



**Board of Selectmen  
Minutes  
Tuesday, December 16, 2014 at 7:00pm  
Town Hall Meeting Room**

The meeting was called to order at 7:00PM by Chair, Stu Sklar in the Town Hall Meeting Room. Selectmen Lucy Wallace, Ron Ricci, Leo Blair and Ken Swanton were in attendance as well as Town Administrator Tim Bragan and Executive Assistant Julie Doucet.

### **CONTINUATION OF TAX CLASSIFICATION HEARING**

Bragan informed the board of the town's certification from the state and confirmed the residential tax to be \$17.79 per thousand. On a Wallace/Blair motion, the board voted unanimously to adopt a single tax rate of \$17.79.

### **MINUTES**

On a Wallace/Blair motion, the board voted unanimously to approve the minutes of 11/18, as presented. Blair asked if the set from 12/2 could be approved at the next meeting so he could provide some additions.

### **WATER SYSTEM STUDY COMMITTEE**

Volunteers Duane Barber and Ted Morine were unable to attend the meeting. Ron Ricci offered his recommendation for the appointments in place of the board's standard policy to meet any new volunteers. The board members were agreeable to accept his recommendation.

On a Blair/Ricci motion, the board voted unanimously to appoint Ted Morine, Duane Barber and commission member Kyle Hedrick.

### **CONSERVATION RESTRICTION – OLD LITTLETON ROAD**

Conservation Trust member Peter Dorward was present to explain the CR and answer any questions. He asked the board to only act on one CR as the other one needed to have some changes made. Bragan confirmed Town Counsel Lanza had reviewed the CR.

On a Wallace/Blair motion, the board voted unanimously to endorse declaration and reservation for Lot 2 Parcels B & C.

### **PUBLIC COMMUNICATION**

Susan Hansen, 63 Park Lane, addressed Selectmen Blair (BOS representative on the Municipal Affordable Housing Trust) asking him if he oversees the trust and if he has been aware of what is going on. Blair responded that he is the BOS appointee to the Trust and is aware of its activities but does not "oversee" the trust. She claimed procedures have not been followed, abutters have not been informed and five months ago the right of first refusal was not considered. She was alarmed after doing research on the town website that within 13 sets of meeting minutes that were posted over the past year only one set briefly mentioned properties being considered for development. She commented on their never being much reason given as to why the Ayer Road project was dismissed. She is amazed the trust is still considering working with developer Metro West after the overwhelming response from residents. Hansen is skeptical of Metro West considering the frequent name changes they have had. What are they hiding? She said the trust

should not be moving forward with a Purchase & Sales agreement. She wants them to put on the breaks and follow procedure.

Maribeth Marcello, 119 Pinnacle Road, spoke on behalf of the neighborhood surrounding Poor Farm Road. She began by acknowledge the hard work of the town volunteers and declaring the neighbors do support affordable housing. Marcello said the current plans deviates from the initial proposal for 15 to 17 units. They believe the current plan will likely double that amount. They also want a mix of affordable and market-rate units not the 100% rental with 100% affordable proposed. They are also disappointed the current plan does not allow for the sale of 3 frontage lots to defray the costs. She said the abutters were supportive of the original proposal but are not supportive of the current deviations to the original plan. They are asking a revised Request for Proposals (RFP) be sent out. They also do not believe Metro West meets all the requirements. They are asking the trust to follow their policy and procedures by continuing to seek developments of small cluster residences comprised of a mixture of market and affordable units. She also emphasized the importance of the trust to conduct this process with full transparency and improved communication.

Jason Pinney, 70 Park Lane, referenced a letter he drafted to run in the Harvard Press in response to the proposed development. Three points he wanted to emphasize are this proposal is not the original proposal, lack of communication about changes to the original proposal and lack of response from the trust on resident concerns. He said it is very upsetting that the trust is not making an effort to address concerns raised by residents. Pinney understands the trust has a responsibility to meet the rural historic character of Harvard and the 36 unit apartment complex proposed does not do this. He and his wife moved here 6 years ago for the rural character of the town and they do not want to see a large development like what is proposed built. He is asking the trust to reject the current proposal and come up with something that makes sense.

### **CENTRAL MASS LONGBOARDING EVENT**

Organizer Mike Girard attended the meeting to seek approval of the event, road closures and use of the General Store's parking lot. He is seeking approval earlier than usual to expedite planning of the event. Girard said the 6th annual event is nearly identical to past years when they utilized the General Store parking lot, Old Littleton Road, Pinnacle Road and the town center. He said the Slide Jam will again take place on Old Schoolhouse Road. He wanted to clarify Old Littleton Road will be closed to through traffic from Pinnacle Road to Mass Ave. Lucy Wallace suggested he consider putting up signs for those coming down Still River Road to avoid the center. Girard said event staff will be encouraged to park further down the road to allow as much parking to the general public as possible. As a town center resident, Ken Swanton told Girard his neighbors have expressed concern over the volume of the amplification system. Girard said he is aware of these concerns and plans to minimize the impact to area residents. Town Administrator Tim Bragan said a concerned resident contacted him about boarders unsafely using town roads. Girard said in briefings held prior to the event participants are told they must stay within the confines and obey the rules of the road. He also plans to increase the amount of staff. Ron Ricci said he understands for planning purposes why Girard has come before the board earlier than usual but reminded the board they had discussed setting a policy for large scale events in town. He said he would support Girard's event with the understanding any policy set by the board he will have to adhere to.

On a Wallace/Ricci motion, the board voted to approve the 6<sup>th</sup> annual Central Mass Longboarding Event for August 7<sup>th</sup> – 9<sup>th</sup>, use of the General Store parking lot and road closures. (4-1 vote, Blair – Nay). On a Ricci/Blair motion, the board voted unanimously to commit to have policies and procedures in place for large scale events by April 1<sup>st</sup>.

### **LITTLETON ROAD PROJECT UPDATE**

Leo Blair explained the Municipal Affordable Housing Trust had begun pursuing the development of 166 Littleton Road. Blair said a Request for Proposals (RFP) was issued and they received one response from Metro West Collaborative Development. The trust then held a public forum which was well attended. He said many of the concerns they heard were related to density, water and traffic. He reported the trust met recently with the potential developer to discuss the feedback. He said at the developer's request the trust was considering moving forward with a draft purchase and sales agreement which would outline all existing concerns allowing an informed decision on continuing with the project or not. Blair acknowledged there are a list of concerns on the trust side and on the developer's side. He said all discussions until now have been merely conceptual but the developer is looking for more of a commitment from the town before they spend more funds on the project thus why they are seeking a draft purchase and sales agreement. Blair said they continue to be in the early stages of the development and have since received additional interest in the property. The board members asked about timeframes related to funding cycles and if the property were categorized as a LIP (Local Initiative Project) how that affects the financing. Ron Ricci talked about residents in town who may want to downsize thus the reason we need to better understand the qualifying guidelines for rental versus owner and market rate versus affordable. Wallace agreed we need to understand the economics of a development like this. Blair said the development of the property continues to be a work in progress but decisions need to be made as the trust can only hold on to the land for so long. He said they plan to meet again very soon to determine the best path forward. They talked briefly about the differences of a friendly 40B or a non-friendly 40B.

### **MASSDEVELOPMENT PRESENTATION - POTENTIAL DEVENS ZONING CHANGES**

Ed Starzec attended the meeting to review the four changes proposed. Starzec said their goal is to disseminate information from boards and the public to decide which proposals merit moving into the formal process.

1. Allow for senior residential uses in the Shirley Village Growth I zoning district.  
He said they have been working with Shirley's Economic Development on additional uses for the 35 acres of undeveloped land. Wallace and Swanton asked why they are not considering the development of Vicksburg Square for senior housing. Starzec admitted it would cost substantially more to develop Vicksburg Square than to build a brand new facility.
2. Allow healthcare uses in Shirley Village Growth I district  
He said this change will be limited to just this district. They have heard some concerns on the impact this will have on the Nashoba Valley Medical Center and the medical district in Harvard.

3. Zoning swap to allow for the residential redevelopment of Adams Circle and to protect adjacent environmental and historical resources. He explained this will address three irregularities:
  - Rogers Field is now zoned for commercial. This would create permanent protection for this area of fields.
  - Willow Brook corridor west is set as commercial development only and should be zoned as open space.
  - Adams Circle former housing area now zoned as open space and to be rezoned for residential uses.
4. Rezone portions of the southern end of Grant Road for appropriately-buffered commercial uses.

He said this is a good site for commercial development. Wallace asked why MassDevelopment needed more commercial space. Starzec said they need more large parcels.

Further discussion will occur at the JBOS meeting on Thursday night, December 18<sup>th</sup>.

#### **TOWN ADMINISTRATOR REPORT**

Bragan reported the Request for Proposals (RFP) was completed and will run in the Goods & Services Bulletin tomorrow. To meet the 30 day requirement the earliest proposals can be received will be January 20<sup>th</sup>. They have also sent the request to those who have responded in the past and to the surrounding communities as well as Devens.

Bragan said the Finance Committee has received their budget books. They will also be receiving the school budgets by tomorrow. The Finance Committee plans to call an All Boards meeting sometime in January.

Bragan reported the Capital Planning and Investment Committee will be meeting on Thursday to move ahead with their process so they can rate proposals.

#### **ANNUAL LICENSE RENEWAL**

The board reviewed the list of annual licenses for renewal. Executive Assistant Julie Doucet informed them the Center on the Common and Chapman/Ruze have yet to return their paperwork for renewal of their Entertainment Licenses and the two Used Car Dealer license renewals have not been submitted either. The board discussed approving only those licenses who have returned the appropriate paperwork including copies of the required insurance.

On a Blair/Ricci motion, the board voted unanimously to approve the licenses on the list except for the Center on the Common, Chapman/Ruze, Outdoor Power Equipment and Mill Road Tire & Auto. (Swanton – Abstain)

#### *Liquor Licenses*

On a Ricci/Blair motion, the board voted unanimously to approve license renewals for the Harvard General Store, Fruitlands Museum, Siam Pepper, Shaker Hills Country Club and the Grapevine.

## **TRANSFER STATION RULES AND REGULATIONS**

On a Wallace/Ricci motion, the board voted unanimously to adopt policies as amended for fiscal 15 & 16.

## **OWNERS PROJECT MANAGER (OPM)**

Bragan briefly described the negotiation process. On a Ricci/Wallace motion, the board voted unanimously to approve Vertex as OPM.

## **TOWN HALL ESTIMATE AND BID DOCUMENTS**

Bragan said the design estimates have some changes based on discussions at the Special Town Meeting (STM) held in October. He said cost estimates for the cupola have changed largely due to the structural piece. He said the design drawings have not yet been validated by the Town Hall Construction Committee. Blair suggested the OPM be told if an item needs to be removed it would make sense for the cupola to be the first to go. He said it is important the roof improvements are completed so the cupola can be added later if feasible. Blair commented on the cost estimates being good news as they are within the budget. Swanton asked when the board will be hearing next from the committee. Bragan said they will be discussing the intent behind votes taken at the STM. He expects they will be ready to submit an official report with final designs for a vote in mid-January. Swanton suggested they contact the Historical Commission sooner rather than later so they do not get delayed with that process.

## **OUTREACH ON USE OF SECOND FLOOR OF TOWN HALL**

Blair asked when and how the board begins this discussion with the public. Ricci believes the second floor use will unfold as time goes on but he thought maybe the discussion could start with the stage. The board members agreed to have this as an agenda item at a meeting in January.

## **CENTER ON THE COMMON - DELIQUENCIES**

Blair recommended a notice of default be sent to the Center on the Common seeking payment of utilities owed, rent and proof of insurance. He also suggested the utilities be put in their name. The board members were unaware the Center's insurance had lapsed and agreed it placed the town at risk. Ricci suggested the demand notice indicate a date certain for payment such as 30 days. The board members agreed use of the building must cease until their insurance is in place. The board instructed the Town Administrator to draft the notice, have it reviewed by Town Counsel and send it both regular and certified mail.

\*\*\*\* On a Wallace motion, the Board voted unanimously by a roll call vote: (Wallace – Aye, Ricci – Aye, Sklar – Aye, Blair - Aye) to enter into executive session at 10:00pm, as authorized by Chapter 30A, Section 21.2 & 3 of the Massachusetts General Laws, at a meeting for which 48-hours' notice has been given, to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel and to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. Following the executive session, the Board will reconvene into open session only to adjourn. \*\*\*\*

The meeting was adjourned at 10:30pm.

Documents referenced:

**WATER SYSTEM STUDY COMM.** – Barber & Morine volunteer forms dated 12.15.2014

**CONSERVATION RESTRICTION – OLD LITTLETON ROAD** – CR dated 12.11.2014

**CENTRAL MASS LONGBOARDING EVENT** – handout dated 12.16.2014

**MASSDEVELOPMENT PRESENTATION** – dated 12.16.2014

**ANNUAL LICENSE RENEWAL** – 2015 list & liquor license renewal sheets dated Nov. 2014

**TRANSFER STATION RULES & REGS** – dated revised 12.16.2014 for Fiscal 15 & 16