

**HARVARD PLANNING BOARD  
MEETING MINUTES  
SEPTEMBER 14, 2020  
APPROVED: JANUARY 11, 2021**

Chair Brown called the meeting to order at 7:00pm virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Justin Brown, Fran Nickerson, Stacia Donahue, Gwen Leonard, Jane Biering and Rebecca Kelley (Associate Member)

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Christopher Swiniarski, (McLane Middleton, Attorney for Verizon Wireless), Keith Vellante, David Tivnan (SAI Group, LLC), Matt Flokos (Harvard Press), Greg and Barbra Romero, Jim & Rosanne Saalfeld, Beth Williams (Council on Aging), Michael Ames, Brian Noble, Representative of Friendly Crossways, Kara Minar, Bruce Ringwald (GPR, Inc.), Ron Ostberg, Chris Tracey, David Maxson, John Martin, Mario Cardenas, Bill & Robin Calderwood and Tom Cotton

**Modification of a Special Permit & Driveway Site Plan Approval Hearing – Luciano Mangarella, 175 Littleton County Road.** Opened at 7:08pm (see page 2 for completely details)

**Protective Bylaw Amendments for Special Town Meeting 2020 Hearing.** Opened at 7:23pm (see page 3 for completely details)

**Continuation of a Special Permit and Site Plan Review Hearing – Cello Partnership d/b/a Verizon Wireless, 12 Woodchuck Hill Road.** Opened at 9:30pm (See page 5 for complete details)

**Due to the lateness of the meeting the following items were passed over:**

- Board Member Reports – Committee Activities
- Hamwey Engineering Letter of Resignation
- Director's Update

**Adjournment**

Donahue made a motion to adjourn the meeting at 10:43pm. Nickerson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Leonard, aye; Biering, Aye; and Brown, aye.

Signed: \_\_\_\_\_

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**EXHIBITS & OTHER DOCUMENTS**

- Planning Board Agenda September 14, 2020
- Director of Community and Economic Development Update, September 14, 2020

## **Harvard Planning Board**

### **Modification of a Special Permit & Driveway Site Plan Approval Meeting Minutes**

**Luciano Manganella, 175 Old Littleton Road**

**September 14, 2020**

The public hearing was opened at 7:08pm 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 in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Justin Brown, Fran Nickerson, Stacia Donahue, Gwen Leonard, Jane Biering and Rebecca Kelley (Associate Member)

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Matt Flokos (Harvard Press) and Bruce Ringwall (GPR)

This hearing is for the Modification of Special Permit and Driveway Site Plan Approval filed on behalf of Luciano Manganella for the modification of the existing common driveway special permit, and the construction of a driveway more than 300' in center-line length, which will include the replacement of an existing culvert and stormwater facilities for the control of stormwater at 175 Littleton County Road, Harvard

Bruce Ringwall, of GPR, Inc., was present to represent the applicant, Luciano Manganella. Mr. Ringwall suggested the Planning Board schedule a site visit of the property. Mr. Ringwall reviewed the history of parcel, which is the final lot off a common driveway, developed in the early 2000's. Mr. Ringwall explained the house at that time was designed to be located where the proposed barn is shown on the plans submitted with the application. Mr. Luciano is seeking to locate the house on the opposite side of the existing pond on the property, that serves as fire suppression for the development. The plan details an extension from the end of the previously permitted driveway to the new house location, some 1200' feet in length. The existing intermittent stream channel will be re-established and a new crossing with an open-bottom culvert will be installed. In addition, the applicant will be working with Harvard Fire Department on the dredging of the pond, which has not been maintained since the system for fire suppression was installed.

Mr. Ringwall requested the Planning Board coordinate peer review with the Conservation Commission, at which Brown agreed and noted that Liz Allard has already started to develop a scope of work for this review. A site walk was scheduled for Saturday September 26, 2020 at 9:00am.

Donahue made a motion to continue the hearing to 7:30pm on October 5, 2020. Nickerson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Leonard, aye; Biering, Aye; and Brown, aye.

Signed: \_\_\_\_\_  
Liz Allard,  
Land Use Administrator/  
Conservation Agent

## Harvard Planning Board

### Protective Bylaw Amendments for Special Town Meeting 2020

September 14, 2020

The public hearing was opened at 7:23pm 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 in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Justin Brown, Fran Nickerson, Stacia Donahue, Gwen Leonard, Jane Biering and Rebecca Kelley (Associate Member)

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Matt Flokos (Harvard Press), Representative of Friendly Crossways, Kara Minar, Beth Williams (Council on Aging) and Ron Ostberg

#### **Amend Chapter 125 of the Code of the Town of Harvard, the Protective Bylaw by inserting new Section 125-57 Senior Residential Development**

The bylaw language has to be submitted to Select Board by tomorrow, September 15<sup>th</sup>, in order to be included on the warrant. Brown noted that written comments had been submitted to the Board for their review. Biering noted Victor Normand had mentioned the Board should make sure to review the bylaws with the Municipal Affordable Housing Trust, Finance Committee (to make sure it is revenue neutral), Board of Health, and the Fire Department. Biering noted the Board needs to confirm what amendments they will be submitting for the fall town meeting, which prompted a group discussion on the matter. Biering asked if handouts would be allowed at town meeting. Brown and/or Ryan will conform, but assumes no based on the current pandemic.

Whether or not to provide photos along with the proposed bylaw was discussed. Kelley noted the need for pictures seemed important since people were visual. However, some of the pictures were outdated. Brown asked Kelley if she could find additional photos that matched the same style of photos similar to the Independent Senior Living Multi-Family Residential. Brown noted the Board should keep what they have unless something better is found before the deadline. Beth Williams, from the Council on Aging, noted that the Board needs to reinforce that this bylaw is to allow for these types of development only; there is no specific plan in mind. Nickerson asked to show floor plans instead of pictures. Ryan suggested showing floor plans in the Frequently Asked Questions and the handouts, but not in the actual bylaw. Nickerson was amenable with this resolution. Nickerson suggested one-level dwellings as seniors do not want a second floor. Williams noted not everyone is one-size-fits-all and not everyone is going to want a ranch. Brown noted Section E which details the Age-Appropriate design that will hold for all housing types. All pictures were reviewed; if better photos can be located they will be switched out. Brown asked if the matter of photos was a sticking point on town meeting floor would the Board want to cut anything. Leonard stated she wanted to cut the little cottages. Biering wanted to cut the big ones and would be sad to see the cottages go.

Kara Minar commented on Section D, 5 'Pace of Development'; language states 'and', she thought it should be 'but no more than 30 units...' Minar noted that the Poor Farm development at the corner of Littleton and Pinnacle Roads was not successful because it was not a good fit for the neighborhood. Minar noted that on a 15 acre parcel you could have 75 units, which might be a poor fit for some of the neighborhoods. Brown noted the bylaw has provisions to buffer against large scale developments in areas that do not support such a development. Minar noted the proposed bylaw might not hold up in Land Court.

Friendly Crossways on Littleton County Road supports the bylaw and is anxious to be able to apply to their property to create a retirement village.

Ron Ostberg thinks the bylaw will not pass town meeting because it is so complicated; images should be removed; need to make sure presentation at town meeting is solid.

Donahue made a motion to move forward with the amendment of Chapter 125 of the Code of the Town of Harvard, the Protective Bylaw by inserting new Section 125-57 Senior Residential Development without any pictures. Biering seconded the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Leonard, aye; Biering, Aye; and Brown, aye.

Donahue made a motion to continue the Amendment of Chapter 125 of the Code of the Town of Harvard, the Protective Bylaw by inserting new Section 125-57 Senior Residential Development hearing to September 21, 2020 at 7:30pm. Biering seconded the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Leonard, aye; Biering, Aye; and Brown, aye.

**Amend Chapter 125 of the Code of the Town of Harvard, the Protective Bylaw by inserting new Section 125-58 Senior Inclusionary Housing**

After briefly discussing whether or not to move forward with this bylaw amendment the board agreed not to submit this bylaw for inclusion on the warrant for the fall town meeting.

Signed: \_\_\_\_\_  
Liz Allard,  
Land Use Administrator/  
Conservation Agent

## **Continuation of a Special Permit & Site Plan**

### **Cello Partnership d/b/a Verizon Wireless, 12 Woodchuck Hill Road**

**September 14, 2020**

The public hearing was opened at 9:30pm 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 in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Justin Brown, Fran Nickerson, Stacia Donahue, Gwen Leonard, Jane Biering and Rebecca Kelley (Associate Member)

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Matt Flokos (Harvard Press), Christopher Swiniarski (McLane Middleton, Attorney for Verizon Wireless), David Tivnan (SAI Group, LLC), Bill and Robin Calderwood, James Saalfeld, Chris Tracey, Roseanne Saalfeld, Brian Noble, David Maxson (Isotrope), John Martin, The Romero's, Keith Vellante (Verizon Wireless), Chris Tracey (ZBA), Tom Cotton, Ron Ostberg

This hearing was continued from August 17, 2020 for a Special Permit and Site Plan Approval filed on behalf of Cello Partnership d/b/a Verizon Wireless to allow for a replacement wireless communications tower at 12 Woodchuck Hill Road, Harvard.

Brown noted the all of the people who submitted comments in regards to this application. All of the comments can be viewed on the Planning Board page of the Town Website, under the Active Planning Board Applications link.

Christopher Swiniarski, the attorney representing Cellco Partnership, stated he had not had an opportunity as of yet to review the report from the peer consultant, Isotrope. Swiniarski wanted to set a date for the balloon test. Swiniarski had provided responses to questions provide by the Planning Board and anticipates additional comments from the Board will be forth coming. Under Mass General Law 40A the Board has until December 14<sup>th</sup> to make a decision, however Swiniarski was amenable to extending the deadline as long as the process keeps moving forward. Proposed dates for the balloon test were October 9 and 10, 2020. The Board discussed color and size of balloon, as well as whether or not a flag would be added at the 105' compliant height to help visualize that height in comparison to the requested height. Rain dates of the following weekend were proposed if it was windy or wet.

Dave Maxson, of Isotrope, completed a high-level overview of the report; he noted he has issue with the claim that this is an existing site. Isotrope provided additional maps to validate that partial signal as well as perfect signal. As to 'gap in service' coverage, there are area where coverage is void. The coverage and quality of service in the heart of Town will be improved. There would be only a modest reduction improvement if the tower was built to be compliant with the bylaw at 105'. A tower at the Hildreth House at the compliant height of 105' would have comparable coverage. However, Swiniarski did not know what the status of Hildreth House would be as far as leasing is concerned; may require a vote of town meeting.

Swiniarski reviewed the comments from the Planning Board, noting this application is for a new tower and not an amendment/modification. Independent Counsel was recommended for interpretation of Federal Telecommunication Act. Swiniarski addressed a question about internal arrays, stating they do not change the appearance of a tower. Maxson noted that the internal

array would not necessarily make the tower higher. It was explained that distributed mini-towers are more for densely packed areas; Harvard does not fit the profile of a densely packed area.

The generator runs once a week for thirty minutes to recharge the batteries on the site. Swiniarski did not have the EPA emission numbers from the generator proposed for the site. Swiniarski did not know of any additional towers being proposed for the Town, however, keeping towers to a minimum saves money overall. Swiniarski noted there is no Federal land available in Harvard that would be suitable for this tower.

A request was made to include 25-35 Slough Road as part of the simulation plan.

Chris Tracey, chair of the Zoning Board of Appeals, spoke about the standard requirement for a variance; he does not feel those requirements have been met. The ZBA would need evidence that the proposed tower is not providing significant coverage of the existing gaps to potentially deny the request for a variance. Swiniarski stated the language around the legal interpretation of the requirements that allow Town's to say 'no' to the tower have changed a bit, but are limited.

Jim Saalfield requested the financial agreement between the property owner and Verizon be disclosed. Swiniarski stated what a wireless communications company pays a private land owner is not important to the issue at hand and has no bearing. Saalfield felt in order for the Town to approve this use there has to be a benefit to the Town.

Donahue made a motion to continue hearing to September 16, 2020 at 7:15pm in conjunction with the Zoning Board of Appeals. Nickerson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Leonard, aye; Biering, Aye; and Brown, aye.

Signed: \_\_\_\_\_  
Liz Allard,  
Land Use Administrator/  
Conservation Agent