

**HARVARD PLANNING BOARD
MEETING MINUTES
OCTOBER 4, 2021
APPROVED: OCTOBER 18, 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.

- **Community Matters** – None

Director's Report

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

Approve Minutes

Donahue made a motion to approve the minutes of September 13 and 20, 2021 as amended. 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.

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

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

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

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

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

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

Adjournment

Donahue made a motion to adjourn the meeting at 9:06pm. 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

Harvard Planning Board

Continuation of the Chapter 125 Protective Bylaw Amendments Hearing Minutes

October 4, 2021

The public hearing was opened at 7:15pm 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 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

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

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

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

- Amend Section 125-21B(1) Permitted Uses in AR Districts by Special Permit - Donahue
- Delete Section 125-18.2 Affordable Accessory Apartment - Donahue
- Amend 125-57 Senior Residential Development by adding Assisted Living and Continuing Care Residential Community - Cabelus
- Delete Section 125-52I Ayer Road Village – Special Permit - Assisted Living Facility - Cabelus
- Amend Section 125-2 Definitions - Cabelus
- Add new Section 125-58 Erosion Control – Donahue

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

Harvard Planning Board

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

October 4, 2021

The public hearing was opened at 7:32pm 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 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

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

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

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

Donahue made a motion to accept the language as submitted for the warrant for Fall Annual Town Meeting and to close the hearing. Cabelus 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

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