

## ANNUAL TOWN MEETING

**MARCH 31, 2007**

The meeting was called to order in the Bromfield School gym at 9:14 a.m. by Moderator, David Westerling. The call of the meeting and the return of service were found to be in order by Town Clerk Janet A. Vellante.

The Moderator started the meeting with the Pledge of Allegiance

On a motion by Moderator David Westerling, 63 Slough Road, and seconded,

Voted unanimously yes that the town allow the following non-voters to speak to the meeting if necessary:

Timothy Bragan	Town Administrator
Edward Denmark	Police Chief
Thomas Jefferson	Superintendent of Schools
Lorraine Leonard	Finance Director
Robert Mignard	Fire Chief
Richard Nota	Director of the DPW
Stanley Weinberg	Town Counsel
John Dzerkack	Montachusett Regional Vocational Technical School
Tammy Lajoie	Montachusett Regional Vocational Technical School

### **ARTICLE 1: ANNUAL REPORTS**

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

(Inserted by Board of Selectmen)

On a motion by Randy Dean, 48 Madigan Lane, Board of Selectmen, and seconded,

Voted unanimously yes that the Town accept the reports of the Board of Selectmen, School Committee, and any other officers or committees as printed in the 2006 Annual Town Report.

Nils Nordberg recommended that the Board of Selectmen consider an Economic Development Committee.

Randy Dean stated that the Board of Selectmen will take this under advisement.

### **ARTICLE 2: GENERAL STABILIZATION FUND**

To see if the Town will vote to transfer from Free Cash, a sum of money to be placed in the General Stabilization Fund, or pass any vote or votes in relation thereto.

(Inserted by the Finance Committee)

(2/3 vote required)

On a motion by Terry Mead, 163 Littleton Road, Finance Committee, and seconded,

Voted unanimously yes that the Town transfer from Free Cash the sum of \$160,117. to the General Stabilization Fund.

### **ARTICLE 3: RESERVE FUND – FISCAL YEAR 2007**

To see if the Town will vote to transfer from available funds, a sum of money to be placed in the Reserve Fund Account for unforeseen and extraordinary expenses for the current fiscal year, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

(2/3 vote required)

On a motion by Marie Sobalvarro, 1 St. John Lane, Finance Committee, and seconded

Voted unanimously yes that the Town transfer from the General Stabilization Fund the sum of \$250,000. to be placed in the Reserve Fund Account for unforeseen and extraordinary expenses for the current fiscal year.

### **ARTICLE 4: OMNIBUS BUDGET**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, such sums of money as may be necessary to defray expenses for the ensuing fiscal year which is contingent upon the passage of a Proposition Two and One-Half Levy Limit Override referendum ballot question (Question #1) at the Annual Town Election to be held on April 3, 2007, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

On a motion made by Debbie Ricci, 19 East Bare Hill Road, Finance Committee, and seconded,

Voted majority yes (10 no) that the Town appropriate the sum of \$18,604,612. to defray the expenses of the Town for Fiscal Year 2008 as printed in the Finance Committee Report on pages 25 through 31, that such appropriation be provided by raising \$18,591,168. by taxation, transferring \$8,444. from the Wetlands Protection Fund, and transferring \$5,000. from library trust funds, contingent upon the passage of the Proposition 2 ½ levy limit override (Question #1) at the Annual Town Election of April 3, 2007.

Debbie gave an explanation of the budget and stated that the Finance Committee recommended passage of this article.

### **ARTICLE 5: DPW (TRANSFER STATION) PERSONNEL**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to hire additional personnel at the transfer station, contingent upon the passage of a Proposition Two and One-Half Levy Limit Override referendum ballot question (Question #1) at the Annual Town Election to be held on April 3, 2007, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Randy Dean, 48 Madigan Lane, Board of Selectmen, and seconded,

Voted majority yes (8 opposed) that the Town raise and appropriate the sum of \$20,000 to hire additional personnel at the transfer station, contingent upon the passage of a Proposition 2 ½ levy limit override (Question #1) at the Annual Town Election of April 3, 2007.

Nils Nordberg recommended that candidates be required to take a personality questionnaire as part of the screening process, and that prior to starting work, they must enroll in a customer service and customer satisfaction course.

The Board of Selectmen accepted the recommendation.

#### **ARTICLE 6: POLICE PERSONNEL**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to create an additional Sergeant's position within the Police Department, contingent upon the passage of a Proposition Two and One-Half Levy Limit Override referendum ballot question (Question #1) at the Annual Town Election to be held on April 3, 2007, or pass any vote or votes in relation thereto.  
(Inserted by Board of Selectmen)

On a motion by Randy Dean, 48 Madigan Lane, Board of Selectmen, and seconded,

Voted majority yes (18 no) that the Town raise and appropriate the sum of \$12,500. to create an additional Sergeant's position within the Police Department, contingent upon the passage of a Proposition 2 ½ levy limit override (Question #1) at the Annual Town Election of April 3, 2007.

#### **ARTICLE 7: BARE HILL POND DRAWDOWN PUMPING STATION**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to provide for the additional operating cost of the Bare Hill Pond Drawdown Pumping Station, contingent upon the passage of a Proposition Two and One-Half Levy Limit Override referendum ballot question (Question #1) at the Annual Town Election to be held on April 3, 2007, or pass any vote or votes in relation thereto.  
(Inserted by Bare Hill Pond Watershed Management Committee)

On a motion by Bruce Leicher, 58 Warren Avenue, Bare Hill Pond Watershed Committee, and seconded,

Voted majority yes (2 no) that the Town raise and appropriate the sum of \$15,000. to provide for the additional operating cost of the Bare Hill Pond Drawdown Pumping Station, contingent upon the passage of a Proposition 2 ½ levy limit override(Question #1) at the Annual Town Election of April 3, 2007.

#### **ARTICLE 8: RESERVE FUND – FISCAL YEAR 2008**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be

placed in the Reserve Fund Account for unforeseen and extraordinary expenses for the ensuing fiscal year, or pass any vote or votes in relation thereto.  
(Inserted by Finance Committee)

On a motion by Cindy Russo, 116 Oak Hill Road, Finance Committee, and seconded,

Voted majority yes (5 no) that the Town raise and appropriate the sum of \$390,000. to be placed in the Reserve Fund Account for unforeseen and extraordinary expenses for fiscal year 2008.

## **ARTICLE 9: OVERRIDE – LOCAL SCHOOLS**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund additional expenses for the Local Schools, contingent upon the passage of a Proposition Two and One-Half Levy Limit Override referendum ballot question (Question #2) at the Annual Town Election to be held April 3, 2007, or pass any vote or votes in relation thereto.  
(Inserted by School Committee)

On a motion by Willie Wickman, 18 Ayer Road, School Committee, and seconded,

Voted majority yes (52 no) that the Town raise and appropriate the sum of \$113,500. to fund additional expenses for the Local Schools, contingent upon the passage of a Proposition 2 ½ levy limit override (Question #2) at the Annual Town Election of April 3, 2007.

*Steve Colwell reported that the Finance Committee did not recommend passage of this article.*

Lucy Wallace reported that the Board of Selectmen did recommend passage.

## **ARTICLE 10: CAPITAL OUTLAY EXEMPTION – DPW TRUCK**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Director of Public Works, with the approval of the Board of Selectmen, to purchase a 6-wheel dump truck with plow for the Department of Public Works, contingent upon the passage of a Proposition Two and One-Half Capital Expenditure Exclusion referendum ballot question at the Annual Election to be held on April 3, 2007, and to authorize the sale or trade of existing equipment, with unexpended funds as of June 30, 2008 being returned to their funding source, or pass any vote or votes in relation thereto.  
(Inserted by Board of Selectmen)

The following motion was made by Randy Dean, 48 Madigan Lane, Board of Selectmen, and seconded,

I move that the Town raise and appropriate the sum of \$140,000. to be expended by the Director of Public Works, with the approval of the Board of Selectmen, to purchase a 6-wheel dump truck with plow for the Department of Public Works, contingent upon the passage of a Proposition 2 ½ capital expenditure exclusion (Question #3) at the Annual Election of April 3, 2007, and to authorize the sale or trade of existing equipment, with unexpended funds as of June 30, 2008 being returned to their funding source.

George McKenna reported that the Finance Committee did not recommend this article due to source of funding.

Donald Boyce, 310 Stow Road made the following motion which was seconded,

I move that the town transfer from the stabilization fund the amount of \$140,000 for the purchase a 6-wheel dump truck with plow for the DPW.

The Board of Selectmen and the Finance Committee did not accept the amendment.

Voted majority no that the town transfer from the stabilization fund the amount of \$140,000 for the purchase a 6-wheel dump truck with plow for the DPW.

Voted 158 yes and 240 no [**Does NOT pass**] that the Town raise and appropriate the sum of \$140,000. to be expended by the Director of Public Works, with the approval of the Board of Selectmen, to purchase a 6-wheel dump truck with plow for the Department of Public Works, contingent upon the passage of a Proposition 2 ½ capital expenditure exclusion (Question #3) at the Annual Election of April 3, 2007, and to authorize the sale or trade of existing equipment, with unexpended funds as of June 30, 2008 being returned to their funding source.

#### **ARTICLE 11: PURCHASE AMBULANCE – FISCAL YEAR 2007**

To see if the Town will vote to raise and appropriate or transfer from available funds the a sum of money to be expended by the Board of Selectmen, with the approval of the Board of Selectmen, to purchase an Ambulance, and to authorize the sale or trade of existing equipment, with unexpended funds as of December 31, 2008 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Bob Eubank, 16 Old Schoolhouse Road, Board of Selectmen, and seconded,

Voted greater than 2/3 yes (9 no) that the Town transfer from General Stabilization the sum of \$200,000. to be expended by the Board of Selectmen, with the approval of the Board of Selectmen, to purchase an Ambulance, and to authorize the sale or trade of existing equipment, with unexpended funds as of December 31, 2008 being returned to their funding source.

#### **ARTICLE 12: REFURBISH FIRE TRUCK**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Fire Chief, with the approval of the Board of Selectmen, to refurbish the Tanker Truck, with unexpended funds as of June 30, 2008 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Scott Kimball, 350 Ayer Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town raise and appropriate the sum of \$15,000. to be expended by the Fire Chief, with the approval of the Board of Selectmen, to refurbish the Tanker Truck, with unexpended funds as of June 30, 2008 being returned to their funding source.

### **ARTICLE 13: TRIENNIAL REVALUATION**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for professional consulting services for the Fiscal Year 2008 triennial revaluation and certification, with unexpended funds as of June 30, 2008 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Lucy Wallace, 18 Orchard Hill, Board of Selectmen, and seconded,

Voted majority yes (7 no) that the Town raise and appropriate the sum of \$50,000. for professional consulting services for the Fiscal Year 2008 triennial revaluation and certification, with unexpended funds as of June 30, 2008 being returned to their funding source.

### **ARTICLE 14: LEGAL EXPENSES**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be expended by the School Committee for legal expenses, with unexpended funds as of June 30, 2008 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by School Committee)

On a motion by Willie Wickman, 18 Ayer Road, School Committee, and seconded,

Voted majority yes (15 no) that the Town raise and appropriate the sum of \$6,000 to be expended by the School Committee for legal expenses, with unexpended funds as of June 30, 2008 being returned to their funding source.

### **ARTICLE 15: BROMFIELD HOUSE ROOF, PORCH AND BOILER**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be expended by the School Committee to repair the roof, porch and boiler of the Bromfield House, with unexpended funds as of June 30, 2008 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by School Committee)

On a motion by Jeff Shaw, 37 Woodside Road, School Committee, and seconded,

Voted majority yes (20 no) that the Town raise and appropriate the sum of \$23,000. to be expended by the

School Committee to repair the roof, porch and boiler of the Bromfield House, with unexpended funds as of June 30, 2008 being returned to their funding source.

#### **ARTICLE 16: SPECIAL EDUCATION AUDIT**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be expended by a Special Education Task Force comprised of two members of the Finance Committee, one member of the School Committee, one member of the Board of Selectmen and two members of the public appointed by the School Committee, to contract for and oversee an independent review of the operations and expenditures of the Harvard Public School's Special Education program under the auspices of the School Committee and with the full cooperation of the Town of Harvard's officials and employees, and to deliver a report to a joint meeting of the Board of Selectmen, Finance Committee and School Committee, with unexpended funds as of June 30, 2008 being returned to their funding source, or pass any vote or votes in relation thereto. To insure student privacy, the review will be conducted by an independent consultant selected by the Task Force and no Task Force member shall have access to information that compromises the confidentiality of individual student information.

(Inserted by Board of Selectmen and School Committee)

The following motion was made by Bob Eubank, 16 Old Schoolhouse Road, Board of Selectmen, and seconded,

I move that the Town raise and appropriate the sum of \$25,000. to be expended by a Special Education Task Force comprised of two members of the Finance Committee, one member of the School Committee, one member of the Board of Selectmen and two members of the public appointed by the School Committee, to contract for and oversee an independent review of the operations and expenditures of the Harvard Public School's Special Education program under the auspices of the School Committee and with the full cooperation of the Town of Harvard's officials and employees, and to deliver a report to a joint meeting of the Board of Selectmen, Finance Committee and School Committee, with unexpended funds as of June 30, 2008 being returned to their funding source. To insure student privacy, the review will be conducted by an independent consultant selected by the Task Force and no Task Force member shall have access to information that compromises the confidentiality of individual student information.

Bob Lerner, 101 West Bare Hill Road, made the following motion that was seconded,

I move that the Town raise and appropriate the sum of \$25,000. to be expended **under the auspices of the School Committee** by a Special Education Task Force comprised of two members of the Finance Committee, one member of the School Committee, one member of the Board of Selectmen and two members of the public appointed by the School Committee, to contract for and oversee an independent review of the operations and expenditures of the Harvard Public School's Special Education program and with the full cooperation of the Town of Harvard's officials and employees, and to deliver a report to a joint meeting of the Board of Selectmen, Finance Committee and School Committee, with unexpended funds as of June 30, 2008 being returned to their funding source. To insure student privacy, the review will be conducted by an independent consultant selected by the Task Force and no Task Force member shall have access to information that compromises the confidentiality of individual student information. **[Relocation of phrase.]**

The Board of Selectmen accepted the amendment.

Wade Holtzman, 104 Bolton Road, made the following motion which was seconded,

I would like to amend Article 16 as follows: replace the phrase “to contract for and oversee an independent review of the operations and expenditures of the Harvard Public School’s Special Education program under the auspices of the **School Committee**” with the phrase “to contract for and oversee an independent review of the operations and expenditures of the Harvard Public School’s Special Education program under the auspices of the **Board of Selectmen.**”

The Board of Selectmen did not accept the amendment.

The motion to amend was voted majority no.

Nils Nordberg, 95 Slough Road, made the following motion which was seconded,

I move that the two members of the public be appointed by the **Moderator,**

The Board of Selectmen did not accept the motion.

The motion to amend was voted majority no.

Voted majority yes (42 no) that the Town raise and appropriate the sum of \$25,000. to be expended under the auspices of the School Committee by a Special Education Task Force comprised of two members of the Finance Committee, one member of the School Committee, one member of the Board of Selectmen and two members of the public appointed by the School Committee, to contract for and oversee an independent review of the operations and expenditures of the Harvard Public School’s Special Education program and with the full cooperation of the Town of Harvard’s officials and employees, and to deliver a report to a joint meeting of the Board of Selectmen, Finance Committee and School Committee, with unexpended funds as of June 30, 2008 being returned to their funding source. To insure student privacy, the review will be conducted by an independent consultant selected by the Task Force and no Task Force member shall have access to information that compromises the confidentiality of individual student information.

#### **ARTICLE 17: CITIZENS’ PETITION – SPECIAL EDUCATION AUDIT**

To see if the Town will vote to transfer a sum of money, not to exceed \$25,000, from available funds, to have an independent audit conducted of our Special Education expenditures. The company conducting the audit to be selected by our Board of Selectmen and Finance Committee.

(Inserted by Petition by 10 or More Citizens)

On a motion by Randy Dean, 48 Madigan Lane, Board of Selectmen, and seconded,

Voted unanimously yes to pass over this article.

Tom Daniells, 141 West Bare Hill Road, filled in as Temporary Moderator for articles 18 and 19.

### **ARTICLE 18: CHANGE MANNER OF SELECTION OF FINANCE COMMITTEE MEMBERS**

To see if the Town will vote to amend Chapter 36, Section 36-1 of the Code of the Town of Harvard by changing the manner of selection and terms of office of the members of the Town's Finance Committee, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

The following motion was made by Bill Marinelli, 50 Stow Road, Board of Selectmen, and seconded,

I move that the Town study whether Chapter 36, Section 36-1 of the Code of the Town of Harvard should be amended relative to changing the manner of selection and terms of office of the members of the Town's Finance Committee through the establishment of a study committee comprised of two members of the Finance Committee, two members of the Board of Selectmen, and two members of the School Committee, all appointed by their respective bodies, the Moderator, and two members of the public selected by the Moderator. By 30 October 2007 said committee shall gather data from other towns on how Finance Committees are selected and their member's terms of service determined, hold public hearings, issue a report on their findings, and provide a draft warrant article implementing whatever changes they recommend for inclusion in the 2008 Annual Town Meeting Warrant.

The following motion was made by Stuart Sklar, 39 Scott Road, and seconded,

After the phrase "selected by the Moderator" add "with one being a signatory to the citizens' petition which created Article 19."

The Board of Selectmen accepted the amendment.

Voted majority yes (69 no) that the Town study whether Chapter 36, Section 36-1 of the Code of the Town of Harvard should be amended relative to changing the manner of selection and terms of office of the members of the Town's Finance Committee through the establishment of a study committee comprised of two members of the Finance Committee, two members of the Board of Selectmen, and two members of the School Committee, all appointed by their respective bodies, the Moderator, and two members of the public selected by the Moderator, with one being a signatory to the citizens' petition which created Article 19. By 30 October 2007 said committee shall gather data from other towns on how Finance Committees are selected and their member's terms of service determined, hold public hearings, issue a report on their findings, and provide a draft warrant article implementing whatever changes they recommend for inclusion in the 2008 Annual Town Meeting Warrant.

### **ARTICLE 19: CITIZENS' PETITION – FINANCE COMMITTEE**

To propose that the Town vote to make selection of Finance Committee members subject to public election by ballot, with each position holding a three-year term. Currently Finance Committee members are appointed, not

elected, to renewable three year terms by the Town Moderator. New candidates for Finance Committee would, under this petition, be voted upon by ballot at the expiration of each member's present term.  
(Inserted by Petition by 10 or More Citizens)

On a motion by Bill Marinelli, 50 Stow Road, Board of Selectmen, and seconded

Voted unanimously yes to pass over this article.

## **ARTICLE 20: PROTECTIVE BYLAW AMENDMENT RE: MUSEUMS**

To see if the Town will vote to amend the Protective (Zoning) Bylaw by:

1.) **Adding to §125-2 (Definitions)** immediately after the definition of "MULTIPLE RESIDENCE" and before the definition of "OPEN LAND" the following definition of the term "MUSEUM":

"MUSEUM -- a building or institution owned and operated by a non profit educational, literary and benevolent organization or the Town of Harvard in the service of society and its development, and open to the public, which acquires, conserves, researches and exhibits, for the purpose of study and enjoyment, material evidence of people and their environment, especially objects of artistic, historical, or scientific importance and value."; and

2.) **Adding to §125-16 (Institutional Uses) the following provisions** (indicated in underlining):

**§ 125-16. Institutional uses. [Added 3-7-1970 ATM by Art. 46; amended 3-6-1971 ATM by Art. 34; 3-3-1973 ATM by Arts. 35 and 36; 3-25-1978 ATM by Art. 23].**

(See the Zoning Act, Section 3). Development is subject to § 125-39, Site standards, except for ways and for emergency access lanes for a fire, police, or other emergency service station. [Amended 11-30-1999 STM by Art. 12].

- A. Parks, conservation, water supply areas, or other open space.
- B. Church or other religious purpose.
- C. Educational purposes on land owned or leased by the Commonwealth or its agencies, subdivisions or bodies politic, or by a religious sect or denomination, or by a nonprofit educational corporation.
- D. Town Uses, including: Way, as provided in § 125-41I, Off-site signs on Town ways; Town library, Town museum, Town office or Town hall; or Town protective services; other use by the Town of Harvard by special permit (see § 125-46, Special permits) authorized by the Board of Selectmen.
- E. Public service corporation with no service yard or garage, subject to special permit (see § 125-46, Special permits) authorized by the Board of Appeals, except for a corporation or other business enterprise which provides wireless communications services to the public. [Amended 6-19-1997 STM by Art. 6].

- F. Charitable institution, or a social and recreation club not including living quarters, tax exempt under the U.S. Internal Revenue Code, subject to special permit (see § 125-46, Special permits) authorized by the Board of Appeals.
- G. Burial places or cemeteries on and under land owned by religious institutions, the Town or a cemetery corporation. [Added 3-29-2003 ATM by Art. 35].
- H. Museums, as defined in Section 125-2, with the following provisions:
- a. The lot occupied by a museum must have a minimum area of 2.5 acres and access frontage of at least 180 feet.
  - b. Museums may have a permanent on-site eating establishment and/or an on-site social function facility, provided that they have obtained the required permits and licenses from the Board of Selectmen and Board of Health and comply with all provisions and conditions of such permits and licenses.
  - c. The seating capacity of such a permanent on-site eating establishment shall be limited to 100; the seating capacity of such an on-site social function facility shall be limited to 180.
  - d. Such an on-site eating establishment and/or social function facility shall serve to fund the museum's operations.
  - e. If alcoholic beverages shall be served or sold in any such on-site eating establishment or social function facility permitted by subparagraphs b and c above, then the establishment or facility must be setback by at least 500 feet from any off-site building used for residential purposes, except for accessory structures without living quarters.
- I. The provisions of this Paragraph H shall not apply to museums owned and operated by the Town of Harvard.

(Inserted by Planning Board)

(2/3 vote required)

On a motion by Mary Essary, 239 Stow Road, Planning Board, seconded,

Voted majority yes (1 no) that the Town **pass over** this article.

## **ARTICLE 21: AMEND PROTECTIVE BYLAW – DRIVEWAYS**

To see if the Town will vote to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by deleting the figure on page 12566, which refers to text that has been deleted or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(2/3 vote required)

On a motion by Kara Minar, 204 Still River Road, Planning Board, seconded,

Voted unanimous yes that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by deleting the figure on page 12566, which refers to text that has been deleted.

The Planning Board unanimously recommended passage of this article.

Approved by the Attorney General on June 20, 2007.

## **ARTICLE 22: AMEND PROTECTIVE BYLAW – DRIVEWAYS**

To see if the Town will vote to amend the Protective Bylaw, Chapter 125-31B(3) and (4) and 125-31D (2) of the Code of the Town of Harvard, so that said provisions are consistent and to clarify the extent to which a driveway regulated by a special permit or site plan approval must be completed before a building permit may be issued for the structure accessible by the driveway, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(2/3 vote required)

On a motion by Mary Essary, Stow Road, Planning Board, and seconded,

Voted unanimously yes that the Town vote to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard as printed in the handout.

Text as follows:

I. By amending §125-29 F (3):

(3) A copy of the plan for a backland lot shall be included as a part of any application for a building permit. A building permit for a backland lot shall be issued only:

(a) If the building location is compatible with the distance requirement in Subsection F(1)(f)[5]above; and,

(b) Upon receipt of a written statement from the Planning Board or its agent indicating that:

[1] A satisfactory driveway and turnaround for the purposes of construction as defined in §125-31D and meeting the foregoing standard and other applicable provisions of this Bylaw have actually been provided; and

II. By amending §125-31 B (3):

~~(3) A building permit shall be issued for construction on a lot served by a shared driveway only upon receipt of a written statement from the Planning Board indicating, inter alia, that a satisfactory driveway and turnaround have actually been provided. [Amended 3-29-2003 ATM by Art.37]~~

III. By amending §125-31 D as follows:

D. ~~Where the provisions of this Bylaw, or the provisions of a special permit, require that a driveway be installed before the issuance of a building permit or other use of the property: For any shared driveway, or any driveway requiring a special permit or site plan approval by the Planning Board, a building permit shall be issued only upon receipt of a written statement from the Planning Board or its agent, indicating that a satisfactory driveway and turnaround for the purposes of construction to the lot for which the permit is issued have been provided.~~

- (2) ~~The Planning Board may consider the construction of a driveway or its extension “satisfactory” for the purpose of said written statement if it has approved a site plan for the construction of the driveway and if all drainage, utilities, erosion control measures, base gravel, and the first course of any bituminous concrete that may be required are in place the location of the driveway is consistent with the special permit or site plan approval; it is suitable for access by construction and safety vehicles to within 100 feet of the building site, provided that there is a (perhaps temporary) turnaround for vehicles including trucks near the building site; all drainage and erosion control measures required for the construction driveway are in place; and all related measures required by any special permit for construction have been executed met. However, the driveway, including permanent turnarounds, serving a structure or use shall be completed before any occupancy or use of the premises is permitted.~~
- (3) An occupancy permit or use of the premises served by such a driveway shall be permitted only upon receipt of a written statement from the Planning Board or its agent, indicating that all drainage, utilities, and erosion control measures are in place; that the driveway is complete up to and including base gravel; and that all related measures required by any special permit or site plan approval have been met.
- (4) An occupancy permit or use of the premises for the final lot served by such a driveway is permitted only upon receipt of a written statement from the Planning Board or its agent indicating that a driveway and turnaround have been completed in accordance with the special permit or approved site plan, and that an “as built” has been filed with and approved by the Board or its agent.

The Planning Board unanimously recommended this article.

Approved by the Attorney General on June 20, 2007.

### **ARTICLE 23: AMEND PROTECTIVE BYLAW – DRIVEWAYS**

To see if the Town will vote to amend the Protective Bylaw, Chapter 125-31B(1) of the Code of the Town of Harvard, by increasing from two to three the number of hammerhead lots which may be connected to a shared (common) driveway, without increasing the total number of lots which may be connected to such a driveway, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(2/3 vote required)

On a motion by Kara Minar, 204 Still River Road, Planning Board, and seconded

I move that the Town vote to amend the Protective Bylaw, Chapter 125-31B(1) of the Code of the Town of Harvard, by increasing from two to three the number of hammerhead or backland lots which may be connected to a shared (common) driveway, without increasing the total number of lots which may be connected to such a driveway, as printed in the handout.

A motion was made by Robert Lerner, 101 West Bare Hill Road, and seconded, to remove “and encourage” in 1-B

The Planning Board accepted the amendment.

Voted greater than 2/3 yes (6 no) that the Town amend the Protective Bylaw, Chapter 125-31B(1) of the Code of the Town of Harvard, by increasing from two to three the number of hammerhead or backland lots which may be connected to a shared (common) driveway, without increasing the total number of lots which may be connected to such a driveway

I. By amending § 125-31 B as follows:

B. Shared (common) driveways. To reduce the impact of impervious surfaces and the number of driveway cuts on scenic roads, it is the intent to permit adjoining lots to share a driveway which, except for branches serving individual lots, lies on or near their mutual boundaries subject to precautions to ensure that the driveway will be maintained and remain useful for both ordinary and emergency access under all weather conditions, and to ensure that a driveway will not be used as a substitute for a street or as a substitute for mandatory access frontage (see § 125-29).

After March 26, 1988, a driveway may be constructed or extended to serve more than one lot only in accordance with a special permit authorized by the Planning Board (see § 125-46, Special permits), subject to all applicable provisions of this Bylaw. For a shared driveway serving only single- and two-family residence uses, § 125-39A(1) and the driveway site standards in § 125-39B shall apply (see § 125-38, Site plans, and § 125-39, Site standards). [Added 3-31-1979 ATM by Art. 27; amended 3-26-1988 ATM by Art. 34]

(1) At most, four lots, of which no more than ~~two~~ three shall be hammerhead or backland lots, may be connected to or otherwise share the same driveway. This provision (increasing the number of lots from three to four) will apply only to common drives built or extended by special permit after March 25, 1995. ~~of which no more than two shall be hammerhead or backland lots~~ The driveway shall lie entirely within the lots being served. This subsection shall apply only to shared driveways constructed after February 9, 1979, and to lawfully existing driveways changed after that date to connect with or serve one or more additional lots. (Added driveway requirements for hammerhead and backland lots are contained in § 125-29D, Type 2 lots, and § 125-29F, Type 4 lots.) [Amended 3-25-1995 ATM by Art. 30]

II. By amending § 125-29 F (4) as follows:

~~(4) At most, four lots may share such a driveway, of which not more than two may be backland lots; the driveway shall lie entirely within the lot or lots being serviced. This provision (increasing the number of lots from three to four) will apply only to common drives built or extended by special permit after March 25, 1995. [Amended 3-26-1998 ATM by Art. 34; 3-25-1995 ATM by Art. 30]~~

The Planning Board unanimously recommended this article.

Approved by the Attorney General on June 20, 2007.

#### **ARTICLE 24: AMEND PROTECTIVE BYLAW – PURPOSE**

To see if the Town will vote to amend the Protective Bylaw, Chapter 125-1 of the Code of the Town of Harvard, to update the purposes of the Protective Bylaw and make them consistent with the intent of the Bylaw as identified in the master plan, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(2/3 vote required)

On a motion by Joseph Sudol, 35 Lancaster County Road, Planning Board, and seconded

I move that the Town vote to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard as printed in the handout.

Text as follows:

**§ 125-1. Purpose. [Added 12-11-1967 STM by Art. 5; amended 4-13-1968 ATM by Art. 36; 3-22-1969 ATM by Art. 41]**

To encourage the most appropriate use of land throughout the Town and to promote the health, safety, quality of life, convenience, moral, and welfare of its inhabitants, the Town adopts this Bylaw in accordance with the Constitution of the Commonwealth and Chapter 40A, and other provisions of the General Laws and the recommendations of the Towns' Master Plan. With due regard to the characteristics of the different parts of the Town, the Bylaw is designed among other purposes to restrict, prohibit, permit or regulate land use and activities in support of the following objectives:

- ~~A. To conserve health~~
- ~~B. To secure safety from fire, wind, flood, and traffic;~~
- ~~C. To preserve and increase the value of land and buildings;~~
- ~~D. To protect the community from the detrimental effects of unsuitable development;~~
- ~~E. To preserve and increase the amenities of the Town;~~
- ~~F. To prevent overcrowding of the land;~~
- ~~G. To provide for compatibility with individual water supply and sewage disposal systems and their renewal, and with public systems which may become available;~~

- H. ~~To facilitate future reuse and redevelopment of property;~~
- I. ~~To provide for safe, rapid traffic flow to, from, and along the streets;~~
- J. ~~To avoid confusing and distracting signs in areas along the streets;~~
- K. ~~To avoid unsuitable traffic on residential streets;~~
- L. ~~To preserve the streets of the Town as firebreaks;~~
- M. ~~To protect persons and property against the hazards of inundation and pollution;~~
- N. ~~To prevent pollution or contamination of, to conserve, and to protect watercourses, and their adjoining lands, groundwater absorption areas, and the groundwater table on which the inhabitants depend for their water supply;~~
- O. ~~To preserve storage areas for seasonal or periodic high waters;~~
- P. ~~To protect ponds from accelerated and excessive plant growth and premature decay into swamps;~~
- Q. ~~To conserve natural conditions and open spaces;~~
- R. ~~To separate and otherwise isolate potentially conflicting property uses.~~

A. The preservation of Town Character by:

- (1) Maintaining a balanced mix of village centers; agricultural, forested and open space lands; and small neighborhoods.
- (2) Protecting the community from the detrimental effects of unsuitable development, overcrowding of the land and potential conflicting property uses.
- (3) Maintaining the rural characteristics of the Town by limiting the net loss of trees and stone walls, limiting the addition of asphalt width on existing scenic roadways and controlling the number and type of driveway cuts onto public roads.
- (4) Developing the natural, scenic and aesthetic qualities of the town and preserving and/or enhancing view sheds.
- (5) Preserving historic structures and landscapes.
- (6) Ensuring a vibrant town center by maintaining a balance of residential, commercial, municipal and institutional uses.
- (7) Regulating the density of population and intensity of use while promoting diversity in local housing stock and diverse housing options that balance neighborhood and open space preservation.
- (8) Provide an environment for maintaining the economic viability of agricultural enterprises.
- (9) Protect significant Chapter 61 lands.
- (10) Facilitate reuse and redevelopment of property consistent with the rural character of the Town.

- (11) Provide for a balance of non-vehicular and vehicular use on public roadways, providing for safe traffic flow to, from and along the streets and preventing unsuitable traffic on residential streets.
- (12) Preventing the use of confusing and distracting signs in areas visible along the streets.

B. The Protection of Natural Resources and the Environment by:

- (1) Protecting groundwater, recharge areas and wetlands to ensure a safe and adequate water supply by preventing the pollution or contamination of, and the conserving and protecting of watercourses and their adjoining lands, groundwater absorption areas, and the groundwater table on which the Town's inhabitants depend for their water supply.
- (2) Protecting natural conditions, open spaces, wildlife habitats and other natural assets.
- (3) Preserving air quality and controlling noise, light and other environmental pollution.
- (4) Regulating uses of land, including wetlands and lands deemed subject to seasonal or periodic flooding, and preserving storage areas for seasonal or periodic high waters.
- (5) Regulating the uses of the Towns' bodies of water, including water courses and protecting them from accelerated and excessive plant growth and premature decay into swamps.
- (6) Provide for compatibility with individual water supply and sewage disposal systems and their renewal, and with public systems - that may become available.
- (7) Preserving the streets in Town as firebreaks.

The Planning Board unanimously recommended this article.

A motion to amend the article was made by John Chandler, 183 Prospect Hill Road, to correct grammar as follows:

- A. (8) – Providing (instead of Provide)
- (9) – Protecting (instead of Protect)
- (10) – Facilitating (instead of Facilitate)
- (11) – Providing (instead of Provide)

The Planning Board accepted the amendment.

A motion was made by Nils Nordberg, 95 Slough Road, for the Planning Board to withdraw the article or to move the article.

[The Planning Board withdrew this article.](#)

**ARTICLE 25: HOME RULE PETITION – TAX EXEMPTION FOR REGISTERED, AFFORDABLE ACCESSORY APARTMENTS**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact home rule legislation on behalf of the Town of Harvard to read as follows:

**AN ACT RELATIVE TO PROPERTY TAX EXEMPTIONS FOR REGISTERED AFFORDABLE ACCESSORY APARTMENTS IN THE TOWN OF HARVARD USED AS AFFORDABLE HOUSING.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

**SECTION 1.** Notwithstanding any general or special law to the contrary, residential real estate in the town of Harvard which is rented, as a registered affordable accessory apartment, to and occupied by a person of low income, at a rental amount not exceeding the standards of the United States Department of Housing and Urban Development for low income persons, and which meets all other municipal and State requirements for registration as an affordable accessory apartment, shall be exempt from taxation under [chapter 59](#) of the General Laws.

**SECTION 2.** The exemption shall be equal to the tax otherwise due on the parcel structures based on the full and fair assessed value, multiplied by the square footage of the registered affordable accessory apartment rented to and occupied by a person or family of low income, divided by the total square footage of a structure located on the parcel. To be eligible for exemption, the housing unit shall be leased to a low income person at rents for the entire fiscal year for which the exemption is sought.

**SECTION 3.** The date of determination as to the qualifying factors required by this act shall be July 1 of each year for the fiscal year beginning on such July 1.

**SECTION 4.** This act shall be submitted to the voters of the town at the next annual or special town election, in the form of the following question which shall be placed upon the official ballot to be used at that election: "Shall an act passed by the general court in the year 2007 entitled, 'An Act relative to property tax exemptions for registered affordable accessory apartments in the town of Harvard be accepted?' If a majority of the votes cast in answer to that question is in the affirmative, then sections 1, 2 and 3 of this act shall thereupon take effect, but not otherwise.

**SECTION 5.** Section 4 of this act shall take effect upon its passage.

Or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

The following motion was made by Kara Minar, 204 Still River Road, Planning Board, and seconded,

I move that the Town vote to authorize the Board of Selectmen to petition the General Court to enact home rule legislation on behalf of the Town of Harvard as printed in the handout,

Bob O’Shea, 357 Old Littleton Road, made the following amendment which was seconded,

Add “over the age of 55” after the word “persons” in the last sentence of section 2.

The Planning Board did not approve the amendment.

The amendment was voted unanimously NO.

The Finance Committee recommended passage of this article.

The Board of Selectmen unanimously recommended passage.

Voted greater than 2/3 yes (3 no) to authorize the Board of Selectmen to petition the General Court to enact home rule legislation on behalf of the Town of Harvard as printed in the handout.

Text as follows:

**AN ACT RELATIVE TO PROPERTY TAX EXEMPTIONS FOR REGISTERED AFFORDABLE ACCESSORY APARTMENTS IN THE TOWN OF HARVARD USED AS AFFORDABLE HOUSING.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

**SECTION 1.** Notwithstanding any general or special law to the contrary, residential real estate in the town of Harvard which is rented, as a registered affordable accessory apartment, to and occupied by a person of low income, at a rental amount not exceeding the standards of the United States Department of Housing and Urban Development for low income persons, and which meets all other municipal and State requirements for registration as an affordable accessory apartment, shall be exempt from taxation under [chapter 59](#) of the General Laws.

**SECTION 2.** The exemption shall be equal to the tax otherwise due on the parcel structures based on the full and fair assessed value, multiplied by the square footage of the registered affordable accessory apartment rented to and occupied by a person or family of low income, divided by the total square footage of a structure located on the parcel. To be eligible for exemption, the housing unit shall be leased to a low income person at rents for the entire fiscal year for which the exemption is sought and/or in compliance with the required affordable accessory apartment deed restriction.

**SECTION 3.** The date of determination as to the qualifying factors required by this act shall be July 1 of each year for the fiscal year beginning on such July 1.

**SECTION 4.** This act shall be submitted to the voters of the town at the next annual or special town election, in the form of the following question which shall be placed upon the official ballot to be used at that election: "Shall an act passed by the general court in the year 2007 entitled, 'An Act relative to property tax exemptions for registered affordable accessory apartments in the town of Harvard be accepted?' If a majority of the votes

cast in answer to that question is in the affirmative, then sections 1, 2 and 3 of this act shall thereupon take effect, but not otherwise.

**SECTION 5.** Section 4 of this act shall take effect upon its passage.

**ARTICLE 26: TOWN CENTER SEPTIC – TESTING**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be expended by the Board of Selectmen for the testing sites to accommodate an expanded wastewater treatment facility to serve town center, with unexpended funds as of June 30, 2009 being returned to their funding source, or pass any vote or votes in relation thereto.  
(Inserted by Board of Selectmen)

On a motion by Lucy Wallace, 16 Orchard Hill, Board of Selectmen, and seconded,

Voted unanimously yes that the Town pass over this article.

**ARTICLE 27: CONTRACT(S) – UNION WAGES**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to Article 4 of this Warrant in order to fund the collective bargaining agreement(s), or pass any vote or votes in relation thereto.  
(Inserted by Board of Selectmen)

On a motion by Randy Dean, 48 Madigan Lane, Board of Selectmen, and seconded,

Voted majority yes (1 no) that the Town transfer from Overlay Surplus Account the sum of \$11,000. in order to fund the collective bargaining agreement between the Town and the DPW employees represented by AFSCME, Council 93 for the 2007 fiscal year, this sum to be added to Line 35 of the ATM budget that was approved on March 25, 2006, and that the Town raise and appropriate the sum of \$11,000. to fund said agreement for the 2008 fiscal year, with the amount appropriated to be added to the Personnel line item, Line 35, of the Town budget which was acted on in Article #4 of this Town Meeting's Warrant .

**ARTICLE 28: BARE HILL POND DRAWDOWN PUMPING STATION - OPERATING COSTS**

To see if the Town will vote to amend the vote taken under Article 38 of the Warrant for the 2006 Annual Town Meeting by changing the scope of the article from covering solely construction costs to one that allows for operational costs, with unexpended funds as of June 30, 2008 being returned to their funding source, or pass any vote or votes in relation thereto.  
(Inserted by Community Preservation Committee)

On a motion by Donald Boyce, 310 Stow Road, Community Preservation Committee, and seconded,

Voted unanimously yes that the Town amend the vote taken under Article 38 of the Warrant for the 2006

Annual Town Meeting by changing the scope of the article from covering solely construction costs to one that allows for operational costs, with unexpended funds as of June 30, 2008 being returned to their funding source.

A motion by Bruce Leicher to delete “allows for operational costs” and add “encompasses program completion costs” was withdrawn.

#### **ARTICLE 29: COMMUNITY PRESERVATION COMMITTEE REPORT**

To see if the Town will vote to hear the report and recommendations of the Community Preservation Committee on the Fiscal Year 2008 Community Preservation Budget, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

On a motion by Donald Boyce, 310 Stow Road, Community Preservation Committee, seconded,

Voted unanimously yes that the Town hear the report and recommendations of the Community Preservation Committee on the Fiscal Year 2008 Community Preservation.

#### **ARTICLE 30: TRANSFER FUNDS FROM COMMUNITY PRESERVATION FUND TO MUNICIPAL AFFORDABLE HOUSING TRUST FUND**

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund a sum of money to be deposited in the Harvard Municipal Affordable Housing Trust Fund, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

On a motion by Mark Cooper, 103 Bolton Road, Community Preservation Committee, and seconded,

Voted majority yes that the Town transfer from the Community Preservation Fund the sum of \$110,209. to be deposited in the Harvard Municipal Affordable Housing Trust Fund.

The Finance Committee recommended passage of this article.

#### **ARTICLE 31: CONSERVATION FUND**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be placed in the Conservation Fund, established under the provisions of Massachusetts General Laws Chapter 40, Section 8C, or pass any vote or votes in relation thereto.

(Inserted by Conservation Commission and Community Preservation Committee)

On a motion by Ron Ricci, 19 East Bare Hill Road, Community Preservation Committee, and seconded,

Voted majority yes (3 no) that the Town transfer from the Community Preservation Fund the sum of \$200,000

to be placed in the Conservation Fund, established under the provisions of Massachusetts General Laws Chapter 40, Section 8C.

### **ARTICLE 32: MASS. AVE. SENIOR HOUSING PROJECT**

To see if the Town will vote to raise and appropriate or transfer from available funds sums of money to be expended by the Housing Authority for a grant advisor and for architectural, engineering, legal, and other services related to the design and site preparation for the construction of affordable housing units on a 1.31 acre, more or less, parcel of Town-owned land located off Massachusetts Avenue, and shown on the Harvard Board of Assessors Map 22B as Parcel 19, with unexpended funds as of June 30, 2009, being transferred to the Municipal Affordable Housing Trust Fund, or pass any vote or votes in relation thereto.  
(Inserted by Housing Authority and Community Preservation Committee)

On a motion by Steve Rowse, 214 Old Littleton Road, Community Preservation Committee, seconded,

Voted unanimously yes that the Town transfer from the Community Preservation Fund the sum of \$50,000. to be expended by the Harvard Housing Authority. \$25,000 of this total will be sourced from existing Housing Reserves for a grant advisor, with unexpended funds as of June 30, 2008 to be transferred to the Municipal Affordable Housing Trust Fund. The balance of \$25,000 will be sourced from FY2008 Community Preservation Funds to provide architectural, engineering, legal, and other services related to the design and site preparation for the construction of affordable housing units on a 1.31 acre, more or less, parcel of Town-owned land located off Massachusetts Avenue, and shown on the Harvard Board of Assessors Map 22B as Parcel 19, with unexpended funds as of June 30, 2009, being transferred to the Municipal Affordable Housing Trust Fund.

### **ARTICLE 33: RESTORATION OF THE SHAKER HERB DRYING SHED**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be expended by the Historical Commission for the restoration of the Shaker Herb Drying Shed located at 81 Shaker Road in Harvard, Massachusetts, shown on the Harvard Board of Assessors' Map 5, as Lot 31, with unexpended funds as of December 31, 2007 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Historical Commission and Community Preservation Committee)

On a motion by Ron Ricci, 19 East Bare Hill Road, Community Preservation Committee, and seconded,

Voted unanimously yes that the Town transfer from unallocated Community Preservation funds the sum of \$2,500. to be expended by the Historical Commission for the restoration of the Shaker Herb Drying Shed located at 81 Shaker Road in Harvard, Massachusetts, shown on the Harvard Board of Assessors' Map 5, as Lot 31, with unexpended funds as of December 31, 2007 being returned to their funding source.

### **ARTICLE 34: TRAIL CONSTRUCTION**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be

expended by the Parks & Recreation Commission for the construction of a trail between Depot Road and Harvard Park, with unexpended funds as of December 31, 2008 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Parks & Recreation Commission and Community Preservation Committee)

On a motion by George Watkins, 96 Shaker Road, Community Preservation Committee, and seconded,

Voted majority yes (1 no) that the Town transfer from the FY08 Community Preservation funds the sum of \$7,500. to be expended by the Parks & Recreation Commission for the construction of a trail between Depot Road and Harvard Park, with unexpended funds as of December 31, 2008 being returned to their funding source.

### **ARTICLE 35: BOAT HOUSE STUDY**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be expended by the Bare Hill Rowing Association to conduct a Boat House Study, with unexpended funds as of June 30, 2008 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Parks & Recreation Commission and Community Preservation Committee)

On a motion by Steve Rowse, 214 Old Littleton Road, Community Preservation Committee, and seconded,

Voted majority yes (3 no) that the Town transfer from the FY08 Community Preservation funds the sum of \$5,000. to be expended by the Bare Hill Rowing Association to conduct a Boat House Study, with unexpended funds as of June 30, 2008 being returned to their funding source.

### **ARTICLE 36: COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be expended by the Community Preservation Committee for the Committee's expenses for fiscal year 2008, with unexpended funds as of June 30, 2008 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

The following motion was made by Donald Boyce, 310 Stow Road, Community Preservation Committee, and seconded

I move that the Town transfer from FY08 Community Preservation funds the sum of \$5,000. to be expended by the Community Preservation Committee with unexpended funds as of June 30, 2008 being returned to their funding source.

Finance Committee stated that they had recommended \$1,000. and made a motion to amend the motion back to \$1,000.

The Community Preservation Committee accepted the amendment.

Voted majority yes (3 no) that the Town transfer from FY08 Community Preservation funds the sum of \$1,000. to be expended by the Community Preservation Committee with unexpended funds as of June 30, 2008 being returned to their funding source.

#### **ARTICLE 37: COMMUNITY PRESERVATION FUND RESERVES**

To see if the Town will vote to reserve sums of money from the Fiscal Year 2008 Community Preservation Fund revenues for Community Housing, Historic Resources, Open Space and/or the Fiscal Year 2008 Community Preservation Fund Budgeted Reserve, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

On a motion by Donald Boyce, 310 Stow Road, Community Preservation Committee, and seconded,

Voted majority yes (2 no) that the Town reserve from the Fiscal Year 2008 Community Preservation Fund revenues \$3,000 for Community Housing, and \$28,000 for Historic Resources.

#### **ARTICLE 38: AMEND GENERAL BYLAWS – HISTORIC DISTRICT PROCEDURES FOR REVIEW OF APPLICATIONS**

To see if the Town will vote to amend the General Bylaw, Section 48-7(A) and (C), by adding the sentence to (A) that reads, “The applicant must provide an abutters list and agrees to pay any fees for necessary legal notices. Further requirements are listed in the Harvard Historical Commission’s “Rule and Regulations document,” available at Town Hall.”, and by changing “14 days” to “30 days” in section (C), or pass any vote or votes in relation thereto.

(Inserted by Historical Commission and Board of Selectmen)

On a motion by Randy Dean, 48 Madigan Lane, Board of Selectmen, and seconded,

Voted majority yes (1 no) that the Town amend the General Bylaw, Section 48-7(A), by adding the sentence to (A) that reads, “The applicant must provide an abutters list and agrees to pay any fees for necessary legal notices.”

Approved by the Attorney General on June 20, 2007.

#### **ARTICLE 39: AMEND GENERAL BYLAWS – WETLANDS PROTECTION**

To see if the Town will vote to amend its General Bylaws, Section 119-11(D) and (F), by adding the word “may” after the word “Police” and before the word “criminally” within the last sentence of (D), and by changing “§ 199-8” in section (F) to “§ 119-8”, or pass any vote or votes in relation thereto.

(Inserted by Conservation Commission)

On a motion by Donald Ritchie, 6 Glenview Drive, Conservation Commission, and seconded,

Voted majority yes (2 no) that the Town amend its General Bylaws, Section 119-11(D) and (F), by adding the word “may” after the word “Police” and before the word “criminally” within the last sentence of (D), and by changing “§ 199-8” in section (F) to “§ 119-8”.

Approved by the Attorney General on June 20, 2007, and effective on posting date of June 25, 2007.

#### **ARTICLE 40: ACCEPT M.G.L. CHAPTER 39, SECTION 23D**

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 39, Section 23D so that a member of the Board of Appeals, Conservation Commission or Planning Board when holding any type of adjudicatory hearing, shall not be disqualified from voting on the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received, provided that, (i) before any such vote, the absent member shall certify in writing that s/he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof; and (ii) the written certification shall be part of the record of the hearing, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Bob Eubank, 16 Old Schoolhouse Road, Board of Selectmen, and seconded,

Voted majority yes that the Town accept the provisions of Massachusetts General Laws Chapter 39, Section 23D so that a member of the Board of Appeals, Conservation Commission and Planning Board when holding any type of adjudicatory hearing, shall not be disqualified from voting on the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received, provided that, (i) before any such vote, the absent member shall certify in writing that s/he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof; and (ii) the written certification shall be part of the record of the hearing.

#### **ARTICLE 41: ACCEPTANCE OF GIFTS OF PROPERTY – CONSERVATION LAND**

To see if the Town will vote to accept the gifts of land or interests in land for conservation or other land preservation related purposes, previously accepted by the Conservation Commission and approved by the Board of Selectmen, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Randy, 48 Madigan Lane, Board of Selectmen, and seconded,

Voted unanimously yes to pass over this article.

#### **ARTICLE 42: 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 Board of Selectmen)

On a motion by Randy Dean, 48 Madigan Lane, Board of Selectmen, and seconded,

Voted unanimously yes that the Town accept State funds to be used for reconstruction and improvements of public ways.

The Citizen of Note this year was a Committee of Note. Prior to the lunch break, the Bare Hill Pond Watershed Management Committee was recognized for their extensive work on the pond pumping station.

Checkers for the meeting were Paul Green, Mary Kimball, Sandy Lefkovitz, Ruth Miller, Marilyn Morgan, and Dorothy Solbrig. They checked in 572 voters out of a total of 3877 registered voters (3662 active voters).

The tellers for the meeting were Paul Green, Hal Korstvedt, Sam Massoni, and Robert Vinci.

The meeting was dissolved at 4:18 p.m.

Respectfully submitted,

Janet A. Vellante  
Town Clerk