



**Board of Selectmen
Minutes
Tuesday, May 5, 2015 at 7:00pm
Hapgood Meeting Room**

The meeting was called to order at 7:00PM by Chair, Ron Ricci in the Hapgood Meeting Room. Selectmen Lucy Wallace, Leo Blair and Ken Swanton were in attendance as well as Town Administrator Tim Bragan and Executive Assistant Julie Doucet. Stu Sklar entered the meeting at 7:20pm.

Minutes

On a Wallace/Swanton motion, the board voted unanimously to approve the minutes from 4/7, as presented.

Update on MassDevelopment's proposed zoning changes

Town Administrator Tim Bragan had informed the board earlier that the legal language was not finalized therefore Ed Starzec would not be attending the meeting. Starzec told Bragan the final language is expected by early next week. The board members were disappointed the final language was not ready. Ricci had expected Starzec would be prepared to explain the changes. The board members expressed skepticism there will be enough time to prepare for a Super Town Meeting on June 8th considering the board's next meeting is May 19th. Blair said it troublesome they are not prepared considering this has been a fairly long involved process. Ricci questioned the urgency of the zoning changes as originally presented. The board is concerned there is not enough time for town residents to fully understand the language. Lucy Wallace said the Planning Board is also very interested in reviewing their proposal. She offered the idea of possibly holding a Super Town Meeting later in the month prior to the end of school. The board will decide their next steps at the May 19th meeting.

Hildreth House project

Ken Swanton requested this item be on the agenda to better understand the next steps in the process. Bragan explained negotiation will begin with Vertex who will provide the Owner Project Manager (OPM) services. After the negotiation is completed with Vertex we will need to go out to bid for an architect. Swanton has approached the Town Hall Construction Committee (THCC) to discuss their interest in managing this project as well. He said considering the sequential manner of the projects this approach did make sense to them. Lucy Wallace said the Hildreth House Improvement Committee (HHIC) and Council on Aging wish to have representatives involved in the process as it moves forward. Wallace suggested a joint meeting be held with the THCC, HHIC and COA to discuss the volunteer configuration. She said the HHIC is willing to oversee the window installation at the Hildreth House and is interested to know when the sewer connection will happen. Bragan confirmed the connection will occur in June. Bragan plans to begin negotiations with Vertex immediately so the hiring process for the architect can begin. On a Wallace/Blair motion, the board voted unanimously to authorize the Town Administrator to negotiate with Vertex to add the Hildreth House to their contract and negotiate a price to do that.

Sklar entered the meeting.

Town Administrator report

Tim Bragan reported the Finance Director is working with the DPW Director to finalize the snow and ice deficit. She is also working with the Fire Chief on the reimbursements we will be receiving from FEMA. He anticipates the amount to be greater than the total in the reserve fund. He expects this to be resolved by May 19th meeting.

Bragan confirmed the Charter Comcast merger will not be happening. It is his understanding they may continue to work on a deal.

Bragan said he met with the Fire Chief and Ricci earlier today. They reviewed the process and how the new vehicle will be used. He is confident the new truck will have a better response time than the current vehicle therefore he recommends moving forward on the purchase of the truck. Ricci added after the discussion he has no more questions and is perfectly happy to move forward. Swanton is also ready to move forward after discussions he had with Firefighter Robert Curran and Fire Chief Sicard. On a Wallace/Swanton motion, the board voted unanimously to authorize Town Administrator and Fire Chief to proceed with ordering of the pumper truck as described at last meeting and travel to manufacturer.

Bragan has an invoice from Vertex for the Hildreth House project. It will be reviewed by the THCC to be paid from the Rantoul Trust account.

Grant Road housing project

Municipal Affordable Housing Trust member David Hopper was present for the discussion. Hopper explained the proposed 124 unit project in the Harvard portion of Devens is fairly significant thus why he was curious about the details. He took the time to review the application submitted and discovered new IRD (Innovative Residential Development) regulations are being used. As he delved deeper into the regulations he came across some issues of concern most importantly the non-compliance with the current housing requirements on the Devens Reuse Plan and the DEC's 10%/15% guidelines. He noted the Reuse Plan also calls for housing to be denser than in surrounding towns requiring smaller lot sizes. This development is more of a cluster housing approach. Hopper drafted a memo to DEC staff after attending their hearing offering solutions to some of the major concerns identified. The response received was merely a rebuttal and when he attended a second hearing it became apparent to him the DEC staff had no desire to make any changes. Also at the hearing the Harvard Board of Selectmen's letter in support of his memo was read into the record along with a letter from MassDevelopment indicating their support of the project. Hopper said the DEC Commissioners seemed to be more sympathetic. He is surprised they do not want to work with Harvard to address our concerns. He fears his memo was not taken seriously. Lucy Wallace read through the material and their regulations prior to the meeting and came to many of the same conclusions as Hopper. She had some other questions and pointed out the Area Median Income (AMI) they are using is Boston based and not Worcester County, the former being higher than the latter. Her concern is also about the additional housing counting toward our housing inventory but not qualifying toward our state-mandated 10% affordable units. Wallace said this project does not follow the intent of the original Reuse Plan. She also questioned a statement from MassDevelopment's President Marty

Jones alleging the towns were involved in drafting of the IRD regulations as she does not recall this.

The next DEC hearing will be held on May 26th. The board members were in agreement Harvard must be present. Stu Sklar thanked Hopper for his efforts commenting on what a great service he has provided to the town. He strongly agrees with Wallace and Hopper. He said it is obvious this project circumvents the spirit of Chapter 498 and does not follow state guidelines. Swanton understood potential housing on Grant Road was included in Harvard's affordable housing plan by providing potentially up to 43 units. Leo Blair added this project is such a departure from what we would expect it is likely it would have gone under the radar if Hopper had not taken a closer look. He said it is difficult to understand why they came to us for zoning changes but were not more forthcoming on the details of this project. Blair assumes this is being done specifically for this project as it puts Harvard at a tremendous disadvantage. Blair strongly recommends the town retain counsel to represent Harvard on matters related to Devens. With Devens as our single most unresolved issue, he said it is incumbent on us to fully understand what they can and can't do. Wallace supported his statement saying Harvard cannot remain silent on this issue. The board members decided at least two members should attend the hearing on May 26th. Hopper has begun to investigate the appeal process. He noted reasons are limited however there is one for exceeding authority.

The board decided on the following action items:

- Contact Appeals Designee Ruth Silman for counsel recommendations
- Contact DEC representatives to attend May 19th meeting
- Retain counsel
- Post meeting for DEC hearing on May 26th

Public communication

Ken Ashe, 34 Walnut Street (Devens), said he is not surprised at the findings. He was disappointed MassDevelopment was not in attendance. He is also concerned about the timeframe with only a month until the June 8th date. He does not think the public will show up if they do not have the right information. He urged the BoS and Planning Board to take a position as soon as they can because it helps to provide direction to the public. He is also concerned about the long term impact this will have.

Ricci said it has been premature for the BoS to take any votes on the zoning changes.

Blair clarified that it was mistakenly reported the BoS had voted to hold a Super Town Meeting. They were only asked to pick a date that was convenient.

On a Blair/Wallace motion, the board voted unanimously to seek a referral from Ruth Silman for a land use attorney to assist in Devens matters.

Parking on Pond Road

This item will be discussed on May 19th. More information was needed.

Right of First Refusal - 35 Lancaster County Road Unit 7B

On a Wallace/Blair motion, the board voted unanimously to waive their right of first refusal.

Policies and Procedures revision

On a Blair/Wallace motion, the board voted unanimously to make the change.

Strategic Planning Session

The Board shall conduct a “strategic planning session” **by** their first regular scheduled meeting in June. The session is conducted for the new board to determine and develop their goals for the upcoming year. (In bold – changed at to by)

Stu Sklar proposed an addition to the policy authorizing the board to override the policy if unanimously voted on. This would be a change to the general policies for further discussion at the Strategic Planning Session.

Ginny Thurston Scholarship

Lucy Wallace and Stu Sklar volunteered to review the letters submitted. A decision will be made at the May 19th meeting.

Selectmen reports

Stu Sklar said he attended an MRPC staff meeting today where they discussed the MART van, traffic studies including ways to slow traffic, Jackson Road bridge construction to begin, available grants and how truck traffic can be controlled. They introduced him to their Mr. Mapper web app.

Ron Ricci reminded the board to send in their items for the Strategic Planning Session by 9am tomorrow morning. He confirmed the session will begin at 4pm ending at 7pm. A location which is accessible to the public is still being finalized.

The meeting was adjourned at 8:30pm.

Documents referenced:

Right of First Refusal - 35 Lancaster County Road Unit 7B – Resale form dated 4.28.2015