

ANNUAL TOWN MEETING

April 28, 2012

The meeting was called to order in the Bromfield Gym at 9:06 a.m. by Moderator, Robert Eubank. The call of the meeting and the return of service were found to be in order by Town Clerk Janet A. Vellante.

Moderator Robert Eubank requested that the town allow the following non-voters to speak to the meeting if necessary:

Timothy Bragan	Town Administrator
Joseph Connelly	Interim Superintendent of Schools
Edward Denmark	Police Chief
Mark Lanza	Town Counsel
Lorraine Leonard	Finance Director
Richard Nota	Director of Public Works
Richard Sicard	Fire Chief
Harald Scheid	President, Regional Resource Group (Regional Tax Assessor)
Debbie Thompson	Director, Council on Aging
Sue Brown & Juliet Walker	Brown Walker Planning
Drayton Fair	L.L.B. Architects
Steven Sharek	Montachusett Regional Vocational Technical School - Superintendent
Tammy LaJoie	Montachusett Regional Vocational Technical School – School Business Manager

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.

On a motion by Marie Sobalvarro, 1 St. John Lane, Board of Selectmen, and seconded,

Voted majority yes, that the Town accept the reports of the Board of Selectmen, School Committee, and any other officers or committees as printed in the 2011 Annual Town Report and that we hear from any other Board or Committee that wishes to make a report to Town Meeting.

Reports were given by the following:

Pilot Project – Willie Wickman
Devens Economic Analysis Team – Paul Green
Municipal Building Committee – Pete Jackson

ARTICLE 2: RE-VOTE OF ARTICLE 20 OF THE APRIL 2, 2011 ANNUAL TOWN MEETING

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase a new forestry fire fighting truck that will replace the current 1986 forestry fire fighting truck, with any unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Ronald Ricci, 19 East Bare Hill Road, Board of Selectmen, and seconded,

Voted unanimously yes, that the Town appropriate \$145,000. to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase a new forestry fire fighting truck that will replace the current 1986 forestry fire fighting truck, with any unexpended funds as of June 30, 2013 being returned to their funding source, and, to provide for said appropriation, the Town Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$145,000. pursuant to the provisions of Massachusetts General Laws Chapter 44.

ARTICLE 3: FISCAL YEAR 2011 CERTIFIED FREE CASH

To see if the Town will vote to transfer a sum of money from Fiscal Year 2011 Certified Free Cash to the Capital Stabilization and Investment Fund, or pass any vote or votes in relation thereto.

On a motion by Bob Thurston, 149 Bolton Road, Finance Committee, and seconded,

Voted unanimously yes, that the Town transfer the sum of \$372,309 from the Fiscal Year 2011 Certified Free Cash Account to the Capital Stabilization and Investment Fund and appropriate \$64,445 from the Fiscal Year 2011 Certified Free Cash Account to pay previously approved vehicle debt.

ARTICLE 4: OMNIBUS BUDGET

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, such sums of money as may be necessary to defray expenses for the ensuing fiscal year (Fiscal Year 2013), or pass any vote or votes in relation thereto.

On a motion by Marie Fagan, 21 Still River Road, Finance Committee, and seconded,

Voted majority yes that the Town appropriate of \$ 20,710,819. to defray the expenses of the Town for Fiscal Year 2013 as printed in the Finance Committee Report on pages 30 through 36, and that said appropriation be provided by raising \$20,699,527. by taxation and transferring \$11,292. from Wetlands Fees; and appropriate \$100,000. to defray the expenses of the Harvard Wastewater Management District Commission for Fiscal Year 2013, and that said appropriation be provided by \$100,000. from wastewater management system revenues in the enterprise fund established for the Town's wastewater management system.

ARTICLE 5: RESERVE FUND – FISCAL YEAR 2013

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 (Fiscal Year 2013), or pass any vote or votes in relation thereto.

On a motion by Steven Colwell, 192 Littleton Road, Finance Committee, and seconded,

Voted majority yes that the Town raise and appropriate the sum of \$350,000 to be placed in the Reserve Fund Account for unforeseen and extraordinary expenses for Fiscal Year 2013.

ARTICLE 6: FIRE DEPARTMENT – FIRE GEAR LOCKERS

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase Fire Gear Lockers to store protective firefighting gear (helmets, bunker coats, pants, protective hoods, boots and gloves) for use by the Fire Department, with unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Ronald Ricci, 19 East Bare Hill Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town raise and appropriate the sum of \$7,000. to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase Fire Gear Lockers to store protective firefighting gear (helmets, bunker coats, pants, protective hoods, boots and gloves) for use by the Fire Department, with unexpended funds as of June 30, 2013 being returned to their funding source

ARTICLE 7: FIRE DEPARTMENT – THERMAL IMAGING CAMERAS

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Fire Chief, with the approval of the Board of Selectmen, to be used to purchase two Thermal Imaging Cameras for use by the Fire Department, with unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Ronald Ricci, 19 East Bare Hill Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town raise and appropriate the sum of \$12,000. to be expended by the Fire Chief, with the approval of the Board of Selectmen, to be used to purchase two Thermal Imaging Cameras for use by the Fire Department, with unexpended funds as of June 30, 2013 being returned to their funding source.

ARTICLE 8: FIRE DEPARTMENT – S.A.F.E. PROGRAM REVOLVING FUND

To see if the Town will vote to authorize a Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund the Fire Department's S.A.F.E. Program with the revenue coming from annual Burning Permits and that the revenue or expenditures of this account not to exceed \$15,000 in Fiscal Year 2013, or pass any vote or votes in relation thereto.

On a motion by Peter Warren, 52 Lancaster County Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town authorize a Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund the Fire Department's S.A.F.E. Program with the revenue coming from annual Burning Permits and that the revenue or expenditures of this account shall not exceed \$15,000 in Fiscal Year 2013.

ARTICLE 9: ECONOMIC DEVELOPMENT COMMITTEE - BUDGET

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to provide the Economic Development Committee with a budget for Fiscal Year 2013, with unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Rich Maiore, 50 Slough Road, Economic Development Committee, and seconded,

Voted majority yes that the Town raise and appropriate the sum of \$1,000. to defray the expenses of the Economic Development Committee for Fiscal Year 2013, with unexpended funds as of June 30, 2013 being returned to their funding source.

ARTICLE 10: PUBLIC BUILDINGS – ENERGY AUDITS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to be expended by the Town Energy Advisory Committee, with the approval of the Board of Selectmen, for the purpose of conducting energy studies to identify opportunities to improve the efficiency of the following eight town buildings: Public Safety Building, Highway Department Buildings, New Library, Center Fire Station, Still River Fire Station, Old Fire Station/Ambulance Building, The Bromfield House, and the Old Library, with unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted majority yes that the Town raise and appropriate the sum of \$12,000. to be expended by the Town Energy Advisory Committee, with the approval of the Board of Selectmen, for the purpose of conducting energy studies to identify opportunities to improve the efficiency of the following eight town buildings: Public Safety Building, Highway Department Buildings, New Library, Center Fire Station, Still River Fire Station, Old Fire Station/Ambulance Building, The Bromfield House, and the Old Library, with unexpended funds as of June 30, 2013 being returned to their funding source.

ARTICLE 11: MUNICIPAL BUILDINGS - FACILITIES MANAGER

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, to contract with an individual or individuals to manage the non-school municipal buildings and to provide for minimal expenses for this function, with unexpended funds as of June 30, 2013 being returned to their funding source, or

pass any vote or votes in relation thereto.

On a motion by Peter Warren, 52 Lancaster County Road, Board of Selectmen, and seconded,

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

ARTICLE 12: MUNICIPAL BUILDINGS - REPAIR AND MAINTENANCE

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended the Town Administrator, with the approval of the Board of Selectmen, to begin to address the issues outlined in the Galeota Report dated December 2011 and filed in the Office of the Town Clerk regarding the condition of our non-school municipal buildings, with unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Peter Warren, 52 Lancaster County Road, Board of Selectmen, and seconded,

Voted majority yes that the Town raise and appropriate the sum of \$95,630. to be expended by the Town Administrator, with the approval of the Board of Selectmen, to begin to address the issues outlined in the Galeota Report dated December 2011 and filed in the Office of the Town Clerk regarding the condition of our non-school municipal buildings, with unexpended funds as of June 30, 2013 being returned to their funding source.

ARTICLE 13: GEOGRAPHIC INFORMATION 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 Finance Director in coordination with the Assessor's Office, to provide for Geographic Information Service for the Town's Assessing database, with unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted majority yes that the Town raise and appropriate the sum of \$6,700. To be expended by the Finance Director in coordination with the Assessor's Office, to provide for Geographic Information Service for the Town's Assessing database, with unexpended funds as of June 30, 2013 being returned to their funding source.

ARTICLE 14: CAPITAL PLANNING AND INVESTMENT FUND – APPROPRIATION

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 Capital Planning and Investment Fund, or pass any vote or votes in relation thereto.

On a motion by George McKenna, 41 Old Littleton Road, Finance Committee, and seconded,

Voted unanimously yes that the Town raise and appropriate the sum of \$50,000. to be placed in the Capital Planning and Investment Fund.

ARTICLE 15: CAPITAL PLANNING AND INVESTMENT COMMITTEE – CPIC DEBT PAYMENT

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to be expended by the Town Treasurer, with the approval of the Board of Selectmen, to fund Capital Planning Investment Committee's debt service for fiscal year 2013, with unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by George McKenna, 41 Old Littleton Road, Capital Planning and Investment Committee, and seconded,

Voted unanimously yes that the Town transfer from the Capital Stabilization and Investment Fund the sum of \$37,000. to be expended by the Town Treasurer, with the approval of the Board of Selectmen, to fund Capital Planning Investment Committee's debt service for fiscal year 2013, with unexpended funds as of June 30, 2013 being returned to their funding source.

ARTICLE 16: FIRE DEPARTMENT - REPLACE AND RELOCATE TOWN CENTER AIR HORN

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase a new air horn for the Fire Department and to relocate it to the center fire station, with unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Peter Warren, 52 Lancaster County Road, Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3 yes that the Town transfer from the Capital Stabilization and Investment Fund the sum of \$23,195. to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase a new air horn for the Fire Department and to relocate said horn to the center fire station, with unexpended funds as of June 30, 2013 being returned to their funding source

ARTICLE 17: FIRE DEPARTMENT – UPGRADE RADIO INFRASTRUCTURE

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to be expended by the Fire Chief, with the approval of the Board of Selectmen, to upgrade the radio infrastructure for the Town, with unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Peter Warren, 52 Lancaster County Road, Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3 yes that the Town transfer from the Capital Stabilization and Investment Fund the sum of \$28,079 to be expended by the Fire Chief, with the approval of the Board of Selectmen, to upgrade the radio infrastructure for the Town, with unexpended funds as of June 30, 2013 being returned to their funding source.

ARTICLE 18: BOARD OF SELECTMEN - TOWN HALL BUILDING PROJECT

To see if the Town will vote to appropriate a sum of money to be expended under the direction of the Board of Selectmen and the Municipal Building Committee for the design, construction, reconstruction, renovation and historical preservation of the Harvard Town Hall, including, but not limited to handicapped accessibility improvements and the installation of a new heating, ventilating and air conditioning system; and determine whether such appropriation shall be provided by taxation, transfer from available funds, including monies in the Community Preservation Fund, transfer from funds appropriated for another purpose, grants received from the Commonwealth of Massachusetts or the federal government, borrowing pursuant to the provisions of Massachusetts General Laws Chapter 44 or any combination of such funding sources, contingent upon the passage of a Proposition 2 1/2 debt exclusion ballot question at the 2012 Annual Town Election, or pass any vote or votes in relation thereto.

The following motion was made by Marie Sobalvarro, 1 St. John Lane, Board of Selectmen, and seconded,

I move that the Town appropriate \$3,970,000. to be expended under the direction of the Board of Selectmen and the Municipal Building Committee for the design, construction, reconstruction, renovation and historical preservation of the Harvard Town Hall, including, but not limited to handicapped accessibility improvements and the installation of a new heating, ventilating and air conditioning system; and, to provide for said appropriation, a.) the Town Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$2,970,000. pursuant to the provisions of Massachusetts General Laws Chapter 44; b.) \$1,000,000. shall be transferred from revenues in the

Community Preservation Fund, in anticipation of which revenues the Town Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$1,000,000. pursuant to the provisions of

Massachusetts General Laws 44B , Section 11 for a term not exceeding 20 years, contingent upon the passage of a Proposition 2 1/2 debt exclusion ballot question at the 2012 Annual Town Election.

The following motion was made by Bruce Leicher, 58 Warren Avenue, and seconded,

I move that we amend the motion by deleting the words “and the Municipal Building Committee” in the first sentence.

The Board of Selectmen accepted the motion, but the Moderator called for a vote. The motion to amend was voted majority no. The Board of Selectmen accepted the will of the meeting and voted to keep the words in.

Voted greater than 2/3 yes that the Town appropriate \$3,970,000. to be expended under the direction of the Board of Selectmen and the Municipal Building Committee for the design, construction, reconstruction, renovation and historical preservation of the Harvard Town Hall, including, but not limited to handicapped accessibility improvements and the installation of a new heating, ventilating and air conditioning system; and, to provide for said appropriation, a.) the Town Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$2,970,000. pursuant to the provisions of Massachusetts General Laws Chapter 44; b.) \$1,000,000. shall be transferred from revenues in the Community Preservation Fund, in anticipation of which revenues the Town Treasurer, with the approval of the Board of Selectmen,

be authorized to borrow \$1,000,000. pursuant to the provisions of Massachusetts General Laws 44B , Section 11 for a term not exceeding 20 years, contingent upon the passage of a Proposition 2 1/2 debt exclusion ballot question at the 2012 Annual Town Election.

Presentations were made by the following: Pete Jackson – Municipal Building Committee, Cindy Russo – Capital Planning & Investment Committee, Rudy Minar – Finance Committee

ARTICLE 19: DEPARTMENT OF PUBLIC WORKS – PURCHASE NEW BOOM FLAIL MOWER

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to be expended by the Director of Public Works, with the approval of the Board of Selectmen, to purchase a new boom flail mower, with any unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by David Kassel, 112 West Bare Hill Road, for the Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3 yes that the Town transfer from the Capital Stabilization and Investment Fund the sum of \$97,895. to be expended by the Director of Public Works, with the approval of the Board of Selectmen, to purchase a new boom flail mower, with any unexpended funds as of June 30, 2013 being returned to their funding source.

ARTICLE 20: WATER DEPARTMENT – WELL PUMP REPLACEMENT

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to be expended by the Director of Public Works, with the approval of the Board of Selectmen, to replace a well pump, with any unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

The following motion was made by Debbie Ricci, 19 East Bare Hill Road, Capital Planning and Investment Committee, and seconded,

I move that the Town transfer from the Capital Stabilization and Investment Fund the sum of \$10,000. to be expended by the Director of Public Works, with the approval of the Board of Selectmen, to replace a well pump, with any unexpended funds as of June 30, 2013 being returned to their funding source.

The following motion was made by Ronald Ricci, 19 East Bare Hill Road, and seconded,

I move that the phrase “approval of the Board of Selectmen” be deleted and “approval of the Water Commission” be added.

The motion to amend was accepted by the Capital Planning and Investment Committee.

Voted greater than 2/3 yes that the Town transfer from the Capital Stabilization and Investment Fund the sum of \$10,000. to be expended by the Director of Public Works, with the approval of the Water Commission, to replace a well pump, with any unexpended funds as of June 30, 2013 being returned to their funding source.

ARTICLE 21: SCHOOL DEPARTMENT – SCHOOL ZONE SIGNS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to be expended by the School Department, with the approval of the School Committee, to replace the flashing school zone signs on Massachusetts Avenue, with any unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Keith Cheveralls, 21 Quarry Lane, Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3 yes that the Town transfer from the Capital Stabilization and Investment Fund the sum of \$13,000 to be expended by the School Department, with the approval of the School Committee, to replace the flashing school zone signs on Massachusetts Avenue, with any unexpended funds as of June 30, 2013 being returned to their funding source.

The School Committee agreed to a request by Tim Clark to wait for potential grant money prior to expending the money.

ARTICLE 22: THE BROMFIELD SCHOOL – REPLACE CARPETING WITH VINYL COMPOSITE TILE (VCT)

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to be expended by the School Department, with the approval of the School Committee, to replace carpeting at The Bromfield School in various locations with Vinyl Composite Tile, with any unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Keith Cheveralls, 21 Quarry Lane, Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3 yes that the Town transfer from the Capital Stabilization and Investment Fund the sum of \$22,500. to be expended by the School Department, with the approval of the School Committee, to replace carpeting at The Bromfield School in various locations with Vinyl Composite Tile, with any unexpended funds as of June 30, 2013 being returned to their funding source.

ARTICLE 23: THE BROMFIELD SCHOOL – ONGOING ENERGY PROJECT

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to be expended by the School Department, with the approval of the School Committee, to repair and finish punch list items for the ongoing energy project at The Bromfield School, with any unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Keith Cheveralls, 21 Quarry Lane, Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3 yes that the Town transfer from the Capital Stabilization and Investment Fund the sum of \$52,500., with the approval of the School Committee, to repair and finish punch list items for the ongoing energy project at The Bromfield School, with any unexpended funds as of June 30, 2013 being returned to their funding source.

ARTICLE 24: THE BROMFIELD SCHOOL – ALARM SYSTEM

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to be expended by the School Department, with the approval of the School Committee, to install an alarm system at the Bromfield School, with any unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Keith Cheveralls, 21 Quarry Lane, Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3 yes the Town transfer from the Capital Stabilization and Investment Fund the sum of \$10,600 to be expended by the School Department, with the approval of the School Committee, to install an alarm system at the Bromfield School, with any unexpended funds as of June 30, 2013 being returned to their funding source.

ARTICLE 25: SCHOOL DEPARTMENT – POND ROAD PARKING AREA

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to be expended by the School Department, with the approval of the School Committee, to grade and pave the Pond Road parking area, with any unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

The following motion was made by Keith Cheveralls, 21 Quarry Lane, Capital Planning and Investment Committee, and seconded,

I move that the Town transfer from the Capital Stabilization and Investment Fund the sum of \$75,000 to be expended by the School Department, with the approval of the School Committee, to grade and pave the Pond Road parking area, with any unexpended funds as of June 30, 2013 being returned to their funding source.

After discussion and at the recommendation of the School Committee, Keith made a motion to pass over this article. The motion was seconded.

Voted majority yes to pass over the article.

ARTICLE 26: THE BROMFIELD SCHOOL – TENNIS COURT LIGHTING AND RESURFACING

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to be expended by the School Department, with the approval of the School Committee, to repair the lighting at and resurface the tennis courts at The Bromfield School, with any unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Keith Cheveralls, 21 Quarry Lane, Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3 yes that the Town transfer from the Capital Stabilization and Investment Fund the sum of \$24,500 to be expended by the School Department, with the approval of the School Committee, to repair the lighting at and resurface the tennis courts at The Bromfield School, with any unexpended funds as of June 30, 2013 being returned to their funding source.

ARTICLE 27: RECONSTRUCT AND REPAIR LITTLETON COUNTY ROAD (from Old Schoolhouse Road to the Littleton town line)

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to be expended by the Director of Public Works, with the approval of the Board of Selectmen, to reconstruct and repair Littleton County Road from Old Schoolhouse Road to the Littleton town line, contingent upon the passage of a Proposition 2 1/2 debt exclusion ballot question at the 2012 Annual Town Election, or pass any vote or votes in relation thereto.

On a motion by Peter Warren, 52 Lancaster County Road, Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3 yes that the Town appropriate \$750,000. to be expended by the Director of Public Works, with the approval of the Board of Selectmen, to reconstruct and repair Littleton County Road from Old Schoolhouse Road to the Littleton town line, and, to provide for said appropriation, the Town Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$750,000. pursuant to the provisions of Massachusetts General Laws Chapter 44, contingent upon the passage of a Proposition 2 1/2 debt exclusion ballot question at the 2012 Annual Town Election.

ARTICLE 28: UPDATE OF MASTER PLAN

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money not to exceed \$100,000 to be expended by the Planning Board for the update of the 2002 Master Plan, with unexpended funds as of June 30, 2013, being returned to their funding source, or pass any vote or votes in relation thereto

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

Voted majority yes that the Town transfer from the Overlay Surplus the sum of \$100,000. to be expended by the Planning Board for the update of the 2002 Master Plan, with unexpended funds as of June 30, 2014, being returned to their funding source.

ARTICLE 29: COMMUNITY PRESERVATION COMMITTEE REPORT

To see if the Town will vote to hear the report and recommendations of the Community Preservation Committee on the Fiscal Year 2013 Community Preservation Budget, or pass any vote or votes in relation thereto.

On a motion by Rhonda Sprague, 160 Prospect Hill Road, Community Preservation Committee, and seconded,

Voted majority yes that the Town hear the report and recommendations of the Community Preservation Committee on the Fiscal Year 2013 Community Preservation Budget.

ARTICLE 30: PRESERVATION OF HISTORIC TOWN DOCUMENTS

To see if the Town will vote to appropriate and transfer from Fiscal Year 2013 Community Preservation Revenues the sum of \$24,000 to be expended by the Town Clerk, for restoration and preservation of historic town documents, with unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Deborah Thomson, 130 Poor Farm Road, Community Preservation Committee, and seconded,

Voted unanimously yes that the Town appropriate and transfer from Fiscal Year 2013 Community Preservation Revenues the sum of \$24,000. to be expended by the Town Clerk, for restoration and preservation of historic town documents, with unexpended funds as of June 30, 2013 being returned to their funding source.

ARTICLE 31: HARVARD MUNICIPAL AFFORDABLE HOUSING TRUST FUND

To see if the Town will vote to appropriate and transfer from Fiscal 2013 Community Preservation Revenues the sum of \$34,028 and from Community Preservation Fund Housing Reserves the sum of \$367 (for a total of \$34,395) to be placed in the Municipal Affordable Housing Trust Fund, or pass any votes or votes in relation thereto.

On a motion by Caroline Ready, 24 Still River Depot Road, Community Preservation Committee, and seconded,

Voted unanimously yes that the Town appropriate and transfer from Fiscal 2013 Community Preservation Revenues the sum of \$34,028. and from Community Preservation Fund Housing Reserves the sum of \$367 for a total of \$34,395 to be placed in the Harvard Municipal Affordable Housing Trust Fund.

ARTICLE 32: CONSERVATION COMMISSION – INVASIVE SPECIES CONTROL

To see if the Town will vote to appropriate and transfer from Fiscal 2013 Community Preservation Revenues the sum of \$26,000 and from Community Preservation Fund unspecified reserves \$24,000 (for a total of \$50,000) to be expended by the Conservation Commission for the removal and control of invasive species plants, with unexpended funds as of June 30, 2015 being returned to their funding sources, or pass any votes or votes in relation thereto.

On a motion by Charles Gorss, 99 Old Littleton Road, Conservation Commission, and seconded,

Voted majority yes that the Town appropriate and transfer from Fiscal 2013 Community Preservation Revenues the sum of \$26,000 and from Community Preservation Fund unspecified reserves \$24,000 (for a total of \$50,000) to be expended by the Conservation Commission for the removal and control of invasive species plants, with unexpended funds as of June 30, 2015 being returned to their funding sources.

ARTICLE 33: CONGREGATIONAL CHURCH – RESTORE COLUMNS AT ENTRANCE

To see if the Town will vote to appropriate and transfer from Fiscal 2013 Community Preservation Revenues the sum of \$2,500 to the Congregational Church for the restoration of the front entrance columns with unexpended funds as of June 30, 2013 being returned to their funding sources, or pass any votes or votes in relation thereto.

On a motion by Michelle Catalina, 37 Old Littleton Road, Community Preservation Committee, and seconded,

Voted majority **NO [does not pass]** that the Town appropriate and transfer from Fiscal 2013 Community Preservation Revenues the sum of \$2,500. for the restoration of the front entrance columns of the Congregational Church with unexpended funds as of June 30, 2013 being returned to their funding sources.

ARTICLE 34: CEMETERY COMMISSION – SHAKER BURIAL GROUND TREE REMOVAL

To see if the Town will vote to appropriate and transfer from Community Preservation Fund unspecified reserves the sum of \$11,500 to be expended by the Cemetery Commissioners for tree removal in the Shaker Burial Ground, with unexpended funds as of June 30, 2013 being returned to their funding sources, or pass any votes or votes in relation thereto.

The following motion was made by Rhonda Sprague, 160 Prospect Hill Road, Community Preservation Committee, and seconded,

I move that the Town appropriate and transfer from Community Preservation Fund Unallocated Reserves the sum of \$11,500 to be expended by the Cemetery Commissioners for tree removal in the Shaker Burial Ground, with unexpended funds as of June 30, 2013 being returned to their funding sources.

A motion was made by Paul Green to pass over this article, and seconded.

Voted majority yes to pass over the article.

ARTICLE 35: COMMUNITY PRESERVATION COMMITTEE – ADMIN. EXPENSES

To see if the Town will vote to appropriate and transfer from Community Preservation Fund Unallocated Reserves the sum of \$2,500 to be expended by the Harvard Community Preservation Committee for administrative expenses, including Community Preservation Coalition dues and necessary legal fees, with unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Deborah Thomson, 130 Poor Farm Road, Community Preservation Committee, and seconded,

Voted majority yes that the Town appropriate and transfer from Community Preservation Fund Unallocated Reserves the sum of \$2,500. to be expended by the Harvard Community

Preservation Committee for administrative expenses, including Community Preservation Coalition dues and necessary legal fees, with unexpended funds as of June 30, 2013 being returned to their funding source.

ARTICLE 36: MODIFICATION OF CPA SURCHARGE

To see if the Town will vote to amend the rate of the property tax surcharge previously established by the Town under the provision of Massachusetts General Laws Chapter 44B, the Community Preservation Act, by increasing said surcharge from 1.1% to 3.0% effective July 1, 2013, or pass any vote or votes in relation thereto

On a motion by Marie Sobalvarro, 1 St. John Lane, Board of Selectmen, and seconded,

Voted 75 yes and 81 no **[does not pass]** that the Town amend the rate of the property tax surcharge previously established by the Town under the provisions of Massachusetts General Laws Chapter 44B, the Community Preservation Act, by increasing said surcharge from 1.1% to 3.0% effective July 1, 2013.

The Board of Selectmen did not support this article.

The Finance Committee did not support this article.

The Community Preservation Committee did not support this article.

ARTICLE 37: REVOLVING FUNDS

To see if the Town will vote to

1) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund the activities of the Council On Aging with the revenue or expenditures of this account not to exceed \$35,000 in Fiscal Year 2013, and

2) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund the activities of the Fourth of July Committee with the revenue or expenditures of this account not to exceed \$25,000 in Fiscal Year 2013, and

3) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53 E ½, to be used to fund the activities of the Harvard Ambulance Service with the revenue or expenditures of this account not to exceed \$100,000 in Fiscal Year 2013, and

4) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund the costs associated with the reutilization of the old Library with the revenue or expenditures of this account not to exceed \$20,000 in Fiscal Year 2013,

or pass any vote or votes in relation thereto.

The following motion was made by Marie Sobalvarro, 1 St. John Lane, Board of Selectmen, and seconded,

I move that the Town continue the revolving fund accounts for purposes and with the expenditure and revenue limitations as printed on Page 45 of the Warrant and Finance Committee Report for the 2012 Annual Town Meeting.

Voted majority yes that the Town

1) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund the activities of the Council On Aging with the revenue or expenditures of this account not to exceed \$35,000 in Fiscal Year 2013, and

2) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund the activities of the Fourth of July Committee with the revenue or expenditures of this account not to exceed \$25,000 in Fiscal Year 2013, and

3) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53 E ½, to be used to fund the activities of the Harvard Ambulance Service with the revenue or expenditures of this account not to exceed \$100,000 in Fiscal Year 2013, and

4) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund the costs associated with the reutilization of the old Library with the revenue or expenditures of this account not to exceed \$20,000 in Fiscal Year 2013.

ARTICLE 38: PERSONAL PROPERTY EXEMPTION

To see if the Town will vote to accept Chapter 59, Section 5, Clause 54th of the Massachusetts General Laws establishing a minimum fair cash value of \$5,000.00 for personal property accounts to be taxed by the Town, or pass any vote or votes in relation thereto.

On a motion by Peter Warren, 52 Lancaster County Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town accept the provisions of Chapter 59, Section 5, Clause 54th of the Massachusetts General Laws establishing a minimum fair cash value of \$5,000.00 for personal property accounts to be taxed by the Town.

ARTICLE 39: AMEND TOWN BYLAWS – CHAPTER 36. FINANCE COMMITTEE

To see if the Town will vote to amend Chapter 36. Finance Committee by adding a new section as follows:

“§ 36-6. Quorum.

“Associate members may be impaneled by the Chair of the Finance Committee, or any member of the Finance Committee acting as Chair, for the purposes of establishing a quorum of the Finance Committee. Such associate members shall have the authority to vote during meetings of the Finance Committee, unless or until a member joins the meeting so as to constitute a quorum of the Committee, in which case any such associate member so impaneled shall be replaced by member without action by the Chair.. The associate members will be impaneled by seniority, with the most senior associate member being impaneled first.”

or pass any vote or votes in relation thereto.

On a motion by Marie Fagan, 21 Still River Road, Finance Committee, and seconded,

Voted majority yes that the Town amend the Code of the Town of Harvard, Chapter 36. Finance Committee, by adding thereto a new section as follows:

“§ 36-6. Quorum.

“Associate members may be impaneled by the Chair of the Finance Committee, or any member of the Finance Committee acting as Chair, for the purposes of establishing a quorum of the Finance Committee. Such associate members shall have the authority to vote during meetings of the Finance Committee, unless or until a member joins the meeting so as to constitute a quorum of the Committee, in which case any such associate member so impaneled shall be replaced by member without action by the Chair. The associate members will be impaneled by seniority, with the most senior associate member being impaneled first.”

Approved by the Attorney General on August 9, 2012, and effective upon posting date of August 15, 2012.

**ARTICLE 40: HOME RULE PETITION – MEANS TESTED SENIOR CITIZENS
PROPERTY TAX EXEMPTION**

To see if the Town of Harvard petition the General Court of the Commonwealth of Massachusetts to enact special legislation, substantially the same, as follows:

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

SECTION 1. With respect to each qualifying parcel of real property classified residential in the town of Harvard there shall be a cap on property taxes equal to 10 percent of the total annual household income, except that if the cap described in Section 3 is exceeded by a higher percentage and except that in no event shall property taxes be reduced by more than 50 percent of the tax due, including all tax abatements and exemptions, but excluding state circuit breakers. The exemption shall be applied only to the principal residence of a taxpayer as used by the taxpayer for income tax purposes.

SECTION 2. The Board of Assessors may deny an application if they find the applicant has excessive assets that place them outside of the intended recipients of the senior exemption created by this act. Real property shall qualify for the exemption set forth in section 1 if all the following criteria are met:

- (a) the qualifying real estate is owned and occupied by a person or family where the total annual household income shall not exceed the following: single applicant \$51,000, single head of household applicant \$64,000, married applicant filing jointly \$77,000; Qualifying incomes will be adjusted annually to reflect cost of living adjustments (COLA) published by the Department of Revenue.
- (b) the qualifying real estate is owned by a single applicant having reached age 67 at the close of the previous tax year or if a joint application the real estate is owned by the joint applicants at least one of said joint applicants must have reached age 67 and the other reached age 60 at the close of the previous tax year;
- (c) the qualifying real estate is owned and occupied by the applicant or joint applicants at least 6 months plus 1 day each year;
- (d) the applicant or at least one of the joint applicants has resided in the town of Harvard for at least 10 consecutive years before filing an application for the exemption; and

- (e) the maximum assessed value of the applicant's or joint applicant's primary residence is no greater than the average assessed value of a single family in the town of Harvard plus 10 percent, as measured for the tax year immediately previous to the tax year for which the application for exemption is filed.
- (f) the Board of Assessors has approved the application

Section 3. The exemption provided for this act shall be in addition to any other exemptions allowable under the General Laws, except that there shall be a dollar cap on all the exemptions granted by this act equal to 5 percent of the previous fiscal year's total tax levy for Harvard. After the first year of enactment, the total cap on the exemptions granted by this act shall be set annually by the board of selectmen within a range of .5 percent and 1 percent of the previous fiscal year's total tax levy for Harvard. Exemptions under this statute will be funded and dispersed through the assessors' overlay account in the same manner as exemptions granted under M.G.L. 59, Section 5, Clauses 17 and 41.

Section 4. A person who seeks to qualify for this exemption shall file with the Board of Assessors an application for abatement on a form to be adopted by the Board. This form will be made available in the assessor's office with the supporting documentation as described in the application. The application shall be filed by January 31 of each year for which the applicant seeks the exemption for the fiscal year commencing the following July 1, except for the first year following the adoption.

The Board of Assessors shall set the deadline in a manner that provides at least 60 days in which to apply for the fiscal year that begins following the act becoming effective.

Section 5. For the purposes of this act, "parcel" shall be a dwelling unit as defined by the Board of Assessors in accordance with the deed for the property, and shall include a condominium unit.

Section 6. For the purpose of the exemption, "total annual household income" shall be the sum of the applicant's or joint applicant's "total taxable 5.3 percent income" on Massachusetts Form 1 and those same incomes for other income-producing members of the household.

The income shall be increased by amounts that may have been excluded or subtracted from calculations, such as income from Social Security benefits, cash public assistance, tax-exempted interest and dividends, capital gains, income from a partnership or trust, returns on capital reported on Schedule C and excluded from any other source

Section 7. Acceptance of this act by the town of Harvard shall be by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance was placed on the ballot. This act shall become effective 30 days after the affirmative vote.

Section 8. Acceptance of this act by the town of Harvard shall automatically expire after three years unless reaffirmed by the affirmative vote of a majority of the voters at a Town Meeting. Once reaffirmed, it shall take an affirmative vote by two-thirds of the voters at a regular or special election at which the question of revocation has been placed on the ballot by a majority vote of then sitting members of the Board of Selectmen for this act to be revoked.

Section 9. The selectmen and/or the Board of Assessors may make technical and procedural changes, if they decide such changes will: (1) make the administration of the act more efficient, (2) make it easier to comply with the regulations of Massachusetts Department of Revenue, or (3) for any other good reason. Such changes shall not require further approval by the Legislature.

Or pass any vote or votes in relation thereto.

On a motion by Peter Warren, 52 Lancaster County Road, Board of Selectmen, and seconded,
Voted majority yes to pass over this article.

**ARTICLE 41: MASSACHUSETTS GENERAL LAWS CHAPTER 59, SECTION 5K –
SENIOR WORK-OFF ABATEMENT PROGRAM**

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 59, Section 5K, to establish senior work-off abatement programs where seniors provide services to the community at an hourly rate no higher than the state minimum wage and their earnings are credited to reduce their property tax bills and adjust the exemption in this section by: (1) allowing an approved representative, for persons physically unable, to provide such services to the town; or (2) allowing the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given tax year, rather than \$1,000, which limit shall be established by the Board of Selectmen, or pass any vote or votes in relation thereto

On a motion by Connie Larrabee, 15 Under Pin Hill Road, Council on Aging, and seconded,

Voted unanimously yes that the Town accept the provisions of Massachusetts General Laws Chapter 59, Section 5K, to establish senior work-off abatement programs where seniors provide services to the community at an hourly rate no higher than the state minimum wage and their earnings are credited to reduce their property tax bills and adjust the exemption in this section by: (1) allowing an approved representative, for persons physically unable, to provide such services to the town; or (2) allowing the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given tax year, rather than \$1,000, which limit shall be established by the Board of Selectmen.

**ARTICLE 42: AMEND THE PROTECTIVE BYLAW – AFFORDABLE ACCESSORY
APARTMENT**

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

- a) renumbering §125-18 Accessory Apartment use to §125-18.1 Accessory Apartment use; and
- b) adding thereto the following new subsection, §125-18.2:

125-18.2 Affordable Accessory Apartment

Intent. The intent of this section of the Bylaw is to encourage and enable accessory dwellings that allow residents to rent accessory apartments that are affordable to low or moderate income households, and that qualify for inclusion in the Town's Subsidized Housing Inventory as low or moderate income housing units, thus developing a portion of the Town's Subsidized Housing Inventory in a way that is (i) a direct benefit to the Town, to residents of the Town, and to low or moderate income households; and (ii) in keeping with the built character of the Town.

- A. **Requirements.** In the case of an application for an Affordable Accessory Apartment, the Zoning Board of Appeals (ZBA) shall notify the Board of Health, the Board of Selectmen, the Planning Board, the Town of Harvard Municipal Affordable Housing Trust Fund, and any other pertinent Boards, of

the application for a special permit hereunder and allow them thirty-five (35) days to review and comment upon said application. The ZBA may grant a special permit under this Section upon finding that the request is consistent with the purpose of this Section and meets the minimum requirements hereunder. After notice and public hearing as required by the Zoning Act, the ZBA may grant such a special permit for the creation of an Affordable Accessory Apartment provided that the ZBA finds that in addition to the proposed Affordable Accessory Apartment meeting all zoning and architectural requirements required of Accessory Apartments as set forth in section 125-18.1 of this Bylaw in effect on the date of application for permit, which Affordable Accessory Apartments are to be considered a special case, the apartment meets all of the following regulatory and zoning requirements:

- (1) If an Affordable Accessory Apartment is placed in a detached structure, the structure must be appropriate to the character of the neighborhood and comply with other applicable provisions of the Bylaws;
- (2) The owner of an Affordable Accessory Apartment must occupy the principal residence, and not the apartment;
- (3) The Affordable Accessory Apartment must or shall comply with low or moderate income housing regulations and guidelines of the Local Initiative Program (LIP), 760 CMR 45.00, et seq., in effect on the date of the application for a special permit;
- (4) A Regulatory Agreement and Declaration of Restrictive Covenants for Affordable Accessory Apartments in the Town of Harvard, meeting the approval requirements of the Local Initiative Program for Affordable Accessory Apartments, shall be signed and recorded with the Worcester County Registry of Deeds by the owner of the apartment unit. The Regulatory Agreement and Declaration of Restrictive Covenants, as portion of its provisions, shall include the following:
 - (a) A minimum term of fifteen (15) years;
 - (b) The Agreement shall terminate upon sale of the property, which, for purposes of this subsection, shall not include:
 - (i) a mortgage deed to secure the repayment of a loan; or
 - (ii) an inter-spousal transfer for nominal consideration where the transferor retains at least a fifty percent (50%) ownership interest in the property; or
 - (iii) a transfer to a trust for nominal consideration where the owner holds at least a fifty-percent beneficial interest in the property;
 - (c) The Agreement is subject to State regulatory requirements for affordable accessory apartments relative to pricing, affirmative fair housing marketing plan, maintenance and annual oversight by the Town or its designee;

- (d) An owner may terminate the Regulatory Agreement prior to its expiration, in accordance with the restrictions in such agreement, but such action will effectuate the termination of the special permit for the affordable accessory apartment without action by the ZBA. Thereupon, the Massachusetts Department of Housing and Community Development shall be notified, and the apartment will be removed from the Town's Subsidized Housing Inventory and use of the Apartment as a rental, whether Affordable or not shall cease;
- (e) In accordance with the Regulatory Agreement, an owner must rent the Affordable Accessory Apartment to income-qualified tenants selected through an open process and lottery to be established in accordance with the Local Initiative Program guidelines specific to Affordable Accessory Apartments (760 CMR 45.03, et seq., in effect on the date of application for a permit);
- (f) The monthly rent shall not exceed the maximum affordable rent for a household of the appropriate size for the Affordable Accessory Apartment as prescribed in the Local Initiative Program guidelines and other applicable State regulations.

B. Enforcement. The provision of this section shall be enforced by the designated Local Program Administrator (LPA), which may be the Building Commissioner. In any event, the Building Commissioner shall be the LPA if no LPA other than the Building Commissioner has been designated.

Or pass any vote or votes in relation thereto.

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

I move that the Town amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard by: a) renumbering §125-18 Accessory Apartment use to §125-18.1 Accessory Apartment use; and b) adding thereto a new subsection, §125-18.2: entitled "Affordable Accessory Apartment" as printed on Pages 48 through 50 of the Warrant and Finance Committee Report for the 2012 Annual Town Meeting, except that (1) the words "must or" shall be stricken from the first line of Subparagraph A (3) on Page 49; and (2) the words "which may be the Building Commissioner. In any event," shall be stricken from the second and third lines of Paragraph B on Page 50 and the "t" in the word "the" at the beginning of the last sentence shall be capitalized.

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

- a) renumbering §125-18 Accessory Apartment use to §125-18.1 Accessory Apartment use; and
- b) adding thereto the following new subsection, §125-18.2:

Intent. The intent of this section of the Bylaw is to encourage and enable accessory dwellings that allow residents to rent accessory apartments that are affordable to low or moderate income households, and that qualify for inclusion in the Town's Subsidized Housing Inventory as low or moderate income housing units, thus developing a portion of the Town's Subsidized Housing Inventory in a way that is (i) a direct benefit to the Town, to residents of the Town, and to low or moderate income households; and (ii) in keeping with the built character of the Town.

A. Requirements. In the case of an application for an Affordable Accessory Apartment, the Zoning Board of Appeals (ZBA) shall notify the Board of Health, the Board of Selectmen, the Planning Board, the Town of Harvard Municipal Affordable Housing Trust Fund, and any other pertinent Boards, of the application for a special permit hereunder and allow them thirty-five (35) days to review and comment upon said application. The ZBA may grant a special permit under this Section upon finding that the request is consistent with the purpose of this Section and meets the minimum requirements hereunder. After notice and public hearing as required by the Zoning Act, the ZBA may grant such a special permit for the creation of an Affordable Accessory Apartment provided that the ZBA finds that in addition to the proposed Affordable Accessory Apartment meeting all zoning and architectural requirements required of Accessory Apartments as set forth in section 125-18.1 of this Bylaw in effect on the date of application for permit, which Affordable Accessory Apartments are to be considered a special case, the apartment meets all of the following regulatory and zoning requirements:

- (1) If an Affordable Accessory Apartment is placed in a detached structure, the structure must be appropriate to the character of the neighborhood and comply with other applicable provisions of the Bylaws;
- (2) The owner of an Affordable Accessory Apartment must occupy the principal residence, and not the apartment;
- (3) The Affordable Accessory Apartment shall comply with low or moderate income housing regulations and guidelines of the Local Initiative Program (LIP), 760 CMR 45.00, et seq., in effect on the date of the application for a special permit;
- (4) A Regulatory Agreement and Declaration of Restrictive Covenants for Affordable Accessory Apartments in the Town of Harvard, meeting the approval requirements of the Local Initiative Program for Affordable Accessory Apartments, shall be signed and recorded with the Worcester County Registry of Deeds by the owner of the apartment unit. The Regulatory Agreement and Declaration of Restrictive Covenants, as portion of its provisions, shall include the following:
 - (a) A minimum term of fifteen (15) years;
 - (b) The Agreement shall terminate upon sale of the property, which, for purposes of this subsection, shall not include:
 - (iv) a mortgage deed to secure the repayment of a loan; or

- (v) an inter-spousal transfer for nominal consideration where the transferor retains at least a fifty percent (50%) ownership interest in the property; or
 - (vi) a transfer to a trust for nominal consideration where the owner holds at least a fifty-percent beneficial interest in the property;
- (c) The Agreement is subject to State regulatory requirements for affordable accessory apartments relative to pricing, affirmative fair housing marketing plan, maintenance and annual oversight by the Town or its designee;
- (d) An owner may terminate the Regulatory Agreement prior to its expiration, in accordance with the restrictions in such agreement, but such action will effectuate the termination of the special permit for the affordable accessory apartment without action by the ZBA. Thereupon, the Massachusetts Department of Housing and Community Development shall be notified, and the apartment will be removed from the Town's Subsidized Housing Inventory and use of the Apartment as a rental, whether Affordable or not shall cease;
- (e) In accordance with the Regulatory Agreement, an owner must rent the Affordable Accessory Apartment to income-qualified tenants selected through an open process and lottery to be established in accordance with the Local Initiative Program guidelines specific to Affordable Accessory Apartments (760 CMR 45.03, et seq., in effect on the date of application for a permit);
- (f) The monthly rent shall not exceed the maximum affordable rent for a household of the appropriate size for the Affordable Accessory Apartment as prescribed in the Local Initiative Program guidelines and other applicable State regulations.

B. Enforcement. The provision of this section shall be enforced by the designated Local Program Administrator (LPA). The Building Commissioner shall be the LPA if no LPA other than the Building Commissioner has been designated.

The Planning Board recommended this article.

Approved by the Attorney General on August 9, 2012.

ARTICLE 43: AMEND THE PROTECTIVE BYLAW – SIGNS

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

(1) By inserting the following definition between the definitions of “SHARED (COMMON) DRIVEWAY” AND “SOIL” in § 125-2:

“SIGN – Any device, symbol, drawing, picture, design or object which is used for visual communication and intended to attract attention or convey a message. An on-site sign is one that is related to the premises on which it is located. An off-site sign is one that is not located on the premises to which it is related. Historical date plaques and markers, and flags and insignias of governmental jurisdictions shall not be considered signs.” ; and

(2) By making the following revisions to § 125-41:

§ 125-41. Signs

A. It is the intent to regulate and restrict signs to:

- (1) Avoid signs which, individually or collectively, are confusing, distracting, or impair visibility in areas along ways or other public traffic areas;
- (2) Protect areas of residential or agricultural character (AR, MR, and W Districts) from business signs;
- (3) Protect public ways, parks, and reservations, and areas in view there from, from business signs;
- (4) Encourage inclusion of signs as wall signs on buildings rather than individual standing signs;
- (5) Encourage combination of signs rather than proliferation of individual smaller signs;
- (6) Limit the number of signs to those which are accessory or have special public usefulness not generally characteristic of off-site signs;
- (7) Limit the number and size of signs to that necessary for the purpose thereof, and otherwise limit the confusing, distracting, and obnoxious aspects of signs.

B. The following regulations shall apply to all signs:

~~B.~~ (1) Any sign, i-Indoor or outdoor signs, which is are visible from public and private ways shall be nonmoving not flash, rotate, be animated, be motorized or move or be designed to move by any means in whole or in part, except for portions indicating time or temperature only, illuminated only by steady white light shielded and directed solely at the sign, and adequately maintained. Signs are subject to applicable setback by height, visibility, buffer strip, and screening requirements of § 125-30, Land structure relations, and § 125-39, Site standards. Further, signs that contain or consist of pennants, ribbons, streamers, spinners or other moving devices, strings of lights or similar devices or which emit any noises or loud sounds, or are inflatable are prohibited.

(2) Outdoor signs may only be illuminated only by steady white light shielded and directed solely at the sign, and shall be adequately maintained. No messages or graphics on

permanent signs shall be formed by lights of any kind, with the exception of time and temperature. Backlit or internally illuminated signs are prohibited.

(3) Signs are subject to applicable setback by height, visibility, buffer strip, and screening requirements of § 125-30, Land-structure relations, and § 125-39, Site standards.

~~C. An on-site sign is any sign or device that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or the business or other activity transacted thereon, or advertises the property itself or any part thereof for sale or to let, and that contains no other advertising matter; an off-site sign is any billboard, sign or other advertising device which is not an on-site sign.~~

~~D. (4) Signs attached to the exterior of a building shall be separate from, parallel to, and substantially against a wall (wall signs) and shall not extend beyond said wall. A wall includes its doors and windows.~~

~~E. (5) An outdoor sign not attached to a building is a standing sign. No standing sign shall exceed 15 feet in height measured from the ground to the top of the sign or the supporting structure, whichever is taller. Two identical flat signs back to back are considered one sign with the area of one face. The area of one side of a double faced sign shall be used to compute the area.~~

(6) The area of a sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any cutouts or extensions, but shall not include any supporting structure or bracing. The supporting structure shall be comprised of the structural support for the sign plus any decorative or design elements associated with the structure, such as stone pylons or pillars.

(7) Signs mounted on trucks or trailers or trailer chassis with or without wheels whose primary functions is as a sign and not for the transport of goods or merchandise are prohibited.

(8) Roof mounted signs are prohibited.

~~G. Signs exempt under G.L. Chapter 93, Section 32 are exempt herefrom. See also the Rules and Regulations of the Outdoor Advertising Board for off-site signs.~~

~~H.C. On-site signs: Permitted on-site signs visible from off the premises or from any public traffic area:~~

~~(1) One on-site contractor's sign during active construction and on-site for sale or to let sign are permitted on a lot; such a sign shall not exceed six square feet in area. On-site for sale signs for individual lots may be replaced by a single on-site sign for a group of neighboring lots; such a sign shall not exceed three square feet/lot up to a maximum of 20 square feet in area.~~

(1) The following regulations shall apply to properties in business use within the C- district:

(2)(a) A business in a primary (C)-business district may have one wall sign on each wall plus an additional sign at each building entrance when needed to indicate a separate

department or operation or to provide a directory of occupants. The total aggregate area of such signs on a any building wall shall not exceed 1/15 the area of the wall.

~~(3)(b) A business lot in a primary business use in a (C) business district may have one standing sign located on the lot within 75 feet of the business building or its associated traffic areas, and not exceeding 20 square feet in area. In addition, usual small signs on gasoline pumps and on product displays such as oil can racks are permitted.~~

(c) A business in a C-district may have window signs, visible from the window's exterior side, either hung or otherwise attached directly to the inside of a window, or painted or etched on either side of the window pane or glass, not including any customary window display or merchandise or other product, provided that the aggregate display area covers no more than 20 percent of the gross area of the window, not to exceed six square feet.

~~(4) A business property elsewhere may have signs as in Subsection H(2) and (3) except that sign areas shall not exceed 1/2 those provided in Subsection H(2) and (3).~~

~~(5) Within a unified development shopping center or business park additional signs may be provided which:~~

(d) Within a site which contains two or more businesses, either located on the same lot or two or more lots connected by interior driveways or within an Ayer Road Village Special Permit development, the following additional regulations shall apply:

[1] Signs which indicate direction to a business or other activity located within the development, which contain no advertising matter, and do not exceed two square feet each in area are permitted;

~~(b) Contain no other advertising matter; and~~

[2] The site may have one standing sign no larger than 30 square feet in area.

~~(c) Do not exceed two square feet each in area, or where several such signs are combined do not exceed two square feet/business. No more than one directional sign exceeding six square feet in area may be a standing sign.~~

(2) A property in business use not located in the C-district may have signs as in Subsection C(1) (a) through (c) except that the maximum sign area shall not exceed one half of that which is allowed in Subsection C(1) (a) through (c).

~~(63) Other premises~~ A property in business use as regulated above may have one sign, not exceeding three square feet in area, along each street on which the lot has frontage.

D. Off-site signs in or over Town ways. The Board of Selectmen may grant permits as provided in M.G.L. Chapter 85, Section 8, for off-site signs in or over Town ways, in accordance with the intent of this Bylaw.

E. Temporary signs are permitted as follows:

(1) **Number and Duration:** One temporary standing sign or sandwich board sign may be displayed on a lot. A temporary sign may not be displayed more than 90 days before an event and shall be removed within five business days of the event

(2) **Size:** A temporary sign (i.e. contractor's sign or a sign advertising the sale or rental of a premises) shall not exceed six square feet in area. For sale signs for individual lots may be replaced by a single sign for a group of neighboring lots; such sign shall not exceed three square feet/lot up to a maximum of 20 square feet in area.

~~J. Other off site signs. Off site election signs are prohibited except as provided in Subsection I, Off site signs on Town ways. Other off site signs are permitted in primary (C) business districts by special permit (see § 125-46, Special permits) authorized by the Board of Appeals only in accordance with the intent of this § 125-41.~~

F. The Planning Board may approve, approve with conditions, or disapprove the following signs and the following deviations from the requirements of this section:

(1) A greater number of standing signs than permitted, but not more than one sign in addition to the number of signs otherwise permitted per lot.

(2) Signs with dimensions in excess of those permitted, subject to the following limitations:

(a) No standing sign larger than 40 square feet in area or more than 20 feet in height, and

(b) No roof signs shall be permitted.

The Board may approve the special permit if it finds that such signs will conform to the purpose and intent of this section, the sign(s) are appropriate for the location, the size of the property/premises, the building(s) thereon, and the neighborhood setting and the signs will be informative, legible and designed to improve the quality of the streetscape. In no event shall the issuance of a special permit be construed as precedent with respect to the issuance of similar special permits in the future, as each application and site is unique.

Or pass any vote or votes in relation thereto.

The following motion was made by Tim Schmoyer, 278 Stow Road, Planning Board, and seconded,

I move that the Town amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard by making the revisions thereto relative to signs as printed in the purple handout that has been made available at this town meeting.

A motion made by Paul Green, and seconded, to add the word "downward" in B (2) after the word directed, was accepted by the Planning Board.

A motion by Libby Levison and seconded, to add "and shall not be illuminated between 12 midnight and 6:00 am" at the end of the first sentence in B (2), was rejected by the Planning Board and withdrawn.

Voted unanimously yes that the Town amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard by making the following revisions thereto:

(1) By inserting the following definition between the definitions of “SHARED (COMMON) DRIVEWAY” AND “SOIL” in §125-2:

“SIGN – Any device, symbol, drawing, picture, design or object which is used for visual communication and intended to attract attention or convey a message. An on-site sign is one that is related to the premises on which it is located. An off-site sign is one that is not located on the premises to which it is related. Historical date plaques and markers, and flags and insignias of governmental jurisdictions shall not be considered signs.”; and

(2) By making the following amendments to §125-41 Signs:

A. It is the intent to regulate and restrict signs to:

- (1) Avoid signs which, individually or collectively, are confusing, distracting, or impair visibility in areas along ways or other public traffic areas;
- (2) Protect areas of residential or agricultural character (AR, MR, and W Districts) from business signs;
- (3) Protect public ways, parks, and reservations, and areas in view there from, from business signs;
- (4) Encourage inclusion of signs as wall signs on buildings rather than individual standing signs;
- (5) Encourage combination of signs rather than proliferation of individual smaller signs;
- (6) Limit the number of signs to those which are accessory or have special public usefulness not generally characteristic of off-site signs;
- (7) Limit the number and size of signs to that necessary for the purpose thereof, and otherwise limit the confusing, distracting, and obnoxious aspects of signs.

B. The following regulations shall apply to all signs:

- (1) Indoor or outdoor signs which are visible from public and private ways shall not flash, rotate, be animated, be motorized or move or be designed to move by any means in whole or in part, except for portions indicating time or temperature only. Further, signs that contain or consist of pennants, ribbons, streamers, spinners or other moving devices, strings of lights or similar devices or which emit any noises or loud sounds, or are inflatable are prohibited.
- (2) Outdoor signs may only be illuminated only by steady white light shielded and directed downward solely at the sign, and shall be adequately maintained. No messages or graphics on permanent signs shall be formed by lights of any kind, with the exception of time and temperature. Backlit or internally illuminated signs are prohibited.
- (3) Signs are subject to applicable setback by height, visibility, buffer strip, and screening requirements of § 125-30, Land-structure relations, and § 125-39, Site standards.

- (4) Signs attached to the exterior of a building shall not extend beyond said wall. A wall includes its doors and windows.
- (5) An outdoor sign not attached to a building is a standing sign. No standing sign shall exceed 15 feet in height measured from the ground to the top of the sign or the supporting structure, whichever is taller. The area of one side of a double faced sign shall be used to compute the area.
- (6) The area of a sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any cutouts or extensions, but shall not include any supporting structure or bracing. The supporting structure shall be comprised of the structural support for the sign plus any decorative or design elements associated with the structure, such as stone pylons or pillars.
- (7) Signs mounted on trucks or trailers or trailer chassis with or without wheels whose primary functions is as a sign and not for the transport of goods or merchandise are prohibited.
- (8) Roof mounted signs are prohibited.

C. On-site signs:

- (1) The following regulations shall apply to properties in business use within the C- district:
 - (a) A business in a C district may have one wall sign on each wall plus an additional sign at each building entrance when needed to indicate a separate department or operation or to provide a directory of occupants. The total aggregate area of such signs on any building wall shall not exceed 1/15 the area of the wall.
 - (b) A lot in business use in a C district may have one standing sign located on the lot not exceeding 20 square feet in area.
 - (c) A business in a C-district may have window signs, visible from the window's exterior side, either hung or otherwise attached directly to the inside of a window, or painted or etched on either side of the window pane or glass, not including any customary window display or merchandise or other product, provided that the aggregate display area covers no more than 20 percent of the gross area of the window, not to exceed six square feet.
 - (d) Within a site which contains two or more businesses, either located on the same lot or two or more lots connected by interior driveways or within an Ayer Road Village Special Permit development, the following additional regulations shall apply:
 - [1] Signs which indicate direction to a business or other activity located within the development, which contain no advertising matter, and do not exceed two square feet each in area are permitted;
 - [2] The site may have one standing sign no larger than 30 square feet in area.

- (2) A property in business use not located in the C-district may have signs as in Subsection C(1) (a) through (c) except that the maximum sign area shall not exceed one half of that which is allowed in Subsection C(1) (a) through (c).
 - (3) A property in business use as regulated above may have one sign, not exceeding three square feet in area, along each street on which the lot has frontage.
- D. Off-site signs in or over Town ways. The Board of Selectmen may grant permits as provided in M.G.L. Chapter 85, Section 8, for off-site signs in or over Town ways, in accordance with the intent of this Bylaw.
- E. Temporary signs are permitted as follows:
- (1) **Number and Duration:** One temporary standing sign or sandwich board sign may be displayed on a lot. A temporary sign may not be displayed more than 90 days before an event and shall be removed within five business days of the event
 - (2) **Size:** A temporary sign (i.e. contractor's sign or a sign advertising the sale or rental of a premises) shall not exceed six square feet in area. For sale signs for individual lots may be replaced by a single sign for a group of neighboring lots; such sign shall not exceed three square feet/lot up to a maximum of 20 square feet in area.
- F. The Planning Board may approve, approve with conditions, or disapprove the following signs and the following deviations from the requirements of this section:
- (1) A greater number of standing signs than permitted, but not more than one sign in addition to the number of signs otherwise permitted per lot.
 - (2) Signs with dimensions in excess of those permitted, subject to the following limitations:
 - (a) No standing sign larger than 40 square feet in area or more than 20 feet in height, and
 - (b) No roof signs shall be permitted.

The Board may approve the special permit if it finds that such signs will conform to the purpose and intent of this section, the sign(s) are appropriate for the location, the size of the property/premises, the building(s) thereon, and the neighborhood setting, and the signs will be informative, legible and designed to improve the quality of the streetscape. In no event shall the issuance of a special permit be construed as precedent with respect to the issuance of similar special permits in the future, as each application and site is unique.

The Planning Board recommended this article.

Approved by the Attorney General on August 9, 2012.

ARTICLE 44: AMEND THE PROTECTIVE BYLAW RE: SOLAR PHOTOVOLTAIC INSTALLATION

To see if the Town will vote to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard by adding thereto the following new definition and section relative to solar photovoltaic installations:

Definitions:

COMMERCIAL SOLAR PHOTOVOLTAIC INSTALLATION – A commercial solar photovoltaic installation shall be any solar installation structurally mounted on the ground, or on poles placed in the ground, which exceeds twenty (20) kilowatts peak capacity and is expected, based on historical site usage and reasonable arguments about future consumption, to export more than fifty (50) percent of its annual electrical energy generation to the electric grid.

125-XX Commercial Solar Photovoltaic Installation

A. Purpose and objectives. The purpose of this section is to allow the creation of new commercial solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such facilities, in order to address public safety and minimize impacts on scenic, natural and historic resources.

B. Applicability. Construction and use of a commercial solar photovoltaic installation or any part thereof shall be permitted in any zoning district subject to the requirements set forth in this section. This bylaw does not apply to installations in the Photovoltaic Overlay Facilities District (125-53) or to roof mounted solar arrays.

C. Use Regulations

A commercial solar photovoltaic installation shall conform to the following provisions:

(1) Minimum of Three (3) Acres

A commercial solar photovoltaic installation may be erected upon the issuance of a special permit by the Planning Board on a lot containing a minimum of three (3) acres.

(2) Set-Back and Height Requirements

Commercial solar photovoltaic installations in the C District and not bordering residential property shall be setback from the property line by a minimum of 40 feet. All commercial solar photovoltaic installations in all other Districts (AR, B, W, WFH) shall be setback from the property line by a minimum of 100 feet. All accessory structures and appurtenances shall be contained within this setback. The height of any structure associated with a commercial solar photovoltaic installation shall not exceed 25 feet.

(3) Fencing

The commercial solar photovoltaic installation shall be designed to be fenced so as to control access to the facility. The fence shall be setback from the property line by a minimum of 30 feet in the C District if not bordering residential property. The fence shall be setback from the property line by a minimum of 90 feet in all other districts or if abutting residential property.

(4) Minimizing Visual Impact and Landscaping

The visual impact of the commercial solar photovoltaic installation, including all accessory structures and appurtenances, shall be mitigated. Whenever possible, solar panels should be placed on poles instead of concrete blocks. All accessory structures and appurtenances shall be architecturally compatible with each other. Whenever reasonable, structures shall be shaded from view by vegetation and/or joined and clustered to avoid adverse visual impacts. Methods such as the use of landscaping, natural features and fencing may be utilized. A landscape buffer plan with plantings on the outside of the fence to improve the viewshed from neighboring properties shall be submitted to the planning board for site plan approval (125-XXE(6)(a)(ii)).

(5) Lighting

Lighting shall not be permitted unless required by the Planning Board or required by the State Building Code. Where used, lighting shall be directed downward and full cut-off fixtures shall be used.

(6) Utility Connections

All utility connections from the commercial solar photovoltaic installation shall be underground unless specifically permitted otherwise by the Planning Board in the special permit. Electrical transformers and inverters to enable utility interconnections may be above ground if required.

(7) Land Clearing and Erosion Control

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the commercial solar photovoltaic installation or otherwise prescribed by applicable laws, regulations and bylaws. The applicant shall demonstrate that, as compared with the situation that would exist on the site without the development, no phase of the proposed solar photovoltaic installation will result in an increase in the peak rate of storm runoff at the parcel boundary for the solar photovoltaic installation as a whole for the 25-, 50- and 100-year design storms, and that there will be no net loss in flood storage capacity for the 100-year design storm. In making such determinations, any state or local orders or requirements of the Wetlands Protection Act or the Town's Wetlands Protection Bylaw shall be assumed in the calculations of runoff and flood storage without the solar photovoltaic installation, but alternative forms of development shall not be assumed. The applicant shall demonstrate that any adverse existing off-site runoff and erosion conditions which would result from the development of the commercial solar photovoltaic installation, are fully identified and that workable and acceptable mitigation measures are proposed as part of the submission of a final plan.

(8) Operation and Maintenance

The commercial solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, continued compliance with landscaping and screening requirements, and integrity of security measures. The owner or operator shall be responsible for the maintenance of any access roads serving the installation. The applicant shall submit a plan for the operation and maintenance of the commercial solar photovoltaic installation.

(9) Signage

One 10 square foot identification sign with manufacturer/operator's name and emergency contact information shall be required at the facility site.

(10) Noise

As stated in 125-20A(1) no use is permitted that causes vibration, noise or other mechanical disturbance to neighboring properties. Siting of the commercial solar photovoltaic installation inverters must be to minimize sound and vibration to neighboring properties.

(11) Emergency Services

The commercial solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar electric installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

D. Abandonment or Decommissioning

(1) Removal Requirements

Any commercial solar photovoltaic installation which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

(2) Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the commercial solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the commercial solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

- (3) Financial Surety. The owner and/or operator of commercial solar photovoltaic installation shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the owner or operator. Such surety will not be required for municipally- or state-owned facilities. The owner or operator shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

E. Review Criteria and Considerations.

- (1) A special permit is required from the Planning Board to erect or install a commercial solar photovoltaic installation in any district other than the Large-Scale Ground-Mounted Solar Photovoltaic Facilities Overlay District (125-53). A record owner desiring to erect a commercial solar photovoltaic installation shall file with the Planning Board an application for a special permit, together with such plans, drawings, specifications, fees and additional information as required by the Planning Board.
- (2) The Planning Board shall have the authority to waive specific provisions of this Article upon a determination that the waiver is not inconsistent with the purpose and intent of this section.
- (3) The Planning Board shall conduct its review, hold a public hearing and file its decision with the Town Clerk as required by MGL c.40A § 9.

(4) Approval Criteria. Before the Planning Board may issue the special permit, it shall determine each of the following:

- (a) The commercial solar photovoltaic installation conforms to the provisions of this section.
- (b) The commercial solar photovoltaic installation will not be detrimental to the neighborhood or the Town.
- (c) proposed use by provision of adequate surface water drainage.
- (d) The proposed use is in harmony with the general purpose and intent of this Chapter.

(5) All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

(6) Required Documents

The following documents must be provided in addition to or in coordination with those required for Site Plan Review (see Section 125-38):

(a) A site plan showing:

- i. Environmental features of the site and surrounding areas are protected, and the surrounding area will be protected from the Property lines, map and lot from the Assessor's records, and physical features, including roads and topography, for the project site;
- ii. Proposed changes to the landscape of the site, grading, vegetation clearing and proposed landscape plantings, exterior lighting, screening vegetation or structures including their height;
- iii. Locations of wetlands, Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP)
- iv. Locations of Floodplains or inundation areas for moderate or high hazard dams;
- v. Locations of local and national historical, and archeological districts;
- vi. A list of any hazardous materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment as appropriate;
- vii. Blueprints or drawings of the solar electric installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
- viii. One or three line electrical diagram detailing the solar electric installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over-current devices;
- ix. Documentation of the major system components to be used, including the electric generating components, transmission systems, mounting system, inverter, etc.;
- x. Name, address, and contact information for proposed system installer;
- xi. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;

- xii. The name, contact information and signature of any agents representing the project proponent; and
- xiii. Documentation of actual or prospective access and control of the project site;
- (b) An operation and maintenance plan as detailed in 125-XXC(8)
- (c) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
- (d) Proof of liability insurance; and
- (e) Description of financial surety that satisfies Section 125-XXD(3).

(7) In reviewing any application for a special permit, the Planning Board shall give due consideration to promoting the public health, safety, convenience and welfare; shall encourage the most appropriate use of land and shall permit no building or use that is injurious, noxious, offensive or detrimental to its neighborhood.

Or pass any vote or votes in relation thereto.

On a motion made by Michelle Catalina, 37 Old Littleton Road, Planning Board, and seconded,

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

ARTICLE 45: ACCEPTANCE OF GIFTS OF PROPERTY – CONSERVATION LAND

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

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

Voted unanimously yes that the Town take no action on Article 45 of the 2012 Annual Town Meeting Warrant.

ARTICLE 46: 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.

On a motion by Bill Johnson, 72 Warren Avenue, Board of Selectmen, and seconded,

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

Denis Wagner, Harvard Historical Society, presented the Boston Post Cane to Erhart Muller. Larry Finnegan received the honor in Erhart's absence.

William Herbert was recognized as the Citizen of Note.

The meeting was dissolved at 3:47 P.M.

Checkers for the meeting were Gail Conlin, Fran Maiore, Ruth Miller, Marilyn Morgan, Nancy Reifenstein, and Jane Venditti. They checked in 340 voters out of a total of 4055 registered voters (3791 active voters).

Tellers for the meeting were: Laura Andrews, Chris Moeser, Paul Green, Nick Browse, Mario Cardenas, Libby Levison.

Respectively submitted,

Janet A. Vellante
Town Clerk