

**TOWN OF HARVARD
PLANNING BOARD AGENDA
MONDAY SEPTEMBER 19, 2022 @ 7:00PM**

Pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on July 15, 2022, this meeting will be conducted via remote participation. Interested individuals can listen in and participate by phone and/or online by following the link and phone number below.

THVolGovt Pro is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/81781223234?pwd=MEI5UDQrQjN2a3JrRldRczlxWVpJUT09>

Meeting ID: 817 8122 3234

Passcode: 074414

One tap mobile

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+13126266799,,81781223234# US (Chicago)

Dial by your location

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Meeting ID: 817 8122 3234

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Public Comment

- New Business:** a) Review Special Permit & Driveway Site Plan Approval - Lot 5 Prospect Hill Road (Map 11 Parcel 22.1 portion of)
b) All Boards Meeting September 28, 2022 @ 7:00pm

- Old Business:** a) Proposed Protective Bylaw Amendment §125-7 Agricultural Uses
b) Open Space Residential Development Bylaw Amendment

Standard Business: a) Board Member Reports

- Representatives & Liaisons Update
 - Community Matter
- b) Approve Minutes
- c) Approve Invoices
- Weitzman - \$10,000.00 (Ayer Road Visioning Plan)
 - Beals + Thomas - \$1742.50 (203 Ayer Road)
 - Beals + Thomas - \$738.44 (175 Littleton County Road)
 - Mark Piermarini, P.E. - \$2000.00 (Lot 5 Prospect Hill Road)

Public Hearings:

- 7:30pm **Continuation of a Special Permit, Ayer Road Village-Special Permit and Site Plan Review - Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road, for the development of three commercial use buildings, including a Commercial Entertainment and Recreation use**
- 8:00pm **Extension of Special Permit & Driveway Site Plan Approval – Crown Castle, 47 Poor Farm Road, for the for the existing wireless communications tower**

**NEXT SCHEDULED MEETING:
OCTOBER 3, 2022**

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

SEPTEMBER 12, 2022

HARVARD PLANNING BOARD

**NOTICE OF DECISION ON APPLICATION OF
FRANCOISE BUREAU CROOK FOR HAMMERHEAD LOT
SITE PLAN APPROVAL AND DRIVEWAY SITE PLAN AT**

LOT 5 PROSPECT HILL ROAD

HARVARD, MA 01451

ASSESSORS MAP 11 – PARCEL 22.1 (portion of)

WORCESTER REGISTRY OF DEEDS

BOOK 5441 PAGE 335

PROCEDURAL HISTORY

- I. Application for the approval of a Type 2 Hammerhead Lot and associated Driveway for the property located at Lot 5 Prospect Hill Road was made on July 18, 2022 by the above referenced applicant.
- II. The following plans and documents were submitted in support of the application:
 - A. An application for a Special Permit and Driveway Site Plan Review pursuant to §125-29D & 125-31C of the Town of Harvard Protective Bylaw was received by the Harvard Town Clerk on July 18, 2022, including a cover letter from Daniel B. Wolfe, P.E. of David E. Ross Associates, Inc. dated July 18, 2022 and the following:
 1. Corresponding fee of \$2,480.00
 2. Documents provided included:
 - a. Application form referenced above
 - b. Cover letter & project narrative
 - c. Certified abutters list report dated July 13, 2022
 - d. Stormwater Analysis for property, June 2022 (Project No. 16406)

- B. A plan set dated JULY 15, 2022 entitled "Driveway Site Plan, Lot 5, Map 11, Parcel 22.1 (portion of), Prospect Hill Road, Harvard, MA" prepared for applicant Francoise Crook, 225 Adams Street #5-D, Brooklyn, NY 11201, by David E. Ross Associates, Inc., 6 Lancaster County Road, Harvard, MA 01451, JOB 16406, containing one (1) sheet.
- C. A plan set dated JULY 15, 2022 entitled "Plan of Special Permit Lot, Lot 5, Map 11, Parcel 22.1 (portion of), Prospect Hill Road, Harvard, MA" prepared for applicant Francoise Crook, 225 Adams Street #5-D, Brooklyn, NY 11201, by David E. Ross Associates, Inc., 6 Lancaster County Road, Harvard, MA 01451, JOB 16406, containing one (1) sheet.
- D. Peer review and additional review of Revised Plans prepared by Mark F. Piermarini, PE dated SEPTEMBER 6, 2022 stating his comments had been addressed.
- III. The following additional documents were provided to the Planning Board in regard to the application:
- None
- IV. Legal Notices: Advertised and Letters to Abutters
- A. An Affidavit of Mailing to Abutters dated JULY 26, 2022 was endorsed by the Assistant Town Clerk on JULY 26, 2022.
- B. A Legal Notice dated JULY 20, 2022 advertising the virtual public hearing to be held on AUGUST 15, 2022 on the Special Permit and Driveway Site Plan Approval appeared in "The Worcester Telegram & Gazette" on JULY 29, 2022 and AUGUST 5, 2022.
- V. A public hearing, after proper notice was given, was opened on AUGUST 15, 2022 and closed on SEPTEMBER 12, 2022.
- VI. Public Input
- At public hearing sessions held on AUGUST 15, 2022 and SEPTEMBER 12, 2022, the representatives of the applicant attended including Mr. Dan Wolfe of David E. Ross Associates.
- Members of the public attending public hearings: None.

BACKGROUND AND FINDINGS

The Harvard Planning Board reviewed the application, the plan sets, and all other materials and information submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing. The following is a compilation of the comments provided by the Director in review of the application and plans.

I. General

- A. The subject property, Lot 5, is a 10.99 ± acre parcel within an Agriculture-Residential (AR) zoning district and the land use is residential with no existing buildings.
- B. The applicant is seeking a Special Permit Lot and Driveway Site Plan Approval which included the establishment of a gravel emergency vehicle turnaround as part of the approximately 488' driveway.
- C. For this proposal, the applicant is seeking to develop a five-bedroom single family dwelling and driveway apron. The applicant proposes to locate the solid waste receptacle directly behind the proposed single-family dwelling, as noted on the July 15th plan.

II. Findings

A. Comments From Other Town Boards or Staff

The Director of Public Works for the Town of Harvard provided written comments that the applicant will need to apply for a residential connection permit for the Lot and have a house number assigned to it.

B. Special Permit Criteria

1. No other Special Permit criteria deemed relevant for this application.

C. Driveway Site Plan Review Criteria

1. No other Driveway Site Plan Review criteria deemed relevant for this application.
- 2.

DECISION

After reviewing the Application, plans, and other materials and information submitted, comments by the Director of Planning, comments by other Town officials, responses by the applicants consulting engineer, testimony given at the public hearing, the Board made the above-referenced findings of fact and, based on those findings, the Board hereby decides that the Property is suitable for the construction of a single family home with a 488-foot-long driveway with associated infiltration trenches and emergency vehicle turnaround at three hundred feet from Prospect Hill Road pursuant to §125-29D & 125-31C of the Town of Harvard Protective

Bylaw and that all the required criteria for a Special Permit and Driveway Site Plan have been met. Accordingly, the Board hereby grants a Special Permit and approves the accompanying Site Plan to Francoise B. Crook for a single-family home, pursuant to §§125-1, 125-2, 125-14, 125-38, 125-39, and 125-46 of the Town of Harvard Protective Bylaw in accordance with the terms and conditions stated below.

TERMS AND CONDITIONS

Standard Conditions

- I. This Special Permit shall lapse no later than September 12, 2024, but shall not include such time required to pursue or await the determination of an appeal referenced to in M.G.L. Chapter 40A, §17, if substantial use of the Special Permit has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.
- II. The site plan accompanying this application shall be incorporated into this decision and shall be a Standard Condition of this Decision.
- III. The granting of this Special Permit and Site Plan Approval, and the project which is the subject of the Special Permit and accompanying site plan, including all construction and subsequent operations, is predicated on the applicant complying fully with all provisions of the Town of Harvard Protective Bylaw, the Code of the Town of Harvard, and Massachusetts General Law, as applicable.
- IV. The applicant shall be responsible for acquiring and complying with all other local, state, or federal permits and approvals as necessary to construct and operate the project as approved by the Board.
- V. This Decision and accompanying site plan shall be recorded by the applicant at the Worcester County Registry of Deeds. A copy of the recorded Decision and site plan shall be submitted to the Planning Board prior to commencing construction.
- VI. Duly authorized agents of the Town shall have the right to enter upon the Property to ensure continued compliance with the terms and conditions of this Special Permit.
- VII. This decision allows the proposed improvements and activities in the location shown on the approved site plan. No alterations, changed to the approved improvements, other additional uses or additional improvements shall be allowed without further review and approval by the Planning Board in the form of a modification to the Special Permit.

VOTE

The following members of the Board voted to grant the Special Permit, subject to the above stated terms and conditions:

- I. Richard Cabelus, Chair
- II. Stacia Donahue, Vice Chair
- III. Arielle Jennings
- IV. Brian Cook
- V. Doug Thornton

The following members voted to deny the grant of a Special Permit:

None

By a unanimous vote of five (5) members of the Planning Board, the application for Special Permit and Driveway Site Plan Approval is **APPROVED** subject to the Conditions and Limitations contained herein.

RECORDING

This decision shall be recorded with the Worcester District Registry of Deeds and a recorded copy shall be furnished to the Planning Board and Building Commissioner within 30 days after the expiration of the appeal period as set forth in M.G.L. c. 40A, §17.

Appeals may be made pursuant to M.G.L. c. 249 §4 and shall be filed within twenty (20) days after the date this Decision is filed with the Town Clerk.

Richard Cabelus, Chair

Stacia Donahue, Vice-Chair

Arielle Jennings

Brian Cook

Doug Thornton

This is to certify that as of _____ no notice of appeal has been filed with this office in regard to this decision.

Signed: _____

Lynn Kelly, Town Clerk

Select Board Goals for FY23

Parks and Recreation

- 1) Strategic plan to address playing fields:
 - a) Phase one – immediate solution- convert Ryan 2 field to a softball field for use by Spring 2023
 - b) Phase two – investigate potential for land swap/conversion of Stone Land/ Old Mill Rd, determine allowable uses under Chapter 97
 - c) Phase three – longer term – hire consultant firm to prepare a comprehensive needs assessment accounting for future trends as well as how to address upkeep/maintenance.

Relevant notes: Determine where/must accommodate 3 diamonds & 2 rectangle fields/Sudbury complex ideal

- 2) Explore a true Park & Rec Department
 - a) Survey communities such as Littleton, Ayer, Bolton to learn how they operate and fund a town recreation department.

Green Initiatives

- 1) Utilize the capital fund for at least one solar PV project on a town-owned building
- 2) Meet with HEAC on the status of their investigation into a municipal solar panel field to generate revenues
- 3) Request quarterly reports to the Select Board from the Climate/Energy Committees in an effort to align priorities in a more collaborative way

Financial

- 1) Formulate a Real Estate Transfer fee policy; prepare a Home Rule Petition submission if necessary
- 2) Explore CPA increase
- 3) Use ARPA funds to implement form-based code

Operational changes

- 1) Investigate the feasibility of a grant writing position
- 2) Review Department of Public Works operation and schedule visit to facility
- 3) Evaluate options for waste removal; Transfer Station versus curbside pick-up cost benefit analysis. Public outreach and feedback in this process is imperative.
- 4) Assess delivery of municipal services in post-Covid world in the workplace

Miscellaneous

- 1) Improve SB leadership and collaboration with various boards/committees/commissions.

WARRANT ARTICLE

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

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

[Key to revision: underlining denotes added text]

§125-7 Agricultural uses.

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

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

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

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

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

§ 125-35. Open Space and Conservation - Planned Residential Development (OSC-PRD). [Added 3-29-2003 ATM by Art. 32¹]

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

A. **Purpose and intent.** The purpose and intent of the OSC-PRD provision is to permit high-quality residential development that preserves open space, water resources, wetlands, habitat, prime agricultural land, scenic landscapes and natural features, reduces infrastructure and site development cost, and promotes a diversity of housing opportunities within the Town, while respecting and enhancing neighborhoods, and promoting attractive standards of appearance and aesthetics consistent with Town character.

- (1) A further purpose of the OSC-PRD provision is to reduce the anticipated negative fiscal impact on the Town associated with conventional residential development.
- (2) The OSC-PRD provision is designed to encourage the siting of homes in a manner that clusters units together in well-designed village settings, on buildable portions of the site, as a distinct alternative to the more arbitrary siting associated with lot by lot development typically reflected in plans submitted pursuant to Massachusetts General Laws Chapter 41, Sections 81K through 81GG, the Subdivision Control Law.

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

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

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.

- (g) Educational and religious uses and other uses not mentioned above which are exempt from regulation by zoning under Massachusetts General Laws Chapter 40A, Section 3.
 - (h) Accessory residential/recreational uses (e.g., tennis court, pool, playground).
- 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.²
- (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,

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

reflecting the existing, natural features to be preserved and proposed landscape features and details.

- (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." Such plan, although not a formal subdivision plan filing, and submitted for conceptual purposes only, shall include a perimeter survey prepared by a registered land surveyor, location of wetlands delineated by a wetlands specialist, and topography based upon the most recent United States Geological Survey map. The applicant shall demonstrate to the satisfaction of the Board that a subdivision plan, if formally filed, would be buildable without reliance on significant waivers of the subdivision regulations, and without extraordinary engineering techniques. Further, the applicant must demonstrate and provide sufficient evidence, to the satisfaction of the Planning Board, that each of the lots reflected on the "Preliminary Plan" submitted are capable of being served by an individual sewage system that would comply with the regulations of the Board of Health.
 - (3) **Approval criteria.** After notice and a public hearing in accordance with Massachusetts General Laws Chapter 40A, Section 9, 11, and 15 and after following the procedure outlined in this Bylaw, the Planning Board may grant such a special permit with any conditions, safeguards, and limitations, if it determines:
 - (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 preserving open space for conservation and recreation; that it preserves natural features of the land, and allows more efficient provision of streets, utilities and other public services; and, that it provides a high degree of design quality, based on the criteria and considerations enumerated herein in § 125-35E.
 - (e) That if development of single family homes is being proposed on separate lots, as opposed to a clustered village concept that is a major objective of this Bylaw, exemplary site planning is demonstrated, and other determinations in § 125-35D, are met.
- D. **Design criteria.** In its consideration of an OSC-PRD, the Planning Board shall give particular attention to, and shall use as a basis for its decision, all of the following:

- (1) Lots, streets, off-street parking, sidewalks, pathways and buildings which achieve the harmonious integration of the proposed development with surrounding properties.
- (2) Overall layout and design that achieves the 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.
- (5) Provision of large buffer areas, composed of existing vegetation, to surround building groupings and building envelope areas, to discourage site clearing and encourage preservation of existing land cover and mature vegetation.
- (6) Provision of access to open spaces for the physically handicapped, elderly, and children.
- (7) Use of open spaces for preserving, enhancing, or providing scenic vistas; preservation and protection of historic resources.
- (8) Adequacy of provisions for public safety, protection from fire and flood, and maintenance of public facilities, streets, utilities, and open space.

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

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

- (d) Avoid the placement of structures, common area facilities, and private space related to individual units in a manner that eclipses views or access to open space areas described in § 125-35K.
 - (e) Ensure that 10% of all units are fully accessible to the disabled and that a majority of units have at least one accessible entrance and bathroom on a first floor.
- (2) **Building massing/articulation.** The massing/articulation of buildings should:
- (a) Avoid unbroken building facades longer than 50 feet.
 - (b) Provide human-scale features, especially for pedestrians and at lower levels.
 - (c) Avoid unarticulated and monotonous building facades and window placement.
- (3) **Building appearance and treatment.** To the extent not inconsistent with or pre-empted by the state building code, the following should be considered as applicable:
- (a) Materials and building treatments that reduce the visibility of the buildings from distant vantage points, and that are compatible with backgrounds and surroundings.
 - (b) Materials and colors compatible with other quality buildings of similar scale in the vicinity.
 - (c) Green building technologies and materials, wherever possible, to minimize adverse environmental impacts.
- (4) **Roofline articulation.** The design of buildings should:
- (a) Provide a variety of building heights and varied roofline articulation that stresses New England vernacular architecture.
 - (b) Locate taller buildings away from major streets, abutting and off-site single-family residential areas and homes.
- (5) **Landscaping.** Landscaping criteria are as follows:
- (a) All open areas, exclusive of areas to remain in an existing natural state within an OSC-PRD, should be landscaped in an appropriate manner, utilizing both natural and man-made materials such as indigenous grasses, trees, shrubs, and attractive paving materials and outdoor furniture.
 - (b) Deciduous trees should be placed along new and existing streets and ways. Outdoor lighting should be considered in the landscaping plan, and should be designed to complement both man-made and natural elements of the OSC-PRD and adjacent areas. Appropriate methods (such as cutoff

shields) should be used to avoid glare, light spillover onto abutting property.

- (c) Intensive, high-quality landscaping or preservation of existing vegetation should be provided within the OSC-PRD where it abuts major streets, existing residential areas, and along internal drives.
 - (d) Preservation of existing vegetation or tree-lined areas should be maintained.
 - (e) Parking areas and lots should use landscaping and terracing to break up large areas of pavement and to enhance residential flavor and appearance; trees and shrubs should be used to the maximum extent feasible.
 - (f) Features such as shade trees, forest trees, and expansive planting areas should be preserved and/or introduced along external property boundaries and on the perimeter of the OSC-PRD itself, to buffer the site from adjoining parcels.
- (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.
- (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 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 the following conditions are met:

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

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

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

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

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

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

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

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

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

(e) Housing units for senior citizens and persons aged 55 years and over housing is provided.

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

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

and approve the actual percentage distribution of qualifying low versus moderate income units.

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

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

J. Dimensional requirements. The following provisions shall apply:

- (1) The Planning Board may waive the minimum requirements for frontage and/or yard requirements that would normally be applicable to land within the AR District in order to achieve maximum open space area, and may permit more than one single or two-family dwelling be located on a lot in an OSC-PRD, except as provided below.
- (2) The parcel proposed for development must have a minimum of 50 feet of frontage on a public way or private way which is open to the public.
- (3) Attached units shall contain no more than six units in a single building.
- (4) The minimum distance between clusters of multiple unit dwellings, shall be 50 feet.
- (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. [Amended 4-2-2005 ATM by Art. 34]
- (6) The minimum setback from internal roads shall be 25 feet.
- (7) The maximum height of proposed buildings shall be 35 feet, and shall not exceed 2 1/2 stories.
- (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.

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

L. Open space conveyance.

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

Select Board, for management by the Park and Recreation Commission if a park, otherwise by the Conservation Commission, with a clause insuring that it be maintained as open space. [Amended 10-22-2018 STM by Art. 2]

- (2) **Multiple conveyance.** To provide flexibility, and when deemed in the public interest, the Planning Board may approve more than one organization to accept the open space conveyance, particularly when it is appropriate that a major portion of such land be conveyed to the Town or a non-profit conservation organization, and another portion of such land is more appropriately conveyed to an owners association.

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

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

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

- (1) **Water supply.** Each lot and the development in its entirety shall be served by water supply systems.
- (2) **Sewage disposal.** Privately owned and maintained on-site sewage disposal or treatment systems may be approved to serve buildings and lots in an OSC-PRD, if owned, maintained, operated, and monitored by a residents association, notwithstanding the provisions of § 125-32D of this Bylaw, if such treatment facility or system is approved by the Board of Health and in

compliance with the requirements of Title 5, 310 CMR 15.00, or approved in accordance with the requirements of 314 CMR 5.00 (the Ground Water Discharge Permit Program). An approved system may be located on land owned in common by the owners of the building lots or residential units within the development.

- (3) **Parking.** Unless otherwise approved by the Planning Board, a minimum and maximum of 1.5 off-street parking spaces shall be provided for each unit, exclusive of spaces within garages. The Planning Board may also approve, based upon the nature of the development proposed and exclusive of the 1.5 parking space ratio provided, areas for visitor parking.
 - (4) **Storm runoff control.** The applicant shall demonstrate that, as compared with the situation that would exist on the site without the development, no phase of the proposed OSC-PRD will result in an increase in the peak rate of storm runoff at the parcel boundary for the OSC-PRD as a whole for the 25-, 50- and 100-year design storms, and that there will be no net loss in flood storage capacity for the 100-year design storm. In making such determinations, any state or local orders or requirements of the Wetlands Protection Act or the Town's Wetlands Protection Bylaw³ shall be assumed in the calculations of runoff and flood storage without the OSC-PRD, but alternative forms of development shall not be assumed.
 - (5) **On-site runoff and erosion control.** The applicant shall demonstrate that any adverse existing off-site runoff and erosion conditions or off-site runoff and erosion conditions which would result from the development of the OSC-PRD, are fully identified and that workable and acceptable mitigation measures are proposed as part of the submission of a final plan.
- O. **Residents association.** In order to ensure that common open space and common facilities within the development will be properly maintained, each OSC-PRD shall have a residents association, which shall be in the form of a corporation, non-profit organization, or trust, established in accordance with appropriate State law by a suitable legal instrument or instruments properly recorded with the Worcester County Registry of Deeds or registered in the Worcester County Registry District 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.

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

(b) Snow-plowing.

(c) Maintenance of street lighting and on-site improvements and utilities.

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

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

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

**HARVARD DRAFT OPEN SPACE RESIDENTIAL DESIGN (OSRD) DEVELOPMENT
DECEMBER 23²⁸, 2021 – 3rd DRAFT**

- A. Purpose and Intent**
 - B. Applicability**
 - C. Open Space**
 - D. Development Density**
 - E. Permitted Uses**
 - F. Dimensional and Design Requirements**
 - G. Project Site Design Process**
 - H. Formal Process and Application**
-

A. Purpose and Intent

The purpose and intent of the Open Space Residential Development (OSRD) development option is to permit high-quality residential development in harmony with the natural features of the land that is consistent with historic land use patterns of village-like areas where residences are grouped, surrounded by areas of open space used for agriculture, forestry, recreation and similar purposes. It is also the purpose of the OSRD option to:

- (1) Preserve open space, scenic landscapes, water resources, wetlands, natural (particularly native) vegetation, habitat, prime agricultural land, key natural features, and cultural and historic resources with emphasis on goals and actions included in Harvard's 2016 Master Plan and 2016 Open Space and Recreation Plan.
- (2) Reduce site development and public and private maintenance costs.
- (3) Promote 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.
- (4) Reduce the anticipated negative fiscal impact on the Town associated with conventional residential development by reducing street length and width, public utility extent, providing efficient stormwater runoff technology, and other public infrastructure.
- (5) 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. At least 80 percent of dwellings shall be contiguous with some type of Open Space, and all OSRDs shall generally contain at least one neighborhood green or common, bounded by a street or streets in the traditional New England manner.
- (6) Prohibit a lot that has been approved for OSRD to apply for further subdivision of the lot for ten (10) years after the first approval.

B. Applicability

OSRD is Special Permit development option for residential development. The Planning Board may grant approval of an OSRD on an Agricultural-Residential (AR) zoned tract of land.

- ~~(1) If the proposed OSRD involves one or more common driveways, density bonuses, and/or any other use that requires a Special Permit, the proceedings for all such Special Permits and the Site Plan review shall occur in one Consolidated Special Permit proceeding before the Planning Board.~~

Commented [CR1]: Moved to Section 133-60

C. Open Space

Open Space is the organizing principle for OSRD projects and as such, requires the bulk of the up-front project tasks. The following sections describe (1) how open space is calculated, (2) how open space may be classified, and (3) the logistics regarding ownership and maintenance.

- (1) ~~Generally~~ Calculation of Open Space – A minimum of fifty (50%) percent of an OSRD must be open space made up of conservation areas and other open spaces such as commons or greens, parks, historic or cultural sites and features, and passive and active recreation areas. The specific allocation of this open space shall be as follows:
 - (a) Determine the acreage of Primary Resource Protection Areas (PRPAs), as defined in Section 125-2.
 - (b) Determine the acreage of Secondary Resource Protection Areas (SRPAs), as defined in Section 125-2.
 - (c) The combination of PRPA and SRPA area must equal at least 50% of the total site area.
 - (d) At least 50% of the SRPA must remain in its natural state, completely devoid of any structure, parking, loading and unloading space, or as private yards, patios, or gardens for the exclusive or principal use by residents of individual dwelling units, unless the conservation or preservation value is as an improved asset such as a farm field, stone wall, well, historic building or structure, or other modified landscape, protecting and maintaining those assets that were agreed upon by the Planning Board and Conservation Commission.
 - (e) The remaining 50% of SRPA may be improved into commons or greens, parks, and passive and active recreation areas, which may include unpaved walking paths and trails. All OSRDs shall generally contain at least one neighborhood green or common, bounded by a street in the traditional New England manner. 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.
 - (f) All Open Space, to the extent possible, 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. Preserved open space shall also be contiguous to the greatest extent practicable, except for neighborhood greens. Where noncontiguous pockets of open space are preferable to protect features of high conservation value, applicants shall attempt to connect these resource areas to the greatest extent practicable through the use of trails, vegetated corridors, or to adjacent external open space. Open Space will still be considered contiguous if it is separated by common elements such as a shared driveway, roadway, or an accessory amenity (such as a barn, paved pathway or trail, or shed for the storage of recreational equipment).

(g) The remaining land area, after all open space has been established, is available for the infrastructure, dwelling units, accessory buildings, and exclusive use areas (if a part of the design scenario).

(h) ~~Plan Site plan~~ shall include a notation that states: “Designated Open Space shall not be further subdivided or used for future building lots.”

(2) Open Space Classification – For the purpose of this Section, open space, as defined generally in Section 125-2, shall include ~~and be qualified as active recreation space, common open space, conservation open space, stormwater open space, or utility open space. The following are the three two (32) primary types of open space within an OSRD parcel (See Section 125-2 for definitions):~~

- (a) Open Space, Primary Resource Protection Area
- (b) ~~Open Space, Non-Common~~
- (c) Open Space, Common Use (Secondary Resource Protection Area)

(3) Permanent Open Space Logistics

Open space set aside in an OSRD or as a condition of any Special Permit or Site Plan approval shall be permanently preserved from development as required by this Section. The Planning Board may not require such open space land to be accessible to the public, ~~unless a density bonus is allowed under Subsection D (4). Any development permitted in connection with the setting aside of open space land shall not compromise the conservation value of such open space land, based upon the conservation findings of the Planning Board, determined in consultation with the Conservation Commission as provided in Section 130. This section shall also provide for how~~ Open Space may be owned and maintained.

[a] Permanent Preservation of Open Space Land – All land, except to be town-owned, required to be set aside as open space in connection with any OSRD shall be so noted on any approved plans and shall be protected by a 1) permanent conservation restriction, as defined in Article XIII, or 2) agricultural preservation restriction (APR), to be held by the Town of Harvard, the Commonwealth of Massachusetts, or a non-profit conservation organization qualified to hold conservation restrictions under G.L. Chapter 184, Section 31, and also qualified to hold tax-deductible conservation easements under Section 170(h) of the Internal Revenue Code. The restriction shall specify the permitted uses of the restricted land. The restriction may permit, but the Planning Board may not require public access or access by residents of the development to the protected open space land.

[b] Ownership of Open Space Land

At the Planning Board’s ~~discretion~~discretion, the Open Space may be owned by:

- (1) The Town or its Conservation Commission;
- (2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;
- (3) A corporation or trust owned jointly or in common by the owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for

mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

[c] Maintenance Standards for Open Space

- i. Ongoing maintenance standards shall be established in a formal Maintenance Plan as a condition of development approval to ensure that the open space land is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials, and to ensure that it is maintained properly. Maintenance Plans shall therefore delineate all conservation lands within the OSRD into various land-types (such as woodlands, fields, meadows, pastures, neighborhood greens, active recreation areas, etc.) and shall describe in some detail the maintenance regime and schedule for each of those areas, to be implemented by the owners of those conservation lands. (For example, neighborhood greens and active recreation areas shall be mowed weekly during the growing season.) Standards and maintenance frequency and thresholds shall be specific enough so that violations are clear and unassailable.
- ii. Such standards shall be enforceable by the Town against any owner of open space land, including an HOA.
- iii. If the Select Board finds that the provisions of Subsection [a] above are being violated to the extent that the condition of the land constitutes a public nuisance, it may, upon 30 days written notice to the owner, enter the premises for necessary maintenance, and the cost of such maintenance by the Town shall be assessed ratably against the landowner or, in the case of an HOA, the owners of properties within the development, and shall, if unpaid, become a property tax lien on such property or properties.

D. Development Density

The method for determining the maximum number of residences is defined as the Formula Method:

- (1) The maximum number of residences is determined by dividing the total area of the tract of land by the minimum conventional lot size specified in the zoning district. This base density may be increased by density bonuses as noted in Section (2) below up to a maximum of an additional ~~25~~33% permitted additional units.

(a) Determine Parcel Size: --The gross acreage of the parcel or parcels under consideration for the project shall be the starting point in determining density. This number shall be designated as Gross Area (GA).

(b) Minimum Open Space --The minimum acreage required to be set aside for open space is 50% of Gross Area.

Refer to Section C(2) above to determine the minimum requirements for open space.

(c) **Base Development Density (BD)** – The maximum number of dwelling units per acre permitted in an OSRD shall not exceed one (1) unit per 1.5 acres and no more than 2.0 bedrooms per acre of the net density of the land area.

(d) **Permitted Yield (PY)** – The Permitted Yield (PY) is the maximum number of residential units in an Open Space Residential Design and is calculated by multiplying the allowed (base) density or BD by the Gross Acreage (GA). Fractional units of less than 0.5 shall be rounded down and 0.5 or more shall be rounded up.

(e) **Total Open Space Set Aside (TOS)** is the total amount of open space set aside for the project. This is calculated by taking the Minimum Open Space from (2) above and adding any additional open space set aside to achieve a density bonus for Bonus Open Space or BOS to the minimum 50%.

In these calculations, density credit may be applied to certain other unconstrained parts of the site, such as land used for onsite sewage disposal, including nitrification fields and fields used for “spray irrigation” (sometimes called “land treatment”). Unless specified otherwise, these lands may also be counted toward meeting the minimum open space requirements for Open Space developments.

(f) **Bonus Units** – The unit count determined above (PY) may be increased by a density bonus at the discretion of the Planning Board based upon the eligible density bonuses listed in (2) below. The density bonuses allowed above may not increase the density by more than 25-50 percent of the base number of units and said density bonuses may only be used if the resulting development complies with Title 5 of the State Environmental Code as determined by the Board of Health. Fractional units of less than 0.5 shall be rounded down and 0.5 or more shall be rounded up.

(2) **Residential Density Bonuses** – Eligible residential density bonuses include the following as specific public benefits:

(a) **Additional Open Space** – For projects that provide SRPA open space in excess of the minimum fifty percent (50%), a by-right density bonus of one (1%) percent (minimum 1 unit) for each five (5%) percent of additional open space (minimum 7,500 s.f.) provided, up to a five (5%) percent bonus.

(b) **Affordable Housing Component** – The Planning Board may award a density bonus to increase the number of dwelling units/lots beyond the maximum number where affordable housing or affordable Over-55 Housing is provided. All affordable units shall meet the requirements of M.G.L. Chapter 40B and the developer shall demonstrate that said units will count towards the Town of Harvard’s 10% affordable quota as determined by the Massachusetts Department of Housing and Community Development. When affordable units exceed 15% and up to 25%, all of the affordable units on site must be Over 55 Housing. Computations shall be rounded to the highest number. The density bonus units may only be granted if they are restricted perpetually as SHI eligible affordable housing. The permanent restriction shall be approved as to form by legal counsel to the Planning Board, and a right of first refusal upon the transfer of such restricted units shall be granted to the Town of Harvard or its designee for a period of not less than 120 days after notice thereof. Designating 15% affordable units may be awarded a ten (10%) density bonus whereas any percentage in excess of 15% may be awarded one (1%) additional density for each percentage increase in affordability up to fifteen (15%) percent.

Developers may pay a fee in lieu of unit designation to the Harvard Municipal Affordable Housing Trust to receive the density bonus. This fee is based on a formula established by the Harvard Housing Production Plan;

- (c) Age Restricted or Age Targeted Housing – The Planning Board may award a density bonus of up to ten (10%) percent for a development that is certified as restricted age 62 and older active adult independent living units;
- (d) Starter Home Development – The Planning Board may award a density bonus of up to ~~five ten (5|10%)~~ percent for a development containing at least ~~forty ten (40|10%)~~ percent of the units as “starter” homes each with less than 1,850 s.f. of floor area but ~~no more than fifty (50%)~~-percent. ~~Each ten percent increment shall result in up to a 2% bonus. Should a MGL 40R Starter Home Zoning District be utilized, density, siting, and other requirements of the program shall be incorporated herein and density bonus will reflect such compliance.~~
- (e) Green Score Landscaping - If the applicant provides a minimum Green Score for the site of at least 0.35, a density bonus of 10%. See Section 133, Article XII for Green Score criteria and scoring.
- (f) Sustainable Development – There are two categories of sustainable development including:
 - [1] Green Buildings
 - [2] Green Roofs and Stormwater Management

Applicants may gain an additional five (5%) percent density bonus for each category met. See Section 133, Article XII for Sustainable Development criteria and scoring.

~~Table 1 – Unit Calculation for Hypothetical 40 Acre Scenario~~
 Table 1 - Unit Calculation for Hypothetical 40 Acre Development Scenario

<u>Total Acres</u>	<u>Open Space (Acres)</u>	<u>Base Density (Units/Acre)</u>	<u>Base Units</u>	<u>Maximum Units (+50 35%)</u>	<u>Final Gross Density (Units/Acre)</u>	<u>Final Net Density (Units/Acre)</u>
40	20	0.667	27	40.536	1.0 0.9	1.8

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E. Permitted Uses

Permitted uses include the following:

- (1) Single-family and two-family detached dwellings;
- (2) Townhouse dwellings;
- (3) Agriculture and horticultural uses including but not limited to orchards, vineyards, forestry, farming for fruits and vegetables, and grazing animals including horses, donkeys, sheep, llamas, vicunas, and similar animals;
- (4) Open space, active and passive; trails; and bikeways.
- (5) Accessory residential/recreational uses (e.g., tennis court, pool, playground);
- (6) Clubhouse or community building;

(7) Civic uses (e.g. library);

F. Dimensional and Design Requirements

(1) Development Types – There are three (3) primary OSRD development types as follows:

- (a) Condominium w/ Exclusive Use Areas
- (b) Condominium

(2) Dimensional Requirements – The following provisions shall apply:

(a) Project Scale Requirements

- [1] Project Size: Minimum (none), Maximum (none)
- [2] Setbacks:
 - [a] 50’ to external side and rear lot lines
 - [b] For projects smaller than 3 acres, the Design Review Board shall establish setbacks.
- [3] Frontage: 50’
- [4] Maximum Build Out: Base Zoning Plus Density Bonus
- [5] Applicable Zoning District: Agricultural-Residential (AR)

(b) Dimensional Requirements Table:

The table below provides a set of dimensional requirements for the three land use types permitted in an OSRD development. Since projects will not involve separate building lots, dimensional criteria shall follow these conventions:

- [1] Land Use Area Size – Area dedicated to specific land uses will not be on the basis of lot size but rather will use an equivalent called an Exclusive Use Area or site pad.
- [2] Setbacks – shall be measured from the structure to the extents of the EUA or site pad.
- [3] Frontage – refers to the horizontal ground measurement of the front of a EUA or site pad facing an internal circulation roadway.
- [4] Building Size – Limits on the amount of floor area a specific use may have.

Table 2 – OSRD Land Use Dimensional Requirements

Land Use	Exclusive Use Area (EUA) or Pad Size	Setbacks (Minimum) From EUA Boundary or Site Pad ¹	Frontage	Building Size (Maximum)
Open Space Passive and active recreation, parks, squares, natural areas, plazas and courtyards (see definition)	Minimum 50% of Net Acreage (NA)	NA	NA	N/A
Civic/Institutional Building Community space, library, house of worship, museum, theater, or similar	Minimum: 5,000 s.f.	Front: 10’ Side: 8’ Rear: 30’	Minimum: 24’ Maximum 75’	5,000 s.f.
Residential One and two-family	Minimum: 4,000 s.f. No Maximum-30,000	Front: 10’ Side: 8’	Minimum: 36’ No Maximum	None

¹ Minimum rear setbacks will be waived if a rear facing garage and alley is proposed.

detached dwellings	s.f.	Rear: 25'	75'	
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- (c) The Planning Board may waive the minimum requirements for frontage and/or exclusive use area requirements that would normally be applicable in order to achieve maximum open space area and to facilitate a creative or innovative design;

A buffer and/or screening may be required adjacent to sites outside of the OSRD if it is determined that such a buffer will provide relief from potential nuisances. Such buffers shall provide visual screening at all times of year, and preferred options include evergreen planted screening, except those that lose their lower branches as they grow (such as pines) or which are highly susceptible to deer damage (such as arborvitae).

- (d) Exclusive Use Areas (EUAs) or lots proposed for a width of 60' or less, townhomes, or duplexes shall use rear-facing garages on alleys or back lanes. EUAs wider than 60' are encouraged to have rear yard garages, side yard garages, or front facing garages offset behind the façade.
- (3) Arrangement of Structures – Structures and other site features shall be located and arranged in a manner that protects:
- (a) Views from public roads and other publicly accessible points such as parks or land trust preserves;
 - (b) Farmland, including fields and pastures;
 - (c) Wildlife habitat;
 - (d) Large intact forest areas, particularly ones older than 75 years, as seen on early aerial photographs;
 - (e) Hilltops;
 - (f) Ponds, creeks, and streams;
 - (g) Steep slopes; and
 - (h) Other sensitive environmental, historic, or cultural resources deemed important (including resources noted by the 2016 Master Plan and the 2016 Open Space and Recreation Plan).

Siting shall be designed to facilitate pedestrian circulation and connect to other development assets such as common areas and facilities. Pedestrian facility type may be a formal sidewalk in a village center type of project or a pedestrian or multi-purpose path in a rural hamlet type of project.

The Planning Board shall take into consideration the conservation analysis and findings in approving the arrangement of lots but, to the extent possible, each lot shall either front or rear on Open Space.

- (4) Design Requirements – OSRD projects are also characterized by special attention to site and architectural design that directly reflects or highly complements the principles of town and architectural design that represents the character and history of the Town of Harvard. Specific design criteria are as follows:

(a) Project Site

- [1] Developments shall be designed in the manner of a rural New England village, hamlet, or neighborhood with clusters of residences within a square or fronting on a town common or green.
- [2] The development shall establish narrow, shaded streets conducive to pedestrians and cyclists.
- [3] Buildings shall be established close to the street to facilitate a pedestrian scale.
- [4] To the extent practicable and applicable, developments shall be integrated into the existing townscape by common edge treatments. This shall include frequent street connections and pathways to surrounding areas and a high degree of internal connectivity within the development.
- [5] Projects are encouraged to possess a wide range of housing types and sizes—such as large and small townhouses, duplexes, single-family homes, small apartment buildings, or special needs housing.

(b) Exclusive Use Areas and Buildings

- [1] All Exclusive Use Areas shall share a frontage line with a street, square, courtyard, neighborhood green, or park (public access).
- [2] All buildings, except accessory structures, shall have their main entrance (include in definitions) opening onto a street, square, courtyard, neighborhood green, or park.
- [3] Unenclosed porches may encroach into front setbacks as indicated in this bylaw.
- [4] All residences shall be within 600 feet of trailheads or other pedestrian facilities.
- [5] Garages entrances for Exclusive Use Areas 60' width or less shall be facing the rear of the EUA. Access to rear-facing garages should be from an alley or back lane, which may be a private common drive.
- [6] Proposed two-family residences shall either be designed as a "Shaker Double" or a corner opposed front entrance double.

(a) Miscellaneous Design Standards

- [1] Porches. Unenclosed front or side Porches are encouraged for residential uses and may be built within the setback line or required front area.
- [2] Appearance/Architectural Design: Architectural design shall be compatible with the character and scale of buildings on the site, in the neighborhood, and in the Town through the use of appropriate building materials, screening, breaks in roof and wall lines and other architectural techniques. Variation in detail, form and siting shall be used to provide visual interest and avoid monotony. Proposed buildings shall relate harmoniously to each other with adequate light, air circulation, and separation between buildings where appropriate.

[3] Design Review: OSRD projects shall be reviewed by the Design Review Board based on the criteria in this Section G. The design review process is outlined in Chapter 133, Article XII, of the Planning Board Rules and Regulations.

G. Project Site Design Process

The site design process for OSRD is provided in Chapter 133, Planning Board Rules and Regulations, Section 133-21(A). This process, in summary, mirrors the four (4) step design process as recommended by Randall Arendt, and is as follows:

- (1) Step One: Identifying All Potential Resource Protection Areas
- (2) Step Two: Locating the Building Sites
- (3) Step Three: Designing Street Alignments and Trails
- (4) Step Four: Drawing in Exclusive Use Areas or Site Pads

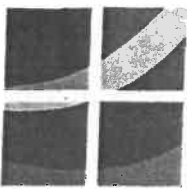
Site improvements including requirements for water and wastewater, stormwater and erosion control, road design, and pedestrian and bicycle facilities are found in Section 133-21(B).

H. Formal Process and Application

The process for seeking approval of an OSRD project requires the following steps:

- (1) Pre-Application – Preliminary document development and discussion
- (2) Resource Protection Findings – Resulting in a conceptual plan for proposed development
- (3) Long-Range Development Plan (Optional) – Only for phased projects
- (4) Preliminary Project Approval
- (5) Formal Application Process – Design Review, Special Permit, and Site Plan Review processes

The full process for seeking approval of an OSRD project is provided in Chapter 133-21(C), Planning Board Rules and Regulations, which provides applicants with details of all of the required steps, plans, and documents that will be required.



BEALS + THOMAS

BEALS AND THOMAS, INC.
144 Turnpike Road
Southborough, MA 01772-2104

T 508.366.0560
F 508.366.4391
www.bealsandthomas.com
Regional Office: Plymouth, MA

Town of Harvard
Conservation Commission
13 Ayer Road
Harvard, MA 01451
Liz Allard

Invoice number 3241.02-3
Date 08/31/2022

Project 3241.02
Peer Review Services
203 Ayer Road
Harvard, MA

FOR PROFESSIONAL SERVICES RENDERED: this period through August 31, 2022

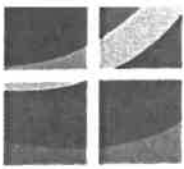
Professional services to assist the Town of Harvard Planning Board (the Board) and Conservation Commission (the Commission) with the review of the two Special Permit Applications, a Site Plan Approval Application, and a Notice of Intent for the proposed commercial development at 203 Ayer Road, Harvard, Massachusetts. During this period, we completed a supplemental review and issued the associated letter and coordinated with the Town as necessary.

Professional Fees

	Hours	Amount
Senior Professional Staff I	0.50	122.50
Senior Professional Staff V	9.25	1,526.25
Senior Professional Staff VI	0.50	75.00
Administrative Staff I	0.25	18.75
Professional Fees Subtotal	10.50	1,742.50

Invoice total **1,742.50**

By: Stacy H. Minihane
Stacy H. Minihane
Senior Associate



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Town of Harvard
Conservation Commission
13 Ayer Road
Harvard, MA 01451
Liz Allard

Invoice number 3241.00-4
Date 08/31/2022

Project **3241.00**
Notice of Intent & Driveway Site Plan Approval
175 Littleton County Road
Harvard, MA

FOR PROFESSIONAL SERVICES RENDERED: this period through August 31, 2022

Services to assist the Town of Harvard Conservation Commission and Planning Board with construction observations relating to the driveway for the single-family home being constructed at 175 Littleton County Road. During this period, we coordinated with the Town and Applicant and began preparing for the September site visit to observe construction.

Professional Fees	<u>Hours</u>	<u>Amount</u>
Senior Professional Staff III	0.25	47.50
Senior Professional Staff IV	0.25	41.25
Senior Professional Staff V	3.75	618.75
Professional Fees Subtotal	<u>4.25</u>	<u>707.50</u>
 Reimbursable Expenses		<u>Amount</u>
Mileage		30.94
	Invoice total	<u><u>738.44</u></u>

By: Stacy H. Minihane
Stacy H. Minihane
Senior Associate

Mark F. Piermarini, P.E.
443 Mt. Elam Road
Fitchburg, MA 01420

INVOICE NO. H-22001-01

September 13, 2022

H-22001
Lot 5 – Prospect Hill Road
Harvard, MA

Harvard Planning Board
Town Hall
13 Ayer Road
Harvard, MA 01451

Professional Services:

Site plan and drainage calculations review Includes review of all material, correspondence with engineer and preparation of final report	\$ 2,000
	<hr/>
Total	\$ 2,000

Billing Period: 9/1/22 – 9/30/22

Weitzman Associates LLC

355 Lexington Avenue, New York, New York 10017 (212) 949-4000
737 North Michigan Avenue, Suite 2060, Chicago, Illinois 60611 (312) 337-5785

September 8, 2022

Town of Harvard
13 Ayer Road
Harvard, MA 01451
Attn: Ms. Marie Sobalvarro
Assistant Town Administrator and Chief Procurement Officer

c.c. Frank O'Connor, Director of Planning

Re: Market Analysis and Fiscal Impact Analysis- Ayer Road Commercial District
Harvard, MA
Engagement Letter Issued May 3, 2022

Acc # 66-22

SERVICES RENDERED:

Market Analysis and Fiscal Impact Analysis- Ayer Road Commercial District	
Part 1 Deliverable: Kick-Off Meeting & Initial Memorandum	\$5,000.00
Part 2 Deliverable: Interim Memorandum (2)	<u>\$10,000.00</u>
UP-TO-DATE TOTAL FEE FOR SERVICES	\$15,000.00
Less Payment Received	<u>(\$5,000)</u>
Total Due This Invoice	\$10,000.00

Tax ID: 37-1862083
Wiring Instructions:
WEITZMAN ASSOCIATES, LLC
Chase Manhattan Bank
Acc #: 929156276
ABA 021 000 021