

**HARVARD PLANNING BOARD  
MEETING MINUTES  
APRIL 26, 2021  
APPROVED: JULY 12, 2021**

Chair Justin Brown called the meeting to order at 7:03pm 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), Liz Allard (Land Use Administrator), Matthew Flokos (Harvard Press), Tyler Richards (Crown Castle), Keli Callaghan, Catherine Warner, Ellen Leicher (Community Resilience Working Group), Lucy Wallace (Community Resilience Working Group), Michael Arata, Matthew Flokos (Harvard Press), Adam Meier (Community Resilience Working Group) and Greg Boucher (Saul Ewing Arnstein & Lehr, <sup>LLP</sup>)

**Approval Not Required Endorsement – Callaghan, 268 Old Littleton Road**

Donahue made a motion to endorse “Plan of Land Harvard, Massachusetts” prepared for Kevin & Keli Callaghan, 268 Old Littleton Road, Harvard, Massachusetts, Job No. 6684, prepared by Dillis & Road Civil Design Group, March 2, 2021. 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.

**Climate Resiliency Working Group (CRWG) Update**

Ryan provided the regular update of the CRWG, as required by their Charge, including current membership, vision and what has been accomplished since 2019. Ellen Leicher, chair of CRWG, detailed the future actions of the CRWG, including completing Climate Action Plans, as recommended by the consultant, KLA, with a Plan Development Team, continuing Communication Plans with Outreach/Communications Team and continuing to work with the Apple Country Grant and pursue other grant funding to support the mission and vision of the CRWG. Other considerations of the CWRG include creating a statement on the Town's Sustainability Response and elevate CRWG to a standing committee. Leonard asked if the KLA plans are on the website? Ryan stated they are available on the Town's website under the CRWG tab on Planning Board webpage. CRWG is recommending the Planning Board revise the charge to expand the membership and allow for associate members.

Leicher thinks CRWG needs to reach out to the Agricultural Advisory Committee to assist with getting their webpage seen. Biering ask if the focus of the CRWG is what is to come or what is happening. Leicher stated both, with long-term solutions for what the climate is to bring, as well as what is right in front of us right now. Biering express concern as climate issues are vast and trying to tackle them all may be asking a lot of a group that are already burden. Donahue, a member of CRWG, stated Leicher has done a great job taking on the role of chair and getting things on track.

Donahue made a motion to approve the amendments to the Community Resilience Working Group Charge, dated April 2021. 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.

**Scenic Road Consent Hearing - Joel Cote, 120 Pinnacle Road.** Opened at 7:41 (see page 3 for complete details)

**Climate Resilience Working Group (CRWG), Revisited**

With a few extra minutes between hearings the Board discussed how often they would like CRWG to report to the Planning Board. Members agreed quarterly was good.

**Renewal of a Special Permit and Driveway Site Plan Approval Hearing- SBA 2012 TC Assets, LLC, 60 Old Shirley Road.** Opened at 8:00pm (see page 4 for complete details)

**Renewal of a Special Permit and Driveway Site Plan Approval Hearing - CCATT LLC, 336 Old Littleton Road.** Opened at 8:46pm (see page 5 for complete details)

#### **Recommendations for Annual Appointments**

Nickerson and Kelley are not seeking re-appointment creating two open seats on the Board for a member and an associate member.

#### **Appoint/Re-Appoint Design Review Board Members**

Donahue made a motion to appoint the members of the Design Review Board, which includes Justin Brown, as chair, Steve Moeser, Rochelle Greayer and Suzanne Dutkewych. 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.

#### **Board Member Reports**

- **Representatives & Liaisons** – None
- **Community Matters**
  - Biering stated she is drafting a second and final article on the **Senior Residential Development Bylaw**. Nickerson was asked to inquire with the Municipal Affordable Housing Trust (MAHT) to determine if they to, along with the Select Board, Zoning Board of Appeals and Council on Aging, would be willing to support this bylaw. Nickerson stated MAHT has not met in a long time, so she thinks not. Biering is also working on the answer to how many senior units are currently available in Town. Brown will follow up with the Agricultural Advisory Committee for endorsement.
  - Brown stated the Finance Committee has endorsed, although not unanimously, the **Ayer Road Plan**. School Committee liked the plan and is still working out a formal endorsement.

#### **Approve Minutes**

Donahue made a motion to approve the minutes of December 7 and 21, 2020, January 11, 2021 as amended and January 4, 2021 as drafted. 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.

#### **Approve Invoice – Harvard Press \$168.00**

Donahue made a motion to approve the Harvard Press invoice in the amount of \$168.00. 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.

#### **Adjournment**

Donahue made a motion to adjourn the meeting at 10:09. 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

### Scenic Road Consent Hearing Minutes

#### Joel Cote, 120 Pinnacle Road

April 26, 2021

The public hearing was opened at 7:41pm 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, and Rebecca Kelley (Associate Member)

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Liz Allard (Land Use Administrator) and Dan Wolfe (Ross Associates, Inc.)

This hearing is for a Scenic Road Consent filed on behalf of Joel Cote for the construction of a driveway for a new single-family dwelling requiring the removal of a portion of a stone wall and the removal of two trees, one 4" twin oak and one 12" oak tree located within the right of way at 120 Pinnacle Road, Harvard.

Dan Wolfe, of Ross Associates, was present to represent the applicant. Wolfe detailed the basic lot along Pinnacle Road, which was once part of the Poor Farm property at 166 Littleton Road. A portion of the existing stone wall within the right-of-way along Pinnacle Road will need to be removed in order to locate a driveway. Wolfe met with Tim Kilhart, the Director of the Department of Public Works, as well as the Tree Warden to review the proposed plan. Kilhart recommended the installation of the driveway be as far from the intersection with Littleton Road as possible. The driveway was located in an area that will require minimal disturbance to the stone wall and only require the removal of two trees. The stones that will be removed will be used to re-build the remaining wall within the right-of-way. Leonard stated Wolfe did a fantastic job presenting the application; and wondered if the Tree Warden made any recommendations for replacement trees. Wolfe stated replacement trees are noted on the plan as recommended by the Tree Warden.

Donahue made a motion to close the hearing and grant a Scenic Road Consent to Joel Cote at 120 Pinnacle Road as detailed on the plan entitled "Site Plan for Scenic Road Permit" Job No.: 33590. Plan No.: S-15030, prepared David E. Ross Associates, Inc., March 2021. 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

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

#### SBA 2012 TC Assets, LLC, 60 Old Shirley Road

April 26, 2021

The public hearing was opened at 8:00pm 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 and Rebecca Kelley (Associate Member)

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Liz Allard (Land Use Administrator), Matt Flokos (Harvard Press) and Greg Boucher (Saul Ewing Arnstein & Lehr, <sup>LLP</sup>)

This hearing is 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.

Greg Boucher, of Saul Ewing Arnstein & Lehr, <sup>LLP</sup>, detailed the items provided with the application. To date, he has not received any comments from any abutters or Town Departments or Committees. Boucher is hoping to have the 2016 permit extended again. Ryan asked about the condition of the site as he was unable to view; members might have an interest on the upkeep of the site. Leonard stated photos submitted with the application provide a clear picture of what is happening onsite; she has no concerns in that regard. Biering stated a recent application from a co-locator indicated there are three co-locators on the tower, but elsewhere in this application it states only AT&T is on the tower. Ryan explained the table only references the most recent replacement of equipment by AT&T, whereas equipment from Verizon & T-Mobile are the same. Donahue wants to firm up the information on how many co-locators can be added to the tower. Ryan thought that was clarified in the original permit. Ryan stated the Board may need to determine how many are actually on the tower, as AT&T proposed nine recently. Donahue stated according to report there are 96 antennas there now. Brown suggested a condition within the decision that states the antenna shall not be in conflict with stealth or stress the tower.

The Board reviewed the 2016 conditions; added the number of transmitters allowed to add clarity; lighting, generators and number of antennas, all conditions for this special permit. Questions about the generator are not necessary as SBA 2012 TC Assets is only the owner of the tower. With some additional information necessary to finalize the decision the applicant allowed for a continuance of the hearing.

Donahue made a motion to continue to May 3, 2021 at 7:10pm. Biering seconded the motion. The vote was unanimously in favor of the motion by roll call, Donahue, aye; Biering, aye; Leonard, aye; and Brown; aye.

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

**Harvard Planning Board**

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

**CCATT LLC, 336 Old Littleton Road**

**April 26, 2021**

The public hearing was opened at 8:46pm 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 and Rebecca Kelley (Associate Member)

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Liz Allard (Land Use Administrator), Matt Flokos (Harvard Press) and Tyler Richards (Crown Castle)

This hearing is 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, with Crown Castle, was present to represent the applicant. Richards stated there are no proposed changes to the existing facility, which conforms to the original special permit. Ryan stated this application is a similar situation to previous application, with the findings being the same, but more detail to the conditions for this tower. Biering viewed the site and found things to be in compliance. Richards can provide the Board with pictures of the ground equipment. Leonard stated there are two different heights in the application. Richards explained the height approved by Federal Communication Commission is taller than what is permitted by the Special Permit; any increase would have to come before the Board. Ryan asked if Richards has reviewed the limitation within the 2001 decision in regards to the size of the antenna and frequencies. Richards does not want to rule out the possibility in the future to modify the Special Permit should additional carriers be considered. Ryan strongly recommends the applicant review and comment on both the 2001 and 2016 conditions. Biering would like to know how many antennas are on the tower currently. Richard stated there are nine antennas on the tower currently, as detailed within the application.

The Board reviewed the 2016 conditions. Biering noted previous application included a condition in regards to providing proper information to assessing. Ryan can confirm with assessing that this is a necessary condition, as Richards does not have that information available.

The Bord reviewed 2001 decision. Antenna size is the one item Richards would like to confirm so that it does not tie their hands with future applications. Biering would like additional time to review conditions and allow the applicant to review the previous decisions. Richards agreed to continue the hearing.

Donahue made a motion to continue the hearing to May 3, 2021 at 8:15pm. 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 April 26, 2020
- Plan of Land Harvard, Massachusetts” prepared for Kevin & Keli Callaghan, 268 Old Littleton Road, Harvard, Massachusetts, Job No. 6684, prepared by Dillis & Road Civil Design Group, March 2, 2021
- Memorandum to Planning Board from Community Resilience Working Group Re: Prospective Members and Allocated Slots, April 23, 2021
- DRAFT Town of Harvard Community Resilience Working Group, April 2021
- Harvard MVP Program Activities, Spring 2021
- Director of Community and Economic Development Update, April 26, 2021
- Site Plan for Scenic Road Permit prepared for Joel Cote #120 Pinnacle Road Harvard, Massachusetts, Job No.: 33590. Plan No.: S-15030, prepared David E. Ross Associates, Inc., March 2021