

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

WORCESTER, ss.

To the Constable of the Town of Harvard:

Greeting:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the said Town, who are qualified to vote in Town affairs, to meet in The Bromfield School on Monday, the 24th day of October, 2016 at 7:30 p.m. by the clock to act on the following articles:

**ARTICLE 1: ACQUIRE HORSE MEADOWS KNOLL FOR CONSERVATION PURPOSES**

To see if the Town will vote to:

a) authorize the Board of Selectmen to acquire by purchase, eminent domain, gift or otherwise, for conservation purposes, the fee or any lesser interest in the parcel of land containing 47 acres of land, more or less, located off the northerly side of Sherry Road in Harvard, Massachusetts shown on the Harvard Board of Assessor's Map 24 Parcel 3, which parcel of land is known as "Horse Meadows Knoll", owned by the Harvard Conservation Trust, to be managed and controlled by the Conservation Commission of the Town of Harvard in accordance with Massachusetts General Laws Chapter 40, Section 8C for conservation and passive recreation purposes;

b) appropriate not more than \$690,000.00 to be provided as follows:

- 1) by transferring \$500,000 from the Capital Planning and Investment Fund (CPI Fund) with \$400,000 to be returned to the CPI Fund upon receipt of the State grant, these funds are contingent upon the Town receiving funds from the State's L.A.N.D. grant program and receiving sufficient funds from the Harvard Conservation Trust to consummate the purchase described in "a)" above;
- 2) by transferring \$100,000 from Community Preservation Fund Unrestricted Reserves , or otherwise for the acquisition of said parcel of land, these funds are contingent upon the Town receiving funds from the State's L.A.N.D. grant program and receiving sufficient funds from the Harvard Land Trust to finalize the purchase described in "a)" above;
- 3) by accepting a sum of money, to be deposited in the Town's Conservation Fund, as a gift from the Harvard Conservation Trust to be used for the purchase described in "a)" above, which will provide the difference between the actual L.A.N.D. Grant received by the Town and the \$200,000 transferred from the Capital Planning and Investment Fund and the Community Preservation Fund.

c) authorize the Board of Selectmen, in conjunction with the Conservation Commission, to file on behalf of the Town of Harvard any and all applications deemed necessary under the Self-Help Act Massachusetts General Laws Chapter 132A, Section 11, or any other applications for funds in any way available for said land acquisition, and enter into any necessary contracts relative thereto; and

d) authorize the Board of Selectmen and the Conservation Commission, as they deem appropriate, to enter into all agreements and execute any and all instruments including the conveyance of a perpetual conservation restriction in accordance with the provisions of Massachusetts General Law Chapter 184 as required by Section 12(a) of Chapter 44B as may be necessary on behalf of the Town of Harvard to effectuate said land acquisition, which conservation restriction may be granted to the Harvard Conservation Trust or any other organization qualified and willing to hold such a restriction.  
(Inserted by the Board of Selectmen and Conservation Commission)

## **ARTICLE 2: RE-VOTE OF ARTICLE 4 AND AMEND TWO BUDGET LINES FOR THE CABLE ACCESS BUDGET**

To see if the Town will vote to: (A) appropriate \$ 23,509,930. to defray the expenses of the Town for Fiscal Year 2017 as printed in the Finance Committee Report for the 2016 Annual Town Meeting on pages 30 through 36, and that said appropriation be provided by raising \$23,299,809. by taxation and transferring \$11,983. from Wetlands Fees, transferring \$129,000. from Ambulance Receipts Reserved with unexpended funds being returned to their funding source, transferring \$69,138. from Cable Access Receipts Reserved with unexpended funds being returned to their funding source; and appropriate \$191,483. to defray the expenses of the Harvard Wastewater Management District Commission for Fiscal Year 2016, and that said appropriation be provided by transferring \$191,483. from wastewater management system revenues in the enterprise fund established for the Town's wastewater management system and (B) amend the Cable Access budget on page 35 of said report by transferring the funds appropriated in Line 51 (\$56,438) to Line 52 and thus appropriating \$69,138 to line 52, or pass any vote or votes in relation thereto.

(Inserted by the Board of Selectmen and Cable Access Committee)

## **ARTICLE 3: ELECTRICAL AGGREGATION**

To see if the Town will vote, pursuant to Massachusetts General Laws. Chapter 164, Section 134 to authorize the Board of Selectmen to aggregate the electric load of interested electricity consumers within the Town of Harvard and enter into agreements for services to facilitate the sale and purchase of electric energy and other related services, or pass any vote or votes in relation thereto.

(Inserted by the Board of Selectmen)

## **ARTICLE 4: AMEND §125-39, SITE STANDARDS, OF THE PROTECTIVE BYLAW, BY ADDING A NEW SUBSECTION G, SIDEWALKS WITHIN THE COMMERCIAL DISTRICT.**

To see if the Town will vote to amend the Protective Bylaw of the Code of the Town of Harvard, §125-39, Site Standards, by adding thereto the following new subsection G, Sidewalks, or take any vote or votes in relation thereto.

### **G. Sidewalks.**

- (1) Uses subject to site standards in the Commercial District shall provide curbs and sidewalks at least six feet in width along all sides of the lot which abut a public street. Sidewalks shall be constructed of cement concrete unless an alternative surface is approved by the Planning Board. Sidewalks shall

connect to existing sidewalks on adjacent property, if possible, to create a continuous path network. Sidewalks shall be separated from the edge of the road by a buffer strip at least four feet in width.

- (2) Internal pedestrian walkways at least six feet in width shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. Such walkways shall be constructed with brick, decorative pavers, or other materials, and may be bordered with shrubbery to clearly separate pedestrians from automobile traffic. Car stops shall be provided to prevent parked cars from damaging trees and shrubs or disrupting pedestrian walkways.
- (3) Sidewalks and walkways shall conform to requirements of the Massachusetts Architectural Access Board (MAAB) and ADA regulations, whichever is the more stringent.
- (4) The Board may waive the above requirements if the configuration of the site is such that public safety concerns and pedestrian circulation needs are better met in a proposed alternative manner.

(Inserted by the Planning Board)

## **ARTICLE 5: AMEND THE PROTECTIVE BYLAW BY ADDING A NEW SECTION 125-55, HILDRETH HOUSING OVERLAY DISTRICT.**

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 the following new §125-55 entitled Hildreth Housing Overlay District, and to amend the Zoning Map by adding the Overlay District, or take any vote or votes in relation thereto.

### **§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.

**B. Establishment of Overlay District.** The HHOD is established as an overlay district. The HHOD consists of parcels 35 and 36 on Assessors' Map 17C containing approximately 7.27 acres in the aggregate. The boundaries of the HHOD are shown on the Hildreth Housing Overlay District Map on file with the Town Clerk. Within the HHOD, all regulations of the underlying district remain in effect, except to the extent the regulations are inconsistent with the provisions of the HHOD.

### **C. Permitted Uses in the Hildreth Housing Overlay District**

- (1) Single- and two-family dwellings
- (2) Single-family attached units, not to exceed six units in a single building
- (3) Accessory residential/recreational uses that are integral to the development

### **D. Density**

- (1) Density shall not exceed twelve dwelling units per acre.

- (2) A maximum of 25% of the units may have three bedrooms and the remainder shall consist of one and two bedroom units.

#### **E. Dimensional Requirements**

- (1) A lot proposed for development need not have the required street frontage but shall have legal and physical access to a public way. The Planning Board may require site improvements to provide adequate access for emergency and service vehicles.
- (2) There shall be no minimum lot size, lot width, lot setback, or dimensional requirements for dwellings within the development, except as set forth below. Each unit shall have an exclusive use land area of at least two thousand (2,000) square feet of land for private outdoor use.
- (3) Buildings and parking areas shall be setback from exterior property lines by at least ten feet (10').
- (4) The maximum building height is thirty-five feet (35').
- (5) The minimum separation between buildings is twenty feet (20').
- (6) During site plan review, the Planning Board may modify other applicable dimensional requirements in order to facilitate improved design and enhanced livability for the residents of the proposed development.

- F. Age Restriction.** Each dwelling unit shall be occupied by at least one permanent resident who is 60 years of age or older to allow for change of occupancy to another qualifying household.

#### **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.

- H. Homeowners' Association.** If the development will contain ownership units, a Qualified Homeowners' Association (as that term is defined in §125-2) shall be responsible for operation and maintenance of the common facilities of the development. If the development will contain rental units, a rental management company shall have similar responsibilities. The Town shall not be responsible for snow plowing, internal road and driveway maintenance, or upkeep of common facilities.

(Inserted by the Planning Board)

## Proposed Hildreth Housing Overlay District



### Legend

-  Hildreth Housing Overlay District
-  Structures
-  Parcels



0 125 250 500

Senior Housing Overlay District		
Property	Map & Lot	Acres
Hildreth House	17C - 36	5.7
Fire Station	17C - 35	1.6
Total		7.3

Data Sources: Base Layers - MapGIS; Parcels - Harvard Assessors  
Prepared by: Harvard Planning Dept. June, 2016



## **ARTICLE 6: CREATION OF A PUBLIC UTILITY FOR THE PURPOSE OF CREATING A MUNICIPAL INTERNET SERVICE PROVIDER**

To see if the Town will vote to authorize the Board of Selectmen to take all necessary and appropriate actions to establish and to maintain, in accordance with the provisions of Chapter 164 of the Massachusetts General Laws and in accordance with the rules, regulations and orders of the Massachusetts Department of Public Utilities and the Massachusetts Department of Telecommunications and Cable, a municipal lighting plant for the specific purpose, allowable under the laws of the Commonwealth, of creating without limitation the operation of the telecommunications system and any related services in order to provide Municipal Internet Services, or take any vote or votes in relation thereto.

(Inserted by the Board of Selectmen)

## **ARTICLE 7: CONTRACT – FIRE CHIEF WAGES**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to line #23, Fire Department Personnel of Article #4 of the Warrant for the 2016 Annual Town Meeting in order to fund the bargaining agreement negotiated with the Fire Chief, or pass any vote or votes in relation thereto.

(Inserted by the Board of Selectmen)

## **ARTICLE 8: COUNCIL ON AGING BYLAW**

To see if the Town will vote to amend the Code of the Town of Harvard by adding thereto the following new Chapter 21 relative to the Council on Aging, or pass any vote or votes in relation thereto:

### **Chapter 21. COUNCIL ON AGING**

#### **§ 21-1. Establishment; membership.**

There shall be a Council on Aging comprised of nine (9) members and one (1) alternate member appointed by the Board of Selectmen for three (3) year terms. The alternate member will be able to vote only when his/her attendance is required to constitute a quorum. All members shall be registered voters of the Town of Harvard. Said Council shall choose its own officers, set its own rules and shall serve without pay. Any vacancies shall be filled in the same manner as the original appointment and persons appointed to fill vacancies shall serve for the remainder of his/her predecessor's term of office.

#### **§ 21-2. Powers and duties.**

A. The Council shall establish, coordinate and carry out programs designed to meet the needs of the aging in coordination with programs of the Massachusetts Executive Office of Elder Affairs.

B. The Council shall submit an annual report to the Town Clerk and shall send a copy thereof to the Massachusetts Executive Office of Elder Affairs.

C. The Council may appoint such clerks and other employees as it may require.

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

Given under our hands this 4th day of October, Two Thousand and Sixteen.

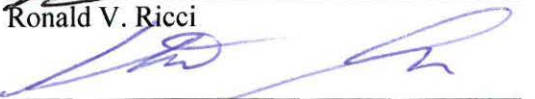
**Harvard Board of Selectmen:**



Kenneth R. Swanton, Chairman



Ronald V. Ricci



Stu Sklar

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Alice von Loesecke

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Lucy B. Wallace

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

\_\_\_\_\_  
Constable

\_\_\_\_\_, 2016.  
(month and day)