

**HARVARD PLANNING BOARD**  
**MEETING MINUTES**  
**SEPTEMBER 11, 2023**  
**APPROVED OCTOBER 16, 2023**

Chair Richard Cabelus called the open meeting to order remotely at 7:00pm, pursuant to Chapter 2 of the Acts of 2023, An Act Making Appropriations for the Fiscal Year 2023, which has suspended the requirement of the Open Meeting Law to have all meetings at publicly accessible locations and allowing all public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

**Members Present:** Richard Cabelus, John McCormack, Doug Thornton, Stacia Donahue, Arielle Jennings,

**Others Present:**

Frank O'Connor (Town Planner), Jessica Bardi (CellCo Partnership/Verizon), Matthew Tilden (Deberry), Bill Scanlon, Ellen Sachs Leicher

**Public Hearings:**

**Cellco Partnership d/b/a Verizon Wireless, 60 Old Shirley Rd. Modification of existing equipment**

\*See details on page 3\*

**Continuation of Public Hearing for Section 125-35: Open Space Residential Development Bylaw Amendment for adoption.**

\*See details on page 4 and 5\*

**Old Business:**

**Comments on potential 40-B development at Old Mill & Ayer roads**

Frank O'Connor gave a brief update. The date for the Design Board to meet is officially set for Tuesday September 26<sup>th</sup> 2023. The applicant requested a continuance with the ZBA Board for October to have some more time to review the comments they had received from Beals & Thomas. The ZBA Board had some questions on safety. Specifically, in areas of the basement on the down slope, the proximity of the setbacks to the roads, and the parking needs for special occasions/weather issues. There was also concerns of the use of a door for an office space and if this would lead to the office space used as a spare bedroom, creating a potential strain on the septic limits that have been set.

Stacia Donahue added on behalf of the Climate Initiative Committee that the developer came to their meeting a month ago to display their plans and receive any comments. The Committee suggested the idea of remaining energy efficient in both heating and cooling while also discussing the possible type of landscaping that would be used. The Committee was generally happy with what was discussed.

**Updates on Ayer Road visioning phases 2 & 3.**

Frank O'Connor updated the Board on phase 2. O'Connor has been in contact with the UTILE company's team, including their computer specialist, that has helped create some overlays and some form-based code in order to make the information as easily understandable as possible. They have requested to join a Planning Board meeting on the 16<sup>th</sup> of October 2023 with the hopes that this is the appropriate amount of time needed to gather information and answer any preliminary questions. Some sites of interest that came up during O'Connor's discussion include: the bowling alley building, a Thai restaurant by Appleworks, a two family home that has potential for more, the bank/Sorrento's Pizza Plaza, the Baseball

Academy, 256 Ayer Road, 180 Ayer Road. O'Connor noted that he will be having a conference call every two weeks.

**Standard Business:**

**Review Metrics**

Frank O'Connor shared his screen to show a working document that labels the times and information of applicants from this fiscal year (starting back on July 1<sup>st</sup> 2023). Included is all pertinent information such as: The applicant's name/title, the parcel type and location, the type of application, important dates, and official approvals.

**Planning Board budget update**

Frank O'Connor talked with the assistant to the finance director about the balance after the Board had some questions about this. The finance director's assistant assured O'Connor that the Board currently has a positive balance rather than a negative balance at the moment. John McCormack suggested the creation of a simpler spreadsheet for the Board in order to more easily understand what the current budget would be for the Board in the future. McCormack also offered to meet in person in order to more easily understand the Munis system that is used by the Town. Stacia Donahue added that she will forward a one-page document as an example of how MRPC display all the grant money coming in or out per month. The board expressed concern that they do not know what our budget is and how the money in our budget is spent.

**Prospective MBTA Multi-family zoned overlay district bylaw**

John McCormack noted that the Board received an email with the possibility of meeting with Lou Russo again. Frank O'Connor has sent out the letters discussed in previous meetings.

**Master Planning for 2026**

Frank O'Connor received an email and phone call from the Massachusetts Regional Planning Commission about their grant cycle and potentially up to \$100,000 dollars provided for an update to the master plan that would be due in December.

Stacia Donahue mentioned the One Stop for Growth grant and that the Board should look into the application process later in the year.

**2016 Master Plan Action item updates from Boards**

The document created by John McCormack will be shared with the rest of the Board so it can be populated and updated appropriately.

**Minutes:**

Motion: Stacia Donahue made the motion to approve the minutes for August 21<sup>st</sup> 2023 as amended  
Seconded by Arielle Jennings

Voted yes by: John McCormack, Stacia Donahue, Doug Thornton, Arielle Jennings, Richard Cabelus  
*Passed unanimously*

**Adjournment:**

Motion: John McCormack made the motion to adjourn the meeting at 10:46pm

Seconded by Doug Thornton

Voted yes by: John McCormack, Stacia Donahue, Doug Thornton, Arielle Jennings, Richard Cabelus  
*Passed unanimously*

## **Harvard Planning Board**

### **Special Public Hearing Minutes**

**September 11th 2023: Meeting called to order at 7:31pm**

**Cellco Partnership d/b/a Verizon Wireless; 60 Old Shirley Rd**

#### **Modification of existing equipment §125-27**

Jessica Bardi attended the hearing on behalf of the applicant along with Matthew Tilden, the project manager at Deberry. The purpose of the proposal is to swap out the existing wireless equipment and install new equipment as a means to upgrade the existing wireless technology in order to accommodate the site and provide better service within the area. Frank O'Connor added that he has visited the site and that the fence is now up/secured and that the tower is properly camouflaged. He only requested that documents are updated concerning the removal bond, the power of attorney, and the verification. Jessica Bardi assured that she will bring this request to the applicant. When the suggestion that the documents be filled out and provided by the next Board meeting (September 18<sup>th</sup> 2023), Jessica Bardi had some doubts that this would be possible after citing the difficulty communicating with the insurance agency about receiving their certificate of their indefinite term of the bond. Stacia Donahue suggested planning to reconvene on October 2<sup>nd</sup> 2023. Doug Thornton suggested to add a good faith condition to the motion in order to assure that the documents are properly updated.

Motion: Stacy Donahue made the motion to approve the special permit for the 60 Old Shirley Road modifications to the existing cell phone tower with all the previous special permit decisions listed on page two of the August 3<sup>rd</sup> 2023 letter from Robertson and Cole (item #8) with the condition that best efforts are made to update the bond and surety from the insurance company to a more current status  
Seconded by Arielle Jennings

Voted yes by: John McCormack, Stacia Donahue, Doug Thornton, Arielle Jennings, Richard Cabelus  
Passed unanimously

Motion: Stacy Donahue made the motion to close the public hearing on 60 Old Shirley Road at 7:51pm

Seconded by Arielle Jennings

Voted yes by: John McCormack, Stacia Donahue, Doug Thornton, Arielle Jennings, Richard Cabelus  
Passed unanimously

## **Harvard Planning Board**

### **Special Public Hearing Minutes**

**September 11th 2023: Meeting called to order at 8:00pm**

**Continuation of Public Hearing for Section 125-35: Open Space Residential Development Bylaw Amendment for adoption.**

#### Potentially changing the Special Permit to Site Plan

Bill Scanlon started by pointing out the key differences between a Special permit and a Site Plan. The Special Permit would always give the Board the final say while the Site Plan would lead to scenarios where both sides would have to come to an agreement on each side's needs in order to move forward.

John McCormack believes that making this change may lead to a large amount of negative feedback from the town. Arielle Jennings asks what the public input process would be in a site review scenario. Bill Scanlon clarified that a public hearing could still take place in order to get the town's opinion heard. Arielle Jennings believes that spinning the positive potential of the change would be a good idea in order to alleviate the concerns of the public. Ellen Sachs Leicher had some concerns from a climate point of view and if some requirements that would be set up in a Special Permit would slip through under the Site Plan. Stacia Donahue noted that even though Site Plans are more relaxed and less contentious, a site plan still has to follow the Town's bylaws. Having said that, Stacia Donahue still believes that continuing to keep this as a Special Permit would be the best course of action. Doug Thornton is still in favor of continuing as a Special Permit in order to prevent any unforeseen loopholes. The Board came to the decision to continue this process as a Special Permit.

#### Revised Draft Comments and Suggestions

Bill Scanlon suggested adding an item to Submittal Requirements that states to provide a list of waivers and reductions in the case that a developer is unable to meet all requirements of the bylaw but still have a chance to have a plan approved by the Board.

- The following language was changed in part J of Submittal Requirements: "The Planning Board may waive or reduce the minimum dimensional requirements that would normally be."
- Park K was also added to Submittal Requirements stating: "Requests for a waiver or relief to dimensional standards in section J"

Bill Scanlon also wanted to revisit Wetland Requirements under Common Open Space. He believes that the Board needs to better define what the buffer distance would be due to some ambiguity of what would be allowed within that area so a developer will know exactly how to calculate the amount of open space they would have as well as what would be allowed within the wetland buffer. The Wetland Protection Act defines this as 100ft while Chapter 119 of Code of the Town of Harvard has two different standards within their regulations. The Board decided to strike the reference to the State Code, and just refer to the Town Code.

- The following language was added: "no more of the common open space in an OSC-PRD shall be wetlands and a buffer within seventy-five feet of the wetland buffer as defined in Harvard Wetland

Protection, Chapter 119 of Code of the Town of Harvard. The seventy-five-foot buffer is strictly for the purpose of determining how much of the wetland or buffer may be considered open space” Bill Scanlon also shared his screen in order to show an image of what the buffer zone would look like if the requirements remained at 100ft

Arielle Jennings had a questioned if the names provided in the incentives for the Environmentally Conscious section was robust enough given that the Commonwealth’s Energy Code that will be enforced as of January 2024 will make many of the incentive provisions automatically required just to comply with Code. The Board agrees that it would be wise to clarify that the incentives would require the developer to go beyond the stretch code so they aren’t given incentives for things that will be made required in the near future.

Richard Cabelus mentioned some feedback given from the fire chief in regards to the passageways. The concern focused on the width of the driveway and allowing for emergency vehicles to access into this area.

- The following language was added to the Passageways section: “All driveways must conform to the requirements of §125-31”

Stacia Donahue suggested changing Climate Committee “Plan” to “Narrative” in order to help clarify that the energy codes in place are continuously changing.

Motion: Stacy Donahue made the motion to approve the language for section §125-35 as amended with minor adjustments to be made by Richard Cabelus and John McCormack for grammar

Seconded by Arielle Jennings

Voted yes by: John McCormack, Stacia Donahue, Doug Thornton, Arielle Jennings, Richard Cabelus

*Passed unanimously*

Motion: Stacy Donahue made the motion to recommend Town Council review §125-35 to see if it would be allowed to be a majority vote at town meeting

Seconded by Arielle Jennings

Voted yes by: John McCormack, Stacia Donahue, Doug Thornton, Arielle Jennings, Richard Cabelus

*Passed unanimously*

The Board also discussed buying an advertisement possibly using part of the grant of the Massachusetts Vulnerability Preparedness. The Board will continue to brainstorm and come back with ideas on the best way to use this money.

Motion: Stacy Donahue made the motion to continue the hearing on §125-35 open space and conservation plan residential development bylaw to September 18<sup>th</sup> at 7:30pm

Seconded by Arielle Jennings

Voted yes by: John McCormack, Stacia Donahue, Doug Thornton, Arielle Jennings, Richard Cabelus

*Passed unanimously*