

ANNUAL TOWN MEETING

March 27, 2004

The meeting was called to order in the Bromfield School Gym at 9:10 A.M. by Moderator, David Westerling. The call of the meeting and the return of service were found to be in order by Town Clerk Janet Vellante.

The meeting approved the following non-voters to speak:

Evan Katz	Finance Director
Mihran Keoseian	Superintendent of Schools
Mark Lanza	Town Counsel
Jim Kulkeen	Superintendent of Montachusets Regional Vocational Technical School
John Dzerkacz	Business Manager for Montachusets Regional Vocational Technical School
Chris Huntress	Huntress Associates
Terry Szold	Community Planning Solutions

ARTICLE 1: ANNUAL REPORTS

To see if the Town will hear the reports of the Board of Selectmen, School Committee, and any other officers or committees that may be ready to make a report and act thereon.
(Inserted by Board of Selectmen)

On a motion by Larry Finnegan, 12 Tahanto Trail, Board of Selectmen, and seconded,

Voted unanimously yes that the Town accept the reports of the Board of Selectmen, School Committee, and any other officers or committees as printed in the 2003 Annual Town Report.

ARTICLE 2: GENERAL STABILIZATION FUND

To see if the Town will vote to transfer from Free Cash, a sum of money to be placed in the General Stabilization Fund, or pass any vote or votes in relation thereto.
(Inserted by the Finance Committee) (2/3 vote required)

On a motion by Steve Colwell, 192 Littleton Road, Finance Committee, and seconded,

Voted unanimously yes that the Town transfer from Free Cash the sum of \$422,550 to the General Stabilization Fund.

ARTICLE 3: UNPAID BILLS

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$13,875 for the purpose of paying unpaid bills from Fiscal Year 2003 for the School Department, or pass any vote or votes in relation thereto.

(Inserted by School Committee)

(4/5 vote required)

On a motion by Mark Hardy, 18 Ann Lees Road, School Committee, and seconded,

Voted unanimously yes that the Town transfer \$13,875 from available funds appropriated under Article 5, Omnibus Budget Line #34 Local Schools of the March 29, 2003 Annual Town Meeting to pay unpaid bills from Fiscal Year 2003 for the School Department.

ARTICLE 4: FUND TRANSFERS

To see if the Town will vote to make certain transfers of money, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

On a motion by Paul Olsen, 35 Lancaster County Road, Finance Committee, and seconded,

Voted unanimously yes that the Town transfer the following amounts from the following funds and accounts to the following line item appropriations under Article 6 of the 2004 Annual Town Meeting Warrant:

\$ 7,371 from Wetlands Protection Fund to line 12, Conservation Commission;

\$5,000 from Library trust funds to line 46, Library.

ARTICLE 5: REVOLVING FUND

To see if the Town will vote to continue the Revolving Fund Account for Hazardous Materials Expense Replacement established at the Annual Town Meeting held on April 6, 2002, pursuant to Massachusetts General Laws Chapter 44, Section 53E½, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Bill Marinelli, 50 Stow Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town continue the Revolving Fund Account for Hazardous Materials Expense Replacement established at the Annual Town Meeting of April 6, 2002, pursuant to Massachusetts General Laws Chapter 44, Section 53E 1/2 with all department receipts being credited to the fund and that not more than \$5,000 of the fund shall be expended under the authority of the Fire Chief during the ensuing fiscal year.

ARTICLE 6: OMNIBUS BUDGET

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, such sums of money as may be necessary to defray expenses for the ensuing fiscal year, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

The following motion was made by Cindy Russo, 116 Oak Hill Road, Finance Committee, and seconded,

I move that the Town appropriate the sum of \$14,786,556 to defray the expenses of the Town for Fiscal Year 2005 as printed in the Finance Committee Report on pages 23 through 29, that such appropriation be provided by raising \$14,774,185 by taxation, transferring \$7,371 from the Wetlands Protection Fund, and transferring \$5,000 from library trust funds.

The following amendment was made by Ken Nickerson, 13 Cameron Road, and seconded,

- . Line Item 6, Finance Department – Total Expenses, be decreased by \$2,500 from \$39,000 to \$36,500
- . Line Item 10, Town Clerk – Total Expenses, be decreased by \$2,000 from \$6,350 to \$4,350
- . Line Item 19, Police Department Personnel, be decreased by \$4,000 from \$601,519 to \$597,519
- . Line Item 23, Fire Department Personnel, be decreased by \$1,500 from \$147,804 to \$146,304
- . Line Item 26, Building & Zoning Inspector, be decreased by \$2,000 from \$50,000 to \$48,000
- . Line Item 27, Gas Inspector, be decreased by \$1,000 from \$4,250 to \$3,250
- . Line Item 28, Plumbing Inspector, be decreased by \$1,000 from \$7,750 to \$6,750
- . Line Item 29, Wiring Inspector, be decreased by \$1,000 from \$9,500 to \$8,500
- . Line Item 33, Total Local Schools, be **increased** by \$15,000 from \$8,744,303 to \$8,759,303

Finance Committee did not accept the proposed amendment.

Amendment voted majority no,

Voted unanimously yes that the Town appropriate the sum of \$14,786,556 to defray the expenses of the Town for Fiscal Year 2005 as printed in the Finance Committee Report on pages 23 through 29, that such appropriation be provided by raising \$14,774,185 by taxation, transferring \$7,371 from the Wetlands Protection Fund, and transferring \$5,000 from library trust funds.

ARTICLE 7: RESERVE FUND – FISCAL YEAR 2005

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be placed in the Reserve Fund Account for unforeseen and extraordinary expenses for the ensuing fiscal year, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

On a motion by George McKenna, 41 Old Littleton Road, Finance Committee, and seconded,

Voted unanimously yes, that the Town raise and appropriate the sum of \$175,000 to be placed in the Reserve Fund Account for unforeseen and extraordinary expenses for Fiscal Year 2005.

ARTICLE 8: DEBT EXCLUSION – LIBRARY AT OLD BROMFIELD

To see if the Town will vote to appropriate, and authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow pursuant to Chapter 44, Section 7 of the Massachusetts General Laws, or any other enabling authority, a sum of money to fund the renovations and addition to the building located on Massachusetts Avenue, Harvard, Massachusetts, known as Old Bromfield, for use as a public library, contingent upon the passage of a proposition two and one-half debt exclusion ballot question at the Annual Election on March 30, 2004, relative to said borrowing, or pass any vote or votes in relation thereto.

(Inserted by Board of Library Trustees)

(2/3 vote required)

On a motion by Ginger Kendall, 67 Still River Road, Library Trustee, and seconded,

Voted greater than 2/3rds yes, (2 no) that the Town appropriate the sum of \$7.1 million to fund the renovations and addition to the building located on Massachusetts Avenue, Harvard, Massachusetts, known as Old Bromfield, for use as a public library, and that to meet this appropriation, the Town hereby:

- a) authorizes the Town Treasurer, with the approval of the Board of Selectmen, to borrow pursuant to Chapter 44, Section 7 of the Massachusetts General Laws, or any other enabling authority, the sum of \$2,600,000., contingent upon the passage of a proposition two and one-half debt exclusion ballot question at the Annual Town Election on March 30, 2004;
- b) authorizes the Board of Library Trustees to accept a \$2,492,232 grant award from the Commonwealth of Massachusetts Board of Library Commissioners;
- c) accepts a gift from the Board of Library Trustees of \$2,007,768 ; and
- d) authorizes the Board of Library Trustees to expend said funds for the aforesaid purposes and to execute all agreements and documents necessary in connection therewith.

Presentations were made by Jim Saalfeld, 15 Woodchuck Hill Road, and by Mort Miller (the Bromfield Trust), 75 Wescott Road, in support of the article.

Tod Rodger, 16 Deerfoot Trail, Finance Committee stated that the Finance Committee supports articles 8 and 9.

ARTICLE 9: LEASE AGREEMENT FOR LIBRARY AT OLD BROMFIELD

To see if the Town will vote to authorize a 99-year lease agreement between the Town of Harvard, acting by and through its Board of Library Trustees, and The Trustees of The Bromfield School Trust, for the lease of the building located on Massachusetts Avenue, Harvard, Massachusetts, known as "Old Bromfield," and the 6.4 acre parcel of land immediately surrounding said building for a public library, or pass any vote or votes in relation thereto.
(Inserted by Board of Library Trustees) (2/3 vote required)

On a motion by Ginger Kendall, 67 Still River Road, Library Trustee, and seconded,

Voted unanimously yes that the Town authorize a 99-year lease agreement between the Town of Harvard, acting by and through its Board of Library Trustees, and The Trustees of The Bromfield School Trust, for the lease of the building located on Massachusetts Avenue, Harvard, Massachusetts, known as "Old Bromfield," and the 6.4 acre parcel of land immediately surrounding said building for a public library, which lease agreement may include indemnification provisions.

ARTICLE 10: CAPITAL OUTLAY EXEMPTION – FIRE ENGINE

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$300,000 for the purpose of purchasing a fire engine, contingent upon the passage of a capital outlay exemption ballot question at the Annual Election on March 30, 2004, and to authorize the sale or trade of existing equipment, or pass any vote or votes in relation thereto.
(Inserted by Board of Selectmen)

On a motion by Bill Marinelli, 50 Stow Road, Board of Selectmen, and seconded,

Voted majority yes (7 no), that the Town raise and appropriate the sum of \$300,000 for the purchase of a fire engine, contingent upon the passage of a capital outlay exemption ballot question at the Annual Town Election on March 30, 2004, and to authorize the sale or trade of existing equipment in connection with said purchase.

ARTICLE 11: DPW TRACTOR WITH MOWER ATTACHMENTS

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be expended by the Director of Public Works, with the approval of the Board of Selectmen, to purchase a tractor with large mower attachments, with unexpended funds as of June 30, 2005 being returned to their funding source, or pass any vote or votes in relation thereto.
(Inserted by Board of Selectmen)

On a motion by Randy Dean, 48 Madigan Lane, Board of Selectmen, and seconded,

Voted majority yes (4 no), that the Town raise and appropriate the sum of \$30,000. to be expended by the Director of Public Works, with the approval of the Board of Selectmen, to purchase a tractor with large mower attachments, with unexpended funds as of June 30, 2005

being returned to their funding source.

ARTICLE 12: PURCHASE OF 4" DIAMETER FIRE HOSE

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to purchase 4-inch diameter fire hose for the Fire Department, with unexpended funds as of June 30, 2005 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Bill Marinelli, 50 Stow Road, Board Of Selectmen, and seconded,

Voted unanimously yes, that the Town raise and appropriate the sum of \$7,600. to be expended by the Fire Chief to purchase 4-inch diameter fire hose for the Fire Department, with unexpended funds as of June 30, 2005, being returned to their funding source.

ARTICLE 13: TRIENNIAL REVALUATION

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for professional consulting services for the Fiscal Year 2005 triennial revaluation and certification, with unexpended funds as of June 30, 2005, being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Larry Finnegan, 12 Tahanto Trail, Board of Selectmen, and seconded,

Voted unanimously yes that the Town raise and appropriate the sum of \$40,000. to be expended by the Board of Assessors for professional consulting services for the Fiscal Year 2005 triennial revaluation and certification, with unexpended funds as of June 30, 2005, being returned to their funding source.

ARTICLE 14: ENVIRONMENTAL TREATMENT/MONITORING - HARVARD PARK

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for the environmental clean up and monitoring of contaminated soils at Harvard Park located on Lancaster County Road, Harvard, Massachusetts, with unexpended funds as of June 30, 2005, being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Larry Finnegan, 12 Tahanto Trail, Board of Selectmen, and seconded,

Voted unanimously yes that the Town raise and appropriate the sum of \$5,000. to be expended by the Board of Selectmen for the environmental clean up and monitoring of contaminated soils

at Harvard Park located on Lancaster County Road, Harvard, Massachusetts, with unexpended funds as of June 30, 2005, being returned to their funding source.

ARTICLE 15: REBUILD TWO TOWN HALL CHIMNEYS

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to rebuild the two northerly Town Hall chimneys, with unexpended funds as of June 30, 2005, being returned to their funding source, or pass any vote or votes in relation thereto.
(Inserted by Board of Selectmen)

On a motion by Larry Finnegan, 12 Tahanto Trail, Board of Selectmen, and seconded,

Voted unanimously yes that the Town raise and appropriate the sum of \$18,500. to be expended by the Board of Selectmen to rebuild the two northerly Town Hall chimneys, with unexpended funds as of June 30, 2005, being returned to their funding source

ARTICLE 16: BOND ISSUANCE COSTS

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money, to be expended by the Town Treasurer, with the approval of the Board of Selectmen, for the purpose of paying bond issuance costs to be incurred during Fiscal Year 2005, with unexpended funds as of June 30, 2005, being returned to their funding source, or pass any vote or votes in relation thereto.
(Inserted by Board of Selectmen)

On a motion by Larry Finnegan, 12 Tahanto Trail, Board of Selectmen, and seconded,

Voted unanimously yes that the Town raise and appropriate the sum of \$15,000. to be expended by the Town Treasurer, with the approval of the Board of Selectmen, for the purpose of paying bond issuance costs to be incurred during Fiscal Year 2005, with unexpended funds as of June 30, 2005, being returned to their funding source

ARTICLE 17: CONTRACT – POLICE WAGES

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to line #19, Police Department Personnel of Article 6 of this Warrant in order to fund the collective bargaining agreement negotiated with the Police Union, or pass any vote or votes in relation thereto.
(Inserted by Board of Selectmen)

On a motion by Bill Marinelli, 50 Stow Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town raise and appropriate the sum of \$16,795. to be added to line #19, Police Department Personnel of Article 6 of this Warrant in order to fund the collective bargaining agreement negotiated with the Police Union.

ARTICLE 18: CONTRACT – DISPATCHER WAGES

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to line #21, Communications Department Personnel of Article 6 of this Warrant in order to fund the collective bargaining agreement negotiated with the Dispatchers Union, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Bill Marinelli, 50 Stow Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town raise and appropriate the sum of \$1,754. to be added to line #21, Communications Department Personnel of Article 6 of this Warrant in order to fund the collective bargaining agreement negotiated with the Dispatchers Union.

ARTICLE 19: CONTRACT – PUBLIC WORKS EMPLOYEES WAGES

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to line #35, Public Works Personnel of Article 6 of this Warrant in order to fund the collective bargaining agreement negotiated with the Public Works Department Employees Union, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Randy Dean, 48 Madigan Lane, Board of Selectmen, and seconded,

Voted unanimously yes that the Town raise and appropriate the sum of \$2,200. to be added to line #35, Public Works Personnel of Article 6 of this Warrant in order to fund the collective bargaining agreement negotiated with the Public Works Department Employees Union.

ARTICLE 20: INSTALL MONITORING EQUIPMENT FOR WATER SYSTEM

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be expended by the Water Commissioners to purchase and install equipment to monitor the municipal water tank and pump house located on Bolton Road, or pass any vote or votes in relation thereto.

(Inserted by Water Commission)

On a motion by Ron Ricci, 19 East Bare Hill Road, Water Commission, and seconded,

Voted unanimously yes that the Town raise and appropriate the sum of \$5,000. to be expended

by the Water Commissioners to purchase and install equipment to monitor the municipal water tank and pump house located on Bolton Road.

ARTICLE 21: PLANS & SPECIFICATIONS FOR SENIOR CITIZEN APARTMENTS

To see if the Town will vote to transfer from available funds (or to borrow or to raise and appropriate) a sum of money to be expended under the supervision of the Housing Authority to obtain plans and specifications to build a dozen one bedroom apartments, more or less, suitable for use by senior citizens of low and moderate income, on a tract of land owned by the Town off Mass Ave near the schools, and/or to obtain architectural and engineering services leading thereto, with the proviso that in the event that such costs are also covered in whole or in part by a federal bloc grant now being processed, the remaining funds may be reserved for use by the Authority to bringing utilities to the site and for other aspects of site preparation, subject to such additional approvals as may be required by Town Meeting and by law. Any part of the money voted under this article which is unexpended as of July 1, 2008 shall be returned to its funding source.

(Inserted by Petition by 10 or More Citizens)

On a motion by Richard Bates Harris, 221 Stow Road, Housing Authority, and seconded,

I move, under this Article, that the Town vote to encourage the Harvard Housing Authority to continue with the evaluation of this site and its vicinity, and to raise and appropriate the sum of \$5000 for the use of the Authority, any amount unexpended by July 2008, to be returned to its funding source.

A presentation was made by Mary Arata, 155 Ayer Road, Harvard Housing Authority.

Paul vonLoesecke made a motion to move the question, which was seconded and voted unanimously yes.

Vote majority yes (6 no) to encourage the Harvard Housing Authority to continue with the evaluation of this site and its vicinity, and to raise and appropriate the sum of \$5000 for the use of the Authority, any amount unexpended by July 2008, to be returned to its funding source.

ARTICLE 22: HOUSING AUTHORITY CLERICAL ASSISTANCE

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be expended by the Housing Authority to employ a part-time clerical assistant, or pass any vote or votes in relation thereto.

(Inserted by Housing Authority)

On a motion by Richard Bates Harris, 221 Stow Road, Harvard Housing Authority, and seconded,

Voted unanimously yes that the Town take no action.

**ARTICLE 23: CALL FIRE DEPARTMENT AND OTHER VOLUNTEER
EMERGENCY SERVICE AGENCY HEALTH INSURANCE**

To see if the Town will vote, pursuant to Section 12 of Chapter 46 of the Acts of 2003, to approve the amendment of the definition of “employee” in Section 2 of Chapter 32B of the Massachusetts General Laws to include members of the call fire department and other volunteer emergency service agencies serving the Town for the purposes of providing group health insurance, provided that the Town shall charge such individuals 100 per cent of the premium, or pass any vote or votes in relation thereto.
(Inserted by Board of Selectmen)

On a motion by Bill Marinelli, 50 Stow Road, Board of Selectmen, and seconded,

Voted majority yes, (1 no) that the Town approve, pursuant to Section 12 of Chapter 46 of the Acts of 2003, the amendment of the definition of “employee” in Section 2 of Chapter 32B of the Massachusetts General Laws to include members of the call fire department and other volunteer emergency service agencies serving the Town for the purposes of providing group health insurance, provided that the Town shall charge such individuals 100 per cent of the premium.

ARTICLE 24: AMBULANCE ENTERPRISE FUND

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 44, Section 53F½ in order to establish an Ambulance Enterprise Fund, or pass any vote or votes in relation thereto.
(Inserted by Board of Selectmen)

On a motion by Randy Dean, 48 Madigan Lane, Board of Selectmen, and seconded,

Voted unanimously yes that the Town take no action.

ARTICLE 25: COMMUNITY PRESERVATION COMMITTEE REPORT

To see if the Town will vote to hear the report and recommendations of the Community Preservation Committee on the Fiscal Year 2005 Community Preservation Budget, or pass any vote or votes in relation thereto.
(Inserted by Community Preservation Committee)

On a motion by Steve Rowse, 214 Old Littleton Road, Community Preservation Committee, and seconded,

Voted unanimously yes that the Town hear the report and recommendations of the Community Preservation Committee on the Fiscal Year 2005 Community Preservation Budget.

ARTICLE 26: OLD BROMFIELD HISTORIC RESTORATION

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the School Committee, with oversight by the Historical Commission, to rehabilitate/restore the exterior of the historic building located on Massachusetts Avenue, Harvard, Massachusetts, known as Old Bromfield, with unexpended funds as of June 30, 2006, being returned to their funding source, or pass any vote or votes in relation thereto.
(Inserted by Community Preservation Committee)

On a motion by Steve Rowse, 214 Old Littleton Road, Community Preservation Committee, and seconded,

Voted unanimously yes that the Town take no action.

Gary Sawyer served as Temporary Moderator for Article 27.

ARTICLE 27: ACQUIRE DEAN'S HILL LAND FOR CONSERVATION PURPOSES

To see if the Town will vote to amend its vote taken under Article 23 of the Warrant for the April 6, 2002 Annual Town Meeting by transferring from available funds an additional sum of money to be expended by the Board of Selectmen to acquire by purchase, eminent domain, gift or otherwise, for conservation purposes, the fee or any lesser interest in the parcel of land containing 32 acres of land, more or less, located off the easterly side of Prospect Hill Road in Harvard, Massachusetts shown on the Harvard Board of Assessors' Map 16, as Lot 13, which parcel of land is known as "Dean's Hill", subject to a conservation restriction to be held by the Harvard Conservation Trust, or pass any vote or votes in relation thereto.
(Inserted by Conservation Commission and Community Preservation Committee)

On a motion by Jack Whelan, 389 Still River Road, Community Preservation Committee, and seconded,

Voted unanimously yes that the Town amend its vote taken under Article 23 of the Warrant for the April 6, 2002 Annual Town Meeting by appropriating an additional \$124,000. to be expended by the Board of Selectmen to acquire by purchase, eminent domain, gift or otherwise, for conservation purposes, the fee or any lesser interest in the parcel of land containing 32 acres of land, more or less, located off the easterly side of Prospect Hill Road in Harvard, Massachusetts shown on the Harvard Board of Assessors' Map 16, as Lot 13, which parcel of land is known as "Dean's Hill", subject to a conservation restriction to be held by the Harvard Conservation Trust, and that to meet this appropriation, the Town (a) appropriate from Fiscal Year 2005 Community Preservation Fund revenues the sum of \$69,491; (b) appropriate from Community Preservation Fund Open Space Reserve the sum of \$10,509; and (c) transfer from the Conservation Fund the sum of \$44,000.

A presentation was made by Michele Girard, Conservation Commission.

ARTICLE 28: COMMUNITY PRESERVATION FUND - HOUSING RESERVE

To see if the Town will vote to reserve a sum of money from the Fiscal Year 2005 Community Preservation Fund revenues for Community Housing, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

On a motion by Josephine Carothers, 85 Depot Road, Community Preservation Committee, and seconded,

Voted 203 yes, 134 no, that the Town appropriate from Fiscal Year 2005 Community Preservation Fund revenues the sum of \$50,000. to be set aside for later spending in the Community Preservation Fund Community Housing Reserve.

Bob Harley, 73 Bolton Road, made a motion to reduce the amount to \$22,500, but Town Administrator Paul Cohen clarified the point that if the article fails, it would automatically be funded at the state required 10% minimum of \$22,500. The motion was withdrawn.

Debbie Ricci, 19 East Bare Hill Road, Finance Committee, stated that her board does not recommend this article.

ARTICLE 29: STABILIZATION OF THE SHAKER HERB DRYING SHED

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be expended by the Historical Commission for the stabilization of the Shaker Herb Drying Shed located at 81 Shaker Road in Harvard, Massachusetts, shown on the Harvard Board of Assessors' Map 5, as Lot 31, with unexpended funds as of June 30, 2005 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

On a motion by Pam Durrant, 159 East Bare Hill Road, Community Preservation Committee, and seconded,

Voted unanimously yes that the Town appropriate from Community Preservation Fund Historic Resources Reserve the sum of \$6,000 to be expended by the Historical Commission for the stabilization of the Shaker Herb Drying House located at 81 Shaker Road in Harvard, Massachusetts, shown on the Harvard Board of Assessors' Map 5, as Lot 31, with unexpended funds as of June 30, 2005 being returned to their funding source.

John Martin, 5 Fairbank Street, Historical Commission, made a presentation for that board.

ARTICLE 30: REHABILITATION OF THE BROMFIELD SCHOOL TENNIS & BASKETBALL COURTS

To see if the Town will vote to amend its vote taken under Article 7 of the Warrant for the March 31, 2001 Annual Town Meeting by appropriating an additional sum of money to be expended by the School Committee for the purpose of rehabilitating The Bromfield School tennis and basketball courts, and to meet this appropriation to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow pursuant to Chapter 44, Section 7 of the Massachusetts General Laws, or any other enabling authority, and/or to transfer a sum of money from available funds, or pass any vote or votes in relation thereto.

(Inserted by School Committee and Community Preservation Committee) (2/3 vote required)

On a motion by Donald Boyce, 310 Stow Road, Community Preservation Committee, and seconded,

Voted unanimously yes that the Town supplement the funds appropriated under Article 7 of the Warrant for the March 31, 2001 Annual Town Meeting by appropriating an additional \$150,000. to be expended by the School Committee in conjunction with the funds already appropriated under said town meeting vote for the purpose of rehabilitating The Bromfield School tennis and basketball courts, and, to meet this appropriation, that the Town:

- a) authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$91,500. pursuant to Chapter 44, Section 7 of the Massachusetts General Laws, or any other enabling authority; and
- b) appropriate \$58,500. from Fiscal Year 2005 Community Preservation Fund revenues.

Molly Cutler, 56 Stow Road, School Committee and School Building Committee, asked for approval.

Steve Colwell, 192 Littleton Road, Finance Committee, stated that his board recommends passage of this article.

Chris Ready, 24 Still River Depot Road, spoke for the Park and Recreation Commission which recommends passage of this article.

Sam Rosmarin, 10 Old Meadow Lane, spoke in favor of the article for the Bromfield Tennis Team.

A motion made by Lucy Wallace, and seconded, to take Article 32 before Article 31 was voted majority yes (3 no) to change the order.

ARTICLE 31: HOME RULE PETITION SPECIAL ACT– STILL RIVER VILLAGE WASTEWATER MANAGEMENT DISTRICT

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact a special act relative to the Still River Village Wastewater Management District, substantially the same as the special act attached to this Warrant as Appendix A.

(Inserted by Board of Selectmen)

On a motion by Lucy Wallace, 18 Orchard Hill, Board of Selectmen, and seconded,

Voted majority yes that the Town authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact a special act relative to the Still River Village Wastewater Management District, substantially the same as Exhibit A, which has been distributed to the voters in attendance at this Annual Town Meeting.

Bill Spacciapoli, 143 Ayer Road, Board of Health, stated that his board does not support this article.

* See Exhibit A after Article 44.

ARTICLE 32: FUNDING FOR PLANNING AND DESIGN OF STILL RIVER WASTEWATER MANAGEMENT DISTRICT

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Board of Selectmen for the planning and design of a wastewater management system in the Still River section of the Town, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Lucy Wallace, 18 Orchard Hill, Board of Selectmen, and seconded,

Voted majority yes (14 no), that the Town raise and appropriate the sum of \$20,000. to be expended by the Board of Selectmen for the planning and design of a wastewater management system in the Still River Village section of the Town.

Tod Rodger, 14 Deerfoot Trail, Finance Committee, stated that his board does recommend this article.

A motion was made by Marc Sevigny to take article 35 before article 33. The motion was seconded and voted unanimously yes.

A presentation was made by Planning Board consultants Terry Szold and Chris Huntress prior to the presentation of Articles 33 through 40.

Article 35 taken here.

ARTICLE 33: AMEND PROTECTIVE BYLAW – AYER ROAD VILLAGE SPECIAL PERMIT

To see if the Town will vote to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by adding thereto (i) a new Article IX entitled “Special Provisions and Districts,” and (ii) a new section 125-52, relative to an “Ayer Road Village Special Permit” as follows:

ARTICLE IX Special Provisions and Districts

§ 125-52 Ayer Road Village Special Permit (ARV-SP)

A. Purpose and Objectives

- (1) The purpose of this section is to provide an opportunity to present viable alternatives to conventional commercial sprawl-type development; specifically, to assist the Town in creating and maintaining a village identity for commercial properties on Ayer Road. A further purpose of this section is to discourage property owners from subdividing commercial lots into multiple parcels, which may result in multiple curb openings, uncoordinated access, circulation and signage, and less coherent design, and to encourage the merging of smaller parcels into well-planned sites. Additional objectives of this section include:
 - (a) **Promotion of mixed use development.**
 - (b) **Promotion of shared access to properties, with appropriate links to adjoining properties, lessening the need for curb openings on Ayer Road.**
 - (c) **Promotion of development that emphasizes pedestrian accessible walkways, benches, pathways, bicycle racks, and pedestrian-scale lighting and signage.**
 - (d) Encouragement of building and site designs compatible with the local architecture, rather than generic designs.
 - (e) Avoidance of excessive building massing and unbroken building facade treatments.
 - (f) Subordination of parking, loading docks, on-site utilities, heating, ventilation and air conditioning equipment (HVAC), utility lines, and solid waste dumpsters to building form.
- (2) In order to promote the creation of a village commercial identity for commercial properties located on Ayer Road, and to accomplish the goals and objectives set forth for this area in the Town’s Master Plan adopted by the Planning Board (as may be amended, and as described in this section), the Planning Board may more flexibly apply dimensional regulations and site standards as set forth below.

- B. Applicability.** An applicant who is the owner (or with the permission of the owner) of land that is zoned Commercial C, with a minimum of 300 feet of frontage on Ayer Road, may apply for an Ayer Road Village Special Permit (ARV-SP). Selected Mixed-Use Village Development uses also require a special permit under this section and pursuant to § 125-13. The Planning Board is the special permit granting authority for special permits issued pursuant to this section and § 125-46.
- C. Submittal Requirements.** An application for an ARV-SP, together with an application for site plan approval, shall be filed with the Town Clerk and submitted to the Planning Board in accordance with § 125-38 and any additional site plan rules and regulations adopted by the Planning Board. A registered landscape architect, architect and professional engineer must participate in the preparation of such site plan.
- D. Review criteria and considerations.** In reviewing a proposed development pursuant to this section, the Planning Board may adopt design guidelines to assist it in the review of applications, and shall give due consideration to the following considerations and criteria:
- (1) In mixed-use projects, new development should be located, grouped and sited in a manner to respect the context of any adjoining existing residential uses. All uses in the new development should be clustered appropriately.
 - (2) Where appropriate, historical significance shall be considered with special consideration for preservation of historic buildings on the site or on adjacent or neighboring properties.
 - (3) Development should be designed for pedestrian and bicycle passage.
 - (4) Building and site design should mitigate potential adverse impacts of a proposed development upon neighboring properties and the streetscape. Such mitigation efforts may include but not be limited to the following:
 - (a) Parking lots shall not dominate the front yards of properties and shall be broken into small increments with internal landscaping. Not more than 25% of parking spaces proposed to serve the development shall be located in front of a building or buildings.
 - (b) Landscaped, required open space and green areas, in addition to their aesthetic value, shall be designed to reduce the rate and volume of stormwater runoff compared to pre-development conditions. Massachusetts Department of Environmental Protection (DEP) Stormwater Best Management Practices and other measures to minimize such runoff and improve water quality shall be implemented.
 - (c) Solid waste shall be handled in such a manner to avoid negative off-site impacts (noise, odor, and visual) on neighbors and neighboring properties. The use of

trash compactors, fencing and screening, or the containment of all solid waste storage and handling within the building(s) of the development is encouraged.

- (d) Loading docks shall be located and designed to minimize negative off-site impacts (visual and operational) on neighbors and neighboring properties.
- (e) Proposed structures shall be designed and sited to minimize scale-related impacts on neighboring lots and any adjacent open space.
- (f) Changes in grade on the lot shall be designed to minimize the need for structural retaining walls close to neighboring properties and property lines.

E. Sewage Disposal. Privately owned and maintained on-site sewage disposal or treatment systems may be approved to serve buildings and lots in an ARV-SP development, if maintained and operated by an owner, notwithstanding the provisions of § 125-32(D) of this Bylaw, if such disposal or treatment facility or system is approved by the Town's Board of Health and in compliance with the requirements of Title 5, 310 CMR 15.00, or is approved in accordance with the requirements of 314 CMR 5.00 (the Ground Water Discharge Permit Program). Such an approved system may be located on land owned in common by the owners of the building(s) or lots within the development. The minimum setbacks of such system and any absorption area can be different from the minimum setback distance set forth in § 125-32(C) (2) (b), provided that such setback complies with Title 5, 310 CMR 15.00, the Town Board of Health's regulations, or is approved in accordance with the requirements of 314 CMR 5.00 (the Ground Water Discharge Permit Program).

F. Hearing and Decision. After notice and a public hearing in accordance with Massachusetts General Laws Chapter 40A, Sections 9, 11, and 15 and after following the procedure outlined in this Bylaw, the Planning Board may grant such a Special Permit with any appropriate conditions, safeguards, and limitations.

G. Incentives for Specific Uses

- (1) In reviewing and acting on applications for an ARV-SP and for mixed-use village development special permits pursuant to §125-13, and in order to provide for flexible zoning requirements in such developments, notwithstanding any provisions of this Bylaw to the contrary, the Planning Board may:
 - (a) Permit alternative building siting without regard to a lot width circle.
 - (b) Permit more than one structure or main building on a lot.
 - (c) Apply alternative building and structure setback requirements, except where lot boundaries abut property in the AR District, where a minimum of a 60 foot setback shall apply.

- (d) Apply alternative site standards relative to parking, loading and driveways, including the establishment of minimum and maximum parking ratios.
 - (e) Apply alternative site standards relative to lighting and signs, including the imposition of more restrictive requirements than those set forth in this Bylaw.
- (2) Additionally, in reviewing and acting on applications for special permits issued pursuant to this section for a mixed-use village development, the Planning Board may authorize the following:
- (a) Up to ten percent (10%) more floor area than allowed under section § 125-30 (B).
 - (b) Greater total building size than allowed under § 125-37, Subsection A, provided that no building shall exceed 30,000 square feet of gross floor area.
- (3) The variations enumerated in Paragraphs (1) and (2) above may be authorized by the Planning Board upon it finding that the purposes and objectives and the review criteria of this section have been met by the subject ARV-SP development proposal, and that such development, when completed, will result in one or more of the following:
- (a) Preservation of an agricultural use, natural resources, including but not limited to woodlands, wetlands, streams and/or fields, or land with historic structures or other unique features.
 - (b) Connectivity between adjoining sites, or provisions for curb-cut reduction, shared access, and shared parking.
 - (c) Inclusion of multifamily use with a set aside of affordable housing units.

H. Waiver of Site Plan Requirement. In cases where a use is proposed to be located on a site subject to an existing ARV-SP, or within an existing building that has been approved as part of an ARV-SP, and no changes are proposed to the site plan, the Planning Board may waive the requirement for a new, additional site plan submission in conjunction with such a special permit application, and require the applicant to add an appropriate notation to the previously approved plan.

or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(2/3 vote required)

The following motion was made by Marc Sevigny, 101 South Shaker Road, Planning Board, and seconded,

I move that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by adding thereto (i) a new Article IX entitled “Special Provisions and Districts,” and (ii) a new section 125-52, relative to an “Ayer Road Village Special Permit” as printed under Article 33 in the Finance Committee Report Recommendations and Warrant Articles, Report of the Capital Plan Committee, and Report of the Community Preservation Committee handbook on pages 39 through 43.

A motion to amend was made by Robert Lerner, 101 West Bare Hill Road, and seconded, but it was withdrawn.

A motion was made by Bob Harley, 73 Bolton Road, and seconded, to change the wording of **D. (4) (c)** by deleting the phrase “in such a manner” and replacing it with “so as”

The Planning Board accepted the amendment.

Voted greater than 2/3rds yes, (1 no) that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by adding thereto (i) a new Article IX entitled “Special Provisions and Districts,” and (ii) a new section 125-52, relative to an “Ayer Road Village Special Permit” as follows:

ARTICLE IX Special Provisions and Districts

§ 125-52 Ayer Road Village Special Permit (ARV-SP)

A. Purpose and Objectives

(1) The purpose of this section is to provide an opportunity to present viable alternatives to conventional commercial sprawl-type development; specifically, to assist the Town in creating and maintaining a village identity for commercial properties on Ayer Road. A further purpose of this section is to discourage property owners from subdividing commercial lots into multiple parcels, which may result in multiple curb openings, uncoordinated access, circulation and signage, and less coherent design, and to encourage the merging of smaller parcels into well-planned sites. Additional objectives of this section include:

- (a) **Promotion of mixed use development.**
 - (b) **Promotion of shared access to properties, with appropriate links to adjoining properties, lessening the need for curb openings on Ayer Road.**
 - (c) **Promotion of development that emphasizes pedestrian accessible walkways, benches, pathways, bicycle racks, and pedestrian-scale lighting and signage.**
 - (d) Encouragement of building and site designs compatible with the local architecture, rather than generic designs.
 - (e) Avoidance of excessive building massing and unbroken building facade treatments.
 - (f) Subordination of parking, loading docks, on-site utilities, heating, ventilation and air conditioning equipment (HVAC), utility lines, and solid waste dumpsters to building form.
- (2) In order to promote the creation of a village commercial identity for commercial properties located on Ayer Road, and to accomplish the goals and objectives set forth

for this area in the Town's Master Plan adopted by the Planning Board (as may be amended, and as described in this section), the Planning Board may more flexibly apply dimensional regulations and site standards as set forth below.

- B. Applicability.** An applicant who is the owner (or with the permission of the owner) of land that is zoned Commercial C, with a minimum of 300 feet of frontage on Ayer Road, may apply for an Ayer Road Village Special Permit (ARV-SP). Selected Mixed-Use Village Development uses also require a special permit under this section and pursuant to § 125-13. The Planning Board is the special permit granting authority for special permits issued pursuant to this section and § 125-46.
- C. Submittal Requirements.** An application for an ARV-SP, together with an application for site plan approval, shall be filed with the Town Clerk and submitted to the Planning Board in accordance with § 125-38 and any additional site plan rules and regulations adopted by the Planning Board. A registered landscape architect, architect and professional engineer must participate in the preparation of such site plan.
- D. Review criteria and considerations.** In reviewing a proposed development pursuant to this section, the Planning Board may adopt design guidelines to assist it in the review of applications, and shall give due consideration to the following considerations and criteria:
- (1) In mixed-use projects, new development should be located, grouped and sited in a manner to respect the context of any adjoining existing residential uses. All uses in the new development should be clustered appropriately.
 - (2) Where appropriate, historical significance shall be considered with special consideration for preservation of historic buildings on the site or on adjacent or neighboring properties.
 - (3) Development should be designed for pedestrian and bicycle passage.
 - (4) Building and site design should mitigate potential adverse impacts of a proposed development upon neighboring properties and the streetscape. Such mitigation efforts may include but not be limited to the following:
 - (a) Parking lots shall not dominate the front yards of properties and shall be broken into small increments with internal landscaping. Not more than 25% of parking spaces proposed to serve the development shall be located in front of a building or buildings.
 - (b) Landscaped, required open space and green areas, in addition to their aesthetic value, shall be designed to reduce the rate and volume of stormwater runoff compared to pre-development conditions. Massachusetts Department of Environmental Protection (DEP) Stormwater Best Management Practices and other measures to minimize such runoff and improve water quality shall be implemented.

- (c) Solid waste shall be handled so as to avoid negative off-site impacts (noise, odor, and visual) on neighbors and neighboring properties. The use of trash compactors, fencing and screening, or the containment of all solid waste storage and handling within the building(s) of the development is encouraged.
- (d) Loading docks shall be located and designed to minimize negative off-site impacts (visual and operational) on neighbors and neighboring properties.
- (e) Proposed structures shall be designed and sited to minimize scale-related impacts on neighboring lots and any adjacent open space.
- (f) Changes in grade on the lot shall be designed to minimize the need for structural retaining walls close to neighboring properties and property lines.

E. Sewage Disposal. Privately owned and maintained on-site sewage disposal or treatment systems may be approved to serve buildings and lots in an ARV-SP development, if maintained and operated by an owner, notwithstanding the provisions of § 125-32(D) of this Bylaw, if such disposal or treatment facility or system is approved by the Town's Board of Health and in compliance with the requirements of Title 5, 310 CMR 15.00, or is approved in accordance with the requirements of 314 CMR 5.00 (the Ground Water Discharge Permit Program). Such an approved system may be located on land owned in common by the owners of the building(s) or lots within the development. The minimum setbacks of such system and any absorption area can be different from the minimum setback distance set forth in § 125-32(C) (2) (b), provided that such setback complies with Title 5, 310 CMR 15.00, the Town Board of Health's regulations, or is approved in accordance with the requirements of 314 CMR 5.00 (the Ground Water Discharge Permit Program).

F. Hearing and Decision. After notice and a public hearing in accordance with Massachusetts General Laws Chapter 40A, Sections 9, 11, and 15 and after following the procedure outlined in this Bylaw, the Planning Board may grant such a Special Permit with any appropriate conditions, safeguards, and limitations.

G. Incentives for Specific Uses

(1) In reviewing and acting on applications for an ARV-SP and for mixed-use village development special permits pursuant to §125-13, and in order to provide for flexible zoning requirements in such developments, notwithstanding any provisions of this Bylaw to the contrary, the Planning Board may:

- (a) Permit alternative building siting without regard to a lot width circle.
- (b) Permit more than one structure or main building on a lot.

- (c) Apply alternative building and structure setback requirements, except where lot boundaries abut property in the AR District, where a minimum of a 60 foot setback shall apply.
 - (d) Apply alternative site standards relative to parking, loading and driveways, including the establishment of minimum and maximum parking ratios.
 - (e) Apply alternative site standards relative to lighting and signs, including the imposition of more restrictive requirements than those set forth in this Bylaw.
- (2) Additionally, in reviewing and acting on applications for special permits issued pursuant to this section for a mixed-use village development, the Planning Board may authorize the following:
- (a) Up to ten percent (10%) more floor area than allowed under section § 125-30 (B).
 - (b) Greater total building size than allowed under § 125-37, Subsection A, provided that no building shall exceed 30,000 square feet of gross floor area.
- (3) The variations enumerated in Paragraphs (1) and (2) above may be authorized by the Planning Board upon it finding that the purposes and objectives and the review criteria of this section have been met by the subject ARV-SP development proposal, and that such development, when completed, will result in one or more of the following:
- (d) Preservation of an agricultural use, natural resources, including but not limited to woodlands, wetlands, streams and/or fields, or land with historic structures or other unique features.
 - (e) Connectivity between adjoining sites, or provisions for curb-cut reduction, shared access, and shared parking.
 - (f) Inclusion of multifamily use with a set aside of affordable housing units.

H. Waiver of Site Plan Requirement. In cases where a use is proposed to be located on a site subject to an existing ARV-SP, or within an existing building that has been approved as part of an ARV-SP, and no changes are proposed to the site plan, the Planning Board may waive the requirement for a new, additional site plan submission in conjunction with such a special permit application, and require the applicant to add an appropriate notation to the previously approved plan.

Planning Board gave a verbal report in support of this article.

ARTICLE 34: AMEND PROTECTIVE BYLAW – BUILDING SIZE

To see if the Town will vote to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, §125-37. “Major buildings,” Subsection A. “Size,” by deleting Paragraph (1)

thereof and substituting therefore the following:

- (1) A non-residential building proposed with a length of greater than 150 feet or greater than 10,000 square feet of gross floor area may be erected only by special permit (see § 125-46, Special permits) issued by the Planning Board. For proposed commercial buildings and uses, the building area within any sloped roofs or within any gables and dormers not containing useable floor area, shall not count toward the maximum gross floor area specified herein.

, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(2/3 vote required)

The following motion was made by Eric Nestler, 31 Cruft Lane, Planning Board, and seconded,

I move that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, §125-37. "Major buildings," Subsection A. "Size," by deleting Paragraph (1) thereof and substituting therefore the following:

- (1) A non-residential building proposed with a length of greater than 150 feet or greater than 10,000 square feet of gross floor area may be erected only by special permit (see § 125-46, Special permits) issued by the Planning Board. For proposed commercial buildings and uses, the building area within any sloped roofs or within any gables and dormers not containing useable floor area, shall not count toward the maximum gross floor area specified herein.

A motion was made by Richard Bates Harris, 221 Stow Road, and seconded, to eliminate the second "within" from the definition. The Planning Board accepted the change.

A motion was made by Donald Boyce, 310 Stow Road, and seconded, to delete the word "sloped". The Planning Board accepted the motion.

A motion by Patricia W. White, 162 East Bare Hill Road, to move the question was seconded, and voted majority yes.

Voted greater than 2/3rds yes, (3 no) that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, §125-37. "Major buildings," Subsection A. "Size," by deleting Paragraph (1) thereof and substituting therefore the following:

- (1) A non-residential building proposed with a length of greater than 150 feet or greater than 10,000 square feet of gross floor area may be erected only by special permit (see § 125-46, Special permits) issued by the Planning Board. For proposed commercial buildings and uses, the building area within any roofs or any gables and dormers not containing useable floor area, shall not count toward the maximum gross floor area specified herein.

Planning Board gave a verbal report in support of this article.

ARTICLE 35: AMEND DEFINITION OF BUILDABLE LAND IN THE PROTECTIVE BYLAW

(Key to revisions: underlining = additions; [bracketing] = deletions)

To see if the Town will vote to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by making the following revision to the definition of “Buildable Land” in §125-2 thereof:

“Buildable Land. Land area available, under the Bylaw and any other lawful restrictions, for the location of a main building. Buildable land does not include any area of land in a W district, WFH district, [or] an Inland Wetland, land which is within fifty feet of an Inland Wetland or land which is located within the minimum required setback distances as set forth in Section 125-30, Paragraph E of the Bylaw for buildings and structures, other than fences, signs, poles, for the subject type of lot.

, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(2/3 vote required)

On a motion by Mary Essary, 239 Stow Road, Planning Board, and seconded,

Voted unanimously yes that the Town take no action.

ARTICLE 36: AMEND PROTECTIVE BYLAW - DRAINAGE

To see if the Town will vote amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, §125-39, “Site standards,” Subsection F, “Drainage,” by adding thereto the following second sentence:

“Additionally, Massachusetts Department of Environmental Protection (DEP) Stormwater Best Management Practices and other measures to minimize surface water runoff and improve water quality must be implemented and reflected in documents submitted for site plan approval.”

, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(2/3 vote required)

On a motion by Mary Essary, 239 Stow Road, Planning Board, and seconded,

Voted unanimously yes that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, §125-39, “Site standards,” Subsection F, “Drainage,” by adding thereto the following second sentence:

“Additionally, Massachusetts Department of Environmental Protection (DEP) Stormwater Best Management Practices and other measures to minimize surface water runoff and improve water quality must be implemented and reflected in documents submitted for site plan approval.”

Planning Board gave a verbal report in support of this article.

ARTICLE 37: AMEND PROTECTIVE BYLAW – OPEN AREAS AND BUILDING COVERAGE IN COMMERCIAL DISTRICT

To see if the Town will vote to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, §125-39. “Site standards,” Subsection C, Paragraph (2), by adding thereto (i) a comma immediately after the word “green” in the first sentence thereof; (ii) the words “naturalized or landscaped pervious” immediately before the word “area” in said first sentence; and (iii) a third sentence as follows:

“Further, the footprint of any building used for any of the purposes set forth in §125-12, §125-13 or §125-14, shall not cover more than 25% of the total lot area.”

, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(2/3 vote required)

On a motion by Marc Sevigny, 101 South Shaker Road, Planning Board, and seconded,

Voted greater than 2/3rds yes (1 no), that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, §125-39. “Site standards,” Subsection C, Paragraph (2), by adding thereto (i) a comma immediately after the word “green” in the first sentence thereof; (ii) the words “naturalized or landscaped pervious” immediately before the word “area” in said first sentence; and (iii) a third sentence as follows:

“Further, the footprint of any building used for any of the purposes set forth in §125-12, §125-13 or §125-14, shall not cover more than 25% of the total lot area.”

Planning Board gave a verbal report in support of this article.

ARTICLE 38: AMEND PROTECTIVE BYLAW – SITE PLAN REVIEW AND APPROVAL

To see if the Town will vote amend the Protective Bylaw, §125-38. “Site plans,” by:

- (i) deleting from the first sentence of Subsection A, Paragraph (3) of the words “(usually the Board of Appeals, Planning Board or the Board of Selectmen)”;**
- (ii) deleting from Subsection A, Paragraph (3) the third sentence in its entirety;**
- (iii) adding the following new paragraph to Subsection A:**

“(4) Commercial uses and business uses described in § 125-12, §125-13 and §125-14 shall be subject to site plan review and approval by the Planning Board, except for such uses which are exempt from site plan review and approval.”;

- (iv) deleting from Subsection B the second sentence of thereof and substituting therefore the following:**

“Any use subject to site plan approval shall be established or expanded in ground area and any building for such use shall be erected or externally enlarged only in conformity with a site plan approved by the Planning Board, Board of Selectmen, or, in the case of an appeal, variance, or special permit, by the authorizing board, as specified in this Bylaw.”;

- (v) deleting from the fourth sentence of Subsection B the words “Board of Selectmen” from and substituting therefore “authorizing board”;**

- (vi) deleting from Subsection C the existing Paragraph (1), and substituting in place thereof the following:**

“C. Approval or review process.

- (1) Site plans shall be filed with the Town Clerk with the petition or application. When the authorizing board receives a site plan for its review and/or approval, it shall deliver a copy promptly to other interested boards, officials and departments for advice and recommendations.”;

- (vii) adding to Subsection C a third paragraph as follows:**

“(3) Final action on a site plan shall occur within ninety (90) days of filing with the Town Clerk, unless such time period is extended by mutual written agreement of the reviewing authority and applicant. To ensure an effective and efficient process, review and/or approval of a site plan and special permit application relative to the same property may be conducted concurrently.”;

- (viii) adding to Subsection D the words “and any applicable rules and regulations that have been adopted pursuant to this section,” immediately after the word “Bylaw” in the first sentence thereof, and by adding the words “At a minimum,” to beginning of the second sentence thereof.; and**

- (ix) by adding thereto new Subsections “F” and “G” as follows:**

“F. Design Review: Applicability, Procedure, and Purpose.

(1) Site plan applications for proposed development in the Commercial “C” District shall include renderings of the proposed building(s) or addition showing the front, sides, and rear view elevations.

(a) Renderings shall be in color, and shall include narrative descriptions of the building facade materials; roof materials; window dimensions, materials, and details; height and slope of all roof lines; location of HVAC equipment, generators, coolers, and other utility appurtenances; and balconies, exterior stairs, steeples, chimneys, porches, porticos, or other building extensions. While not required, the applicant is encouraged, where practicable, to submit samples or swatches of facade materials and colors.

(2) The purpose of the review conducted pursuant to this section is to assist the Planning Board to review the proposed design of buildings and its relationship to overall site layout. It is not the intent of this section to prescribe or proscribe use of materials or methods of construction regulated by the State Building Code, but rather to enhance the appearance of buildings and structures within the C District. A further purpose of design review is to help meet the objectives of the commercial C district, including:

- (a) Use of creative building placement and site design that promotes pedestrian activity, bicycle use, and minimizes new driveway curb cuts, sharing vehicular access, wherever possible.
- (b) Promotion of articulated buildings that avoid excessive massing and unbroken facade treatments.
- (c) Use of a variety of building heights and roofline articulation (as opposed to flat commercial roofs).
- (d) Use of building style and materials compatible with the local vernacular and built form of Harvard, and avoidance of generic designs.
- (e) Subordination of parking, on-site utilities, heating, ventilation and air conditioning equipment (HVAC), utility lines, and solid waste dumpsters to building form.
- (f) Use of pedestrian-scale lighting and signage.

(3) To accomplish the purposes of this section, the Planning Board may adopt design guidelines for applicants submitting applications requiring design review and/or approval.

G. Landscape Plan. A Landscape Plan, prepared at the same scale as the site plan by a landscape architect, shall be included with the Site Plan submission, reflecting existing, natural features to be preserved and proposed landscape features and details. Areas intended to provide screening or buffering of the proposed development from abutting property shall be included in the Landscape Plan.”

, or pass any vote or votes in relation thereto.
(Inserted by Planning Board)

(2/3 vote required)

The following motion was made by Eric Nestler, 31 Cruft Lane, Planning Board, and seconded,

I move that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by amending §125-38. "Site plans" as printed in the Finance Committee Report Recommendations and Warrant Articles, Report of the Capital Plan Committee, and Report of the Community Preservation Committee handbook on pages 45 through 47.

Bob Harley, 73 Bolton Road, made the following motion to amend, which was seconded,

- F. (b) change "unbroken facade treatments." to "unbroken facades."
- (d) delete "built form of Harvard"
- (e) change "Subordination of" to "suitable emphasis on the importance of building form, with subordinate attention on"
deletion of final words: "to building form"
- G. change "at the same scale as the site plan by a landscape architect," to "by a landscape architect, using the same scale as the site plan,"

The Planning Board did not accept the amendment.

The motion to amend was voted majority no.

Bill Marinelli, 50 Stow Road, noted that there is no definition of "ground area" in the Code. [Section (iv)]

The Planning Board added the word "impervious" before ground area in section (iv)

The following motion to amend was made by John Martin, 5 Fairbank Street, and seconded,

In section (d) – strike everything except "avoidance of generic designs."

The Planning Board did not accept the amendment.

The motion to amend was voted majority no.

Voted unanimously yes, to amend the Protective Bylaw, §125-38. "Site plans," by:

- (i) **deleting from the first sentence of Subsection A, Paragraph (3) of the words "(usually the Board of Appeals, Planning Board or the Board of Selectmen)";**
- (ii) **deleting from Subsection A, Paragraph (3) the third sentence in its entirety;**
- (iii) **adding the following new paragraph to Subsection A:**

"(4) Commercial uses and business uses described in § 125-12, §125-13 and §125-14 shall be subject to site plan review and approval by the Planning Board, except for such uses which are exempt from site plan review and approval.";

- (iv) **deleting from Subsection B the second sentence of thereof and**

substituting therefore the following:

“Any use subject to site plan approval shall be established or expanded in impervious ground area and any building for such use shall be erected or externally enlarged only in conformity with a site plan approved by the Planning Board, Board of Selectmen, or, in the case of an appeal, variance, or special permit, by the authorizing board, as specified in this Bylaw.”;

- (v) deleting from the fourth sentence of Subsection B the words “Board of Selectmen” from and substituting therefore “authorizing board”;**
- (vii) deleting from Subsection C the existing Paragraph (1), and substituting in place thereof the following:**

“C. Approval or review process.

- (1) Site plans shall be filed with the Town Clerk with the petition or application. When the authorizing board receives a site plan for its review and/or approval, it shall deliver a copy promptly to other interested boards, officials and departments for advice and recommendations.”;

- (vii) adding to Subsection C a third paragraph as follows:**

“(3) Final action on a site plan shall occur within ninety (90) days of filing with the Town Clerk, unless such time period is extended by mutual written agreement of the reviewing authority and applicant. To ensure an effective and efficient process, review and/or approval of a site plan and special permit application relative to the same property may be conducted concurrently.”;

- (viii) adding to Subsection D the words “and any applicable rules and regulations that have been adopted pursuant to this section,” immediately after the word “Bylaw” in the first sentence thereof, and by adding the words “At a minimum,” to beginning of the second sentence thereof.; and**

- (ix) by adding thereto new Subsections “F” and “G” as follows:**

“F. Design Review: Applicability, Procedure, and Purpose.

- (1) Site plan applications for proposed development in the Commercial “C” District shall include renderings of the proposed building(s) or addition showing the front, sides, and rear view elevations.

(a) Renderings shall be in color, and shall include narrative descriptions of the building facade materials; roof materials; window dimensions, materials, and details; height and slope of all roof lines; location of HVAC equipment, generators, coolers, and other utility appurtenances; and balconies, exterior stairs, steeples, chimneys, porches, porticos, or other building extensions. While not required, the applicant is encouraged, where practicable, to submit samples or swatches of facade materials and colors.

(2) The purpose of the review conducted pursuant to this section is to assist the Planning Board to review the proposed design of buildings and its relationship to overall site layout. It is not the intent of this section to prescribe or proscribe use of materials or methods of construction regulated by the State Building Code, but rather to enhance the appearance of buildings and structures within the C District. A further purpose of design review is to help meet the objectives of the commercial C district, including:

- (a) Use of creative building placement and site design that promotes pedestrian activity, bicycle use, and minimizes new driveway curb cuts, sharing vehicular access, wherever possible.
 - (b) Promotion of articulated buildings that avoid excessive massing and unbroken facade treatments.
 - (c) Use of a variety of building heights and roofline articulation (as opposed to flat commercial roofs).
 - (d) Use of building style and materials compatible with the local vernacular and built form of Harvard, and avoidance of generic designs.
 - (e) Subordination of parking, on-site utilities, heating, ventilation and air conditioning equipment (HVAC), utility lines, and solid waste dumpsters to building form.
 - (f) Use of pedestrian-scale lighting and signage.
- (3) To accomplish the purposes of this section, the Planning Board may adopt design guidelines for applicants submitting applications requiring design review and/or approval.

G. Landscape Plan. A Landscape Plan, prepared at the same scale as the site plan by a landscape architect, shall be included with the Site Plan submission, reflecting existing, natural features to be preserved and proposed landscape features and details. Areas intended to provide screening or buffering of the proposed development from abutting property shall be included in the Landscape Plan.”

Planning Board gave a verbal report in support of this article.

ARTICLE 39: AMEND PROTECTIVE BYLAW - USES

To see if the Town will vote to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, as follows:

(i) by amending §125-13., “Medium-scale commercial uses,” Subsection “F,” by deleting the words “in a pre-existing building” therefrom;

(i) by amending §125-13., “Medium -scale commercial uses,” Subsection “J,” by adding thereto the following at the end of the first sentence thereof:

“, which uses shall not exceed 15,000 square feet of gross floor area of building space.”;

(iii) by amending §125-13., “Medium-scale commercial uses” by adding thereto the following new Subsection “Z”:

Z. Mixed-use village development (MUVD)

- (1) Multifamily residential use, where such use is integrated with a commercial use constituting thirty percent (30%) or more of the proposed development or total gross floor area.**
- (2) Grocery store greater than 15,000 square feet of gross floor area, subject to the issuance of an Ayer Road Village Special Permit, § 125-52.**
- (3) Eating establishments with live musical entertainment.**
- (4) Small screen arts theatre with not more than one (1) screen.”;**

(iv) by amend §125-14., “Large-scale commercial uses” by deleting therefrom the existing Subsections G and H;

(v) by amending §125-23., “Permitted uses in C Districts,” by deleting therefrom the first paragraph thereof and substituting therefore the following new paragraph:

“§125-23. Permitted uses in C Districts.

The intent of the C district is to permit shopping and business services type land uses that meet the needs of the local community rather than the region, and to encourage uses that, when established, result in a traditional New England village form of development of appropriate scale, character, vernacular architecture, design, and detail. It is also the intent of the C district to provide for an array of uses consistent with the Master Plan adopted by the Planning Board, as may be amended, including opportunities for mixed use development, pedestrian interaction, and a vibrant village atmosphere.”;

(vi) by amending §125-23., “Permitted uses in C Districts,” Subsection A “Permitted uses” Paragraph (4) by (i) adding thereto “T,” immediately after “M,” and immediately before “U”; (ii) by adding thereto “landscaping services involving equipment parking” immediately after “activities;” and immediately before “kennel” within the parenthesis; and (iii) by deleting therefrom the words “and § 125-14, Large scale commercial uses, Subsection H permitted uses,”; and

(vii) by amending §125-23., “Permitted uses in C Districts,” by deleting therefrom Subsection B, and substituting the following new Subsection B in place thereof:

“B. Uses by special permit (see § 125-46, Special permits) issued by the Planning Board as follows:

(1) **As provided in § 125-13., Medium-scale commercial uses, Subsections M, S, T, U, V, Z (inn or bed and breakfast establishment, eating establishments with live musical entertainment; laboratory for engineering, research, experimental, or testing activities; shops and sales of supplies for plumbing, electrical, carpentry and other building trades; landscaping services involving equipment parking; kennel and/or veterinary services; mortuary; mixed use village development).**

(2) **As provided in § 125-14, Large-scale commercial uses, except that no special permit shall be issued pursuant to Subsection F thereof for an automobile body shop.”**

~~(a)–~~

, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(2/3 vote required)

On a motion by Marc Sevigny, 101 South Shaker Road, Planning Board, and seconded,

Voted unanimously yes that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, as printed under Article 39 in the Finance Committee Report Recommendations and Warrant Articles, Report of the Capital Plan Committee, and Report of the Community Preservation Committee handbook on pages 47 through 49.

Planning Board gave a verbal report in support of this article.

ARTICLE 40: AMEND DEFINITION OF INLAND WETLAND LAND IN THE PROTECTIVE BYLAW

(Key to revisions: underlining = additions; [bracketing] = deletions]

To see if the Town will vote to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by making the following revision to the definition of “Inland Wetland” in §125-2 thereof:

“Inland Wetland. All wetlands [A]as defined in the Wetlands Protection Act, General Laws, Chapter 131, Sections 40 and 40A, including any amendments through March 1[29], [1980] 2004, and as defined the Wetlands Protection Bylaw, Chapter 119 of the Code of the Town of Harvard.

, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(2/3 vote required)

The following motion was made by Mary Essary, 239 Stow Road, Planning Board, and seconded,

I move that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by making the revisions to the definition of “Inland Wetland” in §125-2 thereof as printed under Article 40 in the Finance Committee Report Recommendations and Warrant Articles, Report of the Capital Plan Committee, and Report of the Community Preservation Committee handbook on Page 49 and by inserting the word “in” immediately after the word defined in the third line of said proposed revised definition.

The following motion to amend was made by Phil Shutt, 66 Whitney Road, and seconded,

Put a period after 2004 and strike the balance of the sentence.

The amendment was accepted by the Planning Board.

Voted greater than 2/3rds yes (1 no), that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by making the following revision to the definition of “Inland Wetland” in §125-2 thereof:

“Inland Wetland. All wetlands as defined in the Wetlands Protection Act, General Laws, Chapter 131, Sections 40 and 40A, including any amendments through March 1, 2004.

Planning Board gave a verbal report in support of this article.

ARTICLE 41: SEWERAGE TREATMENT PLANT CAPACITY INCREASE FOR MUNICIPALLY SPONSORED RENTAL HOUSING

Whereas, in the wake of the success of the school sewage treatment plant, there are now a number of proposals for Town-sponsored local area sewage treatment facilities; and

Whereas, one of the major impediments to the construction of Town sponsored affordable rental housing has been the lack of adequate or reasonable means of disposing of the sewage waste therefrom,

Be it resolved by Town Meeting, that is shall be the policy of the Town to required of any future municipally sponsored sewage treatment plant that the design capacity thereof be increased by 20% in gallons per day, and that this treatment capacity be reserved for the use of municipally sponsored rental housing.

(Inserted by Petition by 10 or More Citizens)

On a motion by Robert Lerner, 101 West Bare Hill Road, and seconded,

Voted unanimously yes to pass over this article.

ARTICLE 42: AMEND ALARM SYSTEMS BYLAW

To see if the Town will vote to amend Chapter 6 of the Code of the Town of Harvard by deleting from Section 6.1 the phrase “connection of alarm systems to the Communications Center maintained by the Town of Harvard” and inserting in its place the phrase “installation and operation of alarm systems within the Town of Harvard”, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Bill Marinelli, 50 Stow Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town amend Chapter 6 of the Code of the Town of Harvard by deleting from Section 6.1 the phrase “connection of alarm systems to the Communications Center maintained by the Town of Harvard” and inserting in its place the phrase “installation and operation of alarm systems within the Town of Harvard”.

ARTICLE 43: ACCEPTANCE OF GIFTS OF PROPERTY - CONSERVATION LAND

To see if the Town will vote to accept the gifts of land or interests in land for conservation or other land preservation related purposes, previously accepted by the Conservation Commission and approved by the Board of Selectmen, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Bill Ashe, 25 Myrick Lane, Board of Selectmen, and seconded,

Voted unanimously yes that the Town encourage residents to consider a tax-deductible donation of land to the Town for conservation purposes and thank those who have made such a donation.

ARTICLE 44: ACCEPTANCE OF HIGHWAY FUNDS

To see if the Town will vote to accept State funds to be used for reconstruction and improvements of public ways, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Randy Dean, 48 Madigan Lane, Board of Selectmen, and seconded,

Voted unanimously yes that the Town accept State funds to be used for reconstruction and improvements of public ways.

AN ACT RELATIVE TO THE STILL RIVER VILLAGE WASTEWATER MANAGEMENT DISTRICT IN THE TOWN OF HARVARD

Section 1. Name. This act shall be known as the Still River Village Wastewater Management District Act.

Section 2. Purpose. The purpose of this act is to ensure and facilitate the connection of buildings and structures located in the Still River Village Wastewater Management Service Area to the common wastewater management system to be constructed and installed therein; reduce and prevent contamination and pollution of drinking water, groundwater and other natural resources in said service area; provide for an efficient and financially self-sustaining wastewater management system in said areas; facilitate the implementation of Title V of the State Environmental Code in order to protect and improve groundwater supplying drinking water; protect persons residing in said service area from the risks and hazards associated with such contamination and pollution, all to the public benefit and good, and to the extent and manner provided herein.

Section 3. Definitions. As used in this act, the following words shall, unless the context requires otherwise, have the following meanings:

“Board of Health”, the Board of Health of the Town of Harvard.

“Commission” the Still River Village Wastewater Management District Commission of the Town established by Section 4 of this Act.

“Costs”, all costs and expenses of the planning, design, acquisition, construction, installation, reconstruction, alteration, extension, improvement or enlargement of the wastewater management system including, without limitation, costs of labor, materials, professional services, consulting services, equipment, grinder and ejector pumps, materials, supplies, machinery, structures, all rights in real and personal property, costs of demolitions or relocations, costs of removal or relocations of public utilities, financing charges and expenses, debt service costs relative to the wastewater management system.

“Facility”, shall mean a facility as defined in 310 CMR 15.002 of the State Environmental Code as of April 1, 2004.

“Revenues”, all revenues, rates, fees, charges, rents, proceeds of loans, grant funds, insurance proceeds, investment earnings and other receipts derived from the operation of the wastewater management system.

“Still River Village Wastewater Management Service Area”, shall mean that portion of the Town of Harvard located in the section of said Town known as Still River and shown as “Plan of Proposed Still River Village Wastewater Management District” on a plan entitled “Plan of Land in Harvard, Mass. prepared for Town of Harvard”, dated February, 2004, Plan Number L-8672, prepared by David E. Ross Associates, Inc. and filed in the office of the Town Clerk of the Town or as such service area may be modified by vote of the Town at a town meeting, upon the

recommendation of the Commission.

“Town”, the Town of Harvard.

“Wastewater management system”, the wastewater collection, conveyance, treatment and disposal systems serving more than one facility to be constructed or to be in the possession of and under the jurisdiction and control of the Commission, including all components thereof.

“Wastewater”, greywater and blackwater from domestic, municipal and other governmental and institutional uses, but not from commercial or industrial sources, as defined in 310 CMR 15.002 of the State Environmental Code.

Section 4. Commission. There is hereby established in the Town of Harvard a commission to known as the Still River Village Wastewater Management District Commission, which shall have the rights powers and duties specified in this Act and the General Laws relating to town boards, and shall be subject to such instructions as the Town may from time to time impose by vote of its town meeting.

Except as otherwise provided in this Act, said commission shall consist of three members, each of whom shall be a resident of the Town. At least one such member shall reside in the Still River Village Wastewater Management Service Area. The members shall be appointed by the Board of Selectmen of the Town within sixty days after the effective date of this Act, provided that the design of the wastewater management system to be constructed in said service area has been approved by vote of the Town at a town meeting. Of the members first appointed, one shall serve in office for a term expiring on June thirtieth in the year following the effective date of this Act, and one for a term expiring on June thirtieth in the second year following the effective date of this Act, and one for a term expiring on June thirtieth in the third year following the effective date of this Act. Thereafter, said board of selectmen shall appoint successors for a term of three years, or in the case of an appointment to fill a vacancy, for the unexpired term, and until the successor is appointed and qualified. Any member of said commission shall be eligible for reappointment. Any member of said commission may be removed at any time for cause. No vacancy in the membership of said commission shall impair the right of a quorum to exercise the powers of said commission. Two members of said commission shall constitute a quorum and the affirmative vote of two members shall be necessary for any action taken by vote of said commission.

Said commission shall annually elect one of its members as chair. The members shall serve without compensation. The members of said commission shall not be municipal employees within the meaning of Chapter 268A of the General Laws.

The Commission shall have all the rights, authority and powers necessary or convenient to carry out and effectuate this Act, including, but without limiting the generality of the foregoing, the rights, authority and power to:

(a) to hire, employ or engage the services of engineers, land surveyors, consultants and such other experts as it deems necessary and determine their duties;

(b) to construct, install, improve, extend, enlarge, operate, maintain, repair and reconstruct the wastewater management system, subject to the limitations set forth in Section 9 of this Act;

(c) to hold, manage, maintain, control and regulate the use of Town-owned property, real or personal, tangible or intangible, or interests therein, for the purposes of this Act, consistent with all requirements of the General Laws;

(d) to adopt rules and regulations relative to the use of and connection to the wastewater management system. The Commission may, by regulation, prescribe civil penalties, which shall enure to the Town, in accordance with Section 10 of Chapter 83 of the General Laws for the violation of any such rule or regulation of the Commission. The Commission may also assess fines not exceeding three hundred dollars for each violation of its rules and regulations in accordance with Section 21 of Chapter 40 of the General Laws;

(e) to apply for, receive, accept, administer, expend and comply with the conditions of any grant, gift, loan, donation, or appropriation of any money or property in aid of the purposes of this Act;

(f) to sell, exchange, transfer or otherwise dispose of any surplus personal property, tangible or intangible, consistent with all requirements of the General Laws;

(g) to contract for and procure wastewater management, treatment and disposal from any person, private or public corporation or government agency or entity, consistent with all requirements of the General laws, when necessary or convenient for the operation of the wastewater management system;

(h) to use and expend monies borrowed or appropriated by the Town for the purposes of this Act;

(i) to make contracts of every name and nature and to execute and deliver all instruments necessary or convenient for carrying out its duties;

(j) to create an overall wastewater management policy and plan for the Still River Wastewater Management Service Area, which shall be consistent with the Town's Master Plan and Open Space and Recreation Plan;

(k) to fix, revise, charge, collect and abate fees, rates, assessments, delinquency charges and other charges for wastewater collection, treatment and disposal services, facilities and commodities for facilities connected to the wastewater management system voluntarily or by order of the Board of Health or the Massachusetts Department of Environmental Protection pursuant to Section 9 of this Act;

(i) Subject to Section 5 of this Act, such fees, rates, rents, assessments, delinquency charges

and other charges of general application shall be adopted and revised by the Commission at least annually in accordance with procedures to be established by the Commission for assuring that interested persons are afforded notice and an opportunity to present data, views and arguments. The commission shall hold at least one public hearing on its schedule of fees, rates and charges or any revision thereof prior to adoption, notice of which shall be delivered to the Board of Selectmen of the Town and be published in a newspaper of substantial circulation in the Town at least one month in advance of the hearing. No later than the date of such publication, the Commission shall make available to the public and deliver to said selectmen the Finance Committee of the Town the proposed schedule of fees, rates and charges and its proposed operating and capital budgets for its next fiscal year. The commission may combine its fees, rates and other charges for wastewater services provided by it in a single schedule of charges. Fees, rates, rents, assessments, abatements and other charges established by the Commission shall not be subject to supervision or regulation by any department, division, commission, board, bureau, or agency of the Commonwealth. Such schedule shall provide for the metering, monitoring and other measuring of, and charging for, wastewater management services provided by the commission to consumers of such services in said service area, except for the Town, provided, further, that no betterment or special assessment shall be made by the Commission under the authority of Chapters 80 or 83 of the General Laws or any other provision of law against property owned by the Town, the Commonwealth, any political subdivisions thereof or the United States or any agencies thereof.

(ii) Subject to Section 5 of this Act, the fees, rates, rents, assessments and other charges so established by the Commission shall be so fixed and adjusted in respect to the aggregate thereof so as to provide revenues at least sufficient (1) to pay the current expenses of the Commission, (2) to pay the principal of, premium, if any, and interest on bonds or other evidences of indebtedness issued by the Town for the Commission as the same become due and payable, (3) to create and maintain such reasonable reserves as may be reasonably required by any trust agreement or resolution securing bonds, (4) to provide funds for paying the cost of all necessary repairs, replacements and renewals of the wastewater management system and (5) to pay or provide for any amounts which the Commission may be obligated to pay or provide for by law or contract including any resolution or contract with or for the benefit of the holders of bonds issued for the Commission. The annual operating budget of the Commission shall be submitted to the Board of Selectmen and Finance Committee of the Town for review and recommendation, and all funds expended by the Commission shall be subject to appropriation by town meeting.

(l) to exercise the powers and privileges of, and to be subject to limitations upon towns and cities provided by the provisions of Sections 1 to 24, inclusive, and 27 to 29, inclusive, of Chapter 83 of the General Laws, insofar as such provisions may be applicable and are consistent with the provisions of this Act;

(m) to do all things necessary, convenient or desirable for carrying out the purposes of this Act or the powers expressly granted or necessarily implied in this Act; and

(n) consistent with the Constitution and laws of the Commonwealth, the Commission shall have such other powers as may be necessary for or incident to carrying out the foregoing powers

and the accomplishment of the purposes of this Act; provided, however, that nothing in this Act shall impose any duty on the Commission to maintain groundwater levels within or without the boundaries of the Town or be construed as authorizing the Commission to charge or collect assessments, usage fees or other charges from the owners of homes or facilities who have elected not to connect their home or facility to the wastewater management system, except when the connection of such home or facility is required pursuant to an order of the Board of Health or the Massachusetts Department of Environmental Protection pursuant to Section 9 of this Act.

Section 5. Budgets. The Town is hereby authorized to establish an Enterprise Fund in accordance with the provisions of Section 53F1\2 of Chapter 44 of the General Laws for the operation of the wastewater management system. On or before one year after the effective date of this act and annually thereafter, the Commission shall prepare a proposed capital improvement program for the next three succeeding fiscal years of said commission and shall adopt an operating and capital improvement budget for the next succeeding fiscal year. Such program and budgets shall include a description of the operations and projects proposed to be undertaken during such periods, the costs proposed to be incurred in connection with such operations and projects, the method of financing such costs and an estimate of the effect, if any, that such costs will have on the current or projected fees, rates, assessments and other charges of the Commission. The program and budget shall be annually prepared and the budget shall be presented for approval to the town meeting. The commission shall submit its operating capital budget to the Board of Selectmen and Finance Committee of the Town for review and recommendation. The Commission shall hold at least one public hearing on the proposed capital improvement program and budget and operating budget prior to adoption, which hearing may be combined with a hearing provided in Section 4, Paragraph(i) of this Act, notice of which shall be delivered to said board of selectmen and be published in a newspaper of substantial circulation in the Town at least one month in advance of the hearing. No later than the date of such publication, the Commission shall make available to the public and deliver to said board of selectmen copies of the proposed program and budgets.

Section 6. Borrowing. The Town may incur debt for development of the wastewater management system in accordance with Chapter 44 of the General Laws. Notwithstanding any provision of Section 17 of Chapter 44 of the General Laws to the contrary, the Town may make temporary loans for a period of not more than five years in anticipation of the money to be derived from the sale of bonds for the construction and installation of the wastewater management system in said service area. The principal of, premium, if any, and interest on all notes and bonds issued by the Town for the Commission, unless otherwise provided by the Town, shall be payable solely from the funds provided therefore from revenues as herein provided, but shall be general obligations of the Town for payment of which the full faith and credit of said Town shall be pledged.

Section 7. System Usage Charge Liens and Abatements. The Commission shall have the benefit, without further acceptance of Sections 16A and 16B of said Chapter 83, to the extent applicable and consistent with this Act. Applications for abatements in accordance with Section 16E of said Chapter 83 shall be made to the Commission within thirty days after the date of such demand. Upon written application, the collector of taxes for the Town shall issue lien certificates in accordance with Section 23 of Chapter 60 of the General Laws. No recordation of certificates

issued by the Town pursuant to said Section 23 of said Chapter 60 shall affect liens for the unpaid fees, rates, rents, assessments, and other charges of the Commission.

Section 8. Betterment Assessment Payback Period. Notwithstanding any provision of Section 13 of Chapter 80 of the General Laws to the contrary, the Board of Assessors of the Town may, at the request of the owner of the land so assessed, apportion all betterment assessments or unpaid balances thereof relative to the wastewater management system in said service area into equal portions of up to thirty to be paid annually for a period of up to thirty years after such assessments first appear on the affected landowner's real estate tax bill.

Section 9. Connections to the System. (a) No owner of a home or facility who can demonstrate compliance with Title V of the State Environmental Code and the regulations of the Board of shall be compelled to connect a home or facility to the wastewater management system. Notwithstanding the provisions of Section 3 of Chapter 83 of the General Laws, said commission shall not be required to connect any home, facility or lot to the wastewater management system unless such connection is required pursuant to an order of the Board of Health or the Massachusetts Department of Environmental Protection relative to a home or facility served by a septic system or wastewater disposal system which does not comply with the provisions of said code or regulations. The Commission shall not permit the connection of a new facility to the wastewater management system or permit an increase in design flow into the wastewater management system for a facility in existence on April 1, 2004, if that new facility could not have been constructed with a wastewater disposal system or septic system which would comply with Title V of the State Environmental Code or other applicable regulations of the Massachusetts Department of Environmental Protection or the increase in design flow could not have been permitted in the absence of a connection to the wastewater management system, unless the Commission, with the approval of the Board of Selectmen, determines that such a connection is necessary for the health, welfare or safety of the Town. (b) Any owner of a facility who is aggrieved by a decision of the Commission relative to such owner's application to voluntarily connect such owner's facility to the wastewater management system may appeal the Commission's decision to the Board of Selectmen by filing a written petition with the Board of Selectmen within sixty (60) days after receipt of the Commission's written decision. The Board of Selectmen may hold a hearing on the petition, consult with the Board of Health, and shall render a written decision thereon affirming, modifying or reversing the Commission's decision within ninety (90) days after receipt of the petition or such longer period of time as may be agreed to by the Board of Selectmen and the petitioner. If the Board of Selectmen fails to act on such a petition within said period of time, the Commission's decision shall be deemed to be affirmed.

Section 10. Consistency with Law. Insofar as the provisions of this Act are inconsistent with the provisions of any general or special law, administrative order or regulation, or by-law, rule, regulation or code of the Town, other than rules and regulations of the Board of Health, the provisions of this Act shall be controlling.

Section 11. Construction. This Act, being necessary for the health and welfare of the Town of Harvard and its inhabitants, shall be liberally construed to effectuate its purposes. This Act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the

purposes and provisions of this Act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

Section 12. Effective Date. This Act shall take effect upon its passage.

The meeting adjourned at 12:00 PM for lunch and reconvened at 1:05 PM.

Just prior to the lunch break, the Board of Selectmen honored Steven Colwell as Citizen of Note in honor of his twenty-five years of service to the Finance Committee.

Checkers for the meeting were Marylin Morgan, Nancy Cronin, Betty Ashe, Janet Wilhelm, and Martha Green. They checked in 554 voters out of a total of 3792 registered voters (3572 active voters).

Tellers for the meeting were Alan Williamson, Jim Saalfeld, Dave Durrant, and Jim Farrell.

The meeting was dissolved at 3:40 P.M.

Respectfully submitted,

Janet A. Vellante
Town Clerk