



**WARRANT FOR THE 2021 TOWN OF HARVARD
ANNUAL TOWN MEETING AND ELECTION
COMMONWEALTH OF MASSACHUSETTS**

WORCESTER, ss.

To the Constable of the Town of Harvard:

Greetings:

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 on the field in front of the Library and The Bromfield School on Saturday, the 15th day of May, 2021 at 12:00 p.m. by the clock to act on the following articles:

ARTICLE 1: ANNUAL REPORTS

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

(Inserted by Select Board)

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 sums of money to pay bills of Fiscal Year 2020, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

FINANCE COMMITTEE RECOMMENDS – the sums of \$3,308.29, to pay an old bill of the Select Board Office for printing services, and \$35.42 to pay an old bill of the Treasurer/Collector's Office and that the combined total of \$3,343.71 be transferred from the Stabilization Fund to pay these prior year bills.

ARTICLE 3: 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 2022, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

FINANCE COMMITTEE RECOMMENDS – the total amount of the Omnibus Budget and Enterprise Budget for Fiscal Year 2022 as detailed on the following pages.

ARTICLE 4: BARE HILL POND TESTING

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 Board of Health, with the approval of the Select Board, to sample and test for cyanobacteria in the water at the Town Beach on Bare Hill Pond and to test the toxicity of the samples, alternate weeks, from August until mid-September, and to pay for signs at the Town Beach should testing reveal high levels of cyanobacteria, or pass any vote or votes in relation thereto.

(Inserted by Board of Health)

FINANCE COMMITTEE RECOMMENDS – the sum of \$7,000 be raised and appropriated to sample and test for cyanobacteria in the water at the Town Beach on Bare Hill Pond and to test the toxicity of the samples, alternate weeks, from August until mid-September, and to pay for signs at the Town Beach should testing reveal high levels of cyanobacteria.

ARTICLE 5: MAINTENANCE OF RECREATIONAL RESOURCES

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 Parks and Recreation Commission, to pay for Fiscal Year 2022 landscaping materials and services for the basic maintenance of the Town's recreational resources, and that this same amount will be added to the Commons & Schools/Grounds Expense Budget in Fiscal Year 2023, or pass any vote or votes in relation thereto.

(Inserted by Parks and Recreation Committee)

FINANCE COMMITTEE RECOMMENDS – the sum of \$20,000 be raised and appropriated to pay for Fiscal Year 2022 landscaping materials and services for the basic maintenance of the Town's recreational resources.

ARTICLE 6: PERFORMANCE-BASED 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 amount appropriated under Article 3 of the Warrant for the 2021 Annual Town Meeting for salaries and wages of non-school officials and employees in order to fund performance-based wage adjustments for Fiscal Year 2022, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

FINANCE COMMITTEE RECOMMENDS – the sum of \$19,561 be raised and appropriated to supplement the amount appropriated under Article 3 of the Warrant for the 2021 Annual Town Meeting for salaries and wages of non-school officials and employees in order to fund performance-based wage adjustments for Fiscal Year 2022.

ARTICLE 7: 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, in coordination with the Tree Warden, and with the approval of the Select Board, to contract with a professional company to trim trees and large brush along the Town's roadsides, with unexpended funds as of June 30, 2022 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

FINANCE COMMITTEE RECOMMENDS – the sum of \$20,000 be raised and appropriated to contract with a professional company to trim trees and large brush along the Town’s roadsides, with unexpended funds as of June 30, 2022 being returned to their funding source.

ARTICLE 8: CAPITAL PLANNING AND INVESTMENT COMMITTEE RECOMMENDED EXPENDITURES

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the following sums of money to be expended by the following boards and officials for the capital projects and acquisitions described and numbered below, each of which shall be a separate appropriation, and to provide for said appropriations from the funding sources set forth below, or pass any vote or votes in relation thereto:

	Description of Acquisition or Project	Board or Official Authorized to Expend Funds	Amount	Funding Sources
1	Road Construction and Repair	Department of Public Works Director with Select Board approval	\$300,000	Capital Stabilization and Investment Fund
2	Replace Engine #3 with a Hook Truck	Fire Chief with Select Board approval	\$262,500	Capital Stabilization and Investment Fund
3	Repair Fire Ponds	Fire Chief with Select Board approval	\$50,000	Capital Stabilization and Investment Fund
4	Replace HVAC at Bromfield	Superintendent of Schools with School Committee approval	\$150,000	Capital Stabilization and Investment Fund
5	Card Access System at Bromfield	Superintendent of Schools with School Committee approval	\$100,000	Capital Stabilization and Investment Fund
6	Replace Light Duty Dump Truck	Department of Public Works Director with Select Board approval	\$85,000	Capital Stabilization and Investment Fund
7	Commercial District Planning Program	Planning Board with Select Board approval	\$300,000	Capital Stabilization and Investment Fund

(Inserted by the Capital Planning and Investment Committee)

FINANCE COMMITTEE AND THE CAPITAL PLANNING AND INVESTMENT COMMITTEE RECOMMEND – the passage of this article, all of the items 1 through 7, which are presented in ranked priority, and that all be funded from the Capital Stabilization and Investment Fund.

ARTICLE 9: 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 2022, or pass any vote or votes in relation thereto.

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

FINANCE COMMITTEE AND THE CAPITAL PLANNING AND INVESTMENT COMMITTEE RECOMMEND – the passage of this article to allow use of \$200,000 to directly reduce current year real estate tax bills and \$70,795 to pay existing debt service, and that it be sourced from the Capital Stabilization and Investment Fund.

ARTICLE 10: ARCHITECT TO ASSIST THE PERMANENT BUILDING COMMITTEE AND THE COUNCIL ON AGING

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a sum of money, to be spent by the Permanent Building Committee, to assist the Council on Aging in reviewing and providing schematic designs for properties that may be alternatives to the current Phase Two plans, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

FINANCE COMMITTEE RECOMMENDS – the sum of \$45,000 be transferred from Certified Free Cash to be spent by the Permanent Building Committee, to assist the Council on Aging in reviewing and providing schematic designs for properties that may be less expensive alternatives to providing adequate space for the COA and a less expensive alternative to the recent Phase 2 plans.

ARTICLE 11: DISPOSITION OF BROMFIELD HOUSE BUILDING AND PROPERTY

To see if the Town will vote to: a) authorize the Select Board to dispose of the land and/or the improvements thereon known as the Bromfield House at 39 Massachusetts Avenue, Harvard, Massachusetts by sale, conveyance, transfer, or another method of disposition; and b) raise and appropriate, borrow, or transfer from available funds a sum of money, to be spent by the Select Board, for the costs related to the disposition of said land and/or improvements, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

FINANCE COMMITTEE DEFERS – making a recommendation at this time and will make one at Town Meeting after we receive and review more information regarding this article.

ARTICLE 12: TRANSFER FROM CERTIFIED FREE CASH TO THE STABILIZATION ACCOUNT

To see if the Town will vote to transfer a sum of money from Fiscal Year 2020 Certified Free Cash to the Stabilization Account, per the Town's bylaws, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

FINANCE COMMITTEE RECOMMENDS – a sum of money be transferred from the Fiscal Year 2020 Certified Free Cash Account to the Stabilization Account as per the Town's bylaws.

ARTICLE 13: TRANSFER FROM CERTIFIED FREE CASH TO THE CAPITAL STABILIZATION AND INVESTMENT FUND

To see if the Town will vote to transfer a sum of money from Fiscal Year 2020 Certified Free Cash to the Capital Stabilization and Investment Fund, or pass any vote or votes in relation thereto.
(Inserted by Finance Committee)

FINANCE COMMITTEE RECOMMENDS – the remaining sum of Fiscal Year 2020 Certified Free Cash Account be transferred to the Capital Planning and Investment Fund as per the Town’s Bylaws.

ARTICLE 14: CAPITAL PLANNING AND INVESTMENT COMMITTEE FISCAL YEAR 2022 DEBT RECOMMENDATION

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the following sum of money to be expended in Fiscal Year 2022 by the following boards and officials for the capital projects and acquisitions described and numbered below, each of which shall be a separate appropriation, and to determine whether such appropriation shall be provided by a borrowing pursuant to the provisions of Massachusetts General Laws Chapter 44, contingent upon the passage of a Proposition Two and One-half debt exclusion ballot question(s) at the May, 2021 Annual Town Election, and that any amount required for this article be reduced by any grants or other aid received for this project, or pass any vote or votes in relation thereto:

<i>Description of Acquisition or Project</i>	<i>Board or Official Authorized to Expend Funds</i>	<i>Amount</i>	<i>Funding Sources</i>
1 Old Library, Roof, Gutters, and Brick Work Replacement	Select Board	\$876,134	Borrowing M.G.L. Ch. 44

(Inserted by the Capital Planning and Investment Committee)

FINANCE COMMITTEE AND THE CAPITAL PLANNING AND INVESTMENT COMMITTEE DO NOT RECOMMEND THE PASSAGE OF THIS ARTICLE – There is a general agreement amongst the majority of the Finance Committee that the Old Library building should undergo a thorough public review of purpose before any additional funds are allocated to it or spent on it. Over the past few years the building has seen a continual increase in the scope and costs of required and/or desired maintenance. The building, as currently used, does not generate income, nor fully defray the expenses of regular, ongoing maintenance. The Finance Committee majority believes that a thorough, public examination should be done of both current estimations of required work and foreseeable expenses and scope for the next 5 years. The majority of the Capital Planning and Investment Committee want to see a comprehensive list of all necessary repairs and costs for the building, and what alternative options exist for this historic, yet excess, Town asset.

ARTICLE 15: 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 2022 Community Preservation Budget as printed in the 2021 Finance Committee Report, or pass any vote or votes in relation thereto.

(Inserted by the Community Preservation Committee)

ARTICLE 16: COMMUNITY PRESERVATION COMMITTEE

To see if the Town will vote to appropriate or transfer the following sums of money to be expended by the following boards and officials for the projects and purposes described and numbered below, each of which shall be a separate appropriation and transfer, and to provide for said appropriations from the funding sources set forth below with expenditures to begin in Fiscal Year 2022, or pass any vote or votes in relation thereto:

<i>Description of Acquisition or Project</i>	<i>Board or Official Authorized to Expend Funds</i>	<i>Amount</i>	<i>Funding Sources</i>
1 Upgrade Boat Kiosk	Parks and Recreation Committee	\$5,000	Fiscal 2022 Community Preservation Fund Unspecified Reserves
2 Town Hall Renovation Debt Service	Select Board	\$48,038	Fiscal 2022 Community Preservation Fund Unspecified Reserves
3 Preservation of Historic Documents	Town Clerk	\$25,000	Fiscal 2022 Community Preservation Fund Unspecified Reserves
4 Affordable Housing Reserve	Community Preservation Committee	\$33,800	Community Preservation Fund Unspecified Reserves
5 Community Harvest Project Agricultural Preservation Restriction	Conservation Commission	\$150,000	Fiscal 2022 Community Preservation Fund Unspecified Reserves
6 Community Preservation Committee FY22 Administrative Expenses	Community Preservation Committee	\$2,500	Community Preservation Fund Unrestricted Reserves

(Inserted by the Community Preservation Committee)

ARTICLE 17: LEASING OF HARVARD ELEMENTARY SCHOOL ROOF FOR SOLAR POWER

To see if the Town will vote to authorize the Select Board to lease the roof of the Harvard Elementary School to Solect Energy Development, LLC for the purpose of installing and operating a solar photovoltaic system for

a term to be specified in a Power Purchase Agreement between the Town and Solect Energy Development, LLC or take any other action relative thereto.

(Inserted by the Harvard Energy Advisory Committee in coordination with the Harvard School Committee)

ARTICLE 18: FY2022 ENTERPRISE FUND BUDGETS

To see if the Town will vote to raise and appropriate or transfer from available funds sums of money to defray the regular expenses of both the Town Sewer, and Ambulance Enterprise Funds, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 53F ½ for Fiscal Year 2022, or take any other action relative thereto.

(Inserted by Finance Director)

FINANCE COMMITTEE RECOMMENDS – the passage of this article.

ARTICLE 19: 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 2022:

Revolving Fund	Expenditure Limit
Council on Aging	\$35,000.
Fourth of July Committee	\$40,000.
Fire Department S.A.F.E. Program	\$15,000.
Application Review Advertising & Professional Service Cost	\$1,000.
Harvard Community Cable Access Committee	\$25,000.
Parks and Recreation Beach	\$80,000.
Park and Recreation Field Maintenance	\$65,000.

or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

FINANCE COMMITTEE RECOMMENDS – the authorization of the expenditure limits above in accordance with the Town's bylaws.

ARTICLE 20: AMEND PROTECTIVE BYLAW CHAPTER 125 BY ADDING A NEW SECTION 125-57, SENIOR RESIDENTIAL DEVELOPMENT

To see if the Town will vote to amend the Protective Bylaw by adding a new section §125-57, Senior Residential Development, by making the following revisions thereto, or pass any vote or votes in relation thereto:

[Key to revisions; underlining = additions; ~~strikethrough~~ = deletions]

§125-57 Senior Residential Development

A. Purpose and Intent.

- (1) To address the town's demonstrated need for a variety of housing types, settings, and residential services to meet the needs of people as they age.
- (2) To permit the development of appropriately located, specially designed, and appropriately priced housing for seniors who would otherwise not have such housing opportunities within the town.
- (3) To provide opportunities for Harvard residents to age in place.
- (4) To allow flexibility in land use planning in order to improve site layouts, protect natural features and environmental values, and use land in harmony with neighboring properties;
- (5) To encourage the implementation of "Smart Growth" and sustainable development techniques to reduce land consumption and sprawl, provide for open space preservation, expand housing options, and encourage re-use of existing structures;
- (6) To reduce the typical costs of providing municipal services to residential developments;
- (7) To protect Harvard's rural New England character by permitting the development of residential housing in clusters and village-like settings, in a manner which is in harmony with Harvard's historic development pattern, preserves and protects its natural resources, and is pedestrian friendly.

B. Applicability.

- (1) The Planning Board may approve a site plan or grant a Special Permit for a Senior Residential Development project in accordance with this Section 125-57 based on the requirements of the applicable section below.
- (2) A Senior Residential Development is one that anticipates and is marketed to people age 55 or over or age 62 and older strictly following the U.S. Department of Housing and Urban Development (HUD) requirements (See CRF Title 24, Subpart E, 43 U.S.C. § 3601 *et seq.*, and Massachusetts General Laws Chapter 151B). Specific age-restriction criteria are provided in Section C(2) below.
- (3) Senior Residential Developments are restricted to the criteria and zoning district(s) specified in Section G. below.
- (4) The provisions of this Section are exempt for Accessory Dwelling Units (ADUs), except for Age-Appropriate Design provided in Section E. below.

C. General Compliance.

- (1) A Senior Residential Development proposal must comply with all other applicable Town Bylaws, and the applicable rules, regulations, and requirements of all departments, boards, and commissions, including the special requirements of the Historic District and the Groundwater Protection Overlay District. For development proposed as part of this Bylaw, the provisions of Chapter 125, shall apply in full, except where inconsistent with this section. In the latter case, the provisions of this section shall supersede any such inconsistent provisions.
- (2) Age Restriction - A Senior Residential Development may impose an older persons age restriction set forth in a deed, deed rider, restrictive covenant, or other document that shall be recorded at the Registry of Deeds or registered in the Land Court. The age restriction threshold shall meet the requirements of the Housing for Older Persons Act of 1995 (HOPA). In addition:
 - (a) For communities or units intended to be marketed to and occupied by residents age 62 or older, the age restriction may be comprehensive and applied to all units.

- (b) For communities or units intended to be occupied by residents age 55 and older
 - [1] At least eighty (80%) percent of units shall be occupied by at least one (1) person who is 55 years of age or older.
 - [2] The facility must publish and adhere to policies and procedures that demonstrate the intent to operate as “55 or older” housing.
 - [3] The facility must comply with the U.S, Department of Housing and Urban Development (HUD) regulatory requirements for age verification of residents.
- (c) The age restriction shall run with the land in perpetuity and shall be enforceable by any or all of the owners of dwelling units in the senior residential development or by the Building Commissioner of the Town of Harvard.
- (d) Projects that intend to include a strict over-62 restriction are not eligible for inclusion in the Local Initiative Program (LIP) and shall not be eligible for the Inclusionary Housing density bonus.
- (e) Projects that propose LIP units shall not exclude persons under 18 years of age from occupying the affordable units as long as at least one occupant is over the age of 55.

D. Basic Development Requirements.

- (1) Maximum Number of Senior Housing Dwelling Units in Harvard – The maximum number of housing units within all permitted senior residential developments in the Town of Harvard shall be limited to a number equivalent to 15% of the existing total residential housing units located in the Town of Harvard. For the purpose of this section, the number of residential housing units shall be as established by the Board of Assessors as of January 1 of the calendar year. The Planning Board may waive this limitation if the Board finds that the proposed development fulfills a critical senior housing need for the Town of Harvard or the surrounding region.
- (2) Pace of Development – A maximum of 100 units may be approved by special permit on an annual basis but no more than 30 units may be permitted in any one year. The only new Senior Residential Development units permitted over this cap period shall be accessory dwelling units.

E. Age-Appropriate Design.

A Senior Residential Development shall be designed to provide housing options in a setting that encourages and supports aging in community. Units for seniors shall be “visitable” and designed for people as they age. At minimum, these terms mean that a Senior Residential Development shall have the following features:

- (1) At least one (1) zero-step entrance,
- (2) Doorways with a 36-inch clear passage space,
- (3) Master bedroom and an accessible en-suite bathroom located on the same floor as the kitchen, living room, and dining room, all being on the same floor as the zero-step entrance,
- (4) Master bedroom and en-suite bathroom designed and equipped for seniors and people mobility impairments, and
- (5) For developments with three or more units, the following provisions must apply:
 - (a) Covered, indoor or structured parking shall be provided.
 - (b) Compliance with the applicable accessibility requirements of the Massachusetts Architectural Access Board.

- (c) Outdoor facilities, such as walkways, gardens, and recreation areas, shall be designed for universal access as provided in the Federal Fair Housing Act and the Americans with Disabilities Act, as amended.

F. Development Standards.

As part of the Planning Board's site plan and special permit review process, the Board shall evaluate the proposed Senior Residential Development for conformance with design standards as they may be applicable.

Development design shall conform to the requirements of the applicable section of the Harvard Protective Bylaw for the type of development described in Section G. below.

G. Senior Residential Development Types.

This bylaw provides for two (2) Senior Residential Development types as follows. General provisions covering all developments shall be provided in Sections D through F above. Applicants should also refer to Chapter 125, Sections 38, 39 and 46, as they may be applicable to the application as well.

- (1) Accessory Dwelling Units (ADUs) – Accessory Dwelling Units shall be permitted as per §125-18.1
- (2) Assisted-Living Facility – Communities that offer a multi-faceted residential setting that provides personal care services, 24-hour supervision and assistance, and activities and health-related services for seniors, located within ARV-SP districts, §125-52(L). Requirements for Assisted Living Facility developments are provided in §125-52(I).

(Inserted by Planning Board)

ARTICLE 21: AMEND PROTECTIVE BYLAW CHAPTER 125 SECTION 125-18.1, ACCESSORY APARTMENT USE

To see if the Town will vote to amend the Protective Bylaw §125-18.1, Accessory Apartment Use, by making the following revisions thereto, or pass any vote or votes in relation thereto:

[Key to revisions; underlining = additions; ~~striketrough~~ = deletions]

§ 125-18.1 Accessory dwelling units~~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; 11-6-2017 STM by Art. 1

Intent. The intent of this bylaw is to provide the owner of a single-family residence the ~~possibility of establishing a single and separate~~ opportunity to establish an accessory apartment dwelling unit (ADU) 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~~ ADU will be by special permit issued by the Zoning Board of Appeals, unless otherwise specified below. The outside appearance of the premises shall remain that of a single-family residence. The ~~apartment unit~~ 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 unit~~, the ~~apartment~~ ADU 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 and subordinate to the principal use of the premises as a single-family residence. ~~The apartment will~~ Any such unit shall provide adequate privacy, safety, and convenience for the occupants. Establishment of ~~such an~~ ADU ~~accessory apartment is~~ shall be as follows:

A. **Requirements.** ~~By special permit from the Board of Appeals, one accessory apartment~~

- (1) Number and approach: One (1) ADU on a premises can be established, provided the applicant demonstrates ~~that~~ adherence with the provisions of this section:
 - (a) By special permit from the Zoning Board of Appeals, or
 - (b) By right, provided the unit is designed and constructed according to the Age-Appropriate Design Criteria as defined in §125-57E of the Protective Bylaw.
- (2) Dimensional requirements: The unit or units shall meet the following dimensional limitations:
 - (a) The ADU, whether located in a detached accessory structure or in the primary residence structure, shall occupy a maximum of 1,500 square feet, but in no case shall the total square footage of the ADU exceed one-half (1/2) of the total habitable floor area of the primary residence.
 - (b) Consistent with Minimum Square Footage (State Sanitary Code, Chapter II, 105 CMR 410.000).
- (3) Design: Accessory dwelling units shall be designed and constructed as follows:
 - (a) The outside appearance of the residence and premises shall remain that of a single-family home.
 - (b) The ADU shall have its own separate entrance from the outside.
 - (c) The ADU shall have its own kitchen, sleeping, interior toilet, and bathing facilities.
 - (d) The rooms in the ADU shall have adequate ventilation and shall have heat that is adequately supplied and controlled.
 - (e) The ADU shall comply with all health and safety requirements for residences.
- (4) Water and wastewater: The creation of any ADU must comply with 310 CMR 15.000: Septic Systems ("Title 5") and its successors and standard Board of Health regulations for any increase in bedrooms being served by the system.
- ~~(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 and/or building permit shall be issued only if ~~it~~ the application contains the following limitations and conditions:

- (1) The ~~premises owner(s)~~ shall continue to ~~be used~~ reside on the property as a their principal residence ~~by its owner.~~
- (2) The ~~number of residents of the apartment~~ occupancy of any ADU shall be is limited to three, but no more than the number which the Board of Appeals finds to be is consistent with the adequacy of the facilities provided. consistent with the requirements of 105 CMR 410.000.
- (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~~ home.

C. **Site plan standards.** A special permit and/or building permit issued under this section, by itself, does not require separate site plan review under §-125-39. However, if any ADU results in new building area on the lot, an engineered site plan shall be required showing the addition and all relevant zoning dimensions to determine compliance with this section.

D. **Review and approval.** Accessory dwelling units shall be reviewed based on whether the unit includes age-appropriate design features as follows:

- (1) For accessory dwelling units that are not designed according to the Age-Appropriate Design Criteria provided in §125-57(E), Age-appropriate design, applicants are required to apply to the Zoning Board of Appeals for a Special Permit. Applications shall include an application form, filing fee, engineered site plan as applicable, and building plans and elevations showing sufficient detail to determine compliance with this section.
- (2) For accessory dwelling units that are designed according to the Age-Appropriate Design Criteria provided in §125-57(E), Age-appropriate design, applicants are required to apply to the Building Commissioner for a building permit. Applications shall include an application form, filing fee, engineered site plan as applicable, and building plans and elevations showing sufficient detail to determine compliance with this section.
- (3) A copy of the application packet shall be provided to other interested Town boards, officials and departments for advice and recommendations. Board of Health approval shall be required.

(Inserted by Planning Board)

ARTICLE 22: 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 Select Board 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 Select Board)

FINANCE COMMITTEE COMMENT – We encourage residents to consider a tax-deductible donation of land to the Town. The Town gives thanks to those who have made such a donation.

ARTICLE 23: 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 Select Board)

FINANCE COMMITTEE COMMENT – We are pleased that these funds continue to be distributed and look forward to the release of Fiscal Year 2022 Chapter 90 awards.

And furthermore, 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 at The Bromfield School, 14 Massachusetts Avenue, on Tuesday, the 18th day of May, 2021, from 3 p.m. to 8 p.m., to cast their ballots for the following officers and questions:

Moderator, one position for one year; Select Board, one position for three years; Library Trustee, two positions for three years; School Committee, two positions for three years; Warner Free Lecture Society Trustee, two positions for three years.

QUESTION #1 – OLD LIBRARY SLATE ROOF

Shall the Town of Harvard be allowed to exempt from the provisions of Proposition two-and-one-half, so called, the amounts required to pay for the additional bonds issued in order to replace the slate roof and gutters on the Old Town Library and repair/replace any necessary brickwork?

YES _____ NO _____

(Requires a majority vote for passage.)

And you are directed to serve this Warrant by posting two attested copies thereof, one at the Town Hall and one on the Town website, as directed by the Charter, seven 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 20th day of April, Two Thousand and Twenty-One.

Harvard Select Board:

Alice von Loesecke, Chair

Richard Maiore

Kara McGuire Minar

Stuart Sklar

Lucy B. Wallace