

**HARVARD PLANNING BOARD
MEETING MINUTES
FEBRUARY 22, 2021
APPROVED: MAY 26, 2021**

Chair Justin Brown called the meeting to order at 7:05pm 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), Beth Williams (Council on Aging), Christopher Swiniarski (Cellco Attorney), Keith Vellante (Verizon Real Estate), David Tivan, Rick Maiore, Kristina Cottone (Smartlink Group), Matthew Flokos (Harvard Press), Erin Sintros, Jeannie Avola, Cathy McDonald, Roseanne Saalfeld, Robin Carlaw, Greg & Barbara Romero

Annual Appointments – Nickerson, Donahue, Kelley

Nickerson was anticipating on leaving the Board and would want someone who is connected with the seniors in Town to replace her; someone speaking for the seniors. If no one volunteers she would continue for one year. Donahue thinks the Board has the senior point of view covered with all of the work put forth by Leonard and Biering. Biering thanked Nickerson for her service of nine years. Allard asked if she had anyone in mind. Nickerson stated no, but had asked Deb Thomson if she knew of anyone, but Thomson has not replied to her as of yet. Nickerson will be in Harvard until June 30th. Donahue is willing to serve another three-year term. Kelley would like to serve another year to three years; however, family and work life may interrupt that desire.

Review Previous Decision in Regards to Driveway Inspections for 168 Bolton Road

Ryan stated he had conveyed incorrect information during the driveway site plan discussion that driveway inspections were not necessary, when in fact they are. Donahue made a motion to strike from the record that a driveway inspection is not required for this application. Biering seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Nickerson, aye; Biering, aye; Leonard; aye and Brown, aye.

Special Permit Hearing – Smartlink Group, on behalf of AT&T, 60 Old Shirley Road.

Opened at 7:31pm (see page 3 for complete details)

Approve Minutes

Biering made a motion to approve the minutes of September 16, 2020 as amended. Nickerson seconded the vote. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Nickerson, aye; Biering, aye; and Leonard; aye.

Continuation of a Site Plan Approval – Cellco Partnership d/b/a Verizon Wireless, 12 Woodchuck Hill Road

Brown noted a landscape plan was received today by staff and members. Attorney Swiniarski stated the plan details the row of trees for screening. Attorney Swiniarski has requested a waiver for the requirement of a landscape plan, as landscape architects do not do this kind of work. The revised plan details what was recommended by the Tree Warden. Ryan argued the point of needing the plan prepared by a landscape architect.

Donahue asked about the access point of the enclosed fence area. Brown recalls it being a question, but not a resolution. Attorney Swiniarski pointed out the trees will screen the access in the fencing and there is no need to move its location. Donahue stated it's more a question of when the facility is being serviced and the abutters being able to see trucks lined up.

Leonard stated she does not see a height on the proposed trees. Swinarski stated he did not think the Tree Warden call for a specific height of the trees; this variety grow 3-5 feet annual and spread 10-15 feet. Leonard suggested a nursery grade 5-6 foot height tree planted by a certified landscaper. The Board briefly discussed height of the trees and agreed with Leonard's suggestion. Ryan priced out trees at \$3500, therefore he is recommended a bond at \$4000 to ensure the health of the trees over two years; the Board was agreeable.

Greg Romero, the abutter, feels the applicant has been treated very well by both the Zoning Board of Appeals and the Planning Board throughout this process. Mr. Romero stated Mr. Swinarski has stated several times the base of the tower will be more attractive than the existing. Mr. Romero feels in no way, shape or form will this tower be more attractive. It has been noted that for safety reasons there can be no vehicles in the driveway at any time. He would like to extend the row of trees as there would be a coverage gap from the road. Swinarski rebutted with the recommendation of the Tree warden.

The Board reviewed recommended special conditions and were agreeable to conditions 1,2, 4, 6, and 11-15. Condition #10 was removed. Under condition#5 "nursery grade" was added, along with changing the spacing from 8' to 9' to 10' to 11'; change "Plantings" to "Spacing"; and add 5-6 feet in height. Under condition #9 include a \$4000 for the bond for two years for the trees and include the two-year stipulation in condition #6. Condition #7 was removed. In condition #8 added "a" before "Building". In condition #3, removed second sentence. In conditions #3 and 4, changed "should" to "shall".

Final point from Greg Romero, plastic slats within the fence, aesthetically speaking, a pressure treated wood would be preferred. After briefly discussing the word "green" will be added to condition 11 in regards to the color of the slats within the fence.

Brown left the meeting; Donahue took over as chair.

Donahue made a motion to approve the Site Plan, landscape plan, standard conditions and special conditions as amended this evening. Biering seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Nickerson, aye; Leonard, aye, Biering, aye; and Donahue, aye.

Chapter 125-57 Senior Residential Development Bylaw

This item was passed over this evening

Board Member Reports

- Representatives & Liaisons Update
 - *Scenic Road Bylaw* – Leonard requested time on the March 1, 2021 agenda
- Community Matters
 - A response is being crafted in regards to the Letter to the Editor in the February 12th addition of the Harvard Press. This matter will be further discussed at the next meeting.
 - Nickerson and Biering will work on an article for the Harvard Press in regards to the *Senior Residential Development Bylaw* for publishing in March

Director's Update

There were no questions or comments in regards to the information provided with the Director's Report for this week.

Adjournment

Nickerson made a motion to adjourn the meeting at 10:38pm. Biering seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Nickerson, aye; Biering, aye; and Leonard; aye.

Signed: _____ Liz Allard, Clerk
Harvard Planning Board

Special Permit Hearing Meeting Minutes

Smartlink Group, on behalf of AT&T, 60 Old Shirley Road

February 22, 2021

The public hearing was opened at 7:31pm 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), Kristina Cottone (Smartlink Group), Erin Sintros and Jeannie Avola.

This hearing is for a Special Permit filed by Smartlink Group on behalf of AT&T to add three wireless antenna and six remote radios units and ancillary transmission equipment at the existing wireless communications tower located at 60 Old Shirley Road, Harvard.

Ryan stated he learned today that all special permits for wireless communications towers are valid for five years; this Special Permit has expired therefore this is not just a modification of the existing special permit. The previously issued Special Permit would be needed for Ryan's review and comments. Kristina Cottone, representing the applicant, stated the site consists of an existing mono-pine close to the highway for travels and local residents. There are no proposed physical changes to the tower. AT&T will remove three existing radios and replace them with six new radios; also replacing existing six antennas with six new antennas. There is no plan to expand the existing shelter on the pad, but will be swapping out minor equipment. Cottone noted the application included the two pervious special permits from 2004 and 2009. The application contains coverage maps for what is existing and what the increase will be with the new equipment. These improvements will assist with emergency communication in the area. The technology and equipment are faster and stronger than the existing.

Donahue would like Ryan to look into the removal of any unused equipment. Cottone noted the new cabinet on sheltered pad will not be taller than the existing fencing and there is no AT&T equipment that is not being used at the site.

Leonard questioned if there would be more equipment on the pad. Cottone stated there is limited space on the pad that is leased by AT&T. Leonard asked if there needs to an inspection of the gate for safety reasons to be certain it is secure. Cottone explained there is a fence surrounding the tower and equipment area, she is not sure the age of the fence itself.

The Board entertained the idea of a site walk. It was pointed out the applicant is not the tower owner, but a co-locator. Ryan would like further review the special permits and the bylaw before suggesting the site visit.

Brown asked about the timeframe for the project. Cottone stated the process would take about 2-3 weeks to remove and reinstall equipment.

Erin Sintros, 112 Old Shirley Road, stated she is concerned with the stronger and better coverage creating more radiation for her family; has the Board of Health been consulted? Brown stated the

1996 Telecom Act does not allow local boards to regulate the health effects related to wireless communications towers. Cottone stated in regards to the extra radiation, it would be of the overall equipment. A report can be provided, which would indicate that exposure is significant if you are within feet of the tower's equipment, as opposed to a property down the road from the tower.

Jeannie Avola, 230 Bolton Road, would love to see Harvard set a precedent to protect the Town by creating a bylaw that would protect the interest of the Town.

With additional information necessary to make a decision, Donahue made a motion to continue the public hearing to March 15, 2021 at 7:30pm. 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