

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

WORCESTER, ss.

To the Constable of the Town of Harvard:

Greetings:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the said Town, who are qualified to vote in Town affairs, to meet in The Bromfield School on Tuesday, the 1st day of April, 2014 at 7:00 p.m. by the clock to act on the following articles:

ARTICLE 1: ANNUAL REPORTS

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

(Inserted by Board of Selectmen)

ARTICLE 2: CONSERVATION COMMISSION - REIMBURSE CPA CONSERVATION FUND

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to reimburse the CPA Conservation Fund a sum of money that was improperly charged to this account, or pass any vote or votes in relation thereto. (Inserted by Conservation Commission)

FINANCE COMMITTEE RECOMMENDS – the sum of \$2,573.23 be transferred from Stabilization to the CPA Conservation Fund to correct an error made in a prior fiscal year.

ARTICLE 3: PAY BILLS OF PRIOR FISCAL YEARS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to pay bills of Fiscal Year 2013, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

FINANCE COMMITTEE RECOMMENDS – the sum of \$174.27 be transferred from Stabilization to pay the outstanding bill of the DPW.

ARTICLE 4: TRANSFER OF FUNDS TO STABILIZATION

To see if the Town will vote to transfer a sum of money from Fiscal Year 2013 Certified Free Cash to the Stabilization Fund, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

FINANCE COMMITTEE RECOMMENDS – the sum of \$20,000 be transferred from the Fiscal Year 2013 Certified Free Cash to the Stabilization Fund in order to bring it to 5% of the omnibus budget (prior to excluded debt) as of the prior June 30th. This will bring the Stabilization fund to the level required by our bylaws.

ARTICLE 5: CAPITAL PLANNING AND INVESTMENT COMMITTEE – DEBT PAYMENT

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Town Treasurer, with the approval of the Board of Selectmen, to fund the Capital Planning and Investment Committee's debt service for Fiscal Year 2015, with unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto. (Inserted by Capital Planning and Investment Committee)

FINANCE COMMITTEE RECOMMENDS – the sum of \$156,053 be transferred from FY2013 Certified Free Cash.

ARTICLE 6: FISCAL YEAR 2013 CERTIFIED FREE CASH

To see if the Town will vote to transfer a sum of money from Fiscal Year 2013 Certified Free Cash to the Capital Stabilization and Investment Fund, or pass any vote or votes in relation thereto. (Inserted by Finance Committee)

FINANCE COMMITTEE RECOMMENDS – the balance of the Fiscal Year 2013 Certified Free Cash, \$612,564 be transferred to the Capital Stabilization and Investment Fund.

ARTICLE 7: 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 Fiscal Year 2015, or pass any vote or votes in relation thereto. (Inserted by Finance Committee)

FINANCE COMMITTEE RECOMMENDS – the total amount of the Omnibus Budget for FY15 as detailed on the following pages.

Town of Harvard FY15 Omnibus Budget

Line #	Department/Account	Actual FY11	Actual FY12	Budget FY13	Budget FY14	Request FY15
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GENERAL GOVERNMENT

Selectmen

1	Personnel	147,154	157,165	165,534	172,452	180,142	
2	Town Audit	12,000	12,000	15,000	15,000	18,000	
	Expenses	8,894	13,366	11,500	11,500	11,500	
	Copy Machine	2,422	2,330	3,500	3,500	3,500	
	Postage	16,561	15,504	17,000	17,000	17,000	
	Court Judgements	105,000					
3	Total Expenses	132,877	31,200	32,000	32,000	32,000	
	Total Selectmen	292,031	200,365	212,534	219,452	230,142	4.87%

Finance Committee

4	Expenses	173	173	200	200	200	0.00%
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Finance Department

	Personnel	284,558	268,929	293,350	310,683	322,745	
	Certification Compensation	1,000	1,000	2,000	2,000	2,000	
5	Total Personnel	285,558	269,929	295,350	312,683	324,745	
	Technology Services & Support	25,784	30,489	33,000	36,000	37,000	
	Expenses	83,812	84,016	90,300	93,400	95,450	
6	Total Expenses	109,596	114,505	123,300	129,400	132,450	
7	Technology	14,990	9,903	15,000	15,000	15,000	
	Total Finance Department	410,144	394,336	433,650	457,083	472,195	3.31%

Legal

	Town Counsel Fees & Expenses	14,202	30,047	33,000	33,000	33,000	
	Other Legal Fees & Expenses	13,890	10,296	18,000	18,000	18,000	
8	Total Legal	28,092	40,343	51,000	51,000	51,000	0.00%

Personnel Board

9	Expenses	-	-	100	100	100	0.00%
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Town Clerk

	Personnel	64,164	64,812	66,108	67,430	68,779	
	Certification Compensation	1,000	1,000	1,000	1,000	1,000	
10	Total Personnel	65,164	65,812	67,108	68,430	69,779	
	Expenses	1,970	1,615	2,550	2,600	2,825	
	Publications Reprinting/Codification	4,555	4,433	4,800	4,900	5,400	
11	Total Expenses	6,525	6,049	7,350	7,500	8,225	
	Total Town Clerk	71,689	71,860	74,458	75,930	78,004	2.73%

Town of Harvard FY15 Omnibus Budget

Line #	Department/Account	Actual FY11	Actual FY12	Budget FY13	Budget FY14	Request FY15
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Elections & Registrars

	Registrars' Honoraria	500	500	500	500	500	
	Election Officers (Police)	-	-	-	-	-	
	Expenses	6,438	5,090	8,400	5,000	9,000	
	Census	490	294	650	650	800	
12	Total Elections & Registrars	7,428	5,885	9,550	6,150	10,300	67.48%

Land Use Boards

13	Personnel	45,050	46,280	48,452	50,550	52,712	
	Conservation Expenses	751					
	ZBA Expenses	501					
	Planning Board Expenses	456					
	Office Supplies		5,655	1,000	1,000	1,000	
	Purchase Services		1,409	1,600	1,600	1,600	
	MRPC Assessment	1,460	1,534	1,541	1,579	1,579	
14	Total Expenses	3,168	8,597	4,141	4,179	4,179	
	Total Land Use Boards	48,218	54,877	52,593	54,729	56,891	3.95%

Personnel includes \$11,748 to be transferred from Wetlands Protection Fund.

Economic Development Committee

15	Expenses				500	500	0.00%
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Public Buildings

16	Personnel	23,236	23,979	24,998	25,507	26,017	
	Operating Expenses	29,234	42,747	32,000	42,020	42,020	
	Energy	126,577	114,629	130,500	123,500	123,500	
	Maintenance & Equipment	10,880	11,036	34,300	26,400	26,400	
	Waste Water Treatment Ops.	51,877	46,532	85,000	85,000	85,000	
17	Total Expenses	218,569	214,944	281,800	276,920	276,920	
	Total Public Buildings	241,805	238,923	306,798	302,427	302,937	0.17%

Annual Town Reports

18	Expenses	3,858	3,690	4,000	4,000	6,000	50.00%
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TOTAL GENERAL GOVT.	1,103,438	1,010,453	1,144,883	1,171,571	1,208,268	3.13%
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Town of Harvard FY15 Omnibus Budget

Line #	Department/Account	Actual FY11	Actual FY12	Budget FY13	Budget FY14	Request FY15
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PUBLIC SAFETY

Police Department

19	Personnel	762,975	765,097	801,451	809,610	826,295	
	Public Safety Building	40,350	46,702	32,800	32,800	37,800	
	Cruiser Maintenance	10,922	9,824	10,000	10,000	10,000	
	Supplies & Expenses	27,965	32,910	49,035	50,050	50,050	
20	Total Expenses	79,237	89,437	91,835	92,850	97,850	
	Total Police Department	842,212	854,534	893,286	902,460	924,145	2.40%

Communications Department

	Personnel	184,971	191,240	190,518	210,377		
	Expenses	18,700	18,700	18,887	18,887	187,293	
21	Communications Department	203,671	209,940	209,405	229,264	187,293	-18.31%

Fire Department

22	Personnel	215,970	178,193	168,930	200,670	199,307	
	Expenses	32,915	31,251	44,000	44,000	44,000	
	Radio Replacement & Repair	1,156	3,250	2,250	2,250	2,250	
	Protective Equipment	1,377	999	9,000	9,000	9,000	
23	Total Expenses	35,448	35,500	55,250	55,250	55,250	
	Total Fire Department	251,418	213,693	224,180	255,920	254,557	-0.53%

Ambulance

	Expenses	-	-	-	-	130,500	
	Training	-	-	-	-	27,000	
24	Total Ambulance	-	-	-	-	157,500	

Building & Zoning Inspector

25	Fees & Expenses	90,177	49,181	50,000	50,000	50,000	0.00%
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Gas Inspector

26	Fees & Expenses	2,565	5,902	4,000	4,000	4,000	0.00%
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Plumbing Inspector

27	Fees & Expenses	7,163	8,234	7,000	7,000	7,000	0.00%
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Wiring Inspector

28	Fees & Expenses	12,950	14,784	9,000	9,000	9,000	0.00%
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Animal Control

	Personnel	16,500	16,500	16,500	16,500	16,500	
	Expenses	-	300	750	750	750	
29	Total Animal Control	16,500	16,800	17,250	17,250	17,250	0.00%

Tree Warden

30	Expenses	13,783	13,290	14,000	14,000	14,000	0.00%
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TOTAL PUBLIC SAFETY		1,440,439	1,386,359	1,428,121	1,488,894	1,624,745	9.12%
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Town of Harvard FY15 Omnibus Budget

Line #	Department/Account	Actual FY11	Actual FY12	Budget FY13	Budget FY14	Request FY15
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SCHOOLS

Local Schools

	<u>Administration</u>						
	Salaries/Benefits	379,922	375,386	371,297	386,333	375,419	
	Transportation	304,362	309,960	313,380	256,800	252,660	
	Other Expenses	116,097	112,829	33,120	97,858	140,545	
	Total Administration	800,381	798,175	717,797	740,991	768,624	
	<u>Maintenance</u>						
	Salaries	439,737	437,507	434,516	436,545	444,260	
	Utilities	370,086	321,311	344,340	272,000	276,000	
	Other Expenses	399,498	210,401	123,308	201,968	212,428	
	Total Maintenance	1,209,321	969,219	902,164	910,513	932,688	
	<u>Harvard Elementary School</u>						
	Salaries	2,480,384	2,688,282	2,316,240	2,476,299	2,452,747	
	Expenses	67,315	103,162	92,367	96,008	113,095	
	Total Elementary	2,547,699	2,791,444	2,408,607	2,572,307	2,565,842	
	<u>The Bromfield School</u>						
	Salaries	4,116,265	4,184,113	3,605,174	3,673,320	3,816,483	
	Expenses	111,203	118,097	136,326	136,852	199,555	
	Total Bromfield	4,227,468	4,302,210	3,741,500	3,810,172	4,016,038	
	<u>Pupil Personnel Services (SPED)</u>						
	Salaries	1,854,335	1,854,482	1,863,935	2,048,110	2,023,611	
	Other Expenses	39,797	69,050	63,719	69,094	69,665	
	Collaborative Services	380,516	544,843	141,648	243,948	759,204	
	Transportation	322,398	311,060	332,861	365,278	304,695	
	Tuition	1,279,602	1,169,684	909,825	765,040	192,440	
	Pre-School Salaries	177,657	134,958	161,455	122,421	104,799	
	Pre-School Expenses	2,972	3,459	2,600	2,500	3,000	
	Total Pupil Personnel Services	4,057,277	4,087,536	3,476,043	3,616,391	3,457,414	
	<u>Technology</u>						
	Salaries	112,687	124,062	130,111	129,211	131,605	
	Expenses	76,553	138,540	109,108	114,903	147,414	
	Total Technology	189,240	262,602	239,219	244,114	279,019	
	Subsidies from Other Funds	(1,838,759)	(1,859,076)	incl. above	incl. above	incl. above	
31	Total Local Schools	11,192,627	11,352,110	11,485,330	11,894,488	12,019,625	1.05%

32	Montachusett Regional Voc.	87,382	78,202	76,807	75,069	99,893	33.07%
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TOTAL SCHOOLS	11,280,009	11,430,312	11,562,137	11,969,557	12,119,518	1.25%
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PHYSICAL ENVIRONMENT

Dept. of Public Works

33	Personnel	598,690	632,814	643,642	685,417	694,026	
	Maintenance & Equipment	182,206	123,052	145,500	149,250	149,400	
	Fuel	73,577	79,649	65,000	67,750	71,200	
	Improvements & Construction	34,337	32,644	50,000	50,250	51,500	
	Snow & Ice Removal	117,865	135,992	96,000	96,000	96,000	
	Telephone & Electricity	10,014	9,302	10,500	11,000	11,000	
34	Total Expenses	417,999	380,639	367,000	374,250	379,100	
	Total Dept. of Public Works	1,016,689	1,013,452	1,010,642	1,059,667	1,073,126	1.27%

Town of Harvard FY15 Omnibus Budget

Line #	Department/Account	Actual FY11	Actual FY12	Budget FY13	Budget FY14	Request FY15
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Solid Waste Transfer

	Transfer Station Expenses	146,890	147,959	178,500	176,500	169,100	
	Hazardous Waste Disposal *	8,000	3,907	3,500	3,907	3,907	
35	Total Solid Waste Transfer	154,890	151,866	182,000	180,407	173,007	-4.10%

Street Lights & Traffic Signal

36	Expenses	5,425	6,155	5,700	6,500	6,500	0.00%
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Water Department

37	Expenses	16,951	15,786	17,500	17,500	17,850	2.00%
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Pond Committee

38	Expenses	33,500	33,500	33,500	29,000	29,500	1.72%
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Cemeteries

39	Expenses	2,874	2,220	2,500	2,500	2,500	0.00%
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TOTAL PHYSICAL ENVIRONMEN	1,230,328	1,222,979	1,251,842	1,295,574	1,302,483	0.53%
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HUMAN SERVICES

Board of Health

40	Personnel	5,114	3,057	7,977	8,240	10,607	
	Expenses	472	1,024	600	1,000	1,150	
	Nashoba Assoc. Boards of H	19,110	19,110	21,231	21,231	21,231	
	Concord Family Services	-	-	-	-	-	
	Minuteman Home Center	763	1,018	1,018	1,018	1,018	
41	Total Expenses	20,345	21,152	22,849	23,249	23,399	
	Total Board of Health	25,459	24,209	30,826	31,489	34,006	7.99%

Council on Aging

42	Personnel	69,428	68,879	76,603	100,516	86,937	
43	MART Personnel	21,000	21,055	23,563	24,876	27,152	
44	Expenses	1,024	1,710	1,975	1,995	1,995	
45	MART Van Expenses	522	98	1,000	1,000	1,000	
	Total Expenses	1,546	1,808	2,975	2,995	2,995	
	Total Council on Aging	91,974	91,742	103,141	128,387	117,085	-8.80%

Veterans' Services

	Personnel	-	-	1,000	1,000	5,000	
	Expenses	1,072	1,126	1,500	1,500	1,500	
	Benefits	7,636	9,287	12,000	12,000	12,000	
	Total Expenses	8,708	10,413	13,500	13,500	13,500	
46	Total Veterans' Services	8,708	10,413	14,500	14,500	18,500	27.59%

TOTAL HUMAN SERVICES	126,141	126,364	148,467	174,376	169,591	-2.74%
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Town of Harvard FY15 Omnibus Budget

Line #	Department/Account	Actual FY11	Actual FY12	Budget FY13	Budget FY14	Request FY15
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CULTURE AND RECREATION

Library

47	Personnel	355,815	365,710	374,237	387,381	399,340	
48	Expenses	140,977	145,808	144,394	147,716	148,013	
	Total Library	496,792	511,518	518,631	535,097	547,353	2.29%

Parks & Recreation

49	Commons & Schools/Ground	17,499	15,590	21,650	21,650	21,650	
50	Beach Expense	6,111	13,023	13,295	13,295	15,289	
51	Beach Personnel - Director	7,853	1,477	8,174	8,880	9,058	
	Groundskeeping Personnel	28,157	28,157	28,157	-	-	
	Total Parks & Recreation	59,620	58,247	71,276	43,825	45,997	4.96%

Historical Commission

52	Expenses	-	94	100	100	100	0.00%
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Agricultural Commission

53	Expenses			500	500	500	0.00%
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TOTAL CULTURE AND RECREATION	556,412	569,859	590,507	579,522	593,950	2.49%
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RECURRING CAPITAL EXPENDITURES

54	Police Cruiser	27,000	29,000	29,000	29,000	29,000	
55	Public Works Equipment	65,701	63,830	70,000	70,000	70,000	
	TOTAL RECURRING CAPITAL EXP.	92,701	92,830	99,000	99,000	99,000	0.00%

INSURANCE AND FRINGES

Property/Liability

56	Insurance	134,920	136,916	145,000	146,450	146,450	0.00%
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Employee Benefits

	Worcester Regional Retirement	533,494	558,414	611,547	639,167	678,200	
	Workers' Compensation Insurance	72,158	71,984	73,000	73,000	85,000	
	Unemployment Insurance	64,821	66,365	60,000	60,000	60,000	
	Medicare	170,452	173,801	174,000	176,000	181,000	
	Health Insurance	1,944,615	2,179,602	2,360,625	2,360,625	2,201,663	
	Life Insurance	5,024	5,402	6,000	6,000	10,000	
	Deferred Compensation	10,309	9,199	20,000	15,000	12,000	
	Disability Insurance	22,384	28,026	23,000	28,000	28,000	
	Benefits Administration	998	1,610	3,500	2,500	2,500	
	OPEB Trust Funding (\$250,000 in FY14)					425,000	
57	Total Employee Benefits	2,824,255	3,094,405	3,331,672	3,360,292	3,683,363	9.61%

TOTAL INSURANCE & FRINGES	2,959,175	3,231,321	3,476,672	3,506,742	3,829,813	9.21%
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TOTAL OPERATING BEFORE DEBT	18,788,642	19,070,477	19,701,629	20,285,236	20,947,368	3.26%
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Town of Harvard FY15 Omnibus Budget

Line #	Department/Account	Actual FY11	Actual FY12	Budget FY13	Budget FY14	Request FY15	
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NON-EXCLUDED DEBT

Debt Expense

58	Borrowing Cost	1,500	1,500	1,700	6,500	5,000	-23.08%
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BAN Interest

59	BAN Interest	-	-	-	-	6,000	100.00%
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TOTAL NON-EXCLUDED DEBT		1,500	1,500	1,700	6,500	11,000	69.23%
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TOTAL OPERATING AFTER NON-EXCLUDED DEBT		18,790,142	19,071,977	19,703,329	20,291,736	20,958,368	3.29%
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EXCLUDED DEBT

Permanent Debt

	Public Safety Building (2000)	135,000	135,000	135,000	145,000	140,000	
	Public Safety Building (2000)	72,533	65,745	58,995	20,775	17,925	
	Public Safety Bld Land (2000)	40,000	-	-	-	-	
	Public Safety Bld Land (2000)	975	-	-	-	-	
	Public Safety Bld Plan (2000)	10,000	-	-	-	-	
	Public Safety Bld Plan (2000)	122	-	-	-	-	
	Vesenska Land (2000) Princip	20,000	-	-	-	-	
	Vesenska Land (2000) Interest	488	-	-	-	-	
	Bromfield School (2004) Prin	315,000	315,000	315,000	350,000	350,000	
	Bromfield School (2004) Inter	171,263	159,845	148,479	87,608	75,406	
	Library (2004) Principal	135,000	135,000	135,000	150,000	150,000	
	Library (2004) Interest	72,677	67,785	62,891	36,943	31,716	
	School Roof (2006) Principal	125,000	125,000	125,000	125,000	125,000	
	School Roof (2006) Interest	34,063	28,438	23,125	16,725	11,677	
	Sewer Project (net of Betterments) Prin.				50,180	43,048	
	Sewer Project (net of Betterments) Int.				21,868	19,988	
	Interest Credit due to Refinancing of Debt				(40,012)		
60	Total Payments	1,132,121	1,031,813	1,003,490	964,087	964,760	0.07%

Temporary Debt

	Exempt BAN			4,000	23,700	40,700	
61				4,000	23,700	40,700	71.73%

TOTAL EXCLUDED DEBT		1,132,121	1,031,813	1,007,490	987,787	1,005,460	1.79%
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GRAND TOTAL OMNIBUS BUDGET		19,922,263	20,103,790	20,710,819	21,279,523	21,963,828	3.22%
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ENTERPRISE FUND:

Sewer Department

	Operating Expenses	NA	NA	100,000	150,000	100,000	
	Debt Service				<i>incl. above</i>	90,710	
	Total Expenses	-	-	100,000	150,000	190,710	
81	Total Sewer Enterprise	-	-	100,000	150,000	190,710	27.14%

All funds for sewer operations to be funded by rates and fees.

Sewer Debt funded by exempt debt and betterments.

ARTICLE 8: RESERVE FUND – FISCAL YEAR 2015

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 Fiscal Year 2015, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

FINANCE COMMITTEE RECOMMENDS – the sum of \$350,000 for the Reserve Fund. This includes \$175,000 for traditional emergency needs plus \$175,000 to cover potential unforeseen Special Education costs.

This account is under the control of the Finance Committee, to cover unforeseen and extraordinary expenses not anticipated at Annual Town Meeting. This process saves the Town from having to hold numerous Special Town Meetings to authorize the expenditures of small sums.

Please refer to the schedule at the front of this book for FY13 Reserve Fund Transfers.

ARTICLE 9: GASB 45 OPEB ACTUARIAL VALUATION

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, with the approval of the Board of Selectmen, to conduct the required bi-annual GASB 45, Other Post Employment Benefits (OPEB), actuarial valuation, with unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

FINANCE COMMITTEE RECOMMENDS – the sum of \$10,000 to be raised and appropriated to provide the funds necessary to conduct the required bi-annual GASB 45 OPEB actuarial valuation.

ARTICLE 10: BOARD OF SELECTMEN – HUMAN RESOURCE/ASSISTANT TOWN ADMINISTRATOR

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 create a Human Resource/Assistant Town Administrator position, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

FINANCE COMMITTEE RECOMMENDS – the sum of \$44,165 be raised and appropriated to fund this new position. In subsequent years this position would become a line item in the Selectmen's personnel budget.

ARTICLE 11: BOARD OF SELECTMEN – ELECTRONICALLY CONVERT FILE DOCUMENTS

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 Town Administrator, with the approval of the Board of Selectmen, to begin the process of taking paper file documents and converting them to a readable, digital format, with unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

FINANCE COMMITTEE RECOMMENDS – the sum of \$20,000 be raised and appropriated to begin converting paper files to electronic ones.

ARTICLE 12: WATER COMMISSION –REPLACE 500 FT. OF WATER PIPE ON POND RD.

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 DPW Director, with the approval of the Water Commissioners, to replace approximately 500 feet of water pipe on Pond Road, from the Pond Road Parking area to the water pumping station, with unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by DPW and Water Commission)

FINANCE COMMITTEE RECOMMENDS – the sum of \$9,500 be raised and appropriated to replace approximately 500 feet of water pipe on Pond Road. This will replace the last section of old cast iron water main in the system.

ARTICLE 13: WATER COMMISSION – WATERPROOF EXTERIOR OF BOLTON ROAD WATER TANK

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 DPW Director, with the approval of the Water Commissioners, to waterproof the exterior of the Bolton Road water tank, with unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by DPW and Water Commission)

FINANCE COMMITTEE RECOMMENDS – the sum of \$8,700 be raised and appropriated to waterproof the exterior of the Bolton Road water tank in order to extend the useful life of the tank and avoid further deterioration.

ARTICLE 14: DPW – PREPARE AND ELECTROSTATICALLY PAINT FUEL TANK

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 DPW Director, with the approval of the Board of Selectmen, to prepare and electrostatically paint the fuel tank located at the DPW, with unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by DPW)

FINANCE COMMITTEE RECOMMENDS – the sum of \$8,750 be raised and appropriated to prepare and electrostatically paint the fuel tank located at the DPW. This will prevent further rusting of the tank, reduce the risk of fuel leaking and ultimately extend the life of this piece of equipment.

ARTICLE 15: DPW – SEASONAL MOWING

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 DPW Director, with the approval of the Board of Selectmen, to hire someone on a part-time basis to do seasonal mowing, with unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by DPW)

FINANCE COMMITTEE RECOMMENDS – the sum of \$15,000 be raised and appropriated to hire for this one-time seasonal mowing to take place in fiscal year 2015.

ARTICLE 16: TOWN CLERK - PRESERVATION OF HISTORIC TOWN DOCUMENTS

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 Clerk, for restoration and preservation of historic Town documents, with unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Town Clerk)

FINANCE COMMITTEE RECOMMENDS – the sum of \$10,000 be raised and appropriated for the restoration and preservation of historic Town documents as requested by the Town Clerk.

ARTICLE 17: PLANNING BOARD – TOWN PLANNER

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to continue the position of Town Planner in Fiscal Year 2015, as an independent contractor, with unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

FINANCE COMMITTEE RECOMMENDS - the sum of \$60,000 be raised and appropriated to fund the continuation of the position of Town Planner as an independent contractor for fiscal year 2015.

ARTICLE 18: THE BROMFIELD SCHOOL – SAND & PAINT EXPOSED STEEL

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 sand and paint the exposed steel at the Bromfield School, with unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by School Department)

FINANCE COMMITTEE RECOMMENDS – the sum of \$22,000 be raised and appropriated to sand and paint the exposed steel at The Bromfield School.

ARTICLE 19: CAPITAL PLANNING AND INVESTMENT COMMITTEE – AMEND CHAPTER 17 OF THE CODE OF HARVARD

To see if the Town will vote to amend the Code of the Town of Harvard, Chapter 17, Capital Planning and Investment Committee; Capital Stabilization and Investment Fund, section 17-2. Duties, paragraph A by making the following changes:

[key to revisions: underlining = additions; ~~striketrough~~ = deletions]

- A. The Committee shall consider matters relating to appropriations from the Capital Stabilization and Investment Fund, and shall make recommendations to the Town or any board, committee or official thereof, and establish policies relative to the funding of capital projects of the Town and set priorities and schedules for such capital projects. The Committee shall study proposed capital outlays involving the acquisition of land or an expenditure of ~~\$10,000~~ \$20,000 or greater and/or having a useful life of at least ~~three~~ five years. All officers, boards, and committees, including the Board of Selectmen and the School Committee, shall by September 30th each year give to such Board, on forms prepared by it, information concerning all anticipated capital projects needing Town Meeting action during the ensuing five years. The Committee shall consider the relative need, timing, and cost of these expenditures and the effect each will have on the financial position of the Town.

Or pass any vote or votes in relation thereto.

(Inserted by Capital Planning and Investment Committee)

FINANCE COMMITTEE RECOMMENDS – this article be approved by Town Meeting.

ARTICLE 20: HILDRETH ELEMENTARY SCHOOL – RESURFACE FRONT ROADWAY AND PARKING LOT

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 resurface the front roadway and parking lot at the Hildreth Elementary School, with unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto. (Inserted by School Department and Capital Planning and Investment Committee)

FINANCE COMMITTEE RECOMMENDS – the sum of \$50,000 be appropriated from the Capital Stabilization and Investment Fund.

ARTICLE 21: HILDRETH ELEMENTARY SCHOOL – BUILDING ASSESSMENT OF THE K-WING

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 conduct a building assessment of the Kindergarten Wing at Hildreth Elementary School, with unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto. (Inserted by School Department and Capital Planning and Investment Committee)

FINANCE COMMITTEE DEFERS - making a decision on this article at this time as we are awaiting additional information from the School Administration/Committee. We will have a recommendation ready for Town Meeting.

ARTICLE 22: THE BROMFIELD SCHOOL – REPAIR AND REPLACE HEAT RECOVERY UNITS AND BATHROOM EXHAUST SYSTEMS

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 replace heat recovery units and bathroom exhaust systems at The Bromfield School, with any unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto. (Inserted by School Committee and Capital Planning and Investment Committee)

FINANCE COMMITTEE RECOMMENDS – the sum of \$22,600 be appropriated from the Capital Stabilization and Investment Fund.

ARTICLE 23: THE BROMFIELD SCHOOL – ADD ENTIRE BUILDING TO EMERGENCY GENERATOR

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 connect the remaining portions of the building to the emergency generator at The Bromfield School, with any unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto. (Inserted by School Committee and Capital Planning and Investment Committee)

FINANCE COMMITTEE RECOMMENDS – the sum of \$60,000 be appropriated from the Capital Stabilization and Investment Fund.

ARTICLE 24: HARVARD CABLE TELEVISION/THE BROMFIELD SCHOOL - AIR-CONDITIONING

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 provide for air-conditioning in the new Harvard Cable Television Studio located at The Bromfield School, with unexpended funds as of June 30, 2015 being returned to their funding source or pass any vote or votes in relation thereto.

(Inserted by School Committee, Harvard Cable Committee and Capital Planning and Investment Committee)

FINANCE COMMITTEE RECOMMENDS - the sum of \$19,850 be appropriated from the Capital Stabilization and Investment Fund to be used within the current fiscal year (2014).

ARTICLE 25: THE BROMFIELD SCHOOL – REPLACE SPALLING CONCRETE IN FRONT ENTRANCE AND WALKWAYS

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 spalling concrete in the front entrance and walkways located at The Bromfield School, contingent upon the approval of a Proposition 2½ capital outlay expenditure exclusion under Massachusetts General Laws Chapter 59, § 21C(i½) ballot question at the April 2014 Annual Town Election, with any unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto.

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

FINANCE COMMITTEE RECOMMENDS – the sum of \$115,000 be raised and appropriated through the passage of a Capital Outlay Expenditure Exclusion Ballot Question.

ARTICLE 26: DPW – PURCHASE NEW FRONT END LOADER

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 DPW Director, with the approval of the Board of Selectmen, to purchase a new front end loader, contingent upon the approval of a Proposition 2½ capital outlay expenditure exclusion under Massachusetts General Laws Chapter 59, § 21C(i½) ballot question at the April 2014 Annual Town Election, with any unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by DPW and Capital Planning and Investment Committee)

FINANCE COMMITTEE RECOMMENDS – the sum of \$160,000 be raised and appropriated through the passage of a Capital Outlay Expenditure Exclusion Ballot Question.

ARTICLE 27: DPW – PURCHASE NEW LIGHT DUTY ONE TON DUMP TRUCK

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 DPW Director, with the approval of the Board of Selectmen, to purchase a new light duty one ton dump truck, with any unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by DPW and Capital Planning and Investment Committee)

FINANCE COMMITTEE RECOMMENDS – the sum of \$70,000 be transferred from the Capital Stabilization and Investment Fund.

ARTICLE 28: PARK AND RECREATION – BEACH PARKING EXPANSION

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 Park and Recreation Commission, to expand the parking at the Town Beach at Bare Hill Pond, with any unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Park and Recreation Commission and Capital Planning and Investment Committee)

FINANCE COMMITTEE RECOMMENDS – the sum of \$30,000 be transferred from the Capital Stabilization and Investment Fund to be used in the current fiscal year (2014).

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 2015 Community Preservation Budget, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

ARTICLE 30: COMMUNITY PRESERVATION FUNDS – TRANSFERS

To see if the Town will vote to transfer the sum of \$4,300 from Community Preservation Fund unspecified reserves to Community Preservation Fund Affordable Housing Reserves and to transfer the sum of \$8,000 from Community Preservation Fund unspecified reserves to Community Preservation Fund Historic Reserves, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

ARTICLE 31: HARVARD MUNICIPAL AFFORDABLE HOUSING TRUST FUND

To see if the Town will vote to appropriate and transfer \$100,000 from Fiscal 2015 Community Preservation Revenues, \$4,300 from Community Preservation Fund Housing Reserves and \$45,700 from Community Preservation Fund unspecified reserves, for a total of \$150,000, to be placed in the Municipal Affordable Housing Trust Fund, or pass any vote or votes in relation thereto.

(Inserted by Harvard Municipal Affordable Housing Trust and Community Preservation Committee)

ARTICLE 32: CONSERVATION COMMISSION – CONSERVATION FUND

To see if the Town will vote to appropriate and transfer from Fiscal 2015 Community Preservation Revenues the sum of \$40,000 and from Community Preservation Fund unspecified reserves the sum of \$60,000, for a total of \$100,000, to be placed in the Conservation Fund, to be expended by the Conservation Commission for the purpose of purchasing land and/or interest in land for open space purposed, or pass any vote or votes in relation thereto.

(Inserted by Conservation Commission and Community Preservation Committee)

ARTICLE 33: COUNCIL ON AGING – REPLACE WINDOWS AT THE HILDRETH HOUSE

To see if the Town will vote to appropriate and transfer from Fiscal 2015 Community Preservation Funds the sum of \$66,600 to be expended by the Hildreth House Improvement Committee for the replacement of windows at the Hildreth House, with unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Hildreth House Improvement Committee and Community Preservation Committee)

**ARTICLE 34: PARK AND RECREATION – RESURFACING (RESTORATION OF)
MCCURDY TRACK**

To see if the Town will vote to appropriate and transfer from Community Preservation Fund unspecified reserves the sum of \$120,000 to be expended by the Harvard Park and Recreation Commission for resurfacing of the McCurdy Track at Harvard Park with unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.
(Inserted by Community Preservation Committee)

**ARTICLE 35: HISTORICAL COMMISSION – SHAKER CEMETERY PERIMETER TREE
REMOVAL**

To see if the Town will vote to appropriate and transfer from Community Preservation Fund Historic Reserves \$17,000 to be expended by the Historical Commission for the removal of trees around the perimeter of the Shaker Cemetery, with unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.
(Inserted by Historical Commission and Community Preservation Committee)

**ARTICLE 36: COMMUNITY PRESERVATION COMMITTEE – ADMINISTRATIVE
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, 2015 being returned to their funding source, or pass any vote or votes in relation thereto.
(Inserted by Community Preservation Committee)

ARTICLE 37: COUNCIL ON AGING - HILDRETH HOUSE PARKING REPAIRS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to be expended by the Board of Selectmen to repair the existing parking area at the Hildreth House for safety purposes, with any unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto.
(Inserted by the Harvard Council on Aging)

FINANCE COMMITTEE RECOMMENDS – the sum of \$12,000 be raised and appropriated to correct safety issues and make repairs to the Hildreth House parking area.

ARTICLE 38: AMEND DOG BYLAWS

To see if the Town will vote to amend the Code of the Town of Harvard, Chapter 24, Dogs, by making the following revisions thereto, or pass any vote or votes in relation thereto:

[key to revisions: underlining = additions; ~~striketrough~~ = deletions]

Article I. Dog Owner Responsibility

[Adopted 3-31-1979 ATM by Art. 33]

§ 24-1. Definitions.

[Amended 12-3-2002 STM by Art. 10]

As used in this bylaw, unless the context otherwise indicates, the following terms shall have the meanings indicated:

DANGEROUS DOG

A dog that either: (i) without justification, attacks a person or domestic animal or fowl causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal or fowl.

DOG OFFICER

The “animal control officer”, -as defined in Massachusetts General Laws Chapter 140, 136A.

DOGS

All animals of canine species, both males and females.

KEEPER

~~Any person, corporation or society other than the owner, harboring or having in his possession any dog.~~
A person, business, corporation, entity or society, other than the owner, having possession of a dog.

OWNER

Any person or persons, firm, association or corporation owning, keeping or harboring a dog as herein defined.

PUBLIC NUISANCE DOG

A dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one’s quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock or fowl, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

~~Any dog shall be deemed a public nuisance:~~

- ~~A. For having bitten or attacked or threatened the health or safety of any person when said dog is on property other than that of the owner or keeper; or~~
- ~~B. For chasing any vehicle or bicycle upon a public way open to public travel; or~~
- ~~C. For having killed or maimed any domestic animal, farm animal, livestock, fowl or protected wild game while said dog is on property other than that of the owner or keeper; or~~
- ~~D. For having damaged or littered property other than that of the owner or keeper.~~

§ 24-2. Responsibility of dog owner or keeper.

The owner or keeper shall prevent his dog from being a ~~public nuisance dog~~ or a dangerous dog as defined in § **24-1**.

§ 24-3. Impounding.

It shall be the duty of the Dog Officer to apprehend any dog found to be in a violation of § **24-2** of the bylaw and to impound such dog in a suitable place or to order the owner or keeper thereof to restrain said dog.

§ 24-4. Notice to owner and redemption.

The Dog Officer shall, in matters of impoundment, impoundment fees and redemption of impounded animals, carry out his/her duties in accordance with Sections 151 and 151A of Chapter **140**, and any amendments thereto, of the Massachusetts General Laws.

§ 24-5. Fines.

[Amended 3-30-1985 ATM by Art. 22]

A. Any owner or keeper found in violation of any provision ~~portion~~ of § 24-2 or any other provision of this bylaw shall be liable for ~~to~~ fines as follows:

- (1) First offense ~~(in any calendar year): \$50.00 no fine.~~
- (2) Second offense ~~(in any calendar year): \$100.00~~
- (3) Third offense ~~(in any calendar year): \$200.00~~25.
- (4) Subsequent offenses ~~(in any calendar year): \$300.00~~50 for each offense.

B. Any owner or keeper found in violation of an order of the Board of Selectmen issued pursuant to Massachusetts General Laws Chapter 140, Section 157, shall be liable for fines in accordance with Massachusetts General Laws Chapter 140, Section 157A as follows:

- (1) First offense: up to \$500.00
- (2) Second offense: up to \$1,000.00

CB. Further, if the owner or keeper of a dog be a minor, the parent or guardian of such minor shall be held liable for any violation of this bylaw.

§ 24-6. Disposition of funds.

The sums collected pursuant to this bylaw shall be accounted for and paid over to the Town Treasurer; provided, however, that under the provisions of the state law, the Dog Officer shall be entitled to all fees paid to him/her for the care of the impounded dogs by the owners or keepers thereof.

§ 24-7. Legality.

In the event that any provision or section of this bylaw is deemed invalid or unenforceable, all other provisions shall remain in full force and effect.

(Inserted by Board of Selectmen)

ARTICLE 39: BOARD OF HEALTH – CENTRAL MASS MOSQUITO CONTROL PROJECT

To see if the Town will vote to become a member of the Central Massachusetts Mosquito Control Project; and raise and appropriate, borrow or transfer from available funds, a sum of money for the Town's membership in said project or pass any vote or votes in relation thereto.

(Inserted by the Board of Health)

FINANCE COMMITTEE DOES NOT RECOMMEND – the passage of this article. As a committee we believe that a commitment of \$165,000 over a three year period (\$55,000 per year) is significant. We also know that the issues involved are themselves significant. We cannot recommend joining this program at this time as we have not seen either a coalition of local groups, boards and committees come together to make sure this would be successful nor the educational enlightenment of the community as a whole on this project.

ARTICLE 40: Planning Board – Amend the Protective Bylaw 125-3 Existing Lots, Structures and Uses

To see if the Town will vote to amend the Protective Bylaw, Article II, Existing Lots, Structures and Uses by changing the title and deleting in its entirety Section 125-3, Non-conforming Structures and Uses, and replace with the following, or take any vote or votes in relation thereto;

ARTICLE II Non-conformities

§ 125-3 Non-conforming Structures and Uses

Non-conforming uses and structures shall be regulated as provided in MGL Chapter 40A, Section 6 and as provided in this Bylaw. At adoption of this Bylaw as amended, any lawful existing structure (except an off-site sign), or use of a structure or use of land, may continue as such structure existed or in the manner and to the extent such structure or land was used at the time of first publication of notice of the public hearing for such adoption, subject to the provisions of this section §125-3. A building or special permit issued before such first publication of notice of hearing may continue in effect or be made effective except as otherwise provided (see § 125-49, Enforcement, and § 125-46, Special permits). However, any other building or special permit shall conform to such Bylaw (change), and a structure or use may be extended or otherwise changed only as specifically provided in this Bylaw.

In making a determination under §125-3 whether a change, extension, or alteration to a non-conforming use or structure will be more detrimental than the existing non-conforming use or structure to the neighborhood, the Board of Appeals will apply the factors listed in §125-20A and will identify other site-specific impacts that affect quality of life in the neighborhood.

A. Non-conforming structures

For the purposes of this Bylaw a lawful non-conforming structure is one that conformed to the Bylaw at some past time or predates the Bylaw; and became nonconforming solely as the result of the adoption of the Bylaw or amendments thereto. If a structure conformed at more than one time, only the most recent instance of conformity shall be considered.

B. Non-conforming One- and Two Family Dwellings

- (1) A non-conforming one- or two-family dwelling may be repaired (see "erect," § 125-2, Definitions), may be moved or enlarged or otherwise altered for a use permitted by the Bylaw, as a matter of right, provided that such alteration does not:
 - (a) Produce or increase the degree of any non-conformity in lot-structure relations or building height, and the changes conform to the Bylaw as amended; and
 - (b) Cumulatively over time increase the footprint of a one- or two-family dwelling by more than 15% and/or alter the gross floor area by more than 15% from that which existed at the time the dwelling first became non-conforming.

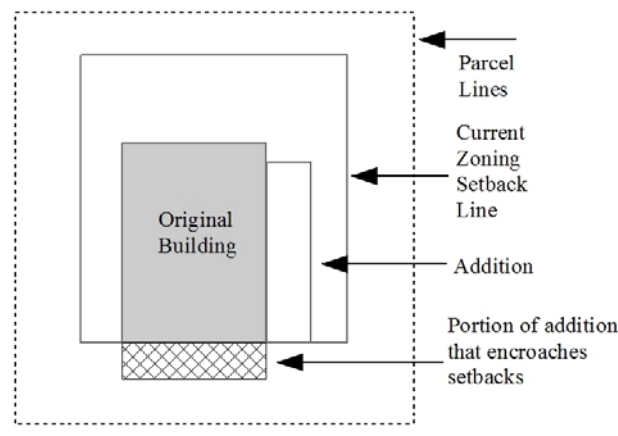


Figure 1: Example of an extension of a non-conforming one- or two-family dwelling that does not increase the degree of non-conformity.

- (2) By special permit granted by the Board of Appeals a non-conforming one- or two-family dwelling may be moved or enlarged or otherwise altered for a use permitted by the Bylaw, if such non-conformity is increased or intensified, provided the Board finds, in addition to the requirements of § 125-46, Special permits, the alterations:
- (a) Would have been permitted before the structure became non-conforming (see Attachment A: Historical Table of Harvard Basic Lot Dimensions); and
 - (b) Will not be substantially more detrimental to the neighborhood than the existing non-conformity (see MGL Chapter 40A Section 6).

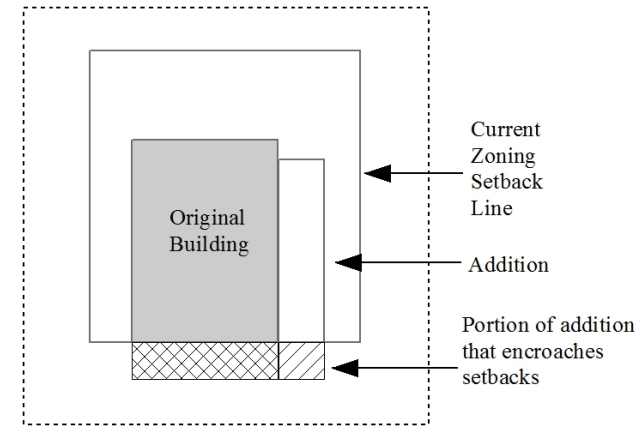


Figure 2: Example of an extension of a non-conforming one- or two-family dwelling that increases the degree of nonconformity that the Board of Appeals may permit by grant of a special permit.

C. Non-conforming Structures Other Than One- and Two-Family Dwellings

- (1) By special permit granted by the Board of Appeals a lawful nonconforming structure other than a one- or two-family dwelling may be moved or enlarged or otherwise altered for a use permitted by the Bylaw, if the Board makes a finding that such movement, enlargement or alteration will not be substantially more detrimental to the neighborhood than the existing non-conforming structure.
- (2) The moving, enlargement or alteration, of a non-conforming structure so as to increase an existing non-conformity, or create a new non-conformity, including the extension of an exterior wall at or along the same non-conforming distance within a required yard setback, shall require a variance from the Zoning Board of Appeals.

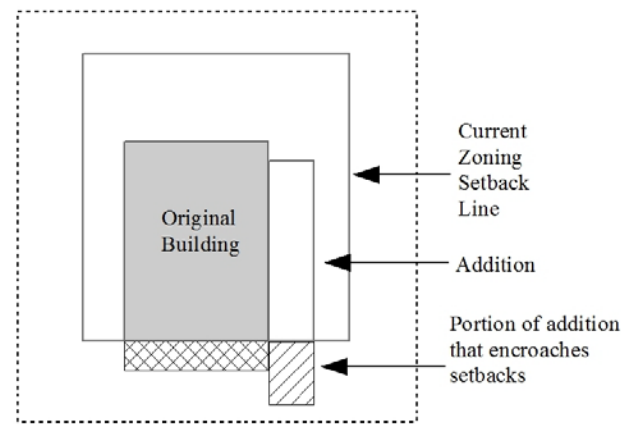


Figure 3: Example of an extension of a non-conforming structure other than a one- or two-family dwelling that increases the degree of non-conformity, and that creates a new non-conformity, that the Board of Appeals may permit only by grant of a variance.

(2) The repair, moving, enlargement, alteration and extension of and addition to any nonconforming structure and the construction of new on-site and off-site accessory structures owned by the Town of Harvard or leased by the Town, as lessor or lessee, and used for a Town library, Town museum, Town office, Town hall, Town protective services or other use by the Town of Harvard or its lessee and located on a parcel of land situated within 2,500 feet of the Town Center Intersection of Routes 110 and 111 shall be exempt from all provisions of this Bylaw, except for § 125-39, Site Standards.

D. Non-conforming uses

- (1) If a non-conforming use of a structure or land is changed to a conforming use, it shall not thereafter revert to its previous non-conforming use.
- (2) A non-conforming use may be extended, altered, or otherwise changed, by special permit authorized by the Board of Appeals (see § 125-46, Special permits), provided:
 - (a) Such change, extension, or alteration will not be substantially more detrimental than the existing non-conforming use to the neighborhood; and
 - (b) If a non-conforming use is to be changed to a different use, the new use is permitted, subject to the use being in the same or less intense use category (see §125-7 thru 9 and §125-12 thru 14).
- (3) A non-conforming use of a portion of an existing structure designed for the use may be extended throughout such structure, but only by special permit authorized by the Board of Appeals as in Subsection D(2).
- (4) Use of land accessory to a non-conforming use of a main building may be extended only to meet site standards.
- (5) Any use subject to § 125-39, Site standards, and/or § 125-38, Site plans, even though preexisting, is subject to such standards and approval upon expansion or alteration as provided in § 125-38, Site plans.

E. Abandonment

- (1) A non-conforming use which has been abandoned or not used for a period of two years or more shall not be reestablished. A non-conforming use which has been changed to a conforming use shall not be reestablished.
- (2) A non-conforming structure which has been abandoned or not used for a period of two years or more shall be removed or it shall be altered or moved so as to conform to the Bylaw as a new structure.
 - (a) In order to be "not used" under this subsection, the structure shall either have been in such disrepair as to require reconstruction (see definition of "erect") or (if a building) it shall have become uninhabitable.

- (b) A structure will not be considered "not used" or "uninhabitable" while it is being modified to re-achieve use or habitability in accordance with a validly issued building permit or validly issued Board of Health permit under Title V of the State Sanitary Code if the work there under begins promptly, and is diligently pursued to a conclusion as provided in § 125-49B, Permits and licenses, and results in use or occupancy.

F. Reconstruction after Catastrophe or Demolition

- (1) Non-conforming structures which are damaged or destroyed by accidental cause, including fire, or otherwise damaged or destroyed without the consent of the owner, may be repaired or reconstructed upon the issuance of a building permit, provided that:
 - (a) Reconstruction of said premises shall commence within three years after such catastrophe or demolition.
 - (b) Building(s) as reconstructed shall be located on the same foot print as the original non-conforming structure, shall be only as great in volume or area as the original non-conforming structures, and shall meet all applicable requirements for setbacks and height.
 - (c) A Special Permit shall be required in the event that the proposed reconstruction would cause the structure to be located other than on the original footprint, or cause the structure to exceed the volume or area of the original non-conforming structure, and the non-conforming nature of the structure is not increased or intensified more than the original non-conformity.

G. Exception for Historic Merit

A non-conforming historic ruin located in a historic district (see the Town Historic Preservation Bylaw) may be preserved by site plan approval; it may be restored in whole or in part pursuant to a special permit from the Board of Appeals acting with advice from the Historical Commission as provided in § 125-46, Special permits, provided the Board of Appeals finds historic merit in the restoration and finds no substantial adverse impact on the neighborhood, and further provided that any improvements meet all of the environmental requirements of the Bylaw as if for a new structure, including accessibility to emergency vehicles.

(Inserted by Planning Board)

ARTICLE 41: Zoning – Amend Section 125-27 Wireless Communication Overlay District

To see if the town will vote to amend Chapter 125 of the Code of the Town of Harvard, the Town's Protective Bylaw, by amending Section 125-27, Wireless Communications Towers Overlay District, by adding a new subsection D (3) to accommodate communications equipment of municipal public safety departments on applications for new towers or modifications to existing towers, or take any vote or votes in relation thereto.

(Inserted by Planning Board)

ARTICLE 42: Zoning – Amend Zoning Map Wireless Communication

To see if the Town will vote to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard by accepting the amended Zoning Map to correct an error made to the Wireless Communications District when the map was approved by Annual Town Meeting 2010, which amended Zoning Map is on file in the Office of the Town Clerk, or take any vote or votes in relation thereto.

(Inserted by Planning Board)

ARTICLE 43: Zoning – Amend Sections 125-31 and 125-39B Driveways

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 to Section 125-31 thereof regarding Driveways and Section 125-39B thereof regarding Standards for Driveways, or take any vote or votes in relation thereto.

[key to revisions: underlining = additions; ~~striketrough~~ = deletions]

Amend the Protective Bylaw, §125-31, Driveways, as follows:

§125-31 Driveways. [Added 3-30-1996 ATM by Art. 29]

For purposes of public safety, any driveway constructed after March 30, 1996, of more than 200 ~~500~~-feet in center-line length and providing access from the public way to a main building shall be constructed in accordance with the standards for driveways set forth in the Bylaw (~~Section 7.3.2 of the May 1995 Bylaw~~) §125-39B. No such driveway shall be constructed without site plan approval by the Planning Board at a regularly scheduled public meeting. Construction of all such driveways shall be subject to inspection by the Planning Board's driveway inspector, fees for said inspections to be paid by the applicant as specified in the Planning Board's regulations. **[Added 3-29-1980 ATM by Art. 27]**

- A. No driveway which serves two or more building lots of any type, or which serves a hammerhead or a backland lot, or which serves a use for which a special permit or site plan approval is required, may lie on a corridor of land or land area having a width of less than 35 feet ~~or~~ and frontage of less than 50 feet. This subsection shall apply only to driveways constructed after February 8, 1980, and to lawfully existing driveways changed after that date to connect with or serve one or more additional lots.
- B. Shared (common) driveways. To reduce the impact of impervious surfaces and the number of driveway cuts ~~on scenic roads~~, it is the intent to permit adjoining lots to share a driveway which, except for branches serving individual lots, lies on or near their mutual boundaries subject to ~~precautions~~ a recorded maintenance and snow plowing agreement to ensure that the driveway will be maintained and remain useful for both ordinary and emergency access under all weather conditions, and to ensure that a driveway will not be used as a substitute for a street or as a substitute for mandatory access frontage (see §125-29). After March 26, 1988, a driveway may be constructed or extended to serve more than one lot only in accordance with a special permit authorized by the Planning Board (see §125-46, Special permits), subject to all applicable provisions of this bylaw. For a shared driveway serving only single- and two-family residence uses, ~~§125-39A(1) and the driveway site standards in §125-39B shall apply (see §125-38, Site plans, and §125-39, Site standards).~~ **[Added 3-31-1979 ATM by Art. 27; amended 3-26-1988 ATM by Art. 34; 3-27-1993 ATM by Art. 25; 3-25-1995 ATM by Art. 30; 3-29-2003 ATM by Art. 37; 3-31-2007 ATM by Art. 23]**

- (1) At most four lots, of which no more than three shall be hammerhead or backland lots, may be connected to or otherwise share the same driveway. This provision (increasing the number of lots from three to four) will apply only to common drives built or extended by special permit after March 25, 1995. The driveway shall lie entirely within the lots being served. This subsection

shall apply only to shared driveways constructed after February 9, 1979, and to lawfully existing driveways changed after that date to connect with or serve one or more additional lots. (Added driveway requirements for hammerhead and backland lots are contained in § 125-29D, Type 2 lots, and § 125-29F, Type 4 lots.)

- (2) Each branch of a shared driveway shall include a turnaround for vehicles including moving vans, ambulance, fire, and police.

(3) (Reserved)

~~(3)~~(4) _____ A shared driveway shall be considered satisfactory only if:

(a) It has been constructed in accordance with the provisions of the special permit and the approved driveway site plan; and

(b) There is a recorded clear provision for maintenance and snow removal running with the land.

~~i.~~(5) _____ Grades on shared driveways constructed or extended after March 26, 1988, shall not exceed 10%.

~~ii.~~(6) _____ A shared driveway, which is constructed, or extended to serve additional lots or uses, after March 26, 1988, shall begin at the street on which the lots served have their access frontage. A driveway shall not be used to provide the lot access frontage required by this Bylaw or by the Subdivision Control Law. Where the access to structures or uses provided by the driveway is substantially different than that which would be provided through required lot frontages, the special permit shall not be issued unless the Planning Board finds that the proposed shared driveway and its location are in the public interest.

C. Driveway site plan approval. For lots or uses for which a special permit is required by this Bylaw as amended, the installation or extension of a driveway to serve a new main building or a new use shall be in accordance with a driveway construction site plan approved by the ~~special permit granting authority~~ Planning Board, with advice from the ~~Board of Selectmen (or its designated agent)~~ Director of the Department of Public Works with respect to driveway connection to the street. Such driveway construction site plan approval shall expire if the work thereunder is not begun and diligently pursued to completion within two years after issuance. **[Added 3-31-1984 ATM by Art. 29]**

D. For any shared driveway, or any driveway requiring a special permit or site plan approval by the Planning Board, a building permit shall be issued only upon receipt of a written statement from the Planning Board or its agent, indicating that a satisfactory driveway and turnaround for the purposes of construction connection to the lot for which the permit is issued have been provided. **[Added 3-31-1984 ATM by Art. 29; amended 3-31-2007 ATM by Art. 22]**

(1) For the purpose of actual construction, driveway ~~curves~~ centerline radii may be sharper than ~~those presumed for establishing lot dimensions {see §125-29F(1)(f)[3]}~~ eighty feet (80'), provided that the entire lot is in the AR District and also provided that the entire driveway is laid out and constructed in accordance with the provisions of §125-39, Site standards, including §125-39B. However, the driveway centerline radius of curvature may not be less than 40 feet, except in circular turnarounds for cars only. If so constructed or extended, driveway curvature shall be considered "satisfactory" for the purpose of the written statement required prior to issuance of a building permit on a Type 2 or Type 4 lot by the provisions of §125-29F(3)(b).

~~E.~~(2) _____ The Planning Board may consider the construction of a driveway or its extension "satisfactory" for the purpose of said written statement if the location of the driveway is consistent with the special permit or site plan approval; it is suitable for access by construction and safety vehicles to within 100 feet of the building site, provided that there is a (perhaps

temporary) turnaround for vehicles including trucks near the building site; all drainage and erosion control measures required for the ~~construction~~ driveway are in place; and all related measures required by any special permit for construction have been met.

(3) ~~A~~ temporary occupancy permit or use of the premises served by such a driveway shall be permitted only upon receipt of a written statement from the Planning Board or its agent, indicating that all drainage, utilities, and erosion control measures are in place; that the driveway is complete up to and including base gravel; and that all related measures required by any special permit or site plan approval have been met.

(2)(4) ~~A~~ final occupancy permit or use of the premises for the final lot served by such a driveway is permitted only upon receipt of a written statement from the Planning Board or its agent indicating that a driveway and turnaround have been completed in accordance with the special permit or approved site plan, and that an "as built" has been filed with and approved by the Board or its agent.

E. **Crossing of W District and inland wetlands.** Driveways which are constructed after April 8, 1989, and any existing driveway extended after that date to serve an additional use or main building, shall not alter 5,000 square feet or more of combined W District and/or inland wetlands (all non-overlapping crossings summed). Installation of driveways crossing W and WFH Districts may be subject also to special permit; see §§125-25 and 125-26. **[Added 4-8-1989 ATM by Art. 36]**

F. **Long driveways.** For purposes of public safety, after January 1, 1999, any driveway having or resulting in a center-line length greater than 1,400 feet from the public or private way to any main building served by that driveway may be constructed, or extended to serve another main building more than 1,400 feet from the way, only in accordance with a special permit authorized by the Planning Board (see §125-46, Special permits), subject to all applicable provisions of this Bylaw. No special permit shall be granted under this section unless the Planning Board finds that all dwellings which are served by the driveway have available a water source within 1,400 accessible hose feet which is adequate for fire protection. **[Added 12-8-1998 STM by Art. 15]**

(1) In determining whether a water source is adequate for fire protection the Planning Board may request the written advice of the Fire Department and will consider the capacity of the water source, the availability and adequacy of access to the water source for fire protection, and provisions for maintenance of the water source.

(2) For purposes of this section, a buried cistern containing no less than 10,000 gallons of clean water will be considered an adequate source of water for fire protection purposes to serve one lot, provided that the site does not abut a W District. (See also §125-39E.)

Amend the Protective Bylaw, §125-39B, Standards for Driveways, as follows:

§125-39 Site standards.

B. Standards for driveways. The intent is to make available site standards for driveways which are appropriate to the intensity of actual use. For a driveway which serves only one- or two-family residences the use of this site standard is required only if it is specifically so stated in § 125-31, Driveways, of this bylaw. **[Amended 3-27-1982 ATM by Art. 40; 3-31-1984 ATM by Art. 28; 3-29-2003 ATM by Art. 37; 3-22-2006 ATM by Art. 18]**

(1) ~~Number of lanes driveways.~~ For each site, the total number of ~~traffic access lanes~~ driveways shall not exceed ~~three plus one~~ three for each 200 feet of frontage or additional fraction thereof. ~~Lanes shall be grouped into d~~ Driveways, which shall not encroach on the buffer strip except to intersect with the street, and to reach said intersection directly from within the interior of the lot. ~~Lane width and driveway width shall be determined by severest intensity of use in accordance with the following Tables 1, 2, and 3.~~

- (2) Residential use. Driveways installed to serve residential uses of the type permitted in the AR District (but not more than eight dwelling units) may be constructed with a single lane, provided that it widens to at least a twenty-five-foot length of dual lane every 300 feet along its length, with one such dual lane section at the street or its intersection with another driveway. Driveways for residential use shall comply with standards in Table 1.
- (3) ~~Lane and shoulder width. If either of the following conditions apply, the access lanes shall have a curvature dependent minimum width W, and the driveway shall also have a minimum shoulder width S, both dependent on the inside radius of curvature C of the access lane, as given in Table 2; otherwise lane widths shall be as in Table 1:~~
- (a) ~~If the lane is part of a driveway more than 50 feet long; or~~
- (b) ~~If the lane has a center line radius of curvature less than 150 feet.~~
- (34) Radius of curvature. The minimum center-line radius of curvature of a driveway may not be less than 40 feet. However, specific design standards for intersections and turnarounds shall take precedence over these general curvature requirements.

Table 1:

~~Lane Widths for Driveways Less Than or Equal To 150 Feet Long~~

Separate Lanes			
Application		Entrance	Exit Lane
Dual Lane		Lane	
Residential use with parking for up to 12 cars or for non-industrial use for pickup/delivery*		16 feet min.*	
Residential use with parking for more than 12 cars or for non-industrial use for pickup/delivery		8 ft. min. 16 ft. max.	8 ft. min. 13 ft. max.
Loading and parking for trucks		12 ft. min. 16 ft. max.	12 ft. min. 13 ft. max.

~~*Twelve feet minimum for single lane driveway or branch driveway serving one or two family residence(s).~~

Table 1 Residential Driveway Standards

<u>Use</u>	<u>Number of Lanes</u>	<u>Turnouts</u>	<u>Lane Width</u>	<u>Shoulder Width</u>	<u>Turnaround</u>	<u>Max. Grade</u>
<u>Driveway for single or two- family home</u>	<u>1</u>	<u>1 every 300', width = 20' length = 25'</u>	<u>12'</u>	<u>2' per side</u>	<u>Not required</u>	<u>12%</u>
<u>Shared (Common) Driveway for up to 4 lots or 4 units</u>	<u>2</u>	<u>Not required</u>	<u>8'</u>	<u>2' per side</u>	<u>Required for each branch</u>	<u>10%</u>
<u>Driveway for more than 4 lots or 4 units</u>	<u>2</u>	<u>Not required</u>	<u>10'</u>	<u>2' per side</u>	<u>Required</u>	<u>8%</u>

Note 1: Article II, §140-10 of the Harvard Code, Driveway Construction and Connection Permits, applies to all proposed driveway connections to a town way. Jurisdiction of §140-10 applies for a distance of 25 feet from the near side or 50 feet from the far side of the roadway, whichever is greater.

Table 2
Lane and Shoulder Widths for
Driveways More Than 150 Feet Long and Curved Driveways

<u>Use</u>	<u>Formula</u>	<u>Notes</u>
Single lane driveway or branch driveway serving residence(s) in AR District	$W = 10 + 225/C$ $S = 1 + 150/C$	Widens to two lanes every 300 ft. and at intersections
Dual lane, where dual lane required	$W = 14 + 225/C$ (16 ft. min. width*) $S = 1 + 150/C$	Use formula if C 100 ft. Plus drainage C 150 (extra width only on inside shoulder)
General traffic	$W = 10 + 200/C$ $S = 1 + 150/C$	Use formula if C 100 ft.

NOTES:

Round off calculated distances to nearest foot.

*Add two feet to width of both lane and shoulder if drive side parking likely.

(45) Layout. Lanes shall be grouped into driveways so that: Non-Residential Driveway Standards

- (a) The number of driveways does not exceed one for each four permitted lanes or additional fraction thereof;
Driveways that serve commercial, industrial, or other non-residential uses shall be limited to one entrance and one exit per street. One combined entrance/exit location is preferable at the main entrance to facilitate traffic movement; such an entrance shall be separated by a traffic island with separate in and out movements. Where frontage exceeds 400', the Planning Board may approve an additional access. If needed, the applicant shall construct separate right and/or left turning lanes to facilitate entry and exit from the site.

- (b) ~~Except for the conditions under which a single lane or a dual lane is specifically permitted, each driveway contains at least one entrance and one exit lane, with lane use clearly indicated by markings. If three or more lanes are grouped together, lane use must be guided by islands or other dividers. Lane marking or guiding is not required for driveways serving passenger car parking lots having 12 or fewer parking spaces, or for driveways serving only residential uses permitted in AR Districts;~~
- (be) Driveway locations shall meet the line of sight criteria based on the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets (See Table 2 below) or, where driveways are located on very low-volume local roads (average daily traffic volume of 400 vehicles per day or less), locations shall meet the guidelines of AASHTO Guidelines for Design of Very Low-Volume Local Roads (Average Daily Traffic less than or equal to 400). Exceptions to these guidelines may be considered by the Planning Board where it can be shown that less restrictive criteria would not impact safety or that more restrictive criteria would be required for safety.

Table 2
Driveway Sight Distance

<u>Design Speed</u> <u>(mph)</u>	<u>Stopping Sight</u> <u>Distance (feet)</u>
<u>25</u>	<u>155</u>
<u>30</u>	<u>200</u>
<u>35</u>	<u>250</u>
<u>40</u>	<u>305</u>
<u>45</u>	<u>360</u>
<u>50</u>	<u>425</u>

Source: based on guidelines established in A Policy on the Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials [AASHTO], 2004.

- (cd) Access to traffic areas is beyond said buffer strip;
- (d) No driveway shall be constructed closer than 80 feet to a street intersection as measured along the Town's right-of-way to the nearest intersection of the right-of-way lines.
- (e) To reduce turning movements onto main thoroughfares, developers are encouraged to connect internal roadways with adjacent developments. When adjacent lots have contiguous frontage, the Planning Board may require such lots to share a single driveway, or that the lots be accessed by an internal service road. Where such sharing cannot be achieved in the short run, the means and location for future long term inter-parcel connections may be required through right-of-way reservation and/or dedication.

(f) Where it is proposed to re-develop property, the Planning Board will evaluate existing access and work with the applicant to re-design curb cuts to improve safety and traffic flow. Where appropriate, the Board may require a reconfiguration to the existing access or the removal of unnecessary driveway openings in favor of fewer access points with a greater level of traffic control.

(eg) The angle of intersection of the driveway center line with the roadway center line is at least 60° and the transition from driveway to roadway is flared so that vehicles, including an SU30, may make the required turns without leaving the surface of either, or, if lanes are marked, without leaving marked lanes.

[1] For the purpose of designing flares, a passenger car has the turning radii of an American Association of State Highway Officials (AASHO) passenger car, P20, and a "fire truck" or "moving van" [see § 125-29F(1)(f)] has the turning radii of an AASHO single-unit truck, SU30, with minimum turning radii as follows:

Vehicle	Inside Radius	Outside Radius
Car	20 feet	30 feet
Truck	30 feet	45 feet

[2] The flare at an intersection of a branch of the driveway is designed so that vehicles may make the required turn. If there is no additional turnaround, the intersection must be constructed so that it can serve as a turnaround for vehicles. Exception: If the lot frontage and the roadway are too narrow to permit an AASHO SU truck to make both turns in a single pass, the driveway layout shall favor the turn from the direction of the fire station, by the most likely route.

[3] Plans showing special requirements for driveways connecting with state-maintained ways are available at the district or state offices of the Massachusetts Department of Public Works.

(Inserted by Planning Board)

ARTICLE 44: Zoning – Amend Section 125-54 Floodplain Districts

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 to §125-54 thereof, or take any vote or votes in relation thereto:

[key to revisions: underlining = additions; ~~striketrough~~ = deletions]

§125-54 FLOODPLAIN DISTRICTS

B. FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION DATA

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Harvard designated as Zone A-, and AE, AH, AO, A99 ~~or VE~~ on the Worcester County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency

Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Worcester County FIRM that are wholly or partially within the Town of Harvard are panel numbers 25027C0292E, 25027C0294E, 25027C0311E, 25027C0312E, 25027C0313E, 25027C0314E, 25027C0316E, 25027C0318E, 25027C0457E, and 25027C0476E dated July 4, 2011 and; 25027C0477EF, 25027C0478EF, 25027C0479EF, 25027C0481EF and 25027C0483E dated July 4, 2011 16, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commission, Conservation Commission and Department of Public Works.

C. BASE FLOOD ELEVATION AND FLOODWAY DATA

- (1) Floodway Data. In Zones A, ~~A1-30~~, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

D. USE REGULATIONS

- (1) Reference to existing regulations

- (a) The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- [1] Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR ~~120.G "Flood Resistant Construction and Construction in Coastal Dunes"~~);

- (2) Other Use Regulations

~~—(a) Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.~~

- (~~a~~) In Zones ~~A1-30~~ and AE, along watercourses that have a regulatory floodway designated on the Worcester County FIRM ~~or Flood Boundary & Floodway Maps~~ encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - (~~b~~) All subdivision proposals must be designed to assure that:
 - [1] such proposals minimize flood damage;
 - [2] all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - [3] adequate drainage is provided to reduce exposure to flood hazards.
 - (~~c~~) Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

- (de) There shall be established a "routing procedure" which will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, Building Commissioner and Department of Public Works for comments which will be considered by the appropriate permitting board prior to issuing applicable permits.

F. DEFINITIONS

~~FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)~~

~~FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.~~

~~ZONE A1-30 and ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.~~

~~ZONE AH and ZONE AO means the 100-year floodplain with flood depths of 1 to 3 feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.~~

~~ZONE A99 means areas to be protected from the 100-year flood by federal flood protection system under construction. Base flood elevations have not been determined.~~

~~ZONE V means a special flood hazard area along a coast subject to inundation by the 100-year flood with the additional hazards associated with storm water. Base flood elevations have not been determined.~~

~~ZONE V1-30 and ZONE VE (for new and revised maps) means a special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.~~
(Inserted by Planning Board)

ARTICLE 45: Zoning – Amend Section 125-55 Medical Marijuana Treatment Centers

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 relative to Medical Marijuana Treatment Centers, or take any vote or votes in relation thereto:

1.) by adding the following new definition to §125-2, Definitions, for Medical Marijuana Treatment Center:

“MEDICAL MARIJUANA TREATMENT CENTER - A not-for-profit entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana infused products (MIPs), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.”; and

2.) *Amend the Protective Bylaw, by adding to §125-14, Large Scale Commercial Uses a new subsection G, Medical Marijuana Treatment Center, which will be allowed in the C District upon the grant of a special permit from the Planning Board, as follows:*

“G. Medical Marijuana Treatment Center: In the C district, a Medical Marijuana Treatment Center (MMTC), including registered marijuana dispensaries and indoor cultivation sites, may be allowed by special permit (see §125-46, Special Permits) authorized by the Planning Board if in compliance with site plan standards in §125-38 provided that:

- (1) no MMTC may be located closer than five hundred feet (500’) from a park, playground, church or other religious use, school, licensed child care facility, other facility where minors regularly congregate, or another MMTC. This measurement shall be the shortest distance between the MMTC building and the property line of the use in question;
- (2) the total square footage of the MMTC shall not exceed 10,000 square feet;
- (3) the site plan shall show all exterior proposed security measures for the premises, including, but not limited to lighting, fencing, gates and alarms, ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity;
- (4) hours of operation shall be between 8:00 AM and 8:00 PM Monday thru Saturday; and
- (5) an applicant shall possess a Certification of Registration from the Mass. Department of Public Health as a Registered Marijuana Dispensary and complies with the Department’s regulations at all times.”

(Inserted by Planning Board)

ARTICLE 46: Zoning – Amendments re: Adult Entertainment

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 relative to Adult Entertainment, or take any vote or votes in relation thereto:

1.) By adding to §125-2, Definitions, new definitions for Adult Entertainment Uses, as follows:

“Adult Bookstore – an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31.

Adult Motion Picture Theatre – an enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31.

Adult Paraphernalia Store – an establishment having as a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31.

Adult Video Store – an establishment having as a substantial or significant portion of its stock in trade, videos, movies, or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31.

Establishment which Displays Live Nudity for its Patrons – any establishment which provides live entertainment for its patrons, which includes the display of nudity, as that term is defined in Massachusetts General Laws Chapter 272, Section 31.

2.) *by adding to §125-14, Large Scale Commercial Uses a new subsection H, Adult Entertainment, which uses will require a special permit from the Planning Board in the C District, as follows:*

“H. Adult Entertainment Uses:

- (1) Purpose. This by-law is enacted pursuant to the Town's authority under the Home Rule Amendment to the Massachusetts Constitution to serve the compelling Town interest of preventing the clustering and concentration of adult entertainment enterprises as defined herein because of their deleterious effect on adjacent areas and in response to studies demonstrating their effect in generating crime and blight.
- (2) In the C district, an Adult Bookstore, Adult Video Store, Adult Paraphernalia Store, Adult Motion Picture Theatre, or Establishment which Displays Live Nudity for its Patrons may be allowed by special permit (see §125-46, Special Permits) authorized by the Planning Board if in compliance with site plan standards in §125-38 provided that:
 - (a) No such use may be located within five hundred feet (500') of a residential zoning district, school, church or other religious use, child care facility, park, playground or another Adult Entertainment Use.
 - (b) No Special Permit shall be issued to any person convicted of violating the provisions of M.G.L. Ch. 119, § 63 or M.G.L. 272, § 28.
 - (c) No store which rents and/or sells videos shall have any adult videos openly displayed in the same public viewing area as non-adult videos. Said adult videos shall be displayed in a separate room from the non-adult videos, which is to be constructed to prevent the view of adult video stock by the general public unless they enter the room itself. Said enclosure shall have only one entrance and be located to ensure proper monitoring.

No pictures, publications, videotapes, movies, covers, or other implements, items, or advertising that fall within the definition of adult entertainment enterprise merchandise or are erotic, prurient, or related to violence, sadism, or sexual exploitation shall be displayed in the windows of, or on the building of any adult entertainment enterprise, or be visible to the public from pedestrian sidewalks or walkways or from other areas, public or semi-public, outside such establishments.”

(Inserted by Planning Board)

ARTICLE 47: HOME RULE LEGISLATION — MANAGE OTHER POST-EMPLOYMENT BENEFITS LIABILITY OF THE TOWN OF HARVARD

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to pass Special Legislation under the Home Rule Amendment to the Massachusetts Constitution or pass any vote or votes in relation thereto the following Act:

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

AN ACT TO MANAGE THE OTHER POST-EMPLOYMENT BENEFITS LIABILITY OF THE TOWN OF HARVARD

SECTION 1. Notwithstanding any general or special law to the contrary including, but not limited to chapter 32B of the General Laws, the Town of Harvard, in the discretion of its board of selectmen, may adopt eligibility rules and regulations, establishing, and changing from time to time, eligibility and/or premium contribution rates based on one or more of the following factors:

- (1) Years of service as an employee of the town of Harvard;
- (2) Years of creditable service for the purposes of Chapter 32 of the General Laws;
- (3) Receipt of a retirement allowance/pension under Chapter 32 of the General Laws;
- (4) The length of time between the employee's separation from employment and application for retirement benefits under Chapter 32 of the General Laws, including the application for and/or receipt of such allowance/pension immediately after the separation of employment from the town of Harvard;
- (5) Participation in the town of Harvard's health plan at the time of retirement and/or for a period of time prior thereto;
- (6) Age, provided no benefit shall be offered to younger retirees that is not also available to older similarly-situated retirees on the same terms;
- (7) Status as a retired employee, surviving spouse of a retired or deceased employee, or dependent of retired or deceased employee;
- (8) Date of hire;
- (9) Date of retirement;
- (10) Reason for separation from employment;
- (11) Average hours worked over a defined period of time;
- (12) And any other such factor the town of Harvard deems necessary and appropriate to limit its Other Post-Employment Benefit Liability.

SECTION 2. The Town of Harvard, in establishing premium contribution rates, may set, and change from time to time, different premium contribution rates based upon the criteria set forth above including, but not limited to, the prorating of premium contributions based on the average number of hours worked over a defined period of time; provided said premium contribution rates shall be otherwise subject to the requirements of sections 7, 7A, 9, 9A, 9B, 9C, 9D, 9D½, 9D¾, 9E, 9G and/or 16, as accepted, of Chapter 32B of the General Laws.

SECTION 3. Nothing in this special act shall result in the termination of the health coverage of a retiree, surviving spouse or dependent who is currently participating in the town of Harvard's health plan; provided said individual(s) continue to participate in said health plan.

SECTION 4. The implementation of any rules in accordance with this special act shall not be subject to collective bargaining pursuant to Chapter 150E of the General Laws or any other general or special law to the contrary.

SECTION 5. Nothing in this special act shall limit or in any way restrict the Town of Harvard in the exercise of its rights under Chapter 32B of the General Laws.

SECTION 6: This act shall be effective upon passage.
(Inserted by Board of Selectmen)

FINANCE COMMITTEE RECOMMENDS – the approval of this article, as it will allow the Town to better manage its costs for Other Post-Employment Benefits (OPEB).

ARTICLE 48: HOME RULE LEGISLATION - TO MAKE COMMUNITY SOLAR SHARES EXEMPT FROM LOCAL TAXATION

To see if the Town will vote to instruct the Board of Selectmen to file a Home Rule Petition with the General Court of the Commonwealth of Massachusetts to enact a special act which provides that, notwithstanding any provisions of the Massachusetts General Laws to the contrary, shares in a community solar energy system constructed in the Town of Harvard shall be exempt from local taxation on the same basis as if the shares were installed on the properties of the residential and/or non-utility business share owners.

(Inserted by Petition)

FINANCE COMMITTEE DOES NOT RECOMMEND – the passage of this article.

ARTICLE 49: 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 2015, 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 2015, 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 \$150,000 in Fiscal Year 2015, and

4) 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 Fire Department's S.A.F.E. Program with the revenue or expenditures of this account not to exceed \$15,000 in Fiscal Year 2015,

or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

FINANCE COMMITTEE RECOMMENDS – re-authorizing these revolving funds.

ARTICLE 50: FIRE DEPARTMENT – EXTEND SUNSET DATE

To see if the Town will vote to extend the sunset date on Article 12, Fire Department Fire Pond Evaluation and Engineering, of the April 2013 Annual Town Meeting from June 30, 2014 to June 30, 2015, or pass any vote or votes in relation thereto.

(Inserted by Fire Department)

FINANCE COMMITTEE RECOMMENDS – extending the sunset date.

ARTICLE 51: PLANNING BOARD – EXTEND SUNSET DATE

To see if the Town will vote to amend its vote under Article 28, Update of Master Plan, of the Warrant for the April 2012 Annual Town Meeting, by extending the sunset date from June 30, 2014 to June 30, 2015, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

FINANCE COMMITTEE RECOMMENDS – extending the sunset date.

ARTICLE 52: ACCEPTANCE OF GIFTS OF PROPERTY

To see if the Town will vote to accept gifts of land or interests in land for any municipal purpose, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

FINANCE COMMITTEE COMMENT -- We encourage residents to consider a tax-deductible donation of land to the Town. The Town gives thanks to those who have made such a donation.

ARTICLE 53: ACCEPTANCE OF HIGHWAY FUNDS

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

(Inserted by Board of Selectmen)

FINANCE COMMITTEE COMMENT -- We are pleased that these funds continue to be distributed and look forward to the release of Fiscal Year 2015 Chapter 90 awards.

* * * * *

And furthermore, in the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the said Town who are qualified to vote in Town affairs, to meet at The Bromfield School on Tuesday, the 8th day of April, 2014, to cast their ballots for the following officers and questions:

Moderator, one position for one year; Selectman, two positions for three years; Cemetery Commissioner, one position for three years; Community Preservation Committee, two positions for three years; Constable, one position for three years; Harvard Board of Health Member, one position for three years; Library Trustee, two positions for three years; Park and Recreation Commissioner, two positions for three years; Park and Recreation Commissioner, one position for one year; Planning Board, two positions for three years; School Committee Member, two positions for three years; Tree Warden, one position for one year; Warner Free Lecture Society Trustee, two positions for three years.

QUESTION #1: Replace Spalling Concrete Capital Outlay Expenditure Exclusion.

Shall the town of Harvard be allowed to assess an additional \$115,000.00 in real estate and personal property taxes for the purposes of replacing the spalling concrete in the front entrance and walkways of The Bromfield School for the fiscal year beginning July first, two thousand and fourteen?

YES____ NO____

(Requires a majority vote for passage.)

QUESTION #2: Front End Loader Capital Outlay Expenditure Exclusion.

Shall the town of Harvard be allowed to assess an additional \$160,000.00 in real estate and personal property taxes for the purposes of purchasing a new front end loader for the DPW for the fiscal year beginning July first, two thousand and fourteen?

YES____ NO____

(Requires a majority vote for passage.)

And you are directed to serve this Warrant by posting three attested copies thereof, one at the Town Hall, one at the Post Office in Harvard, and one at the Post Office in Still River, as directed by vote of the Town, seven days at least before the time of holding said meeting. Hereof fail not, and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 24th day of February, Two Thousand and Fourteen.

Harvard Board of Selectmen:

Marie C. Sobalvarro, Chairman

Lucy B. Wallace

Stuart Sklar

Leo F. Blair

Ronald V. Ricci