

**HARVARD PLANNING BOARD
MEETING MINUTES
OCTOBER 5, 2020
APPROVED: MARCH 1, 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), Liz Allard (Land Use Administrator) Matt Flokos (Harvard Press), Bruce Ringwall (GRP, Inc.), Jim Saalfeld, Greg & Barbara Romero, Christopher Swiniarski, (McLane Middleton, Attorney for Verizon Wireless), Keith Vellante and David Tivnan (SAI Group, LLC)

Right of First Refusal – 19 South Shaker Road

Donahue made a motion to recommend the Select Board decline the Right of First Refusal for Parcel A on the plan entitled "Plan of Land in Harvard, Mass". Owned by Stone Realty Trust, Plan No. L-14068, prepared by David E. Ross Associates, Inc., dated September 2020. Biering seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Nickerson, aye; Donahue, aye; Leonard, aye; Biering: aye and Brown, aye.

Amend Community Resilience Working Group Charter to include Additional Member

Leonard made a motion to approve the amended Charter for the Community Resilience Working Group to increase membership from nine to ten. Nickerson seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Nickerson, aye; Donahue, aye; Leonard, aye; Biering: aye and Brown, aye.

Appoint New Members to the Community Resilience Working Group

Leonard made a motion to gratefully appoint Phoebe von Conta, Alexandra Cronin and Abbey Alpert to the Community Resilience Working Group. Donahue seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Nickerson, aye; Donahue, aye; Leonard, aye; Biering: aye and Brown, aye.

Zoning Board of Appeals Request for Comments

- **45 Pine Ridge Road (Special Permit)**
The Board appreciates the reduction in the non-conformity
- **Lot 6 and a portion of 214 Littleton Road (Variance)**
Board has concerns with wetland crossing, impact in winter months and the continued care of the driveway.

Ryan will provide these comments to the Zoning Board of Appeals.

Continuation of a Modification of a Special Permit & Driveway Site Plan Approval Hearing – Luciano Manganella, 175 Littleton County Road Hearing. Opened at 7:37pm (see page 3 for complete details)

Director's Update

Ryan stated he had a successful response to the Request for Information (RFI) as it relates to the Ayer Road Corridor Development Project. The information being sought was whether or not the Town was on target with the overall cost of the project and the proposed phases for the project. Received information is from all over the country. Ryan can share the information by either downloading to the website or on a flash drive for any member interested. Ryan will be meeting with the Finance Committee on October 19th to discuss the necessary funding for this project. Biering asked if each RFI had a summary that he could flesh out to share with the members. How much homework they did on Harvard and the graphics are key

to these RFI. Donahue needs more clarification as to what the RFI provided. Ryan stated the RFI's give him the ability to show Finance Committee what will be necessary to get this project done. Ultimately it gives the Board some great choices for consultants for this project. Brown, Leonard and Kelley are willing to review the documents for the Finance Committee meeting.

Continuation of a Special Permit & Site Plan Approval Hearing – Cellco Partnership d/b/a Verizon Wireless, 12 Woodchuck Hill Road. Opened at 8:11pm (see page 4 for complete details)

Board Member Reports

- **Representatives & Liaison Reports**
 - Donahue stated Montachusett Regional Planning Commission will be completing the buildout analysis shortly
- **Community Matters**
 - None

Approve Minutes

Minutes were unavailable for approval this evening.

Hamwey Engineering Letter of Resignation

Brown stated with Fred Hamwey retiring, the Board will need to start the search to engage a new individual or firm of the inspection of driveway. This allows the Board the opportunity to tighten up the process. A letter thanking Mr. Hamwey for his service shall be sent to him.

Moving forward with Proposed Bylaw Amendments 125-57 Senior Residential Development

This item was passed over until the October 19th meeting

Adjournment

At 9:36pm, Donahue made a motion to adjourn the meeting. 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 October 5, 2020
- Director of Community and Economic Development Update, October 5, 2020
- Plan of Land in Harvard, Mass". Owned by Stone Realty Trust, Plan No. L-14068, prepared by David E. Ross Associates, Inc., dated September 2020

Harvard Planning Board

Continuation of a Modification of a Special Permit & Driveway Site Plan Approval Hearing

Luciano Mangarella, 175 Littleton County Road

October 5, 2020

The public hearing was opened at 7:37pm 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, Inc.)

This hearing was continued from September 14, 2020 for 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.

The Board had received three proposals for peer review of this application and the application before the Conservation Commission. Proposals from Comprehensive Environmental, Inc., Beals & Thomas, and BSC Group were reviewed by Allard, who noted the BSC Group proposal did not include any information in regards to the scope of work for the Planning Board. Allard stated the proposals from Beals & Thomas and Comprehensive Environmental Incorporated are comparable in the scope of service to be provided. Ms. Allard stated of the two she preferred the proposal provided by Beals & Thomas. Bruce Ringwall, representing the applicant, expressed his concerns with the overall cost by Beals & Thomas in regards to the driveway inspections.

After discussing the proposals and receiving input from Allard, Biering made a motion engage Beals & Thomas for peer review of the 175 Littleton County Road. Leonard seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Nickerson, aye; Donahue, aye; Leonard, aye; Biering: aye and Brown, aye.

Donahue continue to November 16, 2020 at 7:30pm. Leonard seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Nickerson, aye; Donahue, aye; Leonard, aye; Biering: aye and Brown, aye.

Signed: _____
Liz Allard,
Land Use Administrator/
Conservation Agent

Harvard Planning Board

Continuation of a Special Permit & Site Plan Approval Hearing

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

October 5, 2020

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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), Jim Saalfeld, Greg & Barba Romero, Christopher Swiniarski, (McLane Middleton, Attorney for Verizon Wireless), Keith Vellante and David Tivnan (SAI Group, LLC)

This hearing was continued from September 14, 2020 to allow for a replacement wireless communications tower at 12 Woodchuck Hill Road, Harvard.

With the balloon test scheduled for this weekend Attorney Swiniarski, representative for the applicant, would like to know at what locations photo simulations should be conducted.

Brown stated he would like to hear from the public this evening and suggested, that, considering a variance is necessary from the Zoning Board of Appeals, this hearing be continued to a time that allows the Zoning Board Appeal to make a decision. Brown suggested December 7th. Swiniarski was agreeable to providing a written extension to December 31, 2020. Ryan stated within his report he had some comments and he wondered if any of the Board members have any comments as well. Members agreed the comments within Ryan's report should be shared with the Swiniarski and Isotope (peer consultant).

Brown turned to public comment.

Greg Romero, 4 Woodchuck Hill Road, thanked the Board for the effort they are putting into this application. Romero wanted to reiterate the comments he expressed in his letter to the Board. His concerns include view of the tower from his property, the environmental factors and that the balloon test will not give a true picture of what the tower will look like once the other carriers are added. Romero knows other locations, like the Hildreth House, are being considered. Brown stated the use of the Hildreth House would require a vote of Town meeting and is outside the historic district. Brown has also heard from Select Board member Lucy Wallace, who stated the use of the Hildreth House is a good idea. Biering wanted to clarify that the Hildreth House is not within the historic district. This can be confirmed again, but others present were certain the Hildreth House is outside the Historic District. Swiniarski stated they have spent years researching Town-owned land and have counted out the Hildreth House as a location, unless something new is presented.

Jim Saalfeld, 15, 18 and 20 Woodchuck Hill Road, wanted to know what potential benefit the Town is walking away from by not putting a wireless communication tower (WCT) on Town land. Saalfeld feels this information would be very useful for the Town and residents to know. Brown thinks this is not public information. Romero had a follow up question in regards to the Town issuing a Request for Proposal (RFP) to locate a WCT on Town-owned land. Brown believes town meeting approval would need to give

the Town Administrator the authority to send out RFP. Brown stated there has been interest in the past of using municipal land that has been unfavorable to some residents in Town. Biering thinks the Board would need more information in order to be able to pursue this issue with the Select Board and the Town. Ryan wonders if there is any standard for changing the project mid-stream; he will research this.

Biering asked what the interest is in increasing the tower to 160'. Swiniarski stated there is a 40% difference of each metric that is lost between 100' and 155' and you would not get any co-locators with a WCT at 105'. Swiniarski stated there may be a height between 105' and 160' that may allow Verizon to reach its goal with this WCT. Swiniarski stated the Protective Bylaw seeks out co-locators for WCT. The applicant usually wants the top spot on the WCT. Reducing the height could eliminate a co-locator at this location who may seek another location in Town for an additional WCT. Under Federal law a co-locator can apply to increase the height no more than 10% or 20% of the existing height of the tower, therefore another locator can come in and invoke that law to be on the tower higher than Verizon. Donahue asked does that mean there could be an increase over the 160'. Swiniarski suggested the Board consult with Town Counsel on these matters; he will share a link to that law. Leonard pointed out that Isotrope report details this type of increase.

Photo simulation locations were determined to be the following: the Harvard Conservation Trust land on Slough Road, Fairbank/Oak Hill Road looking west, Bromfield school playfield; Town Common, the ramp at the Hildreth House and 32 Pinnacle Road.

Saalfeld asked questions about permitting for the duration of the tower and the removal when no longer in use. It was stated no terms can be imposed for use, but can for removal.

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

Signed: _____
Liz Allard,
Land Use Administrator/
Conservation Agent