific location or locations throughout Harvard that meet the guidelines and use the existing multifamily language in the bylaw as a starting point. This would require an even bigger brainstorming effort by looking at the map for the entire community. Should you wish to proceed on this option, I would recommend taking the following preliminary steps:

- a. Note the locational guidance provided by the Guidelines, which state *“When an MBTA community has no land area within 0.5 mile of a transit station, 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—for example, near an existing downtown or village center, near an RTA bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.”*
- b. Think about other locational criteria that would apply such as being close to shopping and services, walkability, compatibility with adjacent zoning or land uses, etc.
- c. Use the GIS [HERE](#) to research parcels in town. If you do not know how to use the GIS, let us know and we can provide for you the useful tutorial that Liz developed a couple years ago. Using the GISm you can turn on and off layers showing zoning, wetlands, topography, and other criteria that can help you seek suitable properties.
- d. I can also send you a PDF file of the town map with parcels showing if that would be helpful. I have had several members already provide a map of parcels to consider and I have created a master map showing all of them. I can send this to you as well if you wish to see what others did.
- e. You may also wish to create a narrative or description for each property you identify that notes why this property is a good option and how it meets one or more criteria.

Positives	Negatives
<ul style="list-style-type: none"> <li>1. May find a location that does not have as much overall impact on Harvard</li> <li>2. More likely to maintain rural character by marginalizing the development</li> <li>3. Potential to isolate in an area that has no visibility or connectivity</li> </ul>	<ul style="list-style-type: none"> <li>1. Likely to cause opposition from citizens and neighbors.</li> <li>2. Location(s) may be controversial</li> <li>3. May not meet state’s criteria</li> </ul>

5. **OPTION E:** Consider establishing an MGL 40R district and include MGL 40S. DHCD has indicated that they may come up with a specific program like 40R for the MBTA communities. This may be more challenging to establish because it is complex and has lengthy requirements, but it also has some key benefits to consider. Foremost in benefits is cash payments from the state to the Town for each unit built and each school kid anticipated as part of the development. These are *one-time* payments and not ongoing but pretty big. I guess you might argue, “If you have to build multifamily, why *wouldn’t* you do this?”

Positives	Negatives
<ul style="list-style-type: none"> <li>4. MGL 40R provides payments to Harvard for two provisions: zoning incentives and density bonus payments.</li> </ul>	<ul style="list-style-type: none"> <li>1. Will take a long time to develop.</li> <li>2. Will likely require a consultant to assist.</li> <li>3. May not be timed to align with ARVP.</li> </ul>

5. MGL 40S provides payments to communities that establish 40R districts to cover the cost of educating school-age children of up to \$600,000 and an additional \$3,000 per student.  
6. Aligns with Ayer Road Vision Plan

4. May not provide Harvard enough flexibility to control the design and layout.

Some of these may be blended or used together (e.g., 1, 3, and 5). The Board should also consider how it wants to engage the public. Would the Board want the public to give input on suggestion solutions or locations, or rather give the public a few options to respond to? Maybe the Board doesn't think public input is necessary or desirable? IMPO I would consider engaging early and often. There is a lot to further develop by the state before Harvard can go much further. For example, they may modify the guidelines based on community input. However, some of these issues should at least be preliminarily discussed.

**Potential Timelines**

The following table is a rough estimate for how long each suggested option might take. Of course, they will vary based on how we integrate public outreach, funding requirements, technical assistance, and other factors.

Option	Q2 2022	Q3 2022	Q4 2022	Q1 2023	Q2 2023	Q4 2023	Q1 2024	Q2 2024	Q3 2024	Q4 2024
OPTION A										
OPTION B										
OPTION C										
OPTION D										
OPTION E										

Finally, please note that the Planning Board is NOT constrained by the typical two-year wait to bring failed bylaws back to Town Meeting. This is clearly stated in MGL 40A, Section 5 as follows:

No proposed zoning ordinance or by-law which has been unfavorably acted upon by a city council or town meeting shall be considered by the city council or town meeting within two years after the date of such unfavorable action unless the adoption of such proposed ordinance or by-law is recommended in the final report of the planning board.

All it requires to supersede this provision is to develop a Planning Board report recommending passage of the Bylaw. The passage above is a clickable link taking you to MGL Chapter 40A, Section 5.

**UPDATE:** DHCD issued Compliance Guidelines on 10 August 2022. Harvard was categorized as an Adjacent Small Town, assigned a minimum multi-family unit capacity of 113. The Action Plan was submitted on 20 December 2022. As part of the Action Plan, a letter was sent to the owners of all known multi-family / multi-home parcels. This was part of the process to identify existing multi-family parcels as part of creating a zoning district of a reasonable size where multi-family housing would be permitted by right and to avoid spot zoning. A draft map of these parcels has been



created. To meet the DHCD requirements that the zoning district have reasonably close proximity to existing MBTA commuter rail stations, the area of Harvard that is East and North of Route 111 seems to provide the most options, if a developer were able to meet state water and septic requirements.

*DHCD has provided initial feedback on the Action Plan that was submitted in December 2022. Specifically, Harvard would do well to reduce the size of the proposed overlay district. Director of Planning is working with MPRC to refine map and complete the DHCD Compliance Model & Components. As an Adjacent Community, Harvard is required to complete its process by December 2025. The Action Plan was resubmitted prior to 31 January 2023 deadline which reflected the recommendations made by DHCD.*

***UPDATE: Revised Draft of potential multi-family zones has been resubmitted to DHCD. Harvard was instructed to reduce the size of the initial proposed district. Director is working with Montachusett Regional Planning to complete Compliance Model & Components as part of the Adjacent Communities cohort.***

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## ■ Ayer Road TIP Project Update

### *MassDOT Public Hearing*

On Wednesday, March 30, 2022, the Massachusetts Department of Transportation conducted a public hearing remotely via Zoom in regard to a project referred to as Resurfacing and Box Widening of Ayer Road, which locally is described as the Ayer Road TIP<sup>2</sup> Project. Similar to the 10% design public meetings, this hearing on the 25% design, included several comments about a roundabout at Gebo Lane and also some landscaping concerns in the right-of-way.

Given the continued concern by several members of the Transportation Advisory Committee (but not the TAC formally), MassDOT expressed its willingness to meet with Town officials to further discuss the roundabout and some other issues. This meeting will be set up by the Town Administrator and be held soon.

Another concern expressed at the hearing was how the TIP project was going to take into consideration projected commercial and residential growth in the corridor and if the design was robust enough to absorb projected growth and also whether future water and sewer facility installation would necessitate excavation of the newly developed roadway shortly after completion.

MassDOT noted that to redesign the current 25% project would add 1-2 years onto a project already not set to begin until FY 2026 and would likely cost the town itself more funds for the

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<sup>2</sup> TIP refers to the Transportation Improvement Program that addresses federally funded highway projects.

engineering and ROW acquisition. It would also raise the cost of the federally funded portion of the project.

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**Name of Applicant: Wheeler Realty Trust**

**Location of Property: 185-203 Ayer Road, Harvard, MA**

**Assessors Map 8 //Parcels: 59, 60 & 62.2**

**Zoning District: Commercial (C)**

**Property Owner: Wheeler Realty Trust**

**Application For: Proposed ZONING AMENDMENT which would create § 125-59. Smart Growth Overlay District.**

**Property is 185-203 Ayer Road (Map 8 // parcels 59, 60 & 62.2)**

After hearing from members of the Select Board and Planning Board, I met with the property owner and told him that the Planning Board is looking forward to learning the details of the proposal for the parcels on Ayer Road. I said the PB hopes to see it demonstrated that the Smart Growth overlay district, rather than the Ayer Road Village Special Permit will facilitate beneficial opportunities for Harvard with limited unintended consequences.

I told the property owner because the Town faces many challenges which impact various aspects of the community's ability to preserve and protect its physical and natural resources, the developer's presentation would do well to thoroughly address every possible item that might be a concern for Planning Board members and voters.

I reminded the property owner that sustainability was an important theme of the Town's 2016 Master Plan. The presentation would need to assertively explain the development's benefits that would help Harvard meet its goals in the following areas: 40-B & MBTA Housing requirements, access to public transportation, community facilities, energy efficiency, fire & police service, impact on schools, tax revenue, traffic, land use (such as preserving farm land, open space, and natural resources) as well as water and sewer.

I did say that the Planning Board appreciates the developer's track record and acknowledged this is the largest development opportunity that Harvard has seen. As a result, I told the property owner that the Planning Board will be impartial when weighing the facts, wanting to learn how this proposal will preserve the rural feel and intimacy of small-town life while addressing state mandates and quality of life issues that come with those requirements.

***Recommendation: Set a date for Public Hearings on the item.***

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## **Housing Production Plan**

Director is working with Metro West Housing Consortium and a member of the Planning Board to update the Town's Housing Production Plan. A preliminary Draft is being reviewed by the group.

The Harvard Housing Production Plan helps guide affordable housing options in town, specifically those that are eligible for inclusion in the Subsidized Housing Inventory. This does include the Town's land in Devens. The Plan represents a tool that timely progress is made toward meeting the Town's affordable housing goals. It is based on a comprehensive needs assessment and an analysis of existing conditions, demographic trends, and local and regional market forces such as the recent Weitzman analysis. However, the most recent numbers from the 2020 Census will not be available until later this year. The HPP will identify opportunities and layout strategies the Town may pursue to meet its goal of providing housing for households across a broad range of incomes, ages and needs.

The Plan will recommend a number of regulatory reforms and strategies to expand local development capacity. It will includes preservation strategies as well as new production initiatives, and it anticipates a significant role for both private and Town-initiated development.