

**TOWN OF HARVARD
PLANNING BOARD AGENDA
MONDAY, JULY 17, 2023 @ 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.

Join Zoom Meeting

<https://us02web.zoom.us/j/84716028472?pwd=TnpjTUtDSTY3TlhubERENmxLUE9lZz09>

Meeting ID: 847 1602 8472

Passcode: 640550

One tap mobile

+13092053325,,84716028472# US

+13126266799,,84716028472# US (Chicago)

Dial by your location

• +1 309 205 3325 US

• +1 312 626 6799 US (Chicago)

• +1 646 931 3860 US

• +1 929 436 2866 US (New York)

Meeting ID: 847 1602 8472

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Public Comment

Old Business: a) Prospective MBTA Multi-family zoned district (potential bylaw update) & Draft letter
b) Explanation / discussion of Housing Production Plan
c) Update on 320 Ayer Road Chestnut Tree & Landscaping special permit

New Business: a) Board elections
b) Discuss potential adoption of a new Building / Stretch Code.
c) Request by Envision Homes to store clean fill @ 24 Bolton Road.
d) Comments on potential 40-B development at Old Mill & Ayer roads.

Public Hearings:

7:30pm Open Space Residential Development Bylaw Amendment (§125-35) for adoption.

Standard Business: a) Board Member Reports

• Representatives & Liaisons Update

• Community Matters

b) Approve Minutes

c) Invoices: Housing Consortium / Town of Hudson FY2023 Q4 \$337.50

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 also be brought up for discussion to the extent permitted by law.

NEXT SCHEDULED MEETINGS:

MONDAY, JULY 31, 2023: ANNUAL PLENARY SESSION & MONDAY, AUGUST 7, 2023: REGULAR MEETING

AS

OFFICE OF THE
PLANNING BOARD

13 AYER ROAD HARVARD, MA 01451 PHONE: 978-456-4100 www.Harvard-MA.gov



NAME
ADDRESS
Harvard, MA 01451

DATE 2023

Re: Proposed Zoning modification to make your parcel as Multi-family Overlay District

NAME:

Last year, the Executive Office of Housing and Livable Communities (formerly known as Massachusetts Department of Housing and Community Development) issued compliance guidelines for multi-family zoning districts under §3A of the Zoning Act. As a result, Harvard has been defined as an “adjacent small town” for an MBTA community. This requires that Harvard shall have a zoning by-law that provides for at least one (1) district of reasonable size in which multi-family housing is permitted as of right.

This new law requires that as an MBTA community, Harvard must have at least one zoning district of reasonable size in which multi-family housing is permitted as of right. The district must meet criteria such as a minimum gross density of 15 units per acre, located reasonably close to a commuter rail station, and have no age restrictions and suitable for families with children

Your property at *ADDRESS (GIS map & parcel)* is an excellent candidate to be zoned for this multi-family parcel. However, it is not currently zoned for multi-family housing.

We would like to work with you zone the property listed above to demonstrate compliance with the state’s multi-family housing mandate, creating an overlay district that allows multi-family housing as of right. We would like to make these updates with your support.

Please contact the Director of Planning, Frank O’Connor, in the Planning Department at FOConnor@Harvard-MA.gov with any questions.

All the best,

Richard Cabelus, Chair
Planning Board

cc: Harvard Select Board
Town Administrator
Zoning Board of Appeals

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ARTICLE 34

**AMEND ZONING BYLAW AND MAP
MULTI-FAMILY HOUSING FOR MBTA**

MOTION:

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, and Zoning Map be amended as follows, and further that non-substantive changes to the numbering of this bylaw be permitted to comply with the numbering format of the Code of the Town of Lexington:

- 1) Add rows to the table in § 135-2.2.5 (Overlay Districts) as follows:

VO	Village Overlay
MFO	Multi-Family Overlay
VHO	Village High-Rise Overlay

- 2) In § 135-10.0, add a new definition as follows:

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD)

The Massachusetts Department of Housing and Community Development.

- 3) Add a new § 135-7.5 as follows:

7.5 VILLAGE AND MULTI-FAMILY OVERLAY DISTRICTS.

7.5.1 Purpose. The purposes of the Village Overlay (VO, MFO, and VHO) Districts are:

1. To provide family housing and ensure compliance with MGL c. 40A § 3A;
2. To promote multi-family housing near retail sales and services, office, civic, and personal service uses;
3. To reduce dependency on automobiles by providing opportunities for upper-story and multi-family housing near public transportation such as bus stops, the Minuteman Commuter Bikeway, and major transportation routes;
4. To ensure pedestrian-friendly development by permitting higher density housing in areas that are walkable to public transportation, shopping, and local services;
5. To respond to the local and regional need for affordable housing by permitting a variety of housing types with inclusionary housing requirements;
6. To encourage economic investment in the redevelopment of properties;
7. To encourage residential and commercial uses to provide a customer base for local businesses; and
8. To meet the goals of the housing element of the 2022 Lexington NEXT Comprehensive Plan.

7.5.2 Overlay District. Village and Multi-Family Overlay Districts shall not replace existing zoning districts but shall be superimposed over them. The provisions of this section apply only to developments on a lot located entirely within Village and Multi-Family Overlay Districts where the property owner has elected to comply with the requirements of the Village Overlay District, rather than complying with those of the underlying zoning district.

7.5.3 Procedures and Regulations. Development under this section requires Site Plan Review by the Planning Board under § 9.5. The Planning Board shall adopt regulations to

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facilitate site layout, building design, and outdoor amenity spaces. All site plan review standards applicable to developments under this section shall be consistent with the purposes of this section and DHCD's current *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act* as amended.

7.5.4 Permitted Uses.

1. All developments under this section shall include multi-family housing. All residential uses under this section shall be multi-family housing.
2. Developments may also include nonresidential uses permitted in an underlying zoning district.
3. Where the underlying zoning district is the CB District, at least 30% of the net floor area of the street floor shall be occupied by uses permitted on the street floor in the CB District. No more than the greater of 20% or 20 feet of the frontage on a public way may be dedicated to residential uses.
4. Developments in the VO district may contain nonresidential uses on the street floor and basement to the extent permitted in either the CRS or CB zoning district, except that:
 - a. The following uses are not permitted:
 - i. Medical clinic for outpatient services
 - ii. Motor vehicle sales or rental
 - iii. Sale of fuel, motor oil, or other motor vehicle parts or accessories
 - iv. Cleaning, maintenance, and repair of motor vehicles
 - v. Private postal service
 - b. Nonresidential uses that require a special permit in the CRS or CB District shall require a special permit.
 - c. The development standards for office uses in Table 1 (Permitted Uses and Development Standards), section G.2.0 shall not apply.
5. Accessory uses for residential uses are permitted to the same extent they would be permitted in the RO District.

7.5.5 Dimensional controls. The dimensional controls of § 4.0 are modified as follows for developments under this section:

1. § 4.1.4 (One Dwelling Per Lot) does not apply.
2. § 4.2.2 (Lot Regularity), § 4.2.3 (Lot Area), and § 4.2.4 (Lot Frontage) do not apply to lots with existing buildings.
3. § 4.3.5 (Height of Dwellings Near Lot Lines) does not apply.
4. § 4.4 (Residential Gross Floor Area) does not apply.
5. Nonresidential FAR is not restricted.
6. The minimum required front yard in feet is the lesser of that required in the underlying zoning district or 15 feet, except that where 50% or more of the façade facing the public way is occupied by nonresidential principal uses, no front yard is required. Minimum required front yard areas shall be used as amenity space available for occupants and semi-

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public uses such as landscaping, benches, tables, chairs, play areas, public art, or similar features. Parking spaces are not permitted in the minimum required front yard.

7. The minimum required side yard in feet is the lesser of that required in the underlying zoning district and that shown below:

If Actual Lot Frontage Is	Side Yard Must Be At Least
More than 100 feet	15 feet
More than 75 feet but not more than 100 feet	12 feet
More than 50 feet but not more than 75 feet	10 feet
More than 0 feet but not more than 50 feet	7.5 feet

8. The minimum required rear yard in feet is the lesser of that required in the underlying zoning district and 15 feet.
9. The site coverage is not restricted.
10. Except as noted below, the maximum height in feet of buildings is:

District	MFO	VO	VHO
Height in feet	52	40*	70*

- a. *In the VO District, where at least 30% of the total net floor area of the street floor of the development is occupied by nonresidential principal uses, the maximum height is 60 feet if the nonresidential uses are permitted in the underlying district or 52 feet if the nonresidential uses are not permitted in the underlying district.
 - b. *In the VHO District where at least 50% of the total net floor area on the lot is occupied by nonresidential principal uses permitted in the underlying district, the maximum height is 115 feet.
11. The number of stories is not restricted.

7.5.6 Off-Street Parking and Loading. The provisions of § 5.1 (Off Street Parking and Loading) are modified as follows:

1. The parking factor for dwelling and rooming units is 1 per unit.
2. The parking factor for other uses shall be the same as in § 5.1.4 (Table of Parking Requirements) for the CB District.
3. Developments under this section may provide fewer parking spaces where, in the determination of the Planning Board, proposed parking is found to be sufficient to meet the needs of the development. In making such a determination the Planning Board may develop regulations to evaluate any parking reduction requests to consider complementary uses, proximity to public transportation, proximity to municipal and street parking, transportation demand management (TDM) measures, and shared parking arrangements at the Board's discretion.

7.5.7 § 5.5 (Traffic Standards) does not apply.

7.5.8 § 7.4.4 (Sustainable Design) does not apply.

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- 7.5.9** The provisions of § 5.3 (Landscaping, Transition and Screening) and § 5.3.5 (Required Depth or Width (in feet) of a transition area are modified as follows:
1. Transition areas, as specified under § 5.3.4 (Transition Areas), are required only along the boundary of the Village Overlay Districts (VO, MFO, & VHO) and shall have a depth of five (5) feet.
- 7.5.10** The provisions of § 7.3 (Planned Development Districts) are modified as follows:
1. Notwithstanding § 7.3.2.3 (Compliance Required) and § 7.3.3 (Existing RD and CD Districts), development under this section, development of related accessory structures and improvements, and removal of existing structures and improvements need not conform to a preliminary site development and use plan.
- 7.5.11** Nonconforming Off-Street Parking and Loading. The provisions of § 8.7 are modified as follows:
1. § 8.7.1.2 (Increase in Floor Area) does not apply.
 2. § 8.7.2 (Reconstruction or Replacement of a Building) does not apply.
- 7.5.12** Inclusionary Housing.
1. In any development containing eight (8) or more dwelling units, at least 15% of the dwelling units shall be Inclusionary Dwelling Units with household income limited to 80% of the Area Median Income and eligible for inclusion on the DHCD's Subsidized Housing Inventory. Where a fraction of a dwelling unit is required for this calculation, the amount of required dwelling units shall be rounded down. If DHCD determines in writing that the Town has not shown this 15% requirement to be feasible, at least 10% of the dwelling units in any development containing ten (10) or more units shall be Inclusionary Dwelling Units with household income limited to 80% of the Area Median Income and eligible for inclusion on the Subsidized Housing Inventory.
 2. Inclusionary dwelling units shall be substantially similar in size, layout, parking, construction materials, fixtures, amenities, and interior and exterior finishes to the other dwelling units in the same dwelling.
 3. Inclusionary dwelling units shall be proportionally dispersed throughout the development and not concentrated within particular sections of a dwelling or within particular dwellings.
 4. Occupants of inclusionary dwelling units shall have the same access to common areas, facilities, and services as enjoyed by other occupants of the development including, but not limited, to outdoor spaces, amenity spaces, storage, parking, bicycle parking facilities, and resident services.
 5. The Planning Board, in consultation with the Select Board, the Housing Partnership Board, and the Commission on Disability, may adopt regulations consistent with DHCD's Compliance Guidelines and this section to facilitate equitable size, physical characteristics, location, and access to services for the inclusionary units and the form of required legal restrictions.

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6. Certificate of occupancy. No certificate of occupancy for a dwelling unit in a development permitted under this section shall be issued until the regulatory agreements for any inclusionary dwelling units are recorded.

7.5.13 Playground and Recreation Areas. Any development containing forty (40) or more dwelling units shall provide an outdoor play area or common space appropriate for use by families with children which may include features such as swings, jungle-gyms, slides, tables, chairs, benches, and similar features. Areas shall incorporate universal design standards.

7.5.14 Conditions. The Planning Board may impose reasonable terms and conditions, consistent with the parameters established by DHCD's Compliance Guidelines, to promote these objectives and serve the purposes of this section. Approval may reasonably regulate matters such as vehicular access and circulation on site, architectural design of a building, site design, and screening for adjacent properties. The Board may require a performance guarantee to ensure compliance with these conditions.

4) Amend the Zoning Map to add the following areas shown on maps on file with the Town Clerk to the VO District:

- a. East Lexington
- b. Bedford Street/Worthen Road
- c. Bedford Street/Reed Street
- d. Bedford Street/Bike Path
- e. Marrett Road/Waltham Street
- f. Marrett Road/Spring Street
- g. Concord Avenue/Waltham Street

5) Amend the Zoning Map to add the following areas shown on maps on file with the Town Clerk to the MFO District:

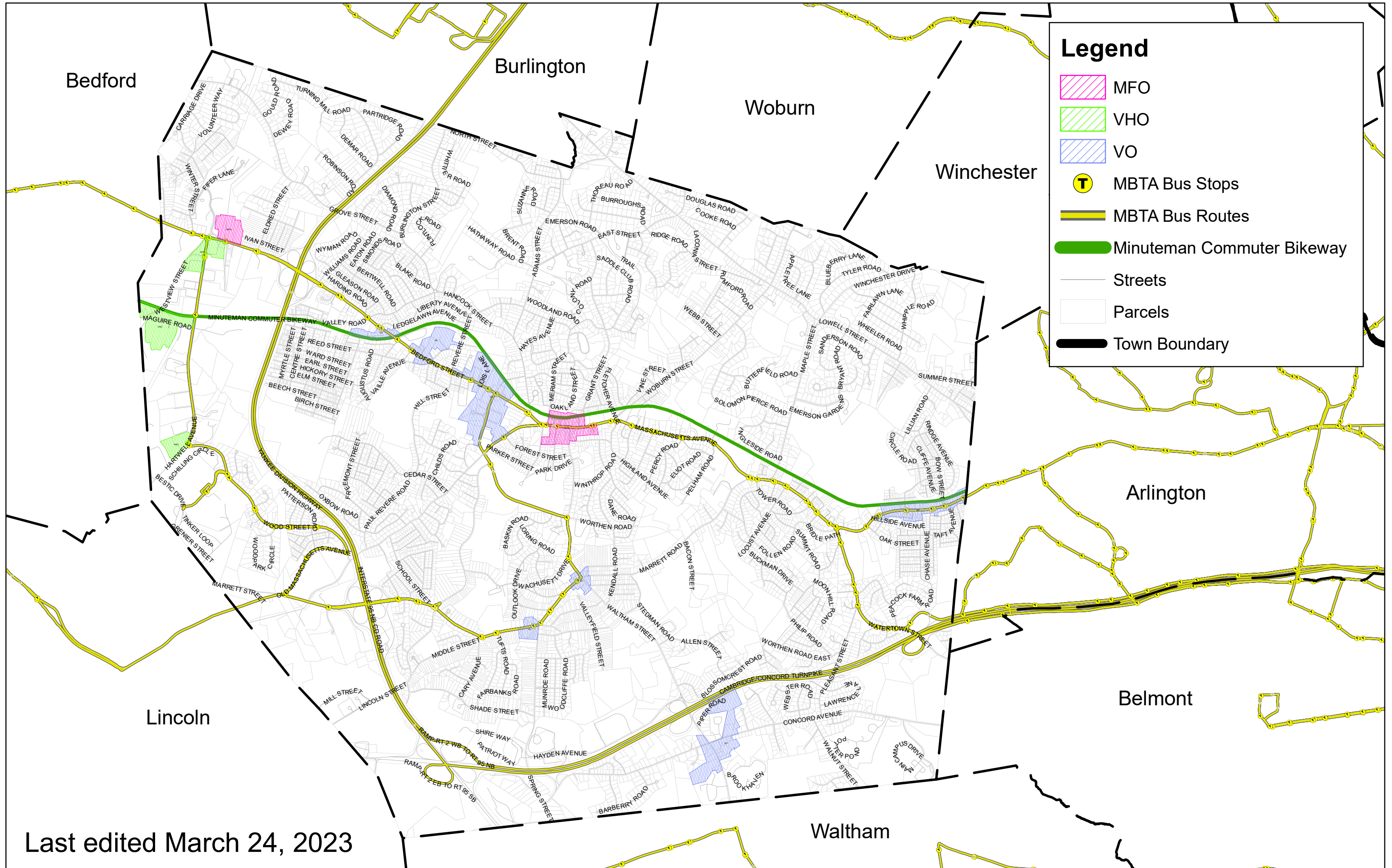
- h. Lexington Center
- i. Bedford Street North

7) Amend the Zoning Map to add the following areas shown on maps on file with the Town Clerk to the VHO District:

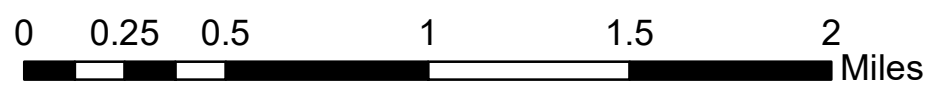
- j. Hartwell Avenue/Westview Street
- k. Maguire Road
- l. Hartwell Avenue/Wood Street

(03/27/2023)

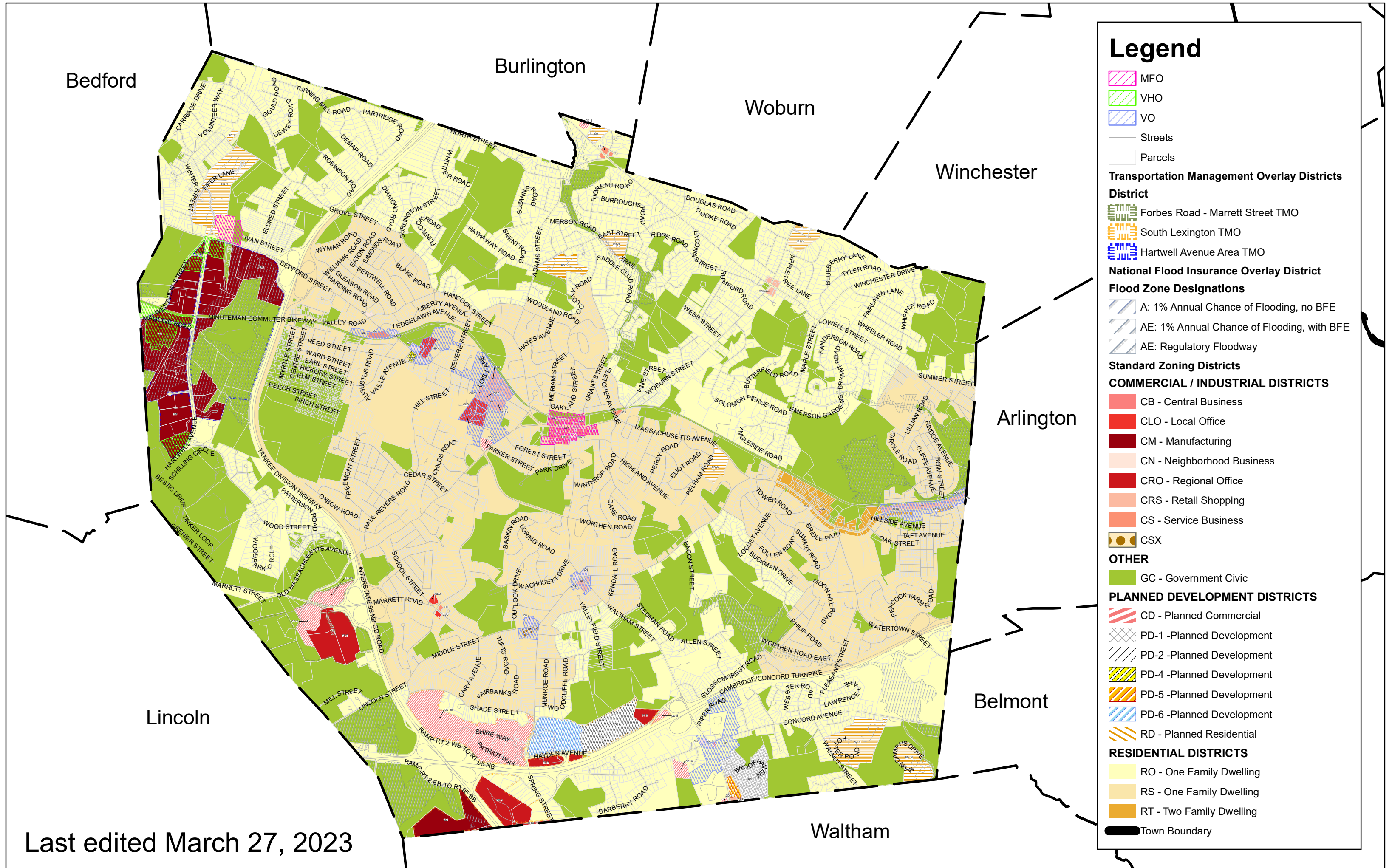
Village & Multi-Family Overlay Districts



Last edited March 24, 2023



Draft 2023 Zoning Map, of the Town of Lexington



Last edited March 27, 2023

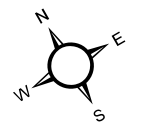
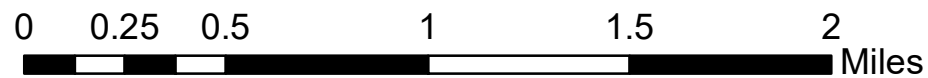


EXHIBIT: ALL PARCELS PROPOSED IN ZONING MAP ARTICLE 34

MFO	VHO	VO		
Map #	Lot #	Site Address	Current Zone	Overlay District
48	23	6 WALLIS CT	CB	MFO
48	24	5 WALLIS CT	CB	MFO
48	25	3 WALLIS CT	CB	MFO
48	22	2-4 WALLIS CT	CB	MFO
48	26	1 WALLIS CT	CB	MFO
48	20	1620 MASSACHUSETTS AVE	CB	MFO
48	38	4 VINE BROOK RD	CB	MFO
48	21	1628 MASSACHUSETTS AVE	CB	MFO
48	27	1640 MASSACHUSETTS AVE	CB	MFO
48	28	1654 MASSACHUSETTS AVE	CB	MFO
48	37	52A-52B WALTHAM ST	CB	MFO
48	30A	1666 MASSACHUSETTS AVE	CB	MFO
48	31	1684-1692 MASSACHUSETTS AVE	CB	MFO
48	35	20 WALTHAM ST	CB	MFO
48	36A	50 WALTHAM ST	CD-12	MFO
48	33	1726 MASSACHUSETTS AVE	CB	MFO
48	34	1734 MASSACHUSETTS AVE	CB	MFO
48	101	1709 MASSACHUSETTS AVE	CB	MFO
48	100	1729 MASSACHUSETTS AVE	CB	MFO
48	102	1707 MASSACHUSETTS AVE	CB	MFO
48	104	4 GRANT ST	CB	MFO
48	99	1733 MASSACHUSETTS AVE	CB	MFO
48	103	EDISON WY	CB	MFO
48	98A	1761 MASSACHUSETTS AVE	CB	MFO
48	97A	1775 MASSACHUSETTS AVE	CB	MFO
48	96	DEPOT SQ	RS	MFO
49	30	73 WALTHAM ST	CB	MFO
49	31B	55 WALTHAM ST	CB	MFO
49	43	20 MUZZEY ST	CB	MFO
49	32	41 WALTHAM ST	CB	MFO
49	42	18 MUZZEY ST	CB	MFO
49	33B	31 WALTHAM ST	CB	MFO
49	66	21 MUZZEY ST	CB	MFO
49	34	27 WALTHAM ST	CB	MFO
49	81	5 RAYMOND ST	RS	MFO
49	35B	25 WALTHAM ST	CB	MFO
49	80	7 RAYMOND ST	CB	MFO
49	40A	14A MUZZEY ST	CB	MFO
49	67	19 MUZZEY ST	CB	MFO
49	35A	1752 MASSACHUSETTS AVE	CB	MFO
49	68	15 MUZZEY ST	CB	MFO
49	183	WALTHAM ST	CB	MFO
49	36	1770 MASSACHUSETTS AVE	CB	MFO
49	39	10 MUZZEY ST	CB	MFO

49	37B	1780 MASSACHUSETTS AVE	CB	MFO
49	69	11 MUZZEY ST	CB	MFO
49	70A	7 MUZZEY ST	CB	MFO
49	37A	1788 MASSACHUSETTS AVE	CB	MFO
49	79	16-16 CLARKE ST	RS	MFO
49	38	1792 MASSACHUSETTS AVE	CB	MFO
49	71	MASSACHUSETTS AVE	CB	MFO
49	73A	1822 MASSACHUSETTS AVE	CB	MFO
49	74	1834 MASSACHUSETTS AVE	CB	MFO
49	11	MASSACHUSETTS AVE	GC	MFO
49	12A	1777 MASSACHUSETTS AVE	CB	MFO
49	76	1844 MASSACHUSETTS AVE	CB	MFO
49	10	13 DEPOT SQ	CB	MFO
49	9	15 DEPOT SQ	CB	MFO
49	8A	1833 MASSACHUSETTS AVE	CB	MFO
49	6	9-11 MERIAM ST	CB	MFO
49	5A	MERIAM ST	GC	MFO
84	1C	459 BEDFORD ST	GC	MFO
84	85A	475 BEDFORD ST	RO	MFO
84	69	476 BEDFORD ST	CM	VHO
84	80A	17 HARTWELL AVE	CM	VHO
84	70A	482 BEDFORD ST	CM	VHO
84	81	7 HARTWELL AVE	CM	VHO
85	17A	1 MAGUIRE RD	CM	VHO
85	11	WESTVIEW ST	CM	VHO
85	16	3 MAGUIRE RD	CM	VHO
85	12	80 WESTVIEW ST	CM	VHO
85	15	10 MAGUIRE RD	CM	VHO
85	3	85 WESTVIEW ST	RO	VHO
85	2	87 WESTVIEW ST	RO	VHO
85	1	0 WESTVIEW ST	RO	VHO
85	5	75 WESTVIEW ST	RO	VHO
85	4	81 WESTVIEW ST	RO	VHO
74	10	125 HARTWELL AVE	CM	VHO
74	6A	131 HARTWELL AVE	CM	VHO
10	18	956 WALTHAM ST	RO	VO
10	19A	952 WALTHAM ST	RO	VO
10	17B	945 WALTHAM ST	RO	VO
10	20	942 WALTHAM ST	RO	VO
10	62	332 CONCORD AVE	RO	VO
10	16	927 WALTHAM ST	RO	VO
10	25	338 CONCORD AVE	RO	VO
10	24	346 CONCORD AVE	RO	VO
10	23	352 CONCORD AVE	RO	VO
10	19B	354 CONCORD AVE	RO	VO
10	21A	922 WALTHAM ST	RO & CD-4	VO
10	15	915 WALTHAM ST	CN	VO

10	14	382 CONCORD AVE	RO	VO
10	31B	331 CONCORD AVE	RO	VO
10	34A	903 WALTHAM ST	CN & RO	VO
10	31A	CONCORD AVE	RO	VO
10	31C	CONCORD AVE	RO	VO
13	1	12 MASSACHUSETTS AVE	CN	VO
13	2	16 MASSACHUSETTS AVE	CN	VO
13	10	32 MASSACHUSETTS AVE	CN	VO
13	11	38-40 MASSACHUSETTS AVE	CN	VO
13	12A	46 MASSACHUSETTS AVE	CN	VO
13	39	62 MASSACHUSETTS AVE	CN	VO
13	40	98-100 MASSACHUSETTS AVE	RT	VO
13	93	104 MASSACHUSETTS AVE	RT	VO
13	94	120 MASSACHUSETTS AVE	RT	VO
13	95	134-136 MASSACHUSETTS AVE	RT	VO
13	96	142 MASSACHUSETTS AVE	RT	VO
13	97	158-160 MASSACHUSETTS AVE	RT	VO
13	98	166 MASSACHUSETTS AVE	RT & RS	VO
13	418	MASSACHUSETTS AVE	CRS	VO
13	99	172 MASSACHUSETTS AVE	RS	VO
13	416	11 MASSACHUSETTS AVE	CRS	VO
13	100A	4 CHARLES ST	RS	VO
13	415B	27 MASSACHUSETTS AVE	CRS	VO
13	327B	MAY ST	RS	VO
13	412	109 MASSACHUSETTS AVE	CRS	VO
13	319	7 BOWKER ST	RS	VO
13	414	55 MASSACHUSETTS AVE	CRS	VO
13	413	93 MASSACHUSETTS AVE	CRS	VO
13	275	198 MASSACHUSETTS AVE	RS	VO
13	318A	11 BOWKER ST	RS	VO
13	381	121 MASSACHUSETTS AVE	CRS	VO
13	327A	18 LISBETH ST	RS	VO
13	411	3 BOW ST	CRS	VO
13	328	15 CLELLAND RD	RS	VO
13	276	214 MASSACHUSETTS AVE	RS	VO
13	320	3 BOWKER ST	RS	VO
13	380A	131 MASSACHUSETTS AVE	CRS	VO
13	277	220 MASSACHUSETTS AVE	RS	VO
13	379A	135 MASSACHUSETTS AVE	CRS	VO
13	326	14 LISBETH ST	RS	VO
13	329	17 CLELLAND RD	RS	VO
13	325	10 LISBETH ST	RS	VO
13	321	250 MASSACHUSETTS AVE	RS	VO
13	335	9-11 LISBETH ST	RS	VO
13	322	262 MASSACHUSETTS AVE	RS	VO
13	331A	19 CLELLAND RD	RS	VO
13	323	280 MASSACHUSETTS AVE	RS	VO

13	324	282 MASSACHUSETTS AVE	RS	VO
13	377A	165 MASSACHUSETTS AVE	CRS	VO
13	334	32 CLELLAND RD	RS	VO
13	337B	284 MASSACHUSETTS AVE	RT, small rear porti	VO
13	376	211 MASSACHUSETTS AVE	CRS	VO
13	338A	286-292 MASSACHUSETTS AVE	RT	VO
13	333	36 CLELLAND RD	RS	VO
13	375	217 MASSACHUSETTS AVE	CRS	VO
13	374	229 MASSACHUSETTS AVE	CRS	VO
13	339	314 MASSACHUSETTS AVE	RT	VO
13	340	320 MASSACHUSETTS AVE	RT	VO
13	372	241 MASSACHUSETTS AVE	CRS	VO
13	341	346 MASSACHUSETTS AVE	RT, rear portion in	VO
13	371	251 MASSACHUSETTS AVE	CRS	VO
13	342	350 MASSACHUSETTS AVE	RT, rear portion in	VO
13	370	267 MASSACHUSETTS AVE	CRS	VO
13	343	356-358 MASSACHUSETTS AVE	RT, rear portion in	VO
13	368	FOTTLER AVE	CRS	VO
13	344	364 MASSACHUSETTS AVE	RT, rear portion in	VO
13	348	CLELLAND RD	RS	VO
13	345	368 MASSACHUSETTS AVE	RT, rear portion in	VO
13	369	275 MASSACHUSETTS AVE	CRS	VO
13	346	378 MASSACHUSETTS AVE	RT, rear portion in	VO
13	347	386 MASSACHUSETTS AVE	RT, rear portion in	VO
13	349	390 MASSACHUSETTS AVE	RT, rear portion in	VO
13	367	301 MASSACHUSETTS AVE	CRS	VO
13	350	400 MASSACHUSETTS AVE	RT	VO
13	351	410 MASSACHUSETTS AVE	RT	VO
13	352	418-420 MASSACHUSETTS AVE	RT	VO
13	353	430 MASSACHUSETTS AVE	RT	VO
13	360	329 MASSACHUSETTS AVE	CRS	VO
13	359	337 MASSACHUSETTS AVE	CRS	VO
13	354	440 MASSACHUSETTS AVE	RT	VO
13	358	343 MASSACHUSETTS AVE	CRS	VO
13	356A	351 MASSACHUSETTS AVE	CRS	VO
13	355	371 MASSACHUSETTS AVE	CRS	VO
13	373	233 MASSACHUSETTS AVE	CRS	VO
13	415A	31 MASSACHUSETTS AVE	CRS	VO
13	417	7 MASSACHUSETTS AVE	CRS	VO
21	12	389 MASSACHUSETTS AVE	CRS	VO
21	11	421 MASSACHUSETTS AVE	CRS	VO
32	13B	429 WALTHAM ST	RS	VO
32	14	407 WALTHAM ST	CRS	VO
32	83	410 WALTHAM ST	RS	VO
32	15	403 WALTHAM ST	CRS	VO
32	82	400 WALTHAM ST	CRS	VO
32	16	324 MARRETT RD	CRS	VO

32	57	311 MARRETT RD	CN	VO
32	55	384 WALTHAM ST	CN	VO
32	56	313 MARRETT RD	CN	VO
32	54	11 GRAPEVINE AVE	RS	VO
32	80+81	396 WALTHAM ST	CRS	VO
33	73	13 SPRING ST	RS	VO
33	72A	15 SPRING ST	RS	VO
33	74	11 SPRING ST	RS	VO
33	75	9 SPRING ST	RS	VO
33	76	7 SPRING ST	RS	VO
33	77	5 SPRING ST	RS	VO
33	72B	SPRING ST	RS	VO
33	78	424 MARRETT RD	CSX	VO
33	79	428 MARRETT RD	CSX	VO
33	80	430 MARRETT RD	CSX	VO
33	81	436 MARRETT RD	CSX	VO
33	82	442 MARRETT RD	CSX	VO
33	83	450 MARRETT RD	RS	VO
33	84	452 MARRETT RD	RS	VO
33	104A	433 MARRETT RD	CN	VO
33	105	419 MARRETT RD	RS	VO
33	103	439 MARRETT RD	RS	VO
33	104B	429 MARRETT RD	CN	VO
33	3	342 MARRETT RD	RS	VO
33	1	336 MARRETT RD	RS	VO
33	266	329 MARRETT RD	CN	VO
33	267	323 MARRETT RD	CN	VO
33	265	335 MARRETT RD	RS	VO
33	268	365-367 WALTHAM ST	CN & RS	VO
5	3	983 WALTHAM ST	RO	VO
5	2	979 WALTHAM ST	RO	VO
5	1	959 WALTHAM ST	RO	VO
56	6C	39 BEDFORD ST	CRS	VO
56	222	33-35 BEDFORD ST	CRS	VO
57	9D	1989 MASSACHUSETTS AVE	RS	VO
57	136	59 WORTHEN RD	RS	VO
57	132	51 WORTHEN RD	CLO	VO
57	4C	32 WORTHEN RD	RS	VO
57	131	2 MILITIA DR	CLO	VO
57	14F	32 BEDFORD ST	CRS	VO
57	133A	4 MILITIA DR	CLO	VO
57	14A	46 BEDFORD ST	CRS	VO
57	130	1 MILITIA DR	CLO	VO
57	134	5 MILITIA DR	CLO	VO
57	129	21 WORTHEN RD	CLO	VO
57	135	3 MILITIA DR	CLO	VO
57	144	45 BEDFORD ST	CRS	VO

57	124A	53 BEDFORD ST	CRS	VO
57	79	60 BEDFORD ST	CRS	VO
57	126	8 CAMELLIA PL	CRS	VO
57	80	74-76 BEDFORD ST	CRS	VO
57	123	69 BEDFORD ST	RS	VO
57	81	80 BEDFORD ST	RS	VO
57	145	3-25 LOIS LN	RS	VO
57	119	81 BEDFORD ST	RS	VO
57	124B	57 BEDFORD ST	CRS	VO
64	157	101 BEDFORD ST	RS	VO
64	161	89 BEDFORD ST	RS	VO
64	158	95-97 BEDFORD ST	RS	VO
64	159	BEDFORD ST	RS	VO
64	156	1 CAROL LN	RS	VO
64	173	3 CAROL LN	RS	VO
64	162	113 BEDFORD ST	RS	VO
64	154	1 REVERE ST	RS	VO
64	65	5 REED ST	RS	VO
64	66	162 BEDFORD ST	CN	VO
64	64	9 REED ST	RS	VO
64	77	159-161 BEDFORD ST	RS	VO
64	63	19 REED ST	RS	VO
64	67	172 BEDFORD ST	CN	VO
64	74A	183 BEDFORD ST	CN	VO
64	73A	185 BEDFORD ST	CN	VO
64	72	187 BEDFORD ST	CN	VO
64	181	175-181 BEDFORD ST	CLO	VO
64	76	171 BEDFORD ST	CLO	VO
64	71	193-195 BEDFORD ST	CN	VO
64	75A	177 BEDFORD ST	CLO	VO
64	70	197 BEDFORD ST	CN	VO
64	98A	11 LARCHMONT LN	RS	VO
71	34	229 BEDFORD ST	CN	VO
71	33	231 BEDFORD ST	CN	VO
71	31A	235 BEDFORD ST	CN	VO
71	30	237 BEDFORD ST	RS	VO
71	62	BEDFORD ST	RS	VO
71	61A	242 BEDFORD ST	CS & RS	VO
13	422	0 BOW ST	RS	VO
13	101	11 CHERRY ST	RS	VO
13	305A	0 HILLSIDE AVE	RS	VO
13	102	0 CHERRY ST	RS	VO
10	58A	5 PIPER RD	RO	VO
10	59A	7 PIPER RD	RO	VO
10	61	344 CAMBRIDGE/CONCORD	RO	VO
9	11B	CONCORD AVE	RO	VO
9	29	336 CAMBRIDGE/CONCORD	RO	VO

OFFICE OF THE
PLANNING BOARD

13 AYER ROAD HARVARD, MA 01451 978-456-4100 www.harvard-ma.gov



**LEGAL NOTICE
TOWN OF HARVARD
PLANNING BOARD
PUBLIC HEARING**

PROPOSED PROTECTIVE BYLAW AMENDMENTS

The Harvard Planning Board will hold a virtual public hearing pursuant to Massachusetts General Laws Chapter 40A, Section 5, on Monday, **JULY 17, 2023 at 7:30 P.M.** to consider and receive comments from interested parties concerning proposed amendments to Chapter 125 of the Code of the Town of Harvard, the Protective Bylaw to be considered at the 2023 Fall Town Meeting, on Saturday, October 21st, 2023.

The proposed amendment is available for review on the Town of Harvard's website here: <https://www.harvard-ma.gov/planning-board/pages/2023-special-town-meeting-protective-bylaw-amendments>

Meeting participation instructions will be listed on the meeting agenda post on the Town of Harvard's website at least 48 hours prior to this meeting. The agenda will be posted here: <https://www.harvard.ma.us/calendar-by-event-type/16>.

The proposed amendments to the Protective Bylaw are summarized as follows:

- 1) Amend §125-35. Open Space and Conservation - Planned Residential Development

Any persons interested or wishing to be heard on these matters should appear at the designated time and place or may submit written comments, no later than 12:00pm on date listed above to foconnor@harvard-ma.gov.

Richard Cabelus, Chair
Harvard Planning Board

(Legal Notice to run in the "Harvard Press" on June 30 and July 7, 2023)

Cc: Town Clerk
Select Board
Agricultural Advisory Commission
Building Commissioner
Police Department
Fire Department
Department of Public Works
Historical Commission
Conservation Commission
Board of Health
Community Cable Access Committee
Abutting Towns
MRPC
File

Key revisions:

Section A (Purpose and Intent). Added (3) - Harmonize with Climate Action Plan

Section B (Permitted Uses) Changed (b) to multi-family units, clarified (f) and (h) to define Passive and Active Outdoor Recreation usage.

Section C(1) (Submittal Requirements) Added (j) Site Climate Mitigation Plan

Section C(3) (Approval Criteria) -Revised (d) to remove requirement for plan to be “superior” conventional subdivision plan.

Section D (Design Criteria) Revised (6) to reference MAAB 521 Accessibility Guidelines. Added (9) to include Climate Action Plan.

Section E(5) Landscaping Added paragraph (g) referencing Lighting Bylaw 125-40

Section G (Sinage) Reference to Sinage Bylaw 125-41

Section H Base Density: Changed base density of 1 unit per 1.5 acres, to 2 units per acre.

Section I Development Incentive Changed maximum incentive of maximum of 60% increase above base density for various features (a maximum of 1.6 units per 1.5 acres) The criteria included additional open space, Benefits to the town, senior housing and affordable housing

Incentives increased to a maximum density of 10 units per acre for meeting various criteria

Condition	Units per acre	Additional Units per acre
Base Density	2	
(a) Additional Open Space Preservation		2
(b) Substantial Benefit to Town		1.5
(c) Senior Housing		1.5
(d) Affordable Housing		2
(e) Passive Haus		3
(f) Environmentally Conscious		1.5
Maximum Density if all conditions met	10	



BOARD OF HEALTH

13 Ayer Road

Harvard, MA 01451

Telephone (978) 456-4100 ext. 328

Email boh@harvard.ma.us

Website www.harvard.ma.us

MEMO

To: Planning Board

From: Harvard Board of Health

Date: June 29, 2023

Re: Proposed Open Space and Conservation- Planned Residential Development By-law

At the Board of Health (herein "BOH") Meeting of June 27, 2023, the BOH reviewed the proposed Open Space and Conservation- Planned Residential Development By-law and prepared the following comments regarding Section N: Site Improvements and Subsections (1) Water supply and (2) Sewage Disposal:

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.

Board of Health comment: Any water supply for such a development must be compliant with MassDEP's well guidelines. These guidelines require a public water supply well if the well services more than 24 people. The Planning Board may be aware that the Craftsmen Village development on Ayer Rd. initially tried to put in numerous private wells to avoid the cost and inconvenience of a public water supply well. MassDEP has determined that if a development shares common elements, such as utilities and roadways, it should be looked at a facility and should not have private wells. In accordance, the BOH required a public water supply well for Craftsman Village. If this by-law allows similar housing density with shared common elements, the BOH would likely require a public water supply. There are numerous DEP requirements for a public water supply; the applicant should be prepared to meet those requirements in the initial plan submittal.

(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.

Comment: The Board of Health has serious concerns regarding having a homeowner association responsible for operating and maintaining a wastewater treatment system. It has been our experience that homeowner associations are not qualified to monitor and maintain such a system, especially if the system is an Advanced or Alternative treatment system. It is suggested that the by-law require the homeowner association to hire a qualified professional to maintain the treatment system and provide evidence, i.e., a signed contract for an Operations & Maintenance Plan between the association and the qualified professional, to the Harvard Board of Health.

Thank you for the opportunity to comment on the proposed OSC-PRD by-law. Please do not hesitate to reach out to the Board of Health or Health Agent, Jim Garreffo, with any questions.

OFFICE OF THE
CONSERVATION COMMISSION

13 AYER ROAD HARVARD, MA 01451

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www.harvard-ma.gov



MEMORANDUM

DATE: July 13, 2023

TO: Planning Board

FROM: Conservation Commission



RE: Proposed Protective Bylaw Amendment, § 125-35. Open Space and Conservation - Planned Residential Development (OSC-PRD).

As requested, at the July 6, 2023 meeting of the Conservation Commission the members reviewed the above-referenced Chapter 125 Protective Bylaw amendment. The attached document and information below reflect suggested revisions, formatting, clarification, and a question by the Commission. Thank you

Section K Common Open Space:

- (1)(a) Why not 0% as opposed to 25% of the open space area being wetlands or their associated buffer zone?
- (1)(a) Added: as defined by M.G.L. c. 131 §40 and the Harvard Wetland Protection Bylaw Chapter 119 of Code of the Town of Harvard
- (1)(d) Please explain "...open to the sky..."
- (1)(e) Deleted, same as 1(d) above

Section O(1)(b) Snow Plowing:

- Suggest adding snow storage areas in C(1) Submittal Requirements

ARTICLE XX: AMEND CHAPTER 125-2, DEFINITIONS, OF THE PROTECTIVE BYLAW

To see if the Town will vote to amend Chapter 125-2, Definitions, of the Protective Bylaw, by making the following revisions thereto, or pass any vote or votes in relation thereto.

[Key to revisions; underlining = additions; ~~striketrough~~ = deletions]

§ 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.
 - (3) The OSC-PRD will aid the Town in developing sustainable housing and associated infrastructure in harmony, as much as possible, with the Town's Climate Action Plan.

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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.

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

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(1) **Permitted uses in Open Space and Conservation Planned Residential Development.** Permitted uses include the following:

(a) Single-family detached dwellings.

(b) ~~Attached units, not to exceed 6 or more units in any single building.~~
Multi-family dwellings.

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

(d) Open space.

(e) Trails.

(f) ~~Passive outdoor recreation, cf. 301 Mass. Reg. 5.02.~~ ~~Passive recreation~~

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(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.

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(h) Accessory residential recreational uses (e.g., tennis court, pool, playground).

(i) Active outdoor recreation, cf. 301 Mass. Reg. 5.02.

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

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(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

(j) Site Development Climate Mitigation Plan. All features which are sustainable and designed to help mitigate climate impact should be included in this plan. This plan should specifically address, but not be limited to, the following areas.

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[1]. Heating and Cooling. How the development will be heated and cooled. The plans to use heat pumps or a geothermal system to heat and cool the buildings. Electrification of all systems and appliances.

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² Editor's Note: See Ch. 130, Subdivision Control.

[2]. Energy Generation. Solar panels should be considered to the maximum extent. Include how much power they will provide both in absolute kilowatt-hours and as a percentage of the total electricity requirements.

[3]. Energy Use and Resource Use Minimization. Roofing, insulation and windows that minimize heat loss and cooling loss. LED lights should be installed in all common areas. Water-saving fixtures should be installed in units as well as for landscaping.

[4]. Parking. EV chargers installed with infrastructure to expand capacity based on anticipated growth. Include percentage of the anticipated automobile population that will be served by the chargers and the anticipated expansion readiness. Parking to be pervious to reduce runoff.

[5]. Landscaping. Any trees removed from the site to be replaced with trees of equal size or compensated by more trees than removed. Shade trees be planted in areas to offset heat from parking areas. Drought-tolerant and native plants to be used in the landscaping.

[6]. Site Infrastructure. Composting and recycling stations available to all residents. Rain water collection site to reduce water usage.

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

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

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 Editor's Note: See Ch. 130, Subdivision Control.

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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 ~~best possible~~ relationship between the proposed development and the land under consideration.
- (3) Appropriately sized and configured open spaces for active or passive recreation, and where possible, links to adjoining common open space areas.
- (4) Protection of natural features such as streams, mature trees or clusters of trees, rock outcrops, bluffs, slopes, high points, views, vistas, and historic or archeological features.

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- (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 ~~access to open spaces for the physically handicapped, elderly, and children,~~ 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.
- (9) Consistent with the Town of Harvard Climate Action Plan, with sufficient conservation and sustainability in the design of the development.

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

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

(e) Ensure that ~~10% of all units are fully accessible to the disabled and that a majority of units have at least one accessible entrance and bathroom on a first floor.~~ 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. .

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(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:

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- (a) Materials and building treatments that reduce the visibility of the buildings from distant vantage points, and that are compatible with backgrounds and surroundings.
- (b) Materials and colors compatible with other quality buildings of similar scale in the vicinity.
- (c) Green building technologies and materials, wherever possible, to minimize adverse environmental impacts.

(4) **Roofline articulation.** The design of buildings should:

- (a) Provide a variety of building heights and varied roofline articulation that stresses New England vernacular architecture.
- (b) Locate taller buildings away from major streets, abutting and off-site single-family residential areas and homes.

(5) **Landscaping.** Landscaping criteria are as follows:

- (a) All open areas, exclusive of areas to remain in an existing natural state within an OSC-PRD, should be landscaped in an appropriate manner, utilizing both natural and man-made materials such as indigenous grasses, trees, shrubs, and ~~attractive paving materials and outdoor furniture, 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. ~~Appropriate methods (such as cutoff shields) should be used to avoid glare, light spillover onto abutting property.~~
- (c) Intensive, high-quality landscaping or preservation of existing vegetation should be provided within the OSC-PRD where it abuts major streets, existing residential areas, and along internal drives.
- (d) Preservation of existing vegetation or tree-lined areas should be maintained.
- (e) Parking areas and lots should use landscaping and terracing to break up large areas of pavement and to enhance residential flavor and appearance; trees and shrubs should be used to the maximum extent feasible.
- (f) Features such as shade trees, forest trees, and expansive planting areas should be preserved and/or introduced along external property boundaries and on the perimeter of the OSC-PRD itself, to buffer the site from adjoining parcels.
- (g) Any lighting in the proposed development shall comply with Lighting Bylaw §125-40.

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~~**6) Pedestrian amenities and recreation.** In this category, the design should include the following components/characteristics, appropriate to the land under consideration,~~

~~**(a)** Accessible pedestrian-oriented features such as walkways, pergolas, outdoor sitting plazas, landscaped open space, drop-off areas, and recreational facilities should be emphasized.~~

~~**(b)** Tree-lined or otherwise appropriately landscaped pedestrian paths and walkways should link together areas designated as open space within the site, and wherever possible, to adjoining public areas.~~

~~**(c)** Passive and active recreational facilities should be of a size and scale appropriate for the number of units proposed.~~

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

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

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

H. **Base development density.** The maximum number of dwelling units per acre permitted in an OSC-PRD shall not exceed ~~one unit per 1.50 acres~~, 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 ~~25% above that allowed under § 125-35H of this Bylaw,~~ provided ten units per acre. Increased permissible density will be allocated as the following conditions are met:

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

[1] The applicant proposes a significant increase in open space above 50%, and preserves significant natural resources.

[2] There is permanent preservation of land devoted or set aside for agricultural use or other unique preservation strategy, including preservation of historic structures or barns, or other special features of the built environment.

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

~~(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.~~

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~~(If (a) and (b) above are found to be satisfied, in the opinion of Planning Board, it may authorize a 5% increase in applicable base density.)~~

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

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[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.

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[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 (b)[1] and (b)[2] above are found to be satisfied, in the opinion of Planning Board, it may authorize a 1.5 unit per acre increase over base density.)

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

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~~[1]~~

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~~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.~~

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~~[2]~~

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

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~~(If (c) above is found to be satisfied, in the opinion of Planning Board, it may authorize a 5% increase in applicable base density.)~~

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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.

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(If (c) above is found to be satisfied, in the opinion of Planning Board, it may authorize a 1.5 unit per acre increase over base density.)

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

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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 (d) above is found to be satisfied, in the opinion of Planning Board, it may authorize a ~~.5% increase in applicable base density~~ 2 unit per acre increase over base density.)

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(e) Units are designed to conform with Passive Haus Design standards.

(if (e) above is found to be satisfied, in the opinion of the Planning Board, it may authorize a ~~.5% 3 unit per acre increase in applicable over base density.~~)

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(f) ~~The applicant sets aside 10% or more of lots or dwelling units on the site for "affordable housing" for purchase or rental by those with households of low or moderate incomes. Such units must count toward the Town's Subsidized Housing Inventory, and be in accordance with the provisions of 760 CMR 45.00, as may be amended. The Planning Board shall review and approve the actual percentage distribution of qualifying low versus moderate income units.~~ The development incorporates at least five elements of environmentally conscious design including, but not limited to heat pump/geothermal climate controls, smart windows, solar panels, smart outlets, LED lighting, substantial use of pervious pavement, conservation-minded landscaping, and low-flow water fixtures.

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(If (f) above is found to be satisfied, in the opinion of Planning Board, it may authorize a ~~20% increase in applicable~~ 1.5 unit per acre increase over base density.)

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Condition	Units per acre	Additional Units per acre
Base Density	2	
(a) Additional Open Space Preservation		2
(b) Substantial Benefit to Town		1.5
(c) Senior Housing		1.5
(d) Affordable Housing		2
(e) Passive Haus		3
(f) Environmentally Conscious		1.5
Maximum Density if all conditions met	10	

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

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J. Dimensional requirements. The following provisions shall apply:

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

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

(3) ~~Attached units shall contain no more than six units in a single building.~~ The minimum distance between clusters of multiple unit dwellings, shall be 50 feet.

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(4) ~~The minimum distance between clusters of multiple unit dwellings, shall be 50 feet.~~ A minimum width of 150 feet of landscaped 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]

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(5) ~~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.~~

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~~[Amended 4-2-2005 ATM by Art. 34]~~

~~The minimum setback from internal roads shall be 25 feet.~~

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(6) ~~The minimum setback from internal roads shall be 25 feet.~~ The maximum height of proposed buildings shall be 35 feet, and shall not exceed 3 stories.

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

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(8)

~~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.~~

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K. Common open space. A minimum of 50% of the OSC-PRD parcel shall be devoted to contiguous open space, completely devoid of any structure, parking, loading and unloading space, access ways thereto, or as private yards, patios, or gardens for the exclusive or principal use by residents of individual dwelling units. To the greatest extent possible, such open space shall be left in its undisturbed natural condition or shall be appropriate in size, shape, dimension, location, and character to assure its use as a conservation area, and where appropriate, a recreational area, and be a visual and natural amenity for the development and the Town. The common open space described herein is in substitution of and supersedes any other reference to common open space that may be described elsewhere in the Bylaw.

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

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(a) No more than 25% of common open space in an OSC-PRD shall be wetlands and wetland buffer.

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(b) Unless approved by the Planning Board, common open space shall not be considered usable if the slope of the finished grade exceeds 33%.

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(c) ~~Unless approved by the Planning Board, the nearest part of the common open space shall not be more than 300 feet in distance from the nearest point of any building that it is proposed to serve.~~ No common open space shall be considered usable unless it is compact and contiguous and has no dimension of less than 50 feet.

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(d) ~~No common open space shall be considered usable unless it is compact and contiguous and has no dimension of less than 50 feet.~~ All usable open space shall be open to the sky and pervious.

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(e) All usable open space shall be open to the sky and pervious.

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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.

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

(1) **Criteria for passageways.** The following criteria shall guide the development of these passageways:

(a) Cleared widths for traveled ways (excluding on-street parking spaces and passing turnouts) shall not be more than ~~20 feet~~ 22 feet or less than 12 feet. A cleared height of not less than 16 feet above the entire passageway shall be established and maintained.

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(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~~

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N. Site improvements. Site improvements specific to an OSC-PRD are listed below. To assist the Planning Board's evaluation of site changes and improvements from any OSC-PRD plan, the applicant shall submit said plan to the Town's Conservation Commission and Board of Health for review and recommendations to the Planning Board.

(1) **Water supply.** Each lot and the development in its entirety shall be served by water supply systems.

(2) **Sewage disposal.** Privately owned and maintained on-site sewage disposal or treatment systems may be approved to serve buildings and lots in an OSCPRD, if owned, maintained, operated, and monitored by a residents association, notwithstanding the provisions of § 125-32D of this Bylaw, if such treatment facility or system is approved by the Board of Health and in compliance with the requirements of Title 5, 310 CMR 15.00, or approved in accordance with the requirements of 314 CMR 5.00 (the Ground Water Discharge Permit Program). An approved system may be located on land owned in common by the owners of the building lots or residential units within the development.

(3) **Parking.** Unless otherwise approved by the Planning Board, ~~a minimum and~~ a maximum of 1.5 off-street parking spaces shall be provided for each unit, exclusive of spaces within garages. The Planning Board may also approve, based upon the nature of the development proposed and exclusive of the 1.5 parking space ratio provided, areas for visitor parking.

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- (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.

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

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- (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;

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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 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.

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

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

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

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

¹¹
~~*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.*~~

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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

**MAY 15, 2023
HARVARD PLANNING BOARD
NOTICE OF DECISION ON APPLICATION OF**

**VERIZON
BY ITS REPRESENTATIVE
CROWN CASTLE USA INC.**

**FOR A SPECIAL PERMIT
131 BROWN ROAD
HARVARD, MA 01451
ASSESSORS MAP 36 – PARCEL 93.4 T
WORCESTER REGISTRY OF DEEDS
BOOK 13188, PAGE 164**

The applicant, Terra Search, authorized agent for Cellco Partnership, d/b/a VERIZON Wireless / Crown Castle, submitted a request for a Special Permit under the “Code of the Town of Harvard”, §§125-27-D(1), and 125-46 of the Protective Bylaw, filed with the Town Clerk on APRIL 11, 2023. At this time, the applicant proposes to remove and upgrade three (3) new antennae to its facilities on the communications tower located 131 Brown 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 APRIL 11, 2023, including:
 - a. Cover (form) letter dated APRIL 6, 2023 from Timothy W. Greene, of Terra Search, authorized agent for Verizon Wireless / Crown Castle Inc., 157 Riverside Drive, Norwell, MA 02061.
 - b. Application to the Harvard Planning Board
 - c. Certified List of Abutters dated MARCH 29, 2023

- d. A Removal Bond in the amount of \$50,000 from FEDERAL Insurance Company to guarantee the maintenance, replacement, removal, or relocation of the equipment.
 - e. Power of Attorney
 - f. Check #0989 made payable to the Town of Harvard in the amount of \$250.00
 - g. Structural Analysis Report dated January 4, 2023 for a 103.5 foot – monopole tower at the 131 Brown Street 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, MAY 15, 2023. The advertisement appeared in the “The Harvard Press” on APRIL 28 & MAY 5, 2023 in compliance with MGL covering such public notice.
 - b. An Affidavit of Mailing to Abutters dated APRIL 18, 2023 endorsed by the Town Clerk.

The Planning Board opened the public hearing on the application for a Special Permit on MAY 15, 2023 and closed the hearing that same evening. The application was presented by Timothy Greene of Terra Search, on behalf of VERIZON Wireless / Crown Castle, 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 antennae will be mounted at the same height as the current installation and will not increase the height of the tower. The existing ground equipment will still be contained within the existing fenced lease area and will not increase the overall size of the facility.
6. Crown Castle, a developer of communications facilities, maintains the tower at 131 Brown Road pursuant to a lease from the property owner, AT&T. 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 APRIL 6, 2023.
 2. The antennas shall be maintained and camouflaged in accordance with the approved plans.
 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 2pm.
11. Grantee shall comply with all conditions of this Permit prior to commencement of operation.

ACTION OF THE PLANNING BOARD-DECISION

Therefore, as of MAY 15, 2023 by a vote of four (4) 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 131 Brown Road, Assessors Map 36, Parcel 93.4 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

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.

Lynn Kelly, Town Clerk /Andrew Sammarco, Asst. Town Clerk

Date

CHUBB

Power of Attorney

Federal Insurance Company | Vigilant Insurance Company | Pacific Indemnity Company

Westchester Fire Insurance Company | ACE American Insurance Company

Know All by These Presents, that FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY corporations of the Commonwealth of Pennsylvania, do each hereby constitute and appoint

Brittany D. Stuckel

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY have each executed and attested these presents and affixed their corporate seals on this 10th day of March, 2020.

Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

Stephen M. Haney

Stephen M. Haney, Vice President



STATE OF NEW JERSEY

County of Hunterdon

ss.

On this 10th day of March, 2020 before me, a Notary Public of New Jersey, personally came Dawn M. Chloros and Stephen M. Haney, to me known to be Assistant Secretary and Vice President, respectively, of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY, the companies which executed the foregoing Power of Attorney, and the said Dawn M. Chloros and Stephen M. Haney, being by me duly sworn, severally and each for herself and himself did depose and say that they are Assistant Secretary and Vice President, respectively, of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY and know the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of said Companies; and that their signatures as such officers were duly affixed and subscribed by like authority.

Notarial Seal



KATHERINE J. ADELAAR
NOTARY PUBLIC OF NEW JERSEY
No. 2316685
Commission Expires July 16, 2024

Katherine J. Adelaar
Notary Public

CERTIFICATION

Resolutions adopted by the Boards of Directors of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY on August 30, 2016; WESTCHESTER FIRE INSURANCE COMPANY on December 11, 2006; and ACE AMERICAN INSURANCE COMPANY on March 20, 2009:

"RESOLVED, that the following authorizations relate to the execution, for and on behalf of the Company, of bonds, undertakings, recognizances, contracts and other written commitments of the Company entered into in the ordinary course of business (each a "Written Commitment"):

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
- (2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such person's written appointment as such attorney-in-fact.
- (3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (4) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing to any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

FURTHER RESOLVED, that the foregoing Resolution shall not be deemed to be an exclusive statement of the powers and authority of officers, employees and other persons to act for and on behalf of the Company, and such Resolution shall not limit or otherwise affect the exercise of any such power or authority otherwise validly granted or vested."

I, Dawn M. Chloros, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY (the "Companies") do hereby certify that

- (i) the foregoing Resolutions adopted by the Board of Directors of the Companies are true, correct and in full force and effect,
- (ii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Whitehouse Station, NJ, this June 22, 2023



Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

IN THE EVENT YOU WISH TO VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT:

Telephone (908) 903-3493

Fax (908) 903-3656

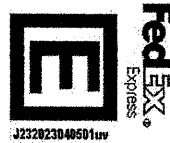
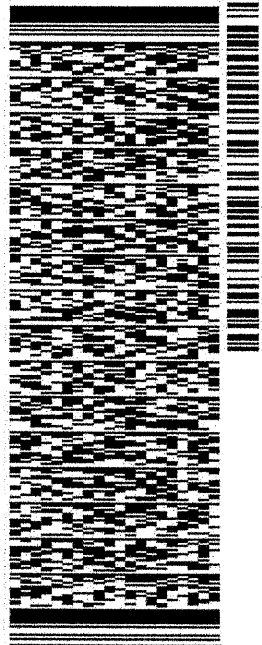
e-mail: surety@chubb.com

ORIGIN ID: BBFA (508) 320-0272
SHARON HORNE
VERIZON WIRELESS
11 PRENTICE STREET
NORTH GRAFTON, MA 01536
UNITED STATES US

SHIP DATE: 27 JUN 23
ACT WT: 1.00 LB
CAD: 105227142/NET 4610
BILL SENDER

TO **FRANK O'CONNOR, JR, DIR OF PLANNING**
TOWN OF HARVARD
13 AYER RD.

HARVARD MA 01451
(978) 456-4100 X 323 REF: HARVARD, MA BOND
PO. DEPT:

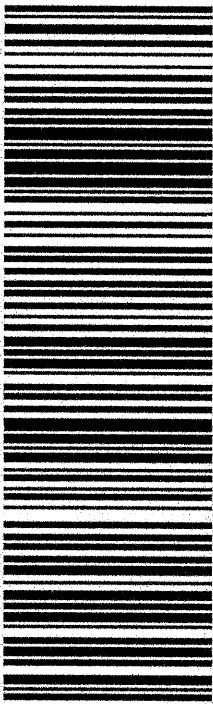


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**NOTICE OF DECISION
ON APPLICATION OF
OFFICE OF 257 AYER ROAD
FOR SITE PLAN APPROVAL and
EXPANSION OF PARKING AREA at
257 AYER ROAD
HARVARD, MA 01451
ASSESSORS MAP 4 – PARCEL 49.2.2
WORCESTER REGISTRY OF DEEDS
BOOK 64619, PAGE 93**

I. Petition

This document is the DECISION of the Harvard Planning Board in collaboration with the Conservation Agent, on the Petition of OFFICE AT 257 AYER ROAD LLC (the Petitioners) for property located at 257 AYER ROAD, Harvard.

This decision is in response to an application filed by Petitioner for a SITE PLAN APPROVAL under §125-38.B for Site Plans and §125-39 for Site Standards, as well as an EROSION CONTROL MAJOR PERMIT submitted on MAY 8, 2023, pursuant to §125-58E(3)(b) Erosion Permit Major application of the Harvard Protective Bylaw and the Planning Board Rules and Regulations, Chapter 133 of the Code of the Town of Harvard. The Petitioner seeks permission to expand the existing East parking lot. The proposed parking lot expansion will provide 13 additional parking spaces to the existing 40 parking spaces on the subject site for a total of 53 parking spaces, as well as providing an enclosed concrete pad area for the onsite dumpster and extending the brick walkway. One of the existing regular parking spaces will be converted to a Handicap accessible space in accordance with ADA requirement.

A proposed catch basin will capture stormwater runoff generated by the proposed expansion area and connect to the existing onsite drainage conveyance system leading down to the existing infiltration basin.

The proposed parking area expansion will increase the on-site impervious area by approximately 4,905 sq. ft. The proposed project will reduce the Open Space area on the site to approximately 28,837 sq. ft, which is still over the 27,987 sq. ft. (50%) of required Open Space area as required in §125-39.C(2) of the Harvard Bylaw for commercial uses. The proposed expansion will maintain a minimum of 20-foot buffer strip around the perimeter for Open Space area as required §125-39.C(1). Landscape planting has been provided as a buffer between Ayer Road and the proposed parking expansion. Additionally, two 20-foot wide green spaces are provided to separate the existing East parking area and the expansion area mentioned above.

II. Petitioner

Office at 257 Ayer Road LLC
257 Ayer Road
Harvard, MA 01451

III. Property Owner

Office at 257 Ayer Road LLC
257 Ayer Road
Harvard, MA 01451

IV. Application

A. An Application for Erosion Control Permit signed by the applicant and received by the Town Clerk's Office on MAY 8, 2023, with accompanying documents as required, including corresponding filing fees paid and the following:

1. One original completed Major Permit application packet and seven copies
2. Project narrative that includes a description of the proposed project and how stormwater will be controlled as well as how erosion and sediment controls are to be used plus description of specimen trees within the project area.
3. Stamped site plan.

B. An Application for a Site Plan Review without a Special Permit received and stamped by the Harvard Town Clerk on MAY 8, 2023 with the following:

1. Narrative prepared by the Petitioner, dated MAY 2023;
2. Maps of 257 AYER ROAD, Harvard, Mass., prepared CAI Technologies, dated 4/27/2023 Project # 231018;
3. Stamped site plan.

V. Input from Other Town Boards and Interested Parties:

A. Conservation Agent comments incorporated into Erosion Control Major Permit

VI. Consultant Review:

A. None

VII. Supplemental Materials from Applicant

A. None

VIII. Public Input

A. None

XI. FINDINGS

- A.** The proposed site work requires an Erosion Control MAJOR Permit under the Protective Bylaw §125-58E(3)(b) Erosion Control Permit Thresholds – MAJOR Permit, as well as the Planning Board Rules and Regulations, Chapter 133 of the Code of the Town of Harvard.
- B.** The proposed work includes the construction of an additional parking area that will increase the impervious area by approximately 4,905 square feet. A Harvard Siltation Barrier, as detailed in §147-16A of the Wetland Protection Bylaw Regulations, is to be installed and will remain in place until the disturbed areas are fully restored and stabilized.
- C.** The disturbed areas around the proposed parking area expansion will be loamed and seeded with New England Roadside Matrix Upland Seed Mix to assist in the stabilization of the embankment after construction is complete.
- D.** That the Applicant has demonstrated that that the site plan so submitted is adequate in showing compliance with applicable provisions of the Bylaw.

VI. CONDITIONS AND LIMITATIONS

The above-mentioned location, along with the application has been reviewed for compliance with §125-58 Erosion Control Bylaw and §133-40 Review Standards. The Planning Board voted that the following Regular and Special Conditions be included with its decision.

The Regular Conditions are:

- A.** Erosion Control Permit and approved plans shall be posted at the work site over the duration of site disturbance, construction, and post-construction cleanup;
- B.** No activities shall commence without receiving and complying with an Erosion Control Permit issued pursuant to §125-58;
- C.** Siltation barrier shall be the limit of clearing and grading;
- D.** Erosion and sedimentation controls shall be constructed in accordance with §147-16A(1) Code of the Town of Harvard;
- E.** Erosion control measures shall include the use of 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;

- F. Siltation barrier shall be inspected by the Conservation Agent prior to the commencement of activity;
- G. Proper re-vegetation techniques shall be employed using native plant species, proper seed bed preparation, fertilizer and mulching to protect germinating plants. Re-vegetation shall occur on cleared sites within seven (7) calendar days of final grading and shall occur during the planting season appropriate to the selected plant species;
- H. A minimum of four (4) inches of topsoil shall be placed on all areas subject to land disturbance which are proposed to be planted;
- I. The siltation barrier shall not be removed until approval is provided by the Conservation Agent.

In addition, the Planning Board voted to Approve the Site Plan with the Special Condition that the applicant should use Pervious pavement or gravel rather than bituminous concrete for the proposed parking spaces.

VII. ACTION OF THE PLANNING BOARD - DECISION

After a review of both of the Applications and based upon the findings set forth below, the Planning Board GRANTED the Approval of the Site Plan without a Special Permit and Endorsed the requested Erosion Control Major Permit.

VIII. APPEAL

This decision shall be appealed in accordance with §17 of Massachusetts General Laws, Chapter 40A and shall be filed within twenty (20) days after the issuance of this decision with the Town Clerk.

For the Planning Board

Richard Cabelus, Chair

Stacia Donahue

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: _____
Lynn Kelly, Town Clerk / Andrew Sammarco, Asst. Town Clerk _____ Date



Town of Hudson
Department of Community Development
78 Main Street
Hudson, MA 01749
EIN: 046-001-188

HOUSING CONSORTIUM INVOICE FY23-Q4

INVOICE DATE 7/11/2023

PAYMENT DUE 8/11/2023

	BERLIN	BOLTON	BOXBOROUGH	DEVENS	HARVARD	LANCASTER	LITTLETON	STOW
Past Due	\$ -	\$ 1,262.50	\$ -	\$ -	\$ -	\$ -	\$ (1,475.00)	\$ -
FY23-Q3	\$ 1,012.50	\$ 375.00	\$ 487.50	\$ 225.00	\$ 262.50	\$ 337.50	\$ 225.00	\$ 375.00
	\$ (1,012.50)			\$ (112.50)	\$ (262.50)			\$ (375.00)
				\$ (112.50)				
FY23-Q4	\$ 862.50	\$ 412.50	\$ 1,125.00	\$ 337.50	\$ 337.50	\$ 337.50	\$ 337.50	\$ 412.50
BALANCE	\$ 862.50	\$ 2,050.00	\$ 1,612.50	\$ 337.50	\$ 337.50	\$ 675.00	\$ (912.50)	\$ 412.50