

**TOWN OF HARVARD  
PLANNING BOARD AGENDA  
MONDAY OCTOBER 3, 2022 @ 7:00PM**

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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.

Hildreth Pro is inviting you to a scheduled Zoom meeting.

**Join Zoom Meeting**

<https://us02web.zoom.us/j/86241156291?pwd=K3dLUjVuMzBzOWJjJiJiekViOVRhQT09>

**Meeting ID: 862 4115 6291**

**Passcode: 615450**

One tap mobile

+19294362866,,86241156291# US (New York)

+13017158592,,86241156291# US (Washington DC)

Dial by your location

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

**Meeting ID: 862 4115 6291**

Find your local number: <https://us02web.zoom.us/j/86241156291?pwd=K3dLUjVuMzBzOWJjJiJiekViOVRhQT09>

**Public Comment**

**New Business:** a) Review Extension of a Special Permit & Driveway Site Plan Approval – 47 Poor Farm Road (Map 9 - Parcel 1.2) Crown Castle USA Inc, for existing wireless communications tower.  
b) Recap All Boards meeting

**Old Business:** a) Proposed Protective Bylaw Amendment §125-7 Agricultural Uses  
b) Open Space Residential Development Bylaw Amendment  
c) Multi-Family  
d) Ayer Road Visioning Plan

**Standard Business:** a) Board Member Reports

- Representatives & Liaisons Update
- Community Matter

b) Approve Minutes  
c) Approve Invoices

- Weitzman - \$30,000.00 (Ayer Road Visioning Plan)

**Public Hearings:** none scheduled

**NEXT SCHEDULED MEETING:  
OCTOBER 17, 2022**

OFFICE OF THE  
**PLANNING BOARD**

13 AYER ROAD HARVARD, MA 01451

978-456-4100

[www.harvard-ma.gov](http://www.harvard-ma.gov)



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

**SEPTEMBER 19, 2022**

**HARVARD PLANNING BOARD**

**NOTICE OF DECISION ON APPLICATION OF**

**SPRINT SPECTRUM, L.P.  
BY ITS REPRESENTATIVE  
CROWN CASTLE INC.**

**FOR EXTENSION OF A  
SPECIAL PERMIT AND DRIVEWAY SITE PLAN APPROVAL**

**47 POOR FARM ROAD  
HARVARD, MA 01451  
ASSESSORS MAP 9 – PARCEL 1.2  
WORCESTER REGISTRY OF DEEDS  
BOOK 32900, PAGE 3**

The applicant, Crown Castle, representing Sprint, Verizon, T-Mobile and AT&T, requested an extension of a Special Permit and Driveway Site Plan Approval issued by the Harvard Planning Board to Sprint Spectrum, L.P. on June 24, 2002 to install a telecommunications tower, antennas, and equipment cabinets at 47 Poor Farm Road, which decision was recorded in the Worcester Registry of Deeds on July 2, 2002 at Book 27041, Page 369. On April 25, 2016 the Harvard Planning Board granted an extension of the Special Permit and Driveway Site Plan Approval, recorded in the Worcester Registry of Deeds on May 17, 2016 at Book 55336, Page 216.

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

At this time, the applicant does not propose to make any improvements to its facilities on the communications tower located at 47 Poor Farm Road.

The antennas are 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.

Crown Castle, a developer of communications facilities, owns and maintains the tower at 47 Poor Farm Road pursuant to a lease from the property owner, Andrew G. Coleman. The tower is in the Wireless Communications Towers Overlay District (WCTOD).

### **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 August 23, 2022, including:

- a. Cover letter dated August 19, 2022 from Katherine Brief, of Crown Castle Inc., 8020 Katy Fwy, Houston, TX 77024
- b. Application to the Harvard Planning Board
- c. Certified List of Abutters
- d. The following documents:

Planning Board decision from 2002

A Removal Bond in the amount of \$25,000 from Traveler's Casualty and Surety Company of America to guarantee the maintenance, replacement, removal, or relocation of the equipment.

Power of Attorney

- e. Check #2804914 made payable to the Town of Harvard in the amount of \$250.00

2. Input from Harvard Town Boards/Departments:

- a. No comments on the proposal

3. Consultant Reviews: None

4. Supplemental Materials from the Applicant and/or Agent of the Applicant:

- a. None.

5. 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, September 19, 2022. The advertisement appeared in the "The Harvard Press" on September 2 & 9, 2022 in compliance with MGL covering such public notice.
- b. An Affidavit of Mailing to Abutters dated August 30, 2022 endorsed by the Assistant

Town Clerk.

The Planning Board opened the public hearing on the application for an Extension of the Special Permit and Driveway Site Plan Approval on September 19, 2022 and closed the hearing that same evening. The application was presented by Katherine Brief of Crown Castle Inc., 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 Extension of the Special Permit and Driveway Site Plan Approval with conditions.

## **FINDINGS**

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

1. This modification to a previously granted special permit is in harmony with the provisions set forth in Article 1, §125-1, Purpose, of the Harvard Protective Bylaw.
2. The Applicant currently has facilities co-located on the tower in conformance with the Protective Bylaw's stated preference to minimize the number of free-standing towers in Harvard.
3. There will be no storage of fuels or hazardous materials on the premises.
4. The granting of an extension of the existing Special Permit and Driveway Site Plan Approval 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.
8. The proposal complies with §125-27D(2)(m), requiring that the tower be fenced so as to control access to the facility and that the fence be as unobtrusive as possible.
9. The Applicant has submitted all materials in compliance with §125-27.

## **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 July 30, 2014.
2. The antennas shall be 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. *Grantee shall visit site each April and October to gather fallen camouflage branches and re-attach or replace them on antennae correctly and remove debris from site.*
11. Grantee shall comply with all conditions of this Permit prior to commencement of operation.

#### **ACTION OF THE PLANNING BOARD-DECISION**

Therefore, as of September 19, 2022 by a vote of five (5) to zero (0) of the Planning Board members eligible to vote, the Board hereby **GRANTS** to the Applicant an Extension of the Special Permit and Driveway Site Plan Approval under Sections 125-27 and 125-46 of the Bylaw allowing the extension of the Special Permit and Driveway Site Plan for the existing wireless communications facility, at 47 Poor Farm Road, Assessors Map 9, Parcel 1.2, subject to the conditions and limitation contained herein.

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

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

\_\_\_\_\_  
Richard S. Cabelus, Chair

\_\_\_\_\_  
Stacia Donahue

\_\_\_\_\_  
Brian Cook

\_\_\_\_\_  
Arielle Jennings

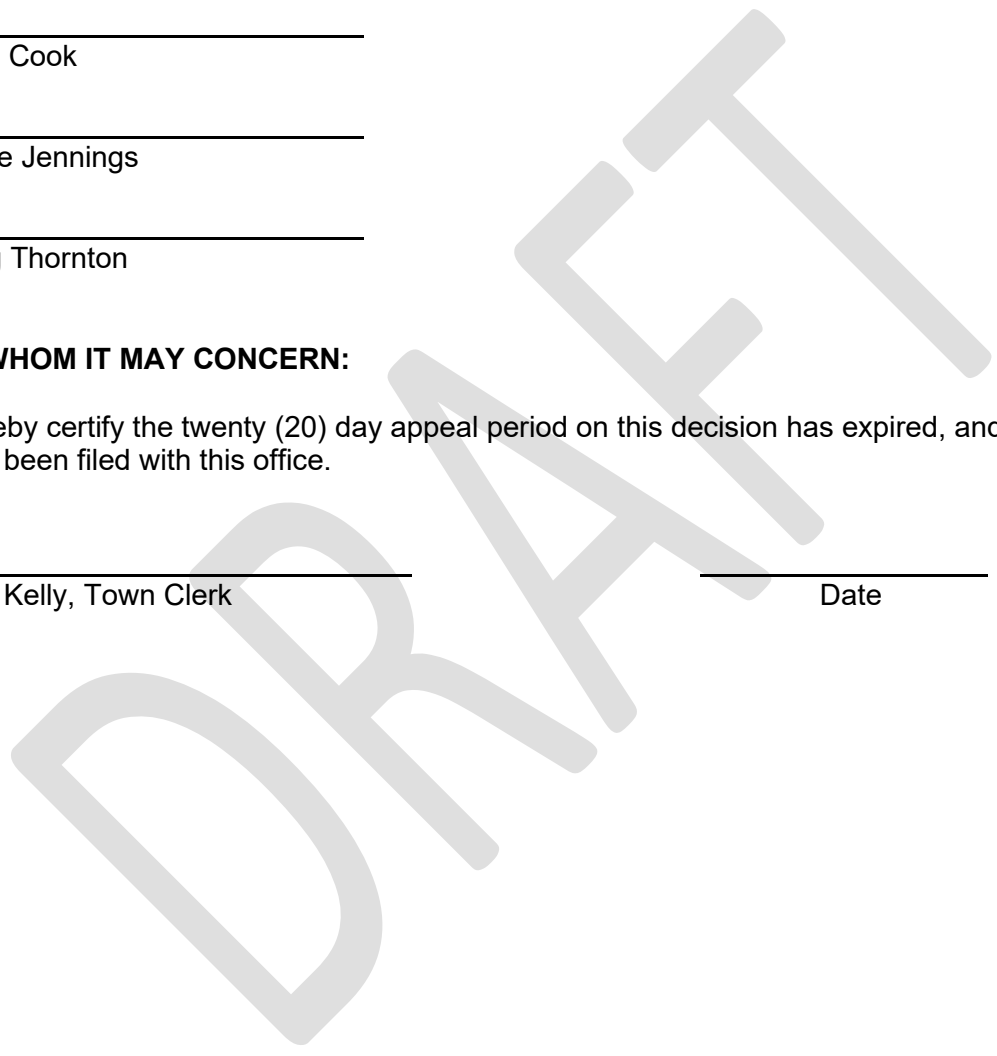
\_\_\_\_\_  
Doug Thornton

**TO WHOM IT MAY CONCERN:**

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

\_\_\_\_\_  
Lynn Kelly, Town Clerk

\_\_\_\_\_  
Date



## 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 Commissioner<sup>u</sup> 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.

(No subject)

Richard Cabelus <rcabelus01451@gmail.com>

Wed 09/28/22 3:06 PM

To: Liz Allard <lallard@harvard-ma.gov>

Hi Richard,

Last night our board voted "***that the language needs more clarification***" and to include a statement and highlight three main points of concern for the PB. See below.

***The current wording, or lack thereof, of the amendment might hurt Harvard Ag:***

- 1. Under the current language, it allows anyone who meets acreage requirement to designate their property as a farm to host commercial events.***
- 2. It allows discretionary authority to the Select Board to approve or deny an application based on arbitrary criteria not established in the by law.***
- 3. It doesn't ensure equitable access to economic opportunities.***

Overall the general tone surrounding this was not supportive. We did not go any further than discussion on feelings/concerns based on the language presented. We did not discuss how to make it better, or to address the areas of concern highlighted above. We felt it better to leave that up to the PB to make a next move. I did share that there was confusion surrounding the ability to amend, and who has the authority, etc. So hopefully we can get to a final determination on that. I will attend your meeting on Monday, where hopefully you will discuss further with the rest of your board.

I'm here to help you navigate language, and give a point of view, share resources. Our Commission is aware that we may need to call another meeting off schedule should the PB want us to look at new language and provide input.

Kerri Green



**HARVARD PLANNING BOARD  
MEETING MINUTES  
SEPTEMBER 19, 2022**

Chair Richard Cabelus called the meeting to order at 7:03pm virtually, 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 14, 2022, and under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Richard Cabelus, Stacia Donahue, Brian Cook, Doug Thornton, Arielle Jennings (arrived at 7:53pm; departed at 9:10pm) and John McCormack (Associate Member)

**Others Present:** Frank O'Connor (Director of Planning), Liz Allard (Land Use Administrator), Valerie Hurley (Harvard Press), Bruce Ringwall (GPR, Inc.), Lou Russo (Wheeler Realty Trust), Kerri Green, Steve Moeser, Yvonne Chern, William Bostic, Paul Pekens, Tyler Richard (Crown Castle) and Katherine Brief (Crown Castle)

**Public Comment**

There was no public comment this evening

**Review Special Permit & Driveway Site Plan Approval - Lot 5 Prospect Hill Road (Map 11 Parcel 22.1 portion of)**

Donahue made a motion to approve the decision for Lot 5 Prospect Hill Road (Map 11 Parcel 22.1 portion of) as amended. Cook seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; and Cabelus, aye.

**All Boards Meeting September 28, 2022 @ 7:00pm**

Cabelus stated he is willing to attend to represent the Planning Board, along with O'Conner. After some discussion the Board agreed the following items highlight the goals for the Planning Board for fiscal year 2023 and will be stated at the all boards meeting next week:

- Compliance with the MBTA regulations pertaining to multi-family housing;
- The Ayer Road Visioning Plan;
- Form base code for Town Center; and
- The update to the Master Plan.

**Continuation of a Special Permit, Ayer Road Village-Special Permit and Site Plan Review - Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road.** Opened at 7:30pm (see page 3 for complete details)

**Extension of Special Permit & Driveway Site Plan Approval – Crown Castle, 47 Poor Farm Road.** Opened at 8:13pm (see page 6 for complete details)

**Proposed Protective Bylaw Amendment §125-7 Agricultural Uses**

Official request to amend §125-7 of the Protective Bylaw was received from the Select Board on September 13, 2022. Members discussed the scheduling of the public hearing for this amendment, as well as the amendment for the Town Center, also being submitted by the Select Board. Cabelus will follow up with the Town Administrator to ensure appropriate material is received in a timely manner in order to open the public hearings on November 7, 2022. In the interim this item will remain on the agenda under old business.

**Open Space Residential Development Bylaw Amendment**

For the benefit of the new members Cabelus gave an overview as to the process thus far pertaining to the proposed Open Space Residential Development bylaw and the existing §125-35 Open Space and

53 Conservation - Planned Residential Development (OSC-PRD). McCormack asked why the bylaw is limited  
54 to the development of only six units. Cabelus thought it is a gradual approach to development, stating it is  
55 the balance between the needs and what will be tolerated by the Town. Donahue explained further and  
56 suggested the site should dictate the number of units as opposed to the bylaw doing so. Jennings asked  
57 about why it had only been used once. Donahue explained the current bylaw requires an applicant to  
58 design and submit the engineered plans for the conventional development of the site and what could be  
59 developed under the OSC-PRD. In addition, the need to provide private water and sewer provides  
60 additional constraints to this type of development. Jennings would also be interested in how this bylaw  
61 can play into the needs of multi-family. Cook thinks there is plenty ways to get this accomplished and  
62 suggested language that states if you can do this successfully there should be some type of incentive  
63 provided. Cabelus wants to continue to move forward with this discussion as it has been in the works  
64 since early 2020. Cabelus asked the members to review both the current and the proposed bylaw for  
65 continued discussion at the preceding meetings of the Board.

66  
67 **Approve Minutes**

68 None available this evening for approval

69  
70 **Approve Invoices**

71 Donahue made a motion to approve the following invoices:

- 72 • Weitzman - \$10,000.00 (Ayer Road Visioning Plan)
- 73 • Beals + Thomas - \$1742.50 (203 Ayer Road)
- 74 • Beals + Thomas - \$738.44 (175 Littleton County Road)
- 75 • Mark Piermarini, P.E. - \$2000.00 (Lot 5 Prospect Hill Road)

76 Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue,  
77 aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

78  
79 **Board Member Reports**

80 • **Representatives & Liaisons Updates**

81 *Historical Commission* – Cabelus stated the public hearing for the proposed revision to the historic  
82 district within the Town Center to include the Bromfield House at 39 Mass Ave was held last week. This  
83 item will be on the warrant at the Fall Town Meeting on October 1<sup>st</sup>. The Historical Commission has  
84 worked very hard to bring this amendment forward. A number of Boards are supporting the article at  
85 Town Meeting. Cabelus is asking for the support of the Board members on the article.

- 86 • **Community Matters** – none this evening

87  
88 **Adjournment**

89 Donahue made a motion to adjourn the meeting at 9:11pm. Cook seconded the motion. The vote was  
90 unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; and Cabelus, aye.

91  
92 Signed: \_\_\_\_\_ Liz Allard, Clerk

93  
94 **EXHIBITS & OTHER DOCUMENTS**

- 95 • Planning Board Agenda September 19, 2022
- 96 • Commercial Development 203 Ayer Road Harvard, MA, L-1.01 Planting Plan, prepared by fisher  
97 design group, April 25, 2022

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**Harvard Planning Board**

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

**Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road**

**September 19, 2022**

The public hearing was opened at 7:30pm by Chair Richard Cabelus under MGL Chapter 40A the Zoning Act and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually pursuant to Chapter 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 14, 2022

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

**Others Present:** Frank O’Connor (Director of Planning), Liz Allard (Land Use Administrator), Bruce Ringwall (GPR, Inc.), Lou Russo (Wheeler Realty Trust), Kenneth Cram, Yvonne Chern and Valerie Hurley (Harvard Press)

This hearing was continued from September 12, 2022 for a Special Permit, an Ayer Road Village-Special Permit and Major Building Special Permit and Site Plan Review filed on behalf of Yvonne Chern & Wheeler Realty Trust for the development of three commercial use buildings, including a Commercial Entertainment and Recreation use at 203 Ayer Road, Harvard.

Bruce Ringwall, of GPR, Inc., representing Yvonne Chern for the Harvard Badminton Center and Lou Russo for Wheeler Realty Trust, introduced Kenneth Cram, of Bayside Engineering, who will provide the presentation on the traffic and access study for the property. Cram provided a project description, study methodology, study area, existing conditions, probable impacts of the project and traffic operations analysis.

Cram stated new traffic counts were conducted in April of this year, along with data from Mass Department of Transportation (MassDOT) inventory were used to determine if these were average amounts or above or below average. March 1<sup>st</sup> of this year, is the point in which traffic counts are being consider the “new normal” with no adjustments, unless you are in area of a large amount of office space, post the pandemic. A K factor (the portion of annual average daily traffic on a roadway segment during a designated time) of 1.079 was applied and compared to traffic volumes with those determined for the Ayer Road Transportation Improvement Plan (TIP) project for morning volumes; evening volume were a bit lower. The study shows daily traffic to be 15,900 vehicles/day, with peak follow during normal commuting hours. Traffic counts were taken at four primary intersections: Ayer Road & Gebo Lane; Ayer Road and 202 Ayer Road Driveway; Ayer Road and Lancaster County Road; and Ayer Road & Route 2 Westbound Ramps. Data on the speeds along Ayer Road south of Gebo Lane were gathered for three days (Thursday, Friday and Saturday). With the 85% percentile speed being an average of 39mph northbound and 40mph southbound. In regard to motor vehicle crash data, Cram looked back to 2015 for trends due to the pandemic; no trends were noticed. Cram noted none of the intersection are on the MassDOT improvement list for safety improvements. The proposed TIP project will impact traffic conditions within the study area. Cram noted the Lancaster County Road bridge is not safe and has been assigned to be closed with traffic re-assigned to Gebo Lane, with the existing driveway for the Post Office being reconfigured so all exiting traffic would exit out the rear to Gebo Lane. Montachusett Regional Planning Commission indicated a 1% growth rate at this time; traffic would be encompassed by the 1% growth rate.

157 In determining how much traffic will be generated by this development, Cram stated office space has an  
158 existing land use code, but the badminton facility does not as it is a new type of activity. Bayside  
159 Engineering took counts at the existing facility in Westborough that consists of 8-courts. These counts  
160 were conducted Thursday – Saturday on both the in and out traffic. With the proposed facility at 16-  
161 courts the counts from Westborough were doubled. On a typical weekday, the proposed development is  
162 expected to generate 856 daily vehicle trips. During the weekday morning peak hour, 63 vehicle trips are  
163 expected. During the weekday evening peak hour, 146 vehicle trips are expected. On a typical Saturday,  
164 the proposed development is expected to generate 896 daily vehicle trips. During the Saturday midday  
165 peak hour, 118 vehicle trips are expected.

166  
167 Table 10 summarizes the level of service (a quantitative measure used to describe the operation of an  
168 intersection or roadway segment). The proposed driveway for the development of 203 Ayer Road is  
169 projected to operate with slightly higher delays, with left turns at less than 1. Bayside Engineering  
170 recommends the site driveway consist of one land in and two lanes out controlled by a stop sign, with  
171 most traffic heading to and from Route 2. There are no other improvements warranted for this project as  
172 the capacity analyses indicate that there is no change in level of service at the study area intersections  
173 with the addition of the project related traffic. To maintain sight lines, it is recommended that any  
174 landscaping and proposed site signage be set back to not impede sight lines. Bayside Engineering  
175 recommends a transportation demand management plan be established to reduce the single passenger  
176 vehicles to the site. Cram concluded the review of the proposed project and the access plan shows that in  
177 relation to roadway capacity, traffic safety, and traffic impacts upon the surrounding roadway network,  
178 the proposed project will meet safety standards and have a minimal impact on existing traffic  
179 conditions. Project-related increases are in the range of 11 to 72 bi-directional vehicles during the peak  
180 hours entering or exiting the study area on Ayer Road. This is equivalent to approximately one additional  
181 vehicle every two (2) minutes or less per direction on average during the peak hours.

182  
183 Donahue asked will the numbers change significantly if the office uses change to another use, such as  
184 housing. Cram stated housing would probably be compared to office use. However, traffic associated  
185 with housing would be going in the opposite direction of that for office use. Cabelus asked if the TIP  
186 project was taken into account as part of an increase in traffic. Cram explained TIP are safety  
187 improvements, and should not affect traffic. Cabelus asked about days in which counts were taken and  
188 did they include days on which there were tournaments and Sundays. Cram further explained the use of  
189 the numbers provided by using the Westborough facility. Cabelus also asked if Cram would recommend a  
190 traffic signal. Cram stated the numbers do not generate enough traffic for a signal; typically, 75  
191 vehicles/hour are necessary to warrant a traffic signal.

192  
193 The Board discussed the need for additional peer review on the traffic study. Cook stated the proposed  
194 development is not a significant impact and would support noting requiring peer review. McCormack  
195 seconded what Cook had stated; additional MassDOT has already done a study and he did not see the  
196 need for additional safety features at this location. Donahue on board knowing that if the two mystery  
197 boxes would not change the volume of traffic should those uses change. Cabelus wondered if there was a  
198 way to have a limited scope review of the traffic study as opposed to a big undertaking as previously  
199 proposed. Cram stated MassDOT has detailed guidelines with methodology to be able to make these  
200 determinations. Cabelus was looking for reassurance on the study by a peer consultant as this is not his  
201 bailiwick. Cook felt the increase in traffic is small in comparison to the overall traffic along Ayer Road.  
202 Ringwall explained how the information from the studies done by MassDOT were used, with Bayside  
203 Engineering data showing similar results.

204  
205 Cook made a motion to not require a peer review of the traffic impact study for 203 Ayer Road. Donahue  
206 seconded the motion. The vote was 4-1 in favor of the motion by roll call, Donahue, aye; Cook, aye;  
207 Thornton, aye; Jennings, aye; and Cabelus, nay.

208 Ringwall stated the architectural plans are being modified and once complete will be submitted to the  
209 Planning Board and the Design Review Board. Donahue asked will that be for all three buildings or just  
210 the badminton facility. Ringwall stated all three. Cabelus provided a brief overview of the advice received  
211 from Town Counsel pertaining to the requested permits for this application. After discussing reasonable  
212 timeframes to receive the architectural plan, Mr. Ringwall agreed to continue the hearing to October 17<sup>th</sup>.  
213

214 Donahue made a motion to continue the hearing to October 17, 2022 at 7:30pm. Thornton seconded the  
215 motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton,  
216 aye; Jennings, aye; and Cabelus, aye.

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218 Signed: \_\_\_\_\_ Liz Allard, Clerk  
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DRAFT

261 **Harvard Planning Board**

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263 **Extension of a Special Permit & Driveway Site Plan Approval**

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265 **Crown Castle, 47 Poor Farm Road**

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267 **September 19, 2022**

268

269 The public hearing was opened at 8:13pm by Chair Richard Cabelus under MGL Chapter 40A the Zoning  
270 Act and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually pursuant to Chapter  
271 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State  
272 of Emergency, and signed into law on July 14, 2022

273

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

276

277 **Others Present:** Frank O'Connor (Director of Planning), Liz Allard (Land Use Administrator), Tyler Richard  
278 (Crown Castle) and Katherine Brief (Crown Castle)

279

280 This hearing is for the Extension of a Special Permit filed on behalf of Crown Castle for the for the existing  
281 wireless communications tower 47 Poor Farm Road, Harvard.

282

283 Katherine Brief, Urban Planner, representing Crown Castle stated the existing wireless communication  
284 tower is a mono pine that was originally permitted in 2002. The current Special Permit and Driveway Site  
285 plan approval was to expire in July of this year, however as a result of the state-of-emergency during the  
286 pandemic all existing permits were given an additional 462 days. Wanting to stay ahead of the expiration  
287 date, Crown Castle is requesting a five-year extension at this time. The are no recommended changes to  
288 the site or the tower. Allard stated a review of the site indicates compliance with the Special Permit, with  
289 perhaps the exception of the stealth covering on the tower. Brief stated the existing branches on the  
290 tower are standard, and anything larger could interfere with the antenna. O'Connor mentioned the site,  
291 both inside and outside fence enclosure, had branch debris; potentially indicating a need to fill in spots on  
292 the tower where stealth covering may not exist. McCormack requested the area be cleaned up, but as for  
293 whether to ask for additional camouflage, he could not even see the tower from Poor Farm Road. Cabelus  
294 asked if there was some standard maintenance. Brief stated annual inspection of both site and  
295 engineering are completed. Allard asked that the maintenance be more than annually for upkeep of the  
296 site. After briefly discussing, Jennings suggested twice a year and whenever maintenance is conducted.

297

298 There were no comments from the general public.

299

300 Donahue made a motion to include the condition that debris shall be maintained and cleared twice a  
301 year. Jennings seconded the motion. The vote was unanimously in favor of the motion by roll call,  
302 Donahue, aye; Cook, aye; Thornton, aye; Jennings, aye; and Cabelus, aye.

303

304 Donahue made a motion to closet the hearing and issue a five-year extension for the special permit and  
305 driveway site plan approval to Crown Castle for the wireless communications tower at 47 Poor Farm Road  
306 as allowed for under §§125-27 and 125-46 of the Protective Bylaw. Cook seconded the motion. The vote  
307 was unanimously in favor of the motion by roll call, Donahue, aye; Cook, aye; Thornton, aye; Jennings,  
308 aye; and Cabelus, aye.

309

310 Signed: \_\_\_\_\_ Liz Allard, Clerk

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 27, 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

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SERVICES RENDERED:

Market Analysis and Fiscal Impact Analysis- Ayer Road Commercial District	
Part 1 Deliverable: Kick-Off Meeting & Initial Memorandum	\$5,000.00
Part 2A Deliverable: Interim Memorandum Market Analysis	\$10,000.00
Part 2B Deliverable: Expanded Memorandum Market Analysis	<u>\$20,000.00</u>
UP-TO-DATE TOTAL FEE FOR SERVICES	\$35,000.00
Less Payment Received	<u>(\$5,000)</u>
<b>Total Due This Invoice</b>	<b>\$30,000.00</b>

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

**§ 125-35. Open Space and Conservation - Planned Residential Development (OSC-PRD). [Added 3-29-2003 ATM by Art. 32<sup>1</sup>]**

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

- A. **Purpose and intent.** The purpose and intent of the OSC-PRD provision is to permit high-quality residential development that preserves open space, water resources, wetlands, habitat, prime agricultural land, scenic landscapes and natural features, reduces infrastructure and site development cost, and promotes a diversity of housing opportunities within the Town, while respecting and enhancing neighborhoods, and promoting attractive standards of appearance and aesthetics consistent with Town character.
- (1) A further purpose of the OSC-PRD provision is to reduce the anticipated negative fiscal impact on the Town associated with conventional residential development.
  - (2) The OSC-PRD provision is designed to encourage the siting of homes in a manner that clusters units together in well-designed village settings, on buildable portions of the site, as a distinct alternative to the more arbitrary siting associated with lot by lot development typically reflected in plans submitted pursuant to Massachusetts General Laws Chapter 41, Sections 81K through 81GG, the Subdivision Control Law.
- B. **Applicability.** The Planning Board may grant a special permit for an OSC-PRD on an Agricultural-Residential (AR) zoned tract of land 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.

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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.



- (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.<sup>2</sup>
- (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,

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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 Bylaw<sup>3</sup> shall be assumed in the calculations of runoff and flood storage without the OSC-PRD, but alternative forms of development shall not be assumed.
  - (5) **On-site runoff and erosion control.** The applicant shall demonstrate that any adverse existing off-site runoff and erosion conditions or off-site runoff and erosion conditions which would result from the development of the OSC-PRD, are fully identified and that workable and acceptable mitigation measures are proposed as part of the submission of a final plan.
- O. **Residents association.** In order to ensure that common open space and common facilities within the development will be properly maintained, each OSC-PRD shall have a residents association, which shall be in the form of a corporation, non-profit organization, or trust, established in accordance with appropriate State law by a suitable legal instrument or instruments properly recorded with the Worcester County Registry of Deeds or registered in the Worcester County Registry District 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.

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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 23~~28~~, 2021 – 3<sup>rd</sup> DRAFT**

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- 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 (510%)~~ percent for a development containing at least ~~fifty-ten (5010%)~~ 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 – 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 (+<del>5035%</del>)</u>	<u>Final Gross Density (Units/Acre)</u>	<u>Final Net Density (Units/Acre)</u>
40	20	0.667	27	<del>40.536</del>	<del>1.010.9</del>	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 <sup>1</sup>	Frontage	Building Size (Maximum)
<b>Open Space</b> Passive and active recreation, parks, squares, natural areas, plazas and courtyards (see definition)	Minimum 50% of Net Acreage (NA)	NA	NA	N/A
<b>Civic/Institutional Building</b> 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.
<b>Residential</b> One and two-family	Minimum: 4,000 s.f. <del>No Maximum 30,000</del>	Front: 10’ Side: 8’	Minimum: 36’ <del>No Maximum</del>	None

<sup>1</sup> 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.