

**HARVARD PLANNING BOARD
MEETING MINUTES
MAY 3, 2021
APPROVED: JULY 12, 2021**

Chair Justin Brown called the meeting to order at 7:06pm 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, Stacia Donahue, Fran Nickerson, Jane Biering, Gwen Leonard and Becca Kelley (Associate Member)

Others Present: Christopher Ryan (Director of Community and Economic Development), Rich Maiore (Select Board), Matthew Flokos (Harvard Press), Tyler Richards (Crown Castle), Gregory Boucher (Saul Ewing Arnstein & Lehr, ^{LLP}), Ryan Donnelly (SBA Regional Site Manager) and Paul Peckens (Crown Castle)

Zoning Board Appeal Request for Comments – 24 Mill Road

Ryan noted that variance poses no detriment to the Town and seems reasonable. Planning Board comments will be to double check the precedent set from any previous approvals.

Continuation of a Renewal of a Special Permit and Driveway Site Plan Approval Hearing- SBA 2012 TC Assets, LLC, 60 Old Shirley Road. Opened at 7:15pm (see page 3 for complete details)

Continuation of the Proposed Protective Bylaw Amendments Hearing. Opened at 7:40pm (see page 4 for complete details)

Continuation of a Renewal of a Special Permit and Driveway Site Plan Approval Hearing - CCATT LLC, 336 Old Littleton Road. Opened at 8:18pm (see page 5 for complete details)

Re-introduction Open Space Residential Development Bylaw

Brown recapped the effort put forth by the Planning Board on revising the Open Space Residential Development provision of the Protective Bylaw when the Covid-19 pandemic disrupted the meeting schedule last spring. Ryan reviewed the reasoning behind revising the existing Open Space and Conservation - Planned Residential Development provision of the Protective Bylaw, which has only been applied for once. The original goal was to preserve open space by consolidating the housing and maintaining the protected open space for the residents. Brown noted that the last revision had our consultants' comments included, therefore the Board should work from this version moving forward.

Board Member Reports

•Representatives & Liaisons

- **Community Preservation Committee (CPC)** – Donahue stated CPC will be accepting application only once per year moving forward
- **Montachusett Regional Planning Commission** – Ryan asked Donahue to advocate for the **District Local Technical Assistance** funding requests he had submitted for assistance with the Agricultural Advisory Commission and the transportation chapter plan for the **Climate Resiliency Working Group** and the **Transportation Advisory Committee** guides.

•Community Matters

- Biering noted that she and Leonard will be outside the General Store this weekend to talk about the proposed bylaw amendments. Biering will also keep an eye out for any potential volunteers for the open seats on the Planning Board, come July 1st.

- Biering continues to recruit people to speak at town meeting in support of the bylaw amendments. Biering requested that all members keep asking people to speak at town meeting.
- Biering noted the Council on Aging (COA) has not endorsed the proposed bylaw, but they did support the bylaw amendments; she thinks it is a technical matter, but is going to touch base with COA to confirm.
- Biering attended the Agricultural Advisory Commission meeting to talk about the proposed bylaws and had only one comment/question.
- Brown noted that Board of Health has asked him and Ryan to attend one of their meetings and talk about the Ayer Road proposals and upcoming Transportation Improvement Project.

Director’s Update

Most items were covered below with the exception of Design Review Board; the Board is seeking one additional member. Donahue will reach out to the Historic Commission, and Leonard will reach out to Harvard Conservation Trust.

Approve Minutes

Unavailable this evening

Approve Invoice – Isotrope \$1755.00

Nickerson made a motion to approve the Isotrope invoice in the amount of \$1755.00. Leonard 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.

Adjournment

Biering made a motion to adjourn the meeting at 9:35 pm. Nickerson 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.

Signed: _____ Liz Allard, Clerk

EXHIBITS & OTHER DOCUMENTS

- Planning Board Agenda May 3, 2021
- Director of Community and Economic Development UPDATE, May 3, 2021

Harvard Planning Board

Continuation of a Renewal of a Special Permit and Driveway Site Plan Approval Hearing Minutes

SBA 2012 TC Assets, LLC, 60 Old Shirley Road

May 3, 2021

The public hearing was opened at 7:15pm 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, Stacia Donahue, Fran Nickerson, Jane Biering, Gwen Leonard and Becca Kelley (Associate Member)

Others Present: Christopher Ryan (Director of Community and Economic Development), Matt Flokos (Harvard Press), Gregory Boucher (Saul Ewing Arnstein & Lehr, ^{LLP}) and Ryan Donnelly (SBA Regional Site Manager)

This hearing was continued from April 26, 2021 for a Renewal of a Special Permit and Driveway Site Plan Approval filed on behalf of SBA 2012 TC Assets, to renew the existing Special Permit and Driveway Site Plan Approval for a wireless communications tower at 60 Old Shirley Road, Harvard.

Ryan Donnelly, Regional Site Manager for SBA, reviewed the existing conditions and confirmed there are actually only 36 transmitters on the existing tower. The 90 pieces indicated on the application are the transmitters and accessory pieces. Greg Boucher, of Saul Ewing Arnstein & Lehr, ^{LLP}, confirmed that four carriers each have 12 or less transmitters for the total of 36. Donnelly noted that the site was built for five carriers and there are currently only four, with some consolidation anticipated with Sprint and T-Mobile. Boucher stated he had previously requested Conditions #7 and #8 from the 2016 decision be removed. There was no discussion from the Board on this request.

Ryan has proposed a modification to the 2016 decision that reserved the Planning Board's right to have changes in technology peer reviewed. Boucher was not in agreement with this exception, as he believes it is a matter of right and takes exception to paying for any structural peer review. Ryan explained that he had tried to allow flexibility with the wording, but still allowing the Board the ability to know what is actually on the tower at any given time. In addition, reserving the right to engage peer review is important, as the Planning Board are not technical experts on these matters. Donnelly noted that each time a carrier proposed to be added to the tower SBA completes a structural analysis.

After briefly discussing and coming to agreement on the exception, Donahue made a motion to continue the hearing to May 17, 2021 at 7:45pm. Nickerson 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.

Signed: _____ Liz Allard, Clerk

Harvard Planning Board

Continuation of the Proposed Protective Bylaw Amendments Hearing Minutes

May 3, 2021

The public hearing was opened at 7:40pm 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, Stacia Donahue, Fran Nickerson, Jane Biering, Gwen Leonard and Becca Kelley (Associate Member)

Others Present: Christopher Ryan (Director of Community and Economic Development), Matt Flokos (Harvard Press) and Rich Maiore (Select Board)

Brown asked for public comment. There was no public input at this time.

• **New Section 125-57 - Senior Residential Development**

The Board reviewed Brown's proposed introduction to the bylaws. Biering noted the t-shirt analogy might scare people off and might be unnecessary. Donahue and Nickerson want to emphasize that the need for senior housing predates this Planning Board and the Director of Community and Economic Development, Chris Ryan. Biering urged Brown to keep it simple and not to say more than is necessary to get senior housing passed; the 2/3 majority vote is a high bar, so not to ruffle any feathers, if it is not necessary. Biering urged slimming the introduction to be just a narrow focus on the bylaw. Leonard also urged to keep the focus on just the two bylaws. Maiore asked for some talking points he could provide to the Select Board. Maiore agreed with Biering and Leonard, to keep it simple.

• **Section 125-18.1 - Accessory Apartments**

No discussion.

Biering made a motion to accept the bylaw amendments to §125-18.1 Accessory Apartments Use and the addition of §125-57 Senior Residential Development as printed in the warrant for the 2021 Annual Spring Town Meeting. Nickerson 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.

Donahue made a motion to close the hearing. Nickerson 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.

Signed: _____ Liz Allard, Clerk

Harvard Planning Board

Continuation of a Renewal of a Special Permit and Driveway Site Plan Approval Hearing Minutes

CCATT LLC, 336 Old Littleton Road

May 3, 2021

The public hearing was opened at 8:18pm 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, Stacia Donahue, Fran Nickerson, Jane Biering, Gwen Leonard and Becca Kelley (Associate Member)

Others Present: Christopher Ryan (Director of Community and Economic Development), Matt Flokos (Harvard Press) and Tyler Richards (Crown Castle)

This hearing was continued from April 26, 2021 for a Renewal of a Special Permit and Driveway Site Plan Approval filed on behalf of CCATT LLC, to renew the existing Special Permit and Driveway Site Plan Approval for a wireless communications tower 336 Old Littleton Road., Harvard.

Tyler Richards, of Crown Castle, noted that he had submitted additional documentation as requested; the Board confirmed that documentation had been received. Ryan stated Condition #4 of original 2001 is to be waived; noting that waiving the specific paint color would be acceptable, but not the deletion of all of Condition #4. Richards was amenable to this request. Ryan stated that Finding #22 and Condition #10 related to signage; noting that the Board was just looking for an inventory of existing signage. Richards stated that photos and documentation have been provided; this is not an issue.

The condition about 'change in technology' paragraph is also amenable to Richards. Biering asked when the applicant gives the updated technology information. Ryan stated when the application is submitted, that then it would be time to update the technology and quantity. Ryan read into the record his Exception #3 as written in Director's Report as requested by Richards so everyone was clear on what was being required. Ryan noted that the original decision had all the technical specifications of the transmitters at the time of approval. Richard requested the words 'cover the reasonable costs...' so that peer reviewer fees do not get out of hand; the Board was amenable to this request. Brown requested 'supporting structures, and facilities, *camouflaging*, and accessories...'. Biering requested 'for any such extension...'

There were no comments from the public.

Donahue made a motion approving the renewal of Special Permit and Driveway Site Plan with six special conditions and three exceptions to Condition #1 as amended for 336 Old Littleton Road. Nickerson 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.

Signed: _____ Liz Allard, Clerk