

**TOWN OF HARVARD
PLANNING BOARD AGENDA
MONDAY, APRIL 3, 2023 @ 7:00PM**

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.

THVolGovt Pro is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/89583370738?pwd=VFg3LzB0enhaSlUrNjh3b2xkdzBUdz09>

Meeting ID: 895 8337 0738

Passcode: 568079

One tap mobile

+13092053325,,89583370738# US

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Dial by your location

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+1 312 626 6799 US (Chicago)

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Public Comment

Old Business: a) Prospective MBTA Multi-family zoned district
b) Ayer Road: pursue Phases II & III (vision plan & zoning to facilitate vision) RFP with funds from Rural & Small-Town Grant award
c) Open Space Residential Development Bylaw Amendment (§125-35)

New Business: a) Erosion Control plan - 79 Whitney Road
b) Discuss Harvard Climate Initiative Comm. and the Mass. Vulnerability Prevention grant with Montachusett Regional Planning Commission

Public Hearings:

7:30pm Special Permit Hearing – DISH Network, 60 Old Shirley Road for installation of collocator equipment.

8:00pm Proposed Bylaw Amendment Hearing – Wheeler Realty Trust and 12 Lancaster County Road LLC, 185-189 Ayer Road, for proposed Overlay District

Standard Business: a) Board Member Reports

- Representatives & Liaisons Update
- Community Matters

b) Approve Minutes

c) Invoices for Harvard Press: #9395 for 203 Ayer Rd. \$168.00
Harvard Press: #9397 for DISH Wireless & Proposed amendment to bylaw \$336.00
Citizen Planner Training Conference: 27 March 2023 for \$95.00

NEXT SCHEDULED MEETING: MONDAY, APRIL 24, 2023

AS

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

[Added 3-29-2003 ATM by Art. 32¹]

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.

¹ 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.²
- (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

² 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 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. .
- (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 other appropriate elements.
 - (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.
 - (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.

§ 125-35

§ 125-35

(g) Any lighting in the proposed development shall comply with Lighting Bylaw §125-40.

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

G. Signage. All signs shall comply with Protective Bylaw § 125-41. However, 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 two units per acre 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 ~~350% increase over that allowed under § 125-35H of this Bylaw (a maximum density of seven~~nine units per acre). ~~Percentage of increased permissible density will be~~ is allocated ~~based on~~as each of the following individual conditions ~~being~~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.

[1] (If (a) ~~and~~ (b) above are found to be satisfied, in the opinion of Planning Board, it may authorize a ~~100%2 unit per acre~~ increase ~~in applicable~~over 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 ~~100%~~2 unit per acre increase ~~in-applicable~~over base density.)

(d) 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 (d) above is found to be satisfied, in the opinion of Planning Board, it may authorize a ~~75%~~1.5 unit per acre increase ~~in-applicable~~over base density.)

(e) The applicant sets aside 15% 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 (e) above is found to be satisfied, in the opinion of Planning Board, it may authorize up to a ~~75%~~1.5 unit per acre increase ~~in~~over applicable base density.)

Condition	Units per acre
Base Density	2
(a+b) Additional Open Space Preservation	2
(c) Public Improvement/Benefit to Town	2
(d) Senior Housing	1.5
(e) Affordable Housing	1.5
Maximum Density if conditions met	9

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

2. JOHN MCCORMACK

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

3. JOHN MCCORMACK

November 16, 2022 at 11:55:26 AM
How much open space should be usable? Does that mean such space will not be included in the computation of the open space percentage? How does “finished grade” align with “undisturbed natural condition”? Is this paragraph an attempt to designate Common Open Space as Open Space considered usable? Terminology is inconsistent throughout, and we should clean that up to make it consistent. eg, globally use the term “Usable Common Open Space”

§ 125-35

§ 125-35

than one single or two-family dwelling be located on a lot in an OSC-PRD, 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) The minimum distance between clusters of multiple unit dwellings, shall be 50 feet.
- (4) 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]
- (5) The minimum setback from internal roads shall be 25 feet.
- (6) The maximum height of proposed buildings shall be 35 feet, and shall not exceed 3 stories.
- (7) 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.

2 | **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.

- 3 | (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

4. JOHN MCCORMACK

March 6, 2023 at 3:33:17 PM

Can this be on common open space?

5. JOHN MCCORMACK

February 6, 2023 at 1:28:57 PM

doesn't work for an odd number of units.

§ 125-35

§ 125-35

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.
- 4 (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.
- 5 (3) **Parking.** Unless otherwise approved by the Planning Board, a **minimum of 1.5 and maximum of 1.52** 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 Bylaw³ 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, consistent with .§ 125-58 herein;

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 may 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 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

³ Editor's Note: See Ch. 119, Wetlands Protection.

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.

EROSION CONTROL APPLICATION

Applicants should review the Harvard Protective (Zoning) Bylaw, Chapter 125-58 of the Code of the Town of Harvard, the Planning Board's Rules and Regulations, Chapter 133 of the Code of the Town of Harvard. Copies of the Bylaw may be purchased from the Town Clerk and copies of the Rules and Regulations may be purchased from the Land Use Office. Information is also available online at www.harvard-ma.gov. The Rules and Regulations specify the documents that are required as a part of the application.

Applicant's Name: MYA POE & JOHN COGAN

Address: 79 WHITNEY ROAD Phone: (401) 617-9744 Email: MYAPOE@GMAIL.COM

Applicant is (check one): Owner Agent _____ Prospective Buyer _____

Location of Property: 79 WHITNEY ROAD Zoning District: RA

Harvard Assessors' Map 17B Parcel 18

Owner's Name: JOHN A. COGAN, JR & MYA ANN POE Email: MYAPOE@GMAIL.COM

Owner's Address: 79 WHITNEY RD., HARVARD Owner's Phone: 401-617-9744

Signed: [Signature]

APPLICATION CHECK LIST

Minor Permit

- Sketch plan showing limits, scope of work and proposed Best Management Practices (BMPs)
- Project narrative that includes a description of the proposed project and a description of how and where stormwater will be controlled and erosion and sediment controls to be used
- \$25.00 filing fee

Major Permit

- Applicants shall file one (1) original completed application packet and seven (7) copies
- Project narrative that includes a description of the proposed project and a description of how and where stormwater will be controlled and erosion and sediment controls to be used, plus a description of any specimen trees within the project area.
- Engineered plan set, signed and stamped by a professional engineer or a professional land surveyor registered in the Commonwealth of Massachusetts, and drawn at a legible scale and including:

- **Existing and proposed conditions plans**, which shall identify significant natural features and native trees greater than a diameter of (6) inches within the project area.

- **Erosion control plan**, which shall include the following related specifically to the disturbance area:
 - Location of all structural and non-structural erosion and sediment control measures and BMPs;
 - Locations where stabilization practices are expected to occur;
 - Locations for storage of materials, waste, vehicles, equipment, soil, snow, and other potential contaminants;
 - Operations and Maintenance Plan for BMP's including inspections and maintenance activities as noted in §133-41 below;
 - Areas where previous stabilization has been accomplished and no further construction-phase permit requirements apply; and
 - Any other information deemed necessary by the Planning Board.

\$200.00 filing fee

Approved March 21, 2022

Project Narrative

Prepared for Mya Poe & John Cogan, 79 Whitney Road, Harvard
Project No. 31180

On behalf of our clients, Mya Poe and John Cogan, we are hereby submitting the following narrative to outline the proposed activities and procedures that are proposed for the property at 79 Whitney Road in Harvard. This information is presented in relation to Section 125-58 (Erosion Control) of the Harvard Protective Bylaw.

The subject property is a 3.0-acre residential property on the east side of Whitney Road, between Old Littleton Road and Littleton Road. The existing 3-bedroom home is serviced by an on-site sewage disposal system and a private drinking water well, as shown on the accompanying Site Plan. To the south and east of the existing house is a wooded area with mixed evergreens and hardwoods. This area, for the most part, gradually slopes downward to the north and east. Just east of the overall property boundary is an intermittent stream that flows in a northerly direction. The banks of the stream rise fairly steeply on either side, without much of any appreciable bordering vegetated wetlands. The 100-foot buffer zone to this resource area extends toward and into the subject property by approximately 40 to 50 feet.

Our clients wish to build a 30' x 30' horse barn and related paddock areas on the southerly extent of the property. An additional 10' x 18' shed roof will also be incorporated for covered tractor storage. A dumpster site has also been assigned to aid with manure management and disposal. This dumpster site is proposed at the furthest distance from any wetland resource area and is also most convenient for content removal. A number of trees within the fenced paddock areas have been identified and are shown on the Site Plan. This area will be subject to select clearing based on tree health, hazard, and shading opportunities. During stump removal, minor grading efforts will also be facilitated to allow for safer footing within the paddock areas and any disturbed soils will be stabilized with loam and an orchard grass and clover seed mix. None of the proposed activities are proposed within the 100-foot buffer zone, and therefore no filing will be made with the Conservation Commission.

In an effort to control any erosion or sedimentation, the overall area of disturbance will be surrounded by an erosion control barrier, as is customarily proposed in more sensitive areas, and will be of the type commonly requested by the Harvard Conservation Commission (see detail). These barriers will be placed prior to any construction and will remain in place until the disturbed areas are fully restored and stabilized. Other runoff controlling measures were considered for this site but were found not to be in the best interest of the Erosion Control bylaw. For example, grassed swales are often used to redirect flows away from more sensitive areas. In this natural setting, the paddock area promotes sheet flow of runoff toward the north and east. As any flows reach the easterly

DAVID E. ROSS ASSOCIATES, INC.

6 Lancaster County Road P.O. Box 795 Harvard, Massachusetts 01451

978-772-6232 FAX 978-772-6258

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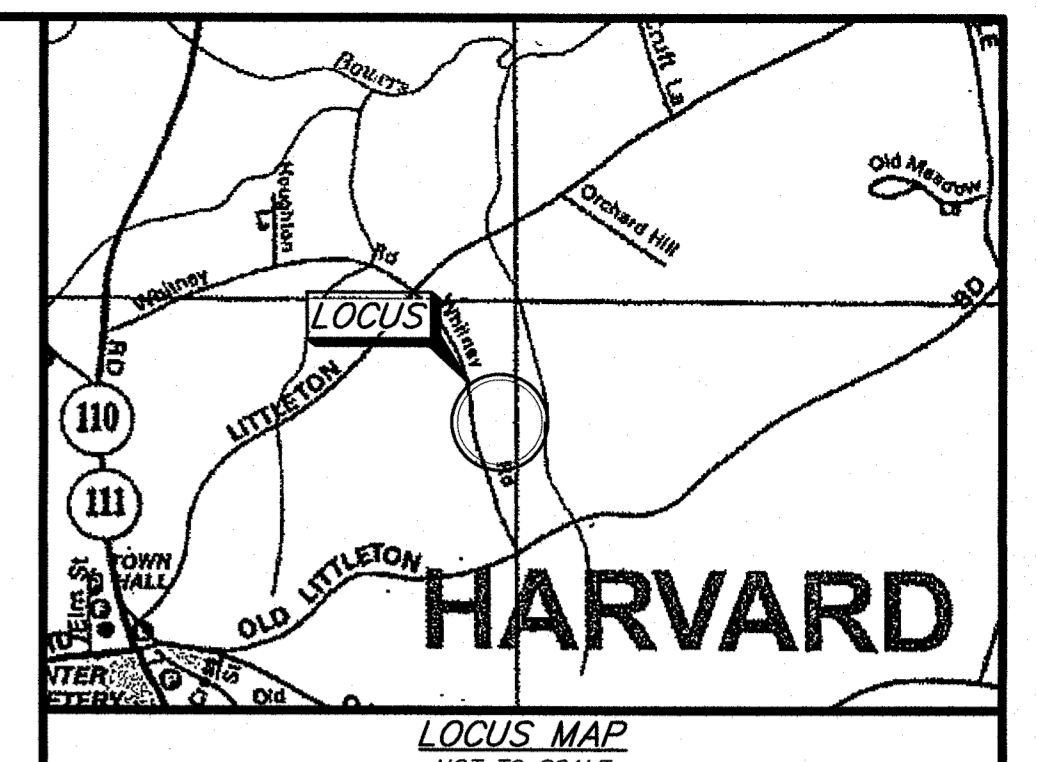
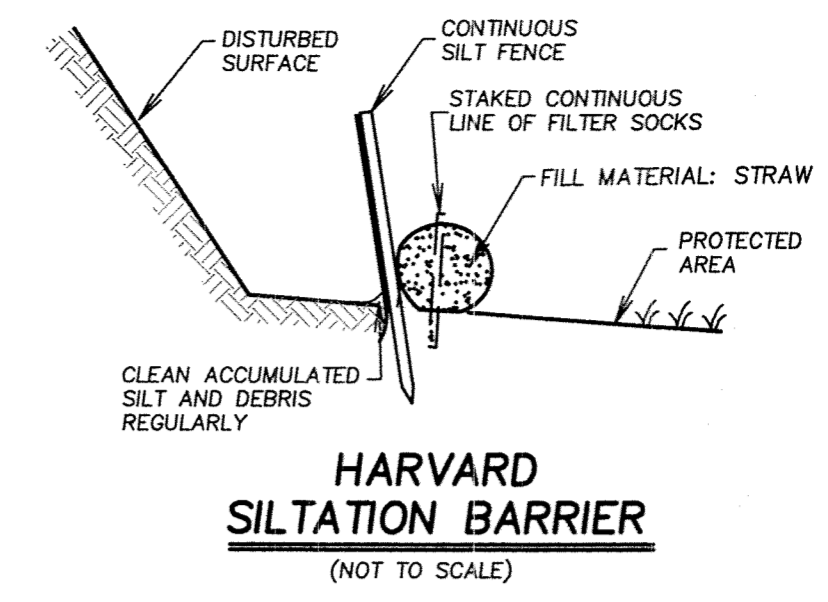
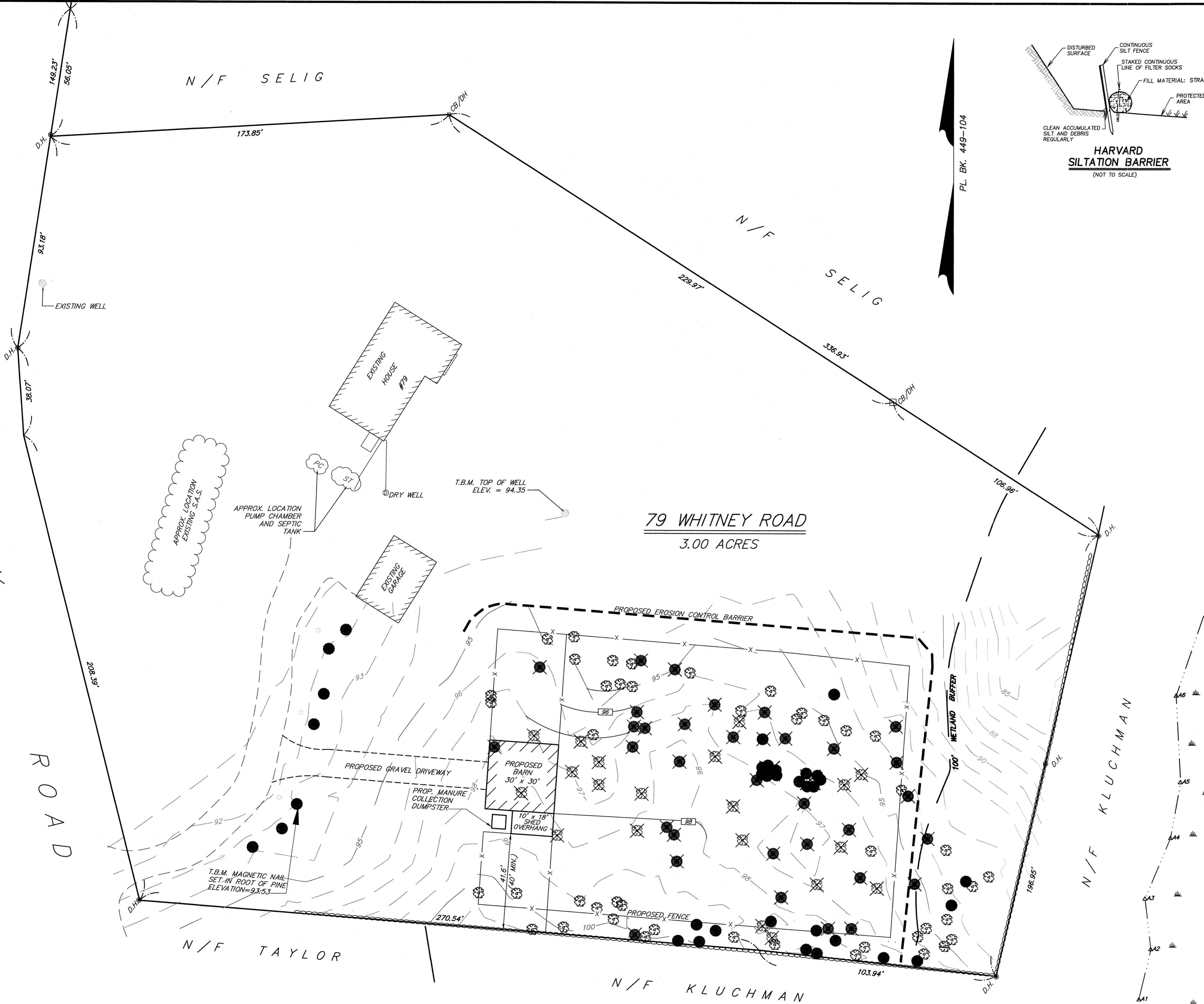
boundary, a natural swale, found northeast of the paddock, will guide runoff to the north and northeast. This natural flow path would be more favorable than channelizing flows with swales along the outer edge of the paddock and thus possibly creating greater flow velocities toward the resource areas, found off-site.

It is our belief and representations that the proposed construction and land disturbance described will not result in any significant erosion and sedimentation of the property or surrounding areas. The erosion control measures employed will be adequate for the project intensity and will remain until all areas have been fully stabilized.

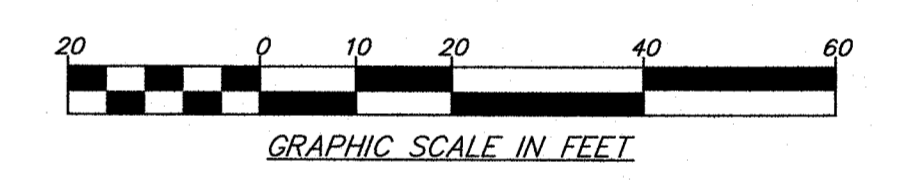
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- LEGEND**
- WELL
 - TREE CONIF.
 - TREE DECID.
 - TREE TO BE REMOVED
 - LIGHT POST
 - WETLAND FLAG
 - WETLAND
 - EDGE OF WET
 - ELEVATION



PROPERTY LINES TAKEN FROM A PLAN ENTITLED 'LAND IN HARVARD, MASS., SURVEYED FOR ANTONETTE C. SERELLI' DATED MARCH 1970 BY CHARLES A. PERKINS CO., INC. AND RECORDED AT THE WORCESTER NORTH REGISTRY OF DEEDS IN PLAN BK. 449-PLAN 104.



SURV.: SPM	CALC.: SPM	DRAFT: PJT
NR: 843-49	DEED: 51294-137	CHECK: DBW

REVISIONS

DANIEL B. WOLFE
CIVIL ENGINEER
No. 36523
REGISTERED
3-27-23

SHEET TITLE: **SITE PLAN**

DESIGNED FOR: **MYA POE**

ADDRESS: **79 WHITNEY ROAD HARVARD, MA**

LOT NO.: LOT 1 & PARCEL C	ASSESSOR MAP: 17B	ASSESSOR PARCEL: 18
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DAVID E. ROSS ASSOCIATES, INC.
CIVIL ENGINEERS - ENVIRONMENTAL CONSULTANTS
LAND SURVEYORS - LANDSCAPE ARCHITECTS

111 Fitchburg Road
P.O. Box 368
Ayer, MA, 01432-0368

978-772-6232
FAX 978-772-6258
www.davidross.com

SCALE: 1"=20' DATE: MARCH, 2023
REF.: -- PLAN NO.: L-14655
JOB NO.: 31180 SHEET NO.: 1 of 1

OFFICE OF THE
CONSERVATION COMMISSION

13 AYER ROAD HARVARD, MA 01451

978-456-4100 EXT.321

www.harvard-ma.gov



MEMORANDUM

DATE: March 30, 2023

TO: Planning Board

FROM: Liz Allard, Conservation Agent

A handwritten signature in black ink, appearing to be "Liz Allard", is written over the name in the "FROM" field.

RE: Erosion Control Application – 79 Whitney Road

The above-mentioned location, along with the application has been reviewed for compliance with §125-58 Erosion Control Bylaw and §§133-40 Review Standards. It would be my recommendations the following conditions be included within the decision made by the Planning Board:

- 1) Erosion Control Permit and approved plans shall be posted at the work site over the duration of site disturbance, construction, and post-construction cleanup;
- 2) No activities shall commence without receiving and complying with an Erosion Control Permit issued pursuant to §125-58;
- 3) Understory vegetation beneath the drip line of preserved trees shall also be retained in an undisturbed state. During clearing and/or construction activities, all vegetation to be retained shall be surrounded by temporary protective fencing or other measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Barriers shall be large enough to encompass the essential root zone of all vegetation to be protected.
- 4) Siltation barrier shall be the limit of clearing and grading;
- 5) Topsoil, gravel, or other construction or landscaping materials shall not be stockpiled in areas of protected trees, wetlands, and/or their vegetated buffers;
- 6) Erosion and sedimentation controls shall be constructed in accordance with §§147-16A(1) Code of the Town of Harvard;
- 7) Erosion control measures shall include the use of erosion control matting, silt fencing, silt sacks, mulches, and/or temporary or permanent cover crops as may be most appropriate for the area. Erosion control measures damaged from heavy rainfalls, severe storms, and construction activity shall be repaired immediately;
- 8) Siltation barrier shall be inspected by the Conservation Agent prior to the commencement of activity;
- 9) A minimum of four (4) inches of topsoil shall be placed on all areas subject to land disturbance which are proposed to be planted;
- 10) Finished grade shall be no higher than the trunk flare(s) of trees to be retained; and
- 11) The siltation barrier shall not be removed until approval is provided by the Conservation Agent.

OFFICE OF THE
PLANNING BOARD

13 AYER ROAD HARVARD, MA 01451

978-456-4100

www.harvard-ma.gov



To: Lynn Kelly, Town Clerk
Harvard Town Hall
13 Ayer Road
Harvard, MA 01451

MARCH 21, 2023

HARVARD PLANNING BOARD

NOTICE OF DECISION ON APPLICATION OF

**AIROSMITH DEVELOPMENT, INC. AS AGENT
FOR SBA COMMUNICATIONS AND
DISH WIRELESS L.L.C.**

FOR A SPECIAL PERMIT

**60 OLD SHIRLEY ROAD
HARVARD, MA 01451
ASSESSORS MAP 8 – PARCEL 70T
WORCESTER REGISTRY OF DEEDS
BOOK 21937, PAGE 286**

The applicant, Airosmith Development, Inc., as Agent for SBA Communications and DISH Wireless L.L.C, submitted a request for a Special Permit under the “Code of the Town of Harvard”, §§125-27, and 125-46 of the Protective Bylaw, filed with the Town Clerk on February 9, 2023. At this time, the applicant proposes to add three (3) new antennae to its facilities on the communications tower located 60 OLD SHIRLEY ROAD.

I. All provisions of the decisions remain in place except as modified herein.

Plans and Documents Submitted in Support of the Application

The Applicants submitted the following plans documents, which together with Public Hearing testimony, provide the basis for this decision.

1. "Special Permit Application Package", dated and received by the Town Clerk on February 21, 2023, including:
 - a. Cover letter / narrative dated February 2, 2023 from Atty. David Bass, of Airosmith Development, Inc., 318 West Ave., Saratoga Springs, NY 12866, as Agent for SBA Communications and DISH Wireless.
 - b. Application to the Harvard Planning Board
 - c. Certified List of Abutters dated February 13, 2023
 - d. A Removal Bond in the amount of \$25,000 from RLI Insurance Company to guarantee the maintenance, replacement, removal, or relocation of the equipment.
 - e. Power of Attorney
 - f. Check #2173348 made payable to the Town of Harvard in the amount of \$1,500.00
 - g. Structural Analysis Report dated May 25, 2022 for a 100.0 foot – monopole tower at the 60 Old Shirley Road site.
2. Input from Harvard Town Boards/Departments:
 - a. No comments on the proposal
3. Consultant Reviews: None
4. Legal Notices Advertised and Mailed to Abutters:
 - a. A copy of the Legal Notice advertising the Public Hearing to be held on the application on Monday, MARCH 20, 2023. The advertisement appeared in the "The Harvard Press" on March 3 & 10, 2023 in compliance with MGL covering such public notice.
 - b. An Affidavit of Mailing to Abutters dated MARCH 2, 2023 endorsed by the Town Clerk.

The Planning Board opened the public hearing on the application for a Special Permit on MARCH 20, 2023 and closed the hearing April 3, 2023. The application was presented by Atty. David Bass of Airosmith Development, Inc., as Agent for SBA Communications and DISH Wireless L.L.C., as the Applicant. The Board received no public input at the hearing or by correspondence prior to the close of the hearing. After the close of the hearing, the Planning Board completed its deliberations and voted to **GRANT** the Special Permit with conditions.

FINDINGS

The Harvard Planning Board makes the following findings with respect to the Application:

1. This Special Permit is granted in harmony with the provisions set forth in Article 1, §125-1, Purpose, of the Harvard Protective Bylaw.
2. There will be no storage of fuels or hazardous materials on the premises.
3. The granting of a Special Permit will be in compliance with the Protective Bylaw §125-46C(1) and:
 - a. will not result in substantial increase of volume or rate of surface water runoff to neighboring properties and streets, will not result in substantial danger of pollution or contamination of the ground water supply, a ground water absorption area, a well, pond, stream, watercourse, W district, or inland wetland. All surface water runoff resulting from the construction of the facility will be retained within the lot in which it originates;
 - b. will result in no substantial increase in traffic on any residential street in proximity to the premises; and
 - c. will be in harmony with the general purpose and intent of the Bylaw.
4. The Applicant has submitted all materials in compliance with §125-27.
5. The new antennae will be mounted at the appropriate height and will not increase the height of the tower. The new ground equipment will still be contained within the existing fenced lease area and will not increase the overall size of the facility.
6. SBA Communications, a developer of communications facilities, maintains the tower at 60 Old Shirley Road pursuant to a lease from the property owner, the 2017 Setzco Realty Trust. The tower is in the Wireless Communications Towers Overlay District (WCTOD).

Conditions and Limitations on Exercise of Special Permit

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

- a. the change is consistent with the Findings above;
 - b. the change does not reduce a requirement of the Bylaw; and
 - c. the change does not prejudice the interests of anyone entitled to notice of the hearing on the Permit.
1. The project shall remain in accordance with the plans approved by the Planning Board with a revision date of March 18, 2022.
 2. The antennas shall be maintained and camouflaged in accordance with the approved plans. Any dropped / missing fronds shall be reinstalled.
 3. The antennas shall be painted to match the color of similar equipment on the stealth tree. Placement of antennas on the tower shall not disturb the "stealth" appearance of the tower.

4. The Grantee shall maintain the bond submitted with the application as required by §125-27H(2) to assure the Special Permit holder's compliance with its obligations in the event that the holder ceases to use the tower and to remove parts owned by the Permit holder and all accessory equipment/structures so owned.
5. The Grantee shall file with the Building Commissioner and the Board an annual certification demonstrating continuing compliance with the standards of the Federal Communications Commission and the American National Standards Institute.
6. The Grantee shall provide prior written notice to the Building Commissioner and the Board in the event of a change or increase of use of the tower or the Grantee's facilities on and at the tower, change of Grantee, or cessation of use on and at the tower. Any change in use or increase in the intensity of use of the tower shall require a new Special Permit.
7. The term of the Permit is for five (5) years from the expiration of the twenty-day appeal period after the filing of the decision with the Town Clerk pursuant MGL Chapter 40A, Section 17. All provisions of the Permit shall be binding on the Grantee, its successors, or assigns.
8. The Grantee shall remove all its installation(s) on the tower and all related accessory equipment/structures when there is a cessation of use for a period of at least one year, and/or one year following expiration of the Permit, unless renewed.
9. The Grantee shall furnish current actual cost information for its installation and ground equipment in a form satisfactory to the Board and Board of Assessors, for the purposes of tax assessment. The value of site improvements and structures, including the antennas and equipment, shall be included.
10. The Grantee (and its designee) shall run the generator necessary to test its equipment between 10am and 4pm.
11. The tower and ground equipment will be contained within the fenced lease area and will not increase the overall size of the facility. Fence and gates will be repaired and maintained to keep area safe and secure.
12. Grantee shall comply with all conditions of this Permit prior to commencement of operation.

ACTION OF THE PLANNING BOARD-DECISION

Therefore, as of April 3, 2023 by a vote of five (5) to zero (0) of the Planning Board members eligible to vote, the Board hereby **GRANTS** to the Applicant a Special Permit Approval under Sections 125-27 and 125-46 of the Bylaw allowing the Special Permit for the collocation of antennae, ancillary equipment and ground equipment as per plans for a new carrier on an existing wireless communications facility at 60 Old Shirley Road, Assessors Map 8, Parcel 70 T, subject to the conditions and limitation contained herein.

This decision is not valid until after it has been certified with respect to an Appeal by the Harvard Town Clerk, as provided in MGL, Chapter 40A Section 11, and a copy as certified has been recorded in the Worcester Registry of Deeds.

An Appeal of this decision may be made pursuant to MGL Chapter 40A Section 17 within twenty (20) days after the decision is filed with the Town Clerk.

Richard S. Cabelus, Chair

Stacia Donahue

Brian Cook

Arielle Jennings

Doug Thornton

TO WHOM IT MAY CONCERN:

I hereby certify the twenty (20) day appeal period on this decision has expired, and no appeals have been filed with this office.

Signed: _____
(Asst.) Town Clerk

Date

Print: _____

DRAFT

**HARVARD PLANNING BOARD
MEETING MINUTES
NOVEMBER 28, 2022**

Chair Richard Cabelus called the meeting to order at 7:01pm virtually, 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, and under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

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

Others Present: Frank O'Connor (Director of Planning), Liz Allard (Land Use Administrator), Brie Jones (Land Use Administrative Assistant), Franklin Carlson, Erin McBee (Select Board liaison), Nat Beale, Kerri Green, Five Sparks Harvard, Christiane Turnheim, Joan Eliyesil (Harvard Press), Scott Hayward, Matt Varrell, Valerie Hurley (Harvard Press), Mark Lanza (Town Counsel), Wade Holtzman, Kara McGuire Minar and Gwen Leonard

Protective (Zoning) Bylaw Amendments Hearing. Opened at 7:00pm (see page 2 for complete details)

Adjournment

Donahue made a motion to adjourn the meeting at 9:46pm. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; and Cabelus, aye.

Signed: _____ Liz Allard, Clerk

EXHIBITS & OTHER DOCUMENTS

- Planning Board Agenda November 28, 2022
- Warrant Article, unnumbered §125-7 Agricultural uses
- Accessory entertainment activities, Adopted in part N.J.S.A. 54:4-23.1
- Warrant Article, unnumbered §125-59 Town Center Overlay District

54 **Harvard Planning Board**

55

56 **Protective (Zoning) Bylaw Amendments Hearing**

57

58 **November 28, 2022**

59

60 The public hearing was opened at 7:00pm by Chair Richard Cabelus under MGL Chapter 40A the Zoning
61 Act and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually pursuant to Chapter
62 107 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the
63 State of Emergency, and signed into law on July 16, 2022

64

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

67

68 **Others Present:** Frank O'Connor (Director of Planning), Liz Allard (Land Use Administrator), Brie Jones
69 (Land Use Administrative Assistant), Franklin Carlson, Erin McBee (Select Board liaison), Nat Beale, Kerri
70 Green, Five Sparks Harvard, Christiane Turnheim, Joan Eliyesil (Harvard Press), Scott Hayward, Matt
71 Varrell, Valerie Hurley (Harvard Press), Mark Lanza (Town Counsel), Wade Holtzman, Kara McGuire Minar
72 and Gwen Leonard

73

74 This hearing is for Amendments to the Code of the Town of Harvard, Chapter 125 Protective (Zoning)
75 Bylaw as detailed below.

76

77 **Amend Section 125-7 Agricultural uses**

78 Erin McBee, Select Board liaison to the Planning Board, explained zoning bylaws state what is allowed
79 within each community, with agricultural uses having specific allowances. Currently entertainment is not
80 an allowed use under agriculture. The proposed provision to the Town's Protective (zoning) Bylaw will
81 allow entertainment as an accessory use under agriculture. The Select Board has been issuing
82 entertainment licenses for lands under agriculture that may have not been legal to do so. McBee
83 indicated there has been a lot of confusion over pouring and liquor licenses and how it relates to
84 entertainment use. Town Counsel Mark Lanza explained the differences between an activity and event;
85 an event, such as a graduation party, at a private resident that is serving alcohol to invited guest and not
86 the general public is considered an accessory use, that is not regulated by the Protective Bylaw. On a farm
87 it is not typical to have entertainment, therefore it is considered an accessory use if allowed under the
88 Protective Bylaw. Conducting events or providing entertainment for greater than 30-days/year could be
89 considered a commercial use. Attorney Lanza suggested entertainment be defined within the Protective
90 Bylaw. McCormack asked why 30-days? Attorney Lanza explained it is a general guide the State uses as a
91 cutoff point as being a temporary use. McCormack asked if liquor licenses would be discussed this
92 evening. Attorney Lanza stated the legal definition of entertainment may or may not include alcohol,
93 therefore we may talk about tonight. Attorney Lanza stated it is possible that an event could occur that
94 does not have entertainment and/or alcohol and therefore would not require a license; but that is not
95 within the scope of this zoning bylaw amendment.

96

97 When asked Attorney Lanza explained the differences between commercial agriculture and a hobby farm
98 as defined within Massachusetts General Laws, Chapter 40A §3, which contains specific thresholds for
99 commercial agriculture. Minar stated those thresholds are low with the need to have a minimum of five-
100 acres and receipts of \$500.00 in sales; what if someone wants to hold a class on making kombucha, how is
101 this regulated and brought out in the daylight as a business. Attorney Lanza stated these types of activity
102 are not currently regulated, as there are a number of activities that are under the guise of commercial
103 agriculture that are not regulated and often leads to litigation.

104

105 McCormack asked again if liquor licenses would be discussed this evening, because it would change the
106 flavor of the conversation. Attorney Lanza stated its fair to say the meaning of entertainment includes

107 alcoholic beverages. Attorney Lanza stated if you were to ask if this amendment passes could alcoholic
108 beverages be one of the activities that could be allowed as part of an entertainment license, then the
109 answer would be yes. McCormack asked if that would comply with §12 of MGL Chapter 138? Attorney
110 Lanza stated if the license was obtained from the Select Board. McCormack stated §12 is specific to
111 restaurants, hotels, taverns, and war veteran's clubs; it does not say for other venues; he is just trying to
112 clarify that. Attorney Lanza stated there is a license for single events. McCormack stated which is under
113 §14 limiting it to 30-days/year. Attorney Lanza asked if McCormack was wondering if on a farm you could
114 have entertainment more than 30-days/year. McCormack stated yes. Attorney Lanza stated the answer to
115 that question is no. Attorney Lanza continued by saying the State regulates liquor licenses; it is the State
116 and not the Town that has the final word on the issuance of a liquor licenses; only the Select Board has
117 the ability to issue an entertainment license that could or could not include alcohol. Cabelus asked in the
118 process of obtaining a liquor license from the Select Board the proposed language with §3 of Chapter 125-
119 7A would not assume that? Attorney Lanza stated that was correct; a separate license for alcohol would
120 be required from the Select Board. Cabelus asked if the word entertainment should be stricken from the
121 language to eliminate confusion between an activity and event. Attorney Lanza stated that depending on
122 the number of times an activity occurs will define it as an event or activity. As it pertains to accessory
123 uses, Cabelus wondered if there was any value in having definition within this provision. Attorney Lanza
124 had no opinion, but confirmed there should be a definition for entertainment. McCormack stated §125-2
125 has a definition for accessory.

126
127 Donahue wanted to know the reasoning behind the amendment. McBee stated entertainment is not
128 allowed currently within the Agricultural-Residential District, by including it within §125-7 Agricultural
129 uses the Select Board can rightfully issue an entertainment license. Attorney Lanza explained the Select
130 Board could issue 1-day entertainment licenses as an accessory use, but once you exceed 30 1-day
131 licenses in a year it is no longer considered an accessory use because 95% of the time entertainment
132 include alcohol.

133
134 Cook stated the more he listens to this discussion the more confused he is by why this amendment is
135 being done. Attorney Lanza stated rather than leave the ability to provide entertainment on properties
136 under agricultural use vague this amendment would allow it as an accessory use to the agricultural use.
137 Cook feels as written the amendment is weak and would fail at Town meeting without addressing the
138 concerns, such as adding a definition for entertainment or the types of licenses, those that include alcohol
139 and that do not.

140
141 Donahue clarified that if entertainment is not added as an accessory use, then entertainment on farms
142 would not be allowed at all moving forward. Attorney Lanza stated that was correct, unless it was a
143 private event. When asked, Attorney Lanza clarified the 30-day threshold on liquor licenses; 30-days is
144 the tipping point from special events to being a commercial endeavor.

145
146 Kerri Green, 102 Oak Hill Road, stated up until this point the Town of Harvard has issued 1-day
147 entertainment licenses to all sorts of groups, like the Lions Club, which probably include pouring licenses.
148 Green asked if what is being said is that even a 1-day entertainment license issued 30 times annually is
149 not allowed under zoning? Attorney Lanza stated it is unclear, as a Zoning Enforcement Office could
150 challenge the language as not being clear, so why leave it to be challenged, spell it out, say it is an
151 accessory use. Green asked if issuing an annual entertainment license to a farm be considered accessory?
152 Attorney Lanza stated no, by the definition of accessory it would not, as an accessory use is one that
153 occurs less than the primary use. Green wanted to be clear that the Select Board could issue an annual
154 entertainment license to farms, if this amendment passes. Attorney Lanza if the amendment passes Town
155 meeting, yes. Green express great concern over the process of amending the bylaw; she understands the
156 desire to assist farms in Harvard, and fully support opportunities for supplemental income, but does not
157 see the need to rush this amendment through. Green stated everyone here is confused, including the
158 Select Board members that are here. Green stated we need to do this right by slowing this process down.
159

160 Christiane Turnheim, Good Spirit Farm, 106 East Bare Hill Road, was in support of what Green has to say.
161 Turnheim too is more and more confused on how the amendment will impact Harvard. There should be
162 more information on what the impacts will be on Harvard by allowing entertainment in a district that is
163 mostly residential. In addition, there needs to more information on what type of entertainment would be
164 allowed.

165
166 McBee asked Attorney Lanza if an annual license could be for every day of the year. Attorney Lanza
167 responded yes. McBee followed up with asking if the 30-day threshold was on alcohol. Again, Attorney
168 Lanza responded yes. McGuire asked for additional clarification to the length of entertainment licenses,
169 to which Attorney Lanza stated entertainment licenses could be up to 365 days/year.

170
171 Gwen Leonard, 53 Woodchuck Hill Road, stated this is a tough issue that needs broader exploratory time,
172 this is a great start, but needs more time to avoid unwanted circumstances. Leonard would love to see a
173 noise ordinance.

174
175 Green provided an overview as to how this amendment came about; should this pass at Town meeting
176 she would love to see an amendment to the language that would protect abutting farms. Green
177 wondered at what point will activities and events become more important than abutting farm activities.
178 Green noted Westward Orchards has over 120-acres under an Agricultural Preservation Restriction that
179 will forever be farm land. A bylaw amendment should be for all of Harvard not just one farm in Town.

180
181 Wade Holtzman, 104 Bolton Road, mentioned the museum bylaw that was created for Fruitlands and
182 wondered if something similar could be created for a specific entity. Attorney Lanza stated it could not.

183
184 Franklyn Carlson, Carlson Orchard, 115 Oak Hill Road, stated the reason we are here is because Carlson's
185 Orchard was told we need an entertainment license for someone playing a guitar.; places in Town Center
186 were allowed annual licenses and we were told this is how we could get an annual license; at least this is
187 what he believes.

188
189 Rene Turnheim, 106 East Bare Hill Road, Good Spirit Farm, asked if it is known how many farms have
190 received an entertainment license; it is his understanding the need is limited to a single farm. In response
191 to the number of licenses, Allard stated the Select Board, as the issuers of those licenses, would have
192 those numbers. McBee stated a handful of annual licenses have been issued. Ms. Turnheim stated
193 information provided by the Select Board were not for farms, but business or organizations in Town.

194
195 Cook reiterated the amendment before the Planning Board was not developed by the Planning Board.
196 Cook agrees with comments made about the need for more thought and fairness in creating this
197 amendment. McCormack agreed Cook and added that if this was to be brought to Town meeting as-is it
198 would fail and needs lots of clarification. Cabelus stated the intermingling of entertainment and pouring
199 license is causing a lot of confusion. Thornton suggesting waiting for a response from the Select Board
200 pertaining to the letter the Planning Board sent to them highlighting the concerns with the amendment.

201
202 McBee stated it sounds like the Board would be seeking not only a definition for entertainment, but
203 require a special permit and/or a site plan review as well. Cabelus thinks guardrails within this provision
204 would assist the Select Board when they are doing their separate process of issuing a license(s). Cook
205 stated the amendment needs to define something that not only assist the farmer, but also to in harmony
206 with the neighborhood. Cabelus stated the general consensus of the Board is to include some guardrails,
207 such as the one he found from New Jersey, which he shared. We also must keep in mind the Right to
208 Farm declaration of the Town and any conflicts that may arise from this provision. McBee noted other
209 bylaws from other communities have been shared with the Planning Board.

210
211
212

213 **Add New Section 125-59 Town Center Overlay District**
214 McBee explained this overlay district will allow for entertainment to continue legally within the Town
215 Center. Donahue stated the Planning Board has been discussing creating a Town Center Overlay district to
216 address other issues within the district, which is general made up of pre-existing non-conforming lots and
217 wondered how this would provision affect Planning Board efforts within the Town Center. Donahue
218 suggested changing the name of this overlay district to the Town Center Entertainment Overlay District
219 since it will only affect certain parcel within the center. Attorney Lanza had no legal issue with that
220 request. McBee also saw no issue with that request. Minar agreed as well.
221
222 Cabelus questioned a potential for spot zoning. Attorney Lanza stated it is hard to prove spot zoning on
223 an overlay district as the underlying district is still in effect. Cabelus also wanted to confirm this provision
224 would codify an activity that is already taking place within the district. Both McBee and Attorney Lanza
225 agreed. McCormack asked about noise, parking and the like when entertainment is being provided.
226 McBee stated it is addressed within the entertainment licenses issued by the Select Board.
227
228 Minar wanted to clarify that the Select Board could only provide an entertainment license to those
229 properties shown in blue on the map. That was correct. There was concern about events that occur on
230 the Common, which is now under the management of the Select Board. After discussing all the locations
231 in and around the Town Center that provide some type of entertainment it was agreed the map detailing
232 the district would have to be expanded.
233
234 Holtzman wanted to clarify that areas that are within the district are currently doing something they
235 cannot. That was correct. Does that mean the Lion's Club cannot conduct their events moving forward?
236 That also would be correct and why the map detailing the district needs to be expanded. Holtzman
237 further asked about new business in the district, at which it was explained the only business within the
238 district is the former antique store at the corner of Fairbanks Street and Littleton Road.
239
240 Scott Hayward, owner of the General Store, expressed concern of this amendment not being on the
241 warrant for Town meeting; if not the General Store and Five Sparks will not be able to provide
242 entertainment.
243
244 Nate Beal, 89 Old Shirley Road, asked if the amendment is passed as proposed could the Select Board
245 override the bylaw and issue a 1-day entertainment licenses to those parcels not shown on the map?
246 Attorney Lanza stated technically entertainment is not currently allowed in the district, but traditionally it
247 has been allowed for years, but really it is not allowed.
248
249 Thornton asked for clarification between entertainment and a fund-raising event. Attorney Lanza stated a
250 fund-raising event that is not providing any activity that could be considered if entertainment occurs.
251
252 Donahue made a motion to continue the hearing to December 5, 2022 at 7:45pm. Cabelus seconded the
253 motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton,
254 aye; and Cabelus, aye.
255
256 Signed: _____ Liz Allard, Clerk

**HARVARD PLANNING BOARD
MEETING MINUTES
DECEMBER 5, 2022**

Chair Richard Cabelus called the meeting to order at 7:00pm virtually, 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, and under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

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

Others Present: Frank O'Connor (Director of Planning), Liz Allard (Land Use Administrator), Brie Jones (Land Use Board Administrative Assistant), Erin McBee, Kerri Green, Joan Eliyesil (Harvard Press), Stephanie O'Keefe, Kara McGuire Minar (Select Board member), Mark Mikitarian and Mark Lanza (Town Counsel)

Public Comment

No public comment this evening

Introduction of Brie Jones, Land Use & Building Department Administrative Assistant

Cabelus introduced Brie Jones, the new Land Use & Building Department Administrative Assistant. Jones stated she is in the process in taking in as much information she can and hopes to do so as quickly so she can be a benefit to others.

Board Member Reports

• **Representatives & Liaisons Update**

- **Devens-Harvard Jurisdiction Committee (DHJC)** – McCormack stated the governance of Devens has become frustrating for some of the residents. The DHJC will share the action plan with other stakeholders and ask the Select Board to contact State representatives to better engage MassDevelopment, along with helping the citizens of Devens to have more of a voice. The annual report for Devens is available on the Devens Enterprise Commission website, which includes financials and background on Devens
- **Transportation Advisory Committee (TAC)** – Donahue stated the TAC is updating their charter which will come back to the Planning Board for feedback. TAC was going to apply for a Mass Trails grant to connect into Devens at the end of Old Mill Road, however the Devens Enterprise Commission has seemed to walk away from the proposal, therefore TAC is not applying.
- **Climate Initiative Committee (CIC)** – Donahue stated CIC Will be back before the Select Board tomorrow night for the endorsement of the Climate Action Plan; once approved CIC will be able to apply for grants.
- **Historical Commission** – Cabelus stated the Commission is meeting this week on the wall and fencing being installed at the Harvard Elementary School

• **Community Matters** – None this evening

Approve Minutes

Donahue made a motion to approve the minutes of August 1, 2022 as drafted and November 21, 2022 as amended. Cook seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

Review Multi-Family Map

O'Connor shared the map prepared by Montachusett Regional Planning Commission (MRPC) that details the existing multi-family units within Harvard. O'Connor is working to have the Devens area of Harvard be

53 shaded, as that area is not included with the context of this map. This map will assist in finding a suitable
54 location for the required Multi-family under the MBTA guidelines. Those guidelines require an additional
55 113 units in an area with higher density (15 units/acre), which may not be possible due to the constraints
56 on water and sewer in Harvard. Donahue stated none of the existing multi-family parcels comply with the
57 MBTA regulations. Donahue wonder if the Planning Board (PB) was going to use the MRPC map to codify
58 these parcels as multi-family. McCormack suggested using it as a starting point for building a multi-family
59 zone by identifying parcels that are available for development and determine if any of those parcels are
60 abutting any existing multi-family parcels. Land zoned as multi-family needs to support the highest
61 density within the current bylaw; even if it is currently developed but could have additional units.
62 Jennings agreed with McCormack and wondered if in choosing a site perhaps the PB should consider
63 those that would be able to meet water and sewer requirements. Jennings asked if the PB needed to
64 assess the land for other constraints such as ledge and wetlands. Donahue stated she does not believe
65 that the PB is required to do so, nor would does the PB have the resources or funding to do so. Thornton
66 asked if those who have provided the feedback of not wanting to be part of the program have, they been
67 removed from the map? O'Connor stated no, all parcels have been included on the map. Donahue stated
68 at this point the PB is not looking to put all these parcels within the district, but find a zone that has
69 enough area to accommodate a multi-family parcel. Members of the PB requested the MBTA locations in
70 Ayer, Shirley and Littleton be added to the map.

71
72 **Continuation of Special Permit, Ayer Road Village-Special Permit and Site Plan Review Hearing - Yvonne**
73 **Chern & Wheeler Realty Trust, 203 Ayer Road.** Opened at 7:38pm (see page 3 for complete details)

74
75 **Protective (Zoning) Bylaw Amendments Hearing.** Opened at 7:45pm (see page 4 for complete details)

76
77 **Open Space Residential Development Bylaw Amendment (§125-35 C, H & I)**

78 This item was passed over this evening.

79
80 **Adjournment**

81 Donahue made a motion to adjourn the meeting at 9:22pm. Cook seconded the motion. The vote was
82 unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye;
83 and Cabelus, aye.

84
85 Signed: _____ Liz Allard, Clerk

86
87 **EXHIBITS & OTHER DOCUMENTS**

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- Planning Board Agenda December 5, 2022
 - Warrant Article, unnumbered §125-7 Agricultural uses
 - Accessory entertainment activities, Adopted in part N.J.S.A. 54:4-23.1
 - Letter from Rene and Christiane Turnheim Good Spirits Farm 106 East Bare Hill, Harvard, 01451 Harvard, 12/5/22, Re: Continuation of the Protective (Zoning) Bylaw Amendments Hearing: Amend Section 125-7 Agricultural uses: (3) Accessory entertainment activities and events, provided that a license for such entertainment is obtained from the Select Board.
 - Letter from Chris Green 102 Oak Hill Rd Westward Orchards, Manager
 - Warrant Article, unnumbered §125-59 Town Center Overlay District

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Harvard Planning Board

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

Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road

December 5, 2022

The public hearing was opened at 7:38pm by Chair Richard Cabelus under MGL Chapter 40A the Zoning Act and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually pursuant to Chapter 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

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

Others Present: Frank O'Connor (Director of Planning), Liz Allard (Land Use Administrator) and Brie Jones (Land Use Boards Administrative Assistant)

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

With the Design Review Board is in the process of reviewing this application the applicant's representative has requested a continuance of the hearing to December 19, 2022.

Donahue made a motion to continue the hearing to December 19, 2022 at 8:30pm. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

Signed: _____ Liz Allard, Clerk

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Harvard Planning Board

Protective (Zoning) Bylaw Amendments Hearing

December 5, 2022

The public hearing was opened at 7:45pm by Chair Richard Cabelus under MGL Chapter 40A the Zoning Act and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually pursuant to Chapter 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

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

Others Present: Frank O’Connor (Director of Planning), Liz Allard (Land Use Administrator), Brie Jones (Land Use Administrative Assistant), Erin McBee (Select Board liaison to the Planning Board), Kerri Green, Joan Eliyesil (Harvard Press), Stephanie O’Keefe, Kara McGuire Minar (Select Board member), Mark Mikitarian and Mark Lanza (Town Counsel)

This hearing was continued from November 28, 2022 for Amendments to the Code of the Town of Harvard, Chapter 125 Protective (Zoning) Bylaw as detailed below.

Amend Section 125-7 Agricultural uses

Erin McBee, the Select Board liaison to the Planning Board, stated the information provided by Cabelus at the last public hearing pertaining to a definition for entertainment accessory use, has been shared with the Select Board. McBee requested the public hearing remain open for the Select Board (SB) to discuss comments and concerns raised at the November 28th public hearing at their meeting tomorrow night. McBee reminded everyone the amendment is for entertainment only and not for liquor license. McBee would also like additional time to provide a written responses to the Planning Board letter previously sent to the Select Board.

McCormack stated §§125-7A exempts agricultural uses and its accessory uses from the provisions within §125-20. §125-20 includes restrictions of lighting, noise, and the like for protecting abutters and other neighbors. McCormack feels residents will have a serious concern about noise and parking for events on agricultural properties. McBee stated that is one of the questions that needs more clarification from Town Counsel. Cabelus stated he had a concern similar to McCormack’s in respect to §§123-3, the Right to Farm declaration, which states no license issued here under shall be entitled to the protections afforded pursuant to §§123-3. This echoes some the concerns McCormack has to §§125-20. The Board could consider that §§125-20 could also be exempted from any sort of protection that a license would issue under §§125-7A(3). Cabelus is concerned if an accessory entertainment license was issued someone could say they have all the protection under the Right to Farm where you would be doing things that are accessory of the things that come under the Right to Farm declaration, which would allow you, if you come under that declaration to operate under §§123-3 on holidays, weekdays, and weekends by day or night and shall include attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. The language Cabelus drafted was to ensure the any accessory entertainment license that would be issued under §§125-7A(3) would not come under those protections that would generally be afforded normal agricultural activities under §§123-3. Cabelus thinks McCormack has brought up similar issues that may come up under §§125-20. Cabelus asked McBee to work §§125-20 into the framework as well.

With Town Counsel Mark Lanza now in attendance at the meeting, Cabelus asked if this hearing was not continued, hypothetical, could the Planning Board within 21-days make a finding based on subsequent conversations with the Select Board or does all information to base that recommendation have to be

212 heard at the public hearing. Attorney Lanza stated the bases to make a recommendation, should the
213 Board chooses to make one, is only on what the Board hears and sees during the public hearing. Cabelus
214 asked and Attorney Lanza agreed that the public hearing would need to be continued for the Board to
215 receive any subsequent information.

216
217 Jennings stated she has reviewed the previous hearing and was asking for clarification that if this
218 amendment were to pass that entertainment licenses with an alcohol license would be limited 30-
219 days/year. Attorney Lanza clarified that the 30-day limitation is a State limitation on liquor licenses that if
220 you are exceeding 30-days you need a seasonal or year-round license. How it relates to this amendment is
221 entertainment typical involves alcohol, sometime it does not; the 30-day limitation is not a dividing line
222 between what is or what is not accessory entertainment. Accessory entertainment could go on 365-
223 days/year. Accessory in zoning context is that it is not the main use, it is incidentally to the main use, or
224 associated with the main use and it on the same property as the main use.

225
226 Cook asked what framework is there to define when accessory use is no longer an accessory use? Cabelus
227 read his suggested definition. Cook wonder how that is evaluated when a third-party entity is running an
228 event on a farm compared to a small farm. McBee does have all the data in front of her so she cannot
229 answer when activities at Carlson's would no longer be considered accessory. Cabelus asked
230 hypothetically if this amendment passes what criteria will the Select Board impose when issuing a license.
231 McBee stated the question would be are they still functioning as a farm by producing a product then the
232 activity would be accessory, should those function cease, it would definitely not be accessory. Previous
233 Agricultural Advisory Committee meetings proposed a formula for determining the primary use as a farm
234 that could be incorporated into the Select Board findings for a license.

235
236 Jennings asked about the protection of abutters around farms; when applying with the Select Board does
237 the Select Board consider the affects it may have on the neighborhood and allow the public the ability to
238 voice their concerns during the process? McBee stated that those things are discussed and she wants
239 everyone to be heard. McBee explained this bylaw is for a use and not to provide the safeguards that the
240 Select Board would use during their license process. If the Planning Board want those same safeguards
241 within the bylaw, then a Special Permit would be required, which would make this process extremely
242 confusing. The goal of this amendment is to allow entertainment; if it is not allowed then those in Town
243 that have yoga classes or other things on farms would not be allowed to do so.

244
245 Cabelus stated the Planning Board could put in safeguards and the Select Board would still have the ability
246 to include them in the entertainment license as well, true? McBee stated yes and even if there was a
247 Special Permit a license would still be necessary from the Select Board. McBee will share conditions the
248 Select Board have used in past licenses. Cabelus asked about being able to revoke a license; does that
249 language need to be included? Attorney Lanza stated no as it specifically provided for in State law.

250
251 Cabelus read into the record a letter from Christian & Renee Turnheim.

252
253 Kerri Green read a statement from Chris Green.

254
255 Joan Eliyesil, from the Harvard Press, stated she knows this is not about alcohol, but Attorney Lanza stated
256 an annual license would be necessary for events over the 30-day if it is allowed in the AR district; do we
257 know if it is allowed? Attorney Lanza stated it is allowed when entertainment is involved. Attorney Lanza
258 further clarified that an entertainment license and liquor license are two separate licenses, with the liquor
259 license requiring State approval.

260
261 Stephanie O'Keefe, 90 Oak Hill Road, agrees with letters read into the record. O'Keefe stated simply this
262 amendment is being done for one person who already has a liquor license. As an abutter, O'Keefe could
263 be listening to who knows what 365-days a year. Scary to think that the safe bubble her family has
264 created would need to be abandon to find that place somewhere else, which is sad and would not be a

265 simple decision. O’Keefe wondered if licenses were transferable? No according to Attorney Lanza; laws
266 transferring liquor license from one to another would require hearing with the Select Board and State.
267 Attorney Lanza further stated licenses are renewed each year.

268
269 Kara Minar asked if accessory farm stands have been defined? Attorney Lanza stated it has under §§125-
270 7A(2); also under State law farm stands are exempt from certain regulations within zoning. Minar asked
271 what defines a proper use for a farm stand; we are discussing whether or not the apples products
272 purchased from another entity and labeled as a local farm stand, but wouldn’t that apply to other
273 products like dish towels and other things, is that accessory farm stand use? Attorney Lanza states yes
274 and read from §§125-7A(2). The question would have to be asked if they are incidental to the primary use
275 or is it a separate product sale going on.

276
277 Cabelus stated §§125-1 Purpose states “To promote the health, safety, convenience, morals and welfare
278 of its inhabitants...”; he gets concerned personally when there is a lot of conversation about particular
279 entities and particular individuals as this amendment is for the entire Town. Cabelus hopes the Planning
280 Board members remembers this is to promote health, safety, convenience, morals and welfare of its
281 inhabitants and not any particular individual or entity within the Town.

282
283 **Add new section, 125-59 Town Center Overlay District**

284 Donahue had revised the map to include other parcels within Town Center where other public events that
285 include entertainment take place. Additional amendments to the map were made. Donahue will provide
286 a revised map to both the Select Board and School’s Superintendent tomorrow morning.

287
288 Jennings wondered if this proposed overlay district has the same concerns pertaining to noise, parking,
289 and hours of operation as that for an agricultural entertainment license. Cabelus thinks the language has
290 built in to it here as opposed to the agricultural uses above.

291
292 Cook made a motion to continue the hearing to December 5, 2022 at 8:31pm. Donahue seconded the
293 motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton,
294 aye; Jennings, aye; and Cabelus, aye.

295
296 Signed: _____ Liz Allard, Clerk

The Harvard Press
P.O. Box 1
Harvard, MA 01451-0001
+1 9784563700
admin@harvardpress.net
www.harvardpress.com

Invoice

BILL TO

Harvard Planning Board
13 Ayer Road
Harvard, MA 01451

SHIP TO

Harvard Planning Board
13 Ayer Road
Harvard, MA 01451

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
9395	03/20/2023	\$168.00	04/04/2023	Net 15	

DATE	DESCRIPTION	QTY	RATE	AMOUNT
02/10/2023	1x71 LEGAL NOTICE Publication dates: 2/10/23 and 2/17/23; Planning Board virtual public meeting on Feb. 27 to consider the application of Yvonne Chern and Wheeler Realty Trust for development of commercial use buildings	2	84.00	168.00

BALANCE DUE

\$168.00

Ac

21 MAR 2023

The Harvard Press
P.O. Box 1
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Invoice

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13 Ayer Road
Harvard, MA 01451

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13 Ayer Road
Harvard, MA 01451

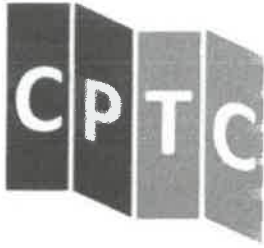
INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
9397	03/20/2023	\$336.00	03/20/2023	Due on receipt	

DATE	DESCRIPTION	QTY	RATE	AMOUNT
03/03/2023	1x7 I LEGAL NOTICE, publication dates 3/3/23 and 3/10/23 Planning Board virtual public hearing on March 20, 2023, to consider the application of DISH Wireless LLC and SBA Communications for a special permit to add a co-locator to a tower	2	84.00	168.00
03/03/2023	1x7 I LEGAL NOTICE, publication dates 3/3/23 and 3/10/23 Planning Board virtual public hearing on March 20, 2023, regarding proposed amendments to Harvard's protective bylaw	2	84.00	168.00

BALANCE DUE

\$336.00

FOC
21. MAR. 2023



Citizen Planner Training Collaborative
c/o Urban Harbors Institute
University Of Massachusetts Boston
100 Morrissey Boulevard
Boston, MA 02125
www.masscptc.org

March 27, 2023

Town of Harvard
Town Hall
13 Ayer Road
Harvard, MA 01451

INVOICE

For the following Town of Harvard registrant to attend the CPTC 2023 Annual Conference:

Frank O'Connor, Director of Planning, \$95.00

Payment Due: Ninety-Five Dollars (\$95.00)

Please make checks payable to CPTC and submit to:

FOC

Citizen Planner Trainer Collaborative (CPTC)
c/o Urban Harbors Institute
University of Massachusetts Boston
100 Morrissey Boulevard
Boston, MA 02125

CPTC Annual Conference 2023

CPTC - Citizen Planner Training Collaborative <no-reply@wufoo.com>

Wed 3/8/2023 11:52

To: Frank O'Connor <FOConnor@harvard-ma.gov>


Dear Frank O'Connor,

Thank you for registering for CPTC Annual Conference 2023 at the Hogan Campus Center, Holy Cross College, Worcester, MA, on 3/18/23. Check in opens at 8 am.

If you chose to pay by check please make checks payable to CPTC and mail it to: CPTC c/o Urban Harbors Institute, UMass Boston, 100 Morrissey Boulevard, Boston, MA 02125.

Cancelation Policy: Registering for the conference is a commitment to attend. Payment is required unless a written cancelation request is received by the CPTC Coordinator at coordinator@masscptc.org by Tuesday, March 14, 2023 at 5:00 p.m. EDT. No refunds will be processed after March 14, 2023.

CPTC Annual Conference 2023

Name *	Frank O'Connor
Email *	FOConnor@Harvard-MA.gov
Address	 13 Ayer Rd Town Hall Harvard, Massachusetts 01451 United States
Municipality or Organization Served *	Town of Harvard – Planning Dept
Position Held *	Other Municipal Position
Fee \$95 *	Check, mail to: CPTC c/o Urban Harbors Institute, UMass Boston, 100 Morrissey Boulevard, Boston, MA 02125
Early Morning Session, 9:15 a.m. –10:45 a.m.	5. Zoning for Multi-family Housing per Chapter 40A Section 3A (The MBTA Communities Zoning Law)
Late Morning Session, 11:00 a.m. –12:30 p.m.	10. Working with MGL Chapter 40B
Afternoon Session, 1:45 p.m. – 3:15 p.m.	13. Introduction to the Zoning Act