

**WARRANT FOR THE ANNUAL TOWN MEETING AND ELECTION  
COMMONWEALTH OF MASSACHUSETTS**

WORCESTER, ss

To the Constable of the Town of Harvard:

Greetings:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the said Town, who are qualified to vote in Town affairs, to meet in The Bromfield School on Saturday, the twenty-seventh day of March, 2004 at 9:00 a.m. by the clock to act on the following articles:

**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)

**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)

**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)

**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)

**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)

## **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)

## **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)

## **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)

## **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)

## **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)

#### **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)

#### **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)

#### **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)

#### **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)

#### **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)

#### **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)

#### **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)

#### **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)

#### **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)

#### **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)

## **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)

## **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)

## **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)

## **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)

## **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)

## **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)

## **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)

## **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)

## **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)

**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)

**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)

**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)

## **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)

## 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)

## 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)

### **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)

### **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)

### **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)

## **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)

## **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)

## **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)

## **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)

**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)

**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)

\* \* \* \* \*

And furthermore, in the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the said Town who are qualified to vote in Town affairs, to meet at The Bromfield School on Tuesday, the 30th day of March, 2004, to cast their ballots for the following officers and questions:

Moderator, one for one year; Selectmen, two for three years; Cemetery Commissioner, one for three years; Cemetery Commissioner, one for two years; Community Preservation Committee, one for three years; Harvard Board of Health, one for three years; Housing Authority, one for five years; Library Trustee, two for three years; Library Trustee, one for one year; Park and Recreation Commissioner, one for three years; Planning Board, one for three years; School Committee, one for three years; School Committee, two for one year; Tree Warden, one for one year; Warner Free Lecture Society Trustee, two for three years; Warner Free Lecture Society Trustee, one for two years; and Water Commissioner, one for three years.

**QUESTION #1 – Debt Exclusion**

Shall the Town of Harvard be allowed to exempt from the provisions of Proposition 2 ½, so called, the amounts required to pay for the bond issued in order to fund the renovations and addition to the building located on Massachusetts Avenue in Harvard known as Old Bromfield for use as a public library?

YES \_\_\_\_\_ NO \_\_\_\_\_

(Requires a majority vote for passage.)

**QUESTION #2 – Capital Outlay Exemption**

Shall the Town of Harvard be allowed to assess an additional \$300,000 in real estate and personal property taxes for the purpose of purchasing a fire engine, for the fiscal year beginning July 1, 2004?


YES \_\_\_\_\_ NO \_\_\_\_\_

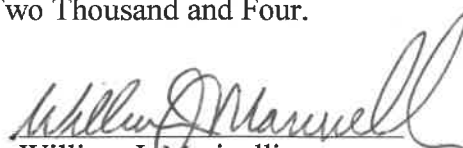
(Requires a majority vote for passage.)

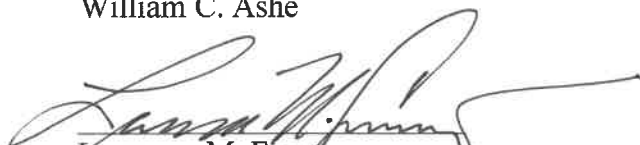
All of the above officers and questions to be on one ballot. The polls will be open from 7:00 a.m. to 8:00 p.m.


And you are directed to serve this Warrant by posting three attested copies thereof, one at the Town Hall, one at the Post Office in Harvard, and one at the Post Office in Still River, as directed by vote of the Town, seven days at least before the time of holding said meeting. Hereof fail not, and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

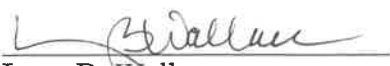
Given under our hands this second day of March, Two Thousand and Four.

  
William C. Ashe

  
William J. Marinelli

  
Laurence M. Finnegan

  
Randall W. Dean

  
Lucy B. Wallace  
Board of Selectmen

I hereby certify that I have posted three attested copies of the Warrant for the Annual Town Meeting, one at the Town Hall, one at the Post Office in Harvard, and one at the Post Office in Still River, as directed by vote of the Town, seven days at least before the time of holding said meeting.

  
Sylvio J. Brule, Constable    Date: 10 March 04