

**HARVARD PLANNING BOARD  
MEETING MINUTES  
DECEMBER 7, 2020  
APPROVED: APRIL 26, 2021**

Chair Justin Brown called the meeting to order at 7:01pm 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, Jane Biering, Gwen Leonard and Becca Kelley (Associate Member)

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Liz Allard (Land Use Administrator), Matthew Flokos (Harvard Press), Bruce Ringwall (GPR, Inc.), Kyle Burchard (GPR, Inc.), Jason Goyette (Ross Associates), Christopher Swiniarski (Cellco Attorney), Keith Vellante (Verizon Real Estate), David Tivan, Roseanne Saalfeld, David Maxson (Isotrope) and Bruce Ringwall (GPR, Inc.)

**Approval Not Required Endorsement – 284 Ayer Road**

Donahue made a motion to endorse the Plan of Land in Harvard, Mass, prepared for David B. Alexander, Job No. 33275, Plan No. L-14143, prepared by David E. Ross Associates, Inc., November 2020. Nickerson seconded the motion. The vote was unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Nickerson, aye; Biering, aye; and Leonard; aye.

**Ayer Road Project – Prepare of Public Input meeting, December 17, 2020**

Ryan stated the Select Board voted 4-1 to move project along from the 10% to the 25% design phases; comments received to date have been absorbed by the consultant. At this point it is too late to take in any additional input for the 10% design phase. Donahue thinks it is still worth having the meeting to allow for additional feedback from the public and allow for the ability to be certain the residents are aware of which is the final chosen plan for the Ayer Road corridor. Leonard errs on the side of more information the better. Biering stated she feels it is a good idea to go forward with the public input discussion for clarification. Biering asked if the Select Board also voted to remove the proposed round-about from any plans moving forward. Ryan stated that was correct.

Ryan stated the owner of AppleWorks building has made the offer to provide additional land to assist with aiding the slowing of traffic in that area at no charge to the Town. Brown stated the Board will need to put together some type of formal presentation that would lead into a question-and-answer session. Brown turned to the Board for their input. Donahue stated a presentation as of what the plan is now, sheet by sheet. Brown suggested addressing some of the concerns stated previously, the history, and why State funding is involved with improving the road. Donahue will assist with questions from the public. Kelley asked that the website be updated as to which plan is the correct plan. Ryan will re-establish the page on the website as he has accidentally hidden the page.

**Continuation of a Special Permit & Site Plan Approval Hearing – Cellco Partnership d/b/a Verizon Wireless, 12 Woodchuck Hill Road.** Opened at 7:32pm (see page 4 for complete details)

**Update on Chapter 90 Scenic Road Bylaw Revisions**

Leonard stated she is thankful to those who have been helping out in the back ground, the Department of Public Works Director, Tim Kilhart, the Director of Community & Economic Development, Chris Ryan, Land Use Administrator Liz Allard and Tree Warden JC Ferguson. Leonard wants to strengthen and clarify the existing Scenic Road bylaw by codifying such things as driveway cuts and tree removal and what is the remediation for those things. Leonard's goals include preserving and protecting Harvard's viewsheds and scenic roads. What makes a road

special is not just the road itself, it is its viewshed and that is the long-term goal Leonard wants achieve with the Scenic Road bylaw.

The current bylaw does not provide for protection of viewsheds, design guidelines, and fines for violations are low in comparison to other communities. Leonard's plan is to introduce a bylaw that would serve to protect Harvard's viewsheds over the next three town meetings. Phase 1 would strengthen the current bylaw by cleaning it up. Phase 2 would protect scenic roads in regards to solar panels. Phase 3 would create a scenic road overlay zone for new development.

Leonard is seeking input from the Board on the current bylaw. Donahue suggested keeping in touch with Historic Commission as they are working on regulations that include the siting of solar arrays and signs. Expanding on signs, Leonard noted although signs are difficult to regulate you can regulate the number and duration of signs.

An edited version of the bylaw has been shared with the Board, which includes changes to the diameter of allowed trees to be cut and limiting the width of a driveway cut, among other items. Harvard allows two driveway cuts per lot at 35' each, therefore you could have 70' worth of stone wall removal for a single dwelling. Leonard will need to work with the Fire Department and the Department of Public Works on what is reasonable for a driveway cut. The Board was good with having the revision on for Annual Town Meeting along with Senior Residential Development bylaw.

### **Board Member Reports**

- Community Matters
  - **Harvard NextDoor** – Donahue wondered how we would react if this was an in-person meeting; not sure this would have happened in real life. Biering wondered how the Planning Board should respond. All agreed not on Harvard NextDoor, perhaps via the Harvard Press or respond directly individually. Leonard felt if you engage more there will be more issues. Brown stated the easiest way to work with the public is through public meetings and the website. Ryan stated he does not think the Planning Board can use the Harvard Press to correct information put out on Harvard Nextdoor, as there would be a significant lag in response time. Ryan suggested other platforms to get information out there, such as a blog, podcast or Facebook page. The Board discussed the potential to have a segment on Harvard Community Cable or in the newspaper. Brown discussed removing an individual from a meeting. Some disliked that ideas, but upon further clarification were ok with it. Leonard suggested a question of the week.

It was agreed the Board would not engage and would redirect when an individual is hostile at a meeting. Barriers for direct communications with the Board members during a meeting can be engaged. All attendees will be asked to identify themselves at the start of a meeting.

- Representatives & Liaisons Update
  - Brown, Donahue and Ryan meet with Select Board last week in regards to the **Transportation Committee**, who would like it as an advisory committee with quarterly meetings; Ryan has revised the charter to be reviewed the Donahue and brought back to Board at the next meeting
  - Select Board member Rich Maiore gave positive feedback on the outstanding work being put forth toward the **Senior Development Bylaw**

### **Director's Update**

Included no additional items beyond those already on the agenda this evening

**Continuation of a Modification of a Special Permit & Driveway Site Plan Approval Hearing – Manganello, 175 Littleton County Road.** Opened at 9:16pm (see page 6 for complete details)

**Approve Minutes**

Biering made a motion to approve the minutes for August 3 and 17, 2020 as drafted. Nickerson seconded the motion. The vote was unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Nickerson, aye; Biering, aye; and Leonard; aye.

**Adjournment**

Donahue made a motion to adjourn the meeting at 9:51pm. Nickerson seconded the motion. The vote was unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Nickerson, aye; Biering, aye; and Leonard; aye.

Signed: \_\_\_\_\_ Liz Allard, Clerk

**EXHIBITS & OTHER DOCUMENTS**

- Planning Board Agenda December 7, 2020
- Director of Community and Economic Development UPDATE, December 7, 2020
- Plan of Land in Harvard, Mass, prepared for David B. Alexander, Job No. 33275, Plan No. L-14143, prepared by David E. Ross Associates, Inc., November 2020
- Town of Harvard Scenic Roads
- Town of Harvard, MA Strengthening our Scenic Road Bylaw
- Draft Harvard Planning Board Meeting Minutes, August 3, 2020, prepared by Liz Allard
- Draft Harvard Planning Board Meeting Minutes, August 17, 2020, prepared by Liz Allard

## **Harvard Planning Board**

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

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

**December 7, 2020**

The public hearing was opened at 7:32pm 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 (Cellco Attorney), Keith Vellante (Radio Frequency Engineer), David Tivan (Cellco), Roseanne Saalfeld, David Maxson (Isotrope)

This hearing was continued from October 5, 2020 filed on behalf of Cellco Partnership to allow for a replacement wireless communications tower at 12 Woodchuck Hill Road, Harvard.

Attorney Swiniarski stated he is working with the Zoning Board of Appeals (ZBA) to reduce the requested variance for a wireless communications tower at 160' to 125'. Brown is hoping to discuss this application once the ZBA has completed their process, as it would be most time efficient to proceed with the hearing once ZBA is finished. Attorney Swiniarski has granted an additional extension to ZBA to December 31, 2020.

The recent balloon trial was discussed and okay with the Planning Board. Donahue asked if the ZBA reduces the allowed height would a new balloon trial be required. Attorney Swiniarski stated he did not think that would be necessary as the goal is to retain the existing height of the tower; he will provide revised renderings. David Maxson, of Isotrope, stated he has done some laser measurements of the existing tower and find the proposed to be similar in height; he does not see a huge need for an additional balloon trial, as enough information has been provided to conclude the height of the tower. Attorney Swiniarski agreed that his technicians can potentially provide the photo stimulations at the approved height by ZBA. Donahue asked if there would be a construction schedule as to when the existing tower would be removed and when a new tower would be constructed. Attorney Swiniarski can put a revised schedule on the plan.

The Board discussed the next steps in the process, Attorney Swiniarski acquiesced with continuing to January 4, 2021 and extending a decision filed with the Town Clerk to February 8, 2021; he will provide an extension in writing.

No comments from the public this evening.

Allard reminded Swiniarski of additional funding for consultant review.

Donahue made a motion to continue the public hearing to January 4, 2021 at 7:30pm. Leonard seconded the motion. The vote was unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Nickerson, aye; Biering, aye; and Leonard, aye.

Signed: \_\_\_\_\_ Liz Allard, Clerk

## **Harvard Planning Board**

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

**Luciano Manganella, 175 Littleton County Road**

**December 7, 2020**

The public hearing was opened at 9:16pm 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),

This hearing was continued from November 16, 2020, filed on behalf of Luciano Manganella 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.

Bruce Ringwall, GPR, Inc., represented the applicant, Luciano Manganella. Ryan provided recommendations to the Board within the Director's Update. Ringwall stated the driveway covenant has been provided to the Town. Ryan reviewed his suggested special conditions and recommended standard conditions. Allard recommend adding a book/page for the 2000 special permit and covenant.

With no further questions or comments, Donahue made a motion to close the public hearing. Biering seconded the motion. The vote was unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Nickerson, aye; Biering, aye; and Leonard; aye.

Donahue made a motion to approve the request to modify the Special Permit and driveway site plan approval with the conditions as revised this evening. Nickerson seconded the motion. The vote was unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Nickerson, aye; Biering, aye; and Leonard; aye.

Signed: \_\_\_\_\_ Liz Allard, Clerk