

**WARRANT FOR THE SPECIAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS**

WORCESTER, ss.

To the Constable of the Town of Harvard:

Greeting:

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 Monday, the 6th day of November, 2017 at 7:00 p.m. by the clock to act on the following articles:

ARTICLE 1: AMEND THE PROTECTIVE BYLAW 125-18.1 ACCESSORY APARMENT USE

To see if the Town will vote to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, by making the following revisions to Section 125-18.1, thereof regarding accessory apartments, or take any vote or votes in relation thereto.

[key to revisions: underlining = additions; ~~strikethrough~~ = deletions]

§125-18.1 Accessory apartment use.

[Added 3-27-1982 ATM by Art. 37; amended 4-5-1986 ATM by Art. 33; 3-25-2006 ATM by Art. 10]

Intent. The intent of this bylaw is to provide the owner of ~~an existing a~~ single-family residence the possibility of establishing a single and separate accessory apartment in a section of the residence or in an accessory building with no change in the principal use of the premises. The establishment of such an accessory apartment will be by special permit issued by the Zoning Board of Appeals. The outside appearance of the premises shall remain that of a single-family residence. The apartment is for the use of a limited number of persons, with no restriction on the relationship of the occupants to the owner.

To be considered a separate apartment, the apartment must have its own kitchen, sleeping, and interior toilet and bath facilities, as well as a separate entrance. To be considered accessory, the apartment shall be restricted in size relative to the primary residence, and must be clearly accessory to the principal use of the premises as a single-family residence. The apartment will provide adequate privacy, safety, and convenience for the occupants. Establishment of such an accessory apartment is as follows:

A. Requirements. By special permit from the Board of Appeals, one accessory apartment on a premises can be established, provided the applicant demonstrates that:

~~The primary residence shall have been established as a single family residence at least five years prior to the date of application for the special permit.~~

- (1) The outside appearance of the residence and premises shall remain that of a single-family premises.
- (2) The apartment, whether located in a detached accessory structure or in the primary residence structure, shall occupy a maximum of 1,200 square feet, but no more than 1/3 of the total usable floor area of both the apartment and the primary residence.
- (3) The apartment shall have its own separate entrance from the outside.
- (4) The apartment shall have its own kitchen, sleeping, interior toilet and bathing facilities.
- (5) The rooms in the apartment shall have adequate ventilation and shall have heat that is adequately supplied and controlled.
- (6) The apartment shall have smoke and/or fire detectors.
- (7) If the creation of the accessory apartment involves an increase in the count of the number of bedrooms, the addition must comply with standard Board of Health regulations for such an increase.

B. Limitations. The special permit shall be issued only if it contains the following limitations and conditions:

- (1) The premises shall continue to be used as a principal residence by its owner.
- (2) The number of residents of the apartment is limited to three, but no more than the number which the Board of Appeals finds to be consistent with the adequacy of the facilities provided.
- (3) All turnaround and parking areas shall be provided on the lot. As viewed from the street, turnaround and parking area should be that of a single-family premises.

C. Site standards. A special permit issued under this section, by itself, does not require separate site review under §125-39.

(Inserted by Planning Board)

ARTICLE 2: AMEND THE PROTECTIVE BYLAW 125-2 DEFINITIONS

To see if the Town will vote to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, Section 125-2, thereof regarding definitions by adding thereto the following new definition in alphabetical order, or take any vote or votes in relation thereto.

“MICRO-BREWERY, MICRO-CIDERY, MICRO-WINERY, MICRO-MEADERY: A facility, licensed under the relevant state and federal statutes, for the production and packaging of malt, wine, or hard cider beverages for distribution retail or wholesale, on or off the premises, with a capacity of not more than five thousand (5,000) barrels per year. (One barrel contains 31 U.S. gallons). A tasting room is permitted as an accessory use.”

(Inserted by Planning Board)

ARTICLE 3: AMEND THE PROTECTIVE BYLAW 125-13 MEDIUM SCALE COMMERCIAL USES

To see if the Town will vote to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, Section 125-13, Medium-scale commercial uses, by adding the following section, or take any vote or votes in relation thereto.

“AB. Micro-brewery, micro-cidery, micro-winery, micro-meadery:

- (1) Retail sales of beverages produced on the premises are permitted along with retail sales of products associated with the brand, such as glassware, clothing and other marketing or promotional articles. Retail sales area may occupy no more than twenty-five percent (25%) of the floor area devoted to beverage processing and storage.
- (2) Tasting rooms may only serve alcoholic beverages produced by the facility.
- (3) A taproom, where beverages produced on the premises are sold and consumed on the premises, requires a special permit from the Planning Board.
- (4) Special events and activities, such as factory tours, weddings, and marketing events, are permitted, subject to obtaining special event permits that other departments may require.
- (5) This section is not intended to restrict the ability to conduct any use incidental to agriculture allowed by M.G.L. c. 40A, §3 and the definition of agriculture in M.G.L. c. 128, §1A.”

(Inserted by Planning Board)

ARTICLE 4: PURCHASE PORTABLE TRUCK LIFTS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to purchase a set of four portable truck lifts, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen and Capital Planning and Investment Committee)

ARTICLE 5: WORLD WAR I MEMORIAL RESTORATION

To see if the Town will vote to transfer \$20,000 from Fiscal 2018 Community Preservation Fund unspecified reserves to be expended by the War Monument Restoration Committee, with the approval of the Board of Selectmen, for the restoration of the Town's World War I memorial, with unexpended funds as of November 7, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by the Community Preservation Committee)

ARTICLE 6: OLD LIBRARY ACCESSIBILITY

To see if the Town will vote to transfer \$50,000 from Fiscal 2018 Community Preservation Fund unspecified reserves to be expended by the Old Library Accessibility Committee, with the approval of the Board of Selectmen, for the historic restoration and construction of accessibility improvements of the Old Library, with unexpended funds as of November 7, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by the Community Preservation Committee)

ARTICLE 7: HAPGOOD LIBRARY - CONSTRUCT ADA ACCESSIBLE FRONT DOOR AND ADDRESS ADA COMPLIANCE ISSUES

To see if the Town will vote to borrow a sum of money to be expended by the Old Library Accessibility Committee, with the approval of the Board of Selectmen, to construct an Americans with Disabilities Act (ADA) accessible front entrance at the Hapgood Library building and for code compliance renovations, repairs, and improvements throughout the building, which funds shall be reduced by any grants received for the project and by transferring \$39,000 from the appropriation under Article 24, Construction For Hapgood Library ADA Accessible Back Entrance and Parking Space, of the April 1, 2017 Annual Town Meeting, with any unexpended funds as of June 30, 2019 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen and Capital Planning and Investment Committee)

ARTICLE 8: AUTHORIZE THE BOARD OF SELECTMEN TO SELL TOWN- OWNED PROPERTY

To see if the Town will vote to authorize the Board of Selectmen to sell the parcels of Town-owned land located off Ayer Road and Elm Street, Harvard, Massachusetts containing, in the aggregate 3.16 acres, more or less, and shown as "Proposed Parcel A" and "Proposed Parcel B" on the unrecorded plan entitled "Preliminary Design Submittal 11 & 15, Elm Street Harvard, Massachusetts 01451" (Sheet 4 of 13) prepared by TTI Environmental, Inc., dated June 15, 2017 as revised on July 10, 2017, a copy of which plan is on file in the Office of the Town Clerk, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

ARTICLE 9: HILDRETH ELEMENTARY SCHOOL UPDATE/REPORT

To see if the Town will vote to hear a report from the Superintendent of Schools, School Committee, and the School Building Committee for the Hildreth Elementary School project at 27 Massachusetts Avenue, Harvard, Massachusetts, or pass any vote or votes in relation thereto.

(Inserted by School Committee)

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, fourteen 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 17th day of October, Two Thousand and Seventeen.


Harvard Board of Selectmen:




Lucy B. Wallace, Chairman



Kara McGuire Minar

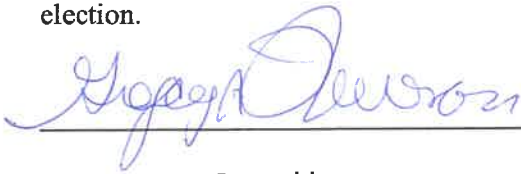
Stuart Sklar


Kenneth R. Swanton



Alice von Loesécke

I certify that I have posted three attested copies of the warrant for the Special Town Meeting, one at the Town Hall, one at the Post Office in Harvard, and one at the Post Office in Still River, at least fourteen days before the time of holding said election.



Constable

10/20, 2017.
(month and day)