

**HARVARD ZONING BOARD OF APPEALS
MEETING MINUTES
DECEMBER 30, 2020
APPROVED: APRIL 14, 2021**

Chair Chris Tracey called the meeting to order at 7:03pm, virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20 under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Chris Tracey, Michael Lawton, Theodore Maxant, Steve Moeser and Orville Dodson

Others Present: Liz Allard (Land Use Boards Administrator), Mark Lanza (Town Counsel), Christopher Swiniarski (McLane Middleton, Attorney for Verizon Wireless), David Tivnan (SAI Group, LLC), David Maxson (Isotrope) and Fran & Rick Maiore

Continuation of a Variance Hearing – Cellco Partnership d/b/a Verizon Wireless, 12 Woodchuck Hill Road. Opened at 7:05pm. (See page 2 for complete details)

Adjournment

At 7:43pm Steve Moeser made a motion to adjourn the meeting. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion by a roll call, Steve Moeser, aye; Theodore Maxant, aye; Orville Dodson, aye, Michael Lawton, aye; and Chris Tracey, aye.

Signed: _____ Liz Allard, Clerk

DOCUMENTS & OTHER EXHIBITS

- **Town of Harvard, Zoning Board of Appeals Agenda, dated December 30, 2020**

Harvard Zoning Board of Appeals

Continuation of a Special Permit Hearing Minutes

Cellco Partnership, d/b/a Verizon Wireless, 12 Woodchuck Hill Road

December 30, 2020

The hearing was opened at 7:05pm virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20, by Chairman Chris Tracey under the Zoning Act, MGL Chapter 40A and the Code of the Town of Harvard, Protective Bylaw, Chapter 125.

Members Present: Chris Tracey, Steve Moeser, Theodore Maxant, Orville Dodson and Michael Lawton

Others Present: Liz Allard (Land Use Boards Administrator), Mark Lanza (Town Counsel), Christopher Swiniarski (McLane Middleton, Attorney for Verizon Wireless), David Tivnan (SAI Group, LLC), David Maxson (Isotrope) and Fran & Rick Maiore

This hearing was continued from December 16, 2020 for a Special Permit filed on behalf of Cellco Partnership, d/b/a Verizon Wireless, to allow for a replacement wireless communications tower taller than 105 feet and up to 160 feet when a 120-foot wireless communication tower exists at 12 Woodchuck Hill Road, Harvard.

Chris Tracey stated where the applicant's representative, Attorney Chris Swiniarski, and Town Counsel, Mark Lanza, are at in regards to the decision. Both attorneys agreed the language in regards to restricting the height of the tower is on point. The Planning Board will be responsible for ensuring there is a bond sufficient enough to removal the tower should it become abandon.

Mr. Tracey asked if confirmation from the Maiore should be provided stating they are aware of the distance from the tower to other existing structures on their property. Attorney Lanza stated there is no liability to the Town as no zoning relief is being granted for those structures.

After a brief discussion, Steve Moeser made a motion to close the hearing and issue a Special Permit to Cellco Partnership, LLC d/b/a Verizon Wireless at 12 Woodchuck Hill Road. Theodore Maxant seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Steve Moeser, aye; Theodore Maxant, aye; and Chris Tracey, aye.

Signed: _____ Liz Allard, Clerk