

## ANNUAL TOWN MEETING

Saturday, May 15, 2021

The meeting was called to order on the field in front of the Library and the Bromfield School at 12:01 p.m. by Town Clerk, Marlene Kenney. Due to the absence of the Moderator, Victor Normand was elected Temporary Moderator by Town Meeting. The call of the meeting and the return of service were found to be in order by Town Clerk Marlene Kenney.

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

Timothy Bragan	Town Administrator
Mark Lanza	Town Counsel
Jared Mullane	Finance Director
Christopher Ryan	Economic Development Director
Timothy Kilhart	DPW Director
Richard Sicard	Fire Chief
Edward Denmark	Police Chief
Debbie Thompson	COA Director
Jeff Hayes	Building Inspector
Ingrid Nilsson	School Business Administrator
Patrick Harrigan	School Facilities Director

### ARTICLE 1: ANNUAL REPORTS

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

(Inserted by Select Board)

On a motion by Alice von Loesecke, 84 Warren Ave, Select Board and seconded,  
I move the Town hear the reports of the Select Board, School Committee, and any other officers or committees that may be ready to make a report and act thereon.

(Reports were heard from the Select Board and the School Building Committee)

***Vote required for Passage: Majority***

**-Vote on Article 1 Main Motion: Passed by Majority**

### ARTICLE 2: PAY BILL OF PRIOR FISCAL YEAR

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds sums of money to pay bills of Fiscal Year 2020, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

On a motion by Alice von Loesecke, 84 Warren Ave, Select Board and seconded,  
I move that the Town transfer \$3,343.71 from the Stabilization Fund to pay the outstanding bills as follows, (a) \$3,308.29, to pay an old bill of the Select Board Office for Fiscal Year 2020 for printing services; and (b) \$35.42 to pay an old bill of the Treasurer/Collector's Office for Fiscal Year 2020.

***Vote Required for Passage: 4/5ths Majority***

**-Vote on Article 2 Main Motion: Passed by 4/5ths Majority**

**ARTICLE 3: OMNIBUS BUDGET**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, such sums of money as may be necessary to defray the expenses of the Town for Fiscal Year 2022, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

On a motion by Don Ludwig, 23 East Bare Hill Road, Finance Committee and seconded,  
I move that the Town vote to appropriate \$33,982,197 to defray the expenses of the Town for Fiscal Year 2022 as printed in the Warrant and Finance Committee Report for the 2021 Annual Town Meeting on pages 32 through 36 and that said appropriation be provided as follows:

Raise & Appropriate	\$ 30,711,262
Library - Expendable Trust Fund Transfer	\$ 5,000
HCTV - Cable Access Receipts Reserved Transfer*	\$ 85,400
Devens Fund Transfer for Debt	\$ 200,000
Comm Preservation Fund Transfer for Debt	\$ 48,038
BOH Title V Septic Betterment for Debt	\$ 11,529
Ambulance Enterprise Fund Transfer	\$ 32,000
Sewer Betterments Fund Transfer for Debt	\$ 92,070
School - Transportation Revolving Fund Transfer*	\$ 40,000
School - Kindergarten Revolving Fund Transfer*	\$ 170,000
School – School Choice Transfer*	\$ 298,169
School – Devens Fund Transfer*	\$ 2,143,421
School – Comm Ed Fund Transfer*	\$ 40,000
School – Rental Revolving Fund Transfer*	\$ 10,000
School – Shaw Trust Fund Transfer*	\$ 25,308
School – Pre-School Revolving Fund Transfer*	\$ 70,000

*\*any remaining funds at the end of the fiscal year will be returned to their funding source*

<b>TOTAL APPROPRIATION</b>	<b>\$ 33,982,197</b>
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***Vote Required for Passage: Majority***

**-Vote on Article 3 Main Motion: Passed by Majority**

**ARTICLE 4: BARE HILL POND TESTING**

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 Health, with the approval of the Select Board, to sample and test for cyanobacteria in the water at the Town Beach on Bare Hill Pond and to test the toxicity of the samples, alternate weeks, from August until mid-September, and to pay for signs at the Town Beach should testing reveal high levels of cyanobacteria, or pass any vote or votes in relation thereto.

(Inserted by Board of Health)

On a motion by Sharon McCarthy, 90 East Bare Hill Road, Board of Health and seconded, I move that the Town appropriate \$7,000, to be expended by the Board of Health, with the approval of the Select Board, to sample and test for cyanobacteria in the water at the Town Beach on Bare Hill Pond and to test the toxicity of the samples, alternate weeks, from August until mid-September, 2021 and to pay for signs at the Town Beach should testing reveal high levels of cyanobacteria; and that said appropriation be provided by raising \$7,000 by taxation.

***Vote Required for Passage: Majority***

**-Vote on Article 4 Main Motion: Passed by Majority**

## **ARTICLE 5: MAINTENANCE OF RECREATIONAL RESOURCES**

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 Parks and Recreation Commission, to pay for Fiscal Year 2022 landscaping materials and services for the basic maintenance of the Town's recreational resources, and that this same amount will be added to the Commons & Schools/Grounds Expense Budget in Fiscal Year 2023, or pass any vote or votes in relation thereto.

(Inserted by Parks and Recreation Commission)

On a motion by Bob O'Shea, 357 Old Littleton Road, Park and Recreation Commission and seconded, I move that the Town appropriate \$20,000, to pay for Fiscal Year 2022 landscaping materials and services for the basic maintenance of the Town's recreational resources and that said appropriation become part of the ongoing budget, subject to appropriation; and that said appropriation be provided by raising \$20,000 by taxation.

***Vote Required for Passage: Majority***

**-Vote on Article 5 Main Motion: Passed by Majority**

## **ARTICLE 6: PERFORMANCE-BASED WAGE ADJUSTMENTS**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, a sum of money to supplement the amount appropriated under Article 3 of the Warrant for the 2021 Annual Town Meeting for salaries and wages of non-school officials and employees in order to fund performance-based wage adjustments for Fiscal Year 2022, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

On a motion by Stu Sklar, 39 Scott Road, Select Board and seconded, I move that the Town appropriate \$19,561, to supplement the amount appropriated under Article 3 of the Warrant for the 2021 Annual Town Meeting for salaries and wages of non-school officials and employees in order to fund performance-based wage adjustments for Fiscal Year 2022; and that said appropriation be provided by raising \$19,561 by taxation.

***Vote Required for Passage: Majority***

**-Vote on Article 6 Main Motion: Passed by Majority**

## **ARTICLE 7: DPW – ROADSIDE TREE MAINTENANCE**

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 Department of Public Works Director, in coordination with the Tree Warden, and with the approval of the Select Board, to contract with a professional company to trim trees and large brush along the Town's roadsides, with unexpended funds as of June 30, 2022 being returned to their funding source, or

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

On a motion by Stu Sklar, 39 Scott Road, Select Board and seconded,  
I move that the Town appropriate \$20,000 to be expended by the Department of Public Works Director, in coordination with the Tree Warden, and with the approval of the Select Board, to contract with a professional company to trim trees and large brush along Harvard's roadsides, with unexpended funds as of June 30, 2022 being returned to their funding source; and that said appropriation be provided by raising \$20,000 by taxation.

***Vote Required for Passage: Majority***

**-Vote on Article 7 Main Motion: Passed by Majority**

## **ARTICLE 8: CAPITAL PLANNING AND INVESTMENT COMMITTEE RECOMMENDED EXPENDITURES**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the following sums of money to be expended by the following boards and officials for the capital projects and acquisitions described and numbered below, each of which shall be a separate appropriation, and to provide for said appropriations from the funding sources set forth below, or pass any vote or votes in relation thereto:

<b><i>Description of Acquisition or Project</i></b>	<b><i>Board or Official Authorized to Expend Funds</i></b>	<b><i>Amount</i></b>	<b><i>Funding Sources</i></b>
<b>1</b> Road Construction and Repair	Department of Public Works Director with Select Board approval	\$300,000	Capital Stabilization and Investment Fund
<b>2</b> Replace Engine #3 with a Hook Truck	Fire Chief with Select Board approval	\$262,500	Capital Stabilization and Investment Fund
<b>3</b> Repair Fire Ponds	Fire Chief with Select Board approval	\$50,000	Capital Stabilization and Investment Fund
<b>4</b> Replace HVAC at Bromfield	Superintendent of Schools with School Committee approval	\$150,000	Capital Stabilization and Investment Fund
<b>5</b> Card Access System at Bromfield	Superintendent of Schools with School Committee approval	\$100,000	Capital Stabilization and Investment Fund
<b>6</b> Replace Light Duty Dump Truck	Department of Public Works Director with Select Board approval	\$85,000	Capital Stabilization and Investment Fund
<b>7</b> Commercial District Planning Program	Planning Board with Select Board approval	\$300,000	Capital Stabilization and Investment Fund

(Inserted by the Capital Planning and Investment Committee)

On a motion by John Seeley, 20 Pinnacle Road, Capital Planning and Investment Committee and seconded, I move that the Town appropriate the sums of money to be expended by the Town boards and officials for the capital projects and acquisitions described and printed on pages 19 through 20 of the Finance Committee Report and Warrant for the 2021 Annual Town Meeting, each of which numbered items shall be a separate appropriation, and to provide for said appropriations by transfer from the funding sources as printed on said pages 19 through 20.

***Vote required for Passage: 2/3rds Majority***

Moderator Victor Normand ruled that each expenditure would be voted on independently.

<b>8-1</b> Road Construction and Repair	Department of Public Works Director with Select Board approval	\$300,000	Capital Stabilization and Investment Fund
<b>-Vote on Article 8-1 Main Motion: Passed by 2/3rds Majority</b>			
<b>8-2</b> Replace Engine #3 with a Hook Truck	Fire Chief with Select Board approval	\$262,500	Capital Stabilization and Investment Fund
<b>-Vote on Article 8-2 Main Motion: Passed by 2/3rds Majority</b>			
<b>8-3</b> Repair Fire Ponds	Fire Chief with Select Board approval	\$50,000	Capital Stabilization and Investment Fund
<b>-Vote on Article 8-3 Main Motion: Passed by 2/3rds Majority</b>			
<b>8-4</b> Replace HVAC at Bromfield	Superintendent of Schools with School Committee approval	\$150,000	Capital Stabilization and Investment Fund
<b>-Vote on Article 8-4 Main Motion: Passed by 2/3rds Majority</b>			
<b>8-5</b> Card Access System at Bromfield	Superintendent of Schools with School Committee approval	\$100,000	Capital Stabilization and Investment Fund
<b>-Vote on Article 8-5 Main Motion: Passed by 2/3rds Majority</b>			
<b>8-6</b> Replace Light Duty Dump Truck	Department of Public Works Director with Select Board approval	\$85,000	Capital Stabilization and Investment Fund
<b>-Vote on Article 8-6 Main Motion: Passed by 2/3rds Majority</b>			
<b>8-7</b> Commercial District Planning Program	Planning Board with Select Board approval	\$300,000	Capital Stabilization and Investment Fund

A motion to move the question was made by Peter Warren, 57 Lancaster County Road and seconded.

***Vote Required to Move the Question on Article 8-7: 2/3rds Majority***

**-Vote to Move the Question on Article 8-7: Passed by 2/3rds Majority**

***Vote Required for Passage of Article 8-7 Main Motion: 2/3rds Majority***

**- Vote on Article 8-7 Main Motion: Voted 106 in favor 149 opposed [DOES NOT PASS BY 2/3RDS MAJORITY]**

\*Before Article 9 was considered, the following motion was made by Bob Coit, 242 Old Littleton Road and seconded,

I move to limit debate to 2 minutes per time at microphone, 2 times at microphone per vote.

***Vote Required for Passage: 2/3rds Majority***

**-Vote on motion to limit debate: [DOES NOT PASS BY 2/3RDS MAJORITY]**

**ARTICLE 9: 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 2022, or pass any vote or votes in relation thereto.

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

On a motion by John Seeley, 20 Pinnacle Road, Capital Planning and Investment Committee and seconded, I move that the Town transfer \$270,795, from the Capital Stabilization and Investment Fund, 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 2022, with unexpended funds as of June 30, 2022 being returned to their funding source.

***Vote Required for Passage: 2/3rds Majority***

A friendly amendment was offered by Terry Morton, 87 Bolton Road and seconded, I move that the \$300,000 from Article 8-7 be transferred to Article 9 and the dollar amount voted under Article 9 be changed to include the additional amount.

The Capital Planning and Investment Committee did not accept the friendly amendment.

Mr. Morton then offered the motion as an amendment to Article 9.

Moderator Victor Normand ruled that the motion was out of order and stated that Town Counsel, Mark Lanza, noted that only the Capital Planning and Investment Committee can make such a change and the Committee had voted not to accept the amendment.

**-Vote on Article 9 Main Motion: Passed by 2/3rds Majority**

**ARTICLE 10: ARCHITECT TO ASSIST THE PERMANENT BUILDING COMMITTEE AND THE COUNCIL ON AGING**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a sum of money, to be spent by the Permanent Building Committee, to assist the Council on Aging in reviewing and providing schematic designs for properties that may be alternatives to the current Phase Two plans, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

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

I move that the Town appropriate \$45,000 to be expended by the Permanent Building Committee, to assist the Council on Aging in reviewing and providing schematic designs for properties that may be less expensive alternatives to providing adequate space for the Council on Aging and a less expensive alternative to the recent Phase 2 plans; "Harvard Hildreth House Phase 2 Connector Plans, Elevations, and Cost Estimates," as designed by Liro Associates, and that said appropriation be provided by transferring \$45,000 from the Fiscal Year 2020 Certified Free Cash Account.

***Vote Required for Passage: Majority***

**-Vote on Article 10 Main Motion: Passed by Majority**

## **ARTICLE 11: DISPOSITION OF BROMFIELD HOUSE BUILDING AND PROPERTY**

To see if the Town will vote to: a) authorize the Select Board to dispose of the land and/or the improvements thereon known as the Bromfield House at 39 Massachusetts Avenue, Harvard, Massachusetts by sale, conveyance, transfer, or another method of disposition; and b) raise and appropriate, borrow, or transfer from available funds a sum of money, to be spent by the Select Board, for the costs related to the disposition of said land and/or improvements, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

On a motion by Rich Maiore, 50 Slough Road, Select Board and seconded,  
I move that the Town a.) authorize the Select Board to sell the building at 39 Massachusetts Avenue, Harvard, Massachusetts known as the Bromfield House, provided that any such sale is consummated by May 15, 2023; and b.) transfer \$50,000 from Fiscal Year 2020 Certified Free Cash to be expended by the Select Board for the costs related to the sale of said building, which funds shall be returned to their funding source if they are not expended by May 15, 2023.

***Vote Required for Passage: 2/3rds Majority***

A motion to amend was proposed by Brint Ferguson, 11 Willow Road and seconded,  
To sell the building and the land at 39 Massachusetts Avenue.

A motion to move the question on the amendment to Article 11 was made by Ben Guthro, 13 Fairbank Street and seconded.

***Vote Required to Move the Question on the Amendment to Article 11: 2/3rds Majority***

**-Vote to Move the Question on the Amendment to Article 11: Passed by 2/3rds Majority**

***Vote Required to Amend Article 11: Majority***

**-Vote on the Amendment to Article 11: [DOES NOT PASS BY MAJORITY]**

A motion to move the question on Article 11 main motion was made by Ben Guthro, 13 Fairbank Street and seconded.

***Vote Required to Move the Question on Article 11: 2/3rds Majority***

**-Vote to Move the Question on Article 11: Passed by 2/3rds Majority**

***Vote Required for Passage of Article 11 Main Motion: 2/3rds Majority***

**-Vote on Article 11 Main Motion: [DOES NOT PASS BY 2/3rds MAJORITY]**

## **ARTICLE 12: TRANSFER FROM CERTIFIED FREE CASH TO THE GENERAL STABILIZATION ACCOUNT**

To see if the Town will vote to transfer a sum of money from Fiscal Year 2020 Certified Free Cash to the

Stabilization Account, per the Town's bylaws, or pass any vote or votes in relation thereto.  
(Inserted by Finance Committee)

On a motion by Don Ludwig, 23 East Bare Hill Road, Finance Committee and seconded,  
I move the Town transfer \$578,554 from the Fiscal Year 2020 Certified Free Cash Account to the General Stabilization Account in accordance with Chapter 17, Section 17-4 of the Town Code.

***Vote Required for Passage: Majority***

**-Vote on Article 12 Main Motion: Passed by Majority**

### **ARTICLE 13: TRANSFER FROM CERTIFIED FREE CASH TO THE CAPITAL STABILIZATION AND INVESTMENT FUND**

To see if the Town will vote to transfer a sum of money from Fiscal Year 2020 Certified Free Cash to the Capital Stabilization and Investment Fund, or pass any vote or votes in relation thereto.  
(Inserted by Finance Committee)

On a motion by Don Ludwig, 23 East Bare Hill Road, Finance Committee and seconded,  
I move the Town transfer \$842,034 from the Fiscal Year 2020 Certified Free Cash Account to the Capital Stabilization and Investment Fund in accordance with Chapter 17, Section 17-4 of the Town Code.

***Vote Required for Passage: Majority***

**-Vote on Article 13 Main Motion: Passed by Majority**

### **ARTICLE 14: CAPITAL PLANNING AND INVESTMENT COMMITTEE FISCAL YEAR 2022 DEBT RECOMMENDATION**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the following sum of money to be expended in Fiscal Year 2022 by the following boards and officials for the capital projects and acquisitions described and numbered below, each of which shall be a separate appropriation, and to determine whether such appropriation shall be provided by a borrowing pursuant to the provisions of Massachusetts General Laws Chapter 44, contingent upon the passage of a Proposition Two and One-half debt exclusion ballot question(s) at the May, 2021 Annual Town Election, and that any amount required for this article be reduced by any grants or other aid received for this project, or pass any vote or votes in relation thereto:

<b><i>Description of Acquisition or Project</i></b>	<b><i>Board or Official Authorized to Expend Funds</i></b>	<b><i>Amount</i></b>	<b><i>Funding Sources</i></b>
<b>1</b> Old Library, Roof, Gutters, and Brick Work Replacement	Select Board	\$676,134	Borrowing M.G.L. Ch. 44

(Inserted by the Select Board)

On a motion by Lucy Wallace, 18 Orchard Hill, Select Board and seconded,  
I move that the Town appropriate the sum of \$676,134 to be combined with funds (\$480,000) appropriated under Article 23 (#3) of the Warrant of the Annual Town Meeting of May, 2019, to be expended by the Select Board, to completely replace the roof and gutter system and repair all identified masonry issues in the exterior envelope of the Old Town Library; and to provide for said appropriation by authorizing the Town Treasurer,



with the approval of the Select Board, to borrow said sum of money pursuant to Massachusetts General Laws Chapter 44, contingent upon the passage of Proposition Two and One-half debt exclusion ballot questions at the May 18, 2021 Annual Town Election.

***Vote Required for Passage: 2/3rds Majority***

**-Vote on Article 14 Main Motion: Passed by 2/3rds Majority**

## **ARTICLE 15: COMMUNITY PRESERVATION COMMITTEE REPORT**

To see if the Town will vote to accept the report and recommendations of the Community Preservation Committee on the Fiscal Year 2022 Community Preservation Budget as printed in the 2021 Finance Committee Report, or pass any vote or votes in relation thereto.

(Inserted by the Community Preservation Committee)

On a motion by Didi Chadran, 47 A Old Littleton Road, Community Preservation Committee and seconded, I move that the Town hear the report and recommendations of the Community Preservation Committee on the Fiscal Year 2022 Community Preservation Budget.

***Vote Required for Passage: Majority***

**-Vote on Article 15 Main Motion: Passed by Majority**

## **ARTICLE 16: COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to appropriate or transfer the following sums of money to be expended by the following boards and officials for the projects and purposes described and numbered below, each of which shall be a separate appropriation and transfer, and to provide for said appropriations from the funding sources set forth below with expenditures to begin in Fiscal Year 2022, or pass any vote or votes in relation thereto:

<b><i>Description of Acquisition or Project</i></b>	<b><i>Board or Official Authorized to Expend Funds</i></b>	<b><i>Amount</i></b>	<b><i>Funding Sources</i></b>
<b>1</b> Upgrade Boat Kiosk	Parks and Recreation Committee	\$5,000	Fiscal 2022 Community Preservation Fund Unspecified Reserves
<b>2</b> Town Hall Renovation Debt Service	Select Board	\$48,038	Fiscal 2022 Community Preservation Fund Unspecified Reserves
<b>3</b> Preservation of Historic Documents	Town Clerk	\$25,000	Fiscal 2022 Community Preservation Fund Unspecified Reserves
<b>4</b> Affordable Housing Reserve	Community Preservation Committee	\$33,800	Community Preservation Fund Unspecified Reserves

5	Community Harvest Project Agricultural Preservation Restriction	Conservation Commission	\$150,000	Fiscal 2022 Community Preservation Fund Unspecified Reserves
6	Community Preservation Committee FY22 Administrative Expenses	Community Preservation Committee	\$2,500	Community Preservation Fund Unrestricted Reserves

(Inserted by the Community Preservation Committee)

On a motion by Didi Chadran, 47 A Old Littleton Road, Community Preservation Committee and seconded, I move that the Town appropriate the sums of money to be expended by the Town boards and officials for the capital projects and acquisitions and other purposes described and printed on page 27 of the Finance Committee Report and Warrant for the 2021 Annual Town Meeting, each of which numbered item shall be a separate appropriation; and to provide for said appropriations by transferring said amounts from the Community Preservation Fund funding sources as printed on page 41.

***Vote Required for Passage: Majority***

Article 16-1 through 16-6 were voted on as a group.

**-Vote on Article 16-1 through 16-6 Main Motion: Passed by Majority**

#### **ARTICLE 17: LEASING OF HARVARD ELEMENTARY SCHOOL ROOF FOR SOLAR POWER**

To see if the Town will vote to authorize the Select Board to lease the roof of the Harvard Elementary School to Solect Energy Development, LLC for the purpose of installing and operating a solar photovoltaic system for a term to be specified in a Power Purchase Agreement between the Town and Solect Energy Development, LLC or take any other action relative thereto.

(Inserted by the Harvard Energy Advisory Committee in coordination with the Harvard School Committee)

On a motion by Brian Smith, 45 Candleberry Lane, Energy Advisory Committee and seconded, I move that the Town authorize the Select Board to lease the roof of the Harvard Elementary School to Solect Energy Development, LLC for the purpose of installing and operating a solar photovoltaic system for a term to be specified in a Power Purchase Agreement between the Town and Solect Energy Development, LLC.

***Vote Required for Passage: 2/3rds Majority***

**-Vote on Article 17 Main Motion: Passed by 2/3rds Majority**

#### **ARTICLE 18: FY 2022 ENTERPRISE FUND BUDGETS**

To see if the Town will vote to raise and appropriate or transfer from available funds sums of money to defray the regular expenses of both the Town Sewer, and Ambulance Enterprise Funds, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 53F ½ for Fiscal Year 2022, or take any other action relative thereto.

(Inserted by Finance Director)

On a motion by Alice von Loesecke, 84 Warren Avenue, Select Board and seconded, I move that the Town appropriate the sums of money to defray the expenses of the Town's Enterprise Funds for Fiscal Year 2022 using the revenue sources as printed in the Warrant and Finance Committee Report for

the 2021 Annual Town Meeting on page 36.

<b><u>REVENUES</u></b>	<b><u>SEWER</u></b>	<b><u>AMBULANCE</u></b>
User Charges	\$ 125,000	\$ 150,000
Betterments	\$ 92,070	
Other Departmental Revenue		\$ 113,612

<b>TOTAL REVENUE</b>	<b>\$ 217,070</b>	<b>\$ 263,612</b>
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<b><u>EXPENSES</u></b>	<b><u>SEWER</u></b>	<b><u>AMBULANCE</u></b>
Direct	\$ 125,000	\$ 263,612
Indirect(appropriated in Gen Fund)	\$ 92,070	

<b>TOTAL EXPENSES</b>	<b>\$ 217,070</b>	<b>\$ 263,612</b>
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***Vote Required for Passage: Majority***

***-Vote on Article 18 Main Motion: Passed by Majority***

#### **ARTICLE 19: REVOLVING FUNDS**

To see if the Town will vote to set the following limits on the amounts to be expended from the following revolving funds during Fiscal Year 2022:

<b>Revolving Fund</b>	<b>Expenditure Limit</b>
Council on Aging	\$35,000.
Fourth of July Committee	\$40,000.
Fire Department S.A.F.E. Program	\$15,000.
Application Review Advertising & Professional Service Cost	\$1,000.
Harvard Community Cable Access Committee	\$25,000.
Parks and Recreation Beach	\$80,000.
Park and Recreation Field Maintenance	\$65,000.

or pass any vote or votes in relation thereto.  
(Inserted by Finance Committee)

On a motion by Don Ludwig, 23 East Bare Hill Road, Finance Committee and seconded,  
I move that the Town establish the Fiscal Year 2022 expenditure limitations on the revolving funds previously established by the Town as printed on Page 42 of the Warrant and Finance Committee Report for the 2021 Annual Town Meeting.

***Vote Required for Passage: Majority***

***-Vote on Article 19 Main Motion: Passed by Majority***

#### **ARTICLE 20: AMEND PROTECTIVE BYLAW CHAPTER 125 BY ADDING A NEW SECTION 125-57, SENIOR RESIDENTIAL DEVELOPMENT**

To see if the Town will vote to amend the Protective Bylaw by adding a new section §125-57, Senior Residential Development, by making the following revisions thereto, or pass any vote or votes in relation thereto:

### **§125-57 Senior Residential Development**

#### **A. Purpose and Intent.**

- (1) To address the town's demonstrated need for a variety of housing types, settings, and residential services to meet the needs of people as they age.
- (2) To permit the development of appropriately located, specially designed, and appropriately priced housing for seniors who would otherwise not have such housing opportunities within the town.
- (3) To provide opportunities for Harvard residents to age in place.
- (4) To allow flexibility in land use planning in order to improve site layouts, protect natural features and environmental values, and use land in harmony with neighboring properties;
- (5) To encourage the implementation of "Smart Growth" and sustainable development techniques to reduce land consumption and sprawl, provide for open space preservation, expand housing options, and encourage re-use of existing structures;
- (6) To reduce the typical costs of providing municipal services to residential developments;
- (7) To protect Harvard's rural New England character by permitting the development of residential housing in clusters and village-like settings, in a manner which is in harmony with Harvard's historic development pattern, preserves and protects its natural resources, and is pedestrian friendly.

#### **B. Applicability.**

- (1) The Planning Board may approve a site plan or grant a Special Permit for a Senior Residential Development project in accordance with this Section 125-57 based on the requirements of the applicable section below.
- (2) A Senior Residential Development is one that anticipates and is marketed to people age 55 or over or age 62 and older strictly following the U.S. Department of Housing and Urban Development (HUD) requirements (See CRF Title 24, Subpart E, 43 U.S.C. § 3601 *et seq*, and Massachusetts General Laws Chapter 151B). Specific age-restriction criteria are provided in Section C(2) below.
- (3) Senior Residential Developments are restricted to the criteria and zoning district(s) specified in Section G. below.
- (4) The provisions of this Section are exempt for Accessory Dwelling Units (ADUs), except for Age-Appropriate Design provided in Section E. below.

#### **C. General Compliance.**

- (1) A Senior Residential Development proposal must comply with all other applicable Town Bylaws, and the applicable rules, regulations, and requirements of all departments, boards, and commissions, including the special requirements of the Historic District and the Groundwater Protection Overlay District. For development proposed as part of this Bylaw, the provisions of Chapter 125, shall apply in full, except where inconsistent with this section. In the latter case, the provisions of this section shall supersede any such inconsistent provisions.

- (2) Age Restriction - A Senior Residential Development may impose an older persons age restriction set forth in a deed, deed rider, restrictive covenant, or other document that shall be recorded at the Registry of Deeds or registered in the Land Court. The age restriction threshold shall meet the requirements of the Housing for Older Persons Act of 1995 (HOPA). In addition:
- (a) For communities or units intended to be marketed to and occupied by residents age 62 or older, the age restriction may be comprehensive and applied to all units.
  - (b) For communities or units intended to be occupied by residents age 55 and older
    - [1] At least eighty (80%) percent of units shall be occupied by at least one (1) person who is 55 years of age or older.
    - [2] The facility must publish and adhere to policies and procedures that demonstrate the intent to operate as “55 or older” housing.
    - [3] The facility must comply with the U.S, Department of Housing and Urban Development (HUD) regulatory requirements for age verification of residents.
  - (c) The age restriction shall run with the land in perpetuity and shall be enforceable by any or all of the owners of dwelling units in the senior residential development or by the Building Commissioner of the Town of Harvard.
  - (d) Projects that intend to include a strict over-62 restriction are not eligible for inclusion in the Local Initiative Program (LIP) and shall not be eligible for the Inclusionary Housing density bonus.
  - (e) Projects that propose LIP units shall not exclude persons under 18 years of age from occupying the affordable units as long as at least one occupant is over the age of 55.

#### **D. Basic Development Requirements.**

- (1) Maximum Number of Senior Housing Dwelling Units in Harvard – The maximum number of housing units within all permitted senior residential developments in the Town of Harvard shall be limited to a number equivalent to 15% of the existing total residential housing units located in the Town of Harvard. For the purpose of this section, the number of residential housing units shall be as established by the Board of Assessors as of January 1 of the calendar year. The Planning Board may waive this limitation if the Board finds that the proposed development fulfills a critical senior housing need for the Town of Harvard or the surrounding region.
- (2) Pace of Development – A maximum of 100 units may be approved by special permit on an annual basis but no more than 30 units may be permitted in any one year. The only new Senior Residential Development units permitted over this cap period shall be accessory dwelling units.

#### **E. Age-Appropriate Design.**

A Senior Residential Development shall be designed to provide housing options in a setting that encourages and supports aging in community. Units for seniors shall be “visitable” and designed for people as they age. At minimum, these terms mean that a Senior Residential Development shall have the following features:

- (1) At least one (1) zero-step entrance,
- (2) Doorways with a 36-inch clear passage space,

- (3) Master bedroom and an accessible en-suite bathroom located on the same floor as the kitchen, living room, and dining room, all being on the same floor as the zero-step entrance,
- (4) Master bedroom and en-suite bathroom designed and equipped for seniors and people mobility impairments, and
- (5) For developments with three or more units, the following provisions must apply:
  - (a) Covered, indoor or structured parking shall be provided.
  - (b) Compliance with the applicable accessibility requirements of the Massachusetts Architectural Access Board.
  - (c) Outdoor facilities, such as walkways, gardens, and recreation areas, shall be designed for universal access as provided in the Federal Fair Housing Act and the Americans with Disabilities Act, as amended.

## **F. Development Standards.**

As part of the Planning Board's site plan and special permit review process, the Board shall evaluate the proposed Senior Residential Development for conformance with design standards as they may be applicable.

Development design shall conform to the requirements of the applicable section of the Harvard Protective Bylaw for the type of development described in Section G. below.

## **G. Senior Residential Development Types.**

This bylaw provides for two (2) Senior Residential Development types as follows. General provisions covering all developments shall be provided in Sections D through F above. Applicants should also refer to Chapter 125, Sections 38, 39 and 46, as they may be applicable to the application as well.

- (1) Accessory Dwelling Units (ADUs) – Accessory Dwelling Units shall be permitted as per §125-18.1
- (2) Assisted-Living Facility – Communities that offer a multi-faceted residential setting that provides personal care services, 24-hour supervision and assistance, and activities and health-related services for seniors, located within ARV-SP districts, §125-52(L). Requirements for Assisted Living Facility developments are provided in §125-52(I).

(Inserted by Planning Board)

On a motion by Justin Brown, 15 Park Lane, Planning Board and seconded,  
I move that the Town amend its Protective Bylaw by adding thereto a new section entitled “§125-57, Senior Residential Development” as printed on Pages 42 to 45 of the Warrant and Finance Committee Report for the 2021 Annual Town Meeting.

### **Vote Required for Passage: 2/3rds Majority**

A friendly amendment was offered by Libby Levison, 15 Old Shirley Road and seconded,  
To add the word “with” to Section E. Age-Appropriate Design (4) between the words, “people” and “mobility” so that it reads, “...and people with mobility impairments...”.

The Planning Board accepted the friendly amendment.

A friendly amendment was offered by Willie Wickman, 27 Willow Road and seconded,

To change the word “may” to “must” in Section C. General Compliance (2) (a) between the words, “restriction” and “be comprehensive” so that it reads, “...the age restriction must be comprehensive...”

The Planning Board did not accept the friendly amendment, but proposed to strike the text starting under C. General Compliance (2), beginning with the words, “In addition:” and including sections (a), (b)[1], (b)[2], (b)[3], (c), (d) and (e).

The Planning Board accepted striking the text under C. General Compliance (2), beginning with the words, “In addition:” and including sections (a), (b)[1], (b)[2], (b)[3], (c), (d) and (e).

Michael Maglothin, 9 Old Littleton Road offered a motion to amend the Article by striking the word, “Senior” from the title so that it reads, “Article 20: Amend Protective Bylaw Chapter 125 by adding a new Section 125-57, Residential Development”. Mr. Maglothin subsequently retracted his motion to amend.

A friendly amendment was made by Willie Wickman, 27 Willow Road and seconded,  
To strike the wording, “...age 55 or over or...” from B. Applicability. (2)

The Planning Board declined to accept the friendly amendment.

Willie Wickman offered to change the friendly amendment to a motion to amend B. Applicability. (2) to read, “A Senior Residential Development is one that anticipates and is marketed to people age 62 and older...”

***Vote Required to Amend Article 20: Majority***

**-Vote on the Amendment to Article 20: [DOES NOT PASS BY MAJORITY]**

***Vote Required for Passage of Article 20 Main Motion as amended: 2/3rds Majority***

**-Vote on Article 20 Main Motion as amended: Passed by 2/3rds Majority.**

**Article 20 as amended and passed:**

**§125-57 Senior Residential Development**

**A. Purpose and Intent.**

- (1) To address the town’s demonstrated need for a variety of housing types, settings, and residential services to meet the needs of people as they age.
- (2) To permit the development of appropriately located, specially designed, and appropriately priced housing for seniors who would otherwise not have such housing opportunities within the town.
- (3) To provide opportunities for Harvard residents to age in place.
- (4) To allow flexibility in land use planning in order to improve site layouts, protect natural features and environmental values, and use land in harmony with neighboring properties;
- (5) To encourage the implementation of "Smart Growth" and sustainable development techniques to reduce land consumption and sprawl, provide for open space preservation, expand housing options, and encourage re- use of existing structures;
- (6) To reduce the typical costs of providing municipal services to residential developments;
- (7) To protect Harvard's rural New England character by permitting the development of residential housing in clusters and village-like settings, in a manner which is in harmony with Harvard's historic development pattern,

preserves and protects its natural resources, and is pedestrian friendly.

**B. Applicability.**

(1) The Planning Board may approve a site plan or grant a Special Permit for a Senior Residential Development project in accordance with this Section 125-57 based on the requirements of the applicable section below.

(2) A Senior Residential Development is one that anticipates and is marketed to people age 55 or over or age 62 and older strictly following the U.S. Department of Housing and Urban Development (HUD) requirements (See CRF Title 24, Subpart E, 43 U.S.C. § 3601 et seq, and Massachusetts General Laws Chapter 151B). Specific age restriction criteria are provided in Section C(2) below.

(3) Senior Residential Developments are restricted to the criteria and zoning district(s) specified in Section G. below.

(4) The provisions of this Section are exempt for Accessory Dwelling Units (ADUs), except for Age-Appropriate Design provided in Section E. below.

**C. General Compliance.**

(1) Senior Residential Development proposal must comply with all other applicable Town Bylaws, and the applicable rules, regulations, and requirements of all departments, boards, and commissions, including the special requirements of the Historic District and the Groundwater Protection Overlay District. For development proposed as part of this Bylaw, the provisions of Chapter 125, shall apply in full, except where inconsistent with this section. In the latter case, the provisions of this section shall supersede any such inconsistent provisions.

(2) Age Restriction - A Senior Residential Development may impose an older persons age restriction set forth in a deed, deed rider, restrictive covenant, or other document that shall be recorded at the Registry of Deeds or registered in the Land Court. The age restriction threshold shall meet the requirements of the Housing for Older Persons Act of 1995 (HOPA).

**D. Basic Development Requirements.**

(1) Maximum Number of Senior Housing Dwelling Units in Harvard – The maximum number of housing units within all permitted senior residential developments in the Town of Harvard shall be limited to a number equivalent to 15% of the existing total residential housing units located in the Town of Harvard. For the purpose of this section, the number of residential housing units shall be as established by the Board of Assessors as of January 1 of the calendar year. The Planning Board may waive this limitation if the Board finds that the proposed development fulfills a critical senior housing need for the Town of Harvard or the surrounding region.

(2) Pace of Development – A maximum of 100 units may be approved by special permit on an annual basis but no more than 30 units may be permitted in any one year. The only new Senior Residential Development units permitted over this cap period shall be accessory dwelling units.

**E. Age-Appropriate Design.**

A Senior Residential Development shall be designed to provide housing options in a setting that encourages and supports aging in community. Units for seniors shall be “visitable” and designed for people as they age. At minimum, these terms mean that a Senior Residential Development shall have the following features:

(1) At least one (1) zero-step entrance,

(2) Doorways with a 36-inch clear passage space,

(3) Master bedroom and an accessible en-suite bathroom located on the same floor as the kitchen, living room,



and dining room, all being on the same floor as the zero-step entrance,

(4) Master bedroom and en-suite bathroom designed and equipped for seniors and people with mobility impairments, and

(5) For developments with three or more units, the following provisions must apply:

(a) Covered, indoor or structured parking shall be provided.

(b) Compliance with the applicable accessibility requirements of the Massachusetts Architectural Access Board.

(c) Outdoor facilities, such as walkways, gardens, and recreation areas, shall be designed for universal access as provided in the Federal Fair Housing Act and the Americans with Disabilities Act, as amended.

#### **F. Development Standards.**

As part of the Planning Board's site plan and special permit review process, the Board shall evaluate the proposed Senior Residential Development for conformance with design standards as they may be applicable.

Development design shall conform to the requirements of the applicable section of the Harvard Protective Bylaw for the type of development described in Section G. below.

#### **G. Senior Residential Development Types.**

This bylaw provides for two (2) Senior Residential Development types as follows. General provisions covering all developments shall be provided in Sections D through F above. Applicants should also refer to Chapter 125, Sections 38, 39 and 46, as they may be applicable to the application as well.

(1) Accessory Dwelling Units (ADUs) – Accessory Dwelling Units shall be permitted as per §125-18.1

(2) Assisted-Living Facility – Communities that offer a multi-faceted residential setting that provides personal care services, 24-hour supervision and assistance, and activities and health-related services for seniors, located within ARV-SP districts, §125-52(L). Requirements for Assisted Living Facility developments are provided in §125-52(I).

The Planning Board voted 5-0 to recommend Article 20.

### **ARTICLE 21: AMEND PROTECTIVE BYLAW CHAPTER 125 SECTION 125-18.1, ACCESSORY APARTMENT USE**

To see if the Town will vote to amend the Protective Bylaw §125-18.1, Accessory Apartment Use, by making the following revisions thereto, or pass any vote or votes in relation thereto:

[Key to revisions; underlining = additions; ~~strikethrough~~ = deletions]

*§ 125-18.1 Accessory ~~dwelling units~~ ~~apartment use~~.*

**[Added 3-27-1982 ATM by Art. 37; amended 4-5-1986 ATM by Art. 33; 3-25-2006 ATM by Art. 10; 11-6-2017 STM by Art. 1**

**Intent.** The intent of this bylaw is to provide the owner of a single-family residence the ~~possibility of establishing a single and separate~~ opportunity to establish an accessory apartment dwelling unit (ADU) in a section of the residence or in an accessory building with no change in the principal use of the premises. The establishment of such ~~an accessory apartment~~ ADU will be by special permit issued by the Zoning Board of Appeals, unless otherwise specified below. The outside appearance of the premises shall remain that of a single-

family residence. The ~~apartment unit~~ is for the use of a limited number of persons, with no restriction on the relationship of the occupants to the owner. To be considered a separate ~~apartment unit~~, the ~~apartment~~ ADU must have its own kitchen, sleeping, and interior toilet and bath facilities, as well as a separate entrance. To be considered accessory, the apartment shall be restricted in size relative to the primary residence, and must be clearly accessory and subordinate to the principal use of the premises as a single-family residence. ~~The apartment will~~ Any such unit shall provide adequate privacy, safety, and convenience for the occupants. Establishment of ~~such an ADU accessory apartment is~~ shall be as follows:

**A. Requirements.** ~~By special permit from the Board of Appeals, one accessory apartment~~

(1) Number and approach: One (1) ADU on a premises can be established, provided the applicant demonstrates ~~that~~ adherence with the provisions of this section:

(a) By special permit from the Zoning Board of Appeals, or

(b) By right, provided the unit is designed and constructed according to the Age-Appropriate Design Criteria as defined in §125-57E of the Protective Bylaw.

(2) Dimensional requirements: The unit or units shall meet the following dimensional limitations:

(a) The ADU, whether located in a detached accessory structure or in the primary residence structure, shall occupy a maximum of 1,500 square feet, but in no case shall the total square footage of the ADU exceed one-half (1/2) of the total habitable floor area of the primary residence.

(b) Consistent with Minimum Square Footage (State Sanitary Code, Chapter II, 105 CMR 410.000).

(3) Design: Accessory dwelling units shall be designed and constructed as follows:

(a) The outside appearance of the residence and premises shall remain that of a single-family home.

(b) The ADU shall have its own separate entrance from the outside.

(c) The ADU shall have its own kitchen, sleeping, interior toilet, and bathing facilities.

(d) The rooms in the ADU shall have adequate ventilation and shall have heat that is adequately supplied and controlled.

(e) The ADU shall comply with all health and safety requirements for residences.

(4) Water and wastewater: The creation of any ADU must comply with 310 CMR 15.000: Septic Systems ("Title 5") and its successors and standard Board of Health regulations for any increase in bedrooms being served by the system.

~~(1) The outside appearance of the residence and premises shall remain that of a single family premises.~~

~~(2) The apartment, whether located in a detached accessory structure or in the primary residence structure, shall occupy a maximum of 1,200 square feet, but no more than 1/3 of the total usable floor area of both the apartment and the primary residence.~~

- ~~(3) The apartment shall have its own separate entrance from the outside.~~
- ~~(4) The apartment shall have its own kitchen, sleeping, interior toilet and bathing facilities.~~
- ~~(5) The rooms in the apartment shall have adequate ventilation and shall have heat that is adequately supplied and controlled.~~
- ~~(6) The apartment shall have smoke and/or fire detectors.~~
- ~~(7) If the creation of the accessory apartment involves an increase in the count of the number of bedrooms, the addition must comply with standard Board of Health regulations for such an increase.~~

**B. Limitations.** The special permit and/or building permit shall be issued only if ~~it~~ the application contains the following limitations and conditions:

- (1) The premises owner(s) shall continue to ~~be used~~ reside on the property as a their principal residence ~~by its owner.~~
- (2) The ~~number of residents of the apartment~~ occupancy of any ADU shall be ~~is limited to three, but no more than the number which the Board of Appeals finds to be~~ is consistent with the adequacy of the facilities provided. consistent with the requirements of 105 CMR 410.000.
- (3) All turnaround and parking areas shall be provided on the lot. As viewed from the street, turnaround and parking area should be that of a single-family ~~premises~~ home.

**C. Site plan standards.** A special permit and/or building permit issued under this section, by itself, does not require separate site plan review under §-125-39. However, if any ADU results in new building area on the lot, an engineered site plan shall be required showing the addition and all relevant zoning dimensions to determine compliance with this section.

**D. Review and approval.** Accessory dwelling units shall be reviewed based on whether the unit includes age-appropriate design features as follows:

- (1) For accessory dwelling units that are not designed according to the Age-Appropriate Design Criteria provided in §125-57(E), Age-appropriate design, applicants are required to apply to the Zoning Board of Appeals for a Special Permit. Applications shall include an application form, filing fee, engineered site plan as applicable, and building plans and elevations showing sufficient detail to determine compliance with this section.
- (2) For accessory dwelling units that are designed according to the Age-Appropriate Design Criteria provided in §125-57(E), Age-appropriate design, applicants are required to apply to the Building Commissioner for a building permit. Applications shall include an application form, filing fee, engineered site plan as applicable, and building plans and elevations showing sufficient detail to determine compliance with this section.
- (3) A copy of the application packet shall be provided to other interested Town boards, officials and departments for advice and recommendations. Board of Health approval shall be required.

(Inserted by Planning Board)

On a motion by Justin Brown, 15 Park Lane, Planning Board and seconded,  
I move that the Town amend its Protective Bylaw by making the revisions to the section entitled “§125-18.1,

Accessory Apartment Use” as printed on Pages 45 to 47 of the Warrant and Finance Committee Report for the 2021 Annual Town Meeting.

**Vote Required for Passage: 2/3rds Majority**

**-Vote on Article 21 Main Motion: Passed by 2/3rds Majority**

**Article 21 as passed:**

*§ 125-18.1 Accessory dwelling units.*

**[Added 3-27-1982 ATM by Art. 37; amended 4-5-1986 ATM by Art. 33; 3-25-2006 ATM by Art. 10; 11-6-2017 STM by Art. 1**

**Intent.** The intent of this bylaw is to provide the owner of a single-family residence the opportunity to establish an accessory dwelling unit (ADU) in a section of the residence or in an accessory building with no change in the principal use of the premises. The establishment of such ADU will be by special permit issued by the Zoning Board of Appeals, unless otherwise specified below. The outside appearance of the premises shall remain that of a single-family residence. The unit is for the use of a limited number of persons, with no restriction on the relationship of the occupants to the owner. To be considered a separate unit, the ADU must have its own kitchen, sleeping, and interior toilet and bath facilities, as well as a separate entrance. To be considered accessory, the apartment shall be restricted in size relative to the primary residence, and must be clearly accessory and subordinate to the principal use of the premises as a single-family residence. Any such unit shall provide adequate privacy, safety, and convenience for the occupants. Establishment of an ADU shall be as follows:

**A. Requirements.**

(1) Number and approach: One (1) ADU on a premises can be established, provided the applicant demonstrates adherence with the provisions of this section:

- (a) By special permit from the Zoning Board of Appeals, or
- (b) By right, provided the unit is designed and constructed according to the Age-Appropriate Design Criteria as defined in §125-57E of the Protective Bylaw.

(2) Dimensional requirements: The unit or units shall meet the following dimensional limitations:

- (a) The ADU, whether located in a detached accessory structure or in the primary residence structure, shall occupy a maximum of 1,500 square feet, but in no case shall the total square footage of the ADU exceed one-half (1/2) of the total habitable floor area of the primary residence.
- (b) Consistent with Minimum Square Footage (State Sanitary Code, Chapter II, 105 CMR 410.000).

(3) Design: Accessory dwelling units shall be designed and constructed as follows:

- (a) The outside appearance of the residence and premises shall remain that of a single-family home.
- (b) The ADU shall have its own separate entrance from the outside.
- (c) The ADU shall have its own kitchen, sleeping, interior toilet, and bathing facilities.

(d) The rooms in the ADU shall have adequate ventilation and shall have heat that is adequately supplied and controlled.

(e) The ADU shall comply with all health and safety requirements for residences.

(4) Water and wastewater: The creation of any ADU must comply with 310 CMR 15.000: Septic Systems ("Title 5") and its successors and standard Board of Health regulations for any increase in bedrooms being served by the system.

**B. Limitations.** The special permit and/or building permit shall be issued only if the application contains the following limitations and conditions:

(1) The owner(s) shall continue to reside on the property as their principal residence.

(2) The occupancy of any ADU shall be consistent with the requirements of 105 CMR 410.000.

(3) All turnaround and parking areas shall be provided on the lot. As viewed from the street, turnaround and parking area should be that of a single-family home.

**C. Site plan standards.** A special permit and/or building permit issued under this section, by itself, does not require separate site plan review under §-125-39. However, if any ADU results in new building area on the lot, an engineered site plan shall be required showing the addition and all relevant zoning dimensions to determine compliance with this section.

**D. Review and approval.** Accessory dwelling units shall be reviewed based on whether the unit includes age-appropriate design features as follows:

(1) For accessory dwelling units that are not designed according to the Age-Appropriate Design Criteria provided in §125-57(E), Age-appropriate design, applicants are required to apply to the Zoning Board of Appeals for a Special Permit. Applications shall include an application form, filing fee, engineered site plan as applicable, and building plans and elevations showing sufficient detail to determine compliance with this section.

(2) For accessory dwelling units that are designed according to the Age-Appropriate Design Criteria provided in §125-57(E), Age-appropriate design, applicants are required to apply to the Building Commissioner for a building permit. Applications shall include an application form, filing fee, engineered site plan as applicable, and building plans and elevations showing sufficient detail to determine compliance with this section.

(3) A copy of the application packet shall be provided to other interested Town boards, officials and departments for advice and recommendations. Board of Health approval shall be required.

The Planning Board voted 5-0 to recommend Article 21.

## **ARTICLE 22: 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, and authorize the Select Board to acquire said parcels of land or interests therein so donated or purchased by eminent domain for the purpose of confirming and making clear the Town's title to said parcels of land or interests therein, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

On a motion by Kara Minar, 204 Still River Road, Select Board and seconded,  
I move to take no action on this article.

### **ARTICLE 23: 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 Select Board)

On a motion by Kara Minar, 204 Still River Road, Select Board and seconded,  
I move that the Town accept the Fiscal Year 2022 State funds to be used for reconstruction and improvements of public ways.

***Vote Required for Passage: Majority***

**-Vote on Article 23 Main Motion: Passed by Majority**

On a motion by Kara Minar, 204 Still River Road, Select Board and seconded,  
I move that the 2021 Annual Town Meeting be adjourned to Saturday, October 16, 2021 at 12 noon, provided that the actions taken on all articles acted on at today's session of the 2021 Annual Town Meeting shall be final and shall not be reconsidered at any later session of said meeting.

***Vote Required for Passage: Majority***

***-Passed by Majority***

At 4:32 PM the meeting was adjourned to Saturday, October 16, 2021.

Checkers for the meeting were Nancy Cronin, Steven Cronin, Steve Nigzus and Marc Sevigny.

They checked in 307 voters out of a total of 4,411 registered voters (4,360 active voters).

The Citizens of Note were Bruce and Ellen Leicher.

Select Board member Lucy Wallace was recognized for her years of dedicated service to the Town of Harvard.

Counters for the meeting were Christopher Chalifoux, Nate Finch, Paul Green, Pat Jennings, Libby Levison, Bruce Nickerson, SusanMary Redinger, Eric Ward and Jim Ware.

Respectfully submitted,

Marlene Kenney  
Town Clerk