

**HARVARD PLANNING BOARD
MEETING MINUTES
JANUARY 24, 2022
APPROVED: FEBRUARY 7, 2022**

Chair Justin Brown called the meeting to order at 7:03pm 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 and Doug Thornton

Others Present: Christopher Ryan (Director of Community & Economic Development), Liz Allard (Land Use Administrator), Valerie Hurley (Harvard Press), Chris Tracey (Zoning Board of Appeals), Michael Maglothin and Howard Kohn (The Chesapeake Group)

Public Comment

There were no comments from the public this evening

Bi-annual Review of Planning Board Goals from Strategic Planning Session

Priorities for FY2022 were set in the following order at the Strategic Planning Session in August:

- Ayer Road, Commercial District, economic development
- Open Space Residential Development & Senior Housing
- Town Center Zoning
- Multifamily re-writing zoning and mapping
- Rural Life/Ag Tourism
- Re-codify Zoning Bylaw

After briefly discussing the State's requirements to establish a multi-family district, along with other zoning needs, the Board agreed to the following priority list of its goals for the remainder of fiscal year 2022:

- Ayer Road Commercial District, economic development
- Multifamily re-writing zoning and mapping
- Open Space Residential Development & Senior Housing
- Town Center Zoning
- Rural Life/Ag Tourism
- Re-codify Zoning Bylaw

Cabelus stated he would like to see a relationship between the Rural Life/Ag Tourism and the Ayer Road Visioning Plan. Ryan will reach out to the Hazel's tomorrow to determine where they are at with the Rural Life Bylaw.

Ayer Road Market Study Update from Howard Kohn of The Chesapeake Group

Ryan provided an introduction to the process thus far, which includes the survey and interviews being conducted by The Chesapeake Group (TCG). Ryan stated if there is someone TCG should be interviewing please let him know and he will make that connection happen. Howard Kohn, from TCG, stated to date there have been 340 survey responses, which is sufficient to produce data, although 500 responses is preferred. The survey fits into a modeling process that focuses on the three things households spend money on: housing, food, and transportation. Kohn is seeking the Planning Board assistance in promoting the survey to get the responses up to 500. The survey will remain open for a few more weeks in hopes of achieving 500 responses.

The Board members are eager to know the number of respondents from outside of Harvard. The survey is laying the ground work for other parts of the plan, with this phase to be completed by the end of May. Kohn stated he has already gathered a lot of research for the final report. Ryan has provided a list of 31 individuals to be interviewed, with six completed to date. Kohn is hoping for a total of 15 – 20 interviews. Brown encouraged anyone interested in being interviewed to reach out to Ryan.

Harvard-Devens Jurisdiction Committee (HDJC) Position Paper

Cabelus reported the Devens Enterprise Commission is meeting tomorrow night to discuss this matter. Cabelus stated the HDJC Position Paper had been in the works long before he became a member of the Committee. Cabelus feels the HDJC did a good job summing up the concerns, including answers that are necessary before moving on with the development of Vicksburg Square. Although it is not laid out in Chapter 498, Devens residents need to be part of the conversation. Ryan stated the integration of the historic boundaries of Harvard is fairly single-minded; additional details can be found within his Director's Update for this evening. The Position Paper takes a general position on the issues that need to be addressed, such as the education of school-aged children.

Brown had a different read on this Paper; he found there to be no solutions or clear path forward for addressing the issues. Brown stated the Paper outlines the problems and could be thought of as a delay tactic by the Town of Harvard. Demanding certainty is not realistic and without a plan forward, Harvard is stuck waiting to see what shakes out with all of this. Ryan stated the Paper assumes one thing – Harvard taking back its historical boundaries of Devens. Other solutions or multiple scenarios should be considered.

After discussing at great length, Cook made a motion the Planning Board does not support the Harvard-Devens Jurisdiction Committee Position Paper, however the Board does agree with the rational that these are the issues and encourages the HDJC to propose solutions for the Board to review. Donahue 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.

Review the 2021 Annual Report

Members were reminded to send any additional comments they may have to Ryan by end of day Thursday, January 27th.

Discuss Proposed Change to Vice Chair Position

Brown explained with his departure at the end of his term and the strong desire of Donahue not wanting to take on the role of chair, he thought it would make for a better transition for a potential new chair to be elected to the position of vice chair to be able to get up to speed on the process before Brown's departure in June. During his one-on-one discussions with new members, Brown had discussed succession options. The next agenda will include an item to elect a new vice chair with the anticipation that Donahue will return to that role at the start of the new fiscal year in July, with the vice chair stepping into the chair role.

Board Member Reports

- **Member Roles & Responsibilities** – Members were reminded that the rules set forth by the Town have to be followed. It can be very uncomfortable to have to apply a fine to a fellow resident, but when the Town approves a bylaw that include the clear enforcement of that bylaws it is the Boards responsibility to fairly apply those fines. Additionally, when representing the Board on another Board or Committee it is essential to get direction from the Planning Board prior to any major votes that are being made. At times schedules may not allow for a member to seek guidance from the Board and should be taken into consideration.

- **Representatives & Liaisons Updates**

- Loaves & Fishes – Brown thanked the members for their contribution in lieu of gifts to the staff this past holiday season. The thank you letter from Loaves & Fishes was read into the record.
- Community Preservation Committee (CPC) – Thornton shared the requested and approved applications for Fiscal Year 2023. Thornton explained the Community Preservation Act (CPA) requires each town that has accepted CPA is obligated to provide not less than 10% of overall funding to one of three categories, annually: housing, historical and open space. Thornton explained he intended to present the applications to the Board this evening, but things moved along quicker than anticipated at the last CPC meeting. Thornton further explained he was the last individual to vote on each of the applications, with only one dissenting vote, and that none of his votes changed the decision to approve the applications. Thornton was more than willing to change any of his votes if the Board felt it necessary to do so. Although after the fact, Donahue made a motion to support all of the applications submitted to the CPC for funding in Fiscal Year 2023. 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.
- Historical Commission – Cabelus stated the Commission is seeking to add the Bromfield House to the Historic District and hopes to present this at the fall town meeting.

- **Community Matters - None this evening**

Director's Report

- District Local Technical Assistance (DLTA) Grant – No feedback as of yet on potential projects from the Board; any thoughts or ideas can be shared with Ryan
- Hazard Mitigation Plan – A final consultant should be selected within the next week. A representative from the Board will be necessary for the development of the plan. Donahue stated she was willing to be that representative if Burson is unable to do so.
- Housing Production Plan – Expires in June of this year; the Board should not let this expire.
- Protective Bylaw Re-write – Ryan has created a Request for Information regarding funding for this process. Brown suggested, as the lowest priority, Ryan focusing his efforts on other tasks. Donahue agreed.

Approve Minutes

Donahue made a motion to approve the minutes of January 3, 2022 as amended. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Thornton, aye; and Brown; aye. Cook and Cabelus abstained from the vote.

Discuss the State's Multi-Family District Requirements

Donahue wondered if this bylaw could be drafted under a District Local Technical Assistance (DLTA) Grant. Ryan suggested that MassHousing or the Department of Housing and Community Development (DHCD) may be offering funding as well; he will research this.

The Board has three tasks to focus on pertaining to this bylaw, which are:

1. Prepare and submit comments to the State and Montachusett Regional Planning Commission by March 31, 2022;
2. Before May 2, 2022 brief the Select Board on what these requirements mean for the Town of Harvard and process to achieve those requirements; and
3. Submit Massachusetts Bay Transit Authority Community Information Form by May 2, 2022

Harvard currently allows for a Multi-family District, however that district was never added to the zoning map as part of the process of creating it. The current bylaw will need to be re-written to comply with the new State guidelines. The biggest concern right now is the required number of units; this remains an uncertainty for many communities; regardless of the current housing stock the regulations require a

minimum of 750 units/community. The comment period, which is open until March 31st, is the time to express concerns over this requirement. It also needs to be determined if existing multi-family, such as Harvard Green, can be counted toward the 750 units requirement. If a development is not meeting the 15units/acre requirement it can be made up on another development. The lack of infrastructure, such as water and sewer, is not a concern of the State; it will be up to a developer to determine how to navigate those aspects. The density (15 units/acre) requirement is within Massachusetts General Law Chapter 40A, but not the size (50 acres).

It seems reasonable to the Board to be able to express how these requirements would be a burden to the Town. Donahue suggested the bylaw be presented at the fall town meeting, because if it fails the Board will have to wait 2-years to bring it back again and the deadline to have adopted such a provision is December 2024. The Massachusetts Municipal Association would be a great resource for support. Comments from the Board will be discussed at the February 7th meeting, as well as discussing the approach for the timeline and Action Plan that needs to be approved by DHCD by July 1, 2023.

The approach should be discussed by the Planning Board prior to meeting with the Select Board. The Select Board liaison, Kara Minar, will be briefed as well prior to the Planning reporting out to them, which will be discussed with her on Wednesday at the weekly preparation meeting attended by the chair, vice chair and staff. Minar will be asked to brief the Select Board at their February 1st meeting, with Ryan and Brown attending the February 15th meeting to provide a full report.

Chapter 125 Bylaw Amendment – 125-35 Open Space Residential Development (OSRD)

- Review schedule
- Comments on Proposed Draft
 - Ryan has relocated the process of applying for an OSRD out of the bylaw and into the regulations
 - Comments received this far have been incorporated into the bylaw

Adjournment

Donahue made a motion to adjourn the meeting at 10:03pm. Thornton 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 January 24, 2022
- Director of Community and Economic Development UPDATE, January 24, 2022
- Letter from Loaves & Fishes, dated December 30, 2021