



Select Board Minutes
Tuesday, December 7, 2021
7:00pm

The Select Board Regular Meeting was held virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A. S.20.

Select Board participants:

Stu Sklar, Rich Maiore, Kara Minar, Erin McBee, Alice von Loesecke

Town Department attendees:

Town Administrator Tim Bragan, Executive Assistant Julie Doucet, Regional Assessor Mike Saltsman, Community & Economic Development Director Chris Ryan, DPW Director Tim Kilhart

Additional participants:

Frank Carlson, John Connell, Planning Board Chair Justin Brown, ZBA Chair Chris Tracey, Lucy Wallace, Michelle Girard, Terry Symula, Elizabeth David-Edwards, Wayne Beeson and John Mark Walker

Public Hearing for the renewal of Carlson Orchards farmer series pouring permit

Chair Stu Sklar announced this is a routine renewal hearing. Owner Frank Carlson was present along with his attorney John Connell. Carlson confirmed his Farmer Winery license from the state has been renewed. Town Administrator Tim Bragan reminded the Select Board that the Board of Health has specific occupancy limits based on title five requirements. Frank Carlson is aware of these limitations and will work directly with the Board of Health.

Frank Carlson requested a change in hours. He asked for the liquor serving hours on Tuesday and Wednesday be extended to 8pm. He indicated these days are solely for private events and for those coming after regular work hours, say 4 or 5pm, an end time of 6pm was less desirable.

Questions/Comments from the public

Kerri Green, Oak Hill Road, asked if the request to change the hours should have been included in the legal notice. Bragan said the board has the ability to revise the license conditions during this hearing however Executive Assistant Julie Doucet did confirm she was never made aware of any requests for changes from the license holder prior to this evening. As a direct neighbor, Green does not support a change in hours.

Beth Williams spoke in favor of the license being renewed will the additional hours requested for private events. In her opinion, Carlson Orchards has done a great job during Covid to pivot on operations as needed.

Select Board Deliberation

As part of the renewal process for the orchard, the Select Board members reviewed the current conditions and discussed the request to extend hours on Tuesday and Wednesday. The board members agreed the conditions for the liquor license should not be confused with operations during the picking season. Kara Minar questioned if the increase in hours may create a more intensive use on Tuesdays and Wednesdays. Erin McBee admitted she was uncertain about agreeing to the extension in hours. The

members decided if the time is extended to 8pm on Tuesday and Wednesday then it must be specific for private events only.

After more discussion they decided on the following amended conditions:

- Alcoholic beverages may be served between the hours of 11:00AM and 8:00PM on Tuesdays and Wednesdays for private events only.
- The licensed premises must comply with the occupancy designation and limit, as determined by the Town's Board of Health and the Town's Building Commissioner in accordance with the Massachusetts State Building Code.
- At all times and when any events occur where there will be an estimated 100 or more attendees/participants on the licensed premise, a police detail shall be arranged in advance.

By a roll call vote, Minar – aye, McBee – nay, Maiore – aye, von Loesecke – aye, Sklar – aye, the board voted to approve license conditions as amended. (4-1)

Tax Classification Hearing

Associate Regional Assessor Mike Saltsman said each year the Select Board holds a hearing to determine the percentage of the Town's property tax levy to be borne by each property class. Saltsman reviewed the valuations by class and the summary of assessments. He noted Harvard is primarily residential therefore it would take a large shift to yield a modest residential tax reduction. He highlighted property values have increased in response to the rising housing market. The Town Assessor recommends that the Select Board adopt a single tax rate to be applied across all classes of property in Harvard.

By a roll call vote, von Loesecke – aye, Minar – aye, Maiore – aye, McBee – aye, Sklar – aye, the Harvard Select Board voted unanimously in accordance with M.G.L., Ch. 40, Sec. 56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2022 tax rates and set the Residential Factor at 1.0, with a corresponding CIP shift of 1.0, pending approval of the town's annual tax recap by the Massachusetts Department of Revenue

Ayer Road Vision Plan – Phase 1 RFP Process

Community & Economic Director Chris Ryan and Planning Board Chair Justin Brown came to provide an update and recommendation on which firm to contract with for the market analysis. Brown reported two firms' submitted proposals.

Brown outlined the process followed:

- Conducted review of each proposal
- Administered preliminary written questions to each respondent
- Interviewed each respondent on virtual platform
- Sent follow up questions to each respondent
- Contacted at least four references for each respondent

The review team recommends Harvard contract with The Chesapeake Group TCG/Tischler-Bise. This firm has an extensive track record with small- and medium-sized municipalities for similar municipal work, extensive experience conducting fiscal impact analyses for cities and towns and they have received glowing reviews from references. ZBA Chair Chris Tracey served on the review team and was extremely pleased with the process. He complimented the efforts of those working on behalf of the town. Tracey mentioned this is an opportunity to do something phenomenal.

The Select Board members thanked Ryan, Tracey and Brown for their efforts. By a roll call vote, Maiore – aye, McBee – aye, Minar – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to support recommendation from the Planning Board to hire The Chesapeake Group.

DPW facility space and needs assessment

DPW Director Tim Kilhart came to review the report completed by CBT Inc. The study included evaluation of existing conditions, code requirements, analysis, recommendations, project priorities & alternates and a schedule/cost estimates. Kilhart has been consulting with the Permanent Building Committee in an effort to decide where this project fits best in the larger capital plan. He said this project was initially added into the plan by his predecessor. The Select Board members were not surprised by the findings in the report. Kara Minar advocated for involvement by the Energy Advisory Committee on this project. By a roll call vote, McBee – aye, von Loesecke – aye, Maiore – aye, Minar – aye, Sklar – aye, the board voted unanimously to move project to the Capital Planning & Investment Committee.

Update on Nashua, Squannacook & Nissitissit Rivers Wild & Scenic Stewardship Council

Harvard representatives Lucy Wallace and Michelle Girard came to share a report highlighting the accomplishments of the council over the past year. Wallace announced the council will be offering the grant program again this year. She strongly encouraged organizations in Harvard to apply. Michelle Girard said there is quite a range of opportunities. Wallace spoke briefly about the Forest Legacy application that was submitted to the Federal Forest Legacy Program. They were able to identify almost 2,500 acres for protection. She said people can learn more about their efforts by visiting their website.

<https://www.wildandscenicnashuarivers.org/>

Update on thickly settled areas in town (Attachment A)

Volunteer Peter Dorward shared the zones he has identified as thickly settled. The definition for thickly settled or a business district: territory contiguous to any way which is built up with structures devoted to business, or the territory contiguous to any way where the dwelling houses are situated at such distances as will average less than two hundred feet between them for a distance of a quarter of a mile or over. Dorward worked with Richard Wilson from the Dept. of Transportation. By a roll call vote, Minar – aye, McBee – aye, Maiore – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to approve thickly settled areas for those noted in the analysis done by Peter Dorward with the value zero in allowed zone length.

Public Communication

Wade Holzman, Bolton Road, said speed continues to be an issue on Bolton Road. He has spoken with Acting Chief Babu who plans to place a speed sign in front of his home in the spring. He has noticed officers an increase in officer presence.

Sharon Cronin, Slough Road, offered her support and encouraged the Select Board to vote in support of the use of the Bromfield House for Afghan refugees.

Bev Rodrigues, Old Littleton Road, asked the Select Board members to affirm the vote taken at the special town election to preserve the Bromfield House. She requested time on the Select Board agenda to discuss this further. She urged the board to affirm this vote assuring town's people their commitment to sell the Bromfield House.

Lucy Wallace, Orchard Hill Road, suggested a closer look at Orchard Hill per the thickly settled material provided.

Pete Jackson, Bromfield Trustee, said the Bromfield House is not in compliance with the court decree which requires educational purposes for the use of that building. Once the school administration offices vacated the building the appropriate usage was negated. Jackson stated if the Select Board continues to delay on disposition or takes action not within the guidelines the trustees will take action against the town. He said the proposal for use of the Bromfield House for Afghan refugees would not comply with the court decree. The trustees will work with the Select Board to move the process of selling the property as a private residence along.

Harvard Neighborhood Support Team (NST) & Afghan Refugee resettlement

Request to lease Bromfield House

Resident Terry Symula explained NST and Ascentria Care Alliance have partnered to meet this need in Massachusetts, New Hampshire, and the greater New England areas by pioneering an innovative resettlement model built around the formation of Neighborhood Support Teams (NSTs). Powered by the generosity of our communities, each NST is composed of 20-30 volunteers who welcome and support one Afghan family in their community under the guidance of an Ascentria case manager. Symula is compelled to help and find a way to make this happen in Harvard and thought the Bromfield House could be a perfect option. She is working with Elizabeth David-Edwards and Wayne Beeson. David-Benson has worked in refugee resettlement most of her career and provided more details on how the NST program works. Wayne Beeson evaluated the Bromfield House in order to gain a sense of what improvements will be necessary. The Select Board members were open to the idea however a lease of town property would require a special town meeting. Another question falls with the legalities of what is an allowable use for this property. Board members asked questions about how long the Bromfield House would be needed and how would transportation work with the refugees. Symula assured the board that all the logistics pertaining to the Afghan family would be handled by NST. Everyone agreed not having the building vacant is a positive as well. In addition, Bragan noted the need for the Water/Sewer Commission to approve an increase in flow for this building from office space to living quarters which requires proof it is a demonstrable benefit. This would need to be done regardless if the building is leased or sold as a private residence. The board instructed Bragan to consult with legal counsel on this concept and they will revisit this at their December 21st meeting.

Staff Report and updates (Attachment B)

Due to the late hour the board decided to move the following items to their December 21st meeting:

- Approve minutes of 11/9 & 11/16 (8:15)
- Finalize liquor license conditions for the Bowling Alley and vote to issue license for 2022
- Review and discuss draft charge for Climate Resiliency Action Committee

Community Preservation Committee appointment

By a roll call vote, Minar – aye, McBee – aye, Maiore – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to appoint John Mark Walker to the Community Preservation Committee.

Update on Police Chief Search

Tim Bragan announced there are six finalists and the committee recommends strongly advancing two for

final interviews. By a roll call vote, Minar – aye, McBee – aye, Maiore – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to advance two qualified nominees for Police Chief.

The meeting was adjourned at 10:10pm

Documents referenced:

Carlson Orchards conditions – dated August 2021

Hearing notice – dated 11.19.2021

Tax Classification Hearing material – dated 12.7.2021

Ayer Road Vision Plan – dated 12.7.21

DPW Facility Report – dated 11.3.2021

Wild & Scenic update – dated November 2021

NST handout – December 2021

Thickly Settled material – dated 12.6.2021 (Attachment B)

Walker vol form – dated 11.18.2021

To: Town of Harvard Select Board
Tim Bragan, Town Administrator, Town of Harvard
James Babu, Acting Police Chief, Town of Harvard
Tim Kilhart, DPW Director, Town of Harvard

From: Peter Dorward

Date: 12/6/2021

Subject: "Thickly Settled" Analysis

At the 10/16/21 Fall Town Meeting, the Town of Harvard adopted MGL c.90 s.17C which established a 25 MPH speed limit in "thickly settled" areas. At the request of the Select Board and Town Administrator, I analyzed GIS data to determine what areas of Harvard met the definition of "thickly settled". The methodology used and results follow.

Definitions

MGL c.90 s.17C states (emphasis added):

Notwithstanding section 17 or any other general or special law to the contrary, the city council, the transportation commissioner of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director of a city or town that accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of public safety and without further authority, establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district in the city or town on any way that is not a state highway.

MGL c.90 s.1 defines "Thickly Settled" as (emphasis added):

"Thickly settled or business district", the territory contiguous to any way which is built up with structures devoted to business, or the territory contiguous to any way where the dwelling houses are situated at such distances as will average less than two hundred feet between them for a distance of a quarter of a mile or over.

The definition of "thickly settled" above does not specify the details of how the average distance between dwellings is measured. Guidance was provided by Richard Wilson, State Traffic Regulations Engineer, MassDOT Highway Division, in an email on 11/22/21 which clarified several issues:

- Dwelling spacing is measured along one side of the road, and cannot switch sides.
- Both sides of the road do not need to meet the average spacing limit. If only one side meets the thickly settled definition, the reduced speed limit applies to both directions of the road.
- The calculation is done on a per road basis, and cannot switch roads at an intersection.
- Municipal buildings and business are counted in the average spacing.
- Multiple family residences are counted as one dwelling.
- Separate residences on a single parcel are counted as multiple dwellings if they have frontage on the road.
- Residences on backland and hammerhead lots are not counted.
- The thickly settled zone can extend beyond the first and last house counted until the average spacing exceeds 200'.

In addition to this guidance from MassDOT, the following assumptions were made:

- Non-residence buildings (outbuildings) are not included in the spacing calculation.
- Dwellings located on corners of road intersections can be counted on both roads.
- Dwellings that are contiguous with two roads (other than corners) are counted only on the road from which they access their residence.
- Distances are measured using the centerline of the road to account for curves.
- The start and end of the spacing calculation can be located at any point on the road as long as it includes the center of each dwelling counted (defined by a line perpendicular to the road).
- State numbered roads are included in the analysis but may not be eligible for “thickly settled” zones set by the Town.
- Identification of “Business districts” is not included in the analysis.
- Private roads are not included in the analysis.

Measurement Methodology

Distances and the number of dwellings were obtained using MassGIS’s MassMapper.

<https://maps.massgis.digital.mass.gov/MassMapper/MassMapper.html> (The Harvard Assessor’s AxisGIS could alternatively be used, but appears not to include recent construction). Dwellings were confirmed using 2019 aerial Imagery from MassMapper and site inspections where required.

- The average spacing between dwellings was calculated as

$$\text{average dwelling spacing} = (\text{distance on road}) / (\# \text{ of dwellings} - 1)$$

Note that the denominator is (# of dwellings - 1) to correctly determine the average spacing. For example, the average spacing of 3 dwellings spaced 100’ apart is $200' / 2 = 100'$, not $200' / 3 = 67'$.

- The zone was considered “thickly settled” if both of the following conditions were met:

$$\begin{aligned} \text{average dwelling spacing} &\leq 200' \\ (\text{number of dwellings} - 1) * 200' &\geq 1320' \end{aligned}$$

The latter requirement allows a group of closely spaced dwellings to qualify even if their end to end spacing is less than ¼ mile. (This is consistent with the last point in the guidance from MassDOT).

Thickly Settled Zones

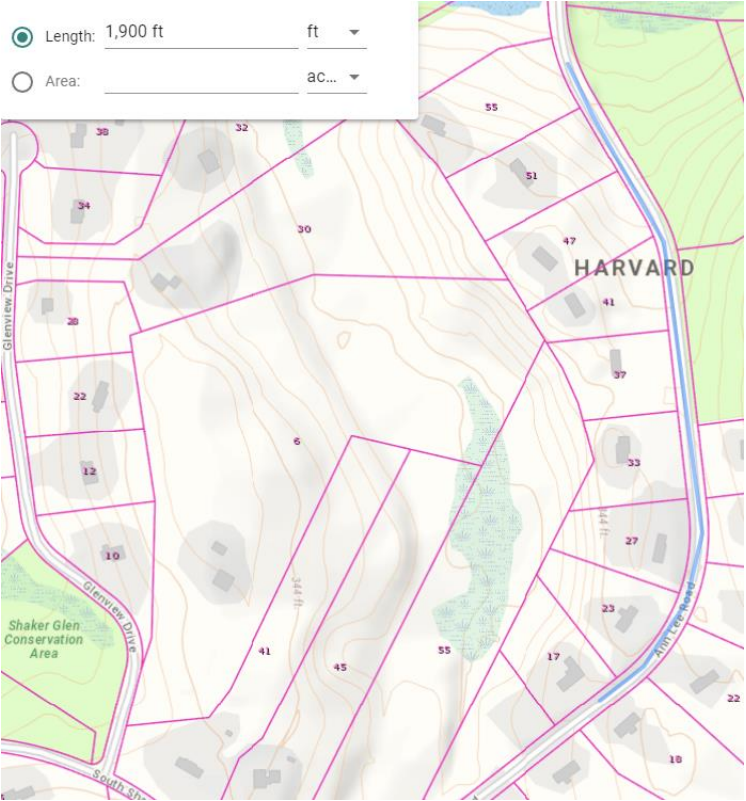
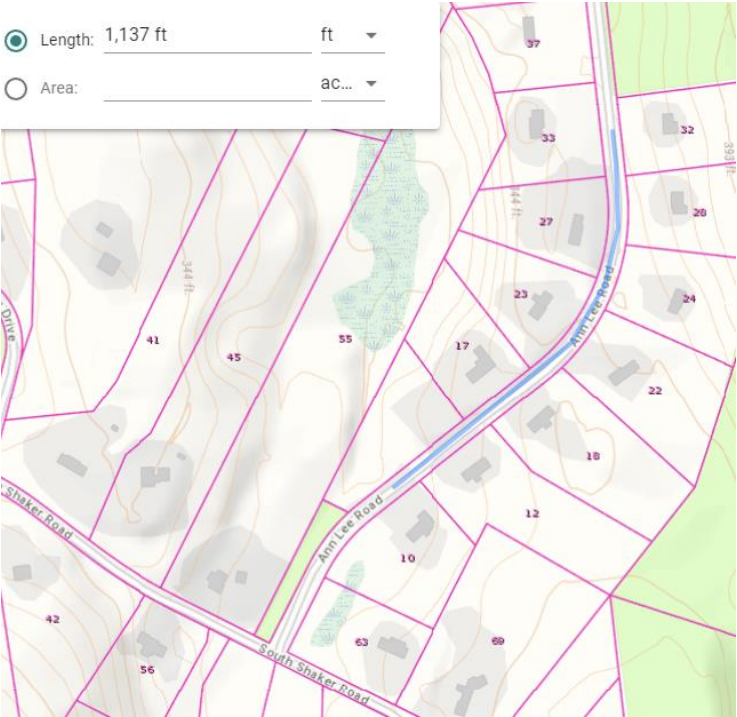
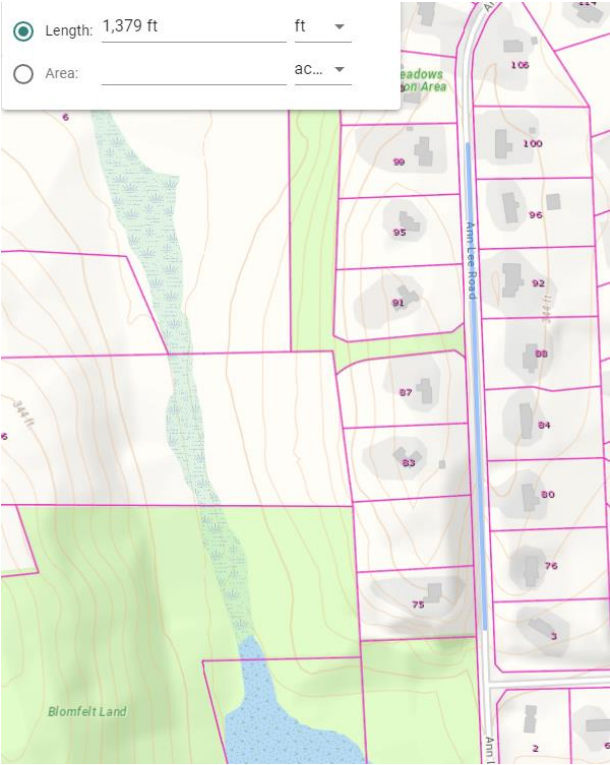
The analysis identified the following “thickly settled” zones. Some roads that do not quite meet the requirements are also included for completeness. A zero in the last column “Allowed Zone Length” signifies that both of the above criteria for “thickly settled” were not met.

Thickly Settled Zones in Harvard, MA

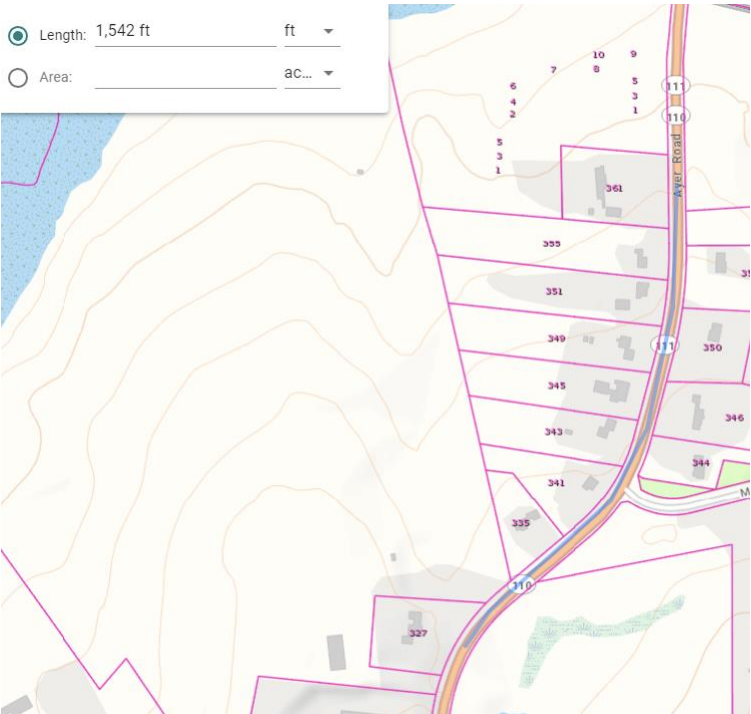
Street Name	State Route #	Location	Side of Road	# of Houses	1st - Last House Distance (ft)	Average Distance between Houses (ft)	Allowed Zone Length (ft)
Ann Lee Road		#3 Babbit to #100	E	8	1379	197	1400
		#10 to #32	E	7	1137	190	0
		#17 to #55	W	10	1900	211	0
Ayer Road	110/111	#327 to #361	W	9	1542	193	1600
Blanchard Road		#3 to #33	W	9	1566	196	1600
Bolton Road		#50 to #86	W	11	1830	183	2000
East Bare Hill Road		#1 St. Johns to #90	W	11	1769	177	2000
Fairbanks St		#1 to #25	E	9	1271	159	1600
		#14 to #28	W	7	817	136	0
Littleton Road		#5 Orchard Hill to #132	S	8	1376	197	1400
Myrick		#19 to # 85	N/E	17	3310	207	0
		#22 to #86	S/W	15	3207	229	0
Park Lane		#35 to #63	N	8	1483	212	0
Still River Depot Road		#206 Still River Rd to #30	N	9	1290	161	1600
Still River Road	110	#200 to #240	W	13	1972	164	2400
Shaker Road		#74 to #98	E	8	1377	197	1400
West Bare Hill Road		#115 to #159	S	10	2150	239	0
Woodside Road		#30 to #76	N	14	2363	182	2600

Maps showing the details of the measurements are attached. All maps and measurements were obtained using MassGIS’s MassMapper.

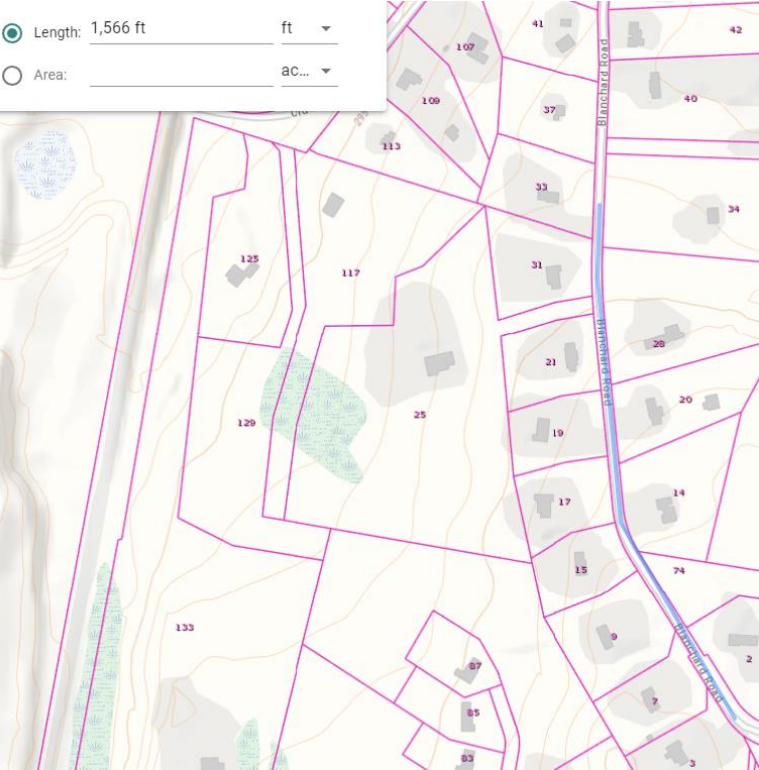
Ann Lee Road



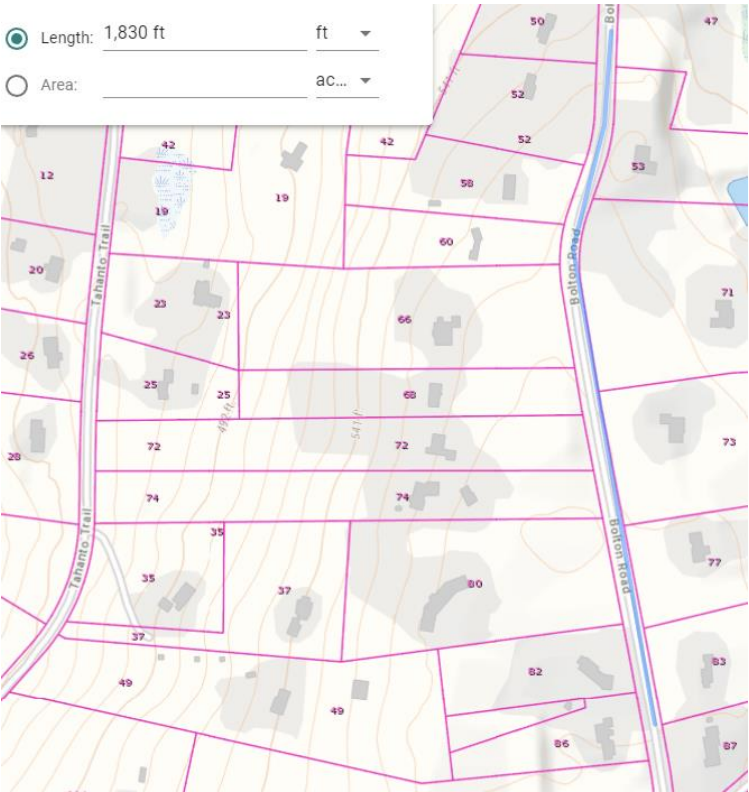
Ayer Road



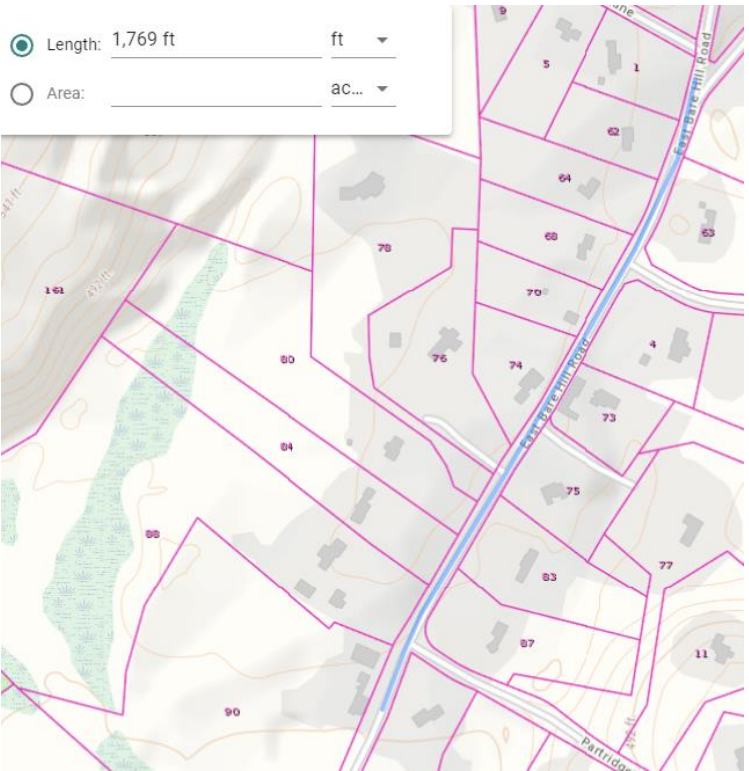
Blanchard Road



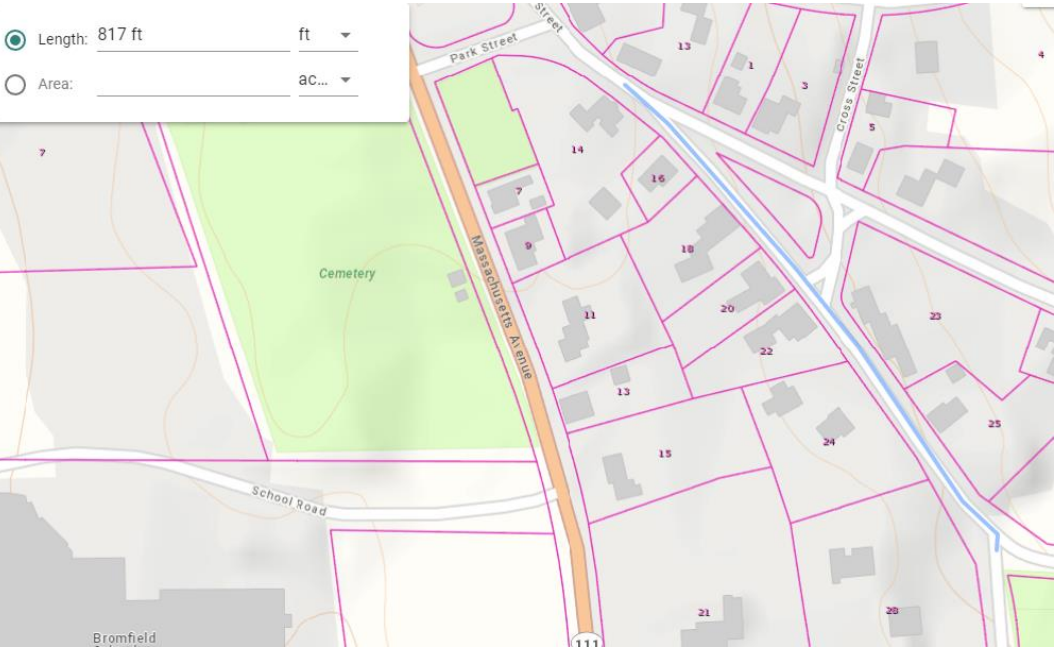
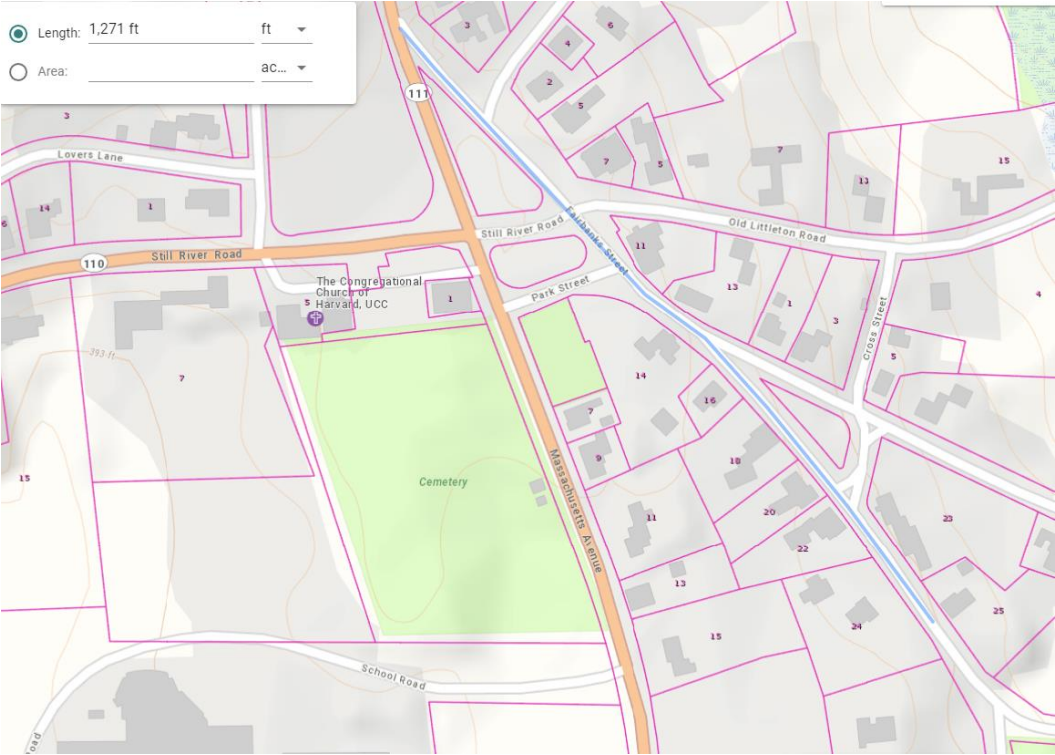
Bolton Road



East Bare Hill Road



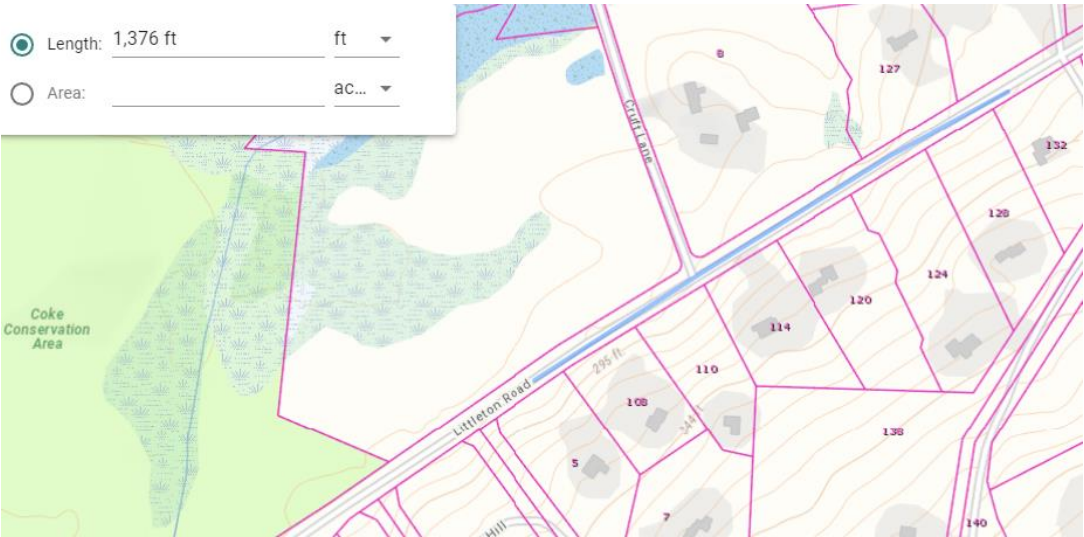
Fairbanks Street



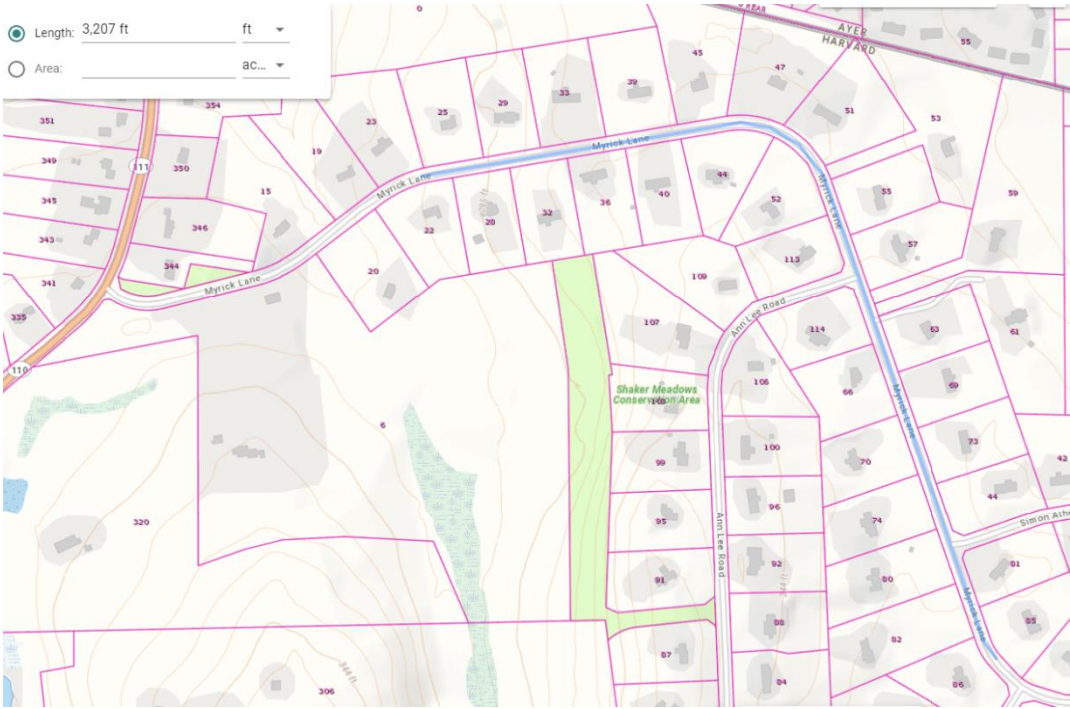
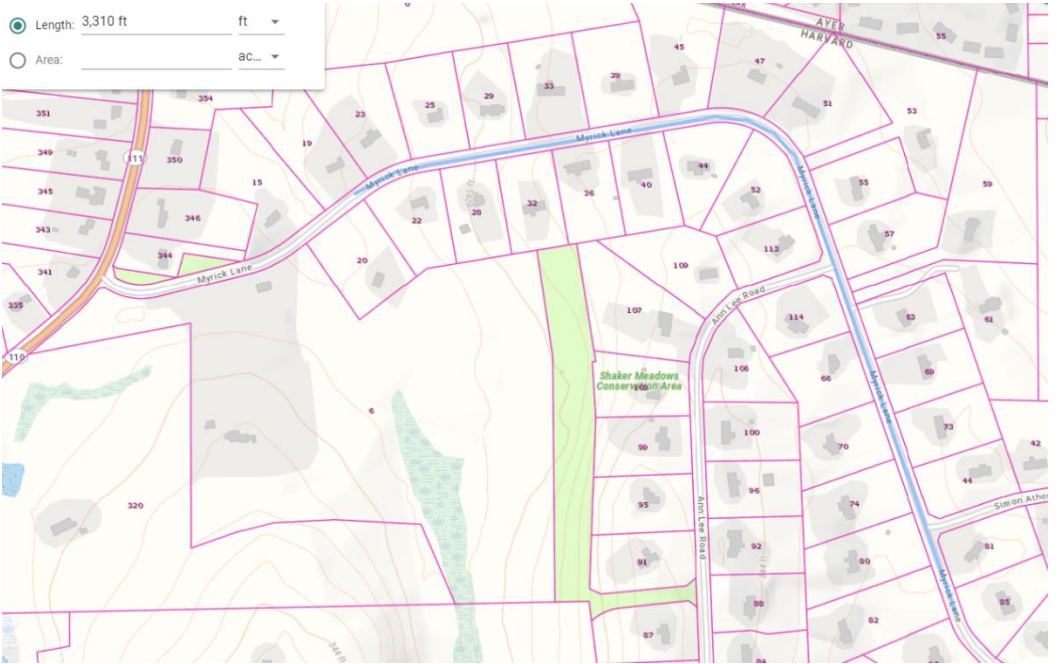
Littleton Road

☒ Length: 1,376 ft ft ▾

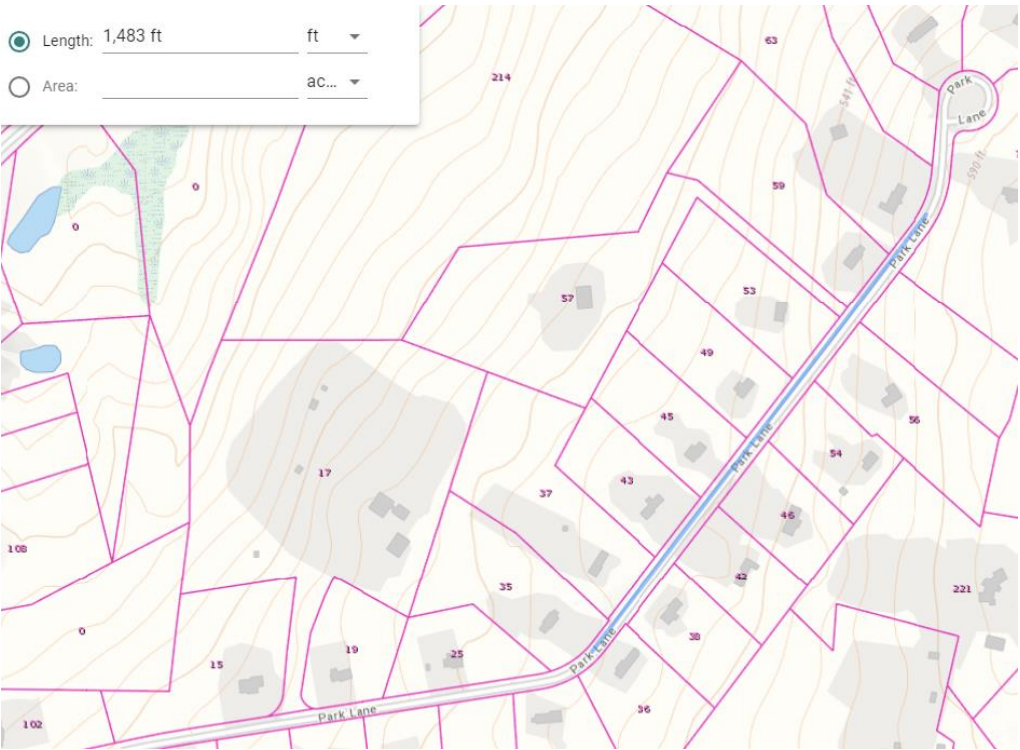
☐ Area: ac... ▾



Myrick Lane



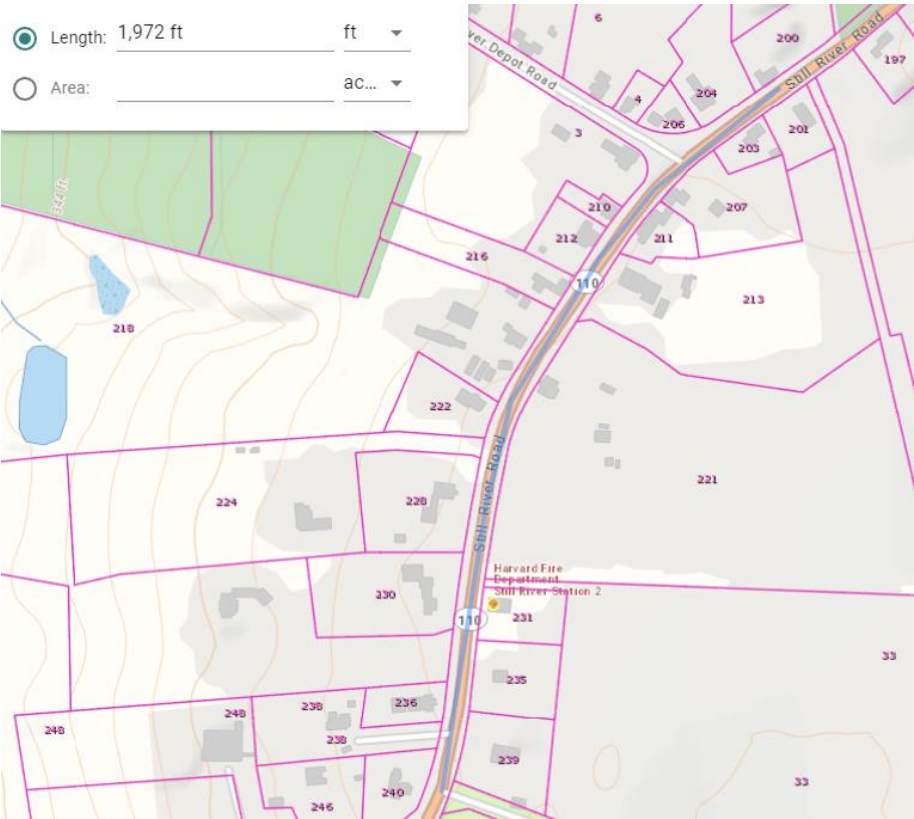
Park Lane



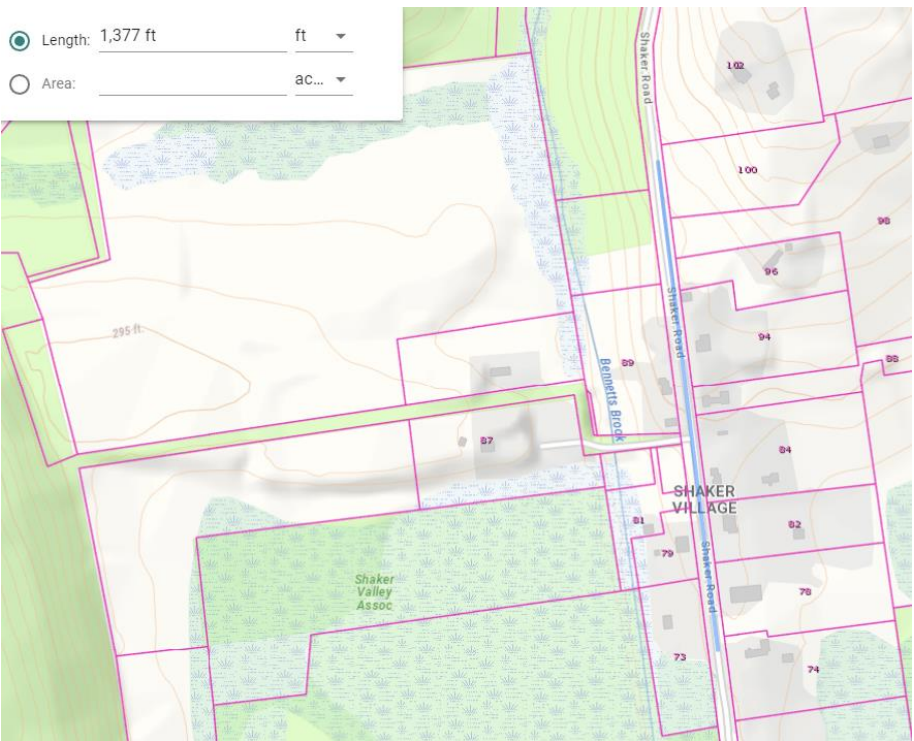
Still River Depot Road



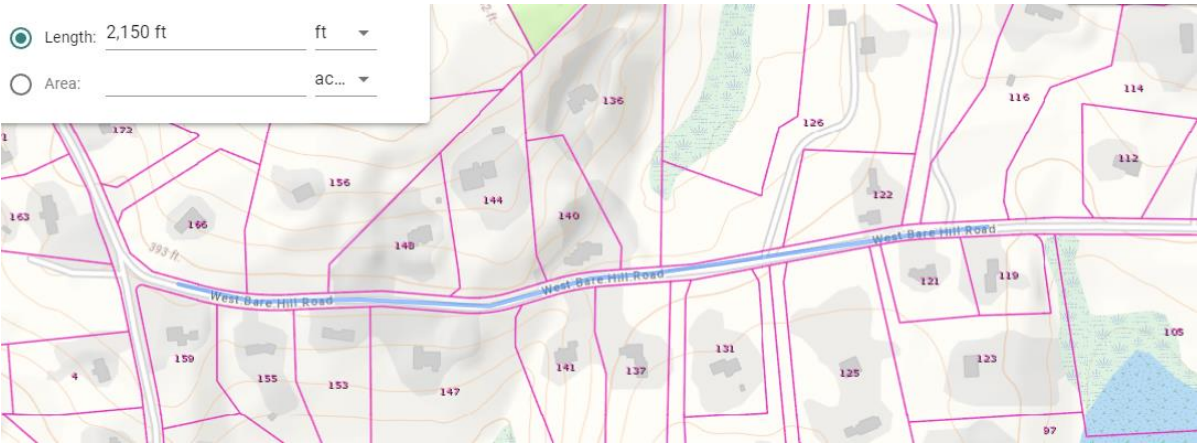
Still River Road



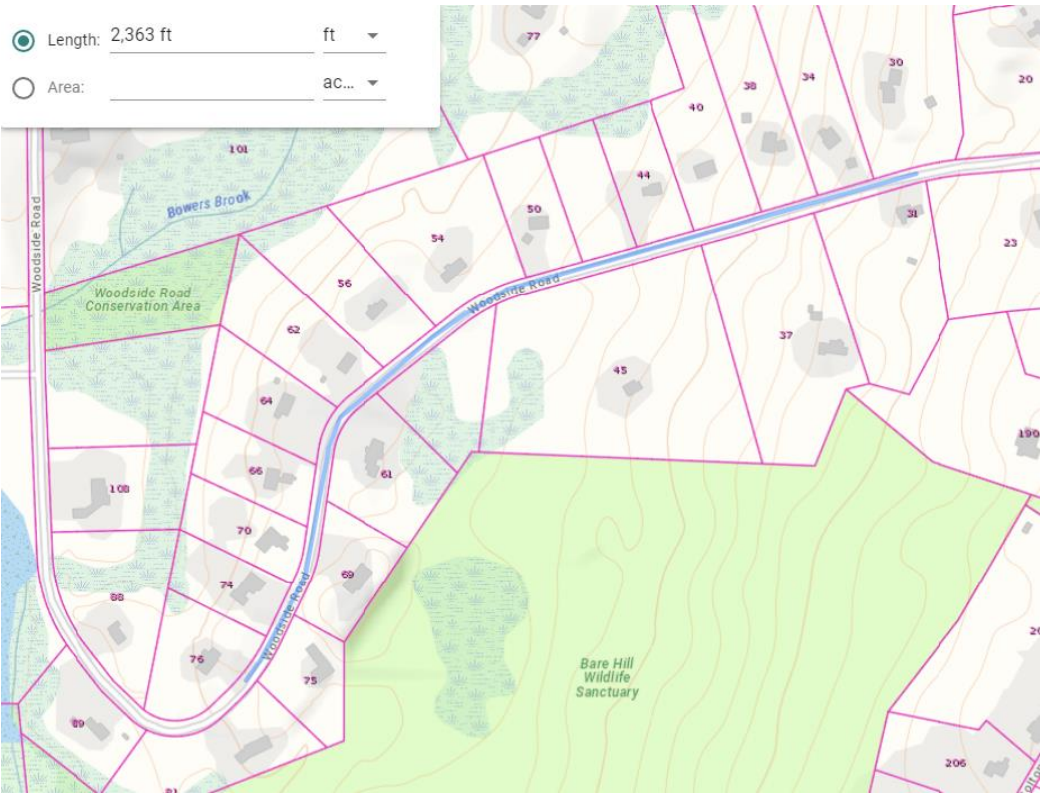
Shaker Road



West Bare Hill Road



Woodside Road



Staff Report December 7, 2021

1. **Special Town Meeting**
 - a. As most of you know there will be a Special Town Meeting on Friday the 17th of December at 10 a.m. on the second floor of Town Hall. This meeting is being called so that we can reduce the Raise and Appropriate amount approved, at the May session of Town Meeting, by \$914,332 before setting the tax rate. There was a math error and this amount was not subtracted from the Raise and Appropriate number prior to the May Town Meeting.
 - b. The second question was requested by Bond Counsel and it is to ratify all votes taken at the October session of Town Meeting.
 - c. Masks will be required for all attending and the Moderator is available.
 - d. We will need 50 people in attendance to start the meeting.
2. **Personnel Matters:**
 - a. A new Police Officer has been appointed, his name is Tyler Forbes and he comes to us from the Boxborough PD and he will be here (virtually) at the next Select Board Meeting, December 21, 2021, so that the Board can meet him and welcome him to Harvard.
 - b. Police Chief position was advertising on Mass Municipal Association website netted 20 applications, ranging from active Chiefs and Acting Chiefs in Massachusetts to retired Chiefs in Florida and DC-based DEA agents. After a qualifications review, 14 applications appeared viable: six candidates appeared strongest based on three categories (baseline qualifications, community/culture/climate and intradepartmental experience/aptitude). A screening committee comprised of the Fire Chief, Superintendent, Select Board Chair, Arm & Arm representative, and HR Director interviewed the six candidates over two days. Chair Sklar will be presenting the screening committee's recommendation this evening for next steps.
 - c. The Town Clerk is retiring in February and we will miss Marlene very much. We have advertised the position on MMA website, the MA Town Clerk's forum, and our website with preference granted to responses received before January 14. If the Chair is busy then I will need a volunteer from the Board to be on the screening committee.
3. **Pond Road Water Project:**
 - a. The initial portion of this project (installing the temporary water main) should be finished this week ahead of schedule. Tim Kilhart has done great work with Tighe and Bond and the contractor to make sure this was installed prior to freezing weather.
 - b. Tighe and Bond have submitted the technical piece for the next phase to Department of Environmental Protection Water Division in Worcester. The DEP has to review the proposed plans and provide feedback before we can put this out to bid. Their review can be lengthy and take a few months. Once we get their approval, I will let the Board know and Tighe and Bond will put it out to bid. Once we get the prices back, I will bring it to the Board for your approval of the use of ARPA funding for the project. This means that the Board will have to wait on making any other decisions regarding ARPA funding until we know the cost of the water project and Tighe and Bonds oversight of the project.
4. **COVID**

- a. As of 12/15/21, all Town Hall staff will be vaccinated.
 - b. With the increase of Covid cases in Massachusetts I have informed Department Heads and Staff that they will not be able to attend out of Town in person meetings for the near future (see email).
 - c. The Harvard BOH sent out the attached today regarding booster shots and where to get them.
5. Grants:
 - a. Unfortunately, we did not receive the MIIA grant for the Harvard Park Playground which was for \$10,000 and to fix a potential problem with the slide. The apparatus is offline until we can come up with the funds to fix it and I know P&R are working on this issue.
 - b. Chris Ryan received a grant, in the amount of \$49,000., from the State for the Planning Board's Ayer Road project (previously discussed in meeting).
 - c. Marie did get a grant from the State for the needed servers and for Town Hall in the Amount of \$29,000 (see attached).
 - d. At the 12/15 evening meeting, CPC will be reviewing our grant request for restoration of the Civil War tablets which are located in upper Town Hall.
 - e. We await news from the Mass Office on Disability (arriving....momentarily) whether our grant application to make the beach house ADA compliant was funded.
6. COA:
 - a. We successfully closed on the new COA building on the 18th of November (see attached email)
 - b. DAI/Liro (the only entity to respond to the architect/engineer RFQ for the COA) is drafting a proposal which will be reviewed by the PBC at their next meeting; ideally the firm would be under contract before 2022.
7. Tim Kilhart is working with the non-profit Big Brothers/Big Sisters to facilitate the recycling and reuse of items at the Transfer Station (the clothing bins, the book drop bins, the remaining Take It Or Leave It items): stay tuned for a future announcement.
8. Budget
 - a. The submission deadline was last Friday and attached are electronic copies of the budgets.
 - b. As per the Budget Calendar questions are due back by the 17 of December.
 - c. The Board will review their budgets on the 4th of January.
 - d. There is still no new projection for next year's (FY23) revenue, but we do expect something in just over a week or two. This will be the revenue consensus from the State House (House, Senate, Governor).
9. Just a follow-up on the discussion about a balloon test for a cell tower. Attached is information from Isotrope regarding the cost. In talking with David Maxson he said it is best to do it sooner so that we have more information if we have to bring it to Town Meeting. I will check with Finance Committee to see if they would be willing to provide funds through a reserve fund transfer for the ~\$3,000.
10. Tree Lighting on the Common will be on Sunday the 12th of December starting 4:30 p.m.
11. The Personnel Board will be meeting in January (not December) to review the Remote Work Policy and make a determination of their merit recommendation for FY23.

12. Just another reminder that all other Annual License Renewals will be happening on December 21st.
13. Town Hall will be closed on Friday, December 24, 2021 in observance of Christmas and on Friday December 31, 2021 in observance of New Year's Day. Town Hall will probably close early on December 23rd as well.