



**Board of Selectmen
Minutes
Tuesday, February 21, 2012 7:00pm
Town Hall Meeting Room**

The meeting was called to order at 7:00PM by Chair, Marie Sobalvarro in the Town Hall Meeting Room. Selectmen Marie Sobalvarro, Ron Ricci, Bill Johnson and Peter Warren were all in attendance as well as the Town Administrator Tim Bragan and Executive Assistant Julie Doucet. Tim Clark was absent.

Vicksburg Square Redevelopment Public Hearing

Trinity Financial attendees:

James Keefe, Abby Goldenfarb, Dan Drazen, Hank Keating
Attorney Kathy Bachman, WilmerHale, LLP

Marie Sobalvarro opened the hearing by reading aloud the legal notice. She also provided a quick overview of the proposed project and explained changes to the Devens Reuse Plan and zoning bylaws will be necessary to facilitate the redevelopment project thus requiring public hearings.

Sobalvarro then opened the hearing for questions. There were no questions at this time. She then asked those in favor to come forward and speak.

Public in favor

Tom Williams, 59 Madigan Lane, said he reviewed the proposal and feels this is a good resource at a good time and will allow necessary growth in a controlled way.

James Turner, Carpenters Union representative, first confirmed he had no financial affiliation with Trinity Financial. He said he has a substantial amount of members in this area and said this project will bring much needed work and housing to the area.

Bob Hughes, 47 Turner Lane, said he has been in town many years and feels this is truly a good idea. He encouraged everyone to embrace the idea of revitalizing Vicksburg Square. He is convinced the economy is improving and this will only help.

Glenn Garber, 152 East Bare Hill Rd, said he has deep roots in town and was actually involved in the initial development of Devens. He understands all the concerns but by and large feels this is a good deal. He said this will provide a way to save the historic buildings and offer much needed affordable housing for the elderly and veterans.

He added this will give a boost to the region, stop deterioration of the buildings and provide for future generations.

Miriam Bemis, 16 South Shaker Road, said she is a fifth generation Harvard resident. She has four children who are active duty military and have served in Iraq and Dessert Storm. She explained they would love to come home but just can not afford to live in this area on military

salaries. She said the lack of housing and medical for this country's military is deplorable. She asked the public to seriously consider this opportunity and begin to allow growth in Devens and Harvard. She encouraged residents to vote in favor of this project not just for us but for future generations. She also added she has visited other properties developed by Trinity Financial and was very impressed.

Phil Crosby, 15 Elm Road, Devens, referred to sections in the Master Plan and Affordable Housing Plans which call for an increase in housing options, particularly the number and types of moderately priced senior and handicapped-accessible units. He said the planning has been done and these reports scream out the need for affordable housing.

Public in opposition

Bill Ashe, 25 Myrick Lane, was an elected official in Harvard for over 25 years serving on the Board of Selectmen, Planning Board and in various other capacities. He said he was involved in the early Devens matters and views what is happening now as disturbing. He feels due to the historic value of the Vicksburg Square area he strongly advocates for good planning. In his opinion this project is not an example of good sound planning. He added there is not enough information to make a good decision. He asked if Chapter 498 over rules the 2/3rd vote requirement for zoning changes. He will not vote in favor of this project.

Brian Muldoon, Ayer Finance Committee member, said Ayer opposes the project for a number of reasons which are posted on their website. Ayer feels they can not sustain this number of affordable units.

Lucy Wallace, 18 Orchard Hill Road, expressed her concern on how the local preference piece will work. She is in favor of the concept to offer preference to veterans but until a marketing plan is reviewed it is hard to understand how the process will work. She also commented on the 30 year commitment for affordable units as opposed to the usual which is in perpetuity. She also questioned how increased services for veterans and seniors will be handled.

John Knowles, 49 Walnut Street, Devens, said it is not a good plan fiscally for Harvard or for Devens. He knows other neighbors who feel the same way but are intimidated to attend meetings and voice their opinions. He is concerned how this may lock in the future of Devens before disposition has been established. He said a project like this is a game changer and it would be his preference to establish disposition first.

Before closing the public participation portion of the hearing, Sobalvarro again asked if the public had any questions.

Kirsten Wright, 225 Littleton County Road, said she was speaking as a resident and not as a representative of the School Committee. She is interested in any quantitative information that has been gathered on how the residents of Devens feel about his project. She said this information will have a huge influence on how she votes.

Jim Keefe from Trinity Financial President said there have been numerous meetings held in Devens but no formal votes have been taken.

Lucy Wallace, 18 Orchard Hill Road, asked if a map has been supplied outlining the new zoning change. Keefe responded the 20 acre Vicksburg Square property is now zoned only for innovation/technology. The changes will now allow for multi-family and elderly residential uses. Wallace said a map may be helpful to visualize the change. Keefe introduced his associate Hank Keating and Attorney Kathy Bachman who have worked on the legal and zoning aspects. Keating referred to Chapter 40R as intriguing and something for MassDevelopment to consider. He said this may be a way to make up the tax difference when it comes to affordable housing.

Chapter 40R of the Massachusetts General Laws encourages cities and towns to establish new overlay zoning districts to promote housing production and, more generally, smart growth development. Chapters 40R and 40S both provide financial incentives to communities to adopt these new zoning districts

Paul Green, 288 Old Littleton Road, referred to the low income tax credit project currently being populated (Bowers Brook, Ayer Road). He was curious if there was any way to compare and contrast the two projects and understand more how the lottery works. Ron Ricci said a lottery was held and they have applicants for half of the units but until the units are complete and ready for viewing there are still no formal commitments. He said the 42 units are financed by low income tax credits and age restrictions are incorporated.

At this time Sobalvarro closed the public participation component of the hearing.

BOS Deliberation

Marie Sobalvarro asked if her colleagues had any questions.

Sobalvarro said in reviewing the Reuse Plan changes she noticed the affordability restrictions and median income requirements were included in the Memorandum of Agreement (MOU) between Trinity and MassDevelopment and not included in the actual Reuse Plan. She was curious why the sideline document. Attorney Backman explained the MOU was developed to allow revisions to occur in a more flexible manner with only a majority vote of the Selectmen boards' necessary instead of requiring super town meeting approval. Warren asked for clarity and Backman said a majority vote of the three Boards of Selectmen would be the deciding factor. Ron Ricci said we should maintain consistency with the process and continue to follow Chapter 498 rules. The board members questioned why the MOU is necessary why not codify all the details in the bylaws. Backman explained her approach was to detail zoning in the bylaw and have the MOU be more project specific. She said the MOU will be recorded. Sobalvarro asked about deed restrictions. Backman said the deed restriction would refer to the MOU. She acknowledged it is complicated and the MOU assists to memorialize the process as does the deed restriction. She said the deed restriction is binding to the specific property unless all parties agreed to make a change.

Backman said if there is a desire to clarify a bit more she does not see any objection. Keefe added the spirit of the MOU was to spare everyone involved the requirement of town meeting votes and permit more control to the Selectmen.

Ricci returned to the concerns expressed by resident Lucy Wallace. He too agrees we need some assurances from MassDevelopment and Trinity on how the towns will finance additional responsibilities to our Council on Aging and Veterans Agent. Keefe responded in other projects

Trinity has resident services and coordinators who interact with families and residents. Ricci said this still does not answer how the towns will handle the added expenses and suggests MassDevelopment provide feedback on this. Ed Starzec from MassDevelopment said they are open to combining services with other communities. Currently, Ayer handles Veteran Services in Devens. Bill Johnson was curious about the senior population currently in Devens and if senior services could be regionalized. Devens resident Phil Crosby who is the newly elected Devens Committee Chair is going to strive to develop a process to gather as much public input as possible prior to the Super Town Meeting. Peter Warren strongly encouraged this.

Bill Johnson said he understands this project will be completed in stages but asked if there will be contractual obligations with a specific timeline. Keefe said the agreement between MassDevelopment and Trinity Financial has not been finalized yet. He expects time horizons will be incorporated as well as performance requirements. He noted the agreement will not be finalized until the Super Town Meeting is held. Johnson felt it important for the town to have some idea of what this agreement will include. He pointed out the towns are really taking a leap of faith by approving these zoning changes. We are assuming the project will be expeditious and be completed as presented but without any contractual commitments the towns have no recourse. He suggested Trinity provide as much assurance as they can to help secure support. Keefe added Trinity's long term investors want the project to be completed in a reasonable amount of time. They will not invest in a project they do not feel is financial viable. Peter Warren said he is confident the project will be completed.

Ron Ricci asked what MassDevelopment plans are once the state police barracks is sold to Trinity. He said this could be an opportunity for MassDevelopment to put providing police services out to bid to the three towns and strongly encouraged that this be pursued.

Ron Ricci expressed concern over the education contract MassDevelopment and Harvard have and how it will be affected. He recommended MassDevelopment reach out to the Harvard School Committee prior to the Super Town Meeting. The other board members agreed.

Ron Ricci also brought up the issues of having children who are playmates and live on the same street attend schools in different towns. He suggested that this be addressed with both the current Devens residents and explained to future Devens residents.

Marie Sobalvarro summarized the major points to be addressed prior to the Super Town Meeting:

- MassDevelopment and the School Committee meet to discuss how this will affect the education contract
- Need to better clarify how MOU can be revised in the future (Selectmen approve, Town Meeting approve)
- Devens Committee obtain input from Devens residents
- Supplement cost for increase services (COA & Veterans Agent)
- Time horizons related to the project
- Regionalization opportunities to provide police and other services

Sobalvarro expects modified language for the BOS to review at their March 6th meeting. Ricci said Trinity Financial and MassDevelopment should have a good understanding of expectations and is optimistic they will have a response with commitments as soon as possible.

The hearing was closed at 8:35pm.

BICYCLES BATTLING CANCER

On a Ricci/Warren motion, the board voted unanimously to approve the bicycles battling cancer ride on June 10th.

COMPUTER POLICIES

The board discussed developing a policy to deal with the use of social networking websites in the workplace. Town Administrator Tim Bragan will investigate further and provide a draft policy for review at a future meeting.

MASSACHUSETTS SOLAR NET-METERING PROGRAM

Marie Sobalvarro said the Energy Advisory Committee has requested the BOS send a letter in support of Senate Bill 1664: An Act Improving Neighborhood Solar and Net-metering in the Commonwealth and House Bill 1776. Energy Advisory Committee member Jim Elkind was present and explained the bills will raise the net-metering which will significantly increase access to solar and its rate of production throughout Massachusetts. Additionally, this will ensure that all 75 Harvard residents that participated in the Solarize Mass program to complete their systems. Elkind said support of these bills will restore financial certainty to the solar market and reaffirm our commitment to clean and renewable energy. Sobalvarro did not see any harm in submitting the letter. Ron Ricci expressed concern over the reimbursement rates for the utility companies. The board agreed to revise the letter of support to include an appropriate negotiated reimbursement rate. On a Ricci/Johnson motion, the board voted unanimously to accept letter as amended.

LITTLETON ROAD CONSTRUCTION PROJECT

Marie Sobalvarro revisited the request from the Capital Planning and Investment Committee (CPIC) to fund the remainder of the Littleton County Road reconstruction project as excluded debt. Peter Warren confirmed nothing has changed so the request is still on the table. He said the committee will be meeting on Thursday and he expects a plan to be presented for future funding of capital projects. Sobalvarro suggested delaying a decision on the request until after the CPIC meeting. The board agreed.

OLD LIBRARY - PILOT PROJECT

Pilot Project members present: Willie Wickman, Sheila Peters, Pam Cochrane
TDC Consultant Sarah Glatt

Willie Wickman introduced Sarah Glatt from TDC consulting who prepared the report. Glatt gave a brief overview of the report noting the success of the center thus far is due to the support from town residents that have participated in classes, providing hundreds of volunteer hours, and contributing thousands of dollars to support this initiative. She described the history leading up to the launch of the Pilot Project in 2010. The Pilot Project was established test the

viability of a cultural center to meet the needs of Harvard residents and to continue the community and civic traditions of the building.

Wickman said the vision for the center is to be:

- A versatile space for arts, cultural, and community events and programs.
- A centralized place where locals and visitors go for more information about events and programs occurring throughout the Harvard area.
- A convener of community-wide events and celebrations.

Glatt said the Pilot Project has successfully demonstrated that there were unmet needs within the town for cultural classes and events and for meeting spaces for community and civic groups. The Pilot Project's activities have attracted a cross-section of community support. She said TDC was asked to facilitate development of a viable and sustainable business plan with a series of iterative meetings with the working group. Findings that guided the development of a permanent center included operating model, staffing, fundraising, demographics, services, price point, space utilization, MBC findings and facility needs. She said all the information lead to an operating model which will include the formation of a 5013c and the creation of a Board of Directors. Included in the report is also a business model which included expenses and a strategic use for surplus revenue.

Eventually a part time and then full time Executive Director would be necessary.

Next Steps

Wickman said the Pilot Project is seeking support from the BOS to take the next steps toward becoming a permanent community center. They would like to move forward with formation as a non-profit (5013c), select a name for the center, launch fundraising to support the transition to a permanent center and enter into a formal arrangement with the town. Wickman encourages any residents interested in volunteering to please contact the Pilot Project.

The big variable discussed was the relocation of town hall during renovations. Wickman said if town hall was relocated to the old library the Pilot Project would not be able to continue. Unfortunately, at this time there has been no decisions made on relocation and until there is the BOS is unable to provide firm direction to the Pilot Project. Ron Ricci said it would be useful to know what the town would support as far as relocation goes; old library or alternate rental space in town. He thinks it will be a significant financial burden if the relocation is not in a town owned space. Wickman asked if the BOS would support a multi year lease to continue the community center. Warren said realistically we can not commit until after town meeting. Wickman stressed it is crucial for the project to continue in the old library for it to succeed and maintain the current momentum. The Board members complimented the report. Pilot Project member Pam Cochrane pointed out how important is for them to adequately convey to the current users what the future of the project will be.

Ron Ricci acknowledged the long term purpose is for the project to be self sustaining. Bill Johnson agreed and commented on the report not addressing how the project can relieve the town of their financial obligation to the building. He was also not clear on how the surplus of funds would be utilized for building operations, capital expenditures and significant deferred maintenance. Wickman was asked to resubmit the 5-year financial projection with specific

estimates for building utilities, maintenance, and capital improvements. Wickman envisions a three to five year window of opportunity to determine viability. She said at this time it is clear a new non profit can not afford to maintain the building. It was agreed a dialogue between the town and the project is necessary. Peter Warren reminded Wickman when the pilot project began it was decided they would contribute something to the operation cost of the building.

In conclusion, Sobalvarro said everyone is in favor of success with the Pilot Project but it is the relocation question that is stalling things right now. Warren wondered if it may be a good idea to add an article to the ATM warrant asking the citizens what they want regarding the relocation of town hall and the Pilot Project. Everyone agreed solid numbers comparing relocation to the old library or utilizing rental space elsewhere is essential.

Action items from discussion:

- Pilot Project present annual report at ATM
- Possible article for ATM (relocation: old library/alternative rental space)
- Solid relocation costs
- Review draft lease agreements
- Pilot Project begin process to establish as a non-profit

The meeting was adjourned at 10:10pm.

Documents referenced:

Vicksburg Square Redevelopment Public Hearing – proposed changes dated 1.9.2012
MASS SOLAR NET-METERING PROGRAM – support letter dated 2.21.2012
OLD LIBRARY - PILOT PROJECT – report dated 2.16.2012