

**SELECTMEN'S MEETING AGENDA\***

***Griffin Room, Town Hall***

*Executive Session 6:15 P.M.*

*Regular Meeting 6:30 P.M.*

*Monday, May 18, 2015*

I. **CALL TO ORDER**

- II. **EXECUTIVE SESSION** – Pursuant to M.G.L. Ch. 30A, §21(a)(6), to consider the purchase, exchange, lease or value of real property if an open meeting may have a detrimental effect on the negotiating position of the Board and the Chair so declares – Hall property, Sutphin property

III. **PLEDGE OF ALLEGIANCE**

IV. **WEEKLY BRIEFING**

V. **PUBLIC COMMENT/ANNOUNCEMENTS**

VI. **CONSENT AGENDA**

- A. Approve Chapter 90 Project Request
- B. Confirm appointment of Susan Kerr as Administrative Assistant in the Treasurer/Collector's Office as recommended
- C. Approve Common Victualler license renewal for Perks
- D. Approve Weekday Entertainment license renewal for Perks
- E. Approve request for assistance from the Caleb Chase Fund
- F. Rescind committee appointments of May 11, 2015 due to posting error

VII. **PUBLIC HEARINGS/PRESENTATIONS** (*Not earlier than 6:30 P.M.*)

- A. Public Hearing – Proposed Fee Amendments to Marine Fee Schedule relative to Short-Term Dockage – *discussion and possible vote*
- B. Presentation from the Middle School Re-Purpose Committee – *Larry Brophy, Chair – discussion*

VIII. **OLD BUSINESS**

IX. **NEW BUSINESS**

- A. Request by Coastal Engineering to accept pier, ramp and float location for Peter & Lisa Hennessy – *discussion and possible vote*
- B. Letter to MassDOT regarding Sidewalk Construction Future Maintenance – *discussion and possible vote*

X. **TOWN ADMINISTRATOR'S REPORT**

XI. **SELECTMEN'S REPORT**

- A. Board of Selectmen's Rules of Operation - *discussion*

XII. **ADJOURNMENT**

*\*Per the Attorney General's Office: The Board of Selectmen may hold an open session for topics not reasonably anticipated by the Chair 48 hours in advance of the meeting following "New Business." If you are deaf or hard of hearing or a person with a disability who requires an accommodation contact the Selectmen's Office at 508-430-7513.*

**Authorized Posting Officer:**

**Posted by:** \_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Ann Steidel, Admin. Secretary

**Date:** \_\_\_\_\_  
May 14, 2015



# TOWN OF HARWICH

DEPARTMENT OF PUBLIC WORKS

273 Queen Anne Road • P.O. Box 1543 • Harwich, MA 02645

Telephone (508) 430-7555

Fax (508) 430-7598

## MEMORANDUM

**TO:** Board of Selectmen

**FROM:** Lincoln S. Hooper, Director *lh*

**DATE:** May 11, 2015

**RE:** Chapter 90 Project Request

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Attached for your review and signatures is a Chapter 90 Project Request for Chipsealing various roads in the amount of \$169,533.14. Currently, we have \$1,036,157 available in Chapter 90 funds, which includes our FY 15 apportionment of \$1,036,157 that was recently released by the new Governor at an increased funding level of \$300 million for the Chapter 90 program. For your reference, Harwich received approximately \$690,000 annually over the past several years in Chapter 90 funds.

Please sign all three copies of each request and return them to me so that I may submit them for State approval. If you have any questions regarding this project, please contact me.

Thank you for your consideration.

Cc: Chris Clark, Town Administrator

**CHAPTER 90 PROJECT REQUEST**

CONTRACT ID # 50829

CLASSIFICATION:  Primary Road  Local Road

PROJECT # \_\_\_\_\_

CITY/TOWN HARWICH

PROJECT: CHIPSEALING VARIOUS ROADS

LOCATION: VARIOUS LOCATIONS SEE ATTACHED LENGTH \_\_\_\_\_ WIDTH: \_\_\_\_\_

PROJECT TYPE:  Construction  Reconstruction  Resurfacing  Improvement  
 Other: \_\_\_\_\_

TYPICAL SECTION DETAILS: State depths, special treatments, etc...

Include sketch for Construction/Improvement Projects and Resurfacing/Rehabilitation Schedule

Surface:

Base Course:

Foundation:

Shoulders/Sidewalks:

Scope of Work: (Attach additional sheets if necessary to completely describe project)

**TO CHIPSEAL VARIOUS ROADS THROUGHOUT TOWN, PROVIDING A NEW WEAR SURFACE AND  
EXTENDING THE LIFE OF THE ROADS.**

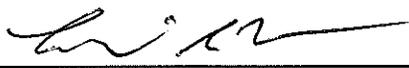
Work to be done: Force Account  Advertised Contract  Other: COUNTY BID

Estimated Cost (Attach estimate and list funding sources) \$ 169,533.14

**CERTIFICATION**

The design, engineering, construction, and future performance of the project, including maintenance, is the responsibility of the Municipality. The proposed work will conform to recognized engineering practices and construction methods.

I/We certify to the following: that the project is on a public way, and has a recorded layout; that all materials will comply with approved established specifications; that all weights and quantities will be accurate; that equipment rental rates are those established by the M.H.D. or the advertised low bid; that all documentation for expenditures will be for items incorporated into this project; that the documentation will be checked for accuracy, and will be endorsed in accordance with municipal procedures for accountability.

Prepared by:   
(Highway Official)

Signed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Duty Authorized Municipal Official(s))

Reviewed by: \_\_\_\_\_  
(State Aid Engineer)

Approved by: \_\_\_\_\_  
(District Highway Director)

Approved for: \_\_\_\_\_ @ \_\_\_\_\_

Date: \_\_\_\_\_





# FY15 SECONDARY ROAD MAINTENANCE - 10% RUBBER CHIP SEAL

## 20 ROADS

	LENGTH	WIDTH	SQ. YD.	CUL-DE- SAC DIAMETER	CUL-DE- SAC SQ. YD.	TOTAL SQ. YD.	BID PRICE	AMOUNT
MOHAWK LANE	850	18	1,700.00			1,700.00	\$3.45	\$5,865.00
WALTON ROAD	875	24	2,333.33			2,333.33	\$3.45	\$8,049.99
CAPTAINS LANE	210	24	560.00			560.00	\$3.45	\$1,932.00
RANEO WAY	195	24	520.00			520.00	\$3.45	\$1,794.00
CORNERWOOD DR	1925	20	4,277.78			4,277.78	\$3.45	\$14,758.34
PASTURE LANE	510	20	1,133.33			1,133.33	\$3.45	\$3,909.99
CRANBERRY LANE	876	20	1,946.67			1,946.67	\$3.45	\$6,716.01
SHANNON/DALE RD	940	20	2,088.89			2,088.89	\$3.45	\$7,206.67
TODY BOLE LANE	1350	22	3,300.00			3,300.00	\$3.45	\$11,385.00
BERIAH BROOKS RD	920	22	2,248.89			2,248.89	\$3.45	\$7,758.67
LARKIN LANE	600	22	1,466.67			1,466.67	\$3.45	\$5,060.01
OLD MILL LANE	520	22	1,271.11			1,271.11	\$3.45	\$4,385.33
ISLAND POND ROAD	400	20	888.89			888.89	\$3.45	\$3,066.67
LEXINGTON DRIVE	405	22	990.00			990.00	\$3.45	\$3,415.50
CONCORD DRIVE	255	22	623.33			623.33	\$3.45	\$2,150.49
WHIP-O-WILL LANE	666	21	1,554.00			1,554.00	\$3.45	\$5,361.30
BETTYS LANE	1000	22	2,444.44			2,444.44	\$3.45	\$8,433.32
WISDOM WAY	610	22	1,491.11	100	872.22	2,363.33	\$3.45	\$8,153.49
CARRIAGE LANE	430	20	955.56			955.56	\$3.45	\$3,296.68
SPRUCE ROAD	7000	20	15,555.56			15,555.56	\$3.45	\$53,666.68
						<b>48,221.78</b>		<b>\$166,365.14</b>

**TOTAL SECONDARY ROAD MAINTENANCE**

**\$166,365.14**

OFFICE OF THE TOWN ADMINISTRATOR

Phone (508) 430-7513

Fax (508) 432-5039

Christopher Clark, *Town Administrator*

732 MAIN STREET, HARWICH, MA 02645



May 4, 2015

Susan Kerr  
[REDACTED]  
[REDACTED]

Dear Ms. Kerr:

We would like to offer you the position of Administrative Assistant for the Town of Harwich. I look forward to your positive contributions to our community.

This conditional offer letter confirms our understanding of your pre-employment terms with the Town.

- Pursuant to the Town Charter the Town Administrator makes the appointment for this position subject to confirmation by the Board of Selectmen. Your name has been put forth for confirmation. Successful confirmation will be needed to finalize appointment.

Please read the letter and confirm your understanding of the terms of your employment by signing the bottom of the letter and returning a copy to us for your personnel file.

Your position title will be Administrative Assistant and your starting date is **June 1, 2015**. This position is included in the Harwich Employees Association and your employment is subject to the rights and obligations included in the contract, which is attached. Your starting salary will be **\$22.45 per hour (Grade 5, Step 3)**.

Again, we are delighted that you are joining the Town's professional staff. Please feel free to contact me if you have any questions prior to beginning work.

Sincerely,

Christopher Clark  
Town Administrator

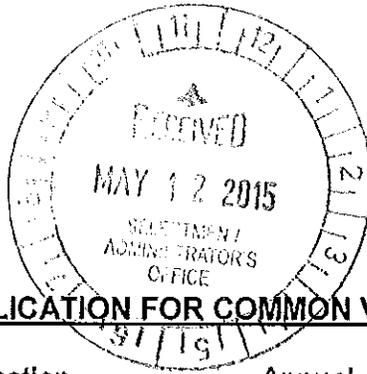
Attachment

\_\_\_\_\_  
Susan Kerr

\_\_\_\_\_  
Date

CC: Board of Selectmen  
Town Accountant

Town Treasurer



OFFICE OF THE SELECTMEN  
 732 MAIN STREET  
 HARWICH, MA 02645  
 508-430-7513

**APPLICATION FOR COMMON VICTUALLERS LICENSE**

Fee: \$50    New application     Annual     # of seats 34  
 Renewal     Seasonal     Opening date MAY 22, 2015

In accordance with the provisions of the Statutes relating thereto, application for a Common Victuallers license is hereby made by:

Business Name Go Industries Inc    Phone 305-794-1918

Doing Business As (d/b/a) Perks

Business Address 545 Route 28, Harwich Port

Mailing Address 545 Route 28, Harwich Port, MA 02646

Email Address carolnovak@aol.com

Name of Owner Carol Novak

(If corporation or partnership, list name, title and address of officers)

Alfred Novak    Chairman    6350 SW 92 St., Miami, FL 33156

Carol Novak    Vice President    6350 SW 92 St., Miami, FL 33156

*Carol Novak*    owner/partner    650-89-6988  
 Signature of applicant & title    Social Security # or Federal I.D. #

Pursuant to MGL Ch. 62c, Sec. 49A, I certify under the penalties of perjury that to the best of my knowledge and belief I have filed all state tax returns and paid all state taxes required under law.

*Carol Novak*    Go Industries By \_\_\_\_\_  
 Signature of individual or corporate name    Corporate officer (if applicable)

**REGULATORY COMPLIANCE FORM**

The premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes and regulations, including zoning ordinances, health regulations and building and fire codes.

*OK per Building*    *[Signature]*    *OK per Fire*  
 Building Commissioner    Board of Health    Fire Department

Required signatures to be obtained by the applicant prior to submission of new applications.



OFFICE OF THE SELECTMEN  
 732 MAIN STREET  
 HARWICH, MA 02645  
 508-430-7513

**APPLICATION FOR ENTERTAINMENT LICENSE**

- |  |                                       |  |
|--|---------------------------------------|--|
| <input checked="" type="checkbox"/> Weekday Entertainment (\$75) | <input type="checkbox"/> 1 day (\$25) | New application <input type="checkbox"/>     |
| <input type="checkbox"/> Batters Box (\$50)                      |                                       | Renewal <input checked="" type="checkbox"/>  |
| <input type="checkbox"/> Go Carts (\$50)                         |                                       | Annual <input type="checkbox"/>              |
| <input type="checkbox"/> Miniature Golf (\$50)                   |                                       | Seasonal <input checked="" type="checkbox"/> |
| <input type="checkbox"/> Trampolines (\$25)                      |                                       | Opening Date _____                           |
| <input type="checkbox"/> Theater (\$150 per cinema)              |                                       |  |
| <u>Automatic Amusement:</u>                                      |                                       |  |
| <input type="checkbox"/> Juke Box (\$100 each)                   |                                       |  |
| <input type="checkbox"/> Video Games (\$100 each)                | Other _____                           |  |

Business Name Go Industries Inc. Phone 305-794-1918

d/b/a Perks

Business Address 545 Route 28, Harwich Port, MA

Mailing Address 30 Harbor Road, Harwich Port, MA 02645

Email Address carolnovak@aol.com

Managers Name & Address Carol Novak

**TIMES AND DAYS OF WEEK FOR ENTERTAINMENT** *(This application does not cover Sundays).*

6:00 p.m. - 10:00 p.m.

**ENTERTAINMENT TYPE: (Check all appropriate boxes)**

- |  |   |
|--|---|
| <input type="checkbox"/> Dancing by Patrons                    | <input checked="" type="checkbox"/> Use of Amplification System |
| <input type="checkbox"/> Dancing by Entertainers or Performers | <input type="checkbox"/> Concert                                |
| <input checked="" type="checkbox"/> Recorded or Live Music     | <input checked="" type="checkbox"/> Other (guitar player)       |

Pursuant to MGL, Chapter 62C, Section 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all State tax returns, and have paid all State taxes under the law.

Carol Novak owner/partner 271-83-7723  
 Signature of applicant & title Social Security # or Federal I.D. #

**REGULATORY COMPLIANCE FORM**

The premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes & regulations, including zoning ordinances, health regulations & building & fire codes.

OK per Building @s OK per Board of Health OK per Fire @s  
 Building Commissioner Board of Health Fire Department

*Required signatures to be obtained by the applicant prior to submission of new applications.*

# MEMO

TO: Board of Selectmen  
FROM: Interview Nominations Subcommittee  
RE: Interviews – April 22, 2015  
DATE: May 13, 2015

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On April 22, 2015 the Selectmen's Interview/Nominations Subcommittee held interviews for vacancies on the following:

- Pleasant Bay Alliance
- Bikeways Committee
- Historic District/Historical Commission
- Real Estate and Open Space Committee
- Council on Aging
- By-Law and Charter Review Committee

Due to a posting error, and in an effort to abide by the Open Meeting Law, we request that the Board of Selectmen vote to rescind the above appointments made on Monday, May 11, 2015. We were very fortunate to have volunteers come forward to fill these vacancies and will re-interview same at a posted meeting in the near future.

However, there is currently no vacancy on the By-Law and Charter Review Committee. Hence, there will be no appointment made to this committee until such time as a vacancy occurs and a new applicant applies to serve.

**TOWN OF HARWICH  
BOARD OF SELECTMEN  
NOTICE OF PUBLIC HEARING  
Proposed Fee Amendments**

The Harwich Board of Selectmen will hold a Public Hearing on Monday, May 18, 2015, no earlier than 6:30 P.M. in the Donn B. Griffin Room located at Town Hall, 732 Main Street, Harwich for the purpose of reviewing proposed fee amendments relative to Short-Term Dockage Fees.

All members of the public having an interest in this topic are cordially invited to attend the public hearing and provide information and testimony relevant to this issue.

Larry G. Ballantine, Chairman  
Peter S. Hughes  
Edward J. McManus  
Angelo S. La Mantia  
Linda A. Cebula

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Harwich Board of Selectmen

The Cape Cod Chronicle  
April 30, 2015

**TOWN OF HARWICH  
BOARD OF SELECTMEN  
NOTICE OF PUBLIC HEARING  
PROPOSED FEE AMENDMENTS**

The Harwich Board of Selectmen will hold a Public Hearing on Monday, May 18, 2015, no earlier than 6:30 P.M. in the Donn B. Griffin Room located at Town Hall, 732 Main Street, Harwich for the purpose of reviewing proposed fee amendments relative to Short-Term Dockage Fees.

All members of the public having an interest in this topic are cordially invited to attend the public hearing and provide information and testimony relevant to this issue.

Larry G. Ballantine, Chairman  
Peter S. Hughes  
Edward J. McManus  
Angelo S. La Mantia  
Linda A. Cebula  
Harwich Board of Selectmen

The Cape Cod Chronicle  
April 30, 2015

**APPENDIX B  
Marine Fee Schedule (Cont.)**

**C. Town-Owned Short-Term Tie Up Rates**

<b>Boat Length</b>	<b>Fee</b>
23' feet and under-Up to 35'	\$5.00/hour \$20.00**
24' feet to 30' feet	\$7.00/hour
Over 31' 36' and over	\$8.00/hour \$30.00**

\*\* Short-term tie ups fees are for a two hour period. are limited to a maximum of three two hours where space is available. After three two hours, boats will be charged at the full-regular transient overnight rate per Section A of Appendix B for the boat.

**D. Trailer Rates**

One day trailer permit (Squatucket & Allen only)	Saturday of Memorial Day Weekend to Monday of Labor Day Weekend	\$10.00/day
Seasonal trailer permit *	Saturday of Memorial Day Weekend to Monday of Labor Day Weekend	\$100.00/season
Boat transportation agent annual permit fee	May 1 <sup>st</sup> to November 15 <sup>th</sup> of each year	\$200.00/season (\$125 ea. Additional) OR \$10.00 each time

\* For use at Squatucket Harbor, Allen Harbor, Round Cove and first landing at Long Pond. All trailers, boats and R/V's must vacate the town-owned parking area between the hours of 12:00 a.m. and 4:00 a.m.

**E. Offloading Permit Rates**

<b>Permit Class</b>	<b>Type</b>	<b>Fee</b>
Class 'A'	Unrestricted (Renew 1/1)	\$50.00
Class 'B'	10/15 – 6/1 (Renew 10/15)	\$12.50/ft
Class 'C' (Attached & Unattached)	Unrestricted (Renew 1/1)	\$22.50/ft
Class 'D'	Passenger carrying boats for 6 or more (Renew 1/1)	\$3.00/passenger
Class 'E'	Unrestricted fueling – vessels with alternative Harwich dockage (Renew 1/1)	\$15.00/ft
Class 'F'	Passenger Ferry up to 80 passengers (Renew 1/1)	\$3.00/passenger
Class 'R'	Trailer Day Boat Charters (Renew 1/1)	\$400.00/rig (boat w/ trailer) (ramp fee extra)
Class 'T'	Tuna landing permit (Renew 1/1)	\$100.00/vessel

**F. Buyer Permit Rates**

<b>Number of Vehicles</b>	<b>Fee</b>
Tuna buyer – per vehicle	\$25.00

**G. Town-Owned Slip and Mooring Waiting List Rates**

Slip waiting list	\$20/Year
Mooring waiting list	\$10/Year

## **REPORT TO THE BOARD OF SELECTMEN HARWICH MIDDLE SCHOOL REPURPOSE COMMITTEE**

The Harwich Board of Selectmen (“BOS”) appointed the Harwich Middle School Repurpose Committee (“The Committee”) in August 2014. The charge to the Committee was to maximize the public benefit and return on investment for the Harwich Middle School (“HMS”) for the Town of Harwich. The initial goal was a recommendation by the Committee to the BOS by January 2015.

The Committee had its first meeting on September 8, 2014 and selected a Chairman, Vice Chairman and Clerk. Since that time the Committee has met almost every two weeks or approximately 14 times. Various Committee members, members of the public and potential users have toured HMS a number of times. On December 3, 2014 and March 16, 2015 the Committee held public hearings specifically to receive input from interested parties. Both public hearings were well attended with extensive public comment. A summation of these meetings may be found in the appended minutes.

In addition to public hearings, the Committee received numerous items of correspondence which are appended to this report.

In January 2015 a Request for Information (“RFI”) was issued. On January 30, 2015 the committee received seven written responses in addition to comments from two town departments. A summary of these submissions follows:

- The Partnership School of Cape Cod - looking to lease 8,000 to 10,000 gross square feet for up to 100 students in grades Pre K through Six.
- Cape Cod Culinary Incubator - looking to lease the kitchen and cafeteria only.
- Wise Living – proposing a 40 unit, 40B independent Senior Living Rental facility using all of the existing building as well as the cafeteria and kitchen and open to sharing space with other uses.
- Town Hall - suggested as part of a letter from a Harwich resident for repurpose as a “building of purpose to bring revenue to the town and visitors to Harwich Center”.
- Recreation and Community Center - suggested availability of the gym and auditorium for a variety of programs and use by interested residents and groups.
- Stratford Capital Group - proposing 62 units of Affordable Senior Housing financed, in part, with federal and state loans as well as grants and credits.
- A letter of interest from the Children's Center that was withdrawn.
- A letter from a resident supporting a 3D educational printing facility.

The Committee consolidated these expressions of interest into three options for further consideration:

- Senior housing in combination with public or other use of the gymnasium and auditorium.
- Relocation of town hall with a variety of possible secondary users of the gymnasium, auditorium, cafeteria, some classrooms, etc.
- Demolition of the building with land available for future recreation, school or other municipal purposes

On April 27, 2015 the Committee approved the following motion by a 3-2 vote:

After given full consideration and input to all issues in regards to the charge the Selectmen have given the Middle School Re-Purpose Committee, including the majority of comments at the Public Hearings. The Committee has set in order of priority three recommendations for the Boards consideration.

1. The Town should retain ownership of the property and existing Buildings and further explore the use of buildings as a Town entity in combination with the community uses expressed by non-profit groups within the RFI. This action should include, yet not be limited to, the exploration of the sale of other Town buildings presently occupied as to offset cost and encourage consolidation.
2. The Town should retain ownership of the property and further explore the demolition of portions or all of the buildings. The Committee has solicited estimates to achieve removal of the buildings yet has not, to date, explored the final use of open space, ie; sports fields, grass, additional parking and use for elementary school.
3. Re-Issuing an RFI for the purpose of constructing Housing on the site. The Committee has reviewed the current proposals for housing and have concerns on matters pertaining to funding, percentage of affordable units vs market, the impact of any such development in that it needs to address current housing needs such as work force units and starter homes for the young Harwich residents. The Committee also feels it would be a disservice to the town to proceed with one respondent given the value of the Building and the property.

On May 13, 2015 the Committee further discussed information to be submitted to the BOS. The Committee voted to add the following request regarding revenues and expenses for the above three options.

Considering both the benefits and burdens of each option, it would seem that the Committee has reached the point where any additional comment on either revenue or expense would be mere speculation. If the Town chooses to retain the property, we request that the BOS authorize a professional review of both the costs of development for HMS and the potential revenue derived from various uses. We would request a small study be done by a consultant to determine how much of the building needs renovation and the range of costs to renovate. The consultant should

look at the full cost of ownership including operations and maintenance. This study also could include an estimate of demolition costs. Further, the cost of elimination of a shared septic system could be reviewed to determine savings to the Monomoy School District. Given the potential total costs of renovation and reuse, this small investment will eliminate guess work and provide answers requested by Town Meeting.

We have been scheduled to present this report at your May 18<sup>th</sup> meeting. We are prepared to do further work on this important project, but we will await further direction from you first.

Sincerely,

The Harwich Middle School Repurpose Committee

Larry Brophy, Chairman  
Clement Smith, Vice Chairman  
Richard Gifford, Clerk  
Michael MacAskill  
William Lean

## David Spitz

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**From:** Harwich Housing Authority <harwichha@verizon.net>  
**Sent:** Monday, December 08, 2014 9:33 AM  
**To:** David Spitz  
**Subject:** Middle School Repurpose Committee

I am writing in support of affordable housing at the Middle school location, and to express my disappointment with many of the speakers at the December 3<sup>rd</sup> meeting.

We have many hard working families in the area who in spite of full time employment still have a hard time paying market rents. To hear many of the speakers and people I spoke with after the meeting, you would think affordable housing residents were all drug dealing, lo life, perverts. This is not at all the case, as part of the tenant selection process background checks are done and applicants must qualify finically. Gomes Way is literally in my back and I know of no problems there, it has been a pleasant addition to our neighborhood.

John Stewart  
Executive Director  
Harwich Housing Authority

email: harwichha@verizon.net  
Phone: 508-945-0478  
Fax: 508-945-5666

Post Office Box 83  
West Harwich, Massachusetts 02671  
508-432-8101  
harwichcivicassociation@hotmail.com

✓ December 15, 2014

Committee Members  
Middle School Repurpose Committee  
Harwich Town Hall  
732 Main Street  
Harwich Center, Massachusetts 02645

By Hand

RE: Comments on the Process for the Middle School Repurposing

Dear Committee Members:

On October 25th, the board of the Harwich Civic Association met and agreed to send a letter with suggestions for your consideration in developing repurposing of this town asset for a second time. Given the fact that money has not been requested through the Community Preservation Act Process in the past or currently, your committee will have to act very creatively to achieve a positive outcome for the town. Repurposing of the Middle School and property is a complex task as it involves several structures, surrounding outdoor spaces, a septic system serving the property and the adjacent elementary school, adjacent recreational fields, and traffic into and off of the site. There are also residential properties adjoining parts of the site. The oldest building in the group is not yet considered historic by town regulations, but has many distinctive features. The site is also near the town's public safety complex and near Harwich Center and town hall. Recent discussion as reported in the press has focused on various singular uses for the structures. This is one option, but there should also be an understanding of the potential for mixed uses. The potential constraints and opportunities of different options of site use should be considered and there should be clear guidelines developed to allow for potential repurpose candidate(s) to understand parameters. There could be a proactive effort to outreach to Cape Cod Community College and other educational institutions in regard to education for seniors, the work force, and visitors. In regard to use as a town hall it would be useful to consider the size of the structure relative to other town halls on the Cape and the alternative of working with the Monomoy schools to allow for additional meeting spaces for use by the town.

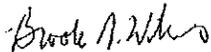
Key partners in this effort might include the board of Selectmen and Town Administrator, the town's wastewater consultant, the Monomoy School district, the Cape Cod Commission, as well as the town's housing, recreation, and historic commissions. Given the lack of funding from the CPC as noted above, working with the Selectmen and Administrator to consider the efforts of upkeep and the potential for funding in the town meeting to expedite professional analysis of alternatives should be discussed. Options for the septic system should be understood by the town. This could be analyzed in part in conjunction with the wastewater consultants relative to lifecycle costs of the different options. How repurpose of the Middle School will affect the adjoining Elementary School could be reviewed with the Monomoy district and other nearby town agencies. Similar to efforts to explore options for the Downey property, work with the Cape Cod Commission could be fruitful. This could be useful in considering traffic, recreation and open space, and housing issues. There could also be discussion of a planning category for structures not currently considered historic but contributing to the town. Such an effort could

also be beneficial to other Cape towns in the future. The above town commissions could provide input to the process in their areas of responsibility.

I would add some quick comments in regard to the information in the draft RFI form distributed at the public meeting. Could some housing for town/school district employees be included? What is the building code use classification of the structures? What uses would be continuing use? How many parking spaces does the Elementary School need? How many parking spaces for ballfield users will be required? What would be the assumption for building D in a housing proposal? How could the town participate in the RFI process if some town use is considered?

Once guidelines are developed, it would be good to have an opportunity for requests for interest to allow some input by potential applicants. A potential form for this process was distributed at the hearing. The surrounding community and public at large could be active in this process through public meetings and by responding to information posted online and in the library. Please also see my attached letter as an individual of 12/9/13. Thank you for your efforts on behalf of the town and for the opportunity to comment.

Sincerely,



Brooke N. Williams,  
President,  
Harwich Civic Association

cc: Board of Selectmen, Board Members HCA, Harwich Planning Department, Cape Cod  
Commission  
enc: bnw letter 12/9/13

Post Office Box 83  
West Harwich, Massachusetts 02671  
508-432-8101  
617-332-3767

December 9, 2013

Joseph McParland,  
Chair,  
Middle School Repurpose Committee  
Harwich Town Hall  
732 Main Street  
Harwich Center, Massachusetts 02645

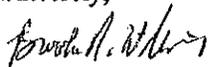
By Hand

RE: Comments on the Process for the Middle School Repurposing

Dear Mr. McParland:

I am writing as an individual with some comments related to the process for Repurposing of the Harwich Middle School. Unfortunately, I was not able to attend the public meeting on November 16<sup>th</sup> as I was in Cambridge taking minutes for a meeting. The request for interest provided some input on possible reuses and was a valuable step. Given the responses reported in local media, a key issue is the agreement for future use of the septic system. Will there be a septic easement or other means to establish use of the system on the Monomoy property by the purchaser/ lessor? Could a package plant similar to that used for the Yarmouth School in conversion to housing be used which would allow the developer independence from the school septic system? If this is done, will the agreement allow the continuing use of the septic system by the school? Have possible lenders and regulators been contacted, such as DHCD and DEP in writing in regards to finding similar shared facility agreements and impacts on funding? While there would be a cost, has your committee recommended review of proposals by professionals with experience with such complex proposals? Other key issues include all safety and use needs by present and proposed uses including possible after school use of parking areas by proposals. I would request that copies of materials developed be made available at the town library or online. I appreciate the opportunity to provide comments. Thank you for your efforts on behalf of the town.

Sincerely,



Brooke N. Williams

cc: Board of Selectmen (By Mail)

Middle School Repurpose Committee  
732 Main St.  
Harwich, Ma 02645

4 Archibald Circle  
Harwich Port, Ma 02646

Jan. 12, 2015

Dear sirs:

It is my hope that the town of Harwich will not sell the middle school. In the near future, our town will need a larger town hall and the middle school could be remodeled to serve this purpose. It would be better than building another new building and adding to our rapidly rising real estate tax bills. Please give this thought your greatest concern.

Sincerely,

Robert E. Gyzulski

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From: wmason@townofharwich.us  
To: michaelmac12@hotmail.com  
CC: cclark@town.harwich.ma.us  
Subject: Re: Middle School Repurposing  
Date: Thu, 5 Feb 2015 20:09:00 +0000

Harwich Middle School Repurposing Committee:

I would like to take this opportunity to express my opinion and thoughts about the repurposing of the Harwich Middle School for you to consider.

Over the past year or more there has been extensive conversations about turning the school into affordable housing, apartments, condominiums, etc. Although I would hold my final thoughts until a formal plan was developed and key issues addressed, I would like you to consider these concerns. As you well know, the school is directly adjacent to the Harwich Elementary School which I have been told is near or at capacity. Every school morning and afternoon, traffic lines up through the middle school parking lot with overflow onto Sisson Road. This causes through South-bound traffic to travel on the wrong side of the road of a very busy street to avoid the congestion; however, the front entrance to the Elementary School is filled and utilized by the school buses. The Police Department has discussed alternative traffic patterns with the Elementary School; however, no feasible solutions have been found.

If the middle school would be turned into affordable or otherwise housing, residents would be attempting to exit or enter the area going to or returning from work or other activities making a bad traffic situation worse. In addition, the middle school parking lot is used for overflow parking for evening and weekend events of the Elementary School and daytime events held at the Public Safety Facility. I would find it hard to believe that any developer or residents owning or paying rent to live in this building would accept the (school) daily and routine supplemental uses of the entrance, drive, and/or parking lot.

Use of the middle school as a residential facility would open the property to residents of all types including registered sex offenders, current or recovering drug addicts, convicted criminals, alcoholics, and drug dealers. To my knowledge, there is no law that allows the property owner/developer to discriminate against any of these potential residents. As a parent of now older students, I would find this proximity a major concern especially considering the location of student pedestrians, playgrounds, and ball fields. Statistics have shown that housing complexes of this nature have the potential of increasing crime rates while degrading the safety of the surrounding homes and properties.

As an alternative, the middle school could be redeveloped into the new Harwich Town Hall and Cultural Center (utilizing the auditorium for stage and music productions and the gym for supplemental athletic programs). The current Town Hall seems to be well used to capacity. This property could be sold and placed back on the tax roles with the proceeds to pay for or at least part of the middle school renovation.

The playground and ball fields could continue to be utilized by the Elementary School and the parking lot would remain public. A potential auxiliary road could be made utilizing existing property to the South of the current entrance off of Sisson Road to accommodate school morning/afternoon traffic and avoid competition with access to the new Town Hall parking lot that would remain available for the aforementioned ancillary uses (as it would not interfere with normal Town Hall business activities).

I realize this is just one perspective/alternative for this valuable and historic piece of property; there will

be others worthy of consideration by your Committee. I appreciate this opportunity to provide one person's opinion. If you have any questions or need further information, feel free to contact me at your earliest convenience.

William A. Mason, Chief  
Harwich Police Department  
183 Sisson Road  
Harwich, MA 02645  
508-430-7541

Post Office Box 83  
West Harwich, Massachusetts 02671  
508-432-8101

March 18, 2015

Committee Members  
Middle School Repurpose Committee  
Harwich Town Hall  
732 Main Street  
Harwich Center, Massachusetts 02645

By Hand

RE: Comments on the Process for the Middle School Repurposing

Dear Committee Members:

I am writing as an individual with comments on the RFI materials and comments on information on responses as described in the local media. I would request that copies of the RFI responses be provided to public at the library or be made available online. As of today, the links on the committee website to the RFI materials were not functioning. It is difficult to provide comments without complete information. In regard to the information in the RFI, I would suggest clarifying the information provided under "other considerations". This includes the statements that the elementary school does not have sufficient parking, some parking should be provided for ball field users, the elementary school will use both access locations, and whether the wastewater treatment system will continue to be shared or a new system will be required. In regard to the responses reported in the media, it appears there are two general approaches-housing and some form of educational use. I would suggest that the committee might begin to develop guidelines for those general uses while still remaining open to the town hall or other public, non-profit, or private approaches. Lastly in regard to educational use which might suggest some form of lease, I would suggest that the committee outreach to Harwich and Cape educational and governmental institutions to consider how the building reuse could positively impact the local and regional economy, the workforce, retirees, and visitors. Please also see my letter as an individual of 12/9/13 and the HCA letter of 12/15/14. Thank you for your efforts on behalf of the town and for the opportunity to comment.

Sincerely,



Brooke N. Williams

cc: Board of Selectmen, Board Members HCA, Harwich Planning Department, Cape Cod  
Commission, Library Director

From: **Michael MacAekill** michaelmac12@hotmail.com  
Subject: **FW: Save Harwich Middle School**  
Date: **March 18, 2015 at 5:10 PM**  
To: **buyer@goose.com**

From: **jennylyn1870@yahoo.com**  
To: **michaelmac12@hotmail.com**  
Subject: **Save Harwich Middle School**  
Date: **Wed, 18 Mar 2015 20:18:26 +0000**

Sent from Windows Mail  
Good Afternoon Mike,

My name is Jen Holmes, I am Drew Senatore's mom. I hope this finds you well. I am writing you a note because I have recently become involved with the Save Harwich Middle School Group and unfortunately cannot make the meeting at the Town Hall tonight. I am also on the Jr. Prom After prom Committee and we are meeting at the High School at the same time. I have great concerns about the future of this building not only because it holds memories but because I still have a second grader next door at Harwich Elementary. The proposals for low-income housing are frightening to me. Housing next to a elementary school simply does not make sense for many reasons, however for me the issue of safety is greatest. This would also take space away from elementary school. Many have brought up the idea of using the building for the town, as a multi-purpose facility. I feel this is a great idea. Not only for community center overflow , but for as a Community Arts Building , Adult learning center and could be used as rental space for events to bring in income. There are many ways the town could re-furbish this building that would benefit the people of Harwich as well as keep Harwich Elementary students safe.. Thanks for your time Mike, I hope to make future meetings on this subject.

Regards,

Jennifer Holmes

From: Michael MacAskill michaelmac12@hotmail.com  
Subject: FW: Harwich Middle School Repurposing  
Date: March 19, 2015 at 7:03 PM  
To: buyer@goose.com

Date: Wed, 18 Mar 2015 23:02:56 +0000  
From: psanzo@comcast.net  
To: michaelmac12@hotmail.com  
Subject: Harwich Middle School Repurposing

Dear Mr MacAskill-

I would like to share my opinion with you about the future use of the Middle School. I am unable to attend the meeting this evening because I just finished attending another town activities related meeting.

I believe the use should contain some type of affordable housing.

My son, who grew up in Harwich and attended Harwich Schools grades 1-12, is graduating from college this May. He plans on returning to Cape Cod and has a job offer with a "local" Cape Cod bank.

When I calculate his take home net pay and deduct his modest living expenses, including repayment of a reasonable student loan of \$20,000, I wonder where he could afford to live besides our family home?

Where could someone similar to him making \$35,000. salary be able to find a rental that constitutes 20-30% of his pay? I don't think there are any rentals in Harwich going for \$800 per month, except for single rooms for rent in private homes.

He has quite a few friends and former class mates in the same situation.

My son is the type of person who should be welcomed back to Harwich.

He was an outstanding student in Elementary, Middle, High School and College.

He did volunteer work as a soccer ref for the Harwich Rec Dept and at the Elementary school Music Club.

He's worked part time every summer since he was able to get working papers at age 14. Since he's been 15, he's worked a day job and another night job (playing music at the Playhouse in Orleans).

Thru college he's worked during every semester break.

He is not a registered sex offender or a heroin addict.

He is the person who would benefit from affordable housing in Harwich.

It aggravates and insults me when town residents state that affordable housing should not be located near the Elementary School.

This is a location with parking. It's within walking distance to the town library & community center and Harwich Center. There are sidewalks so an energetic, young person could walk to food shopping (lol). The police and fire department are practically across the street.

There is access to the bus route and bike path.

This is an IDEAL location for affordable housing.

I hope you will not let the opinion of those residents who are ignorant about who the people are that would benefit from affordable housing in Harwich.

Thank you for your consideration.

Patricia Sanzo

From: **Michael MacAskill** michaelmac12@hotmail.com  
Subject: FW: Harwich Intermediate School Re-Purposing  
Date: March 18, 2015 at 3:49 PM  
To: buyer@goose.com

Date: Wed, 18 Mar 2015 18:33:46 +0000  
From: sandyhall1@comcast.net  
To: michaelmac12@hotmail.com  
Subject: Harwich Intermediate School Re-Purposing

Dear Michael,

Was planning to attend this evening's meeting, but since that may not be possible, I would like to weigh in on the subject of the Intermediate School.

I do believe that this building would best serve as a town hall/municipal center. We all know that the present Town Hall is gasping for space and storage; and it seems only a matter of time before we see a move to expand it or to build another building entirely. Utilizing the Intermediate School would not only provide additional space for those departments currently using Town Hall, but would provide an opportunity to bring in other departments presently housed elsewhere. In addition, it would be ideal for large meetings, possibly including town meeting, as well as being available to other groups and organizations for a myriad of purposes.

Before we even think about relinquishing the building for private use, or worse yet, demolishing it, I do think a detailed study should be made relative to the costs and benefits of the various proposals being suggested. We seem to be operating largely on emotion and opinion at this point rather than actual detailed financial analysis. We need to look at the cost of modifications to this building as opposed to building new or expanding the present Town Hall; the cost of maintaining this one building rather than several; the possibilities of offsetting costs by divesting buildings that could be de-commissioned for town use, etc.

In the interest of keeping this brief, I will leave it there, but I do think the possibilities for continued town use are endless and should be thoroughly explored before we commit to an irreversible course of action (again). We have a very sad history in this town of destroying our landmarks. Hopefully, this does not become one more regrettable chapter in that saga.

Thank you for your attention.  
Sandra Baylis Hall

From: **Michael MacAskill** michaelmac12@hotmail.com  
Subject: **FW: Harwich Middle School**  
Date: **March 19, 2015 at 7:06 PM**  
To: **buyer@goose.com**

From: **KittyGarden@comcast.net**  
Subject: **Harwich Middle School**  
Date: **Wed, 18 Mar 2015 18:09:01 -0400**  
To: **michaelmac12@hotmail.com**

Hello Michael,

I am a life-long Harwich resident.

I am completely opposed to the Town of Harwich selling the former Harwich Middle School, especially for housing. I think the school would make an EXCELLENT town hall! All the departments could be under one roof, with a place for town meeting, so the Community Center wouldn't be tied up. Also, moving town hall to the HMS would free up the current town hall for other purposes, like expansion for Brooks Free Library.

Thank you,  
Debra Hemeon  
288 Rt 28  
West Harwich

From: Michael MacAskill <michaelmac12@hotmail.com>  
Subject: FW: Repurpose Committee - Please share  
Date: March 19, 2015 at 7:01 PM  
To: okaysax@verizon.net

Date: Thu, 19 Mar 2015 19:52:35 +0000  
From: okaysax@verizon.net  
To: michaelmac12@hotmail.com  
Subject: Repurpose Committee - Please share

Hi Mike,

Please share this message with the other members of the Middle School Repurpose Committee. Yours was the only e-mail address I could find.

I probably should have mentioned this last night, but was hesitant, since the meeting seemed to take off in a slightly different direction from what I was expecting and the Public Comment time was exhausted.

Has any thought been given to utilizing the former Middle School to help alleviate some of the issues coming before the town soon with respect to the Regional Voc Tech? If my memory serves me correctly, the Tech graduated more students last year than Harwich and Chatham combined.

I'm not sure what they have in terms of need, but I have heard rumors that they have some rather extensive and expensive thoughts about their future, including expansion.

I'm wondering whether any thought has been given to turning the existing Middle School building into a 'satellite' for the existing Tech? They really aren't that far apart geographically.

Would it be at all financially feasible for the town to make use of the existing educational structure, even though it might involve a bit more busing, etc., for the Tech to properly utilize it. I'm sure that some of their academic programs could find common ground there, lessening the potential tax burden when renovations and additions to the existing Tech facility come before the town. The Tech could certainly make use of the adjunct assets; gym, auditorium, kitchen. I have no idea how many classrooms they are considering in their expansion plans, but there are certainly enough in the Middle School building.

Just a passing thought. It's been bothering me for nearly 20 hours, so far. I had to get it on paper. Not too well thought out, but I really don't know enough of the details with respect to the plans Tech has.

Hope there's still time for the Repurpose Committee to at least give it some thought.

Thanks for 'listening',

Maria

## Richard Gifford

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**From:** Sharon S <capecodshazzy@gmail.com>  
**Sent:** Monday, April 27, 2015 4:40 PM  
**To:** Richard Gifford; Michael MacAskill  
**Subject:** Tonight's meeting

Hi,

I am concerned I did not hear about tonight's middle school meeting.

If you vote on anything tonight, please consider my 2 cents of keeping that land and the building if viable for the town. I am expecting more children to move to this town and it would make the most sense educationally and fiscally to have the ability to have an enlarged school there where we already have one. It is my hope that we do not sell this land. The overwhelming number of people I have spoken to not just those who are school supporters say they do not want to "give that school away" for the very small money that is being offered.

Additionally, I am against applying for the funding that would prevent us from budding a school.

Sincerely,

Sharon

## David Spitz

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**From:** Larry Brophy <Broph1234@yahoo.com>  
**Sent:** Thursday, April 30, 2015 5:35 PM  
**To:** David Spitz; Michael Macaskill; Clem Smith; Richard Gifford; Bill Lean; Linda Cebula  
**Subject:** Fwd: Harwich Middle School

Sent from my iPhone

Begin forwarded message:

**From:** Richard Gundersen <[gundyrw@verizon.net](mailto:gundyrw@verizon.net)>  
**Date:** April 29, 2015 at 11:49:00 AM EDT  
**To:** Larry Brophy <[broph1234@yahoo.com](mailto:broph1234@yahoo.com)>  
**Subject:** Fwd: Harwich Middle School

FYI

Please forward to Dave Spitz and other members of your Committee as you see fit.

Begin forwarded message:

**From:** Scott Carpenter <[scarpenter@monomoy.edu](mailto:scarpenter@monomoy.edu)>  
**Subject:** RE: Harwich Middle School  
**Date:** April 29, 2015 at 11:42:09 AM EDT  
**To:** Richard Gundersen <[gundyrw@verizon.net](mailto:gundyrw@verizon.net)>

Richard,

I've left a message for Larry to call me and hope to connect.

My thoughts on your points. I would disagree with the thought that the school district might have needs for the building in the future. Student population isn't growing on the Cape – it's been declining slowly for over a decade. I'd expect this trend to continue. If Monomoy is a success and families chose Harwich and Chatham to settle in, it is possible that enrollments could modestly tick upward, but we could handle a modest uptick within our current buildings.

There would have to be a new "baby boom" of children well in the future or significant additional development of residential housing in Harwich to merit expansion of an elementary school in Monomoy. Even if this were to happen, I can't imagine expanding Harwich Elementary School. Harwich Elementary is the largest elementary school on the Cape and twice the size of Chatham Elementary. Educationally, you don't want to create elementary schools larger than Harwich's current school. If there were to be elementary expansion in the future, the district should look towards expanding Chatham Elementary, and having children of East Harwich attend the elementary school closest to their homes. I don't foresee expanding Monomoy's elementary schools being an issue in our lifetimes.

Both the Chair of the School Committee (Terry Russell) and I have spoken on this issue. We are proponents of affordable senior housing and do believe that senior housing in proximity to an elementary school can be mutually beneficial, providing for inter-generational connections. I am certain that most of the School Committee would agree. I am also certain that most of the School Committee sees no near-term or long-term use of Harwich Middle School for Monomoy, which is why they voted to return the property to the town, no strings attached.

When I hear back from Larry Brophy, I'll convey the above to him. Terry Russell will also be clarifying the School Committee's stance with some of the Selectmen.

Scott

Scott Carpenter  
Superintendent  
Monomoy Regional School District  
425 Crowell Road  
Chatham, MA 02633  
Phone: 508-945-5130

Middle School Repurpose Committee  
Public Hearing  
3-18-2015  
7pm, Harwich Town Hall, Griffin Room

Meeting Called to order: Larry Brophy, 7pm

(Larry Brophy, Clem Smith, Bill Lean, Michael MacAskill, Rick Gifford, David Spitz)

- Recap of committee work to this point. Tours of the building, RFI w/7 responses. Will meet again next week (3/25/15) to review this meeting. Meet with BOS at end of March/early April with report.
- Powerpoint Presentation: All RFI Responses, The Partnership School, Cape Cod Culinary Incubator, Wise Living, Town Hall, Recreation and Community Center, Stratford Capital Group, Additional letters of interest from The Children's Center, Cultural Center of Cape Cod, Letter proposing 3-D printing/education facility.
- Options under consideration: Senior Housing (Wise Living or other), Relocation of Town Hall with other secondary uses as Mixed Use Concept Plan, Demolition and preservation of land for town use.
- Next steps: Review all comments, select one or more options and present to selectmen.

David Purdy: Question about Wise proposal. Would he buy entire property but allow use of cafeteria, auditorium, gymnasium? The Housing Committee would support such a proposal, and would also support Mixed Use w/housing. Would like to thank the committee for being treated with respect and allowing the audience to participate. Glad to see many interesting proposals. Housing Committee would like to see affordable senior housing with mixed use.

Leo Caukounes: Opposed to any housing on that site. Affordable housing funding opens up housing to anyone, including non-residents, which strain already thin resources. Believes very strongly that town should keep the property, and should move town offices to the Middle School site. This building is too small with deplorable storage. Supports Mixed Use, which would bring other organizations forward who may want to use the building, HJT, Town Band, etc. Would be in favor of selling the present Town Hall building as key part of Harwich Center redevelopment. Possible a medical building, school, housing, restaurant and retail space. The school is a very large building and would only attract a certain type of developer. Suggests getting an appraiser to see the market value of current Town Hall. Thank you to the committee.

Barry Knowles: Question about shared septic system. Is it sufficient to share with the current elementary school?  
(Michael MacAskill answered yes.)

If Wise were to purchase the property, would he let the auditorium and gymnasium be used? (Yes, as proposed) This would put 40 units on the tax roles. Strongly opposed to tearing the building down.

Judith Ford: Abutter of Elementary and Middle Schools for over 41 years. Opposed to housing on site for two reasons. Traffic concerns on Sisson Road. Very concerned about the elementary school, and must be considered as such. Opposes housing in the middle of where students and families are, and would be a school safety issue. Housing would complicate children coming to and from school. Suggests the reading of Chief Mason's letter regarding safety. Using the property for municipal use would have many uses. It is a valuable building. After investing \$11m in renovations, it would be bad to let it go for \$650K. It is only worth what someone is willing to pay for it, but is valuable for the town.

Janelle Brown: Supports not having housing at the Middle School building. If sold to a developer, even with promises of shared use, could be reconsidered. Harwich used to have a great Adult Ed. Program, and it is now gone. Community Center wants to use the gym. Has started a petition to submit to special town meeting, due on Friday with 100 signatures. This petition would go to special town meeting and keep the property for town use.

Richard Gunderson: Supports using the building for senior housing, while maintaining the historical façade of the building. Director of Council on Aging supports this use. More proposals are under development around the Cape for senior housing reuse of buildings. Committee should look into actual costs of moving town hall to Middle School, including internet, upgrades, etc. This increases costs initially and also for long term maintenance. Monomoy superintendent said that there was much work to be done at the middle school, and Harwich was fortunate to use buildings in Chatham. Traffic and parking are to be considered with the town hall. Culinary incubator was proposed as a 24 hour a day use. Town is looking to become a landlord for  $\frac{3}{4}$  of the building. Elderly housing provides a safe, financially stable option. There should be jobs associated with this, maintenance, landscaping, concierge, construction. All of these add to the financial advantage of this project. In conversation with school superintendent, he commented that it would be mutually beneficial to the schools. Requests that RFP is flexible, but asks what costs and benefits are to the town. Focus on what is known as needed.

Barry Knowles: The Wise proposal sounds attractive. It would be senior housing. Parking could be improved with a site plan subject to approval that addresses housing. What parts of the building are not needed by Wise? If gym and other spaces are available, it does not preclude use by town.

Ginny Hewett: Tremendous need for affordable housing in town. Always a reason why not to do it. As library director, she would have qualified for affordable housing. People who need affordable housing are not "them" they are "us". Some staff have left and moved off Cape who could not afford to live here. It is a disservice to say

that this would attract the wrong kind of people. Dispersing affordable housing around town isn't happening either. People always say that there is the wrong place for affordable housing. This is near the school, grocery, town services, public transport. Strongly supports mixed age affordable housing, workforce housing. Safety concern is a concern about the character of those who qualify for affordable housing. Residential units have tenants and traffic is less than for town hall. Traffic could be controlled. Renovating for town hall would cost a lot, what becomes of the current Town Hall building? Does not want to see the town as a landlord. Costs involved with the old Recreation building for HJT. How do we take on 78000 sq ft.

Judith Underwood: Advocate of affordable housing, former committee member. There aren't other examples of a school to be re-purposed that are next to an elementary school. This is an opportunity for the town to help build community. Affordable housing does not have to go to town residents. The town hall currently would be a great senior housing proposal. It would be a grave error for the town to sell this property.

Marge Frith: Spoke previously to speak in favor of retaining portion of building, particularly the auditorium. The town band has concerts scheduled every Tuesday night in the summer. An alternate location due to rain would be a great idea. The library could also use it for movie nights in the summer. HJT could use the building as well.

Ginny Hewett: Library couldn't move movies to Middle School

John McGillan : Harwich Housing Authority, have to have job, income verification to qualify. This is how many professionals afford to live here. Town people have first choice by state regulations for a certain percentage of units. We're not bringing in crooks, drug dealers, we are bringing in hard working people.

Donna Tavano: Has been to every committee meeting. Worked for the police dept. for 23 years, and sees things people may want to ignore, but cannot be ignored. Problems we have are with all kinds of people. Concern with senior driving crashes. Age related conditions, cognitive, macular, etc. Do we want this next to the playground? Level 2 and 3 sex offenders, there are at least 7 in their mid-50s. No law in Massachusetts preventing living near a school. Any housing next to the school creates a potential issue. The entire recreation department could move to this and have use of gym and fields with no additional staff as part of a mixed use. Chris Wise developments are all condo developments except one in Chatham. This would be a different situation, with no guarantees. If Chris Wise bought it, he could sell it to someone else. Sometimes businesses fail. Affordable housing is a different concept than this project. We do need senior housing in this town. Another issue is Monomoy schools needing to build on to Harwich elementary school. We need a long vision looking forward.

Glen Hawthorne: Supports a mixed use facility with town hall, fire and police within walking distance. As former soccer, baseball and basketball coach, having fields available is always an issue. There is an increase in services for affordable housing.

Brian Jordan: Concerns as a parent and the uniqueness of the property next to the elementary school. Playground is 100ft. from edge of building. The property is weird in how it is set up. Wise would have to redesign the whole area. Not against housing, but that is a horrible place for it. 40 units in the backyard of the playground.

Mike Ford: Abutter, not any municipal capacity. This is a unique property "the old school lot". Has always been 1 parcel of land. Middle school was Harwich High School, Elementary school was much smaller. There have been major expansions on the property. Elementary school is one of the largest on Cape Cod. Parking is inadequate all around on South St. and Parallel St. Middle School expansion also maximized use of property. Elementary School parking has been inadequate since opening. Grass strip on South st. is parking now. A new parking lot would be wedged in between playground and septic. Behind the building are the ball fields in current use by the town. Where do you draw the lines? These would be sold. An access road would be right in front of the building. What happens to the lawn? The elementary school also needs the parking lot. Using this building other than institutional use is the only choice. As a housing proposal, it doesn't work. If we did it anyway, put a large housing complex in place, what is the message to the families at the Elementary school? This would be the largest housing development in the region. What can we use the property for? Zoned for protected municipal use and institutional/educational use. These fit with an elementary school use and send a good message to parents that Harwich is serious on hanging on to a public asset that the town has spent millions on over the years. Why give it away? Appreciates the work of the committee. Very open and transparent.

Ed McManus: Here as an abutter, not an official capacity. The school is a good neighbor with the little league also. The decision will be based on a 2/3 vote at town meeting. Either to divest property to developer or for a bond to redevelop it. All of the arguments in favor of or opposing housing can be used for any institutional needs. There will be traffic increase regardless of how the building is used. Issues of security are more easily monitored by knowing the residents and will quickly learn how to avoid the traffic patterns. Town hall parking is less predictable. It is a tricky site to develop. A mix of uses exacerbates traffic in the area. It will take a lot of study and community design charettes. Good luck!

Brooke Williams: The site is unique. Committee should assess challenges faced by RFIs. Requests that RFI responses are available online. Current links are not functioning. Need clarification on parking, Elementary School use, and wastewater systems. Two general approaches, housing and educational uses. Committee might develop guidelines for use. Committee should reach out to local educational institutions to see how it can benefit community. Thank you to the committee.

Georgine Reidel: Owns a business in Harwichport. Supports keeping the building as a town resource. Turning over to a private developer would lose control.

Public meeting closed: 8:35

Motion to adjourn Larry Brophy, moved by Clem Smith, Seconded by Bill Lean  
Meeting Adjourned 8:35

Harwich Middle School Repurposing Committee Public Hearing, 12/3/2014

Larry Brophy, Bill Lean, Mike MacAskill, Clem Smith, Rick Gifford

Audience – approx. 35 including:

Ed McManus, Larry Ballantine, Linda Cebula, Jeremy Gingras, Dave Purdy, Lou and Sally Urbano, Judy Ford, Donna and Gary Tavano, Leo Cakounes, John Stewart, Bill Galvin, Gary Carrero, Sharon Stout, Paul Lagg, Scott Carpenter

Call to order at 7 pm. Larry B introduces committee. Appointed by BoS earlier in 2014. Committee 1<sup>st</sup> met in September and has been meeting every 2 weeks since. Purpose – to maximize public benefit and return investment to the town. 1<sup>st</sup> committee worked for a long time. This committee has built on their work. Refers to draft RFI and type of uses being considered.

Marjorie Frith, 231 Route 28. Town should retain the newer part of the building with the auditorium. She plays in the Town Band. Availability of Middle School auditorium would prevent summer concerts from being rained out. This auditorium is the best small hall in town. Perfect stage for the band. Seats 251 which is the size of the audience they have built up to. Have outgrown the Community Center. Brooks Library also could avoid rainouts for its movie nights.

Donna Tavano, what are the costs to reroof the building? Retain property for future use by the town. There are problems with traffic every day, private development would make this worse, add in deliveries and resident's traffic. This is not the proper site for a housing development. Concerns about playground dangers.

Jason Holm, direct abutter to Harwich Elementary School. Traffic would be unbearable with a housing development. The town should maintain control over the property. Concerns for safety.

Janelle Brown, should keep the property no matter what. There are a ton of uses we could find. "Grey Matter" at the old Back Office building is one example. Should not tear down any of it. Overpopulated summer camp that is run at the elementary school. Day care could rent space. After-school programs. Farmers market.

Judy Ford – immediate abutter for more than 40 years. Property is town property and should remain. It is a single-family residential area. Pine Oaks is a wonderful project where it is located. Love Harwich because it is a small rural town. Does not want to see a large residential project that would citify the property. It is a small property and should not be overdeveloped. Elementary school is one of the biggest on Cape Cod on one of the smallest properties. Residential development of any kind would change the neighborhood. Lights, traffic, etc. Pursue our creative ideas for municipal use.

Robert Cibalsky – Town should keep the property and move Town Hall into it. This building is too small to meet growth needs.

Steve Duffy – direct abutter. Agrees with everything Judy Ford said.

David Purdy – Chair of the Housing Committee. Reads part of letter Housing Committee sent to the Middle School Committee. Supportive of elderly housing but also workforce housing. Difficult to attract and keep younger people on the Cape. Cites income and housing statistics re argument that housing is not affordable for many Cape residents. The size and number of units should be to scale. Recognize the previous proposal was much too dense. Also support mixed use of the property. Asking that some not all parts of the existing building be used for affordable housing. The developer and appropriate town committees must address issues such as parking and traffic.

Leo Cakounes – re RFI – add “or portion thereof” to legal notice. Also specify that bidders are encouraged to say which portions of building they want to use. Re affordable housing, builder should identify the funding source. Use of federal or state funds opens up eligibility. Highlight that individuals or companies may use part of the building. Opposes affordable housing. Should focus on getting them jobs first. If we could make it to support only people who are already here, he might support it. But doesn’t think we can do that. Town will soon need a new town hall. Current town hall could easily be converted to retail, restaurants, etc. that would benefit Harwich Center. Encourages local groups interested in the building to get together to respond to the RFI.

Gary Carrero – agrees to use of auditorium. Also likes idea of moving town hall. Notes shortage of meeting room space.

Lou Urbano – cost factor to almost anything town does with the building. Agrees with Leo – we need jobs (more than housing). Housing next to school always concerns him. Finding a use for the whole community is key, including perhaps tearing down the building. Ask for uses which benefit the whole town.

Sharon Stout – received e-mails from Joy Potter and Judith Underwood. #1 – no housing. #2 – keep for town use. Seek other education uses. If nothing else works out, level it for expansion of school playground or park.

Frank Tavano – notes Orleans with a much bigger town hall. Moving town hall plus retaining gymnasium and auditorium is the best use.

Brian Jordan, 6 Connecticut Avenue – has 3 children going through the Elementary School. Very leery about any housing that backs up to the ball fields.

Brad Willis, Bishops Lane – right across from the Elementary School. Shares traffic concerns.

Donna Tavano – Comments tonight have been very good. Have always wanted young people involved. Cape has never been an easy place to live. Housing is tough, but people have always found a way to make it happen.

David Purdy – why hasn't committee considered Town Hall and tear down options. Mike M said have considered them, but didn't need information from the RFI for these options.

Marjorie Frith – adds mention of traveling basketball team that has been using Middle School gym. Larry B – economics is the driving force regarding those uses.

Leo Cakounes – your committee is charged with identifying best uses. BoS will make the final decisions. Donna T – actually, it is Town Meeting decision.

Ed McManus – baseball field is our backyard. Since an abutter, does not participate in any BoS decisions re Middle School. But as an abutter, has right to make comments. Re bringing in various populations close to the elementary school, this is true if you have college classes, or Town Hall, or business incubator, or many uses other than housing. Difficult to find a use with no impact on the school or the neighborhood. Wishes the committee luck.

Justin Tavano – considering cost of remediating mold in the Middle School, consider tearing it down and using for green space. Parents want kids to engage in activities – mixed use for all ages would be a benefit. Community Center is always overbooked.

Clem asks about time frame. DS notes it will be difficult to get to spring town meeting. The earliest would be fall town meeting. Larry B – said original goal was to report to BoS in January. Linda Cebula asks about marketing of RFI. Mike M says each committee member is identifying list of contacts. Larry B – open to any suggestions from the audience. Mike M – our meetings are open.

Judy Ford – suggests comment form go in the newspaper.

\*\* - what about interim use of the building. DS said it is being considered.

Frank T – reads Barnstable article which shows much lower cost of maintaining vacant building.

Paul Lagg – will get a lot of responses to RFI. Developer can put together a more detailed package. Committee may have to assemble a cohesive package of individual uses.

Judy Ford – do we have any real numbers about repair costs?

Public hearing closed at 8:10.

Invites public to next meeting on 12/17.

Adjourn.

**COASTAL  
ENGINEERING  
COMPANY, INC.**

260 Cranberry Highway, Orleans, MA 02653 ■ 508.255.6511 ■ Fax 508.255.6700 ■ [coastalengineeringcompany.com](http://coastalengineeringcompany.com)

May 11, 2015

C18041.00

Board of Selectmen  
Town of Harwich  
732 Main Street  
Harwich, MA 02645

By email: [asteidel@town.harwich.ma.us](mailto:asteidel@town.harwich.ma.us)

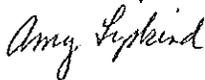
Re: **Request for BOS Acceptance**  
Proposed Pier, Ramp & Float  
Peter & Lisa Hennessy  
637 Route 28  
Harwich, MA  
Map 15 Parcel P4-1  
DEP File #SE32-2195

On behalf of our clients, Peter & Lisa Hennessy, we are requesting acceptance of the pier, ramp and float location as approved by the Harwich Waterways Committee and the Harwich Conservation Commission for the referenced project. This request is to provide information to the US ACOE for their use in issuing a permit. Attached are copies of the approvals from the Waterways Committee and the Conservation Commission for this project. Also attached is a copy of the approved plan entitled "Plan Showing Proposed Dredging, Pier, Ramp, and Float" revised 12/3/14.

Please schedule this for discussion at your next available public meeting. A representative from our office will attend the meeting. If you have any questions or require additional information, please give our office a call. Thank you.

Sincerely,

COASTAL ENGINEERING CO., INC.



Amy Lipkind

Attachments: As Stated

cc: Peter & Lisa Hennessy, owners by email  
James Stinson, attorney by email  
Donald K. Munroe, Coastal Engineering Co., Inc.

D:\DOC\C18000\18041\Permitting\BOS 2015\App Trans Ltr.doc

■ Providing solutions for the benefit of our clients and community ■



Amy Lipkind <alipkind@coastalengineeringcompany.com>

---

**Fwd: WWC meeting**

2 messages

---

Don Munroe <dmunroe@coastalengineeringcompany.com>  
To: Amy Lipkind <alipkind@coastalengineeringcompany.com>

Tue, Dec 30, 2014 at 3:56 PM

Don Munroe  
Marine Department Project Manager  
Coastal Engineering Company, Inc.  
260 Cranberry Highway, Orleans, MA 02653  
Nantucket Office: 9 Amelia Drive, Nantucket  
Phone 508-255-6511 ext. 526  
Cell 508-237-4971

[www.CoastalEngineeringCompany.com](http://www.CoastalEngineeringCompany.com)

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----- Forwarded message -----

From: <mhart2@comcast.net>  
Date: Tue, Dec 30, 2014 at 3:55 PM  
Subject: WWC meeting  
To: dmunroe@coastalengineeringcompany.com

Don:

This note is to confirm that on December 17, 2014 the Harwich Waterways Committee reviewed and approved the revised plan as submitted for Peter & Lisa Hennessy: C3.11 Project No. C18041.00 dated 12/3/14.

Thank you.

W. Matthew Hart  
Chairman Harwich Waterways Committee

---

Don Munroe <dmunroe@coastalengineeringcompany.com>  
To: Amy Usowski <Ausowski@town.harwich.ma.us>  
Cc: Amy Lipkind <alipkind@coastalengineeringcompany.com>

Tue, Dec 30, 2014 at 4:00 PM

Dear Amy,  
Here is the Waterways approval for the Hennessy project.

Don

Don Munroe  
Marine Department Project Manager  
Coastal Engineering Company, Inc.  
260 Cranberry Highway, Orleans, MA 02653  
Nantucket Office: 9 Amelia Drive, Nantucket  
Phone 508-255-6511 ext. 526  
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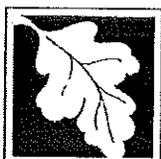
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W. Matthew Hart  
Chairman Harwich Waterways Committee



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE 32-2195  
MassDEP File #  
719089  
eDEP Transaction #  
HARWICH  
City/Town

**TOWN OF HARWICH**  
**A. General Information WETLAND PROTECTION BYLAW**

Please note:  
this form has  
been modified  
with added  
space to  
accommodate  
the Registry  
of Deeds  
Requirements

Important:  
When filling  
out forms on  
the  
computer,  
use only the  
tab key to  
move your  
cursor - do  
not use the  
return key.



1. From: TOWN OF HARWICH  
Conservation Commission
2. This issuance is for  
(check one): a.  Order of Conditions b.  Amended Order of Conditions

3. To: Applicant:  
Peter B. & Lisa B. Hennessey  
a. First Name b. Last Name
- 54 Indian Hill Road  
c. Organization  
d. Mailing Address
- Bedford NY 10506  
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):  
same  
a. First Name b. Last Name
- c. Organization
- d. Mailing Address
- e. City/Town f. State g. Zip Code

5. Project Location:  
637 Route 28 Harwich  
a. Street Address b. City/Town
- 15 P4-1  
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: d m s d m s  
d. Latitude e. Longitude

15



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
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 City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
Barnstable  
 a. County Barnstable b. Certificate Number (if registered land) 221  
 c. Book 25659 d. Page 221
7. Dates: 5/16/2014 2/4/2015 2/5/2015  
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
Plan Showing Proposed Dredging, Pier, Ramp & Float  
 a. Plan Title Coastal Engineering Co., Inc. Roger Paul Michniewica, P.E.  
 b. Prepared By rev. 12/3/2014 c. Signed and Stamped by as noted  
 d. Final Revision Date e. Scale
- f. Additional Plan or Document Title \_\_\_\_\_ g. Date \_\_\_\_\_

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:  
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a.  Public Water Supply    b.  Land Containing Shellfish    c.  Prevention of Pollution  
 d.  Private Water Supply    e.  Fisheries    f.  Protection of Wildlife Habitat  
 g.  Groundwater Supply    h.  Storm Damage Prevention    i.  Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

- a.  the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
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**B. Findings (cont.)**

Denied because:

- b.  the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c.  the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) \_\_\_\_\_ a. linear feet

**Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. c/y dredged	_____ f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	Cubic Feet Flood Storage _____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
	Cubic Feet Flood Storage _____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
	Sq ft within 100 ft _____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
	Sq ft between 100-200 ft _____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



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**B. Findings (cont.)**

**Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)**

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas				
11. <input checked="" type="checkbox"/> Land Under the Ocean	2700 a. square feet	2700 b. square feet		
	215 c. c/y dredged	215 d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches				
13. <input checked="" type="checkbox"/> Coastal Beaches	.53 a. square feet	53 b. square feet	cu yd c. nourishment	cu yd d. nourishment
14. <input type="checkbox"/> Coastal Dunes			cu yd c. nourishment	cu yd d. nourishment
15. <input type="checkbox"/> Coastal Banks				
16. <input type="checkbox"/> Rocky Intertidal Shores				
17. <input checked="" type="checkbox"/> Salt Marshes	1.06 a. square feet			
18. <input type="checkbox"/> Land Under Salt Ponds				
19. <input checked="" type="checkbox"/> Land Containing Shellfish	159 a. square feet	159 b. square feet		
20. <input type="checkbox"/> Fish Runs				
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	1.59 a. square feet	159 b. square feet		



Massachusetts Department of Environmental Protection  
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**B. Findings (cont.)**

\* #22. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22.  Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

23.  Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. the work is a maintenance dredging project as provided for in the Act; or
  - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 2/5/2018 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,  

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number            SE 32-2195 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

## WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE 32-2195

MassDEP File #

719089

eDEP Transaction #

HARWICH

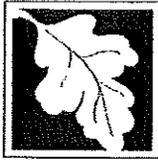
City/Town

### C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

#### NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order (the "Project") is (1)  is not (2)  subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:
- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
  - iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
  - v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



Massachusetts Department of Environmental Protection  
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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

## WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE 32-2195

MassDEP File #

719089

eDEP Transaction #

HARWICH

City/Town

### C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

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Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

### WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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City/Town

#### D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The Town of Harwich Conservation Commission hereby finds (check one that applies):

- a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Town of Harwich Wetland Protection Bylaw and Regulations

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See Attached Special Conditions

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TOWN OF

HARWICH

*732 Main Street  
Harwich, MA 02645*

CONSERVATION COMMISSION

(508)430-7538 FAX (508)430-7531

TOWN OF HARWICH CONSERVATION COMMISSION  
ORDER OF CONDITIONS

DEP FILE # SE 32-2195

NAME: Peter B. & Lisa B. Hennessy

LOCATION: 637 Route 28, Map 15 Parcel P4-1

PLAN TITLE: Plan Showing Proposed Dredging, Pier, Ramp, and Float

DATE: Revision date of 12/3/2014

Scale: 1" = 20'

PREPARED BY: Coastal Engineering Co.

SIGNED/STAMPED BY: Roger Paul Michniewicz

RESOURCE: Within Land Under the Ocean, Coastal Beach, Coastal Bank, Salt Marsh, and Land Containing Shellfish.

This permit allows the installation of a platform at the top of the bank, a staircase down the coastal bank, a walkway over the salt marsh, and seasonal pier, ramp, and float, as well as dredging at 637 Route 28 in Wychmere Harbor.

The provision of the Harwich By-Law Article VII which also applies is hereby certified to be complied with and is part of this ruling.

General Conditions 1 – 18 Issued by the State Department of Environmental Protection on the preceding pages should be read and followed.

GENERAL CONDITIONS

1. No work shall commence on this project until the ten (10) business day appeal period has passed. This period shall begin on the day the Order of Conditions is hand delivered or postmarked, as appropriate.
2. The Order must be registered at the Barnstable County Registry of Deeds prior to commencement of any work and notice filed with the Commission.
3. The applicant or representative shall inform the Commission in writing of the name, address, and telephone number of the project contractor who will be responsible for on-site compliance with this order at least 72 hours in advance.
4. Members and Agent of the Harwich Conservation Commission shall have the right to enter and inspect the premises to evaluate compliance with the conditions stated in this Order, the Act, and 310 CMR 10.00.
5. This Order of Conditions applies only to the work permitted by this Order.
6. If any alteration of the Wetland/Resource Area does occur, the Commission shall impose measures, as it finds necessary to protect and restore those areas.
7. The construction site shall be left in a stable condition at the close of each day. Construction refuse and debris shall be controlled daily. Erosion and sedimentation controls shall be inspected, maintained, and reinforced if necessary daily.
8. Erosion and sediment control measures, as set forth in the referenced plan, shall be installed and kept in place for the duration of construction on the site and until permanent vegetative cover is established.
9. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project.
10. Any refuse material from the site shall be disposed of at an approved location, and in no case will these materials be buried or disposed of in or near a Resource Area/Wetland.
11. This Order of Conditions shall apply to any successor in interest or assigns of the property.
12. This Order of Conditions shall expire on . For an extension to be granted, the Commission must receive a written request 30 days prior to the expiration of this Order.
13. All work will be done in strict conformity with the plans approved by the Commission under this Order of Conditions. Failure to file an amended plan and obtain the Commission's approval before deviating in any way from the approved plans shall constitute a violation of this Order of Conditions and permit. The Commission in its discretion may require a new hearing if any deviations or alterations from the approved plans are deemed significant.
14. If any unforeseen problem occurs during construction which affects any of the statutory interests of the Wetland Protection Act or Harwich By-Law Article VII, upon discovery, the Conservation Commission, or its Agent shall notify the developer immediately to determine the correct measures to be employed.
15. Failure to comply with all the conditions of this Order shall result in enforcement action by the Harwich Conservation Commission, which may include fines not to exceed \$200.00 per day/per violation.

#### SPECIAL CONDITIONS

- 1.) There is to be a pre-construction meeting between the engineer, contractor and the conservation administrator.

- 2.) Photos are to be taken both before and after the work has been completed. These may be submitted electronically to the Conservation Administrator.
- 3.) The ramp and float are to be seasonal, and only in place between May 15 – October 15 annually.
- 4.) Off-season the ramp and float shall be stored upland outside of the resource area or at an appropriate location offsite.
- 5.) There shall be at  $\frac{3}{4}$ " spacing on the decking to allow for light penetration.
- 6.) The Conservation Department and Harbormaster shall be notified in writing at least 72 hours prior to any dredging during the life of this permit.
- 7.) There shall be at least 4' of clearance over the landward edge of the *spartina patens*.
- 8.) Pier piles shall be driven from a working barge. At no time shall the barge be resting on the bottom. Dredging to occur at high tide only.
- 10.) Dredge spoils shall be dewatered on the barge, then offloaded into a watertight container and transported to an approved off-site disposal location.
- 11.) A bottom-anchored silt curtain shall be in place while dredging.
- 12.) No dredging is allowed within 25' of the salt marsh.
- 13.) The applicant must obtain permission from the neighbor to the east (Town of Harwich) to perform work within 25' of the property line.
- 14.) Pier shall be no wider than 4' at it's widest point at the outside of the piles.
- 15.) Dredging to go no deeper than -4.0 MLW; approximately 215 cubic yards of material.



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 SE 32-2195  
 MassDEP File #  
 719089  
 eDEP Transaction #  
 HARWICH  
 City/Town

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

2/5/2015  
 1. Date of Issuance

Please indicate the number of members who will sign this form.  
 This Order must be signed by a majority of the Conservation Commission.

4  
 2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

[Signature] \_\_\_\_\_  
[Signature] \_\_\_\_\_  
[Signature] \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

by hand delivery on

by certified mail, return receipt requested, on

Date

2/5/2015  
 Date

**F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE 32-2195

MassDEP File #

719089

eDEP Transaction #

HARWICH

City/Town

**G. Recording Information**

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

TOWN OF HARWICH

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Town of Harwich

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

637 Route 28

Project Location

SE 32-2195

MassDEP File Number

Has been recorded at the Registry of Deeds of:

BARNSTABLE

County

Book

Page

for: Peter B. & Lisa B. Hennessey  
Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

2/5/2015

Date

Bk 28727 Pg 340 #9961

If recorded land, the instrument number identifying this transaction is:

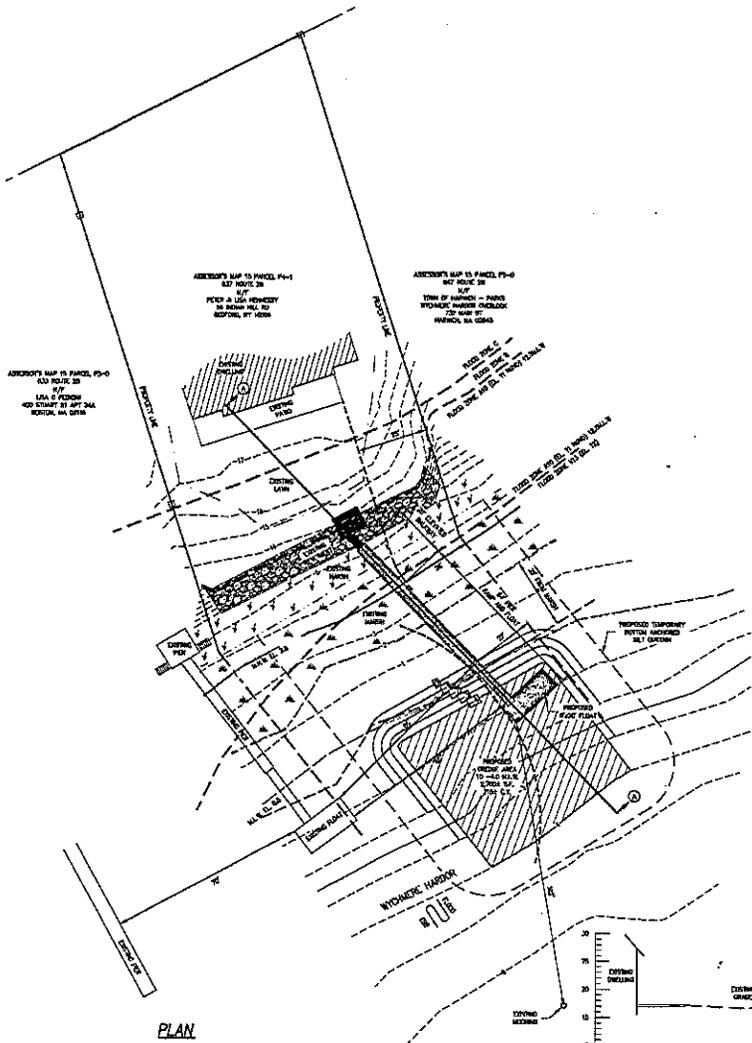
Instrument Number

03-10-2015 @ 09:42a

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



**NOTES:**

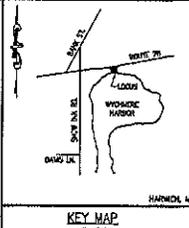
- SUPPLY ALL MATERIAL, EQUIPMENT AND LABOR FOR DREDGING AND CONSTRUCTION OF PIER, RAMP, AND FLOAT AS DESCRIBED AND SHOWN ON PLAN AND DETAILS.
- ALL WORK TO BE PERFORMED IN ACCORDANCE WITH THE PLANS, SPECIFICATIONS AND THE ORDER OF CONDITIONS ISSUED BY THE HARBOR CONSERVATION COMMISSION.
- ACCESS TO BE FROM UPLAND OF OWNER'S PROPERTY OR FROM WORKING BARGE, WORKING BARGE NOT TO BE LOCATED OVER MARSH AT ANY TIME. STAGING AREA FOR MATERIALS TO BE IN OWNER'S PROPERTY. APPLICANT IS RESPONSIBLE FOR OBTAINING PERMISSION FOR USE OF THE AREAS TREATED OR APPROVED DOWN.
- THE STAIRS AND SEASONAL PIER SHALL BE CONSTRUCTED UTILIZING SPANNS OF APPROXIMATELY 10' MINIMUM BETWEEN SUPPORT POSTS. SET SHOR SECTION AND DETAILS FOR DESIGN. BRIDGEPOSTS FOR STAIRS TO BE HAND DRAG WITH EXCESS MATERIAL SPREAD OVER THE BEACH AREA, OR REDUCED TO AN UPLAND SITE. STAIRS TO BE CONSTRUCTED AND ELEVATED 18" MINIMUM ABOVE THE MARSH AS SHOWN ON THE PLAN DETAILS. MINIMUM SPACE BETWEEN ALL DECK PLANKING TO BE 3/4".
- METAL TO BE HOT DIPPED GALVANIZED AFTER FABRICATION. TUBES TO BE NON-LEACHING PRESSURE TREATED IN ACCORDANCE WITH WOOD PRESERVATIVE INSTITUTE OF AMERICA.
- NO MACHINERY OR EQUIPMENT TO OPERATE IN THE MARSH.
- POSTS FOR CATALK TO BE HAND DRAG WITH EXCESS MATERIAL REMOVED TO AN UPLAND SITE.
- CONSTRUCTION DETAILS TO BE APPROVED BY ENGINEER PRIOR TO CONSTRUCTION.
- THE STAIRS SHALL BE MAINTAINED OVER THEIR USEFUL LIFE. ANY FUTURE MAINTENANCE REQUIRED ON THE STAIRS SHALL NOT COMMENCE UNTIL THE HARBOR CONSERVATION ADOPT HIS FIRST BEING ADOPTED AS TO THE SCOPE OF THE IMPROVEMENT.
- DESIGNATED AREAS TO BE REVEGETATED TO MATCH PRE-CONSTRUCTION CONDITIONS.
- OFF-SEASON STORAGE OF RAMP AND FLOAT TO BE AN APPROVED UPLAND LOCATION.
- ENSURE 4' OF CLEARANCE OVER LANDWARD EDGE OF SPARTINA PATCHES.
- PIER PILES SHALL BE DRIVEN FROM WORKING BARGE.

**SPECIAL REQUIREMENTS FOR COASTAL CONSTRUCTION**

- ALL STEEL MEMBERS, CONNECTIONS, CORROSION, ETC. SHALL BE NOT SPRAY GALVANIZED. ALL METAL CONNECTIONS MUST BE ROUTINELY INSPECTED AND MAINTAINED OVER THE SERVICEABLE LIFE OF THE STRUCTURE.
- ALL EXTERIOR EXPOSED LAISER USED FOR STRUCTURAL FRAMING, STAIRS, RAILING, ETC. SHALL BE ACID PROCESSED TREATED OR APPROVED DOWN.
- DREDGING TO BE PERFORMED AT HIGH TIDE ONLY.

**DREDGING OPERATION NOTES**

- SEVIC ANALYSIS TEST RESULTS INDICATE LESS THAN 5% FINE, AND THEREFORE, MATERIAL CAN BE USED FOR SLACK HOURSMOUNT OR OTHER UPLAND DISPOSAL, AS APPROVED.
- DREDGING SHALL BE BY MECHANICAL MEANS.
- DREDGING TO BE FROM A WORKING BARGE WITH SPILLS TO BE REMOVED ON THE BARGE, THEN OILWATER TO WATERTIGHT DRUMS, THEN TRANSPORTED TO AN APPROVED OFF-SITE DISPOSAL AREA.
- A SET CURTAIN SHALL BE IN PLACE AND MAINTAINED AT ALL TIMES DURING THE DREDGING OPERATION.



**PLAN REFERENCES:**

ASSASSIN'S MAP 10, PARCEL PA-1

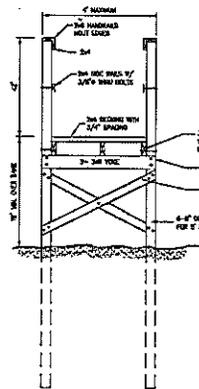
**FLOOD NOTE:**

FLOOD ZONE V3 (FLOOD ZONE AND TD 1), ZONE 2 AND ZONE C AS SHOWN ON FEMA FIRM PLATE 15000M 0200 C REVISION MAY 10, 1985

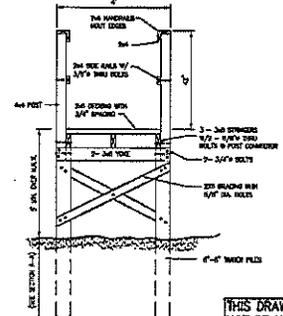
**DATUM NOTE:**

ELEVATIONS SHOWN HEREON ARE BASED ON THE MEAN LOW WATER (MLW)

**LEGEND**

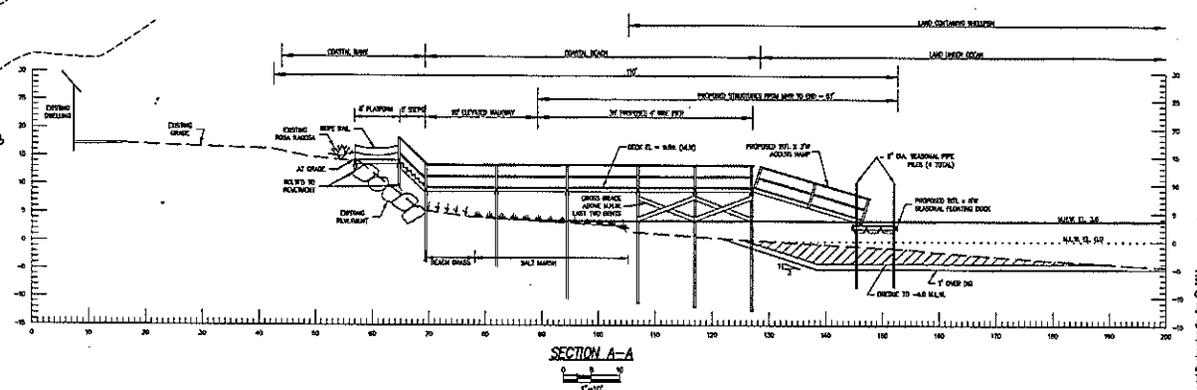


**ELEVATED WALKWAY DETAIL**  
NOT TO SCALE



**PIER DETAIL**  
NOT TO SCALE

THIS DRAWING IS PREPARED FOR PERMITTING PURPOSES ONLY AND SHALL NOT BE USED FOR CONSTRUCTION. CONTRACTOR SHALL OBTAIN FINAL CONSTRUCTION DETAILS FROM THE ENGINEER PRIOR TO PREPARATION OF CONSTRUCTION BID AND BEFORE BEGINNING ANY WORK.



**COASTAL ENGINEERING COMPANY, INC.**  
2nd Commerce Hwy., Chelsea, MA 01937  
508-253-8171 FAX 508-253-8770

REV.	DATE	BY	CHKD.
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**PETER & LISA HENNESSY**  
REGISTERED PROFESSIONAL ENGINEERS  
17-18-14

**PETER & LISA HENNESSY**  
REGISTERED PROFESSIONAL ENGINEERS  
17-18-14

**PETER & LISA HENNESSY**  
REGISTERED PROFESSIONAL ENGINEERS  
17-18-14

**C3.11**  
1 OF 1 SHEETS  
PROJECT NO. C18041.00

**OFFICE OF THE TOWN ADMINISTRATOR**

Phone (508) 430-7513

Fax (508) 432-5039

**Christopher Clark, Town Administrator**

732 MAIN STREET, HARWICH, MA 02645



May 18, 2015

Mary-Joe Perry, District Highway Director  
Massachusetts Department of Transportation  
District 5, 1000 County St.  
Taunton, MA 02780

Re: Harwich – Route 28 – Sidewalk Construction Future Maintenance

Dear Ms. Perry,

The Board of Selectmen is exceptionally pleased with your letter of May 11, 2015 regarding Mass DOT – Highway Division District 5 Agreement to install approximately 3,300 feet of sidewalk on the south side of Route 28 beginning at the intersection of Bank Street and ending at Saquatucket Harbor pursuant to our request.

The Board does seek to confirm that your letter indicates ending at Harwich Point when our request was to end at Saquatucket Harbor.

The Board of Selectmen is in agreement with your request that the Town of Harwich agrees to take responsibility for future maintenance once this newly installed or renovated sidewalk is complete. This letter acknowledges the Town's acceptance and if the State requires any additional materials please forward those for execution.

The Board appreciates the cooperative manner in which we been able to work on this issue and appreciate the State's support.

Sincerely,

\_\_\_\_\_  
Larry G. Ballantine, Chair

\_\_\_\_\_  
Peter S. Hughes

\_\_\_\_\_  
Edward J. McManus

\_\_\_\_\_  
Angelo S. LaMantia

\_\_\_\_\_  
Linda A. Cebula

cc: Lincoln Hooper, Department of Public Works Director

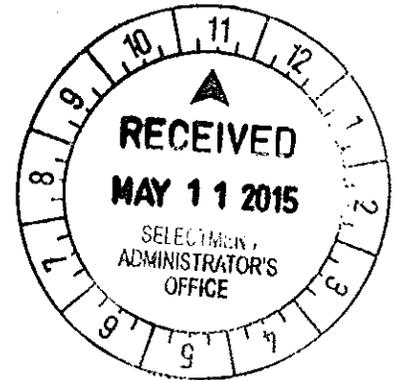


Charles D. Baker, Governor  
Karyn E. Polito, Lieutenant Governor  
Stephanie Pollack, Secretary & CEO  
Thomas Tinlin, Acting Administrator



May 11, 2015

Harwich Board of Selectmen  
Town of Harwich  
732 Main Street  
Harwich, MA 02645



**Subject: Harwich – Route 28 – Sidewalk Construction**

Dear Members of the Board:

This is in response to your letter dated April 28, 2015, regarding the construction of approximately 3,300 feet of sidewalk on the south side of Route 28 beginning at the intersection of Bank Street and ending at Harwich Point.

Engineers from MassDOT-Highway Division, District Five have conducted a preliminary review of the location and have determined that installation of a sidewalk in the area to be viable. Therefore, a sidewalk will be included in any future reconstruction/resurfacing project of this roadway, subject to available funds.

Currently, the maintenance of sidewalks is generally the responsibility of the municipality (Town of Harwich), where the sidewalk is located. The municipalities who request and support the installation of sidewalks are asked to provide a statement in writing agreeing to take responsibility for future maintenance of the sidewalk.

Thank you for bringing this matter to MassDOT's attention. If you have additional questions regarding this matter, please contact George Ayoub, District Highway Maintenance Operations Engineer, at (508) 884-4220.

Sincerely,

Mary-Joe Perry  
District Highway Director

GTA/gta

Cc: MJP, MEB, PRH, FILE

File: Harwich Rte 28 SW

District 5, 1000 County Street, Taunton, MA 02780  
Tel: 508-824-6633, TTY: 508-880-6102  
[www.mass.gov/massdot](http://www.mass.gov/massdot)

## **Harwich Board of Selectmen Rules of Operation**

Except as otherwise prescribed by the Home Rule Charter and state and Federal law, the Harwich Board of Selectmen shall conduct its business in the following manner:

### **SECTION 1 OFFICERS**

The second Board of Selectmen meeting subsequent to the May Town Election shall be an organizational meeting. The Board shall nominate a Chair, a Vice Chair, and a Clerk. The election of officers may take place at that meeting, but no later than the next regular meeting. Election of officers shall be by simple majority of the board.

### **SECTION 2 ROLE OF OFFICERS**

#### **A.) The Chair of the Board**

The Chair of the Board of Selectmen shall preside at the meetings of the Board. In the absence of the Chair, the Vice Chair shall preside; and in the absence of both, the Clerk shall preside. The Chair shall also assemble, with input from his/her fellow members, an agenda for each meeting. From time to time the Chair, at the request of the Board, may be called upon to act in behalf of the Board in person or in writing.

#### **B.) The Vice Chair of the Board**

In the event that the Chair of the Board can no longer serve, the Vice Chair shall assume the powers and duties of the Chair for the remainder of the term. If a vacancy occurs in the office of Vice Chair, the Board shall elect a new Vice Chair from its members before two regular meetings have passed.

#### **C.) The Clerk of the Board**

The Clerk of the Board shall read public hearing notices into the official record and act as the Chair in the absence of the Chair and the Vice Chair.

#### **D.) Interview and Appointment Committee of the Board**

The Board shall nominate and vote to appoint two members of the Board to serve as the Interview and Appointment Committee of the Board.

No office of the Board shall remain vacant for more than two regular meetings.

### **SECTION 3 DUTIES OF THE PRESIDING OFFICER**

At the hour at which the Board is to meet, the Chair shall call the members and all in attendance to order.

The Chair shall preserve order and decorum and may speak to points of order in preference to other members. The Chair's ruling on questions of order are subject to appeal to the Board. The vote of such appeal shall be a roll call and it shall be decided in the affirmative by a majority vote.

All votes shall be declared by the Chair. If any member doubts a vote, the Chair, without further debate upon the question, shall require a roll call vote. No decision shall be declared unless a quorum of the Board shall have voted. The Chair may vote, move, or second any motion on all matters that come before the Board.

The Chair may at any time, during a debate or otherwise, declare a recess for not more than ten minutes with such action subject to affirmation by a vote of the Board.

The Chair may state facts and give opinions upon questions of order without leaving the Chair.

#### **SECTION 4 MEETINGS**

The regularly scheduled meetings of the Board shall normally be conducted on Monday evenings in the Harwich Town Hall or such other location in Town as deemed appropriate given the agenda, as determined by the Chair. Exceptions to this rule may be made by vote of the Board. However, any meeting of a quorum of the Board shall be posted and advertised. Regular meetings shall be held weekly, when possible, except during summer months when the Board may elect to convene bi-weekly. Information relevant to regular meetings shall be contained in an agenda available to the public prior to the meeting and back-up data shall be provided to every Board member prior to the meeting.

##### **A.) Special Meetings of the Board**

Special meetings of the Board may be held on the call of the Chair, or on the call of any two members, by written notice. Said notice shall state the purpose of such meeting and be posted at least forty-eight hours (excluding Sunday) in advance of the time set, except in instances provided by law.

##### **B.) Executive Session**

Executive session may be entered only after the Board has first convened in open session for which notice has been appropriately posted. The Chair shall cite the reason for going into executive session and shall call for a roll call vote of the Board. The vote of each member shall be entered into the minutes, with a majority necessary to initiate an executive session. Only lawful purposes as contained in the MGL Open Meeting Law shall constitute a reason to conduct an executive session.

#### **SECTION 5 INTRODUCTION OF BOARD BUSINESS**

No measure or non-measure shall be received or acted upon unless introduced by a member of the Board of Selectmen, or by petition as provided by the home rule charter, to the extent possible.

#### **SECTION 6 FILING DEADLINES FOR REGULAR MEETINGS**

Any member may ask for an item to be placed on an upcoming meeting's agenda. Any item of business beyond that which may have already been placed on the agenda by the Chair of the Board of Selectmen for the board's next agenda must be submitted to the Selectmen's/Administrator's office no later than the day after the previous meeting or 9:00 a.m. on the Wednesday preceding the next Selectmen's meeting, whichever is later. The Chair of the Board and/or the Town Administrator may, in case of necessity, approve any additional items for inclusion in the agenda after said deadline.

The agenda shall contain a description of the items that will be taken up by the Board. Those items set for discussion will be so identified. For those items set for action the agenda description should describe the nature of the action to be taken. Items placed on the consent agenda will have a specific recommendation. Individual items will not be discussed separately unless a member request that an item be taken off consent, at which time the item will be moved to the action item portion of the agenda. The appropriate motion to move the consent agenda is; "I move approval of the consent agenda and the recommendations thereon."

The Board's agenda, including the Town Administrator's report, other reports and documentation, recommendations on action items, and any informational material to be discussed shall be delivered to the Board members no later than 48 hours prior to the regular meeting of the Board. Packets containing similar material (exclusive of confidential materials) shall be placed at the Library, the foyers of the Police and Fire Departments and the reception desk at the Community Center.

## **SECTION 7            ORDER OF BUSINESS**

At every regular meeting of the Board, the order of business shall include (not necessarily in this order):

1. Call to Order
2. Weekly Briefing
3. Information
4. Consent Agenda
5. Town Administrator's Report
6. Public Hearings
7. Action Items
8. Discussion Items
9. Selectmen's Reports
10. Announcements
11. Adjournment

## **SECTION 8            PUBLIC COMMENT**

At each regular meeting of the Board there shall be a period set aside for public comment. Such comments shall include any item of concern to the public not on the Agenda.

## **SECTION 9            PARLIAMENTARY GUIDELINES**

In all matters of parliamentary procedure not provided for in the constitution and laws of the Commonwealth, the Home Rule Charter, or explicitly elsewhere in these rules, the presiding officer and the Board members shall be guided by the principles of fairness, clarity, and efficiency, in that order. In determining any parliamentary question, the Board shall generally rely upon Robert's Rules of Order.

## **SECTION 10          QUORUM**

The majority of the total membership of the Board of Selectmen shall constitute a quorum.

## **SECTION 11          ORDER OF SPEAKING**

When two or more members request the floor at the same time, the Chair shall recognize the member who shall first be heard. No other member or person shall be heard while a member holds the floor.

## **SECTION 12 REFERRALS TO COMMITTEES**

When a matter before the Board relates to a subject which may properly be examined and reported upon by an existing or new ad hoc committee of the Town, such matter shall, upon motion and a majority vote of the Board, be referred to such committee. Any matter may be referred to a committee, commission or board for advice. Issues may also be referred by the Board to Town Legal Counsel for advice.

## **SECTION 13 RECONSIDERATION**

At any meeting which vote has been taken, it shall be in order for any Board member who has voted with the prevailing side to move for immediate reconsideration or to serve notice that a motion for reconsideration shall take place at the next regular meeting of the Board. The vote for reconsideration shall be open to debate, shall be limited to twenty minutes and shall require a majority vote.

## **SECTION 14 CLEAR STATEMENT OF MOTIONS BEING VOTED ON**

All motions, substitute motions and amendments shall be clearly restated immediately preceding the vote by the Board of Selectmen.

## **SECTION 15 VOTES**

All actions taken by the Board requiring a vote will be by a majority unless otherwise provided for in MGL, the Home Rule Charter or as otherwise provided by law.

All final votes of the Board shall be entered in the minutes by name except for unanimous votes. Every Board member present when the question is put shall vote yes, no, or abstain.

## **SECTION 16 BOARD LIASONS**

After the organization of the Board, the Chair, subject to approval by the full Board, may appoint liaisons to standing committees.

## **SECTION 17 BOARD SUB-COMMITTEES**

The Board may designate sub-committees comprised of Board members as is deemed necessary. Board Sub-Committee meetings shall be posted as required by law. Sub-committees will operate under the following guidelines.

1. Sub-committees will be established by action of the board
2. Sub-committee members shall be appointed by the chairman of the Board of Selectmen
3. Sub-committees may make recommendations for Board action, but it may not act for the Board of Selectman
4. Sub-committees will periodically be provided with tasks and assignment
5. Sub-committees may be dissolved by a vote of the board at any time.

**SECTION 18            TOWN COMMITTEE PARAMETERS AND GUIDELINES**

Except for regulatory bodies and those designated by the Town Charter or State law, all Committees shall be advisory to the Board of Selectmen and shall take no actions that may bind the Board.

Committees shall follow a schedule of meetings to be coordinated through the Town Administrator's office which shall be publicly posted and in accordance with the Open Meeting Law and the Committee Handbook.

The conduct of all committees shall likewise be governed by the Committee Handbook.

**SECTION 19            APPOINTMENTS**

Appointment and reappointment recommendations shall normally be made by the Interview and Appointment Committee of the Board and shall be acted upon by the Board at a public meeting. Vacancies on committees must be advertised for two weeks before they may be filled by the board. Except by consent of the Board, any Board action regarding appointments shall be acted upon only after proposed appointments and interviewed candidates have been provided to all members prior to the meeting at which the appointments are proposed. Normally, all interested parties for a vacant position shall be interviewed prior to an appointment recommendation.

## **SECTION 20           INQUIRIES AND INVESTIGATIONS**

The Town Charter gives the Board of Selectmen the authority to conduct inquiries or investigations into any and all Town matters which it deems proper to review.

## **SECTION 21           CORRESPONDENCE**

All received correspondence (whether addressed to the Board as a whole, or to any particular member) shall be entered into a daily correspondence folder for all members to review. In the event of correspondence directed to a particular Selectman, a copy shall be delivered to his or her desk for their personal review. Final action taken relative to any correspondence shall be by majority will of the Board. No correspondence shall be removed from official correspondence files.

Correspondence from the Board shall be available in a folder in the Selectmen's office, shall reflect the voted will of the Board and may not be removed except for defect and correction.

## **SECTION 22           MEETING DURATION**

The weekly Board of Selectmen meeting shall not proceed past three and one half (3½) hours of the regular scheduled meeting time unless there is a 4/5<sup>th</sup> majority vote of the members.

Adopted:       6/7/04

Voted Amendments: 3/6/06

Voted Amendments: 10/10/06

Voted Amendments: 6/30/08