

**TOWN OF HARVARD
PLANNING BOARD AGENDA
MONDAY, MARCH 18, 2024 @ 7:00PM**

Pursuant to Chapter 2 of the Acts of 2023, An Act Making Appropriations for the Fiscal Year 2023 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects, and signed into law on March 29, 2023, 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.

THVolGovt Pro is inviting you to a scheduled Zoom meeting.

Topic: Planning Board

Time: Mar 18, 2024 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/84651178982?pwd=dzNTR3Vmd3FhbWdEUUFPbDhDS1dZZz09>

Meeting ID: 846 5117 8982

Passcode: 216137

One tap mobile

+16469313860,,84651178982# US

+19294362866,,84651178982# US (New York)

Dial by your location

• +1 646 931 3860 US

• +1 929 436 2866 US (New York)

• +1 301 715 8592 US (Washington DC)

Meeting ID: 846 5117 8982

Find your local number: <https://us02web.zoom.us/u/kcLjf5MBU>

Public Comment

Old Business: a) Proposed Town Center Overlay District and Town Center Action Plan
b) 2016 Master Plan progress report
c) 2026 Master Planning steering committee & funding request
d) Discussion of Ayer Road Vision Plan & Form Based Code with introduction to proposed Form-based Code with UTILE / Form Based CODE team in Commercial District.

New Business: a) Harvard Fire Dept. staff meeting on Wed. April 3, 2024

b) Update from Attorney General Office on amended Open Space Conservation-Planned Residential Development bylaw §125-35.

Public Hearings:

8:00pm **Public Hearing pursuant to Massachusetts General Laws Chapter 40A, Section 3A**, to consider and receive comments from interested parties concerning proposed addition to Chapter 125 of the Code of the Town of Harvard the Protective Bylaw for a Multi-family overlay district. Potential updates to Draft Bylaw MBTA-3A Multi-family overlay district.

Standard Business: a) Review Metrics
b) Board Member Reports
• Representatives & Liaisons Update
• Community Matters
c) Master Planning for 2026
d) Approve Minutes: Feb. 26, 2024 & Mar. 4, 2024
e) Approve Invoices

NEXT SCHEDULED MEETINGS: MONDAY, APRIL 1, 2024

AS

The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may be brought up for discussion to the extent permitted by law, also.

March 4, 2023

To: Planning Board

From: Richard Cabelus

Questions to consider for Town Center Overlay

1. Is the Harvard Common Historic District good boundaries?
2. What, if anything, would you import from 12, 13, 14 as mixed use?
3. Shared septic? Legal? Possible? Talk to Board of Health?
4. What are we comfortable with? Is this a good template to work from?

9.0 Implementation Action Plan

Priorities & Actions Needed

Some recommendations can be easily implemented while others will require considerable effort. Certain recommendations are independent initiatives that can be undertaken on their own schedules when resources and funding are available. Still others are key links in a critical path network, that if not implemented, prevent other subsequent linked recommendations from advancing.

In the Summary Implementation Table which follows the implementation action descriptions immediately below, critical path recommendations will be highlighted so focus can be placed by the Town's Boards, Committees and Departments on these priority initiatives.

9.1. Implementation: Zoning Initiatives

- 9.1.1 Create new Village Residential (VR) Zoning District (as-of-right district)
- 9.1.2 Create new Business / Mixed Use Zoning Overlay District (Special Permit only district)
- 9.1.3 Allow greater flexibility to construct "shared" septic systems
Allow shared septic systems within the existing AR District, but preferably, just within the newly established VR District that jurisdictionally would include the Center only. Also, possibly reduce large acreage requirements for additional accessory units *if* septic capacity could be otherwise successfully provided.
- 9.1.4 Lower threshold requirements for adding accessory housing units town center properties within the new VR zoning district in order to encourage affordable housing.

(Harvard Common Historic District AS) Boundary?

(What from Sec. 12, 13, 14 would we allow?)

(Talk to BoH)

(?) what are we comfortable with?

9.2 Implementation: Make Use of Existing Septic Treatment Plant Excess Capacity To Serve Some Town Center Wastewater Needs/ Then Consider Expanding Water Supply and Septic Capacity

- 9.2.1 Expand water supply by activating "back-up" well, filtering it of iron deposits, and getting it permitted by DEP.



The Village Center Overlay District

Model Bylaw

The following model bylaw was developed to supplement the original TND Model Bylaw developed for the Toolkit. The original model covers all of the essential aspects of TND, but is more limited in its application to wholesale redevelopment of large areas or greenfield development. As such, that model bylaw is difficult to apply to the more common problem associated with today's aging village centers, which are often characterized by pre-existing non-conforming uses and commercial "strip" centers. This model will help practitioners zone for a more gradual or piecemeal revitalization of existing centers that currently have little to no mixed use and limited walkable options for customers and residents. The bylaw anticipates that most redevelopment will take place on smaller lots of different ownership, but also anticipates that there may be opportunities for larger scale revitalization efforts.

This model is packaged as an overlay district assuming that the focus in many communities will be on "business" districts that may be wide spread throughout the community. Using an overlay approach, therefore, will allow local planners to target areas of interest without creating problems in the same district elsewhere in the city or town.

One of the challenges associated with a piecemeal approach to TND is appropriately integrating open space or civic use into the district. Requiring civic use as part of redevelopment would create significant practical and legal barriers to implementation. Furthermore, a piecemeal approach to developing open space in a village context might create a fragmented resource that fails to serve as a functional public amenity. This model bylaw therefore provides the opportunity to earn significant density bonuses for the addition of open space or civic uses through a voluntary Special Permit process. Importantly, the Special Permit is offered for larger sites where the coordinated development of several buildings along with open space can achieve many of the classic TND objectives.

Many of the design elements included in this model are the same as or similar to those in the Mill Redevelopment Bylaw, as these areas share the overarching goal of creating a compact walkable neighborhood. Due to all of the design considerations associated with this bylaw, it is highly recommended that the language for these guidelines emerge from a charrette or similar public outreach process. This outreach process will also help identify the appropriate permitting vehicle (Special Permit, Site Plan Review, by-right) depending on how strongly residents feel about the need for discretion or more rigid approaches.

Another important note regarding this bylaw is that it assumes there are certain common regulatory elements elsewhere in the Zoning Bylaw. For example, this bylaw references both a Site Plan Review section and the community's essential Special Permit procedures that most communities will have in early sections of the bylaw or ordinance. Referencing these sections made it easier to present the most important sections of this bylaw without being distracted by several pages of plan requirements, permit procedures and basic findings.

1. Purpose

[INSERT NAME OF CITY/TOWN] finds that the revitalization of our village centers will benefit the general health and welfare of our residents and the region by fulfilling existing housing, transportation and employment needs. Therefore, the Town implements this bylaw and designates certain zoning districts as Village Center Overlay Districts to encourage economic and residential growth that fits the character of the Town.

The purposes of the Village Center Overlay District are to:

- A. Build upon the historic development patterns in existing village centers to create attractive, walkable neighborhoods;
- B. Encourage adaptive reuse of abandoned, vacant or underutilized buildings or structures where appropriate;
- C. Allow for a mix of new land uses that are appropriate to both the needs of the community and the scale of surrounding neighborhoods;
- D. Provide incentives to develop larger parcels at higher densities and in a coordinated, planned approach;
- E. Maintain a consistently high level of design quality throughout the district.

Commentary: The purposes listed above are used as part of the decision making criteria for the Planning Board, so communities must be careful to craft these according to their vision for the village center district. Where the district may be used to leverage affordable housing development, these goals should be clearly incorporated into this section.

2. Establishment

The Village Center Overlay District is hereby established and consists of those areas shown on [INSERT TITLE OF MAP] on file with the Town/City Clerk and dated [INSERT DATE MAP IS ADOPTED BY THE CITY/TOWN].

3. Definitions

Civic Use: a land use that provides a public, cultural, or institutional benefit to the community. Specific uses may include, but shall not be limited to, government offices, religious institutions, educational institutions, and medical facilities (not including veterinary operations). For the purposes of this bylaw, civic uses shall not include open space as defined below.

Personal Services: services for everyday affairs including barber shops, beauty salons, laundrettes, dry cleaning, shoe repair and other similar service businesses.

Open Space: In the context of an application for a Village Center Overlay District Special Permit, this term denotes open areas set aside for public use as part of a coordinated site development process. Specific requirements for ownership and maintenance are provided in Section 9.

Transparency: The amount of transparent space that occupies a building façade including standard street-level windows and doorway windows.

4. Authority

The Planning Board shall act as the administering authority for any Site Plan Review procedure associated with this bylaw (INSERT REFERENCE TO EXISTING SITE PLAN REVIEW SECTION]). The Planning Board shall also serve as the Special Permit Granting Authority for any use that requires a Special Permit in the underlying district, any use requiring a Special Permit pursuant to Section 5, and any applicant seeking a Village Center Overlay District (VCOD) Special Permit subject to Section 9. Where standards or other requirements listed as part of this overlay district may conflict with those in the underlying district, the overlay provisions shall apply.

Commentary: This section clearly identifies a single agency, in this case the Planning Board, as the primary oversight for all permit review. This approach provides continuity for any permit submittals within the overlay district. Also, the section clearly establishes that the provisions of the overlay shall apply where any conflicts may exist elsewhere in the Zoning Bylaw/Ordinance.

5. Use Provisions

- A. The following uses are allowed by-right subject to any Site Plan Review requirements listed [REFERENCE EXISTING SITE PLAN REVIEW BYLAW] and all applicable density and design provisions listed in this bylaw.
- 1) Multi-family Dwellings above non-residential use (ownership units);
 - 2) Apartments above non-residential use (rental units);
 - 3) Convenience Stores;
 - 4) Pharmacies;
 - 5) Cafés (including cyber-cafés);
 - 6) Art Galleries;
 - 7) Grocery Stores;
 - 8) Business or Professional Offices;
 - 9) Retail Sales and Services;
 - 10) Personal Services;
 - 11) Restaurants, except the use of drive-up windows;
 - 12) Taverns;
 - 13) Outdoor seating associated with Restaurants or Cafés subject to applicable licensing requirements;
 - 14) Artist live/work space;

Commentary: The uses listed above illustrate the types of land uses that may be considered conducive to village center redevelopment. Including multiple by-right uses provides many opportunities for property owners to redevelop through an administrative permit process. These uses should be examined carefully against all uses in a city/town's use table as well as those allowed in the underlying districts to ensure that all desirable uses are included.

- B. The following uses are allowed only through the granting of a Special Permit by the Planning Board pursuant to the procedures outlined in [REFERENCE EXISTING STANDARD SPECIAL PERMIT REQUIREMENTS].

- 1) Two-Family Homes;
- 2) Multi-Family Homes;
- 3) Apartment Complexes;
- 4) Movie House (maximum of two screens);
- 5) Liquor Stores
- 6) Outdoor Markets subject to applicable licensing requirements;
- 7) Indoor Recreational Facilities;

Commentary: These uses are provided to illustrate the sort of land uses that may or may not be compatible with the district depending on site specific conditions. Of particular interest are the two-family homes, multi-family homes and apartment complexes. The rationale for including these as Special Permit uses is to ensure that areas better suited for mixed use are not overcome by an aggressive housing market. Established "Main Street" environments will need to maintain a multi-story mixed use profile in order to harness the full economic potential of the area. If communities are concerned about the political pressures associated with this approach, the overlay could be divided into two sub-districts. The outer portions of the overlay could then become their own sub-district in which housing of all types are allowed by-right.

C. The following uses are prohibited in the Village Center Overlay District

- 1) Single Family Homes;
- 2) One-story buildings;
- 3) Retail operations with more than [ten thousand (10,000) square feet] of gross floor area on any individual floor.

Commentary: The prohibited uses above are designed to protect the village center against inefficient uses of land. These standards will send a clear message to the development community that density is an integral component of any proposal.

6. Dimensional Requirements

- A. Setbacks for Non-residential and Mixed Use: Setbacks for non-residential or mixed use buildings shall fall within the range of [zero (0) to eighteen (18) feet] and shall be subject to the site design standards in Section 8.
- B. Setbacks for Residential Uses (Exclusive): The setbacks for proposed development that is exclusively residential shall comply with the setback requirements in the underlying zoning districts.

Commentary: Although this model bylaw defaults to the underlying zoning for residential development, local practitioners may want to closely examine the existing housing in the area to ensure that older, attractive neighborhoods are not left "non-conforming" within the overlay as a result of this default approach. If larger existing old home could set a reasonable standard for the area, and current zoning has made them non-conforming, this overlay approach is a good opportunity to re-establish these as an integral element to the streetscapes surrounding a village core.

- C. Height Limitations for Non-residential and Mixed Use: Building height for mixed use or non-residential use shall not exceed [thirty-five (35) feet] and no building shall have more than [three (3)] stories.

Commentary: Height limitations in this provision ensure a "human" or "village" scale to the district by restricting building height to three stories. However, they also serve to lay the foundation for higher density incentives listed in Section 9 where the height may be increased to 50 feet for larger lot, coordinated development.

- D. Height Limitations for Residential Uses (Exclusive): Building height limits for proposed development that is exclusively residential shall comply with the restrictions in the underlying zoning districts.

Commentary: See Commentary under "B" above.

7. Parking Requirements

The base parking standards for the underlying Zoning Districts shall apply to individual uses in the Village Center Overlay District. As part of a Site Plan Approval or Special Permit process within this overlay district, the applicant may request reductions to minimum requirements or alternative methods for meeting the required parking. Available innovative parking strategies include:

A. Shared On-Site Parking

- 1) Non-competing Uses. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demands for non-competing uses. Up to [75%] of the requirements for the predominant use may be waived by the Planning Board if the applicant can demonstrate that the peak demands for two uses do not overlap.
- 2) Competing Uses. In mixed-use developments, applicants may propose a reduction in parking requirements where peak demands do overlap. In these cases, the Planning Board may reduce the parking requirements of the predominant use by up to [30%].

B. Off-Site Parking

Separate from, or in conjunction with Shared Parking provisions, an applicant may use off-site parking to satisfy their parking requirements in accordance with the following conditions:

- 1) Off-site parking shall be within [five hundred (500)] feet of the property for which it is being requested.
- 2) Off-site parking spaces provided by a separate private property owner shall be subject to a legally binding agreement that will be presented to the Planning Board as a condition of the Special Permit. Where an agreement shall expire within a specified timeline, the applicant or current property owner shall continue to provide evidence to the Zoning Enforcement Agent that the agreement has been extended.

8. Design Standards

The Design Standards in this section shall be applied to development within the Village Center Overlay District where applicable.

A. Buildings

- 1) All buildings shall have a principal façade and entry (with operable doors) facing a street or open space. Buildings may have more than one principal façade and/or entry;
- 2) Building finish materials shall be appropriate to traditional New England architecture and may include, but shall not be limited to brick or high-quality brick face, wood, stone or high-quality stone-face. Vinyl, unfinished metal or fiberglass as a primary finished surface shall not be used;
- 3) Blank walls adjacent to streets, alleys or open spaces shall not be permitted. Where windows are not possible or appropriate to the intended use, vertical articulation in the form of raised or recessed surfaces shall be used to break up blank walls;
- 4) New retail buildings shall have one of the following features along the front surface at intervals sufficient to provide continuity to pedestrians: awning, marquee, arcade and/or colonnade;
- 5) Flat roofs may be allowed on multi-story buildings as long as the roofline projects outward from the building surface as a decorative cornice or parapet; and
- 6) Larger buildings with multiple non-residential tenants on the first floor shall articulate the façade in a manner that distinguishes the location of these tenants through the use of decorative raised or depressed vertical surfaces, variations in acceptable signage, awnings, marquees, colonnades or arcades.

B. Signs

- 1) Primary signs shall be flat against the façade, or mounted projecting from the façade;
- 2) Signs that project from buildings shall have at least ten (10) feet of clearance from the ground level;
- 3) Signs shall be externally lit from the front. Back lighting of signs shall not be used;
- 4) Neon, flashing signs, moving signs and roof signs shall not be used;
- 5) Temporary signs with a specific date of expiration, such as sandwich boards, shall be allowed, after approval by the Zoning Enforcement Officer;
- 6) Signs shall be made of attractive materials consistent with the character of the district. Materials may include wood (painted or natural), stone, copper, brass, galvanized steel, painted canvas or paint/engraved on façade surface;
- 7) Signs may only be incorporated into the skirt of awnings and not on the primary angled surface.

C. Site Design

- 1) Parking areas shall be located in the rear of buildings;
- 2) Street level frontage shall be devoted to entrances, shop windows or other displays;

- 3) Clear pedestrian pathways shall be provided between buildings on the same lot and between buildings on adjacent lots to ensure a continuous pedestrian pathway throughout the district;
- 4) Where residential neighborhoods abut commercial, office or mixed use developments, appropriate transitional features shall be used and may include landscaping, open space or parks, or streets with clearly designed pedestrian features;
- 5) Primary entrances to proposed and existing buildings are situated on pedestrian amenities (e.g., sidewalks, plazas or open space) with a minimum width of 10 feet;
- 6) Setbacks are consistent with the fabric of the existing street and do not preclude pedestrian access;
- 7) Adequate access for loading and emergency vehicles is maintained on one side of the building; and
- 8) Adequate natural lighting and air circulation for businesses and residents is maintained.

Commentary: The range of setbacks and minimum sidewalk width listed above assume that the right-of-way will not be providing any pedestrian amenity for the site. For example, if the right of way is owned by the state, then the community will need to rely exclusively on their power to regulate design within the front setback for pedestrian movement. If the community does own the right of way and has five-foot sidewalks along the edge of pavement, then the minimum setbacks can be reduced to account for those sidewalks. In the end, the pedestrian realm must be at least ten feet wide to have a properly functioning sidewalk that includes primary walking space, space for landscaping or street trees, space for lighting, signage areas, etc.

9. Village Center Overlay District Special Permit

Applicants may apply for, and the Planning Board may grant, a Village Center Overlay District (VCOD) Special Permit subject to the following provisions.

- A. Purpose: In addition to those purposes listed in Section 1 of this bylaw, the purpose of a VCOD Special Permit is to provide the opportunity to develop pockets of higher density, coordinated mixed use developments that include a diverse use profile and act as centers of commerce and activity within the overlay district.
- B. Eligibility: To be eligible to apply for a VCOD Special Permit, the site must contain at least [three (3)] acres of contiguous buildable land. For the purposes of this bylaw, land may be considered contiguous if it is separated by a road or by public open space that does not separate parcels in common ownership by more than two hundred (200) feet;

Commentary: Communities will want to carefully consider the size of the tract that can be included in the Special Permit process. Planning for the overlay should therefore include a comprehensive inventory of each lot size in the district to ensure that opportunities for these higher densities are not lost.

- C. Use Profile: An applicant for a VCOD Special Permit shall restrict the development to a specific general use profile that complies with the parameters listed below. The area of a particular use, other than public open space, shall be determined by dividing its Gross Floor Area (GFA) by the total GFA in the development. The Planning Board shall include continued compliance with the proposed use profile as a condition of any Special Permit granted under this Section of the Bylaw.

- 1) The development area shall not contain residential use in more than [ten percent (10%)] of the total ground floor area;
- 2) The development area shall not contain more than [sixty percent (60%)] residential use;
- 3) The proposed development area shall not contain more than [forty percent (40%)] office use;
- 4) The proposed development area shall not contain more than [forty percent (40%)] retail use; and
- 5) The proposed development area shall not contain more than [thirty percent (30%)] service industry use.
- 6) The proposed development area shall contain a minimum of [five percent (5%)] civic use and shall design at least [twenty percent (20%)] of the site as open space accessible to the public.

D. Height Bonuses: Upon petition by an applicant for a VCOD Special Permit, the Planning Board may allow for maximum building heights to be [fifty (50) feet]. The Planning Board shall not allow for buildings to have more than [four and a half (4.5) stories] above the street level grade. Applicants may increase the overall density of their project to meet these height limitation increases provided that the applicant complies with all other requirements of this bylaw including, without limitation, those for parking, design and other dimensional requirements.

Commentary: This bonus is the perhaps the most critical feature of this Special Permit process as it will act as the primary incentive for developers to create well-planned designs and to include civic uses along with open space. Local practitioners will need to make sure that the gap between the density allowed by-right and the density allowed by Special Permit is large enough to entice owners of larger sites into the Special Permit process. This bylaw allows for an additional one and a half stories to be developed above grade. However, where planners feel that higher buildings may be acceptable to the community, these higher densities should be pursued as part of the Special Permit process. Often, historic non-conforming buildings may provide a crucial point of reference to determining the ultimate height bonus that could be allowed. Where an existing landmark building is sixty feet tall, for example, this height is a good candidate for the building height bonus.

E. Frontage: As part of a VCOD Special Permit application, the Planning Board may authorize frontage as low as [forty (40)] feet.

Commentary: The flexibility for frontage is designed to accommodate the often irregular patterns of physical ownership in coordinated or campus style developments. In these situations, it may be necessary to allow for irregularly shaped lots such as the so-called "flag" or "pork chop" lots. Communities should also examine requirements for "lot width" to ensure that these irregular lot configurations can take place.

F. Additional Design Standards: In addition to those design standards listed in Section 8 of this bylaw, applications for a VCOD Special Permit shall also meet the following standards:

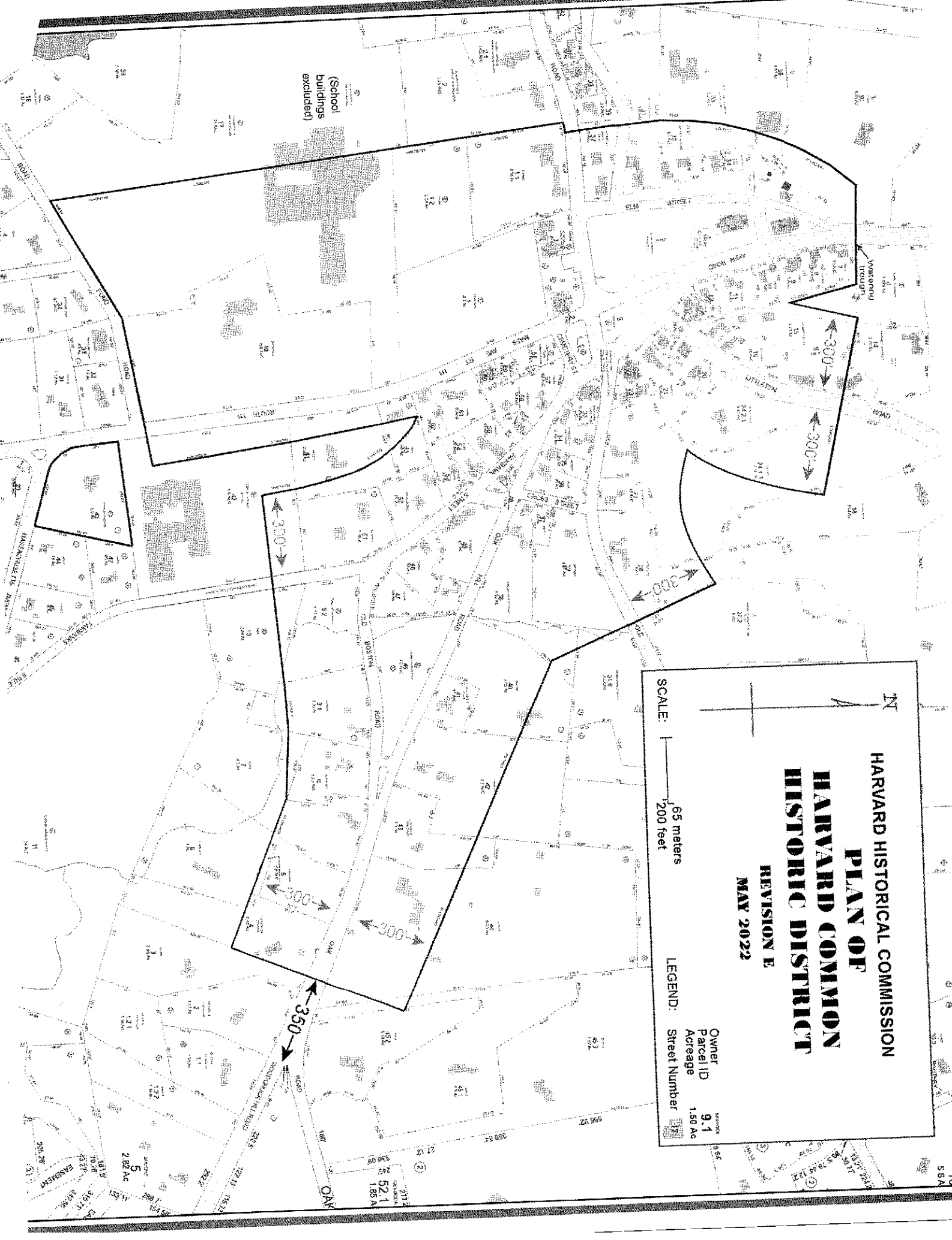
- 1) Buildings

- (a) Newly constructed building façades for non-residential use shall have a transparency of at least sixty percent (60%)
- 2) Signs
- (a) Freestanding directory signs may be permitted as part of a VCOD Special Permit application where several non-residential operations are accessed through a common vehicular entrance. Such freestanding signs shall not exceed eight (8) feet in height, six (6) feet in width and each tenant shall be allowed a maximum of four and a half (4.5) square feet to display the company or agency name.
- 3) Site Design
- (a) Buildings shall be arranged in a manner that optimizes the ability of residents and consumers to access public spaces and pedestrian amenities.
 - (b) Buildings shall be oriented toward each other in a way that minimizes conflicts between pedestrians and automobiles.
 - (c) Open space provided pursuant to Section 9.C of this bylaw shall be designed as a public gathering place. Arcades, courtyards, parks, greens or other common areas shall be located in a manner that connects buildings to each other and to public sidewalks without interruption from parking areas or automobile travel lanes to the greatest practicable extent.
 - (d) Features that may be used to create open space areas acceptable to the Planning Board may include, without limitation, fixed benches, fixed tables, fountains, pathways, bikeways, bicycle racks, period lighting, shade trees, perennial gardens, picnic areas, and/or trash receptacles.
- G. Open Space Ownership and Maintenance: As a condition of a Special Permit, the Planning Board shall require an applicant to document ownership of open space within the proposed development and to provide a detailed maintenance schedule to ensure the long term care of open space areas.
- H. Application Process and Requirements: Applicants for a VCOD Special Permit shall comply with the Special Permit Procedures outlined in [REFERENCE STANDARD SPECIAL PERMIT SECTION OF ZONING BYLAW] and shall provide all applicable information for a Full Site Plan Review pursuant to [REFERENCE STANDARD SITE PLAN REVIEW SECTION OF ZONING BYLAW]
- I. Decision: The Planning Board may approve an application for a VCOD Special Permit with those conditions specified in this bylaw pursuant to the following criteria:
- 1) Proposed development is consistent with the purposes listed in Section 1 and Section 9.A of this bylaw;
 - 2) All applicable standards for use, parking and dimensional requirements are met;

- 3) All applicable design standards listed in Section 8 are met;
- 4) All applicable additional design standards listed in Section 9.E are met;
- 4) Where multiple structures are proposed, the site design reflects a thoughtful arrangement of elements that will facilitate the movement of pedestrians between structures through the use of sidewalks, internal walkways, alleys or open space features as required in Section 9.E.3;
- 5) The applicant has provided adequate documentation to ensure that the use profile within the development shall permanently comply with those restrictions listed in Section 9.C; and
- 6) The applicant has provided adequate documentation to ensure that the required open space within a proposed development shall be adequately and permanently maintained.

10.0 Severability.

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby.



(School buildings excluded)

N

HARVARD HISTORICAL COMMISSION PLAN OF HARVARD COMMON HISTORIC DISTRICT

REVISION E
MAY 2022

SCALE: 65 meters
200 Feet

LEGEND:
Owner
Parcel ID
Acreage
Street Number

9.1
1.50 Ac
177

350

300

300

300

300

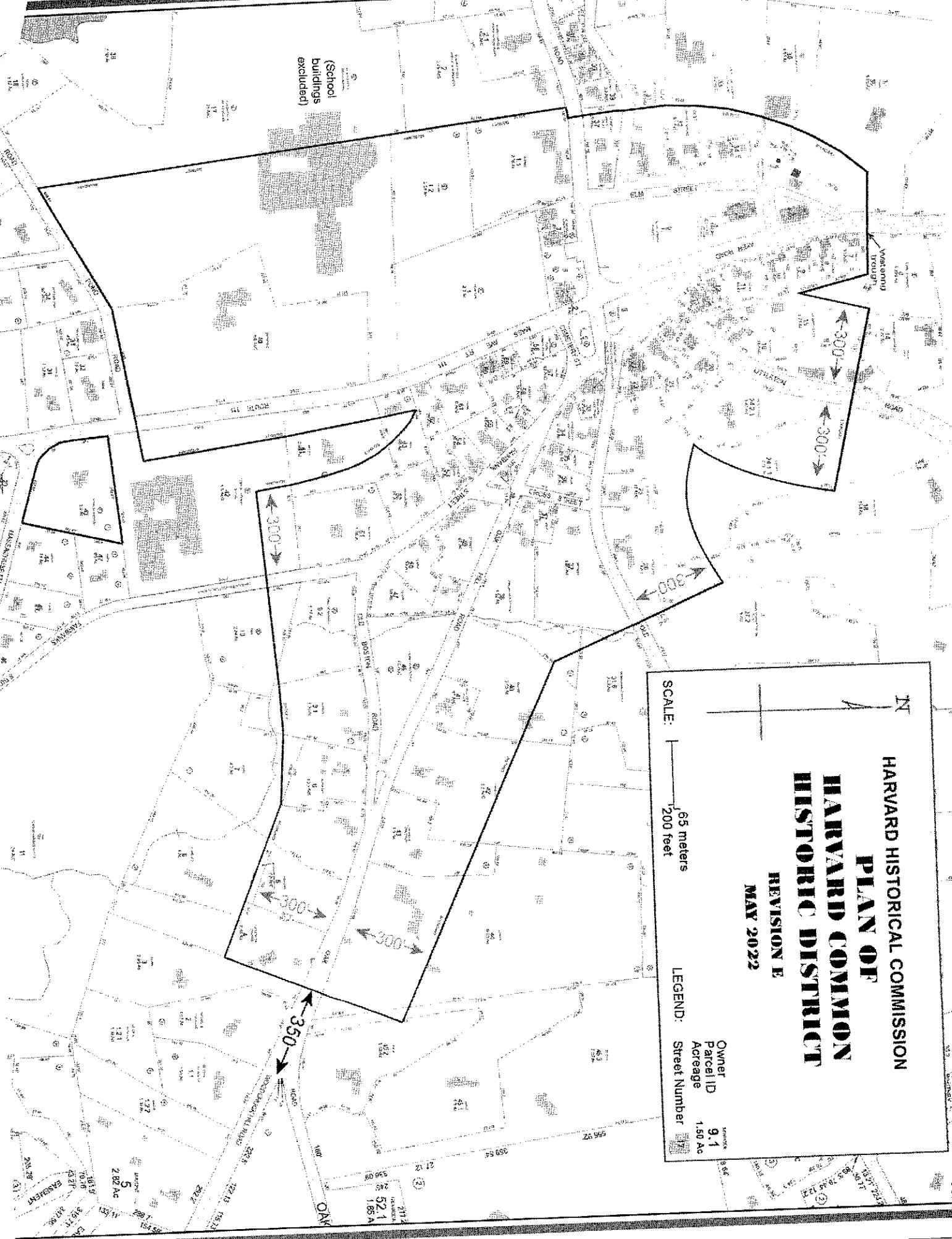
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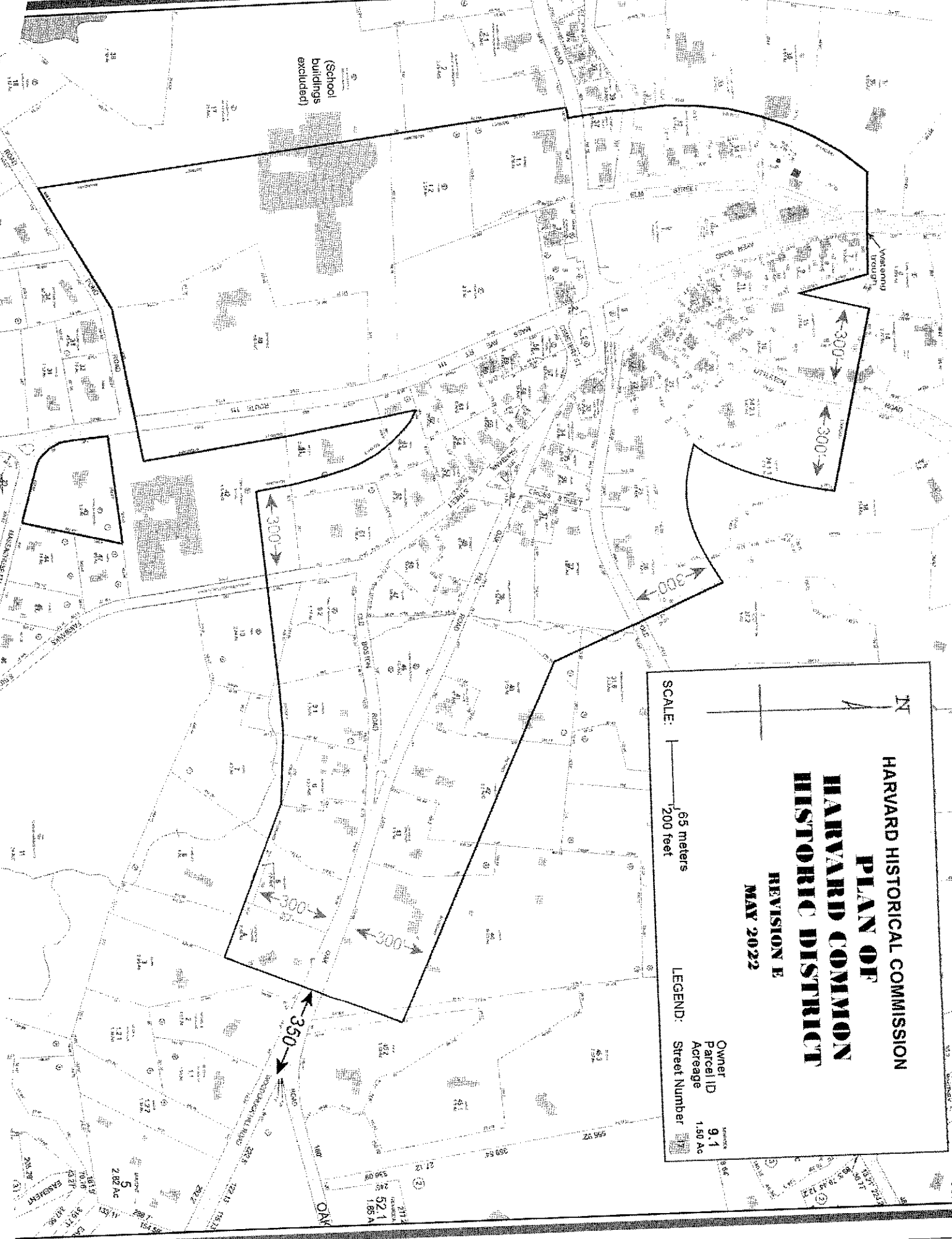
300

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521
1.85 A

5
2.82 Ac



Harvard, MA: Potential Multi-Family Overlay District



Legend

- Parcel Boundaries
- Development Constraints (Wetlands + Buffers)
- Potential Multi-Family Overlay District


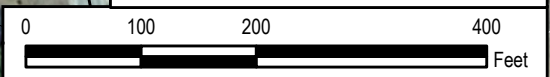
Roadways

- US & State Routes
- Other Roads

DATA SOURCES: MassGIS, MassDOT, the Town of Harvard, DHCD, and the MRPC.

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

PREPARED BY:
 Montachusett Regional Planning Commission
 GIS Department, February 2024
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 Leominster, MA 01453
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 E-mail: mrpc@mrpc.org

§ 125-60: MBTA Communities Multi-family Overlay District

A. Purpose

The purpose of the MBTA Communities Multi-family Overlay District (MCMOD) is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right multi-family housing to accomplish the following purposes:

1. Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels;
2. Support vibrant neighborhoods by encouraging an appropriate mix and intensity of uses to support an active public space that provides equal access to housing, jobs, gathering spaces, recreational opportunities, goods, and services with reasonable proximity to a transit station;
3. Preserve open space and viable agricultural land in the community by locating new housing within or adjacent to existing developed areas and infrastructure;
4. Help implement Master Plan goals, the Housing Production Plan and the Ayer Road Vision Plan.

B. Establishment and Applicability

This MCMOD is an overlay district having a land area of approximately eight (8) acres in size that is superimposed over the underlying zoning district (s) and is shown on the Zoning Map.

1. Applicability of MCMOD. An applicant may develop multi-family housing located within a MCMOD in accordance with the provisions of this § 125-60.

2. Underlying Zoning. The MCMOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, as well as for uses allowed as of right or by special permit in the MCMOD. Uses that are not identified in §125-60 are governed by the requirements of the underlying zoning district(s).

C. Definitions.

For purposes of this §125-60, the following definitions shall apply.

1. Affordable unit. A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.

2. Affordable housing. Housing that contains Affordable Units as defined by this § 125-60

- 3. Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.
- 4. Area Median Income (AMI).** The median family income for the metropolitan statistical region that includes the Town of Harvard as defined by the U.S. Department of Housing and Urban Development (HUD).
- 5. As of right.** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
- 6. Compliance Guidelines.** Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act as further revised or amended from time to time.
- 7. EOHLC.** The Massachusetts Executive Office of Housing and Livable Communities, or any successor agency.
- 8. Development standards.** Provisions of § 125-60 G. General Development Standards made applicable to projects within the MCMOD.
- 9. Lot Coverage.** The maximum area of a lot covered by impervious surfaces, including the footprint of buildings, parking, sidewalks, patios and decks.
- 10. MBTA.** Massachusetts Bay Transportation Authority.
- 11. Mixed-use development.** Development containing a mix of residential uses and non-residential uses, including, commercial, institutional, industrial, or other uses.
- 12. Multi-family housing.** A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.
- 13. Multi-family zoning district.** A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.
- 14. Open space.** Contiguous undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or a buffer between other within resources within a parcel boundary.
- 15. Parking, structured.** A structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.
- 16. Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.
- 17. Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

18. Section 3A. Section 3A of the Zoning Act.

19. Site plan review authority. Harvard Planning Board.

20. Special permit granting authority. (if it were mixed use) Harvard Planning Board

21. Subsidized Housing Inventory (SHI). A list of qualified Affordable Housing Units maintained by EOHLC used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.

24. Transit station. The Ayer or Littleton MBTA commuter rail station

D. Permitted Uses

1. Uses Permitted As of Right. As many as 120 units of multi-family housing is permitted as of right within the MCMOD.

2. Uses Permitted by Special Permit. The following uses require a Special Permit from the Harvard Planning Board

a. Mixed-use development. Uses in a mixed-use development are as follows:

Ground Floor
125-12 Small Scale Commercial uses
125-13A Medical or Dental Office
125-13B Automated teller machine (not a drive-up facility)
125-13C Personal or business service including barber or beauty salon, shoe repair, tailoring, business or trade schools, photocopying and locksmith
125-13G Dry cleaning and laundry pick-up station
125-13H Nursery school, Kindergarten or day-care center for preschool children
125-13L Catering service, delicatessen or other food market or a permitted eating establishment
125-13P Restaurant or other food service establishment whose principal business is the sale of prepared foods or beverages that are consumed on the premises or carried out by retail customers.
Pharmacy
Recreation, dance or fitness facility
Grocery or farm products retail store with less than 10,000 square feet of gross floor area.
Any Floor
Residential (required component).

- b. Affordable Ownership Units. More than 120 units of which 25% of the additional units over 120 units must be affordable at 80% AMI;
- c. Affordable Rental Units. Any units in excess of 120 units may be allocated as rental units, of which 25% of the additional units over 120 units must be affordable at 80% AMI; A sufficient number of units above 120 units must be designated affordable such that at least 25% of rental units in the development shall be restricted to occupancy by Income Eligible Households, earning 80% or less of the area median income, and the window of affordable rent will be set at 30% of the 70% median income, to conform with 760 CMR 56.00. These restrictions will enable 100% of the development rental units to be included in the Subsidized Housing Inventory.

3. Accessory Uses. The following uses are considered accessory as of right to any of the permitted uses in § 125-60 D.1.

- a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.

E. Dimensional Standards

1. Table of Dimensional Standards. Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the MCMOD are as follows:

Standard	
Lot Size	
Minimum (SF)	40,000
Height	
Stories (Maximum)	3
Feet (Maximum)	45
Minimum Open Space	30%

2. Floor area and Maximum Lot Coverage

Standard	
Floor Area Ratio (FAR)	2.5
Maximum Lot Coverage	70%

Standard	
Minimum Gross Density	15 per acre (-0% / +5%)

3. Frontage and Setbacks

Standard	
Minimum Frontage (ft)	50
Front Yard Setback	
Min to Max (ft)	10-40
Side Yard Setback	
Corner (ft)	10-40
Interior (ft)	10-40
Rear Yard Setback	
Min to Max (ft)	20-40

4. Multi-Building Lots. In the MCMOD, lots may have more than one principal building.

5. Exceptions. The limitation on height of buildings shall not apply to roof lines, chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building. Roof-top mechanicals shall be screened.

6. Renewable Energy Installations. The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in § 125-60 E. Dimensional Standards to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

F. Off-Street Parking

These parking requirements are applicable to development in the MCMOD.

1. Number of parking spaces. The following maximum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Auto Parking Spaces	Bicycle Spaces
Multi-Family	1.5	1
Mixed Use (Non-Residential/Commercial)	Sum of uses computed separately (see 3 below)	1 for each 10 parking spaces, rounding up

2. Bicycle storage. For a multi-family development of [25] units or more, or a mixed-use development of [25,000] square feet or more, covered parking bicycle parking spaces may be integrated into the structure of the building(s).

3. Shared Parking within a Mixed-Use Development. Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.

4. Number of electric vehicle (EV) charging stations. For all uses within the MCMOD, electric charging stations are required with one EV space required for every [twenty (20)] parking spaces, rounded up to the next highest number of EV stations. (No EV charging stations allowed inside)

G. General Development Standards

1. Development standards in the MCMOD are applicable to all multi-family development with more than [25] units or mixed-use development of more than [25,000] SF within the MCMOD. These standards are components of the Site Plan Review process in § 125-38

2. Site Design.

a. Sidewalks. Sidewalks and walkways shall conform to the requirements in § 125-39G, and shall provide direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.

b. Vehicular Access. Parking and loading shall conform to the requirements in § 125-39 A. Driveways shall conform to the requirements in § 125-39 B. Where feasible, curb cuts shall be minimized, and shared driveways encouraged.

c. Open Space. Open spaces shall conform to the requirements in § 125-39 C.

d. Screening. Screening shall conform to the requirements in § 125-39 D.

e. Plantings. Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List and Invasive Plant List, as may be amended, shall be prohibited.

f. Lighting. Lighting shall conform to the requirements in § 125-40. Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North

America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow.

g. Mechanicals. Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.

h. Dumpsters. Dumpsters shall be screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.

i. Stormwater management. Strategies that demonstrate compliance with the Local Harvard Bylaw of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines. Drainage shall conform to the requirements in § 125-39F.

j. Water supply. Any well must comply with MassDEP's well guidelines. These guidelines require a public water supply well if the well services were more than 24 people.

3. Buildings: General.

a. Entries. Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.

4. Buildings: Multiple buildings on a lot.

a. For a mixed-use development, uses may be mixed within the buildings or in separate buildings.

b. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.

c. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.

d. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.

e. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.

5. Buildings: Mixed-use development.

a. In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.

b. Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable.

c. Materials for non-residential uses shall be stored inside or under cover and shall not be accessible to residents of the development.

d. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.

6. Buildings: Shared Outdoor Space. Multi-family housing and mixed-use development shall have common outdoor space that all residents can access. Such space may be located in any combination of ground floor, courtyard, rooftop, or terrace. ~~All outdoor space shall count towards the project's minimum Open Space requirement.~~

7. Buildings: Corner Lots. A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.

a. Such entries shall be connected by a paved surface to the public sidewalk, if applicable.

b. Fire exits serving more than one story shall not be located on either of the street-facing façades.

8. Parking.

a. **Surface parking** shall be located to the rear or side of the principal building. Parking shall not be located in the setback between the building and any lot line adjacent to the public right-of-way.

b. **Integrated garages.** The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.

c. **Parking structures.** Building(s) dedicated to structured parking on the same lot as one or more multi-family buildings or mixed-use development shall be subordinate in design and placement to the multi-family or mixed-use building(s) on the lot.

9. Waivers. Upon the request of the Applicant and subject to compliance with the Compliance Guidelines, the Site Plan Review Authority may waive the requirements of this § 125-60 G. General Development Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the MCMOD.

H. Affordability Requirements.

1. Purpose.

- a. Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities for people of different income levels;
- b. Provide for a full range of housing choices for households of all incomes, ages, and sizes;
- c. Increase the production of affordable housing units to meet existing and anticipated housing needs; and
- d. Work to overcome economic segregation allowing Harvard to be a community of opportunity in which low and moderate-income households have the opportunity to advance economically.

2. Applicability. This requirement is applicable to all residential and mixed-use developments with ten (10) or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion (Applicable Projects). No project may be divided or phased to avoid the requirements of this section.

3. Affordability requirements.

All units affordable to households earning 80% or less of AMI created in the MCMOD under this section must be eligible for listing on DHCD's Subsidized Housing Inventory.

4. Provision of Affordable Housing. not fewer than ten percent (10%) of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of units of Affordable Housing required within a development project, a fractional unit shall be rounded down to the next whole number. The Affordable Units shall be available to households earning income up to eighty percent (80%) of the AMI.

5. Development Standards. Affordable Units shall be:

- a. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
- b. Proportionately dispersed throughout the development with respect to location, unit type, quality and character, room size, and number and distribution of bedrooms, and in all respects shall be indistinguishable from the development's comparable market-rate dwelling units;
- c. Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;
- d. Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;
- e. Distributed proportionately across each phase of a phased development.
- f. The dimensional requirements that are set forth in Section E of these bylaws shall apply both to the development's affordable dwelling units and its market-rate dwelling units.
- g. Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for Affordable Units are issued

simultaneously on a pro rata basis. The last Occupancy permit issued shall be for a market-rate unit.

6 Administration.

- a. The Zoning Enforcement Officer/Building Commissioner shall be responsible for administering and enforcing the requirements in this section.
- b. Severability: if any provision of this bylaw were determined to be invalid by a court of competent jurisdiction, the remainder hereof shall not be affected but shall remain in full force and effect. The invalidity of any provision of this bylaw shall not affect the validity of the remainder of the bylaw.

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