



**SELECT BOARD  
AGENDA  
Tuesday, April 20, 2021  
7:00pm**

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

UpperTH ProWebinar is inviting you to a scheduled Zoom meeting.

Topic: Select Board

Time: Apr 20, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81353508142?pwd=VzhXZmVjTDJPUmNtRkZ5R2g0bjh3QT09>

Meeting ID: 813 5350 8142

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## **Agenda Items**

- 1)  Planning Board Chair and Economic Development Director to discuss Ayer Road Vision Planning and Senior Housing bylaw. (7:00)
- 2)  Bromfield House Committee recommendation (7:15)
- 3)  Approve minutes 4/6 (7:45)
- 4)  Public Communication (7:50)
- 5)  Staff Report/Updates (7:55)
- 6)  Action/Discussion items:
  - a)  Vote DPW truck as surplus
  - b)  Discuss Diversity Statement
  - c)  Discuss and act on Revenue Ideation Committee charge
  - d)  Act on conflict of interest from Open Space Committee Chair Peter Dorward
  - e)  Finalize Annual Town Meeting warrant; vote position on articles and article assignments
- 7)  Select Board Reports
- 8)  **Executive Session as per MGL 30A Sec. 21.3** to discuss strategy with respect to collective bargaining or litigation if an open an open meeting will have a detrimental effect on the government's bargaining or litigating position. Also, to conduct strategy sessions in preparation for negotiations with union and non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel. The Board will reconvene into open session only to adjourn.

*Next Regular Select Board Meeting  
Tuesday, May 4, 2021  
7:00pm*

# Commercial District Citizen-Based Vision Plan

## Description of Project Funding Request for Annual Town Meeting (ATM)

Spring 2021

**ATM Request** – The Planning Board requests **\$300,000** from Capital Funds to produce legislation to develop and execute a plan for the Ayer Road corridor that aligns with the rural character of Harvard. These funds support a community-led process to define a vision for the corridor in the 3-phase plan described below.

**Current Situation**

- Harvard has a structural budget flaw overly reliant on a residential tax base
- The Town currently lacks a plan for the smart growth of its commercial district
- The Town’s restrictive zoning and limited connectivity between parcels dissuades businesses from locating in our community
- Pressure from outward expansion of Boston exacerbated by COVID-19 may overwhelm this deterrent and lead to rapid advancement of suburban sprawl lacking a cohesive vision
- Town residents need and want to be involved in developing a plan that reflects Harvard’s rural character



**The Harvard Solution** – A community-led process to establish a unique vision for the corridor and produce zoning legislation to present at Town Meeting. This effort follows a three-phase “smart-growth” initiative as follows:

• **Phase 1 Market Analysis and Fiscal Impact (~\$45,000, 4-6 months)** – An initial market study will determine possible uses and scale of development that the district can support. A fiscal impact analysis will provide an estimate of tax and other revenues matched to each corresponding development level. Phase 2 will commence if a positive fiscal outcome is determined.



What **can** be done?

• **Phase 2: Vision Plan (~\$155,000, 12-14 months)** – The citizens of Harvard are passionate about their rural community and will play a key role in defining the vision of the corridor based on the possibilities established in Phase 1. Outside consultants will guide a public process for the community to develop a clear direction for the corridor including protection of open space, traffic solutions for enhanced safety, infrastructure considerations for water and sewer, and clear definition uses and scales of uses.



What **should** be done?

• **Phase 3: Transforming Vision to a Bylaw (~\$100,000, 8-15 months)**– The Phase 2 plan will be transformed into the formal legal language of zoning to establish the citizens’ vision. As opposed to the defensive character of conventional zoning, Harvard is looking closely at the **form-based code** model which prescribes the character of the area up front.



How is it **implemented**?

**Return on Investment (ROI)** – This request represents an internal investment in Harvard that offers to establish a sustained income stream in the form of revitalized commercial tax revenues. Additional dividends in the form of permit fees and higher tax values partners with the recirculation of local dollars within the community to reduce economic leakage that occurs now.



**Smart Growth Approach** – The “smart growth” strategy protects valuable open spaces and natural areas, increases traffic safety, and creates a connected district for pedestrians and cyclists with greater social interaction. It introduces a variety of housing types for seniors and other underserved sectors, creates jobs, and enhances local shopping and service uses for our citizens. Above all, it will be a beautiful and functional part of our community.



**See the Frequently Asked Questions on the rear of this sheet and visit our webpage for more information:**  
<https://www.harvard.ma.us/economic-development/pages/ayer-road-planning-framework-project>

# Ayer Road Vision Plan

## Frequently Asked Questions (FAQ)

***Q: Why should we spend any more money on another plan? We keep funding plans and nothing happens.***

A: This plan is different and the first time Planning Board has connected feasibility with citizen desires and zoning in a single effort. Past attempts have faced fits and starts as a direct consequence of the demands on a single volunteer board to execute in isolation. For this project, the Planning Board seeks to embrace the citizenry to articulate the vision for the Ayer Road commercial corridor and produce zoning based on that vision. Phase 3 will produce zoning legislation for ATM.

***Q: Why not just fund Phase 1 and revisit Phases 2 and 3 next year?***

A: The Planning Board presented Phase 1 at ATM in Spring 2020. It was not funded because it was isolated from the larger vision and could “sit on a shelf” like all past studies if the next phase of funding was not awarded in a timely manner. At this time, the Planning Board would greatly prefer to fund all three phases to maintain project continuity and to eliminate additional costs associated with project stops and restarts. The Board is sensitive to the current budget challenges.



***Q: Why does the Town have to fund this? Aren't there grants for these kinds of projects?***

A: The Planning Board has requested funds for this project from state and regional agencies such as MassDevelopment as well as other sources. Past reviews have been favorable; however, reviewers respond more favorably when building on initial community investment. In addition, Harvard is a small community with relatively high income, and grants are often prioritized for larger communities with fewer resources and greater need. This request independently defines our own future while increasing the chances of supplemental funding at later stages of the project.

***Q: Isn't reincorporation of Devens the real solution to a commercial base and the way to establish tax revenues?***

A: There is no certainty to taking back Devens lands, and no guarantee that if we do, it will be revenue positive. It may take 12 years or more for such a solution to be forthcoming.

***Q: What about traffic, noise, and other quality of life issues? Won't the development of the Ayer Road corridor result in traffic jams, pollution, excess noise, and the destruction of our wetlands and other natural areas?***

A: These are key reasons why this specific plan was developed. Harvard is unique and should have its own unique mixed-use district that nestles into the rural landscape. The vision plan will identify important natural areas to protect in perpetuity, introduce traffic calming measures, and enable more pedestrian and bike-friendly environments to serve as a welcome destination for residents and visitors alike.

***Q: This will change the very character of Harvard and turn us into an Acton or Westford. Why would we want to do that?***

A: The Planning Board proposes this plan so as not to alter our character. In fact, the goal is to enhance our character with the kind of businesses and architecture that Harvard residents will take great pride in.

***Q: Why can't the Director of Community and Economic Development execute this project? Isn't that why we created this position?***

A: Our director helped identify and define this kind of project in recognition of the challenges past boards have faced and the uniqueness of the rural landscape. Management of this project extends beyond a single individual and requires time and attention beyond the capacity of current staff who have numerous other responsibilities; however, staff provides the interface between the highly skilled consultants and our residents to guarantee the project team provides the level of service that is needed to carry out the work.

***Q: Why can't we just leave well enough alone and do nothing?***

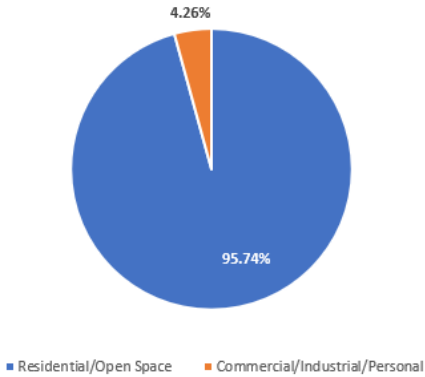
A: There are a number of sites along Ayer Road right now that do not reflect the rural character of Harvard. Currently, the area is attractive to developers interested in self-storage warehouses, large apartment complexes, and industrial and automotive-related uses. For Harvard to ensure that the area is developed based on a positive vision will require proactive planning on the part of all of us.

# Commercial District Citizen-Based Vision Plan

## *The Current Situation*

### *Current Fiscal Status*

FY2021 Taxty Classifications as % of Levy



As of FY2021, Harvard's Residential and Open Space Valuation as a percentage of the Levy was 95.74% which was 20<sup>th</sup> of 351 Massachusetts Cities and Towns. This is a fundamental structural budget flaw that will only become more pronounced without action to better balance the Levy.

### *Current Character*



Both prior to zoning and up to now, the character of buildings along Ayer Road hasn't reflected how Harvard perceives itself. This zoning, still in place, does not dissuade this type of development and in fact in some cases facilitates it.



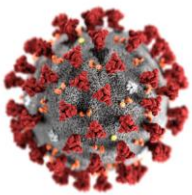
## Current Inquiries



Recent development inquiries to the Planning Board indicate the type and quality of uses interested in Harvard based on current bylaws.

*The time to update bylaws is NOW!*

### Migratory Influencers



**Another city to suburb migration is happening. First sparked by ever increasing housing costs in Boston and inner-ring suburbs and recently by people seeking more space due to COVID-19. Harvard is a desired destination. We need to be PROACTIVE to set up tools to make sure that development occurs the way we want...**

# Commercial District Citizen-Based Vision Plan

## *The HARVARD Solution*

### *What is it?*

*A community-driven process to create a vision for the Ayer Road Commercial District.*



Three distinct phases to gather the data and input needed for a thoughtful and lasting solution.

*The resulting vision plan clearly reflects the will and desires of the citizens...and the zoning will make it a reality*



# Commercial District Citizen- Based Vision Plan

*What?  
Another Plan?*

**No!**  
Not this time!  
This will be...

***AN ACTIONABLE & CONSENSUS  
DRIVEN BLUEPRINT***

*It will be a comprehensive strategy for the Ayer  
Road Commercial Corridor. It will look at:*



LAND USE

**LAND USE:** The vision will identify the optimal mix of appropriate land uses including commercial, residential, open space, and other for the district.

**NATURAL & CULTURAL RESOURCES:** The vision will identify important natural resources such as wetlands and critical habitat.



NATURAL AND CULTURAL RESOURCES



OPEN SPACE AND RECREATION

**OPEN SPACE & RECREATION:** The vision will ensure that the district has ample open space in the form of parks and conservation land and will identify areas for new recreational facilities such as athletic fields.

**TRANSPORTATION:** The vision will seek solutions to traffic volume and safety, vehicular noise and pollution, and develop an optimal internal circulation system.



TRAFFIC AND CIRCULATION



HOUSING

**HOUSING:** The vision will find ways to integrate new residential types in order to make a highly functional mixed-use district.



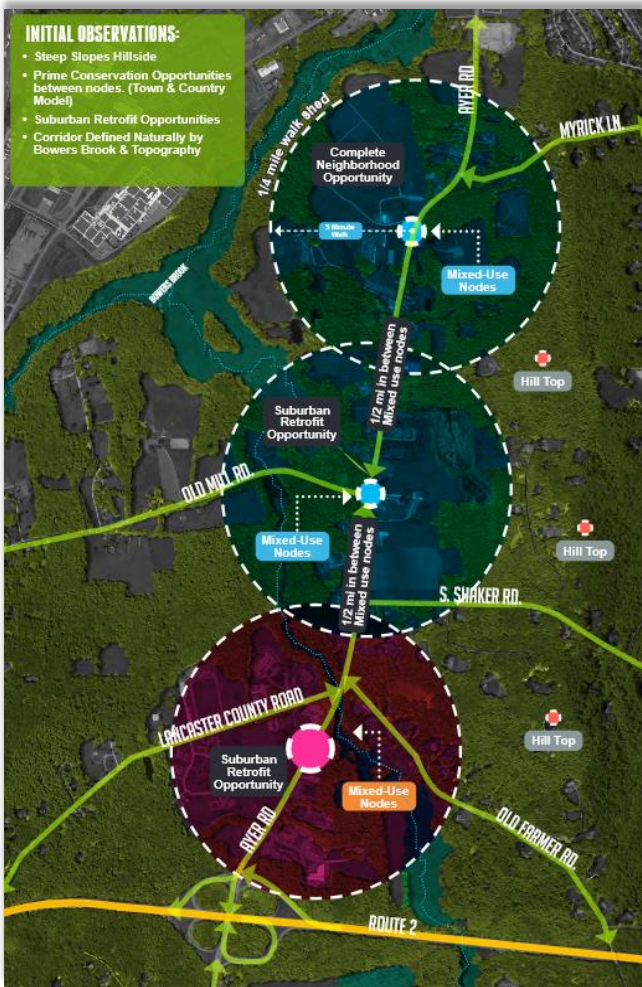
ECONOMIC DEVELOPMENT

**ECONOMIC DEVELOPMENT:** The vision identifies the best areas in the corridor for the appropriate types of development that meet the needs of local citizens.



SERVICES AND FACILITIES

**SERVICES & FACILITIES:** The vision will determine the most feasible means to develop just enough water and sewer facilities to serve the planned development scale.



## KEY TAKEAWAYS

- *It will facilitate the permanent protection of open space*
- *It will identify land for recreation facilities like athletic fields*
- *It will create a village-like setting with mixed uses*
- *It will create a walkable and bikeable area*
- *It will facilitate new small-town scale shopping and services for residents*
- *It will seek to alleviate traffic safety issues in corridor*
- *It will provide multi-modal transportation options*
- *It will result in beautiful architecture and landscapes*



# Commercial District Citizen - Based Vision Plan

## What is a Form-Based Code?

*“A form-based code is a land development regulation that fosters **predictable built results** and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law. A form-based code offers a powerful alternative to conventional zoning regulation.”*

*~ Form-Based Codes Institute*

### Conventional Zoning

§ 125-28

ARTICLE V  
Development  
[Added 3-5-1966 ATM by Art. 41; amended 4-13-1968 ATM by Arts. 35 and 36; 3-22-1969 ATM by Art. 40]

§ 125-28. Applicability.

Structures shall be erected and premises otherwise developed only as here permitted. Premises shall be developed only for uses as permitted in this Bylaw.

§ 125-29. Lot size standards. [Amended 3-7-1970 ATM by Art. 45; 3-4-1972 ATM by Art. 45; 3-27-1976 ATM by Art. 27]

Except as otherwise specifically provided in this Bylaw, a dwelling or other main building shall be erected or used only on a lot meeting the standards for a basic lot or for one of the flexible optional alternative lot types hereunder.

A. The basic lot is the reference standard for the Bylaw. The access frontage may be less than that for the basic lot only if all lot requirements or one of the optional alternatives hereunder are met. Type 2 (hammerhead), Type 4 (backland), Type 5 (mini-subdivision), and OSC-PRD lots are permitted only by special permit authorized by the Planning Board. [Amended 3-29-1990 ATM by Art. 29; 3-28-1991 ATM by Art. 23; 3-31-1990 ATM by Art. 18; 4-2-2005 ATM by Art. 32; 4-2-2005 ATM by Art. 37]

(1) The foregoing requirement for a special permit shall not apply to a hammerhead or backland lot shown on a plan endorsed by the Planning Board before March 28, 1981. Each



### Form-Based Code

Building Type	Width	Depth	Standard
Carriage House	45 ft	65 ft	110-3.40
Dwelled House	37 min. 57 max.	77 min. 77 max.	110-3.40
Complex	107 min.	107 min.	110-3.40
Cottage Court	77 min. 107 max.	107 min.	110-3.70
Row House	18 min. 18 min.	87 min. 110-3.90	
Main-Row Small	57 min. 57 min.	107 min.	110-3.100
Live/Work	18 min. 18 min.	87 min. 110-3.110	

- Conventional zoning proscribes minimum setbacks, permitting building placement anywhere within that area
- By focusing on land use, conventional zoning makes it difficult to mix uses
- Automobile oriented leading to more travel between separated uses
- Buildings are random, streets ignored
- Lacks a sense of place and character

- Form-Based Codes prescribe build-to lines, specifically defining desired development patterns. Creates sense of place.
- Ensures that new development will be appropriate to community vision.
- De-emphasizes land-use regulation, allowing the market to determine uses
- Encourages a healthy mix of residential and other uses, aims to curb sprawl and reduce car dependence
- Reduces travel between uses and encourages walking and biking



## Local Examples of Form-Based Codes

## Form-Based Codes in the Real World



*Littleton, MA*



*Mashpee Commons*

**10.4.12 PARKING**

**A. LOCATION**

Second and/or Principal Building Setback Third/Lot Layer: 520 ft.

**B. REQUIRED SPACES**

Residential	See Sec. 9.1.2 A.
Business	See Sec. 9.1.2 B.
Industrial	See Sec. 9.1.2 C.
Mixed Uses	See Sec. 9.1.2 D.
Special Downtown	See Sec. 9.1.4 A., B., C.

**C. OFF-STREET PARKING DESIGN STANDARDS**

Dimensions	See Sec. 9.1.5 A.
Driveways/Interior	See Sec. 9.1.5 B.
Location/Design	See Sec. 9.1.5 C.
Shared Parking	See Sec. 9.1.5 D.

See: Ayer Zoning Bylaw Section 9.0 General Regulations

**10.4.13 PRIVATE FRONTAGES & ENCROACHMENTS**

**A. PRIVATE FRONTAGE TYPES**

Storefront	Permitted	See Table
Enclosure	Permitted	See Table
Gallery	Permitted	See Table
Arcade	Permitted	See Table

**B. ENCROACHMENT OF BUILDING ELEMENTS**

Enclosed landings, stairs, stoops, bays, ramps and similar projections may encroach upon the indicated setbacks by the following distances.

Front Setback	Principal Frontage	8 ft. max.
Front Setback	Secondary Frontage	8 ft. max.
Rear Setback		5 ft. max.

*Ayer MA*



*Niagara-on-the-Lake, ON*

# Senior Residential Development Initiative

## Description of Project for Annual Town Meeting (ATM)

Spring 2021

<p><b>ATM Request</b> – The Planning Board has developed a set of zoning amendments for spring 2021 based on a three-phase plan to facilitate the development of appropriate senior housing in Harvard.</p>	
<p><b>Challenges</b> – Several surveys conducted over the past 20 years and strong anecdotal evidence indicates that seniors in Harvard want to stay in town and downsize into smaller housing that meets their changing lifestyles, but there are very few opportunities for that in the community. Seniors have expressed a need and strong desire for more housing options.</p>	
<p><b>Status Quo</b> – The current zoning only allows for assisted living in the commercial district and also allows accessory apartments. However, Harvard does not have any assisted living facilities and few accessory apartments have been produced specifically for seniors. Seniors are leaving Harvard, their home, due to a lack of housing options.</p>	
<p><b>The Harvard Solution</b> – The Planning Board proposes a three-phase set of proposed bylaw amendments based on the 2016 Master Plan, 2017 Housing Production Plan, the 2005 Town Center Action Plan, and feedback from seniors and the public. These amendments will propose specific senior housing types, designs, and locations over the next three town meetings and will include the following:</p>	
<ul style="list-style-type: none"> <li>• <b>Phase 1 – Annual Town Meeting, May 2021</b> – For this spring, the Planning Board will be proposing to create a new senior residential development bylaw section that serves as a governing document for senior housing. Several amendments to the accessory apartments will make it easier to develop units specifically for seniors. At this stage we will also lay out the three-phase strategy.</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Phase 2 – Special Town Meeting, October 2021</b> – In Phase 2, the Planning Board will be looking for ways to allow senior housing in small village-like clusters surrounded by open space. We will also consider options for continuing care solutions, conversions, and other amendments.</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Phase 3 – Annual Town Meeting, May 2022</b> – The Phase 3 recommendations will include looking for ways to provide senior housing in the center, options for active living adult communities, find a way to address the needs of seniors who need affordable units, and explore updating the Hildreth Housing District zoning.</li> </ul>	
<p><b>The Expected Results</b> – These three phases collectively will provide Harvard with a variety of senior housing types that will serve both active seniors and those that need other options. This housing will be more modest in scale and be designed to fit in with the character and size of Harvard. This three-phase plan is a way to sensitively keep our seniors from having to leave their beloved community.</p>	
<p><b>Other Benefits</b> – The hope is that we will also expand on the current character and sense of community by a form of “placemaking” or creating the kind of neighborhoods that seniors and others feel safe, welcome, and independent while being able to walk, bike, and socialize without having to jump in the car. The Planning Board is committed to making sure that anything new proposed for Harvard is compatible with existing community character.</p>	<p><b>Placemaking Process</b></p> 
<p>See the Frequently Asked Questions on the rear of this sheet and visit our webpage for more information:  <a href="https://www.harvard.ma.us/planning-board/pages/path-thoughtful-senior-housing-development">https://www.harvard.ma.us/planning-board/pages/path-thoughtful-senior-housing-development</a></p>	

# Senior Housing Bylaw

## Frequently Asked Questions (FAQ)

*Q: Why is this needed? We do not need any new housing or housing for seniors.*

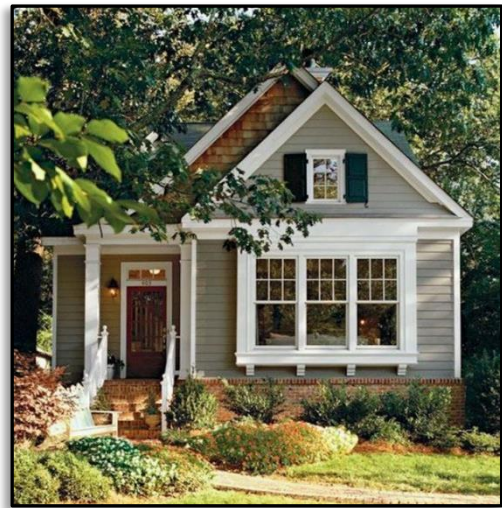
A: We have been working closely with the Council on Aging and driven by a Planning Board member who has been working on this issue for over a decade. While several COA surveys have identified the need and the demand, the new surveys conducted by the Planning Board have confirmed that there are a number of Harvard Seniors who want to stay in town but cannot find any appropriate housing. Surveys have also indicated that a range of different housing types such as accessory dwelling units, cottages, and townhouses, and others would be a welcome addition to town. Finally, both the 2016 Master Plan and 2017 Housing Production Plan recommended finding a way to provide senior housing in Harvard.

*Q: The Town tried the Poor Farm site and Hildreth House. There must be no demand for this type of housing, right?*

A: The Poor Farm project was never popular, particularly because of the location and design of the project. People did not want a high concentration of houses on a rural and scenic road. The type and design of the structures was highly unpopular with residents. The Housing @ Hildreth House project looked at a specific piece of land behind the Hildreth House. This land was severely challenged by ledge and several developers expressed doubt that it could be a viable project at the density the Town had prescribed. On the other hand, 73% of senior survey respondents said that they were interested in some type of senior housing in Harvard. A possible takeaway might be that a better model to bring about senior housing is to create a strong set of bylaws and let the market work within that framework.

*Q: How can we make sure that the design of new development fits the character of Harvard?*

A: While not part of the first phase of this project, the Planning Board is looking into ways to extend the current design guidelines for Ayer Road to any type of larger scale development like senior housing. We are considering developing more detailed design criteria related to architecture and the location of buildings, landscaping, buffering and screening, and other elements. We are working on these provisions now and should begin to discuss potential options over the summer of 2021.



*Q: Will senior housing create more of a tax burden for the community? Don't seniors require more services than the rest of us?*

A: No. In fact, it is a clear tax benefit. Seniors typically do not have children in the household so there are no school costs. The construction and permitting of the units would contribute significantly to the local economy. They do not require more police, fire, or social services than the typical Harvard household. Further, they do not have a negative impact on property values.

*Q: Will this change the character of Harvard? Why allow new development in Harvard, even for senior housing?*

A: The Planning Board, through all three phases of this project (and any other project) is constantly vigilant to make sure that development proposed is 1) appropriate to the character of Harvard, 2) will not negatively fiscally impact Harvard, and 3) will not overwhelm local services or quality of life. The proposed senior residential development will fit in to the fabric of the community and, by design, look like it has always been there.

*Q: How will you guarantee that the new housing will be limited to Seniors?*

A: The proposed senior residential development bylaw has two levels of age restriction, based on the U.S. Fair Housing Act. Projects for age 62 and over can be completely restricted to Seniors while 55 and over projects must have at least 80 percent of the units restricted to seniors. While there is no guarantee that Over 55 projects will not have some families and children, the Planning Board does not see this as a negative but rather a means to allow for some limited diversity in Harvard's housing stock.

Have any other questions or concerns about this project? Drop us a line at [ryan@harvard.ma.us](mailto:ryan@harvard.ma.us) anytime!

**REPORT OF THE BROMFIELD HOUSE COMMITTEE  
TO THE HARVARD SELECT BOARD**

**APRIL 15, 2021**



**Submitted by:**

**Rich Maiore, Chair  
Bill Ference, Vice Chair  
Pam Marston  
Pat Jennings  
SusanMary Redinger  
Steven Ford**

## **1. Overview**

The Bromfield House Disposition Committee was charged with leading a public process to investigate and propose a future use for the Bromfield House property located at 39 Mass Ave.

*Per our charter, the Committee “will research the value of and potential uses for the entire property as is, the value of the house if sold or moved separately, and potential value to the Town and uses for the land, should it be retained by the Town. The Committee will run at least two public information sessions that will solicit public input and develop other means of collecting public feedback.”*

The Committee is comprised of one member each of the Select Board, School Committee, and Historic Commission, and three citizens-at-large. The Bromfield Trust was invited but declined to participate on the Committee, although a member was in attendance at most, if not all, meetings. The following pages summarize the Committee’s process, due diligence, and recommendation to the Select Board.

## **2. Idea Solicitation & Vetting Process**

### **a. Vetting Criteria**

The Committee first developed a set of criteria to guide its decision making while reviewing options. The criteria were:

- Aesthetic impact
- Fiscal impact
- Functionality for town residents
- Durability and sustainability
- Taking into account the conditions of the Bromfield Trust will
- Recognition of the parcel’s proximity to the schools

### **b. Initial Survey (1/15/2021)**

To solicit ideas from town residents, the Committee created an online survey and shared it on Nextdoor and with the leaders of all town Boards and organizations, to be shared with their respective members. The survey received more than 210 responses.

Submitted ideas included:

- Sell the house and land as a private residence
- Dog park/garden/outdoor space
- Athletic fields/Softball field
- Sell house to a buyer who will move it
- Land Back (Nipmuc Nation)
- Senior Housing/Affordable Housing

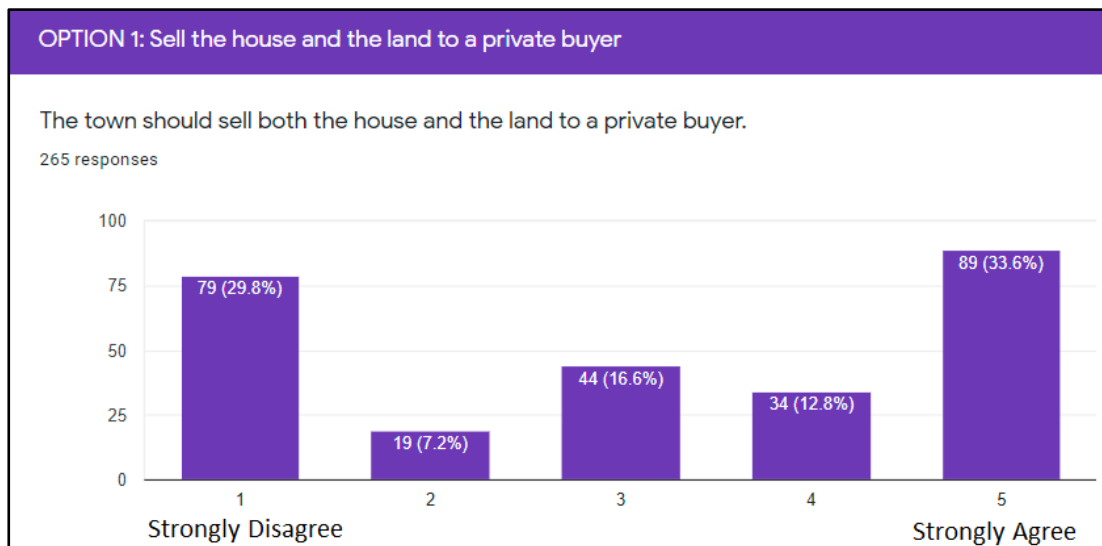
- Food Garden
- Community Center/Rec Center
- Fire Station
- Rehab the building using student and resident help, as a learning opportunity
- Commercial offices for lease
- Restaurant/ Bed & Breakfast
- Parking Lot
- Artist Studio/Group Home/Wellness Center
- Harvard Historical Society
- Still River Post Office
- Cyclist center/Snack Shop
- Leave the lot empty/undeveloped for future school use

The Committee pared down the list based on our vetting criteria and current zoning restrictions.

**c. Second Survey (1/29/2021)**

The Committee then conducted a second survey seeking to understand public sentiment towards the vetted options. The second survey received 265 responses and 90 comments. Note that the survey results are only representative of the respondents, and are not statistically valid in terms of representing all town residents.

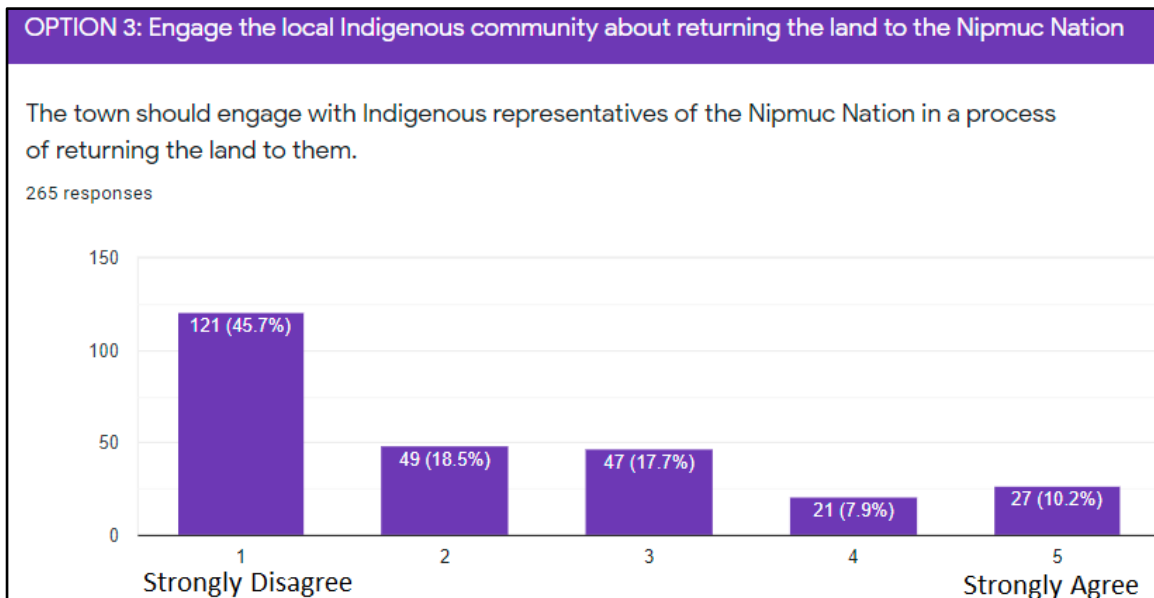
**Question #1** asked about selling the land/house to a private buyer. Responses were generally split between strong opposition (34%) and strong support (30%).



**Question #2** asked about the town retaining ownership of the land but not the house. Responses were again generally split between strong opposition (23%) and strong support (34%).



**Question #3** asked about giving the land back to the Nipmuck Nation, and revealed strong opposition (46%) and limited strong support (10%).





### **3. Research & Due Diligence**

The Committee then researched the feasibility and implications of each option. For use of the house itself, we ruled out options that did not align with the criteria or zoning by-laws (e.g., creating a restaurant, pub, museum, gift shop, youth center or wellness center). For use of the land, we ruled out returning it to the Nipmuc Nation, and the creation of a dog park, skate park, fire station, or parking lot. Our research and due diligence included:

**a. Converting the house to apartments**

We spoke with three local developers/contractors about the possibility of converting the home into apartments. Given the house's layout and amount of work, none of the developers believe it is possible to convert the home into any more than 3-4 small apartments. And none believe such a project would be financially worthwhile or profitable. This is a small sample size and certainly does not rule out the possibility a developer could express interest in converting the home to apartments.

**b. Determining value of assets in the home**

The Committee researched the potential resale value of items to be removed from the house if the town were to deconstruct it. An expert in historic home renovation from Boston toured the home with a Committee member, and concluded that the house contains no items of significant value.

**c. Potential sale of the house and land**

The Committee believes there would be a strong market for the property due to its location, history, and style. The Committee solicited estimates from three local realtors (See attachments 1 -3)). The three estimates were \$800k, \$750-850k, and \$450k.

The funds derived from the sale of the house and land would be used for educational purposes by the School Committee and/or Bromfield Trustees. At the moment there is no consensus between Town Counsel and the Bromfield Trust's legal counsel on the potential uses and control of the sale proceeds. In a recent letter to the Select Board Chair (see attachment 8), the Town Counsel provides his perspective on allowable uses of the sale proceeds.

The town would receive approximately \$10,000-\$12,000 in annual tax revenue if the house and land were sold to a private buyer.

One concern raised by the Committee and members of the public is the potential for a future homeowner to make dramatic changes to the exterior of the house and property, since the property does not fall within the town's historic district. Should the town determine to sell the house and land, the Committee recommends exploring the expansion of the historic district to include this parcel or at least place some restrictions on the house, including a demolition restriction.

**d. Selling the home for relocation**

The Committee explored the potential of selling the house structure to be relocated to another parcel by a private buyer. An expert in house relocation confirmed the feasibility of relocating the house to a nearby location. Estimated relocation costs could reach above \$250,000. The Committee received inquiries from two local residents interested in exploring this option.

In this scenario, the town would sell the house structure for a nominal amount, and the buyer would incur the relocation costs. The town would be responsible for the remediation of the land once the house is removed. Such costs would include filling the house's foundation and removing any submerged tanks, estimated at approximately \$50,000.

**e. Converting the land to a Softball or Athletic Field**

The Committee engaged with the Parks & Recreation Committee to determine the need and interest in using the land for a full-sized regulation softball field. Parks & Recreation provided schematics (see attachment 4) that demonstrate it is possible to fit a regulation size softball field within the parcel. To do so, however, the home plate or the outfield fence (depending on the placement of the field) would likely abut Route 111/Mass. Ave.

Based on present information, the Committee believes it may be difficult to place a field on the property. We, however, also believe this option requires further research and discussion on lay-out, dimensions and wetlands location.

**4. Recommendation**

The Committee recommends the town retain ownership of the land, and seek a private buyer to purchase and relocate the house structure.

The vote of the Committee was 4-2 (4 votes to retain ownership of the land, and 2 votes to sell the house and land outright). While the future use of the property is yet unknown, the Committee's majority believes it would be short-sighted to relinquish such a vital parcel in the center of town. This recommendation also takes into consideration the School Committee's request to preserve the land for a future use.

We recommend the town put a two-year time limit on selling the house. The sale and removal of the house to a different location is likely to be complex, and a two-year window may be necessary to find a prospective buyer and give them enough time to relocate the house.

If after the two-year window the house has not been sold, the Committee recommends the Select Board revisit options.

# MARK J. LANZA

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April 7, 2021

**VIA FIRST CLASS MAIL**  
**AND ELECTRONIC MAIL**

Timothy Bragan  
Town Administrator  
Harvard Town Hall  
13 Ayer Road  
Harvard, MA 01451

RE: Sale and Use of 39 Massachusetts Avenue,  
Harvard, Massachusetts known as the "Bromfield House"

Dear Tim:

In the course of discussing the potential sale and/or use of the above referenced property and sale proceeds, several questions have arisen concerning (1) the permissible use(s) of the proceeds of the sale of the property; (2) the meaning of "educational purposes" in the context of the use of the land if ownership of it is retained by the Town; and (3) which entity or body may manage and distribute the proceeds of the sale of the property. I address each of these issues, in turn, below.

Use of the Proceeds of the Sale

I addressed this issue in my letter to you dated April 25, 2018 concerning the above-referenced property. A copy of the letter is attached.

In that letter, I stated that the consent decree issued by the Worcester County Probate and Family Court on February 10, 1981 ("The 1981 Decree"), among other things, authorized and directed the Trustees of the Bromfield School to convey, as a gift, the Bromfield House property to the Town of Harvard, to be

held and managed by the School Committee primarily for educational purposes. With respect to the Bromfield House property, the consent decree further provided that if it is ever sold, the proceeds of the sale shall be used for the educational purposes set forth in the Trust under the Will of Margaret B. Blanchard. The specific educational purposes set forth in the Trust are funding the construction of the original Bromfield School building and (1) keeping the Bromfield School buildings and grounds in suitable repair; (2) purchasing accessory books and apparatus for the use of the Bromfield School; (3) providing instruction for a limited number of pupils of talent and promise whose parents may not be able to pay for it; (4) for defraying such other expenses of the conduct of the Bromfield School and, generally, (5) to superintend, manage and conduct the school for the best good of the pupils and the public. The use of such funds was not restricted to any one particular educational purpose. Rather, the funds can be used for any of these 5 purposes.

In the decree issued by the Worcester County Probate and Family Court on July 6, 1961 (copy attached), the Court authorized the Trust to establish a scholarship fund and grant scholarships using certain funds in the Trust. This decree does not, however, relate to the proceeds of the sale of the Bromfield House property.

#### Educational Purposes

The term "educational purposes" is not defined in the Town's Protective Bylaw which regulates the uses of land in the Town. Several Massachusetts appellate court decisions have addressed the meaning of the term in the context of the exemption of nonprofit educational uses of land from local zoning regulations known as the "Dover Amendment".

In the case of Regis College v. Weston, 462 Mass. 280, 285-291 (2012), the Massachusetts Supreme Judicial Court articulated a two-pronged test to determine whether a proposed use falls within the protections of the Dover Amendment as an educational use. First, the use must have as its "bona fide goal something that can reasonably be described as 'educationally

significant.'" Id. at 285, quoting Whitinsville Retirement Soc'y, Inc. v. Northbridge, 394 Mass. 757, 761 n.3 (1985). Second, the educationally significant goal must be the "'primary or dominant' purpose for which the land or structures will be used." Regis College, supra, quoting Whitinsville Retirement Soc'y, Inc., supra at 760. Education encompasses that which is "particularly directed to either the mental, moral, or physical powers and faculties, but in its broadest and best sense it relates to them all." Whitinsville Retirement Soc'y, Inc., 394 Mass. at 759.

Applying this broad definition of educational purposes to some of the uses of the Bromfield House property that have been discussed, use of the land by the Town for school athletic fields and associated parking, in my opinion, would be an educational use, as long as it were the principal use. Incidental use of such fields and parking area by other organizations would be permitted. Use for parking for the Town Library would also be a use associated with an educational use. Uses for other municipal purposes such as town administration, public safety, parks, public works, human services, etc., in my opinion, would not be educational uses or uses accessory to educational uses.

In the 1981 Decree, the Court contemplated that the Bromfield House Property may someday be sold and used for noneducational purposes by the buyer. However, the Court did not address the issue of the permissible uses of the land if ownership of it were retained by Town after the School Committee declared it surplus. If the land is not sold and will not be used for a purpose that is clearly educational, I recommend that clarification or modification of the 1981 Decree be sought by petition to the Court.

#### Management and Distribution of the Proceeds of the Sale

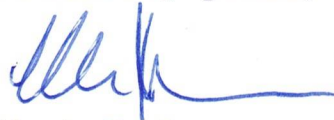
In the 1981 Decree, the Court did not specify which body or entity is authorized to manage and expend the proceeds of the sale of the Bromfield House Property. Since the property

is Town-owned real estate, the proceeds of the sale will be town funds and their disposition is governed by Massachusetts General Laws Chapter 44, Section 63. This law requires that the proceeds of the sale of municipal real estate in excess of \$500 must be used to pay off any outstanding debt incurred to purchase the real estate, and, if there is no such debt, may be used for any purpose or purposes for which the town is authorized to incur debt for a period of five years or more. Such purposes are limited to the 5 education purposes enumerated above. Since the School Committee is town body which is authorized to expend town funds for educational purposes, it could expend the proceeds of the sale for any or all of those 5 purposes. Alternatively, the Town, by town meeting vote, could transfer the funds to the Trust to be expended for those purposes.

Please let me know if additional clarification of this matter is needed.

Thank you very much.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'Mark J. Lanza', with a long horizontal flourish extending to the right.

Mark J. Lanza  
Town Counsel,  
Town of Harvard

MJL/ms  
Encl.'s

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April 25, 2018

**VIA FIRST CLASS MAIL**  
**AND ELECTRONIC MAIL**

Timothy Bragan  
Town Administrator  
Harvard Town Hall  
13 Ayer Road  
Harvard, MA 01451

RE: Use of the Proceeds of Sale of 39 Massachusetts Avenue,  
Harvard, Massachusetts known as the Bromfield House

Dear Tim:

On November 26, 2013, I opined that the proceeds of the sale of the above-referenced property must be used for certain educational purposes set forth in the Trust established under the Will of Margaret B. Blanchard. Recently, a question arose as to whether certain probate documents concerning the Estate of Margaret B. Blanchard dated May 27, 1940, July 6, 1961 and July 1, 1963 provide that the sale proceeds may be used different purposes than those set forth in my opinion. For the reasons discussed below, the short answer to the question is no.

**BACKGROUND**

Will of Margaret Bromfield Blanchard

Harvard resident and benefactor Margaret Bromfield Blanchard made her last will and testament on November 3, 1871 and amended it on September 21, 1875 by replacing the named executor of her estate with another person. Ms. Blanchard died on November 29, 1876.

### The Trustees of the Bromfield School

Ms. Blanchard's will provided for the establishment of a trust for educational and charitable purposes. On March 2, 1908, The Trustees of the Bromfield School was incorporated as a charitable and educational organization for the purpose of administering the Ms. Blanchard's testamentary trust (the "Trust").

The specific educational purposes set forth in the Trust are funding the construction of the original Bromfield School building and (1) keeping the Bromfield School buildings and grounds in suitable repair; (2) purchasing accessory books and apparatus for the use of the Bromfield School; (3) providing instruction for a limited number of pupils of talent and promise whose parents may not be able to pay for it; (4) for defraying such other expenses of the conduct of the Bromfield School and, generally, (5) to superintend, manage and conduct the school for the best good of the pupils and the public.

The parcel of land at 39 Massachusetts Avenue was one of the assets in Ms. Blanchard's estate which she devised for educational purposes. According to the Assessor's records, the building on the land known as the Bromfield House was built in 1900. The property was held and administered by the Trustees of Trust.

### The Probate & Family Court Decree of May 27, 1940

On May 27, 1940, the Worcester County Probate and Family Court issued a decree in which it authorized The Trustees of the Bromfield School, among other things, to lease the land and building known as the Bromfield House, then used as a residence for the Principal of the Bromfield School, to the Town of Harvard for such purpose. There is no mention in this decree of the purposes for which the proceeds of the sale of the property must be used, if it were to be sold.

### The Probate & Family Court Decree of July 6, 1961

The decree issued by the Worcester County Probate and Family Court on July 6, 1961 does not mention the Bromfield House property.



The Probate & Family Court Decree of July 1, 1963

The decree issued by the Worcester County Probate and Family Court on July 1, 1963 does not mention the Bromfield House property.

The Probate & Family Court Consent Decree of February 10, 1981

The consent decree issued by the Worcester County Probate and Family Court on February 10, 1981, among other things, authorized and directed the Trustees of the Bromfield School to convey, as a gift, the Bromfield House property to the Town of Harvard, to be held and managed by the School Committee primarily for educational purposes. With respect to the Bromfield House property, the consent decree further provided that if it is ever sold, the proceeds of the sale shall be used for the educational purposes set forth in the Trust under the Will of Margaret B. Blanchard (see above).

The reference in the February 10, 1981 Consent Decree to the earlier decrees of the Court issued on May 27, 1940, July 6, 1961 and July 1, 1963 was included to make it clear than any inconsistent provisions of those prior decrees are superseded by the 1981 Consent Decree. To the extent that any such inconsistencies existed, they did not relate to the use of the proceeds of the sale of the Bromfield House property as the prior decrees did not address the subject.

In accordance with the February 10, 1981 Consent Decree, on June 2, 1982, the Trustees of the Bromfield School, for nominal consideration, conveyed the Bromfield House property to the Town of Harvard, acting by and through its School Committee, for educational purposes.

A copy of the Will of Margaret B. Blanchard, the amendment to the Will, the Worcester County Probate and Family Court Decrees of May 27, 1940, July 6, 1961 and July 1, 1963 and the Consent Decree issued by the Court on February 10, 1981 are enclosed.

SUMMARY AND CONCLUSION

If the Bromfield House property is ever sold by the Town, the proceeds of the sale must be used for the educational purposes set forth in the Trust under the Will of Margaret B. Blanchard. The Worcester County Probate and Family Court Decrees of May 27, 1940, July 6, 1961 and July 1, 1963 do not specify the purposes for which such sale proceeds shall be used.

If additional clarification of this matter is needed, please do not hesitate to contact me.

Very truly yours,



Mark J. Lanza  
Town Counsel,  
Town of Harvard

MJL/ms  
Encl.'s

"A"

I, Margaret Broadfield Blanchard, of Harvard, within the County of Worcester and Commonwealth of Massachusetts, widow, being in good health of body and of sound disposing mind and memory, but deeply sensible of the uncertainty of life and of my accountability to God in the disposal of my property, do, hereby revoking and making void all Wills heretofore made by me, Make and Publish this my last Will and Testament, in manner following:

1st I desire and direct that my body be buried by the side of my husband and parents in the family lot at Harvard, and that my name and age, with the following words, 'Widow of the Rev<sup>d</sup> I. H. T. Blanchard and Daughter of the Rev<sup>d</sup> Eliphalet Pearson', be inscribed on a granite stone within the same: Also that all my just debts and funeral expenses be paid as soon as conveniently may be after my decease.

2nd I give and bequeath to the Massachusetts General Hospital the sum of Four thousand dollars upon the trusts and uses following: that is to say, Upon trust that said Corporation shall invest, and keep invested, the said sum in safe and productive Stocks and Securities, real or personal, and shall apply the interest and profits arising therefrom, semiannually, to the support and relief of patients under the care of the said Corporation in Boston.

3rd I give and bequeath to the First Congregational Society in Harvard Two thousand dollars, in Trust, nevertheless, to hold and keep the same invested in safe and productive securities, real or personal, and to apply the interests and profits arising therefrom, semiannually, in aid of the support of a Christian pastor therein.

4th. As an expression of sympathy and affectionate remembrance, I give and bequeath to the friends herein designated, all of whom are resident in this Commonwealth, the following sums, viz: To my Cousin, John Rogers, of Boston, Four thousand dollars: to Mary H. Marsh, of Lynn, One thousand dollars: to Mrs. Louisa A. Rice of Worcester, - and, if she be deceased, to her daughter, One thousand dollars: to Edward A. Rice, her son, who was named after my deceased Brother, Edward, Five hundred dollars: to Mary H. Cornelius, of Newton Centre, daughter of the late Rev. Elias Cornelius, Five hundred dollars: to Mrs. M. A. Reed, wife of Daniel Reed, of Easton, Three hundred dollars: and to Mrs. Sarah Merrill, wife of Wm. Merrill, of Springfield, Three hundred dollars. Also, I give and bequeath to Mrs. M. A. Burnham, wife of Henry L. Burnham, of Dumbarton in the State of New Hampshire, Three hundred dollars. And in respect to all the legacies bequeathed in this Article, except that to Mary H. Marsh of Lynn, which, if I survive her, is to lapse, and that to Louisa A. Rice, which, if she decease before me, is to go to her daughter, I order and direct that, if any other legatee herein named be deceased at the time of my death, the legacy to which he, or she, would otherwise be entitled, shall not lapse, or fall into my general Estate, but be paid by my Executor to his, or her, respective heirs at law by right of representation.

5th. Feeling the paramount importance of educating our emancipated fellow beings in the Southern States, I give and bequeath to my Executor the sum of Two thousand dollars; to be paid by him in such manner as he, in his discretion, shall deem most likely to promote the interests of education among them.

6th. I give and bequeath to Hannah Osborn, if she survive me, the wife

of Hiram Osborn, in token of my esteem and gratitude for her personal care and attention, the sum of One thousand dollars; the same to be for her sole and separate use, and subject to her sole order and disposal.

7th. I give and devise to Daniel D. Slade, of Chestnut Hill, in Newton, Physician, the Lot of land on which I reside in Harvard, being twenty five acres, more or less, and the House and buildings thereon; And it is my wish and hope that he may occupy and retain the same as a family mansion for himself and his children: Also, the Lot called the Wetherbee lot, of one and three quarter acres: Also, three acres of meadow land,--to have and to hold the same to the said Daniel D., his heirs and assigns, in fee simple forever.

8th. I give and bequeath to my Executor all my live stock, wagons, carriages, farm produce and utensils; also, my books, maps, manuscripts, pictures, silverplate, furniture, clothing and household goods and effects: and I request him to divide and distribute the same as I shall, in any writing, signed by me and addressed to him for this purpose, direct; And, if there be no such writing, as he, in his discretion, may think best.

9th. Having long desired, in conformity with the wishes of my deceased parents, to establish a School in the town of Harvard, in which the higher branches of education should be taught upon the site that, for nearly half a century, was the chosen residence of my Grandfather, Henry Bromfield, and to connect with such an Institution the memory of his name,--of that of his Son Henry, late of Chottenham in England, and of his Nephew John, late of Boston in this Commonwealth,--through whose bounty I am enabled to accomplish my wish,-- and humbly imploring the Divine blessing upon this attempt to confer a publick benefit and to do honor to good and venerated relatives, I do Ordain and direct as follows: I give and devise the Rest and Residue of my Estate, real, personal and mixed, including therein the Homestead of

Six acres, or thereabouts, in Harvard, formerly occupied by my Grandfather aforesaid, which I purchased and have retained for this purpose for the last thirteen years past, unto Henry B. Rogers, my Executor, Andrew P. Peabody, of Cambridge, A. A. Miner, of Boston, H. H. Barber, of Somerville, Edmund H. Sears of Weston, Washington Gilbert, of West Newton, clergyman, Edward Laurence of Charlestown, Manufacturers, Daniel D. Blane, aforesaid, physician, Gardner Wetherbee, of Boston, proprietor, and George Fletcher, of Harvard, Merchant, within this Commonwealth, to have and to hold to them and to their survivors, successors and assigns forever, upon the Trusts and to and for the Uses and Purposes following, and no other, namely:

1. In trust, as soon as may be after my decease, to erect on said Homestead Lot a substantial, well proportioned and convenient brick School House, which shall be capable of accomodating from sixty to one hundred pupils. And I direct that the said School House shall be simple and harmonious in style and free from useless or expensive decoration, inside or outside. And it is my wish and hope that its Cost, including the necessary furniture and the preparation of the grounds about it, may not exceed the sum of from fifteen to twenty thousand dollars; but, having full faith in the fidelity, prudence and good judgment of my trustees in carrying into effect the purpose I have in view, I deem it best not to direct them in this particular, and, therefore, leave the Cost, as well as the general plan and arrangement of the edifice, and all subsidiary matters in relation to the same, to their best wisdom and discretion. I order, however, that the Building shall at all times be kept fully insured against loss by fire; and that the words, 'Bromfield School', shall be cut on a stone tablet to be affixed to its front, and that by this name it shall always be known and designated.

2. In trust to invest and keep invested, the Balance of said Rest and Residue, which shall remain after the Cost of erecting said School House shall have been paid, in good and productive Stocks and Securities, real or personal, and, from time to time, and at their discretion, to exchange the same for other good and productive Stocks and Securities, real or personal, to be holden on the same trusts and to and for the same uses.

3. In trust to apply the interest, income and profits arising from said Balance, from time to time, and in such amounts and proportions, as to them may seem best, as follows, namely: to keeping said Building, and the grounds adjacent thereto, in suitable repair; to the purchase of necessary books and apparatus for the use of said School; to providing instruction for a limited number of pupils of talent and promise, whose parents may be unable to pay for it; and to defraying such other expenses in the conduct of the Institution as, in the judgment of the Trustees, may seem to be necessary or expedient.

4. In trust to superintend, manage and conduct the Institution, aforesaid, without pecuniary compensation, according to their best judgment and ability, and for the best good of the pupils and the public; prescribing such studies and making such rules and regulations, in relation to the same, from time to time, as to them may appear to be necessary or desirable for the attainment of a thorough education in some of the higher branches of School learning, and for the proper development and discipline of the religious and moral nature. And, whether said School shall consist of boys and girls, or of the latter only, I also leave to the judgment of said trustees; but, if boys are admitted, I order that their number shall always be one third less than that of the girls.

5. In case the Trustees under the Will of my deceased Brother, Henry, should hereafter be willing to locate the School for which he, in said Will, has made provision, upon the spot above selected by me, and which was dear also to him, as the residence of his Grandfather

and for many years of himself, I authorize my trustees to make any arrangements with them that may be necessary and proper in order to unite the two Institutions together, and increase the ability and utility of each. Such an union would be agreeable to me and in strict conformity with plans which were originally formed together, but which were prevented from being consummated by circumstances beyond our control.

6. I order that said Trustees shall hold stated meetings; shall make all proper and necessary rules and regulations for their own government; shall choose a President, Secretary and Treasurer, who shall retain their offices until others shall have been appointed in their stead; and that each of my trustees shall be held responsible for his own acts and omissions, but not for the acts or omissions of his fellows.

7. I order that the Board of Trustees shall at no time consist of less than seven persons; and if, by death, resignation, incapacity to act, or its own rules, vacancies occur in the body without reducing it to this number, it shall be optional with the Board to fill them, or not, as the best interests of the Institution may seem to it to require; but, if, from any cause, the number of Trustees at any time, be less than Seven, I order that the vacancy, or vacancies, be filled within six months from the time of their occurrence. And all elections shall be made by written ballots, given at a meeting which has been duly called by Notifications sent by the Secretary to each member, and specifying the purpose for which it is called:

And no person shall be a Trustee in the place of the persons herein named, or hereafter appointed, unless he shall have received seven votes in his favor, when the Board consists of ten persons, or six votes, when it consists of any other number.

10th. I request the Judge of Probate before whom this Will shall be proved that no Inventory may be ordered by him of my live stock, wagons, carriages, farm produce, or utensils, nor of my books, maps, manuscripts, pictures, silver plate, furniture, clothing, or household



goods and effects; Also, that no Probate Bonds, for the faithful discharge of the duties herein imposed, shall be required by him of my Executors herein named, nor of either of my Trustees under this Will, or of their successors in office.

11th. I direct that this Will shall operate and take effect upon any and all Estate, real and personal, of which I shall die possessed, or in which I shall have any interest or claim, whether the same be at this time in my possession, or be hereafter acquired.

12th. I hereby constitute and appoint Henry H. Rogers, of the City of Boston, in the County of Suffolk within this Commonwealth, Executor of this my Will; and, in case of his resignation or absence, I constitute and appoint George R. Hum, also of said Boston, Executor in his stead.

In Witness Whereof I, the said Margaret Bromfield Blanchard, have to this my last Will and Testament set my hand and seal this third day of November in the year of our Lord Eighteen hundred and seventy-one.

Margaret Bromfield Blanchard Seal

We, the Subscribers, hereby certify that the within written Instrument was signed, sealed, published and declared by the within named Margaret Bromfield Blanchard as and for her last Will and Testament, in the presence of each of us, who, at her request and in her presence, and in the presence of each other, have hereunto set our names as Witnesses, at said Harvard, on this third day of November in the year of our Lord Eighteen hundred and seventy one.

Anna L. Savago

Dani E. Goddard

Henry E. Goddard

Know all men by these Presents that I, Margaret Bromfield Blanchard, within the County of Worcester and Commonwealth of Massachusetts, Widow, being of sound disposing Mind and Memory, do make, publish and declare this Instrument as and for a Codicil to my last Will and Testament bearing date November the third in the year of our Lord Eighteen Hundred and Seventy five. - And I order and will that the same be considered and taken as a part thereof.

I revoke and make void so much of the Twelfth Article of said Will as contained in the following words, to wit: "I constitute and appoint Gray W. Huber, also of said Boston, Executor in his stead;" - And, in place thereof I substitute and order as follows, to wit: - I constitute and appoint John Rogers, aforesaid, also of said Boston, Executor in the stead of said Henry Adams; in case of the resignation, or decease, of said John, I constitute and appoint Daniel D. Glade, of Newton aforesaid, my Executor in the stead of the said John. - In witness whereof, hereby confirming said Will in all respects except as is herein above set forth, I, the said Margaret Bromfield Blanchard, have to this Codicil set my hand and seal this twenty first day of September in the year of our Lord Eighteen Hundred and Seventy five.

Margaret Bromfield Blanchard

We the Subscribers hereby certify that the within written Instrument was signed sealed, published and declared by the within named Margaret the words of Certificates were inserted in and signed in

Promfield Blanchard as and for a Codicil to her last Will and  
Testament, in the presence of each of us, who, at her request and in her  
presence, and in the presence of each of us, have hereunto set our names  
as witnesses, at said Harvard, this twenty first day of September  
in the year of our Lord eighteen hundred and seventy five. —

L. A. & Mary E. Pearson }  
Abner Curriens }  
John Sawyer }

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

At a Probate Court holden at Worcester, in and for the said County of

Worcester, on the ~~twenty-seventh~~ day of May

in the year of our Lord one thousand nine hundred and forty

ON the petition in equity ~~of~~ *of* ~~the~~ *The* Trustees of the Bromfield School a corporation duly organized under the laws of the Commonwealth of Massachusetts and having an usual <sup>Petitioner</sup> place of business in ~~against~~ Harvard, Worcester County, in said Commonwealth, Petitioner ~~against~~ Paul A. Dever of Cambridge, Attorney General, and the Inhabitants of the Town of Harvard

Praying for authorization to lease certain real estate to the Town of Harvard and to enter into an agreement with said Town, and to add certain portions of the income of the petitioner to the principal held by it under its charter and in accordance with the will of Margaret Bromfield Blanchard; it appearing that notice according to the order of the Court has been given to all parties interested, and all said parties have appeared and answered, after hearing and consideration, the Court doth order and decree that:

The petitioner, by its proper officers, hereby is authorized and directed:

1. To lease the real estate described in the petition, and amendment thereto, including the buildings thereon and the furniture in such buildings, to the Town of Harvard in accordance with the lease, a copy of which is attached to the petition as amended and marked "I C", and to execute such lease on behalf of the petitioner corporation.
2. To pay over annually such sums not exceeding one-half of the net income of the funds in the petitioner corporation's hands to the said Town to be applied by the said Town to the maintenance of a High School on the premises of the petitioner, such high school to be known as the Bromfield School, in accordance with the terms of the agreement between the petitioner and the Town of Harvard attached to the petition as amended and marked "I B", and to execute said agreement with the said Town.
3. To expend as the petitioner may deem advisable, for the purposes set forth in its charter and the purposes set forth in the will of Margaret Bromfield Blanchard, and in accordance with the provisions of Paragraph 5 of the Agreement marked "I B", so much of the remaining income of the petitioner corporation as is not paid over to the said Town.
4. To add, at the end of each fiscal year of the petitioner, all the funds of the petitioner which are not paid over to said Town or used by the petitioner for the purposes set forth in the will of Margaret Bromfield Blanchard, to the principal of the funds of the petitioner, and to hold the same in accordance with the said charter and the will of Margaret Bromfield Blanchard.
5. To pay to Lyman C. Sprague, Esquire, Town Counsel for the Inhabitants of the Town of Harvard, the sum of \$250.00 for his services and expenses in connection with this proceeding, said \$250.00 to be deducted by the petitioner from the half of the net income paid by the petitioner during the year 1940 to the Town of Harvard under the provisions of Paragraph 2 of this final decree.
6. To extend the Agreement "I B" in accordance with the terms therein set forth.
7. To extend the lease "I C" in accordance with the terms therein set forth.

*Carl S. Wadsworth*

A.C.111-3

COMMONWEALTH OF MASSACHUSETTS.

WORCESTER, SS.

PROBATE COURT.

At a Probate Court held at Worcester, in and for said County of Worcester, on the sixth day of July in the year of our Lord one thousand nine hundred and sixty-one.

ON the petition in equity of the trustees of the Bromfield School, of Harvard, in said County,

petitioner against the Attorney General of the Commonwealth of Massachusetts, and another,

respondents, praying for instructions in connection with the estate of Margaret B. Blanchard, late of said Harvard, deceased, as set forth in said petition, and for further relief,

It appearing that notice according to the order of the Court has been given to all parties interested and no persons objecting;

1. Said petitioner is authorized and directed to apply the income not paid over to the Town of Harvard under the decree of said Court dated May 27, 1940, as follows:

a. To establish a scholarship or scholarships from time to time to be administered by the Trustees of the Bromfield School in its discretion.

b. To select and choose, from time to time, and in its discretion, the recipients of such scholarship or scholarships who shall be graduates of the Bromfield School, being operated as a high school for the Town of Harvard.

c. To grant such scholarship or scholarships only to those who attend colleges, universities and scientific schools of the highest academic standards as the petitioner may, in its discretion, determine.

d. To continue such scholarship or scholarships so granted until the recipient or recipients thereof shall have finished his or her course at such college, university or school, and have received therefrom a degree of A.B. or S.B. or the equivalent thereof, provided that during his or her course, he or she maintains academic standards which meet the approval of the petitioner.

2. To convey to the Town of Harvard for school purposes a parcel of land in said Harvard containing 1.73 acres of land more or less situated to the south and west of The Bromfield School building.

3. In all other respects the decree dated May 27, 1940, shall remain in full force and effect.

Paul J. [Signature]

A.C. 111-3

COMMONWEALTH OF MASSACHUSETTS.

WORCESTER, SS.

PROBATE COURT.

At a Probate Court held at Worcester, in and for said County of Worcester, on the first day of July in the year of our Lord one thousand nine hundred and sixty-three.

ON the petition in equity of the Trustees of The Bromfield School, of Harvard in said County,

petitioner against Edward W. Brooke, Attorney General of the Commonwealth of Massachusetts, and another,

respondents, praying for instructions, as set forth in said petition, and for further relief, in the matter of the trust estate of Margaret B. Blanchard, late of Harvard, in said County, deceased, for The Bromfield School;

It appearing that notice according to the order of the Court has been given to all parties interested and all parties interested assenting thereto:

After hearing and consideration, the Court orders and decrees that:

1. Notwithstanding the provisions contained in the decree of this Court entered May 27, 1940, upon the petition in equity of the above petitioner against the then Attorney General of the Commonwealth and the respondent Inhabitants of the Town of Harvard directing the petitioner to pay over annually such sums not exceeding one-half of the net income of the funds in the petitioner's corporation's hands to the said Town to be applied by the said Town to the maintenance of a High School on the premises of the petitioner, such High School to be known as the Bromfield School, in accordance with the terms of the agreement between the petitioner and the Town of Harvard attached to the petition as expanded and marked "I.B.", and to execute said agreement with the said Town, the petitioner hereby is authorized and directed hereafter to continue to pay over annually the said sums as provided in said decree to the respondent Town notwithstanding that the respondent Town will apply the said sums to the maintenance of the new High School known as Bromfield School in part upon the premises referred to in said decree and in part upon adjoining premises belonging to the respondent Town.

2. The petitioner be and it hereby is authorized to appropriate and expend from principal the sum of \$25,000.00 for the provision of a library to be known as the Margaret Bromfield Blanchard Library to be located in the new Bromfield School presently under construction by the Town of Harvard, \$15,000.00 of said amount to be paid forthwith to the Town of Harvard to be expended by it for furniture, fixtures, audio-visual equipment and basic books necessary for the current curricula of The Bromfield School, the balance of \$10,000.00 to be expended by the Trustees of The Bromfield School within five years from completion of the building after consultation with the School Committee of the Town of Harvard in the purchase of additional books for the said Library, any unexpended balance at the end of said five years to be paid to the Town of Harvard for such use as the School Committee shall determine.

[Signature] Judge of Probate Court.

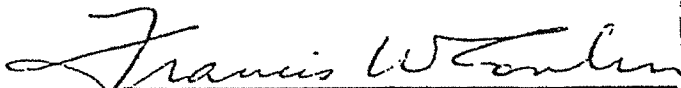


School and the Inhabitants of the Town of Harvard, dated May 27, 1940, and amended by Decree of this Court dated July 6, 1961, be further amended by the Agreement between the same parties dated June 16, 1980; and

2. The Trustees of the Bromfield School are authorized and directed to retain all income derived from the funds held by the Trustees and to apply the income as provided in the Decree of this Court dated July 6, 1961; and

3. The Trustees of the Bromfield School are authorized and directed to convey as a gift to the Inhabitants to the Town of Harvard, acting by and through their School Committee, the real estate with buildings thereon on Bromfield Street, Harvard, Worcester County, Massachusetts, presently used as the Superintendent's office, containing 2 acres, more or less, provided that said real estate and buildings be used primarily for educational purposes and if sold, the proceeds from such sale be used for the educational purposes set forth in the Trust under the Will of Margaret B. Blanchard.

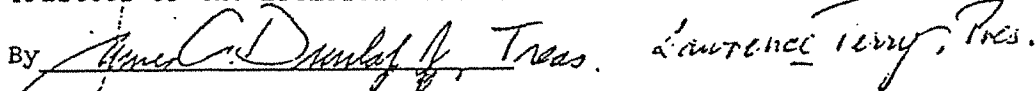
DATED: February 10, 1981

  
Judge of the Probate Court

Assented to:

Trustees of the Bromfield School

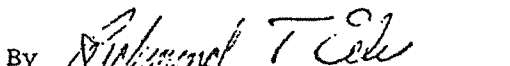
By

 Laurence Terry, Pres.

Inhabitants of the Town of Harvard

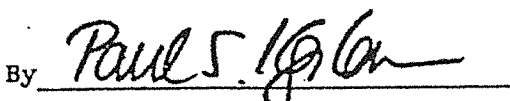
Acting by and through its School Committee

By

  
Town Counsel

Attorney General of the Commonwealth of  
Massachusetts

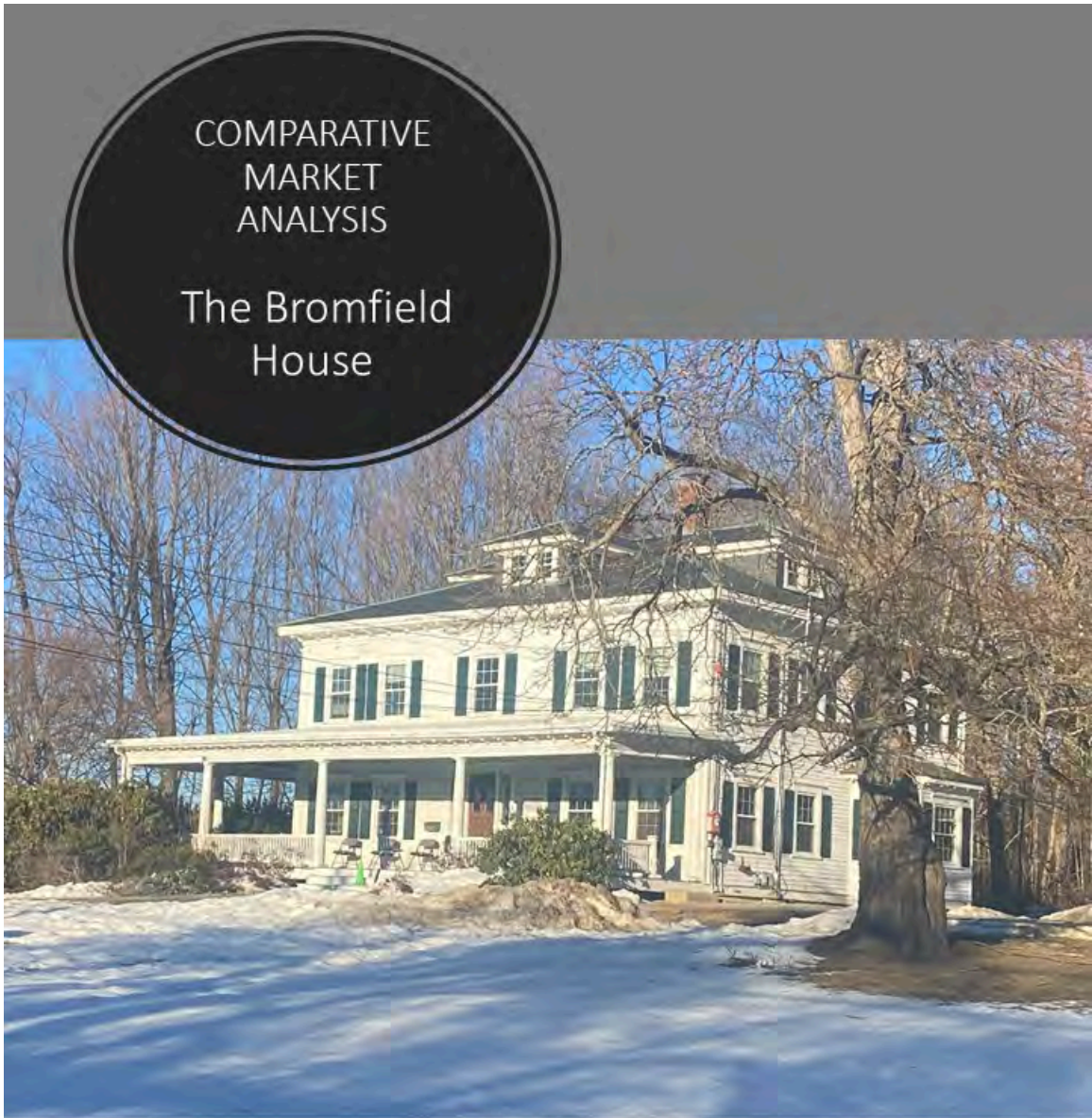
By



Paul S. Kaplan  
Assistant Attorney General



# The Bromfield House



**Suzanne Dutkewych**  
Hazel & Company Real Estate  
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# Letter

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March 8, 2021

To The Bromfield Committee:

Thank you for giving me the opportunity to provide you with a comparative market analysis for 39 Massachusetts Avenue, Harvard, MA. I appreciate the confidence you have given me for this critical task. My goal is to help you determine a price that represents the highest value in this 2021 spring market in Harvard, a seller's market with low inventory and many buyers. This can only be accomplished by thoroughly understanding comparable properties, in Harvard, that are on the market, under agreement and sold. To assist you in this regard, I've attached a detailed analysis. It has been prepared to ensure that you feel confident as we accomplish this important goal.

Pricing is critical in reaching buyers today since they are well informed by searching properties on the internet. I have included antique homes, as close to the town center as possible, over the past six months to help determine a pricing strategy that will encourage offers and bring a final sale within the shortest timeframe. In the current market, if priced competitively, homes are selling at the list price and in several instances they are receiving multiple offers and selling over the list price. There are many outstanding qualities of this property including the acreage near the town center, the location to the schools, library, pond, General Store and town common. The character and style of this home build in 1900 is appealing to many buyers with the original molding and quaintness of the interior. If marketed in the current condition, most buyers will factor in the cost of remodeling the kitchen, upgrading the two bathrooms and painting both the interior and exterior. Therefore, taking that into consideration, and the amount estimating approximately \$100,000, the pricing analysis indicates that the Bromfield House, if listed in this spring market, which is the best time of year to sell, should have a list price of \$800,000.

In choosing Hazel & Company as your Exclusive Listing Office, we will outline our marketing plan and options you will have for expansive exposure. In addition, we will keep you informed of the changing market with daily updates. This will be a working relationship between you, the seller, and us. Our firm has been in the real estate business, listing and selling in Harvard since 1951. The superior exposure and marketing we can offer gives us the cutting edge for attracting qualified and competent buyers. We are proud to be recognized as the #1 real estate firm, listing and selling the most properties in Harvard in 2020.

I look forward to hearing from you. While reviewing this report and considering your options, do not hesitate to call or email with questions or thoughts.

Sincerely,

Suzanne Dutkewych  
Broker/Owner

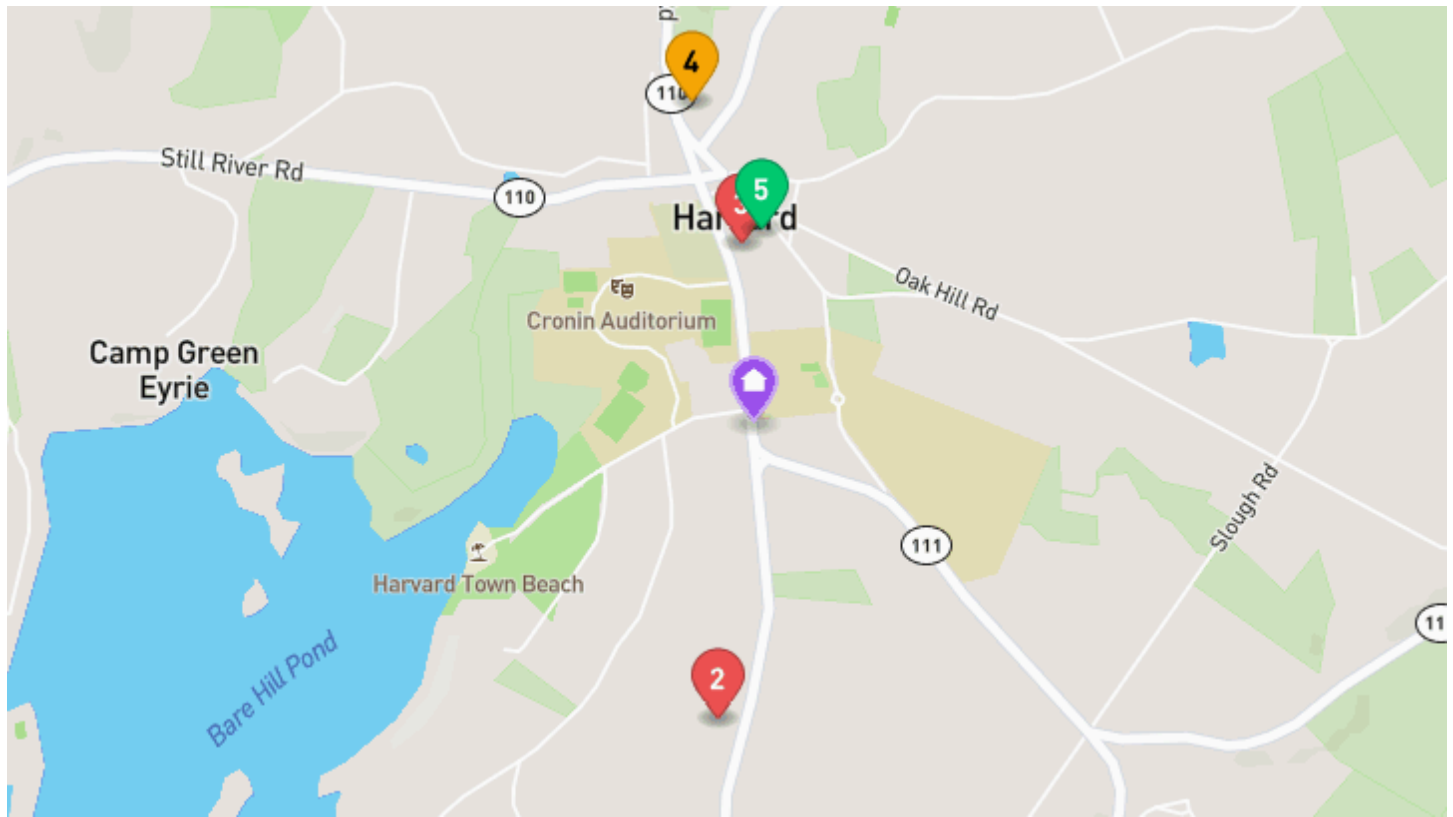
**Suzanne Dutkewych**

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# Map of Comparable Listings



STATUS: **S** = CLOSED   **P** = ACTIVE UNDER CONTRACT   **A** = ACTIVE

	MLS #	STATUS	ADDRESS	BEDS	BATHS	SQFT	PRICE
<b>1</b>	<b>Subject</b>		<b>39 Massachusetts Ave</b>	-	<b>2.00</b>	<b>2,814</b>	-
2	72708645		36 Bolton Rd	4	2.0/0	2,700	\$835,000
3	72666727		11 Massachusetts Ave	4	3.0/1.0	3,196	\$970,000
4	72702187		8 Ayer Road	5	3.0/3.0	3,720	\$895,000
5	72790206		18 Fairbank Street	5	2.0/1.0	4,128	\$875,000

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# Summary of Comparable Properties

## S SOLD LISTINGS

ADDRESS	SOLD DATE	BEDS	BATHS	SQFT	PRICE	\$/SQ.FT
36 Bolton Rd	1/13/21	4	2.0/0	2,700	\$835,000	\$309
11 Massachusetts Ave	7/24/20	4	3.0/1.0	3,196	\$970,000	\$304
<b>Averages</b>				<b>2,948</b>	<b>\$902,500</b>	<b>\$306</b>

## P ACTIVE UNDER CONTRACT LISTINGS

ADDRESS	SOLD DATE	BEDS	BATHS	SQFT	PRICE	\$/SQ.FT
8 Ayer Road	-	5	3.0/3.0	3,720	\$895,000	\$241
<b>Averages</b>				<b>3,720</b>	<b>\$895,000</b>	<b>\$241</b>

## A ACTIVE LISTINGS

ADDRESS	SOLD DATE	BEDS	BATHS	SQFT	PRICE	\$/SQ.FT
18 Fairbank Street	-	5	2.0/1.0	4,128	\$875,000	\$212
<b>Averages</b>				<b>4,128</b>	<b>\$875,000</b>	<b>\$212</b>

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# Listings

**Suzanne Dutkewych**

Hazel & Company Real Estate

# Comparable Home

MLS #72708645



## 36 Bolton Rd

## \$835,000

Harvard, MA 01451

**CLOSED** 1/13/21

**4** Beds

**2.0/0** Baths

Days on market: **29**

**2,700 Sq. Ft.** (\$309 / sqft)

Year Built **1785**

### Features

**Appliances:** Range, Dishwasher, Refrigerator, Washer, Dryer, Oil Water Heater

**Basement:** Finished, Walk-Out Access

**Building Area Units:** Square Feet

**Community Features:** Park, Walk/Jog Trails, Stable(s), Golf, Bike Path, Conservation Area

**Construction Materials:** Brick, Post & Beam

**Cooling:** Ductless

**Covered Spaces:** 2.0

**Current Financing:** Conv. Fixed

**Disclosures:** See Lb Re Seller Concession-Updates Include Energy Eff Buderus Boiler, 200 Amp Electric, 5 Mini Split Ac Units, New Ss Fridge & Dw, Storm Windows, Generator Etc. Carriage House W Attach Garden Shed W/Rear Horse Stall-1.75 Acres Open Land-Natural Gas At Street-Rented Water Softener- New Septic System

**Electric:** Generator, 200+ Amp Service

**Exclusions:** Includes Home Plaque Noting This Historic Home Is Known As "capt. Philemon Priest House Circa 1785"

**Exterior Features:** Storage, Garden, Stone Wall

**Fireplace Features:** Dining Room, Family Room, Kitchen, Living Room, Master Bedroom, Bedroom

**Fireplaces Total:** 8

**Flooring:** Tile, Hardwood, Flooring - Stone/Ceramic Tile, Flooring - Hardwood, Flooring - Wood

**Foundation Details:** Stone

**Heating:** Baseboard, Hot Water, Steam, Oil

**Interior Features:** Cathedral Ceiling(s), Closet/Cabinets - Custom Built, Ceiling - Cathedral, Ceiling - Vaulted, Dining Area, Sun Room, Home Office, Exercise Room, Entry Hall, Internet Available - Broadband

**Laundry Features:** Electric Dryer Hookup, Washer Hookup, In Basement

**Lot Features:** Gentle Sloping

**Parking Features:** Detached, Storage, Garage Faces Side, Carriage Shed, Barn, Off Street, Paved

**Parking Total:** 4.0

**Patio And Porch Features:** Porch - Enclosed, Screened, Deck, Deck - Roof, Patio

**Road Responsibility:** Public Maintained Road

**Road Surface Type:** Paved

**Roof:** Shingle

**Rooms Total:** 11

**Security Features:** Security System

**Sewer:** Private Sewer

**View:** Scenic View(s)

**Waterfront Features:** Beach Front, Lake/Pond, Walk to, 1/2 to 1 Mile To Beach, Beach Ownership(Public)

**Water Source:** Private

**Window Features:** Skylight(s), Skylight, Storm Window(s), Screens

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## Details

**Prop Type:** Single Family Residence

**County:** Worcester

**Style:** ["Antique"]

**Full baths:** 2.0

**Acres:** 1.75

**Lot Size:** 76,230.0

**Garages:** 2

**List date:** 8/12/20

**Sold date:** 1/13/21

**Off-market date:** 9/24/20

**Updated:** Jan 13, 2021 11:19 AM

**List Price:** \$899,000

**Orig list price:** \$949,000

**Taxes:** \$12,899

**High:** Bromfield

**Middle:** Bromfield

**Elementary:** Hildreth

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## Remarks

Much admired historic Priest House C.1785 Brick Federal (Capt. Priest fought in Revolutionary War)-1.75 Ac Mountain View setting close to Town Ctr,Bare Hill Pond & schools.Impressive brick exterior w/4 handsome chimneys & lovely windows.Carriage House w/att Garden Shed w/horse stall in rear.Charm & character thruout interior,rich in period detail,8 fireplaces, built-ins & warm wood floors.Prepare to fall in love w/Antique treasure offering idyllic country lifestyle.Gracious fireplace formal Dining Rm open to spacious fireplace Living Rm w/door to cozy skylit Sunroom.Perfect for entertaining is enchanting 23x14 screened skylit Veranda viewing Mt Wachusett,glorious sunsets,gardens & rear pasture.Delightful fireplace Country Kitchen & Family Rm or fireplace Library complete main level. Upper level has 4 sunny fireplace Bedrm's-Master w/door to balcony.Mt View Bath w/soaking tub.Walk out LL w/Full Bath,Exercise rm/Guest rm,Office w/Built-ins & Laundry. New septic system in process. A GEM!

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# 36 Bolton Rd Harvard, MA 01451

**MLS #72708645**

**\$835,000**

**4 Beds 2.0/0 Baths**  
**Year Built 1785**

**2,700 Sq. Ft. (\$309 / sqft)**  
**Days on market: 29**

**CLOSED** 1/13/21



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# Comparable Home

MLS #72666727



## 11 Massachusetts Ave

**\$970,000**

Harvard, MA 01451

**CLOSED** 7/24/20

**4 Beds**

**3.0/1.0  
Baths**

**Days on market: 5**

**3,196 Sq. Ft.** (\$304 / sqft)

**Year Built 1935**

### Features

**Appliances:** Oven, Dishwasher, Microwave, Countertop Range, Refrigerator, Washer, Dryer, Range Hood, Gas Water Heater, Plumbed For Ice Maker, Utility Connections for Gas Range, Utility Connections for Electric Oven, Utility Connections for Gas Dryer

**Basement:** Partially Finished, Bulkhead, Sump Pump

**Building Area Units:** Square Feet

**Community Features:** Shopping, Tennis Court(s), Park, Walk/Jog Trails, Conservation Area, Highway Access, Public School

**Construction Materials:** Frame

**Cooling:** Central Air, Dual

**Covered Spaces:** 2.0

**Current Financing:** Conv. Fixed

**Disclosures:** Title V Will Be Completed By Seller Prior To Closing. Hook Up To Town Sewer Available. Some Items In House Included With Sale (Tv's, Patio Furniture) Or Available To Purchase Separately (Tables, Clocks.) Listing Agent Related To Seller.

**Electric:** 110 Volts, 200+ Amp Service

**Exclusions:** Staging Items And Personal Items In Garage Not Included With Sale.

**Exterior Features:** Rain Gutters, Professional Landscaping, Sprinkler System, Garden

**Fireplace Features:** Dining Room, Living Room

**Fireplaces Total:** 2

**Flooring:** Tile, Hardwood, Flooring - Stone/Ceramic Tile, Flooring - Vinyl

**Foundation Details:** Concrete Perimeter, Stone

**Heating:** Baseboard

**Interior Features:** Bathroom - Full, Bathroom - Tiled With Shower Stall, Closet - Linen, Recessed Lighting, Lighting - Sconce, Beadboard, Pedestal Sink, Cable Hookup, Wainscoting, Lighting - Pendant, Crown Molding, Open Floor Plan, Walk-in Storage, Bathroom, Study, Bonus Room, Central Vacuum, Finish - Earthen Plaster

**Laundry Features:** Flooring - Hardwood, Pantry, Main Level, Cabinets - Upgraded, Gas Dryer Hookup, Remodeled, Washer Hookup, First Floor

**Lot Features:** Level

**Parking Features:** Attached, Garage Door Opener, Storage, Workshop in Garage, Paved Drive, Off Street, Paved

**Parking Total:** 3.0

**Patio And Porch Features:** Porch - Enclosed, Patio

**Road Frontage Type:** Public

**Road Responsibility:** Public Maintained Road

**Road Surface Type:** Paved

**Roof:** Shingle

**Rooms Total:** 8

**Security Features:** Security System

**Sewer:** Public Sewer, Private Sewer

**Utilities:** for Gas Range, for Electric Oven, for Gas Dryer, Washer Hookup, Icemaker Connection

**Waterfront Features:** Beach Front, Lake/Pond, Walk to, 1/2 to 1 Mile To Beach, Beach Ownership(Other (See Remarks))

**Water Source:** Public

**Window Features:** Insulated Windows, Storm Window(s), Screens

**Suzanne Dutkewych**

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## Details

<b>Prop Type:</b> Single Family Residence	<b>Full baths:</b> 3.0	<b>List date:</b> 6/3/20	<b>Orig list price:</b> \$929,999
<b>County:</b> Worcester	<b>Half baths:</b> 1.0	<b>Sold date:</b> 7/24/20	<b>Taxes:</b> \$11,621
<b>Area:</b> Harvard	<b>Acres:</b> 0.6	<b>Off-market date:</b> 6/8/20	<b>High:</b> Bromfield
<b>Subdivision:</b> Town Center	<b>Lot Size:</b> 26,136.0	<b>Updated:</b> Jul 24, 2020 3:03 PM	<b>Middle:</b> Bromfield
<b>Style:</b> ["Colonial"]	<b>Garages:</b> 2	<b>List Price:</b> \$929,999	<b>Elementary:</b> Hildreth

## Remarks

Location location! Rare find in town center. A few hundred yards to top-ranking schools, sports fields, town beach, general store, library. Meticulously maintained, renovated and expanded 1930s Colonial. Sunny throughout, tall ceilings, great flow. Huge kitchen, long center island, granite counters, Sub-Zero, 5-burner Thermador gas cooktop, vaulted eat-in nook. High-end fixtures and millwork throughout, two stairways, pantry/laundry room, mudroom, large family room, and formal dining room with fireplaces and study. Vaulted large master suite, two walk-in closets, marble countertops and whirlpool tub master bath. Plus three queen-size bedrooms with ample closets. Partially finished lower level not included in sq. footage. Central A/C, central vac, extensive storage in walk-up attic and over garage. On .6 acres, architect-designed landscape, stonewalls, mature flowering trees, brick patio, screened-in mahogany porch, ample privacy, great entertaining. Visit [11MassAve.com](http://11MassAve.com). Semi-open house

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# 11 Massachusetts Ave Harvard, MA 01451

MLS #72666727

**\$970,000**

**4 Beds 3.0/1.0 Baths**

**3,196 Sq. Ft. (\$304 / sqft)**

**CLOSED** 7/24/20

**Year Built 1935**

**Days on market: 5**



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# Comparable Home

MLS #72702187



## 8 Ayer Road

Harvard, MA 01451

**\$895,000**

ACTIVE UNDER CONTRACT

3/5/  
21

5 Beds

3.0/3.0  
Baths

Days on market: **206**

**3,720 Sq. Ft.** (\$241 / sqft)

Year Built **1869**

### Features

**Appliances:** Range, Dishwasher, Refrigerator, Washer, Dryer, Gas Water Heater, Tank Water Heater, Utility Connections for Gas Range, Utility Connections for Gas Dryer

**Accessibility Features:** Accessible Entrance

**Basement:** Full, Partially Finished, Walk-Out Access, Interior Entry, Concrete

**Building Area Units:** Square Feet

**Community Features:** Shopping, Tennis Court(s), Park, Walk/Jog Trails, Golf, Bike Path, Conservation Area, Highway Access, House of Worship, Public School

**Construction Materials:** Frame

**Cooling:** Window Unit(s), Heat Pump, 3 or More

**Disclosures:** The Property Has An Easement On The Front Of The House With The Town Common For Vehicular And Pedestrian Access. \*\*sewer Betterment Loan To Be Assumed By The Buyer. Balance As 09/01/2020 Is \$13, 338.60, \$297.54 Is Pay Quarterly From The Tax Bill

**Door Features:** Storm Door(s)

**Electric:** Generator, Circuit Breakers, 200+ Amp Service

**Exclusions:** Baking Station In The Kitchen

**Exterior Features:** Rain Gutters, Professional Landscaping, Decorative Lighting, Garden

**Fireplace Features:** Dining Room, Living Room, Master Bedroom

**Fireplaces Total:** 3

**Flooring:** Wood, Tile, Vinyl, Carpet, Hardwood, Pine, Flooring - Wood, Flooring - Wall to Wall Carpet

**Foundation Details:** Stone

**Heating:** Central, Forced Air, Electric Baseboard, Heat Pump, Natural Gas, Electric

**Interior Features:** Bathroom - Half, Closet/Cabinets - Custom Built, Pantry, Bathroom, Sun Room, Office, Bonus Room

**Laundry Features:** Gas Dryer Hookup, Washer Hookup, In Basement

**Lot Features:** Easements

**Parking Features:** Off Street

**Parking Total:** 4.0

**Patio And Porch Features:** Porch, Porch - Enclosed, Deck - Roof, Deck - Wood, Patio

**Road Frontage Type:** Public

**Road Responsibility:** Public Maintained Road

**Road Surface Type:** Paved

**Roof:** Shingle

**Rooms Total:** 11

**Security Features:** Security System

**Sewer:** Public Sewer

**Utilities:** for Gas Range, for Gas Dryer, Washer Hookup

**View:** City View(s)

**Waterfront Features:** Beach Front, Lake/Pond, Beach Ownership(Public)

**Water Source:** Public

**Window Features:** Window(s) - Picture, Insulated Windows, Storm Window(s), Screens

Suzanne Dutkewych

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## Details

<b>Prop Type:</b> Single Family Residence	<b>Half baths:</b> 3.0	<b>Updated:</b> Mar 8, 2021 9:13 AM	<b>Middle:</b> Bromfield
<b>County:</b> Worcester	<b>Acres:</b> 0.44	<b>List Price:</b> \$895,000	<b>Elementary:</b> Hes
<b>Area:</b> Harvard	<b>Lot Size:</b> 19,166.0	<b>Orig list price:</b> \$895,000	
<b>Style:</b> ["Victorian", "Shingle"]	<b>List date:</b> 8/11/20	<b>Taxes:</b> \$12,749	
<b>Full baths:</b> 3.0	<b>Active Under Contract date:</b> 3/5/21	<b>High:</b> Bromfield	

---

## Remarks

This beautiful five-bedroom historic home in the Town of Harvard was originally built in 1869 by George Fletcher in a French Second Empire style. The house was acquired by Emily Hildreth in the 1880s. Hildreth was a devout patron of the arts and soon after acquiring the home, she made various renovations and alterations to accommodate the summer gatherings by some of New England's illustrious families. They included the construction of a two-story entry porch that is open on the first floor with round-headed arches on three sides, rising with solid walls to a screened porch under a low-gabled roof. She affectionately named her home Sunnyside with the purpose of making it the cultural hub of the town. Optimally situated in the historic town center and surrounded by beautiful gardens. The current owners have been stewards of the property for nearly half a century, preserving its many original details. Potential in-law apartment.

**Suzanne Dutkewych**

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# 8 Ayer Road Harvard, MA 01451

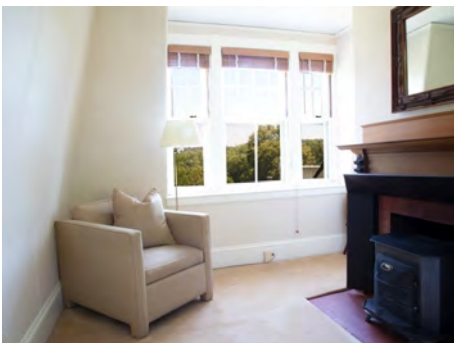
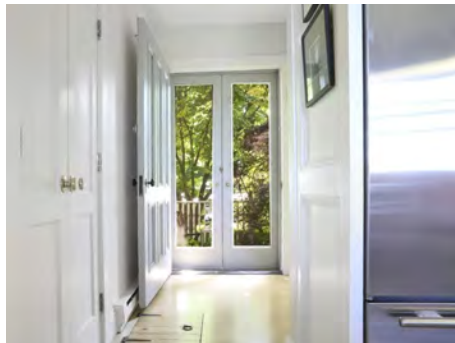
MLS #72702187

**\$895,000**

**5 Beds 3.0/3.0 Baths**  
**Year Built 1869**

**3,720 Sq. Ft. (\$241 / sqft)**  
**Days on market: 206**

**ACTIVE UNDER CONTRACT** 3/5/21



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# Comparable Home

MLS #72790206



**18 Fairbank Street**

**\$875,000**

Harvard, MA 01451

**ACTIVE** 3/1/21

**5 Beds**

**2.0/1.0**  
Baths

Days on market: **7**

**4,128 Sq. Ft.** (\$212 / sqft)

Year Built **1825**

## Features

**Appliances:** Range, Dishwasher, Refrigerator, Washer, Dryer, Range Hood, Utility Connections for Electric Range, Utility Connections for Electric Oven, Utility Connections for Electric Dryer

**Basement:** Interior Entry, Sump Pump, Concrete, Unfinished

**Building Area Units:** Square Feet

**Community Features:** Walk/Jog Trails, Stable(s), Conservation Area, Highway Access, House of Worship, Public School

**Construction Materials:** Frame

**Cooling:** None

**Covered Spaces:** 2.0

**Disclosures:** Approximately \$12,000 Still Owed On Sewer Betterment, To Be Assumed By The Buyer. Sellers Will Pay Remaining Sewer Betterment With A Full Price Offer. One Bedroom Has No Closet. Electric Heat In Bonus Room Above Garage. Home Is In The Historic District.

**Electric:** 200+ Amp Service

**Fireplace Features:** Living Room

**Fireplaces Total:** 2

**Flooring:** Wood, Vinyl, Carpet, Flooring - Wood, Flooring - Wall to Wall Carpet

**Foundation Details:** Stone

**Frontage Length:** 145.00

**Green Energy Efficient:** Thermostat

**Heating:** Electric Baseboard, Hot Water, Natural Gas, Fireplace

**Interior Features:** Closet - Walk-in, Closet - Cedar, Ceiling - Beamed, Den, Foyer, Sitting Room, Office, Mud Room, Bonus Room, Internet Available - Broadband

**Laundry Features:** First Floor, Washer Hookup

**Lot Features:** Level

**Other Structures:** Barn/Stable

**Parking Features:** Attached, Workshop in Garage, Barn, Paved Drive, Off Street, Paved

**Parking Total:** 4.0

**Patio And Porch Features:** Porch

**Road Frontage Type:** Public

**Road Responsibility:** Public Maintained Road

**Road Surface Type:** Paved

**Roof:** Shingle

**Rooms Total:** 13

**Sewer:** Public Sewer

**Utilities:** for Electric Range, for Electric Oven, for Electric Dryer, Washer Hookup

**Water Source:** Public

**Window Features:** Window(s) - Bay/Bow/Box

## Details

**Prop Type:** Single Family Residence

**County:** Worcester

**Style:** ["Colonial", "Antique", "Greek Revival"]

**Full baths:** 2.0

**Half baths:** 1.0

**Acres:** 0.43

**Lot Size:** 18,730.0

**Garages:** 2

**List date:** 3/1/21

**Suzanne Dutkewych**

Hazel & Company Real Estate

Cell: 978.302.2824

suzanne@hazelre.com | www.hazelre.com

**Updated:** Mar 5, 2021 3:05 AM

**Orig list price:** \$875,000

**High:** Bromfield

**List Price:** \$875,000

**Taxes:** \$11,563

**Elementary:** Hildreth

---

## Remarks

Here's the home you've been dreaming of, complete with a welcoming wraparound veranda, picturesque picket-fenced yard, attached barn, lush lilacs, stone walls, and just a few steps from Harvard's top-ranked schools and much-loved town center. It's all here for you. This rambling 1825 Greek Revival farmhouse combines elegance and comfort, with a huge beamed, heated bonus room in the former barn loft that offers joyful space for work and play. Its charming country kitchen with checkerboard flooring has a walk-in pantry; it flows into a formal dining room, light-filled music room, and then into a cozy den and gracious living room with built-ins, beautiful bow windows and polished wide plank Savannah yellow pine floors. Take one of 4 staircases to the 2nd floor, where you'll find a bevy of bedrooms and baths, and an office with an adjacent former kitchenette that could be transformed into an upstairs laundry/full bath with walk-in closet. There's a walkup attic, too.

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# 18 Fairbank Street Harvard, MA 01451

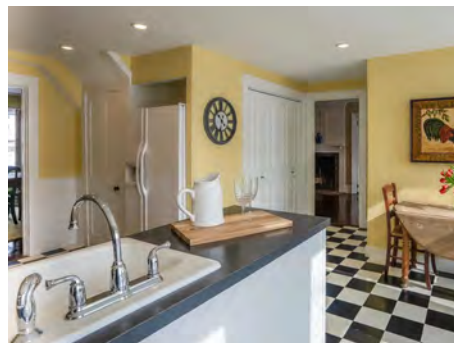
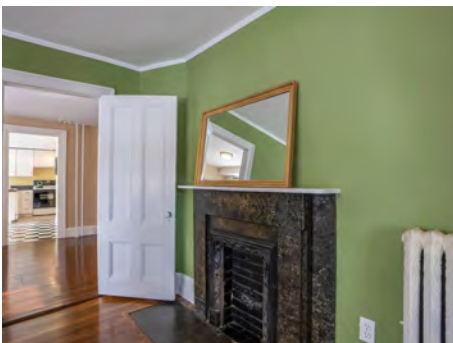
MLS #72790206

**\$875,000**

**ACTIVE** 3/1/21

**5 Beds 2.0/1.0 Baths**  
**Year Built 1825**

**4,128 Sq. Ft.** (\$212 / sqft)  
**Days on market: 7**



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# Analysis

**Suzanne Dutkewych**

Hazel & Company Real Estate

# Comparable Property Statistics

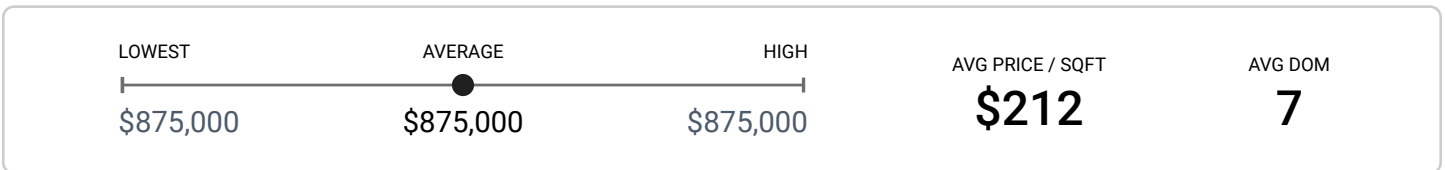
## S 2 Sold Listings



## P 1 Active Under Contract Listings



## A 1 Active Listings



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# Sold Property Analysis

## Averages

98.7%

Homes sold for an average of 98.7% of their list price.

17

Days on market

It took an average of 17 days for a home to sell.

## Analysis

ADDRESS	ORIG LIST PRICE	SOLD PRICE	% OF ORIG LIST PRICE	DOM	\$ PER SQFT
36 Bolton Rd	\$949,000	\$835,000	87.99%	29	\$309
11 Massachusetts Ave	\$929,999	\$970,000	104.30%	5	\$304
<b>Averages</b>	<b>\$939,499</b>	<b>\$902,500</b>	<b>96.06%</b>	<b>17</b>	<b>\$306</b>

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# SUZANNE HAZEL DUTKEWYCH



Hazel and Company Real Estate  
160 Ayer Road  
Harvard, MA 01451

978.302.2824  
Suzanne@hazelre.com

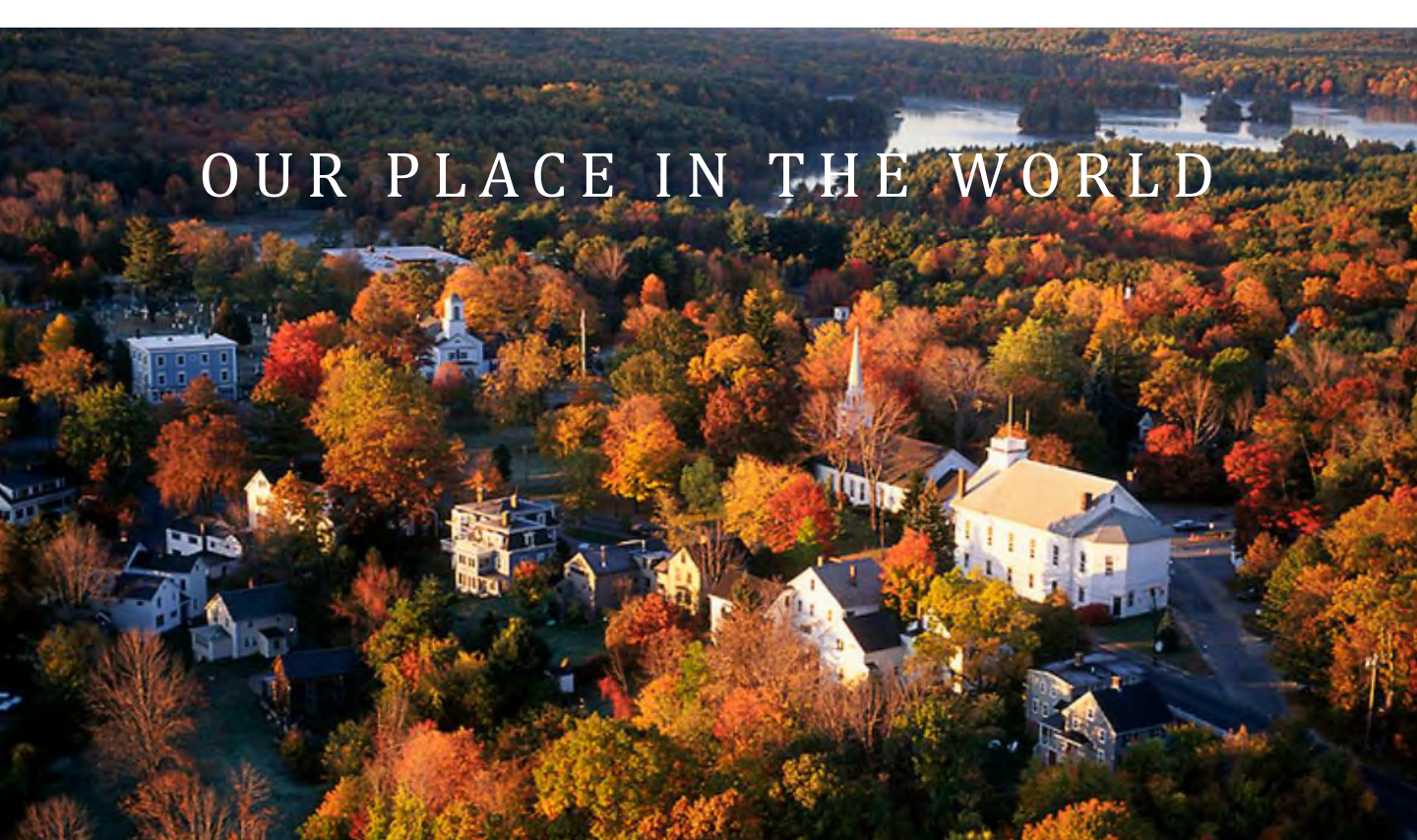
Suzanne is a fourth-generation Harvard, MA native, growing up learning the real estate business from her mother, Nancy Hazel, a broker for 50 years and now owner/broker of Hazel & Company. She is a graduate of Bromfield High School and Bentley University where she earned her degree in Computer Information Systems and Finance. Subsequently, she led a team of technical professionals supporting the IT infrastructure for the Office of the President and Board of Directors at Digital Equipment Corporation. In addition, Suzanne managed the channel marketing department for two start-up companies – a network security company and a chat software company. Suzanne served on the Pastoral Planning Committee for her church, was the chairperson for the Student Directory for Harvard Public Schools and serves on various local fundraising committees.

## **Praise for Suzanne...**

Suzanne is a rare breed among Realtors. She epitomizes hustle and hard work, and is driven to deliver for her client. She is level headed and solution-oriented, and never panics in pressure situations. As a lender, our job is largely dependent on the competency of our Realtor partners. Knowing Suzanne is working with us on a transaction gives us a unprecedented level of peace of mind. She's a true pro in every sense of the word! I have, and will continue to refer buyers and sellers to her because I know they will receive best in class service every time!

— A Local Lender

# OUR PLACE IN THE WORLD



To us, Worcester County is more than a place – it's a way of living, of enjoying life fully. Our stories begin with a love of the places we live, and a passion for sharing those dreams and our intimate knowledge of this area.

Living in the Worcester County area offers many rewards for those who enjoy spectacular outdoor beauty and recreation. Owners of primary and secondary homes alike have chosen this area as their ideal destination due in large part to the breathtaking scenery and open space. Visitors and residents enjoy outdoor activities in relaxed country surroundings, great dining, specialty shopping and diverse cultural attractions. It is our pleasure to serve as your concierge to this special part of Massachusetts.



# PURSUIT OF EXCELLENCE



Hazel & Co. Real Estate is homegrown and solidly invested in our communities and in our people.

With more than 60 years in the Worcester County area, our Company offers a powerful local perspective coupled with global connections. Extraordinary properties at all price points require real estate services that are extraordinary, as well. We deliver exceptional service tailored to each property, each seller and each buyer.





Hazel & Company properties receive exceptional coverage in our weekly blog, property brochures, on social media and on cascading websites. We mine data from our local MLS system, store them in our own database system and publish a monthly report that analyzes each price range in each area of the Worcester County. This information is not available to regular MLS users and it can assist our clients to better understand the market and make more informed decisions.





# MARKETING INFLUENCIAL CONNECTIONS



## Social Media

With the rapid growth of technology, the way we conduct business and advertise our listings has changed dramatically. We post on Facebook, Instagram and Twitter so that your home has a wider range of exposure. We are dedicated to providing our sellers with high quality photos of your home to ensure potential buyers see it at its best. Video tours of your home can also be watched online to give buyers an even deeper understanding of your home before even seeing it in person.



# HAZEL & COMPANY

Rooted in Harvard since 1947



We hope you will work with us,  
We look forward to working for you and with you  
in listing and selling your property

Thank you for this opportunity to provide you this marketing material





## PRICING

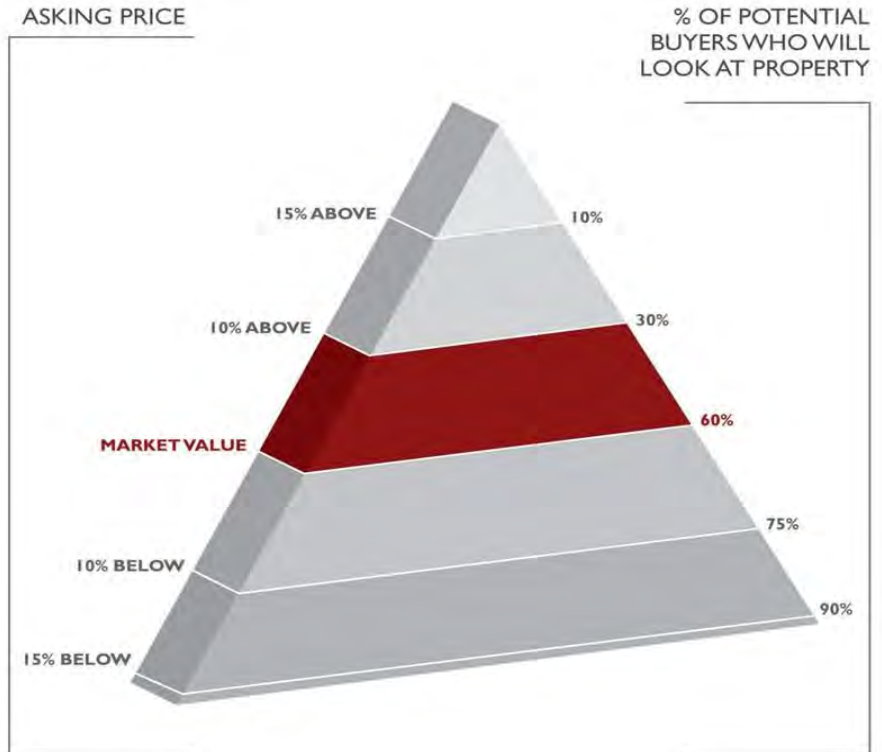




## PRICE RIGHT – ATTRACT BUYERS



- **Pricing your property competitively** will generate the most activity from agents and buyers.
- **Pricing your property too high** may make it necessary to drop the price below market value to compete with new, well priced listings.





## PRICING MISCONCEPTIONS



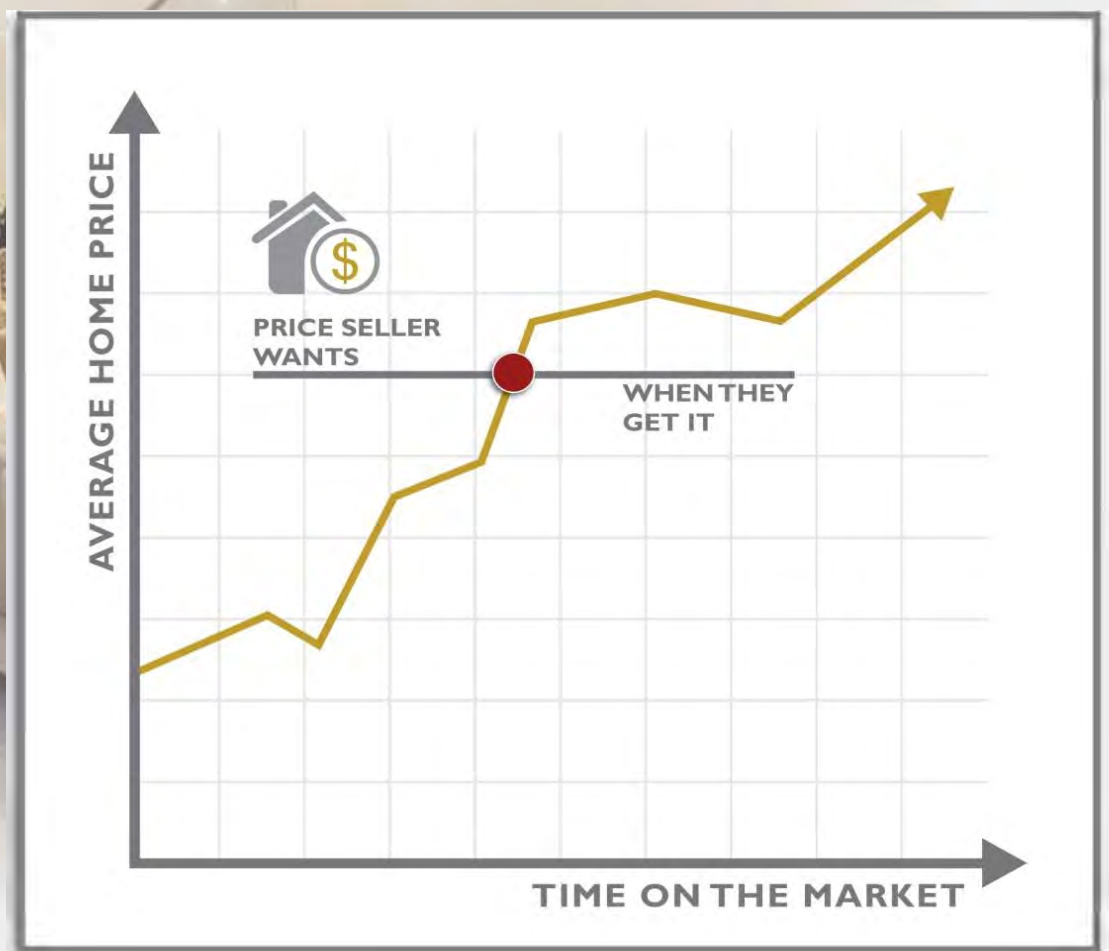
- The value of your property is determined by what a **buyer** is willing to pay and a **seller** is willing to accept in today's market.
- Buyers make their pricing decision based on comparing your property to other properties SOLD in your area. Historically, your first offer is usually your best.

It is very important to price your property at competitive market value when we finalize the listing agreement.



## SELLER'S MARKET

In a market with rising home values, if a seller wants a price that's ahead of the market, the market may go up enough to make that price attractive for buyers. Time can cure some mistakes and make people look smart.





## BUYER'S MARKET

If sellers fall behind a market with falling home values, they can end up chasing the market down, because home values are always falling faster than their price reductions.





# PRICE RIGHT – TIME ON THE MARKET WORKS AGAINST YOU



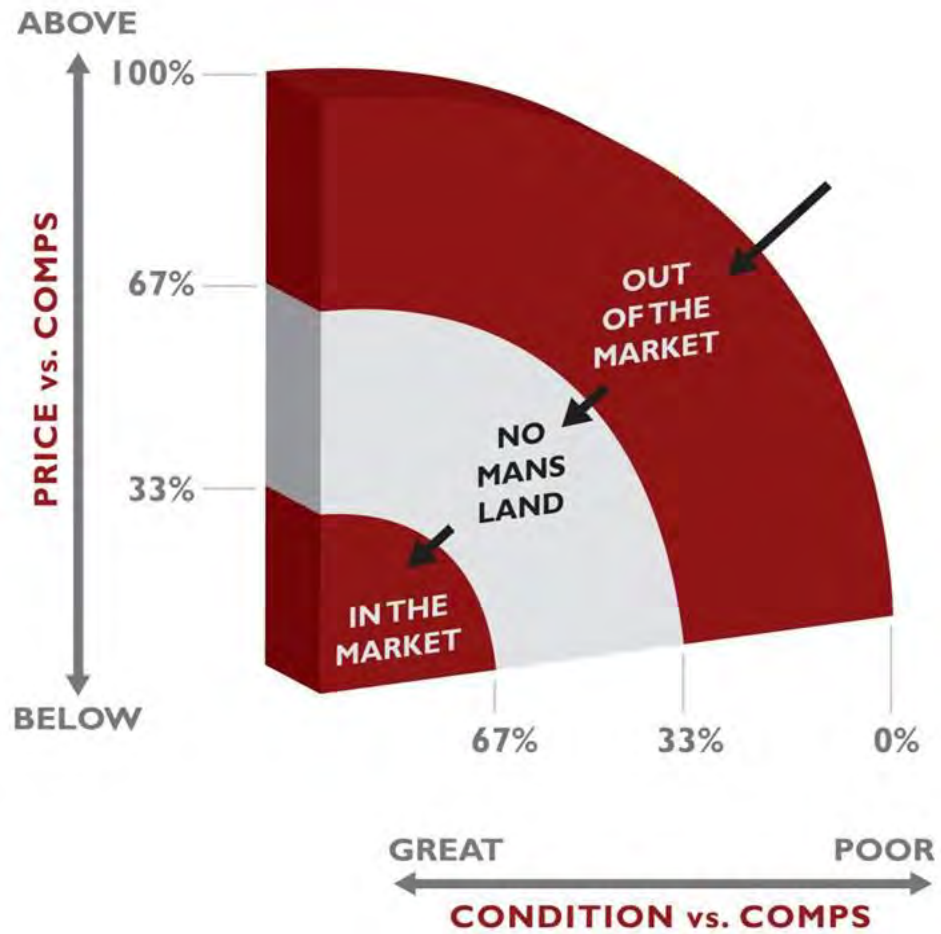
## IF YOU WANT TO COMPETE, BE COMPETITIVE

- The buying market has a short attention span.
- Pricing your home right the first time is key.
- Proper pricing attracts buyers.
- An overpriced house will not sell.
- We want to generate offers before the market moves on to newer listings.





- To get your home sold for the most money in the least amount of time, we have to price it "in the market".

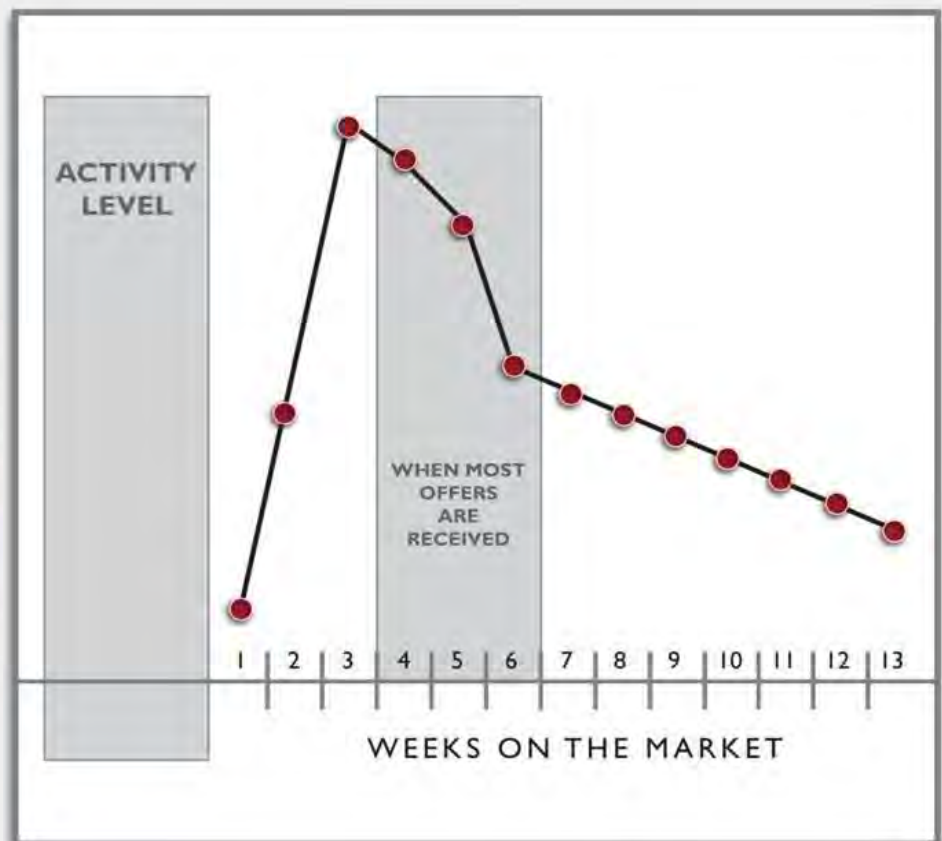


# PRICE COMPETITIVELY – THE FIRST 30 DAYS ARE CRITICAL



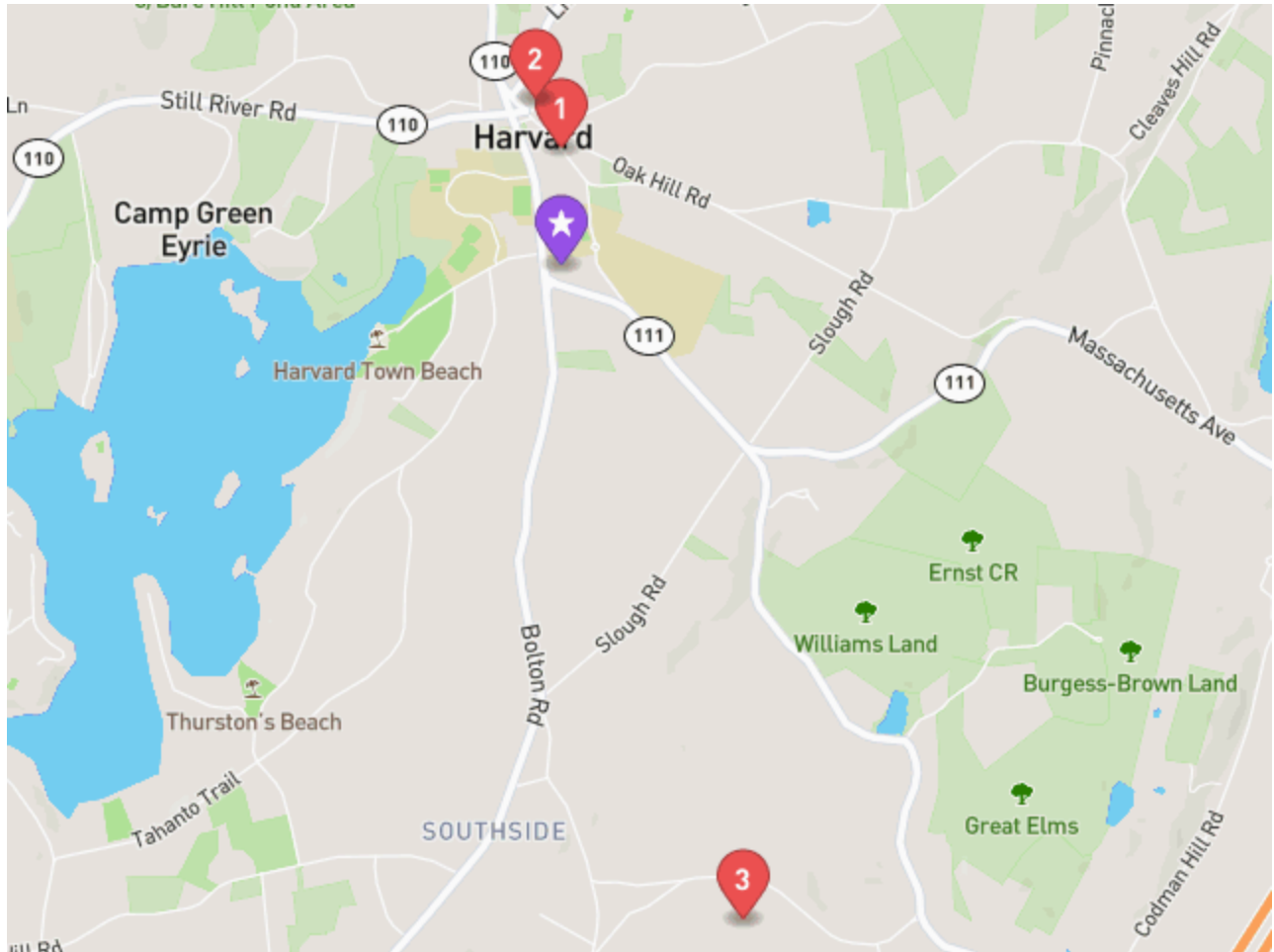
## THE RIGHT PRICE IS IMPORTANT

- A property generates the most interest when it first hits the market.
- The number of showings is greatest during this time if it is priced at a realistic market value.
- Starting too high and dropping the price later misses the excitement and fails to generate strong activity.
- Many homes that start high end up selling below market value.





MAP OF ALL LISTINGS



	MLS #	Status	Address	Price
0	Subject		39 Mass Ave, Harvard, Massachusetts 01451	
1	72608915	S	20 Fairbanks St	\$445,000
2	72645014	S	5 Old Littleton Rd	\$435,000
3	72639245	S	40 Westcott Rd	\$410,000

Status: S = Closed





## SUMMARY OF COMPARABLE PROPERTIES



### Sold Listings

Address	Beds	Baths	YrBlt	SqFt	Lot Size	Price	Sold Date
20 Fairbanks St	4	1.0/0	1750	2,562	0.28	\$445,000	4/17/20
5 Old Littleton Rd	4	2.0/1.0	1800	2,419	0.2	\$435,000	12/31/20
40 Westcott Rd	4	1.0/1.0	1978	2,176	2.5	\$410,000	8/28/20
Averages				2,385	43,269	\$430,000	





PROPERTY DETAILS



S 20 Fairbanks St, Harvard

\$445,000

Listing information

MLS#: 72608915	Beds: 4	SqFt: 2,562	Sold Date: 4/17/20
Status: Closed	Baths: 1.0/0	YrBlt: 1750	DOM: 31

Features

Acres: 0.28 Lot Size: 12196.0 Appliances: Range, Refrigerator, Washer, Dryer, Gas Water Heater, Utility Connections for Gas Range, Utility Connections for Electric Dryer Basement: Full, Partial, Interior Entry, Unfinished Building Area Units: Square Feet Community Features: Public Transportation, Shopping, Pool, Tennis Court(s), Park, Walk/Jog Trails, Stable(s), Golf, Medical Facility, Laundromat, Bike Path, Conservation Area, Highway Access, House of Worship, Marina, Private School, Public School, T-Station, University Construction Materials: Frame, Brick, Post & Beam

Remarks

Unique opportunity to own a double house in the center of Harvard on the Little Common. The Patch house is actually two homes - the original built in 1750 and then the 'new' part in 1870. The main living portion of the house is in the new part and the older portion is unfinished and ready for completion by the new owner. For more information about the history of the home, see the attached document. The home is being sold as-is and has not been inhabited by the present owners. The home is connected to town water and sewer as well as is heated with natural gas. All interior measurements are approximate.



Information is deemed reliable but not guaranteed.



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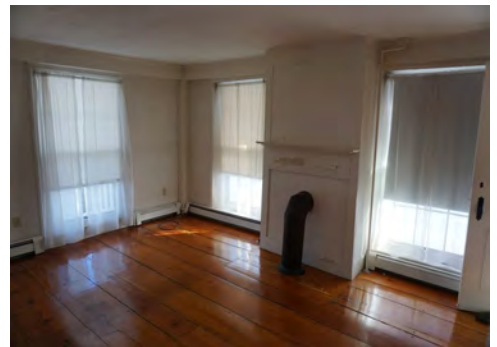


LISTING PHOTOS



S 20 Fairbanks St, Harvard

\$445,000



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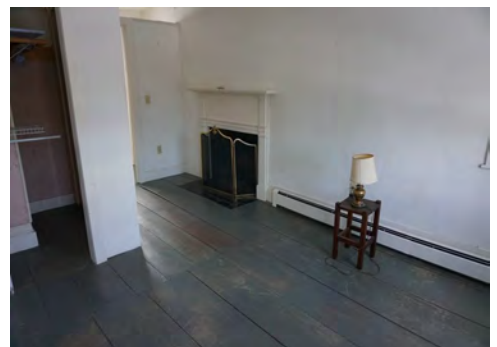
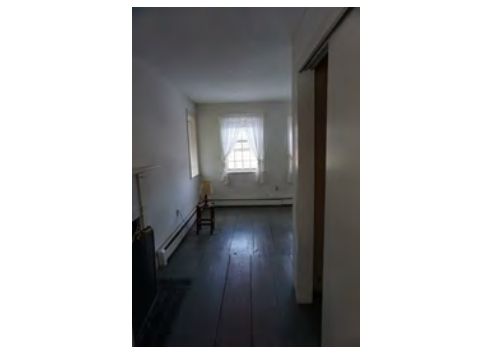
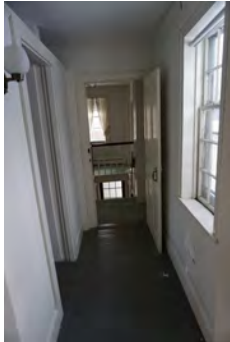
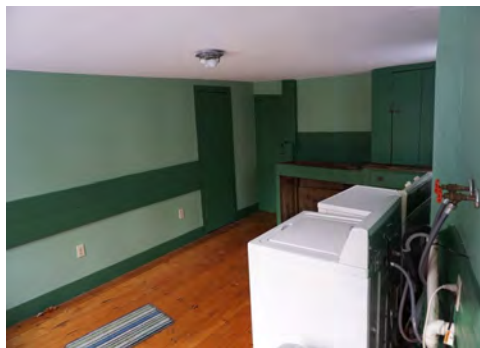


MORE LISTING PHOTOS



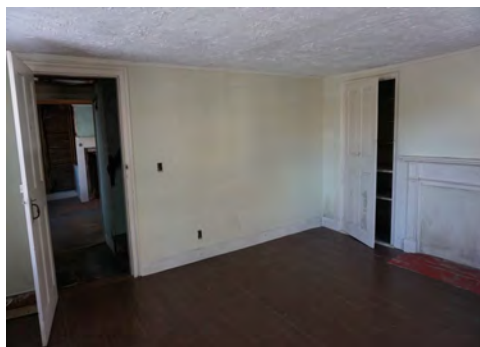
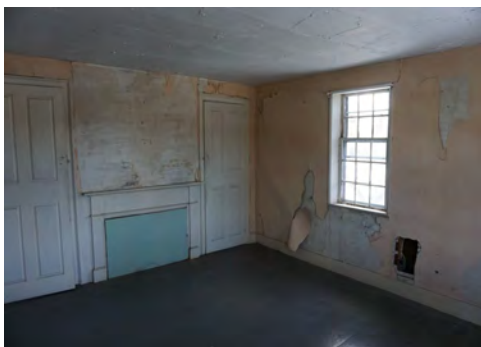
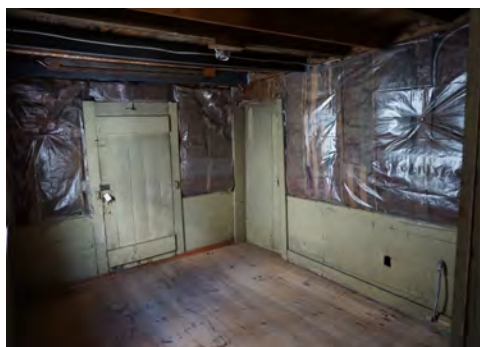
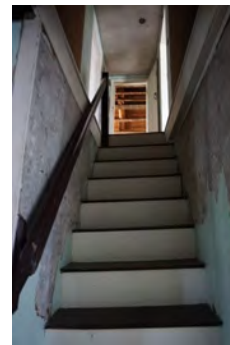
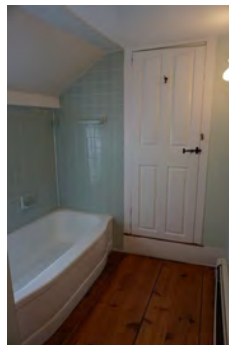
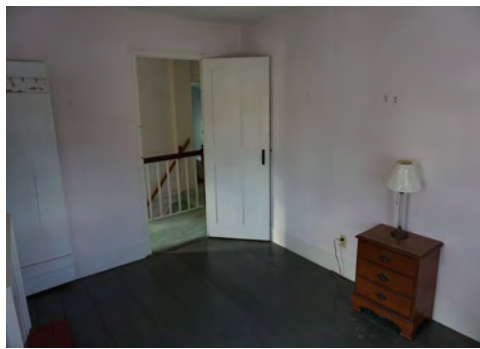
S 20 Fairbanks St, Harvard

\$445,000



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# PRICE ADJUSTMENTS



**S** 20 Fairbanks St, Harvard

**\$445,000**

Listing information			
MLS#: 72608915	Beds: 4	SqFt: 2,562	Sold Date: 4/17/20
Status: Closed	Baths: 1.0/0	YrBlt: 1750	DOM: 31

Feature	Value
New replacement windows	\$10,000
Land	\$50,000
Full bath	-\$10,000
Garage	-\$10,000
Construction is superior	\$20,000

Actual price	\$385,000
Total adjustments	\$60,000
Adjusted comparable price	\$445,000
Percent change	15.58%





PROPERTY DETAILS



5 Old Littleton Rd, Harvard

\$435,000

Listing information

MLS#: 72645014	Beds: 4	SqFt: 2,419	Sold Date: 12/31/20
Status: Closed	Baths: 2.0/1.0	YrBlft: 1800	DOM: 193

Features

Acres: 0.2 Lot Size: 8712.0 Appliances: Range, Dishwasher, Refrigerator, Wine Cooler, Electric Water Heater, Utility Connections for Electric Range, Utility Connections for Electric Dryer Accessibility Features: No Basement: Full, Walk-Out Access, Interior Entry, Dirt Floor, Concrete, Unfinished Building Area Units: Square Feet Community Features: Tennis Court(s), Walk/Jog Trails, Golf, Bike Path, Conservation Area, House of Worship, Public School, Other Construction Materials: Frame Cooling: None Covered Spaces: 1.0 Current Financing: Cash

Remarks

HARVARD ATTN: Builders, Architects, Investors, Designers: Rare opportunity! An 1800 homestead, prime setting in this most scenic, historic town center, awaiting renovation and updates. Show off your workmanship and vision its well worth the time and work to not only bring this gem to todays shining status, but will be worth much more than your costs and time when finished! In the towns historic district, views all the festivities from the screened porch and interior rooms, yet set privately. Abundant space - a home, an attached like new 1st floor wing apartment, and 2 story barn. 2/10 acre. Town water and sewer, and natural gas connections! Walk to all town center festivities, schools, tennis courts, beach at Bare Hill Pond, and the several picturesque Commons! A "gem" which can be a Town Center statement again! Preview at our Open House or call for appt. Harvard has the hig...



Information is deemed reliable but not guaranteed.



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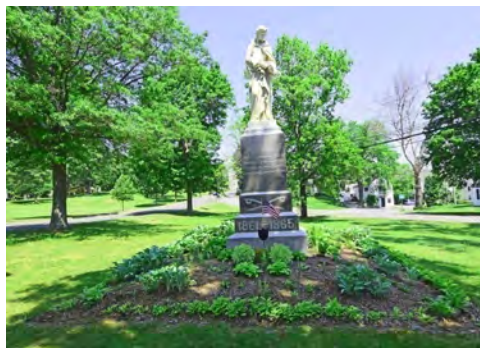


LISTING PHOTOS



S 5 Old Littleton Rd, Harvard

\$435,000



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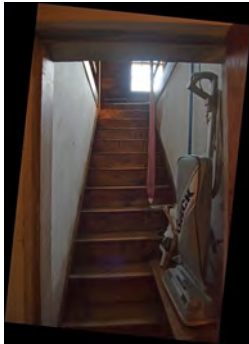
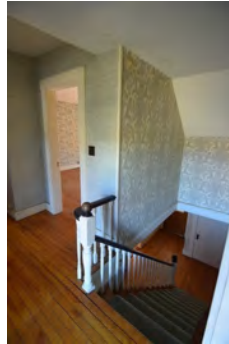
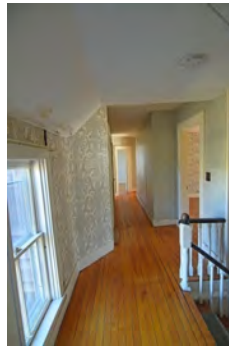


MORE LISTING PHOTOS

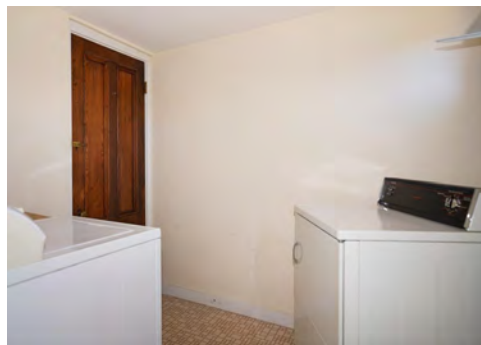
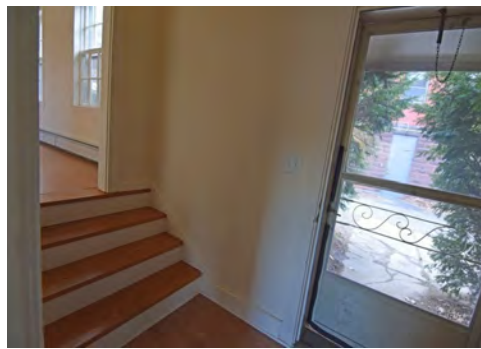


**S** 5 Old Littleton Rd, Harvard

\$435,000



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PRICE ADJUSTMENTS



5 Old Littleton Rd, Harvard

\$435,000

Listing information

MLS#: 72645014	Beds: 4	SqFt: 2,419	Sold Date: 12/31/20
Status: Closed	Baths: 2.0/1.0	YrBlt: 1800	DOM: 193

Feature	Value
Land	\$50,000
New replacement windows	\$10,000
2 full baths	\$10,000
Construction is superior	\$50,000
Garage	-\$10,000

Actual price	\$325,000
Total adjustments	\$110,000
Adjusted comparable price	\$435,000
Percent change	33.85%







## PROPERTY DETAILS



**S** 40 Westcott Rd, Harvard

**\$410,000**

### Listing information

MLS#: 72639245	Beds: 4	SqFt: 2,176	Sold Date: 8/28/20
Status: Closed	Baths: 1.0/1.0	YrBlt: 1978	DOM: 91

### Features

Acres: 2.5 Lot Size: 108900.0 Basement: Full Building Area Units: Square Feet Cooling: None Covered Spaces: 2.0 Current Financing: Conv. Fixed Fireplaces Total: 1 Foundation Details: Concrete Perimeter Heating: Radiant, Electric Parking Features: Attached, Paved Drive Parking Total: 2.0 Rooms Total: 8 Sewer: Private Sewer Water Source: Public

### Remarks

**\*\*4 Bedroom Colonial is very privately situated off the street in an established Harvard neighborhood. \*\* Located on a scenery spacious 2.5-acre lot, the home boasts a yard beautifully appointed with mature planting, apple, cherry & Japanese maples.\*\* Inside this very special home you will find a smartly designed use of space. The spacious living room, with wood stove and a generous amount of bookshelves will not disappoint. This area along with outside decks provide plenty of space for entertaining family and friends The basement is clean with high ceilings and is ideal to finish for additional space. \*\* Full of charm and character. \*\* Master bedroom has an extra room which is plumbing ready for a master bath .\*\* Home has been freshly painted on the outside with a new roof! Wonderful opportunity for a handy buyer to purchase and renovate in a fantastic neighborhood.**



*Information is deemed reliable but not guaranteed.*



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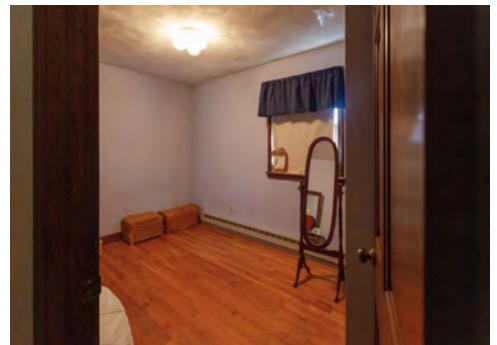
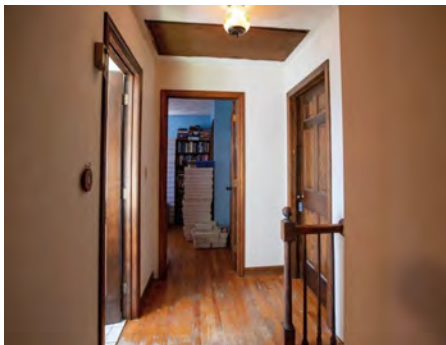
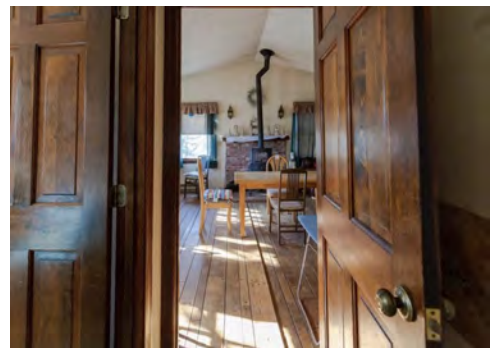
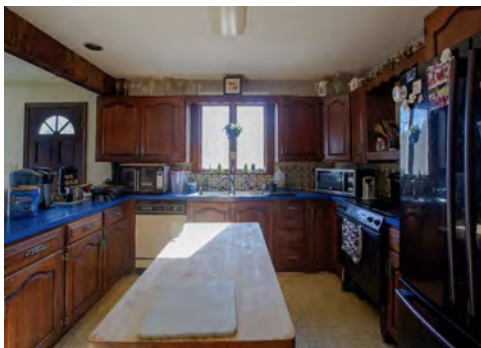


LISTING PHOTOS



S 40 Westcott Rd, Harvard

\$410,000



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MORE LISTING PHOTOS



S 40 Westcott Rd, Harvard

\$410,000



Anne Hentz | Keller Williams Boston Northwest | Mobile: 617-834-1615 | [annehentz@kw.com](mailto:annehentz@kw.com) | [www.anehentzrealtygroup.com](http://www.anehentzrealtygroup.com) | BRE number: 138230





# PRICE ADJUSTMENTS



**S** 40 Westcott Rd, Harvard

**\$410,000**

Listing information			
MLS#: 72639245	Beds: 4	SqFt: 2,176	Sold Date: 8/28/20
Status: Closed	Baths: 1.0/1.0	YrBlit: 1978	DOM: 91

Feature	Value
Full bath	-\$5,000
2 Car garage under	-\$10,000
Actual price	\$425,000
Total adjustments	-\$15,000
Adjusted comparable price	\$410,000
Percent change	-3.53%





## COMPARABLE PROPERTY STATISTICS



### Sold Listings

Number of listings	3
Lowest price	\$325,000
Average price	\$378,333
Highest price	\$425,000
Avg price per sqft	\$181
Avg DOM	105





### Sold Listings

Address	Sold Date	Sold Price	Zestimate	Difference
<a href="#">20 Fairbanks St</a>	4/17/20	\$445,000	\$439,939	-1.1%
<a href="#">5 Old Littleton Rd</a>	12/31/20	\$435,000	\$393,388	-9.6%
<a href="#">40 Westcott Rd</a>	8/28/20	\$410,000	\$462,226	12.7%

Source:





# SOLD PROPERTY ANALYSIS



Address	Orig List Price	Sold Price	% of Orig List Price	DOM	\$ per Sqft
20 Fairbanks St	\$395,000	\$445,000	112.66%	31	\$174
5 Old Littleton Rd	\$528,000	\$435,000	82.39%	193	\$180
40 Westcott Rd	\$425,000	\$410,000	96.47%	91	\$188
Averages	\$449,333	\$430,000	95.70%	105	\$181







*Excellence in Real Estate*

March 4, 2021

TO: Bromfield House Disposition Committee

FROM: Steve Nigzus, Realtor

SUBJECT: 39 Mass Ave Market Analysis

At the request of committee member Pamela Marston, I have prepared a preliminary market analysis for Bromfield House located at 39 Massachusetts Avenue, Harvard. Per the town's official records, the structure contains 2,814 square feet of habitable space on two floors.

A market analysis is subject to several, dynamic factors. At the present time, the Covid-19 pandemic has driven demand for homes in the Harvard areas and as a result prices are higher. There is also a significant dearth of properties available in Harvard and all of the surrounding towns. These factors would increase the interest in Bromfield house.

However, to be used as a residence, the building will need substantial work on the kitchen and bathrooms, as well as cosmetic repairs. There will likely also be systems upgrades required. These observations are based upon a visit to all of the floors of the building but should be verified by a thorough inspection. Although the lot is clear and mostly flat, the location could be construed to be a detriment due to the state highway and the abutting elementary school. Nevertheless, my feeling is that in the current market the location would have a minimal impact on the sales price.

Using several comparable properties in Harvard that I have personally listed and/or sold as well as other recent sales, I would estimate that a fair sale price for the Bromfield House in its current condition and at this time would be in the range of \$760,000 to a possible high \$840,000.

I hope this information is useful to the Committee and would be happy to answer any questions.

Sincerely,

Steve Nigzus

617-834-8518



**Select Board Minutes**  
**Tuesday, April 6, 2021**  
**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:**

Kara Minar, Stu Sklar, Lucy Wallace

**Select Board members absent:**

Alice von Loesecke & Rich Maiore

**Town Department attendees:**

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

**Additional participants:**

Board of Health Chair Sharon McCarthy & Bare Hill Pond Watershed Management Committee Chair Bruce Leicher

**Discuss statewide mosquito spraying**

Board of Health Chair Sharon McCarthy explained an application for an Alternative Mosquito Management Plan is required for a municipality to Opt-Out of spraying conducted by the state Reclamation and Mosquito Control Board by May 15<sup>th</sup>. McCarthy said along with the application a public hearing is required and a formal vote by the Select Board. The Opt-Out application has been reviewed by the Board of Health and requires input from various town officials. Lucy Wallace thought it prudent to have the Town Administrator involved. Kara Minar will assist in organizing a meeting with those officials that need to be involved; DPW Director and Community & Economic Development Director. Together they will review the required information to determine if indeed the town can facilitate their own alternative mosquito management plan to qualify for the Opt-Out option.

**Minutes**

By a roll call vote, Wallace – aye, Sklar – aye, Minar -aye, the board voted unanimously to approve minutes of 3/16, as presented.

**Public Communication**

Kathleen Doherty, Bromfield teacher and member of the Harvard Teachers Association Negotiating Team, gave a statement on behalf of the Harvard Teachers Association (HTA). (Attachment A)

**Staff Report/Updates**

- The Ginny Thurston Scholarship is available this year. Alice von Loesecke & Rich Maiore were tasked with reviewing the letters of interest submitted.

- Event requests for Harvard for 2021 updates: No Annual Plant Sale this year; The Fireman's Muster is new this year and will be held on June 19. There are no road races until we get to Phase 4 Step 2.
- The Insurance Advisory Committee (IAC) met to review the FY22 apples-to-apples comparison for the insurance proposals (MIIA vs. MNHG); if you recall, one of their issues was that there was not a true comparison. If the Town had made the switch last year, we would have saved \$163,000 in contributions (\$114K Town/\$49K Employee). This review will come up again, and the Board will have another chance to join Blue Cross Blue Shield if there is, hopefully, savings like we missed this year and if our claims profile remains favorable. With the potential change this past fall and the new actual comparison, the retirees would have been the group that saved the most at a rate of approximately 16% savings. Next year the landscape will be different and the ability to save may very well be diminished. Fallon announced last week that it will no longer offer commercial plans for FY23, and instead will concentrate on their Medicare and Medicaid options (see attached). MNHG will be working this issue and may bring in a new provider and if they do not those on Fallon will see larger increases next year (Fallon plans are subsidized by MNHG and other plans have a higher starting cost).
- The new drinking water report for 2020 is available on-line for everyone.
- Our email provider Civic Plus, now Civic Engage Open, informed Harvard the First-Class Email service will cease to operate on September 1<sup>st</sup>. Our IT contractor is working on how to migrate or archive tens of thousands if not hundreds of thousands of emails and what the easiest platform would be to transfer them to.
- The American Rescue Plan Act (ARPA) guidelines will be coming out sometime during the second week of May and until then there is only speculation of what we can and cannot spend funds on. Employee Unions looking at these funds as a way to fund their contracts must be cautious as the Town cannot use Cares or ARPA funds for these purposes. The schools may be able to use ESSER Funds (different set of regulations).

Budget Updates:

- There was a small change since last meeting and that had to do with the interest on the renewed BANs being able to be raised as the items were exempted from proposition 2 ½.
- On the State level there is no new movement but the lottery continues to do well and tax collections for March were up.
- Town Hall opened April 5th with social distancing, face masks, and hand sanitizer being required. The issue with the rise of the variants and thus the number of infected individuals in Massachusetts is rising with both the England and Brazil strains being the cause along with people letting their guard down. Town Hall has seen a limited number of issues with people not wanting to wear masks or maintain their distance and we will be escorting these folks out of the building. Thus far there has not been a Covid positive person at Town Hall and this is due to diligence and safety measures. We have opened up safely and if we have to take a step back due to this most recent rise in numbers we will.
- Friday, April 9<sup>th</sup>, Town Hall Staff will work from home as the Facilities Manager is having a cleaning company come in to clean the floors and rugs.

**Act on request from the Town Clerk to reduce hours of the town election**

By a roll call vote, Wallace – aye, Sklar – aye, Minar – aye, the board voted unanimously to authorize the Town Clerk to set voting hours for the May 18<sup>th</sup> town election of 3:00pm to 8:00pm.

**Finalize ballot question for the old library roof**

Lucy Wallace offered a suggested edit. By a roll vote, Wallace – aye, Sklar – aye, Minar – aye, the board voted unanimously to endorse ballot question 1 for the old library slate roof.

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

**Act on Revenue Ideation Committee charge**

The topic was tabled to the next meeting when Rich Maiore is present.

**Community Project Funding support letter for Fruitlands Museum**

By a roll call vote, Wallace – aye, Sklar – aye, Minar – aye, the board voted unanimously to endorse letter to Congresswoman Lori Trahan.

**Bare Hill Pond Watershed Management Committee - conflict of interest**

BHPWMC Chair Bruce Leicher explained this came about because questions had been raised as to whether members of the committee might have a financial interest in decisions by virtue of their ownership of property which abuts or is near the pond or within its watershed. Town Counsel was consulted and recommended a ruling be obtained from the Select board to cover any committee member participating in these decisions based upon applicable exemptions. A local real estate attorney can assist with this. Lucy Wallace asked if this issue impacts other boards/committees. Town Administrator Tim Bragan will again consult Town Counsel for clarity. By a roll call vote, Wallace – aye, Sklar – aye, Minar -aye, the board voted unanimously to authorize the participation of any/all BHPWMC members, including those who either abut Bare Hill Pond or are in the Bare Hill Pond Watershed, in any of these matters/decisions that would fall under MGL Ch. 268A Sections 19 (b)(1) and (3)

The meeting was adjourned at 8:15pm.

Documents referenced:

Mosquito spraying article – dated 3.23.2021

Town Clerk request – dated 3.18.2021

Revenue Ideation Committee draft – dated March 2021

Community Project Funding support letter – dated 4.6.2021

Letter from Owner/Broker/Appraiser David Haschig (conflicts of interest for BHPWMC members) dated 3.26.2021

## **2010 Ford F-350 Utility Truck**

- VIN – 1FTWF3B59AEB36070
- Mileage – 77,505 miles
- 5.4L V8 Gasoline Engine
- Automatic Transmission
- Air Conditioning
- Electronic Shift 4 Wheel Drive
- Knapheide Utility Service Body
- 8 foot Fisher Plow and Plow Frame – no currently operational – needs repair
- Passed Mass State Inspection in September 2020

## Town of Harvard Select Board Diversity Statement

The Select Board of the Town of Harvard unequivocally believes in the value of diversity in our community. A multitude of perspectives and a variety of experiences enrich all those who reside here. We embrace all people of varying race, color, religious creed, national origin, ancestry, gender, age, economic status, disability, gender identity and sexual orientation. We are committed to making Harvard a welcoming, accepting, and thriving community for all – *One Harvard*.

The voices and actions of bigotry, prejudice and hatred have no place here. We believe we must work as a community and as a country to understand, confront and heal prejudices. There will be no tolerance for hate and its concomitant harms.

All those who reside in, work for, or visit the Town must be treated with dignity and respect. As the leaders of the Town, the Select Board believes it is incumbent upon Town officials and employees to lead by example. The “customer service” provided by the Town and its employees must consistently demonstrate our commitment to understanding, acceptance, and equity for all. Our expectations are high, our standards non-negotiable. We recognize there is always opportunity for improvement. The Select Board commits to providing all Town employees and committees with relevant training and tools to attain and maintain these high standards.

Moving forward the Town will take the following specific steps to achieve and maintain our vision of *One Harvard*:

- To respond to public acts of prejudice or hate that may occur in town.
- To welcome feedback, positive or negative, on our interactions with people throughout town, and adjust accordingly.
- To increase our broader understanding by providing diversity and inclusion training for all staff members and Town committees. The Town HR Officer will work with the Diversity Coordinator in the school district to help facilitate training opportunities. When feasible, these trainings will be open to the general public and other Town groups.
- To ensure that our hiring practices are transparent and fair, and that we seek to increase and retain diversity among the Town’s workforce. The Town HR Officer will provide an annual summary of that year’s hiring processes and outcomes to inform any ongoing changes in hiring practices.

The Select Board encourages all citizens of Harvard to join with us in realizing our goal of building *One Harvard*.

## **Town of Harvard Revenue Ideation Committee Charge**

**April 1, 2021**

### **Background**

- Town of Harvard is facing long-term financial challenges
- Residential property taxes are nearly all (93%) of the town's revenue source
- This approach is not sustainable given the town's financial obligations to deliver basic level of services to its residents

### **The Need**

- The Town must identify additional revenue sources to diversify its revenue sources

### **The Charge**

- Research, vet and prioritize potential non-tax revenue sources for the Town based on the town's existing assets. This may include but not limited to:
  - Leasing of town property for use of solar or wind power
  - Leasing of cell towers on town land
  - Securing corporate sponsorship of Town assets—ballfields, trails, etc.
  - The sale of surplus buildings, equipment and land
  - Other opportunities as identified by the committee
- Conduct benchmark research of comparable towns (size, assets, geography) to gain insights and ideas on approaches to non-tax revenue sources
- Develop and deliver an initial report to the Select Board by October 2021 outlining research methodology; prioritized recommendations for new sources of revenue, considerations and estimated revenue projection for each option, potential timing and recommended next steps/action items

### **Committee Composition**

The committee will include 7 members made up of the following:

- One member of Finance Committee
- One member of SelectBoard
- One member of School Committee
- One member of Park & Recreation
- One member of Energy Advisory Committee
- Two residents at larg

To: Rich Maiore, ToH Select Board, Open Space Committee Liaison  
From: Peter Dorward, Open Space Committee Chair  
Subject: Select Board 4/20/21 agenda item, Potential Conflict of Interest  
Date: 4/5/21

### **Background**

- On the recommendation of my Counsel, I asked the State Ethics Commission for guidance on a potential Col in my role on the OSC regarding a property abutting my residence.
- My wife Mimi and I partnered with the Town and HCT in an attempt to protect the abutting property in 2017. The seller did not accept the offer. All three parties continue to be interested in protecting the parcel - a goal of HCT and the Town since at least the 1960's.
- I am a past Trustee and President of HCT. I am currently an Associate Trustee.
- A State Ethics Commission lawyer provided guidance identifying several activities which, unless approved by the OSC's appointing body, makes my continued participation on the OSC problematic.

### **OSC's GIS Prioritization Model**

- The OSC has developed a process (described in the attached memo) to evaluate open space (OS) in Harvard for protection or recreational use. Because of the amount of OS to be evaluated, the OSC has elected to use a GIS application (ArcGIS) to perform a first pass screening of appropriate land.
- The GIS prioritization model is fundamental to the OSC's work. The criteria used in the model were derived from the 2016 OSRP and approved by the OSC. The data analyzed is publicly available and sourced from the ToH Assessor's AxisGIS, MassGIS, and UMass CAPS.
- I developed the GIS prioritization tool using ArcGIS for which I purchased a personal license. After several hundred hours of effort, I developed sufficient expertise to implement the model.

### **State Ethics Commission Guidance**

- Appointed volunteers are considered Town employees for Col issues.
- Town employees cannot participate in activities where they may derive financial benefit to themselves, a direct family member, or a business in which they have an interest.
- Protecting or purchasing an abutting property is considered to be a financial benefit.
- The Harvard Conservation Trust (HCT), even though it is a 501(c)(3) organization, is considered a business for Col issues as it buys and sells land.

The guidance has three directives:

1.  I cannot participate as an OSC member in any discussions or votes relating to any parcels abutting my residence.
2.  As an HCT Associate Trustee, I cannot participate in discussions or votes on any potential land deals that involve HCT, unless approved by the SB.
3.  I cannot share the output of the GIS model if the model indicates land abutting my residence should be protected, unless approved by the SB.



### **What is Being Requested from the SB regarding the State Ethics Commission Guidance?**

In order to continue serving as a member of the OSC, I request approval from the SB – as the appointing authority – that I may participate in the activities addressed in the 2<sup>nd</sup> and 3<sup>rd</sup> directives from the State Ethics Commission. I have and will continue to recuse myself from discussions / votes on abutting properties (the 1<sup>st</sup> directive).

1.  The 1<sup>st</sup> guidance is pretty straightforward, and I already have been recusing myself from OSC discussions regarding abutting properties.
2.  The SB specifically included an HCT representative on the OSC because of the long standing partnership between HCT and the Town in protecting OS. The State Ethics guidance says: *“if your appointing authority makes the written determination on the Section 19 disclosure form then you may participate in the matter(s).”*
3.  The GIS prioritization model is the foundation on which the OSC evaluates OS for protection or for recreational use. The model is automated and does not require - or allow - any manual intervention. The criteria used to prioritize OS were derived from the 2016 OSRP, and approved unanimously by the OSC. The model uses publicly available data that is not manipulated in any fashion before use.

In developing the model, I by necessity had to specify some parameters such as the break points in ranking between high/medium/low priority OS to be protected. These were based on statistics and not determined by how any individual property might score.

There are no other OSC members or Town employees that can take over updating and maintaining the GIS model without investing the same several hundred hours in learning the GIS application. Even if they did invest the effort, they presumably would likewise be precluded from sharing the model's output if the model identified an abutting property to their residence.

The State Ethics guidance says: *“Since you are appointed to your OSC position, you may file a disclosure with your appointing authority explaining the matter that will be addressed by the OSC as it relates to the orchard property and your involvement with presenting the ArcGIS model to the OSC / maintaining it, and the presumed financial interest that you have in the matter(s) both as an abutter and given your interest in purchasing the property should an opportunity similar to the 2017 circumstances becomes available. Your appointing authority may make a written determination that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Town may expect from you as its employee. If your appointing authority makes the written determination, you may participate in the matter(s). Otherwise, you may not.”*

### **Col Disclosure**

I have filled out a Section 19 Col disclosure (attached) to be filed with the Town Clerk upon resolution of the SB discussion.







<input type="checkbox"/>	<input type="checkbox"/>
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**DETERMINATION BY APPOINTING OFFICIAL**

	<b>APPOINTING AUTHORITY INFORMATION</b>
<input type="checkbox"/>	<input type="checkbox"/>
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<b>DETERMINATION</b>	
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**Attach additional pages if necessary.**

**The appointing authority shall keep this Disclosure and Determination as a public record.**



Section 10.01 - General Provisions

Section 10.01.01 - The purpose of this chapter is to establish the minimum standards for the siting, design, construction, and operation of all solid waste transfer stations, incinerators, and landfills within the City of [City Name].

Section 10.01.02 - Definitions

Section 10.01.02.01 - The following definitions shall apply to this chapter:

- **Solid waste** - any material that is discarded or intended to be discarded.
- **Outside of a 100' buffer from water** - any area that is not within 100 feet of any body of water.
- **Transfer station** - a facility where solid waste is received, stored, and then transported to a final disposal site.
- **At least 50' frontage on a public road** - a facility that has a minimum of 50 feet of frontage on a public road.

Section 10.01.02.02 - The following definitions shall apply to this chapter:

Section 10.01.03 - Siting

Section 10.01.03.01 - All solid waste facilities shall be sited in accordance with the following requirements:

**S**olid waste facilities shall be sited in accordance with the following requirements:

- All solid waste facilities shall be sited in accordance with the following requirements:
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Section 10.01.03.02 - All solid waste facilities shall be sited in accordance with the following requirements:

Section 10.01.03.03 - All solid waste facilities shall be sited in accordance with the following requirements:

Section 10.01.03.04 - All solid waste facilities shall be sited in accordance with the following requirements:

Section 10.01.04 - Design

Section 10.01.04.01 - All solid waste facilities shall be designed in accordance with the following requirements:

Section 10.01.04.02 - All solid waste facilities shall be designed in accordance with the following requirements:

Section 10.01.04.03 - All solid waste facilities shall be designed in accordance with the following requirements:

Section 10.01.04.04 - All solid waste facilities shall be designed in accordance with the following requirements:

Section 10.01.04.05 - All solid waste facilities shall be designed in accordance with the following requirements:

Section 10.01.05 - Construction

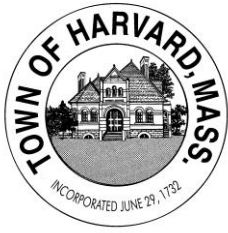
- All solid waste facilities shall be constructed in accordance with the following requirements:
- All solid waste facilities shall be constructed in accordance with the following requirements:
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- All solid waste facilities shall be constructed in accordance with the following requirements:

Section 10.01.06 - Operation

- All solid waste facilities shall be operated in accordance with the following requirements:
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Section 10.01.06.01 - All solid waste facilities shall be operated in accordance with the following requirements:

Section 10.01.06.02 - All solid waste facilities shall be operated in accordance with the following requirements:



□  
□

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

WORCESTER, ss.

To the Constable of the Town of Harvard:

Greetings:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the said Town, who are qualified to vote in Town affairs, to meet on the field in front of the Library and The Bromfield School on Saturday, the 15th day of May, 2021 at 12:00 p.m. by the clock to act on the following articles:

**ARTICLE 1: ANNUAL REPORTS**

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

(Inserted by Select Board).

**ARTICLE 2: PAY BILL OF PRIOR FISCAL YEAR**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds sums of money to pay bills of Fiscal Year 2020, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

**ARTICLE 3: OMNIBUS BUDGET**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, such sums of money as may be necessary to defray the expenses of the Town for Fiscal Year 2022, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

**ARTICLE 4: BARE HILL POND TESTING**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, a sum of money, to be expended by the Board of Health, with the approval of the Select Board, to sample and test for cyanobacteria in the water at the Town Beach on Bare Hill Pond and to test the toxicity of the samples, alternate weeks, from August until mid-September, and to pay for signs at the Town Beach should testing reveal high levels of cyanobacteria, or pass any vote or votes in relation thereto.

(Inserted by Board of Health)



**ARTICLE 5: MAINTENANCE OF RECREATIONAL RESOURCES**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, a sum of money to be expended by the Parks and Recreation Commission, to pay for Fiscal Year 2022 landscaping materials and services for the basic maintenance of the Town’s recreational resources, and that this same amount will be added to the Commons & Schools/Grounds Expense Budget in Fiscal Year 2023, or pass any vote or votes in relation thereto.

(Inserted by Parks and Recreation Committee)

**ARTICLE 6: PERFORMANCE-BASED WAGE ADJUSTMENTS**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, a sum of money to supplement the amount appropriated under Article 3 of the Warrant for the 2021 Annual Town Meeting for salaries and wages of non-school officials and employees in order to fund performance-based wage adjustments for Fiscal Year 2022, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

**ARTICLE 7: DPW – ROADSIDE TREE MAINTENANCE**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, a sum of money to be expended by the Department of Public Works Director, in coordination with the Tree Warden, and with the approval of the Select Board, to contract with a professional company to trim trees and large brush along the Town’s roadsides, with unexpended funds as of June 30, 2022 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Select Board).

**ARTICLE 8: CAPITAL PLANNING AND INVESTMENT COMMITTEE RECOMMENDED EXPENDITURES**

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

	<i>Description of Acquisition or Project</i>	<i>Board or Official Authorized to Expend Funds</i>	<i>Amount</i>	<i>Funding Sources</i>
1	Road Construction and Repair	Department of Public Works Director with Select Board approval	\$300,000	Capital Stabilization and Investment Fund
2	Replace Engine #3 with a Hook Truck	Fire Chief with Select Board approval	\$262,500	Capital Stabilization and Investment Fund

3	Repair Fire Ponds	Fire Chief with Select Board approval	\$50,000	Capital Stabilization and Investment Fund
4	Replace HVAC at Bromfield	Superintendent of Schools with School Committee approval	\$150,000	Capital Stabilization and Investment Fund
5	Card Access System at Bromfield	Superintendent of Schools with School Committee approval	\$100,000	Capital Stabilization and Investment Fund
6	Replace Light Duty Dump Truck	Department of Public Works Director with Select Board approval	\$85,000	Capital Stabilization and Investment Fund
7	Commercial District Planning Program	Planning Board with Select Board approval	\$300,000	Capital Stabilization and Investment Fund

(Inserted by the Capital Planning and Investment Committee)

**ARTICLE 9: CAPITAL PLANNING AND INVESTMENT COMMITTEE DEBT PAYMENT**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, a sum of money to be expended by the Town Treasurer, with the approval of the Board of Selectmen, to fund the Capital Planning and Investment Committee’s debt service for Fiscal Year 2022, or pass any vote or votes in relation thereto.

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

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

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

(Inserted by Select Board)

**ARTICLE 11: DISPOSITION OF BROMFIELD HOUSE BUILDING AND PROPERTY**

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

(Inserted by Select Board)

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

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

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

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

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

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

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

(Inserted by the Select Board)

**ARTICLE 15: COMMUNITY PRESERVATION COMMITTEE REPORT**

To see if the Town will vote to accept the report and recommendations of the Community Preservation Committee on the Fiscal Year 2022 Community Preservation Budget as printed in the 2021 Finance Committee Report, or pass any vote or votes in relation thereto.  
(Inserted by the Community Preservation Committee)

**ARTICLE 16: COMMUNITY PRESERVATION COMMITTEE**

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

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

(Inserted by the Community Preservation Committee)

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

To see if the Town will vote to authorize the Select Board to lease the roof of the Harvard Elementary School to Solect Energy Development, LLC for the purpose of installing and operating a solar photovoltaic system for a term to be specified in a Power Purchase Agreement between the Town and Solect Energy Development, LLC or take any other action relative thereto.

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

**ARTICLE 18: FY2022 ENTERPRISE FUND BUDGETS**

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

(Inserted by Finance Director)

**ARTICLE 19: REVOLVING FUNDS**

To see if the Town will vote to set the following limits on the amounts to be expended from the following revolving funds during Fiscal Year 2022:

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

or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

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

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

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

**§125-57 Senior Residential Development**

**A. Purpose and Intent.**

- (1)  To address the town’s demonstrated need for a variety of housing types, settings, and residential services to meet the needs of people as they age.
- (2)  To permit the development of appropriately located, specially designed, and appropriately priced housing for seniors who would otherwise not have such housing opportunities within the town.

- (3)  To provide opportunities for Harvard residents to age in place.
- (4)  To allow flexibility in land use planning in order to improve site layouts, protect natural features and environmental values, and use land in harmony with neighboring properties;
- (5)  To encourage the implementation of "Smart Growth" and sustainable development techniques to reduce land consumption and sprawl, provide for open space preservation, expand housing options, and encourage re-use of existing structures;
- (6)  To reduce the typical costs of providing municipal services to residential developments;
- (7)  To protect Harvard's rural New England character by permitting the development of residential housing in clusters and village-like settings, in a manner which is in harmony with Harvard's historic development pattern, preserves and protects its natural resources, and is pedestrian friendly.

## **B. Applicability.**

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

## **C. General Compliance.**

- (1)  A Senior Residential Development proposal must comply with all other applicable Town Bylaws, and the applicable rules, regulations, and requirements of all departments, boards, and commissions, including the special requirements of the Historic District and the Groundwater Protection Overlay District. For development proposed as part of this Bylaw, the provisions of Chapter 125, shall apply in full, except where inconsistent with this section. In the latter case, the provisions of this section shall supersede any such inconsistent provisions.
- (2)  Age Restriction - A Senior Residential Development may impose an older persons age restriction set forth in a deed, deed rider, restrictive covenant, or other document that shall be recorded at the Registry of Deeds or registered in the Land Court. The age restriction threshold shall meet the requirements of the Housing for Older Persons Act of 1995 (HOPA). In addition:
  - (a)  For communities or units intended to be marketed to and occupied by residents age 62 or older, the age restriction may be comprehensive and applied to all units.
  - (b)  For communities or units intended to be occupied by residents age 55 and older

[1]  At least eighty (80%) percent of units shall be occupied by at least one (1) person who is 55 years of age or older.

[2]  The facility must publish and adhere to policies and procedures that demonstrate the intent to operate as “55 or older” housing.

[3]  The facility must comply with the U.S. Department of Housing and Urban Development (HUD) regulatory requirements for age verification of residents.

(c)  The age restriction shall run with the land in perpetuity and shall be enforceable by any or all of the owners of dwelling units in the senior residential development or by the Building Commissioner of the Town of Harvard.

(d)  Projects that intend to include a strict over-62 restriction are not eligible for inclusion in the Local Initiative Program (LIP) and shall not be eligible for the Inclusionary Housing density bonus.

(e)  Projects that propose LIP units shall not exclude persons under 18 years of age from occupying the affordable units as long as at least one occupant is over the age of 55.

#### **D. Basic Development Requirements.**

(1)  Maximum Number of Senior Housing Dwelling Units in Harvard – The maximum number of housing units within all permitted senior residential developments in the Town of Harvard shall be limited to a number equivalent to 15% of the existing total residential housing units located in the Town of Harvard. For the purpose of this section, the number of residential housing units shall be as established by the Board of Assessors as of January 1 of the calendar year. The Planning Board may waive this limitation if the Board finds that the proposed development fulfills a critical senior housing need for the Town of Harvard or the surrounding region.

(2)  Pace of Development – A maximum of 100 units may be approved by special permit on an annual basis but no more than 30 units may be permitted in any one year. The only new Senior Residential Development units permitted over this cap period shall be accessory dwelling units.

#### **E. Age-Appropriate Design.**

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

(1)  At least one (1) zero-step entrance,

(2)  Doorways with a 36-inch clear passage space,

(3)  Master bedroom and an accessible en-suite bathroom located on the same floor as the kitchen, living room, and dining room, all being on the same floor as the zero-step entrance,

(4)  Master bedroom and en-suite bathroom designed and equipped for seniors and people mobility impairments, and

(5)  For developments with three or more units, the following provisions must apply:

(a)  Covered, indoor or structured parking shall be provided.

(b)  Compliance with the applicable accessibility requirements of the Massachusetts Architectural Access Board.

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

## F. Development Standards.

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

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

## G. Senior Residential Development Types.

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

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

(Inserted by Planning Board)

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

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

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

*§ 125-18.1 Accessory dwelling units ~~apartment use~~.*

**[Added 3-27-1982 ATM by Art. 37; amended 4-5-1986 ATM by Art. 33; 3-25-2006 ATM by Art. 10; 11-6-2017 STM by Art. 1**

**Intent.** The intent of this bylaw is to provide the owner of a single-family residence the ~~possibility of~~ establishing a single and separate opportunity to establish an accessory apartment dwelling unit (ADU) in a section of the residence or in an accessory building with no change in the principal use of the premises. The establishment of such ~~an accessory apartment~~ ADU will be by special permit issued by the Zoning Board of Appeals, unless otherwise specified below. The outside appearance of the premises shall remain that of a single-family residence. The ~~apartment unit~~ is for the use of a limited number of persons, with no restriction on the relationship of the occupants to the owner. To be considered a separate-apartment-unit, the apartment ADU must have its own kitchen, sleeping, and interior toilet and bath facilities, as well as a separate entrance. To be considered accessory, the apartment shall be restricted in size relative to the primary residence, and must be clearly accessory and subordinate to the principal use of the premises as a single-



family residence. ~~The apartment will~~ Any such unit shall provide adequate privacy, safety, and convenience for the occupants. Establishment of ~~such an ADU accessory apartment is~~ shall be as follows:

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

(1) ~~Number and approach: One (1) ADU on a premises can be established, provided the applicant demonstrates that adherence with the provisions of this section:~~

(a) ~~By special permit from the Zoning Board of Appeals, or~~

(b) ~~By right, provided the unit is designed and constructed according to the Age-Appropriate Design Criteria as defined in §125-57E of the Protective Bylaw.~~

(2) ~~Dimensional requirements: The unit or units shall meet the following dimensional limitations:~~

(a) ~~The ADU, whether located in a detached accessory structure or in the primary residence structure, shall occupy a maximum of 1,500 square feet, but in no case shall the total square footage of the ADU exceed one-half (1/2) of the total habitable floor area of the primary residence.~~

(b) ~~Consistent with Minimum Square Footage (State Sanitary Code, Chapter II, 105 CMR 410.000).~~

(3) ~~Design: Accessory dwelling units shall be designed and constructed as follows:~~

(a) ~~The outside appearance of the residence and premises shall remain that of a single-family home.~~

(b) ~~The ADU shall have its own separate entrance from the outside.~~

(c) ~~The ADU shall have its own kitchen, sleeping, interior toilet, and bathing facilities.~~

(d) ~~The rooms in the ADU shall have adequate ventilation and shall have heat that is adequately supplied and controlled.~~

(e) ~~The ADU shall comply with all health and safety requirements for residences.~~

(4) ~~Water and wastewater: The creation of any ADU must comply with 310 CMR 15.000: Septic Systems ("Title 5") and its successors and standard Board of Health regulations for any increase in bedrooms being served by the system.~~

~~(1) The outside appearance of the residence and premises shall remain that of a single family premises.~~

~~(2) The apartment, whether located in a detached accessory structure or in the primary residence structure, shall occupy a maximum of 1,200 square feet, but no more than 1/3 of the total usable floor area of both the apartment and the primary residence.~~

~~(3) The apartment shall have its own separate entrance from the outside.~~

- ~~(4) The apartment shall have its own kitchen, sleeping, interior toilet and bathing facilities.~~
- ~~(5) The rooms in the apartment shall have adequate ventilation and shall have heat that is adequately supplied and controlled.~~
- ~~(6) The apartment shall have smoke and/or fire detectors.~~
- ~~(7) If the creation of the accessory apartment involves an increase in the count of the number of bedrooms, the addition must comply with standard Board of Health regulations for such an increase.~~

B. **Limitations.** The special permit and/or building permit shall be issued only if ~~it~~ the application contains the following limitations and conditions:

- (1) The ~~premises owner(s)~~ shall continue to ~~be used~~ reside on the property as a ~~their~~ principal residence ~~by its owner~~.
- (2) The ~~number of residents of the apartment~~ occupancy of any ADU shall be ~~is limited to three, but no more than the number which the Board of Appeals finds to be~~ is consistent with the adequacy of the facilities provided. consistent with the requirements of 105 CMR 410.000.
- (3) All turnaround and parking areas shall be provided on the lot. As viewed from the street, turnaround and parking area should be that of a single-family ~~premises~~ home.

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

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

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

(Inserted by Planning Board)

**ARTICLE 22: ACCEPTANCE OF GIFTS OF PROPERTY**

To see if the Town will vote to accept gifts of land or interests in land for any municipal purpose, and authorize the Select Board to acquire said parcels of land or interests therein so donated or purchased by eminent domain for the purpose of confirming and making clear the Town’s title to said parcels of land or interests therein, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

**ARTICLE 23: ACCEPTANCE OF HIGHWAY FUNDS**

To see if the Town will vote to accept State funds to be used for reconstruction and improvements of public ways, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

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And furthermore, in the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the said Town who are qualified to vote in Town affairs, to meet at The Bromfield School, 14 Massachusetts Avenue, on Tuesday, the 18th day of May, 2021, from 3 p.m. to 8 p.m., to cast their ballots for the following officers and questions:

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

**QUESTION #1 – OLD LIBRARY SLATE ROOF**

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

YES \_\_\_\_\_ NO \_\_\_\_\_

(Requires a majority vote for passage.)

(The polls will be open from 3:00 p.m. to 8:00 p.m.) And you are directed to serve this Warrant by posting attested copies thereof, at the Town Hall and one on the town website, as directed by Charter, seven days at least before the time of holding said meeting. Hereof fail not, and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 20th day of April, Two Thousand and Twenty-One.

**Harvard Select Board:**

\_\_\_\_\_  
Alice von Loesecke, Chair

\_\_\_\_\_  
Richard Maiore

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

\_\_\_\_\_  
Stuart Sklar

\_\_\_\_\_  
Lucy B. Wallace