

**HARVARD PLANNING BOARD
MEETING MINUTES
MARCH 15, 2021
APPROVED: JUNE 21, 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 and Becca Kelley (Associate Member)

Others Present: Christopher Ryan (Director of Community and Economic Development), Matthew Flokos (Harvard Press), Eric Ward (Fin Com), Davida Bagatelle, Michael Lawton, Kristina Cottone (Smartlink Group on behalf of AT&T), Beth Williams (COA), Erin Sintros

Zoning Board of Appeals (ZBA) Request for Comments – 108 West Bare Hill Road

Ryan reviewed the 108 West Bare Hill Road application. Due to the existing non-conformity of the dwelling the applicant is required to obtain a Special Permit from the ZBA. The Board had no additional comments to those made by Ryan in his report. Ryan will report back to ZBA that the Board was comfortable with the application.

Board Member Reports

• **Representatives & Liaisons**

- Biering stated the *Harvard/Devens Jurisdiction Committee* has invited local State representatives to the next meeting to get an update and feedback from them on where the region is leaning in regards to taking back the historic boundaries of the three communities (Harvard/Ayer/Shirley)
- Brown met with Maiore about the *Ayer Road proposal*. Maiore is in agreement with the direction the Board is taking and will help pull a meeting together with all the concerned Boards. This will assist with broader support and understanding of the project for Town Meeting

• **Community Matters**

- Donahue reviewed process for submitting articles to the Press from experience with Transportation Committee article. Donahue noted it takes a few months start to finish.

Director's Update

Ryan indicated there could be an application for the Ayer Road Village-Special Permit very soon; this would require the Design Review Board to be re-activated.

Approve Minutes

This item was passed over this evening.

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

Opened at 7:32pm (see page 3 for complete details)

Discuss Annual Town Meeting Bylaw Amendments

- **Section 125-18.1 - Accessory Apartments** – nothing new
- **Section 125-18.2 - Affordable Accessory Apartments** – as discussed on March 11, 2021 the Board will not be submitting a warrant article for this provision of the Protective Bylaw
- **New Section 125-57 - Senior Residential Development**
 - Ryan has drafted an informational flyer for review and comment by the Board
 - Once a final version is available this flyer can be used to gain support of other boards and committees
 - Board and Town Council comments will be incorporated

- **General Bylaw Amendment Information**

- The first public hearing notice on will be in the Harvard Press on March 19th, therefore the language of the proposed amendments should be complete by that time; Ryan and Biering feel comfortable that the language will be ready be in time for the 19th and posted on the website
- Public hearing will open on April 5th
- April 16th the Select Board votes on the warrant for Town Meeting
- Biering and Ryan will be attending the Council on Aging board meeting tomorrow to get their feedback and initial comments
- The webpage is out there and ready to read and it looks good; Kelley provided some suggestions to Ryan to streamline the webpage in order for the public to quickly find what the Board is working on; Kelley noted the Continuing Care Retirement Community link is broken
- Biering sated a 'Consider This' piece she has written for the Press may or may not be a good option for a Planning Board corner; John Osborn, editor of the Harvard Press will review to determine where it should be located

Adjournment

Donahue made a motion to adjourn the meeting at 9:30pm. Nickerson seconded the motion. The vote was unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Nickerson, aye; and Biering, aye.

Signed: _____ Liz Allard, Clerk

EXHIBITS & OTHER DOCUMENTS

- Planning Board Agenda March 1, 2020
- Director of Community and Economic Development Update, March 15, 2021
- Safe Site Report: Smartlink on behalf of AT&T Mobility, LLC Site FA – 10004133 Site ID – MAL03179 USID – 61541 Site Name – HARVARD OLD SHIRLEY RD (MRCTB046871-MRCTB046772- MRCTB046609) 60 Old Shirley Road Harvard, MA 01451, dated February 24, 2021

Harvard Planning Board

Continuation of a Special Permit Hearing Meeting Minutes

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

March 15, 2021

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, Jane Biering and Rebecca Kelley (Associate Member)

Others Present: Christopher Ryan (Director of Community and Economic Development), Matt Flokos (Harvard Press), Eric Ward, Davida Bagatelle, Michael Lawton, Kristina Cottone (Smartlink Group on behalf of AT&T) and Erin Sintros

Brown noted that our associate member, Rebecca Kelley, would be stepping into fill the 5th member board position as Leonard is absent tonight for this hearing.

Kristina Cottone, from Smartlink Group, has submitted all the follow up documentation that was requested by the Board at the previous hearing. Cottone presented the 'Site Safe' emissions report and pointed to the Page 3 that gave the summary of less the 1% RFE level on the ground and that the proposed application will be in compliance with Federal Communications Commission's guidelines and regulations. Page 11 of the report showed simulated emissions output that shows radiation starting at 65' with higher levels at 85'. The emissions extend roughly a 280' diameter from the tower at the 65' foot height.

Cottone reviewed photos of the enclosure showing that it is in good condition, locked and signed appropriately with caution and no trespassing signs. Cottone also noted that enclosures and equipment inside the fence is also locked.

Cottone reviewed questions from previous meeting, including gates are locked and only authorized people would be allowed on site. Cottone noted that old obsolete equipment is going to be completely removed from the site and the new equipment that will be replacing the old equipment is actually smaller and lighter. Ryan asked if the generator would need to be exercised more frequently. Cottone noted that the generator does not run very often and only when they are testing it on site or in the event of power failure. Cottone noted the generator does not give off emissions; Donahue clarified that the generator will give off exhaust emissions when running, but not radiation emissions. Cottone agreed that this was correct.

Ryan noted that since this application is for renewal some of the details submitted are a bit less than we would expect with a new application. Ryan also noted that the 1999 decision allowed a maximum of 12 transmitters; AT&T has 9 total existing. Cottone confirmed they are removing 6 and replacing 6 to keep the AT&T total at 9. The co-locators appear to have 12 in one location and 6 at another location so the maximum of 12 from the original appears to be exceeded.

Erin Sintros, asked for clarification that AT&T would be removing and replacing 6 antennas; correct.

Donahue motion to close the hearing evidentiary portion of the hearing. Nickerson seconded. The vote was unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Nickerson, aye; Biering, aye; and Kelley; aye.

After a brief discussion, Donahue motion to approve special permit with the following conditions:

1. The camouflaging if removed shall be replaced before final walk-through and sign off by the building commissioner.
2. The generator shall be limited to being exercised between 8am and 6pm during week days, no more than once per week, for no more than 30 minutes.
3. No new lighting shall be added to the site.
4. This application would be consistent with existing special permit in place currently and for this co-locater and the tower as a whole.

Kelley seconded the motion. Biering made a friendly amendment to include the words "the application of Smartlink group on behalf of AT&T" after special permit, Donahue seconded the amendment to the motion. The vote was unanimously in favor by roll call, Brown, aye; Donahue, aye; Nickerson, aye; Biering, aye; and Kelley; aye.

The vote was unanimously in favor of the amended motion by roll call, Brown, aye; Donahue, aye; Nickerson, aye; Biering, aye; and Kelley; aye.

Signed: _____ Liz Allard, Clerk