



Director of Community and Economic Development

UPDATE

January 25, 2021

■ MRPC Presentation: Buildout and Fiscal Impact Analysis

Representatives from the Montachusett Regional Planning Commission and their consulting team will present the findings of an updated Buildout Analysis and a related Fiscal Impact Analysis of the Buildout. In 2002, MRPC completed an initial buildout analysis that indicated that an additional 2,564 housing units could be added with the zoning existing at the time which translated to an additional 7,333 residents and 1,769 additional school-age children. Further, the analysis indicated that 1,295,791 additional square feet of commercial and industrial space could be built. This information, starting on p. 3.6 of the 2002 Master Plan, also provides a “fiscal implications” of this analysis starting on p. 3.9 of the Plan.

The revised buildout estimated 1,973 additional residential units, 11,682 new residents, and 781,865 new commercial and industrial floor area. Note that there were different assumptions made between the 2002 and 2020 analyses including differing constraints. The new Fiscal Impact Analysis draft estimated a net fiscal gain of \$10 million based on the residential buildout and nearly \$1 million for the commercial/industrial buildout. Members are encouraged to review the information and ask questions of the consultants on Monday.

■ Zoning Board of Appeals Request for Comments – 53 Turner Lane

Name of Applicant: Nicola Cavicchio
Location of Property: 53 Turner Lane, Harvard, MA
Assessors Map/Parcel: 21/40
Zoning District: Agricultural Residential (AR)
Property Owner: Same
Consulting Engineer: Daniel Wolfe, PE; David E. Ross Associates, Inc.
Application For: Special Permit (125-3(B)) for reconstruction and additions to a pre-existing, non-conforming, single-family home.

The proposal includes the reconstruction of the west side of the house, a kitchen addition on the south side of the house, and a covered deck on the south side of the house. The application narrative notes that in no case does the proposed addition come closer to the setbacks than the existing structure nor create any new non-conformities.

While the floor area ratio requirements of 125-30(B) appear to be met, Section 125-3(B)(1)(b) is not met given a footprint increase of 28.5% which exceeds the 20% maximum noted in this section for footprint. Thus, the Special Permit application. Subsections 2(a-b) appear to be met and thus, this reviewer has no further comment or issue.

■ Wireless Communication Tower Public Hearing Continuation – 12 Woodchuck Hill Road

Name of Applicant: Cellco Partnership d/b/a Verizon Wireless
Location of Property: 12 Woodchuck Hill Road, Harvard, MA
Assessors Map/Parcel: 23/5
Zoning District: Agricultural Residential (AR)
Property Owner: Richard F. Maiore, Trustee; Woodchuck Hill Road 2017 Realty Trust
Consulting Engineer: Chappell Engineering Associates, LLC
Application For: Wireless Communication Tower Site Plan Review

Summary: Cellco Partnership d/b/a Verizon Wireless had initially submitted an application for approval of a Special Permit and Site Plan Review for a 160' monopole telecommunications tower at 12 Woodchuck Hill Road. Separately, the applicant had applied with the Zoning Board of Appeals (ZBA) for a variance to the 105' height limit for such facilities (§125-27D2b). The Planning Board has conducted several reviews of this application since its filing and reviews by the Director has accompanied recent Director UPDATE documents.

On December 30, 2020, the ZBA granted Applicant's request to withdraw and amend its variance application to be an extension of an existing Special Permit for a wireless communication facility at the Property, pursuant to a finding under GL c.40A, Sec. 6 regarding existing nonconformities. Thus, the Special Permit for the proposed facility has been granted by the ZBA, and the applicant only requires site plan approval from the Planning Board at this time. The Applicant has requested that the Planning Board allow for the withdrawal of the Special Permit application without prejudice but maintain the existing application for site plan review with amendments to plan as discussed below. The Applicant has granted an extension of the statutory deadline for decision to February 26, 2021.

Finally, while a special permit is no longer required of this application, this reviewer would argue (confirmed by Town Counsel?) that the requirements of the Overlay District are still applicable to ensure that towers and associated improvements comply with Bylaw requirements.

Waiver Requests: In line with recommendations from the Director, the Applicant has submitted, as part of the revised site plan review application packet, a set of waiver requests pertaining to provisions of the Harvard Protective Bylaw requirements. These will be summarized as follows and detailed below in the site plan review.

1. All requirements set forth in §125-27 E, as the requirements listed therein expressly pertain to "an application for a special permit" and the Applicant has withdrawn such application. Further, the information to be demonstrated by the above cited requirements being shown on a plan will not provide material information that is not already known to the Board.
2. The requirements of §125-38 D(2-5).

The following review is limited in scope to the site plan review provisions of the application as noted above. First, the elements of the revised application as provided by the applicant will be summarized followed by a formal review of the revised site plan itself. Following that, there will be a summary of comments provided by the public, and a formal recommendation to the Board regarding a decision.

Revised Applicant Narrative: The revised site plan proposes a monopole style wireless communications facility of 125' that would replace an existing 130' lattice tower. The new tower would be located 11'6" from

the existing tower. The project site area as a 50' x 50' area leased from the property owner. In addition to the tower, it will include a 30KW backup power generator, a 500-gallon propane tank, a transformer, and electrical cabinets.

Revised Plans: A set of revised plans dated 12/30/2020 were submitted to the Planning Board by the Applicant on January 12, 2021 and entitled Harvard 3 MA; 12 Woodchuck Hill Road, Harvard, MA 01451.

The narrative notes that controlled access is provided via a locked gate in a 6' tall chain-link fence that surrounds the leased area. The Applicant states that privacy slats can be added to the fence for screening purposes in virtually any color preferred by the Board.

Content: (1) Lot boundaries provided in conformance; (2) Parking, loading, maneuvering, storage and service areas or uses, walkways, driveways, lighting, green areas and visual screening waiver requested; (3) Provisions for water supply and reservoirs, surface water drainage, and treatment and disposal of sewage and any other wastes waiver requested; (4) Levels and grades where substantial excavation or fill is involved waiver requested; and (5) Clearing limits used to calculate both the volume and rate of surface water runoff waiver requested. The requested waivers should each be explained and justified. In particular, the Board may wish to discuss the following:

1. Green areas and visual screening. No landscape plan has been provided and no screening of the fenced area has been provided. It is suggested that the Board limit the scope of this waiver and require more information on landscaping, screening, and camouflaging.
2. Not concerned about criteria like fill, excavation, or stormwater based on plan and narrative but would defer to other reviewers to assess this.

Revisions: Required changes provided as requested by staff review.

Design Review: Not applicable.

Landscape Plan: Not provided (see above). Board should assess whether the requirement of a Landscape Architect prepared plan is necessary. However, some form of plan sheet should be provided showing the landscape elements such as trees and other vegetation to be removed or preserved and vegetative screening. All landscape plantings should include a proposed maintenance and replacement plan.

Site Plans: The site plan set consists of eight (8) pages, each assessed below. Note that the review will not be conducted as a "commercial" property as this is an existing, nonconforming use. No north arrow is provided on this or other plan sheets although referred to in notes.

Page 1 (Property Plan) – Provides an overview of the full property and the abutters and other owners with a 300' radius.

Page 2 (Site Plan) – Full property dimensions and setbacks from adjacent Maggiore property. The site plan also shows the 100% fall zone radius around the proposed monopole. It also shows setbacks to rear and one side setback (west). Zoning requirements have not been provided.

Page 3 (Part Site Plan) – Shows the detail of the tower compound area and includes 30 notes referencing site details.

- Why is electric transformer and meter bank not placed within the equipment area?
- What is the 2' x 10' wood edging referred to in Item T?
- Will future carriers require additional equipment not shown on plan?

- Up to eight (8) trees noted for removal do not seem to be impacted by equipment or other improvements. Why are each being removed? Some could serve as partial screening for the equipment.
- No vegetative screening on north or west sides of compound is being proposed. The Board may wish to request the applicant to plant fast growing native species such as arborvitae, eastern red cedar, lawson cypress, or northern spicebush. Note that photo simulations show existing vegetation and applicant should indicate what trees shown in these pictures are proposed to be removed.

Page 4 (Site Details) – Shows details for chain link fence, overhead cable ice bridge, RF warning sign equipment compound, tree protection, cable bridge pier, and bollard. The chain link fence had no above ground dimension. It is assumed to be 10' based on scale but this should be provided so it can be field inspected once installed. Page 5 indicates 6' but again this should be confirmed by applicant. The Board may wish applicant to consider a fence taller than 6' if that is what is proposed as added security.

Page 5 (Northwest and Southwest Equipment Compound Elevations) – Shows elevation drawings. Does not proposed any camouflaging as has been previously suggested by this reviewer. The Board may wish to request the applicant to propose one or more camouflaging options such as a “bionic tower” or similar in order to blend into the environment and surroundings better. While the proposed height is not dissimilar to the existing tower to be removed, it will present a wider crown and also may be extended at some point, So, any required camouflaging should also note that extensions will need to be camouflaged as well.

District Delineation

The subject parcel is within the Wireless Communications Towers Overlay District within an Agricultural Residential (AR) zoning district.

Underlying and Wireless Communication Tower Zoning Requirements

The underlying zoning district is Agricultural-Residential or AR. This review will assess whether any provisions of the AR district and Section 125-27 are relevant to the application. Note that this review opines that this new tower is not subject to the exemptions noted in 125-27 and new tower development must comply with the non- special permit criteria in this section as a means to provide the protections needed as intended by the bylaw. The Board may wish to seek Town Counsel conformation of this position as may be necessary.

1. Any improvements or modifications to the driveway intended to accommodate the site improvements should be subject to driveway site plan approval as applicable.
2. Vegetative clearing should preserve existing vegetation to the maximum extent practicable. Tree replacement should be considered by the Board for those trees removed as applicable related to screening and buffering.
3. As noted elsewhere in this review, the tower should be “...designed, using the best available technology, to blend into the surrounding environment through the use of color, camouflaging techniques, or other architectural treatments.” The Planning Board “...shall impose conditions...” related to “...specific camouflaging techniques for the wireless communications tower and equipment which are needed to minimize the visual impact of the tower.”
4. Proposed lighting must be limited to, “...that needed for emergencies,” and comply with shielding as noted elsewhere in this review.

5. "The tower and its accessory buildings have been designed to be as unobtrusive as possible, with all utility lines serving them installed underground and the use of the best available technology to minimize the noise emitted from the site."
6. Should additional signage be required for "no trespassing"?
7. "...the tower owner shall allow the installation of municipal public safety communications equipment provided such equipment does not interfere with the service of other carriers on the tower."
8. Any decision should address issue of "nonuse" whereby all improvements "...shall be removed within one year of cessation of use, and the property shall be restored to substantially the same condition as it was in prior to the erection of the tower. All unused towers or parts thereof, including accessory structures, which have not been used for two years and have not been removed may be dismantled and removed and the site may be restored by the Town of Harvard, and the cost of such removal and restoration shall be payable by the owner of the property."
9. Compliance: Sections 2 and 3 of Section 125-27(H) must be complied with including a bond in the case of nonuse, annual certification of compliance, and in the event in a change in use or change in scale or design, the applicant shall be required to file a revised site plan.

Site Plan Review and General Special Permit Requirements (Section 125-39 Site standards.)

Parking and Loading – Proposed parking and turnaround appear adequate and seem to facilitate emergency access as needed.

Standards for Driveways – Existing driveway seems suitable for the proposed use. Does the applicant propose to widen the existing driveway and remove vegetation for this purpose?

Open Areas – Any existing vegetation within the required buffer strip should not be removed. Additional planting should be considered to allow the intended buffer to function effectively.

Screening – Is any lighting being proposed on site either as part of the tower structure or other lighting for emergency purpose or security? If so, this should be provided on site plans and in details. Screening should be proposed that encompasses views from street and neighboring properties as noted in landscaping comments above. Planting should be native and align with recommendations provided above or as advised by landscape architect. The Board, if not willing to require screening plantings, should at minimum require camouflaged slatting within the fencing. One public recommendation is to move perimeter eastward to allow for more substantial screening and the Board may wish to ask the applicant of the feasibility of this.

Fire Protection – Defer fire protection question to the Fire Department. Applicant may wish to address fire risk of proposed equipment and proximity to existing and proposed vegetation.

Drainage – No significant drainage impact anticipated. However, the Board may wish to seek further guidance on this issue to ensure no substantive impact.

Sidewalks – Not applicable.

Public Comments

Romero and Comments – Include comments related to base perimeter, shielding/screening, environmental review, communications task force, and supplemental points. While not repeated here, this review incorporates recommendations aligned with these comments.

Saalfeld Comments – Include comments related to base perimeter, shielding/screening, environmental review, communications task force, and supplemental points. While not repeated here, this review incorporates recommendations aligned with these comments.

Other Comments

Any site plan approval should include a list of standard and special conditions specifically addressing the development and operations of the proposed facility. The Board should consider the following:

1. Construction and Inspections – The applicant shall provide a development plan showing the timing of construction activities and agree to periodic inspections by Town officials as needed and desired. This should include limitations on hours of work.
2. Removal of Existing Structure – The applicant should detail the timing of the removal of the existing structure and provide for safety protocols that will be followed. Any performance bond should also include a provision for this step.
3. Nuisances – As noted above, lighting should be clarified, and any potential nuisance addressed satisfactorily. Further, other potential nuisance such as noise shall also be discussed so as to limit rates of noise and timing for any noise producing activity. Specific decibel levels may also be considered.
4. Maintenance and Operations Plan – The applicant should provide a detailed plan for the maintenance of the facility, structures, and related improvements and a bond may be appropriate to ensure compliance, including landscaping.
5. The Board may need to consider enforcement action options if any element of a site plan approval or zoning violations occur. Would a cease-and-desist action be appropriate and defensible?

Comments and Recommendations: There are a list of unknowns and questions included in this review. It is not likely all of these issues can be addressed in the upcoming meeting. Even if they are, it is also not likely that all conditions of approval can be articulated and agreed upon. It is recommended that the Board address all of the unknowns as noted above and begin the discussion of special conditions as time may allow.

■ 2020 Annual Report

Included in the documents sent by Liz is the final draft of the 2020 Annual Report and I will be looking for the Board to endorse and authorize the Director to submit it to the Town Administrator's office on Monday night post-meeting.

■ Senior Housing

On Monday night, the subcommittee will discuss the current schedule, the bylaw strategy and approach for ATM 2021, and brief updates to surveys and focus groups. As was discussed at the prior meeting, the subcommittee recommends a three-phase approach to establishing senior housing options in Harvard as follows:

Based on responses in the surveys and the intent to submit manageable content for evaluation by Town Meeting Members, the subcommittee feels that three distinct phases be planned for and shared with the public as the intent of the Planning Board. Disclosure of this approach will show the Board's careful

consideration of the desired options to proceed with and a justification for each along with reasoning for the timing, which is based on “degree of difficulty” as determined by the members.

Spring 2021

- a. Senior Housing Shell §125-57
- b. Amendment to §125-38F (Design Review)
- c. Amendments to Article X of §133 (Design Review Board)
- d. Amendments to §125-52 for Assisted Living and/or CCRC (ARV-SP)
- e. Amendments to §125-2 Definitions
- f. Amendments to §125-18.1 Accessory Apartments

Summary: The base bylaw section will be a new senior housing shell bylaw section that will provide a purpose and intent, applicability, general compliance (addressing local preference, age restrictions, and projects proposed with affordable housing—which is not required), basic development requirements (including the maximum number, pace of development, and distance between projects), age-appropriate design requirements, development standards, and types. The types will merely refer readers to the appropriate section in the Bylaw where the details of the development type will be found.

Other recommended bylaw amendments for Phase I will be design review and design review board sections, the assisted living section of ARV-SP (plus CCRC if we agree), a few added definitions, and an amendment to Section 18.1 (Accessory Apartments).

Fall 2021

- a. Map MR District
- b. Adopt new OSRD by replacing §125-35
- c. Adopt new §125-58 Senior Inclusionary Housing
- d. Amendments to §125-2 Definitions

Summary: Phase II in the Fall of this year will include the mapping of the MR district, adopting the OSRD, consider inclusionary housing (marginally recommended), and more definitions.

Spring 2022

- a. Adopt new Village Center District as §125-59
- b. Amendments to provisions governing MR district.
- c. Amendments to §125-2 Definitions

Summary: In spring of 2022, the Board would bring to ATM a newly created village center district that would address a variety of issues but specifically include infill and conversions. It would also consider amendments to MR district regulations and the last set of new definitions.

While some of these provisions can be swapped out between the phases, the subcommittee remains supportive of the overall three-phase model. The key is the “shell” or whatever term better describes the overarching bylaw covering senior housing options. This is the “operating system” or OS of the senior housing program and gives direction and overall control over senior housing development.