

Posted May 13, 2021 @ 11:45am by LA

**TOWN OF HARVARD
PLANNING BOARD AGENDA
MONDAY MAY 17, 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.

Written public comments on any of the items listed below is strongly encouraged and can be submitted to lallard@harvard.ma.us until 3:00pm on May 3, 2021.

UpperTH ProWebinar is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/81606961396?pwd=TnJHdmp2MUhiOEZKeTBPZVV0SFdHUT09>

Meeting ID: 816 0696 1396

Passcode: 039907

One tap mobile

+19294362866,,81606961396# US (New York)

+13017158592,,81606961396# US (Washington DC)

Dial by your location

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

Meeting ID: 816 0696 1396

Find your local number: <https://us02web.zoom.us/j/81606961396>

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

b) Appoint Dan Daly to the Design Review Board

Public Hearing:

7:45pm **Continuation of a Renewal of a Special Permit and Driveway Site Plan Approval Hearing- SBA 2012 TC Assets, LLC, 60 Old Shirley Road, to renew the existing Special Permit and Driveway Site Plan Approval for a wireless communications tower at 60 Old Shirley Road**

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**



Director of Community and Economic Development

UPDATE

May 17, 2021

■ Design Review Committee (DRC) Appointment

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

■ Town Meeting Roundup and Next Steps

The Town Meeting retrospective will go a long way in determining our upcoming work program. 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
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).

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.

■ **Renewal of a Special Permit and Driveway Site Plan Approval Public Hearing (Continuance) - SBA 2012 TC Assets, LLC, 60 Old Shirley Road**

After discussing the conditions with the Applicant, the Applicant finds the previously developed special conditions to be acceptable. I have just removed the reference to peer review as this is a Board option regardless of its inclusion in the language below. Therefore, please see the special conditions as written.

Special Conditions

The following conditions and limitations shall run with this Permit. They may be altered only by an application to this Board to modify the Permit, or if such alteration is determined to be minor and meets the following requirements, they may be altered only by the written and recorded consent of four (4) members of the five (5) member Board, upon a vote taken at an open meeting, and then only if:

- The change is consistent with the findings above;

- The change does not reduce a requirement of the Bylaw; and
 - The change does not prejudice the interests of anyone entitled to notice of the hearing on the Permit.
1. The conditions of the original and subsequent Special Permits for this facility shall remain in full force and effect, with the exceptions to this provision noted below.
 2. The Grantee shall maintain the \$25,000 bond (Bond Number CMS0286373 from RLI Insurance Company) as required by §125-27H(2) 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 Special 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 (FCC) and the American National Standards Institute (ANSI).
 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 or at the tower. Any change in use or increase in the intensity of use of the tower shall require a new Special Permit.
 5. The term of the Special Permit is for five (5) years from the expiration of the twenty (20) day appeal period after the filing of the decision with the Town Clerk pursuant to MGL Chapter 40A, Section 17. All provisions of the Special Permit shall be binding on the Grantee, its successors, or assigns.
 6. The Grantee shall remove all 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 (1) year, and/or one (1) year following expiration of the Special Permit, unless renewed.

Exceptions

1. In recognition that cellular technology is constantly evolving, the Board shall provide the Grantee with the opportunity to provide updated technical specifications in order to amend limitations on antenna unit counts and dimensions, transmitting frequencies, transmission radiated power levels, and other relevant criteria provided that such modifications do not reduce the structural integrity of the tower, supporting structures and facilities, and accessories, and otherwise meet the requirements and use restrictions of the Bylaw and the Telecommunications Act of 1996 and successor and supplementary legislation. For any extension of this Special Permit, the applicant shall submit updated descriptions of specific use and intensity criteria to support findings of the decision.

■ 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

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 17th 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
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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"> • Review timetable • Review Status • Review "Resource Page" for town website • Review outstanding issues • Get buy-in for process 	X				
Planning Board Meeting 6/7 <ul style="list-style-type: none"> • Discuss all "tree" issues • Definitions • Removal • Replacement including guidelines • Responsible parties • Bond and accounting for and tracking bonds 		X			
Meet with Elm commission for input		X			
Meet with Fire chief and Police chief to discuss driveways (+ Dir of DPW and Building Com)		X			
Planning Board Meeting 6/21 <ul style="list-style-type: none"> • Discuss all "driveway" issues • Definitions • Cuts allowed • Design guidelines • Responsible parties • Tracking 		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"> • Definitions • Removal • Replacement including guidelines • Responsible parties • Bond and accounting for and tracking bonds 					
Planning Board Meeting 7/19			X		
<ul style="list-style-type: none"> • Discuss penalties • Handout revised bylaw will all for above meetings completed 					
Start PR					
Meet with:					
<ul style="list-style-type: none"> • Conservation commission • Historical commission • Ag commission • Harvard Conservation Trust • Historical Society 				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 September 1					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 and Chris Ryan at 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><u>Cutting or Removal of Trees</u> 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><u>Cutting or Removal of Trees: cutting through or removing any of the following:</u></p> <ul style="list-style-type: none"> (a) one or more tree trunks having a diameter of nine (9) inches or more measured four feet above the ground, or (b) two or more tree trunks having a diameter of six (6) inches or more measured four feet above the ground, or (c) seven or more limbs or roots of more than four (4) inch diameter where cut, on a single tree. <p><u>Significant Tree:</u> Any woody plant with a trunk circumference of six feet or more as</p>	

	measured twenty-four inches above the ground.	
Ipswich	<p>Cutting or Removal of Trees: 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>Major Branch: 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>"Cutting or removal of trees" 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>CUTTING OR REMOVAL OF TREES</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><u>TREES</u> 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><u>BRANCH</u> 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><u>CUTTING OR REMOVAL OF TREES</u> 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><u>TREE</u> 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 hardness 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><u>F.</u></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>Tree Removal Limitations</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>	
Dover	<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>	
Wayland	<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><u>TEARING DOWN OR DESTRUCTION OF STONE WALLS</u></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><u>TEMPORARY REMOVAL OF STONE WALLS</u></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"> 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. 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. 3. c) No wall shall be cut without construction of an appropriate terminus. 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. 5. e) Any construction of a terminus or repair of a stone wall shall match the 	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 diagram²² 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>125.39 (2) 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 § 125-39C(1)] 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>	

**HARVARD PLANNING BOARD
MEETING MINUTES
JANUARY 25, 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, Gwen Leonard, Jane Biering and Rebecca Kelley (Associate Member)

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

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

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

John Mullin, of Mullin Associates, overviewed the Phase 2 process, which included an executive summary to the Fiscal Impact Assessment at Build-out for Harvard. According to the MRPC Buildout Assessment, Harvard could see another 4,028 new homes and approximately 782,000 square feet of new commercial development could potentially be built in Town based on the current zoning and land use patterns. The 4,000+ additional homes would come with additional capital improvements costs for public works, especially if development triggered the need to move from volunteer services to professional services or triggered new school construction and capital costs. While the Town does not foresee this level of new construction, the Buildout suggests that it is technically possible. The Town does not expect to see much new commercial growth. Commercial development rarely puts a fiscal strain on communities as there are no direct school costs associated with development. In most communities, residential development does not yield positive fiscal impacts due to the costs associated with educating school aged children. However, this is not accurate for Harvard due to the high market value of residential homes. As long as development keeps pace with infrastructure investments, fiscal issues need not be a major concern for the Town of Harvard. However, if the town was to experience tremendous growth pressures, in either residential or commercial development, that would trigger major capital costs such as new water and sewer facilities, additional professional fire and police services or new school buildings, the fiscal landscape is likely to change. The build out analysis indicates that the current zoning and land use can accommodate significantly more development. For residential real estate, the buildout indicates 2.4 times more homes than currently exist, and the value of commercial development could potentially double. Development of this scale would not only drastically change the character of the community; it would most certainly require additional infrastructure and services. It is essential that the town continue to carefully plan for its future including a well-articulated and funded capital improvements program, become watchful of regional trends and monitor the impacts of growth on Devens. Furthermore, the Town should carefully monitor future developments, in conjunction with infrastructure and service needs, to ensure a secure fiscal position.

54 The excel spread sheet can be adjusted for different tax rates as it is interactive. Stanton will share maps
55 with Ryan.
56

57 **Continuation of a Special Permit Site Plan Approval Hearing – Cellco Partnership d/b/a Verizon**
58 **Wireless, 12 Woodchuck Hill Road.** Opened at 7:45pm. (see page 4 for complete details)
59

60 **Recommendation to Select Board for the Planning Board Representation to the Transportation**
61 **Advisory Committee**

62 Leonard made a motion to recommend to the Select Board the appointment of Stacia Donahue as the
63 Planning Board representative to the Transportation Advisory Committee. Nickerson seconded the
64 motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye;
65 Leonard, aye; Biering, Aye; and Brown, aye.
66

67 **Zoning Board of Appeals Request for Comments – 53 Turner Lane**
68 Ryan will forward his comments as written in his report.
69

70 **Board Member Reports**

71 **Board Member Reports**

72 • **Representatives & Liaison Reports**

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

79 • **Community Matters**

80 None
81

82 **Director's Update**

83 Covered under other items this evening
84

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

86 Biering made a motion to accept the minutes of September 21, 2020 as amended. Donahue seconded
87 the motion. The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye;
88 Leonard, aye; Biering, Aye; and Brown, aye.
89

90 **2020 Annual Report**

91 Biering made a motion to submit the annual report as written by Ryan. Nickerson seconded the motion.
92 The vote was unanimously in favor of the motion by a roll call, Donahue, aye; Nickerson, aye; Leonard,
93 aye; Biering, Aye; and Brown, aye.
94

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

96 ○ **Review Schedule**

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

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

100 ○ **Updates:**

- 101 • **Highlight General Survey Results** - a full report will be provided on 2/1/2021
- 102 • **Focus Groups**
 - 103 ▪ Leonard stated the Senior group was great fun and deep dive into the emotional
104 response of what they are seeking. Leonard feels good about those outcomes. Currently
105 the group for this week only has three participants. Leonard will circle back with other
106 seniors.
 - 107 ▪ Ryan has submitted a request on the MassPlanner list serve for any planners that may
108 be interested in partaking in a focus group
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- **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

165 **Harvard Planning Board**

166

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

168

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

170

171 **January 25, 2021**

172

173 The public hearing was opened at 7:57pm by Chair Justin Brown under MGL Chapter 40A the Zoning Act
174 and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually in accordance with the
175 Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A
176 §20.

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

179 **Others Present:** Christopher Ryan (Director of Community and Economic Development), Matt Flokos
180 (Harvard Press), Liz Allard (Land Use Administrator), Christopher Swiniarski (McLane Middleton, Attorney
181 for Verizon Wireless), David Tivnan (SAI Group, LLC), Barbara & Gregory Romero, Rick Maiore,
182 Roseanne Saalfield and Robin Carlaw

183 Donahue made a motion to accept the request to withdraw the Special Permit application without
184 prejudice. Nickerson seconded the motion. The vote was unanimously in favor of the motion by a roll
185 call, Donahue, aye; Nickerson, aye; Leonard, aye; Biering, Aye; and Brown, aye.
186

187 Attorney Chris Swiniarski detailed the revised site plans with a new monopole at 125', proposed fencing,
188 generator, electrical equipment and the removal of twelve trees in total, with seven within the fenced in
189 equipment area. Brown confirmed the fencing would include slates for security reasons. When asked
190 about additional co-locators Attorney Swiniarski stated he could not be certain how many additional would
191 be on the tower, however each co-locator would require approximately 10 feet of space and with the cell
192 tower being only 125 feet he is not certain that others would want to be lower than 105'. There is
193 availability for four co-locator's equipment on the ground. Attorney Swiniarski can't this evening
194 recommend the reduction of the size of the equipment area by 25', which may not make that much of a
195 difference.
196

197 Leonard asked in which direction will the access gate be for the equipment area. Attorney Swiniarski
198 stated facing the Romero's property due to the location of the existing driveway. Donahue asked if the
199 additional co-locators would have their own generators and propane tanks. Attorney Swiniarski stated not
200 necessarily, as not everyone uses propane and/or generators. When asked Attorney Swiniarski stated
201 generators would be exercised 20 – 30 minutes weekly, which can be regulated as to when this occurs in
202 the decision.
203

204 Ryan's report includes suggested language similar to that of the previously issued Special Permit.
205 Attorney Swiniarski stated he is willing to work with the Board, but he does not want the applicant to be
206 held to all of the Special Permit criteria. Ryan stated if some aspects of the Special Permit are not
207 included the applicant would have the ability to construct the cell tower as it sees fit. Ryan's report as it
208 pertains to site plan approval was reviewed.
209

210 In regards to the removal of trees, Attorney Swiniarski stated he would review with the design team to
211 determine if the number of trees to be removed can be reduced. The trees within the equipment area will
212 be required to be removed for safety reasons; others may be too tall or at risk to the cell tower. The
213 transformer is property of the utility company and can't be located within the locked equipment area. The
214 final location is up to the utility company; should it change the Planning Board will be notified. Attorney
215 Swiniarski is agreeable to the planting of arborvitae for screening. Brown suggested the replanting of
216 trees on the property to replace those being removed to assist in providing additional screening.
217

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

225

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

230

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

234

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

238

239

Signed: _____

240

Liz Allard,
Land Use Administrator/
Conservation Agent

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