

SPECIAL TOWN MEETING

November 6, 2017

The meeting was called to order in Bromfield's Cronin Auditorium at 7:04 p.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
William Scanlan	Town Planner
Timothy Kilhart	DPW Director
Richard Sicard	Fire Chief
Deb Thompson	COA Director
Edward Denmark	Police Chief
Emily Grandstaff-Rice	Arrowstreet Architect

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

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

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

§125-18.1 Accessory apartment use.

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

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

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

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

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

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

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

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

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

(Inserted by Planning Board)

The following motion was made by Erin McBee, 221 Littleton Road, Planning Board, and seconded,

I move that the Town amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, by making the revisions to Section 125-18.1 thereof regarding accessory apartments as printed on Pages 1 and 2 of the Warrant for the November 6, 2017 Special Town Meeting.

Voted unanimously yes that the Town amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, by making the following revisions to Section 125-18.1, thereof regarding accessory apartments.

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

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

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accessory building with no change in the principal use of the premises. The establishment of such an accessory apartment will be by special permit issued by the Zoning Board of Appeals. The outside appearance of the premises shall remain that of a single-family residence. The apartment is for the use of a limited number of persons, with no restriction on the relationship of the occupants to the owner.

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

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

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

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

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

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

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

The Planning Board voted 5-0 to recommend this article.

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

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

(Inserted by Planning Board)

The following motion was made by Rich D. Maiore, 50 Slough Road, Planning Board, and seconded,

I move that the Town amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, Section 125-2 thereof regarding definitions by adding thereto in alphabetical order the new definitions of “MICRO-BREWERY, MICRO-CIDERY, MICRO-WINERY, MICRO-MEADERY” as printed on Page 2 of the Warrant for the November 6, 2017 Special Town Meeting.

Voted greater than 2/3rds yes that the Town amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, Section 125-2, thereof regarding definitions by adding thereto the following new definitions in alphabetical order.

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

The Planning Board voted 5-0 to recommend this article.

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

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

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

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

(Inserted by Planning Board)

The following motion was made by Rich D. Maiore, 50 Slough Road, Planning Board, and seconded,

I move that the Town amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, Section 125-13, Medium-scale commercial uses, by adding thereto the new Section AB regarding micro-brewery, micro-cidery, micro-winery, micro-meadery as printed on Page 2 of the Warrant for the November 6, 2017 Special Town Meeting.

Voted greater than 2/3rds yes that the Town amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, Section 125-13, Medium-scale commercial uses, by adding the following section.

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

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

The Planning Board voted 5-0 to recommend this article.

ARTICLE 4: PURCHASE PORTABLE TRUCK LIFTS

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

The following motion was made by Kenneth Swanton, 14 Fairbank Street, Board of Selectmen, and seconded,

I move that the Town transfer \$35,000 from the Capital Planning and Investment Fund to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, for the purchase of a set of four portable truck lifts.

Voted greater than 2/3rds yes that the Town transfer \$35,000 from the Capital Planning and Investment Fund to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, for the purchase of a set of four portable truck lifts.

ARTICLE 5: WORLD WAR I MEMORIAL RESTORATION

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

(Inserted by the Community Preservation Committee)

The following motion was made by Didi Chadran, 206 Stow Road, Community Preservation Committee and seconded,

I move that the Town transfer \$20,000 from Fiscal 2018 Community Preservation Fund unspecified reserves to be expended by the War Monument Restoration Committee, with the approval of the Board of Selectmen, for the restoration of the Town’s World War I memorial, with unexpended funds as of November 7, 2018 being returned to their funding source.

Voted unanimously yes that the Town transfer \$20,000 from Fiscal 2018 Community Preservation Fund unspecified reserves to be expended by the War Monument Restoration Committee, with the approval of the Board of Selectmen, for the restoration of the Town’s World War I memorial, with unexpended funds as of November 7, 2018 being returned to their funding source.

ARTICLE 6: OLD LIBRARY ACCESSIBILITY

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

(Inserted by the Community Preservation Committee)

The following motion was made by Didi Chadran, 206 Stow Road, Community Preservation Committee and seconded,

I move that the Town transfer \$50,000 from Fiscal 2018 Community Preservation Fund unspecified reserves to be expended by the Old Library Accessibility Committee, with the approval of the Board of Selectmen, for the historic restoration and construction of accessibility improvements of the Old Library, with unexpended funds as of November 7, 2018 being returned to their funding source.

Voted majority yes that the Town transfer \$50,000 from Fiscal 2018 Community Preservation Fund unspecified reserves to be expended by the Old Library Accessibility Committee, with the approval of the Board of Selectmen, for the historic restoration and construction of accessibility improvements of the Old Library, with unexpended funds as of November 7, 2018 being returned to their funding source.

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

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

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

The following motion was made by Lucy Wallace, 18 Orchard Hill, Board of Selectmen, and seconded,

I move that the Town appropriate \$422,000 to be expended by the Old Library Accessibility Committee, with the approval of the Board of Selectmen, to construct an Americans with Disabilities Act (ADA) accessible front entrance at the Hapgood Library building and for code compliance renovations, repairs, and improvements throughout the building; and, to provide for said appropriation, a.) transfer \$39,000 from the appropriation under Article 24, Construction For Hapgood Library ADA Accessible Back Entrance and Parking Space, of the April 1, 2017 Annual Town Meeting Warrant; and b.) authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$383,000 under the provisions of Massachusetts General Laws Chapter 44 or any other enabling authority, which appropriation hereunder shall be reduced by any grants received for the project, with any unexpended funds as of June 30, 2019 being returned to their funding source.

Voted greater than 2/3rds yes that the Town appropriate \$422,000 to be expended by the Old Library Accessibility Committee, with the approval of the Board of Selectmen, to construct an Americans with Disabilities Act (ADA) accessible front entrance at the Hapgood Library building and for code compliance renovations, repairs, and improvements throughout the building; and, to provide for said appropriation, a.) transfer \$39,000 from the appropriation under Article 24, Construction For Hapgood Library ADA Accessible Back Entrance and Parking Space, of the April 1, 2017 Annual Town Meeting Warrant; and b.) authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$383,000 under the provisions of Massachusetts General Laws Chapter 44 or any other enabling authority, which appropriation hereunder shall be reduced by any grants received for the project, with any unexpended funds as of June 30, 2019 being returned to their funding source.

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

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

(Inserted by Board of Selectmen)

The following motion was made by Alice Von Loesecke, 84 Warren Avenue, Board of Selectmen and seconded,

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

The following amendment was proposed by Tony Shaw, 195 Prospect Hill Road,

Amendment to article. The land belonging to the fire station lot be removed from the proposed excess land sale, and an additional strip of land 100 feet wide by 246.95 feet on the north boundary be added to the fire station lot for an access road to the rear lot of the fire station.

Town Counsel, Mark Lanza, advised that the amendment is not within the scope of the original article.

Moderator, Robert Eubank, ruled the amendment is not allowable.

The following motion was made by Tony Shaw, 195 Prospect Hill Road, and seconded,

Move to strike Parcel A from Article 8. The Article changes size to 2.48 acres.

The Board of Selectmen did not accept the amendment.

A motion by Bruce Nickerson, 212 Stow Road, to move the question on the amendment, was seconded and voted greater than 2/3rds yes.

The amendment was voted majority no.

Ben Guthro, 13 Fairbank Street, to move the question on the main motion, was seconded, and voted greater than 2/3rds yes.

Voted less than 2/3rds yes [DID NOT PASS] that the Town authorize the Board of Selectmen to sell the parcels of Town-owned land located off Ayer Road and Elm Street, Harvard, Massachusetts containing, in the aggregate, 3.16 acres, more or less, and shown as "Proposed Parcel A" and "Proposed Parcel B" on the unrecorded plan entitled "Preliminary Design Submittal 11 & 15, Elm Street Harvard, Massachusetts 01451" (Sheet 4 of 13) prepared by TTI Environmental, Inc., dated June 15, 2017 as revised on July 10, 2017, a copy of which plan is on file in the Office of the Town Clerk.

ARTICLE 9: HILDRETH ELEMENTARY SCHOOL UPDATE/REPORT

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

The following motion was made by Linda Dwight, 3 Eldridge Road, Superintendent of Schools and seconded,

I move that the Town hear a report from the Superintendent of Schools, School Committee, and the School Building Committee for the Hildreth Elementary School project at 27 Massachusetts Avenue, Harvard, Massachusetts.

Voted majority yes that the Town hear a report from the Superintendent of Schools, School Committee, and the School Building Committee for the Hildreth Elementary School project at 27 Massachusetts Avenue, Harvard, Massachusetts.

The meeting was dissolved at 9:57 PM.

Checkers for the meeting were Nancy Cronin, Steven Cronin, Mary Jarvis and Steve Nigzus. They checked in 252 voters out of a total of 4,381 registered voters (3,961 active voters).

Respectfully submitted,
Marlene Kenney, Town Clerk