

HARVARD HISTORICAL COMMISSION

13 AYER ROAD • HARVARD, MASSACHUSETTS 01451



The Harvard Historical Commission is chartered "...to preserve and protect the historic assets of Harvard, its buildings, structures, places, sites, and surrounding settings of historical or architectural significance."

Those wishing to record any or all of the meeting must alert the chair prior to the start of the meeting and the chair will make an announcement, in accordance with The Massachusetts Open Meeting Law.

Following are the **minutes** of a special meeting of the Harvard Historical Commission, held via Zoom, on **Thursday, August 26, 2021 at**

Submitted by Richard S. Cabelus, Secretary.

MEMBERS IN ATTENDANCE:

George Triantaris (Chair)
Pam Marston (Vice Chair)
Richard Cabelus (Secretary)
Emanuel Lindo
Steve Nigzus
Brandon Loughery
Matt McRae

MEMBERS IN ABSENTIA:

AUDIENCE:

Susanmary Redinger, Deborah Skauen-Hinchliffe

TOPICS:

CALL TO ORDER:

7:01 pm

REVIEW/APPROVE MINUTES OF LAST MEETING:

ONGOING APPLICATION: None

PUBLIC HEARING: None

NEW APPLICATIONS: None.

NEW APPLICATIONS APPROVED: None.

NEW BUSINESS: None.

ON-GOING BUSINESS:

1. Hildreth School solar application and jurisdiction issue.

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The Chair called the Special Meeting of the Harvard Historical Commission to order and took attendance. Matt joined at 7:02 pm and Manny at 7:04 pm. George ran through the timeline on the issue dealing with the Harvard Common Historic District Map and the issue as to whether the new Hildreth School is included or excluded from the Harvard Common Historic District Map and whether the Commission by extension would then have jurisdiction over the structure. The Chair stated that he intended to go through the timeline on the issue, recent emails, and correspondence regarding this issue. The Chair then said he would outline possible courses of action the Commission could take.

The Chair then went back to speak about 2017 when this issue regarding the new school and Commission jurisdiction first presented. The Chair said it was the Commission's view at that time that the school, which was to be partially constructed in the Harvard Common District, came under the jurisdiction of the Historical Commission based on the reading of language "new school buildings excluded" written next to the Bromfield School on a prior map of the Harvard Common District. The Chair summarized that the Commission took the view at that time that the language limited the exclusion of school buildings only to the Bromfield School. In 2017, Town Counsel took the opposite position and informed the Select Board of his opinion. However, the Building Inspector at that time would not issue a permit unless the Historical Commission was consulted.

The Chair then brought us forward to 2021. The Chair went over July 21, 2021 Select Energy application for solar paneling on the new Hildreth School. Matt McRae, as advocate for the project, then spoke about his meeting with Select Energy officials regarding their application. The Chair then went through the history of how Town Manager Tim Bragan advised Select Energy to withdraw their application before the Commission. The Chair then went through the chronology of emails that were exchanged regarding this issue. The Chair emailed Town Counsel. Town Counsel emailed the Chair. The Chair recounted that he spoke, via telephone, with Alice Von Loesecke as a Select Board Member and liaison to the Commission. The Chair then indicated that on August 18th Richard Cabelus emailed Town Counsel as well regarding this issue. The following day Tim Bragan emailed Richard back indicating Town Counsel would not respond unless formal inquiry was made by the Commission to the Town Manager or to the Chair of the Select Board. The Chair then stated that a building permit was issued by the Building Inspector a day after Select Energy withdrew their application.

After finishing going over the timeline, the Chair then summed up the issue before us as being who has the authority to interpret and apply the Harvard Common Historical District Map and bylaws. The other central issue the Chair noted is how should the Commission interpret the map and bylaws.

The Chair then asked if there were any questions regarding the emails and what they mean. The Commissioners had no questions.

The Chair said based on the current landscape there are 5 different ways the Commission could go when dealing with this issue.

1. The Commission could do nothing;
2. The Second option could be to send Richard's email through official channels to get Town Counsel to formally respond;
3. Instruct the building inspector that the Town is in violation of the bylaw and take action;
4. Institute an action in court and go to court and seek legal remedies;
5. Create a new map and submit the map to a Town meeting for a vote to exclude or include schools.

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George indicated that his feeling was we should follow every step we can before we take drastic action. At this time Matt asked whether we could do a mock vote on the application of Solect Energy that was withdrawn. George stated that he does not think we can do that and that would not really deal with the issue of jurisdiction. Richard stated that a possible 6th option would be roll call vote to interpret the language on the Map first and then if the HHC decided the language "school buildings excluded" on the 2015 meant all schools that would end the issue. George stated that he did not believe that the Commission had digested that issue enough to act on that question immediately. Matt then had a follow up question on the history of the map. George then explained the history of the maps and their language. George then asked Richard if he agreed if these are all the options. Richard stated that those are pretty much all the options and agreed with the Chair. George stated that at the next meeting these options should be explored more thoroughly and the Commission should decide what, if any, action it wanted to take. Pam then went through some of the previous history and dealings regarding 2017 and how the Commission issued a Certificate to the new school then and that could be viewed as precedent. George agreed it would be viewed that way. Richard then stated that it would be in everyone's interest if we could work to de-escalate this issue, and try to bridge the gap. Richard stated that jurisdiction was clearly with us, Town Counsel admitted as much, and that we should be reluctant to pursue litigation, but the Commission needed to be firm that it has jurisdiction over its map and bylaws. Matt then interjected that he would like to go to the Building Inspector and ask for a stop work order before the panels are erected. Matt indicated he wanted a vote at this meeting on a cease and desist order to halt the project. George indicated that he does not support taking that action right now. Matt indicated he wanted a vote that the Commission has jurisdiction over its maps and bylaws, and then a vote that the Solect Energy project is in violation. Manny then added that this has been an ongoing problem. Manny expressed his frustration that if the Select Board and authorities ignore the authority of the Commission than the Commission will have no authority. Manny believed that this was particularly concerning in this instance because it is the Town that seems to be ignoring its own rules, and if the Town will do that what message does that send private property owners. Manny believed we need a better dialogue with the Town, and that doing nothing would not be good for the future of the Commission's viability. George agreed with Manny but said unfortunately we are past a simple dialogue, and more formal action is appropriate at this time. George expressed frustration at the marginalization of the Commission over a number of years. Richard then interjected that he agreed we are past informal dialogue, and thought maybe we could vote to send his email through appropriate channels as instructed by Tim Bragan for a formal response by Town Counsel. Richard indicated that would put the Commission in a better position in 2 weeks, at the next meeting, if the Commission could have the official response of the Town Counsel to weigh any future action. George agreed and thought this was a good middle approach.

Richard then made a motion to forward email correspondence through the Select Board and formal channels asking Town Counsel for a formal response as to the question on Jurisdiction of the bylaws and Harvard Common Historic District Map, and who has authority to interpret and enforce the bylaws and Maps. Steve seconded the Motion.

The Motion passed unanimously.

George asked for other comments and expressed how frustrating this process has been for people who are volunteering and working in the best interests of the Town. Matt and Richard agreed and shared George's consternation. They expressed frustration at the apparent disconnection between elected officials and the residents of the Town regarding the Commission and what its role is, and possible ways this could be addressed. George thought this was a good point, and maybe we could discuss at future meetings as to ways to address the disinformation regarding the Historical Commission and what its role is and how it vitally serves the Town and its residents.

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George asked if there was public comment. There was none.

Steve made a motion to adjourn. Matt Seconded. The Historical Commission voted unanimously to adjourn.

CORRESPONDENCE:

REPORTS FROM COMMITTEES AND LIAISONS:

PUBLIC COMMENTARY: None

EXECUTIVE SESSION: None

SET DATE FOR NEXT MEETING: September 8, 2021.

MEETING ADJOURNED:

7:47 pm

DOCUMENTS: Correspondence with town officials as noted above