



Posted 3.24.2022 at 3:00pm by JAD

**SELECT BOARD  
AGENDA  
Tuesday, March 29, 2022  
7:00pm**

**The Select Board Regular Meeting is being held virtually in accordance with legislation S. 2475, an act relative to extending certain COVID-19 measures adopted during the Covid Pandemic state of emergency. Interested individuals can listen in and participate by phone and/or online by following the link and phone # below.**

UpperTH ProWebinar is inviting you to a scheduled Zoom meeting.

Topic: Select Board

Time: Mar 29, 2022 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/85253200927?pwd=N1hsNm9UOGhVYzNlc0tPTDhwdjlGdz09>

Meeting ID: 852 5320 0927

Passcode: 244501

Find your local number: <https://us02web.zoom.us/j/85253200927?pwd=N1hsNm9UOGhVYzNlc0tPTDhwdjlGdz09>

+1 253 215 8782 US

One tap mobile

+1 301 715 8592 US

+13126266799,,123906012# US (Chicago)

+19294362866,,12390012# US (New York)

**AGENDA ITEM**

- 1) A moment of silence to recognize the passing of longtime resident and dedicated town employee/volunteer Peter Warren.
- 2) National Grid Pole Petition Hearing – Under Pin Hill Road (7:00)
- 3) Meet with Tim Wilson to consider a special event request New England Tour the Cure (7:10)
- 4) Approve minutes 3/1 & 3/7 (7:20)
- 5) Staff Report/Updates (7:25)
- 6) Public Communication (7:30)
- 7) Review draft Town Meeting warrant and discuss town election hours (7:35)
- 8) Action/Discussion items:
  - a) Discuss a daytime meeting on April 5<sup>th</sup>
  - b) Act on 179D Energy Efficient Commercial Buildings Deduction Allocation form
  - c) Act on one-day entertainment licenses for Carlson Orchards
- 9) Select Board Reports

***Next Regular Select Board Meeting  
Tuesday, April 19, 2022  
7:00pm***

***All times are approximate except for scheduled public hearings.***

**OFFICES OF THE  
SELECT BOARD AND  
TOWN ADMINISTRATION**

**13 Ayer Road, Harvard, Massachusetts 01451  
(978) 456-4100**

**www.harvard-ma.gov  
(978) 456-4107 fax**



March 21, 2022

To Whom It May Concern:

Hello, The Select Board will hold a public hearing in the Town Hall Meeting Room, on Tuesday, March 29, 2022 at 7:00pm, to answer a petition from National Grid. The proposed petition would permit them to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across, the following public way:

**Under Pin Hill Road:**

National Grid to install 2 SO Poles on Under Pin Hill Rd beginning at a point approximately 1345' feet southwest of the centerline of the intersection of Lovers Lane and Under Pin Hill Road and continuing approximately 125' feet in a northeast direction. Install 2 SO Poles #16 & #17, 125' apart at existing pole #15 pm on Under Pin Hill Rd that is roughly 1345' from the intersection with Lovers Lane. These poles are necessary to provide service to a new home at 46 Under Pin Hill Road.

If you have any questions or concerns, please feel free to contact the Selectmen's Office at 978-456-4100 ext. 312 or via email at [jdoucet@harvard-ma.gov](mailto:jdoucet@harvard-ma.gov)

Respectfully,  
Julie Doucet  
Executive Assistant

**NOTICE OF HEARING**

The Harvard Select Board will hold a Zoom (virtual) public hearing on **Tuesday, March 29, 2022** at 7:00pm to answer a pole petition from National Grid. The proposed petition would permit them to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across, the following public way:

**Under Pin Hill Road:**

National Grid to install 2 SO Poles on Under Pin Hill Rd beginning at a point approximately 1345' feet southwest of the centerline of the intersection of Lovers Lane and Under Pin Hill Road and continuing approximately 125' feet in a northeast direction. Install 2 SO Poles #16 & #17, 125' apart at existing pole #15 pm on Under Pin Hill Rd that is roughly 1345' from the intersection with Lovers Lane. These poles are necessary to provide service to a new home at 46 Under Pin Hill Road.

SELECT BOARD -advertised  
3.18.2022

**\*\*\*MAP ON REVERSE SIDE\*\*\***



February 25, 2022

Town of Harvard

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID, covering NATIONAL GRID pole location(s)

If you have any questions regarding this permit please contact:

Please notify National Grid's Vincent LoGuidice of the hearing date / time.

If this petition meets with your approval, please return an executed copy to:

National Grid Contact Vincent LoGuidice; 1101 Turnpike Street; North Andover, MA 01845

Phone number 978-725-1392.

Very truly yours,

A handwritten signature in blue ink that reads "Pat Cody".

Patrick Cody  
Supervisor, Distribution Design

Enclosures

Questions contact – Javier Morales 508-860-6270

**PETITION FOR POLE AND WIRE LOCATIONS**

North Andover, Massachusetts

To the Board of Selectmen  
Of Harvard, Massachusetts

Massachusetts Electric Company d/b/a National Grid requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Under Pin Hill Rd - National Grid to install 2 SO Poles on Under Pin Hill Rd beginning at a point approximately 1345' feet southwest of the centerline of the intersection of Lovers Lane and Under Pin Hill Rd and continuing approximately 125' feet in a northeast direction. Install 2 SO Poles #16 & #17, 125' apart at existing pole # 15 on Under Pin Hill Rd that is roughly 1345' from the intersection with Lovers Lane. These poles are necessary to provide service to a new home at 46 Under Pin Hill Rd.

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Under Pin Hill Rd - Harvard – Massachusetts.

No.# 30488641 February 25, 2022

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a National Grid  
BY Pat Cody  
Engineering Department

**ORDER FOR POLE AND WIRE LOCATIONS**

In the Town of Harvard, Massachusetts

Notice having been given and public hearing held, as provided by law,  
IT IS HEREBY ORDERED:

that Massachusetts Electric Company d/b/a National Grid and be and it is hereby granted a location for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the 25th day of February, 2022.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Under Pin Hill Rd - Harvard – Massachusetts.

No.# 30488641 Dated: February 25, 2022. Filed with this order

There may be attached to said poles such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Under Pin Hill Rd - National Grid to install 2 SO Poles on Under Pin Hill Rd beginning at a point approximately 1345’ feet southwest of the centerline of the intersection of Lovers Lane and Under Pin Hill Rd and continuing approximately 125’ feet in a northeast direction. Install 2 SO Poles #16 & #17, 125’ apart at existing pole # 15 on Under Pin Hill Rd that is roughly 1345’ from the intersection with Lovers Lane. These poles are necessary to provide service to a new home at 46 Under Pin Hill Rd.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City/Town of \_\_\_\_\_, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 20 .

\_\_\_\_\_  
Massachusetts City/Town Clerk. 20 .

Received and entered in the records of location orders of the City/Town of  
Book \_\_\_\_\_ Page \_\_\_\_\_

Attest:  
City/Town Clerk

I hereby certify that on  
at

20 , at o'clock, M  
a public hearing was held on the petition of

Massachusetts Electric Company d/b/a National Grid

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....  
.....  
.....  
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of hearing with notice adopted by the of the City of Massachusetts, on the day of 20 , and recorded with the records of location orders of the said City, Book , Page . This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof

Attest:  
City/Town Clerk

**ORDER FOR POLE AND WIRE LOCATIONS**

In the Town of Harvard, Massachusetts

Notice having been given and public hearing held, as provided by law,  
IT IS HEREBY ORDERED:

that Massachusetts Electric Company d/b/a National Grid and be and it is hereby granted a location for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the 25th day of February, 2022.

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Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Under Pin Hill Rd - Harvard – Massachusetts.

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There may be attached to said poles such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

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Book \_\_\_\_\_ Page \_\_\_\_\_

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I hereby certify that on  
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20 , at o'clock, M  
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Massachusetts Electric Company d/b/a National Grid

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....  
.....  
.....  
.....

Board or Council of Town or City, Massachusetts

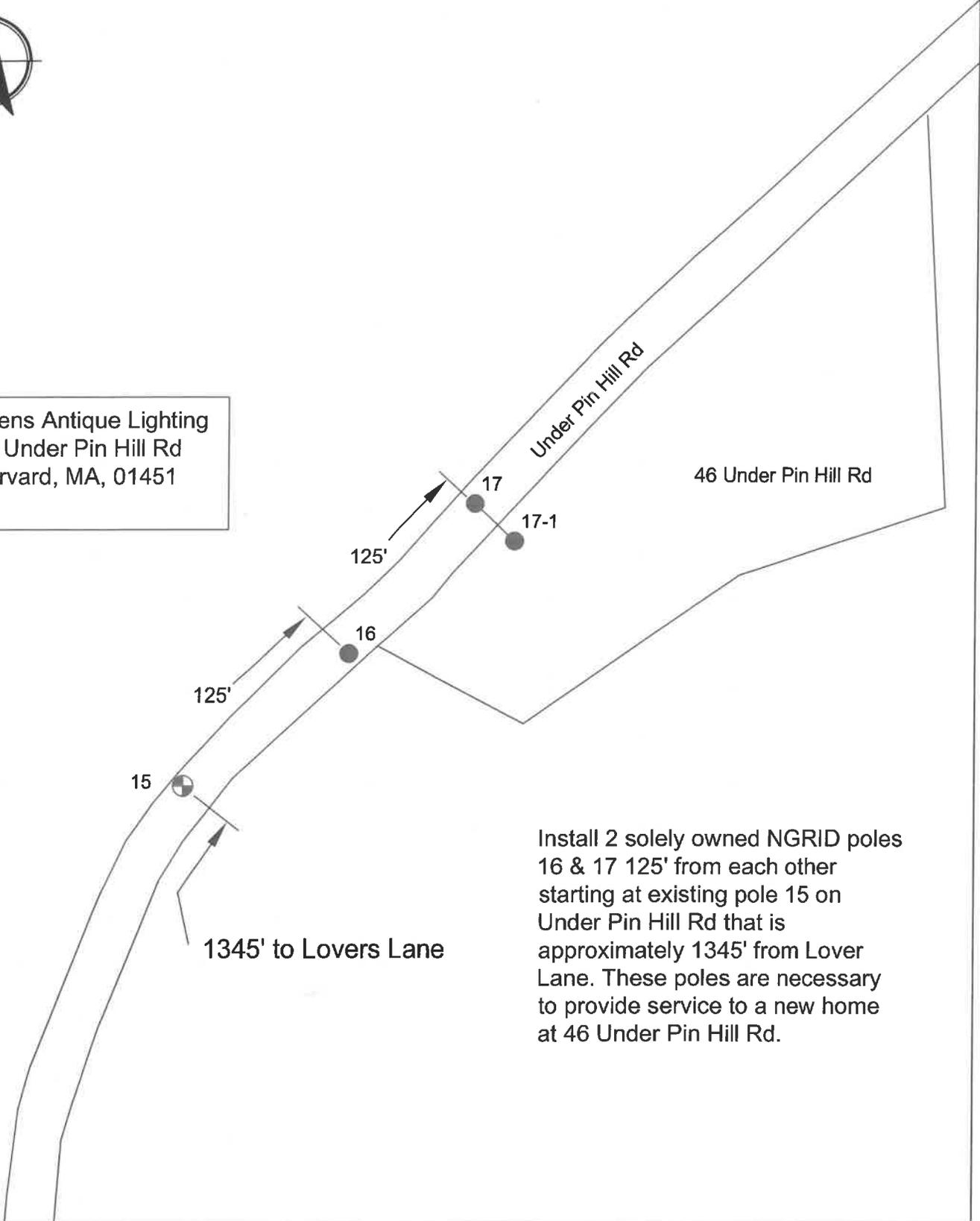
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Attest:  
City/Town Clerk

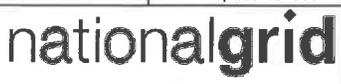


Allens Antique Lighting  
43 Under Pin Hill Rd  
Harvard, MA, 01451



Install 2 solely owned NGRID poles 16 & 17 125' from each other starting at existing pole 15 on Under Pin Hill Rd that is approximately 1345' from Lover Lane. These poles are necessary to provide service to a new home at 46 Under Pin Hill Rd.

<b>LEGEND</b> ● Proposed SO Pole ⊕ Existing JO Pole	<b>PETITION</b> 46 Under Pin Hill Rd, Harvard, MA	Date: 2/25/2022
	Petition To The Town of Harvard, Mass	Designer: J.Morales Work Request: 30488641



DRAWING NOT TO SCALE. DISTANCES ARE APPROXIMATE.



# TOWN OF HARVARD Special Event Permit Application

## Applicant and Sponsoring Organization Information

Name of Organization / Sponsor: American Diabetes Association Non-Profit  Profit

Applicant name: Tim Wilson Tax ID #: 13-1623888

Address: 29 Houghton Road City: Wilmington State: MA Zip: 01887

Daytime Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_ Cell Phone: 978-821-9229

E Mail: twilson@diabetes.org Web Site: www.diabetes.org/tdcnewengland

Event Site Manager: Tim Wilson Cell Phone: 978-821-9229

Other Contact person/s: Salome Tomar Cell Phone: 401-835-7903

## Special Event Information - Complete all data as required for event of any size.

Type of Event:  Run/Walk  Rally  Parade  School Fair  Concert  Carnival  Filming  
 Street Fair  Street Fair  Other

Event Title: New England Tour de Cure

Event Date & Time(s): 8/21/22 9:30 am to 12:30 pm Estimated Attendance: # 300

Open to the Public:  Yes  No Admission Fee: \$ N/A

Location: 11-mile route through town, details on attachment, rest stop at Depot Road field parking lot

Set Up Date/Time & Description: Volunteers arrive 9:30 am: 3-4 popup tents, tables, snacks, fluids,

Breakdown Date /Time & Description: Break down and cleanup to start @ 12:30 pm. All trash will be

## Event Details

Please indicate whether the following items pertain to your event.

YES	NO	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Food Concession and/or Food Preparation Area (s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	First Aid Facility (ies) and Ambulance (s).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will you set up table(s) and/or chair(s)? <b>How many?</b> <u>3 or 4 tables, 4 to 6 chairs</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fencing, Barrier(s) and/or Barricade(s), Traffic Cones.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does your event require electricity? <b>Source:</b> _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will you be holding a raffle at your event? <b>Describe:</b> _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Booth(s), Exhibit(s), Display(s) and/or Enclosure(s).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Canopy (ies) and or Tent(s). <b>Please describe dimensions:</b> <u>2 or 3 10x10-foot popup tents</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Scaffolding, Bleacher(s), Platform(s), Grandstand(s) or related structure(s).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Vehicle(s) and/or Trailer(s).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sleeping Trailer(s) and/or other accommodations.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Trash Container(s) and/or Dumpster(s).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Portable Toilet(s). <b>If yes, please indicate the company providing units:</b> <u>Vendor TBD</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Entertainment. <b>Please describe:</b> _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Amusement Rides. <b>Please List and describe:</b> _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Banner(s) and/or Sign(s).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Street Closure(s) <b>Please list:</b> _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will the event be advertised? <b>How?</b> _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Please note you cannot advertise your event before approval.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sponsorship/Vending or Promotional Activity? <b>Please Describe:</b> <u>Potential sponsor rest stop</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will your event have animals? <b>If yes, specify:</b> _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will your event require lights? <b>If so, specify hours:</b> _____

## Other Permits

Please note that all components of the event are subject to approval by the Town Administrator's Office and may also require approval by and/or permit(s) from other Town agencies and departments. It is the responsibility of the applicant to secure all necessary Town of Harvard permits, and to submit and payment required for permits.

## Insurance Requirements

Evidence of Insurance will be required before final permit approval. Please provide a Certificate of insurance, which shows a minimum of \$1,000,000.00 in Commercial General Liability Insurance and a Policy Endorsement, which indemnifies and holds harmless the Town of Harvard, and all of its agencies and departments. Some events may require a higher limit of insurance. Applicant must list the aforementioned parties as additional insured on their Certificate of Insurance. Each event is evaluated on its risk exposure. Any and all damages resulting from the event are the responsibility of the applicant and the applicant will work through designated staff to determine the most appropriate means for repair. The Town of Harvard is not responsible for any accidents or damages to persons or property resulting from the issuance of this permit.

## Affidavit of Applicant

My signature below indicates that everything I have stated in this application is correct to the best of my knowledge. I have read, understand and agree to abide by the policies, rules and regulations of the Town of Harvard as they pertain to the requested usage. The permit, if granted is not transferable and is revocable at any time at the absolute discretion of the Town of Harvard's Town Administrator (or designee). All programs and facilities of the Town of Harvard are open to all citizens regardless of race, sex, age, color, religion, national origin or disability.

Tim Wilson

Name of Applicant: \_\_\_\_\_ (Please print)

Signature of Applicant:  Date: 03/23/2022

### THIS SECTION FOR TOWN USE ONLY

**\*The following is required by your organization to insure the safety and health of all participating in this event:  
Note: You do not need to contact the departments below if it is not required.**

**YES**      **NO**

      Police Detail - estimated cost-\$\_\_\_\_\_per/day. Days Required\_\_\_\_\_(Contact Police)  
Comments:\_\_\_\_\_

      Fire / Ambulance Detail – estimated cost - \$\_\_\_\_\_per/day. Days Required\_\_\_\_\_(Contact Fire)  
Comments:\_\_\_\_\_

      Trash removal - \$\_\_\_\_\_per/day. Days required\_\_\_\_\_(Contact DPW -Parks)

      Portable toilets - Number required\_\_\_\_\_. Fees paid directly to company of your choice. All toilets must be serviced each evening. Placement and servicing coordinated in cooperation with the Park & Recreation Commission or DPW.

      Extra waste containers - \$20.00 per day (10). Days Required\_\_\_\_\_(Contact DPW -Parks )

      Temporary Food Permit – (Contact Board of Health )

      Raffle Permit/License - (Contact Town Clerk's Office)

Fire Dept. - 977 -456-3648\* Police Dept. – 978-456-8276 \* Health Dept. – 978-456-4100 ext. 328 \*

Town Clerks Office – 978-456-4100 ext. 316 \* DPW Dept. – 978-456-4130

Park & Recreation Commission – visit website for contact information – [harvardparkandrec.org](http://harvardparkandrec.org)

### Town Department Use Only Approvals and Notifications

**Insurance Certificate Received:**  YES – Date:\_\_\_\_\_  NO

Park & Rec Commission:      Approved \_\_\_\_\_ Town Clerk's Office      Approved \_\_\_\_\_

Town Administrator's Office: Approved \_\_\_\_\_ Police Department:      Approved \_\_\_\_\_

Fire Department:      Approved \_\_\_\_\_ Health Division:      Approved \_\_\_\_\_

## AMERICAN DIABETES ASSOCIATION NEW ENGLAND TOUR DE CURE – SUNDAY, AUG. 21

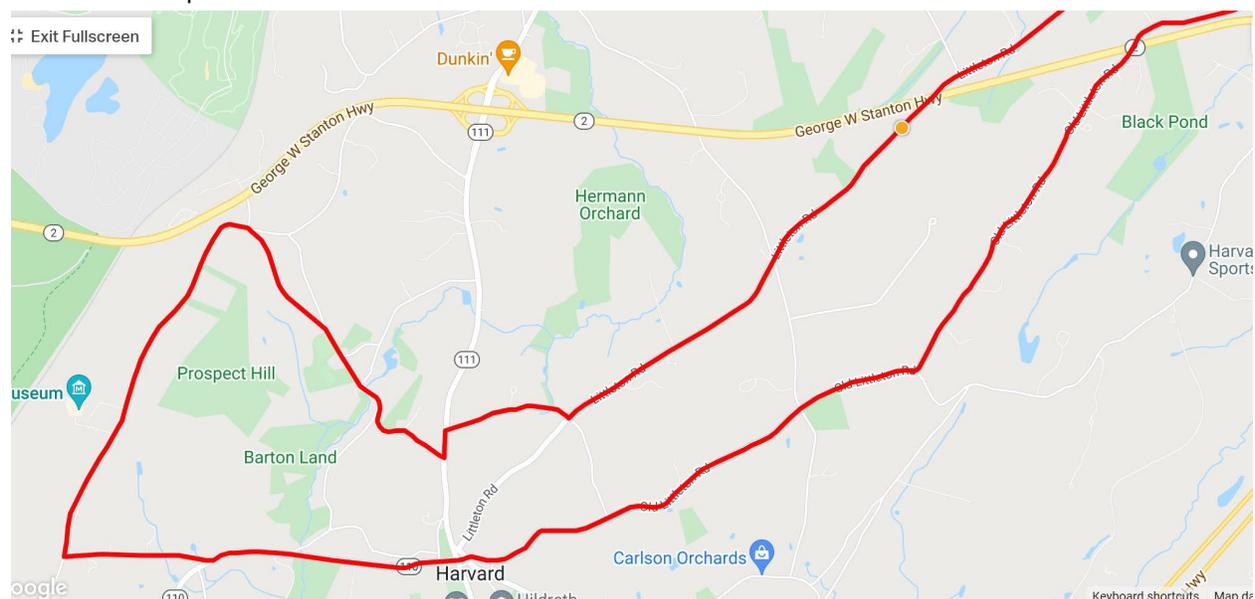
The New England Tour de Cure is part of the Tour de Cure series of fundraising cycling events around the country that benefit the American Diabetes Association. The New England Tour takes place Sunday, Aug. 21, with a start/finish location in Lexington.

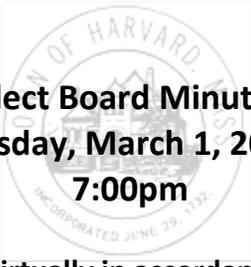
The tour has routes of 15, 30, 62 and 100 miles. We are finalizing design of those routes with the 62- and 100-mile route passing through Harvard. In addition to seeking approval of our routes through Harvard, we would like to ask permission to locate one of our rest stops in Harvard, in the parking lot of one of the ballfields on Depot Road. The rest stop would consist of two or three 10-x-10-foot pop up tents with three or four tables supplying cyclists with snacks, fruit, water and sports drink. A bicycle mechanic with a repair stand will also be at the rest stop to support the riders.

The rest stop at the Depot Road ballfield would be at roughly the 40-mile mark for the 62-mile route and the 44-mile mark for the 100-mile route. On average, it will take the riders about 3 hours to arrive at Depot Road when they leave Lexington at 7:30 and 8:30 respectively. I anticipate we would begin set up of the rest stop by 9:30 and close it by 12:30.

Because of the distance to the rest stop, the riders will be pretty stretched out on the route before they arrive at the rest stop. Our registration will continue into August, but I estimate there could be 300 or more riders on the two routes. Since the routes start an hour apart and riders stay about 15 minutes at most, there would be at most 50-75 riders at the rest stop at any one time, with the busiest time likely between 10:30 and 11:30.

Our route has the riders enter town from Littleton on Old Littleton Road, continue through the town center onto Still River Road/110, turning right on Madigan Lane and then right onto Prospect Hill Road. It continues on Prospect Hill Road and turns right on Depot Road, it then turns left onto Ayer Road/111 and then right on Whitney Road. From there the route turns left on Littleton Road and continues into Littleton. A map of the route is below.





**Select Board Minutes**  
**Tuesday, March 1, 2022**  
**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, Kara Minar, Erin McBee, Alice von Loesecke  
Rich Maiore was absent

**Town Department attendees:**

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

**Additional participants:**

Town Clerk Lynn Kelly, Community & Economic Development Director Chris Ryan, Planning Board Chair Justin Brown, Water Commissioner Cindy Russo, Finance Committee Chair Jennifer Finch, Frank Carlson

**Introduction of Town Clerk Lynn Kelly**

All welcomed new Town Clerk Lynn Kelly. She gave a brief description of her background and interest in serving as Harvard's Town Clerk.

**Discussion with the Planning Board on the state's MBTA-related multifamily zoning mandate**

Community & Economic Development Director Chris Ryan and Planning Board Chair Justin Brown provided summarized draft guidelines for compliance, important dates/milestones, the commonwealth's community information form, a draft letter for consideration by the Select Board and possible next steps. Brown said the Planning Board understands this mandate was instituted to address housing needs therefore they will do their best to comply. Select Board member Kara Minar has been working with the PB on developing a letter to the state to address a range of concerns that the PB has regarding the MBTA Communities draft guidelines as well other comments/questions. The public comment period closes on March 31, 2022. The Select Board members agreed the draft letter was good and offered some suggested edits. The letter will be finalized at the March 15<sup>th</sup> meeting.

**Discuss and act on Water Commissioners recommendation regarding water treatment**

Commission Chair Cindy Russo was present to explain in more detail the options moving forward.

Russo outlined the immediate steps necessary to get well 2 operating for DEP approval:

- 1) She reported the commission voted to recommend the tablet-based system (Alternative #1A) instead of the liquid chlorine system (Alternative #1) because it is easier to operate, reduces chlorine taste in the water, and is skid mounted, allowing it to be moved to a permanent facility in the future.
- 2) In order to apply for State SRF loan program for a more permanent solution. Without additional work, the system will not have PFAS treatment, cannot add treatment for iron, and= will not have the ability to respond to any other treatment needs or DEP requirements. The first-round SRF application must be submitted by August. Therefore, the commission also recommends that the engineering necessary for both rounds of the application be paid from ARPA funds in the amount of \$10,000. The second-round application requires drawings which are 75% complete. SRF loans do not cover engineering costs.

She explained moving forward the engineers recommend a permanent treatment facility with an estimated cost of \$1.8 million. The Commission recommends that, before proceeding with the application to fund the treatment facility, the Select Board authorize Tighe and Bond to investigate the costs and feasibility of connecting to the Devens Water System. Tighe and Bond suggests that the Town budget of \$10,000 for this investigation. Connection to Devens would allow the Town to join a professionally run system with many more users to share the operational costs. It would better insulate the Town from constantly changing permitting and operational requirements. It would also remove the risk of having to resolve significant system failures and the need to find a location for and drill a third well in the future. The Commission believes that the cost and feasibility of the option of connecting the system to Devens should be investigated before the Town moves forward with a \$1.8 million expenditure on the existing system. A decision should be made on the preferred long-term solution in June which would give Tighe & Bond sufficient time to prepare and submit an SRF loan application for that preferred solution in August.

By a roll call vote, von Loesecke – aye, McBee – aye, Minar- aye, Sklar – aye, the board voted unanimously to authorize the water/sewer commission to expend up to \$100,000 for option 1A based on outside advice as well as \$10,000 for Tighe & Bond to study connection to Devens water/sewer.

#### **Finance Committee budget recommendations**

Chair Jennifer Finch offered their five-year projections which she noted may be revised once the Governor's budget is finalized. In addition, she reviewed proposed changes by the Finance Committee and the financial warrant articles that will be funded through taxation. Finch is confident with where the budget is currently. Alice von Loesecke articulated her concerns with some of the assumptions used for both revenue and expense projections. In looking at future projections, she advocated adjusting budgets in FY23 in order to better position the Town for future years. She noted the increase in staff positions that have arisen due to the Covid pandemic in the school department and the long-term affect this will have on the omnibus budget. The Select Board will finalize the budget at the March 15<sup>th</sup> meeting.

#### **Carlson Orchards Annual Entertainment License request**

Stu Sklar explained the request details and public comment will commence this evening with further action at the March 15<sup>th</sup> meeting due to further clarification needed.

Frank Carlson explained his interest is to have entertainment during regular hours. He is not certain on how often but would like the ability to provide entertainment to customers legally. He seeks an annual license similar to what the Harvard General Store and Fruitland's Museum currently have in place.

#### *Public Input*

Andrew Bunce, 81 Slough Road, acknowledges this is a narrow topic specific to an entertainment license. He understands there are procedures to be followed but feels like over the last couple of years Carlson Orchard requests are fairly limited to start but tend to increase over time. He asked if there is a limit to what is allowed.

Kerri Green, 102 Oak Hill Road, submitted a letter and articulated that she is incredibly concerned about operations under Carlson Orchards licenses. (Attachment A).

Bob O'Shea, Old Littleton Rd, supported the previous efforts by the Planning Board to create an agritourism bylaw which he believes could have helped farms with this type of use. He recalls events at the General Store and how they worked to minimize the sound by changing direction of the sound system. He suggests instead

of denying this request work to minimize the impact to the neighborhood as many residents would certainly enjoy music while visiting Carlson Orchards. He understands neighborhood push back as he has dealt with this while serving on the Park & Recreation Commission.

Gwen Leonard, Woodchuck Hill Rd, began by thanking the Select Board for all they do as volunteers for the town. She offered three points to be considered 1) what residents love most about Harvard is the tranquility/quiet/peacefulness 2) she has learned after some research similar communities that allow entertainment in similar situations set limitations but many do not have any noise ordinances in place and 3) the 35-mph speed limit in the area is difficult to enforce in a small town like Harvard.

Steve Rowse, former resident, acquired the Carlson brother's cider making beginning with their sweet cider 10 years ago. They expanded to hard cider and have grown quite successfully. He noted they have all the appropriate state licensing required and any insulation that his company is benefiting economically in any egregious way with this taproom is false. The increase of Carlson products running through the market place benefits their brand by attracting others to the farm for pick your own and retail sales at the farm stand.

David Kilkenny, Slough Rd, had no issues with sound from entertainment at Carlson's when it had occurred. He welcomes the opportunity to hear music in town.

Chris Green, 102 Oak Hill Rd, spoke about his concern for hours and uses that will affect the neighborhood. He spoke about the legal limits based on Board of Health regulations for only 66 people. Green was upset when alcohol consumption was allowed at Carlson's but the idea of entertainment as well is the last straw. He does not believe this is a permitted use. He offered the idea of having a committee to vet these types of requests.

Nadine Connelly, 2 Babbitt Lane, spoke about the difficulty she encountered crossing town during events at the orchard. She commented on the traffic and concerns if there were an emergency how this traffic could have an adverse effect. In addition, she questions the good when mix of children and alcohol may be a lack of balance for this establishment.

David Fitzgibbons, Lovers Lane, supports issuance of this entertainment license as a nice way to find enjoyment in the town.

Kerra Huchowski, Shaker Road, expressed concern with the increase in traffic on Pinnacle Road. She is not a fan of the tap room or the addition of entertainment. She is curious about the cider not being produced at the orchard how it is a true product. She does not understand how that is allowed under the farm status and does not think this use supports the true farmer.

Beth Williams, Granite View Lane, has lived in town for 20 years and does not believe much has changed at Carlson Orchards with the addition of the Cider Barn. She supports entertainment until

Nate Beale, Old Shirley Road, believes Carlson's is a huge benefit to the town as a whole. He is a strong advocate in favor of their request.

Phil Robinson, Pinnacle Road, is a musician who has played at the orchard. He welcomes the opportunity to perform there as the options are limited in town.

Carl Tonge, 8 White Lane, moved here 22 years ago for the quiet. She has realized the noise which comes from Route 2 and 495 along with gunfire from Devens. She believes the traffic is mostly due to the visitors for the pick your own season. She supports the request and enjoys sharing their offerings with friends and family when they visit.

Pat Cooper, 103 Bolton Road, is the entertainment director for Carlson Orchards. She made assurances that entertainment is mostly family oriented, does not go past 7:30pm and is rarely offered on Sundays.

### **Other Public Communication**

Bob O'Shea, Park & Rec Chair, asked the Select Board to create a Memorandum of Agreement (MOA) between the DPW and commission to outline the scope of work related to field maintenance for the Annual Town Meeting.

Frank Carlson thanked the Select Board for their time on this issue.

Kerra Huchowski, Shaker Road, thanked Park & Rec Chair Bob O'Shea for his work on the fields. She agrees an MOA is a good idea.

### **Minutes**

By a Minar – aye, von Loesecke - aye, McBee – aye, Sklar – aye, the board voted unanimously to approve the minutes of 2/1, as presented.

### **Staff Report/Updates (Attachment A)**

- Budget - The Select Board will meet on Wednesday, March 16<sup>th</sup> at 6:00pm in prepare questions for the Finance Committee meeting at 7pm.
- Ayer Rd Project - Kara Minar mentioned there may be issues with the consulting firm being used. She is concerned about the outcome of the project not aligning with the desires of town residents and our commercial redevelopment goals.

### **Discuss and act on lease agreement for the Bromfield House**

Erin McBee has been working with Town Counsel and the Bromfield Trustee's attorney. She anticipates the petition to the court for sale of the Bromfield House and then a motion for the lease of the house will be ready by week's end. By a roll call vote, McBee– aye, Minar – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to surplus the Bromfield House. Von Loesecke asked about the final lease terms. McBee suggested a meeting specific for this topic with the final lease details. She did confirm the lease term is for one year with a reasonable extension option with agreement by all parties.

### **Annual Town Meeting**

By a roll call vote, Minar – aye, McBee – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to hold the ATM outdoors.

### **Vote on the useful life of the new fire truck**

By a roll call vote, Minar – aye, McBee – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously for the 20-year useful life of the new fire truck.

### **Nominations papers in lieu of town caucus**

By a roll call vote, von Loesecke – aye, Maiore – aye, Minar – aye, McBee – aye, the board voted unanimously to allow nomination papers for town elected positions.

By a roll call vote, Minar – aye, McBee – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to extend past 10:00pm to enter into executive session and reconvene into open session.

**Executive Session, per MGL Ch. 30A, s. 21(a)3**

By a roll call vote, Minar –aye, McBee – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to enter into executive session at 10:06pm as per MGL 30A Sec. 21.3 To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government’s bargaining or litigating position. The Board will reconvene into open session to act on two contracts.

**Union Contracts**

By a roll call vote, McBee – aye, von Loesecke – aye, Minar -aye, Sklar – aye, the board voted unanimously to approve the DPW contract as presented by Tim Bragan.

By a roll call vote, von Loesecke – aye, McBee – aye, Minar – aye, Sklar – aye, the board voted unanimously to approve the Police contract as outlined by Marie Sobalvarro.

The meeting was adjourned at 10:30pm.

**Documents referenced:**

PB MBTA Communities Multifamily Guidelines Discussion – dated 3.1.2022

Memo from the Water/Sewer Commission – dated 2.23.2022

Carlson Orchards Entertainment request – 12.14.2022



**Select Board Minutes**  
**Monday, March 7, 2022**  
**12:00pm**

**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, Alice von Loesecke, Erin McBee  
Kara Minar was absent.

**Town Department attendees:**

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

**Additional participants:**

Bromfield Trustee Ginger Kendall & Terry Symula from the Harvard Neighborhood Support Team

**Review final version of the petition and proposed agreement for the Bromfield House**

Erin McBee has been working with Suzanne Poitras the attorney for the Bromfield Trustees. She expects the lease agreement for the Afghan refugees to be for one year with a possible extension if agreed upon by all parties. She reported they continue to discuss a memorandum of agreement (MOA) with respect to sale of the property some details being discussed include allocation of sale proceeds, allowable uses for proceeds of the sale (educational), timeline and process.

McBee had hoped to file a joint petition with the Bromfield Trustees for permission to lease the house however discussions have taken longer than expected. She imagines the courts would look more favorably on the petition if it were jointly filed but the Select Board can file on their own.

Alice von Loesecke suggested the petition be filed as soon as possible to include our intent to continue to work with the School Committee and the Bromfield Trustees on distribution of the sale proceeds.

Assistant Town Administrator Marie Sobalvarro proposed the language regarding the lease of the property be included in the petition if it is not filed jointly. McBee agreed.

Bromfield Trustee Ginger Kendall said she is confident details can be worked out with respect to the sale proceeds and admitted she was not aware that issue was holding things up.

Rich Maiore wondered what is the best way to gain feedback from the Bromfield Trustees. McBee suggested a timeframe be offered for their input prior to the petition being filed.

Terry Symula thanked everyone for their efforts on this. She reported our Senator and Representative are coming to town this weekend to highlight the efforts of Harvard to make this successful therefore the formal commitment from the town is an essential piece of this endeavor.

Following the discussions, two motions were made:

By a roll call vote, von Loesecke – aye, Maiore – aye, McBee – aye, Sklar – aye, the board voted unanimously to authorize Erin McBee to work with Marie Sobalvarro and town counsel on finalizing the petition to be filed with the court with modifications discussed during this meeting the town through the School Committee together with the Bromfield trustees would decide in the future on the proceeds of the sale towards educational purposes according to the terms of the will.

By a roll call vote, von Loesecke – aye, McBee – aye, Maiore – aye, Sklar – aye, the board voted unanimously should a joint petition not be possible the Select Board authorize Erin McBee to work with Marie Sobalvarro and town counsel to file a petition to the court from Select Board including the proposed lease for Afghan families and section that says work with trustees on the proceeds of the sale towards educational purposes according to the terms of the will if trustees have not notified Select Board they are willing to go with a joint petition by end of business Thursday, March 10<sup>th</sup> we will file single petition.

The meeting was adjourned at 12:35pm.

**SECTION 179D ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION ALLOCATION FORM**

As part of the Energy Policy Act of 2005, Congress enacted Section 179D of the Internal Revenue Code to encourage the design and construction of energy efficient buildings. Per IRC §179D(d)(4) and Notice 2008-40, building owners of energy efficient commercial buildings may take a deduction arising from the installation of energy efficient commercial building property as part of the interior lighting, HVAC and hot water systems, or building envelope systems. If the building owner is a government entity, they may allocate the deduction to the designer of the energy efficient building. A review of all energy efficient systems in the allocated building(s) will be performed on behalf of the government entity. If allocable deductions are identified, they will be allocated to the eligible designers as identified below.

Arrowstreet Inc. created technical specifications for the installation of the energy efficient government-owned building and systems which resulted in reduced energy consumption and is eligible to be allocated the 179D Energy Efficient Commercial Building Deduction.

The role of the allocating government entity is to confirm the scope of work performed and related information provided herein as eligible to pursue for the IRC §179D deduction by the taxpayer seeking the allocation, Arrowstreet Inc., and not for determining if in fact the building is energy efficient.

To the extent that a more detailed study verifies that allocable deductions are identified, the Town of Harvard hereby agrees to allocate Arrowstreet Inc. the Section 179D deduction for the property described below:

<b>BUILDING INFORMATION</b>				
<b>Property Name</b>	<b>Property Name</b>	<b>Placed in Service</b>	<b>Cost of Property</b>	<b>Allocation Percentage</b>
Hildreth Elementary School	27 Massachusetts Ave. Harvard, MA 01451	May 2021	\$43,939,320	100%

Following a third-party certification by a licensed professional engineer or contractor in the jurisdiction of the building, the Town of Harvard will be provided with a summary analysis detailing the energy-saving improvements and the final Section 179D deduction amount.

The Town of Harvard, the Harvard School District and the signer of this allocation agreement are not responsible for certification of the energy efficient building. The taxpayer receiving the allocation, Arrowstreet Inc., is solely responsible for obtaining the required certification and onsite verification and for ensuring their accuracy and substance, including any costs thereof.



TOWN OF HARVARD REPRESENTATIVE INFORMATION	
<b>Representative Name:</b>	
<b>Government Entity Name:</b>	
<b>Title:</b>	
<b>Mailing Address:</b>	
<b>Telephone Number:</b>	
<b>E-mail:</b>	

ARROWSTREET INC. REPRESENTATIVE INFORMATION	
<b>Representative Name:</b>	Nancy Neville
<b>Government Entity Name:</b>	<i>Arrowstreet Inc.</i>
<b>Title:</b>	Chief Financial Officer
<b>Mailing Address:</b>	10 Post Office Sq. Suite 700N Boston, MA 02109
<b>Telephone Number:</b>	617-666-7045
<b>E-mail:</b>	neville@arrowstreet.com

Under penalties of perjury, I declare that I have examined this allocation, including accompanying documents, and to the best of my knowledge and belief, the facts presented in support of this allocation are true, correct, and complete.

At the time of this allocation, there are no accompanying documents.

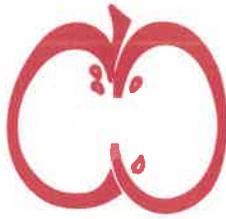
**AGREED TO AND ACCEPTED:**

\_\_\_\_\_  
Signature (Town of Harvard Representative)

  
\_\_\_\_\_  
Signature (*Arrowstreet Inc.* Representative)

\_\_\_\_\_  
Date

*March 15, 2022*  
\_\_\_\_\_  
Date



## *Carlson Orchards, Inc.*

115 OAK HILL ROAD  
P.O. BOX 359  
HARVARD, MA 01451

(978) 456-3916  
(978) 456-8760 (FAX)  
www.carlsonorchards.com

**Date:** March 24, 2022  
**TO:** Town of Harvard Selectboard  
**RE:** Entertainment License, Days requested

### Questions for the Board

1. Rain dates – can we re-use that date
2. Does one person playing acoustic unplugged in the barn need a permit
3. Lead time to add additional days to fill out 30 total days

**April Dates: 2 Days**  
2, 16 (Both acoustic guitar in the building)

**May Dates: 2 Days**  
7, 14 (Acoustic Guitar both days)

**July Dates: 4 Days**  
3, 16, 23, 30

**August Dates: 6 Days**  
6, 12, 13, 14, 20, 27 (Peach Fest 12-14)

**September Dates: 4 Days**  
3, 10, 17, 24

**October Dates: 7 Days**  
1, 8, 14, 15, 16, 22, 29 (Apple Fest 14-16)

Thanks

  
Franklyn W. Carlson, Pres.

**DRAFT CARLSON ORCHARDS**  
**ENTERTAINMENT LICENSE CONDITIONS**

Approved \_\_\_\_\_

1. Entertainment is permitted in the cider barn and patio only.

2. Entertainment License – Hours of Operation

Monday Holidays	11am to 6pm
Tuesday	11am to 6pm (only in the cider barn for private events)
Wednesday	11am to 6pm (only in the cider barn for private events)
Thursday	11am to 6pm
Friday	11am to 8pm
Saturday	11am to 8pm
Sunday	11am to 6pm

3. The licensee holder shall designate, at all times, an on-site manager who shall be responsible for compliance with the operational aspects of these conditions. The on-site manager shall have a cell phone with the number registered at the communications center.

4. The on-site manager shall not permit any loud music, noise or other sounds by means of phonograph, radio, or other broadcasting apparatus or other loud noise or other nuisance which disturbs the quiet and peace of the premises or the neighborhood.

5. The licensee acknowledges that the location of their facility is within a rural residential area and that excessive noise created by their activities could have a deleterious effect on their neighbor’s rights to quiet enjoyment of their property. Accordingly, the licensee agrees to immediately moderate any such activity upon notification by any of the agents of the Select Board that a complaint has been filed. Failure to comply with this provision could result in suspension or revocation of this license.

6. The inclusion of any permitted activity in this license does not mean that it will be “grandfathered” as a right in future renewals of this license.

7. The Select Board reserves the right to modify any conditions or change any permitted activity during the period of this license should it be determined that this is necessary. A public hearing will be held prior to any modifications. The licensee will be given 30 days to comply.

8. Entertainment shall be offered as an adjunct offering to visiting the cider barn taproom and/or orchard not advertised as the sole purpose for visiting.

9. 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.

10. 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.

11. The Chief of Police, Fire Chief or Zoning Enforcement Officer shall be the Select Board’s agents, as appropriate, for determining compliance with these conditions.