



Director of Community and Economic Development

UPDATE

November 15, 2021

■ Special Permit for Replacement and Addition of New Antennae and Associated Equipment; Sprint Spectrum Realty Co. LLC; 47 Poor Farm Road

Name of Applicant: Sprint Spectrum Realty Company LLC by Rep. Global Signal Acquisitions II, LLC

Location of Property: 47 Poor Farm Road, Harvard, MA

Assessors Map/Parcel: 9/1.2

Zoning District: Agricultural Residential (AR)

Property Owner: Crown Castle

Consulting Engineer or Representative: TerraSearch Real Estate Group

Application For: Wireless Communication Tower Special Permit for New Equipment

Summary: Sprint Spectrum Realty Company LLC d/b/a “T Mobile” has submitted an application for a Special Permit for new and replacement equipment for the wireless telecommunications tower at 47 Poor Farm Road. Under the auspices of Section 125-27, Wireless Communications Towers Overlay District, subsection D1, existing special permit holders are required to apply for a special permit modification for any extension or addition to a previously approved and currently compliant tower. For these modification requests, applicants are required to follow, “...the same procedure as for an original application for a special permit.”

In this application, T Mobile proposes to replace six (6) panel antennas and add three (3) new panel antennas. Additionally, they propose to add “associated” antenna equipment, new fiber conduits, and related wireless communications equipment, and to remove obsolete equipment.

Findings: The prior approval of the Renewal for the tower and site in 2016 included the following information:

1. The renewal of a previously granted special permit and driveway site plan approval is in harmony with the provisions set forth in Article 1, §125-1, Purpose, of the Harvard Protective Bylaw.

2. There are no changes proposed to the approved tower, site, and driveway, and the existing facility conforms to the original approval.
3. The project has a \$25,000 removal bond in place in conformance with the terms of the Protective Bylaw.
4. The granting of the renewal of the Special Permit and Driveway Site Plan Approval will be in compliance with the Protective Bylaw, §125-46C(1) and:
 - a. Will not result in substantial increase of volume or rate of surface water runoff to neighboring properties and streets, will not result in substantial danger of pollution or contamination of the ground water supply, a ground water absorption area, a well, pond, stream, watercourse, W district, or inland wetland. All surface water runoff resulting from the construction of the facility will be retained within the lot in which it originates.
 - b. Will result in no substantial increase in traffic on any residential street in proximity to the premises, and
 - c. Will be in harmony with the general purpose and intent of the Bylaw.

It should be confirmed that each of these relevant findings are still in place and accurate, particularly the existence of the removal bond.

2016 Conditions and Limitations: The following conditions and limitations were included as part of the 2016 decision for renewal of the tower.

1. The conditions of the original special permit and renewal shall remain in full force and effect.
2. The Grantee shall maintain the \$25,000 bond (Bond Number 103557893 from Travelers Casualty and Surety Company of America) to assure the Special Permit holder's compliance with its obligations in the event that the holder ceases to use the tower and to remove parts owned by the Permit holder and all accessory equipment/structures so owned.
3. The Grantee shall file with the Building Commissioner and the Board an annual certification demonstrating continuing compliance with the standards of the Federal Communications Commission and the American National Standards Institute.
4. The Grantee shall provide prior written notice to the Building Commissioner and the Board in the event of a change or increase of use of the tower or the Grantee's facilities on or at the tower, change of Grantee, or cessation of use on and at the tower. Any change in use or increase in the intensity of the use of the tower shall require a new Special Permit.
5. The term of the Permit is for five (5) years from the expiration of the current July 20, 2017 term of the Special Permit and Driveway Site Plan Approval ending on July

20, 2022. All provisions of the Permit shall be binding on the Grantee, its successors, or assigns.

6. The Grantee shall remove all its installation(s) on the tower and all related accessory equipment/structures when there is a cessation of use for a period of at least one year, and/or one year following expiration of the Permit, unless renewed.

Should the Board find that they wish to revisit the details of this or any prior renewal of this site, or have the technical criteria of the submittal analyzed, I would recommend retaining a peer review consultant to evaluate elements of the application such as the Structural Analysis Report (in packet dated September 20, 2021) which contains the current conditions and structural integrity of the tower and its associated co-location equipment.

NOTE: This is not a review that staff can conduct.

However, I did conduct a preliminary plan set review and have determined the following:

Sheet T-1: Location map is not accurate and should be revised.

Sheet C-1.1: Does access drive possess an access easement from Mui/Tame property?

Sheet C-1.2: Ground installations on Sprint pad appear to be fairly equivalent.

Sheet C-2: Is the only elevational array subject to this application the 101' array? It appears that the new installation is slightly more compact but drawing is not to scale so I cannot be certain.

Other: There are no site photographs showing existing conditions of the pole or site. Staff could not access the facility to do same.

These are points that the Board may wish to follow up on.

Finally, if the Board so finds that this application elicits no substantive questions or concerns, I would refer to the 2016 Conditions of Approval for a starting point for a motion. Otherwise, I can craft one more formally for the next meeting.

■ Director's Report

1. Land Use Boards Organizational Recommendations

Currently, I am revising job descriptions for the P/T administrative positions for the Personnel Board as the first evaluation did not land as expected. I should be able to re-submit first of next week. The other job descriptions were satisfactorily evaluated. It is recommended that we continue to touch base with other boards and committees to emphasize the importance and value of this plan.

2. Ayer Road Vision Plan RFP

One of two respondent interviews was conducted (Weitzman) and was a positive outcome. The second is scheduled for Monday morning (11/15/2021) and the reviewing group should have a recommendation to proceed with one of the respondents after this interview. We are scheduled to be on the 12/7/2021 Select

Board agenda to summarize our process and reveal our recommendation. We hope to be able to enter into negotiations for a contract and a revised detailed scope following this SB meeting.

3. Devens Discussion

Following up on the 11/1/2021 initial discussion of Devens, it is hoped that the Planning Board has had time to digest the content of the presentation and may have some comments, questions, or suggestions. My own recommendation is to consider having a Planning Board representative and the Chair of the Harvard Devens Jurisdiction Committee (Victor Normand) discuss these issues and determine whether it should be taken up at a full HDJC meeting or discussed with Town officials. As noted at the prior meeting, time is of the essence with Vicksburg Square imminent and we may have no greater leverage than now.

■ Open Space Residential Development (OSRD) – Types of OSRD and Types of Units

This presentation will cover OSRD dimensional and design requirements. We can also discuss the draft bylaw in its latest form.
