



Posted 2.24.2022 at 4:00pm by JAD

**SELECT BOARD  
AGENDA  
Tuesday, March 1, 2022  
7:00pm**

**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.

Join Zoom Meeting

<https://us02web.zoom.us/j/89387802457?pwd=M2UyL3VMbFpsZGovcy9TSGVydkEzZz09>

Meeting ID: 893 8780 2457

Passcode: 622430

One tap mobile

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

+1 253 215 8782 US

One tap mobile

+1 301 715 8592 US

+13126266799,,123906012# US (Chicago)

+19294362866,,12390012# US (New York)

**Agenda Items**

- 1) Introduction of Town Clerk Lynn Kelly (7:00)
- 2) Meet with the Planning Board to discuss how best to proceed on the state's MBTA-related multifamily zoning mandate (7:05)
- 3) Discuss and act on Water Commissioners recommendation regarding water treatment (7:25)
- 4) Finance Committee will present their budget recommendations (7:40)
- 5) Carlson Orchards Annual Entertainment License request: (8:00)
  - a) Discuss request details
  - b) Hear Public Comment
  - c) Board Deliberation
  - d) Act on license request
- 6) Public Communication (8:30)
- 7) Approve Minutes 2/1 (8:35)
- 8) Staff Report/Updates (8:40)
- 9) Action/Discussion items: (9:00)
  - a) Discuss and act on lease agreement for the Bromfield House
  - b) Discuss next steps regarding a cell tower on town land
  - c) Discuss progress on the Fire Station Study
  - d) Discuss and act on details for the May 14<sup>th</sup> Annual Town Meeting
  - e) Vote on the useful life of the new fire truck as required for borrowing
  - f) Discuss nominations papers in lieu of town caucus
  - g) Act on Code of Conduct & Select Board policies; including use of town common
  - h) Act on work from home policy
- 10) Select Board Reports
- 11) **Executive Session:** per MGL Ch. 30A, s. 21(a)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. The Select Board will reconvene into open session only to adjourn.

***Next Regular Select Board Meeting  
Tuesday, March 15, 2022  
7:00pm***

***All times are approximate except for scheduled public hearings.***



## **MBTA Communities Multifamily Guidelines Discussion**

Town of Harvard, MA

March 1, 2022

---

### **Table of Contents**

1. Summary of Draft Guidelines for Compliance
  2. Important Dates and Milestones
  3. Commonwealth's Community Information Form
  4. Planning Board Draft Letter for Consideration by Select Board
  5. Next Steps
-

## List of Guidelines<sup>1</sup>

The following list is a summary of the draft guidelines released by the State on 12/15/2021 that directs the Town to establish a by-right multifamily zoning district no later than December 31, 2024. You can find the full guidelines document at the following link:

<https://www.mass.gov/info-details/draft-compliance-guidelines-for-multi-family-districts-under-section-3a-of-the-zoning-act>

1. Must establish a district of a “reasonable” size (at least 50 acres of land).
2. May have sub-districts with differing densities as long as the overall district meets the minimum requirement.
3. Must allow at least 15 units/acre (minimum gross density).
4. Must be without any age restrictions.
5. Must be legally and practically allowed.
6. Should be in areas that have safe and convenient access to transit by bicycles and pedestrians.
7. Must allow for at least 10% of units as share of total housing stock but also must allow at least 750 units (50 acres x 15 units/acre). The 750 unit minimum for Harvard was confirmed. I expect that we can determine how lack of current water and sewer infrastructure might impact this number.
8. Communities must estimate the unit capacity for each district. The minimum required capacity must be attainable in the district(s). The state and MHP will be developing tools that communities can use to make these calculations on a per lot basis.
9. Districts may be established that already include existing multifamily units. Therefore, Foxglove, Bowers Brook, and Harvard Green can be included in such a district and count toward both units and density if we wish.
10. When an MBTA community has no land area within 0.5 mile of a transit station (Harvard), the multi-family district should, if feasible, be located in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that otherwise is consistent with the Commonwealth’s sustainable development principles.
11. DHCD must make a “Determination of Compliance” for each applicable community, which may be interim, allowing Harvard to establish the requisite bylaws and mapped area(s).
12. Interim compliance requires:
  - [a] Creation of an Action Plan
  - [b] Implementation of Action Plan
  - [c] Adoption of Zoning Amendment
  - [d] Request Determination of Full Compliance

---

<sup>1</sup> Guidelines established based on authority provided by Economic Bond Bill (House No. 5250, An Act Enabling Partnerships for Growth) passed Mass Legislature in December 2020 and signed by Governor Baker in January 2021.

13. Effect of Non-Compliance – The MBTA community will not be eligible for funds from the following grant programs:

- [a] the Housing Choice Initiative;
- [b] the Local Capital Projects Fund; or
- [c] the MassWorks infrastructure program.

Note that [c] is a program that has been widely used by Harvard, most recently for the Slough Road project. It is an important means to fund road, bridge, and other infrastructure projects.

14. To remain in compliance while DHCD is collecting public comment on the Draft Guidelines, an MBTA community must:

- [a] Submit the MBTA Community Information Form by 5:00 p.m. on May 2, 2022.
- [b] Hold a briefing of your City Council, Town Council or Select Board on the Draft Compliance Guidance no later than May 2, 2022 and attest to that on the MBTA Community Information Form.

### Important Dates and Milestones

- **March 31, 2022** – Deadline for submitting comments on Draft Guidelines.
  - ❖ **Comment:** Commonwealth cities and towns have until March 31, 2022 to get any comments or questions to the State Department of Housing and Community Development (DHCD). Communities may submit singularly or may collaborate with other towns. Comments may also be submitted to the regional planning agencies, the Mass Municipal Association, or other stakeholder organizations. The Harvard Planning Board has drafted a comment letter for discussion at tonight’s meeting. See pp. 10- below.
- **Before May 2, 2022** – The Select Board must hold a briefing on the Draft Compliance Guidance.
  - ❖ **Comment:** The Select Board must schedule a briefing (recommend a formal public hearing) on the guidelines. This briefing may be presented by any entity in the community such as a staffer of board member, but it must be hosted by the Select Board. This meeting must take place before May 2, 2022.
- **May 2, 2022** – The MBTA Community Information Form must be submitted.
  - ❖ **Comment:** Harvard must submit a Community Information Information Form (online) to DHCD by 5:00 pm on May 2, 2022. This form has been printed for your review on pp. 5-9 below. The purpose of this form is to provide DHCD with the current compliance status of the community and the plan to address any lack of compliance.
- **July 1, 2023** – Deadline for obtaining DHCD approval of a timeline and action plan.
  - ❖ **Comment:** A formal action plan to address lack of compliance must be submitted to DHCD by July 1, 2023. This plan must also include a timeline for the community to achieve action plan goals and actions.
- **December 31, 2024** – Deadline for adopting an appropriate zoning amendment that complies with guidelines.
  - ❖ **Comment:** For MBTA Adjacent communities (Harvard’s classification), a complying zoning amendment must be adopted by Town Meeting by December 31, 2024. This means that the zoning, which now only requires a simple majority, has to be approved at Town Meeting. Once this has occurred, the Town must send a certified copy to DHCD for final authorization of compliance.

# MBTA Multifamily Guidelines

Community Information Form - Harvard

Due May 2, 2022

**1. What is your Municipality\***

Harvard ▼

*Choose from the drop down list.*

**2. Name of person filling out this form \***

Christopher

*First Name*

Ryan

*Last Name*

**3. Title of person filling out this form \***

Director of Community and Economic Development

**4. Email of the person filling out this form \***

cryan@harvard-ma.gov

**5. Phone number of the person filling out this form \***

(978) 456-4100 ext. 323

**5.a Will the person filling out this form ALSO be responsible to ensure compliance with section 3A of c40A and/or lead a committee that will undertake compliance with section 3A of c.40A?? \***

Yes

No

[Save and Resume Later](#)

## Section 2 - Community Information

6. Does your municipality have any land area within 0.5 miles of a public transit station, defined as a Subway station, Commuter rail station, Ferry terminal or Bus station. Note: the definition of "Bus Station" in the Draft Guidelines: "Bus station" means a building located at the intersection of two or more public bus lines, within which services are available to bus passengers; provided that a bus station does not include a shelter or other structure without walls and a foundation. \*

Yes

No

*Note: See Section 9 of the Draft Guidelines for details on measuring 0.5 miles from a transit station. Find Draft Guidelines here: [www.mass.gov/mbta/communities](http://www.mass.gov/mbta/communities)*

6.a. Does your municipality have areas of concentrated development, village center, mixed use or commercial district(s), especially areas served by public transit where future multifamily development would be consistent with any of these smart growth principles: Mix land uses; Take advantage of compact building design; Create a range of housing opportunities and choices; Create walkable neighborhoods; Foster distinctive, attractive communities with a strong sense of place; Preserve open space, farmland, natural beauty, and critical environmental areas; Strengthen and direct development towards existing communities; Provide a variety of transportation choices; Make development decisions predictable, fair, and cost effective; Encourage community and stakeholder collaboration in development decisions. \*

Yes

No

*For a more information about these smart growth principles, see <http://smartgrowth.org/smart-growth-principles>*



6.a.1. Please describe the area(s) in your municipality that best meets the smart growth principles \*

Ayer Road Commercial District

*For a more information about these smart growth principles, see <http://smartgrowth.org/smart-growth-principles/>*

7. Does your municipality have any zoning district(s) where multifamily development of 15 units/gross acre is allowed as of right without age restrictions and without restrictions on the number of bedrooms? \*

- Yes, one district
- Yes, more than one district
- No
- Unsure

8. In accordance with the How to Comply in 2022 requirements for MBTA Communities issued on December 15, 2021, MBTA Communities are required to hold a briefing about the Draft Guidelines at a meeting of the Select Board, City Council or Town Council prior to May 2, 2022. Have you held such a meeting? \*\*

- Yes
- No

*Note: How to Comply in 2022 requirements can be found here: [www.mass.gov/mbtacommunities](http://www.mass.gov/mbtacommunities)*

Please note that non-compliance with the public meeting requirement in the **Interim Compliance Requirements for MBTA Communities** means that your community will not be eligible to apply for FY 23 MassWorks grants, FY 23 Housing Choice Community Grants, and Local Projects Funding established in MGL c. 29, §2E. Find the How to Comply in 2022 requirements at this [link](#).

Save and Resume Later



## Section 3 Technical Assistance and Next Steps

9. Please tell us what, if any, technical assistance you might need in order to comply with section 3A of c40A based on the Draft Guidelines issued on December 15, 2021. \*

- We can draft multifamily zoning without technical assistance
- We can calculate multifamily capacity without technical assistance
- We need technical assistance to draft multifamily zoning
- We need technical assistance to calculate multifamily capacity
- Unsure whether we need technical assistance to draft multifamily zoning
- Unsure whether we need technical assistance to calculate multifamily capacity

Select as many as apply.

10. If your municipality needs Technical Assistance, please indicate which resources you prefer. \*

- Support from your Regional Planning Agency
- Funding from a state agency
- Consultant procured by a state agency
- Model bylaw or ordinance
- Other:

Choose as many as you would like, if you chose Other, please give us information about that source of Technical Assistance

11. Use the space below to provide other information that you were unable to answer in the questions above. Please do not provide comments on Draft Guidelines here. (optional)

One potential solution for Harvard is to be able to incorporate these standards in our Ayer Road Vision Plan project that is currently in Phase 1, Market Analysis. We lack funding for the Vision Plan process in Phase 2 but would want to be able to address these MBTA guidelines at that time, if feasible.

[Save and Resume Later](#)

[← Previous](#)

[SUBMIT FORM](#)

Progress

## **Planning Board Draft Letter for Consideration by Select Board**

The following draft letter, developed by the Planning Board, addresses a range of concerns that the Planning Board holds regarding the MBTA Communities draft guidelines, as well as a number of comments and questions on the draft guidelines. Some comments include suggestions for modifying the guidelines and others contain additional recommendations that could make the application of the final guidelines more fair and less negatively impactful.

The Planning Board is hopeful that the Select Board would wish to collaborate on this draft letter which indicates a united and coordinated effort on the part of the Town. As such, we invite the Select Board to consider any edits or additional comments that should be added to this correspondence. Be cognizant that this letter must be received by the state no later than March 31, 2022 and thus all edits and comments must be incorporated before that time.

Should the Select Board wish that this letter, or a separate letter, be submitted to any other agency in the furtherance of Harvard's interest in seeing the draft guidelines modified to be fairer and more appropriate for the town, we look forward to your suggestions. At this point, we expect to carbon copy the Montachusett Regional Planning Commission. We could also consider this for the Massachusetts Municipal Association, the Mass Municipal Lawyers Association, the Mass Housing Partnership, the Assabet Regional Housing Consortium (ARHC), the 495 MetroWest Collaborative, and the Massachusetts Chapter of the American Planning Association.

Finally, we could consider a collaborative multi-community response that might receive even more attention and please note that the ARHC has indicated an interest in considering a joint letter should Harvard be interested.

OFFICE OF THE  
**PLANNING BOARD**

13 AYER ROAD HARVARD, MA 01451 978-456-4106 EXT.321 FAX: 978-456-4119



March 6, 2012

Mr. Mike Kennealy, Secretary  
Executive Office of Housing and Economic Development  
Commonwealth of Massachusetts  
One Ashburton Place, Room 2101  
Boston, MA 02108

**RE:** Formal Comments from Town of Harvard, MA in Regard to MBTA Communities  
Multifamily Zoning Draft Guidelines

Dear Secretary Kennealy:

The Town of Harvard, Massachusetts, as adopted by the Select Board on \_\_\_\_\_ has reviewed the Massachusetts Department of Housing & Community Development Draft Compliance Guidelines for Multi-family Districts Under Section 3A of the Zoning Act in consultation with the Harvard Planning Board and other Town stakeholders. The Town of Harvard recognizes the housing crisis and is prepared to make substantial positive contributions; however, the “one size fits all” approach proposed places an undue burden on small rural communities such as Harvard. As such, the Town of Harvard proffers for consideration the following commentary and proposed solutions.

On January 14, 2021 Massachusetts General Laws ch. 40A, § 3A entitled Multi-Family Zoning As-Of-Right in MBTA Communities was enacted into law. The statute directs a community designated an “MBTA community” as defined in Mass. Gen. Laws ch. 161A, §1 to have “...at least 1 district of reasonable size in which multi-family housing is permitted as of right....” Section 3A then defines what a “reasonable size” shall be. The statute defines “reasonable size” as having 2 elements: (1) the multifamily district or districts shall “...have a minimum gross density of 15 units per acre...” and (2) “...be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal, or bus station, if applicable.” The plain reading of 3A goes no further to define reasonable size. Presumably, the General Court realized that a one-size fits all criteria for 175 diverse MBTA communities could not be reasonably codified in 3A and therefore delegated such authority to the appropriate state agency with sufficient expertise and knowledge in this area, namely the Department of Housing & Community Development (DHCD).

DHCD is a subagency within the Executive Office of Housing and Economic development (EOHED). EOHED’s mission, as bannered on its website, states that the agency “prioritizes economic opportunity for residents, collaborative leadership in communities, and an environment that supports job creation and business growth. EOHED also supports new housing for residents through targeted investments.” See, <https://www.mass.gov/orgs/executive-office-of-housing-and-economic-development> The EOHED is the Executive Agency charged with the expertise to promulgate reasonable guidance to enable and implement 3A. Respectfully, the Town of Harvard submits that the EOHED and its subagency DHCD has abdicated its role to effectuate “targeted” goals and benchmarks for the 175 diverse community base in 7 different counties, with mixed

housing stock, divergent population density, area, and topography and a myriad of other characteristics that make up the rich fabric of the towns and cities of the Commonwealth.

The Town of Harvard is acutely aware of the housing crisis in Massachusetts. The Town of Harvard is ready, willing and able to do its part, and hopes the other 174 communities feel as strongly to economic opportunity, socioeconomic mobility, and meeting housing needs for the residents of the Commonwealth. However, the Agency’s proposed “one size fits all” approach, that categorizes from the perspective of the transit service provided rather than the unique components of the actual community and thereby lumping these 175 communities into the 4 sweeping categories of rapid transit, bus service, commuter rail, and adjacent does exactly what the General Court sought to avoid and implicitly rejected in 3A in not categorically defining “reasonable size”. The General Court did not categorically define reasonable size because to do so with such a broad brush would be inherently unreasonable. The statute’s silence in this regard is telling. The General Court delineated in 3A the density per acre, “15 units per acre”, but delegated to EOHEd, and its administrative expertise, how that would be implemented in 175 communities. However, respectfully, what the Legislature sought to avoid, is unfortunately what the EOHEd has done with its proposed guidance. The EOHEd has promulgated proposed guidance that is categorically broad (a 50 acre district (yielding a 750 unit minimum), and fails to consider its mission of “targeted” investment and development, and “collaborative leadership in communities.” The Town of Harvard respectfully submits that this proposed guidance, if implemented as is, will have a disparate impact of scale, size, economic and budgetary impact as applied to the 175 communities and is unreasonable.

At the table below illustrates, communities that are required to have a minimum of 750 units under the guidelines range from 1,068 housing units in Plympton (70.2% of housing stock) up to 7,439 units in Holden (10.1% of housing stock). A community as urbanized as Foxborough, with 7,682 housing units is still only required to provide 768 units. Harvard would be required to add 33.3% additional multifamily units to a community that does not currently have the capacity to service them adequately. It is anticipated that under this scenario, costs on services such as school, fire, public works, and so on are not fully considered by this plan.

**Table 1 - Percentage of Total Housing Stock – Comparative Communities in Vicinity of 750 Units**

<b>Community</b>	<b>Total Housing Units</b>	<b>Min. 750 Required</b>	<b>Percentage of Housing Stock</b>
Holden	7,439	750	10.1%
Duxbury	6,274	750	12.0%
Norton	6,971	750	10.8%
Rockland	7,243	750	10.4%
Ashby	1,243	750	60.3%
Plympton	1,068	750	70.2%
<b>Harvard</b>	<b>2,251</b>	<b>750</b>	<b>33.3%</b>
Foxborough	7,682	768	10.0%
Amesbury	7,889	789	10.0%

Table 1 Source: <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>

## Harvard Comments and Questions

Based on the above concerns and issues raised, the Town of Harvard has assembled a list of specific comments and questions that we would ask DHCD to address as part of the current open comment period closing on March 31, 2022.

1. A one size fits all 750 minimum units is an unreasonable provision and will have a disparate impact on differently sized communities. Harvard is a small, rural community and the 750 is 1/3 of existing housing stock and could fundamentally alter the community and its public institutions. Harvard proposes that an alternative methodology for the number of units similar to that previously proposed by the Metropolitan Area Planning Council (MAPC) be devised. This should be formula-driven based on specific criteria such as total housing stock. It should be focused on a percentage of total housing units divided by the codified minimum density of 15 units/acre.
2. Harvard feels that a deadline for adopting complying regulations as of December 31, 2024 is too short. For open town meeting communities that typically address zoning once annually, this gives, at most, three opportunities to develop complying bylaws and map amendments. Should any of these attempts fail, such communities would be required as per MGL 40A, Section 5, to wait two years to reintroduce the bylaw amendment. This could result in missing the proposed deadline. Harvard recommends that at least one (1) additional year be granted, extending the deadline for MBTA adjacent communities to December 31, 2025.
3. Harvard believes that for the current Guidelines, such development thresholds will have a significant impact on community services and infrastructure, particularly for municipal systems operating at or near capacity. The 2016 report by the UMass Dartmouth Public Policy Center entitled The Costs and Hidden Benefits of New Housing Development in Massachusetts outlines the impact of such scenarios and concludes that state payments should accrue to communities that can demonstrate a net negative fiscal impact on the community. With this in mind, we would ask DHCD whether this potential impact to communities near or at capacity was considered? If so, would the State be prepared to extend some form of assistance and what form?
4. For other fiscal impacts, Harvard would like the State to consider implementing an Impact Fee Law such that each new development of a specific threshold size can make a financial contribution to the community and defray costs (e.g., Chapter F, Cape Cod Commission). If Massachusetts wants to encourage sector targeted growth, it should seriously consider such a system—perhaps tied to a mandatory capital improvements element in master plans.
5. Harvard, like many other MBTA communities, lacks water and sewer infrastructure in areas that would be suitable for multifamily. The state should clarify how the lack of this infrastructure will impact these requirements. Would the state be willing to expand grant-in-aid to help rural communities without current capacity to create the necessary infrastructure to service this threshold of residential development?
6. Harvard's planning goals emphasize smart growth and sustainable development including having walkable, mixed-use districts, having a single-use multi-family zoning district is a concern. Therefore, Harvard would assert that these Guidelines should be able to be met in a mixed-use implementation in order to facilitate multifamily residential use in this area. Harvard would also want to be able to use MGL Chapters 40R and 40S in such a scenario.

Can DHCD provide more clarity as to whether a mixed-use district can meet the Guidelines?

7. MAPC has concluded<sup>2</sup> that, “*The 750-unit minimum could result in unreasonably high growth rates for many small towns.*” Many rural communities such as Harvard do not have the administrative capacity to handle large projects. Therefore, in the absence of DHCD not revising the required number downward as preferred, Harvard would want to have the ability to introduce a phasing provision or limit on the number of building permits in order to reasonably be able to absorb a certain number of units annually.
8. Question: It is understood that over age 62 restricted housing cannot count in the totals, but what about over 55 units?

In conclusion, while Harvard is aware of and sensitive to the housing crisis in the Commonwealth, we feel strongly that each community should be able to have a solution that fits their unique qualities and characteristics. This proposed set of guidelines, while well-meaning and intended to align with the recent amendments to MGL ch. 40A, is too rigidly inflexible and will negatively impact some communities far more than others. We have proposed a number of reasonable changes to the guidelines and also proposed additional measure that will ameliorate the likely impacts of rapid residential development. We hope you will accept these comments in the spirit of collaboration that they were intended. If you have any questions or wish to discuss further, please contact.....

Harvard Select Board	Harvard Planning Board
Stu Sklar <hr/>	Justin Brown <hr/>

<sup>2</sup> [https://www.mapc.org/wp-content/uploads/2022/01/MAPC\\_Sec3A\\_CapacityAnalysis\\_1\\_10\\_221.pdf](https://www.mapc.org/wp-content/uploads/2022/01/MAPC_Sec3A_CapacityAnalysis_1_10_221.pdf)

## Next Steps

This meeting is specifically intended to draw the Select Board's attention to the urgency of submitting formal comments to the state in response to the release of the draft guidelines and to preliminarily give the Board some resources in regard to the issue. The Planning Board has created a "Project" page on our website where we have posted a range of useful resources for both town boards and the general public:

**Link:** <https://www.harvard-ma.gov/planning-board/pages/mbta-communities-multifamily-guidelines>

Harvard has until March 31<sup>st</sup> to submit comments to the state. We are hopeful that this letter can be a joint effort between the Planning Board and Select Board. It should also include any comments from other boards and committees in Town that have an interest in doing so.

Submittal can be done via the online comment submittal form on the MBTA Communities website where you can attach a file. We recommend that the Select Board have any comments, questions, or letter edits finalized by your next meeting and we can ensure expeditious submittal of these comments.

The Planning Board will continue to discuss this issue in preparation for the deadline to submit the Community Information Form due to be completed by May 2, 2022. The Select Board should set a date to host the formal briefing required by the state. The Planning Board would be glad to make a presentation during this briefing. It is assumed but not assured that the state would wish such briefings to include public comment, and this we'd also recommend that this be a part of a briefing.

The Planning Board will also continue to discuss options for how Harvard may wish to devise a plan to be submitted by the July deadline. Note that there are a number of agencies in Massachusetts offering technical assistance for this work. These include:

1. Mass Housing Partnership – MHP has a Housing Toolbox on their website but is also offering personalized technical assistance to six (6) communities on a first come-first served basis with an application due in May.
2. One Stop for Growth Grant Program – This grant program, where we previously applied for Ayer Road but were declined, will now be prioritized for MBTA communities. We could revise our previous application to include these requirements and resubmit.
3. EEA Planning Technical Assistance Grant Program – This is the FY 2023 cycle of the grant we received for Ayer Road (\$45,000) this year. I understand that EEA will prioritize 2023 applications for MBTA communities.
4. DLTA Grant Program – As Stacia has already reported, MRPC is prioritizing DLTA grant applications for MBTA community projects.

If you have any questions, please do not hesitate to reach out to Chris at [cryan@harvard-ma.gov](mailto:cryan@harvard-ma.gov) or 978-456-4100.



To: Select Board  
From: The Water/Sewer Commission  
Date: February 23, 2022

The Members of the Water/Sewer Commission have voted to recommend that the Select Board take the following actions:

1. Proceed with the installation of a tablet-based Chlorine Analyzer in the existing vault, and fund this work from the Town's ARPA funds. This is described as Alternative No. 1A in the memo dated February 22, 2022 from Tom Mahanna of Tighe & Bond. A copy of that memo is attached.

The "Alternative 1A" work should proceed as soon as possible so that we can obtain DEP approval to begin using Well 02. The system continues to run with only one well (Well 05) and we believe that this creates an unacceptable risk to the system. It is important to get our second well back on line. Upon completion of this work, we will be able to again use Well 02 and will have met all of DEP's current requirements.

The Commission is recommending the tablet based system (Alternative #1A) instead of the liquid chlorine system (Alternative #1) because it is easier to operate, reduces chlorine taste in the water, and is skid mounted, allowing it to be moved to a permanent facility in the future.

2. Apply for funding from the State SRF loan program for a more permanent solution. Without additional work, the system will not have PFAS treatment, cannot add treatment for iron, and will not have the ability to respond to any other treatment needs or DEP requirements. The first-round SRF application must be submitted by August.

We further recommend that the engineering necessary for both rounds of the application be paid from ARPA funds. Tighe and Bond estimates the cost of the first round application at \$10,000. The second round application requires drawings which are 75% complete. SRF loans do not cover engineering costs.

A permanent treatment facility is described at Alternative #2 in the Tighe and Bond memo. The estimated cost of a building with the necessary treatment capacity at \$1.8 million in today's dollars. The project would probably not be completed for at least three years, so we should assume the cost will escalate. This is a significant expenditure for the Town that would be only somewhat ameliorated by the 2% 20-year loan that we hope to obtain from the state. Tighe and Bond has already done much of the work necessary to complete an application for Alternative #2 funding.

The Commission recommends that, before proceeding with the application to fund the treatment facility, the Select Board authorize Tighe and Bond to investigate the costs and

feasibility of connecting to the Devens Water System. Tighe and Bond suggests that the Town budget of \$10,000 for this investigation. Connection to Devens would allow the Town to join a professionally run system with many more users to share the operational costs. It would better insulate the Town from constantly changing permitting and operational requirements. It would also remove the risk of having to resolve significant system failures and the need to find a location for and drill a third well in the future.

The Commission believes that the cost and feasibility of the option of connecting the system to Devens should be investigated before the Town moves forward with a \$1.8 million expenditure on the existing system. A decision should be made on the preferred long-term solution in June which would give Tighe and Bond sufficient time to prepare and submit an SRF loan application for that preferred solution in August.

## Pond Road Wells Treatment Alternatives (Updated)

**To:** Tim Kilhart, Director  
**COMPANY:** Town of Harvard Public Works Department  
**FROM:** Tom Mahanna  
**DATE:** February 22, 2022

As a follow up to the Board of Water Commissioners meeting on February 16, 2022, we are providing the Town of Harvard Public Works Department (Town) with an updated Opinion of Probable Cost for three alternatives to consider for providing treatment at the Pond Road Wells. In December 2021, R.H. White Construction completed the construction of the water main improvements on Pond Road. These improvements will provide the required contact time for disinfection of both Wells 02G and 05G in order to meet 4 log virus removal requirements prior to the first water service connection on Pond Road. As part of this project, the water service connection to the Beach House was relocated from the well vault to the new water main, with a connection beyond the minimum distance that is required to meet CT.

The Town is currently only operating Well 05G and providing emergency chlorination of this source prior to entering the distribution system. Well 02G was ordered by MassDEP to be taken off-line since late summer 2021 after Ecoli contamination was discovered. In order to reactivate this well, the Town must be able to demonstrate that it can provide 4 log virus protection of this source, should the well experience contamination in the future. In addition to the water main improvements that were completed, a permanent chlorination system with controls must be in place in order to reactivate this source. The Town can either install this equipment within the existing well vault or consider constructing a new treatment facility on-site that will include chlorination system, water softening equipment, and PFAS treatment equipment. These alternatives are described in the following paragraphs along with our Opinion of Probable Cost to construct each alternative.

### **Alternative No.1: Chlorination System in Well Vault**

This alternative will include installing new chlorine feed equipment, a new continuous analyzer, and controls within the existing underground well vault. As part of the water main improvements project, a new sample line was installed into the vault that can be used to provide a continuous sample of water entering the distribution system. A new chlorine analyzer and sample sink will be installed to continuously monitor the chlorine levels prior to the first customer and transmit alarms in the event of either high or low chlorine levels. We have contacted both R.H. White and Harbor Controls to provide budget pricing on the equipment and work required for this alternative. Our estimated cost is summarized below:

Description	Cost
General Conditions	\$5,000
Interior Piping Modifications	\$12,000
Chemical Feed Equipment	\$5,000
New Continuous Analyzer	\$6,000
SCADA and Controls Programming	\$5,000
Electrical Upgrades	\$8,000

<b>SUBTOTAL CONSTRUCTION COSTS</b>	<b>\$41,000</b>
Construction Contingency (10%)	\$4,000
Engineering Allowance	\$15,000
<b>TOTAL COST OPINION</b>	<b>\$60,000</b>

We estimated that this work can be completed within two to three months after authorization.

### **Alternative No.1A: Tablet Chlorination System in Well Vault**

This alternative is similar to Alternative No.1, except that it will include installing a new tablet chlorination system within the existing underground well vault. Our estimated cost is summarized below:

<b>Description</b>	<b>Cost</b>
General Conditions	\$5,000
Interior Piping Modifications	\$15,000
Tablet Chlorination Equipment	\$35,000
New Continuous Analyzer	\$6,000
SCADA and Controls Programming	\$5,000
Electrical Upgrades	\$10,000
<b>SUBTOTAL CONSTRUCTION COSTS</b>	<b>\$76,000</b>
Construction Contingency (10%)	\$8,000
Engineering Allowance	\$16,000
<b>TOTAL COST OPINION</b>	<b>\$100,000</b>

We estimated that the work on this alternative can be completed within four months after authorization.

### **Alternative No.2: New Treatment Facility**

This alternative includes construction of a new treatment facility at the Pond Road Wells site that will provide treatment for PFAS, water softening, and final disinfection with the use of A tablet chlorinator system. Tighe & Bond developed a conceptual site plan and floor plan for this facility and included it as part of the Long Term Corrective Action Plan that was submitted to MassDEP in November 2021. This facility will be a slab on grade masonry building with approximate dimensions of 22 feet wide by 32 feet long. The treatment building will be constructed at the well site adjacent to Well 05G. We have developed a preliminary Opinion of Probable Cost for this treatment facility as summarized below:

<b>Description</b>	<b>Cost</b>
General Conditions	\$130,000
Site Work	\$110,000
Treatment Building Construction (approx. 700 s.f.)	\$250,000
Treatment Equipment	\$380,000

Plumbing & HVAC Equipment	\$50,000
Electrical, SCADA, and Standby Generator	\$320,000
<b>SUBTOTAL CONSTRUCTION COSTS</b>	<b>\$1,240,000</b>
Contractor Overhead & Profit (15%)	\$190,000
Construction Contingency (10%)	\$120,000
Engineering Allowance (20%)	\$250,000
<b>TOTAL COST OPINION</b>	<b>\$1,800,000</b>

Please note that the cost opinions provided for each alternative should be considered conservative as we have not completed any engineering design of the improvements to the equipment or facility. These cost opinions should only be used for planning purposes and does not include any allowances for cost escalation or increases due to supply chain delays. A more accurate cost opinion can be provided after preliminary engineering of the project has been completed.

### **Interconnection to Devens Distribution System**

It is our understanding that the Town had previously investigated constructing an interconnection with the Devens water distribution system. This public water system is the closest public water supply to the Town's water distribution system. Constructing an interconnection with Devens could reduce the treatment requirements and operational costs for the Town of Harvard. The Board of Water Commissioners expressed interest in reviewing this alternative before considering whether to construct a permanent treatment facility. Tighe & Bond will review previous correspondence and documents to determine the feasibility of implementing this interconnection. If we determine that an interconnection may be feasible, we recommend that the Town and Tighe & Bond initiate a preliminary meeting with Devens and MassDEP to determine what the potential infrastructure improvements and operational requirements would be. We recommend that the Town consider a budget of **\$10,000** to provide preliminary engineering services to evaluate this interconnection.

Should the Town decide to proceed with Alternative No.2 or the interconnection with Devens, we recommend that an application for financial assistance be submitted to the MassDEP State Revolving Fund (SRF) Loan Program. These applications will be due in August 2022 and the draft list of projects that will be included on the Intended Use Plan will be published in late 2022 or early 2023. The overall project schedule will be based on the SRF schedule, which will require Town Meeting approval by June 30<sup>th</sup>, 2023, and submission of a loan application by October 2023. Public bidding could occur by late 2023 or early 2024, and construction could be completed by early 2025. As we mentioned in the last meeting, our recommended budget to complete the SRF application for either of these alternatives is **\$10,000**.

We trust this memorandum meets your requirements. We look forward to discussing these alternatives further in detail at the next Board of Water Commissioners meeting on February 23, 2022. Please let us know if you have any questions or require any additional information.

## Carlson Orchards

### *Summary of license details*

#### Current pouring permit license hours:

Tuesday & Wednesday: 11:00 AM - 8:00 PM (private events only)  
Sunday & Monday holidays: 11:00 AM - 6:00 PM  
Thursday, Friday & Saturday: 11:00 AM - 8:00PM

- Alcoholic beverages shall not be served on the patio after 6:00 PM on Thursday, Friday and Saturday.
- Alcoholic beverages may be served after 6:00pm and up until 8PM only in the taproom and covered porch.

#### Other pertinent notes:

- Annual common victualler license to prepare food on site.
- Food service permits issued by the Board of Health are in order.
- The Cider Barn is in fully compliant with the building code which included the installation of the sprinkler system.
- ***Title Five regulations limit the capacity to 66 occupants inside/outdoors on the property for food/drink.***

#### Most recent request:

Entertainment inside the cider barn & patio:

Monday	closed
Tuesday	11 to 8 closed, but open for private/corporate events
Wednesday	11 to 8 closed, but open for private/corporate events
Thursday	11 to 8 regular hours
Friday	11 to 8 regular hours
Saturday	11 to 8 regular hours
Sunday	11 to 6 regular hours

*Monday holidays would fall under the same regulations as our alcohol license.*



**TOWN OF HARVARD**  
**BOARD OF SELECTMEN**  
**GENERAL LICENSE**  
**APPLICATION**

Please check all boxes that apply:

- One Day Liquor License \$50.00
- Farmers Market License \$50.00
- Carry-In (BYOB) \$50.00  
For Common Victualler
- Common Victualler License \$25.00
- Entertainment License \$25.00
- Entertainment License \$75.00  
With Carry-In (allows patrons to bring in beer and/or wine)

Franklyn W. Carlson, Pres.

December 14, 2021

---

**Applicant**

**Date**

Carlson Orchards, Inc.

---

**Business Name**

**DBA (if different)**

115 Oak Hill Road,

978-456-3916

fcarlson@carlsonorchards.com

---

**Street Address/PO Box**

**Telephone**

**Email**

Harvard

MA

01451

---

**City/Town**

**State**

**Zip**

The licensed premises, activity, or equipment shall be located at the following address:  
(include what zoning district the business will be in)

115 Oak Hill Road, Harvard, MA. A/R district

This license is requested for the following expected hours of operation and days of the week.

11 am to 7:30 pm, Thurs, Fri, Sat . 11 to 6 Sun

Describe activity in the space below details of the license you're applying for (include any floor plan, if necessary):

Pub style music in the tap room



**Entertainment License Application**  
**Pursuant to M.G.L. c. 140, §183A**  
(Only if you are applying for an entertainment license)

**Please check all that apply:**

*Dancing:* By Patrons \_\_\_\_\_ By Entertainers \_\_\_\_\_ No Dancing

*Music:* Recorded \_\_\_\_\_ Juke Box \_\_\_\_\_ Live Music \_\_\_\_\_

Amplification System  No Music \_\_\_\_\_

*Shows:* Theatre \_\_\_\_\_ Movies \_\_\_\_\_ Floor Show \_\_\_\_\_

Light Show \_\_\_\_\_ No Shows

*Admission Charges:* Yes \_\_\_\_\_ No

If yes, how much (or submit an admission schedule) \_\_\_\_\_

*Other (Indicate Quantity):* Televisions \_\_\_\_\_ Video Games \_\_\_\_\_ Pool/Billiard Tables \_\_\_\_\_

Does the facility have a sprinkler system? Yes  No \_\_\_\_\_

**Please fully describe the proposed entertainment** (Type, dates, hours of operation, indoors/outdoors, number of maximum patrons/attendees, etc. You may also submit a separate narrative to answer this question in deeper detail if more space is required):

Pub style music. Some amplified. Small groups from single performers to 2 & 3 and some groups of 5 to 7.

**In addition, please submit the required documentation as part of your application:**

1. Floor Plan of the proposed licensed premises;
2. Proof of adequate liability insurance (including alcohol insurance for on-premises liquor licenses)
3. Proof of Worker's Compensation Insurance certificate;
4. Adequate TIPS certified documentation only for proposed Manager of on-premises liquor licenses).

**I certify under pains of perjury that I, to the best knowledge and belief, have filed all state tax returns and paid all state taxes required under law, and that all the information in this application are to the best of my knowledge true and correct.**



12/14/2021

Signature

Date



**Select Board Minutes**  
**Tuesday, February 1, 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:**

Stu Sklar, Rich Maiore, Kara Minar, Alice von Loesecke  
 Erin McBee was not present.

**Town Department attendees:**

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

**Additional participants:**

Police Chief James Babu, Officer Aaron Cavanaugh, CPC Chair Didi Chadran, OSC Chair Peter Dorward, Dave Maxson from Isotrope

**Introduce Police Officer Aaron Cavanaugh**

Chief Babu introduced Officer Aaron Cavanaugh. He reported a thorough hiring process was conducted Office Cavanaugh comes will impressive qualifications and experience. Officer Cavanaugh is excited to join the Harvard Police Department and work under Chief Babu. Chief Babu noted the department is now fully staffed.

**Community Preservation Committee (CPC) recommendations**

CPC Chair Didi Chadran announced the Dept of Revenue issued supplemental trust fund distribution for CPA communities. He explained this allowed the CPC to award the requests received.

**Requests received:**

Requesting Organization	Application Title	Mass CPA Category	Amount Requested by Applicant	Amount Approved by CPC Vote
Parks & Recreation	Completion of Town Docks	Open Space & Conservation	\$25,000.00	\$25,000.00
Parks & Recreation	Mooring/Raft AnchoringSystem	Open Space & Conservation	\$30,000.00	\$30,000.00
Parks & Recreation	Safety Improvements to Harvard Parks & Playgrounds	Open Space & Conservation	\$36,000.00	\$10,352.00
Open Space Committee	Community Harvest ProjectAgricultural Preservation Restriction	Open Space & Conservation	\$100,000.00	\$100,000.00
Open Space Committee	Still River Woods	Open Space & Conservation	\$50,000.00	\$50,000.00
Harvard Fire Department	Fire Reports Preservation	Historic Preservation	\$11,495.00	\$11,495.00
Harvard Historical Commission	Shaker Herb House	Historic Preservation	\$58,500.00	\$58,500.00
Harvard Town Hall	Civil War Tablet Restoration	Historic Preservation	\$11,774.50	\$11,774.50
Town Hall	Preservation of HistoricDocuments	Historic Preservation	\$21,480.00	\$21,480.00

MAHT	Affordable Housing	Affordable Housing	\$38,879.00 (estimated @ 10%)	\$38,879.00
		<b>Subtotal:</b>	\$383,128.50	<b>\$357,480.50</b>

Additional CPC funding warrant:

CPC	CPC Expenses	CPC Administration	\$2,500.00
Town Hall	Town Hall Debt Service	Historic Preservation	\$48,000.00 estimated
		<b>Subtotal:</b>	<b>\$50,500.00</b>
		<b>TOTAL WARRANTED:</b>	<b>\$407, 980.50</b>

**Update from the Open Space Committee (OSC)**

Chair Peter Dorward gave the update which included:

- recap of the OSC goals
- map - identifying potential active recreation sites
- map – priority scoring of land for open space protection
- CPC requests
- open space protection/funding via capital improvement plan
- active recreation capital improvement plan

The board members were pleased with the update. Alice von Loesecke requested future discussion on town/conservation land that could work for active recreation. She suggested a top five. Dorward highlighted a few items for consideration by the Select Board. He mentioned the committee membership has a two-year term that will expire in 2022. He believes there is more work to be done therefore an extension could be warranted. He also suggested a reduction in the membership by two admitting making quorum has been difficult and replacing the DPW Director with the Director of Community Education and Recreation as more appropriate fit. The Select Board members were amenable to the suggestions and agreed to take action at an upcoming meeting.

**Minutes**

By a roll call vote, Minar – aye, Sklar – aye, Maiore – aye, von Loesecke – aye, the board voted unanimously to approve the 1/18 minutes, as presented.

**Public Communication**

Kerri Green, Oak Hill Road, noticed a discussion topic related to an entertainment license for Carlson Orchards. She asked the board to consider the overhead doors allowing sound to travel into the residential neighborhood. She also asked the building capacity limits be adhered to.

Stephanie O’Keefe, Oak Hill Road, agreed with Green in asking the select Board to consider the abutters in any decisions made.

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

Chair Stu Sklar poled his fellow board members on holding the spring atm outdoors. All were open to the idea and will act on this at their next meeting.

### **Review and discuss feedback from the balloon/crane test on the Hildreth House property**

David Maxson from Isotope reviewed their analysis from the test. Photographs taken during the test were included to provide visuals from varying locations in town. He noted for optimal ground elevation and effective tower height for visibility test 140 feet back in the woods was the location chosen. They discussed options with respect to tower designs. Maxson said the location is very good therefore he expects multiple carriers would be interested. Kara Minar asked about easements. Maxson said utility and access easements are normal for this type of site. The Select Boards thanked Maxson and will add this as a topic for further discussion at an upcoming meeting.

### **Shaker Herb Shed**

By a roll call vote, Minar -aye, Maiore – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to approve the letter of support for the Shaker Herb shed grant as properly dated.

### **Discuss granting an entertainment license to Carlson Orchards**

Stu Sklar asked his fellow board members if they would consider acting on the entertainment license request without a formal notice in the newspaper or letter to abutters. He commented on the number of hearings already held for this applicant. He noted boards policy does allow them to act on the request without a hearing. The board members were in agreement the varying requests have been a bit onerous and convoluted over the past few years. All agree public comment is helpful and necessary therefore including this opportunity for residents to speak is a must. Kara Minar thought it would be helpful to find a way to streamline this process including a full understanding of operations thus far and what else they may be planning on to avoid any additional hearings/requests for at least up to a year. They decided to act on the request at their next meeting with a full discussion and opportunity for the public to comment as well.

### **Select Board Budget**

Tim Bragan wondered if the members had any additional questions. Alice von Loesecke asked about addressing the increase for water treatment costs and the need to increase rates. She asked about the increase in the benefits line item which Maria Sobalvarro explained the Worcester County retirement assessment came out after budgets were due.

#### **Staffing/Operation changes:**

- Bragan explained the finance department is requesting additional hours for the receptionist position to include the accounting duties currently being done by the Assistant Town Clerk. This will provide administrative assistance to the Finance Director.
- Bragan said the position being created to take on administrative duties for the land use boards and building department will be essential for the departments that will be moving to the Hildreth House.
- In addition, this position will also allow for a full-time conservation agent and the Executive Assistant in the Town Administrators office to assist the HR Director and procurement.

Von Loesecke also asked about Transfer Station bags for senior citizens.

### **Review Select Board Budgets**

Alice von Loesecke worked with member Erin McBee on this task. She explained the highlighted items they flagged as requiring updating. Von Loesecke will provide a clean version for action at the next meeting.

## **Code of Conduct**

This item will be acted on at the next meeting when all the board members are present.

## **Review Personnel Board's recommended work from home policy**

HR Director Marie Sobalvarro reported the Personnel Board has voted in favor of a Work from Home Policy. The policy has been heavily edited and modified prior to them taking a vote. They will hold a required public hearing as well. The board will act on the policy at their next meeting.

## **Select Board Reports**

Stu Sklar reported on his testimony before the joint committee on Beacon Hill.

Kara Minar met with the Planning Board on the zoning reforms regarding multifamily housing in MBTA designated communities. They will attend an upcoming Select Board meeting.

Alice von Loesecke reported the Bare Hill Pond Committee is working to help prevent/delay/mitigate blue green algae issues.

## **Executive Session, per MGL Ch. 30A, s. 21(a)3**

By a roll call vote, Minar –aye, Maiore – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to enter into executive session at 9:15pm as per MGL 30A Sec. 21.3 To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position. The Board will reconvene into open session only to adjourn.

The meeting was adjourned at 10:15pm.

## Documents referenced:

FY23 – CPC recommendations (ver.6)

OSC update – dated 2.1.2022

Hildreth Crane Visibility Test – dated 1.21.2022

Shaker Herb Shed letter – dated 2.1.2022

Carlson Orchards Entertainment license request – dated 12.14.2022

SB policies – Jan 2022

Code of Conduct – dated 1.13.2022

Remote Work policy – dated 1.11.2022

**February 22, 2022 - REVISED**  
January, 31, 2022

Chief Richard Sicard  
Harvard Fire Department  
3 Ayer Road  
Harvard, MA 01451

**Re: Designer Services Fee Proposal,  
Harvard Fire Department  
Feasibility and Space Needs Study - UPDATE**

Dear Chief Sicard

Kaestle Boos Associates, Inc. ("KBA") is pleased to submit this proposal for the above-noted design services.

Our understanding of the requested review and updating of the Feasibility and Space Needs Study dated January 3, 2020 is as indicated below and includes updated program development, updated site review and comparative cost analysis of design option(s) for a new facility for the Harvard Fire Department (HFD), Harvard, MA.

**Project Understanding and Scope of Services:**

KBA will provide the following Professional Services as part of its Basic Design Services:

**Basic Services**

Architecture  
Fire Programming  
Landscape Architecture

**Work Plan:**

The following outlines the tasks to bring the Feasibility and Space Needs Study up to date:

**Phase I: Feasibility Study – Part A:**

KBA has completed 'Phase I, Part A' scope of services as outlined in the August 23, 2019 contract; which reviewed existing conditions, developed a space needs assessment, analyzed three potential sites and established of an Opinion of Probable Cost. KBA provided a Feasibility and Space Needs Study that determined that an addition and renovation of the existing fire station would not be a viable option and that a new Fire Station at a yet to be determined site would be needed.

**Work Plan – Part A: Feasibility - UPDATE:**

We have developed the following list of tasks required to update Phase I, Part A: of the Feasibility and Space Needs Study to reflect recent Town input towards the project.



**1.0 Existing Facility Analysis - NO UPDATE REQUIRED**

**2.0 Site Analysis:**

**2.1 Data gathering - UPDATE**

Gather all available information regarding the existing site and organize data for analysis; data to include existing testing or reports, parcel size, topography, environmental issues, zoning setbacks, use restrictions, usable area, configuration, condition of on-site structures, existence of wetlands, etc.

**2.2 Analysis criteria - UPDATE**

Meet with the Town Officials and the Building Committee to discuss site issues, permitting, and project expectations for development of the site.

**2.3 Conceptual site plans - NEW**

**Development of conceptual site plans of both a “New Construction – Single Story” and a “New Construction – Two Story” option at the current site.**

**2.4 Additional testing - UPDATE**

Identify any additional testing that may be recommended for developing the existing site and/or permitting of one (1) other candidate site.

**3.0 Needs Assessment: - NO UPDATE REQUIRED**

**4.0 Space Needs Program:**

**4.1 Program research. - NO UPDATE REQUIRED**

Conduct any required additional research regarding specialized HFD program needs and equipment requirements.

**4.2 Draft Space Needs Program. - NO UPDATE REQUIRED**

Develop a draft program indicating interior and exterior space need requirements based on items above, including specific requirements for each space and the overall facility. Submit electronic file of same to the Department for review.

**4.3 Room Data Sheets. - UPDATE**

Review and update layouts for key operational spaces including anticipated furniture, equipment, technology, security and conditioning requirements as well as recommended finishes.

**4.4 Review the draft Program with the Department - UPDATE**

Meet with Chief Sicard, key staff and the Building Committee to review the updated program and discuss concerns and possible revisions.

**4.5 Final Space Needs Program report - UPDATE**

Print and bind three (3) updated originals and one electronic copy of the Final Space Program report and forward to the HFD and the Building Committee.

**5.0 Comparative Opinion of Probable Costs: - UPDATE**

**5.1** Based on all of the above, and current construction market costs typical for this building type, as delivered in accordance with MA Public Bid law (Ch.149), develop a comparison of the total project cost of “New Construction – Single Story” versus a “New Construction – Two Story” option at the current site.

**6.0 Feasibility Report: - UPDATE**



- 6.1 Compile the updated Report of the findings of the scope of Part A: Feasibility for presentation by the Building Committee to the Pubic.
- 6.2 **Time Frame – 6-8 weeks, based upon availability of owner to meet and make timely decisions.**

**Fee Breakdown:**

KBA proposes to provide the Professional Services detailed above for a lump sum fee of Nine Thousand Five Hundred dollars (**\$9,500.00**).

This proposed fee is based on our current understanding of the required scope of work for the Phases as noted above. It does not include possible supplemental services such as: Additional Land Surveying, Wetlands Delineation or additional Site Environmental Investigation, Radio Systems Evaluation, Alerting Systems, Furniture, Fixtures & Equipment Design and Procurement, Audio Visual Design and Procurement, Security Procurement, etc.

We appreciate the opportunity to submit this proposal and very much look forward to continuing working with the Town of Harvard in the development of this important project.

Very truly yours,



Todd M. Costa, AIA  
*Principal*  
**KAESTLE BOOS ASSOCIATES, INC.**

TMC: mam

**TOWN OF HARVARD**  
**CODE OF CONDUCT**  
**FOR TOWN ELECTED AND APPOINTED OFFICIALS**

**I. PURPOSE**

The Town recognizes that all individuals elected and/or appointed by the Town must maintain and enforce respectful discourse with their fellow elected and/or appointed members, with those who work for the Town, those who volunteer their time and services on behalf of the Town and members of the public by striving at every meeting, forum or other official interaction to treat every person fairly and with respect regardless of any differences of opinion.

This policy provides a centralized standard of conduct for all elected and appointed officials in the Town.

**II. APPLICABILITY**

This policy and all its sections shall apply to all elected and appointed officials acting on behalf of the Town and covers all of their actions and communications whether spoken or written including but not limited to all electronic communications including social media.

**III. CODE OF CONDUCT**

All Town elected and appointed officials are expected to act honestly, conscientiously, reasonably and in good faith at all times having regard to their responsibilities, the interests of the Town and the welfare of its residents.

The Town elected and appointed officials must refrain from communicating or acting in a disrespectful, abusive and/or threatening manner towards members of the community, other elected or appointed officials, the Town Administrator or Town Staff.

Moreover, all elected and appointed officials must fully comply with the Town's Anti-Harassment and Anti-Discrimination Policy.

Further, all elected and appointed officials of the Town must assume the following responsibilities:

**A. Conduct Generally and in Relation to the Community**

- Be well informed concerning the local and state duties of a board/committee member.
- Never purport to represent the opinion of your board/committee except when specifically authorized by a recorded vote to do so.
- Accept your position as a means of unselfish public service, not to benefit personally, professionally or financially from your board/committee position.
- Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
- Demonstrate respect for the public that you serve.
- Safeguard confidential information.
- Conduct yourself so as to maintain public confidence in our local government.

- Conduct official business in such a manner that you cannot be improperly influenced in the performance of your official duties.
- Unless specifically exempted, conduct the business of the public in a manner that promotes open and transparent government.
- Comply as fully as possible with all Town policies, including, without limitation, the following:
  - Anti-harassment and Anti-discrimination Policy
- Comply as fully as possible with all applicable laws, including, without limitation, the following:
  - The Open Meeting Law
  - Procurement Laws
  - The Ethics/Conflict of Interest Statute (G.L. c.268A).

B. Conduct in Relation to other elected and appointed officials

- Treat all members of the board/committee to which you belong with respect despite differences of opinion; keeping in mind that professional respect does not preclude honest differences of opinion, but requires respect within those differences.
- Participate and interact in official meetings with dignity and decorum fitting those who hold a position of public trust.
- Recognize your responsibility to attend all meetings to assure a quorum and promptly notify the chairman should you for any reason be unable or unwilling to continue to serve. Formal notice to resign from a board/committee requires written notification to the Town Clerk.
- Recognize that action at official legal meetings is binding and that you alone cannot bind the board/committee outside of such meetings.
- Refrain from making statements or promises as to how you will vote on quasi-judicial matters that will come before the board/committee until you have had an opportunity to hear the pros and cons of the issue during a public meeting.
- Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- Make decisions only after all facts on a question have been presented and discussed.

C. Conduct in Relation to the Town Administrator

- Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- Give the Town Administrator full responsibility for discharging his or her disposition and/ or solutions.
- Refrain from giving orders or directions to the Town Administrator for action as an individual board/committee member.
- Refrain from providing information to the Town Administrator that you would not be willing to share with other board/committee members.

D. Conduct in Relation to Town Staff

- Treat all staff as professionals and respect the abilities, experience, and dignity of each individual.
- Refrain from giving instructions to or requesting assistance from Town staff but rather channel all such activities through the Town Administrator.
- Never publicly criticize an individual employee or a department. Concerns about staff performance should only be made to the Town Administrator through private communication.<sup>1</sup>
- Officials who interact with Town staff must do so in a respectful manner and understand employees should not be expected to take direction from any individual official on any matter.

IV. DISTRIBUTION AND EDUCATION

The Town Clerk shall provide a copy of this policy, the Town's Anti-Harassment and Anti-Discrimination policy and the Anti-fraud policy to all elected and appointed officials upon its issuance and upon the subsequent appointment or re-appointment of any individual.

Each individual shall sign a statement that they have read this policy and will comply with all requirements set forth in this policy. In the event that any member declines to sign the form, that fact shall be noted by the Town Clerk on the form.

V. ENFORCEMENT

In addition to any other remedies or enforcement options available under the law, each board/ committee may vote to censure any elected member and the appointing authority may decline to reappoint an individual who violates any provision of this Code of Conduct.

If an elected or appointed official is accused of violating this Code of Conduct (*excluding* harassment of individuals in protected classes) the board/committee that the official represents or if applicable the appointing authority may: (a) take such action as is authorized by law and as it deems fit, or (b) vote upon request to the Town Administrator/Manager or on its own to refer the matter to a disinterested outside firm or individual qualified to investigate the alleged conduct. This firm or individual shall promptly investigate the matter and report back findings of fact and recommendations to the Town Administrator.

If any elected or appointed official is accused of violating the Town's Anti-Harassment and Anti-Discrimination Policy (*Chapter 33: Harassment of Individuals in Protected Classes* in the Town's Personnel Policies & Procedures), the Town Administrator shall refer the matter for investigation to the contact(s) named in the Anti-Harassment and Anti-Discrimination policy or a disinterested outside firm or individual qualified to investigate the alleged conduct. The Town Administrator shall not be obliged to obtain any additional authority; this Code shall be sufficient authority. The firm or individual to whom the matter is referred shall promptly investigate the matter and report back findings of fact and recommendations to the Town Administrator. The Town Administrator shall share the reported findings and recommendations with the elected official's board/committee. The board/committee shall then take such action as is authorized by law and as it deems fit in response to the matter.

These remedies shall be in addition to, and not in substitution for, any other remedies that may be available by law<sup>2</sup>.

---

<sup>1</sup> Town employees' conduct is covered by the Town's Personnel Policies & Procedures, *Chapter 9: Standards of Conduct*, addressing appropriate behavior, attire, use of Town property, tardiness, insubordination, etc.. Remedies are defined in *Chapter 11: Discipline*, addressing verbal reprimand, written reprimand, suspension, demotion for cause, and dismissal.

<sup>2</sup> For harassment of individuals in protected classes, affected individuals may file with the MA Commission Against Discrimination or the Federal Equal Employment Opportunity Commission.

## **Rules & Regulations for use of town owned land in the town center**

This includes the main common, small common (triangle), little common next to the General Store

- 1) The town common areas are open to the general public except during scheduled events.
- 2) All organizations interested in scheduling an event in these areas must be granted permission by the Select Board through the Town Administration office.
- 3) Permission may be revoked at any time due to inclement weather conditions.

The following apply unless otherwise specified:

- **Day time use only** unless given written approval (additional fees may apply)
- No motor vehicles
- No tents, trailers, or camping
- No golfing
- No metal detectors
- **No snowmobiles**
- No horseback riding
- No open fires of any type
- Organizers of events are responsible for removal of any rubbish from event.
- **The use of malt or alcoholic beverages on Town property is prohibited under Chapter 138, sec 1 of the Mass. Gen. Laws (Voted as a by-law at annual Town meeting 1975). Violation is punishable by a fine of fifty dollars for each offence.**
- **A one-day liquor license (special license) may be granted. Details can be found [here](#).**

## **Fee Schedule**

- Residents - \$25/\$50 (Half/Full Day)
- Non-residents - \$50/\$100 (Half/Full Day)
- The fees above are for regular day time use.
- Special events need to be negotiated with the town.
- Charity events may be free.

### **Posting of signs on the Common:**

- Signs must be registered on the town website; fees do not apply.
- Signs must pertain to community or town events and must not advertise personal or commercial events.
- Signs may be posted up to 3 weeks prior to an event.
- Signs must be removed within 24 hours of event, or 3 weeks after posting
- Signs must be placed in southwest corner of the Civil War Monument Common
- Signs must be free-standing, a maximum of 10 square feet, and not attached to trees in any manner.
- Signs must be dated with an event date or a posting date.
- Signs of any type may be removed at any time if not following the above rules.

## REMOTE WORK POLICY

### I. PURPOSE AND SCOPE

The Remote Work Program (RWP) is a management tool that may be used to increase productivity and morale of employees, boost efficiency in the use of space, reduce operational costs, lessen the environmental impact of vehicle travel, and accommodate special needs of employees.

The Town encourages the use of the RWP where it will be to the mutual benefit of employees, the Town, and the Town's stakeholders. The RWP is not an employee benefit intended to be available to all Town employees, rather, it is a work option used at the supervisor's discretion, such as flexible work schedules and alternate work schedules. The purpose of this program is to define remote work guidelines and procedures.

### II. APPLICABILITY

This Policy applies to all full-time and regular part-time employees of the Town of Harvard (the "Town"), excluding those employees under the supervision and control of the School Committee. Employees subject to Collective Bargaining Agreements (CBA) are subject to the policy only if adopted as specified in CBA.

### III. DEFINITIONS

**AD HOC REMOTE WORK:** Identified as occasional remote work from various locations.

**OFFICIAL WORKSITE:** The employee's primary non-remote work location as assigned by the employee's supervisor that is in most cases, if not all, located within a Town-owned building.

**REGULAR OFFICE HOURS:** The agreed upon set of hours during the day when the supervisor and co-workers can always communicate with the remote worker.

**ROUTINE REMOTE WORK:** Remote Work which is a regular and recurring part of an employee's work schedule.

**REMOTE WORK:** Mutually agreed upon work arrangement between the Town and the employee where the employee performs work at an alternate worksite on specified days and retains flexibility as necessary to meet the needs of the ~~Supervisor~~/Department.

**REMOTE WORK AGREEMENT:** A written agreement between the Town and the employee outlining the work schedule, duties, and performance standards for the remote working employee.

**REMOTE WORK SITE:** A workplace other than the employee's regular work location that is approved by the employee's supervisor as suitable for remote working.



#### **IV. PROCEDURES**

- (A) The employee and his or her Department Head and/or supervisor ~~will~~ may collaborate to create a mutually suitable Remote Work Agreement including the tasks or scope of work to be completed at the remote work site, the time frames for completion, and how work will be reported and evaluated. Both parties sign the agreement and submit it to the Department Director or his/her designee. Once the agreement has received the necessary approval(s), a copy of the agreement will be placed in the employee's personnel file.
- (B) The Supervisor or Department Head shall contact CM Geeks for any technical support needs of the remote worker.
- (C) Employees and supervisors who participate in a Remote Work Agreement are expected to educate themselves on what their responsibilities are regarding Remote Work.

#### **V. TERMINATION OR SUSPENSION OF A REMOTE WORK AGREEMENT**

- (A) Remote Working is a privilege rather than a universal employee benefit or right. The Town has the right to offer remote work to an employee and to unilaterally terminate a Remote Work Agreement at any time. Employees do not have a property interest in Remote Work. In no circumstances are employees entitled to due process related to any Town decision on Remote Work issues, including approvals or denials, or a Town decision to discontinue a Remote Work Agreement
- (B) Remote Work is a voluntary program. Employees may decline remote work if the options presented are infeasible. The employee may also discontinue the arrangement at any time, unless otherwise specified in the Remote Work Agreement.
- (C) Remote Work may be temporarily suspended due to the Town's operational needs.
- (D) Supervisors should monitor the work environment for any negative effects a remote work assignment may have on the workload or morale of the co-workers of the remoteworker and may need to suspend or terminate the remote work assignment to ensure equal workloads and harmonious relations amongst staff.

#### **VI. EXCEPTIONS**

The Town Administrator has the discretion to make exceptions to this Policy in the best interest of the Town, such as during declared emergencies or other unique situations mandating remote work outside of a pre-approved agreements.