



**Select Board Minutes**  
**Thursday, January 5, 2023**  
**10:00am**

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:**

Rich Maiore, Erin McBee, Kara Minar, Don Ludwig, Charles Oliver

**Town Department attendees:**

Town Administrator Tim Bragan, Assistant Town Administrator Marie Sobalvarro Executive Assistant Julie Doucet

**Additional participants:**

Frank Carlson

**Liquor License Hearing - Carlson Orchards – Farmer Series Pouring License**

Chair Rich Maiore opened the hearing by outlining the hearing format. He invited the license holder to speak first.

Owner Frank Carlson stated they are seeking renewal with no changes.

Executive Assistant Julie Doucet confirmed the Select Board office did not receive any comments related to the license renewal.

Charles Oliver asked if there have been any issues/concerns the board should be aware of. Doucet confirmed the public safety department was consulted on the renewal and there have been no formal complaints filed in the past year.

**Public comment**

Kerri Green, Oak Hill Road, asked if the newer Select Board members are aware of the arrangement the orchard owners have for their cider production.

Don Ludwig is aware the cider is not produced on the property. He is not clear where the manufacturing of the cider is done has any relevance on the pouring license.

Kerri Green spoke about another entity outside of the orchard owners that have a vested interest in the license. She mentioned New England Apple products. She has never heard an open discussion about this arrangement and believes it is concerning the cider product is not actually being produced in Harvard.

Charles Oliver said he is also aware of this arrangement and understands it is allowable by law.

Town Administrator Tim Bragan explained the pouring license is reviewed/approved by the state and the state issues the farmer winery license each year to Carlson Orchards. They are operating within the law.

Kerri Green said she is not accusing anyone of breaking the law. Her concern is more about the residential neighborhood the orchard is located in and the idea another entity now has a vested interest is unsettling for her. She also mentioned the inconvenience of the roadway being closed to accommodate operations are Carlson Orchards.

Chair Rich Maiore recognizes the uniqueness of this business model in a neighborhood however legally they are allowed to do what they are doing.

**Public comment in favor**

Beth Williams, Granite View Lane, supports renewal of the license for Carlson Orchards as a long-standing farm in town that provides a nice space for people to enjoy. In relation to comments made by Ms. Green about the road being closed she said it has nothing to do with this license.

Bev Rodrigues, Old Littleton Road, is supportive of all farms and what they need to do to maintain their beautiful properties as an integral part of our town. She has witnessed how the Carlson family has evolved over the years to continue farming and believes they should be supported as much as possible. As a neighbor she has no issue with the activities there.

**Public in opposition**

Kerri Green, Oak Hill Road, appreciates public comments made in support of farming however this is not a farming issue. As an abutting farm she said the operations during the pick your own season must be revisited as the roadway is basically closed for two months. She does not feel this is a long-term solution and will need to be readdressed. She continues to have people visiting Carlson orchards trespass on her property. Green said if they were to sell their property it is not a great selling feature that the roadway is shut down for two months of the year. She believes the town needs to think more long term. Green advocated for keeping the annual renewal hearing for Carlson Orchards in their license conditions.

Rich Maiore is aware the current traffic plan needs to be better and not a good long-term solution. He understands this is a neighborhood and plans to meet again before the fall to discuss options.

Chris Green, Oak Hill Road, also spoke about the inconvenience of the road closure. In addition, he does not appreciate the pouring license going beyond farming hours especially if there is entertainment. He spoke about the proposed agricultural overlay district without any guardrails. He still does not understand how the patio/food trucks can be allowed. Green also noted the various changes over the years requested by Carlson Orchards. He is concerned this property will turn in to the Tweeter Center.

Chair Rich Maiore hears the frustration being expressed but noted this hearing is specific to the pouring license. In terms of overall operations within the neighborhood he understands traffic is ancillary to what is being offered at the orchard.

Public comment was closed.

**Select Board deliberation**

Kara Minar said based on the current license conditions, no issues with public safety, due diligence with legal counsel she is not sure what grounds the board would have to deny this license. She understands the challenges in respect to managing traffic and is committed to following through on that. She suspects much of the traffic is related to fruit picking and not the cider barn itself.

Erin McBee suggested the board discuss possibly removing the Carlson Orchards license condition to require a hearing for renewal.

Charles Oliver supports elimination of condition #14. He said it is reasonable to consider based on the track record thus far.

Don Ludwig wants to encourage agricultural businesses/farms the ability to seek alternative revenue sources. He agrees this condition may not be necessary based on the past few years.

Kara Minar initially made a motion to approve the license but withdraw it allowing the board to include revision of the license conditions, if any.

Maiore asked if any other conditions need to be addressed.

Erin McBee agreed the condition requiring a hearing for Carlson's could be removed. She noted each year renewals are done at a public meeting that this extra requirement every year may no longer necessary. She too agrees traffic is an ongoing issue to resolve. McBee also noted member of the public always have the opportunity to provide input regardless of a hearing.

By a roll call vote, Oliver – aye, McBee – aye, Ludwig – aye, Minar – aye, Maiore – aye, the board voted unanimously to approve license renewals and amend conditions by striking condition #14.

The hearing was closed at 10:45am.

Town Administrator Tim Bragan made a brief announcement the Special Town meeting will be held on Monday, February 13<sup>th</sup> at 7pm. Location to be determined.

The meeting was adjourned at 10:50am.