From: J. Duncan Berry Ph. D. [mailto:jdb@applied-iconology.com]
Sent: Thursday, April 06, 2017 9:07 AM
To: Shelagh Delaney <sdelaney@town.harwich.ma.us>
Subject: Concerns with the West Harwich Habitat Project at 93-97 Route 28
Importance: High

Dear Ms. Delaney:

I would like to add my name to the list of people who are expressing both concern — and some measure of distress — with what appears to be an utter betrayal of the Habitat/HECH mission to help "build communities."

In all the hours of the board, commission, and authority meetings that I have attended over the last couple of years, the concerns of local residents and neighbors are met with frequent contempt, occasionally with hostility, and rarely with the genuine empathy of a true "community building" organization. What this tells me is that there is a significant disconnect between the interests of the existing community and what is envisioned by the property development and mortgage issuing entity. Antagonizing and alienating the families and people who already live here would more likely qualify as a repudiation of the "community building" spirit.

Although we have been partially heard with regard to the historical significance of the Chase House at 97 Main Street, this is but one facet of a web of related concerns. The historical significance of this regionally and nationally recognized area is contingent on the environmental integrity of the land on which it sits.

We already have a relatively high density in the properties that extend north and south of the main artery here. We have already had decades of concern with regard to the migration of a plume of toxic chemicals that flush into the Herring River. In addition, there are already five rental properties that serve to house those with limited incomes, with as many as a two dozen rental units in less than a one-mile stretch.

And we are supposed to have another half dozen on top of all this? Six more septic systems belching out fecal matter into our ground water and river? All of this near or on top of an existing flood plane? And, as far as we know, there have already been fuel oil spills on the site in question by the current owners' tenants.

And when you consider that this stretch of road, for over 100 days a year, regularly has 1/3 to 1/2 mile traffic back ups (over one thousand cars per hour in the summer months), the idea of adding more people, more cars, more effluents, more contaminants, and more stress to the historic fabric seems hardly sensitive, appropriate, or fair to the community that already lives and works here.

We are not here to provide support for an experiment in real estate development that requires huge sunk costs, zero interest in the historical context of our community, a mortgage holder that provides reverse incentives for property maintenance and improvement, and a public face that answers genuine community concerns with pictures of smiling faces from other debt-ridden developments that sacrificed historic assets.

Considering the fact that the applicant keeps changing the game with respect to documentation and objectives, I would appreciate your special attention to the unique COSTS imposed by this project — costs that have been insufficiently addressed by the applicant.

Many thanks for your consideration,

Duncan Berry

J. Duncan Berry, Ph. D.
Applied Iconology
POST OFFICE BOX 307 • 37 MAIN STREET
WEST HARWICH, MA 02671
+1 774 722 0451

From: CORT BLADE [mailto:cb16@comcast.net]
Sent: Thursday, April 06, 2017 10:07 AM
To: Shelagh Delaney <sdelaney@town.harwich.ma.us>
Subject: HECH Project for 97-93 Main St.

Dear Zoning Board of Appeals.

I wish to register my concerns about the Habitat for Humanity and HECH project for 97-93 Main st West Harwich.

West Harwich has multiple problems facing it including high density, a contaminated plume moving towards the Herring River , impaired Herring River as an area of concern and an area already filled with abandoned buildings and multiple low income housing units.

What will be the impact to this area which is trying to uplift itself? 6 additional septic systems on already built sites, in an area near or in a flood zone, building on a site that had a home heating fuel oil spill, let alone impact to traffic which often backs up past the Baptist Church from the Dennisport line.

With the multiple changes to the Habitat application and incomplete documentation, I urge you please consider all the issues.

Thank You,

Cort and Maureen Blade

Bayberry Lane

West Harwich

Jane-Ann Brady
777 Pike Avenue
Attleboro, MA. 02703

March 19, 2017

Mr. David Ryer, Chair
Harwich Zoning Board of Appeals
c/o Building Department
732 Main Street
Harwich, MA. 02645

Re: Case #2017-04

Dear Mr. Ryer, Chair and Board Members:

I am writing to you re: the above mentioned Case as a homeowner on Bayberry Lane and due to the unpredictable weather at this time of year I may not be able to attend the meeting(s) this week. I request that my letter be read at the meeting and be submitted into the minutes of the meeting(s).

Please understand I am not an opponent of Chapter 40B. It is a very worthwhile program but I do have concerns I would like to share and have the proper authority address said concerns regarding Case #2017-04.

Concerns:

1. AFFORDABLE: The application is "to provide for 6 new single affordable homes" but I question the rationale of putting affordable homes for income restricted home buyers in Flood Zone AE. Has Habitat for Humanity of Cape Cod, Inc. thought about the additional cost of flood insurance that these home buyers will be faced with purchasing? As I understand it flood insurance in Zone AE can be very expensive. Have they wondered how a home buyer on a limited income is to afford a mortgage, taxes, homeowner's insurance and then add on expensive flood insurance if the mortgagor requires them to purchase the flood insurance? I understand this is probably not a concern of the Zoning Board but I think it should be addressed by the Habitat for Humanity of Cape Cod, Inc.
2. ZONING RELIEF: The relief being asked for is quite substantial in my opinion. Looking at the Site Plan prepared for Habitat for Humanity date 1-31-2017 and prepared by "down cape engineering, inc." it gives in the Zoning Summary requirement that lots be 40,000 S.F. Looking at the square footage per lot they are asking for a big reduction in lot size. My concern is this subdivision will be too dense and cause many problems.
   Proposed Lot 1: 8,740 s.f
   Proposed Lot 2: 10,687 s.f.
   Proposed Lot 3: 10,541 s.f.
   Proposed Lot 4: 9,469 s.f.
   Proposed Lot 5: 9,365 s.f.
   Proposed Lot 6: 10,426 s.f.
   Does this mean they are asking for an overall average of 75.33% relief? I think for the safety of the residents and concern for the environment there must be some compromise met here. The

lot sizes are so small that it might endanger the surrounding area with septic systems crammed into the small lots. Has anyone done any testing for soils? Has anyone done any calculations for the nitrate load for septic systems in these reduced size lots in an environmentally sensitive area? There must be a reason that 40,000 s.f. is the requirement.

3. DRAINAGE: Again looking at the above referenced plan I see a leaching trench draining towards Bayberry Lane. The visual eye can see the proposed site is a higher elevation than the dead end of Bayberry where my home is located as well as others. This will adversely affect those of us that own property at the dead end portion of Bayberry as we already get stormwater drainage from the other end of Bayberry. Has anyone done the calculations for the 100-year Storm Event? Please take into consideration that this amount of roadway runoff draining towards Bayberry will hurt many existing homeowners.
4. SAFETY: Is this proposed roadway of sufficient size to accommodate emergency vehicles such as fire apparatus and their ability to turn around? Presuming there will be children in some of these homes is it safe? In addition due to the dead ending of Bayberry (it is NOT a cul de sac) I request that the Zoning Board require a stockade fence wherever necessary to prevent children from gaining access to Bayberry and possible getting hurt. Bayberry just stops and there are three (3) driveways that access Bayberry at the same point. It is a very narrow road and during the season when the homes are all occupied and there are many guests parking in the roadway Bayberry becomes almost impassable at times and very dangerous backing out of a driveway. I beg you to do a site visit to Bayberry to get the full understanding of my concern for the safety of children should a child be looking to retrieve a ball or for any reason they may wander into harm's way.

Thank you for listening to and addressing my concerns. My goal is to have this project be environmentally friendly, considerate of existing neighbors, and safe for all concerned.

Respectfully submitted,

Jane-Ann Brady

Shelagh Delaney

From: Dareen Davis <dareendavis@gmail.com>
Sent: Monday, March 20, 2017 2:20 PM
To: Shelagh Delaney
Subject: Habitat for Humanity

I am very concerned about the above mentioned property proposal. I feel that there are too many proposed houses,and too many septic systems for such a small area. The water shed, the Herring River, it's too much, not to mention the historic homes.
The area behind the 2 houses on Route 28, is the **only** wooded area south of Route 28, that backs up to Willow Street,in this section of Harwich. You are planning on destroying numerous areas of wild life, and years of history.

There are plenty of other areas in Town that could sustain the amount of housing that you/Habitat/HECH are proposing, **Please** consider not putting all those houses in this area, and check out other areas in Town that are newer and will not impact so much history. My own house was built in 1786, and there are several more of the same generation on my street and abutting it.

I know the Town will get grant money for the more affordable housing it has, but not here. Do it in another part of town that does not have the history that we do here. PLEASE, consider what you are doing, and what is best FOR ALL, not just a few.

Dareen A.Davis
62 Willow Street
West Harwich, Ma. 02671

508-432-8402

-----Original Message-----
From: Ralph Diamond [mailto:ralpha.diamond@comcast.net]
Sent: Thursday, April 06, 2017 10:21 AM
To: Shelagh Delaney <sdelaney@town.harwich.ma.us>
Subject: 93-97 Route 28-please add to packet

Dear Chairman Ryer and the Zoning Board of Appeals:

I am writing in response to Virginia Hewitt's letter to the Harwich Zoning Board of Appeals. I am an abutter to 97 Rte. 28 and attended the March 21st meeting. Ms. Hewitt stated in her letter of March 22, that she watched the broadcast of the meeting and that many of the objections voiced appeared to be irrelevant. Perhaps she was referring, in part, to the environmental concerns, due to proximity to the flood plain, that I expressed. It may be true, that because of the overarching power of the 40B statute, that these concerns will not be considered. That hardly makes them irrelevant. One of the members of the ZBA thought it was important enough to take the time to address this concern.

In her letter Ms. Hewitt says, "The unstated belief underlying a lot of the objection to this affordable housing project, however, is that it will bring crime and undesirable elements." This contention on her part, certainly as it applies to me and my partner Gail, is untrue and offensive. If she did watch the hearings she heard me state that we welcomed new neighbors and that our concerns were related to the environment and other problems that could arise from such a high density project. I also said that there have been affordable units next door for many years and some of the occupants are our friends. Ms. Hewitt would also have heard me say that we would be agreeable to four new houses, but that six were too many on only 60,000 square feet in proximity to a flood plain. Yet she chose to comment on things unsaid instead of acknowledging what actually was said.

Throughout this entire process, it has been made clear that our objections had nothing to do with the fact that this is affordable housing and that we would object to such a high-density project in this environmentally sensitive location regardless of the economic status of the new residents. Ms. Hewitt may not choose to believe this, but to suggest that we are motivated by "the unstated belief" to which she refers is not right, nor is it a factor that comes up in discussions with those in this neighborhood. Her reference to another "objection not raised" about school enrollment also comes as a complete surprise. I don't remember that coming up in our neighborhood discussions.

It should be noted that the flagrant issues that the ZBA found with the application submitted by Habitat had nothing to do with the efforts of the opponents of this project.
The Board was doing their job and they didn't need anyone else to bring these serious procedural issues to their attention.

I do not want to get into a long-winded discussion on the drawbacks of 40B projects or what better solutions there might be to our affordable housing crisis.(There are several, I believe.) I don't believe that our local officials are particularly fond of this State imposed statute that takes away the right of towns and municipalities to control local zoning.
I do believe that it is incumbent on us to address the issue of affordable housing, but that does not make every project the right solution.

Sincerely,
Ralph Diamond
103 Route 28, West Harwich
508-237-2024

Dear Members of the Zoning Board of Appeals,

I have been a homeowner in Harwich, at 103 Route 28 in West Harwich, for 33 years. Many of my neighbors and I have been very concerned about Habitat for Humanity's proposed development at 93-97 Route 28.

The dangers to the environment and public health have become more and more clear to us. The proposed project's location in and adjacent to the flood plain, and the undisputed fact of sea level rise, lead me and others to believe that this is an unwise site for a project of this proposed density. We believe that it presents a danger to the integrity of our water supply and groundwater levels. One of the lots is between 8000 and 9000 sq. ft., two are between 9000 and 10000 and the other three are about 10,500 sq. ft. each.

I assure you that the concerns we are raising have nothing to do with the fact that it is an affordable housing project and everything to do with the high density of the project in a location where the water supply is extremely fragile. The existing homes at 93-97 Route 28 are currently being used for that purpose and the residents have been good friends and neighbors. We recognize and are sympathetic to the need for affordable housing and hope that our town will find sensible and suitable locations to meet this need. The vast majority of Harwich land is not in these vulnerable areas.

The proposed plan would increase the number of houses on this parcel from two to eight. At least two of those eight would have septic systems within the flood plain. The structures that don't fall within the technical flood plain boundary, with the possible exception of one, do fall within an area designated as "other flood areas". There are significant health and environmental consequences that would result from failed septic systems due to flooding caused by hurricanes, sea level rise or other unforeseen changes in groundwater and streamflow.

Please look at the enclosed maps. I have also included a letter from Laura Kelley of POCCA (Protect Our Cape Cod Aquifer). She is only one of the environmentalists and advocates for safe and sane development who agree that this is not a wise plan. Ed Dewitt, Director of APCC (Association for the Preservation of Cape Cod) has also expressed deep concerns :

"APCC is concerned about onsite septic systems in floodplains. We have been working to update septic regulations to improve both water quality and public health. We recently completed a study with the U.S. Geological Survey on the impact of sea level rise on groundwater elevations. **The number one cause of septic system failure is groundwater inundation. As sea level rises groundwater levels also rise so there is a potential for failure without any warning."**

I am particularly struck by map 4 (below) which shows that this property is so intermingled with the extremely large flood plain around the Herring River, that it

might as well be in it in its entirety. As it is, almost the entire parcel that is not technically in the flood plain falls in what is designated, "other flood area". Less than 10% (map 3 below) of it is in the less vulnerable area that is designated "area of minimal flood hazard". Due to the updated FEMA maps, I am now required to have flood insurance as my property is now in a flood plain. I think it is reasonable to expect, at the current rate of sea level rise, that the new homeowners will eventually be met with the same obligation as the flood plain expands. It only has to expand a couple of hundred feet for that to happen. Although the cost of flood insurance can be devastating, flooding and septic failure would be even worse.

According to FEMA and Floodsmart.gov, more than 20% of National Flood Insurance Program claims and 1/3 of Federal disaster assistance is for flooding in these areas!

In the interest of protecting public health and the environment and against the degradation of our most valuable natural resource- our water supply, we must find a way to meet our affordable housing needs that doesn't carry with it these risks to public health and the environment.

Thank you for giving your attention to this important matter and thank you for your service to the town of Harwich.

Sincerely,

Ralph Diamond

103 Rte. 28, West Harwich

508-237-2024

PS: It should be noted that the original request that Habitat for Humanity made to the Board of Selectman was for 4-6 houses, the implication being that 4 houses would be acceptable. At a subsequent meeting the Habitat representative said that fewer than 6 houses was not viable. I would ask, "Why not?". If it were a possibility going in, what has changed? Or was the 4-6 range merely a way of making the project seem more palatable?

P cca
Protect Our Cape Cod Aquifer
Helping to Preserve Our Quality of Life on Cape Cod

January 31, 2017

Dear Ralph,

Thank you for reaching out to POCCA with your concerns about the proposed Habitat for Humantity project at 93-97 rte. 28 in West Harwich. You are correct in your assessment that such a high-density project in the area of a flood plain presents a real threat to our fragile Cape Cod aquifer. The consequences of placing six septic systems in or near such a flood plain can be devastating to the ground water. As these flood zones increase in area due to the undisputed fact of sea level rise, the risk only becomes greater.

We at POCCA are committed to the preservation of Cape Cod's precious water supply. The FEMA maps clearly indicate that this piece of land is in an area, that if built upon with this kind of density, could pose significant environmental problems.
They are problems that can affect the immediate vicinity, as well as extend to the safety of the town water supply in general.

Although I don't deny the need for affordable housing, I would hope that the group or groups that support or approve this proposal reconsider and try to find a more suitable location for such a high-density project.

Please feel free to call on me and POCCA again. I would be glad to be of further assistance.

Sincerely,

Laura Kelley, Director
Protect Our Cape Cod Aquifer
Poccacapecod.org

Shelagh Delaney

Diamond

From: Ralph Diamond <ralpha.diamond@comcast.net>
Sent: Monday, March 20, 2017 4:29 PM
To: Shelagh Delaney
Subject: For the Zoning Board of Appeals
Attachments: zbaletter.pdf; femamap4.psd; POCCALKletter.doc

Dear Ms. Delaney,

Would you please include these attachments in the agenda packet for the upcoming Zoning Board of Appeals meetings regarding the proposed Habitat for Humanity project at 93-97 Route 28.
I was told that it was not in the packet, although I thought it had been sent. Forgive me if this is a duplication. Thank you.

Sincerely,
Ralph Diamond

10
76
28

February 28, 2017
Zoning Board of Appeals
Harwich, Ma. 02045

Dear Members of the Zoning Board of Appeals:

On March 8, 2017, you will be asked to consider the application (40b) put forth by Habitat for the 93-97 project. It is my hope that you carefully consider this application. I have complete confidence that you will.

This project is precedent setting for all of Harwich. It is one of the first forays into subdivisions on an existing building lot. It is also one that will impact the Plume area and our treasured natural resource, the Herring River.

I realize how important Affordable Housing is but I also understand the impact this will have on the existing community. This must be considered.

Our family has owned a home in West Harwich for many years. We have dealt with the Plume and have worked tirelessly to protect our beautiful Herring River.

Thank you for the work that you do and for addressing my concerns.

Sincerely,

Virginia L. Doyle

48 North Road
West Harwich, Ma 02671

Shelagh Delaney W. Kozloski

From: WALTER KOSLOSKI <wckosloski@comcast.net>
Sent: Monday, March 20, 2017 8:18 PM
To: Shelagh Delaney
Cc: Harwich concerned citizens
Subject: Zoning Board Meeting Concerning Habitat Build in West Harwich

I am expressing my concern about the development of the Habitat build in West Harwich. I can only assume that the addition of a cluster of houses will generate a significant amount of traffic along an already busy roadway. As residents of Willow Street, we are becoming more concerned about the amount of traffic on rainy days in the summer. Our road is being used increasingly as a bypass of the lights at the town line between West Harwich and Dennisport not only by passenger vehicles but by service and commercial vehicles as well. This cluster of houses, along with the complex being built in Dennisport across from the Jr. Theater, can only increase the traffic in the neighborhood. The intersection of Willow Street and Belmont Road has been a problem for years. I hope these details are being given some consideration. Thank you for your attention to this matter. Cynthia J. Kosloski, 33 Willow Street, West Harwich.

Shelagh Delaney

From: Alyxandra K. Sabatino
Sent: Friday, February 24, 2017 8:47 AM
To: Shelagh Delaney
Subject: FW: 93-97 Main st. West Harwich

I received the below letter from Sally Urbano. Can you forward this letter to the members of the ZBA and Building Department? Thank you!

RECEIVED
FEB 24 2017
BUILDING DEPT
forwarded to Board Members
2/24/17

From: sally urbano [mailto:urbanosally@yahoo.com]
Sent: Thursday, February 23, 2017 4:35 PM
To: Alyxandra K. Sabatino <asabatino@town.harwich.ma.us>
Subject: 93-97 Main st. West Harwich

Greetings to you Aly,

The Mass Estuaries project has a report on line regarding the Herring River Embayment system. The Habitat for Humanity project at 93-97 Main St Rt 28 West Harwich is in the Herring River Watershed . Would you please see that the pertinent boards receive this information and this cover letter as they begin evaluating the 40B project. The boards would include the Planning Board. Zoning Board of Appeals, Building Dept. Health Dept, Conservation Dept and Wastewater.

Below is the link to the document Mass. Estuaries Project and i have referenced what I think might be considered the highlights within the summary. I believe this will need to be reviewed in planning for The West Harwich area especially as we consider increasing density on the existing built lots at 93-97 rt. 28. The question for consideration by the above referenced boards is should the proposed 40B on 93-97 be allowed to proceed? West Harwich may or may never receive sewering. Currently we will be asked to vote 30 million dollars to begin the Wastewater clean up process in East Harwich. The Herring River Watershed is highlighted in the above mentioned study as needing remediation and addresses land use , density and septic systems as the primary nitrogen contributors to the waste water problem which will eventually cost the town over 250 Million dollars. The Habitat for Humanity project will add six new septic systems to the 2 septic systems that are already in place. The total Project on approx 2.5 acres will host 27 bedrooms.
So while we as a town are attempting to abide by the legal requirements brought forth by the Conservation Law Foundation in one area, in our area of West Harwich we do not see the town as proceeding with the spirit of the remediations that are imposed by Senior Judge Mark L. Wolf U.S. District court of Ma. an order which will financially impact every homeowner in Harwich.

My request is that the members of the boards consider the information provided in their recommendations and decisions. Should this 40B project proceed it may have implications that go far beyond our local town and may be viewed legally as a contradiction to the spirit of the Judges rulings.

Thank you,
Lou Urbano
louis_urbano@yahoo.com

http://www.mass.gov/eea/docs/dep/water/resources/mep/cape/mep-herringriver-lc.pdf

Below are the areas within the document which could be considered the highlighted summaries.
Executive summary page 1 last paragraph begins Wastewater planning..etc
Executive summary page 2 First paragraph begins the regional effects…etc
Executive summary page 3 last sentence begins in addition….etc
Executive summary page 4 continuing from page 3 1st sentence.
Executive summary page 5 3rd paragraph 5th line begins The MEP analysis……etc
Executive summary page 8 2nd paragraph Watershed nitrogen loads…..etc
Executive summary page 9 last paragraph 4th line beginning with Additionally, the analysis…etc

Shelagh Delaney

From: louis urbano <louis_urbano@yahoo.com>
Sent: Monday, March 20, 2017 1:23 PM
To: Shelagh Delaney
Subject: FW: Please distribute to zoning board of appeals re- habitat proposed project

Zoning Board of Appeals

We are a group of concerned citizens in Harwich and include some information which we hope you may take into account .

The concerns are two fold.
In the first there is a documented plume from a dry cleaners in Dennis Port that is flowing through an area in West Harwich that eventually leads to the Herring River. Recently the neighbors wanted to know what the status of the plume is, how far had it migrated and were other areas now a concern. There have been no follow up studies in years and no mapping as to where the edges of the plume currently stand. We appeared before our Board of Selectmen in the fall of this year and they told us it would be up to individual home owners to have their indoor air tested to see if the plume was effecting their dwellings. A proposed $ 6,000 study to re-evaluate the plume status was voted down by the Board of Selectmen. The last section of this letter to you contains a response we received regarding the plume from Mr. Cambareri, Cape Cod Commission.
Second concern. As time progressed there developed a Habitat for Humanity project In West Harwich that is on about 2 acres of land with two dwellings already on site. One dwelling at 97 rt. 28 Main St. had a home heating fuel spill that required remediation. Habitat proposes the addition of 6 homes on this site bringing total bedrooms to around 20 on this acreage. This project site is within the area of the plume, in a partial flood zone, and about 1500 feet from the Herring River Estuary. They are proposing only standard title 5. Enclosed below are some of the documents.
Does Increasing density in an already built environment ,with West Harwich currently in phase 7 for any sewering or other intervention, and dealing with a toxic plume that is at this point undetermined as to it's current edge make any sense without an accommodation other than the usual title 5. Even if an offset were offered that does not help the local West Harwich residents feel that the spirit of the mandated clean up brought about by the CLF law firm is being adhered to.

Louis Urbano

Mr. Cambareri

I am writing to you because I provided a report to our Board of Selectmen in which you were instrumental. The correspondence is below. In Harwich there seems to be a belief that one can offset development and its impact by setting aside town owned land as conservation land. While this may meet the requirements in reducing the towns total nitrogen level it seems flawed. West Harwich which the report discusses has been the subject of a toxic plume that ends flowing into the Herring River. There is a proposed housing project that is less that 1500 feet from the Herring River and is to add 6 separate septic systems.to 2 already built lots It would seem that a real solution might be to require a cluster or self contained waste water system rather than an offset in another part of town. Following is a letter I sent to our Board of Selectmen citing the water sources document . As the document references you we wondered if there is any help the Commission can offer us?

To Honorable Board of Selectmen

I request the BOS put on hold the $300,000 plus from the Affordable Housing Trust fund that was approved for the 93-97 Habitat project until further discussion is held on the impact of adding this dense housing project to a fragile watershed. The Mass Estuaries project has a report on line regarding the Herring River Embayment system. The Habitat for Humanity project at 93-97 Main St Rt 28 West Harwich is in the Herring River Watershed .
Below is the link to the document and i have referenced what I think might be considered the highlights within the summary. I believe this will need to be reviewed as it relates to the impact on clean water and the wastewater discussions as we near town meeting. The question for consideration by the BOS is should the money from the Harwich Housing fund be rescinded until a solution is found to the increased nitrogen load from this project. Currently we will be asked to vote 30 million to begin the Wastewater clean up process in East Harwich. The Herring River Watershed is highlighted in the above mentioned study as needing remediation and addresses land use , density and septic systems as the primary nitrogen contributors to the waste water problem which will eventually cost the town over 250 Million dollars. The Habitat for Humanity project will add six new septic systems to the 2 septic systems that are already in place. The total Project on approx 2.5 acres will host 27 bedrooms.
So while we as a town are told to abide by the legal requirements brought forth by the Conservation Law Foundation in one area, in our area of West Harwich we do not see the town as proceeding with the spirit of the remediations that are imposed by Senior Judge Mark L. Wolf U.S. District court of Ma. an order which will financially impact every homeowner in Harwich.
. Should the town's money be used towards this 40B project? If it is allowed to proceed it may have implications that go far beyond our local town and may be viewed legally as a contradiction to the spirit of the Judges rulings.

Thank you,
Lou Urbano
louis_urbano@yahoo.com
858-922-4212

http://www.mass.gov/eea/docs/dep/water/resources/mep/cape/mep-herringriver-lc.pdf

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Executive summary page 8 2nd paragraph Watershed nitrogen loads.....etc
Executive summary page 9 last paragraph 4th line beginning with Additionally, the analysis...etc

Hello Sally,

I have reviewed the information on the DEP searchable website and have a fundamental understanding of the site. I was not able to access earlier information like the Phase II assessment that would have water table and groundwater flow information. The temporary solution is to monitor these wells until such time that they are below the standards. This may take a long long time. The temporary solution report indicates that there are no

downgradient receptors which is why they can justify the monitoring approach rather than more aggressive action.

Are you aware that there are downgradient receptors that are not accounted for? You mentioned the Herring River.

The report mentions other potential sources in the area and without providing any detail about them.

We would need a map of the wells monitored, groundwater flow and supplemental wells properties that have been tested.

Let me know if you have those materails and what the status is since you last communicated to me.

-Tom

Tom Cambareri

Certified Ground Water Professional (NGWA)

Licensed Site (Cleanup) Professional (MA)

Director of Water Resources

Cape Cod Commission

3225 Main Street

Barnstable, MA 02630

To Chairman Ryer and members of the Zoning Board of Appeals
RE. Habitat for Humanity project at 97-93 rt. 28 Main St. West Harwich

Greetings,
As you know Town meeting this year spent a great deal of time pondering huge sums of money to remediate the impact of nitrogen with sewering. This has been deemed so necessary as to be enforced through legal legislation. At town meeting I listened to the experts through CDM Smith who indicated title 5 septic systems remove only 15 to 20 % of the nitrogen. This is the reason for remediation, in this case sewering.

The issue that this raises is that Habitat's title 5 engineering consultant in speaking before your board told us that their title 5 reduces approximately 80-90 % of the nitrogen and that the sand itself, through percolation, contributes to that remediation. This was in response to the local neighborhood concerns that a different and more effective title 5 or advanced system would be needed on a lot with increased density (8 houses,) in a flood plain and so close to the critically impaired Herring River Watershed.

The health and safety concerns remain.

1. 8 traditional septic systems on less land than previously required for the systems to work efficiently
2. No oversight to ensure that the septic systems are maintained and pumped regularly
3. Potential to impact drinking water in an area of documented toxic plume and on property with a previous home heating spill
4. Increased nitrogen loading to the critically impaired Herring River, which is vital to the health of species tied to the fishing industry.
5. The 8 proposed septic systems on the 93- 97 rt. 28 properties lie in extremely close proximity to neighbors. These title 5's are immediately adjacent to an area predicted to flood and concern for the overflow of septic systems onto neighbor's property with resultant contamination of ground water is a possibility

So now you see our concerns in this dilemma. Where is the truth of what we are being told? Is Habitat's engineering consultant correct? In that case the town is pursuing unnecessary sewering with astronomical expenses, or do we take the word of CDM Smith the town's engineering firm? We ask that the Zoning board consider requiring a study to determine the validity of statements regarding title 5 made by Habitat and their engineering consultant so that the health concerns listed above can be addressed.

We appreciate your efforts in reviewing the details of this project that will impact our neighborhood for many years to come.

Lou Urbano

sally urbano <urbanosally@yahoo.com>
To
sschlesinger@lifeinitiative.com
04/27/16 at 2:07 PM

On Apr 27, 2016, at 1:46 PM, sally urbano <urbanosally@yahoo.com> wrote:

On Apr 27, 2016, at 1:35 PM, sally urbano <urbanosally@yahoo.com> wrote:

Hello Susan,

In this query I am asking as an individual from the town of Harwich,mass. We have a grassroots group that is working in our neighborhood and have recently been granted approval to submit as a National Register Historic District. TLI group has supported HECH through several projects and this involves a property for which you currently hold the mortgage.

Harwich Ecumenical Corporation for the Homeless (HECH):93-97 Route 28

West Harwich	Acquisition	$838,000

#97 Main St. is a Historic home nominated for National Register status as well. The Historic Judah Chase home (#97) has been neglected since HECH purchased it. But its historic envelope and cultural significance remains intact as well as the barn, also nominated for National Register Status.

My concern here is that in a current proposal about which we have very little information to date, HECH intends to sell off the back portion of the lots to Habitat, isolate the Historic home on very little property and then try to sell the Historic home. Habitat did such a deal in Orleans and in the end claimed they could not find a qualified buyer for a historic home and demolished it.

HECH has waited out the demolition delay time period and now can proceed if they so wish.

Our group is an active neighborhood group trying to uplift a rather depressed area. We commissioned a youtube video ourselves and in the first month we garnered 20,000 unique hits.

We are also in the final stages of self funding an architectural competition which has participants with an international reach. People are invested emotionally in our own neighborhood. Our project is called Captains' Row and we have been given a great deal of press coverage thanks to the Cape Cod Chronicle and Cape Cod Times.

You should know that we have tried to work with both Habitat and HECH in the early stages and they will not give us even the slightest request to work towards maintaining the historic nature and resulting economic uplift of our plans.They have been discouraging buyers who sought information about #97.

The current plan involves dividing the back properties of 93-97 main street and essentially inserting a subdivision that reaches deep into the neighborhood. There are multitudes of issues of course, including a need for 106 review, is there room for title 5 as the properties sit in the Herring River Watershed which may never be sewered and is on the list of critical concern.

I understand through HECH that they have a balloon payment coming up. So i see that you may be in a difficult position. I do feel however that the good will shown to both HECH and Habitat in Harwich must be both considered and protected going forward. You should also know that the process through the town before monies are given is that a study will be done to address all the concerns the Board of Selectmen and the town have. There is no "done deal" as I see it. I have included three instances of potential buyers of the Chase House being dissuaded. Mr. Petersen is both the realtor handling the sale of the property but he also sits on the board of HECH.

#1

Below is a brief write up of my experience with Mr. Peterson about the property on Rt. 28 in Harwich.

It was made clear when trying to learn more about the property at 97 Main St that the realtor did not have a strong motive to sell it. He told me numerous times that the "deal was 95% done". Mr Peterson expressed, again numerous times, that the house needed half a million dollars worth of

work to fix it up. I asked about the subdivision of the property and when the price was going to be getting reduced. Neither questions were answered clearly and during the conversation I was more or less talked over.

My objective during my phone call was to learn about the possibility of rehabbing the building to its original state with the intent to rent it out yearly and/or seasonally. I talk to realtors very often and this was a very unusual encounter. I understand that the matter is complicated but during my brief conversation it was apparent that his intent, as the realtor, was not to sell the property.

Thanks,

#2
I talked to the real estate person - she said the house is in poor condition.

The other acreage is going to Habitat for Humanity, she says the housing subdivision is a "done deal", it is just a matter of how many homes they will build on the property, 3 or 4 or 5.

There will be a new street for the subdivision - it will be close to the house. Sounds like the house won't have much land at all.

Crap!

D.
#3
Looking to buy a house on the Cape some out of town friends of one of our members wanted to look at the Chase House.

The realtor told them they couldn't even look at the home as it is involved in a law suit and because of some group whose name he couldn't remember, the house was going to be historical and changes would be impossible. The reatltor added that most of the property was going to be used for low income housing. Therefore, the potential buyer was no longer interested.

Thank you for your consideration of these matters.

Best Regards,
Sally Urbano
West Harwich, Mass.

Zoning Board of Appeals

Greetings,

You will soon be faced with the task of reviewing the Habitat/HECH project for 93-97 Main ST. I know you have received letters regarding various concerns citizens have and I believe they are valid and deserve consideration. However, I would like to address a different concern.

In many ways this project will set a precedent. Primarily it is a question on two fronts: Increased density with the associated problems and loss of the town's character. You are aware that a group of concerned citizens have been working on what has been named Captains' Row .The area needs revitalization and support for the small business owners who occupy the historic homes along that stretch of roadway. (32 Homes still intact in their Historic envelopes) Before this project even had solidified we approached Habitat in the hopes they would work with us in supporting our vision to keep the character of rt. 28 (Dennisport to Herring River)

We proposed affordable housing using the existing buildings and adding more to the sides and back in the way of old New England Architecture. There was no interest because HECH had a balloon payment due and were out of funds so Habitat stepped up to help HECH.

We then asked for small inclusions. A hedge or fence so that the historic view would not be obliterated yet all suggestions were voted down even though Habitat International has two programs addressing such needs. One program that works for neighborhood revitalization and one that works in historic preservation.

Ultimately The Historic Judah Chase House was granted money by the Board of Selectmen to have a Historic Preservation Restriction put on the house. This is a legal document and should be reviewed by the appropriate historic entity and it must be held by an approved entity. Recently Mr. Howell told the BOS that HECH itself had drafted this restriction. I have not yet seen it, but in the documents presented to you two things jump out. The statement "preservation of the front façade" is not what the BOS gave them the money for, and I do not think any Historic restriction would be held in this matter as any design changes to the side or in view would destroy the historic integrity. Then Habitat asks for a waiver from all the town of Harwich Code regarding any of the entries in the area of Historic Codes 131, and they're a many.

I have concerns here and hope you will look into it as well. In Habitat's Namskaket build in Orleans they promised to keep a historic home and then found a way to demolish it.

I see the future as more of this type of subdivision into older established neighborhoods that have larger lots that were required for the septic systems. And while this is hailed as smart growth, and preserving of undeveloped land I forsee the development of all lands available. With sewering looming for the less developed area East Harwich and West Harwich on the end of the list for sewering what zoning tools do we have so that all dense growth does not come to West Harwich? You will note that affordable housing is actively pursuing the Willow street property that backs up to 93-97 and that there is an access road off of Habitat's right of way to the

property next door to 93 for future access to that back property. Additionally, on the Dennisport line there is a new multi unit housing development.

The uplift from National Register designation with financial incentives to the town and business owners, affordable housing and homeowners is lost as the integrity of the character defining environment is lost. Phil Bergen from The Massachusetts Historic Commission was surprised to find the houses along RT 28 Captains" Row area in such undisturbed condition. It was thought this area could be a boon to Harwich on multiple levels. Please note National Register districts have no guidelines or restrictions to individual homeowners.

I would ask please that you assure the following.

!. The Historic Preservation Restriction to the Judah Chase House be drafted and held in the legal manner recommended by the State's Preservation laws and for which HECH was given money to assure this was accomplished. **** see letter below

2.That if the project proceeds the 40 b design recommendations is used judiciously in conjunction with the planning board, and the Historic commission.

3. There are endangered species in the area of the development. I have one frequently in my back yard with pictures. Please assure the proper notifications and survey is done.

4. There is an ancient way in the back of the properties, it exits at the parking lot of the Old West Harwich Post office. There is also evidence of a cartway. This will need to be researched.

5. I f any federal money is used in the project a historic 106 design review must be included I believe this also includes federal mortgage programs.

Thank you for your attention to these matters. I think they are of utmost importance to the town of Harwich.
Sally Urbano

**********Sally,

If the preservation restriction agreement is being conveyed under M.G.L. Chapter 184, Sections 31-33, then it requires the signature approval of the Massachusetts Historical Commission. As a condition of its approval the MHC requires that a draft of the agreement be submitted for review and comment prior to its being executed, and MHC then works with the parties to bring the agreement into a final form acceptable to the MHC. The MHC does not approve preservation restrictions limited to the front façade of a building.

Legally binding restrictions for a limited term of years can be placed on properties without the MHC's approval, but preservation restrictions "in perpetuity" require MHC's signature.

Best,

Michael Steinitz
Deputy State Historic Preservation Officer
Director, Preservation Planning Division
Massachusetts Historical Commission
220 Morrissey Blvd.
Boston, MA 02125

Shelagh Delaney

From: sally urbano <urbanosally@yahoo.com>
Sent: Monday, March 20, 2017 1:24 PM
To: Shelagh Delaney
Subject: Board of Appeals Habitat project

Hi Shelagh,
Would you please include the following letter in the file for the Boarad of Appeqls packet regarding the Habitat project at 97-93 and ensure each memeber receives a copy.
Appreciate it.
Best regards,
Sally Urbano

Greetings to members of the Zoning Board of Appeals.
I am trying to understand the 40b process and the Habitat project for 93-97 RT. 28. Below I am including aspects I believe must be included in the process. They may be well known to you so please forgive me, but I believe this will be important to a good outcome for Habitat and Harwich.

A section 106 review and a MEPA review should also be required as the Judah Chase house is a National Register eligible property listed on Macris and within an area that has received MHC approval to submit for National Register status. Any project requiring funding. licenses or permits from federal agencies or state agencies must apply for a review.
Additionally during the process would you please consider denying the waiver requested by Habiatat from the code of the town of Harwich regarding Historic Preservation. I am not sure that is even possible. Which item are they concerned about, the code includes many aspects including some which are State of massachusetts laws?
Below is the information taken from the Secretary of the Commonwealth of Massachusetts.
Thank you for reading this.
Sally Urbano

Review and Compliance

Introduction

Any new construction projects or renovations to existing buildings that require funding, licenses, or permits from any state or federal governmental agencies must be reviewed by the Massachusetts Historical Commission (MHC) for impacts to historic and archaeological properties. It is the nature of the federal or state agency involvement that triggers MHC review, not listing in the National or State Registers of Historic Places. A listing in either register does not necessarily require review and likewise, lack of listing does not eliminate the need for review.
MHC review is conducted in compliance with both federal and state statutes and regulations.

Federal Review

Any projects that require funding, licenses, or permits from federal agencies must be reviewed in compliance with Section 106 of the National Historic Preservation Act of 1966. Section 106 requires federal agencies to take into account the effects of their actions on historic properties. "Section 106 review," follows a specific process, which is guided by federal regulations (36 CFR 800). These regulations have created a series of steps by which federal agencies identify and evaluate historic properties that may be affected by their undertakings, assess adverse effects to those properties, and take prudent and feasible measures to avoid, minimize, or mitigate those effects. In Massachusetts, these steps are taken in consultation with the Massachusetts State Historic Preservation Officer (SHPO). The MHC is the office of the SHPO. Other interested parties such as local historical commissions or Indian Tribes are also consulted. More information on Section 106 review and a copy of the federal regulations 36 CFR 800 are available at the Advisory Council on Historic Preservation (ACHP) web site.

MEPA Review

Another important state review process in which MHC participates is review under the Massachusetts Environmental Policy Act (MEPA), which directs state agencies to take into account the effects of their actions on the environment, including historic properties. Information on MEPA is available at www.state.ma.us/envir/mepa.

These laws and regulations set up processes to ensure that government agencies "look before they leap." They do not necessarily stop government from acting, but ensure that government actions are studied in consultation with interested parties, and that proposed actions be modified, if feasible, so that public funds are not used in ways that cause needless destruction to our heritage. In short, they promote responsible and responsive government.

Sally Urbano

at meeting 8D 7PM

Dear Members of the Board,

I was born and raised in Mt. Kisco, NY – a small town in southern New York. After marrying into the military I then spent many years in Northern Virginia while my husband served in the Pentagon.

We bought a home in 1967 and participated fully in the community. As years went by and Fairfax grew – the problems also grew with the burdens of an ever expanding population. Although my three daughters are still there ... I came up to the Cape to escape the added traffic, stress on the environment, and on services.

And now ... you want to do that to Rte 28 in East Harwich. I'm in favor of helping with affordable housing but surely there is some wider spaces out there that will not be adding "lawn chemical" run off to the Herring or crowding out a habitat for animals.

Why not fix up some of the already existing run down homes? What a wonderful way to get a community together in helping.

Sincerely,
Maryann G. Sawyer
(Collier)

P.S. Think of the use of "NIMBY" – Not in my back yard! What about your back yards?

Dear Members of the Zoning Board of Appeals,

I am opposed to any high density development project submitted by Habitat for Humanity. Specifically at 92-97 Rte. 28 in West Harwich.

I am worried about adding more effluent to an area with a plume on a property that had a home fuel oil spill in the past and is in the Herring River Watershed. This proposed multi unit density housing project is only a few hundred yards from that sensitive environmentally fragile watershed.

Habitat should go back to their earlier one house projects. Preferably not new construction, but to use prospective new buyers' "sweat equity" and local volunteers to renovate inexpensive houses currently on the market.

We are battling water usage of our limited clean water sources, and also demanding that the residents of Harwich pay millions of dollars for future wastewater sewage treatment solutions. Increased high density development taxes our resources to an unreasonable degree.

Sincerely,

Anne Stewart
Pleasant Lake

STONE & REID

ATTORNEYS AT LAW

A PROFESSIONAL ASSOCIATION *

SOUTH YARMOUTH PROFESSIONAL BUILDING

1292 ROUTE 28 SOUTH YARMOUTH, MA 02664-4452

TEL (508) 394-5648 FAX (508) 398-1699

DAVID S. REID, ESQ.
DSReid@verizon.net

MICHAEL F. STONE, ESQ.
MFStoneEsq@comcast.net

March 31, 2017

Harwich Zoning Board of Appeals
Harwich Town Hall
732 Main Street
Harwich, MA 02645

RE: Habitat for Humanity of Cape Cod, Inc.
93 and 97 Main Street, West Harwich
Case # 2017-04

Dear Chairman Ryer and members of the Board,

I have been asked to represent several neighbors of the property which is the subject of this Comprehensive Permit application. Unfortunately, I will not be able to attend your scheduled hearing on April 6th, due to a prior commitment. However, on behalf of Louis Urbano, Virginia Doyle, J. Duncan Berry, Ralph Diamond and Gail McAleer, I have reviewed the application and supporting materials, and would offer the following questions, observations and comments for your consideration:

First, I would observe a minor discrepancy in the application materials, which should be corrected so that your decision, whether you decide to grant this permit or not, accurately reflects the proposed project. The application and the site plan recite different sizes for three of the lots to be created by this subdivision :

	Application :	Plan:
Lot 6	21,436 sq ft	10,426
Lot 7	10,426	21,436
Lot 8	21,436	9,291

Second, of greater concern is the apparent discrepancy as to the existing "units" in the buildings to remain on lots 7 and 8. The application and DHCD site letter refer to a total of 6 units in these buildings. The site plan and presentation refer to 3 units and 4 bedrooms in the house at 97 Main Street, plus one dwelling unit and 2 bedrooms in the barn on that property, plus 2 dwelling units and 5 bedrooms in the building at 93 Main Street. However, the Assessors records for the properties indicate that the Chase House (#97) has only 2 dwelling units and 4 bedrooms, and the barn has 1 unit in it. I have been unable to locate any zoning relief granted to the owners of these properties for "multi-family housing", which is a use expressly forbidden in the CH1 zone (Table of uses, use #8). To the contrary, we have located one decision of the Board in 1978, unanimously denying the owner permission to legalize an unlawfully created dwelling unit in the barn ("converted to an apartment without a proper building permit") of the Chase House property (see decision #78-15 attached). The Board found that such a conversion would be "clearly contrary to the intent of the bylaw" because it would "result in having two dwelling units on one lot". Now it is represented that there are 4 units on this property. In the application form, in its final "check list" for a complete application, the Town requests information as to the "zoning history" of the site. Habitat answered that this information was "n/a", i.e. not applicable. Therefore the Board was not supplied with any supporting information about the prior development of this site. If you also consider this information to be material to your review and consideration, the application is therefore incomplete.

Since these units are represented to be essentially the "market rate units" of a mixed use project, the Comprehensive Permit sought from the Board would now legitimize these units. It would seem incumbent on the applicant to demonstrate to the Board that these are lawfully existing units to begin with, and that they were constructed with proper building permits, and built and maintained compliance with applicable building, health and safety codes. This would also seem particularly relevant to the Board since the applicant and property owner have made a point of emphasizing the deteriorated condition of the structure. And since the DHCD site eligibility letter is itself dependant on the existence of these 6 units, one would wonder if they have actually inspected these units to verify that they lawfully meet market-rate-unit standards under Chapter 40B.

Third, it has been noted that lots # 7 and 8 are being created exclusively by this proposed Comprehensive Permit, and will not conform to zoning themselves, and that the building on lot 8 will be altered (as shown on the plan) in a manner that will also not conform to zoning. These lots and buildings, while not restricted in terms of affordability, will benefit from this decision and will remain subject to the terms and conditions of the Permit. The applicant requests that these buildings

and their use be hereafter deemed to be "pre-existing nonconforming" within the scope of Chapter 40A section 6 (see Waivers - "General") . Since they are located in the CH1 zone, they could conceivably be converted to or replaced by non-residential uses or structures in the future. In fact, the Board has been told that the Chase House property is already under contract of sale to another unspecified buyer for an unspecified use.

The case law and regulations for 40B projects do permit affordable housing projects to include non-residential uses along with the residential component. However, this opportunity is very limited. In 2007, the Massachusetts SJC interpreted c. 40B to permit "incidental" commercial uses within a project, provided they are permitted under the underlying zoning bylaw for the district and provided they are complimentary to the affordable residential development. *Jebson v. ZBA*, 450 Mass. 81 (2007) The 40B regulations similarly permit the inclusion of "ancillary" commercial and "non-residential" uses only if they are complimentary to the residential use and consistent with the local land use plan. (760 CMR 56.02 - defining a "Project" - see attached).

The CH1 zone in which there two properties are located allows, by right or by special permit, such uses as adult entertainment, car wash, dry cleaner, commercial parking, repair services, retail sales, and vending machine sales. If the Board were otherwise inclined to grant a comprehensive permit to this applicant, it would seem necessary, at a minimum, to restrict the future use of these commercially zoned non-conforming structures and lots to their present residential use and not allow them to be converted to inappropriate uses in the future.

On a related note, the DHCD site eligibility letter recites that the applicant has the site, inclusive of these commercial lots and their residential units, under "an executed Purchase and Sale agreement". At your earlier hearing, it was represented to the Board that HECH would be selling lots 7 and 8, that it had already put out a 'request for proposals' for both lots, that it had an interested party for both lots, and that it had lot 7 under agreement already, to someone else. The Board expressed concern for the applicant's control of the site. How much control do they have when the Chase House property is already under an independent contract to another ? One wonders if DHCD is aware of these developments (the other P&S) and has really considered the degree of control actually vested in this applicant.

Finally, the applicant rather casually referenced its plan to permit its westerly neighbor (at #87 Main Street) to access its property through an additional driveway, off of its *cul de sac*. The site plan does show this 'future driveway' as the first driveway on the right after entering the road from Route 28. The applicant

characterizes this as a neighborly accommodation to a supportive abutter. However, I would characterize this as a request for relief that is beyond the scope of your jurisdiction under chapter 40B.

A careful review of the applicant's site plan will show that this neighbor's panhandle lot shown adjoining the locus to the west does not actually exist at this time. It is labeled as "future panhandle lot line by abutter". The property of this abutter is actually a 2.66 acre parcel, improved with a single-family home (assessors sheet 10 parcel W3 - copy attached). The "future panhandle lot" would suggest an intention by the neighbor to create such an additional lot to the rear of that property.

As you know, the bylaw requires that all lots take their own vehicle access from their own street frontage, not "from an easement across an adjacent property" (section 325-18 (P)) . This requirement can be altered by Special Permit from the Planning Board, but the applicant has not requested a waiver of this requirement. In addition, the bylaw requires that the "road" entering this property be at least 10 feet from this side line of the property, and at least 50 feet from another drive entering another residential property (section 325-42 H - drives serving other permitted uses in a commercial district). The applicant has requested a waiver of the requirement of 325-42 H with respect to the requirement that all driveways within the development be at least 20 feet apart (Waiver # W4) so that the driveway to #87 Main may be closer than 20 feet from the driveway to Lot 1. They have not requested a waiver of the separation requirement from the adjoining lot line for the applicant's road. Because of these requirements, and the applicant's desire to place its road along its side line, the "future panhandle" lot on #87 Main, adjoining the applicant's entrance from Route 28, could never by itself achieve the required 50 foot separation from the applicant's road (section 325-42 H). Therefore, by approving its driveway from within this project site, rather than from its own frontage, to the "future panhandle lot" on #87, the Board is being asked, in effect, to grant relief to and for the benefit of that adjoining property. It would appear that the collaboration with this abutter is intended to achieve the maximum design benefit for the development of the Habitat property, while simultaneously facilitating the neighbor's own development plans. This Board does not have the authority under Chapter 40B to grant "waivers" that are designed to benefit the neighbor's property, which is clearly not part of the project site.

On behalf of the neighbors to this project, we respectfully request that you examine this site and project in far greater detail than has thus far been presented to you, and consider the true implications of the relief requested. Are you prepared to sanction the multi-family housing in the Chase House without knowing how it got

there or whether it conforms to legitimate housing standards and without knowing to what use these commercially zoned properties will be put in the future? The houses on lots 7 and 8 are not truly a part of this "project", in the sense that Habitat will never have any control over them or their future use. It is only through this unique manipulation that the applicant has gotten this far with this unprecedented project. These properties are all part of the "project" presented to you in this application, and will perpetually carry the benefit of your decision, and all of it needs to be examined and considered. Before you place your endorsement on the existing homes and "units", and the proposed nonconforming commercial lots, and pave the way for their future use, it should be incumbent on the Board to understand the history of the uses and not inadvertently sanction any unlawful, unsafe or inappropriate uses, and should you eventually be satisfied with the facts, to impose conditions on all of the properties to assure their compatible future use and operation. However, as currently presented, we suggest that this application may not be granted and should be denied.

Very truly yours,

David S. Reid

CC: Louis Urbano 153 Riverside Dr. West Harwich
Virginia Doyle 48 North Road, West Harwich
J. Duncan Berry 37 Main Street West Harwich
Ralph Diamond 103 Route 28 West Harwich
Gail McAleer 103 Route 28 West Harwich

Key: 1490 **Town of HARWICH - Fiscal Year 2017** 12/7/2016 5:52 pm SEQ #: 1,395

LEGAL

CURRENT OWNER	PARCEL ID	LOCATION
HARWICH ECUMENICAL COUNCIL FOR THE HOMELESS INC PO BOX 638 W HARWICH, MA 02671	10-W5-0	97 ROUTE 28

TRANSFER HISTORY	DOS	T	SALE PRICE	BK-PG (Cert)
HARWICH ECUMENICAL COUNCI	06/09/2006	K	500,000	21083-20
BOX SUZANNE M	04/10/1973	A	50,000	1837-151

CLASS	CLASS%	DESCRIPTION	BN ID	BN	CARD
9590	100	HOUSING, OTHER		1	1 of 2

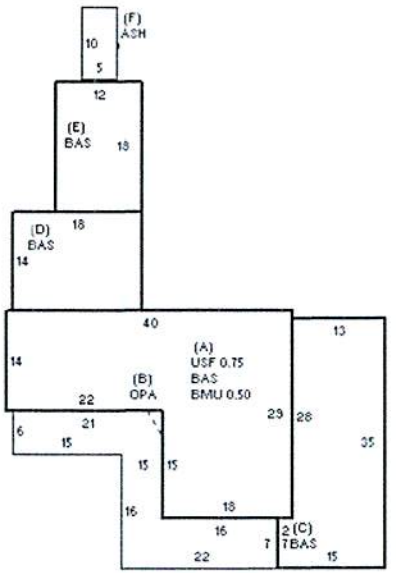
PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%
		6	CYCL GROWTH		05/15/2007	MO	100	100
567	10/27/1999	3	ALTERATIONS	3,000	02/29/2000	MO	100	100

LAND

CD	T	AC/SF/UN	Ngh		Infl1		Infl2		ADJ BASE	SAF	Topo		Lpi		VC	CREDIT AMT	ADJ VALUE
100	S	43,560	8	1.00	1	1.00	100	1.00	136,700	1.00	100	1.00	2	1.00			136,700
300	A	0.470	8	1.00	1	1.00	100	1.00	11,200	1.00	100	1.00	2	1.00			5,260

TOTAL	1.470 Acres	ZONING		FRNT	0
Ngh	NGH 8	NOTE			
Infl1	NONE				
Infl2	FACTOR 100				

ASSESSED	CURRENT	PREVIOUS
LAND	142,000	142,000
BUILDING	174,200	164,700
DETACHED	0	0
OTHER	32,700	31,600
TOTAL	348,900	338,300



DETACHED

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD

PHOTO 05/15/2013

BLDG COMMENTS

BUILDING

BUILDING	CD	ADJ	DESC
MODEL	1		RESIDENTIAL
STYLE	7	1.35	OLD STYLE [100%]
QUALITY	+	1.15	GOOD-/AVE+ [100%]
FRAME	1	1.00	WOOD FRAME [100%]

MEASURE	5/15/2007	MO
LIST		
REVIEW	5/29/2007	DS

YEAR BLT	1900	SIZE ADJ	1.000
NET AREA	2,390	DETAIL ADJ	1.000
$NLA(RCN)	$124	OVERALL	1.100

CAPACITY	UNITS	ADJ
STORIES(FAR)	1.75	1.00
ROOMS	11	1.00
BEDROOMS	4	1.00
BATHROOMS	3	$7,827
HALF BATHS	0	1.00
UNITS	2	.80

ELEMENT	CD	DESCRIPTION	ADJ
FOUNDATION	5	OTHER	1.00
EXT. COVER	1	WOOD SHINGLES	1.00
ROOF SHAPE	1	GABLE	1.00
ROOF COVER	1	ASPHALT SHINGLE	1.00
FLOOR COVER	3	W/W CARPET	1.00
INT. FINISH	1	PLASTER	1.00
HEATING/COOLING	2	HOT WATER	1.02
FUEL SOURCE	1	OIL	1.00

S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN
A	BMU	N	BSMT UNFINISHED	415		36.13	14,994
A	USF	L	UP-STRY FIN	623	1900	93.75	58,407
B	OPA	N	OPEN PORCH	334		29.46	9,840
+	BAS	L	BAS AREA	1,767	1900	111.24	196,557
F	ASH	N	ATT SHED	50		18.53	926
	F21	O	FPL 2S 1OP	1		6,637.30	6,637

TOTAL RCN	295,188
CONDITION ELEM	CD
EFF.YR/AGE	1978 / 37
COND	21 21 %
FUNC	0
ECON	20 LOC/APPEAL
DEPR	41 % GD 59
RCNLD	$174,200

Key: 1490

Town of HARWICH - Fiscal Year 2017

12/7/2016 5:52 pm SEQ #: 1,396

LEGAL

CURRENT OWNER	PARCEL ID	LOCATION
HARWICH ECUMENICAL COUNCIL FOR THE HOMELESS INC PO BOX 638 W HARWICH, MA 02671	10-W5-0	97 ROUTE 28

TRANSFER HISTORY	DOS	T	SALE PRICE	BK-PG (Cert)

CLASS	CLASS%	DESCRIPTION	BN ID	BN	CARD
9590	100	HOUSING, OTHER		2	2 of 2

PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%

LAND

CD	T	AC/SF/UN	Ngh	Infl1	Infl2	ADJ BASE	SAF	Topo	Lpi	VC	CREDIT AMT	ADJ VALUE

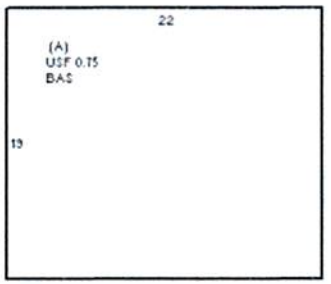
TOTAL		ZONING		FRNT	
Ngh		NOTE			
Infl1					
Infl2					

ASSESSED	CURRENT	PREVIOUS
LAND		
BUILDING	32,700	
DETACHED		
OTHER		
TOTAL		

DETACHED

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD

PHOTO 05/18/2007



BLDG COMMENTS

BUILDING

BUILDING	CD	ADJ	DESC
MODEL	1		RESIDENTIAL
STYLE	7	1.35	OLD STYLE [100%]
QUALITY	-	0.80	AVE-/LOW+ [100%]
FRAME	1	1.00	WOOD FRAME [100%]

MEASURE	5/15/2007	MO
LIST		
REVIEW	5/29/2007	DS

YEAR BLT	1900	SIZE ADJ	1.000
NET AREA	732	DETAIL ADJ	1.000
$NLA(RCN)	$86	OVERALL	1.230

CAPACITY	UNITS	ADJ
STORIES(FAR)	1.75	1.00
ROOMS	4	1.00
BEDROOMS	2	1.00
BATHROOMS	1	$2,037
HALF BATHS	0	1.00
UNITS	1	1.00

ELEMENT	CD	DESCRIPTION	ADJ
FOUNDATION	2	SLAB	0.95
EXT. COVER	2	CLAPBOARD	1.00
ROOF SHAPE	1	GABLE	1.00
ROOF COVER	1	ASPHALT SHINGLE	1.00
FLOOR COVER	3	W/W CARPET	1.00
INT. FINISH	2	DRYWALL	1.00
HEATING/COOLING	13	NO HEAT	0.93
FUEL SOURCE	99	N/A	1.00

S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN
A	BAS	L	BAS AREA	418	1900	89.93	37,591
A	USF	L	UP-STRY FIN	314	1900	74.31	23,334

TOTAL RCN	62,961
CONDITION ELEM	CD
EFF.YR/AGE	1950 / 65
COND	48 48 %
FUNC	0
ECON	0
DEPR	48 % GD 52
RCNLD	$32,700

Key: 1487

Town of HARWICH - Fiscal Year 2017

12/7/2016 5:52 pm SEQ #: 1,392

LEGAL

CURRENT OWNER	PARCEL ID	LOCATION
HARWICH ECUMENICAL COUNCIL FOR THE HOMELESS INC PO BOX 638 W HARWICH, MA 02671	10-W3-B-0	93 ROUTE 28

TRANSFER HISTORY	DOS	T	SALE PRICE	BK-PG (Cert)
HARWICH ECUMENICAL COUNCI	06/09/2006	K	400,000	21083-22
BOX SUZANNE M	04/23/1975	A		2174-44

CLASS	CLASS%	DESCRIPTION	BN ID	BN	CARD
9590	100	HOUSING, OTHER		1	1 of 1

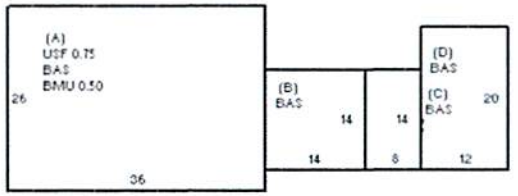
PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%
		56	CYCL-NO GR		11/08/2011	MO	100	100
		6	CYCL GROWTH		07/07/2005	MO	100	100

LAND

CD	T	AC/SF/UN	Ngh	Infl1	Infl2	ADJ BASE	SAF	Topo	Lpi	VC	CREDIT AMT	ADJ VALUE
100	S	43,560	8 1.00	1 1.00	100 1.00	136,700	1.00	100 1.00	2 1.00			136,700
300	A	0.020	8 1.00	1 1.00	100 1.00	11,200	1.00	100 1.00	2 1.00			220

TOTAL	1.020 Acres	ZONING		FRNT	0
Ngh	NGH 8	NOTE			
Infl1	NONE				
Infl2	FACTOR 100				

ASSESSED	CURRENT	PREVIOUS
LAND	136,900	136,900
BUILDING	128,100	121,100
DETACHED	0	0
OTHER	0	0
TOTAL	265,000	258,000



DETACHED

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD

PHOTO 11/09/2011

BLDG COMMENTS

BUILDING

BUILDING	CD	ADJ	DESC
MODEL	1		RESIDENTIAL
STYLE	4	1.27	CAPE [100%]
QUALITY	A	1.00	AVERAGE [100%]
FRAME	1	1.00	WOOD FRAME [100%]

MEASURE	11/8/2011	MO
LIST	6/8/1992	JZ
REVIEW	12/28/2011	DS

YEAR BLT	1951	SIZE ADJ	1.000
NET AREA	2,166	DETAIL ADJ	1.000
$NLA(RCN)	$98	OVERALL	1.020

CAPACITY	UNITS	ADJ
STORIES(FAR)	1.75	1.00
ROOMS	10	1.00
BEDROOMS	5	1.00
BATHROOMS	3	$6,309
HALF BATHS	0	1.00
UNITS	2	.80

ELEMENT	CD	DESCRIPTION	ADJ
FOUNDATION	5	OTHER	1.00
EXT. COVER	1	WOOD SHINGLES	1.00
ROOF SHAPE	1	GABLE	1.00
ROOF COVER	1	ASPHALT SHINGLE	1.00
FLOOR COVER	3	W/W CARPET	1.00
INT. FINISH	2	DRYWALL	1.00
HEATING/COOLING	1	FORCED AIR	1.00
FUEL SOURCE	2	GAS	1.00

S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN
A	BMU	N	BSMT UNFINISHED	468		29.12	13,630
A	USF	L	UP-STRY FIN	702	1951	75.57	53,052
+	BAS	L	BAS AREA	1,244	1951	91.03	113,245
D	BAS	L	BAS AREA	240	2004	91.03	21,848
	F21	O	FPL 2S 1OP	1		5,350.30	5,350

TOTAL RCN	213,434
CONDITION ELEM	CD
EFF.YR/AGE	1980 / 35
COND	20 20 %
FUNC	0
ECON	20 LOC/APPEAL
DEPR	40 % GD 60
RCNLD	$128,100

DECISION 10-W5

#28-19

The Petition of Suzanne M. Fox, 97 Main Street (Rte. 28), West Harwich, Mass., 02671. The Petitioner who is the owner of the above property sought a variance from the Harwich Protective By-Law to convert an existing barn into an apartment.

In the evidence taken in this case, the Board learned that the barn in question had been converted to an apartment without a proper building permit, and, only after some fire damage to the barn had occurred, did the Building Inspector become aware that the work had been done. Further, the Board learned that if the desired relief were granted it would result in having two dwellings on one lot.

In consideration of all the evidence in this case, the Board voted unanimously to deny the petition on the grounds that the desired relief would be clearly contrary to the intent of the By-Law since there would be two dwellings on one lot.

Petition denied.

Members present and voting:

John L. Roche — Walter Nemeon

Leanor Doty — Vincent Pike

George Argenas — Charles Corbett

William Jussila

John L. Roche

Chairman

ordinances or by-laws, subdivision and board of health rules, and other local ordinances, by-laws, codes, and regulations, in each case which are in effect on the date of the Project's application to the Board.

Low Income Persons - means all persons who, according to the latest available United States Census, reside in households whose net income does not exceed the maximum income limits for admission to public housing, as established by the Department. The Department's calculation shall be presumed conclusive on the Committee unless a party introduces authoritative data to the contrary. Data shall be authoritative only if it is based upon a statistically valid, random sample or survey of household income conducted in the relevant area since the latest available U.S. Census.

Low or Moderate Income Housing - means any units of housing for which a Subsidizing Agency provides a Subsidy under any program to assist the construction or substantial rehabilitation of low or moderate income housing, as defined in the applicable federal or state statute or regulation, whether built or operated by any public agency or non-profit or Limited Dividend Organization. If the applicable statute or regulation of the Subsidizing Agency does not define low or moderate income housing, then it shall be defined as units of housing whose occupancy is restricted to an Income Eligible Household.

Open Spaces - means land areas, including parks, parkland, and other areas which contain no major structures and are reserved for outdoor recreational, conservation, scenic, or other similar use by the general public through public acquisition, easements, long-term lease, trusteeship, or other title restrictions which run with the land.

Party - means party as defined in M.G.L. c. 30A, § 1.

Project - means a development involving the construction or substantial rehabilitation of units of Low or Moderate Income Housing that is eligible to submit an application to a Board for a Comprehensive Permit or to file or maintain an appeal before the Committee. *See* 760 CMR 56.04 for eligibility requirements. A Project may contain ancillary commercial, institutional, or other non-residential uses, so long as the non-residential elements of the Project are planned and designed to:

(a) complement the primary residential uses; and

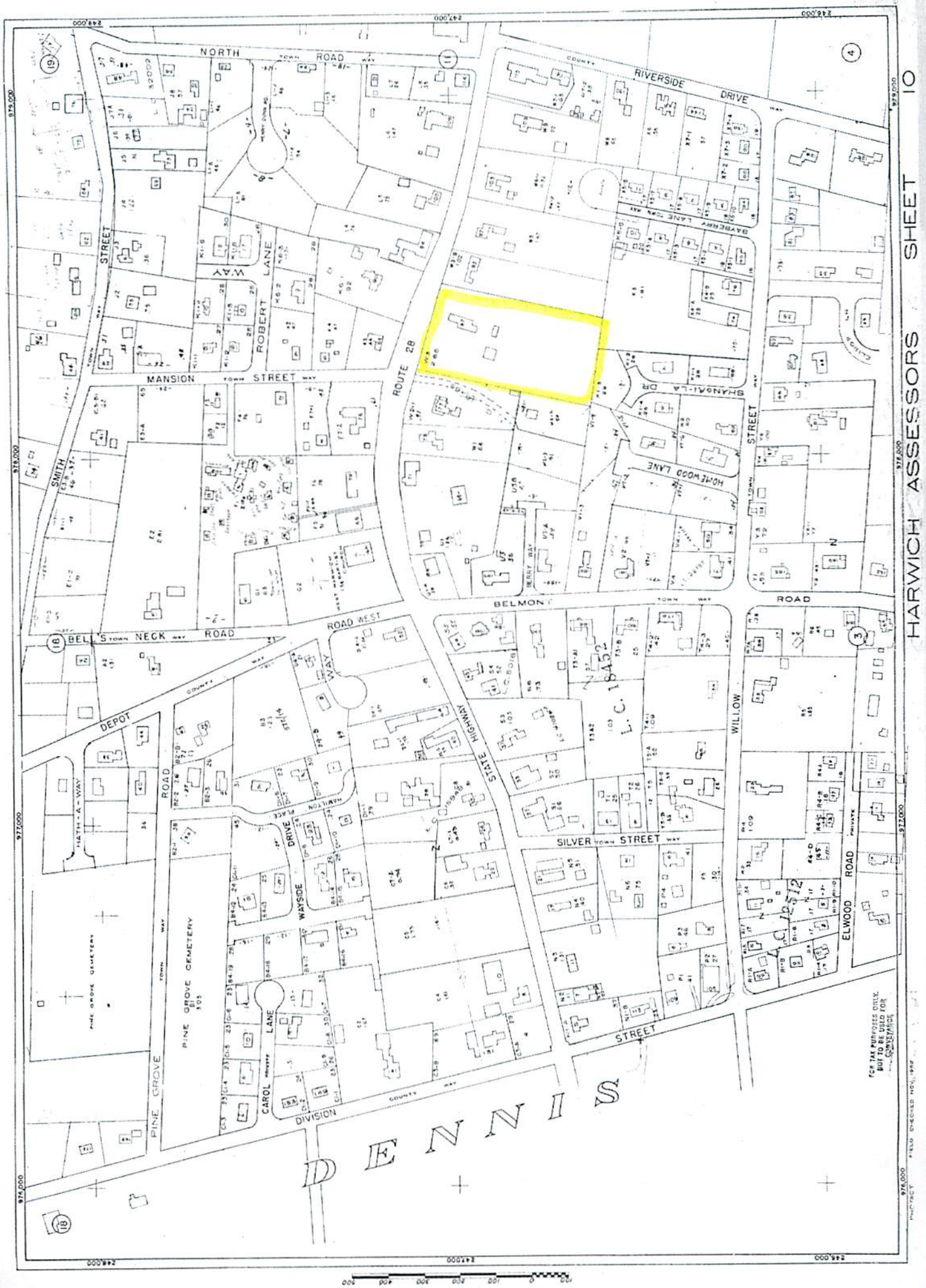
(b) help foster vibrant, workable, livable, and attractive neighborhoods consistent with applicable local land use plans.

Project Eligibility - means a determination by a Subsidizing Agency that a Project satisfies the jurisdictional requirements of 760 CMR 56.04(1).

Public Housing - means housing owned, operated, or managed by a local housing authority, or leased under the auspices of a local housing authority pursuant to M.G.L c.121B.

Reasonable Return - means, as calculated according to guidelines issued by the department, and with respect to

(a) building an ownership project or continuing care retirement community, that profit to the Developer is not more than 20% and not less than 15% of the total development costs;


HARWICH ASSESSORS SHEET 10
NORTH ROAD
RIVERSIDE DRIVE
ROUTE 28
MANSION STREET
BELMONT ROAD
BELLS NECK ROAD
ROAD WEST
DEPOT ROAD
SILVER STREET
ELWOOD ROAD
WILLOW STREET
STATE HIGHWAY
PINE GROVE CEMETERY
PINE GROVE
DIVISION
CAROL LANE
WAYSIDE DRIVE
HOMEWOOD LANE
SHANGAI-LA DR
ROBERT LANE
SMITH WAY
L.C. 18452
L.C. 12512
DENNIS

787 Main St.
Harwich MA 02645

David Ryer, Chairman
Harwich Board of Appeals
732 Main St
Harwich MA 02645

March 22, 2017

Dear Mr. Ryer and Members of the Board of Appeals:

I watched with interest the live broadcast of your March 21st public hearing on Habitat for Humanity's project proposing to create 6 affordable housing units in West Harwich. Many of the objections voiced appear to be irrelevant to the factors that can be considered when approving or disproving this project, but since opponents are so vocal, making it seem as if there's a groundswell of opposition, I am writing to you to express my unqualified support for this project.

As documented in the Town's Housing Production Plan, the lack of year round affordable housing for working age families is one of the most critical needs facing this community. I have lived and worked in Harwich for 18 years. I was fortunate to sell a condo in Taunton and purchase a home here in 1999 just before the sharp increases in housing prices occurred. Had I been offered the job six months later I would probably not have been able to accept the offer as housing prices had already risen so much. Within a year I received a substantial promotion, from Reference Librarian to Library Director. As a single parent with three children, however, I would have qualified for affordable housing for the first 7 years I was the Library Director. I say this to point out that people who qualify for affordable housing are not just starting teachers or newly hired policemen. They are individuals and families of all ages, in all kinds of occupations, at various stages of their careers and their lives.

Fortunately, my income has risen over the years as I've been in my position longer and my children have grown and are no longer my dependents. Housing costs are so high here and there is such a lack of variety in the housing stock (few condos and apartments) that I still struggle, however, with the high cost of housing. I would have much more affordable options elsewhere. I struggle with the fact that I may need to leave Harwich in the next few years to lower my housing costs to save money for retirement and so I'm in better financial shape and able to afford to retire when the time comes. I would hate to do this. I love this community and my family has put down roots here. Harwich is my home.

As a manager, I can also report that we have sometimes had difficulty recruiting for professional level jobs and my colleagues in other area libraries report the same thing. Job postings for positions on Cape Cod attract a lot of interest but often potential applicants don't follow through after they research housing costs or, worse, they withdraw late in the process or decline the job when offered it.

One objection not raised last night but that I have sometimes heard is that "we don't want more children in the schools." Oddly enough, this is sometimes said by people associated with the schools. I cannot understand this and I do not think it represents the position of the school system. The big concern on the Cape is declining enrollment in all of the Cape towns. Do we want to be Provincetown and close our school system? We have plenty of room in the schools, and if we have to say no to incoming school choice students in the future, well, that would be wonderful in my opinion. That would mean we have a thriving, sustainable community.

I understand and admire the efforts of residents of West Harwich residents to improve their village, to maintain its historic charm and neighborhood feel. They're concerned about neglect of properties, uncontrolled sprawl and crime. This unstated belief underlying a lot of the objection to this affordable

housing project, however, is that it will bring crime and undesirable elements. As stated above, occupants of these homes would not be "them." They will be "us." We are here. We are your neighbors, your friends, people who worship with you, wait on you, care for your lawn, repair your car and teach your children. I would also assert that the biggest deterrent of crime is having people living in homes year round. Those lucky enough to be selected for a Habitat home have gone through a lengthy process and put in many hours of sweat equity. They will value and treasure this home. In addition, as Mr. Waystack stated last night, 75% of home sales are to owners who will not live here year round. This is not good, and not sustainable for a community. Occupants of these homes will work and live here year round, making Harwich a much more active and vibrant – and yes, sustainable – community.

I was interested to hear your discussions regarding the two lots in the front and whether they are part of the application or not. I don't profess to understand the zoning issues but I am sure that can be worked out. From what I have gathered from the newspaper and from attending other meetings, I believe HECH agreed to try to put a preservation restriction on the historic home to be conciliatory to the opponents of the project. The Selectmen agreed to provide funding for this from the Affordable Housing Trust Fund. As a taxpayer in Harwich I personally disagree with the decision to use funds from the Affordable Housing Trust Fund for this purpose. It was intended to further affordable housing efforts, not historic preservation. The Selectmen and two housing organizations agreed to this in good faith, however, to achieve the greater good of reaching agreement on the overall project.

HECH has tried to find buyers who will assume responsibility for rehabbing the historic house, even offering it to individuals or organizations interested in historic preservation at a discount rate. No buyers have stepped forward. HECH did apply for the one year demolition delay and that year has expired. They could tear the home down tomorrow. They have not done so. Instead they have continued to try to appease opponents who cannot be appeased. Some opponents are trying to raise questions about the preservation restriction on the historic home, claiming it is not following the correct process. I have full faith and confidence in Town officials and Town Counsel. There are different kinds of preservation restrictions so while it may not be what certain critics assert is needed, it will be in a form and with content that it qualifies for some type of preservation restriction. One critic stated having the preservation restriction only apply to the Rt. 28 façade is absurd. This is not true. If you read our own Historic District Historical Commission guidelines on historic homes, it is quite acceptable to preserve exterior features 'visible from a public way' while adapting or not maintaining historic features on other areas of the exterior.

If, however, the opponents continue to object to how the preservation restriction is being crafted or to what characteristics or features it preserves, then I would suggest that this compromise be dropped all together. HECH has acted in good faith and with great patience. If the opponents do not appreciate the compromise and cooperative spirit the housing organizations are trying to extend to them, then I would advocate demolishing the two existing homes. Habitat could then purchase those two lots from HECH and include all three lots in their subdivision. This would solve many of the density concerns and other issues related to non-conformity, wouldn't it?

Thank you for allowing me to express my opinions and my support for this project. Habitat and HECH are excellent organizations with long track records of accomplishments and I fully support their efforts. As members of the Board of Appeals I know you take your responsibilities seriously. I thank you for your service to our community and trust that you will not be influenced by spurious arguments intended only to stop a wonderful affordable housing project. We need many more like these.

Sincerely,

Virginia A. Hewitt