

## ANNUAL TOWN MEETING

November 9, 2010

The meeting was called to order in Bromfield's Cronin Auditorium at 7:14 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 Janet A. Vellante.

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

|                  |  |
|------------------|--|
| Timothy Bragan   | Town Administrator                         |
| Thomas Jefferson | Superintendent of Schools                  |
| Mark Lanza       | Town Counsel                               |
| Lorraine Leonard | Finance Director                           |
| Kathleen Doherty | President of Harvard Teachers' Association |
| Ian Findlayson   | Manager, Department of Energy Resources    |

### **ARTICLE 1: Amendment Correction to the Zoning Map**

To see if the Town will vote to correct the error made during the 2010 Annual Town Meeting (Article 3) in regards to the replacement of Zoning Map by properly designating it as §125-42, not §125-43 as it was printed in the warrant, or take any action in relation thereto.

On a motion by Craig Bardenheuer, 101 Ayer Road, Planning Board, and seconded,

Voted majority yes to take no action.

### **ARTICLE 2: AMEND THE PROTECTIVE BYLAW**

To see if the Town will vote to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by inserting the following new section:

#### **§125-53 Large-Scale Ground-Mounted Solar Photovoltaic Facilities Overlay District.**

**A. Purpose and Objectives.** The purpose of this Section is to promote the creation of new large-scale ground-mounted solar photovoltaic facilities (SPFs) by:

- (1) establishing areas for construction of SPFs;

- (2) providing standards for the placement, design, construction, operation, monitoring, modification and removal of such facilities, which standards address public safety and minimize impacts on scenic, natural and historic resources; and
- (3) providing adequate financial assurance for the eventual decommissioning of such facilities.

**B. Applicability.** This Section 125-53 applies to and permits the installation and operation of large-scale (nameplate capacity of 250 kW DC or greater) ground-mounted SPFs in accordance with the provisions hereunder. This section also pertains to physical modifications that materially alter the type, configuration, or size of these facilities or related equipment.

**C. Location:** The Solar Photovoltaic Facilities Overlay District shall consist of the following areas: An area of approximately 10.18 acres within Assessor's Map 17A, Parcel 14, with frontage of 110 feet along Harvard Depot Road, bounded as follows: from the intersection of the northern lot boundary with Depot Road, running roughly west for 889 feet, then south 464 feet, then east 659 feet and then northerly following Bowers Brook to Depot Road 587 feet.

**D. Review Criteria and Considerations.**

- (1) No building permit shall be issued for an SPF without prior approval by the Planning Board of a site plan in accordance with the provisions of Section 125-38 of this Protective Bylaw. Site plans shall be deemed constructively approved if not acted upon within one year after submission of complete plans.
- (2) Applications for Site Plan Review shall include evidence that the utility company that operates the electrical grid where the facility is to be located has been informed and consents to the solar photovoltaic facility owner or operator's plan to connect to the electrical grid. Off-grid systems are exempt from this requirement.
- (3) The height of all structures comprising the SPF shall not exceed 20 feet above the pre-existing natural grade.
- (4) The applicant shall submit a plan for the operation and maintenance of the SPF.
- (5) The owner, operator, successors, and assigns of the SPF shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.

**E. Nonuse.** All structures associated with an SPF shall be removed within one year of cessation of use. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Removal shall include:

- (1) Removal of all structures, equipment, security barriers and transmission lines from the site.
- (2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

(3) After consultation with the Planning Board, stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below grade foundations in order to minimize erosion and disruption to vegetation.

**F. Compliance.** Applicants, other than governmental authorities, shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the SPF and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. ; or take any action in relation thereto.

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

Voted greater than 2/3rds yes that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by inserting therein the following new section:

**§125-53 Large-Scale Ground-Mounted Solar Photovoltaic Facilities Overlay District.**

**A. Purpose and Objectives.** The purpose of this Section is to allow the creation of new large-scale ground-mounted solar photovoltaic facilities (SPFs) by:

- (1) establishing areas for construction of SPFs;
- (2) providing standards for the placement, design, construction, operation, monitoring, modification and removal of such facilities, which standards address public safety and minimize impacts on scenic, natural and historic resources; and
- (3) providing adequate financial assurance for the eventual decommissioning of such facilities.

**B. Applicability.** This Section 125-53 applies to and permits the installation and operation of large-scale (nameplate capacity of 250 kW DC or greater) ground-mounted SPFs in accordance with the provisions hereunder. This section also pertains to physical modifications that materially alter the type, configuration, or size of these facilities or related equipment.

**C. Location:** The Solar Photovoltaic Facilities Overlay District shall consist of the following areas: An area of approximately 10.18 acres within Assessor's Map 17A, Parcel 14, a portion of which contains the capped former landfill, with frontage of approximately 146 feet along Harvard Depot Road, bounded as follows: from the intersection of the northern lot boundary with Depot Road, running roughly west for 889 feet, then south 469 feet, then east 661 feet and then northerly following Bowers Brook to Depot Road 587 feet.

**D. Review Criteria and Considerations.**

(1) No building permit shall be issued for an SPF without prior approval by the Planning Board of a site plan in accordance with the provisions of Section 125-38 of this Protective Bylaw. Site plans shall be deemed constructively approved if not acted upon within one year after submission of complete plans.

(2) Applications for Site Plan Review shall include evidence that the utility company that operates the electrical grid where the facility is to be located has been informed and consents to the solar photovoltaic facility owner or operator's plan to connect to the electrical grid. Off-grid systems are exempt from this requirement.

(3) The height of all structures comprising the SPF shall not exceed 20 feet above the pre-existing natural grade.

(4) The applicant shall submit a plan for the operation and maintenance of the SPF.

(5) The owner, operator, successors, and assigns of the SPF shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.

**E. Nonuse.** All structures associated with an SPF shall be removed within one year of cessation of use. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Removal shall include:

(1) Removal of all structures, equipment, security barriers and transmission lines from the site.

(2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

(3) After consultation with the Planning Board, stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below grade foundations in order to minimize erosion and disruption to vegetation.

**F. Compliance.** Applicants, other than governmental authorities, shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the SPF and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

### **ARTICLE 3: AMEND THE ZONING MAP**

To see if the Town will vote to amend the existing Zoning Map referenced in §125-42 and appended to the Protective Bylaw to include Solar Photovoltaic Facilities Overlay District; located as described in §125-53 C of the Protective Bylaw ; or take any action in relation thereto.

On a motion by Craig Bardenheuer, 101 Ayer Road, Planning Board, and seconded,

Voted greater than 2/3rds yes that the Town amend the existing Zoning Map referenced in §125-43 and appended to the Protective Bylaw as 125 Attachment 1 to include Solar Photovoltaic Facilities Overlay District; located as described in §125-53 C of the Protective Bylaw.

### **ARTICLE 4: AMEND GENERAL BYLAWS – STRETCH ENERGY CODE**

To see if the Town will vote to amend the Code of the Town of Harvard by adding thereto Chapter 98 entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 120 AA of the Massachusetts Building Code, 780 CMR, the "Stretch Energy Code", including amendments or modifications thereto, as set forth below, or take any other action relative thereto.

#### **Chapter 98 STRETCH ENERGY CODE**

##### **§98-1 Definitions.**

**International Energy Conservation Code (IECC) 2009** - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing on July 1, 2010, the baseline energy conservation requirements of the Massachusetts State Building Code will default to IECC 2009 and Massachusetts amendments.

**Stretch Energy Code** - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

**§ 98-2 Purpose.** The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

**§ 98-3 Applicability.** The Stretch Energy Code applies to residential and commercial buildings. Buildings not included in the scope of this code shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

**§98-4 Stretch Code.** The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications thereto, is herein incorporated by reference into this Chapter.

**§98-5 Enforcement.** The Stretch Code shall be enforced by the Building Commissioner.

Or take any vote or votes in relation thereto.

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

Voted majority yes that the Town amend the Code of the Town of Harvard by adding thereto Chapter 98 entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 120 AA of the Massachusetts Building Code, 780 CMR, the "Stretch Energy Code", including amendments or modifications thereto, as set forth below and to take effect on July 1, 2011.

## **Chapter 98 STRETCH ENERGY CODE**

### **§98-1 Definitions.**

**International Energy Conservation Code (IECC) 2009** - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing on July 1, 2010, the baseline energy conservation requirements of the Massachusetts State Building Code will default to IECC 2009 and Massachusetts amendments.

**Stretch Energy Code** - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

**§ 98-2 Purpose.** The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

**§ 98-3 Applicability.** The Stretch Energy Code applies to residential and commercial buildings. Buildings not included in the scope of this code shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

**§98-4 Stretch Energy Code.** The Stretch Energy Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications thereto, is herein incorporated by reference into this Chapter.

**§98-5 Enforcement.** The Stretch Code shall be enforced by the Building Commissioner.

## **ARTICLE 5: HOME RULE LEGISLATION**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation entitled, “An Act to Authorize the Town of Harvard to Negotiate and Purchase Group Insurance Policies for Employees and Dependents Without Being Subject to Collective Bargaining” as set forth below, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

### **AN ACT TO AUTHORIZE THE TOWN OF HARVARD TO NEGOTIATE AND PURCHASE GROUP INSURANCE POLICIES FOR EMPLOYEES AND DEPENDENTS WITHOUT BEING SUBJECT TO COLLECTIVE BARGAINING**

*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. Notwithstanding the provisions of chapter 32B and chapter 150E of the General Laws or any other general or special law to the contrary, the Town of Harvard is authorized to negotiate and purchase group insurance policies for Employees and Dependents without being subject to collective bargaining as defined in chapter 150E of the general laws.

Section 2. Further, the Town of Harvard is also authorized to alter current and future plan design features, and that such action shall not be subject to collective bargaining as defined in chapter 150E of the general laws.

Section 3. Further, the Town of Harvard is also authorized, but not mandated to participate in, and/or join the Group Insurance Commission (“GIC”) pursuant to G.L. chapter 32A, and such action shall not be subject to collective bargaining as defined in chapter 150E of the general laws.

Section 4. The provisions of this act shall not affect obligations under any collective bargaining agreement(s), while such agreements are in effect.

Section 5. This action shall take effect upon its passage.  
Or take any action in relation thereto.

On a motion by Marie Sobalvarro, 1 St. John Lane, Board of Selectmen, and seconded,

Voted 138 yes and 117 no, that the Town authorize the Board of Selectmen to petition the General Court for special legislation entitled, “An Act to Authorize the Town of Harvard to Negotiate and Purchase Group Insurance Policies for Employees and Dependents Without Being Subject to Collective Bargaining” as set forth below, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and provided further

that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition:

**AN ACT TO AUTHORIZE THE TOWN OF HARVARD TO NEGOTIATE AND PURCHASE GROUP INSURANCE POLICIES FOR EMPLOYEES AND DEPENDENTS WITHOUT BEING SUBJECT TO COLLECTIVE BARGAINING**

*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. Notwithstanding the provisions of chapter 32B and chapter 150E of the General Laws or any other general or special law to the contrary, the Town of Harvard is authorized to negotiate and purchase group insurance policies for Employees and Dependents without being subject to collective bargaining as defined in chapter 150E of the general laws.

Section 2. Further, the Town of Harvard is also authorized to alter current and future plan design features, and that such action shall not be subject to collective bargaining as defined in chapter 150E of the general laws.

Section 3. Further, the Town of Harvard is also authorized, but not mandated to participate in, and/or join the Group Insurance Commission (“GIC”) pursuant to G.L. chapter 32A, and such action shall not be subject to collective bargaining as defined in chapter 150E of the general laws.

Section 4. The provisions of this act shall not affect obligations under any collective bargaining agreement(s), while such agreements are in effect.

Section 5. This action shall take effect upon its passage.

**ARTICLE 6: REVOLVING FUND – PUBLIC BUILDING PROJECT**

To see if the Town will vote to authorize a revolving account, as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund the costs associated with the reutilization of the old Library with the revenue or expenditures of this account not to exceed \$10,000 in Fiscal Year 2011, or pass any vote or votes in relation thereto.

On a motion by Peter Warren, 52 Lancaster County Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town authorize the establishment of a revolving account pursuant to by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund the costs associated with the reutilization of the old Library with the revenue or expenditures by the Municipal Building Committee, of this account not to exceed \$10,000. in Fiscal Year 2011.

The meeting was dissolved at 9:45 P.M.

Checkers for the meeting were James DeZutter, Marie Finnegan, Anthony Fiore, and Carol Lee Tonge. They checked in 380 voters out of a total of 4089 registered voters (3866 active voters).

Tellers for the meeting were Collyn Bradley, Patricia Jennings, Mark Russell, Joseph Theriault, James Ware, and Darrell Wickman.

Respectively submitted,

Janet A. Vellante  
Town Clerk