

**HARVARD PLANNING BOARD
MEETING MINUTES
MARCH 21, 2022
APPROVED: APRIL 4, 2022**

Chair Justin Brown called the meeting to order at 7:02pm virtually, pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on February 15, 2022, and under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

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

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

Public Comment

There were no comments from the public this evening

Appoint Conservation Agent as the Planning Board Designee under 125-58 Erosion Control Bylaw

Donahue made a motion to approve the Town's Conservation Agent as the designee, along with allowing the designee the ability to issue Minor Permits, under 125-58E(3)(a) and Chapter 133-38 of the Code of the Town of Harvard. Thornton seconded the motion. The vote was unanimously in favor of the motion by roll call, Cabelus, aye; Donahue, aye; Cook, aye; Thornton, aye; and Brown, aye.

Zoning Board of Appeals Request for Comments

- 198 Prospect Hill Road – Recommend the issuance of the Special Permit as requested
- 247 Littleton County Road – To be discussed at the April 4, 2022 meeting

Board Member Reports

- Community Matters
 - *Lighting Bylaw* – The Harvard Press had an article recently pertaining to lighting in which Donahue, Brown and Ryan had spoken with the Press about. Police Chief has also been involved, along with the Building Commissioner, regarding a lighting issue on Stow Road. The resident has reached out to Brown as well to explain the issue. The sentiment of the Board is that it is hard to justify a change to the lighting bylaw for one resident, but if that resident could find others that feel the same way a citizen petition could be submitted to the Town Clerk. The materials associated with this matter have been transmitted to the staff by Brown and will be shared with the entire Board. Cook stated the issue at hand is not one of what is known as "Dark Sky Compliant", which is very restrictive, but rather one of light trespass, which does not allow for light from one's property to spill over onto another property.

Amendments to Chapter 133 Planning Board Procedural Regulations and Application Hearing. Opened at 7:30pm (see page 5 for complete details)

Erosion Control Application – 336 Still River Road

James Basile, of GPR, Inc., presented the application for a Major Erosion Control Permit for the installation of a subsurface sewage disposal system. Basile explained the area of disturbance will be 60 feet from the edges of the 100' wetland buffer zone, with the Harvard erosion control barrier proposed at 50' from the edge of the 100' wetland buffer zone. Basile detailed the requirements under Chapter 133-39C(3). After a brief discussion the Board agree to continue the discussion of this application to the April 4, 2022, at which time they will review a draft decision with the intent of making a decision that evening. Allard will share the draft decision with Basile prior to that meeting.

Board Member Reports, continued

- Representatives & Liaisons Updates
 - *Design Review Board (DRB)* – Brown stated the pending Ayer Road Village-Special Permit submitted for 203 Ayer Road will be the first application for the DRB. The proposed construction is for badminton and pickle ball facility, with two other buildings that will be dealt with at a later date. The DRB is meeting Friday March 18th. The DRB consists of Brown as the chair, an architect, a realtor, a landscape architect and an individual with information technology background.

Harvard Climate Initiative Committee (HCIC) Goals & Action Plans

Ryan had provided a revised goal and actions within his Director's Update. After discussing, the Board agreed to the following:

Goal: The Town's plans, policies, bylaws, and regulations encourage sustainable land use and development.

Actions:

1. In the process of rewriting the Protective (Zoning) Bylaw, the Planning Board will ensure that the revised Bylaw includes a full range of provisions to develop local resilience and mitigation (carbon reduction) in line with local and state goals.
2. Include more zoning districts and development types that are sustainable and resilient smart growth models, and remove or replace provisions that are not in line with this framework.
3. Educate and inform the public about sustainable land use patterns and planning practices and why they have better environmental, social, and fiscal outcomes.
4. Pass an updated Open Space Residential Development Bylaw that promotes open space and natural resource protection and also meets resilience needs by providing housing options to increase diversity of housing stock.
5. Include climate change and sustainability as a consideration in all future Planning Board decisions and bylaw proposals.
6. Ensure land use and transportation planning are coordinated as their consequent impacts are interlinked.

Ayer Road Visioning Plan Update

The Chesapeake Group (TCG) has opted not to charge the Town for the services they had provide prior to the termination of the contract, and will not be sharing any material generated to date. Weitzman has agreed to provide the necessary consulting services for Phase 1 of the Ayer Road Visioning Plan. Ryan and Cabelus have been working on the proposal, which had been sent to Weitzman last week; awaiting to hear from them. The hope is Weitzman will be able to move quickly once the proposal is accepted. Ryan will connect with Capital Planning and Investment Committee to provide an update. An update was provided the Select Board last week, who were shocked to hear TCG had been terminated. The discussion of funding from Rantoul Fund was pushed out to a future date with Select Board, as they want to see how Phase 1 turns out.

The Board discussed the field trip of the Ayer Road corridor planned with Senator Jamie Eldridge and Representative Dan Sena. This event is scheduled for Friday April 8th at 1:00pm starting in the upper Town Hall. Ryan suggested members of the Board attend and speak if they would like to do so. Ryan suggested a scribe and photos be taken throughout the process. Cabelus suggested inviting a representative from the 495 MetroWest Partnership. Brown suggested inviting Chris Tracey, Chair of the ZBA. Ryan suggested Rich Maiore from the Select Board be invited as well. Allard is coordinating lunch for the group. Along with Brown, Cabelus, Donahue and Thornton plan to attend.

Outreach for this project should be more robust; great idea to have a booth at Town Meeting with handouts, full report for sharing, and a Quick Read (QR) code to that report. Ryan has a Facebook page for economic development that he can go public with, along with his blog. Ryan will have this project as a

consistent item within his Director's Update. Donahue has already volunteered to be at a table for the Earth Day event with the Harvard Climate Initiative Committee; she could have some handouts and QR code as well. Brown thinks Town Meeting is a good idea, not jazzed about the social media outlets. Cook stated the problem with social media is the unsolicited comments, best to avoid these venues.

Discuss the State's Multi-Family District Requirements

- Finalize Comment Letter – Due March 31st
 - Board of Health (BOH) was extensive with their comments; Brown suggested not including, but keep it as internal document. Cook and Donahue disagreed as it brings to light the real-world issues as to why this type of development is not feasible in Harvard. Cabelus also agreed to include BOH comments in the letter. Ryan explained that the Department of Housing and Community Development (DHCD) is not going to care about the difficulty of developing multi-family districts and leave it to the Town to figure it out as to how things such as water and sewer will be accommodated. Cabelus wanted to clarify that the BOH's comments should be scaled-down to reflect not only Harvard's shortcomings but other communities as well. Donahue, who was fresh off a workshop on this subject, stated Ryan is correct about DHCD do not care about the limitations a community may have. Cook would advise to be careful in reducing the comments of BOH as you may remove important details. Cook feels the Board should be thinking about Harvard and not other communities. Thornton agreed with Cook and has read through the BOH's comments and can't figure out how to condense them, therefore, he likes it the way it is.

Cook made a motion to include the BOH comments as written. Thornton seconded the motion. Cabelus stated he sees the merits on both sides of the argument here; thinks if DHCD is going to amend the guidelines its going to be something that affects more than one community, and the BOH comments may distract from what is up front in the letter. Cabelus stated the BOH comments are fact driven; disregard or amend, at the end of day BOH is a stakeholder in this process and their comments should remain as-is. The vote was 4-1 in favor of the motion by roll call, Cabelus, aye; Donahue, aye; Cook, aye; Thornton, aye; and Brown; nay.

- Review Schedule
 - Community briefing for the Select Board and the MBTA Information need to be completed by May 2nd. It was agreed to discuss more at April 4th meeting
- Potential Districting & Strategy
 - Donahue suggested starting with updating the existing bylaw and mapping those areas that already exist. This has been something that has been on the strategic plan since Donahue has been on the Board. Donahue suggested these first steps be presented at the fall 2022 Town Meeting. Ryan thinks there is a lot that needs to be done to the existing bylaw to bring it to Town Meeting. Donahue disagreed.
 - Brown asked about the using the Ayer Road Village-Special Permit to meet the compliance of a multi-family bylaw. Ryan stated it would be a different way to achieve a short-term compliance with the regulations, however, it needs to by-right, therefore it will need to be amended to have very specific details to allow for the by-right option. This would only be the for the interim until the bylaw is codified.
 - Members were encouraged to stop into the office to check out the map for suggested locations for the multi-family districts.

Director's Report

Items in this report were discussed under other topics on the agenda this evening.

Approve Minutes

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

Adjournment

Cook made a motion to adjourn the meeting at 9:37pm. Donahue seconded the motion. The vote was unanimously in favor of the motion by roll call, Cabelus, aye; Donahue, aye; Cook, aye; Thornton, aye; and Brown; aye.

Signed: _____ Liz Allard, Clerk

EXHIBITS & OTHER DOCUMENTS

- Planning Board Agenda March 21, 2022
- Director of Community and Economic Development UPDATE, March 21, 2022
- Subsurface Sewage Disposal System New Construction Site Plan & Flow Profile, prepared for Colby Schulman, Job 211143, prepared by GPR, Inc. February 2022

Harvard Planning Board

Amendments to Chapter 133 Planning Board Procedural Regulations and Application Hearing

March 21, 2022

The public hearing was opened at 7:30pm 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 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on February 15, 2022

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

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

This hearing is for Amendments to Chapter 133 Planning Board Procedural Regulations and Application.

Allard detailed the revisions made to Chapter 133, which includes:

- Revising the website link to reflect the new link - www.harvard-ma.gov;
- Added 133-16 Tree Removal Fund, as required by the Attorney General;
- Added Article VII Erosion Control to provide guidance on the process under the new Erosion Control Bylaw, Chapter 125-58 of the Code of the Town of Harvard; and
- Formatting edits

After brief discussion, Donahue made a motion to accept the revisions to Chapter 133 and the new Erosion Control Application. Cabelus seconded the motion. The vote was unanimously in favor of the motion by roll call, Cabelus, aye; Donahue, aye; Cook, aye; Thornton, aye; and Brown; aye.

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

Signed: _____ Liz Allard, Clerk