

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, MARCH 24, 2014
7:00 P.M.**

SELECTMEN PRESENT: Ballantine, Cebula, Hughes, LaMantia, McManus

OTHERS PRESENT: Town Administrator Christopher Clark, Chief Clarke, David Spitz, Craig Wiegand, Allin Thompson, Sandy Cummings, Jim Atkinson, Brooke Williams, Lou Urbano, Al Raneo, Peter DeBakker, Hugh Drummond, Dorothy Harter, Anne Stewart, Jim Atkinson, Joan Kozar, and others.

MEETING CALLED TO ORDER at 7:00 p.m. by Chairman LaMantia.

PUBLIC COMMENT/ANNOUNCEMENTS

The Board took questions and comments on the Route 124 project from Dorothy Harter and Anne Stewart.

CONSENT AGENDA

- A. Approve Minutes – March 10, 2014 Regular Meeting
- B. Approve 2014 Seasonal General Licenses Renewals
- C. Approve 2014 Seasonal Liquor License Renewals
- D. Approve Allen Harbor Betterment recommendation by Board of Assessors as follows:
Vote no Administrative Fee; Vote a 3% interest rate; Vote a total Betterment of \$815,858.51 which is prorated according to the attached schedule; Vote to certify the list of Betterment Assessments to the Board of Assessors

Mr. Hughes moved approval of the Consent Agenda. Ms. Cebula seconded the motion and the motion carried by a unanimous vote. Mr. Hughes recused himself on Item A.

PUBLIC HEARINGS/PRESENTATIONS *(Not earlier than 7:00 P.M.)*

- A. East Harwich Presentation – *David Spitz, Town Planner*

Jim Atkinson, Planning Board Chair, made the following statement:

Good Evening, my name is Jim Atkinson and I am the Chairman of the Planning Board. I am here tonight to present to you the Planning Board's initial proposal for the rezoning of the East Harwich Commercial District. Following the receipt of your direction last spring and recognizing the scope of the effort required, the Planning Board appointed a Sub-committee to work toward developing a proposal. This subcommittee, chaired by Joan Kozar included Alan Atkinson and David Harris. The subcommittee worked intensely to review available information, obtain input from various sectors of the community and developed a proposal which allows for development in a village format while placing reasonable controls on that development. The full Planning Board has reviewed this proposal and it has received unanimous support. Tonight we want to present that proposal to you to assure

that we are consistent with your direction before proceeding to the next steps of public review and comment.

Mr. Atkinson introduced Ms. Kozar who presented the attached proposal. She and Mr. Atkinson took questions and comments from the Board. Mr. Hughes stated that it was short-sighted to eliminate drive-up windows at banks and pharmacies and puts them at a competitive disadvantage and Chairman LaMantia agreed and added that people expect drive-ups to be available. Mr. Ballantine commented that the definition of mixed use areas should be expanded.

OLD BUSINESS

A. Warrant Article Review – *discussion & possible vote to support*

1. # 8 Water Department Budget

Mr. McManus moved to support accepting and adopting Article 8, the Water Department Budget, at \$3,441,205. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

2. #13 Fund Ambulance Stretchers

Mr. McManus moved to support accept and adopt of Article 13, Fire Ambulance Stretchers, at a cost of \$56,000. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

3. #14 Fund Replacement of Fire Department Ambulance

Mr. Hughes moved Article 14, Fund Replacement of Fire Department Ambulance, at \$240,000 as a capital exclusion. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

4. #27 Construction of Muddy Creek Bridge

Mr. Ballantine outlined the article and Mr. DeBakker took questions from the Board. Mr. McManus moved to accept a position of accept and adopt on Article 27, Construction of Muddy Creek Bridge, at a cost of \$1,750,000 coming from a state grant. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

5. #28 Complete the CWMP Regulatory Review

Mr. Ballantine moved to accept and support Article 28, Complete the CWMP Regulatory Review, estimated cost of \$150,000 from available funds. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

6. #29 Conduct Cold Brook Nitrogen Attenuation Study

Mr. Ballantine moved to accept and support Article 29, Conduct Cold Brook Nitrogen Attenuation Study, at a cost of \$50,000 from available funds. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

NEW BUSINESS

A. Draft Annual Election Ballot – *discussion*

After discussion regarding the lack of plan for the Albrow House, Mr. Hughes moved to remove the ballot questions associated with Article 42 and 43 (Fund Historic Restoration/Preservation of Albrow House Exterior Phase I and Phase III). Ms. Cebula seconded the motion and the motion carried by a 4-1-0 vote with Mr. McManus in opposition.

B. Special Town Meeting Warrant – *vote to approve and sign*

Mr. McManus moved to accept and sign the Special Town Meeting Warrant. Mr. Ballantine seconded the motion. Mr. Hughes asked to change Article 10 (Fund Costs for New Iron and Manganese Removal Facility) to add the word “Additional” to the title. Regarding the ADA Revolving account, Ms. Cebula noted it has to be a new source of revenue and questioned if we already collect these parking fees and if they are in the general fund would we be taking them out of the general fund. She added that Mr. Ryan has indicated that we can’t do that. She further recommended that all expenditures have two authorizing signatures. Mr. Clark noted that all expenditures are signed by himself and Mr. Ryan. Mr. Hughes noted that the letter “A” is missing from the first sentence of Article 11 and the word “employment” is spelled incorrectly. Mr. McManus amended his motion to include correction of typos and other adjustments as needed by the Town attorney and whether Article 11 is being properly funded. The motion carried by a unanimous vote.

C. Petition to call Special Town Meeting if required – *discussion and possible vote*

Chairman LaMantia reported that this issue was resolved as we were able to incorporate the petition into the original Special Town Meeting warrant.

ADJOURNMENT

Mr. Hughes moved to adjourn at 9:54 p.m. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary

2014 SEASONAL GENERAL LICENSE RENEWALS

AJG Corp. d/b/a Weatherdeck Restaurant
168 Route 28, West Harwich
Common Victualler ✓

Blue Stripe, LLC d/b/a Cape Sea Grille
31 Sea St., Harwich Port
Common Victualler ✓
Weekday Entertainment – Recorded or live music, 5:00 p.m. – 12:00 a.m. ✓

Commodore Inn, Ltd. d/b/a Raspberries Restaurant
30 Earle Rd., West Harwich
Common Victualler ✓

Edward L. Kenney d/b/a Captain's Quarters B&B
85 Bank Street, Harwich Port
Lodging House ✓

Dog Days
7 Burchard Lane, Rowayton, CT
✓ **Hawkers & Peddlars** (Mobile Food Vendor located at Whimsy Boutique
515 Route 28, Harwich Port for special events only per Building Commissioner)

Grey Gull
547 Route 28, Harwich Port
Lodging House ✓

Lobster Hut Restaurant LLC d/b/a Lobster Hut
302 Route 28, Harwich Port
Common Victualler ✓

Phoenix Park, Inc. d/b/a Cape Cod Irish Pub
126 Route 28, West Harwich
Common Victualler ✓
Lodging House ✓
Sunday Entertainment – Recorded or live entertainment, dancing by patrons, 1:00 p.m. – 12:00 a.m. on Sundays seasonally ✓
Weekday Entertainment – Recorded or live music with use of amplification, dancing by patrons, 7:00 p.m. – 1:00 a.m. ✓

Port Restaurant & Bar, Inc. d/b/a The Port Restaurant
541 Route 28, Harwich Port
Common Victualler ✓

Schoolhouse Ice Cream & Yogurt LLC
749 Route 28, Harwich Port
Common Victualler ✓

Wequassett Inn LLP d/b/a Wequassett Inn Resort & Golf Club
2173 Route 28, East Harwich
Innholder ✓
Sunday Entertainment – Mechanical and/or live music, 1:00 p.m. – 12:00 a.m. on Sundays seasonally ✓
Weekday Entertainment – Recorded or live music with use of amplification, dancing by patrons, 7:00 a.m. – 12:00 a.m. ✓

West Harwich Enterprises d/b/a A & W Family Restaurant
297 Route 28, Harwich Port
Common Victualler ✓

Wychmere Harbor Functions Limited Partnership d/b/a Wychmere Harbor Beach & Tennis Club
23 Snow Inn Rd., Harwich Port
Common Victualler ✓
Sunday Entertainment – Recorded or live music, April – November, 11:00 a.m. – 12:00 a.m. ✓
Weekday Entertainment – Recorded or live music, dancing by patrons, 11:30 a.m. – 1:00 a.m. ✓

AJG Corp. d/b/a Harbor Glen Miniature Golf
168 Route 28, West Harwich
Miniature Golf
Sunday Entertainment – Miniature Golf, 12:00 p.m. – 10:00 p.m., Sundays seasonally ✓

PRM Foods, Inc. d/b/a Harwich Port Dairy Queen
441 Main St., Harwich Port
Common Victualler ✓

Sundae School, Inc. d/b/a Sundae School
606 Route 28, Harwich Port
Common Victualler ✓
Sunday Entertainment – Nickelodeon, 1:00 p.m. – 10:30 p.m., Sundays seasonally ✓
Weekday Entertainment – Nickelodeon, 11:00 a.m. – 10:30 p.m. ✓

Trampoline Center, Inc. d/b/a Trampoline Center
296 Route 28, West Harwich
Sunday Entertainment – 9:00 a.m. – 12:00 a.m., April 20 to September 7 ✓
Trampolines ✓

NOTE: ALL ENTERTAINMENT LICENSES CONTAIN THE FOLLOWING LANGUAGE:
“NOISE LEVEL NOT TO EXCEED LICENSED PREMISES.”

2014 SEASONAL LIQUOR LICENSE RENEWALS

The Belmont Condominium Beach Club Corp.
d/b/a The Beach
One Belmont Rd. West Harwich, MA 02671
Erica Goldberg, Manager
Club - All Alcohol

Blue Stripe LLC d/b/a The Cape Sea Grille
31 Sea St., Harwich Port, MA 02646
Jennifer Ramler, Manager
Common Victualler - All Alcohol

Port Restaurant and Bar, Inc.
541 Route 28, Harwich Port, MA 02646
Justin R. Brackett, Manager
Common Victualler - All Alcohol

The Commodore Inn, Ltd.
d/b/a Raspberries Restaurant
30 Earle Rd., West Harwich, MA 02671
Richard Jones, Manager
Common Victualler - All Alcohol

Wychmere Harbor Functions Limited Partnership
d/b/a Wychmere Harbor Beach & Tennis Club
23 Snow Inn Rd., Harwich Port, MA 02646
Bruce A. Pelczarski, Manager
Common Victualler - All Alcohol

AJG Corporation
d/b/a The Weatherdeck Restaurant
168 Route 28, West Harwich, MA 02671
George Argyriadis, Manager
Common Victualler - Wine & Malt

Phoenix Park, Inc. d/b/a The Irish Pub
126 Route 28, West Harwich, MA 02671
Brendan O'Reilly, Manager
Innholder - All Alcohol

Pleasant Bay Group Inc.
d/b/a Wequassett Inn
2173 Route 28, East Harwich, MA 02645
Mark J. Novota, Manager
Innholder - All Alcohol

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Charles J. Weiss d/b/a 7-Eleven 34434A
5 Route 28, West Harwich, MA 02671
Charles J. Weiss, Manager
Package Goods Store - All Alcohol

Lobster Hut Restaurant, LLC
d/b/a Lobster Hut
302 Route 28, Harwich Port, MA 02646
Nikolaos Asimakopoulos, Manager
Common Victualler - Wine & Malt

Country Club Elite, Inc.
d/b/a Philbrick's
183 Oak St., Harwich, MA
Ian Philbrick, Manager
Common Victualler – All Alcohol

Preliminary Proposal East Harwich Development

March 2014

Section I

BACKGROUND

GOALS

- Comply with the Board of Selectmen's vision/direction
- Make the plan consistent with the Town's Local Comprehensive Plan
- Consider the future needs of the entire town of Harwich including East Harwich
- Develop an effective outreach plan to the community while the process is ongoing
- Integrate wastewater and storm-water run-off planning to preserve the aquifer and adhere to MEP requirements
- Balance growth with open space and conservation needs
- Focus on village form with pedestrian-friendly design and interconnected green space
 - Follow Cape Cod Commission and similar guidelines developed in previous reports
- Include a strong residential component
 - Include affordable housing and make it appeal to all ages
- Use the Growth Incentive Zone tool to plan for a 10-year horizon with flexibility to allow for changes in development trends/technology/materials

March 17, 2014

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RESOURCES (to date)

Documents and Studies

- East Harwich Village Initiative Report (2006)
- Retail Marketing Assessment (2008)
- Zoning Framework (2009)
- Traffic Analysis (2009)
- EHVC Handbook (2011)
- Harwich Local Comprehensive Plan (2011)
- Planning Board Proposed Zoning (2012)
- East Harwich Vision – Board of Selectmen (March 2013)
- Implementation of East Harwich Vision (July 2013)

Fall 2013/Winter 2014 Input

- East Harwich Village Collaborative – Ted Nelson and Carole Ridley (10/23/2013)
- Harwich Chamber of Commerce – Jeremy Gingras (10/29/2013)
- Mashpee Commons Developer – Douglas Storrs (11/5/2013)
- East Harwich Community Association and Area Residents – (12/3/2013)
- Harwich Realtors – Michael Ulrich and Richard Waystack (12/12/2013)
- East Harwich Commercial Property Owners (2/6/2014)

March 17, 2014

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Section II

PRELIMINARY PROPOSAL

March 17, 2014

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East Harwich “EH-V” Village Overlay

- Existing East Harwich Commercial zone: 100 acres
- Development to be controlled by Zoning and Growth Incentive Zone rules (CCC GIZ)
- Development limited to 200,000 sq. ft. commercial and 200,000 sq. ft. residential for at least ten years
- Incentives may be granted in all of northwest and southwest quadrants and part of the northeast quadrant

March 17, 2014

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EH-V Overlay District



March 17, 2014

Objectives for Incentive Area

- Wastewater treatment standards that will protect water resources in the area
- High enough site coverage to facilitate cohesive development and pedestrian connectivity
- Include a residential component
- High enough density to facilitate affordable housing
- Site coverage bonuses based on compliance with village form design standards
- Low enough total development to minimize traffic and other impacts
- Prohibition of unwanted uses e.g., big-box retail, drive-through facilities, gas stations, etc.

Site Coverage Bonuses

- Current zoning allows 15% - 40% site coverage
- Base Level: Site coverage of 40% throughout
- Level 1: Increase to 55% with provision of advanced wastewater and storm-water treatment and pedestrian-friendly design
- Level 2: Increase to 75% with design based on village form

March 17, 2014

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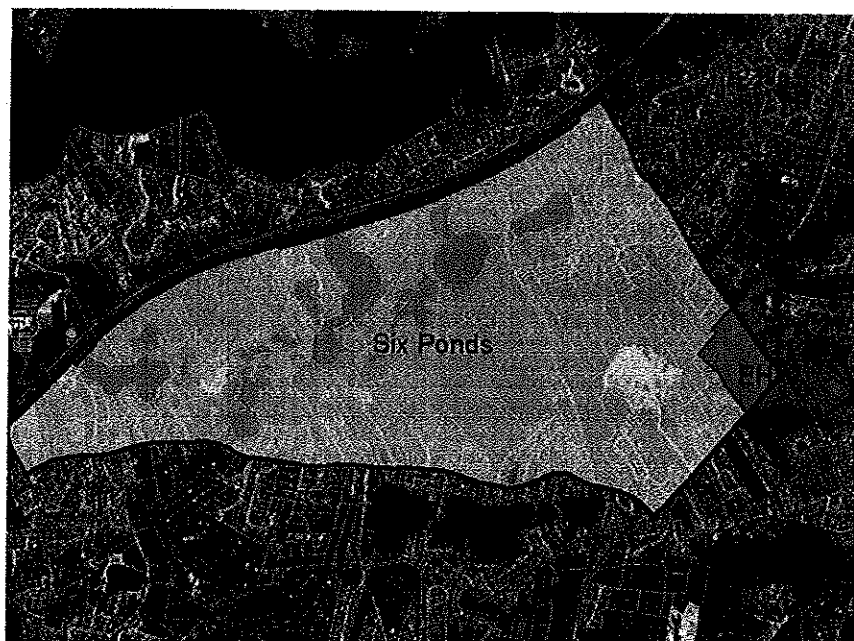
Zoning for All of East Harwich

- Retain existing drinking water resource protection overlay district (WR).
- Remove the Six Ponds overlay only from the Northwest quadrant of CH-2 district
- Work with Cape Cod Commission to satisfy all District of Critical Planning Concern (DCPC) requirements
- Work with Cape Cod Commission to meet GIZ offset requirements
- Work with Health Board and wastewater planning groups on details of “advanced wastewater treatment” for new development
- Determine zoning for balance of East Harwich - including minimum lot size, density and clustering requirements – before bringing any zoning proposal for East Harwich to town meeting

March 17, 2014

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Six Ponds Overlay



March 17, 2014

Village Form

- Focus on village form accompanied by a simplified use table
- Require a village pattern for all buildings regardless of use
 - Buildings located at sidewalk line along interconnected streets
 - Include on-street parking and parking lots behind buildings
 - Include usable public open space – pocket parks, greenways, etc.
- Design standards
 - No large scale stores (i.e., footprint not to exceed 7,000 sq ft, or total footage not to exceed 10,000 sq ft)
 - Site access standards; no drive-thru facilities; use pedestrian “walk-thrus” to break up long buildings
 - Street “furniture” - signage, landscaping and lighting
 - Design for attractive appearance
- Residential
 - 10% “Affordable” housing requirement
 - Encourage mixed-use buildings with village form
 - Additional residential available at non-central locations without village form

March 17, 2014

Building Design (sample)

Façade variation

- Blank building walls longer than 30 feet without an opening that are adjacent to streets, residential neighborhoods, and to open spaces are discouraged. Long façade lengths shall be broken up by varying the wall plane and by articulating the base, middle, and top of the façade or different segments of the building façade with architectural trim and changes in the surface materials. For large buildings where multiple window and door openings are impractical, liner buildings that have articulated building facades shall be used to screen blank walls from the street and public spaces. All facades visible from public streets, parking areas or green spaces shall have characteristics similar to the front façade of the building.



(from Planning Board 2012 draft and from EHVC Handbook)

March 17, 2014

Additional Standards and Bonuses

- Level 2 only available in incentive area
 - Southeast quadrant (Stop and Shop, etc.) not included
 - Charter school and US post office in northeast quadrant not included
- Building height
 - One or two story for Base Level and Level 1
 - Minimum two story for Level 2 buildings except that a small portion (<20%) may be one story
 - Third story available only in Level 2
- Residential density
 - Limited only by site coverage rather than # of units per acre
- Affordable housing
 - 10% long-term affordable units required in all residential development

Partial Use Table

Dwelling, multi-family	P
Mixed-use	P
Lodging – hotel or motel	S
Educational use	P
Municipal use, public library, museum	P
Nursing home or assisted living facility	S
Art Gallery, artisan studio, cultural center	P
Indoor recreation	P
Medical clinic or medical office	P
Office – professional, business or consumer service	P
Retail Sales	P
Eating and drinking establishment (on-site consumption only)	P
Drive-up or drive through facility (regardless of type)	X
Production and/or sale of food and beverage	S

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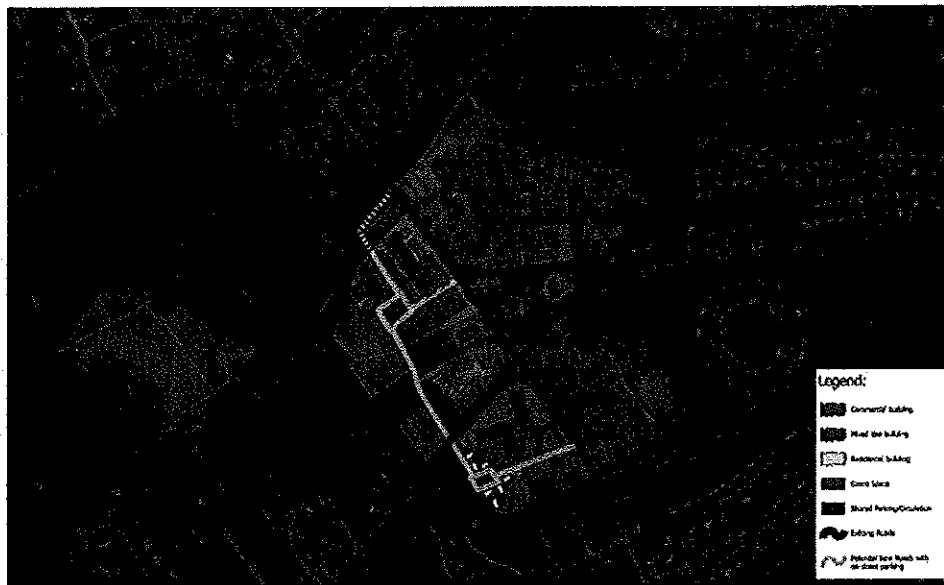
Growth Incentive Zone

- Prerequisite – adoption of Regional Vision Map (available in draft form) and CCC-Certified Local Comprehensive Plan
- Prepare impact studies as part of GIZ designation
 - Water Quality and Wastewater
 - Traffic mitigation
- Follow Cape Cod Commission standards for offsets
 - Open space land in equivalent amounts to new development
 - Cumulative offsets, possibly more than required by CCC
- GIZ in effect for 10 years with phased development reviews
- Review all impacts before GIZ totals are reached
 - Determine if lot coverage and other zoning incentives should be continued or reduced
 - Seek extension of GIZ provisions only if impacts are acceptable
- Non-regulatory actions
 - Create an Economic Development Committee
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March 17, 2014

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GIZ Development Map (hypothetical)



East Hawick Concept - December 2013

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March 17, 2014

Section III

NEXT STEPS

March 17, 2014

PB Subcommittee Next Steps

- GIZ Prerequisites
 - Seek CCC certification of Local Comprehensive Plan
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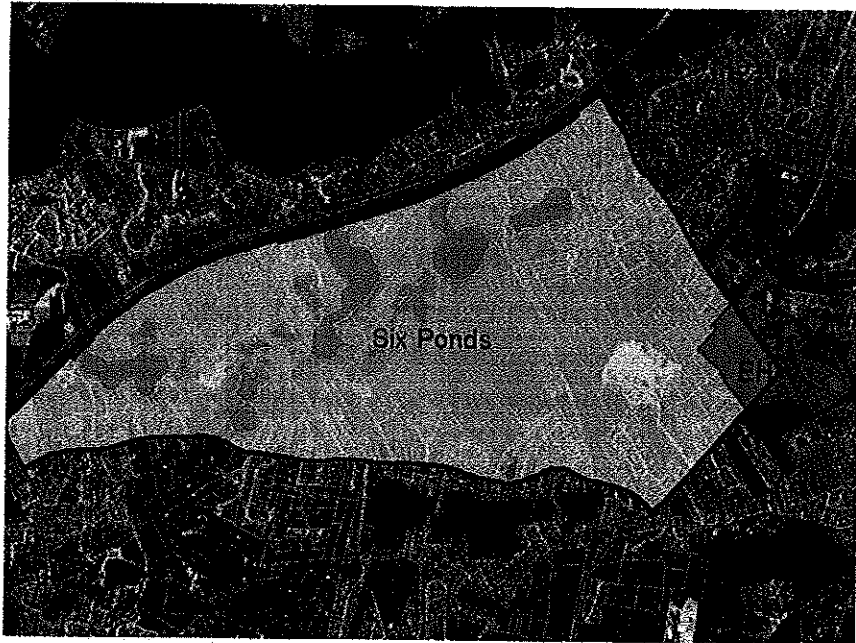
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GLZ Development Map (hypothetical)



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March 17, 2014

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