



Director of Community and Economic Development

UPDATE

February 22, 2021 – Revised 2-22-2021 @ 1:10 pm

■ 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: Continued review of Cellco Partnership d/b/a Verizon Wireless Site Plan Review for a 160' monopole telecommunications tower at 12 Woodchuck Hill Road. This analysis covers four (4) areas: (1) Recommendations on requested waivers, (2) Additional areas of consideration prior to any decision, (3) Other Findings, and (4) Standard and special conditions of approval recommendations.

Please note that I have modified some special conditions from the prior report, but I have not removed any so if, for example, you are firm on no camouflaging, then we'll need to remove that special condition. I left them in case further discussion ensued.

Decision on Requested Waivers

The applicant provided the following requests for waivers. The reviewer recommendation follows below.

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E, as the requirements listed therein expressly pertain to “an application for a special permit” and the Applicant has withdrawn such application.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.

The following requirements of § 125-38 D, for the reasons stated in *italics* following each requirement:

- (2) Parking, loading, maneuvering, storage and service areas or uses, walkways, driveways, lighting, green areas and visual screening; *The proposed facility is unmanned and has no “use” other than the existence of the structures shown on the plans submitted.*

- (3) Provisions for water supply and reservoirs, surface water drainage, and treatment and disposal of sewage and any other wastes; *The proposed facility has no water supply or waste generation.*
- (4) Levels and grades where substantial excavation or fill is involved; *No substantial excavation or fill is proposed (other than temporary excavation for a foundation.*
- (5) Clearing limits used to calculate both the volume and rate of surface water runoff. *The proposal will constitute an overall reduction in impervious area.*

Reviewer Comment and Recommendation to the Board: The Planning Board has no explicit authority to require the applicant to comply with any provision of subsection E as referenced above as these directly relate to the review of a Special Permit application. Therefore, I would recommend that the Board approve this waiver request. Related to §125-38 subsection D waiver requests, please note the following:

- (2) While the Fire Department has no specific comments on this application nor specific concerns over fire threat from the proposed use, the applicant should articulate how emergency vehicles are to turn around if needing to access the site for any reason. Otherwise, this waiver request should be approved.
- (3) It is not anticipated that stormwater runoff will be a significant problem. However, the applicant will likely need to specify how the required landscape plantings will be maintained including watering. This would need to be identified on a landscape plan sheet. Otherwise, the provisions of this section can be waived.
- (4) Waiver for fill and excavation can be granted.
- (5) Identification of clearing limits are not needed for impervious area and thus this waiver can be specifically granted. However, the Board may wish the applicant to identify clearing limits on the landscape plan for the purpose of identifying tree removal and areas available for landscape plantings.

Prior to Approval

It is suggested the prior to closing the hearing and beginning to discuss a decision, the Board consider requesting the applicant to address the following:

The applicant shall provide a landscape plan sheet as per the requirements of §125-38 subsection G. This shall be a separate plan sheet, developed and stamped by a landscape architect, and include the following as recommended by this reviewer:

1. Plan area sufficient to include all of the project area and including property lines and adjacent structures.
2. Legend with a clear depiction of the symbology used in the landscape plan sheet.
3. Natural features, including mature trees and canopies, to be preserved within the proximity of the project site.
4. All vegetation, including trees, to be removed within the project site area and in proximity. Trees to be removed shall include dimensional caliper.
5. Any landscape materials to be planted, including screening vegetation, including the species name, typical size of proposed plant, and a planting detail showing depth of planting hole. The plan should also show a table of plantings with quantity, symbolization, unit, and description.

6. Any irrigation system proposed for the proposed plantings shall be shown on the landscape plan sheet. Information on the sheet regarding irrigation systems shall include the approximate location of spray heads and rotors, valves, mainlines, lateral lines, sleeves, controllers, water sources / point of connection, backflow preventers, and isolation valves.
7. Landscape plan shall also refer to and summarize the maintenance plan for planted material including watering schedule.
8. *Note that a landscape plan prepared by a LA was not submitted although required by the Bylaw. The applicant has requested a waiver for this requirement and submitted a simpler plan with plantings shown including a detail. Note also that no specific specimen height has been included with this. The Board will need to:*
 - a. *Determine whether the information submitted by the applicant is sufficient to meet the recommendations of the Tree Warden and meets the spirit of the Bylaw, if not the letter. A decision to accept the waiver and plan as submitted may set a precedent for future applicants.*
 - b. *Determine whether members have had sufficient time to review the waiver and plan as they were submitted on Friday and Monday and materials for Board meetings are generally required prior to the Thursday of the week preceding the meeting.*

Other Findings

1. The applicant, on February 8, 2021, submitted a copy of a removal bond posted for the City of Methuen in 2015. A Google Maps Street View analysis determined that the Methuen tower and site is sufficiently comparable to the proposed tower and thus the \$50,000 appears reasonable provided that with a 11.92 percent inflation rate since 2015, a bond no less than \$55,960 (rounded to \$56,000) be posted for this project. It is recommended that the bond be submitted for Town Counsel review and approval as to form and content prior to issuance of a Building Permit for the project.
2. I understand that the applicant is expected to request a waiver for the landscape plan. I cannot recommend that this be granted. The Board must weigh this decision based on (1) the particular conditions of the application and (2) the precedent that such a waiver would set.
3. The Town of Harvard Tree Warden, JC Ferguson, submitted the following via an email dated February 11, 2021 which provided the following substantive comments:

Species: Green Giant Arborvitae – the deer do not like to eat these, other varieties they feast on

Placement: 15' off the edge of the pavement. You mentioned the adjacent lot would be combined with the current lot, so the 8' part near the telephone pole won't be an issue

Plantings: plant each tree with 8 – 9' spacing. The distance between the last and first tree should be 75' or more.

Plan for 9-10 trees

Ground cover: natural, wood chips, with gardening fabric laid down then chips on top to keep weeds/etc out/away

*Watering: sufficient to ensure growth, given this is heavily weather dependent, I cannot recommend a frequency. Recommend putting a "super soaker" type hose and feed from the house with a timer
We can adjust as needed depending on health and weather.*

Director's note that typical 5'-6' specimen costs approximately \$130.00 and 7'-8' is \$290.00 with average planting costs of \$225. Therefore, for 5'-6', the total cost of installation would be around \$3550 and the 7'-8' around \$5150 with 10% contingency to be added. Therefore, two-year

performance bond for plantings should be between \$3905 and \$5665. This would be higher if additional removed trees are to be replaced. Director recommends at least a 5'-6' specimen.

4. No further guidance on the location of the entrance gate. It is understood that multiple public comments have been received on this issue but it remains up to the Board to assess whether any other location will impact the applicant functionally and/or financially and on the other hand have any material benefit to the abutters.

Recommended Standard Conditions of Approval

1. This Site Plan Approval shall lapse no later than February 1, 2026 if substantial use of the Approval has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.
2. The granting of this Site Plan Approval is predicated on the applicant complying fully with all provisions of the Town of Harvard Protective Bylaw, the Town of Harvard Codified Bylaws, and Massachusetts General Law, as applicable.
3. The applicant shall be responsible for acquiring and complying with all other local, state, or federal permits and approvals as necessary to construct and operate the project as approved by the Board.
4. The applicant shall provide to the Planning Board, Building Commissioner, and Fire Chief, a detailed construction schedule identifying the sequence and timetable of all key components of the proposed site activity, as applicable. The applicant shall agree to periodic inspections by Town officials as needed and desired. This should include limitations on hours of work, which are to be 7:00 am to 6:00 pm weekdays only.
5. Duly authorized agents of the Town shall have the right to enter upon the Property to ensure continued compliance with the terms and conditions of this Special Permit.
6. This decision allows the proposed improvements and activities in the location shown on the approved Site Plan. No alterations, changed to the approved improvements, other additional uses or additional improvements shall be allowed without further review and approval by the Planning Board in the form of a modification to the Site Plan

Recommended Special Conditions of Approval

1. Construction of the telecommunications facility shall be completed within five (5) years from the effective date of this site plan approval. Prior to construction, the applicant, successors, or assigns, shall secure and finalize any required building permits for the proposed use from the Building Commissioner.
2. Co-location of antennas upon the proposed tower shall require a special permit, separate and distinct from this approval, as per the requirements of §125-27 generally and subsection D specifically.
3. 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.
4. The applicant should provide a detailed Maintenance and Operations (M&O) Plan for the maintenance of the facility, structures, and related improvements.
5. The applicant shall provide adequate screening of the fenced compound housing the mechanicals and related improvements with evergreen plantings as specified by the Harvard Tree Warden, and identified on the landscape plan sheet, sufficient to provide complete coverage of the fenced

compound within five (5) years of installation. Specific criteria as recommended by the Harvard Tree Warden are as follows:

- a. **Species:** Green Giant Arborvitae (*Thuja standishii x plicata*)
 - b. **Placement:** 15' off the edge of the pavement.
 - c. **Plantings:** Plant each tree with 8' to 9' spacing. The distance between the last and first tree should be 75' or more. Plan for 9-10 trees.
 - d. **Ground Cover:** Natural, wood chips, with gardening fabric laid down then chips on top.
 - e. **Watering:** Sufficient quantity and frequency to ensure growth. Recommend putting a "super soaker" type hose and feed from the house with a timer. This can be adjusted as needed depending on health and weather.
6. A landscape materials maintenance plan shall be submitted by the applicant prior to issuance of the Certificate of Occupancy (CO) that shall include how the any project plantings shall be maintained including watering and a replacement regimen for plantings that perish or show significant deterioration. This plan shall cover a minimum two (2) year duration of watering and for unit replacement over the entire period of operation of the facility.
 7. Trees proposed to be removed of 6' caliper or greater shall be replaced in kind by species and in a location to be approved by the Harvard Tree Warden. Tree replacement, as determined by the Board, should be included in performance bond.
 8. As per §125-27 G, Nonuse, a performance bond, letter of credit, or other surety approved as to form and content by the Planning Board, shall be posted with the Town prior to issuance of a Certificate of Occupancy (CO). It is recommended that a bond of \$56,000 be posted. Town Counsel shall review and approve bond as to form and content prior to issuance of Building Permit.
 9. A separate performance bond shall be provided to the Harvard Tree Warden to ensure compliance with landscaping planting and maintenance. This bond shall be in place for the duration of the landscape plan performance schedule and, at minimum, be large enough to cover the replacement of all plantings as shown on the landscape plan.
 10. The applicant shall install camouflaging for the proposed tower in line with what shall be referred to here as a "bionic tower" where the camouflaging solution shall reflect the most contemporary aesthetic technology. Such a solution shall also reflect the existing vegetative canopy in the area in scale and design. The camouflaging solution shall be depicted on a draft elevation plan and separate photosimulation that shall be approved by the Planning Board.
 11. The compound fence shall be provided as proposed in the submitted detail. It shall also include slats or privacy screening (fence exterior) to enhance the security of the compound to be shown on a draft elevation plan.
 12. Any proposed material improvements or modifications to the driveway intended to accommodate the site improvements shall be subject to driveway site plan approval as applicable.
 13. Proposed lighting must be limited to, "...that needed for emergencies," comply with shielding requirements, only be motion activated, and be included on site plans and in details.
 14. Noise generated by the facility shall not exceed ambient levels. The generator use shall be limited to between 9:00 am and 5:00 pm during weekdays and not exceed one (1) use per week.
 15. The tower owner shall allow the installation of municipal public safety communications equipment as may be requested by Harvard Public Safety officials provided such equipment does not interfere with the service of other carriers on the tower.

Comments and Recommendations:

1. *Address the requests for waivers, including expected waiver for landscape plan.*
2. *Determine the suitability of the submitted plan.*
3. Consider the standard and special conditions noted above.
4. You may wish to consider a conditional approval if any information is missing, but I tend to be wary of these types of approval.

■ Climate Action Planning

The Community Resiliency Working Group (CRWG) has been without a Chair for a few months but we keep plodding along as both a full group and a set of three subgroups each addressing a separate project area. The full group has been seeking new members and is considering asking the Select Board for an elevated standing to give the initiative more visibility and influence in Town and town affairs. A new Chair is needed and may be selected at the next meeting on 2/25.

Subgroup 1: Apple Country Nature-Based Solutions Project – The consulting team has been very busy pulling a report together and continuing to solicit feedback from the three member communities.

Subgroup 2: Outreach and Communication – This group has decided on a multi-faceted outreach program using a new website, social media, newspaper articles, and other means to garner attention for recruiting and getting people involved in other ways. A new website has been developed, an Instagram account, and a Gmail address.

Subgroup 3: Plan Development – Has created a matrix of a full climate action plan document but is also spearheading the effort to elevate the status of the full CRWG.

Other MVP activities include needing to button up the prior MVP Action Grant with KLA as another 11 sets of minutes need to be completed, over 60 comments sent by the state EOE and MDAR need to be individually responded to and some edits to the Agricultural Climate Action Plan need to be made, and other administrative tasks are necessary before the grant can be closed out.

■ Economic Development

With the opening a few weeks ago of the new One Stop for Growth grant and the initial opening of the window to submit Intent to Apply packets, work has been proceeding on a draft outline for economic development in Harvard and the Ayer Road Corridor Plan has been updated to an 8th edition for a part of the submittal. The need is urgent for the Planning Board to authorize the application materials and the application itself so that we can try to get the funding for all phases of the project and not rely on CPIC funding. While later than hopes, this item will be brought to the Board on Monday, March 1, 2021 for that blessing.

■ Transportation Planning

The new Transportation Advisory Committee (TAC) has been created and new members approved to fill out all of the slots except for a business representative. It is expected that a first (kickoff) meeting can be scheduled once all members have been sworn in by the Town Clerk.

The 25% design for the Ayer Road TIP project has been submitted to the State for their review. Soon, the state will hold a formal public hearing on this project. The Transportation Planning, TIP Project, and TAC pages have been updated to reflect this new information.

■ Senior Housing

Beyond the work of the 18th, the Director is working with interested citizens on next steps for the VPS including:

1. An Ideal Image exercise
2. A Mapping exercise, and
3. A Drilling Down on VPS Images exercise

Each should be completed over the next month. Any further insight into design-related issues will be presented to the Board at a later date. Note also that the Planning Board has until the end of February to get their placeholders in for Annual Town Meeting.

■ Driveway Inspections

At a prior Board meeting, I had indicated that a driveway inspection was not necessary for 168 Bolton Road. In fact, such an inspection is required and the Board should reopen the case and amend the record to reflect this. It is recommended that the following motion can address this satisfactorily:

“...make a motion to strike from the record that a driveway inspection is not required for this application.”

■ Special Permit for Smartlink Group on Behalf of AT&T, 60 Old Shirley Road

There was a question, upon review of the submitted packet, that the submittal was for a full special permit, when it appeared as though only a modification of the existing special permit, was necessary. I spoke to the applicant and they noted that they were instructed to apply for a full special permit because the prior special permit had expired. Given this circumstance, technically the applicant does need to apply as directed, however, in order to complete the application packet, the prior special permit information should have been included so a complete, comprehensive review could be conducted. However, we may still allow the applicant to proceed and explain their project, and staff can follow up and review the request with the aforementioned additional information for the following meeting. It is recommended to proceed as follows:

1. *Public Hearing can be opened*
 2. *Staff summarizes the preceding paragraph to set the landscape.*
 3. *Board allows applicant to make their presentation*
 4. *Members can ask preliminary questions*
 5. *Public Hearing continued to March 1*
-