

**HARVARD PLANNING BOARD
MEETING MINUTES
February 5th, 2024
APPROVED FEBRUARY 26, 2024**

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, Richard Abt (associate member),

Others Present:

Frank O'Connor (Town Planner), Erin McBee, Kevin Conover (David E. Ross Associates, Inc.), Mark Sevigny, Jonathan Vos, Lou Russo, Cindy Russo

Public Hearings:

7:15pm Continuation of a Public Hearing pursuant to Massachusetts General Laws Chapter 40A, Section 3A: To consider and receive comments from interested parties concerning proposed addition to Chapter 125 of the Code of the Town of Harvard the Protective Bylaw for a Multifamily overlay district. Potential updates to Draft Bylaw MBTA-3A Multi-family overlay district.

See Page 4 through Page 5 for full details

Standard Business:

Representatives & Liaisons Update

Stacia Donahue informed the Planning Board that the Climate Initiative Committee gave comments on the MBTA Bylaw but they were more minor comments. She will continue working on these and bring them to the Board at a later date.

Stacia Donahue also received an email from Mass DOT in regards to the Transportation Advisory Committee and trying to get their project to move forward after some jurisdictional issues.

Master Planning for 2026

Richard Cabelus had gone to the previous Select Board meeting to present the current Master Planning updates. The Select Board is very supportive of the Planning Board and has shown that they would like to help in any ways that they can as this moves forward.

New Business:

Request for Endorsement of Approval Not Required (ANR) under §133-1, §133-9 and §133-10, as well as to Frontage under §130-10 by the Applicants, Roginski Irrevocable Trust & Harvard Conservation Trust for parcels at 28 Deerfoot Trail, Harvard.

Kevin Conover started the conversation as he shared his screen to address the Board for an endorsement of an ANR for the property. The image showed the current parcels focused on that would be on the updated deed of the property.

Parcel A – Mr. Roginski has made improvements to the conservation area on this land.

Parcel B – Owned by Mr. Roginski, but this parcel would be given to the Harvard Trust after Parcel A is updated with the planned improvements.

Questions/Comments/Concerns

Mark Seigny (on behalf of the Harvard Conservation Trust) did not have any other comments at the time for the land swap for both parties, but did answer clarifying questions from the Planning Board.

- Stacia Donahue asked if there were plans to add a trailhead to the back of the parcel
Mark Seigny clarified that the land swap would reform the parcel into a rectangle to provide other mutually beneficial opportunities such as easier septic repair and frontage access for public access,
- John McCormack wanted clarification on who the owners of the parcels were at this time (before the current plans were proposed)

Kevin Conover clarified that parcel A is currently owned by the trust while parcel B is owned by Mr. Roginski

Motion: Stacia Donahue made the motion to endorse the plans as submitted

Seconded by Arielle Jennings

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

Passed unanimously

Discussion to authorize UTILE to proceed with Phase III: Form Based Code

The Planning Board discussed options moving forward and Frank O'Connor clarified that if the Planning Board decides not to move forward with phase three, the money from the grant will expire on June 30th 2024. Work would need to be completed by this time, also. Stacia Donahue suggested trying to steer the UTILE groups plans toward more commercial developments in their plans due to the consideration that the Planning Board is working on approving the MBTA Bylaw that will potentially add a large amount of residential units to the town.

Motion: Stacia Donahue made the motion to move forward with phase three.

Seconded by John McCormack

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

Passed unanimously

Invoice:

Motion: Stacia Donahue made the motion to approve the invoice for the Town of Hudson Housing Consortium bill \$812.50.

Seconded by Arielle Jennings

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

Passed unanimously

Minutes:

Motion: Stacia Donahue made the motion to approve the minutes from January 8th 2024 as amended.

Seconded by Arielle Jennings

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

Passed unanimously

Adjournment:

Motion: Stacia Donahue made the motion to adjourn the meeting at 10:20pm.

Seconded by Doug Thornton

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

Abstained by: John McCormack

Motion Passed

Harvard Planning Board

Special Public Hearing Minutes

February 5th, 2024: Meeting called to order at 7:15pm

Potential updates to Draft Bylaw MBTA-3A Multi-family overlay district.

Continuation of a Public Hearing pursuant to Massachusetts General Laws Chapter 40A, Section 3A, to consider and receive comments from interested parties concerning proposed addition to Chapter 125 of the Code of the Town of Harvard the Protective Bylaw for a Multifamily overlay district.

Richard Cabelus started the Special Public Hearing by recapping the previous discussions that have been covered and inquired from the Planning Board how they would like to move forward at this time. Doug Thornton pointed out that Jonathan Vos of MRPC attended the meeting to offer any help through feedback and technical assistance. He did not see any conflicting language after reviewing the current bylaw before the hearing opened.

Frank O'Connor clarified that John McCormack, Arielle Jennings, Jonathan Vos, and himself had recently gone through the document to make some updates. Frank O'Connor then shared his screen to show some of the notes taken during these discussions:

- **Open Space:** expanding on the definition to allow some flexibility for the developers in regards to the landscaping options while still following the original purpose of the section
(Contiguous undeveloped land, a naturally landscaped area or a formal or man-made landscaped area that provides a connective link or a buffer between other within resources within a parcel boundary)
- **Permitted uses:** clarifying "at least 113 units" was not needed to be added to the multifamily housing section. Now states "As many as 120 units" after further clarification.

Throughout a majority of the hearing, the Planning Board mainly discussed the density requirements and the best amount of acreage needed for the amount of units each property would be able to allow. Due to the differences in sizes in parcels that the Planning Board is considering for future development under the new MBTA bylaw, the minimum/maximum amount of units that the Board would allow may lead to non-compliance with either the state's requirements or the Town's compliance requirements. At this time, no definitive decisions made on how to move forward with this specific language.

Lou Russo asked if you would need to subtract the wetland component from the total acreage. Jonathan Vos clarified that this is not taken into consideration and the State's mathematical model takes this into consideration in the calculations. Lou Russo also suggested the possibility of allowing a fourth story to the potential developments to help with the open space requirements. Frank O'Connor shared his screen to show Lou Russo's lot in order to discuss the possible viability of using the residential/badminton lot he is currently developing.

Stacia Donahue suggested that the Planning Board continues the meeting for a later date to choose the best site but to take the current language to the Town Meeting. Cindy Russo commented that she agrees with this plan to have a site in place for the Town Meeting and to continue working on the language at a later date. The Planning Board ended their discussions clarifying what the most viable parcel would be

for this proposed bylaw. The Board believes that they are now only considering the two parcels located on Ayer Road.

Motion: Stacia Donahue made the motion to put the 8-acre zone on the Route 2 Parcel on Ayer Road while also placing this zone to be furthest south on the parcel.

Seconded by Arielle Jennings

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

Abstained: John McCormack

Motion Passed

Motion: Stacia Donahue made the motion to continue the hearing for February 26th 2024 at 7:15pm

Seconded by Arielle Jennings

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

Passed unanimously