

OFFICES OF THE  
BOARD OF SELECTMEN  
TOWN ADMINISTRATOR

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December 22, 2009

Devens Enterprise Commission  
33 Andrews Parkway  
Devens, MA 01434

Re: Request for Fee Waiver in connection with Request for Reconsideration  
by Town of Harvard - Evergreen Solar – Permanent Daytime and  
Nighttime Sound Monitoring System Protocol

Dear Members of the Devens Enterprise Commission:

The Harvard Board of Selectmen ("Harvard BOS"), through the Town of Harvard's designee, respectfully request that the Devens Enterprise Commission ("DEC") waive the apparent filing fee of \$1,000.00 associated with the Harvard BOS Request for Reconsideration regarding the Permanent Daytime and Nighttime Sound Monitoring System Protocol for Evergreen Solar, filed herewith.

Section III(I) of the Devens Zoning By-Laws requires the DEC to "establish in the Regulations a fee structure...." Section 1.07 of the Regulations is devoted to fees. The only reference to "reconsideration" is a Level Two Component – Zoning Variance or Reconsideration where the associated fee is "\$500 for variance" and "\$1000 for reconsideration." While such a large sum of money could be fair for an applicant who is going through the Unified Permit process, to impose such a fee on a Town (or other individual) is burdensome and unfair. In fact, were the Harvard BOS an applicant appearing before the DEC, Section 1.07(4)(d) waives all fees except for peer review consulting fees and processing fees.

The "\$1000 for reconsideration" filing fee is disproportionate to the request for reconsideration. The DEC should waive the fee for the Harvard BOS in this instance. The Town of Harvard should not be forced to spend its precious resources on a fee that appears to serve only as a deterrent to requests for reconsideration.

Sincerely,

Ruth H. Silman,  
As designee, on behalf of the  
Harvard Board of Selectmen

cc: Senator James Eldridge  
Representative Jennifer Benson  
Representative Robert Hargraves  
Robert L. Culver, MassDevelopment  
Richard Montuori, MassDevelopment  
Town of Ayer Board of Selectmen  
Town of Shirley Board of Selectmen  
James E. DeZutter, DEC  
Eric Stoltzfus, DEC  
Victor Normand, DEC Alternate  
Town of Harvard Board of Health  
Mark Lanza, Esq.