



**SELECT BOARD  
AGENDA  
Tuesday, March 5, 2024  
7:00pm**

***Rich Maiore, Erin McBee, Kara McGuire Minar, Don Ludwig, Charles Oliver***

**Pursuant to Chapter 2 of the Acts of 2023, An Act Making Appropriations for the Fiscal Year 2023 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects, and signed into law on March 29, 2023, this meeting will be conducted via remote participation. Interested individuals can listen in and participate by phone and/or online by following the link and phone number below.**

UpperTH ProWebinar is inviting you to a scheduled Zoom meeting.

Topic: Select Board

Time: Mar 5, 2024 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/86444900434?pwd=UWtEVnV5RUJDWmprL2tla2pkWlhZUT09>

Meeting ID: 864 4490 0434

Passcode: 107905

One tap mobile

+13092053325,,86444900434# US

+13126266799,,86444900434# US (Chicago)

Dial by your location

Find your local number: <https://us02web.zoom.us/u/kcTqtj7NXy>

**AGENDA ITEMS**

- 1) Call meeting to order – Chair Rich Maiore
- 2) Meet with the Planning Board to discuss the MBTA multifamily zoning law (7:00)
- 3) Update and discuss Bromfield House with the Neighborhood Support Team (7:20)
- 4) Public Communication (7:40)
- 5) Approve minutes of 1/23, 2/6 & 2/20 (7:45)
- 6) Staff Report/Updates (7:50)
- 7) Action/Discussion Items:
  - a) Discuss DPW project outreach
  - b) Vote on use of ARPA funds
  - c) Update on FY24 financial picture
  - d) Discuss request to revise the Municipal Affordable Housing Trust composition
  - e) Vote to close the Town Meeting Warrant and approve it
  - f) Discuss Town Administrator retirement and next steps
- 8) Select Board Reports

***Next Regular Select Board Meeting  
Tuesday, March 19, 2024  
7:00pm***



Date: February 27, 2024

To: Harvard Select Board

Cc: John Osborn, Harvard Press, Marty Green, Harvard Press

From: The Harvard School Committee and Harvard Public Schools Superintendent

Re: Advocating for Our Students Residing in the Bromfield House

Dear Select Board Members,

On February 12, 2024, the School Committee discussed and took action on the disposition of the Bromfield House and the fate of the Harvard Public Schools students who live there. We strongly disagree with the Select Board's vote of February 6, 2024, to surplus the Bromfield House. This action effectively unhouses the two Afghan refugee families, totaling 20 people. These families have 16 children, 13 of whom are students in the Harvard Public Schools. We unanimously voted to implore the Select Board to reconsider this decision and extend the lease of the Bromfield House to the Afghan families for at least two years so that our students can continue their education in our schools.

We are deeply concerned about the future of our students and their families if they are displaced from their home in the Bromfield House when the lease expires in June, 2024. When an individual or family flees their home country and enters into refugee status they are doing so as a last resort. Our neighbors left Afghanistan because if they did not, their lives were in danger. When considering our neighbors through a trauma sensitive lens, at a minimum, they left everything and everyone they hold dear behind. Prior to moving to Harvard, these families were temporarily housed in Qatar, Germany, and Texas. There is a growing research base on immigrant or refugee trauma which is, plainly put, the numerous, negative impacts of abrupt relocation and separation from home country, culture, and family—this is not taking into account any individual experiences of direct (or exposure to) interpersonal violence, war, human rights violations, and the resulting mental health impacts. While we don't claim to understand the personal experiences of our 20 neighbors, we feel confident in stating that an additional relocation, from a community in which they have begun to put down roots, would be a retraumatization for all involved. Additionally, we believe this would be an unconscionable move on the town's behalf and one with which the majority of townspeople would vehemently disagree, as evidenced by the recent groundswell of support.

Since December, 2021, when the first family relocated to Harvard and joined the Harvard Public Schools, the school department has worked tirelessly to meet their needs. We are proud that we have implemented the infrastructure, resources, and talent to meet the academic and social emotional needs of these students. Our students have excelled here. To illustrate that point, three of these students recently passed the English MCAS and one passed the math MCAS after less than three years of arriving in the United States—this is a tremendous accomplishment. We wish to provide the same educational opportunities to their siblings for years to come.

Extending the lease should not pose any further financial requirements on the school department budget as all of the necessary supports are already in place and accounted for in the FY24 and FY25 budgets. We can and will continue to fund the positions and programs that support their unique needs for as long as our students need them.

The 13 children and adolescents who are currently enrolled in the schools are beloved students, friends, club members, and athletes. Our community and our schools are better because they are here. Please extend the lease to the families so that our students may continue to learn, grow, and thrive in the Harvard Public Schools.

Sincerely,

The Harvard School Committee and Superintendent of Harvard Public Schools

Abby Besse, Chair

Suzie Allen, Vice Chair

Linda Dwight, Superintendent of Harvard Public Schools

Liz Joyce, School Committee member

Shannon Molloy, School Committee member

Amy Morton, School Committee member



**Select Board Minutes**  
**Tuesday, January 23, 2024**  
**7:00pm**

The Select Board Regular Meeting was held virtually in accordance with Chapter 2 of the Acts of 2023, An Act Making Appropriations for the Fiscal Year 2023 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects, and signed into law on March 29, 2023, this meeting was conducted via remote participation.

**Select Board participants:**

Rich Maiore, Charles Oliver, Erin McBee  
Don Ludwig and Kara Minar were absent.

**Town Department participants:**

Town Administrator Tim Bragan, Assistant Town Administrator Marie Sobalvarro, Executive Assistant Julie Doucet, Town Clerk Rose Miranda, Finance Director Jared Mullane

**Additional participants:**

Planning Board Chair Richard Cabelus

**Meet with Town Clerk to discuss the polling location change**

Town Clerk Rose Miranda reported she met with Superintendent Linda Dwight to discuss use of the Hildreth Elementary School gymnasium for the town election. She explained this location can accommodate a polling location while the school remains open. They considered parking with this recommendation and agreed to make the request. By a roll call vote, McBee – aye, Oliver – aye, Maiore – aye, the board voted unanimously to move the town polling location to HES.

**Election Officials**

Town Clerk Rose Miranda presented the list of election workers for approval. By a roll call vote, McBee – aye, Oliver – aye, Maiore – aye, the board voted unanimously to approve election workers as presented.

**Appointments**

*Park & Recreation Commission*

Park & Rec Chair Sam Levine introduced Peter Civilick for appointment. Civilick spoke about his background and interest in serving on the commission. By a roll call vote, McBee – aye, Oliver – aye, Maiore – aye, the board voted unanimously to appoint Peter Civilick to the Park & Recreation Commission.

*Commission on Disabilities*

CoD Co-Chair Toni Spacciapoli introduced Catherine Madigan for appointment to the commission. Madigan spoke about her background and interest in serving on the commission. By a roll call vote, McBee – aye, Oliver – aye, Maiore – aye, the board voted unanimously to appoint Catherine Madigan to the Commission on Disabilities.

**Budget update and discussion of override options**

Finance Director Jared Mullane reported the Finance Committee will meet on January 30<sup>th</sup> to vote on their recommendation to the Select Board. He confirmed an override will be necessary. They discussed options as far as tiered override amounts and the level service cuts received from town departments. Mullane said he still awaits the Governor's budget.

### **Proposed warrant article re jurisdiction of Vicksburg Sq**

Harvard Devens Jurisdiction Committee Chair Victor Normand shared the draft language with the Select Board. He explained each community is sharing the proposed language with their respective towns for feedback. Normand spoke about the recent effort to change Chapter 498 without the Super Town Meeting requirement. This was an unexpected and troublesome occurrence. If the legislation decides to disregard super town meeting as the mechanism to make changes, what else could they do? The Devens Framework Committee decided now was the time to draft a warrant article to insert some local control into any development of Vicksburg Sq. The draft warrant includes language that Vicksburg Square shall be entirely and permanently within the jurisdiction of Town of Ayer, current zoning for Vicksburg Square shall be amended to include housing, and that the number of housing units shall not exceed 400 to be configured as follows: 25% of units as rental housing - 25% of units as elderly and/or special needs rental housing - 50% of units to be housing for sale to families and individuals and within each configuration there shall be exactly 25% of the units defined as affordable except that the elderly and/or special needs housing may exceed 25% affordable. The Select Board will revisit once all communities have offered their input.

### **Public Communication**

School Committee Chair Abbe Besse read a statement encouraging the Select Board to support an override if necessary to fund the schools.

### **Discuss Master Plan next steps**

Planning Board Chair Richard Cabelus said the Planning Board is seeking guidance from the Select Board on what is expected, if anything. All agreed an overhaul of the entire plan is not necessary. They discussed possibly an overview and updates in sections if required. Cabelus will revisit with the Planning Board.

### **Minutes**

By a roll call vote, McBee – aye, Oliver – aye, Maiore – aye, the board voted unanimously to approve minutes from 12/19, as presented.

### **Staff Report/updates (Attachment A)**

### **Harvard Climate Initiative Committee membership**

By a roll call vote, McBee – aye, Oliver – aye, Maiore – aye, the board voted unanimously to revise members composition as presented.

### **Recognize resignation**

The Select Board recognized the resignation of Orville Dodson from the ZBA. A letter of thanks will be sent.

### **Select Board Report**

Erin McBee gave an update on the Ayer Road study and announced a public presentation will happen on February 13<sup>th</sup>. She reported they are seeking grant funds from MRPC to assist with the MBTA multi-family housing requirements.

Erin McBee reported the Permant Building Committee continues to struggle with focus on Fire Station's future instead of on the current DPW project.

Erin McBee reported the Transfer Station Committee has met with DPW Director Tim Kilhart. They learned the station is currently funding itself.

Charles Oliver reported MAHT Chair Arielle Jennings is investigating funding options for the future use of Bromfield House.

Charles Oliver reported the Bare Hill Pond Committee is concerned about reduction of their budget. They were under the impression the funds allocated last year for emergency testing required by DEP related to algae bloom would remain. He advocated for the funds to be restored. Town Administrator Tim Bragan advised against taking any action due to various cuts happening across many areas.

The meeting was adjourned at 9:00pm

Documents referenced:

Election officials list – dated January 2024

Peter Civilick vol form – dated 10.3.2023

Catherine Madigan vol form – dated 10.30.2023

FY 25 budget roll up

Level service cuts on town side – dated Jan 2024

HCIC memo – dated 12.19.2023

Orville Dodson resignation letter – dated 1.12.2024

Draft Warrant Article – dated Jan 2024



**Select Board Minutes**  
**Tuesday, February 6, 2024**  
**7:00pm**

The Select Board Regular Meeting was held virtually in accordance with Chapter 2 of the Acts of 2023, An Act Making Appropriations for the Fiscal Year 2023 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects, and signed into law on March 29, 2023, this meeting was conducted via remote participation.

**Select Board participants:**

Rich Maiore, Charles Oliver, Erin McBee, Kara Minar, Don Ludwig

**Town Department participants:**

Town Administrator Tim Bragan, Assistant Town Administrator Marie Sobalvarro, Executive Assistant Julie Doucet, Finance Director Jared Mullane, Recreation Director Anne McWaters

**Additional participants:**

James Shook, Katie Wool, HCTV Chair Robert Curran, Finance Committee Chair Eric Ward, Park & Rec Commissioner Marissa Steele, PBC Chair Pablo Carbonell, CPIC Chair Nate Finch,

**204 Lanes – Transfer of Liquor License**

*On-premise beer/wine*

James Shook introduced himself as the new owner of 204 Lanes. He grew up in Harvard with family still in town. As an entrepreneur, the Harvard bowling lanes being for sale is an exciting endeavor for him. He explained the process to purchase the bowling lanes began last year and the closing happened about three weeks ago. He said there will be no operational changes at this time. By a roll call vote, McBee – aye, Minar – aye, Oliver – aye, Ludwig – aye, Maiore – aye, the board voted unanimously to approve the transfer of license.

**Appointments**

*Permanent Building Committee*

By a roll call vote, McBee – aye, Minar – aye, Oliver – aye, Ludwig – aye, Maiore – aye, the board voted unanimously to appoint Carl Sciple to the Permanent Building Committee.

*Cable Committee*

HCTV Chair Robert Curran announced the committee has two interested volunteers. Current CPIC member Jeffrey Lin and new resident Katie Wool. He introduced Katie Wool who spoke about her background and interest in serving on the committee. Executive Assistant Julie Doucet confirmed the committee has one opening at this time. The board decided to appoint Katie Wool considering Jeffrey Lin in serving on CPIC now. He will be considered for the next vacancy that occurs. By a roll call vote, McBee – aye, Minar – aye, Oliver – aye, Ludwig – aye, Maiore – aye, the board voted unanimously to appoint Katie Wool to the HCTV.

**Public Communication**

Board of Health Chair Sharon McCarthy commented on the lack of communication during the budget process and the board's concern with proposed cuts to their budget. She urged the board to support a level funded budget that will not reduce their services to the community.

Library Trustee Jen Manell advocated for the library budget to meet the Municipal Appropriation Requirement (MAR) requirement. She described the services that could be affected if the MAR is not met. She implored the Select Board to fund the minimum requirement to secure MAR.

### **Minutes**

By a roll call vote, McBee – aye, Minar – aye, Oliver – aye, Ludwig – aye, Maiore – aye, the board voted unanimously approve minutes of 1/9, as presented.

### **Park & Recreation update on fields**

Recreation Director Anne McWaters and Park & Rec Commissioner Marissa Steele came to provide an update from the recent field needs study completed by Gale Associates.

They learned the main areas of concern or problems to be solved are as follows:

- Current recreation fields are overused
- Current suffering from poor maintenance, drainage and planarity issues.
- In need of one 60' diamond
- McCurdy Track near it send of life
- Harvard Park suffers from insufficient parking on game/event days
- Harvard Park lacks amenities

From the report three possible options were detailed with cost estimates included. (Attachment A)

Anne McWaters said the commission is fully aware a project of this magnitude would require major fundraising and CPC funds to minimize the cost to taxpayers. She also understands the sensitivity of turf versus natural when it comes to athletic fields. They are pleased to realize the possibilities and will come back to the Select Board with more accurate estimates and a recommendation. Charles Oliver suggested McCurdy Track be dealt with now separately from the larger vision for the fields. Everyone agreed this was a good approach. The Select Board thanked them for their efforts thus far.

### **Staff Report/updates (Attachment B)**

#### **DPW Building: update, and excluded debt article**

Permanent Building Committee Chair Pablo Carbonell gave an overview of the current building, the pole barn and the proposed project details. Assistant Town Administrator Marie Sobalvarro asked the board to include the project as an excluded debt article for town meeting. CPIC Chair Nate Finch encouraged support for the project. He cautioned costs will not decrease if we wait and the building is in deplorable condition. By a roll call vote, McBee – aye, Oliver – aye, Ludwig – aye, Maiore – aye, Minar – nay, the board voted to approve an excluded debt question for the DPW project. (4-1) Kara Minar did not vote in favor of the motion. She stated she is in favor of the project but did not believe now is the right time to ask voters.

#### **FY 2025 budget update**

Finance Director Jared Mullane reported a deficit still remains. The Finance Committee has reviewed department budgets on a rolling basis with the school department in December. They received the Governor's budget the last week of January with state revenue decreasing however the health insurance increase was lower than expected. Mullane said the Finance Committee will recommend a tiered override approach.



### *Presentation of Finance Committee recommendations*

Finance Committee Chair Eric Ward reported the committee has been in discussions for quite some time now. He reported the committee has decided a first tier must be for level service. He explained departments were instructed to provide a level service budget (absorbs COLA & contractual agreement increases) and a level funded budget detailing what would be cut in order to maintain level funding. The committee realized level funded would create significant reductions. The Finance Committee does not want to always do the bear minimum and is interested in offering opportunity to consider additional requests. They are recommending a tiered override that will allow voters to decide.

### *Override options*

Town Administrator Tim Bragan said the budget process has been thorough and done with much care and consideration. He confirmed unexpected expenses that arise during the year can be approved by the Finance Committee as a reserve fund transfer. Select Board member Don Ludwig was not surprised the town is in need of an operational override. He supports the two-tier approach. Erin McBee agreed. Charles Olivier suggested a mid-level amount instead of the full 780,000 requested. Rich Maiore agreed. Kara Minar expressed interest in taxpayers being given the voice and choice with the understanding this decision will remain in the budget moving forward. The Select Board will finalize their recommendation at their next meeting.

### **Discuss disposition of the Bromfield House**

Assistant Town Administrator Marie Sobalvarro revisited the Select Board's vote to sell the Bromfield House after the short-term residency of the Afghan refugees. The lease was extended through June 2024. She recommended the Select Board formally vote to surplus the property as the next step in the process. All parties agreed the lease would not be extended past June 2024. Kara Minar recalls the school department expressing interest in the building back in 2022. She expressed reluctance to vote. Charles Oliver will vote on the surplus considering the town has voted twice already to sell the property. Erin, Don and Rich were agreeable as this being the next step in the process. Oliver referred to the actions taken to settle in probate and with the Library Trustees.

By a roll call vote, McBee – aye, Minar – aye, Oliver – aye, Ludwig – aye, Maiore – aye, the board voted unanimously to extend their meeting past 10:00pm.

By a roll call vote, McBee – aye, Oliver – aye, Ludwig – aye, Maiore – aye, Minar – nay, the board voted to surplus the Bromfield House. (4-1)

### **Presidential primary**

By a roll call vote, McBee – aye, Minar – aye, Oliver – aye, Ludwig – aye, Maiore – aye, the board voted unanimously to approve the presidential primary warrant.

### **Select Board Reports**

Erin McBee reported on the following Planning Board items:

- MBTA housing at their last meeting. They are focused on the parcel across from Dunkin Donuts.
- Community Workshop on Ayer Road Corridor Vision Plan is being held on February 13<sup>th</sup>.
- MASS DOT may help with trail connection from Harvard to Devens

The meeting was adjourned at 10:00pm.

Documents referenced:

204 Lanes – Transfer of License – Jan 2024

Carl Sciple vol form – dated 2.1.2024

Katie Wool vol form – dated 10.23.2023

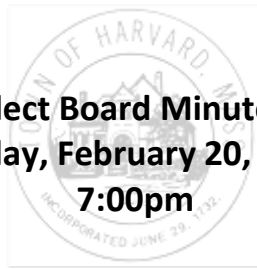
Jeffrey Lin vol form – dated 1.28.2024

DPW schematic design – dated Jan 2024

General Fund - 5 Year Budgeted Revenue / Expense Projection – dated Jan 2024

Budget letters from Departments – dated Jan 2024

**Select Board Minutes**  
**Tuesday, February 20, 2024**  
**7:00pm**



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**Select Board participants:**

Rich Maiore, Charles Oliver, Erin McBee, Kara Minar, Don Ludwig

**Town Department participants:**

Town Administrator Tim Bragan, Assistant Town Administrator Marie Sobalvarro, Executive Assistant Julie Doucet, Finance Director Jared Mullane

**Public Communication**

Board of Health Chair Sharon McCarthy thanked the Select Board for accepting their budget recommendation to increase their clerk’s hours up to 25.

Harvard Special Education Parent Advisory Council member Molly Vaughan read a statement strongly urging the Select Board to put forth the budget override of the full amount as one of the override options to let the voters decide.

**FY25 Budget; finalize override questions (Attachment A)**

Town Administrator Tim Bragan shared a document prepared outlining the original deficit amount, level service override amounts and full growth override amounts. He noted the Governor’s budget and insurance reduction lowered the deficit by 308,450.

He asked the Select Board to consider moving funds around to help reduce the Raise and Appropriate to reduce the level service override to 423,902.

<b>OPEB</b>	25,500	The Board can keep the amount coming from Raise and Appropriate or change the funding source to Free Cash as was done for the current fiscal year.
<b>Voting Machine</b>	5,800	Currently this is a Raise and appropriate article but it is a one-time item and could be moved to stabilization as a funding source.
<b>Personnel Policies</b>	15,000	Currently this is a Raise and appropriate article but it is a one-time item and could be moved to stabilization as a funding source.

The Select Board members agreed with this approach after explanation from Finance Director Jared Mullane on free cash and the use of the stabilization fund.

By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to approve OPEB 25,500 from raise and appropriate to free cash.

By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to approve 5,800 for the voting machines to come as a one-time item from the stabilization fund.

By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to approve 15,000 for personnel policies to come as a one-time item from the stabilization fund.

Finance Director Jared Mullane shared the tax impact for the average single-family household.

<b>Override Amount</b>	<b>Avg Single Family Tax Impact</b>
100,000.00	52.56
200,000.00	96.36
300,000.00	148.91
400,000.00	192.71
500,000.00	245.27
600,000.00	289.07
700,000.00	341.63
800,000.00	385.43
900,000.00	437.98
1,000,000.00	481.78
1,100,000.00	534.34
1,200,000.00	578.14
1,300,000.00	630.70

Town Administrator Tim Bragan shared the draft ballot questions that have been reviewed and approved by Town Counsel.

Question 1 - DPW building project

Question 2 – General Override

Ludwig made a motion seconded by McBee. By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to approve question one for the DPW building project.

Ludwig made a motion seconded by McBee. By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to approve the first tier (2a) of \$423,902.

Bragan outlined the details within the other two tiers. Rich Maiore revisited the sense of the Select Board to offer an incremental approach to adding additional town/school positions.

Charles Oliver asked if the veteran’s benefit could be included in the second tier. Bragan explained why it must remain in the third tier.

Ludwig made a motion seconded by Oliver. By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to approve the second tier (2b).

Second tier Includes: Board of Health hours, DPW administrative assistant, school athletic director and a special education teacher.

They discussed offering a third tier (2c) which would include the full ask from all departments.

Ludwig made a motion seconded by McBee. To approve the third tier (2c) for \$1,214,354.

Don Ludwig was not inclined to support a third tier however based on public feedback he would support having it on the ballot for the townspeople to decide. Erin McBee agrees with Don. Charles Oliver does not support the third-tier ballot question. He does not believe a request three times level service is justified. He is also mindful of the impact adding positions has with respect to the ongoing operational budget and the OPEB liability based on health insurance costs. Kara Minar has heard feedback from those in town in favor of the full ask and those in town who are not. She understands those townspeople who are concerned with the level of tax increases over the past few years. Now may not be the right time. Rich Maiore agrees with Kara and Charles. He prefers a more incremental approach to adding positions given the high health care costs. Maiore remains committed to guiding the town in a fiscally responsible path.

By a roll call vote, McBee – aye, Minar – nay, Oliver – nay, Ludwig – aye, Maiore – nay, the board voted to approve the third tier (2c). (3-2) the motion did not pass.

McBee made a motion seconded by Ludwig to approve ballot question 1, question 2a and question 2b with amendments to replace and with an in questions 2a and 2b, to move the summary of ballot questions as indicated and if possible, include a dollar amount for question one.

By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to approve the motion.

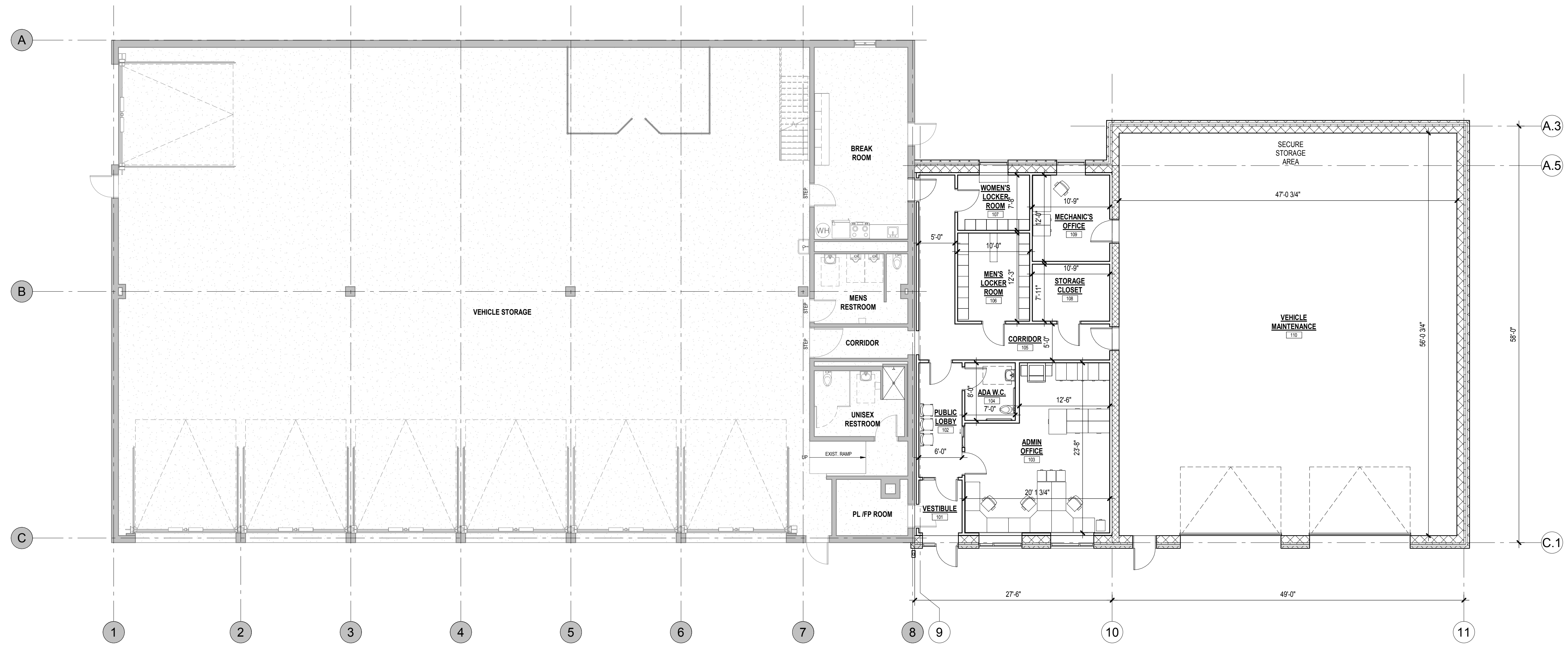
### **Announcements**

Town Administrator Tim Bragan announced the retirement of Police Officer Scott Hughes. Hughes has been an officer in town for 30 years.

Bragan also announced the sudden passing of resident Al Combs. Al was an avid volunteer and generous donator to many causes he supported. He made a huge impact on many in town over the years. He will be missed.

Rich Maiore thanked everyone for all their hard work and dedication over the past few months.

The meeting was adjourned at 8:00pm.

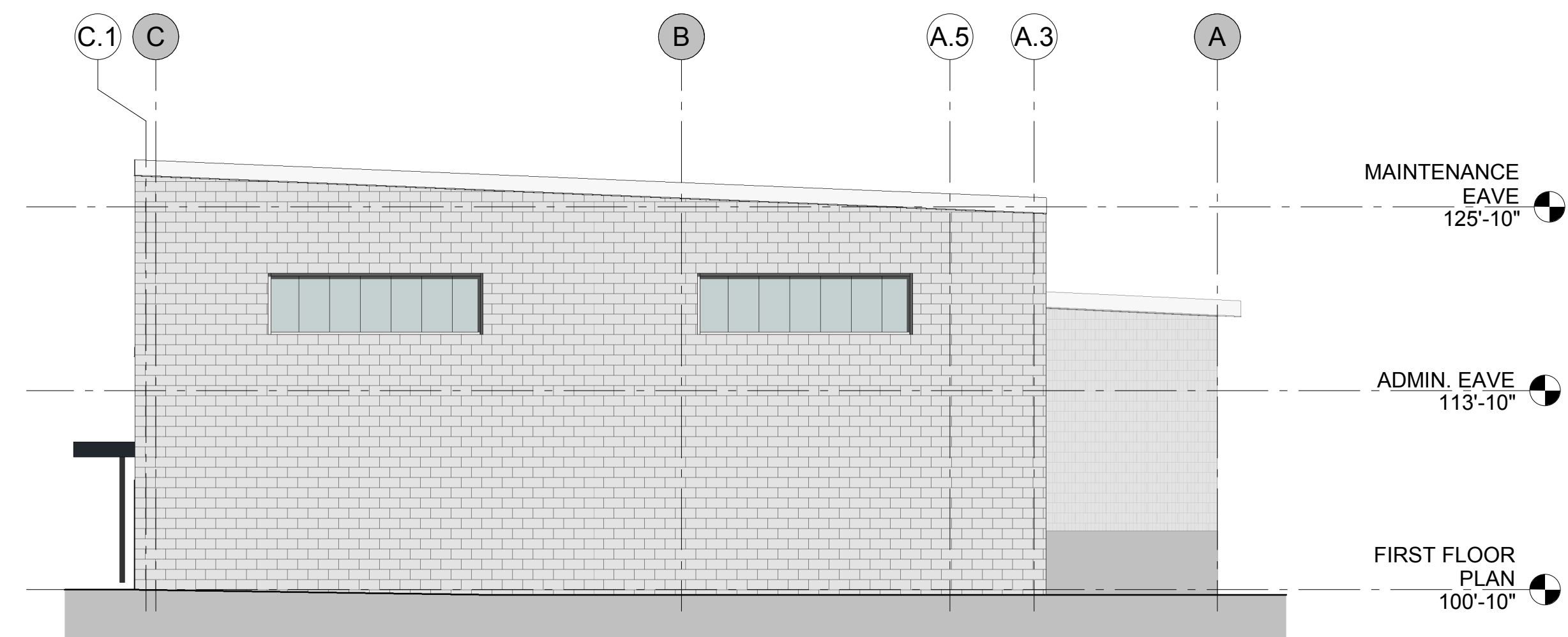


DRAFT








① SOUTH EXTERIOR ELEVATION (Progress)  
 1/8" = 1'-0" 1/ A101





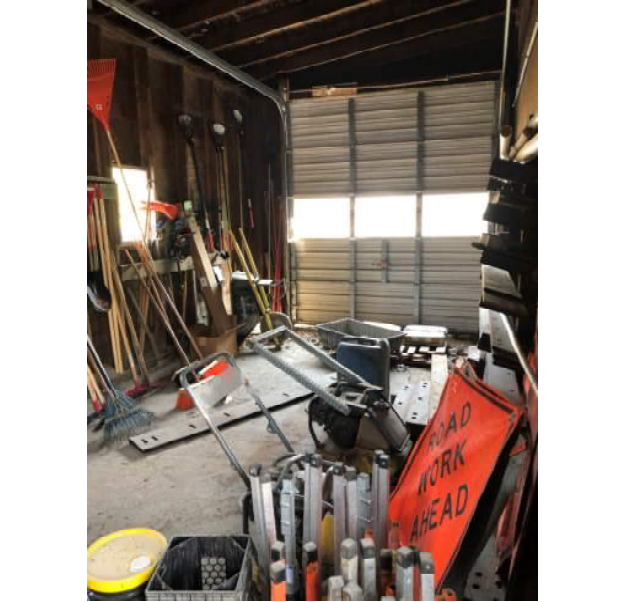
② EAST EXTERIOR ELEVATION (Progress)  
 1/8" = 1'-0" 1/ A101




DRAFT








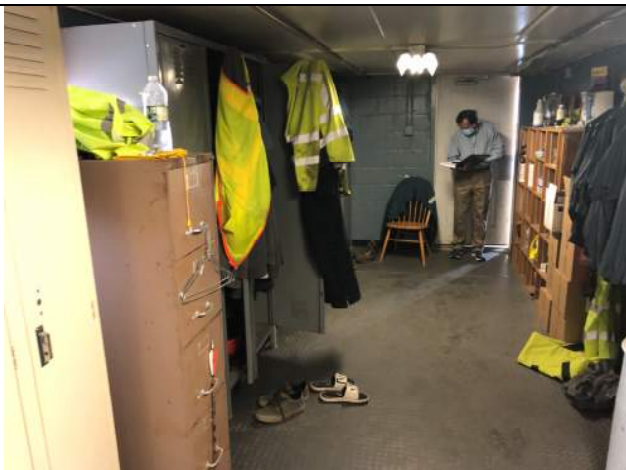
1.		General view of the Pole Barn / Storage Garage.
2.		Weathered and deteriorated single tab asphalt shingles
3.		Deteriorated wood shingles. Image 1 of 2.








<p>4.</p>		<p>Deteriorated wood shingles. Image 2 of 2.</p>
<p>5.</p>		<p>There are gaps between the vertical wall wood siding allowing water infiltration to reach stored materials.</p>
<p>6.</p>		<p>The manually operated overhead metal door bay doors are single ply metal.</p>

<p>1.</p>		<p>General view of mechanic's service garage.</p>
<p>2.</p>		<p>The low ceiling in the mechanic garage restricts servicing larger vehicles on the auto floor lifts.</p>
<p>3.</p>		<p>Wood door from garage to the office locker space/corridor.</p>

<p>4.</p>		<p>There are areas of individual concrete masonry block interior surfaces not aligned with adjacent blocks.</p>
<p>5.</p>		<p>View of one of the wood frame single plane glazed windows with deteriorated putty around the wood muntins.</p>
<p>6.</p>		<p>The one (1) bay overhead metal door is manually operated and appears to be in good condition.</p>

<p>1.</p>		<p>General view of the DPW Office "Connector" Building</p>
<p>2.</p>		<p>The DPW office includes two (2) desks for the DPW director and the foreman, and filing storage and copy machine</p>
<p>3.</p>		<p>The use of the corridor for locker room changing area and for storage creates an egress safety hazardous condition. There is also the lack of privacy for staff uniform changing.</p>

<p>4.</p>		<p>The floor elevation in the corridor leading from the “connector” building to the large vehicle storage garage contains a step and does not meet accessibility requirements.</p>
<p>5.</p>		<p>View of the office exterior main entrance residential wood grade door.</p>

<p>5.</p>		<p>The male multi-user toilet room plumbing fixtures appear to be fair but are outdated. The fixtures and heights are not handicap accessible.</p>
<p>6.</p>		<p>The existing ramp leading to the unisex bathroom exceeds the slope requirements of 1/12 pitch. It also lack handrails on both sides.</p>
<p>7.</p>		<p>The 7-1/2" raised floor elevation from the break room to the garage floor does not meet accessibility requirements and it also creates a tripping hazard.</p>

**Harvard DPW**  
**New Additions & Renovations**

Harvard, Massachusetts  
 2/9/2024 | updated 2/16/2024

**SCHEMATIC DESIGN COST ESTIMATE**

**Construction**

Description	Estimated Cost
New Building Addition	\$4,402,510
Six Bay Storage Garage Renovations	\$925,619
New Unheated Equipment Storage	\$1,913,763
Industrial Equipment	\$116,571
Allowance for Bedrock Removal	\$116,571

Note: All costs above include GC Overhead & Profit, General Conditions, Insurance and Bonds, as well as Design & Pricing Contingency and Escalation to 2025 (see percentages below)

<b>Total Construction</b>	<b>\$7,475,033</b>
---------------------------	--------------------

**Owner's Soft Costs**

A&E Fees (design, bid, const.)	(Assume % of Constr. Value)	12%	\$897,004
Owner's Project Manager Fees	(Assume % of Constr. Value)	6%	\$448,502
Furnishings (FFE)	Allowance		\$75,000
Communication. / Low Voltage System	Allowance		\$75,000
Temporary Facilities	Allowance		\$200,000
Printing Cost - Advertisement	Allowance		\$5,000
Legal Costs	Allowance		\$20,000
Utility Backcharges	Allowance		\$50,000
Commissioning	Allowance		\$65,000
Moving Costs	Allowance		\$20,000
Construction Tests & Inspections	Allowance		\$50,000
Owner's Contingency	Allowance		\$200,000
Construction Contingency (6%)	Allowance	6%	\$448,502

<b>Total Owner's Soft Costs:</b>	<b>\$2,554,008</b>
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**SCHEMATIC DESIGN COST ESTIMATE \$10,029,000**

Deduct alternates

1. Remove Unheated Equipment Storage Building	deduct	(\$1,761,318)
2. Remove Updated Ventilation in 6-Bay Vehicle Storage Garage	deduct	(\$117,585)
3. Remove new Lighting in 6-Bay Vehicle Storage Garage	deduct	(\$123,660)
4. Remove Concrete Floor Patch/Repair and new epoxy floor coating in 6-Bay Vehicle Storage Garage	deduct	(\$138,691)

Markups, Contingency and Escalation

General Conditions, Insurance and Bonds	20.40%
GC - Overhead & Profit	4%
Design & Pricing Contingency	10%
16 Months Escalation to Spring 2025 Start	10.1%

## CLIENT AUTHORIZATION

New Contract

Project No.: T0904

Amendment No.: 4

Date: February 14, 2024

**Project Name:** Ayer Road Design Development; Harvard, MA

Fee Proposal	Original	Amend #1	Amend #2	Amend #3	Amend #4	Current
Task 1 – Pre-Design	\$100,000.00					\$100,000.00
Task 2 – 25% Design	\$90,000.00					\$90,000.00
Task 3 – 75% Design	\$80,000.00		\$105,000.00	\$15,000.00		\$200,000.00
Task 4 – 100% Design		\$60,000.00	-\$60,000.00	\$105,000.00		\$105,000.00
Task 4A – Add'l 100% Design Services					\$75,000.00	\$75,000.00
Task 5 – PS&E Design		\$45,000.00	-\$45,000.00	\$75,000.00		\$75,000.00
Task 6 – Easement Plans				\$30,000.00		\$30,000.00
Task 7 – Pre-Constr Services				\$15,000.00		\$15,000.00
Additional Services TBD (contingency)					\$25,000.00	\$25,000.00
Estimated Expenses	Included	Included	Included	Included	Included	Included
<b>TOTAL</b>	<b>\$270,000.00</b>	<b>\$105,000.00</b>	<b>\$0.00</b>	<b>\$240,000.00</b>	<b>\$100,000.00</b>	<b>\$715,000.00</b>

**Client:** Town of Harvard  
Tim Kilhart, DPW Director

Lump Sum  
 Cost +  
Fixed Fee

Time & Expenses  
 Other

### Scope of Services:

The Town of Harvard (Client) has retained TEC, Inc. (TEC) to provide engineering services for the survey, planning and design development of transportation improvements to the Ayer Road corridor, between the Route 2 interchange and the Ayer town line.

Amendment No. 4 includes supplemental services required to complete additional design scope that has been established since the last contract amendment, dated September 9, 2022. Since the start of the project, the scope of the design has evolved during the various stages of design development through the following:

- MassDOT policies and engineering directives that have been adopted or modified
- MassDOT comments on the 75% Design requiring additional 100% design tasks
- MassDOT comments on draft Notice of Intent (NOI) requiring additional 100% design tasks

The following is a summary of the additional design scope required to progress the project through the 100% design approval and advance to the PS&E design stage, MassDOT policy changes since September 9, 2022, and additional project meetings:

**Task 4A– Additional 100% Design Services** **\$75,000.00**

#### Design Modifications

- Prepare a revised Design Justification Workbook (DJW) for the modified shoulder widths due to elimination of curb bumpouts within the project limits per direction of the Town and revise design plans accordingly.



- Prepare revised utility plans to eliminate impacts on Article 97 (A97) properties per the direction of the Town.
- Coordination with the Town and EEA for EEA to render decision on A97 applicability for Harvard Conservation Trust parcel at the corner of Ayer Road and South Shaker Road based on revised utility plans.
- Prepare design revisions to reduce impacts to public shade trees and stone walls to avoid the project triggering MEPA thresholds requiring ENF and mandatory EIR given project's location within 1-mile of EJ population.
- Prepare technical memorandum regarding proposed transition guardrail to existing bridge parapet for submission to MassDOT Design Solutions Committee per direction of MassDOT on January 9, 2024.
- Prepare Wetland replication plans for submission with NOI.
- Response to comments and preparation of two (2) revisions to the draft NOI per direction of MassDOT Environmental on December 8, 2023 and February 6, 2024.
- Revise the existing conditions and 100% preliminary ROW plans based on supplemental survey outlined below.

#### Supplemental Survey

- Per MassDOT 75% ROW comment, update the base plan since the original survey performed in 2019 including updated research at Assessor's office, Engineer's office, DPW, and Registry of Deeds; field survey to update site conditions within project limits, office calculations and plotting of field and record data, and drafting of an updated survey base plan in AutoCAD format based on previously established CAD standards.
- Per MassDOT 75% ROW comment and subsequent meetings referenced above, develop street acceptance plans in areas of proposed takings and/or proposed work for Gebo Lane, Lancaster County Road, Poor Farm Road, South Shaker Road, and Myrick Lane to be submitted to the Town for formal roadway acceptance at Town Meeting. Additional survey work under this effort includes field survey to recover and reestablish previously established survey control, field survey to locate additional monumentation and boundary evidence within areas of street acceptance, office calculations and plotting of field and record data, and drafting of a separate set of street acceptance plans in AutoCAD format suitable for recording at the Registry of Deeds. It is assumed the street acceptance plans will not be subject to MassDOT Plan Preparation Guidelines for Consultants Preparing Layout/Easement Plans. It is also assumed the above-named streets are the only streets within the project limits requiring formal street acceptance plans.

#### MassDOT Policy Changes

- Off-site stockpiling of soil from MassDOT Construction Projects, Engineering Directive P-22-001, dated September 23, 2022. Estimate quantity of potentially hazardous soils for disposal and include provisions in the project specifications for contractor compliance with off-site stockpile location(s) and management in accordance with the directive.

#### Project Meetings

- Prepared all materials and facilitated additional meetings with the DUCE and utility companies on 10/30/2023 to facilitate utility plan revisions to eliminate Art. 97 Impacts per direction of the Town, as well as additional meetings with MassDOT ROW on 9/25/2023, 11/20/2023, and 12/7/2023 to resolve Art. 97 impacts and discuss layouts for formal acceptance of intersecting streets for the project to remain Federal Aid eligible, and to progress towards approved ROW plans for acquisition.

The following services are not included in the scope at this time, given the current anticipated scope of work:

- TEC assumes Final ENF and mandatory EIR will not be required based on MassDOT feedback on design revisions mentioned above that bring the project in under MEPA thresholds requiring project review.
- Services beyond street acceptance plan development relative to formal roadway acceptance at Town Meeting. It is assumed the Town's legal counsel would lead the formal roadway acceptance process up to and including Town Meeting, including referral of layouts to Planning Board, and TEC's effort would be limited to coordination and provision of plans as outlined above and does not include attendance at Board meetings nor Town Meeting.
- Right of Way acquisitions (by the Town) supporting engineering services

**Additional Services TBD (Contingency Allowance) \$25,000.00**

TEC recommends that the Town budget for additional services that may be requested by MassDOT between now and the completion of the PS&E submission. This task would also cover additional services requested by the Town for additional meetings, presentations, and/or Right-of-Way acquisition (by the Town) support services. TEC will not proceed with any additional services under this task without an approved scope of services and a signed authorization from the Client.

Additional services not listed above may be performed at the request of the Client and will be considered an amendment to this agreement. Services will begin upon signed authorization of this agreement. TEC will invoice the Client monthly on a percent complete basis for the services performed.

**Project Manager:** JMD **Approver:** MCM

Please execute this Client Authorization for TEC, Inc. to proceed with the above scope of services at the stated estimated costs. No services will be provided until it is signed and returned to TEC.

- Subject to attached terms & conditions  Subject to terms & conditions in our original agreement

**TEC, Inc. Authorization**

By:



**Client Authorization** *(Please sign original & return)*

By:

Print Name: Mike Myers, P.E.	Print Name
Title: Principal/Chief Growth Officer	Title:
Date: February 14, 2024	Date:



Page 1 of 1  
Account/Contract No. BM 1006898  
Tracking No. 1068088  
Reference Number

Invoice Date 02/28/2024

**Customer**

HARVARD TOWN OF  
47 DEPOT ROAD  
HARVARD, MA 01451

Please submit a copy of this statement with payment submission to the "Remit To" address shown below.

**Fees-At-A-Glance**

Amount Due in U.S. dollars 60692.0

**Fees Summary**

Review Fee	\$4,000.00
Railroad Protective Liability (Only if RPL is not provided)	
Expedited Review Fee	
License Fee	\$56,692.00
Sales Tax*	
Money on File	

\*Florida Sales tax applies to the license fee

Total Current Fees in U.S. dollars 60692.0

CSX Federal ID No. 54-6000720  
CSX Canadian ID No. 105203095 RC 0001  
CSX Quebec ID No. 1022434469 IC 0001

Please remit payment to:

Legal Address:  
500 Water Street, J180  
Jacksonville, FL 32202  
Questions? Contact:

CSX Transportation, Inc.

Mailing Address:  
500 Water Street, J180  
Jacksonville, FL 32202  
DEANNA\_PAXON@CSX.COM  
904-359-3145



# APPLEWOOD CONTROLS INC.

## QUOTATION 4609 Rev 2

February 1, 2024

MR. PETER VON LOESECKE

TOWN OF HARVARD MASSACHUSETTS

VIA EMAIL

Dear Peter,

We are pleased to quote a system price of \$39,800.00 to replace the existing PF700 pond pump variable frequency drive (VFD), with a current model PF753 VFD. This upgrade will include replacing the obsolete PLC controller, operator HMI panel, and modifications of the programs to current industry standards.

### DESCRIPTION:

Applewood Controls will remove the existing PF700 VFD and install a new PF753 VFD. The existing PLC controller and HMI operator will be removed, and new hardware will be installed. Major components include but are not limited to the following:

- ◆ A new Allen-Bradley Bulletin CompactLogix Processor.
- ◆ New Allen Bradley PowerFlex 753 Variable Frequency Drive
- ◆ The quoted system uses a new 6" diagonal, color touch Allen Bradley HMI display screen.
- ◆ A new Stratix 2000 network switch will be installed for the Ethernet network that will replace the antiquated DeviceNet and RS-232 communication platforms.

The PLC, HMI, programs and the new VFD parameters will be modified to connect the communication of the new hardware together.

### DESIGN:

Applewood Controls will provide engineering and drafting required to design the upgrades to the control system. Included in the design are:

- ◆ Schematic drawings showing changes to wiring of the system. The schematics will be done in JIC format. All details necessary to wire the panel including connection points on devices within the panel and terminal connections will be included on these drawings. Additionally, external (field) wiring will be shown as dotted lines. Conduit drawings are not included.

Drawings will be done using AutoCAD™ and electronic copies in AutoCAD™ will be provided upon completion of testing. Drawings can be printed on an 11" x 17" format laser printer. All manuals and vendor cut sheets received with purchased materials will be delivered with the system. Other hardware and software manuals will be provided as required in electronic format.

## Re: Amending MAHT bylaw

Arielle Jennings <ariellejennings@gmail.com>

Thu 2/29/2024 9:45 AM

To: Julie Doucet <jdoucet@harvard-ma.gov>

Cc: Rich Maiore <rdmaiore@gmail.com>; Charles Oliver <coliver01451@gmail.com>

Thanks - below is the amendment. I didn't add anything about a quorum because I think the rule would be that in a 6 member committee 4 people would have to be present to run the meeting because 3 is not 51% or more. If you know of any other committees with even numbers who can set quorums at 50% let me know, but after reading this and this, I don't think it would be allowed. So for the amendment we would just be asking for the change from five to six:

### **Amending MAHT charter to include 6 members**

"3.1 There shall be a board of trustees, (the "Trustees"), which shall be comprised of ~~five~~ six members, including a Selectman. Trustees shall be appointed by the Board of Selectmen. The Trustees shall serve for terms of two years. The terms of the trustees shall be staggered so that as nearly one-half as may be shall be appointed annually. There shall be no limit on the number of terms that a trustee may serve. The Trustees shall receive no compensation for serving as a trustee of the Trust."

On Thu, Feb 29, 2024 at 9:36 AM Julie Doucet <jdoucet@harvard-ma.gov> wrote:

Morning,

This may require more than simply a vote of the SB. I will add as a discussion item for Tuesday.

Julie Doucet  
Executive Assistant  
Town of Harvard  
13 Ayer Road, Harvard, Ma 01451  
978-456-4100x312  
[harvard-ma.gov](http://harvard-ma.gov)

---

**From:** Rich Maiore <rdmaiore@gmail.com>

**Sent:** Wednesday, February 28, 2024 6:29 PM

**To:** Arielle Jennings <ariellejennings@gmail.com>; Julie Doucet <jdoucet@harvard-ma.gov>

**Cc:** Charles Oliver <coliver01451@gmail.com>

**Subject:** Re: Amending MAHT bylaw

Hi Arielle—No problem. We can put this on agenda for next Tuesday March 5 SB Meeting.

We'd simply need proposed copy change to MAHT charter.

---

**From:** Arielle Jennings <ariellejennings@gmail.com>

**Date:** Wednesday, February 28, 2024 at 3:56 PM

**To:** Rich Maiore <rdmaiore@gmail.com>, Julie Doucet <jdoucet@harvard-ma.gov>

FIRST AMENDED DECLARATION OF TRUST

TOWN OF HARVARD  
MUNICIPAL AFFORDABLE HOUSING TRUST FUND

We, Ronald V. Ricci, Lucy B. Wallace, Alice Von Loesecke, Kenneth Swanton and Gregory W. Schmidt of Harvard, Massachusetts (the "Trustees"), Trustees of the Town of Harvard Municipal Affordable Housing Trust, u/d/t dated September 12, 2006 and recorded with the Worcester District Registry of Deeds in Book 39847, Page 220, hereby declare that three hundred thirty two thousand three hundred fifty seven and 89/100 dollars (\$332,357.89) is held in trust hereunder and any and all additional funds, property and interests in property, real and personal, that may be acquired hereunder (the "Trust Estate") shall be held in trust, for the sole benefit of the persons listed in the Schedule of Beneficiaries as set forth in Section 4 below.

**SECTION ONE**

NAME

1.1 This Trust is created pursuant to Massachusetts General Laws Chapter 44, Section 55C and shall be known as the TOWN OF HARVARD MUNICIPAL AFFORDABLE HOUSING TRUST FUND (the "Trust"), and all of the business of the Trust shall be conducted and transacted under said name.

**SECTION TWO**

PURPOSE

2.1 The purpose of the Trust is to provide for the creation and preservation of affordable housing in the Town of Harvard for the benefit of low and moderate income households.

**SECTION THREE**

TRUSTEES

3.1 There shall be a board of trustees, (the "Trustees"), which shall be comprised of five members, including a Selectman. Trustees shall be appointed by the Board of Selectmen. The Trustees shall serve for terms of two years. The terms of the trustees shall be staggered so that as nearly one-half as may be shall be appointed annually. There shall be no limit on the number of terms that a trustee may serve. The Trustees shall receive no compensation for serving as a trustee of the Trust.

3.2 The term "Trustees" shall include, Randall W. Dean, Robert M. Lerner, Mortimer Miller, Victor R. Normand, Caroline D. Ready, Steven Rowse and Lucy B. Wallace, as original trustees, as well as successor trustees, and shall mean the trustees for time being under the Trust.

3.3 The Trustees are designated as public agents for purposes of the Constitution of the Commonwealth.

3.4 The Trust is a public employer and shall be deemed a municipal agency. The Trustees are public employees for purposes of Massachusetts General Laws Chapter 258 and special municipal employees for purposes of Massachusetts General Laws Chapter 268A. The Trustees shall not be deemed to be employees for purposes of Massachusetts General Laws Chapters 32 and 32B.

3.5 The Trust is a public body for purposes of Massachusetts General Laws Chapter 30A, Sections 18 through 25

3.6 The Trust is a board of the Town of Harvard for purposes of Massachusetts General Laws Chapter 30B and Chapter 40, Section 15A. However, agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of Town shall be exempt from the provisions of said Chapter 30B.

3.7 A majority of all members of the Board of Trustees may execute any and all instruments and certificates necessary to carry out the provisions of the Trust, unless the Trustees designate a trustee or trustees constituting less than a majority of said board to do so by an appropriate instrument filed in the Office of the Town Clerk and recorded with the Worcester District Registry of Deeds.

3.8 No Trustee shall be required to furnish a bond. No Trustee hereunder shall be liable for any error of judgment nor for any loss arising out of any act or omission in the execution of the Trust so long as action in good faith and within the scope of the Trustees' powers and authority, but shall be responsible only for his own willful breach of trust. Pursuant to Chapter 258 of the Massachusetts General Laws, the Trustees shall be indemnified by the Town of Harvard for their actions and

omissions, except as aforesaid. No license of court shall be requisite to the validity of any transaction entered into by the Trustee.

**3.9** Any person dealing with the Trust Estate or the Trustees may always rely without further inquiry on a certificate signed by the person or persons appearing from the records of said registry of deeds to be Trustees, as required Paragraph 3.2 as to who are the Trustees to act or as to the authority to execute any documents or instruments including, but not limited to, those recited in paragraph 3.6 hereof or as to the existence or nonexistence of any fact or facts which constitute conditions precedent to action by the Trustees or which are in any other manner germane to the affairs to the Trust. Execution, delivery or recording of such certificate shall not be a condition precedent to the validity of any transaction of the Trust.

**SECTION FOUR**  
**BENEFICIARIES**

**4.1** The beneficiaries of the Trust shall be low and moderate income households in the Town of Harvard. The meaning of the term "low and moderate income household" shall be as defined in the by-laws adopted from time to time by the Trustees.

**4.2** Any Trustee may, without impropriety, become a beneficiary hereunder and exercise all rights of a beneficiary with the same effect as though he or she were not a Trustee.

**SECTION FIVE**  
**POWERS OF TRUSTEES**

**5.1** The Trustees shall hold the principal of this Trust, and receive the income therefrom for the benefit of the Beneficiaries, and shall transfer, convey and pay over the principal and income thereof pursuant to theirs powers and the Trust purpose for the benefit of the Beneficiaries, as the Trustees.

**5.2** The Trustees shall have the following powers:



5.2.1 to accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation grants of funds or other property tendered to the Trust in connection with provisions of the Town's Protective Bylaw or any other by-law;

5.2.2 to provide financial subsidies including, but not limited to low interest or no interest loans and grants for the creation and preservation of affordable housing in the Town of Harvard for the benefit of low and moderate income households, provided that any such subsidies for affordable housing projects comprised of five or more units shall first be approved by the Board of Selectmen.

5.2.3 to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the Trustees deem advisable notwithstanding the length of any such lease or contract;

5.2.4 to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Trustees engage for the accomplishment of the purposes of the Trust, except for the purchase of real property by the Trust;

5.2.5 to employ advisors and agents, such as accountants, appraisers and lawyers as the Trustees deem necessary;

5.2.6 to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Trustee deem advisable;

5.2.7 to apportion receipts and charges between incomes and principal as the Trustees deem advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

5.2.8 to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

5.2.9 to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Trustees may deem proper and to pay, out of Trust Estate, such portion of expenses and compensation of such committee as the Trustees may deem necessary and appropriate;

5.2.10 to carry property for accounting purposes other than acquisition date values;

5.2.11 to make distributions or divisions of principal in kind;

5.2.12 to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Trustees may deem appropriate;

5.2.13 to abandon any property which the Trustees determined not to be worth retaining;

5.2.14 to hold all or part of the Trust Estate uninvested for such purposes and for such time as the Trustees may deem appropriate;

5.2.15 to extend the time for payment of any obligation to the Trust; and

5.2.16 to adopt and amend policies and by-laws for the conduct of the affairs of the Trust.

5.3 Any persons or entities extending credit to, contracting with or having any claim against the Trustees shall look only to the funds and property of this Trust for payment of any contract, or claim, or for the payment of any debt, damage, judgment, or decree, or for any money that may otherwise become due or payable to them from the Trustees, so that neither the Trustees nor the Beneficiaries shall be personally liable therefor. If any Trustee shall at any time for any reason (other than the willful breach of trust) be held to be under any personal liability as such Trustee, then such Trustee shall be held harmless and indemnified by the Town of Harvard, against all loss, costs, damage, or expense by reason of such liability to the greatest extent permitted under the provisions of Massachusetts General Laws Chapter 258.

**SECTION SIX**  
**TRUST PROPERTY**

6.1 Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any provision of the Town's Protective Bylaw or other by-law, comprehensive permit condition, special permit condition, provision of a decision of a Town board or committee, exaction fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted by the Town and approved into the Trust. General revenues of the Town appropriated into the Trust and funds transferred from the Town's Community Preservation Fund into the Trust become Trust property and to be expended these funds need not be further appropriated by the Town. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Trustees within one year of the date they were appropriated into the Trust, shall remain Trust property.

**SECTION SEVEN**  
**EXEMPTION FROM TAXES**

7.1 The trust is exempt from the provisions of Massachusetts General Laws Chapters 59 and 62, and from any

other provisions of law concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or the Town of Harvard.

**SECTION EIGHT**  
**ANNUAL AUDIT**

8.1 The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.

8.2 A copy of each annual audit report shall be filed with the Town's Board of Selectmen and in the Office of the Town Clerk.

**SECTION NINE**  
**TERMINATION**

9.1 This Trust may be terminated by the Town's rescission of its acceptance of the provisions of Chapter 461 of the Acts of 2004 by majority vote at an annual meeting of the Town pursuant to Massachusetts General Laws Chapter 4, Section 4B. Upon any such termination of the Trust, a certification of termination, executed by a majority of all members of said board of trustees, shall be recorded with said registry of deeds.

9.2 The common law Rule Against Perpetuities and the provisions of Massachusetts General Laws Chapter 184A shall not apply to the Trust.

9.3 In the case of any termination of the Trust, the Trustees shall transfer and convey the specific assets constituting the Trust Estate, subject to any leases, mortgages, contracts or other encumbrances on the Trust Estate, to the Town of Harvard, provided, however, the Trustees may retain such portion thereof as in their opinion necessary to discharge any expense or liability determined or contingent, of the Trust.

**SECTION TEN**  
**AMENDMENTS**

10.1 This First Amended Declaration of Trust amends and modifies the terms of the original Declaration of Trust dated September 12, 2006 and recorded with said Registry of Deeds in Book 39847, Page 220. This First Amended

Declaration of Trust may be further amended from time to time by an instrument in writing signed by a majority of all members of said board of trustees, provided in each case that the amendment(s) shall not become effective until the amendment has been approved by a majority vote of the Board of Selectmen and a majority vote of a town meeting and a certificate setting forth the terms of such amendment, signed by the Trustees, is filed in the Office of the Town Clerk recorded with said registry of deeds.

**SECTION ELEVEN**  
**RESIGNATION AND SUCCESSOR TRUSTEES**

11.1 Any Trustee hereunder may resign at any time by an instrument in writing, signed and acknowledged by such trustee and delivered to the Town's Board of Selectmen, the Office of the Town Clerk and all remaining trustees. Such resignation shall take effect on the later of the date specified therein or the date of the recording of such instrument with said registry of deeds.

11.2 Succeeding or additional Trustees may be appointed or any Trustee may be removed by an instrument in writing signed by a majority of all members of the Board of Selectmen, provided in each case that a certificate signed by any Trustee naming the Trustee or Trustees appointed or removed and, in the case of an appointment, the acceptance in writing by the Trustee or Trustees appointed, shall be recorded in the Office of the Town Clerk and in said registry of deeds. Upon the recording of such instrument, the legal title to the Trust Estate shall, without the necessity of any conveyance, be vested in said succeeding or additional trustee or trustees, with all the rights, powers, authority and privileges as if named as an original Trustee hereunder.

**SECTION TWELVE**  
**GOVERNING LAW**

12.1 This Declaration of Trust shall be construed in accordance with the laws of the Commonwealth of Massachusetts.

WITNESS our hands and seals this 21<sup>st</sup> day of March, 2017.

[Signature]  
Ronald V. Ricci, Trustee

[Signature]  
Alice Von Loesecke, Trustee

[Signature]  
Kenneth Swanton, Trustee

[Signature]  
Gregory W. Schmidt, Trustee

[Signature]  
Lucy B. Wallace, Trustee

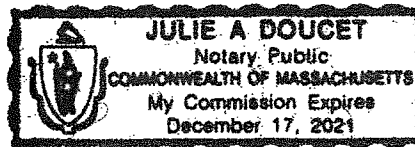
COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

March 21, 2017

On this 21<sup>st</sup> day of March, 2017, before me, the undersigned notary public, personally appeared Ronald Ricci, Alice von Loesecke, Ken Swanton, Gregory Schmidt and Lucy Wallace. proved to me through satisfactory evidence of identification, which were a Massachusetts driver's license and personal recognition, to be the persons whose names are signed on the preceding document, and acknowledged to me that s/he signed it voluntarily for its stated purpose., as Trustees of the Town of Harvard Municipal Affordable Trust Fund.

[Signature]  
, Notary Public  
My Commission Expires:



**Cc:** Charles Oliver <[coliver01451@gmail.com](mailto:coliver01451@gmail.com)>

**Subject:** Amending MAHT bylaw

Hi Rich and Julie,

I was hoping you could help me out with something. We are adding Bonnie to the MAHT and another Harvard community member wants to join as well who leads all programming at the Boston Architecture Society. With Charles being an official member from SB plus our other 3 members that would bring us to 6 members. The charter states we only have 5 so I would like to amend the bylaw to change it to 6 with a quorum being 3 members present at least. We are moving into a stage where we really need more members with qualified backgrounds like Bonnie and this new other member with so many projects on the horizon.

Is this possible for me to do? What would the process be?

Thanks!

Arielle

Here is the current chrater - [https://www.harvard-ma.gov/sites/g/files/vyhlf676/f/uploads/harvard mahtf declaration 1st amended 03-21-17.pdf](https://www.harvard-ma.gov/sites/g/files/vyhlf676/f/uploads/harvard_mahtf_declaration_1st_amended_03-21-17.pdf)

**WARRANT FOR THE 2024 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 in the Cronin Auditorium located in The Bromfield School on Saturday, the 6th day of April, 2024 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 BILLS OF PRIOR FISCAL YEARS**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a sum of money to pay bills of Fiscal Year 2023, or pass any vote or votes in relation thereto.

(Inserted by Finance Director)

**ARTICLE 3: NETWORK SECURITY RISK ASSESSMENT**

To see if the Town will vote to transfer a sum of money from the General Stabilization Account to conduct a required network security risk assessment on the Town's network, with funds to be expended by the Finance Director, with the approval of the Town Administrator, or pass any vote or votes in relation thereto.

(Inserted by Finance Director)

**ARTICLE 4: MASTER PLAN UPDATE**

To see if the Town will vote to transfer a sum of money from the General Stabilization Account, to be expended by the Director of Planning, with the approval of the Planning Board, to update the Town's Master Plan, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

**ARTICLE 5: VOTING MACHINES**

To see if the Town will vote to transfer a sum of money from the General Stabilization Account, to be expended by the Town Clerk with the approval of the Town Administrator, for the purchase of a new voting machine, or pass any vote or votes in relation thereto.

(Inserted by Town Clerk)



**ARTICLE 6: PERSONNEL POLICIES UPDATE**

To see if the Town will vote to transfer a sum of money from the General Stabilization Account, to be expended by the Human Resources Director, with the approval of the Personnel Board, to update the Personnel Policies, or pass any vote or votes in relation thereto.  
(Inserted by Personnel Board)

**ARTICLE 7: OTHER POST EMPLOYMENT BENEFITS (OPEB) FUNDING**

To see if the Town will vote to transfer a sum of money from the Fiscal Year 2023 Certified Free Cash, to be combined with the funds in the omnibus budget, and deposited into the Town's OPEB account, or pass any vote or votes in relation thereto.  
(Inserted by Select Board)

**ARTICLE 8: 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 2023 Certified Free Cash to the Stabilization Account, in accordance with the Town Code, or pass any vote or votes in relation thereto.  
(Inserted by Finance Committee)

**ARTICLE 9: 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 2023 Certified Free Cash to the Capital Stabilization and Investment Fund, or pass any vote or votes in relation thereto.  
(Inserted by Finance Committee)

**ARTICLE 10: 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 expenses for the ensuing fiscal year, a portion of which appropriation shall be contingent upon the passage of a so called Proposition Two and One-Half Levy Limit Override referendum ballot question (Question #2) at the Town Election to be held on April 9, 2024 or pass any vote or votes in relation thereto.  
(Inserted by Select Board and Finance Committee)

**ARTICLE 11: 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 10 of the Warrant for the 2024 Annual Town Meeting for salaries and wages of non-school officials and employees in order to fund performance-based wage adjustments for Fiscal Year 2025, or pass any vote or votes in relation thereto.  
(Inserted by Select Board)

**ARTICLE 12: 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, and that any funds remaining will be returned to their funding source, or pass any vote or votes in relation thereto: (Inserted by the Capital Planning and Investment Committee)

	<b>Description of Acquisition or Project</b>	<b>Board or Official Authorized to Expend Funds</b>	<b>Amount</b>
1	F-550 Dump Truck	Director of Public Works with the approval of the Select Board	\$120,000
2	Mini Excavator	Director of Public Works with the approval of the Select Board	\$70,000
3	Road Maintenance & Repairs	Director of Public Works with the approval of the Select Board	\$200,000
4	Library Mechanicals	Facilities Manager with approval of the Select Board	\$200,000
5	Radio Replacements	Fire Chief with approval of the Select Board	\$237,000
6	Beach House & Area Upgrades	Recreation Director with approval of Parks & Recreation Commissioners	\$20,355
7	Field Upgrades	Recreation Director with approval of Parks & Recreation Commissioners	\$26,523
8	UHF Radio Repeater	Police Chief with the approval of the Select Board	\$74,000
9	Athletic Equipment	Superintendent of Schools with School Committee approval	\$53,215
10	HES Fencing	Superintendent of Schools with School Committee approval	\$21,437
11	Plow Truck	Superintendent of Schools with School Committee approval	\$65,000
12	Science Wing Restrooms	Superintendent of Schools with School Committee approval	\$100,000
13	TBS Flooring	Superintendent of Schools with School Committee approval	\$130,000
14	TBS Gym Shades & speakers	Superintendent of Schools with School Committee approval	\$25,174
15	TBS Retaining Wall, Ramp, Rear stairs	Superintendent of Schools with School Committee approval	\$125,000

**ARTICLE 13: 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 Select Board, to fund the Capital Planning and Investment Committee’s debt service for Fiscal Year 2025, or pass any vote or votes in relation thereto.

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

**ARTICLE 14: CAPITAL PLANNING AND INVESTMENT COMMITTEE DEBT RECOMMENDATIONS**

To see if the Town will vote to appropriate and borrow the following sums of money to be combined with funds (\$235,000) appropriated under Article 23 of the May 4, 2019 Annual Town Meeting (\$100,000) and appropriated under Article 14 of the May 15, 2021 Annual Town Meeting (\$135,000), for the design, construction, and renovations of the DPW facility, to be expended by the Director of Public Works, with the approval of the Select Board, and that such appropriation shall be contingent upon the passage of a so called Proposition Two and One-half debt exclusion ballot question at the April 9, 2024 Annual Town Election, or pass any vote or votes in relation thereto:

(Inserted by Capital Planning and Investment Committee, Finance Committee, and Select Board)

	<i>Description of Acquisition or Project</i>	<i>Board or Official Authorized to Expend Funds</i>	<i>Amount</i>	<i>Funding Source</i>
1	Department of Public Works Building	Director of Public Works with Select Board Approval	\$9,894,200	Borrowing M.G.L. Ch. 44

**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 2025 Community Preservation budget as printed in the 2024 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 and 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 with expenditures to begin in Fiscal Year 2025, and that any funds remaining will be returned to their funding source, or pass any vote or votes in relation thereto:

(Inserted by the Community Preservation Committee)

	<i>Description of Acquisition or Project</i>	<i>Board or Official Authorized to Expend Funds</i>	<i>Amount</i>	<i>Funding Source</i>
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1	<i>Stairs at McCurdy Track</i>	<i>Parks and Recreation Commission</i>	<i>\$ 25,000</i>	<i>Fiscal 2025 Community Preservation Fund Unspecified Reserves</i>
2	<i>Bromfield Outdoor Basketball Court Upgrade</i>	<i>Parks and Recreation Commission</i>	<i>\$ 40,000</i>	<i>Fiscal 2025 Community Preservation Fund Unspecified Reserves</i>
3	<i>Conservation Fund</i>	<i>Conservation Commission</i>	<i>\$ 200,000</i>	<i>Fiscal 2025 Community Preservation Fund Unspecified Reserves</i>
4	<i>Invasive Plan Management</i>	<i>Conservation Commission</i>	<i>\$50,000</i>	<i>Fiscal 2025 Community Preservation Fund Unspecified Reserves</i>
5	<i>Preservation of Town Clerk Documents</i>	<i>Harvard Fire Department</i>	<i>\$ 31,275</i>	<i>Fiscal 2025 Community Preservation Fund Unspecified Reserves</i>
6	<i>Affordable Housing Reserves</i>	<i>Municipal Affordable Housing Trust</i>	<i>\$ 190,000</i>	<i>Fiscal 2025 Community Preservation Fund Unspecified Reserves</i>
7	<i>Debt Payment on Town Hall</i>	<i>Finance Director</i>	<i>\$ 44,888</i>	<i>Fiscal 2025 Community Preservation Fund Unspecified Reserves</i>
8	<i>Community Preservation Committee Administrative Expenses</i>	<i>Community Preservation Committee</i>	<i>\$ 30,000</i>	<i>Fiscal 2025 Community Preservation Fund Unspecified Reserves</i>

**ARTICLE 17: NEW TRANSFER STATION ENTERPRISE FUND**

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53F ½ to establish the Town’s transfer station operations as an enterprise fund effective July 1, 2024, or take any other vote or votes in relation thereto.  
(Inserted by Finance Director)

**ARTICLE 18: NEW WATER ENTERPRISE FUND**

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53F ½ to establish the Town’s water operations as an enterprise fund effective July 1, 2024, or take any other vote or votes in relation thereto.  
(Inserted by Finance Director)

**ARTICLE 19: FY2025 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 2025, or pass any vote or votes in relation thereto.

(Inserted by Finance Director)

## **ARTICLE 20: 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 2025, or pass any vote or votes in relation thereto:

(Inserted by Finance Committee)

<b>Revolving Fund</b>	<b>Expenditure Limit</b>
Council on Aging	\$ 35,000.
Fourth of July Committee	40,000.
Fire Department S.A.F.E. Program	30,000.
Application Review Advertising & Professional Service Cost	1,000.
Harvard Community Cable Access Committee	25,000.
Parks and Recreation Beach	140,000.
Parks and Recreation Field Maintenance	65,000.
HES EVCS Revolving Fund	20,000.
Parks and Recreation Revolving Fund	120,000.

## **ARTICLE 21: MUNICIPAL CHARGES LIEN BYLAW**

To see if the Town will vote to amend the Code of the Town of Harvard by adding thereto the following new chapter authorizing municipal charges liens, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

### **Chapter 58. Municipal Charges Lien**

**Section 1. Authority.** This by-law is adopted pursuant to the provisions of M.G.L. c. 40, § 21 and c. 40, § 58. and any other relevant statutes and regulations.

**Section 2. Purpose.** The purpose of the establishment of a Municipal Charges Lien is to provide a cost-effective method of collecting a charge, fine, penalty and/or fee assessed against an owner of real property in the Town of Harvard who fails, and/or refuses to pay said charge or charges, fine or fines, penalty or penalties and/or fee or fees when due, by placing a lien upon real estate owned by the property owner.

**Section 3. Charge and/or Fee.** The Municipal Charges Lien shall apply to the following municipal charges and/or fees:

a) Charges, penalties, fines or fees, including interest and all costs to record said lien(s) in the Worcester District Registry of Deeds, for violations of the Town of Harvard Protective Bylaw.

b) Charges, penalties, fines or fees, including interest and all costs to record said lien(s) in the Worcester District Registry of Deeds, for violations of the Town of Harvard general bylaws relating

to Alarm Systems, Alcoholic Beverages, Animal Control/Dogs, Bare Hill Pond, Canvassers and Solicitors, Firearms and Explosives, Historic Districts, House Numbering, Scenic Roads, Streets and Sidewalks, Stretch Energy Code, Water Usage and Wetlands Protection.

**Section 4. Lien Establishment.** The Municipal Charges Lien will take effect upon the recording of a statement of unpaid municipal charges, fines, penalties and fees, setting forth the amount due, including recording costs, the address(es) of the land to which the lien is to apply and the name of the assessed owner.

**Section 5. Collection of the Lien.**

- a) The Tax Collector shall be responsible for of collecting the charges secured by the lien.
- b) The Tax Collector shall notify the Assessors of all unpaid municipal charges, fines, penalties and that have not been paid or appealed to the court at the end of each month.
- c) The Assessors shall prepare a statement of Municipal Charges Lien for each person from the list(s) received from the Town Clerk or person responsible for collecting the charge, fine or penalty and shall forward said statement of lien to the Tax Collector who shall cause said statement(s) to be recorded in the Worcester District Registry of Deeds.

**Section 6. Unpaid Municipal Charges Liens.**

- a) If a charge, fine, penalty or fee secured by the lien is unpaid when the Assessors are preparing the real estate tax list and warrant, the Tax Collector shall certify the charge or penalty to the Assessors' Department and the Assessors shall add the charge or fee to the next property tax bill to which it relates, and commit it with the warrant to the collector as part of the tax.
- b) If the property to which the charge, fine, penalty and/or fee relates is tax exempt, the charge or fee shall be committed as a tax on said property.

**Section 7. Release of Lien.** The Municipal Charges Lien may be discharged by filing a certificate from the Tax Collector that all municipal charges or fees constituting a lien, together with any interests and: costs have been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

**ARTICLE 22: AMEND CHAPTER 125, PROTECTIVE BYLAW, of the CODE of HARVARD by ADDING SECTION 125-60: MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT**

To see if the Town will vote to amend Chapter 125, Protective Bylaw, of the Town Code by adding the following section, 125-60: MBTA Communities Multi-Family Overlay District, or take any vote or votes in relation thereto.

(Inserted by Planning Board)

**§ 125-60: MBTA Communities Multi-family Overlay District**

**A. Purpose**

The purpose of the MBTA Communities Multi-family Overlay District (MCMOD) is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right multi-family housing to accomplish the following purposes:

1. Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels;
2. Support vibrant neighborhoods by encouraging an appropriate mix and intensity of uses to support an active public space that provides equal access to housing, jobs, gathering spaces, recreational opportunities, goods, and services with reasonable proximity to a transit station;
3. Preserve open space and viable agricultural land in the community by locating new housing within or adjacent to existing developed areas and infrastructure;
4. Help implement Master Plan goals, the Housing Production Plan and the Ayer Road Vision Plan.

### **B. Establishment and Applicability**

This MCMOD is an overlay district having a land area of approximately eight (8) acres in size that is superimposed over the underlying zoning district (s) and is shown on the Zoning Map.

- 1. Applicability of MCMOD.** An applicant may develop multi-family housing located within a MCMOD in accordance with the provisions of this § 125-60.
- 2. Underlying Zoning.** The MCMOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, as well as for uses allowed as of right or by special permit in the MCMOD. Uses that are not identified in §125-60 are governed by the requirements of the underlying zoning district(s).

### **C. Definitions**

For purposes of this §125-60, the following definitions shall apply.

- 1. Affordable unit.** A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.
- 2. Affordable housing.** Housing that contains Affordable Units as defined by this § 125-60.
- 3. Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.
- 4. Area Median Income (AMI).** The median family income for the metropolitan statistical region that includes the Town of Harvard as defined by the U.S. Department of Housing and Urban Development (HUD).
- 5. As of right.** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
- 6. Compliance Guidelines.** Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act as further revised or amended from time to time.

**7. EOHLIC.** The Massachusetts Executive Office of Housing and Livable Communities, or any successor agency.

**8. Development standards.** Provisions of § 125-60 G. General Development Standards made applicable to projects within the MCMOD.

**9. Lot Coverage.** The maximum area of a lot covered by impervious surfaces, including the footprint of buildings, parking, sidewalks, patios, and decks.

**10. MBTA.** Massachusetts Bay Transportation Authority.

**11. Mixed-use development.** Development containing a mix of residential uses and non-residential uses, including, commercial, institutional, industrial, or other uses.

**12. Multi-family housing.** A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.

**13. Multi-family zoning district.** A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.

**14. Open space.** Contiguous undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or a buffer between other within resources within a parcel boundary.

**15. Parking, structured.** A structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.

**16. Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.

**17. Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**18. Section 3A.** Section 3A of the Zoning Act.

**19. Site plan review authority.** Harvard Planning Board.

**20. Special permit granting authority.** (if it were mixed use) Harvard Planning Board

**21. Subsidized Housing Inventory (SHI).** A list of qualified Affordable Housing Units maintained by EOHLIC used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.



**24. Transit station.** The Ayer or Littleton MBTA commuter rail station.

**D. Permitted Uses**

**1. Uses Permitted As of Right.** As many as 120 units of multi-family housing is permitted as of right within the MCMOD.

**2. Uses Permitted by Special Permit.** The following uses require a Special Permit from the Harvard Planning Board:

a. Mixed-use development. Uses in a mixed-use development are as follows:

<b>Ground Floor</b>
125-12 Small Scale Commercial uses
125-13A Medical or Dental Office
125-13B Automated teller machine (not a drive-up facility)
125-13C Personal or business service including barber or beauty salon, shoe repair, tailoring, business or trade schools, photocopying, and locksmith
125-13G Dry cleaning and laundry pick-up station
125-13H Nursery school, Kindergarten or day-care center for preschool children
125-13L Catering service, delicatessen or other food market, or a permitted eating establishment
125-13P Restaurant or other food service establishment whose principal business is the sale of prepared foods or beverages that are consumed on the premises or carried out by retail customers.
Pharmacy
Recreation, dance, or fitness facility
Grocery or farm products retail store with less than 10,000 square feet of gross floor area.
<b>Any Floor</b>
Residential (required component).

b. Affordable Ownership Units. More than 120 units but not to exceed 225 units, of which 25% of the additional units over 120 units must be affordable at 80% AMI;

c. Affordable Rental Units. Any units in excess of 120 units but not to exceed 225 units may be allocated as rental units, of which 25% of the additional units over 120 units must be affordable at 80% AMI; At least 25% of rental units in the development shall be restricted to occupancy by Income Eligible Households, earning 80% or less of the area median income, and the window of affordable rent will be set at 30% of the 70% median income, to conform with 760 CMR 56.00. These restrictions will enable 100% of the rental units to be

included in the Subsidized Housing Inventory. A Special Permit for this purpose will permit a density bonus to allow a maximum of 225 units.

**3. Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in § 125-60 D.1:

- a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage, or other building on the same lot as the principal use.

**E. Dimensional Standards**

**1. Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the MCMOD are as follows:

Standard	
<b>Lot Size</b>	
<b>Minimum (SF)</b>	40,000
<b>Height</b>	
<b>Stories (Maximum)</b>	3
<b>Feet (Maximum)</b>	45
<b>Minimum Open Space</b>	30%

**2. Floor area and Maximum Lot Coverage**

Standard	
<b>Floor Area Ratio (FAR)</b>	2.5
<b>Maximum Lot Coverage</b>	70%
<b>Minimum Gross Density</b>	<b>15 per acre (-0% / +5%)</b>

**3. Frontage and Setbacks**

Standard	
<b>Minimum Frontage (ft)</b>	50
<b>Front Yard Setback</b>	
<b>Min to Max (ft)</b>	10-40

Standard	
<b>Side Yard Setback</b>	
<b>Corner (ft)</b>	10-40
<b>Interior (ft)</b>	10-40
<b>Rear Yard Setback</b>	
<b>Min to Max (ft)</b>	20-40

**4. Multi-Building Lots.** In the MCMOD, lots may have more than one principal building.

**5. Exceptions.** The limitation on height of buildings shall not apply to roof lines, chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building. Roof-top mechanicals shall be screened.

**6. Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in § 125-60 E. Dimensional Standards to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

**F. Off-Street Parking**

These parking requirements are applicable to development in the MCMOD.

**1. Number of parking spaces.** The following maximum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Auto Parking Spaces	Bicycle Spaces
Multi-Family	1.5	1
Mixed Use (Non-Residential/Commercial)	Sum of uses computed separately (see 3 below)	1 for each 10 parking spaces, rounding up

**2. Bicycle storage.** For a multi-family development of [25] units or more, or a mixed-use development of [25,000] square feet or more, covered parking bicycle parking spaces may be integrated into the structure of the building(s).

**3. Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.

**4. Number of electric vehicle (EV) charging stations.** For all uses within the MCMOD, electric charging stations are required with one EV space required for every [twenty (20)] parking spaces, rounded up to the next highest number of EV stations. (No EV charging stations allowed inside.)

## **G. General Development Standards**

**1. Development standards in the MCMOD** are applicable to all multi-family development with more than [25] units or mixed-use development of more than [25,000] SF within the MCMOD. These standards are components of the Site Plan Review process in § 125-38.

### **2. Site Design.**

**a. Sidewalks.** Sidewalks and walkways shall conform to the requirements in § 125-39G, and shall provide direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.

**b. Vehicular Access.** Parking and loading shall conform to the requirements in § 125-39 A. Driveways shall conform to the requirements in § 125-39 B. Where feasible, curb cuts shall be minimized, and shared driveways encouraged.

**c. Open Space.** Open spaces shall conform to the requirements in § 125-39 C.

**d. Screening.** Screening shall conform to the requirements in § 125-39 D.

**e. Plantings.** Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List and Invasive Plant List, as may be amended, shall be prohibited.

**f. Lighting.** Lighting shall conform to the requirements in § 125-40. Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow.

**g. Mechanicals.** Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.

**h. Dumpsters.** Dumpsters shall be screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.

**i. Stormwater management.** Strategies that demonstrate compliance with the Local Harvard Bylaw of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines. Drainage shall conform to the requirements in § 125-39F.

**j. Water supply.** Any well must comply with MassDEP's well guidelines. These guidelines require a public water supply well if the well services were more than 24 people.

### **3. Buildings: General.**

**a. Entries.** Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.

### **4. Buildings: Multiple buildings on a lot.**

a. For a mixed-use development, uses may be mixed within the buildings or in separate buildings.

b. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.

c. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.

d. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.

e. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.

### **5. Buildings: Mixed-use development.**

a. In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.

b. Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable.

c. Materials for non-residential uses shall be stored inside or under cover and shall not be accessible to residents of the development.

d. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.

**6. Buildings: Shared Outdoor Space.** Multi-family housing and mixed-use development shall have common outdoor space that all residents can access. Such space may be located in any combination of ground floor, courtyard, rooftop, or terrace.

**7. Buildings: Corner Lots.** A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.

- a. Such entries shall be connected by a paved surface to the public sidewalk, if applicable.
- b. Fire exits serving more than one story shall not be located on either of the street-facing façades.

## **8. Parking.**

- a. **Surface parking** shall be located to the rear or side of the principal building. Parking shall not be located in the setback between the building and any lot line adjacent to the public right-of-way.
- b. **Integrated garages.** The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
- c. **Parking structures.** Building(s) dedicated to structured parking on the same lot as one or more multi-family buildings or mixed-use development shall be subordinate in design and placement to the multi-family or mixed-use building(s) on the lot.

**9. Waivers.** Upon the request of the Applicant and subject to compliance with the Compliance Guidelines, the Site Plan Review Authority may waive the requirements of this § 125-60 G. General Development Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the MCMOD.

## **H. Affordability Requirements.**

### **1. Purpose.**

- a. Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities for people of different income levels;
- b. Provide for a full range of housing choices for households of all incomes, ages, and sizes;
- c. Increase the production of affordable housing units to meet existing and anticipated housing needs; and
- d. Work to overcome economic segregation allowing Harvard to be a community of opportunity in which low and moderate-income households have the opportunity to advance economically.

### **2. Applicability.**

This requirement is applicable to all residential and mixed-use developments with ten (10) or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion (Applicable Projects). No project may be divided or phased to avoid the requirements of this section.

### **3. Affordability requirements.**

All units affordable to households earning 80% or less of AMI created in the MCMOD under this section must be eligible for listing on DHCD's Subsidized Housing Inventory.

**4. Provision of Affordable Housing.** not fewer than ten percent (10%) of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of units of

Affordable Housing required within a development project, a fractional unit shall be rounded down to the next whole number. The Affordable Units shall be available to households earning income up to eighty percent (80%) of the AMI.

**5. Development Standards.** Affordable Units shall be:

- a. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
- b. Proportionately dispersed throughout the development with respect to location, unit type, quality and character, room size, and number and distribution of bedrooms, and in all respects shall be indistinguishable from the development's comparable market-rate dwelling units;
- c. Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;
- d. Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;
- e. Distributed proportionately across each phase of a phased development.
- f. The dimensional requirements that are set forth in Section E of these bylaws shall apply both to the development's affordable dwelling units and its market-rate dwelling units.
- g. Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for Affordable Units are issued simultaneously on a pro rata basis. The last Occupancy permit issued shall be for a market-rate unit.

**6 Administration.**

- a. The Zoning Enforcement Officer/Building Commissioner shall be responsible for administering and enforcing the requirements in this section.
- b. Severability: if any provision of this bylaw were determined to be invalid by a court of competent jurisdiction, the remainder hereof shall not be affected but shall remain in full force and effect. The invalidity of any provision of this bylaw shall not affect the validity of the remainder of the bylaw.

**ARTICLE 23: GRANT OF EASEMENT to TOWN of LITTLETON**

To see if the Town will vote to authorize the Select Board to convey to the Town of Littleton an easement to construct, install, and maintain utilities for the supply of water in any portion of the public way in Harvard being a portion of Littleton County Road extending south from the Littleton Town Line to Beaver Brook Road in Boxborough, as shown on the plan set entitled "Town of Littleton, Massachusetts, Electric Light and Water Departments, Water Supply Main Extension Littleton / Boxborough DWSRF No. 12397", dated October 2023, prepared by Weston & Sampson Engineers, Inc., a copy of which is on file with the Town Clerk, and as may be amended; and further to authorize the Select Board to enter into such agreements and execute such documents and

instruments as may be necessary or convenient to effectuate the purposes of this article; or take any other action relative thereto.  
(Inserted by Select Board)

**ARTICLE 24: CITIZENS PETITION**

To see if the Town will vote to request that the Select Board delay selling the parcel of land, with the building thereon, known and numbered as 39 Massachusetts Avenue, Harvard, Massachusetts and described in the deed dated June 2, 1982 and recorded with the Worcester Registry of Deeds in Book 7501, Page 344 (“the Property”), and allow it to continue to be used as a residence for refugees, with utilities paid by tenants, in exchange for a monthly payment equal to the monthly cost of insurance for the Property and a fair and appropriate rent, for a period of at least five years, or pass any vote or votes in relation thereto.  
(Inserted by Citizen Petition)

**ARTICLE 25: 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)

**ARTICLE 26: 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)

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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 9th day of April, 2024, from 8 a.m. to 8 p.m., to cast their ballots for the following officers and questions:

Moderator, 1 position for 3 years; Select Board, 1 position for 3 years; Library Trustees, 2 positions for three years; School Committee, 2 positions for 3 years; Warner Free Lecture, 2 positions for 3 years.

**QUESTION #1 – Department of Public Works Building Project**

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 bond issued in order to fund the costs of the design, construction, and renovation of the DPW facility, and for the payment of all other costs incidental and related thereto?

YES \_\_\_\_\_ NO \_\_\_\_\_  
(Requires a majority vote for passage.)



**Summary of ballot question:** The Town previously appropriated funds for an analysis of the DPW facility. The subsequent phase further defined the components requiring code-compliant renovations, repairs, and improvements. Passage of this ballot question will allow the Town to borrow the funds (\$9,894,200, not including interest) appropriated at the April 6, 2024 Annual Town Meeting (Article 14) for the design, construction, project management and other incidental and related costs outside of the financial constraints of Proposition Two and One-half.

**QUESTION #2 – General Override – 2 Tiers**

*(Questions 2A and 2B are separate questions. You may vote for or against each question independently. Each question requires a majority of those voting on that question to pass. If more than one question passes, the question with the highest dollar amount will prevail.)*

2A Shall the Town of Harvard be allowed to assess an additional \$423,902 in real estate and personal property taxes for the purpose of funding the operating budgets of both Municipal Departments (\$83,830) and Public Schools (\$340,072) for the fiscal year beginning July 1, 2024?

YES \_\_\_\_\_ NO \_\_\_\_\_  
(Requires a majority vote for passage.)

2B Shall the Town of Harvard be allowed to assess an additional \$752,964 in real estate and personal property taxes [which includes the amounts in Question 2A (\$423,902)] for the purpose of funding the Administrative Assistant position for the DPW (\$48,994), additional hours for the Board of Health Administrative Assistant (\$20,800), a Special Education Teacher (\$95,000) and an Athletic Director (\$100,000) for the Public Schools, and accompanying Benefits (\$64,268) for the positions listed in this question (2B), for the fiscal year beginning July 1, 2024?

YES \_\_\_\_\_ NO \_\_\_\_\_  
(Requires a majority vote for passage.)

**Summary of ballot question:** Questions 2A and 2B are separate questions. You may vote for or against each question independently. Each question requires a majority of those voting on that question to pass. If more than one question passes, the question with the highest dollar amount will prevail. Question 2A provides for substantially the same services as provided in the current fiscal year (FY2024). Question 2B includes the level service in 2A plus allows the Town to add hours to one position and to fill another position, it allows the School Department to add two new positions, and it provides funding for the benefits for all of these positions.

(The polls will be open from 8:00 a.m. to 8:00 p.m.) 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 on the Town website, as directed by vote of the Town, 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 5th day of March, Two Thousand and Twenty-Four.

**Harvard Select Board:**

\_\_\_\_\_  
Richard Maiore, Chair

\_\_\_\_\_  
Donald Ludwig

\_\_\_\_\_  
Erin McBee

\_\_\_\_\_  
Kara McGuire Minar

\_\_\_\_\_  
Charles Oliver

I certify that I have posted two attested copies of the warrant for the April 6, 2024 Annual Town Meeting, one at the Town Hall, and one at the Post office in Harvard, at least seven days before the time of holding said meeting.

\_\_\_\_\_, 2024  
Constable/Police Officer (month and day)

\_\_\_\_\_, 2024  
Town Clerk (month and day)

DRAFT #9

**OFFICES OF THE  
SELECT BOARD  
TOWN ADMINISTRATOR**

13 Ayer Road, Harvard, Massachusetts 01451  
(978) 456-4100

[www.harvard-ma.gov](http://www.harvard-ma.gov)  
(978) 456-4107 fax



**TO: Chair Maiore and Members of The Select Board**  
**FROM: Tim Bragan, Town Administrator**  
**DATE: February 29, 2024**  
**RE: Process Recommendation for Hiring a Town Administrator**

Thank you for the chance to provide input on the process for picking a replacement for my position as Town Administrator. My predecessor, Paul Cohen, departed in November of 2006 and I was hired in December of that year with a start date of January 2, 2007.

Back then, when there was no one who could take over for Paul, the Select Board opened a process to replace him and they did that in less than three months. Those were different times and today the Board is not in the same situation.

Seventeen years ago, there were a number of qualified individuals in this field and that is not the case today. As the Silent Generation and the Baby Boomer Generation administrators have retired there has not been the needed numbers come into the profession to replace them. This has made finding competent and qualified individuals difficult. For example, both Boxborough (after Selina Shaw retired) and Littleton (after Kieth Bergman retired) are on their third administrator as people they thought were good or qualified actually were not. It would be a shame and disheartening to see this happen here in Harvard.

Today is different. A prior Select Board, back in 2013, saw the wisdom of creating the Assistant Town Administrator position not to just handle Human Resources and Procurement but to be a possible home-grown successor for the position. They had the forethought of planning for some type of succession to be able to take place. This is the current situation the Board is presented with.

Unlike the Police Chief process, I recommend the Board look at and provide the opportunity to the current Assistant Town Administrator through whatever internal process the Board wishes, to be my successor. This will provide an opportunity to assess the Assistant Town Administrator and make a decision quickly on going with this individual or deciding to go through a long-drawn-out process. It would be a shame to forgo the opportunity a prior board has provided to future boards and to overlook the abilities, experience, and knowledge that the current Assistant Town Administrator processes.

As stated, this process would be quick and if successful the Select Board could rest easy knowing they have a professional, well qualified, and knowledgeable individual in place. If it were not successful, then the Board still has time to run an external process.

With respect to an external process, there are a number of individuals in the process of retiring and Bolton is one of them. They do not have an Assistant position and are in the process of doing an external search as we speak. Competition for well qualified candidates, such as our Assistant Town Administrator, will be fierce and I for one do not want Harvard to end up like Boxborough or Littleton and thus reiterate my recommendation to assess the current Assistant Town Administrator and make a determination based on that assessment.