

**Harvard Planning Board
Meeting Minutes
June 16, 2008
Approved: July 7, 2008**

Chairman Joe Sudol called the meeting to order at 7:35pm in the Town Hall Meeting Room

Members Present: Joseph Sudol, Barbara Brady and Kara McGuire Minar

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin), Valerie Hurley (Harvard Press), Ken Adams, Peter Warren, Ritesh M. Srivastava (T-Mobile), Mubarak Singh (T-Mobile), David Browchuk (GPR, Inc.) and Daniel D. Klasnick (Duval & Klasnick, LL)

Approval of Minutes

Sudol made a motion to approve the minutes of June 2, 2008 as amended. Minar McGuire seconded the motion. The vote was unanimously in favor of the motion.

Historical Commission Request – Demolition Bylaw

Sudol explained to the members that the Historical Commission has made the request that a demolition bylaw be developed for the 2009 Annual Town Meeting. Sudol asked the members present their opinion of such a bylaw. Brady stated that a demo bylaw usually applies to historic structures on small properties that may be torn down, but maybe these structures could be used as affordable housing. Sudol does not think there is anything pressing that makes this a priority. McGuire Minar asked what is the process of determining if a building should be demolished or not? Brady and Sudol believe there is a ninety (90) day period for the Building Inspector to halt the demo, which could turn into a year with other delays. Brady stated this bylaw may stop the potential of something that might be on our radar in terms of help with the affordable housing numbers. Sudol would like to keep this on the back burner for now and follow up at a later date. The members present agreed.

Annual Town Meeting Bylaw Approval

Sudol informed the Board that the Bylaw Amendments and General Bylaw Amendments from the 2008 Annual Town Meeting have been approved by the Attorney General. Sudol has decided with the approval of the new Scenic Roads Bylaw to roll the Scenic Roads Bylaw regulations into the Planning Board Rules and Regulations.

Proposed Deed Rider for Accessory Apartments

Lanza will complete his review of the Deed Rider by the end of this week. Brady stated this is great since it will be before the July 11th meeting with Pam Resor in regards to the accessory apartment tax relief. Sudol suggested that Lanza attend the July 7th meeting to review the Deed Rider.

Housing Trust Non-Support of the Ayer Road Affordable Housing Project

McGuire Minar suggested the Board write a letter to the Housing Trust in regards to the Trust turning down an opportunity for affordable housing project on Ayer Road in Harvard. Sudol will draft a letter for the members review.

Approval Not Required – Saxl, Under Pin Hill Road (Map 17A Parcel 7)

There was no representative present to present the plan to the Board. The Board took no action on the ANR.

Approval Not Required – Russell, 81 Old Littleton Road (Map 18 Parcel 11.2)

David Browchuk, of GPR, Inc., was present to present the ANR Plan to the Board on behalf of Richard Russell. Browchuk explained Lot 1 would be the existing house lot and the remaining land will be considered Lot 2. The construction easement is for the future construction of the

remaining land. Brady made a motion to endorse the ANR plan for 81 Old Littleton Road. McGuire Minar seconded the motion. The vote was unanimously in favor of the motion.

Renewal and Modification of a Special Permit Hearing – Ompoint Holdings, Inc., 60 Old Shirley Road (Map 8 Parcel 70). Opened at 8:05pm

Planning Board Procedures/Regulations

Brady made and circulated her comments to the regulations. Sudol stated that he had similar questions. This subject will be further discussed at the next meeting when more members are present.

Renewal of Special Permit Hearing – STC Five, LLC, 47 Poor Farm Road (Map 9 Parcel 1.2). Opened at 8:45pm

Review Scenic Road Decision – Kavanagh, 339 Stow Road (Map 38 Parcel 12.1)

Hillary Kavanagh requested a meeting with the Board to discuss the removal of a cedar tree at the end of her driveway. Kavanagh was not present, but the Board decided that since the Scenic Road Consent states that the tree would be reviewed once the driveway was approved, the Board would wait to make a decision once approval for the driveway is received by the Driveway Inspector.

Adjournment

Brady made a motion to adjourn the meeting at 9:40pm. McGuire Minar seconded the motion the vote was unanimously in favor of the motion.

Signed: _____
Kara McGuire Minar, Clerk (In Brooks absence)

Harvard Planning Board

Renewal and Modification of a Special Permit Hearing

Omnipoint Holdings, Inc. 60 Old Shirley Road (Map 8 Parcel 70)

June 16, 2008

Chairman Joe Sudol opened the meeting at in the Town Hall Meeting Room under M.G.L. Chapter 40A and the Code of the Town of Harvard, Chapter 125-27 the Protective Bylaw.

Members Present: Joseph Sudol, Barbara Brady and Kara McGuire Minar

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin), Valerie Hurley (Harvard Press), Ken Adams, Peter Warren, Ritesh M. Srivastava (T-Mobile) and Mubarak Singh (T-Mobile)

This hearing is for the Renewal and Modification of a Special Permit filed on behalf of Omnipoint Holdings, Inc. for the existing cell tower at 60 Old Shirley Road, Harvard.

Chairman Sudol informed the Applicant that the Board did not have a "voting quorum" but that the meeting would be taped and the absent member(s) would review the tapes in accordance with MGL???? and therefore the Board's discussion and decision would be continued to the Board's next meeting on 7 July 2008. The Applicant's representative was in agreement.

Ken Adams was present to represent Omnipoint. Adams explained the plans call for minor changes. The existing three antennas will be removed and replace with three more antennas. This change should have no change on the look of the tower or view shed. The addition to the concrete pad on the ground will be similar to the ones that are there now. The cement pad would need to be enlarged. Sudol stated it was not clear on the cover letter for the total number of antennas and if the pad would need to be increased. Sudol asked if adding of the antenna affect the tower. Adam stated there would be no visual impact and the structure was built to hold the nine antennas. Adams suggested as a condition the building inspector should have a structural engineer review to the plans prior to issuing a building permit. Adams explained that the spectrum changes a little bit. The original decision is specific to the frequency and there will be new ones, those being 1850 – 1990 and 1710 –2150

Sudol stated the Town has requested space on the tower for municipal use. Crown, as owners of the tower, would be the entity to address that, since Omnipoint does not own the tower. Any clauses such as that would have to be within the tower owner's permit.

Sudol read the final paragraph from the report submitted by the Planning Board consultant John Zimmer.

McGuire Minar made a motion to close the public portion of the hearing. The discussion was continued to July 7, 2008 at 8:45pm.

Signed: _____
Kara McGuire Minar, Clerk (in Brooks absence)

Harvard Planning Board

Renewal of a Special Permit Hearing

STC Five, LLC 47 Poor Farm Road (Map 9 Parcel 70)

June 16, 2008

Chairman Joe Sudol opened the hearing at 8:45pm in the Town Hall Meeting Room under M.G.L. Chapter 40A and the Code of the Town of Harvard, Chapter 125-27, the Protective Bylaw.

Members Present: Joe Sudol, Barbara Brady and Kara McGuire Minar

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin), Valerie Hurley (Harvard Press) and Daniel D. Klasnick (Duval & Klasnick, LL)

This hearing is for the Renewal of a Special Permit filed on behalf of STC Five, LLC for the existing cell tower at 47 Poor Farm Road, Harvard.

Chairman Sudol informed the Applicant that the Board did not have a "voting quorum" but that the meeting would be taped and the absent member(s) would review the tapes in accordance with MGL???? and therefore the Board's discussion and decision would be continued to the Board's next meeting on 7 July 2008. The Applicant's representative was in agreement.

Attorney Daniel Klasnick was present to represent the management company for the cell tower located at 47 Poor Farm Road. Klasnick request the Board consider the prior application requirements as this is a renewal. The permit previously issued required the tower not be over 105 feet, a stealth configuration to be utilized and the tower be utilized as a multi-user tower. The renewal request contains no changes or modifications of the existing tower. Sudol asked for access to the tower for emergency services in the future. Klasnick stated this is a traditional request that is acceptable, but he will confirm with his client on that request. Sudol stated there is no need currently, but since these only come up every five (5) years the Board just wanted to get something in the renewal. Sudol provided draft language that the Board was considering.

To allow for comments or questions from members who are not present McGuire Minar made a motion to continue the hearing to July 7, 2008 at 8:30pm. Brady seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Kara McGuire Minar (In Brooks absence)