



Pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency and signed into law on June 16, 2021, this meeting was conducted via remote participation.

Select Board members present:

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

Town Department attendees:

Town Administrator Tim Bragan, Assistant Town Administrator/HR Director Marie Sobalvarro, Executive Assistant Julie Doucet

Additional participants:

Fadi Kassouf, Frank Carlson, Attorney John McConnell

Liquor License Hearings

Stony Brook Market – new license request – all alcohol off-premise

Chair Stu Sklar opened the hearing announcing unfortunately the town does not currently have an open all alcohol off premise license due to the recent change of ownership/category at the Grapevine. Sklar invited applicant Fadi Kassouf to speak about his request.

Fadi Kassouf has been employed in the retail industry for twenty years. He currently operates two Stony Brook Market locations; Sudbury and Southborough. He described Stony Brook Market as “your local neighborhood market” that focusses on serving the community and the convenience of the public.

He admitted their business model requires all alcohol to be viable. The market offers a variety of items including but not limited to milk, eggs, dairy products, prepackages cold cuts, cheeses, groceries, beer, wine, liquor, snacks and soft drinks. Their design is distinct in which It reflects the essence of the town that we are in and we pride ourselves with offering a clean store, with exceptional customer service, that is safe and an enjoyable shopping experience. He enjoys tremendously the interaction with his customers and feels the Stony Brook Market concept is a perfect fit for Harvard. He is aware the only off-premise license available at this time is for beer/wine.

Town Administrator Tim Bragan explained the town can petition the general court to gain additional licenses and many communities have done this. This process requires Select Board authority and a vote at the Annual Town Meeting. Sklar informed Kassouf a meeting is coming up in October. Kassouf expressed his willingness to pursue this further if Harvard likes the model. Kassouf spoke highly of the staff he has already worked with in town. He would love to be part of a community like Harvard. With that being said, Sklar invited Kassouf to give his full presentation.

Board member questions/comments

Alice von Loesecke asked about special legislation approved for the General Store if that may open up another license. Tim Bragan explained that special legislation was for wine/malt not all alcohol.

Erin McBee asked about fresh fruits/vegetables. Kassouf said they try to rotate items and meet the needs of the community. They do not have plans for these types of items to start.

Rich Maiore visited their location in Sudbury. He was impressed with the store's cleanliness. He feels this type of business is appropriate for Harvard.

Kara Minar asked about store hours and if they would be selling tobacco products. Kassouf expects operating hours to be from 5:00am to 10:00pm. They will sell a limited amount of tobacco products.

Public in Favor

Bob O'Shea, Old Littleton Road, supports this application to increase activity in the commercial district which may alleviate some of the tax burden to residents.

Public Opposed

None

Board deliberation

The Select Board members were overwhelmingly supportive of the Stony Brook Market concept and desired location. They agreed to approve the license request as submitted and will bring this to the fall ATM in an effort to petition the state for an additional all alcohol off premise license.

By a roll call vote, Maiore – aye, von Loesecke – aye, Minar – aye, McBee – aye, Sklar – aye, the board voted unanimously to approve the license request with the stipulation to bring the matter to petition the state for an additional off premise all alcohol license at town meeting on October 16th.

Carlson Orchards – existing license - alternation of premise & change of hours

Stu Sklar began by noting some abutters to the license premise were not notified therefore he suggested the hearing be postponed. Attorney representing Carlson Orchards John Connell was present along with owner Frank Carlson. They were unaware of the issue. Tim Bragan explained the abutters list was done on the main parcel (115 Oak Hill Rd) however the proposed location of the tent is actually on another parcel that is contiguous with the main parcel. Sklar was made aware of this issue late in day and apologized for not being able to address it sooner. Applicant Frank Carlson decided it was prudent to withdraw the alteration of premise request for now and continue the hearing solely on the change in hours. The change in hours was properly noticed for the current licensed premise. All parties agreed to move forward in this manner.

Sklar opened the hearing in order to address the expanded hours being requested by Carlson Orchards.

Attorney McConnell said the applicant is seeking hours on Tuesdays and Wednesdays from 11am to 8pm and Thursdays until 8pm instead of 6pm. Frank Carlson indicated his desire to offer Tuesday and Wednesday hours only to accommodate corporate/private events.

Board member questions/comments

Rich Maiore asked if they have received any noise complaints. Frank Carlson has not and indicated they have an open line of communication with neighbors. He has also contacted the public safety department and they have not received any formal complaints. Tim Bragan indicated no formal complaints have been submitted to the Select Board office however a couple of neighbors have expressed some concerns over operations at the farm.

Stu Sklar has heard concerns from neighbors about the expansion of hours with respect to live entertainment.

Frank Carlson admitted it has been difficult to get labor. He is hopeful with additional hours of operation that will help to alleviate this issue while offering the venue for corporate events.

Kara Minar had questions/concerns about capacity when it comes to corporate events.

Alice von Loesecke was amenable to the additional hours wondering if Tuesdays and Wednesdays would be strictly limited to corporate type events.

Public in favor

Lucy Wallace, Orchard Hill Road, supports the request and thinks it is important to help farmers. She emphasized the work of the Community Resiliency Committee to better understand different activities to support agriculture very important. She suggested the board consider 11:00am to 6:00pm for Tuesdays and Thursdays.

Beth Williams, Granite View Lane, said we need to keep farms going. She believes Carlson Orchards has done a great job and is great for the community. She feels it is wrong to stop this expand of hours.

Bob O'Shea, Old Littleton Road, does not mind the traffic with their current hours of operation. He completely supports agricultural tourism efforts for any farm in town. He prefers this instead of development.

Pam Marston, Madigan Lane, supports the request as well. She said Harvard is built on agriculture. We need to support all our farms.

Bev Rodrigues is a neighbor who supports this request as well. She believes we should do anything we can to support this type of use in our community.

Public Opposed

Kerri Green, Oak Hill Road, as a direct abutter is opposed to any increase in days or hours. She believes what is being requested is not appropriate for an agricultural/residential neighborhood.

Her understanding is the supplement uses are to help in supporting the farm operations not be providing additional income. Green expects the additional hours will be open to the public as well, not limited in any way. She wants to know when it stops. Farming hours do not go past 6pm therefore anything beyond that time is excessive.

Don Green, Oak Hill Road, lives close by and is extremely concerned for his family's future living in this agricultural residential neighborhood. He does not support this type of establishment in a residential area. He said it is not right to help one farmer but drive others out. He asked the Select Board to closely consider what this is doing to a residential community. He requested a review of the deed and any APR restrictions a well.

Stephanie O'Keefe, Oak Hill Road, said she did not receive an abutters notice. She is against the hours between 6:00pm and 8:00pm on Tuesdays and Wednesdays. She said no one is picking in the fall in the dark so hours after 6:00pm are primarily for the barn and cider.

Susan Tarrant, 73 Oak Hill Rd, did not receive a notice. She prefers 6:00pm not 8:00pm during the week. She said Carlson's has done a good job to moderate the music.no notice.

When Attorney John Connell was asked about limiting access, he indicated the municipality cannot limit who enters and when.

Chris Green, Oak Hill Road, did not think the Select Board should amend the hours until the alteration of premise requesting the tent is completed. He thinks both should be done at the same time.

Board deliberation

Kara Minar was leaning toward 6pm. Stu Sklar is finding it difficult to balance neighbors' concerns while helping Carlson Orchards thrive. Rich Maiore was amendable to increase hours from 7:00pm to 8:00pm.

By a roll call vote, von Loesecke – aye, Maiore – aye, Minar – aye, McBee – aye, Sklar – aye, the board voted unanimously to amend pouring license for Carlson Orchards to include Tuesdays and Wednesdays from 11:00am to 6:00pm and Thursdays until to 8:00pm. Fridays, Saturdays and Sundays are existing as currently licensed.

Public Communication

Bob O'Shea, Park & Rec Chair, asked the Select Board to have the town administration provide a plan on when the infields will be mowed. Tim Bragan reported this is being done either today or tomorrow. Stu Sklar plans to hold a meeting to discuss this topic in more detail.

Chris and Kerri Green, Oak Hill Road, expressed their concern with tall brush along the roadways.

Traffic plan for Carlson Orchards

Stu Sklar worked with Sergeant James Babu and Frank Carlson on a plan to alleviate traffic when the orchard is very busy for larger events such as the peach festival. Sklar explained the plan will include additional police details, additional signage and communication about the plan by Carlson's via social media. This plan will be in place for the entire picking season. They expect this will eliminate three way turns, keep traffic moving and alleviate many of the issues neighbors experienced during times when attendance at the orchard is high. By a roll call vote, Minar – aye, McBee – aye, von Loesecke – aye, Maiore – aye, Sklar – aye, the board voted unanimously to approve Carlson Orchards traffic plan as provided subject to minor revisions when necessary.

Minutes

By a roll call vote, Maiore – aye, Minar – aye, McBee – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to approve minutes of 8/10, as presented.

Staff Report/Updates

Full Report (Attachment A)

By a roll call vote, Minar – aye, Maiore – aye, von Loesecke – aye, McBee – aye, Sklar -aye, the board voted unanimously to surplus equipment (sunfish & broken canoes) from Park & Rec.

American Rescue Plan Act (ARPA) funds for water problem

Tim Bragan explained due to issues with the town wells it is now time to begin treating the water. He distributed a proposal from Tighe & Bond for engineering services for Pond Road Wells chlorination system. By a roll call vote, von Loesecke – aye, Maiore – aye, Minar – aye, McBee – aye, Sklar – aye, the board voted unanimously to approve \$36,000 from the ARPA funds to pay Tighe & Bond for the scope of work in letter dated August 19, 2021.

Town Meeting location/time

By a roll call vote, Minar – aye, Maiore – aye, McBee – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to hold the town meeting outdoors on Saturday, October 16th at 12:00pm.

Discuss non-binding referendum question

Stu Sklar added this item to the agenda for the Bromfield House. There was some confusion amongst the members about why this was coming up and the decision already made to hold off on anything related to the Bromfield House until the spring town meeting. Sklar explained this would be basically to take a temperature of the town in preparation for a more concrete article in the spring. The members decided to discuss this further at their next meeting.

Appoint Election Officials

By a roll call vote, McBee – aye, von Loesecke – aye, Mairoe – aye, Minar – aye, Sklar – aye, the board voted unanimously to appoint proposed election officials for unenrolled, Democrat and Republican as listed.

Appoint Planning Board Reps.

By a roll call vote, McBee – aye, Minar – aye, Mairoe – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to appoint Brian Cook as the PB rep on the Open Space Committee & Richard Cabelus as the rep to the Harvard Devens Jurisdiction Committee.

MBTA Advisory member

By a roll call vote, Minar – aye, von Loesecke – aye, Maiore – aye, McBee – aye, Sklar – aye, the board voted unanimously to appoint Bruce Leicher as Harvard's designee on the MBTA Advisory Board.

Energy Advisory Committee appointment changes

By a roll call vote, Minar – aye, von Loesecke – aye, Maiore – aye, McBee – aye, Sklar – aye, the board voted unanimously to appoint Paul Green as associate member and Peter Kelley-Joseph as full member.

Climate Resolution

By a roll call vote, Minar – aye, McBee – aye, Maiore – aye, Minar – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to include the climate resolution on the Annual Town Meeting warrant.

Request from Fivesparks

By a roll call vote, Minar – aye, McBee – aye, Maiore – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to allow Fivesparks to block the parking area in front of building for their reopening event on 9/12.

Discuss and act on recommendation for potential Council on Aging location

Marie Sobalvarro reported there were two respondents to the Request for Proposals (RRP). The Permanent Building Committee (PBC) has done their review and recommend pursuit of the property located at 16 Lancaster County Rd. She asked the board to provide direction on buying or leasing the property. By a roll call vote, Maiore – aye, Minar – aye, McBee – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to approve the PBC to discuss options with the architects on purchase of the property at 16 Lancaster County Road.

By a roll call vote, Minar – aye, Maiore – aye, McBee – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to go past 10:00pm only to go into Executive Session.

By a roll call vote, Minar –aye, Maiore – aye, McBee – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to enter into executive session at 10:00pm as per MGL 30A Sec. 21.2 to conduct strategy sessions in preparation for negotiations with non-union personnel and to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body. The Board will reconvene into open session only to adjourn.

The meeting was adjourned at 11:00pm.

Documents referenced:

Stony Brook Market – liquor license application – dated 7.29.2021
Carlson Orchards – liquor license application – dated May 2021
Carlson traffic Plan – dated 8.31.2021
ARPA funds for engineering - letter from Tight & Bond dated 8.19.2021
Election officials – request from Town Clerk dated 7.12.2021
Climate Resolution – draft August 2021