



**SELECT BOARD
AGENDA
Tuesday, September 15, 2020
7:00pm**

The Select Board Regular Meeting is being held virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A. S.20. Interested individuals can listen in and participate by phone and/or online by following the link and phone # below.

UpperTH ProWebinar is inviting you to a scheduled Zoom meeting.

Topic: Select Board

Time: Sep 15, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83376057303?pwd=Z1lLVktkMm1ZU0N5QWUzcyswOE9Ydz09>

Meeting ID: 833 7605 7303

Passcode: 108966

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

Dial by your location

+1 253 215 8782 US

+1 301 715 8592 US

One tap mobile

+13126266799,,123906012# US (Chicago)

+19294362866,,123906012# US (New York)

Agenda Items

- 1) Meet with residents to discuss concerns related to use of the Oxbow Wildlife Refuge at the end of Still River Depot Road (7:00)
- 2) Public Communication (7:45)
- 3) Approve minutes 8/27 & 9/1 (8:00)
- 4) Select Board goals for FY21 (8:05)
- 5) Set parameters for the FY22 budget season (8:20)
- 6) Town Administrator Report - miscellaneous issues & discussion items (8:35)
- 7) Action/Discussion items: (8:45)
 - a) Appoint Gwen Leonard as the Planning Board representative on the Open Space Committee
 - b) Appoint retiree representative to the Insurance Advisory Committee
 - c) Update on town fee review
 - d) Discuss Ayer Rd town portion issue
 - e) Finalize Special Town Meeting warrant
- 8) Select Board Reports
- 9) Executive Session: The Board will enter into executive session, as authorized by Chapter 30A, Section 21.3 to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. The Board will reconvene into open session only to adjourn.

***Next Select Board Regular Meeting
Tuesday, October 6, 2020
7:00pm***

Select Board Minutes
Thursday, August 27, 2020
9:30am

The Select Board Regular Meeting was held virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A. S.20.

Select Board participants:

Chair Alice von Loesecke, Rich Maiore, Kara Minar, Stu Sklar, Lucy Wallace (Maiore exited the meeting at 10am)

Town Department attendees:

Town Administrator Tim Bragan, Assistant Town Administrator/HR Director Marie Sobalvarro, Executive Assistant Julie Doucet

Additional participants:

School Committee Chair SusanMary Redinger, Finance Committee member Jennifer Finch

Daytime Childcare for town employees

Chair Alice von Loesecke received a request from School Superintendent Linda Dwight asking the Select Board to endorse a letter of support to offer daytime childcare at the Unitarian Church. She explained with school districts reopening plans being different from district to district this would offer a solution to Harvard teachers and other town employees with school age children.

Lucy Wallace was able to speak with Redinger before the meeting to ask a few questions. She was concerned about the hours ending at 2pm when Town Hall staff work until 5pm, if the employees hired to run the program will be eligible for benefits and about the cost being dependent on how many sign up. She understands there is a real need for childcare and trying to offer this service is a good idea.

Finance Committee member Jennifer Finch confirmed the Bridges program (before & afterschool care) was always self-funded including salary and benefits. She understood the rental fee for use of the church space would require funding from another source.

Kara Minar asked about liability coverage. Bragan and Sobalvarro will consult with the town's insurance company to attain the appropriate coverage. She also wondered about the program considering the concept of cohorts and not intermingling. Stu Sklar supports the initiative however is bothered this program will likely not help all town employees.

SusanMary Redinger joined the meeting to answer questions. Her understanding was this program began as a way to help Harvard teachers but was expanded to all town employees. As far as the 2pm closing time, Redinger explained teachers will be teaching at school in the mornings and then remote classes in the afternoon therefore care after 2pm will not be necessary.

HR Director Marie Sobalvarro surveyed town employees but mostly because of the hours there was little interest.

The board members agreed to support the program but if all town employees are unable to benefit from it the endorsement letter should not implicate it can. After confirming with the Superintendent, Redinger said the letter can be revised to say for only school employees.

By a roll call vote, Wallace – aye, Sklar – aye, Minar – aye, von Loesecke – aye, the board voted unanimously to endorse letter as amended and authorize Alice von Loesecke to sign.

The meeting was meeting adjourned at 10:25am.

Select Board Minutes
Tuesday, September 1, 2020
7:00pm

The Select Board Regular Meeting was held virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A. S.20.

Select Board participants:

Chair Alice von Loesecke, Rich Maiore, Kara Minar, Stu Sklar, Lucy Wallace

Town Department attendees:

Town Administrator Tim Bragan, Assistant Town Administrator/HR Director Marie Sobalvarro, Executive Assistant Julie Doucet, DPW Director Tim Kilhart

Additional participants:

Bare Hill Pond Watershed Management Committee Chair Bruce Leicher, Board of Health Chair Sharon McCarthy, Nashoba Board of Health Sanitarian Ira Grossman and Harbormaster Bob O'Shea

Update on Ayer Road construction project

DPW Director Tim Kilhart spoke with the Department of Transportation (DOT) who said they could not rule out the need for a roundabout and suggested use of the new SPICE tool to evaluate whether or not a roundabout would be warranted. He explained based on the current data they would not rule it out. Kilhart advised following DOT's recommendation. He is not asking the board to vote on the project tonight if there is a chance the design may change. He will continue to work with DOT to expedite the process. Kara Minar would have liked an opportunity to speak with DOT as well. She said focus should not only be on fatalities in this area but also consider increases in traffic due to future development and vehicle speed. She suggested review of previous studies done by Lloyd Bristol to determine how data was populated. She volunteered to work with the engineers and Kilhart to help move the project forward.

Kilhart gave additional updates:

- All 730 signs in town have been replaced and to the best of his knowledge are all in compliance.
- The Complete Streets project was completed on-time and under budget.
- He received a \$250,000 small bridge grant for repair to the culvert/bridge on Old Mill Rd over Bowers Brook.

Review of the Fall Special Town Meeting draft warrant

Tim Bragan shared the draft warrant and briefly reviewed each article:

- 1) Senior Housing Bylaw – Inserted by the Planning Board
- 2) Easement National Grid – Inserted by the Planning Board
- 3) Lease for Solar on School Roof – Inserted by the Planning Board
- 4) Bromfield House Disposition – Inserted by the Planning Board
- 5) CPIC Article – Inserted by the Planning Board
- 6) Amend Fiscal Year 2021 Omnibus and Sewer Enterprise Budget

Bragan received an article from the Community Preservation Committee: COVID-19 EMERGENCY RENTAL ASSISTANCE PROGRAM - To see if the Town will vote to approve the transfer of \$20,000 from Fiscal 2020 Community Preservation Fund Unspecified Reserves to the Affordable Housing Reserve, or pass any vote or votes in relation thereto, to cover the implementation and administration of a COVID Emergency Rental Assistance Program for the Town of Harvard. Bragan will have more information on this article at the September 15th meeting.

Minutes

By a roll call vote, Wallace – aye, Minar – aye, Mairoe – aye, Sklar – aye, von Loesecke – aye, the board voted unanimously to approve minutes of 8/4 & 8/19, as presented.

Town Administrator Report

- Who is drafting the new charge for the Transfer Station Committee? Bragan advised a tight timeline if there is any interest in changing how trash removal/recycling service is operated in town. Any decisions also impact capital improvements items included by the DPW Director over the next five years. Sklar remains skeptical residents would want the Transfer Station closed. He asked the board to consider including the operational costs in the tax base which would eliminate the need to charge for the sticker itself only requiring an additional cost to residents for purchase of bags. He noted this would continue to incentivize recycling. Sklar offered to collect and organize the data necessary to do a cost benefit analysis. The members agreed public outreach is important. They will target October to have the data necessary and then decide on the next steps.
- Who is re-writing the Select Board policy regarding the appointment process? Kara Minar volunteered.
- Bragan reported the Permanent Building Committee (PBC) had discussed the DPW Building Design Study at their last meeting, which was described in the Warrant Booklet with a predominantly DPW-operations focus. The PBC seeks the board's insight on the scope of the DPW Building Design study, in light of the Fire Station Study which highlighted constraints on the Center Station site. Would the Board be willing to provide input on whether the PBC's RFQ should limit this scope to the DPW Facility, or to have the study explore the feasibility of the site for multi-purpose/multi-use (DPW/Fire)? The board was receptive to the idea of a multi-purpose building. They agreed a needs assessment of the DPW building should include a site review as well. They requested an opportunity to review the draft assessments prior to any final reports being issued. Alice von Loesecke will meet with Marie Sobalvarro to discuss the multifunctional use of the DPW site as an option.
- Bragan announced the Select Board needs to appoint a representative to the Montachusett Joint Transportation Committee.
- License for pole easement with National Grid - By a roll call vote, Wallace – aye, Minar – aye, Maiore – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to approve the grant of license to Mass Electric Verizon on New England (National Grid) pole relocation.
- Bragan reported the Finance Committee is beginning discussions for Fiscal Year 22 and are seeking guidance from the Select Board.

Public Communication

Bill Johnson, 72 Warren Ave, spoke about his displeasure with how the Board of Health has handled the algae situation at Bare Hill Pond. He is asking for them to focus on what needs to happen now and work on an agreed plan of action for next time with more effective communication.

He suggested the use of the emergency call system with this type of situation. Johnson thanked Bare Hill Pond Watershed Management Committee Chair Bruce Leicher for his efforts.

Phil & Darcy Robinson, 183 Littleton Rd, asked for the update on the fire pond restoration project. Bragan offered to follow up with the Fire Chief.

Park & Recreation Commission resignation

By a roll call vote, Wallace – aye, Sklar – aye, Maiore – aye, Minar – aye, von Loesecke, the board voted unanimously to recognize resignation of Steve Victorson from the Park & Recreation Commission and send thank you letter.

Park & Recreation Commission appointment

Commission Chair recommended Keith Bilafer to fill the vacancy. By a roll call vote, Wallace – aye, Sklar – aye, Maiore – aye, Minar – aye, von Loesecke, the board voted unanimously to appoint Keith Bilafer to the Park & Recreation Commission.

Magnet Fishing & Unexploded ordinances

Bragan reported Devens and MassDevelopment have placed a moratorium or fine on anyone magnet fishing within their jurisdiction. The Environmental Protection Agency (EPA) has notified the Army for their plan on how they will address this problem. Harvard landowners who abut the Nashua River will be sent a letter from the town notifying them of this.

Testing Bare Hill Pond

Von Loesecke included this topic on the agenda due to the current algae bloom that has caused the pond to turn an awful shade of green prompting the Board of Health to advise against contact with the water. She invited Pond Committee Chair Bruce Leicher, Board of Health Chair Sharon McCarthy and Sanitarian Ira Grossman to speak on this topic. Her goal for the discussion is to determine how best to notify abutters to the pond/residents/out of town users if this type of situation occurs in the future.

Over the past week, Leicher has been contacted by numerous residents with questions about the posted notices and condition of the pond. His intent for this meeting is to focus on how town government can provide clear communication to residents. Harbormaster Bob O’Shea said he received questions asking if the algae was toxic. Leicher noted the MA Environmental Toxicology program has protocols in place to regulate these types of occurrences as should the town. He admitted his surprise at the lack of urgency about this potential public health risk from the Board of Health. Leicher acknowledged Bare Hill Pond is different from other lakes/ponds in Massachusetts as many have an association that would handle this type of situation however in Harvard ultimately it is the town who allocates who is responsible for what.

Board of Health Chair Sharon McCarthy offered some points of clarification and a timeline of events. Sanitarian Ira Grossman explained testing can be requested at any time through the local office or the Nashoba Associated Boards of Health. Grossman said the notices from the Board of Health were specific for closing of the beach areas. They had not been notified of other areas of that pond that were of concern. He agreed developing procedures for testing and communication makes sense. Grossman’s advice is no contact with the water. They can decide next steps once the testing results come back. Town Administrator Tim Bragan recommended all abutters to the pond and residents subscribe to receive news via email through the town website. This is the best way to receive official town news and alerts. Leicher, von Loesecke, McCarthy agreed to meet to draft procedures.

Budget recommendation from Finance Committee and Budget Advisory Committee

Finance Committee Chair Don Ludwig sent an update, explanation and recommendation via email. With level funding for Local Aid and Chapter 70, the Finance Committee was able to add back \$100,000 which they had anticipated not receiving. New Growth was decreased by \$30,000 and the Overlay Account decreased by \$25,000. All of this provides a new revised deficit of \$226,639. The surplus is made up of \$200,000 put into the Reserve Fund if we need it due to uncertain circumstances moving forward with local receipts, uncertain federal assistance, and of course Covid-19. This coupled with the savings from updated numbers from Worcester County Retirement, the savings of ~\$138,000 in insurance changes, the \$60,000 cut to the Police budget (Vehicle and OT), and one half of the originally estimated School cuts (\$112,000) gives us a surplus of \$302,047.

The Finance Committee unanimously recommends not cutting the \$10,000 from the Tree Warden's budget (this is public safety), not cutting the \$26,000 in Merit Pay (these individuals already contributed to our savings in insurance), and finally we do not recommend reducing the OPEB contribution at this time, as we may need to use this when budgeting for FY22. Town Administrator Tim Bragan supports their recommendation and strongly advocated for the merit pay increases. He reminded the board that the employees who would lose the merit raise are also the same employees that were affected by the health insurance cost increase when other employees did not. The board members were overall supportive however Kara Minar was not convinced it was the right thing to do therefore she abstained from voting. By a roll call vote, Wallace – aye, Maiore – aye, Sklar – aye, von Loesecke – aye, the board voted to retain the \$26,000 for merit pay increases. By a roll call vote, Wallace – aye, Maiore – aye, Sklar – aye, von Loesecke – aye, Minar – aye, the board voted unanimously to limit reduction to half \$112,000 for the school department.

Next steps for the Insurance Advisory Committee

Assistant Town Administrator/HR Director Marie Sobalvarro reported MIIA (Massachusetts Interlocal Insurance Association) is interested in offering quotes for health insurance coverage to the Town of Harvard. She asked the board to officially vote to restart the committee to evaluate Blue Cross Blue Shield plans. The committee will be comprised of seven representatives from affected organizations and the Select Board selects a retiree. By a roll call vote, Sklar – aye, Wallace – aye, Maiore – aye, Minar – aye, von Loesecke – aye, the board voted unanimously to create the Insurance Advisory Committee and find a retiree representative to appoint.

Select Board Reports

Von Loesecke reported the Capital Planning & Investment Committee has three requests for the fall special town meeting: additional funds for the water treatment system computers, Bromfield School ramp (repair & replace only necessary parts) and full phase study/design for the commercial district. The commercial district request will be better for the spring town meeting to allow time for the necessary outreach and information for the voters. Grant funds may be available to help with funding of the ramp.

By a roll call vote, Minar – aye, Wallace – aye, Sklar – aye, Maiore – aye, von Loesecke, the board voted unanimously to continue the meeting after 10:00pm

Lucy Wallace reported a senior housing forum next week. Registration is required.

Wallace said the Council on Aging is in need of volunteers to help deliver lunches. Anyone interested should call the Hildreth House and speak with Lisa Rosen.

Stu Sklar reported the War Monument Restoration Committee will meet with the Historic Commission about the World War II monument.

Rich Maiore reported the School Committee continues to navigate personnel changes as the start of the school year quickly approaches.

The meeting was adjourned at 10:10pm.

Documents referenced:

Magan resignation email – dated 8.25.2020

Bilafer vol form – dated 8.10.2020

Fin Com recommendations – email dated 8.27.2020 with updated budget numbers

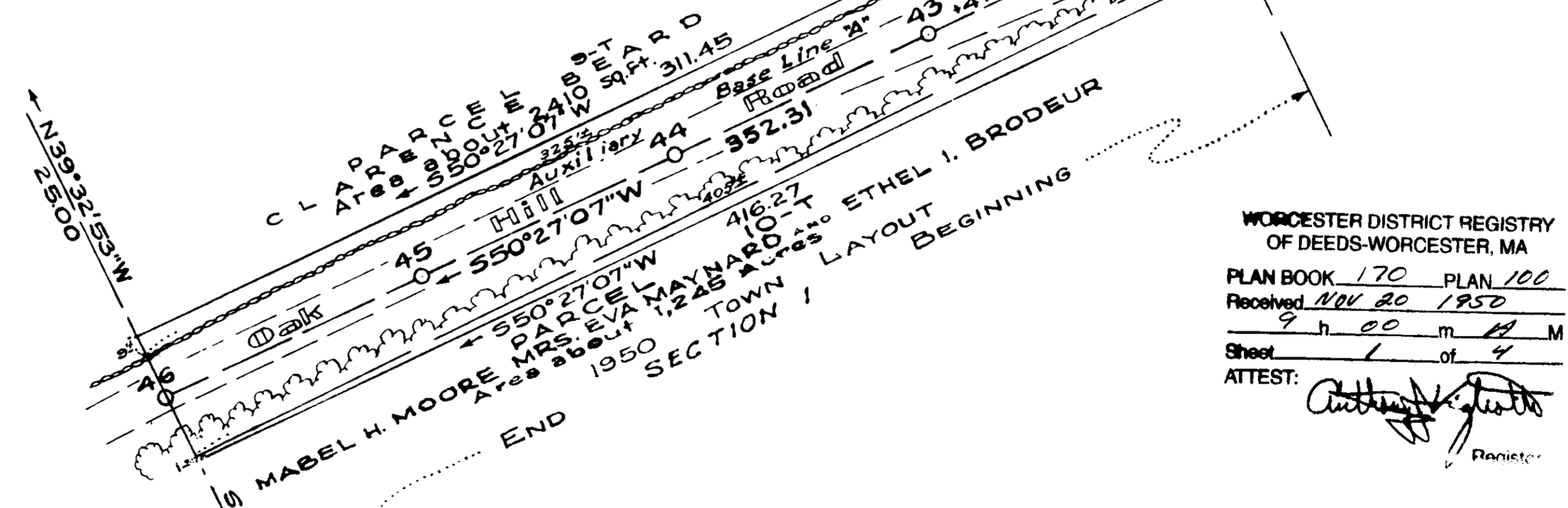
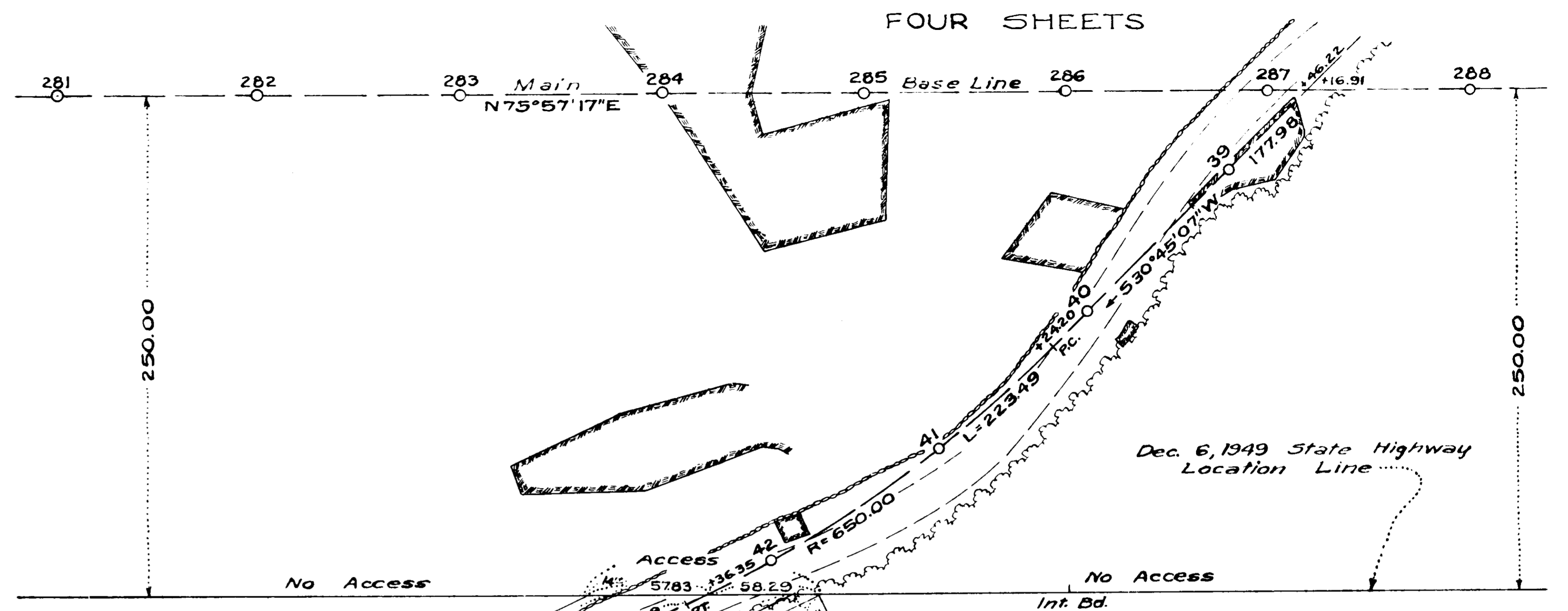
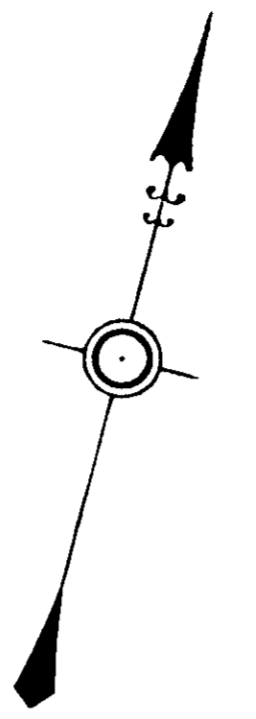
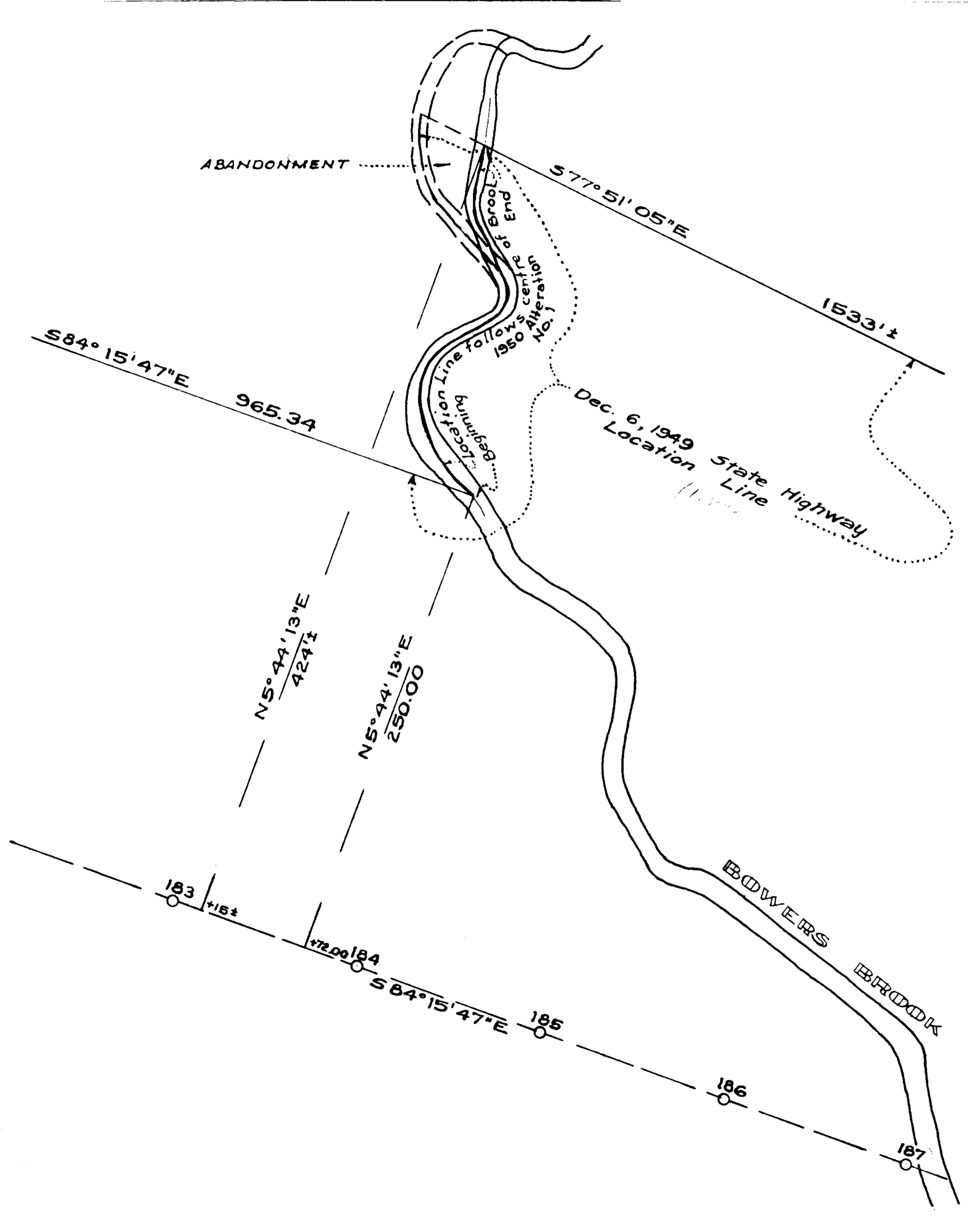
Special Town Meeting warrant – draft 10.3.2020

Bare Hill Pond:

Excerpts from state sanitary – dated 9.1.2020

Ma DPH cyanobacteria testing standards – dated 9.1.2020

Board of Health comments to SB – dated 9.1.2020



WORCESTER DISTRICT REGISTRY
OF DEEDS-WORCESTER, MA
PLAN BOOK 170 PLAN 100
Received NOV 20 1950
9 h 00 m 4 M
Sheet 1 of 4
ATTEST: *Anthony J. Gault*
Registrar

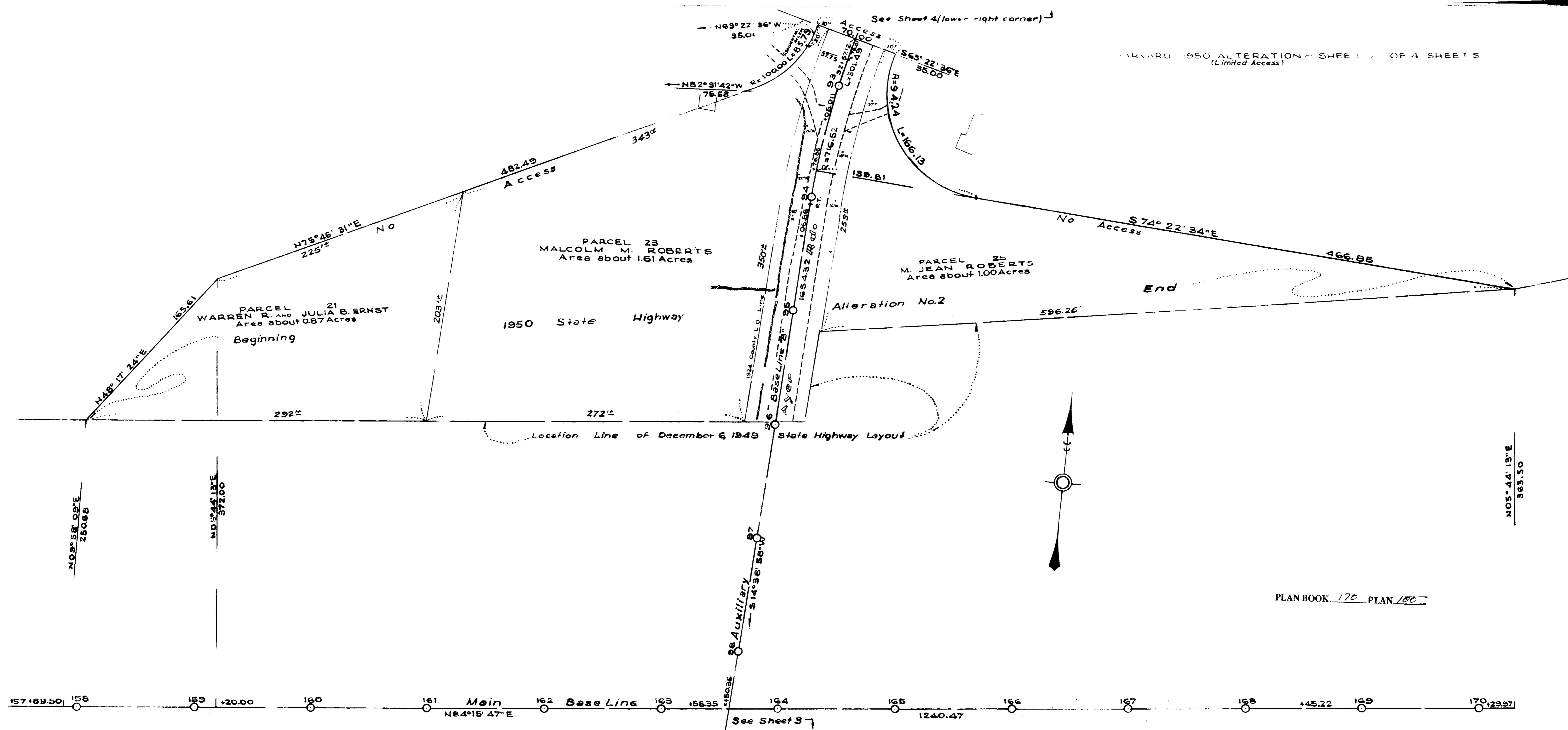
A TRUE COPY-ATTEST
Walter V. Worthen
DEPARTMENT OF PUBLIC WORKS
COMMONWEALTH OF MASSACHUSETTS

This certifies that the section of road marked on this plan "Abandonment" was abandoned by the Department of Public Works November 7, 1950 in accordance with Chapter 81 of the General Laws.
William F. Callahan
Benjamin H. Gault
Frank Matera
Department of Public Works

This is to certify that the sections of road marked on this plan "1950 Town Layout" were laid out in behalf of the Town of Harvard by the Department of Public Works on November 7, 1950 in accordance with Chapter 81 of the General Laws as amended by Section 7-A inserted by Chapter 344 of the Acts of 1937.
William F. Callahan
Benjamin H. Gault
Frank Matera
Department of Public Works

This certifies that the location of the highway has been altered as shown on this plan and that said highway as altered was laid out and taken charge of as a Limited Access State Highway by the Department of Public Works on November 7, 1950 in accordance with Chapter 81 of the General Laws as amended by Section 7-C inserted by Chapter 397 of the Acts of 1943.
William F. Callahan
Benjamin H. Gault
Frank Matera
Department of Public Works

The Commonwealth of Massachusetts
PLAN OF ROAD
in the Town of
HARVARD
WORCESTER COUNTY
Altered and laid out as a State Highway by the
Department of Public Works
NOVEMBER 7, 1950
Scale: 40 feet to the inch
Paul K. Coffey
Chief Engineer



N09°58'09"E
250.68

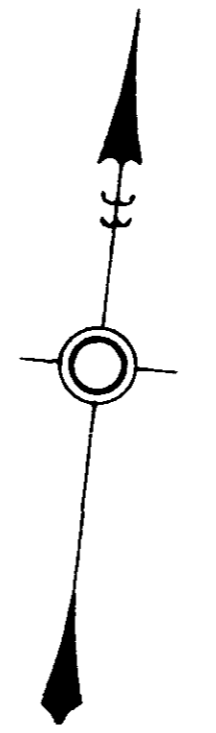
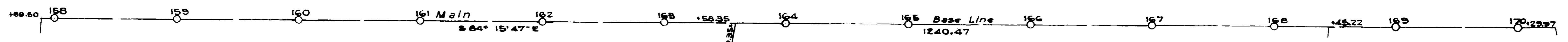
N05°44'13"E
372.00

N05°44'13"E
363.50

157+89.50 158 159 +20.00 160 161 Main N84°15'47"E 162 Base Line 163 +58.35 164 165 1240.47 166 167 168 +45.22 169 170 +29.97

PLANBOOK 170 PLAN 100

See Sheet 2 ↙



S 09° 58' 09" W
250.68

S 06° 40' 35" E
255.98

S 09° 55' 08" W
465.05

Location Line of December 6, 1949 State Highway Layout

522±

741±

Beginning

End

N 0
546° 13' 46" E

PARCEL 22 MALCOLM M. ROBERTS
Area about 2.19 Acres

State Highway Alteration
No. 2

PARCEL 24 MALCOLM M. ROBERTS
Area about 3.61 Acres

Access

Access

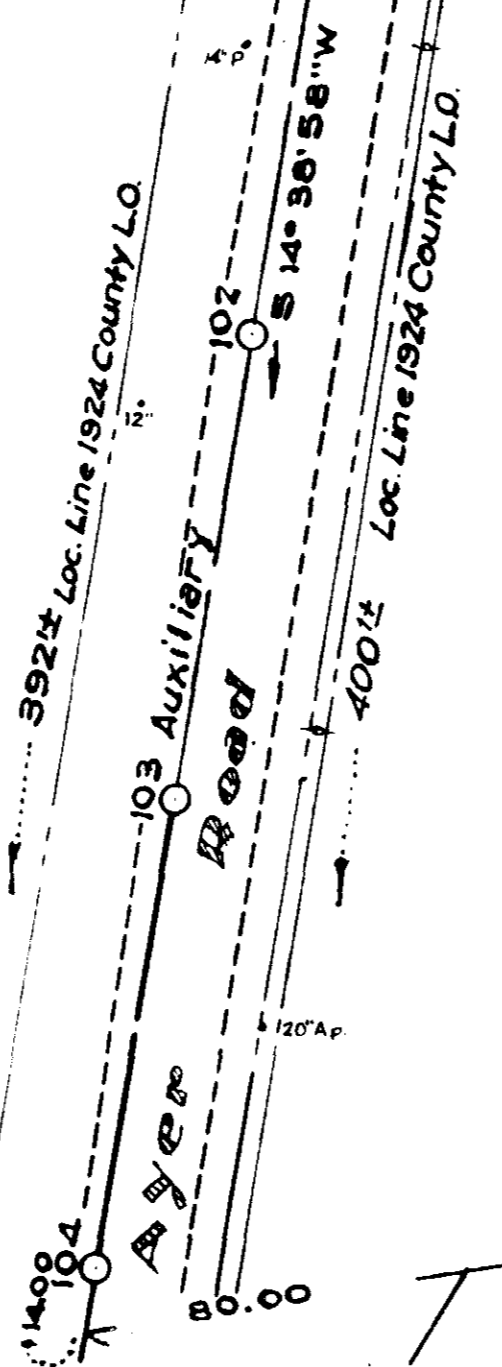
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See Sheet 4
(top left corner) ↙

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14.00
104



**WARRANT FOR THE 2020 TOWN OF HARVARD
SPECIAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS**

WORCESTER, ss.

To the Constable of the Town of Harvard:

Greetings:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the said Town, who are qualified to vote in Town affairs, to meet on the field in front of the Library and The Bromfield School, located on Massachusetts Avenue, on Saturday, the 3rd day of October, 2020 at 12:00 noon by the clock to act on the following articles:

ARTICLE 1: EASEMENT NATIONAL GRID

To see if the Town will vote to authorize the Select Board to grant an easement to Massachusetts Electric Company and Verizon New England, Inc. in, on and over the area of Massachusetts Avenue as shown on the sketch entitled "EASEMENT Mass Ave Harvard, Ma" dated June 9, 2020 and prepared by A. Kubia, a copy of which sketch is on file in the Office of the Town Clerk, so they can move the telephone pole, located in the Bromfield School driveway, to the south and off of the driveway, or take any vote or votes in relation thereto.
(Inserted by Select Board)

ARTICLE 2: BROMFIELD HOUSE DISPOSITION

To see if the Town will vote to authorize a.) the School Committee to transfer the care, custody, management and control of 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 District Registry of Deeds in Book 7501, Page 344 to the Select Board; and b.) the Select Board to sell, convey, transfer or otherwise dispose of said parcel of land and building, or take any vote or votes in relation thereto.
(Inserted by Select Board)

ARTICLE 3: BROMFIELD SCHOOL RAMP

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a sum of money to construct a new ramp at the Bromfield school, said sum of money to be spent with the approval of the School Committee, with any remaining funds to be returned to their funding source, or take any vote or votes in relation thereto.
(Inserted by Capital Planning and Investment Committee)

ARTICLE 4: SCADA SYSTEM UPGRADE ADDITION

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a sum of money to purchase a new computer system to be used with the supervisory control and data acquisition (SCADA) system, which sum of money shall be used with funds previously appropriated to update the SCADA system and shall be spent by the Town's Department of Public Works Director with the approval of the Select Board, with any remaining funds to be returned to their funding source, or take any vote or votes in relation thereto.
(Inserted by Capital Planning and Investment Committee)

ARTICLE 5: EMERGENCY RENTAL ASSISTANCE PROGRAM

To see if the Town will vote to approve the transfer of \$20,000 from Community Preservation Fund Unspecified Reserves to the Harvard Municipal Affordable Housing Trust Fund, for the purpose of creating an emergency rental assistance program for those qualified occupants living in low to moderate income housing, or pass any vote or votes in relation thereto, to cover the implementation and administration of a COVID Emergency Rental Assistance Program for the Town of Harvard.
(Inserted by Community Preservation Committee)

ARTICLE 6: AMEND FISCAL YEAR 2021 OMNIBUS BUDGET

To see if the Town will vote to amend the Fiscal Year 2021 Omnibus Budget, adopted on June 20, 2020 under Article 3 of the Warrant for the 2020 Annual Town Meeting as follows:

	<u>FROM</u>	<u>TO</u>	<u>NET</u>
Raise & Appropriate	\$ 29,434,688	\$ 29,106,002	= (328,686)
TOTAL REVENUE AMENDMENT			= (328,686)
Health Insurance	\$ 3,522,436	\$ 3,384,436	= (138,000)
Worcester County Retirement	\$ 1,020,125	\$ 1,001,439	= (18,686)
Police Expense – Cruiser	\$ 45,950	-0-	= (45,950)
Police Personnel	\$ 557,312	\$ 543,262	= (14,050)
Harvard Schools	\$ 17,413,708	\$ 17,301,708	= (112,000)
TOTAL EXPENSE AMENDMENT			= (328,686)

Or take any vote or votes in relation thereto.
(Inserted by Select Board)

ARTICLE 7: AMEND FISCAL YEAR 2021 OMNIBUS BUDGET

To see if the Town will vote to amend the Fiscal Year 2021 Omnibus Budget, adopted on June 20, 2020 under Article 3 of the Warrant for the 2020 Annual Town Meeting as follows:

	<u>FROM</u>	<u>TO</u>	<u>NET</u>
Stabilization Fund	-0-	\$ 200,000	= 200,000
TOTAL REVENUE AMENDMENT			= 200,000
Reserve Fund	\$ 350,000	\$ 550,000	= 200,000
TOTAL EXPENSE AMENDMENT			= 200,000

Or take any vote or votes in relation thereto.
(Inserted by Select Board)

ARTICLE 8: AMEND FISCAL YEAR 2021 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend the Fiscal Year 2021 Sewer Enterprise Fund Budget, adopted on June 20, 2020 under Article 15 of the Warrant for the 2020 Annual Town Meeting as follows:

	<u>FROM</u>	<u>TO</u>	<u>NET</u>
Sewer User Charges	\$ 150,000	\$ 125,000	= (25,000)
TOTAL REVENUE AMENDMENT			= (25,000)
Sewer Direct Expense	\$ 150,000	\$ 125,000	= (25,000)
TOTAL EXPENSE AMENDMENT			= (25,000)

Or take any vote or votes in relation thereto.
(Inserted by Select Board)

ARTICLE 9: AMEND PROTECTIVE BYLAW BY ADDING SECTION 125-57, SENIOR

RESIDENTIAL DEVELOPMENT

To see if the Town will vote to amend Chapter 125 of the Code of Harvard, the Protective Bylaw by adding thereto the following Section 125-57, or take any vote or votes in relation thereto.

§125-57, Senior Residential Development

A. Purpose and Intent.

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

B. Applicability.

- (1) The Planning Board may grant a Special Permit for a Senior Residential Development project in accordance with this Section 125-57 on any tract of land meeting the requirements of the applicable section below based on community type.
- (2) A Senior Residential Development is one that anticipates and is marketed to people age 55 or over following the U.S. Department of Housing and Urban Development (HUD) requirements (See CRF Title 24, Subpart E or HOPA). Senior Residential Developments are restricted to the locational criteria and zoning district(s) specified in Section D. below.

C. General Compliance

A Senior Residential Development proposal must comply with all other applicable Town Bylaws, and the applicable rules, regulations, and requirements of all departments, boards, and commissions, including the special sensitivities of the Historic District and the Groundwater Protection Overlay District.

- (1) Local Preference - The applicant is encouraged to provide, for an initial limited duration, a local preference program for the purchase or lease of dwellings unit, as outlined in Table 1 below. Such local preference programs should cover all units, both market rate and inclusionary, by those eligible under the local preference criteria, as follows:

Table 1 – Local Preference Criteria

Category	Criteria	Duration
Market Rate Units	50% of market rate units	Initial sale or lease up to two (2) years.
Moderate-Income Units	50% of moderate-income units	Initial sale or lease up to two (2) years
Low-Income Units	60% of low-income units	Initial sales up to 120 days

- (a) Residency in Harvard shall be established through Town Clerk certification based on the Town Census, voter registration, or other acceptable evidence.
 - (b) Purchaser/Tenant Selection - Procedures for the selection of purchasers and/or tenants shall be subject to approval by the Town of Harvard or its designee.
 - (c) The developer of the Senior Residential Development shall make a diligent effort to locate eligible purchasers or renters for the Senior Residences who meet the local preference criteria and the applicable income requirements.
- (2) Age Restriction - Generally, all dwelling units in a senior residential development shall be subject to an age restriction described in a deed, deed rider, restrictive covenant, or other document that shall be recorded at the Registry of Deeds or the Land Court. As per the requirements of the Housing for Older Persons Act of 1995 (HOPA), the age restriction shall apply as follows:
- (a) At least eighty (80%) percent of occupied units shall be occupied by at least one (1) person who is 55 years of age or older. Failure to maintain this minimum requirement risks the loss of age-restricted status permanently.
 - (b) Qualified residents 55 years of age or older may allow partners, spouses, adult children, or caretakers to also occupy the unit for the duration of the qualified resident occupancy. In the event that the qualified occupant or occupants no longer reside in the unit, the non-qualified occupants have no more than two (2) years to vacate the unit. However, temporary guests may reside in the unit for no more than one (1) month and thereafter will require an exemption to continue to occupy the unit.
 - (c) No person under 55 may reside in an age-restricted community unless at least one member of the unit is 55 years of age or older.
 - (d) No person under 19 years of age shall reside in the community unless explicitly granted a time-delimited exemption.
 - (e) Age-restricted communities may establish designated “family units” where exemptions or time limits do not apply to residents under the age of 19 but households are still required to have at least one occupant 55 years of age or older.
 - (f) The age restriction shall run with the land in perpetuity and shall be enforceable by any or all of the owners of dwelling units in the senior residential development or by the Town of Harvard.
- (3) Affordability - Some of the dwelling units in a senior residence development shall be sold, rented, or leased at prices and rates that are affordable to low- and moderate-income seniors. All projects must comply with the requirements and provisions of Section 125-59, Senior Inclusionary Housing.

D. Basic Development Requirements.

- (1) A Senior Residential Development shall meet one of eight (8) development types detailed in Section I below and comply with the minimum and maximum requirements described per type. Specific density bonuses may increase the base density according to the following bonus categories. Maximum density caps may prevent the use of all available bonuses.

Table 2 – Senior Residential Development Density Bonuses

Bonus	Density Bonus	Comments
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Mix of Smaller Units ($\geq 50\%$ under 1,200 s.f.)	15%	Encourages the construction of smaller-sized dwelling units. For meeting this requirement, an applicant earns fifteen (15) percent more dwelling units than what is shown in the Density category of the Dimensional and Other Criteria section of each development type.
Inclusionary Housing Provision (minimum 20% of project units or payment in lieu equivalent)	15%	All affordable units shall meet the requirements of M.G.L. Chapter 40B and the developer shall demonstrate that said units will be eligible to be included on the Town's Subsidized Housing Inventory (SHI) as determined by the Massachusetts Department of Housing and Community Development. For meeting this requirement, an applicant earns fifteen (15) percent more dwelling units than what is shown in the Density category of the Dimensional and Other Criteria section of each development type..
Smart Growth (as per Sustainable Development Principles listed on Smart Growth Resources page of DHCD website, or as may be officially provided in alternative site)	15%	Per the Commonwealth of Massachusetts DHCD Criteria. Encourages the utilization of "Smart Growth" or "Sustainable Development Principles". For meeting this requirement, an applicant earns fifteen (15) percent more dwelling units than what is shown in the Density category of the Dimensional and Other Criteria section of each development type.
Additional 25% Open Space	15%	Encourages the preservation of open space above what is required by Column F below. For meeting this requirement, an applicant earns fifteen (15) percent more dwelling units than what is shown in the Density category of the Dimensional and Other Criteria section of each development type..
Energy Efficient Design and Construction	15%	Architectural planning and design that incorporates energy efficient design techniques, such as natural heating and cooling systems, use of sun and wind energy generation systems, including, at minimum, meeting the standards of the "Stretch Code" (780 CMR Appendix 115.AA).
Inclusion of Community Space	5%	The inclusion of meeting room(s) or spaces that will be made available to municipal and/or community groups at least 50% of available time for the facility.

(2) Parking - Minimum off-street parking requirements shall be as follows:

- (a) Cottage dwellings, two-family dwellings, or townhouses: 2 spaces per unit
- (b) 3-4 family dwellings: 1.5 spaces per unit
- (c) Independent living units: 1 space per unit
- (d) Assisted living residence: 1 space per two units
- (e) Skilled nursing facility or physical rehabilitation center, if included in a continuing care retirement community: 1 space per two beds
- (f) Guest parking: 1 space per 3 units or 3 beds, as applicable

The Planning Board may permit the reduction of required parking if the proposed development is designed to facilitate pedestrian circulation and connectivity to nearby activity centers and/or if alternative transportation options such as a resident shuttle or public transportation is made available.

Garages for individual units shall be located in the rear of the lot and may not be located on the façade. Larger garages shall be located in a centralized location or below grade.

- (3) Open Space - The minimum common open space in the development shall be 25 percent of the lot area but additional open space may be required by a specific project type. Not more than 25 percent of the required minimum common open space shall consist of wetlands. The upland open space shall be contiguous and usable by residents of the development and, as such, walking trails, gardens and public gathering spaces shall be incorporated into the required open space. A permanent conservation restriction running to or enforceable by the Town shall be recorded for the common open space area and shall include restrictions that the land be retained in perpetuity for conservation or passive recreation.
- (4) Maximum Number of Senior Housing Dwelling Units in Harvard – The maximum number of permitted housing units within all permitted senior housing developments in the Town of Harvard shall be limited to a

number equivalent to 15% of the existing total residential housing units (excluding senior housing development or multi-family units) located in the Town of Harvard. For the purpose of this bylaw, the number of single-family residential housing units shall be as established by the Board of Assessors as of January 1 of the calendar year. The Planning Board may waive this limitation if the Board finds that the proposed development fulfills a critical senior housing need for the Town of Harvard or the surrounding region. As of July 1, 2019, the current single-family unit count was 1,909. Thus, up to 286 Senior Residential Development units may be built at this time.

- (5) Pace of Development – A maximum of 100 units may be approved by Special Permit on an annual basis and no more than 30 units may be permitted in any year.
- (6) Minimum Distance Between Projects – In order to mitigate the impact of multiple developments on surrounding neighborhoods, a proposed project must be located at least the distance established in the Minimum Distance between Projects Table below from any other existing or approved Senior Housing project, any existing or approved project including multi-unit residential buildings under G.L. c. 40B, or any existing or approved project including multi-unit residential buildings under any other provision or Bylaw, with the exception of projects located in the C or M districts.

Table 3 – Senior Residential Development Minimum Distance Between Projects

Combined Total Dwelling Units in Proposed Project and in Existing/Approved Projects	Minimum Distance Between Projects
Up to and including 5 total dwelling units	300'
From 6 to 20 total dwelling units	0.25 mile
From 21 to 49 total dwelling units	0.50 mile
Exceeds 50 dwelling units	1.0 mile
Notes	
1. The distance between projects shall be measured from the closest property boundary. Parcels in existence on May 5, 2008, may not be subdivided to avoid application of this provision. A project shall be deemed to be existing or approved if it has been constructed or if a special or comprehensive permit, or a site plan approval, has been granted; or if a special or overlay zoning district which allows multi-family housing has been approved. 2. The determination of the required separation between projects shall be made at the time the special permit is issued under this Bylaw, in order to assess the most up to date existing project status. 3. If a Chapter 40B housing proposal is filed and approved while an application for Senior Housing Special Permit has been filed and is under review by the Planning Board, that Senior Housing project shall be exempt from the distance requirement of this Section.	

- (7) Large-Scale Development Impact Analysis – Proposed Senior Residential Development projects shall be required to fund, through MGL Chapter 44, Section 53G, a Large-Scale Development Impact Analysis report that shall include the following information, if proposing more than 50 residential units:
 - (a) Fiscal Impact Analysis - An independent fiscal impact analysis, which shall demonstrate likely revenues generated by the development and the estimated costs of providing municipal services. The Select Board may negotiate and enter into an agreement with the developer or owner of an assisted living facility which provides for, among other things, for payments to the Town to offset the Town's costs of providing services to the development and/or for the provision of services to the development by service providers other than the Town at the developer's expense.
 - (b) Traffic Impact Assessment – Report including existing conditions, future anticipated conditions, a traffic operations analysis, site distance evaluation, and conclusions and recommendations for any improvements or redesign.
 - (c) Environmental Impact Assessment – Conducting a MEPA ENF and EIR.

E. Age-Appropriate Design.

- (1) A Senior Residential Development shall be designed to provide housing options in a setting that encourages and supports aging in community. While units do not have to be age restricted by deed to adults 55 years and

over, they must be “visitable” and designed for people as they age. At minimum, these terms mean that a Senior Residential Development shall have the following features:

- (2) Single-family, two-family, and townhouse units shall provide for:
 - (a) At least one (1) zero-step entrance,
 - (b) Doorways with a 36-inch clear passage space,
 - (c) Master bedroom and an accessible en-suite bathroom located on the same floor as the kitchen, living room, and dining room, all being on the same floor as the zero-step entrance,
 - (d) Master bedroom and en-suite bathroom designed and equipped for seniors and people mobility impairments, and
 - (e) Indoor or structured parking.
- (3) Independent living units, 3-4 Family Senior Residences, and assisted living facilities shall, at a minimum, comply with the accessibility requirements of the Massachusetts Architectural Access Board.
- (4) Outdoor facilities, such as walkways, gardens, and recreation areas, shall be designed for universal access.

F. Development Standards.

As part of the Planning Board’s special permit review process, the Board shall evaluate the proposed Senior Residential Development for conformance to the following minimum design standards as they may be applicable.

- (1) Designers shall refer to the residential development design guidelines developed as part of the Planning Board Rules & Regulations which may be modified periodically. Further, the following development standards shall be required.
- (2) Structures located near the project property lines shall be designed and located in a manner that reflects consistency and compatibility with neighboring areas, and shall include appropriate use of building density, heights, and design to minimize any intrusion on neighbors.
- (3) Outdoor recreation or gathering areas, particularly those that may generate significant noise and/or light and glare, shall be located to minimize intrusion on neighboring properties.
- (4) Structures shall be clustered, as appropriate, to reduce site disturbance and protect open spaces, natural and environmentally sensitive areas. They should mimic a village setting with a central green or common that has a pedestrian orientation, Parking and loading areas should be located in rear yards and away from pedestrian circulation areas.
- (5) To facilitate the pedestrian orientation, all Senior Residential Developments shall include a pedestrian facility such as sidewalks, pedestrian paths, shared use path, or similar facility that is appropriate to the scale, design, and location of the development.
- (6) For the purpose of this section, the Planning Board may consider lots on directly opposite sides of a street as a single tract of land.
- (7) Setbacks may be modified based on adjacent land uses, the character of the neighborhood, and the type of community being proposed.
- (8) Building design shall avoid use of long, unbroken facades, and shall include use of balconies, offset walls, trellises and other design elements to provide visual interest.
- (9) Building design, colors, and materials shall generally correspond to the natural setting of the project site, and to any prevalent design styles that may occur in neighborhoods within the general project area.

- (10) Landscaping Plan – Senior Residential Development projects shall submit a landscaping plan sheet as part of the application package. The landscaping plan shall be developed as follows:
- (a) The proposed landscape plan shall be prepared by a registered architect, landscape architect, registered land surveyor, or professional engineer except that this requirement may be waived by the Planning Board for projects that are not so complex that the use of the registered or licensed professionals is necessary to enable the Planning Board to make a decision that complies with the requirements set forth in this Section.
 - (b) The landscape plan shall be prepared at a scale of not less than one-inch (1”) equals 40 feet and on a sheet size of 18 inches by 24 inches.
 - (c) The plan shall contain the following information:
 - [1] Vicinity map of the areas surrounding the site for one-half mile.
 - [2] Date, north arrow, written and graphic scale, name and address of project, parcel size and legal description.
 - [3] The property lines and dimensions.
 - [4] The location, size and surface materials of all structures, topographic contours, parking areas, sidewalks, stormwater detention areas, signs and other manmade elements.
 - [5] The location, type, size and quantity of major existing plant material to remain on site.
 - [6] The location, type, size and quantity of proposed plant and other landscaping materials. Common and botanical names shall be noted adjacent to all plant materials or by use of a key and legend.
 - [7] Location and type of irrigation system.
 - [8] Landscape maintenance plan.
 - [9] Signature blocks for the property owner and the Planning Board.
- (11) All heritage trees shall be protected and any native species trees of 20” caliper or more shall be retained to the extent possible.
- (12) All plants to be introduced as part of a landscaping plan shall be native species to the extent possible.
- (13) Water Supply - The development shall be served by a water supply meeting the requirements of Chapter 145, Board of Health, 310 CMR 22.00, and other relevant state or local requirements.
- (14) Sewerage – The development shall be served by the appropriate means of sewage disposal requirements of Chapter 145, Board of Health, 310 CMR 15.00 (Title V), 314 CMR 5.00, and other relevant state or local requirements.
- (15) Stormwater Runoff - An adequate drainage design shall be provided meeting the design standards and submission requirements of Harvard General Bylaw Chapter X and the Rules and Regulations adopted thereunder.
- (16) Environmental Protection – The Planning Board, in granting a Special Permit for a Senior Residence, may impose reasonable conditions to protect the environment, and the health, safety and welfare of the neighborhood, of residents in the proposed development, and of the general public. Such conditions may include, but shall not necessarily be limited to, requirements for the advanced treatment of wastewater effluent, the location of wastewater effluent disposal, and necessary limitations on the total number of dwelling units to prevent negative impacts on the groundwater and other existing or potential public water resources.

- (17) The Planning Board may find that buffers and/or screening may be necessary to lessen the impact of a specific development.
- (18) Solid Waste – Solid waste receptacles must be located in an inconspicuous location on the site and screened from view. Solid waste pickup may not occur before 7:00 a.m. nor later than 5:00 p.m.
- (19) Deliveries may not occur before 7:00 am nor later than 7:00 p.m.

G. Procedures.

- (1) The special permit application, public hearing, and decision procedures shall be in accordance with this Section, the Planning Board's Rules and Regulations, and Sections 125-38, 125-39, and 125-46 of this Protective Bylaw.
- (2) The Applicant shall submit a Senior Residential Development Special Permit application together with the size, form, number, and contents of the required plans and any supplemental information as required in the Planning Board's Rules and Regulations.
- (3) Subdivision – If a Senior Residence development requires approval under the Subdivision Control Law, MGL, Ch. 41, the application shall contain a definitive subdivision plan as required by the Harvard Subdivision Rules and Regulations. The applications for a Senior Residence special permit and a definitive subdivision approval plan shall be filed concurrently. To the extent permitted by law, the Planning Board shall consider both applications at the same time.

H. Decision.

- (1) Planning Board Action – In evaluating a proposed Senior Residential Development, the Planning Board shall consider the general objectives of this Bylaw and of this Section in particular; the existing and probable future development of surrounding areas; and the appropriateness of the proposed site plan in relation to the topography, soils and other characteristics and resources of the tract of land in question.
- (2) The Planning Board may grant a Senior Residential Development Special Permit with any conditions, safeguards, and limitations it deems necessary to mitigate the project's impact on the surrounding area and to ensure compliance with this article, only upon finding that:
 - (a) The proposed Senior Residential Development will not have adverse effects that outweigh its beneficial effects on either the neighborhood or the Town, in view of the characteristics of the site and of the proposal in relation to that site, considering each of the following general criteria:
 - [1] Social, economic, or community needs which are served by the proposal;
 - [2] Traffic flow and safety;
 - [3] Adequacy of utilities and other public services; and
 - [4] Qualities of the natural environment.
 - (b) The design of neighborhood, building form, building location, egress points, grading, and other elements of the project contributes to:
 - [1] Protect and enhances Harvard's New England character, its environmental and historic resources, and scenic vistas, this shall include minimizing the number of removed trees six (6) inches trunk diameter and larger;
 - [2] Provide Common Land that benefits the residents of the Town and the Senior Residence development;
 - [3] Provide quality housing for Seniors with a range of incomes and physical abilities
 - [4] Provide pedestrian, bicycle, or vehicular safety within the site and egressing from it;
 - [5] Reduce the visual intrusion of parking areas viewed from public ways or abutting premises;

- [6] Minimize the volume of cut or fill, or reduce erosion; and
- [7] Provide safer and more efficient access to each structure for fire and service equipment.

- (c) The Senior Residential Development meets the purposes, requirements, and development standards of this Section 125-57, and
- (d) The Senior Residential Development is consistent with the goals of the 2016 Harvard Master Plan and this Bylaw.

I. Senior Residential Development Types

This bylaw addresses eight (8) Senior Residential Development types as follows:

- (1) Single-Family Senior Detached Residential (SRD-1)
- (2) Two-Family Senior Detached Residential (SRD-2)
- (3) 3-4 Family Senior Residential (SRD-3)
- (4) Senior Townhouse Residential (SRD-TH)
- (5) Independent Senior Living Multi-Family Residential (ISLMR)
- (6) Senior Residential Planned Unit Development (PUD-SR)
- (7) Assisted-Living Senior Residential (ALSR)
- (8) Continuing Care Retirement Community (CCRC)

Each section below encompasses most of the provisions necessary for the specific type. General provisions covering all developments shall be provided in Sections D-F. Applicants should also refer to Chapters 125-38, 39, 46, and 59, as these may be relevant to the application as well.



- (1) Single-Family Senior Detached Residential (SRD-1) – Small- to moderate-sized development clusters of cottages or other small- to medium-sized single-family residences for seniors. SRD-1 projects can be located on small lots, as infill or other locations adjacent to existing residential development, or they may be larger projects with an appropriate scale of amenities befitting a community cluster.

(a) Dimensional and Other Criteria

Criteria	Minimum/Base	Maximum
Project Size	2.0 acres	30.0 acres
Density	3.0 units/acre	5.0 units/acre
Number of Units	6 units	120 units
Unit Size	1,200 sq.ft.	1,800 sq. ft.
Bedrooms (Per Unit/Total)	2/12	3/300
Building Height	Not Applicable	35'
Project Open Space	30%	No Maximum %

Setbacks		
Project Site	30'	None specifically but setbacks should be no greater than that which would result in a village-like design and clustering.
Front	20'	
Side	15'	
Rear	20'	
Zoning Districts Permitted	AR	
Locational Criteria	None	

(b) Permitted Uses

- [1] Single-Family Residences (SRD-1)

(c) Conditional Uses - Primarily for the benefit of residents and their guests

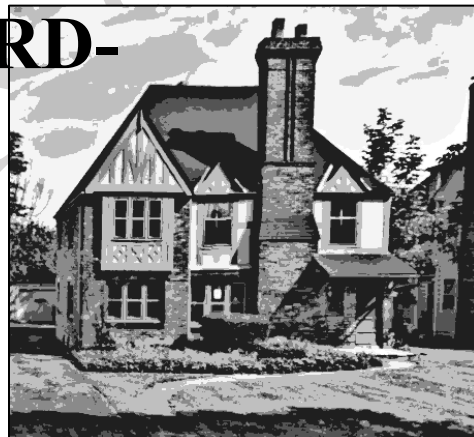
- [1] Indoor or outdoor recreational facilities
- [2] Community center or senior center
- [3] Accessory uses for residents, employees, and guests, such as central or common dining facilities or laundry facilities, or indoor or outdoor recreation facilities
- [4] Conservation or agricultural uses
- [5] Co-housing community
- [6] Other amenities within the developed area for the benefit of residents of the development and appropriate to the scale of the development.

- (d) Inclusionary Housing –The provisions of §125-59 shall govern the provision and distribution of these units.

(e) Other Required Criteria or Optional Development Elements

- [1] SRD-1 developments are intended for smaller detached senior living units and communities with either smaller lots in pedestrian-friendly neighborhoods or as smaller infill units in town or village/hamlet centers designed to be in character with the surrounding residences.
- [2] SRD-1 projects may also be developed as free-standing single-family condominiums in planned residential clusters surrounding a central green or other common open space.

SRD-



- (2) Two-Family Senior Detached Residential (SRD-2) – Small to moderate sized development clusters of two-family residences for 55 and over population. SRD-2 projects can be small lots located in infill or other locations adjacent to existing residential development or they may be larger projects with an appropriate scale of amenities befitting a community cluster.

(a) Dimensional and Other Criteria

Criteria	Minimum/Base	Maximum
Project Size	3.0 acres	10.0 acres
Density	4.0 units/acre	8.0 units/acre
Number of Units	12 units	80 units
Unit Size	1,200 sq.ft.	1,600 sq. ft.
Bedrooms (Per Unit/Total)	2/12	4/275
Building Height	Not Applicable	35'
Project Open Space	30%	No Maximum %
Setbacks Project Site Front Side Rear	30' 20' 15' 20'	None specifically but setbacks should be no greater than that which would result in a village-like design and clustering.
Zoning Districts Permitted	AR	
Locational Criteria	Small isolated clusters, as part of MXD communities, or as infill units in Town Center or other village center area.	

(b) Permitted Uses

- [1] Two-family residences

(c) Conditional Uses - Primarily for the benefit of residents and their guests

- [1] Indoor or outdoor recreational facilities
- [2] Community center or senior center
- [3] Accessory uses for residents, employees, and guests, such as central or common dining facilities or laundry facilities, or indoor or outdoor recreation facilities
- [4] Conservation or agricultural uses
- [5] Other amenities within the developed area for the benefit of residents of the development and appropriate to the scale of the development.

(d) Inclusionary Housing –The provisions of §125-58 shall govern the provision and distribution of these units.

(e) Other Required Criteria

- [1] Design – Harvard two-family residences must adhere to one of three design options:

- [a] Shaker Double – A classically designed two-family resembling a single-family residence from the street and adapted to traditional New England architecture.
 - [b] Corner Duplex – A classically designed duplex located at a corner with an acute angle no less than 120 degrees. Each façade must appear, to the extent possible, as single-family residence. Design shall be adapted to traditional New England architecture.
 - [c] Other innovative two-family or duplex design that minimizes or camouflages the two-family character in keeping with small town New England character.
 - [d] Designers shall refer to the residential development design guidelines developed as part of the Planning Board Rules & Regulations which may be modified periodically.
-



- (3) 3-5 Family Senior Residential (SRD-3) – Intended for infill or adaptive retrofitting or conversion of large single-family residences for exclusively for a 55 and over population. SRD-3 projects can be located in infill or other locations typically in town center locations. They may also be a part of a mixed unit type community but may be no more than 15% of the total unit count.

(a) Dimensional and Other Criteria

Criteria	Minimum/Base	Maximum
Project Size	See (e)[2]. Below	See (e)[2] Below
Density	4.0 units/acre or infill/reuse	8.0 units/acre or infill/reuse
Number of Units	Based on project size	Based on project size
Unit Size	400 sq. ft.	1,200 sq. ft.
Bedrooms	2	3
Building Height	Not Applicable	35'
Project Open Space	Infill: Mean of Adjacent Reuse: Mean of Adjacent Mixed: Governed by Project	No Maximum %
Setbacks	Infill: Mean of Adjacent Reuse: Mean of Adjacent Mixed: Governed by Project	None specifically but setbacks should be no greater than that which would result in a village-like design and clustering.
Zoning Districts Permitted	AR, ARV-SP	
Locational Criteria	As part of MXD communities or as infill units in Town Center or other village center area.	

(b) Permitted Uses

- [1] Three- four-, and five-family residences

- (c) Conditional Uses - Primarily for the benefit of residents and their guests and only within mixed unit type communities.

- [1] Conservation or agricultural uses

- [2] Other amenities within the developed area for the benefit of residents of the development and appropriate to the scale of the development.

- (d) Inclusionary Housing –The provisions of §125-58 shall govern the provision and distribution of these units.

(e) Other Required Criteria

[1] For adaptive reuse projects, it is assumed that an existing single-family residence shall be modified for no more than five (5) Senior Residences. Eligibility shall be limited to:

[a] Sites within ¼ mile of the Town Center; a hamlet such as Still River or Shaker Village; or a concentration of commercial, service, or social activities.

[b] Buildings that can be adapted while retaining the outward appearance of a single-family residence.

[c] Sites with sufficient space for the parking of one (1) vehicle per unit.

[2] For infill and adaptive reuse projects, the parcel shall, at minimum, be no smaller than the existing infill or house lot. For 3- and 4-unit residences in a mixed unit type community, the Project Size for that community type shall govern.



(4) Senior Townhouse Residential (SRD-TH) – Designed to allow the grouping of separately owned one-family dwelling units into a group of townhouses in such a manner as to make efficient, economical and aesthetically pleasing use of land so restricted that the same will be continually well maintained in order to complement the character of the surrounding neighborhood and insure a reasonable amount of open space and architectural variety.

(a) Dimensional and Other Criteria

Criteria	Minimum/Base	Maximum
Project Size	3.0 acres	NA
Density	3.0 units/acre	6.0 units/acre
Unit Size	1,000 sq. ft.	1,600 sq. ft.
Number of Units	9.0 units	125.0 units
Bedrooms (Per Unit/Total)	2/18	3/275
Building Height	NA	35'
Project Open Space	30%	NA
Setbacks		
Project Site	30'	None specifically but setbacks should be no greater than that which would result in a village-like design and clustering.
Front	10'	
Side	15' between buildings	
Rear	20' between buildings	
Zoning Districts Permitted	AR, ARV-SP	
Locational Criteria	As part of MXD communities, CCRC communities, or as infill parcels in Town Center or other village center area.	

(b) Permitted Uses

[1] Single-Family Townhouse Residences

[2] Conservation or agricultural uses

(c) Conditional Uses - Primarily for the benefit of residents and their guests

- [1] Community center or senior center
- [2] Accessory uses for residents, employees, and guests, such as central or common dining facilities or laundry facilities, or indoor or outdoor recreation facilities
- [3] Other amenities within the developed area for the benefit of residents of the development and appropriate to the scale of the development.

(d) Inclusionary Housing –The provisions of §125-58 shall govern the provision and distribution of these units.

(e) Other Required Criteria

- [1] Maximum of eight (8) attached units per building
- [2] Garages and surface parking spaces for townhouse units must be in the rear of the unit. Guest parking spaces shall be located in a central location to serve the units.



(5) Independent Senior Living Multi-Family Residential (ISLMR) – Residents live in their own private dwelling spaces and have access to common areas where they can gather with other members of the community. Independent living can also be referred to as an active adult community, senior apartments, or a retirement community.

(a) Dimensional and Other Criteria

Criteria	Minimum/Base	Maximum
Project Size	10.0 acres	20.0
Density	8.0 units/acre	14.0 units/acre
Unit Size	450 sq.ft.	1,200 sq. ft.
Number of Units	80 units	350 units
Bedrooms (Per Unit/Total)	1/100	3/800
Building Height	NA	35'
Project Open Space	35%	No Minimum %
Setbacks - Project Site	50'	No Maximum
Zoning Districts Permitted	AR, ARV-SP, C	

Locational Criteria	Located on a minor or major arterial road ideally near local services such as institutional and commercial nodes.
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(b) Permitted Uses

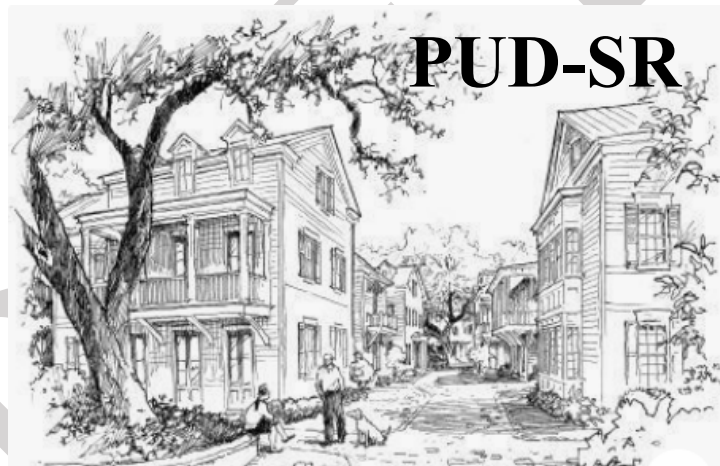
- [1] Independent Living Multi-Family Residences (ISLMR)
- [2] Community center or senior center
- [3] Accessory uses for residents, employees, and guests, such as central or common dining facilities or laundry facilities, or indoor or outdoor recreation facilities
- [4] Conservation or agricultural uses

(c) Conditional Uses¹ - Primarily for the benefit of residents and their guests

- [1] Retail, up to a maximum of 5,000 sq. ft.
- [2] Personal services, up to a maximum of 2,500 sq. ft.
- [3] Medical office or clinic
- [4] Other amenities within the developed area for the benefit of residents of the development and appropriate to the scale of the development.

(d) Inclusionary Housing –The provisions of §125-58 shall govern the provision and distribution of these units.

(e) Other Required Criteria



(6) Senior Residential Planned Unit Development (PUD-SR) - A village-like mix of residential types for 55 and over population. PUD-SR projects are a low- to medium-density planned residential development on a single parcel or may be planned as a subdivision. Some non-residential uses may be permitted to create a genuine walkable mixed-use senior development.

(a) Dimensional and Other Criteria

Criteria	Minimum/Base	Maximum
Project Size	12.0 acres	NA
Density	5.0 units/acre	12.0 units/acre
Unit Size/Mix Single-Family	15%	50%

¹ The aggregate floor area for the nonresidential uses shall not exceed ten (10) percent of the total gross floor area of the buildings in the development. These uses shall be incidental and subordinate to the principal residential uses in the Senior Residential Development

2BR	1,100 sq.ft.	1,400 sq.ft.
3BR	1,200 sq. ft.	1,800 sq.ft.
Two-Family	15%	15%
2BR	950 sq.ft.	1,400 sq.ft.
3BR	1,100 sq.ft.	1,600 sq.ft.
Townhouse	0%	15%
2BR	1,0100 sq.ft.	1,400 sq. ft.
3BR	1,100 sq.ft.	1,600 sq. ft.
Independent Living	20%	40%
1BR	500 sq.ft.	1,100 sq.ft.
2BR	800 sq.ft.	1,600 sq.ft.
3BR	1,100 sq.ft.	2,500 sq.ft.
Number of Units	60	500
Bedrooms	Studio	3
Building Height	NA	35'
Project Open Space	40%	No Maximum %
Setbacks		
Project Site	50'	None specifically but setbacks should be no greater than that which would result in a village-like design and clustering.
Front	20'	
Side	15'	
Rear	20'	
Zoning Districts Permitted	AR	
Locational Criteria	Should be located on a major or minor arterial roadway and adjacent to existing residential development and ideally near local services such as institutional and commercial nodes.	

(b) Permitted Uses

- [1] Single-Family Residences
- [2] Two-Family Residences
- [3] Townhouses
- [4] Independent Living Multi-Family Residences
- [5] Community center or senior center
- [6] Accessory uses for residents, employees, and guests, such as central or common dining facilities or laundry facilities, or indoor or outdoor recreation facilities
- [7] Conservation or agricultural uses

(c) Conditional Uses² - Primarily for the benefit of residents and their guests

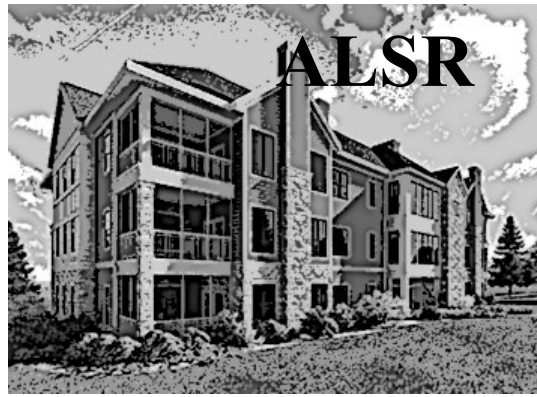
- [1] Retail, up to a maximum of 5,000 sq. ft.
- [2] Personal services, up to a maximum of 2,500 sq. ft.
- [3] Medical office or clinic
- [4] Co-housing community
- [5] Other amenities within the developed area for the benefit of residents of the development and appropriate to the scale of the development.

(d) Inclusionary Housing –The provisions of §125-58 shall govern the provision and distribution of these units.

(e) Other Required Criteria

- [1] PUD-SR developments are intended to be planned residential projects with a comprehensive site development plan that meets all of the residential design guidelines for the Town of Harvard.

² The aggregate floor area for the nonresidential uses shall not exceed ten (10) percent of the total gross floor area of the buildings in the development. These uses shall be incidental and subordinate to the principal residential uses in the Senior Residential Development



(7) Assisted-Living Senior Residential (ALSR) – Communities that offer a multi-faceted residential setting that provides personal care services, 24-hour supervision and assistance, and activities and health-related services for seniors.

(a) Dimensional and Other Criteria

Criteria	Minimum/Base	Maximum
Project Size	15.0 acres	30.0 acres
Density	4.0 units/acre	14.0 units/acre
Number of Units	40	300
Unit Size	750 sq.ft.	1,600 sq. ft.
Bedrooms (Per Unit/Total)	1/40	4/600
Building Height	Not Applicable	35'
Project Open Space	50%	No Maximum %
Setbacks		
Project Site	50'	None
Front	100'	
Side	50'	
Rear	50'	
Zoning Districts Permitted	ARC	
Locational Criteria	Should be located on a major or minor arterial roadway and adjacent to existing residential development and ideally near local services such as institutional and commercial nodes.	

(b) Permitted Uses

- [1] Assisted-Living Residences (ALSR)
- [2] Personal services, up to a maximum of 2,500 sq. ft.
- [3] Medical office or clinic
- [4] Community center or senior center
- [5] Accessory uses for residents, employees, and guests, such as central or common dining facilities or laundry facilities, indoor or outdoor recreation facilities, and administrative offices
- [6] Conservation or agricultural uses

(c) Conditional Uses³ - Primarily for the benefit of residents and their guests

- [1] Retail, up to a maximum of 5,000 sq. ft.
- [2] Other amenities within the developed area for the benefit of residents of the development and appropriate to the scale of the development.

³ The aggregate floor area for the nonresidential uses shall not exceed ten (10) percent of the total gross floor area of the buildings in the development. These uses shall be incidental and subordinate to the principal residential uses in the Senior Residential Development

- (d) Inclusionary Housing – SFSR developments shall include a minimum of 20% Affordable- and Moderate-Income Housing. The provisions of §125-58 shall govern the provision and distribution of these units.

Other Required Criteria

- (1) Shall meet the minimum criteria for Assisted Living Facilities delineated in §125-52(I)
- (2) Designers shall refer to the residential development design guidelines developed as part of the Planning Board Rules & Regulations which may be modified periodically.



- (8) Continuing Care Retirement Community (CCRC)– Continuing Care Retirement communities are planned communities with accommodations for independent living, assisted living, and nursing home care. An aging adult can spend the rest of their life in a CCRC — sometimes referred to as a life plan community — moving between levels of care as needed.

(a) Dimensional and Other Criteria

Criteria	Minimum/Base	Maximum
Project Size	20.0 acres	NA
Density	5.0 units/acre	14.0 units/acre
Number of Units	NA	210
Unit Size/Bedrooms/Mix		
<ul style="list-style-type: none"> ▪ Independent Living Units <ul style="list-style-type: none"> ○ Studio ○ 1BR ○ 2BR ○ 3BR ▪ Assisted Living Units <ul style="list-style-type: none"> ○ 1BR ○ 2BR ▪ Skilled Nursing Units ▪ Hospice Care 	50% of units (20% Inclusionary) 400 sq. ft. [0%] 600 sq. ft. [40%] 900 sq. ft. [40%] 1,400 sq. ft. 20% of units (20% Inclusionary) 600 sq. ft. 900 sq. ft. 20% of units (20% Inclusionary) 0% of units (20% Inclusionary)	70% of units (20% Inclusionary) 650 sq. ft. [15%] 1,100 sq. ft. 1,600 sq. ft. 2,500 sq. ft. 30% of units (20% Inclusionary) 900 sq. ft. 1,300 sq. ft. 30% of units (20% Inclusionary) 5% of units (20% Inclusionary)
Building Height		
<ul style="list-style-type: none"> ▪ Congregate Building ▪ Other Buildings/Structures 	NA NA	40' 35'
Project Open Space	50%	No Maximum %
Useable Open Space (% of total OS)	75%	
Setbacks		
Project Site	50'	None
Front	100'	
Side	50'	

Criteria	Minimum/Base	Maximum
Rear Parking Structures	50' 100'	
Zoning Districts Permitted	C	
Locational Criteria	Should be located on a major or minor arterial roadway and adjacent to existing residential development and ideally near local services such as institutional and commercial nodes.	

(b) Permitted Uses

- [1] Single-Family Residences
- [2] Two-Family Residences
- [3] Independent Living Residences
- [4] Assisted-Living Residences
- [5] Skilled Nursing Units
- [6] Hospice Care Units
- [7] Congregate Structure
- [8] Community center or senior center
- [9] Accessory uses for residents, employees, and guests, such as central or common dining facilities or laundry facilities, indoor or outdoor recreation facilities, and administrative offices
- [10] Conservation or agricultural uses

(c) Conditional Uses⁴ - Primarily for the benefit of residents and their guests

- [1] Retail, up to a maximum of 5,000 sq. ft.
- [2] Coffee shop
- [3] Personal services, up to a maximum of 2,500 sq. ft.
- [4] Medical office or clinic
- [5] Rehabilitation and physical therapy facilities, including wellness center, swimming pools and Jacuzzis.
- [6] Auditoriums, meeting rooms, or libraries
- [7] Other amenities within the developed area for the benefit of residents of the development and appropriate to the scale of the development.
- [8] Living quarters for support staff
- [9] Bank or ATM machine

Note that the aggregate of non-residential uses and space within buildings and structures shall not exceed 25% of the total area of residences.

- (d) Inclusionary Housing – CCRC developments shall include a minimum of 20% Affordable- and Moderate-Income Housing. The provisions of §125-58 shall govern the provision and distribution of these units.

(e) Other Required Criteria

- [1] Buildings shall be in accordance with an overall plan and shall be designed as a single architectural scheme. No single wall face shall have a horizontal dimension in excess of 175 feet.
 - [a] Structure and site designs which blend the scale of residential units, institutional structures and professional office space;

⁴ The aggregate floor area for the nonresidential uses shall not exceed ten (10) percent of the total gross floor area of the buildings in the development. These uses shall be incidental and subordinate to the principal residential uses in the Senior Residential Development

- [b] Minimization of traffic impacts and safe design of all ways, vehicular and pedestrian;
- [c] Maximization of preservation of natural features and the protection of wetlands, scenic vistas and open spaces;
- [d] Structure and site designs which meet the specific needs of the elderly;
- [e] Site plan design which visually emphasizes building design and landscaped areas and minimizes the visual impact of parking areas;
- [f] Site plan design which creates open space by using cluster principles.
- [g] Enclosed walkways and/or unenclosed walkways connecting all buildings shall be permitted.
- [h] Structures shall be located on the site so as to provide for the privacy of residents adjacent to the CCRC.

Definitions.

ASSISTED LIVING RESIDENCE --An assisted living residence is a long-term senior residential facility that provides personal care support services such as meals, medication management, bathing, dressing, and transportation, principally for people age 55 years and over, and certified by the Massachusetts Office of Elder Affairs.

ASSOCIATED SERVICES: a program of resident services primarily for the benefit of the residents of the CCRC.

CO-HOUSING – A semi-communal housing development consisting of a cluster of private homes and a shared community space (as for cooking or laundry facilities).

CONGREGATE STRUCTURE - a structure which provides a range of housing and support services. The structure may contain, but is not limited to the following uses: Dwelling units with kitchen facilities; bedrooms with a bathroom and sitting area or without kitchen facilities; and common, social, and recreational areas such as dining rooms, libraries, and indoor and outdoor recreation facilities and gardening areas.

CONTINUING CARE RETIREMENT COMMUNITY --A Senior Residential Development that provides a continuum of senior housing and care services principally for people age 55 years and over, operated or sponsored as a coordinated unit by a corporation or organization, having among its principal purposes the provision of housing and associated services for senior citizens. A CCRC shall include a variety of housing types and may also include semi-institutional facilities such as skilled nursing care or a rehabilitation facility.

COORDINATED UNITS: a building or group of buildings under common management which provide housing and associated services which assist seniors in maintaining an independent lifestyle.

INCLUSIONARY HOUSING – A local policy that ties the creation of homes for low-and moderate-income households to the construction of market-rate residential development. A local zoning ordinance that either requires or encourages a developer to include affordable housing as part of a development, or contribute to a fund for such housing. The bylaw may provide incentives such as increased density, reduced parking requirements, or expedited permitting in exchange for the affordable housing.

INDEPENDENT LIVING UNITS --Multifamily buildings in a Senior Residential Development that are designed and intended for occupancy principally by people age 55 years and over, with units that include some basic services such as meals, housekeeping, grounds maintenance, security, and common areas and common facilities for events and activities benefiting residents of the development.

DWELLING, COTTAGE: A detached one-family dwelling that does not exceed 1,800 sq. ft. of livable floor area (meaning the heated floor area of the building above finished grade, excluding non-dwelling areas such as attic space or a garage).

DWELLING, SINGLE-FAMILY DETACHED --A dwelling other than a mobile home, singly and apart from any other building, designed or intended or used exclusively as the residence of one family.

DWELLING, TOWNHOUSE OR SINGLE-FAMILY ATTACHED --A residential building of at least three but not more than eight single-family dwelling units sharing at least one common or party or fire wall, and with each building having at least one floor at ground level with a separate entrance.

DWELLING, TWO_FAMILY -- A detached residential building designed or intended or used exclusively as the residence of two families. A two-family dwelling shall not include a detached single-family dwelling with an accessory apartment.

DWELLING, MULTIFAMILY --A building designed or intended or used as the residence of three or more families, each occupying a separate dwelling unit and living independently of each other, and who may have a common right in halls and stairways; with the number of families in residence not exceeding the number of dwelling units provided.

SENIOR HOUSEHOLD: Any household having at least one person 55 years or older.

SENIOR PERSON: Any person having reached the age of 55 years (also Elderly)
(Inserted by Planning Board)

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

Given under our hands this 15th day of September, Two Thousand and Twenty.

Harvard Select Board:

Alice von Loesecke, Chair

Richard Maiore

Kara McGuire Minar

Stuart Sklar

Lucy B. Wallace