

## **ANNUAL TOWN MEETING**

**March 29, 2003**

The meeting was called to order in the Bromfield School Gym at 9:20 A.M. by Moderator, William L. Patton. 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:

William Chase	Chief of Police
Charles Horn	Director of Special Education
Evan Katz	Finance Director
Mihran Keoseian	Superintendent of Schools
Mark Lanza	Town Counsel
James McAuliffe	Elementary School Principal
James Smith	Director of the DPW
Chris Huntress	Consultant to the Planning Board

### **ARTICLE 1: ANNUAL REPORTS**

To hear the reports of the 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 Lucy Wallace, 18 Orchard Hill, Board of Selectmen, and seconded,

Voted unanimously yes that the Town accept the reports of the Selectmen, School Committee, and any other officers or committees as printed in the 2002 Annual Town Report.

### **ARTICLE 2: RESERVE FUND – FISCAL YEAR 2003**

To see if the Town will vote to transfer from available funds, a sum of money to be placed in the Reserve Fund Account for unforeseen and extraordinary expenses for the current fiscal year, or pass any vote or votes in relation thereto.  
(Inserted by Finance Committee)

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

Voted unanimously yes that the Town transfer from the Stabilization Fund the sum of \$225,000 to the Reserve Fund Account for unforeseen and extraordinary expenses for the current fiscal

year.

### **ARTICLE 3: FUND TRANSFERS**

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

(Inserted by Finance Committee)

On a motion by Suzanne Powderly, 308 Still River Road, Finance Committee, and seconded,

Voted majority yes that the Town transfer the following amounts from the following funds and accounts to the following line item appropriations under Article 5 of the 2003 Annual Town Meeting:

\$ 7,004 from Wetlands Protection Fund to line 12, Conservation Commission;

\$5,000 from trust funds to line 47, Library.

### **ARTICLE 4: REVOLVING FUNDS**

To see if the Town will vote to

1) continue the Revolving Fund Account for Elm Commission Activities established at the Special Town Meeting of June 27, 1991 pursuant to Massachusetts General Laws Chapter 44, Section 53E½, and

2) 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 53E½,

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 continue the Revolving Fund Accounts for Elm Commission Activities established at the Special Town Meeting of June 27, 1991, pursuant to MGL Chapter 44, Section 53E 1/2 with all departmental receipts being credited to the fund and that the fund shall expend no more than \$7,500 under the authority of the Board of Selectmen during the ensuing fiscal year, and for Hazardous Materials Expense Replacement established at the Annual Town Meeting of April 6, 2002, pursuant to MGL Chapter 44, Section 53E 1/2 with all department receipts being credited to the fund and that the fund shall expend no more than \$5,000 under the authority of the Fire Chief during the ensuing fiscal year.

\*Note: Articles 6 through 13 were taken prior to Article 5, Omnibus Budget, while the Moderator waited for the line of voters to be checked in.

### **ARTICLE 5: 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)

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

Voted majority yes that the Town appropriate the sum of \$14,689,745 to defray the expenses of the Town for Fiscal Year 2004 as printed in the Finance Committee Report on pages 25 through 31 [as follows], that such appropriation be provided by raising \$14,689,745 by taxation, and that such appropriation is contingent upon the passage of the Proposition 2 ½ levy limit override at the Annual Town Election of April 1, 2003.

#### **ARTICLE 6: RESERVE FUND – FISCAL YEAR 2004**

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 Cindy Russo, 116 Oak Hill Road, Finance Committee, and seconded,

Voted majority yes that the Town raise and appropriate the sum of \$170,400 to be placed in the Reserve Fund Account for unforeseen and extraordinary expenses for Fiscal Year 2004.

#### **ARTICLE 7: CENTRAL FIRE STATION VEHICLE EXHAUST SYSTEM**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to purchase and install a vehicle exhaust system in the Central Fire Station, with unexpended funds as of June 30, 2004, 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 that the Town raise and appropriate the sum of \$36,700 to be expended by the Fire Chief to purchase and install a vehicle exhaust system in the Central Fire Station, with unexpended funds as of June 30, 2004, being returned to their funding source.

#### **ARTICLE 8: 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, 2004 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 majority 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, 2004, being returned to their funding source.

#### **ARTICLE 9: AMBULANCE DEPARTMENT PORTABLE RADIOS AND PAGERS**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to purchase portable radios and pagers for the Ambulance Department, with unexpended funds as of June 30, 2004, being returned to their funding source, 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 that the Town raise and appropriate the sum of \$3,300 to be expended by the Ambulance Director to purchase portable radios and pagers for the Ambulance Department, with unexpended funds as of June 30, 2004, being returned to their funding source and that the Ambulance Director be authorized to sell or trade existing equipment.

#### **ARTICLE 10: PROPERTY VALUATION SOFTWARE**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to purchase and install property valuation software for the Finance Department, with unexpended funds as of June 30, 2004, being returned to their funding source, 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 that the Town raise and appropriate the sum of \$15,000 to be expended by the Finance Director to purchase and install property valuation software for the Finance Department, with unexpended funds as of June 30, 2004, being returned to their funding source.

#### **ARTICLE 11: MAINTENANCE OF LANCASTER COUNTY ROAD PLAYING FIELDS**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for the maintenance of the newly constructed playing fields on Lancaster County Road, with unexpended funds as of June 30, 2004, being returned to their funding source, or pass any

vote or votes in relation thereto.  
(Inserted by Park and Recreation Commission)

On a motion by Jim Lee, 110 East Bare Hill Road, Park & Recreation Committee, and seconded,

Voted majority yes that the Town raise and appropriate the sum of \$18,000 to be expended by the Director of Public Works for the maintenance of the newly constructed playing fields on Lancaster County Road, with unexpended funds as of June 30, 2004, being returned to their funding source.

## **ARTICLE 12: ENVIRONMENTAL MONITORING AT 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 monitoring of contaminated soils at Harvard Park located on Lancaster County Road in Harvard, 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 majority yes that the Town raise and appropriate the sum of \$5,000 to be expended by the Board of Selectmen for the environmental monitoring of contaminated soils at Harvard Park located on Lancaster County Road in Harvard, with unexpended funds as of June 30, 2005, being returned to their funding source.

## **ARTICLE 13: REPLACEMENT OF THE DPW SALT SHED ROOF**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to replace the roof of the Department of Public Works salt shed, with unexpended funds as of June 30, 2004 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 that the Town raise and appropriate the sum of \$50,000 to be expended by Board of Selectmen to replace the roof of the Department of Public Works salt shed, with unexpended funds as of June 30, 2004, being returned to their funding source.

## **ARTICLE 14: DEVENS FOCUS GROUP**

To see if the Town will vote to hear a report by the Devens Focus Group and raise and appropriate or transfer from available funds, a sum of money to be expended by the Devens

Focus Group, with the approval of the Board of Selectmen, to investigate and communicate issues of concern to the Town of Harvard relative to the development of Devens, with unexpended funds as of June 30, 2004 being returned to their funding source, 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 that the Town raise and appropriate the sum of \$2,500 to be expended by the Devens Focus Group, with the approval of the Board of Selectmen, to investigate and communicate issues of concern to the Town of Harvard relative to the development of Devens, with unexpended funds as of June 30, 2004, being returned to their funding source.

#### **ARTICLE 15: EXTEND WATER SERVICE TO TOWN BEACH**

To see if the Town will vote to extend the Town's water service to the Town Beach located at the end of Pond Road, or pass any vote or votes in relation thereto.

(Inserted by Water Commission)

On a motion by Dave Swain, 25 Fairbank Street, Water Commission, and seconded,

Voted majority yes that the Town extend the Town's water service to the Town Beach located at the end of Pond Road.

#### **ARTICLE 16: INSTALL WATER LINE TO TOWN BEACH**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to install a water line along Pond Road to service the recreation building located at the Town Beach, with unexpended funds as of June 30, 2004 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Park and Recreation Commission)

On a motion by Jim Lee, 110 East Bare Hill Road, Park & Recreation Commission, and seconded,

Voted majority yes that the Town raise and appropriate the sum of \$4,000 to be expended by the Director of Public Works to install a water line along Pond Road to service the recreation building located at the Town Beach, with unexpended funds as of June 30, 2004, being returned to their funding source.

#### **ARTICLE 17: 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 Commission 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 David Swain, 25 Fairbank Street, Water Commission, and seconded,

Voted majority yes that the Town raise and appropriate the sum of \$15,000 to be expended by the Board of Water Commissioners to purchase and install equipment to monitor the municipal water tank and pump house located on Bolton Road, with unexpended funds as of June 30, 2004, being returned to their funding source.

#### **ARTICLE 18: REPORT ON THE BROMFIELD SCHOOL BUILDING PROJECT**

To hear a report on the progress of The Bromfield School building project and act thereon, or pass any vote or votes in relation thereto.

(Inserted by School Committee)

On a motion by Molly Cutler, 56 Stow Road, School Committee and Bromfield School Building Committee, and seconded,

Voted unanimously yes that the Town hear a report from the School Committee on the progress of The Bromfield School building project.

#### **ARTICLE 19: 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 2004 Community Preservation Budget, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

On a motion by Nils Nordberg, 95 Slough 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 2004 Community Preservation Budget.

\*Note: Prior to the Community Preservation Act articles (numbers 20, 21, 22, 23, 24, 25, 26, and 28), Cindy Russo, 116 Oak Hill Road, Finance Committee, stated that the Finance Committee had reservations about using all of the CPA money.

#### **ARTICLE 20: ACQUIRE HOSKINGS POINT LAND FOR CONSERVATION PURPOSES**

To see if the Town will vote to a.) authorize 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 1.7 acres of land, more or less, located on Bare Hill Pond off the westerly side of Turner Lane in Harvard, Massachusetts shown on the Harvard Board of Assessors' Map 21, as Lot 49; and b.) appropriate a sum of money to be provided by taxation, transfer from available funds, transfer from funds already appropriated for another purpose, by borrowing pursuant to the provisions of Massachusetts General Laws Chapter 44 or otherwise for the acquisition of said parcel of land, or pass any vote or votes in relation thereto.

(Inserted by Conservation Commission & Community Preservation Committee)

(Requires 2/3 Vote)

On a motion by Tim Clark, 114 Bolton Road, Community Preservation Committee, and seconded,

Voted greater than 2/3rds yes that the Town a.) authorize 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 1.7 acres of land, more or less, located on Bare Hill Pond off the westerly side of Turner Lane in Harvard, Massachusetts shown on the Harvard Board of Assessors' Map 21, as Lot 49; and b.) appropriate the sum of \$58,000 from the Fiscal Year 2004 Community Preservation Fund revenues for the acquisition of said parcel of land.

## **ARTICLE 21 ACQUIRE THE LOCKE PARCEL FOR CONSERVATION PURPOSES**

To see if the Town will vote to a.) authorize 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 .33 acres of land, more or less, located off the westerly side of Green Hill Road in Harvard, Massachusetts shown on the Harvard Board of Assessors' Map 10, as Lot 41; and b.) appropriate a sum of money to be provided by taxation, transfer from available funds, transfer from funds already appropriated for another purpose, by borrowing pursuant to the provisions of Massachusetts General Laws Chapter 44 or otherwise for the acquisition of said parcel of land, or pass any vote or votes in relation thereto.

(Inserted by Conservation Commission & Community Preservation Committee)

(Requires 2/3 Vote)

On a motion by Tim Clark, 114 Bolton Road, Community Preservation Committee, and seconded,

Voted greater than 2/3rds yes that the Town a.) authorize 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 .33 acres of land, more or less, located off the westerly side of Green Hill Road in Harvard, Massachusetts shown on the Harvard Board of Assessors' Map 10, as Lot 41; and b.) appropriate the sum of \$4,500 from the Fiscal Year 2004 Community Preservation Fund revenues for the acquisition of said parcel of land.



## **ARTICLE 22: HILDRETH HOUSE RENOVATION/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 Board of Selectmen, with oversight by the Historical Commission, to determine the historic design of the exterior of the Hildreth House and to begin to renovate/restore the house to its historic condition, 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 & Community Preservation Committee)

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

Voted majority yes that the Town appropriate from the Fiscal Year 2004 Community Preservation Fund revenues the sum of \$80,000 to be expended by the Board of Selectmen, with oversight by the Historical Commission, to determine the historic design of the exterior of the Hildreth House and to begin to renovate/restore the house to its historic condition, with unexpended funds as of June 30, 2005, being returned to their funding source.

## **ARTICLE 23: HANDICAPPED ACCESSIBILITY AND REHABILITATION OF THE TOWN HALL**

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, with oversight by the Historical Commission, to rehabilitate/renovate the Town Hall to provide handicapped accessible meeting rooms and bathrooms, respecting the historic architectural integrity of the building, 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 & Community Preservation Committee)

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

Voted majority yes that the Town appropriate \$90,000 to be expended by the Board of Selectmen, with oversight by the Historical Commission, to rehabilitate/renovate the Town Hall to provide handicapped accessible meeting rooms and bathrooms, respecting the historic architectural integrity of the building, and to meet this appropriation that \$70,811 be transferred from the Community Preservation Fund balance and \$19,189 be appropriated from the Fiscal Year 2004 Community Preservation Fund revenues, with unexpended funds as of June 30, 2005, being returned to their funding source.

A motion by Paul Green, 288 Old Littleton Road, to move the question was passed majority yes.

## **ARTICLE 24: 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)

Finance Committee did not recommend passage of this article.

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

Voted majority NO (does not pass) that the Town transfer from the Community Preservation Fund balance the sum of \$57,625 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.

A motion by Bill Cordner, 299 Stow Road, to move the question was passed majority yes.

## **ARTICLE 25: TOWN CENTER PLANNING**

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 Center Planning Committee, with the approval of the Planning Board, to

- a) develop a concept plan for parking, pedestrian walkways, public amenities and open space for the Town Center; and
- b) explore a range of options to provide adequate wastewater disposal capacity in the Town Center,

which planning activities are listed as tasks 16-A, Town Center Public Realm Plan and 16-C, Wastewater Feasibility Study in the Implementation Plan section of the Harvard, Massachusetts Master Plan of November, 2002, 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 Planning Board & Community Preservation Committee)

Finance Committee did not recommend passage of this article.

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

Voted 146 yes and 110 no, that the Town transfer from the Community Preservation Fund balance the sum of \$48,000 to be expended by the Town Center Planning Committee, with the

approval of the Planning Board, to

- a) develop a concept plan for parking, pedestrian walkways, public amenities and open space for the Town Center; and
- b) explore a range of options to provide adequate wastewater disposal capacity in the Town Center,

which planning activities are listed as tasks 16-A, Town Center Public Realm Plan and 16-C, Wastewater Feasibility Study in the Implementation Plan section of the Harvard, Massachusetts Master Plan of November, 2002, with unexpended funds as of June 30, 2005, being returned to their funding source.

## **ARTICLE 26: COMMUNITY HOUSING PLANNING AND PRE-DEVELOPMENT**

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 Harvard Housing Partnership, with the approval of the Board of Selectmen, to provide community housing planning and pre-development, 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 & Community Preservation Committee)

Finance Committee recommended only \$15,000 for this article.

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

Voted majority yes that the Town appropriate from the Fiscal Year 2004 Community Preservation Fund revenues the sum of \$35,000 to be expended by the Harvard Housing Partnership, with the approval of the Board of Selectmen, to provide community housing planning and pre-development, with unexpended funds as of June 30, 2005, being returned to their funding source.

## **ARTICLE 27: AFFORDABLE HOUSING SITE DEVELOPMENT**

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 for the purpose of providing preliminary site development of affordable senior housing on land owned and to be owned by the Town, 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 Harvard Housing Authority)

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

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

Housing Authority to provide preliminary site development of affordable rental housing for seniors and others as may be required by law on land owned, to be owned, or to be developed by the Town, with unexpended funds as of June 30, 2005, being returned to their funding source.

## **ARTICLE 28: ADMINISTRATIVE EXPENSES FOR COMMUNITY PRESERVATION COMMITTEE**

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 Community Preservation Committee for the committee's administrative expenses, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

Finance Committee did not recommend passage of this article.

On a motion by Nils Nordberg, 95 Slough Road, Community Preservation Committee, and seconded,

Voted 68 yes and 84 no (does NOT pass) that the Town appropriate from the Fiscal Year 2004 Community Preservation Fund revenues the sum of \$3,500 to be expended by the Community Preservation Committee for the committee's administrative expenses, with unexpended funds as of June 30, 2004, being returned to their funding source.

## **ARTICLE 29: ACQUIRE OAK HILL MEADOWS LAND FOR CONSERVATION PURPOSES, AND TRANSFER AND CONVEY CONSERVATION EASEMENT**

To see if the Town will vote to a.) authorize 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 12.51 acres of land, more or less, located off the northerly side of Littleton County Road in Harvard, Massachusetts shown as "Parcel C" on a plan of land entitled "Proposed Land Transfer Exhibit Plan Oak Hill Meadows Harvard, MA", dated December 6, 2002, prepared by Goldsmith, Prest & Ringwall, Inc., which plan is on file in the Office of the Town Clerk; b.) appropriate a sum of money to be provided by taxation, transfer from available funds, transfer from funds already appropriated for another purpose, by borrowing pursuant to the provisions of Massachusetts General Laws Chapter 44 or otherwise for the acquisition of said parcel of land; c.) instruct the Conservation Commission to transfer the care, custody, management and control of the fee or any lesser interest in all or any part of the areas of land comprising part of a conservation easement shown as "Parcel B-2 and Parcel B-3" on the above-referenced plan of land to the Board of Selectmen for the purpose of selling, conveying or otherwise disposing of said areas of land to the owners of the parcels of land encumbered by said conservation easement; d.) authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or any lesser interest in all or any part of said areas of land to the owner of the parcels of land encumbered by said conservation easement; and e.) authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to adopt an act authorizing a

change of use and conveyance of said areas of land, or pass any vote or votes in relation thereto.  
(Inserted by Conservation Commission) (Requires 2/3 Vote)

Steve Rowse, 214 Old Littleton Road, Community Preservation Committee made a motion to take no action on this article.

### **ARTICLE 30: AMEND TOWN CLERK FEES**

To see if the Town will vote to increase Town Clerk Fees by deleting the current Chapter 32, Section 32-2 Fee Schedule from the Code of the Town of Harvard and inserting in place thereof the following Fee Schedule, or to pass any vote or votes in relation thereto:

<b><u>Clause</u></b>	<b><u>Description</u></b>	<b><u>Fee</u></b>
(1)	For filing and indexing assignment for the benefit of creditors	\$10.00
(11)	For entering amendment of a record of the birth of a child born out of wedlock, subsequently legitimized	\$20.00
(12)	For correcting errors in a record of birth	\$20.00
(13)	For furnishing certificate of a birth	\$10.00
(13A)	For furnishing an abstract copy of a record of birth	\$ 8.00
(14)	For entering delayed record of birth	\$20.00
(20)	For filing certificate of a person conducting business under any title other than his real name	\$40.00
(21)	For the filing by a person conducting business under any title other than his real name of a statement of change of his residence, or of his discontinuance, retirement or withdrawal from, or of a change of location of, such business	\$20.00
(22)	For furnishing certified copy of certificate of person conducting business under any title other than his real name, or a statement by such person of his discontinuance, retirement or withdrawal from such business	\$ 5.00
(24)	For recording the name and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the Commonwealth	\$20.00

(29)	For correcting errors in a record of death	\$20.00
(30)	For furnishing a certificate of death	\$10.00
(30A)	For furnishing an abstract copy of a record of death	\$ 8.00
(42)	For entering notice of intention of marriage and issuing certificates thereof	\$25.00
(43)	For entering certificate of marriage filed by persons married out of the Commonwealth	\$10.00
(44)	For issuing certificate of marriage	\$10.00
(44A)	For furnishing an abstract copy of a record of marriage	\$ 8.00
(45)	For correcting errors in a record of marriage	\$20.00
(54)	For recording power of attorney	\$20.00
(57)	For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof	\$20.00
(58)	For recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth	\$20.00
(62)	For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase of number of wires and cable or attachments under the provisions of Section 22 of Chapter 166	(flat rate) \$40.00
		(additional streets) \$10.00
(66)	For examining records or papers relating to birth, marriage or deaths upon the application of any person, the actual expense thereof, but not less than	\$ 5.00
(67)	For copying any manuscript or record pertaining to a birth, marriage or death	\$5.00 per page
(69)	For receiving and filing of a complete inventory of all items to be included in a "closing out sale", "going out of business sale", "discontinuance of business sale", "selling out", "liquidation", "lost our lease", "must vacate", "forced out", or other designation of like meaning	(first page) \$10.00 (each additional page) \$2.00
(75)	For filing a copy of written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof, as provided by Section two of Chapter one hundred and eighty-two	\$20.00

(78) For recording deed of lot or plot in a public burial place or cemetery \$10.00

(79) For recording any other documents (first page) \$10.00  
(each additional page) \$ 2.00

Voter Certificate \$ 5.00

(Inserted by Town Clerk)

On a motion by Janet Vellante, 83 Ann Lees Road, Town Clerk, and seconded,

Voted unanimously yes that the Town to increase Town Clerk Fees by deleting the current Chapter 32, Section 32-2 Fee Schedule from the Code of the Town of Harvard and inserting in place thereof the fee schedule printed in the Finance Committee Report Recommendations and Warrant Articles and Report of the Capital Plan Committee handbook on pages 40 and 41. [as listed above]

#### **ARTICLE 31: BUILDING INSPECTION FEES**

To see if the Town will vote to a.) rescind its vote under Article 23 of the Warrant for the 1996 Annual Town Meeting of March 30, 1996 to revise building inspection fees; and b.) authorize the Board of Selectmen to revise the Building Permit and Inspection fees charged by the Town for reviewing and acting upon permit applications and performing inspections pursuant to the State Building Code, 780 CMR, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

Voted majority yes that the Town a.) rescind its vote under Article 23 of the Warrant for the 1996 Annual Town Meeting of March 30, 1996 to revise building inspection fees; and b.) authorize the Board of Selectmen to revise the Building Permit and Inspection fees charged by the Town for reviewing and acting upon permit applications and performing inspections pursuant to the State Building Code, 780 CMR.

#### **ARTICLE 32: OPEN SPACE & CONSERVATION PLANNED RESIDENTIAL DEVELOPMENT (PROTECTIVE BYLAW AMENDMENT)**

To see if the Town will vote to amend The Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by deleting there from Section 125-35 "Cluster development for open space conservation" in its entirety and inserting in its place a new Section 125-35 "Open Space & Conservation Planned Residential Development" as contained in a document entitled "*Open Space & Conservation Planned Residential Development*" on file in the Office of the Town

Clerk at Harvard Town Hall, 13 Ayer Road, Harvard, Massachusetts, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(Requires 2/3 Vote)

Tim Clark, 114 Bolton Road, Planning Board, made the flowing motion which was seconded,

I move that the Town amend The Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by deleting there from Section 125-35 “Cluster development for open space conservation” in its entirety and inserting in its place a new Section 125-35 “Open Space & Conservation Planned Residential Development” as printed in the 12 page document entitled “ARTICLE 32 – Open Space & Conservation Planned Residential Development (Protective Bylaw Amendment)” which has been distributed to the registered voters assembled at this Annual Town Meeting.

The following motion to amend was made by Cindy Russo, 116 Oak Hill Road, and seconded,

That the words “an individual” be added to the last sentence of section C(2) of the proposed §125-35, so that it will read “... are capable of being served by an individual sewage system that would comply with the regulations of the Board of Health.”

The above proposed amendment was accepted by the Planning Board.

It was noted that there was a typographical error in section I (1) which referred to “twenty (25%) percent” and should be corrected to “twenty-five (25%) percent”. The Planning Board accepted the typographical correction.

The following motion was made by Robert Lerner, 101 West Bare Hill Road, and seconded,

Wherever it says “4.5 acres”, change it to “9 acres”.

The Planning Board did NOT accept the amendment.

The amendment was voted majority NO.

Bob Harley, 73 Bolton Road, made a motion to table the article. The motion did not pass (less than 2/3rds yes).

Ted Stefanik, 44 Old Littleton Road, made the following motion which was seconded,

In section J (5), change “(5) five acres” to “4.5 acres”

The Planning Board did not accept the proposed amendment.



The amendment was voted majority NO.

Mary Beth Haberkorn, 86 Bolton Road, made a motion to move the article which was seconded and passed majority yes.

Voted 108 yes and 53 no (greater than 2/3rds yes) to amend The Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by deleting there from Section 125-35 “Cluster development for open space conservation” in its entirety and inserting in its place a new Section 125-35 “Open Space & Conservation Planned Residential Development” as follows:

**§ 125-35      Open Space and Conservation - Planned Residential Development (OSC-PRD).**

This section establishes and regulates Open Space and Conservation Planned Residential Development (OSC-PRD). Development under this section is pursuant to a Special Permit granted by the Planning Board.

- A. Purpose and Intent.** The purpose and intent of the OSC-PRD provision is to permit high-quality residential development that preserves open space, water resources, wetlands, habitat, prime agricultural land, scenic landscapes and natural features, reduces infrastructure and site development cost, and promotes a diversity of housing opportunities within the Town, while respecting and enhancing neighborhoods, and promoting attractive standards of appearance and aesthetics consistent with Town character.
- (1) A further purpose of the OSC-PRD provision is to reduce the anticipated negative fiscal impact on the Town associated with conventional residential development.
  - (2) The OSC-PRD provision is designed to encourage the siting of homes in a manner that clusters units together in well-designed village settings, on buildable portions of the site, as a distinct alternative to the more arbitrary siting associated with lot by lot development typically reflected in plans submitted pursuant to Massachusetts General Laws Chapter 41, Sections 81K through 81GG, the Subdivision Control Law.
- B. Applicability.** The Planning Board may grant a Special Permit for an OSC-PRD on an Agricultural-Residential (AR) zoned tract of land that is at least four and a half (4.5) acres of land area, with definite boundaries ascertainable from a recorded or registered deed(s) or recorded or registered plan(s). Existing public and private ways need not constitute boundaries of the tract, but the area within such ways shall not be counted in determining tract size.
- (1) Permitted Uses in Open Space and Conservation Planned Residential Development.** Permitted uses include the following:
- (a) Single-family detached dwellings.

- (b) Attached units, not to exceed 6 or more units in any single building.
- (c) Agriculture and horticultural uses including but not limited to orchards, vineyards, forestry, farming for fruits and vegetables.
- (d) Open space.
- (e) Trails.
- (f) Passive recreation.
- (g) Educational and religious uses and other uses not mentioned above which are exempt from regulation by zoning under Massachusetts General Laws Chapter 40A, Section 3.
- (h) Accessory residential/recreational uses (e.g., tennis court, pool, playground).

**C. Requirements and Process for Approval.** An applicant who is the owner (or with the permission of the owner) of a four and a half (4.5) acre or larger tract of land in the AR District as described above, may submit to the Planning Board a Plan and Application for a Special Permit for an OSC-PRD in accordance with the provisions of this Section, excepting the building lots or lot shown on such Plans from the lot area and other dimensional requirements specified in other sections of this Bylaw.

While a Subdivision Plan is not required to be submitted in conjunction with the provisions of this Section, in the event that a Subdivision Plan is being proposed by the applicant, such plan shall be submitted to the Planning Board in accordance with the Subdivision Rules and Regulations of the Planning Board.

**(1) Submittal Requirements.** Prior to the granting of a Special Permit pursuant to this Section, a duly submitted Application for said Special Permit shall be submitted together with a Site Plan to the Planning Board, in accordance with § 125-38, Site Plans, of the Bylaw, and any Site Plan Rules and Regulations adopted by the Planning Board. For purposes of this Bylaw, a landscape architect, architect, land surveyor, and professional engineer must participate in the preparation of such Site Plan, which shall include the following:

- (a) The location of the proposed development.
- (b) The size of the site in acres.
- (c) The total number of the proposed buildings and/or lots, and the size of each in square feet.
- (d) The acreage and proposed use of permanent open space.

- (e) A statement on the disposition or manner of ownership of the proposed open space.
- (f) The lots or areas which are to be used as building areas or lots, and the lots or areas which are to remain as permanent open space.
- (g) Lines showing yard and setbacks as required by this Bylaw, within which dwellings or structures must lie.
- (h) Sufficient detail of proposed built and natural features as described in § 125-35(D) and §125-35(E) to enable the Planning Board to make the required determinations of § 125-35(C)(3).
- (i) A Landscape Preservation Plan sheet(s) to be included with the Site Plan, reflecting the existing, natural features to be preserved and proposed landscape features and details.

**(2) Submittal of Preliminary Plan.** In order to assist the Planning Board in making a determination, pursuant to § 125-35(C)(3)(d), that an OSC-PRD is superior to a conventional subdivision development, an applicant must submit a plan of the required form and content standards as a "Preliminary Plan" in accordance with the Massachusetts General Laws Chapter 41, Section 81S and the "Rules and Regulations of the Harvard Planning Board Relative to Subdivision Control." Such plan, although not a formal subdivision plan filing, and submitted for conceptual purposes only, shall include a perimeter survey prepared by a registered land surveyor, location of wetlands delineated by a wetlands specialist, and topography based upon the most recent United States Geological Survey map. The applicant shall demonstrate to the satisfaction of the Board that a Subdivision Plan, if formally filed, would be buildable without reliance on significant waivers of the subdivision regulations, and without extraordinary engineering techniques. Further, the applicant must demonstrate and provide sufficient evidence, to the satisfaction of the Planning Board, that each of the lots reflected on the "Preliminary Plan" submitted are capable of being served by an individual sewage system that would comply with the regulations of the Board of Health.

**(3) Approval Criteria.** After notice and a public hearing in accordance with Massachusetts General Laws Chapter 40A, Section 9, 11, and 15 and after following the procedure outlined in this Bylaw, the Planning Board may grant such a Special Permit with any conditions, safeguards, and limitations, if it determines:

- (a) That the application form and content referred to in § 125-35(C)(1), herein is properly completed.
- (b) That the Site Plan referred to in § 125-35(C)(1) is properly completed.
- (c) That all the other requirements of this Section and Bylaw are fully met.

- (d) That the design and layout of the proposed OSC-PRD is superior to a conventional Subdivision Plan in preserving open space for conservation and recreation; that it preserves natural features of the land, and allows more efficient provision of streets, utilities and other public services; and, that it provides a high degree of design quality, based on the criteria and considerations enumerated herein in § 125-35(E).
- (e) That if development of single family homes is being proposed on separate lots, as opposed to a clustered village concept that is a major objective of this Bylaw, exemplary site planning is demonstrated, and other determinations in § 125-35(D), are met.

**D. Design Criteria.** In its consideration of an OSC-PRD, the Planning Board shall give particular attention to, and shall use as a basis for its decision, all of the following:

- (1) Lots, streets, off-street parking, sidewalks, pathways and buildings which achieve the harmonious integration of the proposed development with surrounding properties.
- (2) Overall layout and design that achieves the best possible relationship between the proposed development and the land under consideration.
- (3) Appropriately sized and configured open spaces for active or passive recreation, and where possible, links to adjoining common open space areas.
- (4) Protection of natural features such as streams, mature trees or clusters of trees, rock outcrops, bluffs, slopes, high points, views, vistas, and historic or archeological features.
- (5) Provision of large buffer areas, composed of existing vegetation, to surround building groupings and building envelope areas, to discourage site clearing and encourage preservation of existing land cover and mature vegetation.
- (6) Provision of access to open spaces for the physically handicapped, elderly, and children.
- (7) Use of open spaces for preserving, enhancing, or providing scenic vistas; preservation and protection of historic resources.
- (8) Adequacy of provisions for public safety, protection from fire and flood, and maintenance of public facilities, streets, utilities, and open space.

**E. Design Quality.** Project design for an OSC-PRD shall be reviewed by the Planning Board with input from Town officials, any review consultant(s), and others as appropriate. This Section is to be interpreted as guidelines to be applied flexibly by the Planning Board as appropriate to the situation under review, including factors such as foundation and soil characteristics and other extraordinary site constraints. While these guidelines apply to all

site improvements and buildings and structures, 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 the built environment within an OSC-PRD.

**(1) Building and Structure Placement.** The placement of buildings and structures in an OSC-PRD should:

- (a) Provide for maximum buffering of buildings and structures to adjoining properties either within the proposed OSC-PRD or to adjacent land uses. Such buffering includes, but is not limited to: landscaping, screening materials, natural barriers, fencing, and related measures.
- (b) Preserve attractive views from major vantage points, especially from major thoroughfares and residential neighborhoods.
- (c) Avoid regular spacings and building placements that will be viewed as continuous walls from important vantage points, which may be identified in an OSC-PRD Pre-Application Conference.
- (d) Avoid the placement of structures, common area facilities, and private space related to individual units in a manner that eclipses views or access to open space areas described in § 125-35(K).
- (e) Ensure that ten (10%) percent of all units are fully accessible to the disabled and that a majority of units have at least one accessible entrance and bathroom on a first floor.

**(2) Building Massing/Articulation.** The massing/articulation of buildings should:

- (a) Avoid unbroken building facades longer than fifty (50) feet.
- (b) Provide human-scale features, especially for pedestrians and at lower levels.
- (c) Avoid unarticulated and monotonous building facades and window placement.

**(3) Building Appearance and Treatment.** To the extent not inconsistent with or pre-empted by the state building code, the following should be considered as applicable:

- (a) Materials and building treatments that reduce the visibility of the buildings from distant vantage points, and that are compatible with backgrounds and surroundings.
- (b) Materials and colors compatible with other quality buildings of similar scale in the vicinity.

- (c) Green building technologies and materials, wherever possible, to minimize adverse environmental impacts.

**(4) Roofline Articulation.** The design of buildings should:

- (a) Provide a variety of building heights and varied roofline articulation that stresses New England vernacular architecture.
- (b) Locate taller buildings away from major streets, abutting and off-site single-family residential areas and homes.

**(5) Landscaping.** Landscaping criteria are as follows:

- (a) All open areas, exclusive of areas to remain in an existing natural state within an OSC-PRD, should be landscaped in an appropriate manner, utilizing both natural and man-made materials such as indigenous grasses, trees, shrubs, and attractive paving materials and outdoor furniture.
- (b) Deciduous trees should be placed along new and existing streets and ways. Outdoor lighting should be considered in the landscaping plan, and should be designed to complement both man-made and natural elements of the OSC-PRD and adjacent areas. Appropriate methods (such as cutoff shields) should be used to avoid glare, light spillover onto abutting property.
- (c) Intensive, high-quality landscaping or preservation of existing vegetation should be provided within the OSC-PRD where it abuts major streets, existing residential areas, and along internal drives.
- (d) Preservation of existing vegetation or tree-lined areas should be maintained.
- (e) Parking areas and lots should use landscaping and terracing to break up large areas of pavement and to enhance residential flavor and appearance; trees and shrubs should be used to the maximum extent feasible.
- (f) Features such as shade trees, forest trees, and expansive planting areas should be preserved and/or introduced along external property boundaries and on the perimeter of the OSC-PRD itself, to buffer the site from adjoining parcels.

**(6) Pedestrian Amenities and Recreation.** In this category, the design should include the following components/characteristics, appropriate to the land under consideration.

- (a) Accessible pedestrian-oriented features such as walkways, pergolas, outdoor sitting plazas, landscaped open space, drop-off areas, and recreational facilities should be emphasized.

(b) Tree-lined or otherwise appropriately landscaped pedestrian paths and walkways should link together areas designated as open space within the site, and wherever possible, to adjoining public areas.

(c) Passive and active recreational facilities should be of a size and scale appropriate for the number of units proposed.

**F. Utilities.** To the maximum extent feasible, all utilities should be located underground.

**G. Signage.** At each principal entrance to the site, one sign only shall be permitted; it should be of a maximum signboard area of three (3) square feet, with content limited to identifying the name and address of the development.

(1) Within the development, signs, not to exceed two (2) square-feet each, of a number and location to be approved as part of the OSC-PRD, may be permitted for the sole purposes of orientation and direction, and of identifying common building spaces.

**H. Base Development Density.** The maximum number of dwelling units per acre permitted in an OSC-PRD shall not exceed one (1) unit per 1.50 acres of land area, and in no event exceed the maximum number of lots or dwelling units obtainable under a conventional subdivision plan for the land area under consideration, except as provided in § 125-35(I).

**I. Development Incentive.**

(1) The Planning Board may authorize an increase in lots or dwelling units up to a maximum of twenty-five (25%) percent above that allowed under § 125-35(H) of this Bylaw, provided the following conditions are met:

(a) The applicant proposes a significant increase in open space above fifty (50%) percent, and preserves significant natural resources, in the opinion of Planning Board.

(b) There is permanent preservation of land devoted or set aside for agricultural use or other unique preservation strategy, including preservation of historic structures or barns, or other special features of the built environment.

*(If (a) and (b) above are found to be satisfied, in the opinion of Planning Board, it may authorize a five (5%) increase in applicable base density.)*

(c) The applicant proposes public improvements or amenities that result in substantial benefit to the Town and the general public, provided:

[1] There are significant improvements to the environmental quality or condition of the site and its surrounding areas, including a decrease in stormwater runoff from what would otherwise result from a conventional subdivision plan.

[2] There are provisions contributing to off-site public facilities or environmental improvements beyond those necessary to mitigate the impacts of the proposed development.

*(If (c) above is found to be satisfied, in the opinion of Planning Board, it may authorize a five (5%) increase in applicable base density.)*

(d) The applicant proposes attached dwellings that include a maximum of two bedrooms per unit, and are developed in the character of a New England Village style of architecture.

*(If (d) above is found to be satisfied, in the opinion of Planning Board, it may authorize a (5%) increase in applicable base density.)*

(e) Housing units for senior citizens and persons aged 55 years and over housing is provided.

*(If (e), above is found to be satisfied, in the opinion of Planning Board, it may authorize a (5%) increase in applicable base density.)*

(f) The applicant sets aside ten percent (10%) or more of lots or dwelling units on the site for “affordable housing” for purchase or rental by those with households of low or moderate incomes. Such units must count toward the Town’s Subsidized Housing Inventory, and be in accordance with the provisions of 760 CMR 45.00, as may be amended. The Planning Board shall review and approve the actual percentage distribution of qualifying low versus moderate income units.

*(If (f) above is found to be satisfied, in the opinion of Planning Board, it may authorize a twenty (20%) increase in applicable base density.)*

**(2) Standards for On-Site Affordable Units.** Housing units set aside as affordable housing, as described in § 125-35(I)(1)(f), shall have a gross floor area comparable to market-rate units and shall be integrated into the development and not grouped together.

When viewed from the exterior, the affordable units’ shall be indistinguishable from the market-rate units in the same development. The developer shall provide adequate guarantee, acceptable to the Planning Board, to ensure the continued availability and affordability of the units in perpetuity; such guarantee must include recorded deed restrictions, recorded restrictive covenants relative to equity limitation, or other acceptable forms of guarantees.

No more than eighty percent (80%) of the building permits for the market-rate units shall be issued within an OSC-PRD until construction has commenced on all the affordable units; no more than eighty percent (80%) of the certificates of occupancy for



the market-rate units shall be issued until all of the certificates of occupancy for the affordable units have been issued.

**J. Dimensional Requirements.** The following provisions shall apply:

- (1) The Planning Board may waive the minimum requirements for frontage and/or yard requirements that would normally be applicable to land within the AR District in order to achieve maximum open space area, and may permit more than one single or two-family dwelling be located on a lot in an OSC-PRD, except as provided below.
- (2) The parcel proposed for development must have a minimum of fifty (50) feet of frontage on a public way or private way which is open to the public.
- (3) Attached units shall contain no more than six (6) units in a single building.
- (4) The minimum distance between clusters of multiple unit dwellings, shall be fifty (50) feet.
- (5) The minimum width of existing and proposed open space between dwelling units in the OSC-PRD and adjacent property, shall be one hundred and fifty (150) feet in the case of parcels of (5) five acres or more.
- (6) The minimum setback from internal roads shall be twenty-five (25) feet.
- (7) The maximum height of proposed buildings shall be thirty-five (35) feet, and shall not exceed two and one-half 2 ½ stories.
- (8) Except as provided in this Bylaw, any lot in an OSC-PRD shall comply with any other dimensional requirements of the zoning district in which it is located.

**K. Common Open Space.** A minimum of fifty (50) percent of the OSC-PRD parcel shall be devoted to contiguous open space, completely devoid of any structure, parking, loading and unloading space, accessways thereto, or as private yards, patios, or gardens for the exclusive or principal use by residents of individual dwelling units. To the greatest extent possible, such open space shall be left in its undisturbed natural condition or shall be appropriate in size, shape, dimension, location, and character to assure its use as a conservation area, and where appropriate, a recreational area, and be a visual and natural amenity for the development and the Town. **The common open space described herein is in substitution of and supercedes any other reference to common open space that may be described elsewhere in the Bylaw.**

- (1) **Open Space Criteria.** The following criteria define open space, and open space that is considered usable within an OSC-PRD parcel:
  - (a) No more than twenty-five (25) percent of common open space in an OSC-PRD shall be wetlands.

- (b) Unless approved by the Planning Board, common open space shall not be considered usable if the slope of the finished grade exceeds thirty-three (33) percent.
- (c) Unless approved by the Planning Board, the nearest part of the common open space shall not be more than three hundred (300) feet in distance from the nearest point of any building that it is proposed to serve.
- (d) No common open space shall be considered usable unless it is compact and contiguous and has no dimension of less than fifty (50) feet.
- (e) *All* usable open space shall be open to the sky and pervious.

**L. Open Space Conveyance.**

- (1) The common open space shall be conveyed in the following ways as approved by the Planning Board:
  - (a) To a corporation or trust comprising a homeowners association whose membership includes the owners of all lots or units contained in the development. The developer shall include in the deed to owners beneficial rights in said open land, and shall grant a perpetual open space restriction to the Town of Harvard or a non-profit corporation or organization over such land to insure that it be kept in an open state and not be built upon for residential use, or developed for accessory uses such as parking or roadways. Such restriction shall be in such form and substance as the Planning Board shall prescribe, and may contain such additional restrictions on development and use of the open space as the Planning Board may deem appropriate.
  - (b) To a non-profit organization, the principal purpose of which is the conservation of open space. The developer or non-profit organization shall grant an open space restriction as set forth above.
  - (c) To the Town for a park or open space use, subject to the approval of the Board of Selectmen, for management by the Park and Recreation Commission if a park, otherwise by the Conservation Commission, with a clause insuring that it be maintained as open space.
- (2) **Multiple Conveyance.** To provide flexibility, and when deemed in the public interest, the Planning Board may approve more than one organization to accept the open space conveyance, particularly when it is appropriate that a major portion of such land be conveyed to the Town or a non-profit conservation organization, and another portion of such land is more appropriately conveyed to an owners association.

**M. Private Roadways.** Private roadways shall be allowed in OSC-PRD parcels. While roadway surface widths may be narrower than widths associated with a traditional

subdivision, the durability of private roadway surfaces and subsurfaces must be comparable to those in a conventional subdivision.

**(1) Criteria for Private Roadways.** The following criteria shall guide the development of these private roadways:

- (a) Pavement widths for traveled ways (excluding on-street parking spaces) shall not be less than eighteen feet (18) or more than twenty (20) feet for two-way traffic, or less or more than (12) feet for one-way traffic.
- (b) Drainage and surface runoff from all roadways must be suitably accommodated by an approved drainage system, using best management practices.
- (c) All OSC-PRD plans shall specify that such roadways will not be dedicated to the Town, but are to remain private roadways; and all deeds conveying any portion of land or structure in an OSC-PRD containing private roadways, shall specify that such private roadways are and shall remain private roadways in perpetuity.

**N. Site Improvements.** Site improvements specific to an OSC-PRD are listed below. To assist the Planning Board's evaluation of site changes and improvements from any OSC-PRD plan, the applicant shall submit said plan to the Town's Conservation Commission and Board of Health for review and recommendations to the Planning Board.

**(1) Water Supply.** Each lot and the development in its entirety shall be served by water supply systems.

**(2) Sewage Disposal.** Privately owned and maintained on-site sewage disposal or treatment systems may be approved to serve buildings and lots in an OSC-PRD, if owned, maintained, operated, and monitored by a Residents Association, notwithstanding the provisions of § 125-32(D) of this Bylaw, if such treatment facility or system is approved by the Board of Health and in compliance with the requirements of Title 5, 310 CMR 15.00, or approved in accordance with the requirements of 314 CMR 5.00 (the Ground Water Discharge Permit Program). An approved system may be located on land owned in common by the owners of the building lots or residential units within the development.

**(3) Parking.** Unless otherwise approved by the Planning Board, a minimum and maximum of 1.5 off-street parking spaces shall be provided for each unit, exclusive of spaces within garages. The Planning Board may also approve, based upon the nature of the development proposed and exclusive of the 1.5 parking space ratio provided, areas for visitor parking

**(4) Storm Runoff Control.** The applicant shall demonstrate that, as compared with the situation that would exist on the site without the development, no phase of the proposed OSC-PRD will result in an increase in the peak rate of storm runoff at the parcel

boundary for the OSC-PRD as a whole for the 25-, 50- and 100-year design storms, and that there will be no net loss in flood storage capacity for the 100-year design storm. In making such determinations, any state or local orders or requirements of the Wetlands Protection Act or the Town's Wetlands Protection Bylaw shall be assumed in the calculations of runoff and flood storage without the OSC-PRD, but alternative forms of development shall not be assumed.

- (5) **On-Site Runoff and Erosion Control.** The applicant shall demonstrate that any adverse existing off-site runoff and erosion conditions or off-site runoff and erosion conditions which would result from the development of the OSC-PRD, are fully identified and that workable and acceptable mitigation measures are proposed as part of the submission of a final plan.

- O. **Residents Association.** In order to ensure that common open space and common facilities within the development will be properly maintained, each OSC-PRD shall have a Residents Association, which shall be in the form of a corporation, non-profit organization, or trust, established in accordance with appropriate State law by a suitable legal instrument or instruments properly recorded with the Worcester County Registry of Deeds or registered in the Worcester County Registry District of the Land Court.

As part of the final OSC-PRD Site Plan submission, the applicant shall supply to the Planning Board copies of such proposed instruments, which shall at a minimum provide the information required by said OSC-PRD submission requirements, § 125-35(L) of this Bylaw, and Site Plan Rules and Regulations in effect at the time of final submission.

- (1) **Responsibilities of the Residents Association.** Said legal instruments pertaining to the Residents Association shall specify that the Residents Association shall be solely responsible for all related improvements, and all costs associated with the operation of the development, including:

- (a) roadway maintenance.
- (b) snow-plowing.
- (c) maintenance of street lighting and on-site improvements and utilities.

- P. **Amendments Without Public Hearing.** Following the granting of a Special Permit pursuant to this Section, the Planning Board may, upon application and for good cause shown, without public hearing, amend the OSC-PRD plan solely to make changes in lot lines shown on the plan, which lot lines are not part of the perimeter of the site, or other minor engineering changes, provided, however, that no such amendment shall:

- (1) Grant any reduction in the size or change in location of the open space as provided in the permit;
- (2) Grant any change in the layout of the ways as provided in the permit;

- (3) Increase the number of lots or units as provided in the permit; *or*
- (4) Decrease other dimensional requirements of any lot below the minima permitted by the approval of the initial Site Plan and Special Permit.

**Q. Amendments Requiring Public Hearing.** Any proposed change to an existing OSC-PRD Special Permit considered substantial by the Planning Board, shall require notice and a formal public hearing in accordance with Massachusetts General Laws Chapter 40A, Section 9, 11, and 15 and an amendment to the Special Permit decision made pursuant to this Section.

### **ARTICLE 33: AMEND THE ZONING MAP**

To see if the Town will vote to amend The Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by deleting the “WCTOD (Wireless Communications Towers Overlay District)” from Section 42. Types of districts; interpretation., Paragraph A.; the Zoning Map supplement in Section 43; and “Zoning Map, Town of Harvard”; or pass any vote or votes in relation thereto.  
(Inserted by Planning Board) (Requires 2/3 Vote)

On a motion by Eric Nestler, 31 Cruft Lane, Planning Board, and seconded,

Voted unanimously yes that the Town amend The Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by deleting the “WCTOD (Wireless Communications Towers Overlay District)” from Section 125-42. Types of districts; interpretation., Paragraph A.; the Zoning Map supplement in Section 125-43; and “Zoning Map, Town of Harvard”.

### **ARTICLE 34: AMEND THE DEFINITION OF LAND AREA IN THE PROTECTIVE BYLAW**

To see if the Town will vote to amend The Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by deleting in its entirety the definition of “Land Area” in Section 2. Definitions. and replacing it with “LAND AREA - Does not include any area in a W district, or wetlands as determined by the Harvard Conservation Commission to be wetlands subject to protection as defined by the Massachusetts Wetlands Protection Act, MGL, Chapter 131”; or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(Requires 2/3 Vote)

On a motion by Tim Clark, 114 Bolton Road, Planning Board, and seconded,

Voted 85 yes and 60 no (DID NOT PASS) that the Town amend The Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by deleting from Section 125-2. Definitions the entire

current definition of “LAND AREA”; and replacing said definition with “LAND AREA - Does not include any area in a W district, or freshwater wetlands subject to protection as defined in the Wetlands Protection Act, Massachusetts General Laws, Chapter 131, Section 40”.

#### **ARTICLE 35: SAINT BENEDICT CENTER CEMETERY LAND ZONING CHANGE**

To see if the Town will vote to amend The Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by adding to Section 125-16. Institutional Uses, the following new paragraph: “G. Burial places or cemeteries on and under land owned or leased by religious institutions, the Town or a cemetery corporation.”, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

(Requires 2/3 Vote)

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

Voted unanimously yes that the Town amend The Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by adding to Section 125-16. Institutional Uses, the following new paragraph: “G. Burial places or cemeteries on and under land owned by religious institutions, the Town or a cemetery corporation.”

#### **ARTICLE 36: SAINT BENEDICT CENTER CEMETERY LAND AUTHORIZATION**

To see if the Town will vote pursuant to Massachusetts General Laws Chapter 114, Section 34 to approve and authorize the use of the land located on Still River Road in Harvard, Massachusetts privately owned by the Saint Benedict Center and described in deeds recorded with the Worcester County Registry of Deeds in Book 16698, Page 395 and Page 396, respectively, for burial purposes, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

Voted unanimously yes that, pursuant to Massachusetts General Laws Chapter 114, Section 34, the Town approve and authorize the use of the land located on Still River Road in Harvard, Massachusetts privately owned by the Saint Benedict Center and described in deeds recorded with the Worcester County Registry of Deeds in Book 16698, Page 395 and Page 396, respectively, for burial purposes.

#### **ARTICLE 37: MISCELLANEOUS REVISIONS TO THE PROTECTIVE BYLAW**

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

- a) changing “conduced” to read “conducted” in Section 125-7B;
- b) changing “in Site Standard i” to “in Section 125-39D” in section 125-10E;

- c) changing “has” to read “have” in Section 125-29F(3)(b)(1) and Section 125-31B(3);
- d) deleting Section 125-39B(3) in its entirety and replacing it with the following Section 125-39B(3):

Lane and shoulder width. If either of the following conditions apply, the access lanes shall have a curvature-dependent minimum width W, and the driveway shall also have a minimum shoulder width S, both dependent on the inside radius of curvature C of the access lane, as given in Table 2; otherwise lane widths shall be as in Table 1:

- (a) If the lane is part of a driveway more than 50 feet long; or
- (b) If the lane has a center-line radius of curvature less than 150 feet.

or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(Requires 2/3 Vote)

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, by:

- a) changing “conducted” to read “conducted” in Section 125-7B;
- b) changing “in Site Standard i” to “in Section 125-39D” in section 125-10E;
- c) changing “has” to read “have” in Section 125-29F(3)(b)(1) and Section 125-31B(3);
- d) deleting Section 125-39B(3) in its entirety and replacing it with the following Section 125-39B(3):

Lane and shoulder width. If either of the following conditions apply, the access lanes shall have a curvature-dependent minimum width W, and the driveway shall also have a minimum shoulder width S, both dependent on the inside radius of curvature C of the access lane, as given in Table 2; otherwise lane widths shall be as in Table 1:

- a. If the lane is part of a driveway more than 50 feet long; or
- b. If the lane has a center-line radius of curvature less than 150 feet.

## **ARTICLE 38: CLAUSE 41C SENIOR CITIZEN PROPERTY TAX RELIEF OPTIONS**

To see if the Town will vote pursuant to the provisions of Chapter 184, Section 51 of the Acts of 2002 to adjust the following factors contained in Massachusetts General Laws Chapter 59, Section 5, Clause 41C relative to senior citizens property tax exemption eligibility factors and exemption amounts by:

- a) increasing the exemption amount from \$500.00 to \$1,000.00;
- b) reducing the eligible age from 70 to 65;
- c) increasing the income limits to \$20,000.00 single and \$30,000.00 married; and
- d) increasing the asset limits to \$40,000.00 single and \$55,000.00 married,

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, pursuant to the provisions of Chapter 184, Section 51 of the Acts of 2002, the Town adjust the following factors contained in Massachusetts General Laws Chapter 59, Section 5, Clause 41C relative to senior citizens property tax exemption eligibility factors and exemption amounts by:

- a) increasing the exemption amount from \$500.00 to \$1,000.00;
- b) reducing the eligible age from 70 to 65;
- c) increasing the income limits to \$20,000.00 single and \$30,000.00 married; and
- d) increasing the asset limits to \$40,000.00 single and \$55,000.00 married

#### **ARTICLE 39: 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)

No motion was made under this article.

#### **ARTICLE 40: 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.

#### **ARTICLE 41: CHANGING THE NAME OF HARVARD ELEMENTARY SCHOOL**

To see if the Town will vote to change the name of Harvard Elementary School to Hildreth Elementary School, or pass any vote or votes in relation thereto.

(Inserted by Petition by 10 or More Citizens)

On a motion by Jeffrey Harris, 69 Whitney Road, and seconded,

Voted 38 yes and 55 no (does not pass) that the Town change the name of Harvard Elementary School to Hildreth Elementary School.

The meeting adjourned at 12:55 PM for lunch and reconvened at 2:03 PM.



The Board of Selectmen honored Peter Warren as Citizen of Note and presented an engraved gavel to out-going Moderator William Patton.

Moderator William Patton shared his duties with future Moderator Dave “Doc” Westerling. Doc moderated some of the articles.

Checkers for the meeting were Marylin Morgan, Joan Dillard, Dorothy Solbrig, Jane Venditti, and Fran Maiore. They checked in 598 voters out of a total of 3662 registered voters (3464 active voters).

Tellers for the meeting were Audrey Ball, Bruce Morgan, Chris Ready, Dave Swain, Nils Nordberg, Dave Durrant, Jim DeZutter, and Pete Jackson.

The meeting was dissolved at 4:42 P.M.

Respectfully submitted,

Janet A. Vellante  
Town Clerk