

**Hardwick Board of Selectmen  
Myron E. Richardson Municipal Building  
307 Main Street  
Hardwick, MA 01031**

**Meeting Minutes October 20, 2022**

In Attendance: Julie Quink (JQ), Chair; Kelly Kemp (KK), Vice Chair; H. Robert Ruggles (HRR), Clerk; Nicole Parker (NP), Town Administrator; Ryan Wilkos (RW), Town Clerk; David Viale (DV), MDAR Supervisor.

Meeting was called to order at 6:30 p.m.

**Presentation by MDAR to Board of Selectmen Relative to APR**

DV, as Supervisor of the APR program, presented an overview of the *Agricultural Preservation Restriction Program*:

- Purpose: Refer to MGL Chapter 20 Section 23
  - Secretary of Environmental Affairs shall establish a program to assist the Commonwealth in acquiring APRs.
- APR: Refer to MGL Chapter 184 Section 31. Brief explanation follows:
  - It's a right that's appropriate for retaining land or water areas predominantly in agricultural farming or forest use. It forbids or limits any or all acts or uses which are detrimental to the retention of that land for agricultural use.
  - Public document recorded at Registry of Deeds.
  - Extinguishes certain rights.
  - Leaves certain rights to the landowner.
  - APR runs with the land.
  - APRs are not necessarily all the same and can vary from your neighbor's or from town to town etc. and can have its own specific characteristics.
- Agricultural Use: Refer to MGL Chapter 61a. Brief explanation follows:
  - Defined as raising animals which includes horses and ponies and the raising of those animals has to be for the purpose of selling those animals or a product derived from them in a regular course of business.
- Activity Approvals on APRs: Refer to APR Regulations 330 CMR 22
  - Commercial activities that are non-agricultural via special permit.
  - Agricultural/horticultural structures and improvements via Certificate of Approvals.
- ALPC is the Agricultural Lands Preservation Committee:
  - Comprised of 12 members in which 6 of those members are appointees of the Governor (at least 4 farmers, 1 farm advocacy organization and 1 land trust).

NOTE: Presentation slides will be made available publicly for viewing.

### **Discussion of Proposed Great Meadowbrook Farm Horse Racing**

JQ requested DV offer insight with regards to APR. DV offered the following:

- Very unique proposal.
- Team would look to see if there have been any similar proposals.
- Have a good understanding of what's envisioned. No quick and easy answer.
- Will treat it objectively and fairly as with all APR matters.

### **Motion**

KK made a motion to put on the agenda that the Board of Selectmen will vote Monday night at 7:15 the option to decide.

HRR seconded with the inclusion of the deferral.

### **Vote Taken**

KK yes

HRR yes

JQ yes

Motion passed (3:0)

JQ read the list of major concerns as presented by residents:

- Parking
- Infrastructure
- Noise
- Monetary impact to the Town – positive or negative
- Crowds
- Location
- Crime
- Alcohol issues
- APR concerns
- Animal cruelty

Additional concerns:

- KK mentioned having any control over the project as a whole.
- KK noted neighboring communities concerns.
- HRR stated quality of life for some people.
- JQ noted the need to look at impacts to the local services etc.

Discussion ensued.

JQ stated the Board could delay the vote on Monday if they feel they are not ready in order to pursue further discussion.

### **Motion**

KK made a motion to accept and acknowledge the FAQs that Alex helped answer from the other night in the chat and make that public to people and we can get that out there tomorrow.

HRR seconded.

### **Vote Taken**

KK yes

HRR yes

JQ yes

Motion passed (3:0) acknowledging receipt of the FAQ and the Board will get it out so it can be posted.

### **Draft Host Agreement**

JQ noted a draft Host Community Agreement was received. It is not a public document and not available for public consumption. The Board has not had a chance to digest it and it has not gone to legal counsel, and the Board has not addressed it yet.

HRR suggested putting a group together to help form the Agreement, so it is more than just the 3 Board members. Perhaps get some volunteers to assist with some of the issues that people want to address in the Host Community Agreement with wording etc.

JQ and KK agreed if the Town gets to that point, then it would be great to have input and perhaps form a committee.

JQ reached out to the Town Clerk, Ryan Wilkos, regarding procedures should the Board choose to vote on Monday and the vote is a yes and the petition comes forward from the citizens what are the timelines:

RW stated per the general counsel for the Secretary of State's office:

- Statute is randomly vague and they missed including a deadline by which a petition needs to be filed in a town. See Chapter 43 § 42 which requires a referendum petition to be filed within 20 days.
- RW's will need to get items clarified with legal counsel; however, his interpretation of the statute is if the Board votes in the affirmative to approve the location and 12% of the voters file a petition with the Town Clerk's Office protesting the action, then the Board is to immediately reconsider your approval; and if the approval is not rescinded the question shall be submitted to the voters of the Town, and a special election, which

shall be called by the Selectmen, and shall be held within 45 days of the submission of said petition, such approval shall become null and void unless the majority of voters voting on the same in said election vote in the affirmative.

- RW's questions will revolve around:
  - Certification process timeline
  - Deadlines
  - Start of the 45 days window:
    - Will it be when it comes to the Town Clerk's Office?
    - Will it be when the Town Clerk submits it to the Board?

### **Adjournment**

#### **Motion**

KK made a motion to adjourn.

HRR seconded.

#### **Vote Taken**

KK yes

HRR yes

JQ yes

Motion passed (3:0).

Meeting adjourned at 7:41 p.m.