

**TOWN OF HARVARD
PLANNING BOARD AGENDA
MONDAY OCTOBER 18, 2021 @ 7:00PM**

Pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency and signed into law on June 16, 2021, 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/81621673745?pwd=NUJqTWh3c2FXOHdraUNZTk5TzZjUT09>

Meeting ID: 816 2167 3745

Passcode: 325952

One tap mobile

+13126266799,,81621673745# US (Chicago)

+19294362866,,81621673745# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 436 2866 US (New York)

Meeting ID: 816 2167 3745

Find your local number: <https://us02web.zoom.us/j/81621673745?pwd=NUJqTWh3c2FXOHdraUNZTk5TzZjUT09>

Public Comment

- New Business:**
- a) Town Center Form-based Code with Alan Manoian
 - b) 2021 Fall Annual Town Meeting Wrap-Up
 - c) 2022 Spring Annual Town Meeting Bylaw Amendments
 - Senior Residential Development -Open Space Design Bylaw
 - Town Center Zoning District
 - 125-10 Conversion of Multiple Residence

- Old Business:**
- a) Spring Annual Town Meeting, 2022
 - Open Space Residential Development (OSRD) - Types of OSRD & Types of Units

- Standard Business:**
- a) Board Member Reports
 - Representatives & Liaisons Update
 - Community Matters
 - b) Director's Report
 - c) Approve Minutes

**NEXT SCHEDULED MEETING:
NOVEMBER 1, 2021**



Director of Community and Economic Development

UPDATE

October 18, 2021

■ Director's Report

1. Form-Based Codes with Alan Manoian

Biography - Alan S. Manoian is the Director of Community and Economic Development for the Town of Ayer (since 2016) and is a form-based/character-based zoning code author and advocate. A native of Lowell, MA, Alan has served as a New England municipal planning & economic development professional for 30-years. Alan has advanced the principles and practices of sustainable local development, New England Form-Based/Character-Based Zoning Codes, downtown revitalization, historic & heritage preservation, public space design, and the “Economics of Place” in all three northern New England states. Privileged to have been a member of the (2005) inaugural class of the Form-Based Code Institute, and having authored five Form-Based Codes, including the first Form-Based Code adopted in the State of Maine, Alan has dedicated his public service expertise to preserving and sustaining our valued and authentic New England heritage places.

Background and Summary – Zoning has been a special challenge in Harvard and is made more difficult due to a strict and confusing Bylaw. Aside from the need to have a comprehensive zoning rewrite, Harvard offers no innovative means to solve specific community challenges. The 2016 Master Plan and many planning studies prior recommend a range of projects and policies such as adding affordable housing and housing of differing types, developing a zoning for the Center, and improving the zoning for the commercial district.

Related to the Center, the Master Plan specifies a zoning overlay. This type of zoning tool leaves the base zoning in place (Agricultural-Residential in this case) and applies an additional or alternative set of zoning provisions that allow different uses, setbacks, and other criteria. Overlays can and often are confusing because they often blend the base and overlay provisions and it can be difficult to interpret. Another option is to create a new base zoning district. However, conventional zoning not the

ideal tool to address a town or village center with its unique characteristics, relatively dense pattern of development, and mixed uses. Enter the Form-Based Code. While Harvard has been introduced to the term related to the commercial district and its applicability to creating rules for a relatively undeveloped area, it also is the ideal tool for downtowns.

Alan will be speaking to the Planning Board on Monday evening about the concept and its use, adding a little about why it may be something Harvard considers to optimally protect its Center.

2. 2021 Fall Town Meeting Wrap-Up

Since I have no idea how Town meeting will go, I will not speculate.

3. 2022 Spring Annual Town Meeting Bylaw Amendments

Annual Town Meeting in the Spring offers the Planning Board the opportunity to introduce some impactful legislation for the Town. These fall into three primary categories with some overlap.

- A. Senior Residential Development
- B. Open Space Residential Design
- C. Town Center Zoning District

Related to senior residential development, category B below is one of the biggest provisions, but it is intended to serve well beyond providing just senior housing, offering alternative residential opportunities for many different markets. As mentioned in earlier UPDATE's, the challenge will be to make the Bylaw clear and as concise as it can be without losing depth, getting density right, and making sure that wastewater solutions are clear and as flexible as Title 5 allows.

Other senior housing-related amendments considered by the Board for Spring 2022 include:

1. Mapping the Multifamily district and amending provisions.
2. Amending public water supply provisions.
3. Amending the multifamily conversions section.
4. Adopting an inclusionary housing bylaw.

Some of these may need to be pushed back to fall 2022 but the Board should judge which can be addressed in the spring shortly after this October Town Meeting.

The Town Center Zoning District may be a huge lift by May 2022. However, if Alan Manoian can assist us, it may be achievable. The only question then is whether the Board has the bandwidth to conduct a massive amount of education and outreach on all of these amendments.

Finally, at some point the Board must decide as to when we take on the next huge task—local zoning reform. It will be expensive and elicit a huge pushback from citizens who do not want change.

Thus, there is no shortage of big projects for the Board to sponsor. Some hard prioritization decisions will need to be made.

■ Open Space Residential Development (OSRD) – Types of OSRD and Types of Units

This short presentation will cover the types of OSRD projects and the permitted and conditional uses allowed.

**HARVARD PLANNING BOARD
MEETING MINUTES
OCTOBER 4, 2021**

Chair Justin Brown called the meeting to order at 7:05pm virtually pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency and signed into law on June 16, 2021, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

Members Present: Justin Brown, Stacia Donahue, Richard Cabelus, Brian Cook, Doug Thornton and Jefferson Burson (Associate Member)

Others Present: Christopher Ryan (Director of Community & Economic Development) and Liz Allard (Land Use Administrator)

Public Comment – There was no comments from the public this evening

Review Scenic Road Consent Decision – 129 Poor Farm Road

Donahue made a motion to approve the decision for Scenic Road Consent for 129 Poor Farm Road. Cook seconded the motion. Thornton noted the motion should include the words “as amended”. Donahue made a motion to withdraw her previous motion. Cabelus seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Donahue, aye; Cabelus, aye; Cook, aye, Thornton, aye; and Brown, aye. Donahue made a motion to approve the decision for Scenic Road Consent for 129 Poor Farm Road as amended this evening. Cabelus seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Donahue, aye; Cabelus, aye; Cook, aye, Thornton, aye; and Brown, aye.

Continuation of the Protective Bylaw Amendments for the Fall Annual Town Meeting Hearing. Opened at 7:15pm (see page 3 for complete details)

Continuation of the Amendment to Chapter 90 Scenic Roads of the Code of the Town of Harvard Hearing. Opened at 7:32pm (see page 4 for complete details)

Board Member Reports

• **Representatives & Liaisons**

- **Climate Resiliency Working Group (CRWG)** – Jefferson stated the Town Resolution is coming up at the Fall Annual Town Meeting (FATM). Ellen Leicher has been visiting many Boards and Commissions for support, which has been going well, with the exception of the Parks & Recreation Commission. The Climate Action Plan is coming together. With the CRWG anticipating the passing of the resolution at FATM they are planning to conduct a meeting with all of the Boards and Committees that will be assisting in implementing the plan.
- **Community Preservation Committee (CPC)** – Thornton stated the CPC discussed the Town Resolution and voted in favor of supporting the Climate Resiliency Working Group effort.
- **Transportation Advisory Committee (TAC)** – Donahue stated the TAC is prioritizing the complete streets list of proposed projects. Donahue noted it is good to have input from the many different individuals of the TAC, as opposed the prioritization being determined by just a few, as it has done in the past.
- **All-Boards Meeting** – Goals for Fiscal Year 2022 was shared by all; Both the Board of Health and the Conservation Commission echoed the need for additional staffing and/or increased hours of existing staff for the Land Use Boards. Alice von Loesecke did a great job of explaining the potential deficit with the FY2023 budget.

53 • **Community Matters – None**

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55 **Director's Report**

- 56 ○ Market-Fiscal Analysis Request for Proposals (RFP)– There were two proposals received today.
57 Ryan is seeking the Board's input on how to conduct the review of the proposals. The Board
58 agreed to continue with the individuals who assisted with the drafting of the RFP; that being
59 Justin Brown, Rich Maiore and Chris Tracey. Ryan also recommended a virtual interview of the
60 two proponents.
- 61 ○ Hazard Mitigation Plan Request for Proposals (RFP) – Responses are due on October 14th. Ryan
62 will work with others in regard to reviewing the RFP's once received.

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64 **Approve Minutes**

65 Donahue made a motion to approve the minutes of September 13 and 20, 2021 as amended. Cook
66 seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye;
67 Cabelus, aye; Cook, aye; Thornton, aye; and Brown; aye.

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69 **Spring Town Meeting, 2022 - Open Space Residential Development (OSRD) – Amend Chapter 125-35:**

70 **Density of Development**

71 Ryan explained the difference between Primary Resource Protection Area (PRPA) and Secondary Resource
72 Protection Area (SRPA), with PRPA being those areas that include unbuildable areas on a site such as
73 wetlands and steep slopes, where as SRPA are those areas that are buildable under conventional
74 subdivision, which are reserved as open space and are at least 50% of the net acreage.

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76 When determining density there are two methods: Formula and Yield Plan. With both methods there is a
77 four-step process including identifying all potential conservation areas, locate the house sites, design
78 street alignment and trails and draw in lot lines or exclusive areas. The Formula Method includes the
79 following steps:

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- 81 • Step 1: Determine Parcel Size
- 82 • Step 2: Determine Primary Resource Protection Area (PRPA)
- 83 • Step 3: Establish Net Acreage (NA)
- 84 • Step 4: Establish Base Development Density Applied to NA
- 85 • Step 5: Determine Permitted Yield (PY)
- 86 • Step 6: Determine Total Open Space Set Aside (TOS)
- 87 • Step 7: Calculate Bonus Units (if applicable) and Total Final Yield

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88 With the Yield Plan Method an applicant provides a less formal site plan similar to a preliminary
89 subdivision plan that show how many lots could be developed on the parcel under a conventional
90 subdivision. The plan does need to be realistic and economically capable of being constructed. Soil
91 suitability for septic service must be demonstrated and 10% of lots must be tested and shall be selected
92 by the Planning Board. Once the number of lots is determined by the Yield Plan, this is the number of lots
93 that will be permitted on the site for an OSRD notwithstanding any density bonuses. Applicant then
94 proceeds with the 4-Step design process.

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96 Cook suggested determining what the conservation, historical and cultural values are as opposed to
97 leaving it up to interpretation of the Board. Brown concerned with having two methods and suggested
98 having just the Formula Method. Ryan would suggest the Board review this section of the bylaw before
99 making any formal determination. The Yield Plan is better situated with those locations that provide
100 public water and sewer, which Harvard is lacking.

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102 **Adjournment**

103 Donahue made a motion to adjourn the meeting at 9:06pm. Cook seconded the motion. The vote was
104 unanimously in favor of the motion by roll call, Donahue, aye; Cabelus, aye; Cook, aye; Thornton, aye; and
105 Brown; aye. Signed: _____ Liz Allard, Clerk

106 **Harvard Planning Board**

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108 **Continuation of the Chapter 125 Protective Bylaw Amendments Hearing Minutes**

109

110 **October 4, 2021**

111

112 The public hearing was opened at 7:15pm by Chair Justin Brown under MGL Chapter 40A the Zoning Act
113 and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually pursuant to Chapter 20 of
114 the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of
115 Emergency and signed into law on June 16, 2021

116

117 **Members Present:** Justin Brown, Stacia Donahue, Richard Cabelus, Brian Cook, Doug Thornton

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119 **Others Present:** Christopher Ryan (Director of Community and Economic Development) and Liz Allard
120 (Land Use Administrator)

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122 The Board agreed to the following assignments for presenting at the Fall Annual Town Meeting:

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Donahue made a motion to close the hearing. Cook seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cabelus, aye; Cook, aye; Thornton, aye; and Brown; aye.

Signed: _____ Liz Allard, Clerk

158 **Harvard Planning Board**

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160 **Continuation of the Amendment to Chapter 90 Scenic Roads of the Code of the Town of Harvard**
161 **Hearing Minutes**

162

163 **October 4, 2021**

164

165 The public hearing was opened at 7:32pm by Chair Justin Brown under MGL Chapter 40A the Zoning Act
166 and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually pursuant to Chapter 20 of
167 the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of
168 Emergency and signed into law on June 16, 2021

169

170 **Members Present:** Justin Brown, Stacia Donahue, Richard Cabelus, Brian Cook, Doug Thornton and
171 Jefferson Burson (Associate Member)

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173 **Others Present:** Christopher Ryan (Director of Community and Economic Development) and Liz Allard
174 (Land Use Administrator)

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176 Cabelus offered to present this amendment at Fall Annual Town Meeting on October 16th.

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178 Donahue made a motion to accept the language as submitted for the warrant for Fall Annual Town
179 Meeting and to close the hearing. Cabelus seconded the motion. The vote was unanimously in favor of
180 the motion by roll call, Donahue, aye; Cabelus, aye; Cook, aye; Thornton, aye; and Brown; aye.

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182 Signed: _____ Liz Allard, Clerk

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EXHIBITS & OTHER DOCUMENTS

- Planning Board Agenda October 4, 2021
- Director of Community and Economic Development Update October 4, 2021
- Draft Open Space Residential Design (OSRD) Development Bylaw Session 4 – Development Density, February 6, 2020