

SELECTMEN'S MEETING AGENDA

Griffin Room, Town Hall

Regular Meeting 6:30 P.M.

Monday, October 5, 2015

I. **CALL TO ORDER**

II. **PLEDGE OF ALLEGIANCE**

III. **WEEKLY BRIEFING**

IV. **PUBLIC COMMENT/ANNOUNCEMENTS**

V. **CONSENT AGENDA**

A. Approve Minutes –

1. September 8, 2015 Executive Session
2. September 14, 2015 Regular Session
3. September 21, 2015 Executive Session
4. September 21, 2015 Regular Session

B. Approve application for Hawkers & Peddlers License by Pilgrim Lodge

C. Approve application for Lodging House License for Gingerbread House

D. Accept the resignation of Eileen Brady from the Historic District/Historical Commission effective September 24, 2015

E. Accept various gift donations to be deposited into the Saquatucket Harbor Demolition/Beautification Account

F. Confirm the appointment of Alexandra Olsen to the position of part-time Community Center Clerical Aide (PT-3 Step 5) at the rate of \$14.85/hour

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

A. Annual Meetings:

1. Planning Board – Jim Atkinson, Chair
2. Board of Health – Mary Jane Watson, Vice Chair/Acting Chair
3. Housing Committee – Mayla Secola, Chair

B. Board of Selectmen FY 2017 Budget Message

VII. **OLD BUSINESS**

VIII. **NEW BUSINESS**

A. Request by Habitat for Humanity for Selectmen to accept the deed to the road (Lot 8) and approve the covenant, passbook agreement, and indemnification agreement for the Oak Street development – *discussion and possible vote*

B. Wastewater Educational Moment – Preliminary Construction Schedule for the Muddy Creek Project - *discussion*

IX. **TOWN ADMINISTRATOR'S REPORT**

A. DEP affirmation of the Harwich Conservation Commission's order of Conditions approving the proposed relocation of the Bay View Road public access path

X. **SELECTMEN'S REPORT**

XI. **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

Sandra Robinson, Admin. Secretary

Date: October 1, 2015

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, SEPTEMBER 14, 2015
6:30 P.M.**

SELECTMEN PRESENT: Brown, Cebula, Hughes, LaMantia, MacAskill

OTHERS PRESENT: Town Administrator Christopher Clark, David Riquinha, Dan Pelletier, Ginny Hewitt, Jeremy Gingras, Gary Carreiro, Sally Urbano, Brooke Williams, Barbara Josselyn, Liz Groves, Allin Thompson, Danette Gonsalves, and others.

MEETING CALLED TO ORDER at 6:30 p.m. by Chairman Peter Hughes.

PUBLIC COMMENT/ANNOUNCEMENTS

Mr. Gingras reported on the upcoming Cranberry Festival events. The Board took comments from Brooke Williams regarding uses for the West Harwich School.

CONSENT AGENDA

- A. Approve Minutes – June 17, 2015 Regular Meeting
- B. Approve and sign Amendment to Town of Harwich/Harwich Historical Society Agreement to include A. Elmer Crowell Barn building as requested by Brooks Academy Museum Commission
- C. Approve request by Brooks Academy Museum Commission to establish A. Elmer Crowell Barn Maintenance Gift Account
- D. Approve Chapter 90 Project Request for Resurfacing Various Roads in the amount of \$392,645.08
- E. Accept gifts to Harbor Demolition/Beautification Fund
- F. Accept gifts to Albro House Maintenance Gift Account

Ms. Brown moved approval of the Consent Agenda. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

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

- A. Annual Meetings:
 - 1. Architectural Advisory

Ms. Josselyn and Ms. Groves provide the annual report of the Architectural Advisory Committee.

- 2. Agricultural Commission

Chairman Hughes reported that the Agricultural Commission has asked to be rescheduled.

3. Brooks Academy Museum Commission

Mr. Gingras provided the annual report of the Brooks Academy Museum Commission.

4. Historic District / Historic Commission

Chairman Hughes reported that the Historic District/Historical Commission has asked to be rescheduled.

B. Joint Meeting with Board of Water Commissioners regarding potential water/wastewater organizational configuration – *discussion and possible vote*

Chairman Hughes asked the Water Commissioners if they had taken a vote to either support or not support the Comprehensive Wastewater Management Plan. Mr. Thompson stated that 2 of the 3 Water Commissioners serve on the Wastewater Implementation Committee but the full Board of Water Commissioners has not voted on the CWMP. He stated that with regard to the organization, they have voted a position to have a 5 member elected Board for water and wastewater. He outlined a study that they commissioned in 2012 noting that it is discussed in the study. He stated that the Selectmen already have a full boat and if they go with this 5 member elected Board they will still be involved as they will have to sign bond issues and participate in fee structures. He said he doesn't think the Selectmen want to take on complaints and billing issues and he stressed the need for infrastructure improvements that need to be addressed. Chairman Hughes noted that recent races for Water Commissioners have been uncontested and questioned if there would be enough interest to fill a 5 member Board. Mr. Thompson responded that he firmly believes we will always have enough interested people. Chairman Hughes noted that there were significant management issues at the Water Department and questioned what steps would they use to make sure that doesn't happen again. Mr. Thompson responded that all employees know they may talk to the Commissioners at any time and there are now written policies in place including use of cell phones and computers. Chairman Hughes asked if the Water Department has a plan that matches the CWMP to what they might need water wise. Mr. Thompson responded that East Harwich is all set for water and our problems will be in the older part of Town. He said we are looking at about \$25 million in updates. Ms. Cebula questioned who makes sure the policies are supervised. Mr. Carreiro stated that they have gone way off subject and the comments are inappropriate and uncalled for. Chairman Hughes said he disagreed in light of past events and added that this is a lot of taxpayer money. Mr. LaMantia proposed keeping the current Commissioners as appointed members of a Wastewater and Water Committee, and having them report to the Town Administrator who reports to the Board, and the Selectmen would deal basically with policy. Mr. MacAskill clarified that the Commissioners are proposing expanding the current Board and increasing their responsibilities. He stated that an elected body is answerable to the taxpayers and he is not sure the Selectmen have the expertise for water and wastewater. Mr. Carreiro stated that an elected body carries more weight being answerable to the taxpayers and an appointed body for this caliber of work isn't effective. Ms. Gonsalves pointed out that they already have the billing and software in place. Ms. Cebula asked that the report that Mr. Thompson referenced be placed on the Town's website so the public can have a better understanding. Mr. Clark stated that there has been a legislative history that this is an elected body and it would be a significant change to make it appointed and from a business perspective having the billing merged with water makes sense. Mr. Cakounes said he strongly disagrees with a potential charter change to disband the Water Commission and have the water and sewer duties under the Board of Selectmen. He noted that the

Department has a history of awards and citations and the Selectmen would be overtaxed with adding this under their direction. He said we should increase the elected Board to 5 members. Chairman Hughes said they would continue the dialogue.

OLD BUSINESS

A. Preparation for Charter amendments – *discussion and possible vote*

Chairman Hughes reviewed the memo from Kopelman and Paige dated November 12, 2014 regarding Charter Interpretation Issues and asked Mr. Clark to identify the items they want to work on for their meeting with the By-Law Charter Review Committee next week. Mr. LaMantia noted that the Harbormaster isn't specified in the Charter and should be.

NEW BUSINESS

A. Declare the following structures as surplus and offer for bid - *discussion & possible vote:*

1. Detached garage in rear of Albro House
2. Addition on east side of Albro House

Ms. Brown said we should hold off on this until we know if we are going to keep the building. Ms. Urbano said it detracts from the historic form of the building. Ms. Cebula questioned why if a Town department is doing something on Town property it becomes a Town expense and Mr. LaMantia noted that we have to pay the fees to ABC Disposal and we don't have any other source of funds. Ms. Cebula also questioned why we are soliciting funds to pay for Town expenses. Ms. Brown said we can start to create a plan for the building and Mr. Clark responded that administration has developed a plan for Town use and a wellness center. Mr. LaMantia moved to declare as surplus and offer for bid the detached garage in the rear of the Albro House and the addition on the east side of Albro House. Ms. Cebula seconded the motion for discussion. Mr. MacAskill stated he was against knocking down the garage because if we knock it down and somebody buys it they will never get a garage permit again. He said it adds some value to the building and could be of some use. Mr. MacAskill moved to amend the motion not to include the detached garage. Mr. LaMantia seconded the motion. Ms. Cebula commented that the garage is a dump. Chairman Hughes called for a vote on the motion to amend. The motion to amend failed by a 2-3-0 vote with Ms. Cebula, Mr. LaMantia and Ms. Brown opposed to the motion. Ms. Brown moved to amend the motion that we do not offer it for bid, if we are going to declare these structures as surplus, that we simply move ahead and demolish it ourselves with the \$500 that was given to the gift account. The motion was not seconded. The main motion carried by a 3-2-0 vote with Mr. MacAskill and Ms. Brown in opposition.

B. Wastewater Educational Moment – Sewer Plan – *discussion*

Chairman Hughes outlined Figure 13-1 of the Comprehensive Wastewater Management Plan.

C. Potential re-use of West Harwich School – *discussion*

Chairman Hughes questioned if we want to put out an RFP for re-use of the West Harwich School. There was a discussion about putting out an RFI and having a license agreement with an interested party. Mr. Cakounes noted that there is still the contamination issue on the property that lingers and

he strongly advocated for a licensing agreement. The Board took comments from Brooke Williams. Chairman Hughes asked Mr. Clark to talk to legal counsel and find out the best way to move forward.

TOWN ADMINISTRATOR'S REPORT

A. Legal costs summary – Kopelman & Paige FY 14, 15 & 16

Mr. Clark noted that a summary of legal costs from Kopelman & Paige is included in the packet.

B. East Harwich Fire Study Group on potential additional uses for East Harwich station

Mr. Clark reported that the Fire Chief had requested a study group to look at issues at the East Harwich Station.

C. Merging of two part-time Building Inspector positions

Mr. Clark reported that he had a request from the Building Commissioner to merge the two part-time Building Inspector positions into one full-time position. He stated that he has the salary covered but probably not the overhead costs. Chairman Hughes asked Mr. Clark to provide the full cost. Mr. LaMantia commented that he is in agreement with the concept but it would be nice if they actually had the numbers. Ms. Cebula stressed the need for a full cost analysis.

D. Withdrawal of Proposal to purchase former Fire Station on Bank Street

Mr. Clark noted that the proposal to purchase the former Fire Station on Bank Street has been withdrawn.

ADJOURNMENT

Chairman Hughes adjourned the meeting at 8:56 p.m.

Respectfully submitted,

Ann Steidel
Recording Secretary

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, SEPTEMBER 21, 2015
6:30 P.M.**

SELECTMEN PRESENT: Brown, Hughes, LaMantia, MacAskill

OTHERS PRESENT: Town Administrator Christopher Clark, Chief Clarke, Deputy Chief Gagnon, Barbara-Anne Foley, Lee Culver, Anita Doucette, Adrienne Johnson, Ed McManus, Larry Cole, Richard Waystack, Susan Leven, Liz Argo, John Checklick, Charlie McLaughlin, and others.

MEETING CALLED TO ORDER at 6:30 p.m. by Chairman Peter Hughes.

Chairman Hughes reported that the Board had just come out of Executive Session regarding the Planning Assistant job title and job description and therefore Item C in the Consent Agenda will not be taken up.

WEEKLY BRIEFING

Chief Clarke reported that retired Harwich Fire Chief Bob Hudson passed away. Carolyn Carey described upcoming events at the Community Center. Barbara-Anne Foley announced that the Council on Aging has received a grant to do home safety assessments.

PUBLIC COMMENT/ANNOUNCEMENTS

Mr. McManus reported that the Cranberry Festival events were a stunning success and were overwhelmingly attended including the beach day, fair and music festival. He thanked the Harwich Cranberry Festival Committee members for their efforts.

- A. National Grid update on gas line moratorium – Bill Ciocca, Dennis McCaffery

Mr. McCaffery and Mr. Ciocca outlined the attached presentation entitled “Eastern Cape Cod Gas Main Replacement Project” and took questions from the Board.

CONSENT AGENDA

- A. Approve Minutes – September 8, 2015 Regular Meeting
- B. Confirm appointment of Charleen Greenhalgh as Assistant Town Administrator at Grade M-7, Step 6, with an annual salary of \$96,155 per year. Start date of October 19th or sooner, contingent on successful background check.
- C. Approve HEA Job Description for Planning Assistant
- D. Accept the resignation of Stanley Kocot as a member of the Harwich Board of Health effective immediately
- E. Approve application for Weekday Entertainment License for TeamPeh Properties, LLC

- F. Vote to refer Ginger Plum Lane road betterment to the Planning Board for Public Hearing following Assessor's verification of owners/signatures which meets criteria of 50% plus one

Ms. Brown moved acceptance of the Consent Agenda Items A, B, D, E and F. With regard to Item B, she noted that the background check was completed. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote. Mr. Clark introduced new Assistant Town Administrator Charleen Greenhalgh.

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

- A. Annual Meetings:
 - 1. Community Center Facilities Committee

Mr. Culver delivered the annual report of the Community Center Facilities Committee.

- 2. Recreation and Youth Commission

No one from the Commission appeared before the Board.

- 3. Council on Aging

Ms. Johnson provided the annual report of the Council on Aging.

- B. Cape & Vineyard Electric Co-op's finances and plans for the coming year – Liz Argo

Ms. Argo, Manager of Programs and Administration at CVEC, provided the attached presentation to the Board which included a list of services provided by CVEC to the Town and a proposed Adder to the agreement. With regard to the proposed Adder, Chairman Hughes pointed out that we made our plans on what the numbers were. He said he would like to see the first annual report. He stated that we held off giving our unions raises until the system came online and that is what we spent a lot of the money on. Mr. MacAskill said he would like to see the first annual report as well and asked when they could get it. Ms. Argo responded that she will prioritize it. Mr. Clark stated that he has significant concerns and that the \$300,000 anticipated has already been dedicated to salaries and wages. He noted that we are also obligated to pay over \$50,000 in personal property tax and that we have an opinion that we owe a certain amount to the Water Department. He expressed concerns about the amount of \$150,000 that CVEC has spent on legal fees. Mr. Checklick, CVEC President, said that without the Adder, the services that CVEC can provide will be greatly reduced. The Board took comments from CVEC Attorney Charlie McLaughlin regarding personal property tax who said he would provide the Board with a short explanation. Chairman Hughes said they will discuss it further after they have had a chance to digest the first annual report. Mr. Cole provided comments regarding what it would cost to pay for services that CVEC provides.

OLD BUSINESS

- A. Full-time Building Inspector – *discussion & possible vote*

Chairman Hughes noted that Mr. Clark has provided information on the economics of the request. Mr. Riquinha provided the rationale behind the decision which included issues of continuity and training and he noted that this would allow for more efficient service. Mr. Clark noted that we may keep one of the current part-timers on a very limited basis to cover for vacations etc. The consensus of the Board was to move forward on this. No vote was taken.

B. Process to move forward with the West Harwich School Building – *discussion & possible vote*

Mr. Clark discussed two options which included applying for CPC funds for construction and redevelopment of the property and having the Town Engineer oversee the project or entering into a license agreement with a private group which could take longer but provides more flexibility. He pointed out that procurement law does not govern issuance of license agreements which allows donations to be used. He questioned what the Board's mission is. Chairman Hughes stressed that the renovations have a lot to do with the end use. He noted that the Urbano's vision is to have a self-sustaining warehouse space with historic elements including a layout identifying the various captains' homes and the fundraising element would be the building of skiffs. Chairman Hughes said we should see if there is anyone else who wants to look at pursuing something there so we don't exclude anyone. Ms. Brown said we should put out an RFI with a timeline which is the fair thing to do. Mr. Waystack agreed and stressed that there may be other proposals that may not cost the Town money. Mr. Clark said he could have Mr. Spitz put together an RFI and he noted that we already have an assessment of the building. He said he would give an update next week and give a sense of the timing as well.

C. Kopelman & Paige rate increase – *discussion and possible vote*

Ms. Brown moved to approve the request by Kopelman & Paige to increase their hourly rate by \$5 to \$175. Mr. LaMantia seconded the motion and the motion carried by a 3-1-0 vote with Mr. MacAskill in opposition.

NEW BUSINESS

A. Wastewater Educational Moment – Fig. 3-13 Package Treatment Sites – *discussion*

Chairman Hughes outlined a slide of Figure 3-13 of the Comprehensive Wastewater Management Plan entitled "Package Treatment Sites."

TOWN ADMINISTRATOR'S REPORT

A. Brooks Free Library columns

Mr. Clark reported that the Town Engineer looked at the columns and found them to be purely decorative. He stated that he asked to have bracing put in as a precaution. Chairman Hughes asked Mr. Clark to have the Town Engineer evaluate what it would take to replace them with perhaps fiberglass reinforced plastic or other options.

ADJOURNMENT

Chairman Hughes adjourned the meeting at 8:34 p.m.

Respectfully submitted,

Ann Steidel
Recording Secretary



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

APPLICATION FOR: **Junk Dealer (\$35)** **Hawkers & Peddlers (\$60)**
 Junk Collector (\$35) **Transient Vendor (\$250)**

Fee: \$ New application Renewal

In accordance with the provisions of the Statute relating thereto, application for the above-referenced is hereby made by:

Business Name Pilgrim Lodge Phone (617) 775-8142
 Business Address 706 Main St. Harwich, MA 02645
 Mailing Address P.O. Box 47
 Email Address secretarypilgrim@gmail.com
 Name of Owner _____

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

Andrew Eldridge Box 332 Brewster MA 02631 President

Note: Application for Transient Vendors License will be processed only to those persons who hold a Transient Vendor's License issued by the Commonwealth pursuant to the General Laws, Chapter 101, Section 3. The fee for such license shall be \$250.00, which shall be paid in cash, bank, certified check or postal money order and shall accompany the application.

[Signature] Treasurer 23-7578872
 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.

[Signature] By [Signature]
 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.

 Building Commissioner Board of Health Fire Department

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

Established 1865

Quincy & Company
144 Gould Street
Needham, Massachusetts 02494

(781) 431-9600
Fax (781) 431-9595
Margaret A. Sheehan
msheehan@quincycompany.com

July 16, 2015

Town of Harwich, Massachusetts
Christopher Clark, Town Administrator
732 Main Street
Harwich, MA 02645

Dear Mr. Clark:

This letter serves as authorization for the Cape Cod Freemasons (Pilgrim Lodge) to utilize the parking lot next to the Post Office located at 481 Main Street Route 28 Harwichport, MA on the evening of December 4th, 2015.

They will be selling Christmas Trees to benefit the Masonic Military Assistance Project (MMAP) charity.

Should you require any additional information please contact my direct extension at 781-591-3144.

Thank you.

Margaret A. Sheehan

Margaret A. Sheehan
Property Manager

July 26, 2015

Town of Harwich, Massachusetts
Christopher Clark, Town Administrator
732 Main Street
Harwich, MA 02645

Dear Mr. Clark,

This letter serves as authorization for Pilgrim Lodge A. F. & A. M. to utilize the property of the former Getty Gas Station on Main Street Harwich, MA on the day of December 5th, 2015.

They will be selling Christmas Trees to benefit the Masonic Military Assistance Project (MMAAP) charity.

Should you require any additional information please contact me.

Regards,

Rahbi Basil, owner
United Gas of Harwich DBA Harwich Port Getty
570 Route 28
Harwich Port, MA 02646
(508) 432-6940

A handwritten signature in black ink, appearing to be "Rahbi Basil", written over the printed name and phone number.

Town of

Anita N. Doucette, MMC/CMMC
Town Clerk

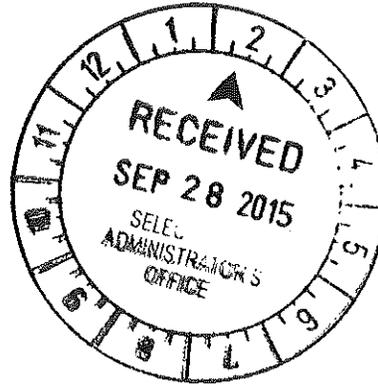


Harwich

732 Main Street
Harwich, Massachusetts 02645
Tel. 508-430-7516
Fax 508-430-7517

September 28, 2015

Peter Hughes, Chairman
Board of Selectmen
732 Main Street
Harwich, MA 02645



Dear Mr. Hughes:

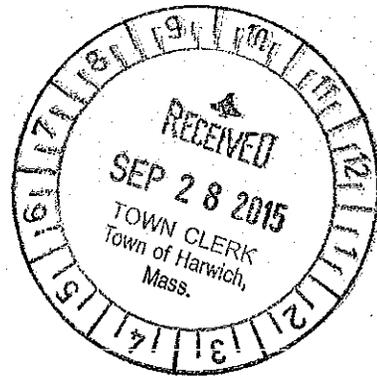
Enclosed please find a letter of resignation for Eileen Brady dated September 24, 2015 resigning from The Harwich Historic District Commission.

Respectfully,


Anita N. Doucette, MMC/CMMC
Town Clerk

Enc.1

pc: Greg Winston, Chairman
Harwich Historical/Historic District Commission



To: Anita Doucette, Town Clerk
From: Eileen Brady
14 Huckleberry Path
Harwich, MA 02645

Dear Anita,

Please accept my resignation from the Harwich Historic District Commission. For reasons of health, I am no longer able to participate in the site visits which are an important component of the hearings for requests for demolition of historic properties.

I am glad to have had this opportunity to serve the town.

Sincerely,

Eileen Brady, September 24, 2015
Eileen Brady

OFFICE OF THE TOWN ADMINISTRATOR

Christopher Clark, *Town Administrator*

Phone (508) 430-7513

Fax (508) 432-5039

732 MAIN STREET, HARWICH, MA 02645



October 1, 2015

Ms. Alexandra Olsen

Dear Ms. Olsen:

We would like to offer you the position of Part Time Clerical Aide (19 hours per week) at the Harwich Community Center. 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.
- The Town will arrange for a Pre-Employment Physical and Drug Test that must be successfully completed.
- Your employment is contingent upon a successful C.O.R.I. check.

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

Your position title will be Part Time Clerical Aide and your starting date is October 19, 2015. This position is included in the Town's Personnel By-Law and is subject to the rights and obligations included in the By-Law which is attached. Your starting wage will be Grade PT-3, Step 5, \$14.85 hourly. You will be eligible for a step increase on October 19, 2016.

Please feel free to contact me if you have any questions prior to beginning work.

Sincerely,

Christopher Clark
Town Administrator

Alexandra Olsen

Date

cc: Treasurer
Town Accountant
IT Director
Community Center Director
Board of Selectmen

TOWN OF HARWICH

Community Center
100 Oak Street
Harwich, MA 02645

Position Title: Clerk

The Town of Harwich seeks qualified applicants for the position of part-time (19 hours/week) clerk at the Harwich Community Center. The position performs a wide variety of clerical and secretarial assignments for the Director of the Community Center. This includes but is not limited to receiving telephone calls and visitors, developing office procedures, maintaining a filing system, preparing a variety of correspondence, setting meetings and schedules, and coordinating appointments. Computer skills are essential for performing necessary job functions.

Salary: \$14.85/hour

Hours:	Monday	9:00 a.m. – 12:30 p.m.
	Tuesday	9:00 a.m. – 2:00 p.m.
	Wednesday	9:00 a.m. – 12:30 p.m.
	Thursday	9:00 a.m. – 12:30 p.m.
	Friday	9:00 a.m. – 12:30 p.m.

For additional information contact: Carolyn Carey, Community Center Director at 508-430-7568.

Report to Board of Selectmen

October 5, 2015

Good Evening, my name is Jim Atkinson and I am the Chairman of the Planning Board. I am here tonight to give you a brief overview of the activities of the Planning Board over the past year. During this period 24 applications were submitted to the Planning Board including:

9 – Approval Not Required Plans

2 - Subdivision Plans for the creation of 12 new lots or dwelling units

11 – Special Permits (including Site Plans)

2 – Covenant Releases

Major items in front of the Planning Board over the past year also included the

Rezoning of the East Harwich Commercial District

Route 28 planning including Saquatucket Harbor

By-Law revisions for village development in Harwich Port and Harwich Center

Application by Cumberland Farms for expansion in Harwich Port

The Planning Board East Harwich Subcommittee continued meetings in 2015 to refine proposed zoning for the East Harwich Commercial District. After hearing a report from Cape Cod Commission Staff in December 2014 regarding traffic issues, the subcommittee scaled back proposed zoning density for East Harwich. Based on direction from the subcommittee, the Town Planner prepared a new draft of East Harwich zoning patterned after the 2011 East Harwich Village Handbook. The new draft included the same district boundaries and site coverage as the 2011 Handbook. However, it did not include the Natural Resource Zoning proposal and instead recommended alternate methods for open space preservation. The draft has been completed and has been endorsed by the subcommittee. It will now be presented to the full Planning Board and, if supported by the Planning Board, then presented to the Board of Selectmen.

The Planning Board initiated a planning effort for the entire Route 28 commercial corridor in 2015. After reviewing results from Route 28 planning workshops held 10 years ago, updated concepts were developed in Planning Board work sessions and will be presented to the full Planning Board for discussion in the near future.

The area around Saquatucket Harbor will be included in the Route 28 planning effort. However, a Planning Board Saquatucket Harbor Subcommittee formed in 2014 was inactive in 2015 to avoid interference with a new Saquatucket Harbor Development

Committee appointed by the Board of Selectmen. A Planning Board member serves on the latter committee.

After more than a year of public hearings, the Planning Board denied the Cumberland Farms application based on a finding that the proposed layout did not meet the standards of the Village Commercial Overlay District. That district requires new development in Harwich Port's village center to be in keeping with its historic development patterns, including the size and spacing of structures. The applicant has appealed the Planning Board's decision, and the case is now in litigation.

In the coming year the Planning Board is expecting to both continue with its regulatory approval process and to proceed with Route 28 planning. Time permitting, the Planning Board also will begin an update of the Local Comprehensive Plan, last approved in 2011.

It is my feeling that we currently have a strong and competent board that reflects the existing community and hope to have a productive year.

Please let me know if you have any questions or comments.

Thank you

2015/2016 – Harwich Housing Committee

The Housing Committee continues to create Affordable Housing programs and to monitor projects already in development. During the upcoming 2016 year the HHC hopes to continue working on the following new projects:

1. The HHC is focusing on a renewed emphasis to inform the public about the need for and the value of Affordable Housing through public meetings, newspaper columns, public access TV. The committee is working on a shared video with the HHA and we stand ready to partner with neighborhoods and Affordable Housing developers to improve the quality of life in all areas of Town. We also want to encourage developers to approach HHC with proposals so that we might help shape plans in accordance with Affordable Housing suitable for the needs of Harwich.
2. The Buy-Down program (first time home ownership meeting affordable income criteria) involves a “grant” toward the purchase of an existing home with funds from the BOS's Affordable Housing Fund and Community Preservation Committee (CPC) grants approved at the 2010 and 2013 Town Meetings. Three houses were purchased in the first round with funding still available for two more. This program is a joint effort of the HHC and HHA. Currently the HHA is awaiting state confirmation to begin advertising of this project and it is looking forward to the project being available to our residents very soon.
3. HHC continued its attempt to have the Town move forward on property issues related to Affordable Housing.
 - A) Funding for legal work in connection with some “unknown owners” and land taking for “delinquent taxes” was the basis for the CPC article 9 of the May 2011 Special Town Meeting. To date there has been no expenditure of funds for this purpose.
 - B) Town land on Willow Street designated for Affordable Housing by the 2001 Annual Town Meeting remains “in limbo” due to title problems and unresolved property line disputes with abutters.
4. Habitat for Humanity developed a new Affordable Housing project which added 7 units to our Affordable Housing Inventory. HHC was instrumental in connecting Habitat with the property owner interested in selling the land (1096 Oak Street Extension). The 2014 Annual Town Meeting also voted to support a CPC grant, and the BOS voted to use the Affordable Housing Fund to provide funding for the purchase of this amazing 2+acre plot. The first of the seven homes has it up and the building is in full swing.
5. Rental Assistance: HHC continues to support the Rental Assistance program of the HHA with funding from CPC which has assisted 65 households to pay rent over a three year period. This program continues to be very popular to those residents living in Harwich and Chatham.

New Project:

1. Currently the HHC is working on a new project named, “The Kelley Project”. HHC is working with land owners in North Harwich who are very interested in selling 3.2 acres of property to HHC for the sole purpose of building affordable housing. The HHC looks forward to securing this land to build three single family homes. We have reached out to Habitat for Humanity to see if there is any interest.

The Housing Committee acknowledges the cooperation of the Board of Selectmen, the Town Administrator's Office, together with the Planning Department. We have been grateful for the consistent attendance of our past BOS liaisons and we welcome new BOS member Jannell Brown as our newest liaison. We are elated David Spitz, the Harwich Town Planner will continue with us as well. David's support and direction has been instrumental in this Committee vision and purpose. As always, we welcome citizen input and invite the public to attend our monthly meetings on the first Monday of each month beginning at 4:30p.m.

Respectfully submitted,
Mayla Secola, Chair, Claudia Williams, Secretary, Cindi Maule and John McGillen.



October 5, 2015

Chris Clark
Harwich Town Administrator
732 Main Street
Harwich, MA 02645

Subject: FY 2017 Budget Message

Dear Chris,

The Harwich Town Charter, section 9-2-2, requires that the Board of Selectmen provide a budget message on or before the first Tuesday in October to guide the Town Administrator in the development of the budget for the fiscal year ahead. The lack of projected and planned savings associated with regionalizing our school system and the challenges of employee's health care benefits have put significant pressure on the municipal budget in recent years.

In an effort to continue to provide high quality municipal services and improve our equipment and facilities we have increasingly relied on capital and debt exclusions, which the voters have on many occasions supported. Although this approach has allowed us to technically stay within the confines of Proposition 2 ½ our taxpayers continue to pay more. We have also enjoyed reasonable growth, which has generated new revenues to support our expenditures.

Consistent with the most recent Town Administrator goals & objectives, the FY 2017 budget needs to stay within the limits of Proposition 2 ½ plus forecasted growth. The use of capital / debt exclusions to satisfy items typically supported via the budget shall be minimized. Any and all items proposed outside of 2 ½ / growth shall be rank ordered with priority justification.

Specifically any and all additions to personnel (hours and/or people) must be within the limits of Proposition 2 ½ and not detract from building maintenance.

To help effectively manage our department budgets we suggest the allocation of indirect costs to each department. This will provide us with a better understanding of the total costs to operate each of our departments as we continue to match fees with services. It is necessary to review total department costs including those that are carried by another department (DPW for instance) when determining fees. If planned expenses are not covered through fees, an article should be developed for town meeting so that the taxpayers can determine if they are willing to use property taxes to fund these expenses.

Significant improvements to the water and land sides of Saquatucket Harbor are actively being pursued. Harbor income surplus funds should be used to offset the payments associated with repayment of these funds over time. We recommend the development of a payment / cash flow schedule spread over the life of the debt repayment to guide the consideration of user fees once the facilities have been improved. In this manner the users will pay for the improvements which they enjoy, not the taxpayer. Therefore, beginning with the FY2017 budget, any excess of waterways revenue in excess of appropriate costs should be placed in a waterways capital fund rather than free cash.

As we prepare to move forward with our Comprehensive Wastewater Management Plan covering a 40 year span, the taxpayers will shoulder a \$200+ million burden. Wastewater will be funded through a combination of real estate taxes, infrastructure funding, enterprise funding and user fees. In reality these are taxes to be paid by taxpayers in addition to existing real estate taxes and fees.

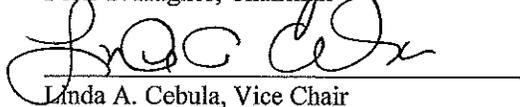
As discussed on several occasions the Board of Selectmen has a keen and active interest in providing for the proper maintenance of our existing facilities. For too long we have used building / facility maintenance as the buffer to balance the budget. This segment of the budget needs to be adequately funded so as to preserve our municipal assets and improve their operational efficiency wherever feasible. In the process of developing the FY 2017 budget we believe it is appropriate to manage building maintenance by consolidating all department maintenance into a single building maintenance account under the control of Sean Libby.

We encourage you to manage expectations in the process of soliciting and integrating individual department requests for FY 2017. As a board we are prepared to assist you in this process. We look forward to better understanding the priorities and working through the difficult yet necessary task of saying "no".

Sincerely,



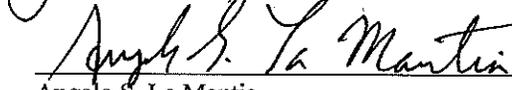
Peter S. Hughes, Chairman



Linda A. Cebula, Vice Chair



Jannell M. Brown, Clerk



Angelo S. La Mantia



Michael D. MacAskill

HARWICH BOARD OF SELECTMEN

1 of 21 2-1-17
Sandy Robinson

From: Shirin Everett
Sent: Wednesday, September 30, 2015 11:12 PM
To: Christopher Clark
Cc: Sandy Robinson; Ann Steidel
Subject: HARW: Habitat
Attachments: _Deed_to_Lot_8_(Habitat).DOC; KP-#531916-v3-
HARW_-_Convenient_w_Habitat_SEM_edts.DOC; KP-#531917-v3-
HARW_-_Performance_Secured_by_Deposit.DOC; KP-#532292-v2-
HARW__Idemnification_Agreement_from_Habitat.DOCX

Hello Chris:

Attached please find the following documents with respect to Habitat's conveyance of Lot 8 to the Town, which I approve as to form:

1. Quitclaim Deed: to which an Acceptance of Deed, to be signed by the Board of Selectmen, is attached. Please attach to the deed a certified copy of the Town Meeting vote authorizing the acquisition of this land; *May 2014 - Article 47*
2. Covenant: As discussed, since Habitat is not going to complete the roadway improvements until next spring, Habitat has agreed to secure its performance by means of a Covenant, agreeing that Habitat will not convey any of the 6 lots until the work has been completed;
3. Performance Secured by Deposit of Funds: Habitat has agreed that, in addition to the Covenant, Habitat will deposit with the Town Treasurer a sum of money that the Town can use if Habitat does not complete the improvements in time. Please note that Habitat has reserved the right to complete the improvements until June 30, 2016. I trust this date is acceptable to the Town; and
4. Indemnification Agreement: Habitat agrees that until such time as Habitat has completed the improvements, Habitat, and not the Town, will be responsible for any injury or harm caused because of the condition of the road/Lot 8. Habitat will defend and indemnify the Town from any such liability.

I spoke with Bob Cafarelli, who approved the Town obtaining the Covenant and the Performance Agreement from Habitat. As you know, Habitat has requested that these agreements be placed on the Selectmen's agenda for their meeting on Oct. 5, 2015. Habitat is going to sell the 7th lot on Oct. 7.

Please let me know if you have any questions/comments. It's my understanding Habitat will provide the signed Deed to the Town on Mon., and the parties can sign the remaining documents during or after the meeting.

Thank you.

Shirin Everett, Esq.
Kopelman and Paige, P.C.
101 Arch Street
Boston, MA 02110
Phone: (617) 654-1731
Facsimile: (617) 654-1735

QUITCLAIM DEED

HABITAT FOR HUMANITY OF CAPE COD, INC. (“Habitat”), a Massachusetts non-profit corporation having its offices at 411 Main Street, Suite 6, Yarmouthport, MA 02675,

for nominal consideration paid, grants to the

TOWN OF HARWICH, a Massachusetts municipal corporation, having its offices at 732 Main Street, Harwich, MA 02645 (“Town”), as authorized by the vote under Article 47 of the May 5, 2014 Annual Town Meeting, a certified copy of which is attached as Exhibit A.

with QUITCLAIM COVENANTS,

A certain parcel of land situated in Harwich in the County of Barnstable and Commonwealth of Massachusetts, more particularly described as follows:

Lot 8 containing 3,390 square feet, more or less, as shown on a plan entitled “Habitat for Humanity of Cape Cod, Inc., Oak Street Definitive Subdivision, Plan of Land in Harwich, Massachusetts”, dated January 13, 2014, by J.M. O’Reilly & Associates, Inc., and recorded with Barnstable Registry of Deeds in Plan Book 653 Page 33.

Reserving to Habitat and its successors in title the perpetual right and easement along, upon, above, under and across said Lot 8 for all purposes for which streets and ways are commonly used in the Town of Harwich.

The transaction does not constitute a sale of all or substantially all of Habitat’s assets located within the Commonwealth of Massachusetts.

For title see deed of John E. Pina et al to Habitat, dated June 25, 2013, recorded with Barnstable Registry of Deeds in Book 27495 Page 297.

The Town’s Acceptance of Deed is attached hereto and incorporated herein.

EXECUTED as a sealed instrument this _____ day of September 2015.

HABITAT FOR HUMANITY OF CAPE COD, INC.

By: _____
Wilburn O. Rhymer, President

COMMONWEALTH OF MASSACHUSETTS

Barnstable County

On this _____ day of September 2015, before me, the undersigned notary public, personally appeared Wilburn O. Rhymer, President of Habitat for Humanity of Cape Cod, Inc., proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of Habitat for Humanity of Cape Cod, Inc.

Notary Public
My commission expires:

ACCEPTANCE OF DEED

The Town of Harwich, acting by and through its Board of Selectmen pursuant to the the vote under Article 47 of the May 5, 2014 Annual Town Meeting, hereby accepts the foregoing deed from Habitat for Humanity of Cape Cod, Inc.

TOWN OF HARWICH,
By its Board of Selectmen

Peter S. Hughes

Linda A. Cebula

Jannell M. Brown

Angelo S. LaMantia

Michael D. MacAskill

COMMONWEALTH OF MASSACHUSETTS

Barnstable County

On this ____ day of _____, 2015, before me, the undersigned notary public, personally appeared _____, member(s) of the Board of Selectmen of the Town of Harwich, as aforesaid, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the Town of Harwich.

NOTARY PUBLIC
My Commission Expires:

Town of

Anita N. Doucette, MMC/CMMC
Town Clerk



Harwich

732 Main Street
Harwich, Massachusetts 02645
Tel. 508-430-7516
Fax 508-430-7517

**TOWN OF HARWICH
ANNUAL TOWN MEETING
MAY 5, 2014**

ACCEPT GIFT OF LAND OFF OAK STREET EXTENSION

ARTICLE 47 To see if the Town will vote to accept a gift of land off Oak Street Extension from Habitat for Humanity as described on a plan titled "Habitat for Humanity of Cape Cod, Inc. Oak Street Definitive Subdivision" produced by J.M. O'Reilly & Associates, dated January 13, 2014, and to act fully thereon. By request of the Board of Selectmen.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-7, NO-0. THIS WILL FURTHER THE TOWN'S EFFORTS IN AFFORDABLE HOUSING.

MOTION: (Albert (Skip) Patterson, Chairman-Finance Committee) I move that this article be accepted and adopted Duly seconded

ACTION: It was a unanimous vote, so declared.

A true copy

Attest:

Anita N. Doucette, MMC/CMMC
Town Clerk

TOWN OF HARWICH
732 Main Street, Harwich, MA 02645

COVENANT
Habitat for Humanity, Inc. – 1092 Oak Street

WHEREAS, Habitat for Humanity of Cape Cod, Inc. (“Habitat”), a Massachusetts non-profit corporation having its offices at 411 Main Street, Suite 6, Yarmouthport, MA 02675, as the current owner of the parcel of land located at 1092 Oak Street and described in a deed recorded with the Barnstable Registry of Deeds (the “Registry”) in Book 27495, Page 297 (the “Property”), submitted an Application for a Comprehensive Permit to the Board of Appeals of the Town of Harwich pursuant to M.G. L. Chapter 40B, Sections 20-23 for the approval of a definitive subdivision to build seven (7) residential building lots (the “Lots”) on the Property.

WHEREAS, Habitat was granted a Comprehensive Permit by the Harwich Board of Appeals pursuant to M.G.L. Chapter 40B, Sections 20-23 dated December 4, 2013, filed with the Harwich Town Clerk on December 17, 2013 and recorded with the Registry on February 3, 2014 in Book 27969 page 166; and granted subdivision approval of a plan entitled “Habitat for Humanity of Cape Cod, Inc., Oak Street Definitive Subdivision Plan of Land in Harwich, Massachusetts” dated January 13, 2014 that was prepared by J.M. O’Reilly & Associates, Inc. and recorded in Plan 653 Page 33 depicting the seven (7) Lots (Lots 1 through 7) and a lot shown therein as “Lot 8” (the “Subdivision Plan”).

WHEREAS, the Harwich Board of Appeals also approved construction drawings for road improvements to a section of Oak Street and a construction of a turn-around upon “Lot 8” (the “Extension”) entitled “Habitat for Humanity of Cape Cod, 411 Main Street, Suite 6, Yarmouthport, MA 02675, Construction Plans 1092 Oak Street, Harwich, MA 02645”, dated February 7, 2014, prepared by J. M. O’Reilly & Associates, Inc, as amended (4 pages) (the “Construction Drawings”).

WHEREAS, this Covenant is to secure the performance of the road improvements to Oak Street and the construction of said turn-around on the Extension as shown on the Construction Drawings (collectively, the “Improvements”).

NOW THEREFORE, in consideration of the Town accepting a Quitclaim Deed of Lot 8 pursuant to Condition 13 of the Comprehensive Permit Decision prior to completion of the Improvements, Habitat hereby covenants with the Town of Harwich as follows:

1. Habitat is the owner of record of the Property shown on Subdivision Plan, which includes the seven (7) residential Lots and a roadway shown on said Plan as Lot 8.
2. Habitat hereby agrees to complete the road improvements to a section of Oak Street and the construction of a turn-around upon Lot 8 in the manner specified in the Construction Drawings, as amended, by June 30, 2016 (the "Termination Date").
3. Habitat shall not convey Lots numbered 1, 2, 3, 4, 5, and 6 as shown on the above referenced Subdivision Plan until the Improvements have been completed in the manner specified in the Construction Drawings, as amended, with final approval by the Town Engineer; PROVIDED further, however, the Town may release a Lot or Lots at its sole discretion. Notwithstanding the foregoing, the parties acknowledge that Habitat may convey Lot 7 shown on the Subdivision Plan prior to the completion of the Improvements.
4. As security for insuring Habitat's completion of the Improvements, Habitat has executed a *Performance Secured by Deposit of Money* dated September ____, 2015 (the "Security Agreement"); and pursuant to the Security Agreement, Habitat has deposited Twelve Thousand dollars and no cents (\$12,000.00) with the Harwich Town Clerk.
5. Habitat shall record this Covenant with the Registry before Habitat conveys Lot 7, and to forward a recorded copy to the Town Manager within thirty (30) days of the Board's endorsement of this covenant.
6. This Covenant shall be and is binding upon Habitat's successors in interest and its grantees or successors in title, it being the express intention and understanding and agreement that this Covenant shall constitute a covenant running with the land.
7. This Covenant shall take effect upon the Town of Harwich's acceptance of the Quitclaim Deed Lot 8 from Habitat to the Town.

For title, see deed of John E. Pina et al. to Habitat, dated June 25, 2013, recorded with the Registry in Book 27495 Page 297.

[document text ends—signature pages follow]

IN WITNESS WHEREOF, I Wilburn O. Rhymer, President of Habitat for Humanity of Cape Cod, Inc. being duly authorized to do so in accordance with the documentation provided herewith, hereby set my hand and seal in agreement hereto this ____ day of September 2015.

HABITAT FOR HUMANITY OF CAPE COD, INC.

By: _____
Wilburn O. Rhymer, its President

COMMONWEALTH OF MASSACHUSETTS

Barnstable County

On this ____ day of September, 2015, before me, the undersigned notary public, personally appeared Wilbur O. Rhymer, President of Habitat for Humanity of Cape Cod, Inc., proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that it is the free act and deed of said corporation, for its stated purpose.

Notary Public
My commission expires:

ACCEPTANCE OF COVENANT

The Town of Harwich, acting by and through its Board of Selectmen, hereby accepts the foregoing Covenant from Habitat for Humanity of Cape Cod, Inc. on this _____ day of October, 2015.

TOWN OF HARWICH
By its Board of Selectmen:

Peter S. Hughes

Linda A. Cebula

Jannell M. Brown

Angelo S. LaMantia

Michael D. MacAskill

COMMONWEALTH OF MASSACHUSETTS

Barnstable County

On this ____ day of _____, 2015, before me, the undersigned notary public, personally appeared _____, member(s) of the Board of Selectmen of the Town of Harwich, as aforesaid, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the Town of Harwich.

NOTARY PUBLIC
My Commission Expires:

TOWN OF HARWICH

PERFORMANCE SECURED BY DEPOSIT OF MONEY

THIS AGREEMENT is entered into on this _____ day of _____, 2015, by and between the Town of Harwich (the "Town"), a municipal corporation having its principal offices at 732 Main Street, Harwich, MA 02645, and Habitat for Humanity of Cape Cod, Inc., ("Habitat"), a Massachusetts non-profit corporation having its offices at 411 Main Street, Suite 6, Yarmouthport, MA 02675, for the purpose of securing the construction of certain road improvements to a section of Oak Street and the construction of a turn-around upon "Lot 8" (the "Work"), as shown on the following plans:

- (1) a plan entitled "Habitat for Humanity of Cape Cod, Inc., Oak Street Definitive Subdivision Plan of Land in Harwich, Massachusetts" dated January 13, 2014 that was prepared by J.M. O'Reilly & Associates, Inc. and recorded at the Barnstable Registry of Deeds in Plan 653 Page 33, which shows seven (7) residential building lots and Lot 8; and
- (2) construction drawings entitled "Habitat for Humanity of Cape Cod, 411 Main Street, Suite 6, Yarmouthport, MA 02675, Construction Plans 1092 Oak Street, Harwich, MA 02645", dated February 7, 2014, prepared by J. M. O'Reilly & Associates, Inc, as amended (4 pages).

Habitat was granted definitive subdivision approval by the Harwich Board of Appeals pursuant to a Comprehensive Permit issued pursuant to M.G.L. Chapter 40B, Sections 20-23 dated December 4, 2013, filed with the Harwich Town Clerk on December 17, 2013 and recorded with the Barnstable Registry of Deeds on February 3, 2014 in Book 27969 Page 166.

KNOW ALL PERSONS by these presents that Habitat hereby binds and obligates itself and Habitat's successors and assigns to the Town of Harwich, in the sum of Twelve Thousand dollars and no cents (\$12,000.00), and has secured this obligation by depositing with the Town of Harwich Treasurer a deposit of money in the aforementioned sum in an escrow account in the name of the Town of Harwich. Said deposit shall be used to insure the satisfactory performance and completion of the Work by Habitat.

This Agreement shall remain in full force and effect until Habitat has fully and satisfactorily performed all of the obligations secured hereunder and the Town has deemed the same acceptable, as evidenced by a certificate of compliance issued by the Town. Habitat shall give the Town at least seven (7) days written notice prior to the completion of the Work. In the event that increased security is required to be posted for the satisfactory completion of the Work, Habitat agrees that Habitat shall post said security in a timely manner.

Upon satisfactory and timely completion of all of the obligations secured hereunder, the deposit of money made hereunder, including any interest accrued thereon, shall be returned to Habitat and this Agreement shall become void. The time for completion of the Work is June 30, 2016 or such later date as may be specified by formal vote of the Selectmen of the Town with the concurrence of Habitat. The Town shall have the right, but not the obligation, to use the deposit made hereunder to complete the required obligations in the event that Habitat defaults, which shall include failure to complete the Work within the time for completion set forth herein. Said deposit shall remain in place until all of the obligations secured hereunder are satisfactorily completed or the Town seizes said funds and uses them to complete the Work. Any failure by the Town to exercise this right shall not operate as a waiver or constitute laches. Any unused portion of the deposit and interest accrued, if any, will be returned to Habitat upon satisfactory completion of the secured obligations as determined by the Town. Habitat further acknowledges and agrees that Habitat's obligation to perform the Work in accordance with this Agreement shall not be not limited to the amount of the funds deposited under this Agreement, and should the cost of completing the Work in accordance with the construction drawings exceed the amount of the deposit, Habitat shall reimburse the Town for such costs.

In consideration of the terms and conditions of this Agreement, the Town, by and through its Selectmen, hereby accepts the aforesaid deposit in the amount specified as security for the performance of the obligations referenced above.

Any amendments to this Agreement or to the form of the surety provided shall be agreed upon in writing and executed by all parties to this Agreement.

[End of document text—signature pages follow]

IN WITNESS WHEREOF, I Wilburn O. Rhymer, President of Habitat for Humanity of Cape Cod, Inc. being duly authorized to do so in accordance with the documentation provided herewith, and for good and valuable consideration, the receipt of which is hereby acknowledged, hereby set my hand and seal in agreement hereto this _____ day of September 2015.

HABITAT FOR HUMANITY OF CAPE COD, INC.

By: Wilburn O. Rhymer, its President

IN WITNESS WHEREOF, we set our hands and seals on this _____ day of October, 2015.

TOWN OF HARWICH
By its Board of Selectmen:

Peter S. Hughes

Linda A. Cebula

Jannell M. Brown

Angelo S. LaMantia

Michael D. MacAskill

TREASURER'S ACKNOWLEDGEMENT OF DEPOSIT

Harwich, Massachusetts

This is to certify that I, Amy Duffy, Town Treasurer for the Town of Harwich, Massachusetts, received a deposit of money from Habitat in the amount of \$12,000.00 Dollars and deposited said monies in an interest bearing/noninterest bearing account with the following financial institution: _____ in account number _____ on the following date: _____.

Dated: _____

Amy Duffy
Town Treasurer

INDEMNIFICATION AGREEMENT

This INDEMNIFICATION AGREEMENT is entered into by and between the **Town of Harwich** (the "Town"), a municipal corporation having its principal offices at 732 Main Street, Harwich, MA 02645, and **Habitat for Humanity of Cape Cod, Inc.** ("Habitat"), a Massachusetts non-profit corporation having its offices at 411 Main Street, Suite 6, Yarmouthport, MA 02675.

WHEREAS, Habitat is required to convey to the Town a parcel of land shown as "Lot 8" ("Lot 8") of a plan entitled "Habitat for Humanity of Cape Cod, Inc., Oak Street Definitive Subdivision Plan of Land in Harwich, Massachusetts" dated January 13, 2014 that was prepared by J.M. O'Reilly & Associates, Inc. and recorded at the Barnstable Registry of Deeds in Plan 653 Page 33, after Habitat has completed the roadway improvements to Oak Street and the full construction of a paved turn-around on the above Lot 8, all as set forth more particularly in a Covenant and shown on plans referenced therein, which Covenant is recorded with said Deeds in Book _____, Page _____ (collectively, the "Work").

WHEREAS, Habitat wishes to convey Lot 8 to the Town, and the Town agrees to accept Lot 8 from Habitat, before the completion of the Work, subject to the terms set forth herein.

WHEREAS, Habitat has entered into an agreement with the Town entitled "*Performance by Deposit of Money*," dated _____, 2015 (the "Performance Agreement"), pursuant to which agreement Habitat has deposited with the Town \$12,000.00 to secure the completion of the Work.

WHEREAS, Habitat has executed a *Covenant* dated _____, 2015 (the "Covenant") to secure performance and completion of such Work.

NOW THEREFORE, the Town and Habitat acknowledge and agree as follows:

1. Habitat shall convey to the Town said Lot 8;
2. From the date that the deed to Lot 8 is recorded until the completion of the Work and the issuance of a certificate of compliance by the Town, as set forth more particularly in the Covenant (the "Completion"), Habitat shall be solely responsible for, and shall pay any and all costs associated with, maintaining Lot 8 in good and safe order and condition, including, without limitation, removing snow and ice therefrom;
3. Habitat shall defend, indemnify and hold harmless the Town from and against any and all claims, costs, expenses, damages, actions, suits and/or liability of whatever kind and nature, including, without limitation, claims for injury, death, and/or property damage (collectively, the "Claims"), arising directly or indirectly from the condition of Lot 8, the Work, Habitat's failure to comply with the terms hereof, Habitat's failure to comply with any applicable laws, rules, and regulations. Habitat's obligations hereunder shall survive the termination of this Agreement.

4. The Town agrees that this Habitat shall have no continuing obligation to defend, indemnify and hold harmless to the Town under this Agreement after the Completion Date, provided, however, that nothing herein shall affect any obligations that Habitat may owe to the Town for any Claims preceding the Completion Date.

Upon completion of the Work and its acceptance thereof by the Town (which consent shall not be unreasonably delayed or withheld), the Town agrees to acknowledge in writing the termination of this Agreement (subject to Habitat's continuing obligation, as provided herein), return to Habitat any funds remaining of the moneys deposited by Habitat with the Town Treasurer under the Performance Agreement, and release said Covenant by a document in recordable form.

[end of document text—signature pages follow]

IN WITNESS WHEREOF, I Wilburn O. Rhymer, President of Habitat for Humanity of Cape Cod, Inc. being duly authorized to do so in accordance with the documentation provided herewith, and for good and valuable consideration, the receipt of which is hereby acknowledged, hereby set my hand and seal in agreement hereto this _____ day of September 2015.

HABITAT FOR HUMANITY OF CAPE COD, INC.

By: Wilburn O. Rhymer, its President

COMMONWEALTH OF MASSACHUSETTS

Barnstable County

On this _____ day of _____ 2015, before me, the undersigned notary public, personally appeared Wil Rhymer, President of Habitat for Humanity of Cape Cod, Inc., proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that it is the free act and deed of said corporation, for its stated purpose.

Notary Public
My commission expires:

IN WITNESS WHEREOF, we set our hands and seals in agreement hereto on this _____ day of October, 2015.

TOWN OF HARWICH
By its Board of Selectmen

Peter S. Hughes

Linda A. Cebula

Jannell M. Brown

Angelo S. LaMantia

Michael D. MacAskill

COMMONWEALTH OF MASSACHUSETTS

Barnstable County

On this ____ day of October, 2015, before me, the undersigned notary public, personally appeared _____, member of the Board of Selectmen of the Town of Harwich, as aforesaid, proved to me through satisfactory evidence of identification, which was _____, to be the person who signed the foregoing instrument and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the Town of Harwich.

NOTARY PUBLIC
My Commission Expires:



DRAFT

Muddy Creek Restoration Bridge Project; Route 28 Over Muddy Creek, Harwich/Chatham, MA

Contract Time Determination

1. Executive Summary

Contract Time Determination (CTD) for the Framingham Route 9 over Reservoir Outlet Bridge replacement is based on the following documents and information:

- Highway Plans, Bridge Plans and Project Special Provisions
- All take-off quantities and unit-price bid items costs.

Based on the plans and specification, the Contract-Time-Determination indicates Substantial completion in 252 calendar days or approximately 8 months. There is no full “winter shutdown” as sometimes provided by MassDOT. Work activities were scheduled on a 12 month calendar, except for temperature sensitive activities such as paving, gas line work, grading activities which include seeding. These activities were constrained to not occur during their respective winter periods utilizing either a paving or winter calendar. It is important to note that the CTD is currently based on an assumed NTP of July 30th and temporary utility pole relocation complete before the General Contractor commencement of work , and that changing the NTP will not necessarily result in a day-for-day change to the schedule end date because of the effects of winter sensitive work activities.

Please note that the majority of the contractor’s physical work activities have been calculated using a 5 day 8 hour working schedule, the contractor is not limited to the working schedule. The intent of this project is to minimize the road closure.

The Muddy Creek Restoration Bridge Project will temporarily relocate the National Grid gas main, open the East Channel, install Temporary Bypass measures, drive piles, install Pre-Cast Abutment and Wingwalls and install scour protection and Riprap. The same process will repeat on the West Channel, with the installation of a PBU deck and relocation of the gas main into a permanent position once closure pours are completed.

2. Contract Time Determination

Milestone dates and Access Restraints

MS #1 – Contractor Completion, Final Acceptance = 281 calendar days from NTP
MS #2 – Substantial Completion = 252 calendar days from NTP
MS #3 – Full Use = 252 calendar days from NTP

Project Sequence

The attached schedule is based on an anticipated NTP date of July 30, 2015. Mobilization/construction start-up activities are scheduled to occur after the Labor Day weekend on September 8. Initial construction operations include DIGSAFE, installation of erosion controls, relocation of utility, installation of MOT and clearing and grubbing.

Relocation of Utility

It is assumed, the temporary utility pole relocation will be complete prior to the General Contractor commencement of work on the project site. It is understood that the utility will be contacting with the Town of the utility work.

Once mobilization and clearing and grubbing activities are completed, contractor will install the temporary gas main utility support for relocation of the gas main. When the temporary gas main is in place, the existing facility will be removed from the roadway by the Utility.

Phase 1 East Half Construction

Construction activities will begin on the East Channel. Beginning with turbidity control measures and bypass activities, the contractor will remove existing facilities and drill piles for the east abutment and Wingwalls. Installation of the precast abutment and Wingwalls and scour protection activities complete this phase December 17, 2015.

Phase 2 West Half Construction

With the East Channel construction complete, the 2nd phase completes the same activities on the West Channel. The contractor will remove existing facilities and drill piles for the west abutment and Wingwalls. Installation of the precast abutment and Wingwalls and scour protection activities prepare the opening of the channel set to occur January 6, 2016. The bypass pipe will be grouted and abandoned with the final activity, back fill and grade slopes, occurring February 10, 2016.

Phase 3 Superstructure Construction

PBU erection and closure pour begin the phase 3 superstructure activities. The diaphragm pour and deck placement follow with installation of the barrier once the curing is complete. Drainage facility work rounds out the non-weather-restricted activities until roadway construction can occur in March of 2016. During this time, connection of the permanent gas main commences with the removal of the temporary facility. Once the temporary utility bridge is fully removed and grading is complete, the and permanent pavement marking will be placed, and the project opened to full traffic usage.

The schedule is projecting a Substantial Completion/Full Use Completion date of April 7, 2016 and a Final Acceptance date of May 6, 2016. The total duration from start to finish of the project is 281 calendar days, or 9 months.

Use of Calendars

Four different calendars have been utilized for the development of the CTD schedule. They are as follows:

- Calendar 1, *7 day 8 hour*: This calendar is a standard 7 day a week schedule. Holidays (generally including the day before and after the holiday) are shown as non-work periods. Assumptions for labor were based on a normal 40 hour work week for these activities.
- Calendar 3, *Paving Calendar*: This calendar is based on a 5 day 8 hour schedule and prohibits pavement work between November 15 and March 31 without written consent.
- Calendar 4, *Winter Restriction*: 5 day a week calendar that provides restrictions on Gas work. This calendar draws attention to activities that are anticipated to constrain the project as they occur during winter (between November 1 and March 31).

Critical Path; Critical and Near Critical Activities

Items with little available float, (less than 15d) were determined to be Critical or Near Critical to the timely completion of the project. This critical path commences with the NTP and the early coordination work with utilities. As the first utility relocation must be complete prior to the bulk of the contractor work in Phase 1, the critical path demonstrates the importance of relocating the gas facilities to allow the contractor's equipment for bridge demolition and removal. Once the winter restrictions are lifted in 2016, a chain of critical or near critical activities presents itself throughout the schedule. The least amount of slack in this anticipated construction schedule occurs during the 2016 construction activities starting with the roadway construction and running through the completion date in April and the subsequent Final Acceptance, May 6, 2016. See Below:

Project Name: Muddy Creek Restoration Bridge Project; Rt 28 over Muddy Creek,		Baseline Schedule - All Activities					Chatham / Harwich			
Activity ID	Activity Name	Calendar	OD	Total Float	Start	Finish	Late Finish	Predecessors	Successors	
Muddy Creek Restoration Bridge Project; Rt 28 over Mud			202	0	30-Jul-15	06-May-16	06-May-16			
Milestones			202	0	30-Jul-15	06-May-16	06-May-16			
General			202	0	30-Jul-15	06-May-16	06-May-16			
MS01	Final Acceptance/Completion	Ca04-7d/8Hr/No Hol (ms)	0	0		06-May-16*	06-May-16	C990, 1010, C999, MS02		
MS03	Perform Final Traffic Move	Ca04-7d/8Hr/No Hol (ms)	0	0		07-Apr-16	07-Apr-16	C670	MS02, C999	
MS10	Issue Notice of Award/Project Start	Ca04-7d/8Hr/No Hol (ms)	0	0	30-Jul-15	30-Jul-15	28-Jul-15		NTP	
NTP	Issue Contractor NTP	Ca04-7d/8Hr/No Hol (ms)	0	0	30-Jul-15*			MS10	C070, 1000, 1	
Durations			202	0	30-Jul-15	06-May-16	06-May-16			
1010	Construction Contract Duration (NTP to Final Con	Ca04-7d/8Hr/No Hol (ms)	282	0	30-Jul-15	06-May-16	06-May-16	NTP	MS01	
Utility			11	1	15-Sep-15	29-Sep-15	30-Sep-15			
Temporary Utility Relocation			11	1	15-Sep-15	29-Sep-15	30-Sep-15			
U140	Construct Temporary Utility Bridge	Ca01-5d/8hr/10hol	3	9	15-Sep-15*	17-Sep-15	30-Sep-15	C070, C075	U150	
U150	Temporary Gas Relocation - By National Grid	ABP14 - Winter Shut 5D/	10	1	16-Sep-15	29-Sep-15*	30-Sep-15	U140, C091, C091	U153	
Construction			153	0	08-Sep-15	07-Apr-16	07-Apr-16			
Mobilization			6	8	08-Sep-15	15-Sep-15	25-Sep-15			
C070	Contractor Mobilize	Ca01-5d/8hr/10hol	5	1	08-Sep-15*	14-Sep-15	15-Sep-15	NTP	C433, C090, 1	
C075	Clearing and Grubbing	ABP02 - 5D/8Hr - 10 Hol	2	12	08-Sep-15*	09-Sep-15	25-Sep-15	NTP	U140	
C091	Install Traffic Devices, Barriers, Signage & Begin C	Ca01-5d/8hr/10hol	1	1	15-Sep-15*	15-Sep-15	16-Sep-15	C070	C433, C437, 1	
Phase 3; Superstructure Cstr			18	0	15-Mar-16	07-Apr-16	07-Apr-16			
C650	Approach Roadway Cstr	ABP14 - Winter Shut 5D/	15	0	15-Mar-16	04-Apr-16	04-Apr-16	C635, C640, C655	C660, C653	
C653	Install Highway Guard	ABP02 - 5D/8Hr - 10 Hol	2	0	05-Apr-16	06-Apr-16	06-Apr-16	C650	C670	
C660	Install Permanent Sygning and Pavement Marking	ABP02 - 5D/8Hr - 10 Hol	2	0	05-Apr-16	06-Apr-16	06-Apr-16	C650	C999, C670	
C670	Remove Temporary Barriers and Open to Traffic	ABP02 - 5D/8Hr - 10 Hol	1	0	07-Apr-16	07-Apr-16	07-Apr-16	C660, MS04, C653	MS03, MS02	
Permanent Utility Location			16	2	15-Mar-16	05-Apr-16	07-Apr-16			
U200	Connect 8" Gas Lines - By Others	ABP14 - Winter Shut 5D/	10	2	15-Mar-16	28-Mar-16	30-Mar-16	C610	U210	
U210	Remove Temporary Gas Line - By Others	ABP02 - 5D/8Hr - 10 Hol	3	2	29-Mar-16	31-Mar-16	04-Apr-16	U200	U215	
		Layout = C11111-01 Baseline-All, Filter = TASH filter: Total Float > 20.	Date	Revision	Chec...	Appr...	Prepared by MassDOT Highway Page 1 of 2			
		Data Date = 30-Jul-15, 02:36	Run Date = 24-Apr-15,							

Project Name: Muddy Creek Restoration Bridge Project; Rt 28 over Muddy Creek,		Baseline Schedule - All Activities					Chatham / Harwich			
Activity ID	Activity Name	Calendar	OD	Total Float	Start	Finish	Late Finish	Predecessors	Successors	
U215	Remove Temporary Utility Bridge and Grade	ABP02 - 5D/8Hr - 10 Hol	3	2	01-Apr-16	05-Apr-16	07-Apr-16	U210	C990	
Close-Out			23	0	06-Apr-16	06-May-16	06-May-16			
C990	Project Documentation and Closeout	Ca01-5d/8hr/10hol	20	2	06-Apr-16	04-May-16	06-May-16	U215	MS01	
C999	Punchlist	Ca01-5d/8hr/10hol	20	0	08-Apr-16	06-May-16	06-May-16	MS03, C660	MS01	
		Layout = C11111-01 Baseline-All, Filter = TASH filter: Total Float > 20.	Date	Revision	Chec...	Appr...	Prepared by MassDOT Highway Page 2 of 2			
		Data Date = 30-Jul-15, 02:36	Run Date = 24-Apr-15,							

Activity ID	Activity Name	Calendar	OD	Total Float	Start	Finish	Late Finish	Predecessors	Successors	2015												2016												2017			
										Qtr 2			Qtr 3			Qtr 4			Qtr 1			Qtr 2			Qtr 3			Qtr 4			Qtr 1		Qtr 2				
										May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
West Channel Cstr																																					
C530	Relocate Water Control	Cal01-5d/8hr/10hol	2	26	10-Nov-15	03-Dec-15	11-Jan-16		C470	C533																											
C533	Remove Culverts / Headwalls	Standard 5 Day Workwe	5	27	12-Nov-15	19-Nov-15	28-Dec-15	C530		C535																											
C535	Construct Channel	Cal01-5d/8hr/10hol	5	25	20-Nov-15	27-Nov-15	05-Jan-16	C533		C537																											
C537	Install Scour Protection	Cal01-5d/8hr/10hol	4	25	30-Nov-15	03-Dec-15	11-Jan-16	C535		C550																											
West Substructure Cstr																																					
C550	Drive W. Abutment / Wingwall Piles	Cal01-5d/8hr/10hol	6	25	04-Dec-15	11-Dec-15	19-Jan-16	C537		C555																											
C555	Install Pre-Cast W. Abutment / Wingwalls	Cal01-5d/8hr/10hol	4	25	14-Dec-15	17-Dec-15	25-Jan-16	C550		C570, C610																											
West Channel Protection																																					
C570	Install Scour Protection & RipRap	Cal01-5d/8hr/10hol	4	25	18-Dec-15	23-Dec-15	29-Jan-16	C555		C590																											
Open Channel																																					
C590	Flood Channel & Remove Water Control	ABP02 - 5D/8Hr - 10 Hol	1	25	24-Dec-15	24-Dec-15	01-Feb-16	C570		C595																											
C595	Grout and Abandon By-Pass Pipe	ABP02 - 5D/8Hr - 10 Hol	2	25	28-Dec-15	29-Dec-15	03-Feb-16	C590		C597																											
C597	Backfill & Grade Slopes	ABP02 - 5D/8Hr - 10 Hol	5	25	30-Dec-15	06-Jan-16	10-Feb-16	C595		C623																											
Phase 3; Superstructure Cstr																																					
C610	Place PBU's	ABP02 - 5D/8Hr - 10 Hol	1	34	18-Dec-15	18-Dec-15	08-Feb-16	C555		C620, U200																											
C620	Install Cross Frames between PBU's	ABP02 - 5D/8Hr - 10 Hol	2	34	21-Dec-15	22-Dec-15	10-Feb-16	C610		C623																											
C623	Pour End Diaphragm and Deck Closure	ABP02 - 5D/8Hr - 10 Hol	2	25	07-Jan-16	08-Jan-16	12-Feb-16	C620, C597		C631, C640																											
C631	Pour Sidewalk and Safety Curb	ABP02 - 5D/8Hr - 10 Hol	2	37	11-Jan-16	12-Jan-16	04-Mar-16	C623		C632																											
C632	Install S3-TL4 Barrier	ABP02 - 5D/8Hr - 10 Hol	4	37	13-Jan-16	18-Jan-16	10-Mar-16	C631		C634																											
C634	Flood Deck with Methyl Methacrylate	ABP02 - 5D/8Hr - 10 Hol	1	8	01-Mar-16*	01-Mar-16	11-Mar-16	C632		C635																											
C635	Diamond Grind and Groove Deck	ABP02 - 5D/8Hr - 10 Hol	1	8	02-Mar-16	02-Mar-16	14-Mar-16	C634		C650																											
C640	Install and Connect Drainage facilities	ABP02 - 5D/8Hr - 10 Hol	20	25	11-Jan-16	05-Feb-16	14-Mar-16	C623		C650, C655																											
C650	Approach Roadway Cstr	ABP14 - Winter Shut 5D/10 Hol	15	0	15-Mar-16	04-Apr-16	04-Apr-16	C635, C640		C660, C653, C655																											
C651	Approach Roadway Sidewalk	ABP02 - 5D/8Hr - 10 Hol	12	1	05-Apr-16	21-Apr-16	22-Apr-16	C650		C655																											
C653	Install Highway Guard	ABP02 - 5D/8Hr - 10 Hol	2	0	05-Apr-16	06-Apr-16	06-Apr-16	C650		C670																											
C655	Finish Grade, Loam & Seed	ABP02 - 5D/8Hr - 10 Hol	10	1	22-Apr-16	05-May-16	06-May-16	C640, C651																													
C660	Install Permanent Signing and Pavement Marking	ABP02 - 5D/8Hr - 10 Hol	2	0	05-Apr-16	06-Apr-16	06-Apr-16	C650		C999, C670																											
C670	Remove Temporary Barriers and Open to Traffic	ABP02 - 5D/8Hr - 10 Hol	1	0	07-Apr-16	07-Apr-16	07-Apr-16	C660, MS04, C653		MS03, MS02																											
Permanent Utility Location																																					
U200	Connect 8" Gas Lines - By Others	ABP14 - Winter Shut 5D/	10	2	15-Mar-16	28-Mar-16	30-Mar-16	C610		U210																											
U210	Remove Temporary Gas Line - By Others	ABP02 - 5D/8Hr - 10 Hol	3	2	29-Mar-16	31-Mar-16	04-Apr-16	U200		U215																											
U215	Remove Temporary Utility Bridge and Grade	ABP02 - 5D/8Hr - 10 Hol	3	2	01-Apr-16	05-Apr-16	07-Apr-16	U210		C990																											
Close-Out																																					
C990	Project Documentation and Closeout	Cal01-5d/8hr/10hol	20	2	06-Apr-16	04-May-16	06-May-16	U215		MS01																											
C999	Punchlist	Cal01-5d/8hr/10hol	20	0	08-Apr-16	06-May-16	06-May-16	MS03, C660		MS01																											

<ul style="list-style-type: none"> █ Remaining Level of Effort █ Actual Level of Effort █ Actual Work █ Remaining Work █ Critical Remaining Work 	Layout = C11111-01 Baseline-All, Filter = TASK filter: All Activities Data Date = 30-Jul-15, Run Date = 01-May-15, 14:34 Project Start = 30-Jul-15 Project Finish = 06-May-16 User = admin	<table border="1"> <tr><th>Date</th><th>Revision</th><th>Checked</th><th>Approved</th></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </table>	Date	Revision	Checked	Approved													Prepared by MassDOT Highway Page 2 of 2
Date	Revision	Checked	Approved																



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

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SEP 28 2015

BY: _____
Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker
Governor

Matthew A. Beaton
Secretary

Karyn E. Polito
Lieutenant Governor

Martin Suuberg
Commissioner

SEP 24 2015

Friends of Harwich Beaches
Bancroft Wheeler, President
c/o Arlene Wilson
AM Wilson Associates, Inc.
20 Rascally Rabbit Road, Unit 3
Marston Mills, MA 02648

RE: HARWICH - Wetlands
File No. SE 32 - 2199
Superseding Order of
Conditions – Affirmation

Dear Ms. Wilson:

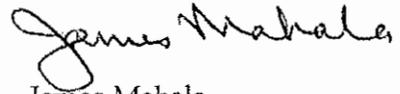
Following an in-depth review of the above-referenced file, and in accordance with Massachusetts General Laws, Chapter 131, § 40, the Department of Environmental Protection has issued the enclosed Superseding Order of Conditions. Pursuant to 310 CMR 10.05(7)(i) of the Wetlands Protection Act Regulations, the enclosed Order affirms the Harwich Conservation Commission's Order of Conditions approving the proposed relocation of a public access path.

Per 310 CMR 10.28(5), projects including "pedestrian walkways, designed to minimize the disturbance to the vegetative cover" may be permitted. The Department has determined that the project as proposed, including the restoration of the former path to natural dune conditions and the overall net reduction of the path's footprint, meets this standard as minimizing disturbance to the Dune vegetation.

In the Department's opinion, the project as proposed and conditioned herein adequately protects the interests of the Wetlands Protection Act. Please be advised that the Department reserves the right, should there be further proceedings in the matter, to raise additional issues and present further evidence as may be appropriate.

If you have any questions concerning this matter, please do not hesitate to contact Greg DeCesare at (508) 946-2762.

Very truly yours,



James Mahala
Bureau of Water Resources

JM/gjd

Enclosure

cc: Harwich Conservation Commission

Christopher Clark
Town of Harwich
732 Main Street
Harwich, MA 02645
Certified Mail #7014 2120 0003 6904 6748