

**HARVARD PLANNING BOARD
MEETING MINUTES
SEPTEMBER 21, 2020
APPROVED: JANUARY 25, 2021**

Chair Justin Brown called the meeting to order at 7:07pm virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

Members Present: Justin Brown, Fran Nickerson, Stacia Donahue, Gwen Leonard, Jane Biering and Rebecca Kelley (Associate Member)

Others Present: Christopher Ryan (Director of Community and Economic Development), Liz Allard (Land Use Administrator) Matt Flokos (Harvard Press), Tom Cotton (Harvard Conservation Trust), Jason Goyette (Ross Associates, Inc.) and Erin McBee

Approval Not Required – Westward Orchard, Inc., Oak Hill Road (Map 18 Parcel 54)

Jason Goyette, of Ross Associates, was present to represent the applicant Westward Orchard. Goyette explained the plan details which is the creation of two basic lots. When asked, Goyette stated it is his understanding that Lot 2 is being conveyed to the Harvard Conservation Trust and Lot 1 will remain with Westward Orchard. With no other questions or comments, Donahue made a motion to endorse the Plan of Land in Harvard, Mass. Prepared for Westward Orchards, Inc., prepared by David E. Ross Associates, Inc., Job No. 33096, Plan No. L-14090T, dated September, 2020, and request a narrative be submitted for the record. Leonard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Leonard, aye; Biering, Aye; and Brown, aye.

Board Member Reports

- **Representatives & Liaison Reports**

- Donahue sated the **Climate Resiliency Advisory Committee** has a survey out that is available on the Town website. This survey has received 286 responses so far. The Apple Country Natural Climate Solutions Project, a project funded through the Mass Executive Office of Energy & Environmental Affairs, and is in association with Bolton and Devens, will be starting soon.
- Biering stated the **Harvard/Devens Jurisdiction Committee** will continue to meet despite the larger group from Ayer, Shirley, Devens and Mass Development, voting to stop meeting for 6 months due to COVID-19.
- Leonard updated the Board on the small group she has assembled to work on strengthening the **Scenic Road Bylaw**. Her end result would be the formation of a committee that will revise the existing bylaw to a Scenic Road Protection and Preservation Bylaw. The group includes Tim Kilhart, JC Ferguson, Chris Ryan, Jen Sundeen and Liz Allard.
- Kelley is seeking to make existing paths more user friendly by cleaning them up, specifically in the Old Mill Road and Lancaster County Road area.

- **Community Matters** – Although there was no specific item to be discussed this evening Brown noted how pleased he is to see how involved the members are on matters as they pertain to the Planning Board and encourage the group to keep up the good work.

Director's Update

Ryan stated he has reached out to potential **Transportation Advisory Committee** members. All are willing serve in some capacity, whether it be a member or in an advisory role to the committee. Once formally endorsed by the Planning Board Ryan will seek to place this item on a Select Board agenda for approval.

Marin Neutra, from the Sherborn Planning Board, is willing to attend a Harvard Planning Board meeting to discuss the three-year experience Sherborn had with **Open Space Residential Design**.

Approve Minutes – July 6, 2020

These minutes were unavailable for approval this evening.

Continuation of the Protective Bylaw Amendments for Special Town Meeting 2020. Opened at 7:34pm. (see page 3 for complete details)

Hamwey Engineering Letter of Resignation

Due to the lateness of the meeting this item was only briefly discusses, but all agreed a letter of appreciation shall be sent to Fred Hamwey for his years of service to the Planning Board.

Adjournment

Donahue made a motion to adjourn the meeting at 10:21pm. Biering seconded the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Leonard, aye; Biering, Aye; and Brown, aye.

Signed: _____

Liz Allard,
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Planning Board Agenda September 21, 2020
- Director of Community and Economic Development Update, September 21, 2020
- Plan of Land in Harvard, Mass. Prepared for Westward Orchards, Inc., prepared by David E. Ross Associates, Inc., Job No. 33096, Plan No. L-14090T, dated September, 2020,
- DRAFT 125-57 Senior Residential Development, undated

Harvard Planning Board

Continuation of the Protective Bylaw Amendments for Special Town Meeting 2020

September 21, 2020

The public hearing was opened at 7:34pm by Chair Justin Brown under MGL Chapter 40A the Zoning Act and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

Members Present: Justin Brown, Fran Nickerson, Stacia Donahue, Gwen Leonard, Jane Biering and Rebecca Kelley (Associate Member)

Others Present: Christopher Ryan (Director of Community and Economic Development), Matt Flokos (Harvard Press), Liz Allard (Land Use Administrator) and Erin McBee

This hearing was continued from September 14, 2020 to Amend Chapter 125 of the Code of the Town of Harvard, the Protective Bylaw by inserting **new Section 125-57 Senior Residential Development**.

Prior to starting the discussion both Brown and Donahue provided encouragement to the new members as it pertains to process of preparing and presenting a new or revised bylaw to town meeting.

Ryan stated he has received comments from all of the Planning Board members, several Select Board members, former chair of the Planning Board, Erin McBee, and Ron Ostberg from the Permanent Building Committee. Ryan explained to have a housing bylaw that would never have a visual impact is impossible. The age restriction in regards to affordable housing has been reassigned and is based on Federal housing restrictions and requirements, which are 55 and older. Biering questioned as to why 62 and older was still in the bylaw. Ryan stated to offer an alternative model. Donahue asked if feedback from the Attorney General's office has been provided. Ryan stated he has not received any feedback as of yet from them. Brown noted the Planning Board would have the ability to weigh-in with an applicant on whether or not the age restriction should be 55 or 62 or older. Nickerson confirmed that only one person has to be 55 or older. Leonard questioned what keeps a unit from being sold or rented to someone who does not meet the age restriction requirement. The age restriction would only apply to affordable units, which comes along with its own set of restrictions that should prevent a unit from being sold or rented to an unqualified individual.

The following requirements were concerns in both being too short and too long: local preference and the length of availability to local residents. When questioned, the confirmation of age eligibility evaluated through the Town Clerk's office. It was suggested to remove moderately and inclusion statements within the density bonus section. Biering felt the local preference of 120 days for assisting living units may be too long. Ryan stated local preference is only at the initial sale of the units. McBee suggested not including Continuing Care Retirement Community (CCRC) and Assisted Living facilities for local preference.

Ryan stated the Protective Bylaw does not have parking requirements; however the Planning Board could impose them during the application process. Requirements of garages have been moved to section 125-57D(2) Basic Development Requirement.

The limitation to 15% within provision 125-57D(4) was discussed. Donahue stated the Council of Aging (COA) should be consulted before revising this percentage as it pertains to the number of allowed senior housing units within the Town of Harvard.

125-57D(5) Pace of Development slows the number of units annually as to not overwhelm the Building Department. The potential tax revenue from these types of development was discussed. Ryan stated

larger facilities would add to the tax base and apartments without school-aged children are revenue generating.

Procedures and decision making have been moved to the Planning Board regulations, Chapter 133.

Under 125-57G Senior Residential Development types a column for accessory units has been added. Ryan offered to shorten the bylaw if he combined all of the tables into one. The members did not agree with that suggestion. Examples of these types of development would help clarify for the general public what could be developed in Harvard.

There is concern with the changing of the character of Harvard with infill location; seven in town center and four in Still River. Ryan assured the members that infill is not something that is going to disparage the landscape. The establishment of one-story minimum was suggested. Ryan stated bylaws typically do not do this, but building code does. It was suggested that instead of having conditional uses, require the Planning Board to further vet out an application before approval can be granted. A definition for infill development has been added. Language on the how a development is sited on a particular parcel will be added. Why two-family design being limited to certain styles? Ryan stated to avoid the development of townhouse styled units. It has been suggested to remove CCRC facilities from this bylaw. Nickerson noted if an existing Harvard resident is looking to move to this type of development and Harvard does not have one then they would have to leave the community.

Brown asked for any additional feedback from the Board, specifically if Nickerson felt it provides the coverage for seniors to continue to reside in Harvard. Brown also followed up with Beth Williams from the COA who believes the Bylaw is good. Biering thinks the Board has part of it right - providing senior housing - while protecting Harvard's scenic rural character may be lacking. Biering has issues with several of the types of developments. Biering stated what has been a need for a long time is the need to reduce the building lot size; but not a need to put this many units in the Agricultural-Residential (AR) district. Biering feels by not capping development types within the AR district and only allowing larger developments within the Commercial District would be a let down to Harvard's rural character. Leonard stated one question she has heard a lot is "where would types of development be located", as many do not want them in their neighborhoods. Residents want the rural beauty of Harvard preserved. Leonard wants to see how a few of these developments are going to work before bringing all of them to Town Meeting. For example, convert the Bromfield house into senior apartments, followed by a small unit cluster along Ayer Road. It was noted that converting existing dwellings requires those dwellings to be able to be converted to age-restricted unit. In addition, converting existing buildings is not going to be the saving grace for Harvard's seniors. The size of these developments within AR district is the main concern for Biering. Ryan stated if the thresholds were lower then there may be more cluster developments on more properties, which if done right could be acceptable. Brown stated it is the people in this Town that make up the character of Harvard and how do we keep them from moving to other communities. Kelley wondered if proper setbacks and length of driveways could assist in reducing fears of damaging the rural character of Harvard, by setting developments further back on long driveways within the AR district. Nickerson, when asked, stated no seniors wanting to live on a long driveway. Biering agrees there is a need to change the housing stock in Harvard from predominately single-family houses, but should be done with care.

Donahue stated the Park & Recreation Commission requested to change the Conservation Restriction to include active recreation with the potential for a recreation facility, such as a pool, that could be used by the residents of said development and the residents of Harvard.

Ryan can reach out to peers and developers to determine if reducing the number of units is financially feasible for some of these development types. Kelley would be agreeable to reducing the number of units, but not to the point that the bylaw is not utilized. Donahue agrees and hopes the feedback Ryan will receive will assist in the Planning Board getting to a bylaw that is passed by Town Meeting and utilized by developers.

With new challenges facing the Board on how to they should proceed with this bylaw Donahue made a motion to continue the hearing to September 28, 2020 at 7:00pm. Nickerson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Leonard, aye; Biering, Aye; and Brown, aye.

Signed: _____
Liz Allard,
Land Use Administrator/
Conservation Agent