

**WARRANT FOR THE SPECIAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS**

WORCESTER, ss

To the Constable of the Town of Harvard:

Greeting:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the said Town, who are qualified to vote in Town affairs, to meet in The Bromfield School on Wednesday, the 29th day of August, 2012 at 7:00 p.m. by the clock to act on the following articles:

Article 1: Amend Chapter 125 Protective Bylaw - 125-23 Permitted uses in C Districts

To see if the Town will vote to amend the Protective Bylaw of the Town, Chapter 125 of the Town Code, by making the following revisions thereto, or pass any vote or votes in relation thereto.

(Key to revisions: underlining = additions)

§ 125-23. Permitted uses in C Districts. [Added 3-6-1965 ATM by Art. 29; amended 3-6-1971 ATM by Art. 34; 3-4-1972 ATM by Art. 44; 3-3-1973 ATM by Art. 35; 3-26-1977 ATM by Art. 35; 4-5-1986 ATM by Art. 39; 11-16-1987 STM by Art. 10; 3-28-1998 ATM by Art. 29; 12-8-1998 STM by Art. 14; 3-27-2004 ATM by Art. 39]

The intent of the C District is to permit shopping and business services type land uses that meet the needs of the local community rather than the region, and to encourage uses that, when established, result in a traditional New England village form of development of appropriate scale, character, vernacular architecture, design, and detail. It is also the intent of the C District to provide for an array of uses consistent with the Master Plan adopted by the Planning Board, as may be amended, including opportunities for mixed use development, pedestrian interaction, and a vibrant village atmosphere.

A. Permitted uses are:

- (1) As provided in § 125-12, Small-scale commercial uses.
- (2) As provided in § 125-7, Agricultural uses, § 125-10, Conversion for multiple residence, § 125-15, Earthmoving, § 125-16, Institutional uses, and § 125-41J, Other off-site signs.
- (3) As provided in § 125-8, Single residence use, on lots as they existed February 1, 1972.
- (4) As provided in § 125-13, Medium-scale commercial uses, with the exception of Subsections M, T, U and V (laboratory for engineering, research, experimental, or testing activities; landscaping services involving equipment parking; kennel and/or veterinary services; mortuary), however, for § 125-13, Medium-scale commercial uses, Subsection Y permitted uses, only in building(s) existing on October 16, 1998. As provided in § 125-53, Large-Scale Ground Mounted Solar Photovoltaic Facilities Overlay District.

B. Uses by special permit (see § 125-46, Special permits) issued by the Planning Board as follows:

- (1) As provided in § 125-13, Medium-scale commercial uses, Subsections M, S, T, U, V, Z (inn or bed-and-breakfast establishment, eating establishments with live musical entertainment; laboratory for engineering, research, experimental, or testing activities; shops and sales of supplies for plumbing, electrical,

parking; kennel and/or veterinary services; mortuary; mixed use village development).

- (2) As provided in § 125-14, Large-scale commercial uses, except that no special permit shall be issued pursuant to Subsection F thereof for an automobile body shop.

(Inserted by Planning Board)

Article 2: Amend Chapter 125 Protective Bylaw - 125-53 Large-Scale Ground-Mounted Solar Photovoltaic Facilities Overlay District.

To see if the Town will vote to amend the Protective Bylaw of the Town, Chapter 125 of the Town Code, by making the following revisions thereto, or pass any vote or votes in relation thereto.

(Key to revisions: underlining = additions)

§125-53 Large-Scale Ground-Mounted Solar Photovoltaic Facilities Overlay District. [Added 11-9-2010 STM by Art. 2]

- A. Purpose and Objectives. The purpose of this Section is to promote the creation of new large-scale ground-mounted solar photovoltaic facilities (SPFs) by:
 - (1) Establishing areas for construction of SPFs;
 - (2) Providing standards for the placement, design, construction, operation, monitoring, , modification and removal of such facilities, which standards address public safety and minimize impacts on scenic, natural and historic resources; and
 - (3) Providing adequate financial assurance for the eventual decommissioning of such facilities.
- B. Applicability. This § 125-53 applies to and permits the installation and operation of large-scale (nameplate capacity of 250 kW DC or greater) ground-mounted SPFs in accordance with the provisions hereunder. This section also pertains to physical modifications that materially alter the type, configuration, or size of these facilities or related equipment.
- C. Location. The Solar Photovoltaic Facilities Overlay District shall consist of the following areas:
 - (1) An area of approximately 10.18 acres within Assessor's Map 17A, Parcel 14, with frontage of 110 feet along Harvard Depot Road, bounded as follows: from the intersection of the northern lot boundary with Depot Road, running roughly west for 889 feet, then south 464 feet, then east 659 feet and then northerly following Bowers Brook to Depot Road 587 feet; and,
 - (2) Within the Commercial "C-District" the land shown as Parcels 25 and 27 on Assessor's Map 4, located along Ayer Road, subject to the provisions of §125-53D(6)
- D. Review Criteria and Considerations.
 - (1) No building permit shall be issued for an SPF without prior approval by the Planning Board of a site plan in accordance with the provisions of §125-38 of this Protective Bylaw. Site plans shall be deemed constructively approved if not acted upon within one year after submission of complete plans.
 - (2) Applications for Site Plan Review shall include evidence that the utility company that

operates the electrical grid where the facility is to be located has been informed and consents to the solar photovoltaic facility owner or operator's plan to connect to the electrical grid. Off-grid systems are exempt from this requirement.

- (3) The height of all structures comprising the SPF shall not exceed 20 feet above the pre-existing natural grade.
- (4) The applicant shall submit a plan for the operation and maintenance of the SPF.
- (5) The owner, operator, successors, and assigns of the SPF shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.
- (6) For Parcels 25 and 27 in the Commercial District, as shown on Assessor's Map 4, a one hundred and fifty (150) foot set-back is required from both Ayer Road and Old Mill Road for any SPF constructed. In addition, any SPF located on these parcels must be substantially masked from view with trees, shrubs, or bushes all seasons of the year.
- (7) The applicant shall provide proof of ownership of the proposed site, or proof of a contract or lease with the owner of the site establishing the applicant's right to construct a SPF on the site. The application must be signed by the owner(s) of the property and the company(s) proposing to erect the SPF.
- (8) In addition to the application fee, which shall be determined by the rules for site plan approval, the applicant shall pay a project review fee if so required by the Planning Board in accordance with said rules.

E. Nonuse. All structures associated with an SPF shall be removed within one year of cessation of use. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Removal shall include:

- (1) Removal of all structures, equipment, security barriers and transmission lines from the site.
- (2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (3) After consultation with the Planning Board, 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.

F. Compliance. Applicants, other than governmental authorities, 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 SPF and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. The project proponent 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.

(Inserted by Planning Board)

ARTICLE 3: ABANDON AND DISCONTINUE PORTION OF ELM STREET

(Inserted by Board of Selectmen)

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