



Posted 1.12.2023 at 4:30pm by JAD

## SELECT BOARD

### AGENDA

Tuesday, January 17, 2023

7:00pm

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

The Select Board Regular Meeting is being held virtually in accordance with legislation S. 2475, an act relative to extending certain COVID-19 measures adopted during the Covid Pandemic state of emergency. 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: Jan 17, 2023 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88556903707?pwd=MUVXdHRDV3lqVnoySUZ4cDFzeVFTUT09>

Meeting ID: 885 5690 3707

Passcode: 972548

Dial by your location

Find your local number: <https://us02web.zoom.us/u/kcGpebTjb6>

One tap mobile

+13126266799, 84506745135 # US (Chicago)

+164693113860, 84506745135 US (New York)

### AGENDA ITEMS

- 1) Call meeting to order – Chair Rich Maiore
- 2) Introduction of Police Officer Edward Coffin (7:00)
- 3) Commission on Disabilities update on the town's self-evaluation & transition plan (7:05)
- 4) Act on requests from Town Clerk Lynn Kelly in preparation for the town election (7:20)
  - a) Town Caucus or nomination papers
  - b) Vote by mail; opt in or out
  - c) Set hours for the town election
  - d) Designate Chief Babu as the appointing authority to assign officer to the town election
- 5) Public Communication (7:35)
- 6) Approve minutes 12/20 & 1/3 (7:40)
- 7) Staff Report/Updates (7:45)
- 8) Action/Discussion: (8:00)
  - a) Recognize resignations: Chuck Christensen/Elm Commission & Robert Traver/Agricultural Advisory Commission
  - b) Act on letter to legislators requesting a meeting concerning matters related to Devens
  - c) Review and finalize warrant for Special Town Meeting to be held on Monday, February 13<sup>th</sup> at 7pm in the Cronin Auditorium.
- 9) Select Board Reports

*Next Regular Select Board Meeting  
Tuesday, February 7, 2023  
7:00pm*



# **The Commonwealth of Massachusetts**

William Francis Galvin, Secretary of the Commonwealth  
Elections Division

## **Election Advisory #22-01**

Changes to State Election Laws

June 23, 2022

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The purpose of this Advisory is to familiarize local election officials with changes to state election laws that will impact the 2022 State Primaries and State Election, as well as upcoming local elections.

This Advisory includes a first-glance summary of changes that will directly affect how you, as a local election official, will carry out your duties. Additional information and specifics will be provided in the coming weeks and months, as different aspects of the new law go into effect and as new regulations are promulgated.

### **The VOTES Act**

On June 22, 2022, an election reform law titled “The VOTES Act” was signed into law. Among other things, the VOTES Act makes several of the temporary changes from the pandemic permanent, so many of these policies and procedures will be familiar to those of you administering elections in 2020. The new law also makes the absentee voting process and early voting by mail processes consistent.

### **Voter Registration Deadlines**

Beginning July 22, 2022, the voter registration deadline for all elections and town meetings will be 10 calendar days before the date of the meeting or election.

Local election officials will still be required to hold in-person registration sessions on the last day to register to vote, which for any Tuesday election will now be a Saturday, but the registration session will end at 5 p.m. instead of 8 p.m.

For cities and towns with more than 1,500 voters, the registration session must be held from 9 a.m. until 5 p.m. For towns with fewer than 1,500 voters, the registration session must be held from 9 a.m. until 11 a.m. and from 3 p.m. until 5 p.m.

## **Poll Worker Appointments**

Effectively immediately, there is additional flexibility for the appointment of poll workers.

If, six weeks before an election, it is determined that there are not enough election officers appointed, the appointing authority (board of selectmen, city council, board of election commissioners) may appoint poll workers without regard to political party affiliation, voter registration status, residence, or inclusion on a list from a local party committee.

If, three weeks before an election, there are still not enough poll workers appointed, the clerk will be able to fill vacancies by appointing any competent person, without regard to party, residence, or a list from a local party committee.

Further, you now have the option to eliminate the use of a check-out table if you choose to do so. If you do not use a check-out table, however, you must still have a poll worker stationed at the ballot box.

If poll workers are appointed without regard to party affiliation, the inspectors at the check-in table (and check-out, if used) cannot be of the same political party. If poll workers are appointed from lists from the parties, the inspectors must be of different political parties.

## **Police Officer Assignments**

Effective immediately, the law regarding assignment of police officers at polling places is amended to require the board of selectmen, town council, or city council to assign police officers and constables to polling places. Previously, this was the responsibility of the chief of police.

Since this change is taking effect before the primaries, you will need to communicate with your selectmen or council to make sure they detail officers at a summer meeting before September.

## **Vote by Mail**

Effective immediately, early voting by mail must be available for all state elections, state primaries, and presidential primaries.

Early voting by mail is also required for all local elections and preliminaries, unless the city or town opts out. In order to opt out of Vote by Mail for a local election, the selectmen, city council, or town council must hold a public hearing and public roll call vote to NOT allow Vote by Mail no later than 45 days before the date of the election. Cities and towns cannot opt out of Vote by Mail for a local election if the election is happening on the same day as a state election, state primary, or presidential primary.

## **Applications**

As in 2020, the Elections Division will be mailing Vote by Mail applications at least 45 days before every regular state primary, state election, and presidential primary. The applications will be sent to everyone registered to vote by the 60<sup>th</sup> day before the election who has not

already applied for a ballot. The applications will be pre-addressed to the local election office and postage pre-paid.

Unlike previous years, family members are now allowed to request an early Vote by Mail ballot on a voter's behalf, as they currently can with absentee ballots. Similarly, family members are now permitted to return an early Vote by Mail ballot for the voter as well.

Applications to Vote by Mail must be posted every city and town website, as well as on the Secretary of the Commonwealth's website.

Any form of written communication requesting a ballot is sufficient. Applications may be signed electronically, as long as the signature is written in substantially the same manner as a hand-written signature.

Effective immediately, you are required to include Vote by Mail applications with all acknowledgement notices sent to any new voter or anyone who has changed their address. Note that unlike 2020, these applications must be sent all year round, and not only to voters who register or move after the statewide application mailing has been sent.

### **Online Portals**

The Elections Division will also be required to establish an online ballot request portal for voters to use to request their ballots online. The law states that a wet signature cannot be required for this portal. Additional information on the portal will be provided after the Secretary's Information Technology Division is able to examine the requirements in the law.

A portal for UOCAVA voters to request their ballots and submit ballots electronically will also be required, though that part of the law does not go into effect this year. More information on that will be provided after the 2022 elections.

### **Application Deadlines**

The deadline to receive a request for any ballot (early or absentee) to be mailed is now 5 business days before the election. A business day is any weekday that is not a legal holiday, so this will typically fall one week before Election Day.

For the September 6<sup>th</sup> State Primary, because Labor Day is not a business day, the deadline for you to receive vote by mail applications is 5 p.m. Monday, August 29<sup>th</sup>.

For the November 8<sup>th</sup> State Election, the deadline for you to receive vote by mail applications is 5 p.m. Tuesday, November 1<sup>st</sup>.

No ballots can be mailed to any voter whose application has not been received by 5 p.m. on the 5<sup>th</sup> business day before the election. Remember, however, that in-person early voting is still available until the Friday before the election for applicable elections and in-person absentee voting is still available until noon on the day before the election (if that day isn't a holiday).

Additionally, voters admitted to a health care facility after 12pm on the 7<sup>th</sup> day before the election can request a hand-delivered absentee ballot up until the close of polls.

### **Accessible Vote by Mail**

Effective immediately, voters who have a disability which prevents them from being able to independently mark a paper ballot are allowed to request a reasonable accommodation. Additional information on accessible voting by mail will be forthcoming.

### **Ballot Envelopes**

Return ballot envelopes (AV-8s) for state primaries, state elections, and presidential primaries are now pre-addressed and postage pre-paid.

This means that any AV-8 return ballot envelopes provided by this office need to be printed specifically for your community. It will be very important for you to be aware of your inventory and provide as much notice as possible to the Elections Division if you are running low.

### **Ballot Return**

For most elections, all ballots will still have to be returned by close of polls on Election Day. Beginning with the 2022 State Election, ballots will be able to arrive up to 3 days after Election Day for biennial state elections only. This means that ballots mailed from inside the country can be counted if they are postmarked by Election Day and received by 5 p.m. on the Friday after Election Day. Again, this is only for biennial state elections, which are the November federal elections held in even-numbered years.

This year, because the Friday after the election is a holiday, the deadline for ballots to be received is 5 p.m. on Saturday, November 12<sup>th</sup>. We realize this deadline creates logistical issues and we are in the process of exploring our options. More information will be provided as soon as we have it.

Ballots returned by hand, to a drop box, or electronically still need to be received by your office by close of polls on Election Day for all elections.

### **Ballot Processing**

Similar to 2020, you now have the option of advance removing ballots from their envelopes and advance depositing ballots into the tabulator or ballot box ahead of Election Day. All ballot removal and depositing before Election Day will still need to happen in public sessions. The Elections Division will be issuing regulations, likely similar to those used in 2020, on advance processing and more information will be provided when that happens.

### **Deceased Voters**

Since ballots will begin to be processed before Election Day, the law prohibiting counting the ballot of anyone who dies before Election Day has been repealed. A voter's ballot can be counted as long as the voter was alive when it was cast, which means as of the postmark date or when it was hand-delivered or deposited into a drop box.

## **In-Person Early Voting**

In-person early voting must now be offered for all regular state primaries, state elections, and presidential primaries. It must also be offered for special elections and primaries to fill vacancies for U.S. Senate or Congress. In-person early voting must also be held for any municipal elections being held on the same day as one of the above listed elections.

### **In-Person Early Voting Dates**

In-person early voting for biennial state elections must be held from the 17<sup>th</sup> day through the 4<sup>th</sup> day before the election. In 2022, the early voting period for the November 8<sup>th</sup> State Election will begin on Saturday, October 22<sup>nd</sup> and end on Friday, November 4<sup>th</sup>.

Early voting for state and presidential primaries will begin on the 10<sup>th</sup> day before the primary and end on the 4<sup>th</sup> day before the primary. Early voting for the September 6<sup>th</sup> State Primary will begin on Saturday, August 27<sup>th</sup> (the same day as the voter registration deadline) and end on Friday, September 2<sup>nd</sup>.

### **In-Person Early Voting Hours**

The requirements for early voting hours have changed to require weekend hours and set standards for weekday hours. Please note that these are minimum hours and you can always increase the in-person early voting hours.

On weekends, the number of hours you must be open depends on the number of registered voters in your community. The required minimum hours for weekends are:

<b>Number of Voters</b>	<b>Required Weekend Early Voting Hours</b>
0 - 4,999	At least 1 day per weekend At least 2 hours each day you are open At least 4 hours total each weekend
5,000 – 24,999	At least 1 day per weekend At least 3 hours per day you are open At least 6 hours total each weekend
25,000 – 39,999	At least 4 hours each weekend day
40,000 – 74,999	At least 6 hours each weekend day
75,000+	At least 8 hours each weekend day

For weekdays, the required minimum early voting hours will vary depending on the size of your community and at what point it is during the in-person early voting period. By default, the early voting hours are during your regular business hours; however, your city council, board of selectmen, or town council may have the option to limit early voting hours on certain days, if your community is small enough.

The required weekday early voting hours are:

<b>Number of Voters</b>	<b>Required Weekday Early Voting Hours</b>
0 - 4,999	At least 25% of regular business hours
5,000 – 39,999	Primary: Regular business hours  State Election: Week 1: at least 50% of regular business hours Week 2: Regular business hours
40,000+	During your regular business hours

In order to limit your early voting hours, your board of selectmen, city council, or town council will need to vote to do so at a public meeting held no later than 20 days before early voting begins. For the November 8, 2022 State Election, the deadline to take that vote is Sunday, October 2, 2022.

### **Early Voting Locations**

Minor changes have been made to the law regarding the designation of early voting sites. As has been the case previously, your local election office is the default early voting site in your community. If your office is determined to be unsuitable or inaccessible, the registrars must vote to hold early voting in a different location. You can also designate additional early voting locations, which must also be accessible.

When assigning early voting sites, your city or town must now consider, to the extent feasible, diverse geographic locations and whether the sites would have an impact on access to the polls on the basis of race, national origin, disability, income, or age. Unlike the assignment of polling places in 2020, no written report on the impact of the early voting locations is required.

Your early voting sites must be designated no later than 2 weeks before early voting begins.

### **Notice Requirements**

You will also need to publish notice of the locations and schedule for early voting at least 5 business days before early voting begins and at least once during the early voting period.

Notice must be posted: in your office or on the city/town bulletin board; in any other public building considered necessary; on the city/town’s website; and on the Secretary’s website. Remember, you need to enter your hours and locations into VRIS (or notify the Elections Division by email, if that VRIS screen is locked) for them to be posted on our website.

The deadlines for early voting posting for 2022 are:

**State Primary**

Designate Early Voting sites & schedule: Saturday, August 13, 2022

Post 1<sup>st</sup> Notice: Monday, August 22, 2022

Post 2<sup>nd</sup> Notice: August 27 – September 2

**State Election**

Designate Early Voting sites & schedule: Saturday, October 8, 2022

Post 1<sup>st</sup> Notice: Monday, October 17, 2022

Post 2<sup>nd</sup> Notice: October 22 – November 4

**Local Elections**

For local elections, cities and towns may choose to have in-person early voting. To opt-in to early voting for local elections, at least two registrars need to recommend it, and the board of selectmen, town council, or city council must then vote to authorize in-person early voting.

The vote to opt-in to early voting must take place no later than 5 days before early voting would begin, and must include the early voting schedule. Early voting can begin no earlier than the 17<sup>th</sup> day before the election or preliminary and can end no later than 2 business days before the election. Early voting for local elections default to your usual business hours, unless the vote specifies otherwise.

Sites for early voting for local elections will be designated by the clerk. The location(s) and early voting schedule must be posted no less than 48 weekday hours before early voting begins.

**150 Foot Rule**

Beginning with early voting for the September 6<sup>th</sup> State Primary, the 150 foot rule prohibiting campaigning around polling places will be extended to early voting sites as well. This means that there shall be no campaigning for or against a candidate or question on the ballot for that election within 150 feet of the entrance to the early voting site during voting hours. Signature gathering of any kind will also be prohibited during the voting hours.

**Jail-Based Voting**

While voters who are incarcerated for a reason other than a felony conviction can already vote by absentee ballot, the new law contains provisions to make voting easier for those who are incarcerated, including adding requirements to correctional facilities to distribute information. Changes to jail-based voting take effect at the beginning of 2023 and more information will be provided after the 2022 elections.

**Automatic Voter Registration**

Beginning on January 1, 2023, applicants at the RMV will no longer have the option to opt out of automatic voter registration. Instead, the RMV will be required to transmit the names and



addresses of all ***eligible citizen*** applicants to local election officials for voter registration purposes.

Applicants who are automatically registered to vote will now be allowed to decline registration only after receiving the acknowledgment notice you send to them.



**Select Board Minutes**  
**Tuesday, December 20, 2022**  
**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:**

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

**Town Department attendees:**

Assistant Town Administrator Marie Sobalvarro and Executive Assistant Julie Doucet

**Additional participants:**

Tree Warden JC Ferguson, Park & Recreation Chair Bob O'Shea and member Marissa Steele

**Minutes**

By a roll call vote, McBee – aye, Minar – aye, Oliver – aye, Ludwig – aye, Maiore – aye, the board voted unanimously to approve minutes of 12/1 & 12/6, as presented.

**Tree Warden Requests**

*Murray Lane tree removal*

Tree Warden JC Ferguson received a request from Sean Bilodeau to remove two public shade trees on Murray Lane. He shared pictures of the trees and explained tree one creates a blind spot when exiting the driveway onto Murray Lane and tree two is leaning considerably onto private property. Ferguson conducted the required shade tree hearing and received some objections to the trees being removed. He explained because of MGL 87 section 4 and a written objection received, he denied the request to remove the trees, deferring the decision to the Selectboard as per the law. Ferguson is inclined to approve the request as it is based primarily on safety. The Select Board members had a few questions or clarification before taking a vote.

By a roll call vote, McBee – aye, Minar – nay, Ludwig – aye, Oliver – aye, Maiore – nay, the board voted to remove tree one. (3-2, motion passed)

By a roll call vote, Minar – aye, McBee – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to remove tree 2.

*136 Oak Hill Road*

Resident George Lewinnek requested a convex mirror be mounted on a tree across from his driveway. He explained how difficult and dangerous it can be to enter and exit his driveway. JC Ferguson suggested instead of using a tree they consider the installation of a pole that can accommodate the mirror necessary to improve safety for the residents. Lewinnek was agreeable to this option however would rely on the town for the installation. Ferguson will coordinate efforts with the DPW Director.

By a roll call vote, Minar – aye, McBee – aye, Oliver – aye, Ludwig – aye, Maiore – aye, the board voted unanimously to approve the Tree Warden's recommendation for use of a post installed by the DPW in coordination with the Tree Warden at 136 Oak Hill Road.

**Discuss increasing the Community Preservation surcharge**

Assistant Town Administrator Marie Sobalvarro gave a history of when the town initially adopted the CPA and when a subsequent vote was taken to increase the percentage. She explained CPA changes require a vote at town meeting and then a vote at the town election. She has learned many

communities have a higher percentage than Harvard has now. They discussed a 1.9% increase and how these additional funds can assist with necessary land purchases. The Select Board members were in agreement this approach makes sense and will require making a case to the voters as to why this is a good option. Additional questions will be directed to Marie Sobalvarro with further discussion at their next meeting.

### **Town Center/Agriculture overlay district update**

Erin McBee reported the Planning Board met again last night. She said the revised town center map was helpful and most everyone is comfortable with the proposed language for the overlay district. The Select Board members agreed this article is ready for a special town meeting.

McBee said the agricultural overlay district continues to be a bit more complicated and the Planning Board members are reluctant to fully support without a clearer understanding of appropriate guardrails and/or conditions.

### **Public communication**

Chris Green, Oak Hill Road, expressed his displeasure with the proposed agricultural overlay district because of the focus on Carlson Orchards. He is not aware of any other farms asking for this to be done. Green said over the past four years while attending Select Board meetings when Carlson Orchards is the topic he does not feel respected by the Select Board as a neighbor to Carlson Orchards.

### **Annual license renewals**

Executive Assistant Julie Doucet informed the Select Board members of the establishments that require an annual license for liquor, entertainment, common victualler and used auto. She confirmed license holders are in good standing with requirements and the public safety and board of health departments have been consulted as well as confirmation from the tax collector that all taxes are paid to date.

Doucet explained Carlson Orchards has a condition under their pouring license that requires a hearing upon renewal however the hearing was not scheduled. Town Administrator Tim Bragan informed the board based on the circumstances they do have the ability to remove the hearing requirement.

By a roll call vote, Minar – aye, McBee – aye, Oliver – aye, Ludwig – aye, Maiore – aye, the board voted unanimously to approve all annual licenses with the exception of the General Store and Carlson Orchards.

By a roll call vote, Minar – aye, McBee – aye, Ludwig – aye, Maiore – aye, the board voted unanimously to approve the General Store annual license and entertainment dates.

*(Member Charles Oliver recused himself from the vote due to business dealings he has with the General Store)*

The board decided to hold the renewal hearing for Carlson Orchards on Thursday, January 5<sup>th</sup>. They will revisit the license conditions at that time to decide if this requirement is still necessary. Carlson Orchards owner Frank Carlson noted none of the other license holders have this requirement. He understood the reasoning initially for the condition but based on operations thus far without any issues he would like the board to revisit this requirement.

### **Proposals (RFP) for athletic fields and funding**

Chair Rich Maiore opened the discussion about the needs assessment for athletic field needs in town. Assistant Town Administrator Marie Sobalvarro is working to draft the RFP and is seeking high level details from the board to obtain a clear good result. They discussed important elements such as

current/future needs assessment, projected sport uses, school growth model, and maintenance requirement's with the goal of providing validation to support the next steps in this process. Don Ludwig said having independent third party data is essential in this process.

Park & Rec Chair Bob O'Shea shared the commission's thoughts on the parameters for this needs analysis study. He explained the school department is the biggest user of the athletic fields and the importance of understanding field maintenance to optimize use of the current facilities. Park & Rec field liaison Marissa Steele asked about funding of this needs assessment. Everyone agreed use of the \$50,000 capital funds granted to Park & Rec makes the most sense and if the funding source needs to be changed they can address that if need be. Steele added many times the current fields are unusable based on conditions due to weather therefore maintenance is an important factor. Steele and Ludwig will work with Sobalvarro on this.

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

#### **Increase Senior Tax Work-off hourly rate along with the overlay account**

By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to increase as proposed.

(Hourly rate from \$8 to \$12 - max work off amount of \$1500 - increase overly to \$12,000 from \$10,000)

#### **Hazardous Mitigation Plan**

By a roll call vote, Minar – aye, Ludwig – aye, McBee – aye, Oliver – aye, Maiore – aye, the board voted unanimously to endorse Hazardous Mitigation Plan.

#### **Discuss the 2023 spring annual town meeting date**

The board members decided to hold the spring annual town meeting on Saturday, April 29<sup>th</sup> instead of May 6<sup>th</sup> to accommodate the Moderator.

#### **Discuss letter from Harvard Devens Jurisdiction Committee (HDJC)**

The board agreed with the request from the HDJC. A letter will be drafted for consideration at their next meeting.

#### **Review and discuss draft memo from the Climate Action Committee; next steps**

Rich Maiore suggested they include contact information. The board members decided to send it out in January to kick off the new year.

The meeting was adjourned at 9:30pm.

Documents referenced:

Tree Warden materials (presentation/minutes/requests) – dated 12.20.2022

Annual license renewal listing – calendar year 2023

Haz Mitigation Plan – dated Dec 2022

HDJC request – dated 12.14.2022



**Select Board Minutes**  
**Tuesday, January 3, 2023**  
**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:**

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

**Town Department attendees:**

Town Administrator Tim Bragan, Assistant Town Administrator Marie Sobalvarro Executive Assistant Julie Doucet

**Additional participants:** None

**Staff Report/Updates** (Attachment A)

**Harvard Ambulance Service fees for calendar year 2023**

By a roll call vote, McBee – aye, Minar – aye, Oliver – aye, Ludwig – aye, Maiore – aye, the board voted unanimously to accept new rates.

**Letter to State Senator/Representative/State Administration - working relationship with MassDevelopment**

Don Ludwig drafted a letter but not everyone had seen it. They will take action at their next meeting. meeting

**Devens water connection project**

Town Administrator Tim Bragan learned from DPW Director Tim Kilhart the town has been selected to receive \$4.85 million in a 2% loan from the state revolving fund to connect to the Devens Water System. He reported the Water Commission will meet next week to discuss and if accepted the Select Board will need to formally vote to move forward.

**Dept of Environmental Protection (DEP) issue regarding the town landfill**

Bragan informed the board the town's landfill, where the recycling center/transfer station is located, was closed in the 80's. The DEP is being a process to officially close this landfill which will require monitoring requirements. These requirements must be in place for 35 years. He is working with Tighe & Bond to determine what exactly is required and to attain an estimate of cost. Once we have these investigation of funding sources can begin. He expects to have an update in February.

**Warrant article to increase the Community Preservation Act (CPA) surcharge/Special Town Meeting**

The board members discussed pros/cons to this approach and decided it makes sense to try this now since it has been 10 years since the last increase. They will take the lead on efforts to educate residents on why this is a good idea and what the funds can and will be used for. Due to timing requirements of a town meeting vote and vote at the ballot they will need to call a Special Town Meeting (STM) in February. Bragan will work to determine the best date in February to hold the STM. This will also accommodate the Planning Board overlay district article for the town center. They will also include the town center overlay district

**Announcements** - Erin McBee made a few announcements:

Council on Aging will hold a goodbye to the Hildreth House event on January 10<sup>th</sup> at noon.

Planning Board will meet on the January 9<sup>th</sup> for the continuation of their bylaw hearings.

Board of Health will be holding a meeting on PFAS in February

The meeting was adjourned at 7:50pm.

**From:** Chuck Christensen <cfchristensen88@gmail.com>  
**Sent:** Friday, December 23, 2022 9:27 PM  
**To:** calderwoods@charter.net <calderwoods@charter.net>  
**Cc:** Lynn Kelly <lkelly@harvard-ma.gov>  
**Subject:** Re: Elm Com Meeting Minutes and Attached new proposed policy

Dear Ms. Kelly:

**Lynn P. Kelly**

Town Clerk,

Records Access Officer, Registrar of Voters

**Town Clerk's Office**

**Town of Harvard**

**13 Ayer Road**

**Harvard, MA 01451**

**With regrets, please accept my resignation from the Harvard Elm Com.  
due to my move out-of-state. Thank you for the opportunity to serve the  
town of Harvard.**

**Charles Christensen**

**18 Country Charm Rd**

**Cumberland, ME 04021**

4 JAN 2023

DEAR TOWN CLERK -

I, Robert Traver, formerly of 163 Still River Road, resign from my appointments with the Agricultural Advisory Commission and with the Land Stewardship Subcommittee. I no longer reside in Harvard, MA.

Sincerely



Robert Traver

Jamie Eldridge

Dan Senna

Thus far in 2022, MassDevelopment has taken the following actions with no or minimal consultation with the Town of Harvard and residents of Devens who live on historic areas of Harvard. Some of these decisions have reversed prior commitments previously made by MassDevelopment, and at least one of them went against an explicit vote taken by the Harvard Select Board.

1. MassDevelopment unilaterally withdrew from participation on the Devens Jurisdiction Framework Committee (DJFC) and refused requests from the DJFC, the Harvard Select Board and the other stakeholders to rejoin the committee.
2. MassDevelopment withdrew its standing offer to pay for the cost of a consultant to help prepare recommendations for future local governance of Devens.
3. MassDevelopment requested support from the Harvard Select Board for eliminating the cap on the amount of commercial development at Devens. The Harvard Select Board voted to raise the cap to 12M sq. ft., and this figure was included in the language submitted by our state representatives. Harvard's position was ignored and a substantially changed version was sent to, and approved by, the Legislature.
4. MassDevelopment accepted a request from the Department of Housing and Community Development (DHCD) and the Massachusetts Emergency Management Agency (MEMA) to use the Eisengrein Community Center at Devens as an intake processing center without first consulting with Devens residents or the Harvard Select Board.

The new governor will have at least two immediate appointments to the MassDevelopment Board, including its Chair, and other board members likely to cooperate with the incoming administration. We would like to formally request a meeting to engage with the new administration, ideally in conjunction with the Select Boards of Ayer and Shirley, our local legislative delegation, and representatives of Devens residents, concerning matters relating to Devens.

Thank you for taking this under consideration



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

WORCESTER, ss.

To the Constable of the Town of Harvard:

Greeting:

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 Bromfield School's Cronin Auditorium on Monday, the 13th day of February, 2023 at 7:00 p.m. by the clock to act on the following articles:

**ARTICLE 1: PAY BILL(S) OF PRIOR FISCAL YEAR(S)**

To see if the Town will vote to transfer from available funds a sum of money to pay bills from prior fiscal years, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

**ARTICLE 2: AMEND THE PROTECTIVE BYLAW TO ALLOW ACCESSORY ENTERTAINMENT  
IN TOWN CENTER ENTERTAINMENT OVERLAY DISTRICT.**

To see if the Town will vote to amend Chapter 125 of the Code of the Town of Harvard, the Town's Protective Bylaw, by adding thereto the following new Section 125-59 relative to the Town Center Entertainment Overlay District, or take any vote or votes in relation thereto.

A. Purpose. The purpose of the Town Center Entertainment Overlay District (TCEOD) is to allow entertainment as an accessory use on certain properties which are primarily used for business, institutional or cultural purposes.

B. Establishment of overlay district. The TCEOD is established as an overlay district. The TCEOD consists of certain parcels of land on Ayer Road, Elm Street, Fairbanks Street, Massachusetts Avenue and Still River Road as shown on the Town Center Entertainment Overlay District Map on file with the Town Clerk. Within the TCEOD, all regulations of the underlying district remain in effect.

C. Permitted Accessory Uses in the Town Center Entertainment Overlay District.

(1) All uses that are clearly subordinate to, and customarily incidental to, and located on the same premises with the main use or structure to which it is accessory.

(2) Accessory entertainment, provided that a license for such entertainment is obtained from the Select Board, except on properties in the TCEOD which are used primarily for residential purposes.

(Inserted by Planning Board)

### **ARTICLE 3: PERMANENT WATER CONNECTION WITH DEVENS**

To see if the Town will appropriate \$4,850,000, or any other amount, to pay costs of designing and constructing a water main and booster station to provide a permanent water connection with Devens to supply water to the Town, and for the payment of all costs incidental and related thereto, to determine whether this amount shall be raised by borrowing or otherwise, provided, however, that this appropriation and debt authorization shall be contingent upon passage of a Proposition 2½ debt exclusion referendum under Massachusetts General Laws Chapter 59, Section 21C(k), or to take any other action relative thereto.  
(Inserted by Select Board)

### **ARTICLE 4: COMMUNITY PRESERVATION FUND**

To see if the Town will vote to amend its acceptance of Sections 3 to 7, inclusive, of Massachusetts General Laws Chapter 44B, known as the Massachusetts Community Preservation Act, by increasing the surcharge on real property taxes to be placed in a special “Community Preservation Fund” that may be appropriated and spent for the purposes permitted by said Act, including open space, historic resources, and affordable housing purposes from one and one-tenth (1.1) percent to three (3) per cent of the taxes assessed annually on real property which shall be dedicated to said fund, such increased surcharge to be imposed on taxes assessed for fiscal years beginning on or after July 1, 2023, and to exempt from such increased surcharge any or all of the following: (1) property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the community; or (2) \$100,000 of the assessed valuation of Residential, Commercial, and Industrial parcels, or pass any vote or votes in relation thereto.  
(Inserted by Select Board)

### **ARTICLE 5: CITIZEN PETITION**

To see if the Town will vote to rescind the pending amendment to Article 3, Elected and Appointed Town Agencies, Section 3-4, Town Moderator of the Town Charter and reinstate the original language per the “Harvard Charter, 2018 Final report” dated October 12, 2017, as follows:

[proposed amended text to delete is ~~strike through~~ and reinstated original text is underlined]

“Section 3-4. Town Moderator.

- a) Term of Office. There shall be a Town Moderator elected for a term of ~~three years~~ one year.
- b) Powers and Duties. The Moderator shall be the presiding officer of the Town Meeting and shall regulate its proceedings and perform other duties as may be provided by law, this Charter, bylaw, or other Town Meeting vote.
- c) Appointment of the Finance Committee - The Town Moderator shall appoint a Finance Committee that shall consist of seven residents, none of whom shall be a Town officer elected by ballot or an appointed officer or employee receiving a salary, who shall perform their duties without salary or compensation. The terms shall be for a period of three years and shall be arranged in order that the terms of as nearly an equal number of members as possible shall expire each year. The Moderator shall exercise due care in

the process of selecting members to ensure that the committee represents a cross section of the Town as a whole.

- d) Appointment of the Capital Planning and Investment Committee - The Town Moderator shall appoint two members of a Capital Planning and Investment Committee.
- e) Other Appointments - The Town Moderator shall make other appointments provided for by law, this Charter, or bylaw. or pass any vote or votes on relation thereto  
(Inserted by Citizen Petition)

Given under our hands this 24th day of January, Two Thousand and Twenty-Three.

**Harvard Board of Selectmen:**

Richard Maiore, Chairman  
Donald Ludwig  
Erin McBee  
Kara McGuire Minar  
Charles Oliver

DRAFT