

**HARVARD PLANNING BOARD  
MEETING MINUTES  
July 17<sup>th</sup>, 2023  
APPROVED AUGUST 7, 2023**

Chair Richard Cabelus called the open meeting to order remotely at 7:00pm, pursuant to Chapter 2 of the Acts of 2023, An Act Making Appropriations for the Fiscal Year 2023, which has suspended the requirement of the Open Meeting Law to have all meetings at publicly accessible locations and allowing all public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

**Members Present:** Richard Cabelus, John McCormack, Doug Thornton, Stacia Donahue, Arielle Jennings,

**Others Present:**

Frank O'Connor (Town Planner), Dan Wolfe, Ellen Sachs Leicher

**Public Hearings:**

Open Space Residential Development Bylaw Amendment (§125-35) for adoption

\*See page 4 for detailed information\*

**Old Business:**

**Prospective MBTA Multi-family zoned district (potential bylaw update) & Draft letter**

Frank O'Connor updated the board about the process of narrowing down the best sites that could be used.

John McCormack added the suggestion of softer and less definitive wording in the drafted letters that are planning to be sent out, suggesting that the Board sends out letters simply stating that the plots are still seriously being considered. John McCormack also suggested that the Board send follow up letters to all property owners who were alerted in 2022 with an update letting them know whether their property was still under consideration, or no longer being considered for multi-family zoning. Doing so would let specific plots know the status of the plans and give closure to those no longer considered or in the running. Richard Cabelus agreed that the wording should be toned down and simply specifying if a given property is considered viable and encourage to provide any extra feedback the Board may want to consider. Frank O'Connor and the Board will revisit this on July 31<sup>st</sup> 2023 at the Strategic Planning meeting.

**Explanation / discussion of Housing Production Plan**

Arielle Jennings updated the Board that the Housing Production Plan received a lot of productive feedback and will be adding a new draft to add more information to meet what was touched upon in the feedback, specifically adding a detailed analysis and needs assessment portion to the new draft.

**Update on 320 Ayer Road Chestnut Tree & Landscaping special permit**

Frank O'Connor updated the Board that the property owner has not officially submitted the new application, even though he has expressed that he is intending to do so. Due to the lack of progress on the issue, the Board intends to take corrective actions. Richard Cabelus suggested sending a strongly worded letter that will detail the fines that will be given if the application does not follow through. Frank O'Connor will draft the letter and bring it to Richard Cabelus for approval and signature.

**New Business:**

**Board elections**

Nomination: Stacy Donahue nominated Richard Cabelus to continue as Planning Board Chair

Seconded by Ariel Jennings

Voted yes by: John McCormack, Stacia Donahue, Doug Thornton, Arielle Jennings, Richard Cabelus

*Passed unanimously*

Nomination: Stacy Donahue nominated John McCormack to the position of Planning Board Vice Chair

Seconded by Doug Thornton

Voted yes by: John McCormack, Stacia Donahue, Doug Thornton, Arielle Jennings, Richard Cabelus

*Passed unanimously*

**Discuss potential adoption of a new Building / Stretch Code**

Stacia Donahue informed the Board that the Harvard Climate Initiative Committee and the Harvard Energy Advisory Committee are looking into the Energy Stretch Code. Stacia Donahue described it as the energy requirements that must be adhered to across the nation. Stacia Donahue informed the Board that there is an even more strict code that could be applied. If this comes to a vote, Stacia Donahue is asking the Board for feedback so she can accurately vote on behalf of the Board. Ellen Sachs Leicher clarified that almost all municipalities in Massachusetts were already adhering to the national code. Leicher explained that the more stringent code will not be brought up and voted on this year due to the complexity of the requirements, but expects to do so for the following (likely be implemented in 2025). Leicher explained that Harvard wouldn't be the first town to implement this, so the Town can learn as issues arise in neighboring areas while also preparing for the possible scenario of this becoming a statewide requirement in the future.

**Request by Envision Homes to store clean fill @ 24 Bolton Road**

Frank O'Connor quickly briefed the Board that this request focuses on an erosion control plan to be added to the initial site plan for the property. Dan Wolfe informed the Board that the draft of the site plan was just recently completed and has received an opportunity to acquire a large amount of material needed for this site plan. Dan Wolfe asked the Planning Board to allow the stockpiling of the materials on the property in order to successfully finalize the deal for the materials.

Important notes: The Conservation Committee had no objection to the submitted erosion control plan. The material is approximately 1000 yards of clean bank run gravel.

Motion: Stacy Donahue made the motion to send a letter of approval for the temporary storage of roughly one-thousand cubic yards of clean bank run gravel on the site prior to the review of the erosion control permit for 24 Bolton Road.

Seconded by John McCormack

Voted yes by: John McCormack, Stacia Donahue, Doug Thornton, Arielle Jennings, Richard Cabelus

*Passed unanimously*

**Comments on potential 40-B development at Old Mill & Ayer roads**

Frank O'Connor informed the Planning Board that the Zoning Board of Appeals will open the public hearing on August 2<sup>nd</sup> 2023 with the hopes that the Planning Board will prepare some comments to bring to this meeting. O'Connor is also confident that this meeting will continue to a later date due the complexity of the information that will be covered in the hearing. The Board brought up that only 6 of 24 units will be classified as affordable units. Arielle Jennings suggested finding a way to incentivize the owner to increase the amount in the site plan. John McCormack questioned the potential impact on the buildable land in the area, keeping the Ayer Road plans in mind. The Board wants to revisit this on July 31<sup>st</sup> 2023 at the Strategic Planning meeting.

**Standard Business:**

**Community Matters:**

Frank O'Connor has three draft decisions that he needs the Board to sign off on:

1. 131 Brown Road: Cell Tower sale
2. 203 Ayer Road Draft
3. 57 Brown Road Draft

**Minutes:**

Motion: Stacy Donahue made the motion to approve the minutes for June 26<sup>th</sup> 2023 as amended

Seconded by Doug Thornton

Voted yes by: John McCormack, Stacia Donahue, Doug Thornton, Arielle Jennings, Richard Cabelus

*Passed unanimously*

**Invoice:**

Housing Consortium / Town of Hudson FY2023 Q4 \$337.50

Motion: Stacy Donahue made the motion to approve the invoice as submitted

Seconded by Doug Thornton

Voted yes by: John McCormack, Stacia Donahue, Doug Thornton, Arielle Jennings, Richard Cabelus

*Passed unanimously*

**Adjournment:**

Motion: John McCormack made the motion to adjourn the meeting at 9:24pm

Seconded by Stacia Donahue

Voted yes by: John McCormack, Stacia Donahue, Doug Thornton, Arielle Jennings, Richard Cabelus

*Passed unanimously*

## Harvard Planning Board

### Special Public Hearing Minutes

July 17th 2023: Meeting called to order at 7:35pm

#### Open Space Residential Development Bylaw Amendment (§125-35) for adoption

##### The §125-35 Open Space and Conservation Planned Residential Development

John McCormack shared his screen to start off the Special Permit Hearing. He clarified that the changes stem from the previous §125-35 Bylaw not being well received in the past due to the lack of incentives and burdensome nature. The new draft aimed to ease the submission process and to increase the incentives and incorporating references to town bylaws that have been revised or added since this bylaw was written.

##### FeedBack

The Board of Health focused on concerns about clarifying the guidelines for the water supply and sewage disposal needs. John McCormack had already added the comments from the Board of Health to the Bylaw and has started to draft more precise language. Stacia Donahue suggested that language is added so property owners must follow specific well requirements for the water supply. The Board added in the language to include a single water supply “unless there are mitigating conditions approved by the Planning Board.” John McCormack also added in clarifying language that the sewage must be maintained and treated specifically by professionals hired by the property owner if it is required by the Board of Health. Dan Wolfe added that while this addition might be redundant, it is helpful to keep this language in the bylaw to property inform the property owner of what is required.

The Conservation Commissions questioned part of the Open Space Criteria and the largest percentage allowed for wetlands to be used as common open space. Ellen Sachs Leicher wanted to know what the standard amount is in neighboring towns in order to have a better baseline for what should be considered. The Board added citations to accurately define wetlands and wetland buffers to help clarify the criterial for open space usage.

The Planning Board also touched upon clarifying and defining the meaning for part (d) of Open Spaces “All usable open space shall be open to the sky and pervious,” but ultimately struck this from the bylaw language. The Board added the language to section-i of the Submittal Requirements: “including snow storage areas.”

Motion: Stacy Donahue made the motion to continue the public hearing for the Open Space Bylaw Revision at 7:30pm on August 7<sup>th</sup> 2023.

Seconded by John McCormack

Voted yes by: John McCormack, Stacia Donahue, Doug Thornton, Arielle Jennings, Richard Cabelus  
*Passes unanimously*