

Action Items	Member/Staff Responsible
none	

**HARVARD PLANNING BOARD  
MEETING MINUTES  
MAY 21, 2018  
APPROVED: JULY 2, 2018**

Chair Erin McBee called the meeting to order at 7:04pm in the Town Hall Meeting Room, 13 Ayer Road, under M.G.L. Chapter 40A and Code of the Town of Harvard Chapter 125

**Members Present:** Erin McBee, Stacia Donahue, Fran Nickerson and Jarrett Rushmore (associate member)

**Others Present:** Liz Allard (LUB Admin), Dan Wolfe (Ross Associates), Robert Capobianco, Marc Sevigny, Carl Gehring (Verizon Wireless), Matt Burke (Verizon Wireless), Debra Van derWarf, Matthew Fiokos (Harvard Press), Michael & Robin Peters, Mary Jarvis, Bruce Ringwall (GPR, Inc.), T. Maxant, Christa Maxant and Christine Maxant

**Approval Not Required – Van derWarf, Hector & Cole – 6 Old Schoolhouse & 184 Old Littleton Road**

Dan Wolfe, of Ross Associates, explained in order to comply with the requirements of Title 5 the owners at 6 Old Schoolhouse Road needed to purchase a 1,587 square foot parcel (Parcel C) of land from the abutters at 184 Old Littleton Road. In doing so, the owners of both properties agreed to additional conveyance of land areas (Parcels A, B and D). None of the parcels are considered building lots, which is clearly stated on the plan.

After brief discussion Donahue motion to endorse the “Plan of Land in Harvard, Mass owned by Mark K. Van derWarf and Debra D. Van derWarf”. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

**Approve Invoices**

Donahue made a motion to approve the following invoices:

- William Scanlan, \$2310.00
- Hamwey Engineering - \$1800.00 (55 Oak Hill Review)

Nickerson seconded the motion. The vote was unanimously in favor of the motion.

**Continuation of a Approval Not Required – Robert Capobianco, Trustee of Two Eighty One Still River Trust, 281 Still River Road**

Bruce Ringwall, GPR, Inc., submitted copies of the deeds that created lots prior to adoption of the Subdivision Control. Advice from Town Counsel states Willard Lane is a private way and not a public way; there is a defined responsibility for maintenance of snow removal for the roadway; and, Lot 1 is a preexisting non-conforming lot, and the proposed division of land would not increase that non-conformity. Town Counsel is unfamiliar with the roadway to make a determination as to whether or not the roadway can support what is being requested, which is one lot.

Ringwall detailed the requirement of access frontage for the proposed parcel along Willard Lane. Under Chapter 130-11A(1) of the Code of Harvard access frontage must be one of the three types listed; this parcel complies with 130-11A(1)(c) "On a way in existence in 1953 which the Planning Board judges to be adequate for the expected traffic and intensity of the proposed use". Also, MGL Chapter 41 Section 81L states similar language for the requirement of access frontage.

A number of residents opposing the endorsement of the plan expressed their concern with the increase of traffic, what is the benefit those who reside along Willard Lane by the addition of this parcel; is there deeded access to Willard Lane; and the demarcation of this parcel as not a building lot.

It was noted that property owner does not currently pay into the maintenance or snow removal along Willard Lane; however the bylaw only states there needs to be a defined responsibility for maintenance or snow removal, which has been shown with the information provided at the previous meeting.

After a long discussion of the members in regards to the condition of Willard Lane, the ramifications of the failure to act within the twenty-one day timeframe and other endorsement requirements, Donahue made a motion to endorse the plan as presented. Nickerson seconded the motion. The final vote was Donahue and McBee in favor and Nickerson opposing the endorsement. An affirmative vote of a majority of all of the members of a five-member Planning Board is required for approval, therefore, the two in favor and one opposed vote results in a denial.

**Continuation of a Special Permit & Driveway Site Plan – Lucy Nesbeda, 55 Oak Hill Road.** Opened at 8:15pm

**Modification of a Special Permit Hearing – Cello Partnership d/b/a Verizon Wireless, 131 Brown Road.** Opened at 8:16pm

### **Board Members Reports – Committee Activities**

Allard stated as requested by the Town Administrator she had attended the Minuteman Advisory Group on Interlocal Coordination (MAGIC) this morning. MAGIC is a group of 13 communities northwest of Boston working collaboratively on issues of regional concern. Established as a growth management committee in 1984, it has become a respected voice in regional decision-making.

MAGIC consists of planning and select board representatives from the following 13 communities: Acton, Bedford, Bolton, Boxborough, Carlisle, Concord, Hudson, Lexington, Lincoln, Littleton, Maynard, Stow, and Sudbury.

The group focuses on transportation, the environment, energy, open space, affordable housing, economic and community development, and legislative issues.

It provides leadership on planning issues vital to the region's future by:

- Pursuing grants and in-depth studies on topics of local and regional interest.
- Hosting annual meetings with legislators.
- Organizing forums, workshops, and trainings on local and regional planning issues.
- Providing a forum for member communities to exchange ideas and provide updates on developments, challenges, and solutions in their towns.

Metro West Collaborative Development is a regional non-profit community development corporation that seeks to develop 100 units of affordable housing over the next five years in its partner communities while also providing housing services to hundreds of low and moderate income families and encouraging economic development and other community development strategies that improve our neighborhoods.

The mission of Metro West Collaborative Development is to organize residents, mobilize resources and identify ideas that improve the quality of life for residents of Metro West neighborhoods. We accomplish this by:

1. Creating and preserving affordable homes;
2. Supporting economic development that strengthens neighborhoods, towns and our region; and
3. Building alliances with partners and constituencies throughout the region in order to increase awareness and build support for community development.

This information has been provide to the Town Administrator who will further discuss with the Select Board as to whether or not the Town would benefit from joining this group.

McBee stated Ed Starzac, of MassDevelopment, will be at the next Planning Board meeting to discuss the potential development Vicksburg Square. This particular group of buildings is divided by the Town line of Ayer and Harvard. In order to create housing at this location the existing housing cap would need to be increased, which would require a super town meeting vote.

McBee stated with the departure of Catalina the Planning Board (PB) will need to assign a new liaison to the Community Preservation Committee. Liaison and representatives to other boards and committees will be completed at the strategic planning session; in the mean time McBee will continue to attend for the PB.

The Ayer Road Traffic Study continues to do its due diligence; the property owner at 215 Ayer Road is agreeable to the required land taking as long as the tenant, U.S. Postal Service (USPS), was also agreeable. Scanlan will follow up with the USPS.

#### **Planner Report**

With the Town Planner absent this evening there was no report available

#### **Approve Minutes**

There were no minutes available for approval this evening.

#### **Review Director of Community and Economic Development**

The Select Board will decide at the June 5<sup>th</sup> meeting as to whether or not to move forward with this position as required by the new Town Charter. A job description will be generated by the Human Resource Director for review of the Planning Board before it is presented to the Personnel Board for grading.

#### **ZBA Request for Comments – 5 Littleton Road**

This item was continued to the June 4, 2018 meeting.

#### **Schedule 2018 Strategic Planning Session**

A doodle pool will be sent out to the members to determine a date and time of the strategic planning session, which will be either June 18<sup>th</sup> or 23<sup>rd</sup>. Any items members wish to have on the agenda are to be sent to Allard.

#### **Adjournment**

Donahue made a motion to adjourn the meeting at 9:18pm. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

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

**Harvard Planning Board**

**Continuation of a Special Permit & Driveway Site Plan Hearing Meeting Minutes**

**Lucy Nesbeda, 55 Oak Hill Road**

**May 21, 2018**

Erin McBee, chair of the Planning Board, opened the public hearing at 8:15pm in the Town Hall Meeting Room, 13 Ayer Road, under the Zoning Act, M.G.L. Chapter 40A and the Code of the Town of Harvard, Protective Bylaw Chapter 125

**Members Present:** Erin McBee, Stacia Donahue, Fran Nickerson and Jarrett Rushmore (associate member)

**Others Present:** Liz Allard (LUB Admin), Matthew Fiokos (Harvard Press)

Due to the lack of a quorum the hearing was continued, on a motion made by Donahue and seconded by Nickerson, to June 2, 2018 at 7:45pm in the Town Hall Meeting Room, 13 Ayer Road, Harvard. The vote was unanimously in favor of the motion.

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

## Harvard Planning Board

### Modification of a Special Permit Hearing Meeting Minutes

#### Cello Partnership d/b/a Verizon Wireless, 131 Brown Road

May 21, 2018

Erin McBee, chair of the Planning Board, opened the public hearing at 8:16pm in the Town Hall Meeting Room, 13 Ayer Road, under the Zoning Act, M.G.L. Chapter 40A and the Code of the Town of Harvard, Protective Bylaw Chapter 125

**Members Present:** Erin McBee, Stacia Donahue, Fran Nickerson and Jarrett Rushmore (associate member)

**Others Present:** Liz Allard (LUB Admin), Matthew Fiokos (Harvard Press), Carl Gehring (Verizon Wireless) and Matt Burke (Verizon Wireless)

McBee assigned Rushmore as voting member for this application.

Carl Gehring, the attorney for Verizon Wireless, along with Matt Burke, were present to discuss the application before the Planning Board for the replacement of the existing antennas with remote radio heads on the existing cell tower at 131 Brown Road to help improve the sites performance. Coax cables will be replaced and new junction boxes and other fittings associated with the upgrade will be installed as well. In addition, the applicant is seeking to extend the existing Special Permit for another five years.

Attorney Gehring used this time as an opportunity to explain the requirements under the Federal Spectrum Act, Section 6409 of the Middle Class tax Relief and Job Creation Act of 2012, now codified at 47 U.S.C. 1455 and 47 C.F.R. 1.40001. In short, State or local government may not deny, and shall approve any eligible facilities request for a modification of the existing wireless tower that does not substantially change the physical dimensions of the tower. Town Counsel has advised the Planning Board in the past to handle these requests as non-discretionary Special Permits. Attorney Gehring appealed to the Planning Board to consider an administrative process for all of the cell towers in Town for modifications going forward. McBee thanked Attorney Gehring for the information and asked that he provide additional information, such as the review check list.

With no further questions or comments Donahue made a motion to close the hearing. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

After a brief discussion, Donahue made a motion to grant the modification to the Special Permit and Extension as requested by the applicant Cello Partnership, a co-locator on the wireless communications tower at 131 Brown Road. Nickerson seconded the motion. The vote was unanimously in favor of the motion.

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

## DOCUMENTS & OTHER EXHIBITS

### Planning Board Agenda, dated Monday MAY 21, 2018

#### Approval Not Required – Van derWarf, Hector & Cole – 6 Old Schoolhouse & 184 Old Littleton Road

- Plan of Land Harvard, Mass. owned by Mark K. Van derWarf and Debra D. Van derWarf, prepared by David E. Ross Associates, Inc., Job No. 32387, Plan No. L-13531, dated May, 2018

#### Approve Invoices

- INVOICE – William Scanlan, Consulting Town Planner, dated April 6, 2018

#### Continuation of a Approval Not Required – Robert Capobianco, Trustee of Two Eighty One Still River Trust, 281 Still River Road

- Plan of Land in Harvard, Mass. Owned by Two Eighty One Still River Trust at 281 Still River Road, Job 181019, prepared by GPR Inc., dated May 2, 2018
- Letter from Bruce Ringwall, President, GPR, Inc., RE: Application for Endorsement for an ANR Plan Tow Eighty One Still River Trust, dated May 17, 2018
- Email from Mark Lanza, Town Counsel, RE: Request for Town Counsel, dated May 15, 2018
- Refute claims made by GPR about road width, submitted by Theodore Maxant, dated 5/22/18
- Five deeds submitted by GPR, Inc, Project 1801019, received 5/21/18
- Land in Harvard, Mass. of Robert H. Shepard, dated June, 1956
- Land in Harvard, Massachusetts, owned by Joseph Luongo, dated July 2, 1967
- Google map of Willard Land, dated 5/7/2018

#### Modification of a Special Permit Hearing – Cello Partnership d/b/a Verizon Wireless, 131 Brown Road

- Compound Plan, Elevation and Details for Verizon, Harvard 2 MA Crown Castle #842900, 129 Brown Road, Harvard, MA, prepared by Hudson Design Group LLC, dated 01/11/18