

ANNUAL TOWN MEETING

May 5, 2018

Before the meeting was called to order, William Barton was appointed and sworn in by Moderator Robert Eubank to preside as Assistant Moderator in the Cronin Auditorium. The meeting was called to order in the Bromfield Gymnasium at 9:00 a.m. by Moderator Robert Eubank. The call of the meeting and the return of service were found to be in order by Town Clerk Marlene Kenney.

Moderator Robert Eubank requested that the town allow the following non-voters to speak to the meeting if necessary:

Timothy Bragan	Town Administrator
Mark Lanza	Town Counsel
David Nalchajian	Finance Director
Catherine Bowen	Assistant Town Clerk
William Scanlan	Town Planner
Timothy Kilhart	DPW Director
Richard Sicard	Fire Chief
Edward Denmark	Police Chief
Al Futterman	Nashua River Watershed
Peter Rowe	School Finance Director
Emily Grandstaff-Rice	Arrowstreet Architect
Larry Spang	Arrowstreet Architect
Tom Murphy	Owner's Project Manager, NV5
Josh Myler	Hildreth Elementary School Principal

ARTICLE 1: ANNUAL REPORTS

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

(Inserted by Board of Selectmen)

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

I move that the Town 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.

Voted unanimously yes that the Town accept reports of the Board of Selectmen, School Committee, and any other officers or committees as printed in the 2017 Annual Town

Report and hear reports of any other Town committees or boards which have not included a report in the Town Report.

ARTICLE 2: PAY BILL OF PRIOR FISCAL YEAR

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to pay bills of Fiscal Year 2017, 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,

I move that the Town transfer \$792.89 from the Stabilization Fund to pay the outstanding Charter Communications, Fiscal Year 2017 bill.

Voted unanimously yes that the Town transfer \$792.89 from the Stabilization Fund to pay the outstanding Charter Communications, Fiscal Year 2017 bill.

ARTICLE 3: EXTEND SUNSET DATES

To see if the Town will vote to extend the sunset dates of Article 27 (Pond Road Hazard Mitigation Drainage Project) of the Warrant for the 2016 Annual Town Meeting from June 30, 2018 to June 30, 2019 and Article 6 (Old Library Accessibility) of the Warrant for the November 6, 2017 Special Town Meeting from November 7, 2018 to June 30, 2019 or take any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

I move that the Town extend the sunset dates of Article 27 (Pond Road Hazard Mitigation Drainage Project) of the Warrant for the 2016 Annual Town Meeting from June 30, 2018 to June 30, 2019 and Article 6 (Old Library Accessibility) of the Warrant for the November 6, 2017 Special Town Meeting from November 7, 2018 to June 30, 2019.

Voted unanimously yes that the Town extend the sunset dates of Article 27 (Pond Road Hazard Mitigation Drainage Project) of the Warrant for the 2016 Annual Town Meeting from June 30, 2018 to June 30, 2019 and Article 6 (Old Library Accessibility) of the Warrant for the November 6, 2017 Special Town Meeting from November 7, 2018 to June 30, 2019.

ARTICLE 4: AMEND ARTICLE 8 OF THE OCTOBER 24, 2016 SPECIAL

TOWN MEETING

To see if the Town will vote to amend Article 8 (Council On Aging Bylaw) of the Warrant for the October 24, 2016 Special Town Meeting by changing its Code of the Town of Harvard Chapter number from Chapter 21 to Chapter 19 as there is already a Chapter 21 within the Code, and to change the section numbering of said Chapter 19 accordingly, or take 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,

I move that the Town amend the Code of the Town of Harvard, Chapter 21, Council on Aging by changing Chapter 21 to Chapter 19, § 21-1. to § 19-1. and § 21-2. to § 19-2.

Voted unanimously yes that the Town amend the Code of the Town of Harvard, Chapter 21, Council on Aging by changing Chapter 21 to Chapter 19, § 21-1. to § 19-1. and § 21-2. to § 19-2.

ARTICLE 5: FISCAL YEAR 2017 CERTIFIED FREE CASH

To see if the Town will vote to transfer a sum of money from Fiscal Year 2017 Certified Free Cash to the Stabilization Fund and/or the Capital Stabilization and Investment Fund, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

On a motion by Charles Oliver, 14 Simon Atherton Row, Finance Committee and seconded,

I move that the Town transfer \$1,332,858 from the Fiscal Year 2017 Certified Free Cash Account to the Capital Stabilization and Investment Fund in accordance with Chapter 17, Section 17-4 of the Town Code.

Voted unanimously yes that the Town transfer \$1,332,858 from the Fiscal Year 2017 Certified Free Cash Account to the Capital Stabilization and Investment Fund in accordance with Chapter 17, Section 17-4 of the Town Code.

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 the expenses of the Town for Fiscal Year 2019, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

On a motion by Don Ludwig, 23 East Bare Hill Road, Finance Committee and seconded,

I move that the Town appropriate \$25,790,853 to defray the expenses of the Town for Fiscal Year 2019 as printed in the Warrant and Finance Committee Report for the 2018 Annual Town Meeting on pages 34 through 40, and that said appropriation be provided by raising \$25,484,393 by taxation by transferring \$12,467 from Wetlands Fees; by transferring \$5,000 from Library Expendable Trust Funds; by utilizing \$208,493 from the Ambulance Revolving Account, as appropriated later in said warrant in Article 38; and by transferring \$80,500 from the cable Access Receipts Reserved Account; and appropriate \$191,657 to defray the expenses of the Harvard Wastewater Management District Commission for Fiscal Year 2019, which appropriation shall be provided by transferring \$91,657 from the Betterments Reserved for Debt Service Account and by utilizing \$100,000 from estimated wastewater revenues.

Voted majority yes that Town appropriate \$25,790,853 to defray the expenses of the Town for Fiscal Year 2019 as printed in the Warrant and Finance Committee Report for the 2018 Annual Town Meeting on pages 34 through 40, and that said appropriation be provided by raising \$25,484,393 by taxation by transferring \$12,467 from Wetlands Fees; by transferring \$5,000 from Library Expendable Trust Funds; by utilizing \$208,493 from the Ambulance Revolving Account, as appropriated later in said warrant in Article 38; and by transferring \$80,500 from the cable Access Receipts Reserved Account; and appropriate \$191,657 to defray the expenses of the Harvard Wastewater Management District Commission for Fiscal Year 2019, which appropriation shall be provided by transferring \$91,657 from the Betterments Reserved for Debt Service Account and by utilizing \$100,000 from estimated wastewater revenues.

ARTICLE 7: RESERVE FUND – FISCAL YEAR 2019

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 Fiscal Year 2019, 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,

I move that the Town appropriate \$350,000 to be placed in the Reserve Fund of the Town for unforeseen and extraordinary expenses for Fiscal Year 2019 and that said appropriation be provided by raising \$350,000 by taxation.

Voted majority yes that the Town appropriate \$350,000 to be placed in the Reserve Fund of the Town for unforeseen and extraordinary expenses for Fiscal Year 2019 and that said appropriation be provided by raising \$350,000 by taxation.

ARTICLE 8: FIRE HOSE

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 Fire Chief, with the approval of the Board of Selectmen, to purchase a fire hose, with 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)

On a motion by Stuart Sklar, 39 Scott Road, Board of Selectmen and seconded,

I move that the Town appropriate \$10,000 to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase a fire hose, with unexpended funds as of June 30, 2019 being returned to their funding source and that said appropriation be provided by raising \$10,000 by taxation.

Voted majority yes that the Town appropriate \$10,000 to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase a fire hose, with unexpended funds as of June 30, 2019 being returned to their funding source and that said appropriation be provided by raising \$10,000 by taxation.

ARTICLE 9: SEASONAL MOWING

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 hire someone on a part-time basis to do seasonal mowing, with 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)

On a motion by Ken Swanton, 14 Fairbank Street, Board of Selectmen and seconded,

I move that the Town appropriate \$15,000 to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to hire someone on a part-time basis to do seasonal mowing, with unexpended funds as of June 30, 2019 being returned to their funding source and that said appropriation be provided by raising \$15,000 by taxation.

Voted majority yes that the Town appropriate \$15,000 to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to hire someone on a part-time basis to do seasonal mowing, with unexpended funds as of June 30, 2019 being returned to their funding source and that said appropriation be provided by raising \$15,000 by taxation.

ARTICLE 10: DPW – ROADSIDE TREE MAINTENANCE

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 contract with a professional company to trim trees and large brush along Harvard's roadsides, with 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)

On a motion by Ken Swanton, 14 Fairbank Street, Board of Selectmen and seconded,

I move that the Town appropriate \$20,000 to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to contract with a professional company to trim trees and large brush along Harvard's roadsides, with unexpended funds as of June 30, 2019 being returned to their funding source and that said appropriation be provided by raising \$20,000 by taxation.

Voted majority yes that the Town appropriate \$20,000 to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to contract with a professional company to trim trees and large brush along Harvard's roadsides, with unexpended funds as of June 30, 2019 being returned to their funding source and that said appropriation be provided by raising \$20,000 by taxation.

ARTICLE 11: TOWN PLANNER

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to create the Position of Town Planner in Fiscal Year 2019, as an employee position within the Town of Harvard, with unexpended funds as of June 30, 2019 being returned to their funding source, or pass any vote or votes in relation thereto. (Inserted by Planning Board)

On a motion by Kara Minar, 204 Still River Road, Board of Selectmen and seconded,

I move that the Town raise and appropriate \$76,000 to create and fund the position of Town Planner in Fiscal Year 2019, as an employee position within the Town of Harvard, from which appropriation not more than \$70,000 may be expended for the salary of said employee and not more than \$6,000 may be expended for the fringe benefits of said employee, with unexpended funds as of June 30, 2019 being returned to their funding source.

An amendment to the article was proposed by Lucas Thayer, 92 South Shaker Road, that the Town Planner position be an elected position.

Moderator Robert Eubank ruled that the amendment is not within the scope of the article.

Voted majority yes that the Town raise and appropriate \$76,000 to create and fund the position of Town Planner in Fiscal Year 2019, as an employee position within the Town of Harvard, from which appropriation not more than \$70,000 may be expended for the salary of said employee and not more than \$6,000 may be expended for the fringe benefits of said employee, with unexpended funds as of June 30, 2019 being returned to their funding source.

ARTICLE 12: CONSERVATION FUND

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 Conservation Fund, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen on behalf of the Conservation Commission)

On a motion by Kara Minar, 204 Still River Road, Board of Selectmen and seconded,

I move that the Town appropriate \$10,000 to be placed in the Conservation Fund, to be used to fund the maintenance of conservation land that was not purchased with Community Preservation Act (CPA) funds, and that said appropriation be provided by raising \$10,000 by taxation.

An amendment to the article was proposed by Lucas Thayer, 92 South Shaker Road and seconded, to increase the amount appropriated to \$35,000.

The amendment was not accepted by the Board of Selectmen.

The amendment was voted majority no.

Voted majority yes that the Town appropriate \$10,000 to be placed in the Conservation Fund, to be used to fund the maintenance of conservation land that was not purchased with Community Preservation Act (CPA) funds, and that said appropriation be provided by raising \$10,000 by taxation.

ARTICLE 13: CAPITAL STABILIZATION AND INVESTMENT FUND FUNDING

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be deposited by the Town Treasurer, with the approval of the Board of Selectmen, into the Capital Stabilization and Investment Fund, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

On a motion by John Seeley, 20 Pinnacle Road, Finance Committee and seconded,

I move that the Town appropriate \$40,000 to be deposited by the Town Treasurer, with the approval of the Board of Selectmen, into the Capital Planning and Investment Fund and that said appropriation be provided by raising \$40,000 by taxation.

Voted majority yes that the Town appropriate \$40,000 to be deposited by the Town Treasurer, with the approval of the Board of Selectmen, into the Capital Planning and Investment Fund and that said appropriation be provided by raising \$40,000 by taxation.

ARTICLE 14: CAPITAL PLANNING AND INVESTMENT COMMITTEE DEBT PAYMENT

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 Town Treasurer, with the approval of the Board of Selectmen, to fund the Capital Planning and Investment Committee's debt service for Fiscal Year 2019, with unexpended funds as of June 30, 2019 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee and Capital Planning and Investment Committee)

On a motion by John Seeley, 20 Pinnacle Road, Finance Committee and seconded,

I move that the Town transfer \$74,750 from the Capital Stabilization and Investment Fund, to be expended by the Town Treasurer, with the approval of the Board of Selectmen, to fund the Capital Planning and Investment Committee's debt service for Fiscal Year 2019, with unexpended funds as of June 30, 2019 being returned to their funding source.

Voted greater than 2/3 yes that the Town transfer \$74,750 from the Capital Stabilization and Investment Fund, to be expended by the Town Treasurer, with the approval of the Board of Selectmen, to fund the Capital Planning and Investment Committee's debt service for Fiscal Year 2019, with unexpended funds as of June 30, 2019 being returned to their funding source.

ARTICLE 15: UPGRADE TOWN'S FIRE ALARM SYSTEM

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 Fire Chief, with the approval of the Board of Selectmen, to perform upgrades on the Town's fire alarm system, 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)

On a motion by Alice von Loesecke, 84 Warren Avenue, Board of Selectmen and seconded,

I move that the Town transfer \$27,066 from the Capital Stabilization and Investment Fund, to be expended by the Fire Chief, with the approval of the Board of Selectmen, to perform upgrades on the Town's fire alarm system, with any unexpended funds as of June 30, 2019 being returned to their funding source.

Voted greater than 2/3 yes that the Town transfer \$27,066 from the Capital Stabilization and Investment Fund, to be expended by the Fire Chief, with the approval of the Board of Selectmen, to perform upgrades on the Town's fire alarm system, with any unexpended funds as of June 30, 2019 being returned to their funding source.

ARTICLE 16: VAULT SHELVING SYSTEM

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 Town Clerk, to purchase and install a new shelving system in the Town Vault, with any unexpended funds as of June 30, 2020 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)

On a motion by Alice von Loesecke, 84 Warren Avenue, Board of Selectmen and seconded,

I move that the Town transfer \$30,000 from the Capital Stabilization and Investment Fund, to be expended by the Town Clerk, with the approval of the Board of Selectmen, to purchase and install a new shelving system in the Town Vault, with any unexpended funds as of June 30, 2020 being returned to their funding source.

Voted greater than 2/3 yes that the Town transfer \$30,000 from the Capital Stabilization and Investment Fund, to be expended by the Town Clerk, with the approval of the Board of Selectmen, to purchase and install a new shelving system in the Town Vault, with any unexpended funds as of June 30, 2020 being returned to their funding source.

ARTICLE 17: FIRE STATION STUDY

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 Fire Chief, with the approval of the Board of Selectmen, to study and determine if the current Fire Department site and facility is adequate for the needs of the Town and determine potential solutions to address the Fire Department needs should the current site not be adequate, this shall include determining potential other sites and traffic issues at the current site, with any unexpended funds as of June 30, 2020 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)

On a motion by Alice von Loesecke, 84 Warren Avenue, Board of Selectmen and seconded,

I move that the Town transfer \$40,000 from the Capital Stabilization and Investment Fund, to be expended by the Fire Chief, with the approval of the Board of Selectmen, to study and determine if the current Fire Department site and facility is adequate for the needs of the Town and determine potential solutions to address the Fire Department needs should the current site not be adequate, which study shall include determining potential other sites and traffic issues at the current site, with any unexpended funds as of June 30, 2020 being returned to their funding source.

Voted greater than 2/3 yes that the Town transfer \$40,000 from the Capital Stabilization and Investment Fund, to be expended by the Fire Chief, with the approval of the Board of Selectmen, to study and determine if the current Fire Department site and facility is adequate for the needs of the Town and determine potential solutions to address the Fire Department needs should the current site not be adequate, which study shall include determining potential other sites and traffic issues at the current site, with any unexpended funds as of June 30, 2020 being returned to their funding source.

ARTICLE 18: FIRE CHIEF VEHICLE

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 Fire Chief, with the approval of the Board of Selectmen, to purchase a new command vehicle for the Fire Chief that will replace the current ten-year-old command vehicle, 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)

On a motion by Alice von Loesecke, 84 Warren Avenue, Board of Selectmen and seconded,

I move that the Town transfer \$35,000 from the Capital Stabilization and Investment Fund, to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase a new command vehicle for the Fire Chief that will replace the current ten-year-old command vehicle, with any unexpended funds as of June 30, 2019 being returned to their funding source.

Voted greater than 2/3 yes that the Town transfer \$35,000 from the Capital Stabilization and Investment Fund, to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase a new command vehicle for the Fire Chief that will replace the current ten-year-old command vehicle, with any unexpended funds as of June 30, 2019 being returned to their funding source.

ARTICLE 19: REPLACE HOT WATER TANKS AT THE BROMFIELD SCHOOL

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 Superintendent of Schools, with the approval of the School Committee, to purchase and install new hot water tanks at The Bromfield School, said funds to be available in Fiscal Year 2019, with any unexpended funds as of June 30, 2020 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by School Committee and Capital Planning and Investment Committee)

On a motion by SusanMary Redinger, 121 Ayer Road, Capital Planning and Investment Committee and seconded,

I move that the Town transfer \$28,000, from the Capital Stabilization and Investment Fund, to be expended by the Superintendent of Schools, with the approval of the School Committee, to purchase and install new hot water tanks at The Bromfield School, which funds shall be available in Fiscal Year 2019, with any unexpended funds as of June 30, 2020 being returned to their funding source.

Voted greater than 2/3 yes that the Town transfer \$28,000, from the Capital Stabilization and Investment Fund, to be expended by the Superintendent of Schools, with the approval of the School Committee, to purchase and install new hot water tanks at The Bromfield School, which funds shall be available in Fiscal Year 2019, with any unexpended funds as of June 30, 2020 being returned to their funding source.

ARTICLE 20: EMERGENCY GENERATOR – WATER DEPARTMENT

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 and install an emergency generator at the Town well site, with any unexpended funds as of June 30, 2020 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)

On a motion by SusanMary Redinger, 121 Ayer Road, Capital Planning and Investment Committee and seconded,

I move that the Town transfer \$20,000 from the Capital Stabilization and Investment Fund, to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to purchase and install an emergency generator at the Town well site, with any unexpended funds as of June 30, 2020 being returned to their funding source.

A motion was made by Jonathan Mead, 163 Littleton Road and seconded to amend the article by replacing the words “emergency generator” with “transfer switch”.

The Board of Selectmen and Capital Planning and Investment Committee did not accept the amendment.

Voted 376 yes, 350 no to accept the amendment to the article to replace the words “emergency generator” with “transfer switch”.

Voted greater than 2/3 yes to transfer \$20,000 from the Capital Stabilization and Investment Fund, to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to purchase and install a transfer switch at the Town well site, with any unexpended funds as of June 30, 2020 being returned to their funding source.

ARTICLE 21: THE BROMFIELD SCHOOL BATHROOMS RENOVATION

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 Superintendent of Schools, with the approval of the School Committee, for the replacement of toilets, stalls, and sinks in each of the remaining bathrooms at The Bromfield School, said funds to be available in Fiscal Year 2019, with any unexpended funds as of June 30, 2020 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by School Committee and Capital Planning and Investment Committee)

On a motion by SusanMary Redinger, 121 Ayer Road, Capital Planning and Investment Committee and seconded,

I move that the Town transfer \$25,000 from the Capital Stabilization and Investment Fund, to be expended by the Superintendent of Schools, with the approval of the School Committee, for the replacement of toilets, stalls, and sinks in each of the remaining bathrooms at The Bromfield School, which funds shall be available in Fiscal Year 2019, with any unexpended funds as of June 30, 2020 being returned to their funding source.

Voted greater than 2/3 yes that the Town transfer \$25,000 from the Capital Stabilization and Investment Fund, to be expended by the Superintendent of Schools, with the approval of the School Committee, for the replacement of toilets, stalls, and sinks in each of the remaining bathrooms at The Bromfield School, which funds shall be available in Fiscal Year 2019, with any unexpended funds as of June 30, 2020 being returned to their funding source.

ARTICLE 22: UPGRADE CRONIN AUDITORIUM

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 Superintendent of Schools, with the approval of the School Committee, to upgrade the stage and the lighting within the Cronin Auditorium, said funds to be available in Fiscal Year 2018, with any unexpended funds as of June 30, 2020 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by School Committee and Capital Planning and Investment Committee)

On a motion by Mary Frances Traphagen, 146 Still River Road, School Committee and seconded,

I move that the Town transfer \$100,000 from the Capital Stabilization and Investment Fund, to be expended by the Superintendent of Schools, with the approval of the School Committee, to upgrade the stage and the lighting within the Cronin Auditorium, which funds shall be available in Fiscal Year 2018, with any unexpended funds as of June 30, 2020 being returned to their funding source.

Voted greater than 2/3 yes that the Town transfer \$100,000 from the Capital Stabilization and Investment Fund, to be expended by the Superintendent of Schools, with the approval of the School Committee, to upgrade the stage and the lighting within the Cronin Auditorium, which funds shall be available in Fiscal Year 2018, with any unexpended funds as of June 30, 2020 being returned to their funding source.

ARTICLE 23: HILDRETH HOUSE STUDY UPDATE

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 Town Administrator, with the approval of the Board of Selectmen, to update the Hildreth House Study, said funds to be available in Fiscal Year 2019, with any unexpended funds as of June 30, 2020 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)

On a motion by SusanMary Redinger, 121 Ayer Road, Capital Planning and Investment Committee and seconded,

I move that the Town transfer \$40,000 from the Capital Stabilization and Investment Fund, to be expended by the Town Administrator, with the approval of the Board of Selectmen, to update the Hildreth House Study, which funds shall be available in Fiscal Year 2019, with any unexpended funds as of June 30, 2020 being returned to their funding source.

Voted greater than 2/3 yes that the Town transfer \$40,000 from the Capital Stabilization and Investment Fund, to be expended by the Town Administrator, with the approval of the Board of Selectmen, to update the Hildreth House Study, which funds shall be available in Fiscal Year 2019, with any unexpended funds as of June 30, 2020 being returned to their funding source.

ARTICLE 24: AMEND CODE OF HARVARD CHAPTER 62 – LICENSES AND PERMITS

To see if the Town will vote to amend the Code of Harvard, Chapter 62. Licenses and Permits, sub section 62-1., List of persons failing to pay taxes or other charges, by deleting the section which currently reads:

“The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments, and other municipal charges, hereinafter referred to as the "Tax Collector," shall annually furnish to each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve-month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.”

and replacing it with the following:

[underlining denotes changed language]

“The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments, and other municipal charges, hereinafter referred to as the "Tax Collector," shall furnish, on a quarterly basis, to each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.”

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,

I move that the Town amend the Code of the Town of Harvard, Chapter 62. Licenses and Permits, sub section 62-1., List of persons failing to pay taxes or other charges, by making the following revision thereto:

[underlining denotes added language]

“The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments, and other municipal charges, hereinafter referred to as the "Tax Collector," shall furnish, on a quarterly basis, to each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.”

Voted majority yes that the Town amend the Code of the Town of Harvard, Chapter 62. Licenses and Permits, sub section 62-1., List of persons failing to pay taxes or other charges, by making the following revision thereto:

[underlining denotes added language]

“The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments, and other municipal charges, hereinafter referred to as the "Tax Collector," shall furnish, on a quarterly basis, to each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.”

ARTICLE 25: HILDRETH ELEMENTARY SCHOOL BUILDING PROJECT

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Committee to construct, originally equip and furnish a new Hildreth Elementary School on the existing site for students in grades PK-5, including the cost of architectural design, project management and other incidental and related costs, as well as demolition of the existing building and other necessary site improvements, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), contingent upon the passage of a Proposition Two and One-Half debt exclusion ballot question at the Annual Town Election to be held on May 8, 2018. The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) forty-nine point twenty-one percent (49.21%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

(Submitted by the School Committee)

On a motion by Mary Frances Traphagen, 146 Still River Road, School Committee and seconded,

I move that the Town: a.) appropriate Fifty-Three Million Five Hundred Ninety-Seven Thousand Eight Hundred and Seven (\$53,597,807) Dollars for the purpose of paying costs to construct, originally equip and furnish a new Hildreth Elementary School on the existing site, located at 27 Massachusetts Avenue in Harvard (also known as Map 22B, Lot 42 on the Harvard Assessor’s Maps), for students in grades PK-5, including the cost of architectural design, project management and other incidental and related costs, as well as demolition of the existing building and other necessary site improvements, including the payment of all costs incidental or related thereto (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the Town may be eligible for a grant from the

Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee, and to meet this appropriation, the Town Treasurer, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority; and b.) acknowledge that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided that: (i) any grant that Town may receive from the MSBA for the Project shall not exceed the lesser of (1) Fifty point Sixty-Eight percent (50.68%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; (ii) any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. Chapter 59, Section 21C (Proposition 2½); (iii) the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Harvard and the MSBA; and (iv) any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

A motion to move the question by Jim Breslauer, 130 Poor Farm Road, was seconded and voted greater than 2/3rds yes.

Voted 727 yes, 282 no that the Town: a.) appropriate Fifty-Three Million Five Hundred Ninety-Seven Thousand Eight Hundred and Seven (\$53,597,807) Dollars for the purpose of paying costs to construct, originally equip and furnish a new Hildreth Elementary School on the existing site, located at 27 Massachusetts Avenue in Harvard (also known as Map 22B, Lot 42 on the Harvard Assessor’s Maps), for students in grades PK-5, including the cost of architectural design, project management and other incidental and related costs, as well as demolition of the existing building and other necessary site improvements, including the payment of all costs incidental or related thereto (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee, and to meet this appropriation, the Town Treasurer, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority; and b.) acknowledge that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided that: (i) any grant that Town may receive from the MSBA for the Project shall not exceed the lesser of (1) Fifty point Sixty-Eight percent (50.68%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; (ii) any appropriation hereunder shall

be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. Chapter 59, Section 21C (Proposition 2½); (iii) the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Harvard and the MSBA; and (iv) any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ARTICLE 26: COMMUNITY PRESERVATION COMMITTEE REPORT

To see if the Town will vote to accept the report and recommendations of the Community Preservation Committee on the Fiscal Year 2019 Community Preservation Budget as printed in the 2018 Finance Committee Book, or pass any vote or votes in relation thereto.

(Inserted by the Community Preservation Committee)

On a motion by Didi Chadran, 206 Stow Road, Community Preservation Committee and seconded,

I move that the Town hear the report and recommendations of the Community Preservation Committee on the Fiscal Year 2019 Community Preservation Budget.

Voted unanimously yes that the Town hear the report and recommendations of the Community Preservation Committee on the Fiscal Year 2019 Community Preservation Budget.

ARTICLE 27: TOWN CLERK – PRESERVATION OF HISTORIC TOWN DOCUMENTS

To see if the Town will vote to appropriate and transfer from Fiscal 2019 Community Preservation Unspecified Reserves the sum of \$26,000, to be expended by the Town Clerk for the purpose of preserving and restoring historic town documents with unexpended funds as of June 30, 2019 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by the Town Clerk and the Community Preservation Committee)

On a motion by Didi Chadran, 206 Stow Road, Community Preservation Committee and seconded,

I move that the Town appropriate and transfer from Fiscal 2019 Community Preservation Fund Unspecified Reserves \$26,000 to be expended by the Town Clerk for the purpose of

preserving and restoring historic town documents with unexpended funds as of June 30, 2019 being returned to their funding source.

Voted unanimously yes that the Town appropriate and transfer from Fiscal 2019 Community Preservation Fund Unspecified Reserves \$26,000 to be expended by the Town Clerk for the purpose of preserving and restoring historic town documents with unexpended funds as of June 30, 2019 being returned to their funding source.

ARTICLE 28: CONSERVATION COMMISSION – INVASIVE PLANT MANAGEMENT

To see if the Town will vote to appropriate and transfer from Fiscal 2019 Community Preservation Fund unspecified reserves the sum of \$26,000, to be placed in the Conservation Fund, to be expended by the Conservation Commission for the purpose of controlling invasive plants on lands acquired with Community Preservation funds with unexpended funds as of June 30, 2020 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by the Conservation Commission and the Community Preservation Committee)

On a motion by Didi Chadran, 206 Stow Road, Community Preservation Committee and seconded,

I move that the Town appropriate and transfer \$26,000 from Fiscal 2019 Community Preservation Fund Unspecified Reserves, to be placed in the Conservation Fund, to be expended by the Conservation Commission for the purpose of controlling invasive plants on lands acquired with Community Preservation funds with unexpended funds as of June 30, 2020 being returned to their funding source.

Voted majority yes that the Town appropriate and transfer \$26,000 from Fiscal 2019 Community Preservation Fund Unspecified Reserves, to be placed in the Conservation Fund, to be expended by the Conservation Commission for the purpose of controlling invasive plants on lands acquired with Community Preservation funds with unexpended funds as of June 30, 2020 being returned to their funding source.

ARTICLE 29: COMMUNITY PRESERVATION COMMITTEE AFFORDABLE HOUSING RESERVES

To see if the Town will vote to appropriate and transfer \$26,000 from Fiscal 2019 Community Preservation Fund unspecified reserves to the Community Preservation Committee Affordable Housing Reserves, or pass any vote or votes in relation thereto. (Inserted by the Community Preservation Committee)

On a motion by John Lee, 27 Ayer Road, Community Preservation Committee and seconded,

I move that the Town appropriate and transfer \$26,000 from Fiscal 2019 Community Preservation Fund unspecified reserves to the Community Preservation Fund Affordable Housing Reserves.

Voted majority yes that the Town appropriate and transfer \$26,000 from Fiscal 2019 Community Preservation Fund unspecified reserves to the Community Preservation Fund Affordable Housing Reserves.

ARTICLE 30: PAYMENT OF DEBT ON TOWN HALL RENOVATION

To see if the Town will vote to appropriate and transfer \$51,000 from Fiscal 2019 Community Preservation Fund unspecified reserves, to be expended by the Town Treasurer for payment of debt for the renovation of Town Hall, or pass any vote or votes in relation thereto.

(Inserted by the Community Preservation Committee)

On a motion by John Lee, 27 Ayer Road, Community Preservation Committee and seconded,

I move that the Town appropriate and transfer \$51,000 from Fiscal 2019 Community Preservation Fund unspecified reserves for the payment of the debt service costs for the renovation of Town Hall.

Voted unanimously yes that the Town appropriate and transfer \$51,000 from Fiscal 2019 Community Preservation Fund unspecified reserves for the payment of the debt service costs for the renovation of Town Hall.

ARTICLE 31: COMMUNITY PRESERVATION FUNDS – ADMINISTRATIVE EXPENSES

To see if the Town will vote to appropriate and transfer from Fiscal 2019 Community Preservation Fund unspecified reserves, the sum of \$2,500 to be expended by the Harvard Community Preservation Committee for administrative expenses, including Community Preservation Coalition dues and necessary legal fees, with unexpended funds as of June 30, 2019 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by the Community Preservation Committee)

On a motion by John Lee, 27 Ayer Road, Community Preservation Committee and seconded,

I move that the Town appropriate and transfer from Fiscal 2019 Community Preservation Fund unspecified reserves \$2,500 to be expended by the Harvard Community Preservation Committee for administrative expenses, including Community Preservation

Coalition dues and necessary legal fees, with unexpended funds as of June 30, 2019 being returned to their funding source.

Voted majority yes that the Town appropriate and transfer from Fiscal 2019 Community Preservation Fund unspecified reserves \$2,500 to be expended by the Harvard Community Preservation Committee for administrative expenses, including Community Preservation Coalition dues and necessary legal fees, with unexpended funds as of June 30, 2019 being returned to their funding source.

ARTICLE 32: LOCAL OPTION RECREATIONAL MARIJUANA EXCISE TAX

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 64N, Section 3, as amended, and impose a local sales tax upon the sale of recreational marijuana by a marijuana retailer operating within the Town at a rate of 3% of the gross receipts of the vendor from the sale of recreational marijuana, marijuana products, and marijuana edibles, said excise to take effect on the first day of the calendar quarter commencing at least thirty days after such vote of Town Meeting, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen).

On a motion by Kara Minar, 204 Still River Road, Board of Selectmen and seconded,

I move that the Town accept the provisions of Massachusetts General Laws Chapter 64N, Section 3, as amended, and impose a local sales tax upon the sale of recreational marijuana by a marijuana retailer operating within the Town at a rate of 3% of the gross receipts of the vendor from the sale of recreational marijuana, marijuana products, and marijuana edibles, said excise tax shall take effect on the first day of the calendar quarter commencing at least thirty days after today.

Voted majority yes that the Town accept the provisions of Massachusetts General Laws Chapter 64N, Section 3, as amended, and impose a local sales tax upon the sale of recreational marijuana by a marijuana retailer operating within the Town at a rate of 3% of the gross receipts of the vendor from the sale of recreational marijuana, marijuana products, and marijuana edibles, said excise tax shall take effect on the first day of the calendar quarter commencing at least thirty days after today.

ARTICLE 33: AMEND THE PROTECTIVE BYLAW 125-2 DEFINITIONS, 125-14G, MEDICAL MARIJUANA TREATMENT CENTER AND 125-21 PERMITTED USES IN THE AR DISTRICT

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 in regards to Marijuana Establishments and Cultivation, or take any vote or votes in relation thereto.

1.) Amend §125-2, Definitions, by adding the following definition:

Marijuana Establishment - a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, medical marijuana treatment center and/or any combination thereof, but excluding a marijuana social consumption establishment; and

2.) Replace §125-14.G, Medical Marijuana Treatment Center with Marijuana Establishment as follows:

G. Marijuana Establishment: In the C district, a Marijuana Establishment may be allowed by special permit (see §125-46, Special Permits) authorized by the Planning Board if in compliance with site plan standards and design review in §125-38 provided that:

- (1) A Marijuana Establishment shall not be sited within a radius of 500 feet of a public or private school, daycare center, or any facility in which children commonly congregate. The 500-foot distance shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Marijuana Establishment.
- (2) The Planning Board shall not approve a special permit for more than one (1) marijuana establishment.
- (3) The total square footage of a Marijuana Establishment shall not exceed six thousand (6,000) square feet, of which not more than three thousand (3,000) square feet shall be retail space; all activity shall be contained within a permanent building;
- (4) The site plan shall show all exterior proposed security measures for the premises, including, but not limited to lighting, fencing, gates and alarms, ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity;
- (5) Hours of operation shall be between 10:00 AM and 8:00 PM seven days per week;
- (6) Prior to obtaining a certificate of occupancy or operation, an applicant shall possess a license from the Cannabis Control Commission to operate a Marijuana Establishment and comply with the Commission's regulations at all times; and have negotiated and entered into a host community agreement with the Board of Selectmen;
- (7) No building or parking area of a Marijuana Establishment shall be located within two hundred feet (200') of an Agricultural Residential district;
- (8) Signs advertising brands of marijuana products shall not be visible from a public way and shall comply with § 125-41 Signs;

- (9) The applicant shall negotiate a host community agreement and impact fee with the Board of Selectmen prior to opening; and
- (10) A special permit is granted exclusively to the applicant and may not be transferred.

Amend §125-21, Permitted Uses in AR Districts, by adding a new clause 5 to subsection D, Uses by Special Permit Authorized by the Planning Board, as follows:

- (5) Marijuana cultivation, which shall comply with the following requirements:
 - (a) Cultivation areas shall be set back from property lines a minimum distance of two hundred feet (200’);
 - (b) The cultivated area shall not be visible from a public place without the use of binoculars, aircraft or other optical aids; the Planning Board may require landscaping, a solid fence, or other measures to achieve adequate screening;
 - (c) Cultivation areas shall comply with the security and alarm requirements of 935 CMR 500 and other stipulations that the Planning Board may require;
 - (d) Marijuana cultivation is limited to 10,000 square feet of canopy as defined in 935 CMR 500;
 - (e) No overhead lights shall be used with the exception of reasonable lighting for security purposes and in compliance with lighting bylaw § 125-40;
 - (f) The applicant shall negotiate a host community agreement and impact fee with the Board of Selectmen prior to opening; and
 - (g) On site sales are prohibited.

(Inserted by the Planning Board)

On a motion by Rich Maiore, 50 Slough Road, Planning Board and seconded,

The Harvard Planning Board after voting 4-0 at its meeting of April 23, 2018 recommends to Annual Town Meeting that it supports, in total, Article 33 “Amend 125, Sections 2, 14G and 21 for Marijuana Establishments” as presented on the green handout for the 2018 Town of Harvard Annual Town Meeting.

On a motion by Rich Maiore, 50 Slough Road, Planning Board and seconded, to divide the motion into two separate motions; Motion 1 as follows:

I move that the Town amend Chapter 125 of the Code of the Town of Harvard, the Protective Bylaw, by making the revisions to Section 125-2, Definitions and Section 125-14, Paragraph G, Medical Marijuana Treatment Center thereof as printed on the green colored handout made available at the 2018 Annual Town Meeting, except that limit on the floor area of retail space in a Marijuana Establishment shall be 1,500 square feet rather than 3,000 square feet Section 125-14, Paragraph G (3).

An amendment was proposed by Robert Mayerson, 139 Stow Road to add to the end of Section 2G (9) the wording “as part of the site plan review, applicant must get approval of the security plan from the Chief of Police”

The Planning Board accepted the amendment.

An amendment was proposed by Suzanne Daines, 82 Warren Avenue, “that the facility only allow medical marijuana sale not retail”.

The amendment was withdrawn.

An amendment was proposed by Alice von Loesecke, 84 Warren Avenue, Board of Selectmen, to amend the wording in Section 2G (3) from “...retail space;” to “...retail floor sales space;”

The Planning Board accepted the amendment.

A motion to move the question by Greg Stoddard, 15 Old Littleton Road, was seconded and voted greater than 2/3 yes.

Voted greater than 2/3 yes, on Motion 1, that the Town amend Chapter 125 of the Code of the Town of Harvard, the Protective Bylaw, by making the following revisions to Section 125-2, Definitions and Section 125-14, Paragraph G, Medical Marijuana Treatment Center:

1.) Amend §125-2, Definitions, by adding the following definition:

Marijuana Establishment - a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, medical marijuana treatment center and/or any combination thereof, but excluding a marijuana social consumption establishment; and

2.) Replace §125-14.G, Medical Marijuana Treatment Center with Marijuana Establishment as follows:

G. Marijuana Establishment: In the C district, a Marijuana Establishment may be allowed by special permit (see §125-46, Special Permits) authorized by the Planning Board if in compliance with site plan standards and design review in §125-38 provided that:

- (1) A Marijuana Establishment shall not be sited within a radius of 500 feet of a public or private school, daycare center, or any facility in which children commonly congregate. The 500-foot distance shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Marijuana Establishment.
- (2) The Planning Board shall not approve a special permit for more than one (1) marijuana establishment.

- (3) The total square footage of a Marijuana Establishment shall not exceed six thousand (6,000) square feet, of which not more than one thousand five hundred (1,500) square feet shall be retail floor sales space; all activity shall be contained within a permanent building;
- (4) The site plan shall show all exterior proposed security measures for the premises, including, but not limited to lighting, fencing, gates and alarms, ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity;
- (5) Hours of operation shall be between 10:00 AM and 8:00 PM seven days per week;
- (6) Prior to obtaining a certificate of occupancy or operation, an applicant shall possess a license from the Cannabis Control Commission to operate a Marijuana Establishment and comply with the Commission's regulations at all times; and have negotiated and entered into a host community agreement with the Board of Selectmen;
- (7) No building or parking area of a Marijuana Establishment shall be located within two hundred feet (200') of an Agricultural Residential district;
- (8) Signs advertising brands of marijuana products shall not be visible from a public way and shall comply with § 125-41 Signs;
- (9) The applicant shall negotiate a host community agreement and impact fee with the Board of Selectmen prior to opening; and as part of the site plan review, applicant must get approval of the security plan from the Chief of Police;
- (10) A special permit is granted exclusively to the applicant and may not be transferred.

On a motion by Erin McBee, 221 Littleton Road, Planning Board and seconded, Motion 2 as follows:

I move that the Town amend Chapter 125 of the Code of the Town of Harvard, the Protective Bylaw, by making the revisions to Section 125-21, Permitted Uses in the AR Districts, by adding a new Clause 5 to Subsection D, Uses by Special Permit Authorized by the Planning Board, as printed on the green colored handout made available at the 2018 Annual Town Meeting.

An amendment was proposed by Kara Minar, 204 Still River Road, Board of Selectmen to add to the end of new Clause 5 to Subsection D (f) the wording "as part of the site plan review, applicant must get approval of the security plan from the Chief of Police."

The Planning Board accepted the amendment.

An amendment was proposed by Bill Marinelli, 50 Stow Road, to adopt the following definition of Marijuana Cultivator as Subsection D (h) to the new Clause 5, as found in the Commonwealth of Massachusetts Session Law, Chapter 334 of the Acts of 2016,

“Marijuana cultivator, an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.”

The Planning Board accepted the amendment.

Voted greater than 2/3 yes, on Motion 2, that the Town amend Chapter 125 of the Code of the Town of Harvard, the Protective Bylaw, by making the revisions to Section 125-21, Permitted Uses in the AR Districts, by adding a new Clause 5 to Subsection D, Uses by Special Permit Authorized by the Planning Board.

Amend §125-21, Permitted Uses in AR Districts, by adding a new clause 5 to subsection D, Uses by Special Permit Authorized by the Planning Board, as follows:

- (5) Marijuana cultivation, which shall comply with the following requirements:
 - (a) Cultivation areas shall be set back from property lines a minimum distance of two hundred feet (200’);
 - (b) The cultivated area shall not be visible from a public place without the use of binoculars, aircraft or other optical aids; the Planning Board may require landscaping, a solid fence, or other measures to achieve adequate screening;
 - (c) Cultivation areas shall comply with the security and alarm requirements of 935 CMR 500 and other stipulations that the Planning Board may require;
 - (d) Marijuana cultivation is limited to 10,000 square feet of canopy as defined in 935 CMR 500;
 - (e) No overhead lights shall be used with the exception of reasonable lighting for security purposes and in compliance with lighting bylaw § 125-40;
 - (f) The applicant shall negotiate a host community agreement and impact fee with the Board of Selectmen prior to opening; and as part of site plan review, applicant must get approval of the security plan from the Chief of Police;
 - (g) On site sales are prohibited.
 - (h) Marijuana cultivator, an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

The Planning Board voted 4-0 to recommend this article.

ARTICLE 34: PLANNING BOARD – Amend the Protective Bylaw Chapter 125-56

To see if the Town will vote to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, by adding thereto a new section 125-56 Groundwater Protection Overlay District:

§ 125-56 GROUNDWATER PROTECTION OVERLAY DISTRICT.

A. Purpose of District.

The purpose of this Groundwater Protection Overlay District is to:

- (1) promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the Town of Harvard;
- (2) preserve and protect existing and potential sources of drinking water for the Town of Harvard and the portion of Littleton's and Ayer's Zone II within Harvard's boundaries.
- (3) conserve natural resources in the Town of Harvard; and
- (4) prevent temporary and permanent contamination of the environment.

B. Applicability.

The Groundwater Protection Overlay District is superimposed on the zoning AR, C, and W districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities and uses in a portion of one of the underlying zoning districts that fall within the Groundwater Protection Overlay District must additionally comply with the requirements of this bylaw. Uses prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection Overlay District.

C. Definitions.

AUTOMOBILE GRAVEYARD

An establishment that is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or motor vehicle parts as defined in M.G.L. c.140B, §1.

AQUIFER

A geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

CMR

Code of Massachusetts Regulations.

COMMERCIAL FERTILIZER

Any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use, or claimed to have value in promoting plant growth, except un-manipulated animal and vegetable manures, marl, lime, limestone, wood ashes, gypsum, and other products exempted by state regulations.

DISCHARGE

The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, pouring, or placing of toxic or hazardous material or hazardous waste upon or into any land or water such that it may enter the surface or ground waters.

DRY WELL

A subsurface pit with open-jointed lining or holes through which stormwater drainage from roofs, basement floors, foundations or other areas seep into the surrounding soil.

GROUNDWATER PROTECTION OVERLAY DISTRICT

The land area consisting of aquifers, Interim Wellhead Protection Areas (IWPA) and Zone II recharge areas as identified on a map and adopted pursuant to this bylaw.

HAZARDOUS MATERIAL

Any substance in any form which because of its quantity, concentration, or its chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with one or more substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. Hazardous material includes, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as toxic or hazardous under MGL c. 21E. This term shall not include hazardous waste or oil.

HISTORICAL HIGH GROUNDWATER TABLE ELEVATION

A groundwater elevation determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey.

HAZARDOUS WASTE

A substance or combination of substances, which because of quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. This term shall include all substances identified as hazardous pursuant to the Hazardous Waste Regulations, 310 CMR 30.000.

IMPERVIOUS SURFACE

Material or structure on, above, or below the ground that does not allow precipitation or surface water runoff to penetrate into the soil.

INTERIM WELLHEAD PROTECTION AREA (IWPA)

The MassDEP designated protection radius around a public water well that lacks a Zone II.

JUNKYARD

An establishment that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, as defined in MGL c.140B, §1.

LANDFILL

A facility established in accordance with a valid site assignment for the purposes of disposing solid waste into or on the land, pursuant to the Solid Waste Regulations, 310 CMR 19.006.

MASSDEP

Massachusetts Department of Environmental Protection.

MGL

Massachusetts General Laws.

PETROLEUM PRODUCT

Includes, but not limited to, fuel oil; gasoline; diesel; kerosene; aviation jet fuel; aviation gasoline; lubricating oils; oily sludge; oil refuse; oil mixed with other wastes; crude oils; or other liquid hydrocarbons regardless of specific gravity. Petroleum product shall not include liquefied petroleum gas including, but not limited to, liquefied natural gas, propane or butane.

NON-SANITARY WASTEWATER

Wastewater discharges from industrial and commercial facilities containing wastes from any activity other than collection of sanitary sewage including, but not limited to, activities specified in 310 CMR 15.004(6).

OPEN DUMP

A facility operated or maintained in violation of the Resource Conservation and Recovery Act 42 U.S.C. 4004(a)(b), or state regulations and criteria for solid waste disposal.

RECHARGE AREAS

Land areas, such as a Zone II or Interim Wellhead Protection Area, where precipitation and surface water infiltrates into the ground to replenish groundwater and aquifers used for public drinking water supplies.

SEPTAGE

The liquid, solid, and semi-solid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. This term shall not include any material that is a hazardous waste, as defined by 310 CMR 30.000.

SLUDGE

The solid, semi-solid, and liquid residue that results from a process of wastewater treatment or drinking water treatment including wastewater residuals. This term shall not include grit, screening, or grease and oil which are removed at the head-works of a facility.

TREATMENT WORKS:

Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving hazardous waste from off the site of the works for the purpose of treatment, storage, or disposal.

UTILITY WORKS

Regulated activities providing for public services, including roads, water, sewer, electricity, gas, telephone, transportation and their associated maintenance activities. This term shall include the installation of detention and retention basins for the purpose of controlling stormwater.

VERY SMALL QUANTITY GENERATOR

Any public or private entity, other than residential, which produces less than 27 gallons (100 kilograms) a month of hazardous waste or waste oil, but not including any acutely hazardous waste as defined in 310 CMR 30.136.

WASTE OIL RETENTION FACILITY

A waste oil collection facility for automobile service stations, retail outlets, and marinas which is sheltered and has adequate protection to contain a spill, seepage, or discharge of petroleum waste products in accordance with MGL c.21, §52A.

ZONE II

The delineated recharge area to a public drinking water well as approved by MassDEP and defined under the Massachusetts Drinking Water Regulations 310 CMR 22.00.7.

D. Establishment and Delineation of Groundwater Protection Overlay District.

For the purposes of this bylaw, there are hereby established within the Town of Harvard certain groundwater protection areas consisting of aquifers and/or recharge areas. These areas are delineated on a map entitled Harvard Groundwater Protection Overlay District, dated February 8, 2018, which is hereby made part of the Groundwater Protection Overlay District Bylaw and is on file in the office of the Town Clerk.

E. District Boundary Disputes.

- (1) If the location of the Groundwater Protection Overlay District in relation to a particular parcel is in doubt, resolution of the boundary dispute shall be through a Special Permit application to the Special Permit Granting Authority (SPGA). Any application for a special permit for this purpose shall be accompanied by adequate documentation.
- (2) The burden of proof shall be upon the land owner to demonstrate that the location of the Groundwater Protection Overlay District with respect to a particular parcel(s) of land is uncertain. At the request of the land owner, the Town may engage a professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the Groundwater Protection Overlay District with respect to a particular parcel(s) of land, and may charge the owner for the cost of the investigation. Changes to the Groundwater Protection Overlay District require town meeting approval.
- (3) Where the boundary line of the Groundwater Protection Overlay District divides a lot or parcel, the requirements established by this bylaw shall apply to the entire lot or parcel.

F. Permitted Uses.

- (1) The following uses are permitted within the Groundwater Protection Overlay District, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:
 - (a) conservation of soil, water, plants, and wildlife;
 - (b) outdoor recreation, nature study, boating, fishing, hunting where otherwise legally permitted, and operations associated with the Town Beach under the auspices of the Park and Recreation Commission, Department of Public Works, or other authorized Town department;
 - (c) foot, bicycle and/or horse paths, and bridges;
 - (d) normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
 - (e) maintenance, repair, and enlargement of any existing structure, subject to §§G and H of this bylaw;
 - (f) residential development, subject to §§G and H of this bylaw;
 - (g) farming, gardening, nursery, conservation, forestry, harvesting, and grazing, subject to §§G and H of this bylaw;
 - (h) construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels;
 - (i) any use permitted in the underlying zoning except for those uses specifically prohibited in §§G & H of this bylaw;
 - (j) temporary or seasonal portable toilets; and
 - (k) storage or composting of animal manure, subject to approval by the Board of Health (BOH) of a manure management plan, as required by the BOH Stable Permit.

G. Prohibited Uses

- (1) The following land uses and activities are prohibited unless designed in accordance with the specified performance standards:
 - (a) landfills and open dumps;
 - (b) automobile graveyards and junkyards;
 - (c) landfills receiving only wastewater residuals and/or septage, including those approved by MassDEP pursuant to MGL c. 21 s.26 through s.53, MGL c.111 s.17, and MGL c.83 s.6 and s.7;
 - (d) facilities that generate, treat, store, or dispose of hazardous waste that are subject to MGL c.21C and 310 CMR 30.000, except for:
 - [1] very small quantity generators as defined under 310 CMR 30.000;
 - [2] household hazardous waste centers and events under 310 CMR 30.390;
 - [3] waste oil retention facilities required by MGL c. 21, §.52A;
 - [4] water remediation treatment works approved by MassDEP for the treatment of contaminated waters.

- (e) petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under North American Industry Classification System (NAICS) Codes 424710 and 454311, except for liquefied petroleum gas.
- (f) storage of liquid hazardous materials and/or liquid petroleum products unless such storage is above ground level and on an impervious surface and either:
 - [1] in container(s) or above ground tank(s) within a building; or
 - [2] outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either; 10% of the total possible storage capacity of all containers or 110% of the largest container's storage capacity, whichever is greater.
 - [3] however, these storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements;
- (g) storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
- (h) storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- (i) storage of commercial fertilizers, pesticides, and herbicides unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- (j) stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside the Groundwater Protection Overlay District;
- (k) earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material to within 4 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, utility works or wetland restoration work conducted in accordance with a valid Order of Condition issued pursuant to MGL c. 131, §40 and 15; and
- (l) treatment or disposal works subject to 314 CMR 5.00, for non-sanitary wastewater, including those activities listed under 310 CMR 15.004(6):
 - [1] treatment works approved by MassDEP designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); and
 - [2] publicly owned treatment works.

H. Uses and Activities Requiring a Special Permit.

- [1] The following uses and activities are permitted only upon the issuance of a Special

Permit by the Planning Board, who is the SPGA, under such conditions as they may require:

- (a) enlargement or alteration of existing uses that do not conform to the Groundwater Protection Overlay District;
- (b) except as prohibited under §G of this bylaw, activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use and which are permitted in the underlying zoning district;

I. Artificial Recharge for Impervious Surfaces.

If new construction would render impervious any lot or parcel more than 15% or 2,500 sq. ft., whichever is greater, the Building Commissioner shall refer the matter to the Planning Board for site plan review. The Board may require applicants to provide a system of artificial recharge that will not degrade water quality, or to provide an alternate means of preventing contaminants from entering the Groundwater Protection Overlay District.

J. Procedures for Issuance of a Special Permit.

- (1) The Planning Board shall grant a special permit if they determine, in conjunction with the Building Commissioner, Board of Selectmen, Fire Department, Board of Health, Police Department, Engineering Consultant, Department of Public Works Director, Conservation Commission and Historical Commission (if applicable), that the intent of this bylaw, as well as its specific criteria, are met. The SPGA shall not grant a special permit under this section unless the petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section. The SPGA shall document the basis for any departures from the recommendations of the other municipal boards, departments or commissions in its decision.
- (2) The SPGA may grant the required special permit only upon finding that the proposed use meets the following standards, those specified in Section 125-56G, above and any regulations or guidelines adopted by the SPGA. The proposed use must:
 - (a) in no way, during construction or thereafter, adversely affect the quality or quantity of the water supplies protected by the Groundwater Protection Overlay District; and
 - (b) be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.
- (3) The SPGA may adopt controls to govern design features of projects within the Groundwater Protection Overlay District. Such design controls shall be consistent with Chapter 130, Article IV: Design and Construction Standards of the Town of Harvard Planning Board Subdivision Regulations.

- (4) The applicant shall follow Section 133-21 of the Planning Board Procedural Rules & Regulations for application submission in addition to the following:
- (a) a complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use; and
 - (b) for activities using or storing hazardous materials or wastes, a management plan shall be prepared and filed with the Fire Chief and Board of Health. The plan will be consistent with the requirements of Section 125-56G, above and shall include:
 - [1] provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures;
 - [2] provisions for indoor, secured storage of hazardous materials or wastes with impervious floor surfaces; and
 - [3] evidence of compliance with the Massachusetts Hazardous Waste Regulations 310 CMR 30.000.

K. Enforcement.

- (1) Written notice of any violations of this bylaw shall be given by the Zoning Enforcement Officer to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance.
- (2) A copy of such notice shall be submitted to the Board of Selectmen, Planning Board, Board of Health, Conservation Commission, and Water and Sewer Commission. The cost of containment, clean-up, or other action of compliance shall be borne by the owner/operator of the premises.

L. Severability.

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of this bylaw.

(Inserted by Planning Board)

On a motion by Erin McBee, 221 Littleton Road, Planning Board and seconded,

I move that the Town amend Chapter 125 of the Code of the Town of Harvard, the Protective Bylaw, by adding thereto a new section 125-56 entitled "Groundwater

Protection Overlay District” as printed on pages 48 through 54 of the Warrant for the 2018 Annual Town Meeting.

An amendment to the article was offered by Tony Shaw, 195 Prospect Hill Road to add the words “all-terrain vehicles” to Section F (c) after the words, “foot, bicycle,...”.

The Planning Board accepted the amendment.

An amendment to the article was proposed by Corey DuFresne, 3 Sholan Circle to add the word “commercial” to Section G (k) before the words “earth removal...”.

The Planning Board accepted the amendment.

Voted 2/3 yes, that the Town amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, by adding thereto a new section 125-56 Groundwater Protection Overlay District:

§ 125-56 GROUNDWATER PROTECTION OVERLAY DISTRICT.

A. Purpose of District.

The purpose of this Groundwater Protection Overlay District is to:

- (1) promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the Town of Harvard;
- (2) preserve and protect existing and potential sources of drinking water for the Town of Harvard and the portion of Littleton’s and Ayer’s Zone II within Harvard’s boundaries.
- (3) conserve natural resources in the Town of Harvard; and
- (4) prevent temporary and permanent contamination of the environment.

B. Applicability.

The Groundwater Protection Overlay District is superimposed on the zoning AR, C, and W districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities and uses in a portion of one of the underlying zoning districts that fall within the Groundwater Protection Overlay District must additionally comply with the requirements of this bylaw. Uses prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection Overlay District.

C. Definitions.

AUTOMOBILE GRAVEYARD

An establishment that is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or motor vehicle parts as defined in M.G.L. c.140B, §1.

AQUIFER

A geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

CMR

Code of Massachusetts Regulations.

COMMERCIAL FERTILIZER

Any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use, or claimed to have value in promoting plant growth, except un-manipulated animal and vegetable manures, marl, lime, limestone, wood ashes, gypsum, and other products exempted by state regulations.

DISCHARGE

The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, pouring, or placing of toxic or hazardous material or hazardous waste upon or into any land or water such that it may enter the surface or ground waters.

DRY WELL

A subsurface pit with open-jointed lining or holes through which stormwater drainage from roofs, basement floors, foundations or other areas seep into the surrounding soil.

GROUNDWATER PROTECTION OVERLAY DISTRICT

The land area consisting of aquifers, Interim Wellhead Protection Areas (IWPA) and Zone II recharge areas as identified on a map and adopted pursuant to this bylaw.

HAZARDOUS MATERIAL

Any substance in any form which because of its quantity, concentration, or its chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with one or more substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. Hazardous material includes, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as toxic or hazardous under MGL c. 21E. This term shall not include hazardous waste or oil.

HISTORICAL HIGH GROUNDWATER TABLE ELEVATION

A groundwater elevation determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey.

HAZARDOUS WASTE

A substance or combination of substances, which because of quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or

potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. This term shall include all substances identified as hazardous pursuant to the Hazardous Waste Regulations, 310 CMR 30.000.

IMPERVIOUS SURFACE

Material or structure on, above, or below the ground that does not allow precipitation or surface water runoff to penetrate into the soil.

INTERIM WELLHEAD PROTECTION AREA (IWPA)

The MassDEP designated protection radius around a public water well that lacks a Zone II.

JUNKYARD

An establishment that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, as defined in MGL c.140B, §1.

LANDFILL

A facility established in accordance with a valid site assignment for the purposes of disposing solid waste into or on the land, pursuant to the Solid Waste Regulations, 310 CMR 19.006.

MASSDEP

Massachusetts Department of Environmental Protection.

MGL

Massachusetts General Laws.

PETROLEUM PRODUCT

Includes, but not limited to, fuel oil; gasoline; diesel; kerosene; aviation jet fuel; aviation gasoline; lubricating oils; oily sludge; oil refuse; oil mixed with other wastes; crude oils; or other liquid hydrocarbons regardless of specific gravity. Petroleum product shall not include liquefied petroleum gas including, but not limited to, liquefied natural gas, propane or butane.

NON-SANITARY WASTEWATER

Wastewater discharges from industrial and commercial facilities containing wastes from any activity other than collection of sanitary sewage including, but not limited to, activities specified in 310 CMR 15.004(6).

OPEN DUMP

A facility operated or maintained in violation of the Resource Conservation and Recovery Act 42 U.S.C. 4004(a)(b), or state regulations and criteria for solid waste disposal.

RECHARGE AREAS

Land areas, such as a Zone II or Interim Wellhead Protection Area, where precipitation and surface water infiltrates into the ground to replenish groundwater and aquifers used for public drinking water supplies.

SEPTAGE

The liquid, solid, and semi-solid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. This term shall not include any material that is a hazardous waste, as defined by 310 CMR 30.000.

SLUDGE

The solid, semi-solid, and liquid residue that results from a process of wastewater treatment or drinking water treatment including wastewater residuals. This term shall not include grit, screening, or grease and oil which are removed at the head-works of a facility.

TREATMENT WORKS:

Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving hazardous waste from off the site of the works for the purpose of treatment, storage, or disposal.

UTILITY WORKS

Regulated activities providing for public services, including roads, water, sewer, electricity, gas, telephone, transportation and their associated maintenance activities. This term shall include the installation of detention and retention basins for the purpose of controlling stormwater.

VERY SMALL QUANTITY GENERATOR

Any public or private entity, other than residential, which produces less than 27 gallons (100 kilograms) a month of hazardous waste or waste oil, but not including any acutely hazardous waste as defined in 310 CMR 30.136.

WASTE OIL RETENTION FACILITY

A waste oil collection facility for automobile service stations, retail outlets, and marinas which is sheltered and has adequate protection to contain a spill, seepage, or discharge of petroleum waste products in accordance with MGL c.21, §52A.

ZONE II

The delineated recharge area to a public drinking water well as approved by MassDEP and defined under the Massachusetts Drinking Water Regulations 310 CMR 22.00.7.

D. Establishment and Delineation of Groundwater Protection Overlay District.

For the purposes of this bylaw, there are hereby established within the Town of Harvard certain groundwater protection areas consisting of aquifers and/or recharge areas. These areas are delineated on a map entitled Harvard Groundwater Protection Overlay District, dated February 8, 2018, which is hereby made part of the Groundwater Protection Overlay District Bylaw and is on file in the office of the Town Clerk.

E. District Boundary Disputes.

- (1) If the location of the Groundwater Protection Overlay District in relation to a particular parcel is in doubt, resolution of the boundary dispute shall be through a Special Permit application to the Special Permit Granting Authority (SPGA). Any application for a special permit for this purpose shall be accompanied by adequate documentation.
- (2) The burden of proof shall be upon the land owner to demonstrate that the location of the Groundwater Protection Overlay District with respect to a particular parcel(s) of land is uncertain. At the request of the land owner, the Town may engage a professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the Groundwater Protection Overlay District with respect to a particular parcel(s) of land, and may charge the owner for the cost of the investigation. Changes to the Groundwater Protection Overlay District require town meeting approval.
- (3) Where the boundary line of the Groundwater Protection Overlay District divides a lot or parcel, the requirements established by this bylaw shall apply to the entire lot or parcel.

F. Permitted Uses.

- (1) The following uses are permitted within the Groundwater Protection Overlay District, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:
 - (a) conservation of soil, water, plants, and wildlife;
 - (b) outdoor recreation, nature study, boating, fishing, hunting where otherwise legally permitted, and operations associated with the Town Beach under the auspices of the Park and Recreation Commission, Department of Public Works, or other authorized Town department;
 - (c) foot, bicycle, all-terrain vehicles and/or horse paths, and bridges;
 - (d) normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
 - (e) maintenance, repair, and enlargement of any existing structure, subject to §§G and H of this bylaw;
 - (f) residential development, subject to §§G and H of this bylaw;
 - (g) farming, gardening, nursery, conservation, forestry, harvesting, and grazing, subject to §§G and H of this bylaw;
 - (h) construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels;
 - (i) any use permitted in the underlying zoning except for those uses specifically prohibited in §§G & H of this bylaw;
 - (j) temporary or seasonal portable toilets; and
 - (k) storage or composting of animal manure, subject to approval by the Board of Health (BOH) of a manure management plan, as required by the BOH Stable Permit.

G. Prohibited Uses

- (1) The following land uses and activities are prohibited unless designed in accordance with the specified performance standards:
 - (a) landfills and open dumps;
 - (b) automobile graveyards and junkyards;
 - (c) landfills receiving only wastewater residuals and/or septage, including those approved by MassDEP pursuant to MGL c. 21 s.26 through s.53, MGL c.111 s.17, and MGL c.83 s.6 and s.7;
 - (d) facilities that generate, treat, store, or dispose of hazardous waste that are subject to MGL c.21C and 310 CMR 30.000, except for:
 - [1] very small quantity generators as defined under 310 CMR 30.000;
 - [2] household hazardous waste centers and events under 310 CMR 30.390;
 - [3] waste oil retention facilities required by MGL c. 21, §.52A;
 - [4] water remediation treatment works approved by MassDEP for the treatment of contaminated waters.
 - (e) petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under North American Industry Classification System (NAICS) Codes 424710 and 454311, except for liquefied petroleum gas.
 - (f) storage of liquid hazardous materials and/or liquid petroleum products unless such storage is above ground level and on an impervious surface and either:
 - [1] in container(s) or above ground tank(s) within a building; or
 - [2] outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either; 10% of the total possible storage capacity of all containers or 110% of the largest container's storage capacity, whichever is greater.
 - [3] however, these storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements;
 - (g) storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
 - (h) storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
 - (i) storage of commercial fertilizers, pesticides, and herbicides unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
 - (j) stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside the Groundwater Protection Overlay District;
 - (k) commercial earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material to within 4 feet of historical high

groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, utility works or wetland restoration work conducted in accordance with a valid Order of Condition issued pursuant to MGL c. 131, §40 and 15; and

- (l) treatment or disposal works subject to 314 CMR 5.00, for non-sanitary wastewater, including those activities listed under 310 CMR 15.004(6):
 - [1] treatment works approved by MassDEP designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); and
 - [2] publicly owned treatment works.

H. Uses and Activities Requiring a Special Permit.

- [1] The following uses and activities are permitted only upon the issuance of a Special Permit by the Planning Board, who is the SPGA, under such conditions as they may require:
 - (a) enlargement or alteration of existing uses that do not conform to the Groundwater Protection Overlay District;
 - (b) except as prohibited under §G of this bylaw, activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use and which are permitted in the underlying zoning district;

I. Artificial Recharge for Impervious Surfaces.

If new construction would render impervious any lot or parcel more than 15% or 2,500 sq. ft., whichever is greater, the Building Commissioner shall refer the matter to the Planning Board for site plan review. The Board may require applicants to provide a system of artificial recharge that will not degrade water quality, or to provide an alternate means of preventing contaminants from entering the Groundwater Protection Overlay District.

J. Procedures for Issuance of a Special Permit.

- (1) The Planning Board shall grant a special permit if they determine, in conjunction with the Building Commissioner, Board of Selectmen, Fire Department, Board of Health, Police Department, Engineering Consultant, Department of Public Works Director, Conservation Commission and Historical Commission (if applicable), that the intent of this bylaw, as well as its specific criteria, are met. The SPGA shall not grant a special permit under this section unless the petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section. The SPGA shall document the basis for any departures from the recommendations of the other municipal boards, departments or commissions in its decision.

- (2) The SPGA may grant the required special permit only upon finding that the proposed use meets the following standards, those specified in Section 125-56G, above and any regulations or guidelines adopted by the SPGA. The proposed use must:
 - (a) in no way, during construction or thereafter, adversely affect the quality or quantity of the water supplies protected by the Groundwater Protection Overlay District; and
 - (b) be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.
- (3) The SPGA may adopt controls to govern design features of projects within the Groundwater Protection Overlay District. Such design controls shall be consistent with Chapter 130, Article IV: Design and Construction Standards of the Town of Harvard Planning Board Subdivision Regulations.
- (4) The applicant shall follow Section 133-21 of the Planning Board Procedural Rules & Regulations for application submission in addition to the following:
 - (a) a complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use; and
 - (b) for activities using or storing hazardous materials or wastes, a management plan shall be prepared and filed with the Fire Chief and Board of Health. The plan will be consistent with the requirements of Section 125-56G, above and shall include:
 - [1] provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures;
 - [2] provisions for indoor, secured storage of hazardous materials or wastes with impervious floor surfaces; and
 - [3] evidence of compliance with the Massachusetts Hazardous Waste Regulations 310 CMR 30.000.

K. Enforcement.

- (1) Written notice of any violations of this bylaw shall be given by the Zoning Enforcement Officer to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance.
- (2) A copy of such notice shall be submitted to the Board of Selectmen, Planning Board, Board of Health, Conservation Commission, and Water and Sewer

Commission. The cost of containment, clean-up, or other action of compliance shall be borne by the owner/operator of the premises.

L. Severability.

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of this bylaw.

The Planning Board voted 4-0 to recommend this article.

ARTICLE 35: AMEND THE PROTECTIVE BYLAW CHAPTER 125-57

To see if the Town will vote to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, by adding thereto a new section 125-57 Agritourism Overlay District:

§125-57 AGRITOURISM OVERLAY DISTRICT.

A. Purposes and Objectives

- (1) The purpose of the Agritourism Overlay District (AOD) is to preserve farms and scenic landscapes of at least 30 acres by allowing agriculturally related tourism in rural areas as a means of providing a source of non-farm income.
- (2) Provide site standards for income producing activities so they occur at an intensity or scale that will not adversely impact adjoining property and will be compatible with Harvard's agricultural heritage.

B. Adoption of Overlay District Map

The AOD is established as an overlay district. The AOD consists of properties in the Agricultural Residential district as shown on the Agritourism Overlay District Map, prepared by the Harvard Planning Department and dated February 2018 is on file with the Town Clerk. Within the AOD, all regulations of the underlying district remain in effect, except to the extent the regulations are inconsistent with the provisions of the AOD.

C. Permitted Uses in the Overlay District. The following uses are allowed in the overlay district upon grant of a special permit by the Planning Board:

- (1) Restaurants, which may include entertainment
- (2) Micro winery, brewery, cidery, meadery, including tours, tastings and retail sales
- (3) Ice cream stand, bakery, and other food products made on the premises or sourced from New England.
- (4) On-site social function facility, provide the applicant obtains the required

permits and licenses from the Board of Selectmen and Board of Health and complies with all provisions and conditions of such permits and licenses.

- D. Permitted Accessory Uses in the Overlay District. The following uses are allowed in the overlay district in conjunction with Permitted Use in the Overlay District, §125-57C(1) – (4), upon grant of a special permit by the Planning Board:

- (1) Farm guest house.
- (2) Gift shop, up to a maximum sales floor area of 5,000 square feet.
- (3) Farm stands and farmers' markets.
- (4) Accessory agricultural uses, including pick-your own fruits and vegetables, petting zoo, corn mazes, hay rides and similar uses.

- E. Submittal requirements

An application for a Special Permit together with an application for site plan approval shall be filed with the Town Clerk and submitted to the Planning Board in accordance with Sections 125-38 and 125-46. The site plan shall show all proposed buildings, uses, parking areas, signs, lighting, and storm water management facilities. The project shall conform to all site standards specified elsewhere in the Protective Bylaw unless otherwise waived by the Planning Board in the AOD.

- F. Development Standards

- (1) The conversion of historic structures and barns to commercial use is encouraged and set-backs and height restrictions do not apply to buildings in existence before 2017.
- (2) Set-backs for creation of new buildings for the permitted uses in the AOD are 200 feet from residences in existence at the time of application for the special permit.
- (3) Alternative building siting is allowed without regard to lot width circle.
- (4) More than one structure or main building may be permitted per lot.
- (5) The maximum size of new construction for a single building is 5,000 square feet with a combined total maximum allowance of 30,000 square feet for Agritourism Overlay Uses.
- (6) Signs are to be in accordance with 125-41. Signs are allowed as if this is a business use within the C-district in 125-41 C, including those pertaining to a site which contains two or more businesses located on the same lot.
- (7) A traffic study shall be submitted with the special permit application per Section 125-39.B (5) (a) [2] regardless of trip generation. Traffic shall not have an adverse impact on the Town's road network or imperil public safety.
- (8) The development shall have a public water supply permit from the Mass. Department of Environmental Protection, if applicable, and a septic system approved by the Board of Health. Privately owned and maintained on-site

sewage disposal or treatment systems may be approved to serve multiple buildings in a Agritourism District Overlay development, if maintained and operated by an owner, notwithstanding the provisions of Section 125-32D 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 Section 125-32C(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).

- (9) During the months of May – September, 25% of the food served in the restaurant shall be sourced from farms in New England. Applicants shall present a narrative that describes an approach for complying with this standard.
- (10) At least 50% of the property at the time of the adoption of the overlay, excluding wetlands, shall remain open and undeveloped in order to retain a productive farmland, scenic viewshed, and/or natural, historic, and cultural resources on the property. The 50% including the preservation of the above mentioned farmland, viewshed, natural or historic feature should be detailed on the site plan. If the commercial uses fail, the property shall revert to residential use and this restriction will no longer apply.
- (11) The development shall not adversely affect surrounding residential properties in terms of noise, odors, nuisances, light pollution, and other disturbances
- (12) 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.
- (13) Where appropriate, historical significance shall be considered with special consideration for preservation of historic buildings on the site or on adjacent or neighboring properties.
- (14) Parking areas shall be designed to preserve views of the landscape and historic resources, to provide screening from near-by residences, and to protect environmental resources through the use of natural systems to manage stormwater runoff.
- (15) Loading docks shall be located and designed to minimize negative off-site impacts (visual and operational) on neighbors and neighboring properties.
- (16) Proposed structures shall be designed and sited to minimize scale-related impacts on neighboring lots and any adjacent open space.

(Inserted by the Planning Board)

On a motion by Rich Maiore, 50 Slough Road, Planning Board, and seconded,

The Harvard Planning Board, after voting 4-0 at its meeting of April 23, 2018 recommends to Annual Town Meeting that it withdraw, in total, Article 35 “Agritourism Overlay District” as presented in the warrant for the 2018 Town of Harvard Annual Town Meeting.

Voted majority yes to pass over the article.

The Planning Board voted 4-0 to withdraw this article.

Jennifer Finch, 165 Codman Hill Road, made a motion that the Town take Article 39 and Article 40 before the remaining articles. The motion was seconded and approved. [See Article 39 and Article 40 in numerical order.]

ARTICLE 36: CITIZEN PETITION – AMEND CHAPTER 125

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 125-55 thereof regarding compliance with the Town’s Housing Production Plan, or take any vote or votes in relation thereto.

[key to revisions: underlining = additions, ~~strike through~~ = deletions]

§125-55, Hildreth Housing Overlay District (HHOD)

- A. Purpose: The purposes of the Hildreth Housing Overlay District are to:
- (1) Provide an opportunity for development of dwellings containing two to six units;
 - (2) Create multi-family housing consistent with Harvard’s New England-style architecture and character of the Town Common/Town Center by following historic design principles;
 - (3) Benefit the community by providing alternatives to conventional single-family homes for senior citizens wanting to down-size or live in a close-knit community;
 - (4) Allow flexibility of structure placement to encourage New England-style development in harmony with the Town Common/Town Center;
 - (5) Allow flexible land division in order to encourage private development of housing; ~~and~~
 - (6) Create designs that provide master bedrooms and active living areas on the first floor-; and
 - (7) Expand the supply of affordable housing opportunities in a manner consistent with the Town’s Housing Production Plan.

G. Review Criteria and Considerations

- (1) No building permit shall be issued for construction in the HHOD without prior approval by the Planning Board of a site plan in accordance with the provisions of 125-38 of this Protective Bylaw.
- (2) The application shall include a statement from the Water and Sewer Commissions specifying the number of units that may connect to the Town Center water and sewer systems. The number of units proposed may not exceed that which can be served by such systems.
- (3) The materials and architectural design of the dwellings shall be compatible with the historic character of the Town Center. The applicant shall submit architectural elevations denoting exterior features and preliminary floor plans.
- (4) At least 10% of the site shall be set aside as common open space for outdoor activities, such as hiking trails, picnic areas, or gardens.
- (5) All units shall be built in conformance with Universal Design Standards. Master bedrooms shall generally be located on the first floor.
- (6) Sidewalks shall connect units in the development to common facilities and to the Hildreth House/Senior Center.
- (7) The application shall comply with the provisions of §136-5 of the Zoning Board of Appeals Regulations, Comprehensive Permits.

For reference purposes, here is the text of Chapter 136, Section 5 of the Zoning Board of Appeals Regulations, Comprehensive Permits.

§136-5. Affordability

- A. Number of affordable units. Comprehensive permit developments shall include at least 25% affordable units, as defined by the Act and Regulations. Affordable units shall be identical to the market rate units in floor area, interior and exterior finishing and bedroom mix, unless the Board approves otherwise.
- B. Restrictions on affordability. Restrictions shall be imposed on record title to the project, specifying that said units shall remain affordable in perpetuity. For affordable homeownership units, the restrictions shall include provisions granting the Town of Harvard a right of first refusal in the event that an income-qualified buyer is not found. Such restrictions shall also include a provision that if the Town does not exercise its right of first refusal, the difference between the price which an income-qualified buyer would have paid and the market price actually paid shall be deposited with the Town into an account to be used for affordable housing programs. Units shall be owner-occupied.

Local preference. The development plan shall reflect all legally permissible efforts to provide 70% of the affordable units to eligible residents of the Town of Harvard, their children or parents, eligible Town employees and eligible employees of Town businesses (the local preference). The local preference shall not have a disparate impact on protected classes, as defined by the Guidelines. The applicant shall obtain approval from its subsidizing agency and/or Department of Housing and Community Development (DHCD) (if required), prior to issuance of a comprehensive permit by the Board, of the local preference for a project.

(Inserted by Petition)

On a motion by Paul Green, 288 Old Littleton Road and seconded,

I move that the Town amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, by making revisions to Chapter 125, Section 55 by adding a new paragraph (7) under part A, Purpose: “Expand the supply of affordable housing opportunities in a manner consistent with the Town’s Housing Production Plan”, and by adding a new paragraph (7) under part G, Review Criteria and Considerations: “The application shall comply with the provisions of Chapter 136, Section 5 of the Zoning Board of Appeals Regulations, Comprehensive Permits.”

A motion was made and seconded by Bruce Nickerson, 212 Stow Road, to refer the article to the Planning Board with a recommendation for consideration of whether affordable housing will be compatible with the needs of the town in this location.

Voted majority yes to refer the article to the Planning Board with a recommendation for consideration.

The Planning Board voted 4-0 that it does not support this article.

ARTICLE 37: WILD AND SCENIC RIVER DESIGNATION

To see if the Town of Harvard will accept the Nashua, Squannacook, and Nissitissit Rivers Stewardship Plan developed by the Nashua River Wild and Scenic River Study Committee, together with its recommendation to seek Wild and Scenic River designation. (Inserted by the Board of Selectmen)

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

I move that the Town accept the Nashua, Squannacook, and Nissitissit Rivers Stewardship Plan developed by the Nashua River Wild and Scenic River Study Committee, together with its recommendation to seek Wild and Scenic River designation.

Voted unanimously yes that the Town accept the Nashua, Squannacook, and Nissitissit Rivers Stewardship Plan developed by the Nashua River Wild and Scenic River Study Committee, together with its recommendation to seek Wild and Scenic River designation.

ARTICLE 38: REVOLVING FUNDS

To see if the Town will vote to set the following limits on the amounts to be expended from the following revolving funds during Fiscal Year 2019:

Revolving Fund	Expenditure Limit
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Council on Aging	\$35,000.
Fourth of July Committee	\$35,000.
Harvard Ambulance Service	\$208,500.
Fire Department S.A.F.E. Program	\$15,000.
Application Review Advertising and Professional Service Cost	\$1,000.
Harvard Community Cable Access Committee	\$25,000.

or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

On a motion by Jennifer Finch, 165 Codman Hill Road, Finance Committee, and seconded,

Voted majority yes that the Town set the following limits on the amounts to be expended from the following revolving funds during Fiscal Year 2019:

Revolving Fund	Expenditure Limit
Council on Aging	\$35,000.
Fourth of July Committee	\$35,000.
Harvard Ambulance Service	\$208,500.
Fire Department S.A.F.E. Program	\$15,000.
Application Review Advertising and Professional Service Cost	\$1,000.
Harvard Community Cable Access Committee	\$25,000.

ARTICLE 39: HOME RULE PETITION - MEANS TESTED SENIOR CITIZENS PROPERTY TAX EXEMPTION

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact special legislation, substantially the same, as follows:

Be it enacted by the Senate and House of Representatives in General court assembled, and by the authority of the same as follows;

Section 1. With respect to each qualifying parcel of real property classified residential in the town of Harvard there shall be a cap on property taxes equal to 10 percent of the total annual household income, except that if the cap described in Section 3 is exceeded by a higher percentage and except that in no event shall property taxes be reduced by more than 50 percent of the tax due, including all tax abatements and exemptions, but

excluding state circuit breakers. The exception shall be applied only to the principal residence of a taxpayer as used by the taxpayer for income tax purposes.

Section 2. The Elderly and Disabled Tax Committee may deny an application if they find the applicant has excessive assets that place them outside of the intended recipients of the senior exemption created by this act. Real property shall qualify for the exemption set forth in section 1 if all the following criteria are met, the intent of this act is to follow Massachusetts Senior Circuit Breaker Income Tax Credit in order to qualify along with some town specific criteria:

(a) the qualifying real estate is owned and occupied by a person or family where the total annual household income shall not exceed the following: single applicant \$57,000, single head of household applicant \$71,000, married filing jointly \$86,000; Qualifying incomes will be adjusted annually to reflect cost of living adjustments (COLA) published by the Department of Revenue. No credit is allowed for a married taxpayer unless a joint return is filed.

(b) the qualifying real estate is owned by a single applicant having reached age 65 at the close of the previous tax year or if a joint application the real estate is owned by the joint applicants at least one of said joint applicants must have reached age 65 and the other reached age 60 at the close of the previous tax year.

(c) the qualifying real estate is owned and occupied by the applicant or joint applicants at least 6 months plus 1 day each year.

(d) the applicant or at least one of the joint applicants has resided in the town of Harvard for at least the last 10 consecutive years before filing an application for the exemption; and

(e) the maximum assessed value of the applicant's or joint applicant's primary residence is no greater than \$720,000.

(f) the Harvard Elderly and Disabled Tax Committee has approved the application.

Section 3. The exemption provided for this act shall be in addition to any other exemptions allowable under the General Laws, except that there shall be a dollar cap on all the exemptions granted by this act equal to .5 percent of the previous fiscal years' total tax levy for Harvard. After the first year of enactment, the total cap on the exemptions granted by this act shall be set annually by the Board of Selectmen within a range of .5 percent and 1 percent of the previous fiscal year's total tax levy for Harvard. Exemptions under this statute will be funded and dispersed through the assessors' overlay account in the same manner as exemptions granted under M.G.L. 59, Section 5, Clauses 17 and 41.

Section 4. A person who seeks to qualify for this exemption shall file with the Harvard Elderly and Disabled Tax Committee an application for abatement on a form to be adopted by the Committee. This form will be made available in Town Hall with the supporting documentation as described in the application. The application shall be filed by January 31 of each year for which the application seeks the exemption for the fiscal year commencing the following July 1, except for the first year following the adoption.

The application must be accompanied by the previous year Massachusetts tax return with Schedule CB attached, the Circuit Breaker Credit form.

The Harvard Elderly and Disable Taxation Aid Committee shall set the deadline in a manner that provides at least 60 days in which to apply for the fiscal year that begins following the act becoming effective.

Section 5. For the purposes of this act, “parcel” shall be a dwelling unit as defined by the Harvard Board of Assessors in accordance with the deed for the property, and shall include a condominium unit.

Section 6. For the purpose of the exemption, “total annual household income” shall be the sum of the applicant’s or joint applicant’s “total taxable 5.15 percent income” or current percentage on Massachusetts Form 1 and those same incomes for other income-producing members of the household.

The income shall be increased by amounts that may have been excluded or subtracted from calculations, such as income from Social Security benefits, cash public assistance, tax-exempted interest and dividends, capital gains, income from a partnership or trust, returns on capital reported on Schedule C, and excluded from any other source.

Section 7. An exemption shall not be granted under this act until the Massachusetts Department of Revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

Section 8. Acceptance of this act by the town of Harvard shall be by an affirmative vote of a Special or Annual Town Meeting upon a 2/3 majority vote. Acceptance of this act by the town of Harvard shall be after Home Rule passage by the Massachusetts State Government and then by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance was placed on the ballot. This act shall become effective 30 days after the affirmative vote.

Section 9. Acceptance of this act by the town of Harvard shall automatically expire after three years unless reaffirmed by the affirmative vote of a majority of the voters at a Town election. Once reaffirmed, it shall take an affirmed vote by two-thirds of the voters at a regular or special election at which the question of revocation has been placed on the ballot by a majority vote of then sitting members of the Board of Selectmen for this act to be revoked.

Section 10. The selectmen and/or the Harvard Elderly and Disabled Tax Committee may make technical and procedural changes, if they decide such changes will: (1) make the administration of the act more efficient, or (2) make it easier to comply with the regulations of the Massachusetts Department of Revenue. Such changes shall not require further approval by the Legislature;
or pass any vote or votes in relation thereto.
(Inserted by the Board of Selectmen)

On a motion by Stuart Sklar, 39 Scott Road, Board of Selectmen and seconded,

I move that the Town authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact a special act relative to a means tested senior citizens property tax exemption substantially the same as the special act printed on Page 58 of the Warrant and Finance Committee Report for the 2018 Annual Town Meeting.

An amendment to the article was proposed by Kara Minar, 204 Still River Road, Board of Selectmen to change the wording of Section 2(d) from "...at least the last 10 consecutive years..." to "...at least the last 15 consecutive years..."

The Board of Selectmen did not accept the amendment.

The amendment was withdrawn.

An amendment to the article was proposed by Alice von Loesecke, 84 Warren Avenue, Board of Selectmen to change the wording in Section 2(e) from "...is no greater than \$720,000" to "...is no greater than the median house value in Harvard in the year of application."

The Board of Selectmen accepted the amendment.

An amendment was offered by Ken Swanton, 14 Fairbank Street, Board of Selectmen to insert the wording, ", after reviewing the applicant's statement of assets," to Section 2 after the words, "...if they find the applicant has excessive assets..."

The Board of Selectmen accepted the amendment.

An amendment was proposed by Nate Finch, 165 Codman Hill Road and seconded to change the amended language in Section 2(e) from "...is no greater than the median house value in Harvard in the year of application." to "...matches the state's Circuit Breaker value."

The Board of Selectmen did not accept the amendment.

A motion was made by Bruce Nickerson, 212 Stow Road, Finance Committee, and seconded that the article be referred back to the Board of Selectmen for further consideration.

Voted majority no that the article be referred back to the Board of Selectmen for further consideration.

Voted majority yes that the language in Section 2(e) be changed from "...is no greater than the median house value in Harvard in the year of application." to "...matches the state's Circuit Breaker value."

Voted majority yes to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact special legislation, as follows:

Be it enacted by the Senate and House of Representatives in General court assembled, and by the authority of the same as follows;

Section 1. With respect to each qualifying parcel of real property classified residential in the town of Harvard there shall be a cap on property taxes equal to 10 percent of the total annual household income, except that if the cap described in Section 3 is exceeded by a higher percentage and except that in no event shall property taxes be reduced by more than 50 percent of the tax due, including all tax abatements and exemptions, but excluding state circuit breakers. The exception shall be applied only to the principal residence of a taxpayer as used by the taxpayer for income tax purposes.

Section 2. The Elderly and Disabled Tax Committee may deny an application if they find the applicant has excessive assets, after reviewing the applicant's statement of assets, that place them outside of the intended recipients of the senior exemption created by this act. Real property shall qualify for the exemption set forth in section 1 if all the following criteria are met, the intent of this act is to follow Massachusetts Senior Circuit Breaker Income Tax Credit in order to qualify along with some town specific criteria:

(a) the qualifying real estate is owned and occupied by a person or family where the total annual household income shall not exceed the following: single applicant \$57,000, single head of household applicant \$71,000, married filing jointly \$86,000; Qualifying incomes will be adjusted annually to reflect cost of living adjustments (COLA) published by the Department of Revenue. No credit is allowed for a married taxpayer unless a joint return is filed.

(b) the qualifying real estate is owned by a single applicant having reached age 65 at the close of the previous tax year or if a joint application the real estate is owned by the joint applicants at least one of said joint applicants must have reached age 65 and the other reached age 60 at the close of the previous tax year.

(c) the qualifying real estate is owned and occupied by the applicant or joint applicants at least 6 months plus 1 day each year.

(d) the applicant or at least one of the joint applicants has resided in the town of Harvard for at least the last 10 consecutive years before filing an application for the exemption; and

(e) the maximum assessed value of the applicant's or joint applicant's primary residence matches the state's Circuit Breaker value.

(f) the Harvard Elderly and Disabled Tax Committee has approved the application.

Section 3. The exemption provided for this act shall be in addition to any other exemptions allowable under the General Laws, except that there shall be a dollar cap on all the exemptions granted by this act equal to .5 percent of the previous fiscal years' total tax levy for Harvard. After the first year of enactment, the total cap on the exemptions granted by this act shall be set annually by the Board of Selectmen within a range of .5

percent and 1 percent of the previous fiscal year's total tax levy for Harvard. Exemptions under this statute will be funded and dispersed through the assessors' overlay account in the same manner as exemptions granted under M.G.L. 59, Section 5, Clauses 17 and 41.

Section 4. A person who seeks to qualify for this exemption shall file with the Harvard Elderly and Disabled Tax Committee an application for abatement on a form to be adopted by the Committee. This form will be made available in Town Hall with the supporting documentation as described in the application. The application shall be filed by January 31 of each year for which the application seeks the exemption for the fiscal year commencing the following July 1, except for the first year following the adoption. The application must be accompanied by the previous year Massachusetts tax return with Schedule CB attached, the Circuit Breaker Credit form. The Harvard Elderly and Disabled Taxation Aid Committee shall set the deadline in a manner that provides at least 60 days in which to apply for the fiscal year that begins following the act becoming effective.

Section 5. For the purposes of this act, "parcel" shall be a dwelling unit as defined by the Harvard Board of Assessors in accordance with the deed for the property, and shall include a condominium unit.

Section 6. For the purpose of the exemption, "total annual household income" shall be the sum of the applicant's or joint applicant's "total taxable 5.15 percent income" or current percentage on Massachusetts Form 1 and those same incomes for other income-producing members of the household.

The income shall be increased by amounts that may have been excluded or subtracted from calculations, such as income from Social Security benefits, cash public assistance, tax-exempted interest and dividends, capital gains, income from a partnership or trust, returns on capital reported on Schedule C, and excluded from any other source.

Section 7. An exemption shall not be granted under this act until the Massachusetts Department of Revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

Section 8. Acceptance of this act by the town of Harvard shall be by an affirmative vote of a Special or Annual Town Meeting upon a 2/3 majority vote. Acceptance of this act by the town of Harvard shall be after Home Rule passage by the Massachusetts State Government and then by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance was placed on the ballot. This act shall become effective 30 days after the affirmative vote.

Section 9. Acceptance of this act by the town of Harvard shall automatically expire after three years unless reaffirmed by the affirmative vote of a majority of the voters at a Town election. Once reaffirmed, it shall take an affirmed vote by two-thirds of the voters at a regular or special election at which the question of revocation has been placed on the ballot by a majority vote of then sitting members of the Board of Selectmen for this act to be revoked.

Section 10. The selectmen and/or the Harvard Elderly and Disabled Tax Committee may make technical and procedural changes, if they decide such changes will: (1) make the administration of the act more efficient, or (2) make it easier to comply with the regulations of the Massachusetts Department of Revenue. Such changes shall not require further approval by the Legislature;

ARTICLE 40: AMEND SENIOR TAX DEFERRAL AMOUNTS

To see if the Town will vote to a.) adopt the highest maximum qualifying gross receipts amount, \$57,000, for senior citizens who qualify for a property tax exemption under Massachusetts General Laws Chapter 59, Section 5, Clause Forty-first A; and b.) adopt an interest rate of 2% for interest accrued on deferred property taxes payable by qualifying senior citizens who have entered into a property tax deferral agreement pursuant to said Clause Forty-first, or pass any vote or votes in relation thereto.
(Inserted by the Board of Selectmen)

On a motion by Stuart Sklar, 39 Scott Road, Board of Selectmen and seconded,

I move that the Town adopt a.) the highest maximum qualifying gross receipts amount of \$57,000 for senior citizens who qualify for a property tax exemption under Massachusetts General Laws Chapter 59, Section 5, Clause Forty-first A; and b.) an interest rate of 2% for interest accrued on deferred property taxes payable by qualifying senior citizens who have entered into a written property tax deferral agreement pursuant to said Clause Forty-first.

Voted unanimously yes that the Town adopt a.) the highest maximum qualifying gross receipts amount of \$57,000 for senior citizens who qualify for a property tax exemption under Massachusetts General Laws Chapter 59, Section 5, Clause Forty-first A; and b.) an interest rate of 2% for interest accrued on deferred property taxes payable by qualifying senior citizens who have entered into a written property tax deferral agreement pursuant to said Clause Forty-first.

ARTICLE 41: AMEND HOME RULE SPECIAL ACT APPOINTMENT OF ASSESSOR NON-RESIDENT

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to amend Chapter 85 of the Acts of 1993 entitled "AN ACT ESTABLISHING A FINANCE DEPARTMENT IN THE TOWN OF HARVARD" striking therefrom Section 2, which authorizes the Board of Selectmen to appoint a multi-member Board of Assessors, and replacing said Section 2 with the following new Section 2:

SECTION 2. Notwithstanding the provisions of General Laws chapter 41, section 25, or any other provisions of general or special laws to the contrary, the Selectmen of the Town of Harvard may appoint as the single and sole assessor of said town any suitable individual or company, and said assessor shall not be required, as a condition of employment or contract, to be an inhabitant, citizen or resident of said town. The appointment of the present Board of Assessors, and all official acts under-taken or performed by said board, are hereby terminated, or pass any vote or votes in relation thereto.

(Inserted by the Board of Selectmen)

On a motion by Ken Swanton, 14 Fairbank Street, Board of Selectmen and seconded,

I move that the Town authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to amend Chapter 85 of the Acts of 1993 entitled “AN ACT ESTABLISHING A FINANCE DEPARTMENT IN THE TOWN OF HARVARD” by striking therefrom Section 2, which authorizes the Board of Selectmen to appoint a multi-member board of assessors, and replacing said Section 2 with the following new Section 2:

“SECTION 2. Notwithstanding the provisions of General Laws chapter 41, section 25, or any other provisions of general or special laws to the contrary, the Selectmen of the Town of Harvard may appoint three members of the Board of Assessors for three year terms, such terms so arranged that the term of office of one member shall expire each year, which members shall be subject to removal for cause by the Board of Selectmen or, alternatively, the Board of Selectmen may appoint as the single and sole assessor of said town any suitable individual or company, and said assessor shall not be required, as a condition of employment or contract, to be an inhabitant, citizen or resident of said town. The Town Administrator shall designate an employee or employees to supervise all employees assisting in the performance of assessing functions.”

Voted majority yes that the Town authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to amend Chapter 85 of the Acts of 1993 entitled “AN ACT ESTABLISHING A FINANCE DEPARTMENT IN THE TOWN OF HARVARD” by striking therefrom Section 2, which authorizes the Board of Selectmen to appoint a multi-member board of assessors, and replacing said Section 2 with the following new Section 2:

“SECTION 2. Notwithstanding the provisions of General Laws chapter 41, section 25, or any other provisions of general or special laws to the contrary, the Selectmen of the Town of Harvard may appoint three members of the Board of Assessors for three year terms, such terms so arranged that the term of office of one member shall expire each year, which members shall be subject to removal for cause by the Board of Selectmen or, alternatively, the Board of Selectmen may appoint as the single and sole assessor of said town any suitable individual or company, and said assessor shall not be required, as a condition of employment or contract, to be an inhabitant, citizen or resident of said town.

The Town Administrator shall designate an employee or employees to supervise all employees assisting in the performance of assessing functions.”

ARTICLE 42: FISCAL YEAR 2019 SALARY AND WAGE ADJUSTMENTS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to supplement the amounts appropriated under Article 6 of the Warrant for the 2018 Annual Town Meeting for salaries and wages of non-school officials and employees in order to implement the findings and recommendations set forth in the final report entitled “TOWN OF HARVARD, MASSACHUSETTS COMPENSATION AND CLASSIFICATION STUDY Non-Union Positions”, dated February, 2018, prepared by Human Resources Services, Inc., a copy of which report is filed in the Office of the Town Clerk, or pass any vote or votes in relation thereto.
(Inserted by Board of Selectmen)

On a motion by Stuart Sklar, 39 Scott Road, Board of Selectmen and seconded,

I move that the Town appropriate \$62,000 to supplement the amounts appropriated under Article 6 of the Warrant for the 2018 Annual Town Meeting for salaries and wages of non-school officials and employees in order to implement the findings and recommendations set forth in the final report entitled “TOWN OF HARVARD, MASSACHUSETTS COMPENSATION AND CLASSIFICATION STUDY Non-Union Positions”, dated February, 2018, prepared by Human Resources Services, Inc., a copy of which report is filed in the Office of the Town Clerk, and that said appropriation be provided by raising \$62,000 by taxation.

Voted majority yes that the Town appropriate \$62,000 to supplement the amounts appropriated under Article 6 of the Warrant for the 2018 Annual Town Meeting for salaries and wages of non-school officials and employees in order to implement the findings and recommendations set forth in the final report entitled “TOWN OF HARVARD, MASSACHUSETTS COMPENSATION AND CLASSIFICATION STUDY Non-Union Positions”, dated February, 2018, prepared by Human Resources Services, Inc., a copy of which report is filed in the Office of the Town Clerk, and that said appropriation be provided by raising \$62,000 by taxation.

ARTICLE 43: ACCEPTANCE OF GIFTS OF PROPERTY

To see if the Town will vote to accept gifts of land or interests in land for any municipal purpose, and authorize the Board of Selectmen to acquire said parcels of land or interests therein so donated or purchased by eminent domain for the purpose of confirming and making clear the Town’s title to said parcels of land or interests therein, or pass any vote or votes in relation thereto.
(Inserted by Board of Selectmen)

On a motion by Kara Minar, 204 Still River Road, Board of Selectmen and seconded,

I move that the Town take no action on this article.

Voted majority yes that the Town take no action on this article.

ARTICLE 44: ACCEPTANCE OF HIGHWAY FUNDS

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

(Inserted by Board of Selectmen)

On a motion by Ken Swanton, 14 Fairbank Street, Board of Selectmen and seconded,

I move that the Town accept the Fiscal Year 2019 State funds to be used for reconstruction and improvements of public ways.

Voted majority yes that the Town accept the Fiscal Year 2019 State funds to be used for reconstruction and improvements of public ways.

The meeting was dissolved at 5:06 PM

Checkers for the meeting were Meg Bagdonas, Nancy Cronin, Steve Cronin, Mary Jarvis, Barbara Kemp, Steve Nigzus, Sue Reedich, Janet Wilhelm, Sydney Blackwell, and Debbie Ricci.

They checked in 1,071 voters out of a total of 4,412 registered voters (4,041 active voters).

Moderator Robert Eubank was honored for his many years of service to the Town.

The Boston Post Cane was presented to the Town's oldest citizen, Rita Lombardi.

The Citizen of Note was Pat Jennings.

Tellers for the meeting were: Libby Levison, Sharlene Cronin, Barbara Romero, Paul Green, Brian Kenney, Jeff Boudreau, Pat Jennings, Della Jennings, Kevin Callaghan, Eric Ward, Katherine Weeks, Brian Talbot, Rebecca Rehm, and Mary Helan Turner.

Respectfully submitted,

Marlene Kenney
Town Clerk