

**HARVARD PLANNING BOARD
MEETING MINUTES
SEPTEMBER 13, 2010
Approved: October 18, 2010**

Chairman Joe Sudol opened the meeting at 7:37pm in the old library under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125

Members Present: Joe Sudol, Kara McGuire Minar, Craig Bardenheuer, Lisa Fox and Wayne McFarland

Others Present: Liz Allard (LUB Admin), Deborah Skauen-Hichliffe, Richard Detch (AT&T), Bill Johnson, Jamie Allard (Harvard Press), Susan Roberts, Cal Goldsmith (GPR, Inc.), Mark Lanza (Town Counsel) and Joe Hutchins (Harvard Press)

Board Members Reports – Committee Activities

Bardenheuer attended a Montachusett Joint Transportation Committee meeting on the 18th of August. At that meeting there was an update of the Regional Transportation Plan, applications for the Job Access Reverse Commute and New Freedoms were reviewed and prioritized, contract status were given, which included the proposed parking facility in Ayer. Bardenheuer stated he is unable to attend this month's meeting, should any other members wish to attend.

Approval of Minutes

Bardenheuer made a motion to approve the minute of July 19, 2010 as amended. McFarland seconded the motion. The vote was unanimously in favor of the motion.

Bardenheuer made a motion to accept the minutes of August 4, 2010 as amended. Fox seconded the motion. The vote was unanimously in favor of the motion.

Land Use Partnership & Community Planning Act 2

Allard had previously circulated a letter from the Stow Planning Board to Senator Eldridge and Representative Hogan in regards to the Land Use Partnership (LUPA) and the Community Planning Act 2 (CPA2). McGuire Minar suggests the Harvard Planning Board (PB) have a joint meeting with other local PB. LUPA takes away a lot of zoning control. At meeting attended by McGuire Minar in Stow, that included Senator Eldridge, there had been a large number of comments that tweaked a number of items within the Zoning Act, Chapter 40A, but did not cover all of concerns people had. Sudol feels the PB should take a meeting to fully discuss this topic. McGuire Minar will contact Stow for a full set of their comments. Allard will forward information about LUPA and CPA2 onto the members. The members agreed to use one of the October meetings to discuss this further.

Continuation of a Special Permit & Driveway Site Plan Approval Hearing – New Cingular Wireless PCS, LLC, 0 Brown Road (Map 36 Parcel 93.4). Opened at 7:45pm

Economic Development Committee Charter

Bill Johnson was present to obtain the Planning Boards final approval of the Economic Development Committee charter. The suggestions made at the previous meeting have been incorporated. The Board vote unanimously to accept the charter as presented this evening (See Attachment A).

**Continuation of a Site Plan Review & Approval – Hirsch, 285 Ayer Road
(NOTE: Lisa Fox recused herself from this discussion and vote)**

Cal Goldsmith, of GPR, Inc., was present and stated the sign has been revised to meet the Protective Bylaw, 125-41, along with proper lighting for the sign. As proposed the sign will now meet the setback requirement, visibility, and light source. McGuire Minar asked Town Counsel, Mark Lanza, what are the boundaries of the site plan review; if the Planning Board (PB) knows of other areas that are out of bounds, what is their requirement to resolve it. Attorney Lanza stated the status of the applicant does not matter, but rather the scope of the application does. In other words if the application is for Site Plan Review of the parking than other non-compliance items should be directed to the Zoning Enforcement Officer (ZEO). McGuire Minar asked about turning a blind eye to non-compliance. Attorney Lanza stated the Board does not need turn a blind eye; they can make it a condition that the site is brought into compliance, at which point it would be up to the ZEO to enforce that condition. Attorney Lanza further explained the PB could not deny the Site Plan because something else, not under the application, is not in compliance. Goldsmith asked at what point a non-compliance is grandfathered. Attorney Lanza stated that things are not per say grand-fathered, but rather there is a statute of limitation. Members agreed that a condition requiring the site be brought into compliance per the original site plan of 1975. Sudol made a motion to approve the sign as submitted this evening to include the above mentioned condition. McFarland seconded the motion. The vote was unanimously in favor of the motion.

Resignation of Sudol from the Planning Board

Sudol informed the members of the Board that as of this evening he would be stepping down as Chairman of the Planning Board and as of September 30, 2010 he would be resigning from the Planning Board.

Adjournment

Fox made a motion to adjourn the meeting at 8:55pm. McFarland seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Lisa Fox, Clerk

Harvard Planning Board

Special Permit & Driveway Site Plan Approval Hearing Meeting Minutes

New Cingular Wireless, PCS, LLC (AT&T), 0 Brown Road (Map 36 Parcel 93.4)

September 13, 2010

This hearing was opened at 7:45pm by Chairman Joe Sudol under M.G.L. Chapter 40A and the Code of the Town of Harvard Chapter 125-27 in the Town Hall Meeting Room

Members Present: Joe Sudol, Kara McGuire Minar, Craig Bardenheuer, Lisa Fox and Wayne McFarland

Others Present: Liz Allard (LUB Admin), Deborah Skauen-Hichliffe, Richard Detch (AT&T), Bill Johnson, Jamie Allard (Harvard Press), Susan Roberts, Cal Goldsmith (GPR, Inc.), Mark Lanza (Town Counsel) and Joe Hutchins (Harvard Press)

This hearing was continued from August 16, 2010 for a Special Permit and Driveway Site Plan Approval filed on behalf of New Cingular Wireless, PCS, LLC for the renewal of an existing Special Permit for a Wireless Communications Tower and Driveway Site Plan Approval at 0 Brown Road (Map 36 Parcel 93.4), Harvard.

Susan Roberts, legal counsel for the applicant, stated the application before the Board this evening was for the renewal of a Special Permit for a wireless communications facility that was originally issued in 1998 and renewed in 2005. The 2005 renewal required the applicant to litigate because a house was constructed within the fall zone. Currently the tower is leased by Verizon, Metro PCS, and T-Mobile. AT&T holds a lease with the property owners for the tower itself. Structural reports were completed in 2008 by Metro PCS and are included in this application. There will be no new additions to the tower or the existing pads. Sudol requested on behalf of the Town that there be an added condition that would allow for the installation of antenna for emergency communications for Town use only. Roberts wanted to be certain that there would be no cost to AT&T to allow such a use. The following language was agreed upon:

“The holder of the Special Permit shall allow the installation of municipal communication devices at no cost to the Town of Harvard so long as such devices do not interfere with the user’s use of the Tower, except that the Town shall be responsible in purchase, installation and maintenance of its equipment”.

Bardenheuer made motion to close the hearing. McFarland seconded the motion. The vote was unanimously in favor of the motion.

After a brief discussion the Board voted 5-0 to approve the application as submitted with the additional condition stated above.

Signed: _____
Lisa Fox, Clerk

ATTACHEMENT A

PROPOSED CHARTER OF HARVARD'S

ECONOMIC DEVELOPMENT COMMITTEE (EDC)

The mission of the Economic Development Committee is to increase the economic value of, and the associated tax revenue from, Harvard's commercial C district by attracting desired community services that are consistent with the current character of the Town.

Specific responsibilities include:

- a. actively pursuing the designation of Harvard as a new or part of an existing Economic Target Area (ETA) to enable its participation in the Massachusetts Economic Development Incentive Program¹;
- b. working with existing/new businesses and developers to attract the commercial services that the Town desires, identifying and financially analyzing any barriers, incentives, or infrastructure improvements that must be addressed;
- c. interfacing with adjacent neighborhoods and other interested Town residents, appropriate town boards, commercial landowners and developers to facilitate commercial project planning and coordination prior to the beginning of any permitting processes; and
- d. advising the Board of Selectmen and Planning Board on policies to attract and retain businesses.

The Economic Development Committee is comprised of 5 volunteers jointly appointed by the Selectmen and Planning Board for staggered 3-year terms. All EDC meetings shall be attended by two non-voting liaisons, one a Selectman and the other a Planning Board member. The EDC will meet on a periodic basis with both Boards to set yearly goals and review progress.

¹ ETA designation gives the developers access to state tax credits, grants the Town the legal right to negotiate tax incentives, and enables priority access to state-administered funds for infrastructure development.