

**TOWN OF HARVARD
PLANNING BOARD AGENDA
MONDAY NOVEMBER 1, 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/85967373598?pwd=a2dJOFkzZmY4Y1dJdklvdFY3YU1aUT09>

Meeting ID: 859 6737 3598

Passcode: 467123

One tap mobile

+19294362866,,85967373598# US (New York)

+13017158592,,85967373598# US (Washington DC)

Dial by your location

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Meeting ID: 859 6737 3598

Find your local number: <https://us02web.zoom.us/j/85967373598?pwd=a2dJOFkzZmY4Y1dJdklvdFY3YU1aUT09>

Public Comment

- New Business:**
- a) Climate Resiliency Working Group Update
 - b) Devens Issues Discussion
 - c) Select Board Request for Comment – Code of Conduct
 - d) Discuss Meeting Format – Virtual or Hybrid

- Old Business:**
- a) Spring Annual Town Meeting, 2022 - Open Space Residential Development (OSRD)
 - Dimensional & Design Requirements
 - Review schedule
 - Comments on Proposed Draft

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

**NEXT SCHEDULED MEETING:
NOVEMBER 15, 2021**

TOWN OF HARVARD
CODE OF CONDUCT
FOR TOWN ELECTED AND APPOINTED OFFICIALS

I. PURPOSE

The Town recognizes that all individuals elected and/or appointed by the Town must maintain and enforce respectful discourse with their fellow elected and/or appointed members, with those who work for the Town, those who volunteer their time and services on behalf of the Town and members of the public by striving at every meeting, forum or other official interaction to treat every person fairly and with respect regardless of any differences of opinion.

This policy provides a centralized standard of conduct for all elected and appointed officials in the Town.

II. APPLICABILITY

This policy and all its sections shall apply to all elected and appointed officials acting on behalf of the Town and covers all of their actions and communications whether spoken or written including but not limited to all electronic communications including social media.

III. CODE OF CONDUCT

All Town elected and appointed officials are expected to act honestly, conscientiously, reasonably and in good faith at all times having regard to their responsibilities, the interests of the Town and the welfare of its residents.

The Town elected and appointed officials must refrain from communicating or acting in a disrespectful, abusive and/or threatening manner towards members of the community, other elected or appointed officials, the Town Administrator or Town Staff.

Moreover, all elected and appointed officials must fully comply with the Town's Anti-Harassment and Anti-Discrimination Policy.

Further, all elected and appointed officials of the Town must assume the following responsibilities:

A. Conduct Generally and in Relation to the Community

- Be well informed concerning the local and state duties of a board/committee member.
- Never purport to represent the opinion of your board/committee except when specifically authorized by a recorded vote to do so.
- Accept your position as a means of unselfish public service, not to benefit personally, professionally or financially from your board/committee position.
- Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
- Demonstrate respect for the public that you serve.
- Safeguard confidential information.
- Conduct yourself so as to maintain public confidence in our local government.

- Conduct official business in such a manner that you cannot be improperly influenced in the performance of your official duties.
- Unless specifically exempted, conduct the business of the public in a manner that promotes open and transparent government.
- Comply as fully as possible with all Town policies, including, without limitation, the following:
 - Anti-harassment and Anti-discrimination Policy
 - Anti-fraud Policy
- Comply as fully as possible with all applicable laws, including, without limitation, the following:
 - The Open Meeting Law
 - Procurement Laws
 - The Ethics/Conflict of Interest Statute (G.L. c.268A).

B. Conduct in Relation to other elected and appointed officials

- Treat all members of the board/committee to which you belong with respect despite differences of opinion; keeping in mind that professional respect does not preclude honest differences of opinion, but requires respect within those differences.
- Participate and interact in official meetings with dignity and decorum fitting those who hold a position of public trust.
- Recognize your responsibility to attend all meetings to assure a quorum and promptly notify the chairman should you for any reason be unable or unwilling to continue to serve. Formal notice to resign from a board/committee requires written notification to the Town Clerk.
- Recognize that action at official legal meetings is binding and that you alone cannot bind the board/committee outside of such meetings.
- Refrain from making statements or promises as to how you will vote on quasi-judicial matters that will come before the board/committee until you have had an opportunity to hear the pros and cons of the issue during a public meeting.
- Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- Make decisions only after all facts on a question have been presented and discussed.

C. Conduct in Relation to the Town Administrator

- Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- Give the Town Administrator full responsibility for discharging his or her disposition and/ or solutions.
- Refrain from giving orders or directions to the Town Administrator for action as an individual board/committee member.

- Refrain from providing information to the Town Administrator that you would not be willing to share with other board/committee members.

D. Conduct in Relation to Town Staff

- Treat all staff as professionals and respect the abilities, experience, and dignity of each individual.
- Refrain from giving instructions to or requesting assistance from Town staff but rather channel all such activities through the Town Administrator.
- Never publicly criticize an individual employee or a department. Concerns about staff performance should only be made to the Town Administrator through private communication.
- Officials who interact with Town staff must do so in a respectful manner and understand employees should not be expected to take direction from any individual official on any matter.

IV. DISTRIBUTION AND EDUCATION

The Town Clerk shall provide a copy of this policy, the Town's Anti-Harassment and Anti-Discrimination policy and the Anti-fraud policy to all elected and appointed officials upon its issuance and upon the subsequent appointment or re-appointment of any individual.

Each individual shall sign a statement that they have read this policy and will comply with all requirements set forth in this policy. In the event that any member declines to sign the form, that fact shall be noted by the Town Clerk on the form.

V. ENFORCEMENT

A. Generally

In addition to any other remedies or enforcement options available under the law, each board/ committee may vote to censure any elected member and the appointing authority may decline to reappoint an individual who violates any provision of this Code of Conduct.

If any elected or appointed official is accused of violating the Town's Anti-Harassment and Anti-Discrimination Policy, the Town Administrator shall refer the matter for investigation to the contact named in the Anti-harassment and Anti-Discrimination policy or a disinterested outside firm or individual qualified to investigate the alleged conduct. The Town Administrator shall not be obliged to obtain any additional authority; this Code shall be sufficient authority. The firm or individual to whom the matter is referred shall promptly investigate the matter and report back findings of fact and recommendations to the Town Administrator. The Town Administrator shall share the reported findings and recommendations with the elected official's board/ committee. The board/committee shall then take such action as is authorized by law and as it deems fit in response to the matter.

If an elected or appointed official is accused of violating any other provision of this Code of Conduct, the board/committee that the official represents or if applicable the appointing authority may take such action as is authorized by law and as it deems fit or it may vote upon request of the Town Administrator/Manager or on its own to refer the matter to a disinterested outside firm or individual qualified to investigate the alleged conduct. This firm or individual shall promptly investigate the matter and report back findings of fact and recommendations to the Town Administrator.

The Town Administrator shall share the reported findings and recommendations with the board/committee. The board/committee shall then take such action as is authorized by law and as it deems fit in response to the

matter. These remedies shall be in addition to, and not in substitution for, any other remedies that may be available by law.

**HARVARD PLANNING BOARD
MEETING MINUTES
OCTOBER 18, 2021**

Chair Justin Brown called the meeting to order at 7:01pm 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, and 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 and Doug Thornton

Others Present: Christopher Ryan (Director of Community & Economic Development), Liz Allard (Land Use Administrator) and Valerie Hurley (Harvard Press)

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

Town Center Form-based Code Discussion with Alan Manoian

With Alan Manoian unavailable this evening, this item was passed over this evening.

2021 Fall Annual Town Meeting Wrap-Up

Brown was pleasantly surprised that of the Bylaw amendments proposed by the Planning Board passed at the Fall Annual Town Meeting this past weekend. Brown extended congratulations to Donahue and Cabelus for their presentations of the bylaw amendments. The one question on Erosion Control, clarified that the typical weekend project a homeowner would be interested in completing would probably not fall under this bylaw. As the Scenic Road Bylaw there were three minor friendly amendments, including the amendment of §90-4C(4) to strike "...not apply to..." and replace with "include"; §90-2 Definitions – Temporary Removal of Stonewalls, added the phrase, "...completed within two years."; and §90-1B strike the word "...is..." and replace with "...shall be...". Regulations in association with Chapter 90 will require a public hearing, which will be scheduled after approval by the Attorney General.

2022 Spring Annual Town Meeting Bylaw Amendments

- Senior Residential Development (SRD) - Open Space Design Bylaw (OSD)
 - Survey conducted last year indicated a lot of support for senior residential developments that are clustered together with cottage-type dwellings, making SRD and OSD a perfect merging of interests. There is a very complicated outreach program ahead of the Planning Board to gain support of this amendment, which would delete the existing provision (§125-35 Open Space and Conservation - Planning Residential Development) and create a new provision. Ryan will ensure the presentation made in February 2020 by Randall Arendt is front and center on the Town website to refresh those who were engaged in the process at that time and to gain additional support from the community. Ryan is recommending a significant change by eliminating the 4-step process (in identifying all potential conservation areas, locate the house sites, design street alignment and trails and draw in lot lines or exclusive areas) and allow density credits for conserved areas. Members shall be provided the current version of the bylaw in order to begin digesting it.
- Town Center Zoning District
 - With the loss of expertise from Alan Manoian, Ryan will seek alternative solutions to fund this amendment through grants. Ultimately Ryan wants to create a district that will allow for additions and outbuildings on pre-existing non-conforming lots, as well as provide for infill development in a conscientious way. Ryan suggested this amendment be presented at the 2022 Fall Annual Town Meeting.
- §125-10 Conversion of Multiple Residence
 - Ryan would recommend this amendment be held off until the Fall of 2022 as well.

53 **Spring Town Meeting, 2022 - Open Space Residential Development (OSRD) – Amend Chapter 125-35:**
54 **Types of OSRD & Types of Units**

55 There are five types of OSRD – Subdivision, Condominium with exclusive use areas, Condominium, Hybrid
56 Planned Development and Mix-Use. The traditional subdivision within an OSRD consists of single-family
57 homes on individual lots, along with common areas for infrastructure and dedicated open space.
58 Without the ability to provide public water and sewer this type of development may not be economically
59 feasible for developer as compared to a conventional development. The Mix-Used type may be well
60 suited for the Ayer Road Commercial District. The objective of the different types is to provide as many
61 options to meet different market segments. The best option for a single-family or cottage-like
62 development would be the Condominium with Exclusive Use Areas. Ryan reviewed the Permitted and
63 Conditional uses of an OSRD. Conditional Use provides a village-like development design including civic
64 uses and limited commercial development.

65
66 **Board Member Reports**

- 67 • **Representatives & Liaisons**
68 ○ **Open Space Committee** – Cook stated the maps created by the Committee have been updated on
69 the Town’s Geographical Information System
70 ○ **Community Preservation Committee (CPC)** – Thornton stated CPC will start the review process of
71 the applications received for funding in Fiscal Year 2023 next week
72 ○ **Ayer Road Project - Fiscal Impact** – Brown stated Ryan has provided the proposals received to those
73 reviewing on behalf of the Board, along with criteria for the review.
74 • **Community Matters** – None

75
76 **Director’s Report**

77 The item was covered under items this evening

78
79 **Approve Minutes**

80 Donahue made a motion to approve the minutes of October 14, 2021. Thornton seconded the motion.
81 The vote was unanimously in favor of the motion by roll call, Donahue, aye; Cabelus, aye; Cook, aye;
82 Thornton, aye; and Brown, aye.

83
84 **Adjournment**

85 Donahue made a motion to adjourn the meeting at 7:59pm. Thornton seconded the motion. The vote
86 was unanimously in favor of the motion by roll call, Donahue, aye; Cabelus, aye; Cook, aye; Thornton, aye;
87 and Brown, aye.

88
89 Signed: _____ Liz Allard, Clerk

90
91 **EXHIBITS & OTHER DOCUMENTS**

- 92
93 • Planning Board Agenda October 18, 2021
94 • Director of Community and Economic Development Update October 18, 2021
95 • DRAFT OPEN SPACE RESIDENTIAL DESIGN (OSRD) DEVELOPMENT BYLAW Session 5 – Types of OSRD
96 and Types of Units, October 18, 2021