

Posted 5/19/2021 at 4:55pm CB

**TOWN OF HARVARD  
PLANNING BOARD AGENDA  
MAY 26, 2021 @ 7:00PM**

**This meeting will be held virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A. S.20. Interested individuals can listen in and participate online and/or by phone by following the link and phone number below.**

UpperTH ProWebinar is inviting you to a scheduled Zoom meeting.

**Join Zoom Meeting**

<https://us02web.zoom.us/j/81847935862?pwd=OW5wUnJrR29XWHE2aDRFaCs5RVFaQT09>

**Meeting ID: 818 4793 5862**

**Passcode: 616354**

One tap mobile

+19294362866,,81847935862# US (New York)

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Dial by your location

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**Meeting ID: 818 4793 5862**

Find your local number: <https://us02web.zoom.us/j/81847935862?pwd=OW5wUnJrR29XWHE2aDRFaCs5RVFaQT09>

**New Business:** a) Town Meeting Round-Up & Next Steps

- o Senior Residential Bylaw
- o Ayer Road Visioning Plan
- o Open Space Residential Development Bylaw
- o Town Center
- o Scenic Road Bylaw, Chapter 90
- o Erosion Control Bylaw

b) Appoint Dan Daly to the Design Review Board

**Old Business:** None

**Standard Business:** a) Board Member Reports

- Representatives & Liaisons Update
- Community Matters

b) Director's Update

c) Approve Minutes

**NEXT SCHEDULED MEETING:  
JUNE 7, 2021**



## **DRAFT Lessons Learned re Getting Questions Passed at Town Meeting**

Jane Biering

May 20, 2021

### **Dates, Phases, Substance**

1. Start with a Countdown Calendar – Important to have a “T-minus” calendar before you start work...key dates leading up to town meeting.

*Highlights what actionable time you really have. Should include, for example, dates for: submitting final language for warrant, closing of public hearing, opening of public hearing, notice of public hearing (14 days!), Press deadline for notice of public hearing, etc.*

2. Cover 6 Phases – Most work, whether it’s a bylaw introduction or another proposal, will need to go through 6 phases.

- a. Data-gathering: *grounds work in facts and highlights potentially tricky issues; e.g., surveys, other towns’ bylaws, etc.*
- b. Initial Outreach and Feedback, probably before you start writing...*begins to raise the issue in the public eye and gives you early warning indicator of peoples’ hot buttons; chance to make necessary changes.*
- c. Draft bylaw or proposal
- d. Formal Outreach and Feedback...*chance to educate and inform others; chance to learn from others and make any necessary changes*
- e. Revise bylaw or proposal based upon outreach, if applicable
- f. Ongoing Informal Outreach...*hard to overdo this*

### **Outreach**

3. Engage with Interested Parties...*early and often.*

- *Don’t overlook likely opposers...groups or individuals,*
- *Especially important to include “influencers”.*

4. Consider Creating a “Things You Need to Know About the Bylaw (or proposal, etc.)”

Summary Sheet.

- *Can be useful for General Store patio, 4<sup>th</sup> of July, etc....where people won’t come up and ask you questions, so you need a handout to get the conversation started.*
- *Can do double-duty when ask people to write editorials or speak at the microphone.*
- *For OML purposes, ideally, discuss issues or review doc at a meeting in advance.*
- *Consider using a disclaimer, for example:*

*Note: Any attempt to summarize a bylaw risks oversimplifying the language. This sheet presents highlights only. To see the complete language of these bylaw proposals, please refer to the Planning Board page of the Harvard town website at: [www.harvard.ma.us/planningboard](http://www.harvard.ma.us/planningboard). The bylaw proposals are also printed in full in the town Warrant.*

5. Sweat the Small Stuff

- *Respond to all questions. If you don't know the answer, get back to them.*
- *Answering the questions does more than just check that particular box...it will also probably: 1.) strengthen your understanding of the issue and 2.) help to build trust between you and whoever asked.*

6. Be Prepared to Make Changes based on feedback: to bylaw language, proposal, or future outreach efforts.

7. Make Good Use of the Press.

- *Contribute to Consider This;*
- *Draft "press releases" to help direct their articles to points we want to highlight.*
- *Remember that in the final edition before town meeting, Press' policy is to print opinion pieces on one side of an issue only if there's also one on the other side.*

8. Keep a Running List of Questions You've Received...if one person asked, others may be wondering the same thing.

- Distribute Q&A as appropriate: all PB members – post -- review at PB meetings -- distribute to interested parties, etc.*

**Don't Skip the "Ask"**

9. Ask Other Boards to Endorse

10. Ask People to Write a Letter to the Editor

11. Ask People to Speak Up at Town Meeting

12. Make It Easy for People to Show Their Support...Prepare a list of "reasons someone might want to support".

- Note: for OML, should be reasons that have already been stated in PB meetings.*

**At Town Meeting**

13. Anticipate the Questions. Have Your (Pithy) Answers at the Ready.

- Here's where keeping a running list of those questions (and answers) can come in handy.*

14. Share the Wealth

- Don't burden one person with having to answer all questions / address all issues.*

15. Do Any Last-Minute Homework

*Particularly important if you know there's an issue that has repeatedly come up from residents or where two PB members disagree on an interpretation... Re-read the bylaw language or proposal. Do a quick Google search. Now's the time to engage.*

16. Plan to Have a Pre-TM Huddle to address any unresolved issues.

*Allows PB to show they are on top of things and not scrambling at the last minute.*



## Scenic Roads Bylaw Chapter 90

### Timetable- Town Meeting 10/16

<u>Development Process</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>August</u>	<u>Sept.</u>
Planning Board Meeting 5/17 (only 1 mtg in May): <ul style="list-style-type: none"> <li>• Review timetable</li> <li>• Review Status</li> <li>• Review "Resource Page" for town website</li> <li>• Review outstanding issues</li> <li>• Get buy-in for process</li> </ul>	X				
Planning Board Meeting 6/7 Discuss all "tree" issues <ul style="list-style-type: none"> <li>• Definitions</li> <li>• Removal</li> <li>• Replacement including guidelines</li> <li>• Responsible parties</li> <li>• Bond and accounting for and tracking bonds</li> </ul>		X			
Meet with Elm commission for input Meet with Fire chief and Police chief to discuss driveways (+ Dir of DPW and Building Com)		X		X	
Planning Board Meeting 6/21 <ul style="list-style-type: none"> <li>• Discuss all "driveway" issues</li> <li>• Definitions</li> <li>• Cuts allowed</li> <li>• Design guidelines</li> <li>• Responsible parties</li> <li>• Tracking</li> </ul>		X			

## Scenic Roads Bylaw Chapter 90

### Timetable – Town Meeting 10/16

<u>Development Process</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>August</u>	<u>Sept.</u>
Planning Board Meeting 7/5			X		
Discuss all “stone wall” issues					
<ul style="list-style-type: none"> <li>• Definitions</li> <li>• Removal</li> <li>• Replacement including guidelines</li> <li>• Responsible parties</li> <li>• Bond and accounting for and tracking bonds</li> </ul>					
Planning Board Meeting 7/19			X		
<ul style="list-style-type: none"> <li>• Discuss penalties</li> <li>• Handout revised bylaw will all for above meetings completed</li> </ul>					
Start PR					
Meet with:					
<ul style="list-style-type: none"> <li>• Conservation commission</li> <li>• Historical commission</li> <li>• Ag commission</li> <li>• Harvard Conservation Trust</li> <li>• Historical Society</li> </ul>				X X X X	
Article in <i>Harvard Press</i>				X	
Post on NextDoor Harvard					X
Meet /Present to Select Board			X		
Submit marked bylaw to town council for comments			X		
Public Hearing – Early August					
Submit to Town for warrant inclusion <b>September 1</b>					X



# Harvard Scenic Roads Resource Page

*“It seemed a road for the pilgrim to enter upon who would climb to the gates of heaven.”* Henry David Thoreau, 1849

What makes a road special does not lie inclusively in the immediate roadway, but in the setting through which it travels, in its trees, stonewalls, and its viewshed. Harvard’s scenic roads exemplify the essence and soul of what makes Harvard special. These scenic roads traverse Harvard taking us on a rural, historic and peaceful ride.

As one of Harvard’s most cherished resources, the Harvard Planning Board has embarked on a project to ensure that our designated scenic roles are better protected for now and the future.

The purpose of this page is to:

- Serve as a resource library for scenic road research
- Serve as a working tool for:
  - Developing a vision for scenic roads
  - Goal setting for planning
  - Brainstorming the scope and breadth of Harvard’s current bylaw
  - Comparative analysis of Harvard Bylaw versus other towns
  - Determining the optimal coordination for administering and monitoring compliance
- Serve as a central repository for scenic road planning, bylaw development, and administration
- Cross reference with other Town policies, bylaws, and plans including the 2016 Master Plan.

If you are interested in scenic roads and the characteristics that they embody such as stone walls, heritage trees, and scenic vistas, please reach out to Gwen Leonard at [gleonardpb@gmail.com](mailto:gleonardpb@gmail.com) and Chris Ryan at [cryan@harvard.ma.us](mailto:cryan@harvard.ma.us)

# Harvard Scenic Roads Resource Page

## **Other Towns Scenic Roads Bylaws (provide link )**

IPSWICH

<https://ecode360.com/30685836>

WESTON

<https://www.weston.org/DocumentCenter/View/150/General-By-Laws-of-the-Town-of-Weston-PDF?bidId=>

SUDBURY

<https://sudbury.ma.us/pcd/wp-content/uploads/sites/326/2014/08/ScenicRdBylawApprovedVersion.pdf?version=545abcdf5dfb5b4531536006191d84bf>

WAYLAND

<https://www.wayland.ma.us/planning-board-department/pages/scenic-roads>

DOVER

<https://ecode360.com/10428304>

SHERBORN

<https://www.sherbornma.org/sites/g/files/vyh1if1201/f/uploads/rules.pdf>

BOXBOROUGH Stone Wall Bylaw

<https://www.boxborough-ma.gov/DocumentCenter/View/267/Stone-Walls-Bylaw-PDF>

## **Reading**

*IDENTIFYING AND PROTECTING HISTORIC ROADS*, Massachusetts Department of Conservation and Recreation, 2006

<https://www.mass.gov/doc/terra-firma-3-identifying-and-protecting-historic-roads/download>

## **Bylaw Chapter 90 Development Timetable**

(under separate file)

## Scenic Roads: Town Comparisons

### “Tree” Bylaw Comparison

#### Definition of Tree

Town	Definition	Comments
Harvard	<p><b><u>Cutting or Removal of Trees</u></b>                      The removal of one or more trees, trimming of major branches, or cutting of roots sufficient in the Tree Warden’s written opinion to cause eventual destruction of a tree. However, such cutting or removal shall not be construed to include clearing of nuisance growth, routine or emergency tree maintenance which removes only permanently diseased or damaged limbs, trunks or roots and dead whole trees, or thinning out of overcrowded trees as determined by the Tree Warden, but shall include such cutting or removal done in contemplation of, or following the repair, maintenance, reconstruction or paving work for a road.</p>	
Weston	<p><b><u>Cutting or Removal of Trees: cutting through or removing any of the following:</u></b></p> <ul style="list-style-type: none"> <li>(a) one or more tree trunks having a diameter of nine (9) inches or more measured four feet above the ground, or</li> <li>(b) two or more tree trunks having a diameter of six (6) inches or more measured four feet above the ground, or</li> <li>(c) seven or more limbs or roots of more than four (4) inch diameter where cut, on a single tree.</li> </ul> <p><b><u>Significant Tree:</u></b> Any woody plant with a trunk circumference of six feet or more as</p>	

	measured twenty-four inches above the ground.	
Ipswich	<p><b>Cutting or Removal of Trees:</b> Shall mean the removal of one or more trees, trimming of major branches, (as defined herein), cutting of roots, or any other work that would otherwise compromise a tree's health, such as soil and /or root compaction, water deprivation, or other conditions resulting from proposed work along a scenic road sufficient in the opinion of the Planning Board or a certified arborist to cause eventual destruction of a tree. This definition does not apply to routine or emergency tree maintenance that removes only permanently diseased or damaged limbs, trunks, roots and dead whole trees. Nor does this definition apply to trimming work, including cutting of major branches, by the Town's Utilities or Public Works Department, provided that the Planning Board has reviewed the proposed work and determined it to be in accordance with good practices. However, the removal of whole, live trees by the Utilities or Public Works Departments is included in this definition.<u>C.</u></p> <p><b>Major Branch:</b> Shall mean a living branch that is fully attached to a tree (as defined herein) and that has a diameter of three inches or more, 12 inches from the point at which said branch connects to the tree.</p>	
Sudbury	<p><b>"Cutting or removal of trees"</b> shall mean the destruction of one or more trees having a trunk diameter of four (4) inches or more measured one (1) foot from the ground, trimming of major branches or trimming of roots sufficient in the Tree Warden's opinion to cause eventual destruction of a tree. Not included in this definition is the routine or emergency maintenance which removes only permanently diseased or damaged limbs, trunks, or roots, and dead whole trees.</p>	
Dover	<p><b>CUTTING OR REMOVAL OF TREES</b></p> <p>Shall not be construed to include routine or emergency tree maintenance which removes only permanently diseased or damaged limbs, trunks or roots or whole trees</p>	

	<p>as determined by the Tree Warden, or sound limbs, trunks or roots of a tree with a diameter 1 1/2 inches or larger 1 foot above ground level that hinders a public way as determined by the Tree Warden.</p> <p><b><u>TREES</u></b>  Any woody plants having a trunk diameter with a diameter of 1 1/2 inches or larger, 1 foot above the ground.</p>	
Wayland	<p><b><u>BRANCH</u></b>  A living branch that is fully attached to a tree (as defined herein) and that has a diameter of three inches or more 12 inches from the point at which said branch connects to the tree.</p> <p><b><u>CUTTING OR REMOVAL OF TREES</u></b>  The removal of one or more trees, trimming of branches (both as defined herein) or cutting of roots sufficient in the Tree Warden's written opinion to cause eventual destruction of the tree.</p> <p><b><u>TREE</u></b>  A living tree in its naturally standing position, the trunk of which has a diameter of four inches or more four feet above the ground. Nothing in this definition shall be construed to permit a person, other than the Tree Warden, to trim, cut down or remove a public shade tree.</p>	

**Procedures Re Trees**

Town	Procedure	
Harvard		

Weston		
Ipswich	<p>Tree replacement. If the cutting or removal of whole trees is approved by the Planning Board or Tree Warden, the Planning Board, at its discretion, may require the applicant to replace the trees cut with nursery quality trees, which are of Zone 6 hardiness at a minimum, that are native to the region, and that are acceptable to the Planning Board, in consultation with the Tree Warden. For trees that are 18 inches or more in caliper, measured four feet from the ground, the Planning Board may require the removed tree to be replaced with two trees of at least a two-and-one-half-inch caliper, measured four feet from the ground. The location of the replacement trees shall be at the direction of the Tree Warden, in consultation with the Planning Board.</p> <p><b>F.</b></p> <p>Public shade trees. When required by MGL c. 87 (Shade Trees), notice shall be given and the Planning Board hearing required by MGL c. 40, § 15C (Scenic Roads) shall be held in conjunction with those held by the Tree Warden, with the Tree Warden responsible for the consolidated notice acting under MGL c. 87 (Shade Trees). Consent to an action by the Planning Board shall not be construed as consent by the Tree Warden or vice versa. A Planning Board decision shall contain a condition that no work shall take place until any applicable provisions of MGL c. 87 (Shade Trees) have been complied with.</p>	
Sudbury	<p><b>Tree Removal Limitations</b></p> <p>No tree with a trunk exceeding eight (8) inches in diameter, one (1) foot above ground level, shall be cut for a driveway unless the curb cut cannot otherwise be safely located.</p>	

	<p>No cluster of trees located within six (6) feet of each other, with individual trunks exceeding six (6) inches in diameter, one (1) foot above ground level, shall be cut for a driveway unless the curb cut cannot otherwise be safely located.</p> <p>c) For each tree with a trunk exceeding six (6) inches in diameter, one (1) foot above ground level, that is removed, a tree in a species, size and location, with advice from the Tree Warden and suitable to the Planning Board, shall be planted, or an equivalent payment into the town-wide tree replacement fund shall be made. This section shall not apply to projects undertaken by the Town of Sudbury.</p>	
<p><b>Dover</b></p>	<p>No tree with a trunk exceeding 8 inches in diameter four feet above the ground level shall be cut for a driveway unless the curb cut cannot be safely located otherwise; clusters of trees located within 6 feet of each other with individual trunks of 6 inches in diameter 4 feet above ground level shall not be cut for a driveway unless the curb cut cannot be safely located otherwise.</p> <p>For each tree exceeding 4 inches in diameter 4 feet above ground level removed, a tree in a species and location suitable to the Planning Board shall be planted.</p>	
<p><b>Wayland</b></p>	<p>No tree with a trunk exceeding eight inches in diameter four feet above the ground or cluster of trees within six feet of one another with trunks six inches in diameter four feet above the ground shall be removed for a driveway unless the curb cut cannot be safely located elsewhere.</p>	

**Other Towns Scenic Roads Driveway Bylaw: Stone Walls**

Harvard	<p><b><u>TEARING DOWN OR DESTRUCTION OF STONE WALLS</u></b></p> <p>The defacement, removal, physical covering (other than naturally occurring plant covering) or rearrangement of a stone wall as defined herein. Temporary removal and replacement at the same location with the same materials is permitted without Planning Board consent, but only if the Harvard Department of Public Works is notified before the work begins so that it can confirm that the wall is properly replaced.</p> <p><b><u>TEMPORARY REMOVAL OF STONE WALLS</u></b></p> <p>The temporary removal and replacement at the same location with the same materials.</p>	Definition
Sudbury	<p>4.2 Stone Wall Removal Limitations</p> <ol style="list-style-type: none"> <li>1. a) The maximum amount of stone wall to be removed shall be the width of the pavement of the driveway or new road at the location of the stone wall plus three (3) feet on either side.</li> <li>2. b) Unless otherwise waived, removed stone shall be used to repair other sections of the wall within the scenic road, in accordance with the Planning Board approval.</li> <li>3. c) No wall shall be cut without construction of an appropriate terminus.</li> <li>4. d) In no case shall stones be disposed of or used for purposes other than to repair the remaining stone wall within the scenic road without the prior consent of the Planning Board.</li> <li>5. e) Any construction of a terminus or repair of a stone wall shall match the</li> </ol>	Design Standards



	method of the existing construction.	
Dover	<p>Where stone walls exist, the maximum amount of stone wall to be removed shall be the width of the driveway at the location of the stone wall, plus 1 foot.</p> <p><u>(1)</u> Removed stone shall be used to repair other sections of the wall along the road.</p> <p><u>(2)</u> No wall shall be cut without construction of an appropriate terminus. Appropriate end points are shown in the attached diagram<sup>2A</sup> and consist of a stone wall with tapered ends turning back onto the lot along the drive, stone piers, granite posts or wooden posts (with or without a gate).</p>	Design Standards

**Other Towns Scenic Roads Driveway Bylaw: Driveways**

Harvard	<p><b>125.39 (2)</b> Residential driveways. Each dwelling is entitled to two driveways, one of which may be a U-shaped driveway. The Planning Board may permit an additional driveway for lots with more than 400 feet of frontage. Driveways shall not encroach on the buffer strip [see § <b>125-39C(1)</b>] except to intersect with the street, and to reach said intersection directly from within the interior of the lot.</p>	
Ipswich	<p>(7.1) At a minimum, driveways should be consistent with Ipswich regulations for residential driveways and curb cuts, and should comply with this law.          (7.2) Only one driveway cut per lot onto any scenic road should be allowed. A new Driveway on a scenic road should not exceed twelve feet in width, unless it is a common driveway, in which case it should not exceed sixteen feet in width.          (7.3) Stonewall sections to be removed for a driveway, should not exceed the driveway width by more than one foot.</p>	
Sherborn	<p>4.3.6 Curb Cuts Driveways shall be at least ten (10) feet wide, but no more than twenty (20) feet wide, and have a curb return at the street of three (3) feet in radius. Where no curbs exist, the driveway flare should have a three (3) foot radius. Unless otherwise allowed by the Planning Board, driveway cuts shall be permitted only at the street where the frontage requirement has been met. Shared, or common, driveways serving two dwellings shall be allowed by right. Common driveways serving three or more dwelling units are permitted with a special permit from the Planning Board.          Driveway cuts shall not be permitted within one hundred (100) feet of the sideline of intersecting streets or railroad crossings.          No more than one driveway cut shall be permitted per lot.</p>	

Sudbury	4.1 Curb Cuts Each lot fronting on a scenic road shall generally have one driveway curb cut. The paved width of a driveway for a single family home shall not exceed twelve (12) feet, or eighteen (18) feet for any multi-family dwelling. Subdivision roads and new roads for commercial properties shall be governed by the applicable town regulations for these types of developments. The use of common driveways is encouraged to preserve and to enhance the visual appearance and rural character of scenic roads in the Town of Sudbury.	Design Standards
Wayland	<p>At a minimum, driveways shall be consistent with Wayland regulations for residential driveways and curb cuts and shall comply with this article.</p> <p>B. Only one driveway cut per lot onto any designated scenic road shall be allowed. A new driveway onto a designated scenic road shall not exceed 12 feet in width.</p> <p>C. Stone wall sections to be removed for a driveway shall not exceed the driveway width by more than two feet.</p>	

**Other Towns Scenic Roads Driveway Bylaw: ENFORCEMENT AND PENALTIES**

Harvard	<p>This bylaw shall be administered and enforced by the Planning Board, the Building Commissioner, the Tree Warden, the Director of the Department of Public Works or others designated by the Town Administrator. Enforcing officials may issue a citation for the violation of this bylaw and shall take appropriate action in the name of the Town of Harvard to prevent, correct, restrain or abate such violations. Violators shall be subject to a fine of \$100 per violation for the first offense, \$200 per violation for the second offense and \$300 per violation for the third and all subsequent offenses.</p>	
Wayland	<p>Failure to file with the Planning Board for permission to cut or remove trees or for destruction of any portion of a stone wall within any designated scenic road will require an immediate filing as detailed above, and the applicant shall be required to restore features. This restoration shall consist of replacing the stone wall as necessary and replacing the trees cut on a square-inch-per-square-inch basis (combined area of the replacement trees measured one foot above ground level to equal total area of the original tree trunk as measured at the stump) at locations specified by the Planning Board.</p>	



## Director of Community and Economic Development

# UPDATE

May 24, 2021

### ■ Town Meeting Roundup and Next Steps

The Town Meeting retrospective will go a long way in determining our upcoming work program and how we approach it. Last years' priorities established at the Planning Board retreat include the following projects at the top of the list:

1. Open Space Residential Design
2. Senior Residential Development, Phase 2
3. Town Center
4. Scenic Roads
5. Multifamily District
6. Recodification of Protective Bylaw
7. Rural Life

The Town Center project, recodification, and Rural Life do require some discussion regarding needed resources and degree of difficulty. The multifamily district may require a level of attention that transcends our prioritization since it may be soon forced upon us and we should be ready.

Speculating a positive Town Meeting, the next few months will be spent working on Ayer Road consulting issues and initiating the market analysis phase, moving back into the Open Space Residential Development (OSRD) Bylaw (which now is an integral part of senior housing), and considering all or some of the remaining senior housing phase 2 program, which includes:

1. Remove Assisted Living from ARV-SP, amend, and place under Senior Housing Shell
2. Consider CCRC provision
3. Adopt new OSRD by replacing §125-35
4. Modifications to 125-10, Conversion for multiple residence
5. Amendments to §125-2 Definitions

In addition, the Board anticipates working on the draft scenic road legislation, also for fall Town Meeting (STM). Finally, some have called for the Erosion Control Bylaw to be brought back for consideration.

If the Ayer Road Vision project fails, this will open up some capacity. If senior housing fails, this will set back that program for a few years but the Board may wish to consider some elements such as CCRC, conversions, and OSRD separately to that they can be merged under senior housing umbrella at some later time.

Given the number of substantial projects on the horizon, it behooves the Board to find some efficient ways to approach each of them so that they can be all accomplished but not over burden members or staff. It may be useful to conduct a brief “lessons learned” from the senior housing process for two reasons:

1. In case it fails – why did that happen?
2. Even if successful, it may have been overkill (was it the right model?)

We can then apply these lessons to the logistics of the next phase of Board work. My own recollection includes the following issues that could be improved:

- The subcommittee was difficult to facilitate as there were differing preferences for communication platforms and challenges with document sharing and organization.
- Feedback from some Board members was not forthcoming.
- There were too many tasks as part of the process. There was far too much or a work plan scope than hours available to accomplish.
- Virtual and telephone communication made it difficult to have effective interactive discussions about the complex material.
- There was a significant amount of independent work conducted and this made it difficult to keep all participants in the loop and fully kept apprised of things that were happening.
- Some type of “project management” software would have been interesting to try to use. Something that could manage all documents and facilitate communications as well.

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### ■ Design Review Committee (DRC) Appointment

Mr. Dan Daly, current member of the Park & Recreation Committee, has applied to be a part of the Design Review Committee, a subcommittee of the Planning Board. This will be the fifth and last slot needing to be filled.

The full membership would be:

1. Rochelle Greayer
2. Suzanne Dutkewych

3. Steve Moeser
4. Dan Daly
5. Justin Brown, Chair

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### ■ Re-Introduction of Open Space Residential Development Bylaw

This initiative will be at least as challenging as senior housing for the following reasons:

1. It is very long and complex
2. It will require a degree of familiarity to be able to adequately explain to the public

One thing to always keep in mind is the following: “We already have this on the books!”

This is key because we don’t have to justify the elements that are already in our current Bylaw, we only have to explain how the new one is different and better. I have created a Dropbox folder in my account to share documents with you regarding OSRD. The link to the folder is below:

[https://www.dropbox.com/sh/59kbnhjwi5ohjg5/AAA1orimX5KQzDT\\_HWeaJ8Dha?dl=0](https://www.dropbox.com/sh/59kbnhjwi5ohjg5/AAA1orimX5KQzDT_HWeaJ8Dha?dl=0)

To begin familiarization with the concept, I will recommend a few documents in the folder. But essentially, Open Space Residential Development is a form of cluster residential development that is intended to preserve a large percentage of a site as permanently protected open space. But it doesn’t just protect any old open space, it is intended to protect valuable natural and cultural resources that would otherwise be bulldozed by a typical conventional subdivision. It does this through a four-step process that identifies the best land to protect and then puts the houses and infrastructure on what is left over. It essentially flips the script.

It is generally believed that this form of residential development is more supported and favorable not only because of the large tracts of open space that are never going to be developed, but they are open spaces that the town often values highly as they are farms, open fields, stone walls, copses of forest along a country road, and the like. They are also less expensive to build because the infrastructure is less and also costing less for the Town to serve. There are many other benefits but I will leave those to your homework.

I suggest starting with a PDF version of a PowerPoint slide show entitled “*Draft OSRD Bylaw Review Session 1 – Background*” and you can find this at the following file extension in the folder:

Location: C:\Users\cryan\Dropbox\HARVARD\Harvard Planning Board\OSRD 2021\Outreach Presentations\

The name of this file is: OSRD-PPT02.pdf.

Another good starter document developed as part the Massachusetts Smart Growth Toolkit is entitled Open Space Residential Design (OSRD) and can be found at this file extension:

Location: C:\Users\cryan\Dropbox\HARVARD\Harvard Planning Board\OSRD 2021\Outreach Presentations\

And the filename is OSRD-Blackstone.pdf. This folder also has a FAQ and information regarding the event we held last year. Another great folder is the Randall Arendt folder which has email messages from him explaining concepts and talking about Harvard. It also has a folder with Development Examples and Other Resources that are a wealth of detailed subject matter. Please at

least go to the umbrella folder and poke around a little bit and we can address some of your questions on the 17<sup>th</sup> and dive deeper in June.

---

■ **Other Activities and Projects (to be discussed verbally)**

1. Community Resilience Working Group
  2. Development Contacts and Inquiries
  3. Member Map Project
  4. Industrial Development
  5. Grant Opportunities and Awards
-



**HARVARD PLANNING BOARD  
MEETING MINUTES  
JANUARY 25, 2021**

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5 Chair Justin Brown called the meeting to order at 7:04pm virtually in accordance with the Governor's  
6 Executive Order Suspending Certain Provisions of the Open Meeting Law, under M.G.L. Chapter 40A  
7 and Code of the Town of Harvard Chapter 125

8 **Members Present:** Justin Brown, Fran Nickerson, Stacia Donahue, Gwen Leonard, Jane Biering and  
9 Rebecca Kelley (Associate Member)

10 **Others Present:** Christopher Ryan (Director of Community and Economic Development), Liz Allard (Land  
11 Use Administrator), John Hume (Montachusett Regional Planning Commission), Beth Williams (Council  
12 on Aging), Zenia Kotval, Jason Stanton (Montachusett Regional Planning Commission), John Mullin  
13 (Mullin Associates), Matt Flokos (Harvard Press), Christopher Swiniarski (McLane Middleton, Attorney for  
14 Verizon Wireless), David Tivnan (SAI Group, LLC), Barbara & Gregory Romero, Rick Maiore, Roseanne  
15 Saalfeld and Robin Carlaw

16 **Montachusett Planning Commission Presentation: Fiscal Impact Assessment at Build-out for  
17 Harvard**

18 John Hume, Planning & Development Director for Montachusett Regional Planning Commission (MRPC),  
19 provided an overview of the process taken to develop the Fiscal Impact Assessment at Build-out for  
20 Harvard. Phase 1 consisted of the build -out analysis, which was completed in-house at MRPC. In Phase  
21 2 MRPC engaged Mullin Associates to develop a fiscal impact based on the build-out. Hume noted this  
22 process was fully funded by the State's District Local Technical Assistance (DLTA) program. Hume  
23 encourage Harvard to apply for the upcoming round of DLTA funding. Jason Stanton, GIS Director for  
24 MRPC, detailed the process in Phase 1. Biering asked for clarification on the developable land. Stanton  
25 stated there are three types: vacant land, land containing a single-family on greater than an acre and half  
26 parcel and unrestricted farm land.

27  
28 John Mullin, of Mullin Associates, overviewed the Phase 2 process, which included an executive  
29 summary to the Fiscal Impact Assessment at Build-out for Harvard. According to the MRPC Buildout  
30 Assessment, Harvard could see another 4,028 new homes and approximately 782,000 square feet of  
31 new commercial development could potentially be built in Town based on the current zoning and land use  
32 patterns. The 4,000+ additional homes would come with additional capital improvements costs for public  
33 works, especially if development triggered the need to move from volunteer services to professional  
34 services or triggered new school construction and capital costs. While the Town does not foresee this  
35 level of new construction, the Buildout suggests that it is technically possible. The Town does not expect  
36 to see much new commercial growth. Commercial development rarely puts a fiscal strain on communities  
37 as there are no direct school costs associated with development. In most communities, residential  
38 development does not yield positive fiscal impacts due to the costs associated with educating school  
39 aged children. However, this is not accurate for Harvard due to the high market value of residential  
40 homes. Biering suggested that this conclusion is incorrect, since the MRPC model assumed that the mix  
41 of occupants in new homes (that is, the ratio of families with children to families without children) would  
42 mirror the town's current mix, but new homes will most likely be occupied almost exclusively by families  
43 with children. Since the average single-family property tax bill in Harvard is about \$12,000, and the  
44 average school cost per child is about \$17,000, it would be a stretch to conclude that Harvard is, in fact,  
45 different from other communities in this regard. As long as development keeps pace with infrastructure  
46 investments, fiscal issues need not be a major concern for the Town of Harvard. However, if the town  
47 was to experience tremendous growth pressures, in either residential or commercial development, that  
48 would trigger major capital costs such as new water and sewer facilities, additional professional fire and  
49 police services or new school buildings, the fiscal landscape is likely to change. The build out analysis  
50 indicates that the current zoning and land use can accommodate significantly more development. For  
51 residential real estate, the buildout indicates 2.4 times more homes than currently exist, and the value of  
52 commercial development could potentially double. Development of this scale would not only drastically  
53 change the character of the community; it would most certainly require additional infrastructure and

54 services. it is essential that the town continue to carefully plan for its future including a well-articulated  
55 and funded capital improvements program, become watchful of regional trends and monitor the impacts  
56 of growth on Devens. Furthermore, the Town should carefully monitor future developments, in  
57 conjunction with infrastructure and service needs, to ensure a secure fiscal position.  
58

59 The excel spread sheet can be adjusted for different tax rates as it is interactive. Stanton will share maps  
60 with Ryan.  
61

62 **Continuation of a Special Permit Site Plan Approval Hearing – Cellco Partnership d/b/a Verizon**  
63 **Wireless, 12 Woodchuck Hill Road.** Opened at 7:45pm. (see page 4 for complete details)  
64

65 **Recommendation to Select Board for the Planning Board Representation to the Transportation**  
66 **Advisory Committee**

67 Leonard made a motion to recommend to the Select Board the appointment of Stacia Donahue as the  
68 Planning Board representative to the Transportation Advisory Committee. Nickerson seconded the  
69 motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye;  
70 Leonard, aye; Biering, Aye; and Brown, aye.  
71

72 **Zoning Board of Appeals Request for Comments – 53 Turner Lane**

73 Ryan will forward his comments as written in his report.  
74

75 **Board Member Reports**

76 **Board Member Reports**

77 • **Representatives & Liaison Reports**

78 ○ *Community Preservation Committee* – After a brief discussion in regards to the Parks &  
79 Recreation Commission application for site assessments Biering made a motion to recommend  
80 the funds be placed in reserve for the purchase of land for recreation purposes. Leonard  
81 seconded the motion. The vote by roll was 4-1; Donahue, nay; Nickerson, aye; Leonard, aye;  
82 Biering, Aye; and Brown, aye.  
83

84 • **Community Matters**

85 None  
86

87 **Director's Update**

88 Covered under other items this evening  
89

90 **Approve Minutes – September 21, 2020**

91 Biering made a motion to accept the minutes of September 21, 2020 as amended. Donahue seconded  
92 the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye;  
93 Leonard, aye; Biering, Aye; and Brown, aye.  
94

95 **2020 Annual Report**

96 Biering made a motion to submit the annual report as written by Ryan. Nickerson seconded the motion.  
97 The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Leonard,  
98 aye; Biering, Aye; and Brown, aye.  
99

100 **Chapter 125-57 Senior Residential Development Bylaw**

101 ○ **Review Schedule**

102 ○ **Bylaw Strategy for Annual Town Meeting (see Ryan's report)**

103 • Ryan recommends combining the Accessory apartment use §125-18.1 and the Affordable  
104 accessory apartment §125-18.2 to create a new senior provision for accessory apartments  
105

105 ○ **Updates:**

106 • **Highlight General Survey Results** - a full report will be provided on 2/1/2021

107 • **Focus Groups**

108 ▪ Leonard stated the Senior group was great fun and deep dive into the emotional  
109 response of what they are seeking. Leonard feels good about those outcomes. Currently

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the group for this week only has three participants. Leonard will circle back with other seniors.

- Ryan has submitted a request on the MassPlanner list serve for any planners that may be interested in partaking in a focus group
  
- **Visual Preference Survey**
  - Ryan setting up 1-on-1 conversations with developers

**Adjournment**

Donahue made a motion to adjourn the meeting at 10:15pm. Nickerson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Leonard, aye; Biering, Aye; and Brown, aye.

Signed: \_\_\_\_\_  
Liz Allard,  
Land Use Administrator/  
Conservation Agent

**EXHIBITS & OTHER DOCUMENTS**

- Planning Board Agenda January 25, 2021
- Director of Community and Economic Development Update, January 25, 2021
- FISCAL IMPACT ASSESSMENT AT BUILDOUT FOR HARVARD, MASSACHUSETTS, Draft for Discussion Purposes, December 11, 2020
- Site Plan, Drawing No.:C02, Verizon, Harvard 3 MA, 12 Woodchuck Hill Road Harvard, MA 01451, VZW Location Code: 263427, CEA Project No.: 96210.376, prepared by Chappell Engineering Associates, LLC, revision date 12/30/2020
- Part Site Plan, Drawing no.: A, Verizon, Harvard 3 MA, 12 Woodchuck Hill Road Harvard, MA 01451, VZW Location Code: 263427, CEA Project No.: 96210.376, prepared by Chappell Engineering Associates, LLC, revision date 12/30/2020

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**Harvard Planning Board**

**Continuation of a Special Permit and Site Plan Approval Hearing**

**Cellco Partnership d/b/a Verizon Wireless, 12 Woodchuck Hill Road**

**January 25, 2021**

The public hearing was opened at 7:57pm 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), Liz Allard (Land Use Administrator), Christopher Swiniarski (McLane Middleton, Attorney for Verizon Wireless), David Tivnan (SAI Group, LLC), Barbara & Gregory Romero, Rick Maiore, Roseanne Saalfield and Robin Carlaw

Donahue made a motion to accept the request to withdraw the Special Permit application without prejudice. Nickerson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Leonard, aye; Biering, Aye; and Brown, aye.

Attorney Chris Swiniarski detailed the revised site plans with a new monopole at 125', proposed fencing, generator, electrical equipment and the removal of twelve trees in total, with seven within the fenced in equipment area. Brown confirmed the fencing would include slates for security reasons. When asked about additional co-locators Attorney Swiniarski stated he could not be certain how many additional would be on the tower, however each co-locator would require approximately 10 feet of space and with the cell tower being only 125 feet he is not certain that others would want to be lower than 105'. There is availability for four co-locator's equipment on the ground. Attorney Swiniarski can't this evening recommend the reduction of the size of the equipment area by 25', which may not make that much of a difference.

Leonard asked in which direction will the access gate be for the equipment area. Attorney Swiniarski stated facing the Romero's property due to the location of the existing driveway. Donahue asked if the additional co-locators would have their own generators and propane tanks. Attorney Swiniarski stated not necessarily, as not everyone uses propane and/or generators. When asked Attorney Swiniarski stated generators would be exercised 20 – 30 minutes weekly, which can be regulated as to when this occurs in the decision.

Ryan's report includes suggested language similar to that of the previously issued Special Permit. Attorney Swiniarski stated he is willing to work with the Board, but he does not want the applicant to be held to all of the Special Permit criteria. Ryan stated if some aspects of the Special Permit are not included the applicant would have the ability to construct the cell tower as it sees fit. Ryan's report as it pertains to site plan approval was reviewed.

In regards to the removal of trees, Attorney Swiniarski stated he would review with the design team to determine if the number of trees to be removed can be reduced. The trees within the equipment area will be required to be removed for safety reasons; others may be too tall or at risk to the cell tower. The

218 transformer is property of the utility company and can't be located within the locked equipment area. The  
219 final location is up to the utility company; should it change the Planning Board will be notified. Attorney  
220 Swiniarski is agreeable to the planting of arborvitae for screening. Brown suggested the replanting of  
221 trees on the property to replace those being removed to assist in providing additional screening.  
222

223 Attorney Swiniarski stated there is no plan to improve the existing driveway. Attorney Swiniarski is  
224 unfamiliar with a bionic tower as suggested in Ryan's report, but indicated fake tree towers are the worst  
225 things, as it makes the cell tower stand out more. There are no plans for additional lighting beyond that of  
226 a single fixture within the equipment area to be used when service is being provided. Attorney Swiniarski  
227 is not amenable to installing the utilities underground. Ryan suggested "No Trespassing" signs at the  
228 driveway access and property lines. Ryan will seek advice from Isotrope, peer consultant, on the amount  
229 of the removal bond.  
230

231 Greg Romero, an abutter, offered the Planning Board the ability to review the site from his property to get  
232 a better perspective of the necessary screening. Romero is curious to know if the cell tower could be  
233 shifted to the east; why the trees along the driveway need to be removed; could the access gate be on  
234 the south side of the equipment area.  
235

236 Roseanne Saalfield, an abutter, is shocked that it is still unclear if any other co-locators will be on the cell  
237 tower; has a professional landscape plan been prepared; her heart is broken and disappointed by the  
238 property owner.  
239

240 Donahue made a motion to continue the hearing to February 1, 2021 at 8:00pm. Biering seconded the  
241 motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye;  
242 Leonard, aye; Biering, Aye; and Brown, aye.  
243

244 Signed: \_\_\_\_\_  
245 Liz Allard,  
246 Land Use Administrator/  
247 Conservation Agent  
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**HARVARD PLANNING BOARD  
MEETING MINUTES  
FEBRUARY 1, 2021**

Chair Justin Brown called the meeting to order at 7:04pm 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 Rebecca Kelley (Associate Member)

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Liz Allard (Land Use Administrator), Mark Peirmarini, Beth Williams (Council on Aging), Matt Flokos (Harvard Press), Christopher Swiniarski (McLane Middleton, Attorney for Verizon Wireless), David Tivnan (SAI Group, LLC), Barbara & Gregory Romero, Roseanne Saalfeld and Maureen Reitman

**Approve New Driveway Inspector – Mark Piermarini**

Mark Piermarini introduced himself to the Board; he is currently working as the Assistant Department of Public Works Director in Leominster. Mr. Piermarini worked for almost 20-years for Fred Hamwey, and filled-in in Harvard for him a few times over the years. Allard stated all of his references had nothing but good things to say. Allard explained a new online form is being developed for reporting inspection to the Board.

Donahue made a motion to approve Mark Piermarini as the new Planning Board Driveway Inspector for the Town of Harvard. Nickerson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Biering, Aye; and Brown, aye.

***District Local Technical Assistance (DLTA) Grant***

Ryan stated the deadline for the DLTA grants is tomorrow for round 1 of the grant process. Ryan explained the migration of the current role of the Land Use Administrator/Conservation Agent to a full-time Conservation Agent would result in a need to find a way to facilitate the administrative responsibilities of the Planning Board and Zoning Board of Appeals. Ryan recommended applying for a DLTA grant to provide ideas on how to fund and structure and perhaps provide job descriptions. After a brief discussion, Donahue made a motion authorizing Ryan to apply for a DLTA grant for an assessment of the needs of the Land Use Staff, including the creation of a full-time conservation agent. Nickerson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Biering, Aye; and Brown, aye.

**Communities Matters**

Brown shared a letter he received from Loaves and Fishes thanking the Board for their donation this past holiday season. The letter included a story of just one of the many individuals who have benefited from this donation during these extremely difficult times.

**Chapter 125-57 Senior Residential Development Bylaw**

o **Review Schedule**

o **Bylaw Strategy for Annual Town Meeting**

- Redefine the Senior Residential Development Bylaw into the framework for spring town meeting; develop the additional phases from there
- Amend Chapter 125-18.1 Accessory apartment
- Amend Chapter 125-2 definitions

o **Updates:**

• **General Survey Results**

- Subgroup will be sending the raw data and full info in a few days.

- 52  Highlighted 5 items: who responded, perceptions of Harvard, thoughts on future housing
- 53 development in Harvard, their thoughts on senior housing in Harvard, their thoughts on building
- 54 residential bylaws, thoughts on moving forward.
- 55  In general, there is an appetite for diversification and different housing types. Nobody wanted
- 56 to change the overall feel of the Town by any changes. Vast majority think that housing can
- 57 be added in a way that does not destroy the Town feel.
- 58  Overall, this survey did align with previous senior housing surveys.
- 59  People noted a lack of diversity and a lack of housing options; moderate support for diversity
- 60 of housing in general. However, preferred active senior villages, workforce housing, and
- 61 senior housing for people with special needs (assisted living).
- 62  Strong support for small houses in clusters and groups; the cluster housing with large amount
- 63 of open space were strongly supported.
- 64  Preference open space, high quality architectural design and standard, and high-quality
- 65 landscaping.
- 66  The small village like clusters of housing kept coming up again and again in the survey
- 67 results.

68  
69 • **Focus Groups**

- 70  There's no consensus on what they would like, but they know it when they see it. However,
- 71 there is consensus that it can be done.
- 72  People seem to be looking to gain a level of comfort with what they're going to get.
- 73  Suggested taking an incremental approach. Be strict, but not too strict and a few lobbied for
- 74 a special permit so there is proper design review.

75  
76 • **Visual Preference Survey**

- 77  Ryan will provide the print out of the survey responses showing the clustering trends of where
- 78 people were focused.
- 79  Single-family residences scored the highest. Two families were surprisingly not well liked.
- 80 Multifamily did not rank well
- 81  Townhouses also scored lower than expected, as did apartment houses.
- 82  Apartments above store front scored higher than expected.
- 83  Well designed accessory apartments also scored very well.
- 84  Town center mixed use scored well.

85  
86 A Doodle poll will be sent out to the members for an additional meeting focused on this subject matter.

87  
88 **Continuation of a Site Plan Approval – Celco Partnership d/b/a Verizon Wireless, 12 Woodchuck**

89 **Hill Road**  
90 The Planning Board conducted a site walk on Saturday at the site and the adjoining site at the Romero's  
91 to view the site from their back yard. Attorney Swinarski noted the site walk was valuable for determining  
92 the tree removal that is being requested. It was noted that many of the trees tagged for removal were in  
93 poor health and not as big as originally thought. It was agreed that screening needs to be reviewed and  
94 added. In addition, there is a preference to move the access gate from the side of the enclosure to the  
95 front or back. Biering noted that she didn't feel like the gate entrance was not as big a deal to move as  
96 there was plenty of natural screening already from Romero's to the enclosure. Brown noted that JC  
97 Ferguson, the Tree Warden was comfortable with the trees being removed. Brown also noted the  
98 Planning Board (PB) should ask for a thoughtful landscaping plan and select the proper vegetation.  
99 Ferguson had also noted that the proper screening vegetation will take time to develop as it grows slowly.  
100 Brown noted the PB is going to want to see a formal landscape plan that will be in consultation with the  
101 Tree Warden.

102  
103 Ryan noted that the waivers the applicator has requested all seemed to be justified and understandable.  
104 Ryan noted that a landscape plan is required as part of Chapter 125-39. Ryan stated the standard and  
105 special conditions should be reviewed as written in his director's report by the PB and if there are no  
106 objections they will be included in the final approval. The biggest discussion was item #10 about adding a  
107 'bionic tower' camouflaging feature. Biering was in favor of it, but not strongly so; Donahue and Nickerson



108 were indifferent. Brown noted that the human eye does pick up on anomalies and is worried we are going  
109 to create a bigger eye sore than we are intending. Attorney Swiniarski is against a bionic tower due to  
110 added bulk to the tower and the additional load then makes the base larger; as well as being ten times  
111 more expensive. Attorney Swiniarski stated the biggest complaint he receives are in regards to the  
112 mono-pines as opposed to the standard monopole. Attorney Swiniarski feels this is an excessive request  
113 from the PB and was not amenable to it. The PB reviewed the special conditions and noted #14 details  
114 noise and should include allowing the generator to be exercised once per week between 9am and 5pm  
115 Monday – Friday. Attorney Swiniarski will work to get a landscape plan based on Ryan and the Tree  
116 Warden comments. Attorney Swiniarski questioned whether or not the landscape plan really needed to be  
117 stamped by a landscape architect. Ryan stated it was in the Bylaw.

118  
119 Greg Romero, the direct abutter, requested leaving the need for registered landscape architect in place if  
120 possible; questioned location of potential shielding and asked for clarification; was worried the plantings  
121 would be put on the adjacent lot and then be lost when/if the parcel was ever sold; and would prefer the  
122 gate to be on the Maiore rental property side instead of the side facing his parcel.

123  
124 Roseanne Saalfield, an abutter, requested moving the gate and wanted to reemphasize the need for a  
125 registered landscape architect to prepare the landscape plans.

126  
127 This Site Plan Review will continue at the February 22, 2021 meeting.

128  
129 **Board Member Reports**

130 • **Representatives & Liaison Reports**

131 *Harvard-Devens Jurisdiction Committee* - Biering noted that Ayer and Shirley had not been meeting,  
132 but Harvard has continued on with Devens alone. A consultant has been hired to narrow the options  
133 from seven down to the original handful of options that were originally the charge of the committee.

134  
135 *Climate Resiliency Working Group* – an update on manpower needs and outreach efforts was  
136 provided.

137  
138 *Hazel property meeting* – Representatives from the Planning Board (PB) met with the Hazel's directly  
139 to review how they can move forward. The Hazel's were informed the PB does not have the  
140 bandwidth to move this bylaw forward. Outreach needs to be conducted by the Hazel's. The PB and  
141 Town Counsel suggested the special permit option, however the Hazel's were resistant to going that  
142 route. Those representing the Hazel's needed to discuss matters with other family members  
143 involved. PB is going to write up their suggestion for a special permit and give the Hazel's a marked-  
144 up version of the old Rural Life Bylaw as a starting point.

145  
146 **Director's Update**

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

149  
150 **Approve Minutes – September 28, 2020**

151 Donahue made a motion to accept the minutes of September 28, 2020 as amended. Nickerson seconded  
152 the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye;  
153 Biering, Aye; and Brown, aye.

154  
155 **Adjournment**

156 Donahue made a motion to adjourn the meeting at 10:01pm. Nickerson seconded the motion. The vote  
157 was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Biering, Aye; and  
158 Brown, aye.

159  
160 Signed: \_\_\_\_\_

161  
162 Liz Allard,  
163 Land Use Administrator/Conservation Agent

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**EXHIBITS & OTHER DOCUMENTS**

- Planning Board Agenda February 1, 2021
- Director of Community and Economic Development Update, February 1, 2021

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**HARVARD PLANNING BOARD  
MEETING MINUTES  
FEBRUARY 22, 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, Jennie 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 30<sup>th</sup>. 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.

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

63  
64 Greg Romero, the abutter, feels the applicant has been treated very well by both the Zoning  
65 Board of Appeals and the Planning Board throughout this process. Mr. Romero stated Mr.  
66 Swiniarski has stated several times the base of the tower will be more attractive than the existing.  
67 Mr. Romero feels in no way, shape or form will this tower be more attractive. It has been noted  
68 that for safety reasons there can be no vehicles in the driveway at any time. Would like to extend  
69 the row of trees as there would be a coverage gap from the road. Swiniarski rebutted with the use  
70 of the Tree warden as suggested by the Tree Warden.

71  
72 The Board reviewed recommended special conditions and were agreeable to conditions 1,2, 4, 6,  
73 and 11-15. Condition #10 was removed. Under condition#5 "nursery grade" was added, along  
74 with changing the spacing from 8' to 9' to 10' to 11'; change "Plantings" to "Spacing"; and add 5-6  
75 feet in height. Under condition #9 include a \$4000 for the bond for two years for the trees and  
76 include the two-year stipulation in condition #6. Condition #7 was removed. In condition #8 add  
77 "a" before "Building". In condition #3 remove second sentence. In conditions #3 and 4 change  
78 "should" to "shall".

79  
80 Final point from Greg Romero, plastic slats within the fence, ecstatically speaking, a pressure  
81 treated wooded would be preferred. After briefly discussing the word "green" will be added to  
82 condition 11 in regards to the color of the slats within the fence.

83  
84 Brown left the meeting; Donahue took over as chair.

85  
86 Donahue made a motion to approve the Site Plan, landscape plan, standard conditions and  
87 special conditions as amended this evening. Biering seconded the motion. The vote was  
88 unanimously in favor of the motion by roll call vote, Nickerson, aye; Leonard, aye, Biering, aye;  
89 and Donahue, aye.

90  
91 **Chapter 125-57 Senior Residential Development Bylaw**

92 This item was passed over this evening

93

94 **Board Member Reports**

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

102

103 **Director's Update**

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

106

107 **Adjournment**

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

111

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

113 **Harvard Planning Board**

114  
115 **Special Permit Hearing Meeting Minutes**

116  
117 **Smartlink Group, on behalf of AT&T, 60 Old Shirley Road**

118  
119 **February 22, 2021**

120  
121 The public hearing was opened at 7:31pm by Chair Justin Brown under MGL Chapter 40A the  
122 Zoning Act and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually in  
123 accordance with the Governor's Executive Order Suspending Certain Provisions of the Open  
124 Meeting Law, MGL Chapter 30A §20.

125  
126 **Members Present:** Justin Brown, Fran Nickerson, Stacia Donahue, Gwen Leonard, Jane Biering  
127 and Rebecca Kelley (Associate Member)

128  
129 **Others Present:** Christopher Ryan (Director of Community and Economic Development), Matt  
130 Flokos (Harvard Press),

131  
132 This hearing is for a Special Permit filed by Smartlink Group on behalf of AT&T to add three  
133 wireless antenna and six remote radios units and ancillary transmission equipment at the existing  
134 wireless communications tower located at 60 Old Shirley Road, Harvard.

135  
136 Ryan stated he learned today that all special permits for wireless communications towers are  
137 valid for five years; this Special Permit has expired therefore this is not just a modification of the  
138 existing special permit. The previously issued Special Permit would be needed for Ryan's review  
139 and comments. Kristina Cottone, representing the applicant, stated the site consists of an  
140 existing mono-pine close to the highway for travels and local residents. There are no proposed  
141 physical changes to the tower. AT&T will remove three existing radios and replace them with six  
142 new radios; also replacing existing six antennas with six new antennas. There is no plan to  
143 expand the existing shelter on the pad, but will be swapping out minor equipment. Cottone noted  
144 the application included the two pervious special permits from 2004 and 2009. The application  
145 contains coverage maps for what is existing and what the increase will be with the new  
146 equipment. These improvements will assist with emergency communication in the area. The  
147 technology and equipment are faster and stronger than the existing.

148  
149 Donahue would like Ryan to look into the removal of any unused equipment. Cottone noted the  
150 new cabinet on sheltered pad will not be taller than the existing fencing and there is no AT&T  
151 equipment that is not being used at the site.

152  
153 Leonard questioned if there would be more equipment on the pad. Cottone stated there is limited  
154 space on the pad that is leased by AT&T. Leonard asked if there needs to an inspection of the  
155 gate for safety reasons to be certain it is secure. Cottone explained there is a fence surrounding  
156 the tower and equipment area, she is not sure the age of the fence itself.

157  
158 The Board entertained the idea of a site walk. It was pointed out the applicant is not the tower  
159 owner, but a co-locator. Ryan would like further review the special permits and the bylaw before  
160 suggesting the site visit.

161  
162 Brown asked about the timeframe for the project. Cottone stated the process would take about 2-  
163 3 weeks to remove and reinstall equipment.

164  
165 Erin Sintros, 112 Old Shirley Road, stated she is concerned with the stronger and better coverage  
166 creating more radiation for her family; has the Board of Health been consulted? Brown stated the  
167 1996 Telecom Act does not allow local boards to regulate the health effects related to wireless

168 communications towers. Cottone stated in regards to the extra radiation, it would be of the over-  
169 all equipment. A report can be provided, which would indicate that exposure is significant if you  
170 are within feet of the tower's equipment, as opposed to a property down the road from the tower.  
171

172 Jeannie Avola, 230 Bolton Road, would love to see Harvard set a precedent to protect the Town  
173 by creating a bylaw that would protect the interest of the Town.  
174

175 With additional information necessary to make a decision, Donahue made a motion to continue  
176 the public hearing to March 15, 2021 at 7:30pm. Nickerson seconded the motion. The vote was  
177 unanimously in favor of the motion by roll call, Brown, aye; Donahue, aye; Nickerson, aye;  
178 Biering, aye; and Leonard; aye.  
179

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

DRAFT