

ANNUAL TOWN MEETING

April 2, 2005

The meeting was called to order in the Bromfield School Gym at 9:03 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 Vellante.

The meeting approved the following non-voters to speak:

Edward Denmark	Police Chief
Mihran Keoseian	Superintendent of Schools
Mark Lanza	Town Counsel
Lorraine Leonard	Finance Director
Robert Mignard	Fire Chief
Constance Smith	Co-Chair of Council on Aging

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 Bill Marinelli, 50 Stow Road, 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 2004 Annual Town Report, and that the Town hear a report from the Town Center Planning Committee and the Devens Focus Group.

ARTICLE 2: REVOLVING FUND – HAZARDOUS MATERIALS

To see if the Town will vote to continue the Revolving Fund Account for Hazardous Materials Expense Replacement established at the Annual Town Meeting held on April 6, 2002, pursuant to Massachusetts General Laws Chapter 44, Section 53E½, 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 continue the Revolving Fund Account for Hazardous Materials Expense Replacement established at the Annual Town Meeting of April 6, 2002,

pursuant to Massachusetts General Laws Chapter 44, Section 53E 1/2 with all departmental receipts being credited to the fund and that not more than \$5,000 of the fund shall be expended under the authority of the Fire Chief during the ensuing fiscal year.

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 expenses for the ensuing fiscal year, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

1st Motion:

The following motion was made by Cindy Russo, 116 Oak Hill Road, Finance Committee, and seconded,

I move that the Town appropriate the sum of \$16,491,984 to defray the expenses of the Town for Fiscal Year 2006 as printed in the Finance Committee Report on pages 25 through 31 under the column heading \$500,000 Override FY2006, that such appropriation be provided by raising \$16,479,222 by taxation, transferring \$7,762 from the Wetlands Protection Fund, and transferring \$5,000 from library trust funds, and that such appropriation is contingent upon the passage of the \$500,000 Proposition 2 ½ levy limit override question #1C at the Annual Town Election of April 5, 2005.

The following motion of instruction was made by Nils Nordberg, 95 Slough Road, and seconded,

I move that the School Committee be, and hereby is, instructed to review all elements of the activities under its care and control, for the purpose of identifying the potential to increase productivity, and using its best judgment, to implement such changes in practices and policy as will increase the return to taxpayers for their dollars entrusted to said committee.

The Finance Committee accepted the motion.

Voted unanimously yes, to move the question.

Voted majority yes (46 no) that the Town appropriate the sum of \$16,491,984 to defray the expenses of the Town for Fiscal Year 2006 as printed in the Finance Committee Report on pages 25 through 31 under the column heading \$500,000 Override FY2006, that such appropriation be provided by raising \$16,479,222 by taxation, transferring \$7,762 from the Wetlands Protection Fund, and transferring \$5,000 from library trust funds, and that such appropriation is contingent upon the passage of the \$500,000 Proposition 2 ½ levy limit override question #1C at the Annual Town Election of April 5, 2005.

2nd Motion:

The following motion was made by Paul Wormser, 3 White Lane, School Committee, and seconded,

I move that the Town appropriate the sum of \$16,786,984 to defray the expenses of the Town for Fiscal Year 2006 as printed in the Finance Committee Report on pages 25 through 31 under the column heading \$795,000 Override FY2006, that such appropriation be provided by raising \$16,774,222 by taxation, transferring \$7,762 from the Wetlands Protection Fund, and transferring \$5,000 from library trust funds, and that such appropriation is contingent upon the passage of the \$795,000 Proposition 2 ½ levy limit override question #1B at the Annual Town Election of April 5, 2005.

Voted unanimously yes to move question, and seconded

Voted majority yes (259 yes and 131 no) that the Town appropriate the sum of \$16,786,984 to defray the expenses of the Town for Fiscal Year 2006 as printed in the Finance Committee Report on pages 25 through 31 under the column heading \$795,000 Override FY2006, that such appropriation be provided by raising \$16,774,222 by taxation, transferring \$7,762 from the Wetlands Protection Fund, and transferring \$5,000 from library trust funds, and that such appropriation is contingent upon the passage of the \$795,000 Proposition 2 ½ levy limit override question #1B at the Annual Town Election of April 5, 2005.

Finance Committee did not recommend passage of this article.

3rd Motion:

The following motion was made by Paul Wormser, 3 White Lane, School Committee, and seconded,

I move that the Town appropriate the sum of \$16,951,984 to defray the expenses of the Town for Fiscal Year 2006 as printed in the Finance Committee Report on pages 25 through 31 under the column heading \$960,000 Override FY2006, that such appropriation be provided by raising \$16,939,222 by taxation, transferring \$7,762 from the Wetlands Protection Fund, and transferring \$5,000 from library trust funds, and that such appropriation is contingent upon the passage of the \$960,000 Proposition 2 ½ levy limit override question #1A at the Annual Town Election of April 5, 2005.

The following motion was made by Ellen Sachs Leicher, 58 Warren Avenue, seconded, and accepted by the School Committee.

I move that the Selectmen appoint a committee to study tax relief for seniors and agricultural entities and through state and federal legislation to enable towns to reduce their reliance on property tax for education and other town services.

Voted unanimously yes, to move the question.

Voted 208 yes, 198 no that the Town appropriate the sum of \$16,951,984 to defray the expenses of the Town for Fiscal Year 2006 as printed in the Finance Committee Report on pages 25 through 31 under the column heading \$960,000 Override FY2006, that such appropriation be provided by raising \$16,939,222 by taxation, transferring \$7,762 from the Wetlands Protection Fund, and transferring \$5,000 from library trust funds, and that such appropriation is contingent upon the passage of the \$960,000 Proposition 2 ½ levy limit override question #1A at the Annual Town Election of April 5, 2005.

Finance Committee did not recommend passage of this article.

ARTICLE 4: FULL TIME SENIOR COORDINATOR

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money, for the hiring of a Council on Aging full time Senior Services Coordinator.
(Inserted by Petition by 10 or More Citizens)

On a motion by Anne Marie Rowse, 214 Old Littleton Road, Council on Aging, and seconded,

Voted unanimously yes, that the Town take no action under this article.

ARTICLE 5: RESERVE FUND – FISCAL YEAR 2006

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 Tod Rodger, 16 Deerfoot Trail, Finance Committee, and seconded,

Voted unanimously yes, that the Town raise and appropriate the sum of \$225,000 to be placed in the Reserve Fund Account for unforeseen and extraordinary expenses for Fiscal Year 2006.

ARTICLE 6: BROMFIELD SCHOOL – REPLACE CAFETERIA-AREA ROOF

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 replace a portion of the roof at the Bromfield School above the cafeteria and adjoining areas, with unexpended funds as of June 30, 2006 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, 7 Still River Road, School Committee, and seconded,

Voted unanimously yes, that the Town take no action under this article.

ARTICLE 7: CAPITAL OUTLAY EXEMPTION – DPW TRUCK

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$130,000 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 and wing for the Department of Public Works, contingent upon the passage of a so-called Proposition 2 ½ capital outlay exemption ballot question at the Annual Election on April 5, 2005, and to authorize the sale or trade of existing equipment, with unexpended funds as of June 30, 2006 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

Voted 67 yes, 53 no, that the Town raise and appropriate the sum of \$130,000 to be expended by the Director of Public Works, with the approval of the Board of Selectmen, for the purchase of a 6-wheel dump truck with plow and wing for the Department of Public Works, contingent upon the passage of a capital outlay exemption ballot question at the Annual Town Election on April 5, 2005, and to authorize the sale or trade of existing equipment in connection with said purchase.

Finance Committee recommended passage of this article.

ARTICLE 8: HARVARD ELEMENTARY SCHOOL – RESURFACE DRIVEWAYS

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 resurface the driveways and parking areas at the Harvard Elementary School, with unexpended funds as of June 30, 2006 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by School Committee)

On a motion by Will Verbits, 17 Candleberry Lane, School Committee, and seconded,

Voted unanimously yes, that the Town take no action under this article.

ARTICLE 9: EXTEND WATER SERVICE – FROM REAR OF THE ELEMENTARY SCHOOL ALONG FAIRBANK STREET TO LOWER COMMON

To see if the Town will vote to extend the Town's water service from the rear of the Harvard Elementary School along Fairbank Street to the Lower Town Common, or pass any vote or votes in relation thereto.

(Inserted by Water Commission)

On a motion by David Swain, 25 Fairbank Street, Water Commission, and seconded,

Voted unanimously yes, that the Town extend the Town's water service from the rear of the Harvard Elementary School along Fairbank Street to the Lower Town Common.

ARTICLE 10: INSTALL WATER LINE FROM REAR OF THE ELEMENTARY SCHOOL ALONG FAIRBANK STREET TO LOWER COMMON

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to install a water line along Fairbank Street from the rear of the Harvard Elementary School to the Lower Town Common, with unexpended funds as of June 30, 2007 being returned to their funding source, or pass any vote or votes in relation thereto.
(Inserted by Water Commission)

On a motion by David Swain, 25 Fairbank Street, Water Commission, and seconded,

Voted unanimously yes, that the Town raise and appropriate the sum of \$40,000 to install a water line along Fairbank Street from the rear of the Harvard Elementary School to the Lower Town Common, with unexpended funds as of June 30, 2007 being returned to their funding source.

ARTICLE 11: FIRE DEPARTMENT – CENTER FIRE STATION EPOXY FLOOR

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, for the application of an epoxy floor coating in the Center Fire Station, with unexpended funds as of June 30, 2006 being returned to their funding source, 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, that the Town raise and appropriate the sum of \$24,000 to be expended by the Fire Chief, with the approval of the Board of Selectmen, for the application of an epoxy floor coating in the Center Fire Station, with unexpended funds as of June 30, 2006 being returned to their funding source.

ARTICLE 12: HARVARD ELEMENTARY SCHOOL – VCT FLOORING

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 install vinyl composite tile flooring at the Harvard Elementary School, with unexpended funds as of June 30, 2006 being returned to their funding source, or pass any vote or votes in relation thereto.
(Inserted by School Committee)

Mark Hardy, 18 Ann Lees Road, School Committee, made the following motion which was seconded,

I move that the Town raise and appropriate the sum of \$60,000 to be expended by the School Committee to install vinyl composite tile flooring at the Harvard Elementary School, with unexpended funds as of June 30, 2006 being returned to their funding source.

Bill Spacciapoli, 143 Ayer Road, made the following amendment, which was seconded,

I move that the carpet to be remediated would be prioritized and would include the school as a whole and not exceed \$60,000.

The motion to amend did not pass.

Voted majority yes (2 no), that the Town raise and appropriate the sum of \$60,000 to be expended by the School Committee to install vinyl composite tile flooring at the Harvard Elementary School, with unexpended funds as of June 30, 2006 being returned to their funding source.

ARTICLE 13: LABOR COUNSEL

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 employment relations-labor counsel, with unexpended funds as of June 30, 2007 being returned to their funding source, 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 raise and appropriate the sum of \$12,000 to be expended by the Board of Selectmen for employment relations-labor counsel, with unexpended funds as of June 30, 2007 being returned to their funding source.

ARTICLE 14: PURCHASE OF 4" DIAMETER FIRE HOSE

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to purchase 4-inch diameter fire hose for the Fire Department, with unexpended funds as of June 30, 2006 being returned to their funding source, 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 raise and appropriate the sum of \$10,000 to be expended

by the Fire Chief to purchase 4-inch diameter fire hose for the Fire Department, with unexpended funds as of June 30, 2006, being returned to their funding source.

ARTICLE 15: POLICE DEPARTMENT – VIDEO SECURITY RECORDER SYSTEM

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 Police Chief, with the approval of the Board of Selectmen, to purchase and install a video security recorder system for use by the Police Department, with unexpended funds as of June 30, 2006 being returned to their funding source, 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 raise and appropriate the sum of \$6,000 to be expended by the Police Chief, with the approval of the Board of Selectmen, to purchase and install a video security recorder system for use by the Police Department, with unexpended funds as of June 30, 2006 being returned to their funding source.

ARTICLE 16: SAFETY FENCING – BROMFIELD SCHOOL BASEBALL FIELD

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 Park and Recreation Commission to purchase and install protective fencing at The Bromfield School baseball field, with unexpended funds as of June 30, 2006, being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Park and Recreation Commission)

On a motion by Jim Lee, 110 East Bare Hill Road, Park and Recreation Commission, and seconded,

Voted unanimously yes that the Town raise and appropriate the sum of \$7,500 to be expended by the Park and Recreation Commission to purchase and install protective fencing at The Bromfield School baseball field, with unexpended funds as of June 30, 2006, being returned to their funding source.

ARTICLE 17: FOUNDATION FOR STORAGE BUILDING AT HARVARD PARK

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 Park and Recreation Commission for the installation of a foundation for a storage building at the Harvard Park, with unexpended funds as of June 30, 2006, being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Park and Recreation Commission)

On a motion by Jim Lee, 110 East Bare Hill Road, Park and Recreation Commission, and seconded,

Voted majority yes, that the Town raise and appropriate the sum of \$7,500 to be expended by the Park and Recreation Commission for the installation of a foundation for a storage building at the Harvard Park, with unexpended funds as of June 30, 2006, being returned to their funding source.

ARTICLE 18: 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 2006 Community Preservation Budget, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

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

Voted unanimously yes, to take no action

ARTICLE 19: 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 be expended by the Bare Hill Pond Watershed Management Committee, with the approval of the Board of Selectmen, for the purchase and installation of a drawdown pumping station for Bare Hill Pond, with unexpended funds as of June 30, 2007, 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 Jack Whelan, 389 Still River Road, Community Preservation Committee, and seconded,

I move that the Town appropriate and transfer from the Community Preservation Fund Budgeted Reserve the sum of \$90,000 and appropriate and transfer from Fiscal Year 2006 Community Preservation Fund revenues the sum of \$55,000 to be expended by the Bare Hill Pond Watershed Management Committee, with the approval of the Board of Selectmen, for the purchase and installation of a drawdown pumping station for Bare Hill Pond, with unexpended funds as of June 30, 2007, being returned to their funding source.

Jeffrey Harris, 69 Whitney Road, made the following amendment, which was seconded,

I move that no activity is permitted under this motion until

1. The Board of Health assures the town there will be no unintended consequences on the ground water about the pond.

2. The Water Commissioners assure the town that the proposed drastic pumping down of Bare Hill Pond will not limit water supply to their customers and the Public Buildings,
3. Until a favorable report is obtained from an independent academic study group to give an evaluation and advice on further care of Bare Hill Pond.

The committee is to be formed by a selectman and members of the Conservation Commission. \$5,000 to be raised and appropriated for the study. The study group will report in 12 to 18 months.

Town Counsel stated that you cannot add funding to an article and that the amendment was not within the scope of the article.

Jeff withdrew the amendment.

Voted majority yes that the Town appropriate and transfer from the Community Preservation Fund Budgeted Reserve the sum of \$90,000 and appropriate and transfer from Fiscal Year 2006 Community Preservation Fund revenues the sum of \$55,000 to be expended by the Bare Hill Pond Watershed Management Committee, with the approval of the Board of Selectmen, for the purchase and installation of a drawdown pumping station for Bare Hill Pond, with unexpended funds as of June 30, 2007, being returned to their funding source.

ARTICLE 20: 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 Mary Arata, 155 Ayer Road, Community Preservation Committee, and seconded,

Voted unanimously yes, that the Town appropriate and transfer from Fiscal Year 2006 Community Preservation Fund revenues the sum of \$90,000 to be placed in the Conservation Fund.

ARTICLE 21: ESTABLISH A MUNICIPAL AFFORDABLE HOUSING TRUST FUND

To see if the Town will vote, pursuant to Chapter 491 of the Acts of 2004, to accept the provisions of Massachusetts General Laws Chapter 44, Section 55C to establish a trust to be known as the Municipal Affordable Housing Trust Fund to provide for the creation and preservation of affordable housing for the benefit of low and moderate income households, 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, that the Town vote, pursuant to Chapter 491 of the Acts of 2004, to accept the provisions of Massachusetts General Laws Chapter 44, Section 55C to establish a trust to be known as the Municipal Affordable Housing Trust Fund to provide for the creation and preservation of affordable housing for the benefit of low and moderate income households.

Finance Committee did not recommend passage on this article.

ARTICLE 22: FUNDING FOR MUNICIPAL AFFORDABLE HOUSING TRUST FUND

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to the Municipal Affordable Housing Trust Fund to provide for the creation and preservation of affordable housing for the benefit of low and moderate income households, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen and Community Preservation Committee)

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

Voted majority yes, that the Town appropriate and transfer \$15,000 from Fiscal Year 2006 Community Preservation Fund revenues to the Municipal Affordable Housing Trust Fund to provide for the creation and preservation of affordable housing for the benefit of low and moderate income households.

ARTICLE 23: MASS. AVE. SENIOR HOUSING PROJECT

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 Harvard Housing Authority 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, 2007, being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Harvard Housing Authority and Community Preservation Committee)

On a motion by Tim Clark, 114 Bolton Road, Community Preservation Committee, and seconded,

Voted majority yes, that the Town appropriate and transfer \$15,000 from Community Preservation Fund Housing Reserve to be expended by the Harvard Housing Authority 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, 2007, being returned to their funding source.

Finance Committee recommended passage of this article.

ARTICLE 24: PEDESTRIAN-BIKE PATH FEASIBILITY 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 Park and Recreation Commission to obtain a feasibility study for the construction of a pedestrian-bike path from the center of town to the Depot Road playing fields, from the Depot Road playing fields to Harvard Depot, and from Harvard Depot to Devens, and from Harvard Depot to Harvard Park, with unexpended funds as of June 30, 2006, being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Park and Recreation Commission and Community Preservation Committee)

On a motion by Tim Clark, 114 Bolton Road, Community Preservation Committee, and seconded,

Voted majority yes that the Town appropriate and transfer \$10,000 from Community Preservation Fund Budgeted Reserve to be expended by the Park and Recreation Commission for an engineering plan for the construction of a pedestrian-bike path from the center of town to the Depot Road playing fields, from the Depot Road playing fields to Harvard Depot, and from Harvard Depot to Devens, and from Harvard Depot to Harvard Park, with unexpended funds as of June 30, 2006, being returned to their funding source.

ARTICLE 25: RECONSTRUCT “STANLEY’S PATH” AT THE HILDRETH HOUSE

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 Hildreth House Landscape Committee, with the approval of the Board of Selectmen, to reconstruct “Stanley’s Pathway” and two arbors at the Hildreth House, with unexpended funds as of June 30, 2006, being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

On a motion by Jack Whelan, 389 Still River Road, Community Preservation Committee, and seconded,

Voted unanimously yes, that the Town appropriate and transfer \$6,200 from Community Preservation Fund Historic Resources Reserve to be expended by the Hildreth House Landscape Committee, with the approval of the Board of Selectmen, to reconstruct “Stanley’s Pathway” and two arbors at the Hildreth House, with unexpended funds as of June 30, 2006, being returned to their funding source.

ARTICLE 26: COMMUNITY PRESERVATION FUND HOUSING RESERVE

To see if the Town will vote to reserve a sum of money from the Fiscal Year 2006 Community Preservation Fund revenues for Community Housing, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

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

Voted 65 yes , 54 no, that the Town appropriate and transfer from Fiscal Year 2006 Community Preservation Fund revenues the sum of \$55,000 to be set aside for later spending in the Community Preservation Fund Community Housing Reserve.

Finance Committee did not recommend this article.

ARTICLE 27: COMMUNITY PRESERVATION FUND HISTORIC RESOURCES RESERVE

To see if the Town will vote to reserve a sum of money from the Fiscal Year 2006 Community Preservation Fund revenues for Historic Resources, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

On a motion by Mary Arata, 155 Ayer Road, Community Preservation Committee, and seconded,

Voted unanimously yes, that the Town appropriate and transfer from Fiscal Year 2006 Community Preservation Fund revenues the sum of \$24,000 to be set aside for later spending in the Community Preservation Fund Community Historic Resources Reserve.

ARTICLE 28: COMMUNITY PRESERVATION FUND BUDGETED RESERVE

To see if the Town will vote to reserve a sum of money from the Fiscal Year 2006 Community Preservation Fund revenues to the Fiscal Year 2006 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 unanimously yes, that the Town appropriate and transfer from Fiscal Year 2006 Community Preservation Fund revenues the sum of \$1712 to be set aside for later spending in the Community Preservation Fund Community Budgeted Reserve.

ARTICLE 29: AMEND PROTECTIVE BYLAW – CONVERSION FOR MULTIPLE RESIDENCE USE

To see if the Town will vote to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard by striking the existing §125-10 therefrom in its entirety and inserting in place thereof the following new §125-10:

125-10. Conversion for multiple residence use.

It is the intent to provide, where suitable, for conversion of pre-existing dwellings and their accessory buildings, if any, to multiple residence in undivided ownership, including subsidized multiple residence, while at the same time preserving the character of the AR District as one primarily for compatible agriculture and single-family residence. In allowing for these conversions, it is the intent to address, within the town's current fabric and housing stock, not only the general need for more moderate and relatively affordable housing, but also to specifically serve residents who might like to downsize with an option for remaining in town, younger people who might like to continue to live in or to move into town, and also other residents who might have sufficient additional space and a desire or need to create additional income. For an accessory building to qualify to be considered for conversion to multiple residence use under this section, it must meet, or as a course of the project be upgraded or reconstructed to meet, all applicable building codes required to support the conversion. Additionally, the building must have, within the existing structure, at least 1,200 square feet of floor area that could be used for the creation of one to four lawful residences within the building. For the creation of an additional residence in an accessory building or a portion of an existing dwelling that contains fewer than 1200 square feet of floor area, see 125-18, In-law apartment use.

Any conversion for multiple residence use shall be allowed only by special permit (see 125-46, Special Permits) authorized by the Planning Board. In addition to any other applicable sections of the bylaw, such conversions shall be subject to 125-39, Site Standards, and other specified requirements as indicated below:

- A. The main dwelling on the premises (and its accessory building, if any) have been in existence and lawfully used for a period of at least five years prior to the date of application for the special permit by present or previous owners, with said owner(s) having lived in a dwelling on the premises as their primary residence for that same period of time.
- B. The conversion shall not increase the degree of nonconformity of a pre-existing nonconforming structure and/or lot;
- C. With respect to the special permit for conversion to multiple residence, the external character of the premises, including any accessory structure) shall continue to be that of a customary single family residence. Any portion of the building that must be rebuilt to meet current building code must be done so in a way that does not significantly change

the external features of said building, and any additional external stairs that may need to be added for egress shall be located either in the rear or on the side of the structure with screening such as applicable and described in 125-39D.

- D. Parking shall be in accordance with 125-39A(1). The parking area shall be screened from view from neighboring properties and streets as provided in 125-39D. Unless otherwise approved by the Planning Board, a minimum and maximum of 1.5 off-street parking spaces shall be provided for each dwelling unit, exclusive of spaces within garages.
- E. In addition to being in accordance with applicable sections of 125-31 (Driveways), driveways shall be in accordance with Site Standards sections 125-39B(2,3,4,5e,7).
- F. In addition to conforming with the safeguards taken in section 125-31 with regard to fire protection, the conversion shall be in accordance with section 125-39E;
- G. No more than three dwelling units shall be allowed per lot. A density bonus of one additional dwelling unit may be allowed, for a total of four dwelling units, if at least one affordable unit is created as part of the conversion.
- H. The septic system, including the leaching facility and its expansion area, shall be in accordance with all requirements specified in 125-32, all current Title V standards, and any requirements or conditions of the Board of Health;
- I. Management and containment of surface water runoff shall be in accordance with 125-39-F;
- J. Written evidence of final approval by the Board of Health with respect to water supply and sewage disposal for the proposed conversion must be submitted as part of the application for the special permit;
- K. The dwelling (and its accessory structure, if any) shall be situated on a single undivided lot.
- L. The conversion shall not enlarge the existing structure by an amount which increases the floor area by more than 5%, and the interior volume shall not increase by more than 10% of the existing volume through elements such as dormers.

, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(2/3 vote required)

The following motion was made by Barbara Brady, 316 Stow Road, Planning Board, and seconded,

I move that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by striking the existing §125-10 Conversion for multiple residence use, therefrom in its entirety and inserting in place thereof a new §125-10 Conversion for multiple residence use as

printed on pages 1 and 2 in the 12 page document entitled “April 2, 2005 Annual Town Meeting Proposed Amendments to the Protective Bylaw” which has been distributed to the registered voters assembled at this Annual Town Meeting.

A motion by Donald Boyce, 310 Stow Road, and seconded, to delete the words “a minimum and maximum” from section D was accepted by the Planning Board.

The following motion by Bob Harley, 73 Bolton Road, was seconded and accepted by the Planning Board.

G. No more the **two** dwelling units..., for a total of **three** units,...

David Swain, 25 Fairbank Street, made a motion to move the question which was seconded and voted unanimously yes.

Voted **no** (does not pass) , that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by striking the existing §125-10 Conversion for multiple residence use, therefrom in its entirety and inserting in place thereof a new §125-10 Conversion for multiple residence use as printed on pages 1 and 2 in the 12 page document entitled “April 2, 2005 Annual Town Meeting Proposed Amendments to the Protective Bylaw” which has been distributed to the registered voters assembled at this Annual Town Meeting.

ARTICLE 30: AMEND PROTECTIVE BYLAW – IN-LAW APARTMENT USE

To see if the Town will vote to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by striking therefrom the existing §125-18 in its entirety and inserting in its place the following new §125-18:

125.18. In-law apartment use.

It is the intent to provide for the use of a group of rooms in a single-family residence or an accessory building as one (1) so-called “in-law apartment” with its own kitchen and bathroom facilities, for the use of a limited number of persons such as, but not limited to, relatives or tenants-at-will, subject to special precautions with respect to privacy, safety, numbers of occupants, and adequacy of water supply and sewage disposal; where the owner is a resident of the premises; and where the use of such a group of rooms as an apartment is clearly accessory to the principal use of the premises as a single-family residence. It is the further intent that the structural changes, if any, necessary to effect the in-law apartment use be sufficiently modest that such use could be terminated, and a single family reoccupy the entire premises, without substantial hardship in reconstruction.

- A. By special permit from the Board of Appeals, a group of rooms in a single-family residence may be used as one (1) separate apartment with its own bathroom and kitchen facilities, provided that:

- (1) The owner of the premises must agree to occupy as a primary residence either the principal dwelling or the in-law apartment. For purposes of this section, "owner" shall mean one who holds legal or beneficial title of said premises.
- (2) The apartment, whether within the structure of the primary residence or an accessory structure, shall occupy less than the lesser of
 - a) 1/3 of the sum total of the floor area of the apartment and the rest of the primary residence; or
 - b) 1200 square feet of floor area.(For the creation of an apartment of size greater than or equal to that described in a) or b) of this section (125-18.A(2)), see section 125-10.)
- (3) The apartment shall have its own separate entrance from the outside.
- (4) The apartment shall have its own kitchen facilities and its own interior toilet facilities.
- (5) Evidence verified in writing by the Board of Health (or its qualified agent) is submitted with, and as part of, the application for special permit, that there is available on the lot an adequate supply of drinking water and adequate provisions for sewage disposal.
- (6) The outside appearance of the premises shall remain that of a single family residence.
- (7) The rooms shall have heat that is adequately supplied and controlled.

B. The special permit shall be issued only if it contains the following limitations and precautions:

- (1) The number of residents of the apartment is limited to the number, not exceeding three, which the Board of Appeals finds to be in accordance with the adequacy of the facilities provided, even if each occupant wishes to occupy a separate bed.
- (2) The premises continue to be used as principal residence by an owner.
- (3) All turnaround and parking areas shall be provided on the lot.

C. This use, standing alone, is not subject to 125.39, Site Standards.

, or pass any vote or votes in relation thereto.
(Inserted by Planning Board)

(2/3 vote required)

The following motion was made by Barbara Brady, 316 Stow Road, Planning Board, and

seconded,

I move that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by striking therefrom the existing §125-18 In-law apartment use, in its entirety, and inserting in its place a new §125-18 In-law apartment use as printed on pages 3 and 4 in the 12 page document entitled “April 2, 2005 Annual Town Meeting Proposed Amendments to the Protective Bylaw” which has been distributed to the registered voters assembled at this Annual Town Meeting.

David Swain, 25 Fairbank Street made a motion to move the question. It was seconded and voted unanimously yes.

Voted **no** (does not pass), that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by striking therefrom the existing §125-18 In-law apartment use, in its entirety, and inserting in its place a new §125-18 In-law apartment use as printed on pages 3 and 4 in the 12 page document entitled “April 2, 2005 Annual Town Meeting Proposed Amendments to the Protective Bylaw” which has been distributed to the registered voters assembled at this Annual Town Meeting.

ARTICLE 31: AMEND PROTECTIVE BYLAW – BUILD FACTOR

To see if the Town will vote to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, as follows:

1. Insert between the definition of “BRANCH” and “BUILDABLE LAND” in §125-2 the following definition:

“BUILD FACTOR - A mathematical formula which limits the irregularity of lot shape.”

2. Add the following new paragraph to §125-29:

“**I. Lot Shape.** In order to limit the degree to which a lot may have an irregular shape, the following build factor shall be used:

$$\frac{\text{Lot perimeter squared}}{\text{Actual lot area}} \div \frac{\text{Actual lot area}}{\text{Minimum required lot area}} = \text{Build Factor}$$

(1) Type 1 lots shall be subject to a maximum build factor of 30.

(2) Type 3 lots and Type 5 lots shall be subject to a maximum build factor of 40.

(3) Type 2 lots and Type 4 lots shall be subject to maximum build factor of 60.

(4) Lots in an OSC-PRD development shall not be subject to a maximum build factor.”

, 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 52 yes and 13 no (passes), that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, as follows:

1. Insert between the definition of “BRANCH” and “BUILDABLE LAND” in §125-2, Definitions, the following definition:

“BUILD FACTOR - A mathematical formula that is a measure of the regularity of lot shape.”

2. Add the following new paragraph to §125-29, Lot size standards:

“I. Lot Shape. In order to limit the degree of irregularity of lot shape, the following maximum build factor specifications shall be used:

$\frac{\text{Lot Perimeter (ft) squared}}{\text{Actual Lot Area (sq ft)}}$	$\div \frac{\text{Actual Lot Area (acres)}}{\text{Minimum Required Lot Area (acres)}}$	$=$	Build Factor
--	--	-----	-----------------------

(1) Type 1 lots shall be subject to a maximum build factor of 30.

(2) Type 3 lots and Type 5 lots shall be subject to a maximum build factor of 40.

(3) Type 2 lots and Type 4 lots shall be subject to maximum build factor of 60.

(4) Lots in an OSC-PRD development shall not be subject to a maximum build factor.”

ARTICLE 32: AMEND PROTECTIVE BYLAW – LOT SIZE STANDARDS – BUILDABLE LAND AND WIDTH

To see if the Town will vote to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, §125-29 A , as follows:

[Key to changes: ~~Strikethrough~~ = Deletions; Underlining = Additions]

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 ~~CDOS~~ lots are permitted only by special permit authorized by the Planning Board.

(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 building lot shall contain:

- (a) A compact, contiguous area of buildable land of at least 25% of required lot area which (i) ~~and~~ contains at least a portion of the lot width circle required for the particular type of lot; and (ii) is at least 50% or 3/8ths of an acre, whichever is greater, upland, exclusive of land within 100 feet of an inland wetland or a river; ~~and~~
- (b) An access from the street to said buildable area; and-
- (c) Lot width of at least 35 feet throughout all portions of the lot.

, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(2/3 vote required)

The following motion was made by Eric Nestler, 31 Cruft Lane, Planning Board, and seconded,

I move that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, §125-29 A, Lot size standards, by making the changes printed on page 6 in the 12 page document entitled “April 2, 2005 Annual Town Meeting Proposed Amendments to the Protective Bylaw” which has been distributed to the registered voters assembled at this Annual Town Meeting.

The following motion by John Shutt, 66 Whitney Road, was seconded, and accepted by the Planning Board:

I move that the motion be amended, by inserting after the words “within 50 feet of an inland wetland;” the following words:

The foregoing provision (c) shall not apply to lots identified or defined of record prior to April 2, 2005, without regard to considerations of adjoining land held in common ownership as provided in Section 6 of Chapter 40A of the General Laws and in the Harvard Protective Bylaw in Section 125-2;

The following motion by Lou Russo, 116 Oak Hill Road, was seconded, and accepted by the Planning Board.

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.

(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 building lot shall contain:

- (a) A compact, contiguous area of buildable land of at least 25% of required lot area which contains at least a portion of the lot width circle required for the particular type of lot.
- (b) An access from the street to said buildable area.
- (c) At least 3/8ths of an acre upland, exclusive of land within 50 feet of an inland wetland.

Voted greater than 2/3rds yes, that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, §125-29 A , as follows:

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.

(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 building lot shall contain:

- (a) A compact, contiguous area of buildable land of at least 25% of required lot area which contains at least a portion of the lot width circle required for the particular type of lot.
- (b) An access from the street to said buildable area.
- (c) At least 3/8ths of an acre upland, exclusive of land within 50 feet of an inland wetland.

The foregoing provision (c) shall not apply to lots identified or defined of record prior to April 2, 2005, without regard to considerations of adjoining land held in common ownership as provided in Section 6 of Chapter 40A of the General Laws and in the Harvard Protective Bylaw in Section 125-2;

ARTICLE 33: AMEND PROTECTIVE BYLAW – HAMMERHEAD LOTS – DRIVEWAY LENGTH

To see if the Town will vote to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, §125-29 D, as follows:

[Key to changes: ~~Strikethrough~~ = Deletions; Underlining = Additions]

D. (1) (e) Access center-line length no more than 600 feet, from the street side line to the edge of a circle contained in the lot and having a diameter of at least the minimum lot width, with an access center-line radius at least 80 feet.

or pass any vote or votes in relation thereto.
(Inserted by Planning Board)

(2/3 vote required)

The following motion was made by Tim Clark, 114 Bolton Road, Planning Board, and seconded,

I move that that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, §125-29 D, by making the changes printed on page 7 in the 12 page document entitled “April 2, 2005 Annual Town Meeting Proposed Amendments to the Protective Bylaw” which has been distributed to the registered voters assembled at this Annual Town Meeting.

Voted unanimously yes that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, §125-29 D, as follows:

D. (1) (e) Access center-line length no more than 600 feet from the street side line to the edge of a circle contained in the lot and having a diameter of at least the minimum lot width, and with an access center-line radius at least 80 feet.

ARTICLE 34: AMEND PROTECTIVE BYLAW – OSC-PRD PASSAGEWAYS AND MINIMUM OPEN SPACE WIDTH

To see if the Town will vote to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by:

[Key to Changes: ~~Strikethrough~~ = Deletions; Underlining = Additions]

1.) Amending Section 125-35 M as follows:

M. ~~Private road~~ Passage Ways. Private roadways and common driveways shall be allowed in OSC-PRD parcels. While roadway surface widths may be narrower than widths associated with a traditional subdivision, the durability of passage ~~private~~ way surfaces and subsurfaces must be comparable to those in a conventional subdivision.

(1) **Criteria for ~~private road~~ passage ways.** The following criteria shall guide the development of these ~~private~~ passage roadways:

(a) Cleared Pavement widths for traveled ways (excluding on-street parking spaces and passing turnouts) shall not be ~~less than 18 or~~ more than 20 feet for two-way traffic, or less ~~or more~~ than 12 feet for one-way traffic. A cleared height of not less than 16 feet above the entire passage way shall be established and maintained.

(b) Drainage and surface runoff from all passage ~~road~~ ways must be suitably accommodated by an approved drainage system, using best management practices.

(c) All OSC-PRD plans shall specify that such passage ~~road~~ ways will not be dedicated to the Town, but are to remain private ways; and all deeds or other

instruments conveying any portion of land or structure in an OSC-PRD containing such passage ways, shall specify that such passage private roadways are and shall remain private ways in perpetuity.; and

2.) Amending Section 125-35 J (5) as follows:

- (5) A The minimum width of 150 feet of green area shall be established and maintained existing and proposed open space between any adjacent property and the nearest dwelling unit or unitss within the OSC-PRD and adjacent property, shall be 150 feet in the case of parcels of five or more acres.

, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(2/3 vote required)

The following motion was made by Marc Sevigny, 101 South Shaker Road, Planning Board, and seconded,

I move that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by making the changes printed on page 8 in the 12 page document entitled “April 2, 2005 Annual Town Meeting Proposed Amendments to the Protective Bylaw” which has been distributed to the registered voters assembled at this Annual Town Meeting.

The following motion made by Tim Clark, 114 Bolton Road, was seconded, and accepted by the Planning Board.

I move to amend Section 125-35 M(1)(a) as printed in the warrant for the 2005 Annual Town Meeting by striking the references to “two-way traffic” and “one-way traffic” so that the amended Section 125-35 M(1)(a) would read:

“ (a) Cleared widths for traveled ways (excluding on-street parking spaces and passing turnouts) shall not be more than 20 feet or less than 12 feet. A cleared height of not less than 16 feet above the entire passage way shall be established and maintained.”

Voted unanimously yes, to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by:

1.) Amending §125-35 M, Open Space and Conservation – Planned Residential Development, Private roadways, as follows:

M. Passage Ways. Private roadways and common driveways shall be allowed in OSC-PRD parcels. While roadway surface widths may be narrower than widths associated with a traditional subdivision, the durability of passage way surfaces and subsurfaces must be comparable to those in a conventional subdivision.

(1) **Criteria for passage ways.** The following criteria shall guide the development of these passage ways:

(a) Cleared widths for traveled ways (excluding on-street parking spaces and passing turnouts) shall not be more than 20 feet or less than 12 feet. A cleared height of not less than 16 feet above the entire passage way shall be established and maintained.

(b) Drainage and surface runoff from all passage ways must be suitably accommodated by an approved drainage system, using best management practices.

(c) All OSC-PRD plans shall specify that such passage ways will not be dedicated to the Town, but are to remain private ways; all deeds or other instruments conveying any portion of land or structure in an OSC-PRD containing such a passage way(s), shall specify that such passage way(s) are and shall remain private way(s) in perpetuity; and

2.) Amending §125-35J(5), OSC-PRD, Dimensional requirements, as follows:

(5) A minimum width of 150 feet of green area shall be established and maintained between any property adjacent to the OSC-PRD and the nearest dwelling unit or units in the OSC.

ARTICLE 35: AMEND PROTECTIVE BYLAW- DRIVEWAY PARKING AND LOADING SITE STANDARDS

To see if the Town will vote to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, §125-39 as follows:

[Key to Changes: ~~Strikethrough~~ = Deletions; Underlining = Additions]

1.) By amending §125-39 A as follows:

A. Parking and loading.

(1) All turnaround, parking, loading, and other traffic areas may be shared between lots to provide alternative parking configurations and minimize the creation of impervious areas ~~shall be provided on the lot.~~

(2) Any driveway for traffic access to and from the street shall be designed and maintained for safe, rapid access. Except for driveways that serve primarily residential uses of the type permitted in the AR District, such driveways shall not be used as normal walkways to and from parking areas or as normal loading areas or associated maneuvering space. For a corner lot the side line of an access driveway shall be at least 100 feet from the side line of the intersecting street.

(3) Parking areas shall be subdivided so that such areas shall extend no more than 160 feet along a parking access aisle or other driveway without a green area of width at least 20 feet. Alternatively, such extent shall be no more than 80 feet without a green area of width at least 10 feet.

(a) To help further to provide safe parking areas, automobile parking area design shall be based on:

[1] Parking stalls at least 9 1/2 by 19 feet;

[2] Slant parking only if the aisle is one way;

[3] Parking aisle width of at least 24 ~~30~~ feet reducing at 0.2 ~~0.3~~ foot per degree of reduction of angle of parking from 90 degrees to 45 ~~60~~ degrees, ~~and at a 0.2 foot per additional degree thereafter~~ to a minimum aisle width of 15 feet.

and

2.) by amending §125-39 C as follows:

C. Open areas

(1) A buffer strip around the lot perimeter, of width at least 10% of standard lot width or of actual (maximum) lot width, whichever is lesser, shall be left as green area, except to allow for shared parking areas pursuant to §125-39 A(1).

, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(2/3 vote required)

On a motion by Tim Clark, 114 Bolton Road, Planning Board, and seconded,

Voted unanimously yes that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, §125-39, Site standards by making the changes printed on pages 9 and 10 in the 12 page document entitled “April 2, 2005 Annual Town Meeting Proposed Amendments to the Protective Bylaw” which has been distributed to the registered voters assembled at this Annual Town Meeting. [See wording below.]

Amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, §125-39, Site standards, as follows:

1.) By amending §125-39A, Site standards, Parking and loading, as follows:

A. Parking and loading.

- (1) All turnaround, parking, loading, and other traffic areas may be shared between lots, to provide alternative parking configurations and minimize the creation of impervious areas.
- (2) Any driveway for traffic access to and from the street shall be designed and maintained for safe, rapid access. Except for driveways that serve primarily residential uses of the type permitted in the AR District, such driveways shall not be used as normal walkways to and from parking areas or as normal loading areas or associated maneuvering space. For a corner lot the side line of an access driveway shall be at least 100 feet from the side line of the intersecting street.
- (3) Parking areas shall be subdivided so that such areas shall extend no more than 160 feet along a parking access aisle or other driveway without a green area of width at least 20 feet. Alternatively, such extent shall be no more than 80 feet without a green area of width at least 10 feet.
 - (a) To help further to provide safe parking areas, automobile parking area design shall be based on:
 - [1] Parking stalls at least 9 1/2 by 19 feet;
 - [2] Slant parking only if the aisle is one way;
 - [3] Parking aisle width of at least 24 feet reducing at 0.2 foot per degree of reduction of angle of parking from 90 degrees to 45 degrees to a minimum aisle width of 15 feet.

and

2.) by amending §125-39C, Site standards, Open areas, as follows:

C. Open areas

- (1) A buffer strip around the lot perimeter, of width at least 10% of standard lot width or of actual (maximum) lot width, whichever is lesser, shall be left as green area, except to allow for shared parking areas pursuant to §125-39A(1).

ARTICLE 36: AMEND PROTECTIVE BYLAW- SITE PLAN APPROVAL AUTHORITY

To see if the Town will vote to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, §125-38 B as follows:

[Key to Changes: ~~Strikethrough~~ = Deletions; Underlining = Additions]

B. Applicability. Site plan approval is required for uses subject to § 125-39, Site standards, and for other uses as may be indicated in this Bylaw. Any use subject to site plan approval shall be

established or expanded in impervious ground area and any building for such use shall be erected or externally enlarged only in conformity with a site plan approved by the Planning Board, ~~Board of Selectmen, or, in the case of an appeal, variance, or special permit, by the authorizing board, as specified in this Bylaw.~~ Where site plan approval is required, the Building Commissioner shall issue a building permit only on receipt of an approved site plan. The Planning authorizing Board and the Building Commissioner shall maintain permanent files of approved site plans.

, or pass any vote or votes in relation thereto.
(Inserted by Planning Board)

(2/3 vote required)

On a motion by Tim Clark, 114 Bolton Road, Planning Board, and seconded,

Voted greater than 2/3rds yes that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, §125-38B Site plans, Applicability by making the changes printed on page 11 in the 12 page document entitled “April 2, 2005 Annual Town Meeting Proposed Amendments to the Protective Bylaw” which has been distributed to the registered voters assembled at this Annual Town Meeting. [See wording below.]

Amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, §125-38B, Site plans, Applicability, as follows:

B. Applicability. Site plan approval is required for uses subject to § 125-39, Site standards, and for other uses as may be indicated in this Bylaw. Any use subject to site plan approval shall be established or expanded in impervious ground area and any building for such use shall be erected or externally enlarged only in conformity with a site plan approved by the Planning Board. Where site plan approval is required, the Building Commissioner shall issue a building permit only on receipt of an approved site plan. The Planning Board and the Building Commissioner shall maintain permanent files of approved site plans.

ARTICLE 37: AMEND PROTECTIVE BYLAW- REPLACE REFERENCES TO CDOS WITH OSC-PRD

To see if the Town will vote to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, as follows:

[Key to Changes: ~~Strikethrough~~ = Deletions; Underlining = Additions]

1.) By mending the definition of CDOS in §125-2 as follows:

OSC-PRD ~~CDOS~~ -- Residential cluster development for open space conservation as provided under § 125-35, Cluster development for open space conservation – planned residential development.;

2.) By amending §125-29 A as follows:

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 ~~CDOS~~ lots are permitted only by special permit authorized by the Planning Board.;

3.) By amending §125-29 H as follows:

H. OSC-PRD ~~CDOS~~ lots. See § 125-35J Dimensional Requirements F(1), ~~CDOS~~ lots. ; and

4.) By amending §125-30 E (4) as follows:

(4) Structures other than fences, signs, and poles shall be set back from the center line of any roadway, provision for future roadway, or easement or right-of-way for vehicular access connecting three or more lots to the street, by at least 75 feet. Such setback shall also apply to swimming pools. However, except for swimming pools, such setbacks do not apply for roads serving only lots in an OSC-PRD ~~CDOS~~.

, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(2/3 vote required)

On a motion by Marc Sevigny, 101 South Shaker Road, Planning Board, and seconded,

Voted unanimously yes that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by making the changes printed on page 12 in the 12 page document entitled “April 2, 2005 Annual Town Meeting Proposed Amendments to the Protective Bylaw” which has been distributed to the registered voters assembled at this Annual Town Meeting. [See wording below.]

Amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, as follows:

1.) By mending the definition of CDOS in §125-2, Definitions, as follows:

OSC-PRD -- Residential cluster development for open space conservation as provided under § 125-35, Open Space Conservation –Planned Residential Development.;

2.) By amending §125-29A, Lot size standards, as follows:

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.;

3.) By amending §125-29H, CDOS lots, as follows:

H. OSC-PRD lots. See §125-35J, Dimensional Requirements. ; and

4.) By amending §125-30E(4), Land-structure relations, Setbacks, as follows:

- (4) Structures other than fences, signs, and poles shall be set back from the center line of any roadway, provision for future roadway, or easement or right-of-way for vehicular access connecting three or more lots to the street, by at least 75 feet. Such setback shall also apply to swimming pools. However, except for swimming pools, such setbacks do not apply for roads serving only lots in an OSC-PRD.

ARTICLE 38: ACCEPT MGL CHAPTER 90, SECTION 20A – PARKING REGULATIONS

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 90, Section 20A to authorize the appointment of a parking clerk, 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 that the Town accept the provisions of Massachusetts General Laws Chapter 90, Section 20A to authorize the appointment of a parking clerk.

ARTICLE 39: GENERAL BYLAW – HANDICAPPED PARKING SPACES

To see if the Town will vote, (1) to accept the provisions of Massachusetts General Laws Chapter 40, Section 22D authorizing the adoption of rules and regulation relative to the removal of vehicles parked in violation of law; and (2) in accordance with provisions of Massachusetts General Laws Chapter 40, Section 21, to amend the Code of the Town of Harvard by adding thereto the following new chapter, Chapter 108, prohibiting the leaving of unauthorized vehicles unattended within parking spaces designated as reserved for vehicles owned and operated by disabled veterans or handicapped persons, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

Chapter 108

Parking Spaces for Disabled Veterans and Handicapped Persons

§108-1. Designated Parking Spaces Required.

Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees, to reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran

or handicapped person whose vehicle bears the distinguishing license plate authorized by section two of chapter ninety of the Massachusetts General Laws or for any vehicle transporting a handicapped person and displaying the special identification plate authorized by section two of chapter ninety or for any vehicle bearing the official identification of a handicapped person issued by any other state, or any Canadian Province, shall provide designated parking spaces for vehicles either owned and operated by disabled veterans or by handicapped persons and bearing the distinctive number plates authorized by said section two of said chapter ninety, or for vehicles transporting handicapped persons and displaying the special parking identification plate authorized by said section two of said chapter ninety, or for vehicles bearing the official identification of a handicapped person issued by any other state, or any Canadian Province according to the following formula:

A. If the number of parking spaces in any such area is more than fifteen but not more than twenty-five, one parking space; more than twenty-five but not more than forty, five per cent of such spaces but not less than two; more than forty but not more than one hundred, four per cent of such spaces but not less than three; more than one hundred but not more than two hundred, three per cent of such spaces but not less than four; more than two hundred but not more than five hundred, two per cent of such spaces but not less than six; more than five hundred but not more than one thousand, one and one-half per cent of such spaces but not less than ten; more than one thousand but not more than two thousand, one per cent of such spaces but not less than fifteen; more than two thousand but less than five thousand, three-fourths of one per cent of such spaces but not less than twenty; and more than five thousand, one-half of one per cent of such spaces but not less than thirty.

B. Parking spaces designated as reserved under the provisions of Paragraph A shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "'Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be Removed at Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve feet wide or two eight-foot wide areas with four feet of cross hatch between them. The cross hatch area abutting a handicapped parking space shall, for the purposes of this paragraph, be considered a handicapped parking space.

§108-2. Leaving Unauthorized and Unattended Vehicles in Designated Parking Spaces Prohibited.

Leaving unauthorized vehicles unattended within parking spaces designated as reserved for vehicles owned and operated by disabled veterans or handicapped persons, including the cross hatch areas, designated for use by disabled veterans or handicapped persons or in such a manner as to obstruct a curb ramp designed for use by a handicapped person as a means of egress to a street or public way is prohibited.

§108-3. Violations and Penalties.

A. The penalty for a violation of any provision of this Chapter shall be \$100.00 for the first offense; \$200.00 for the second offense; and \$300.00 for the third and each subsequent offense. This penalty shall not be a surchargeable offense under Section 113B of Chapter 175 of the

Massachusetts General Laws. As an alternative to criminal prosecution for violations of this Chapter, violators may be punished by the imposition of civil fines pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 21D. Such civil fines shall be \$100.00 for the first offense; \$200.00 for the second offense; and \$300.00 for the third and each subsequent offense. The police officers of the Town shall enforce the provisions of this Chapter.

B. Any vehicle which is left or parked in violation of the provisions of §108.2 of this chapter shall be removed in accordance with the provisions of Section 22D of Chapter 40 of the Massachusetts General Laws and any regulations adopted thereunder.

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

Voted 18 yes, 12 no, that the Town (1) to accept the provisions of Massachusetts General Laws Chapter 40, Section 22D authorizing the adoption of rules and regulation relative to the removal of vehicles parked in violation of law; and (2) in accordance with provisions of Massachusetts General Laws Chapter 40, Section 21, amend the Code of the Town of Harvard by adding thereto a new chapter, Chapter 108, prohibiting the leaving of unauthorized vehicles unattended within parking spaces designated as reserved for vehicles owned and operated by disabled veterans or handicapped persons as printed under Article 39 in the Finance Committee Report Recommendations and Warrant Articles, Report of the Capital Plan Committee, and Report of the Community Preservation Committee handbook on pages 50 and 51, except that the word “be” shall be inserted between the words “may” and “punished” in the third sentence of Paragraph A of §108-3 of said new Chapter 108. [See wording below.]

Chapter 108

Parking Spaces for Disabled Veterans and Handicapped Persons

§108-1. Designated Parking Spaces Required.

Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees, to reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by section two of chapter ninety of the Massachusetts General Laws or for any vehicle transporting a handicapped person and displaying the special identification plate authorized by section two of chapter ninety or for any vehicle bearing the official identification of a handicapped person issued by any other state, or any Canadian Province, shall provide designated parking spaces for vehicles either owned and operated by disabled veterans or by handicapped persons and bearing the distinctive number plates authorized by said section two of said chapter ninety, or for vehicles transporting handicapped persons and displaying the special parking identification plate authorized by said section two of said chapter ninety, or for vehicles bearing the official identification of a handicapped person issued by any other state, or any Canadian Province according to the following formula:

A. If the number of parking spaces in any such area is more than fifteen but not more than twenty-five, one parking space; more than twenty-five but not more than forty, five per cent of such spaces but not less than two; more than forty but not more than one hundred, four per cent of such spaces but not less than three; more than one hundred but not more than two hundred, three per cent of such spaces but not less than four; more than two hundred but not more than five hundred, two per cent of such spaces but not less than six; more than five hundred but not more than one thousand, one and one-half per cent of such spaces but not less than ten; more than one thousand but not more than two thousand, one per cent of such spaces but not less than fifteen; more than two thousand but less than five thousand, three-fourths of one per cent of such spaces but not less than twenty; and more than five thousand, one-half of one per cent of such spaces but not less than thirty.

B. Parking spaces designated as reserved under the provisions of Paragraph A shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "'Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be Removed at Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve feet wide or two eight-foot wide areas with four feet of cross hatch between them. The cross hatch area abutting a handicapped parking space shall, for the purposes of this paragraph, be considered a handicapped parking space.

§108-2. Leaving Unauthorized and Unattended Vehicles in Designated Parking Spaces Prohibited.

Leaving unauthorized vehicles unattended within parking spaces designated as reserved for vehicles owned and operated by disabled veterans or handicapped persons, including the cross hatch areas, designated for use by disabled veterans or handicapped persons or in such a manner as to obstruct a curb ramp designed for use by a handicapped person as a means of egress to a street or public way is prohibited.

§108-3. Violations and Penalties.

A. The penalty for a violation of any provision of this Chapter shall be \$100.00 for the first offense; \$200.00 for the second offense; and \$300.00 for the third and each subsequent offense. This penalty shall not be a surchargeable offense under Section 113B of Chapter 175 of the Massachusetts General Laws. As an alternative to criminal prosecution for violations of this Chapter, violators may be punished by the imposition of civil fines pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 21D. Such civil fines shall be \$100.00 for the first offense; \$200.00 for the second offense; and \$300.00 for the third and each subsequent offense. The police officers of the Town shall enforce the provisions of this Chapter.

B. Any vehicle which is left or parked in violation of the provisions of §108.2 of this chapter shall be removed in accordance with the provisions of Section 22D of Chapter 40 of the Massachusetts General Laws and any regulations adopted thereunder.

ARTICLE 40: GENERAL BYLAW – LICENSING OF CANVASSERS AND SOLICITORS

To see if the Town will vote to amend the Code of the Town of Harvard by adding thereto a new chapter, Chapter 15, to establish licensing requirements for canvassers and solicitors, as follows:

Chapter 15

CANVASSERS AND SOLICITORS

Section 15.1 License required.

It shall be unlawful for any solicitor or canvasser as defined in this by-law to engage in the business of soliciting or canvassing within the Town of Harvard without first obtaining a license therefore in compliance with the provisions of this by-law. The provisions of this by-law shall not apply to any person who is exempt from regulation by this by-law under the provisions of Chapter 101 of the Massachusetts General Laws or any other state law, or to any person duly licensed under said Chapter 101, nor shall this by-law be construed to prevent route salespersons or other persons having established customers to whom they make periodic deliveries or visits from calling upon such customers or from making calls upon prospective customers to solicit an order for future periodic route deliveries.

Section 15.2 Definitions.

As used in this by-law, a “solicitor” or “canvasser” is any person who, for himself or herself, or for another person, firm or corporation travels by foot, automobile or any other means of travel from place to place, from house to house, or from street to street, taking or attempting to lease or take orders for the retail sale of goods, wares, merchandise, or services, including, without limitation, the selling, distributing, exposing for sale or soliciting orders for magazines, books, periodicals or other articles of a commercial nature, the contracting of home improvements, or for services to be performed in the future, whether or not such person has, carries or exposes for retail sale a sample of the subject of such sale or whether such person is collecting advance payment on such retail sales.

Section 15.3 Application.

Applicants for a license to canvass or solicit shall file with the Chief of Police, on a form issued by the Police Department, a written application signed under penalties of perjury, containing the following information:

1. Name of applicant;
2. Address of applicant;
3. Applicant’s height, weight, eye and hair color;
4. Applicant’s social security number;
5. The length of time for which the right to do business is desired;

6. A brief description of the nature of the business and the goods to be sold;
7. The name and home office address of the applicant's employer. If self-employed, it shall so state;
8. A photograph of the applicant which picture shall be submitted by the applicant and be 2"by 2" showing the head and shoulders of the applicant in a clear and distinguishing manner;
9. If operating a motor vehicle: the year, make, model, vehicle identification number, registration number, state of registration, vehicle's owner and address;

Section 15.4 Application Fee.

At the time of filing the application, each applicant shall pay a nonrefundable fee of five dollars (\$5.00).

Section 15.5 Investigation and Issuance.

1. Upon receipt of the application, the Chief of Police shall investigate the applicant's reputation as to honesty and integrity.
2. After an investigation of the applicant's honesty and integrity, but within seven (7) business days of the filing of the application, the Chief of Police shall endorse on such application his approval or disapproval. Failure of the Police Chief to act on such application within seven (7) business days of filing shall constitute approval thereof. If disapproved, the applicant shall have the right to appeal to the Board of Selectmen in writing within seven (7) business days of the disapproval by the Chief of Police. The Board of Selectmen must act upon the appeal at one of their next two (2) regularly scheduled meetings. Failure to so act shall constitute approval thereof.
3. Such license, when issued, shall contain the signature of the Chief of Police or the Board of Selectmen and shall show the name, address and a photograph of the licensee, the date of issuance and the length of time that the license shall be in effect and the license number. The Police Department shall keep a record of all such licenses issued for a period of six (6) years. Solicitors and canvassers, when engaged in the business of soliciting or canvassing, are required to display an identifying badge issued by the Police Department by wearing said badge on an outer garment. Each licensee is required to possess an individual license.
4. Duty of Police to Enforce/Transfer: The police officers of the Town shall enforce this by-law. No license shall be transferred.

Section 15.6 Revocation of License

The Chief of Police may revoke licenses issued pursuant to this by-law. Any person aggrieved by such revocation may appeal to the Board of Selectmen within seven (7)

business days and a hearing will be scheduled for one of the next two (2) regularly scheduled meetings of the Board of Selectmen.

Section 15.7 Expiration of License

Each license issued under the provisions of this by-law shall continue in force from the date of issue until the thirty-first (31st) day of December following, unless sooner revoked.

Section 15.8 Renewal of License

The Chief of Police may renew licenses issued under the provisions of this regulation. An applicant requesting renewal of a license must apply in person for such license renewal, and provide such information as is required to obtain an initial license.

Section 15.9 Misrepresentation

1. No solicitor or canvasser, licensed or exempted from license, shall misrepresent, in any manner, the buyer's right to cancel an order.
2. It shall be unlawful for any solicitor or canvasser to ignore a "no trespassing" or "no solicitors" sign. No solicitor or canvasser may use any plan, scheme, or ruse, which misrepresents the true status or mission of the person or establishment with the purpose of making sales of consumer goods or services.
3. Trespassing. It shall be unlawful for any canvasser or solicitor to enter the premises of a resident or business who has a resident or business person's no solicitation or no trespassing directive or to remain on private property after its owner or other person in lawful possession has indicated that the canvasser or solicitor is not permitted to remain on thereon.
4. Hours. It shall be a violation of this bylaw to solicit or canvass, as defined in this by-law, between sunset and 9:00 a.m.

Section 15.10 Violations and Penalties

Any person violating any provision of this by-law shall, upon conviction thereof, shall be punished by a fine not to exceed fifty dollars (\$50.00) for each and every violation. As an alternative to criminal prosecution for violations of this by-law, violators may be punished by the imposition of a civil fine pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 21D. Such civil fine shall not exceed fifty dollars (\$50.00) for each and every violation.

, 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 move that the Town amend the Code of the Town of Harvard by adding thereto a new chapter, Chapter 15, to establish licensing requirements for canvassers and solicitors, as printed under Article 40 in the Finance Committee Report Recommendations and Warrant Articles, Report of the Capital Plan Committee, and Report of the Community Preservation Committee handbook on pages 52 through 55, except that the word “be” shall be inserted between the words “may” and “punished” in the second sentence of Section 15.10 of said new Chapter 15. [See wording below.]

Chapter 15

CANVASSERS AND SOLICITORS

Section 15.1 License required.

It shall be unlawful for any solicitor or canvasser as defined in this by-law to engage in the business of soliciting or canvassing within the Town of Harvard without first obtaining a license therefore in compliance with the provisions of this by-law. The provisions of this by-law shall not apply to any person who is exempt from regulation by this by-law under the provisions of Chapter 101 of the Massachusetts General Laws or any other state law, or to any person duly licensed under said Chapter 101, nor shall this by-law be construed to prevent route salespersons or other persons having established customers to whom they make periodic deliveries or visits from calling upon such customers or from making calls upon prospective customers to solicit an order for future periodic route deliveries.

Section 15.2 Definitions.

As used in this by-law, a “solicitor” or “canvasser” is any person who, for himself or herself, or for another person, firm or corporation travels by foot, automobile or any other means of travel from place to place, from house to house, or from street to street, taking or attempting to lease or take orders for the retail sale of goods, wares, merchandise, or services, including, without limitation, the selling, distributing, exposing for sale or soliciting orders for magazines, books, periodicals or other articles of a commercial nature, the contracting of home improvements, or for services to be performed in the future, whether or not such person has, carries or exposes for retail sale a sample of the subject of such sale or whether such person is collecting advance payment on such retail sales.

Section 15.3 Application.

Applicants for a license to canvass or solicit shall file with the Chief of Police, on a form issued by the Police Department, a written application signed under penalties of perjury, containing the following information:

1. Name of applicant;
2. Address of applicant;
3. Applicant's height, weight, eye and hair color;
4. Applicant's social security number;
5. The length of time for which the right to do business is desired;
6. A brief description of the nature of the business and the goods to be sold;
7. The name and home office address of the applicant's employer. If self-employed, it shall so state;
8. A photograph of the applicant which picture shall be submitted by the applicant and be 2"by 2" showing the head and shoulders of the applicant in a clear and distinguishing manner;
9. If operating a motor vehicle: the year, make, model, vehicle identification number, registration number, state of registration, vehicle's owner and address;

Section 15.4 Application Fee.

At the time of filing the application, each applicant shall pay a nonrefundable fee of five dollars (\$5.00).

Section 15.5 Investigation and Issuance.

1. Upon receipt of the application, the Chief of Police shall investigate the applicant's reputation as to honesty and integrity.
2. After an investigation of the applicant's honesty and integrity, but within seven (7) business days of the filing of the application, the Chief of Police shall endorse on such application his approval or disapproval. Failure of the Police Chief to act on such application within seven (7) business days of filing shall constitute approval thereof. If disapproved, the applicant shall have the right to appeal to the Board of Selectmen in writing within seven (7) business days of the disapproval by the Chief of Police. The Board of Selectmen must act upon the appeal at one of their next two (2) regularly scheduled meetings. Failure to so act shall constitute approval thereof.
3. Such license, when issued, shall contain the signature of the Chief of Police or the Board of Selectmen and shall show the name, address and a photograph of the licensee, the date of issuance and the length of time that the license shall be in effect and the license number. The Police Department shall keep a record of all such licenses issued for a period of six (6) years. Solicitors and canvassers, when engaged in the business of soliciting or canvassing, are required to display an

identifying badge issued by the Police Department by wearing said badge on an outer garment. Each licensee is required to possess an individual license.

4. Duty of Police to Enforce/Transfer: The police officers of the Town shall enforce this by-law. No license shall be transferred.

Section 15.6 Revocation of License

The Chief of Police may revoke licenses issued pursuant to this by-law. Any person aggrieved by such revocation may appeal to the Board of Selectmen within seven (7) business days and a hearing will be scheduled for one of the next two (2) regularly scheduled meetings of the Board of Selectmen.

Section 15.7 Expiration of License

Each license issued under the provisions of this by-law shall continue in force from the date of issue until the thirty-first (31st) day of December following, unless sooner revoked.

Section 15.8 Renewal of License

The Chief of Police may renew licenses issued under the provisions of this regulation. An applicant requesting renewal of a license must apply in person for such license renewal, and provide such information as is required to obtain an initial license.

Section 15.9 Misrepresentation

1. No solicitor or canvasser, licensed or exempted from license, shall misrepresent, in any manner, the buyer's right to cancel an order.
2. It shall be unlawful for any solicitor or canvasser to ignore a "no trespassing" or "no solicitors" sign. No solicitor or canvasser may use any plan, scheme, or ruse, which misrepresents the true status or mission of the person or establishment with the purpose of making sales of consumer goods or services.
3. Trespassing. It shall be unlawful for any canvasser or solicitor to enter the premises of a resident or business who has a resident or business person's no solicitation or no trespassing directive or to remain on private property after its owner or other person in lawful possession has indicated that the canvasser or solicitor is not permitted to remain on thereon.

4. Hours. It shall be a violation of this bylaw to solicit or canvass, as defined in this by-law, between sunset and 9:00 a.m.

Section 15.10 Violations and Penalties

Any person violating any provision of this by-law shall, upon conviction thereof, shall be punished by a fine not to exceed fifty dollars (\$50.00) for each and every violation. As an alternative to criminal prosecution for violations of this by-law, violators may be punished by the imposition of a civil fine pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 21D. Such civil fine shall not exceed fifty dollars (\$50.00) for each and every violation. [*]

*** Attorney General approval of this article required amending the last line at the Special Town Meeting on June 21, 2005 (Article 7.)**

ARTICLE 41: AMEND GENERAL BYLAWS – NON-CRIMINAL DISPOSITION

To see if the Town will vote to amend the Code of the Town of Harvard as follows:

- 1.) By adding the following sentences immediately after “\$200.” in Chapter 6, ALARM SYSTEMS, §6-1: “ As an alternative to criminal prosecution for violations of this by-law, violators may punished by the imposition of a civil fine pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 21D. Such civil fine shall not exceed \$200. for each and every violation.”;
- 2.) By adding the following sentences immediately after the end of the second sentence in Chapter 53, HOUSE NUMBERING, §53-6: “ As an alternative to criminal prosecution for violations of this by-law, violators may punished by the imposition of a civil fine pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 21D. Such civil fine shall not exceed \$10. per day. The Zoning Enforcement Officer shall enforce the provisions of this by-law.”;
- 3.) By adding the following sentences immediately after the end of the second sentence in Chapter 96, STREETS AND SIDEWALKS, §96-2: “As an alternative to criminal prosecution for violations of this by-law, violators may punished by the imposition of a civil fine pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 21D. Such civil fine shall not exceed \$50. per day. ”;
- 4.) By adding the following sentences immediately after the end of the second sentence in Chapter 96, STREETS AND SIDEWALKS, §96-3: “As an alternative to criminal prosecution for violations of this by-law, violators may punished by the imposition of a civil fine pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 21D. Such civil fine shall not exceed \$50. per offense. The Board of Selectmen, acting through the Director of the Department

of Public Works shall enforce the provisions of this by-law. ”;

5.) By adding the following sentences immediately after the end of the second sentence in Chapter 107, VEHICLES, OPERATION OF, §107-2: “As an alternative to criminal prosecution for violations of this by-law, violators may punished by the imposition of a civil fine pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 21D. Such civil fine shall not exceed \$50. per offense. The Town’s police officers shall enforce the provisions of this by-law.” ;and

6.) By adding the following sentences immediately after the end of the second sentence in Chapter 110, VEHICLES, UNREGISTERED OR JUNK, §110-5: “As an alternative to criminal prosecution for violations of this by-law, violators may punished by the imposition of a civil fine pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 21D. Such civil fine shall not exceed \$20. per offense. The Town’s police officers shall enforce the provisions of this by-law. ”

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 no (16 yes and 18 no), that the Town amend the Code of the Town of Harvard to provide for an alternative of non-criminal disposition of certain by-law violations as printed under Article 41 in the Finance Committee Report Recommendations and Warrant Articles, Report of the Capital Plan Committee, and Report of the Community Preservation Committee handbook on pages 55 and 56, except that the word “be” shall be inserted between the words “may” and “punished” wherever the words “may punished” appear in said proposed amendments.

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, 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 meeting adjourned after article 3 at 12:15 PM for lunch and reconvened at 1:20 PM.

Just prior to the lunch break, the Board of Selectmen honored David Durrant as Citizen of Note in honor of his 25 years of service on the Ambulance squad.

Checkers for the meeting were Ruth Miller, Marylin Morgan, Robin Yates, Dorothy Solbrig, and Paul Green. They checked in 518 voters out of a total of 3860 registered voters (3686 active voters).

The meeting was dissolved at 6:40 P.M.

Respectfully submitted,

Janet A. Vellante
Town Clerk