

**SELECTMEN'S MEETING AGENDA\***

*Griffin Room, Town Hall*

*Regular Meeting 6:30 P.M.*

*Monday, October 17, 2016*

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. WEEKLY BRIEFING – October 3, 2016 Housing Summit update – Barbara-Anne Foley**

**IV. PUBLIC COMMENT/ANNOUNCEMENTS**

**V. CONSENT AGENDA**

- A. Approve the addition of “Rule #20” (Use of Drones on Harwich Beaches) to the Town of Harwich Beach Rules and Regulations per the request of the Recreation and Youth Commission
- B. Accept the resignation of Sharon Stover-Gleason from the Youth Services Committee
- C. Accept the resignation of Miranda Dupuy from the Historical/Historic District Commission
- D. Approve and sign the November 8, 2016 Presidential Election Warrant
- E. Accept the gift of \$200 to the Community Center Gift Account for the purchase of candy for the annual Halloween event

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

- A. Annual Meetings with the Board of Selectmen:
  - 1. Voter Information Committee
  - 2. Bikeways Committee
  - 3. Trails Committee
  - 4. Historical/Historic District Commission
- B. VisiGov Presentation

**VII. OLD BUSINESS**

- A. Chloe’s Path, Harwich – Transfer of Lot 8

**VIII. NEW BUSINESS**

- A. Appeal of Waterways decision by Captain James M. Luce to amend the Harbor Management Plan Section 7.0 – Slip Regulations/Town Owned Marina
- B. Request by Harwich Mariners Athletic Association to build a restroom facility at Whitehouse Field with their own funding as a gift to the Town
- C. Request by “Massachusetts State Police WIVES to place blue ribbons in or around the center of Harwich in support of all our Law Enforcement
- D. Town Administrator’s recommendation to adopt Noise By-Law as standard used for all Entertainment Licenses and adopt uniform hours for Entertainment Licenses along Route 28 corridor in Harwich Port

**IX. TOWN ADMINISTRATOR’S REPORT**

- A. Town Administrator’s FY 17 Goals and Objectives
- B. DEP Superseding Order of Conditions for 11 Harbor Way
- C. Public Meeting – Tuesday, October 18 at 2:00 p.m. to discuss Rte. 39/Pleasant Bay Road traffic safety options
- D. Action Item Register update
- E. Accela Citizen’s Access
- F. Budget Warrant Timeline update

**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 13, 2016

# TOWN OF HARWICH



## Council on Aging

### Housing Summit Evaluation Form

Monday, October 3, 2016

**TOTALS: Attendance=105 (including speakers & staff) Evaluations=41**

#### **1. How did you hear about this Housing Summit?**

Newsletter=17, Flyer=4, Channel 18=4, Social Media=2, Friend=8, Newspaper=3, COA Website=1, Speaker=1, Wife=1

#### **2. What part of this Summit was most valuable to you?**

All the info. and the variety of info available=8  
Extent of Elder Services programs and Key People to contact re: various programs here.  
All speakers very informative on all aspects=2  
Thinking about future planning at this point independent living.  
Learning about all the # of services available I didn't know about before.  
Financing  
The wealth of information that was available in a short period of time.  
Assisted Living & Mortgage Advice  
Got to know people to contact in each situation.  
The VAST offerings-great resources.  
Contacts  
Very informative and necessary  
Options for living in a facility with assisted living=2  
All of it, real estate issues, tax exempt issues, baseline value, etc.  
Concise info. Great knowledge base.  
All the different options  
Excellent speakers-all of it-LOVED the Attorney Presentation  
Knowing the many options and the limitations on those options  
Questions & Answers part, especially Tax Exemptions and Group Adult Foster Care (GAFC)  
Various Places gave good overview  
Information concerning sources re: staying in one's home  
Good wake-up call-Mr. Waystack was excellent!  
Senior Care Option  
Affordable Housing info.  
Cape Cod Sr. Residence info.  
This was wonderful! I liked being able to learn about the multiple options available.

#### **3. What is one thing you can take away from today and implement? Or share with others?**

Elder Services Programs  
Tax Work Off Programs  
Start ASAP clearing out items which now is clutter  
I will start with finding out value of our house  
Increased knowledge of many aspects presented  
No need to move off Cape!

Our planning is going well!  
Learning the # of services available that I didn't know about before  
Plan Early!!  
Planning/There ARE resources out there to help  
Seek out resources available  
Need to plan ahead  
Need for more affordable housing  
Will share all topics  
Various alternatives  
Plan, options  
Very informative  
The need to start RIGHT AWAY!!  
To get my application into Pine Oaks Village=4  
Many choices in independent or assisted livings  
There ARE options=2  
Housing modification  
Real Estate issues  
PLANNING=3  
Options on Cape & Harwich=2  
**Make a list:** call Assessor, call Lawyer, Make kids clean basement

#### **4. Did you find the Resource Tables Helpful?**

Yes=31  
Yes definitely=1  
No=1  
Yes limited=1  
Not so much, too little info in advertising i.e. costs, benefits, etc Seminar best with people answering questions  
Did not use  
Not enough brochures

#### **5. How could this Summit be improved?**

No crying children!!!  
Don't spoil a good thing-it was superb  
Women Speakers hard to understand-needed to speak more directly into the microphone=2  
Offer it every 6 months and allow speakers more time  
Excellent the way it was!  
Better awareness-advertising  
Small group Q & A with expert  
Planning and funding long term care needs  
Provide listing of all assisted livings and condos in area  
More info. For individuals who need to get more affordable apartments  
Agenda with a List of speakers, their subjects with contact information as handouts=5  
It was EXCELLENT!  
Not much  
Need for info. On planning if you have no home to sell  
Always  
What are other towns offering for housing?  
More condo living info and locations  
More time  
To better understand housing options  
Time speakers so they meet their 5 minute limit

Where was the Housing Authority?  
Advice for those with without homes and limited funds for rental  
More Cape-wide info than Harwich  
Round Table Discussions after speakers

**6. What additional topics would be of interest to you?**

Organizations that help to downsize  
Would like more information directed to those who don't meet low income criteria but aren't wealthy either-moderate income & assets. If there IS any help.  
Suggestion re: Lawyer Speaker-Perhaps an overview of the legal pitfalls many people aren't aware of regarding housing and long term care.  
Estate Planning  
Low Income estate planning  
Dementia-Parent(s) & Kids conversation  
Barbara-Anne=Awesome, Richard Waystack impeccable!  
Planning & Funding Long Term Care Needs  
Adult Foster Care  
Expansion of Transportation to seniors who no longer drive-Richard Waystack was an exceptional Moderator he also provided useful commentary and additional information  
For continued programs  
Future plans COA on expanding housing assistance programs  
1:1 counseling to determine if one qualifies for low income housing  
How the Town may acquire more properties for older living 7+ year waiting list is daunting!  
A list of Senior Housing of the whole Cape. Should have invited Wise Living.  
Alzheimer's Housing to downsize into with a well spouse.  
THANK YOU FOR PUTTING THIS ON!!=2



# Harwich Recreation & Youth Department & Commission

## *Memo*

DATE: September 23, 2016  
TO: Board of Selectmen  
PHONE: 508-430-7513  
FAX: 508-430-5039

FROM:  John Mahan, Chairman  
Harwich Recreation & Youth Commission  
PHONE: 508-430-7553  
FAX: 508-430-7579

At a meeting of the Recreation and Youth Commission on Tuesday September 27<sup>th</sup>, 2016 the Commission has voted to add rule #20 to the Town of Harwich Beach Rules and Regulations. The addition applies to motorized drone devices. We are therefore forwarding this to you for your approval.

### Rule # 20

The launching, operation, landing or retrieving of drones on Harwich public beaches is prohibited.

Attachment: Updated Town Beach Rules and Regulations

CC: Christopher Clark, Town Administrator  
David Guillemette, Chief of Police

100 Oak Street

Director:

Eric J. Beebe 508-430-7552

[eebeebe@town.harwich.ma.us](mailto:eebeebe@town.harwich.ma.us)

Harwich, MA 02645

Executive Assistant:

Lee A. Ames 508-430-7553

[leeames@town.harwich.ma.us](mailto:leeames@town.harwich.ma.us)

Fax 508-430-7579

Recreation Program Specialist:

Susan H. Fraser 508-430-7554

[sfraser@town.harwich.ma.us](mailto:sfraser@town.harwich.ma.us)

# Town Beach Rules and Regulations

**Definition:** *Beach – includes beach, parking lot and abutting Town-owned sand dunes for both salt and fresh water Town-owned property*

## Section 1 EFFECTIVE DATES – MEMORIAL DAY THROUGH LABOR DAY (ANY YEAR)

1. No alcoholic beverages will be possessed or consumed on any public beach, and no person shall be intoxicated, or commit any obscene or indecent act or use profane/obscene language.
2. No littering, all refuse must be placed in rubbish containers provided. No glass containers will be allowed on beaches. No household refuse allowed in rubbish containers.
3. No person shall damage, deface, or remove any building, structure or sign belonging to the Town of Harwich.
4. No selling, advertising, or giving away of goods and services will be permitted except by concessionaires under contract with the Town or by written permission from the Recreation and Youth Commission.
5. No fires are allowed except in designated areas with approval and paid permit issued by the Recreation and Youth Department.
6. No animals or pets are permitted on any beaches. The term beaches shall include sand, dune, water and parking lots.
7. No tents, travel trailers, campers, or other units shall be used for habitation.
8. No person shall disturb the peace and tranquility of others.
9. Children (12) years of age or younger must be accompanied by an adult or person responsible for his or her behavior within the beach area.
10. Ball playing, kite flying and frisbee playing are permitted at the discretion of the Lifeguards only.
11. Scuba diving, skin diving, and all other methods of underwater swimming are prohibited in designated swimming areas.
12. Sailboats, kayaks, windsurfers, surfboards etc. are prohibited, except for designated areas of Red River Beach and fresh water ponds.
13. Speed limits on all beach parking lots shall not be in excess of 10 miles per hour and motor vehicles will not be allowed to park or travel beyond designated parking areas.
14. No individual or group of individuals will be granted reserved parking places.
15. Inflatables and beach umbrellas are permitted at the discretion of the Lifeguards only.
16. Fishing is not permitted in designated swim areas when Lifeguards are on duty.
17. All beach parking lot areas are closed from 10:00 pm until 6:00 am; all beaches are closed from Midnight to 6:00 am.
18. **Red River Beach Only – Dog walking is allowed in the parking lot area only from Dawn - 9:00 am and from 4:30 pm - Dusk, Memorial Weekend through Labor Day.**
19. No Motorboat of more than 10 horsepower or used for waterskiing may be launched or operated from the boat ramp at the east end of Long Pond (Wixon Memorial, off Cahoon Road).
20. **The launching, operation, landing or retrieving of drones on Harwich public beaches is prohibited.**

**VIOLATORS OF THESE RULES AND REGULATIONS ARE SUBJECT TO ARREST  
AND PUNISHMENT BY A FINE OF NOT MORE THAN FIFTY (\$50.00) DOLLARS  
LITTERING AND HOUSEHOLD TRASH TWO HUNDRED (\$200.00) DOLLARS**

## Section 2 EFFECTIVE DATES – The day after Labor Day through the day before Memorial Day (Any Year)

**“SCOOPER LAW” M.G.L. Chapter 111 Section 31 is in effect.**

**VIOLATION OF THIS REGULATION IS SUBJECT TO A FINE OF FIFTY (\$50.00) DOLLARS.**

All animal owners are responsible for removing wastes produced by their animals on all public property within the Town of Harwich.

**Per order of the Town of Harwich Board of Selectmen.  
Adopted annually at a public meeting by Board of Selectman.**

## Sandy Robinson

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**From:** sharon gleason <stovergleason1@gmail.com>  
**Sent:** Thursday, October 06, 2016 10:03 AM  
**To:** Sandy Robinson  
**Subject:** Resignation

Dear Ms. Robinson, It is with regret that I am resigning form the Youth Service Board. I have family obligations and a tight professional schedule that need my attention, and I would be unable to give the board quality attention. I wish them well and hope they continue to service the youth in Harwich. Yours, Ms. Sharon-Stover-Gleason



Mirande Dupuy  
604 Main Street  
Harwich, MA 02645

October 6, 2016

Anita Doucette  
Harwich Town Clerk  
732 Main Street  
Harwich, MA 02645

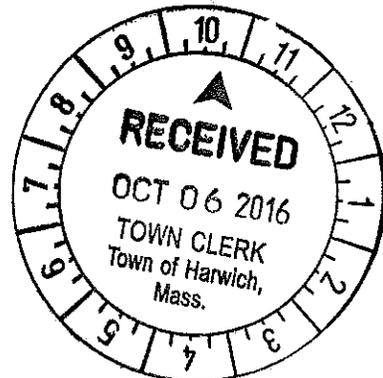
Dear Ms. Doucette,

Effective immediately, I am resigning my membership in the Harwich Historic District & Historical Commission.

Sincerely,



Mirande Dupuy



**COMMONWEALTH OF MASSACHUSETTS  
WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH  
PRESIDENTIAL ELECTION WARRANT  
NOVEMBER 8, 2016**

**BARNSTABLE, ss.**

To either of the Constables of the Town of Harwich

**GREETINGS:**

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in the State Election to vote at the Community Center, 100 Oak Street, Harwich, MA on, **TUESDAY, THE EIGHTH DAY OF NOVEMBER, 2016**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices:

ELECTORS OF PRESIDENT AND VICE PRESIDENT .....	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS .....	9 <sup>TH</sup> CONGRESSIONAL DISTRICT
COUNCILLOR.....	1 <sup>ST</sup> COUNCILLOR DISTRICT
SENATOR IN GENERAL COURT.....	CAPE & ISLANDS SENATORIAL DISTRICT
REPRESENTATIVE IN GENERAL COURT.....	4 <sup>TH</sup> BARNSTABLE DISTRICT
SHERIFF.....	BARNSTABLE COUNTY
COUNTY COMMISSIONERS.....	BARNSTABLE COUNTY
BARNSTABLE ASSEMBLY OF DELEGATES.....	BARNSTABLE COUNTY

**QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

**SUMMARY**

This proposed law would allow the state Gaming Commission to issue one additional category 2 license, which would permit operation of a gaming establishment with no table games and not more than 1,250 slot machines. The proposed law would authorize the Commission to request applications for the additional license to be granted to a gaming establishment located on property that is (i) at least four acres in size; (ii) adjacent to and within 1,500 feet of a race track, including the track's additional facilities, such as the track, grounds, paddocks, barns, auditorium, amphitheater, and bleachers; (iii) where a horse racing meeting may physically be held; (iv) where a horse racing meeting shall have been hosted; and (v) not separated from the race track by a highway or railway.

**A YES VOTE** would permit the state Gaming Commission to license one additional slot-machine gaming establishment at a location that meets certain conditions specified in the law.

**A NO VOTE** would make no change in current laws regarding gaming.

**QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

**SUMMARY**

This proposed law would allow the state Board of Elementary and Secondary Education to approve up to 12 new charter schools or enrollment expansions in existing charter schools each year. Approvals under this law could expand statewide charter school enrollment by up to 1% of the total statewide public school enrollment each year. New charters and enrollment expansions approved under this law would be exempt from existing limits on the number of charter schools, the number of students enrolled in them, and the amount of local school districts' spending allocated to them.

If the Board received more than 12 applications in a single year from qualified applicants, then the proposed law would require it to give priority to proposed charter schools or enrollment expansions in districts where student performance on statewide assessments is in the bottom 25% of all districts in the previous two years and where demonstrated parent demand for additional public school options is greatest.

New charter schools and enrollment expansions approved under this proposed law would be subject to the same approval standards as other charter schools, and to recruitment, retention, and multilingual outreach requirements that currently apply to some charter schools. Schools authorized under this law would be subject to annual performance reviews according to standards established by the Board.

The proposed law would take effect on January 1, 2017.

**A YES VOTE** would allow for up to 12 approvals each year of either new charter schools or expanded enrollments in existing charter schools, but not to exceed 1% of the statewide public school enrollment.

**A NO VOTE** would make no change in current laws relative to charter schools.

### **QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

#### **SUMMARY**

This proposed law would prohibit any farm owner or operator from knowingly confining any breeding pig, calf raised for veal, or egg-laying hen in a way that prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely. The proposed law would also prohibit any business owner or operator in Massachusetts from selling whole eggs intended for human consumption or any uncooked cut of veal or pork if the business owner or operator knows or should know that the hen, breeding pig, or veal calf that produced these products was confined in a manner prohibited by the proposed law. The proposed law would exempt sales of food products that combine veal or pork with other products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food items.

The proposed law's confinement prohibitions would not apply during transportation; state and county fair exhibitions; 4-H programs; slaughter in compliance with applicable laws and regulations; medical research; veterinary exams, testing, treatment and operation if performed under the direct supervision of a licensed veterinarian; five days prior to a pregnant pig's expected date of giving birth; any day that pig is nursing piglets; and for temporary periods for animal husbandry purposes not to exceed six hours in any twenty-four hour period.

The proposed law would create a civil penalty of up to \$1,000 for each violation and would give the Attorney General the exclusive authority to enforce the law, and to issue regulations to implement it. As a defense to enforcement proceedings, the proposed law would allow a business owner or operator to rely in good faith upon a written certification or guarantee of compliance by a supplier.

The proposed law would be in addition to any other animal welfare laws and would not prohibit stricter local laws.

The proposed law would take effect on January 1, 2022. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

**A YES VOTE** would prohibit any confinement of pigs, calves, and hens that prevents them from lying down, standing up, fully extending their limbs, or turning around freely.

**A NO VOTE** would make no change in current laws relative to the keeping of farm animals.

### **QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

#### **SUMMARY**

The proposed law would permit the possession, use, distribution, and cultivation of marijuana in limited amounts by persons age 21 and older and would remove criminal penalties for such activities. It would provide for the regulation of commerce in marijuana, marijuana accessories, and marijuana products and for the taxation of proceeds from sales of these items.

The proposed law would authorize persons at least 21 years old to possess up to one ounce of marijuana outside of their residences; possess up to ten ounces of marijuana inside their residences; grow up to six marijuana plants in their residences; give one ounce or less of marijuana to a person at least 21 years old without payment; possess, produce or transfer hemp; or make or transfer items related to marijuana use, storage, cultivation, or processing.

The measure would create a Cannabis Control Commission of three members appointed by the state Treasurer which would generally administer the law governing marijuana use and distribution, promulgate regulations, and be responsible for the licensing of marijuana commercial establishments. The proposed law would also create a Cannabis Advisory Board of fifteen members appointed by the Governor. The Cannabis Control Commission would adopt regulations governing licensing qualifications; security; record keeping; health and safety standards; packaging and labeling; testing; advertising and displays; required inspections; and such other matters as the Commission considers appropriate. The records of the Commission would be public records.

The proposed law would authorize cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses and to limit the number of marijuana establishments in their communities. A city or town could hold a local vote to determine whether to permit the selling of marijuana and marijuana products for consumption on the premises at commercial establishments.

The proceeds of retail sales of marijuana and marijuana products would be subject to the state sales tax and an additional excise tax of 3.75%. A city or town could impose a separate tax of up to 2%. Revenue received from the additional state excise tax or from license application fees and civil penalties for violations of this law would be deposited in a Marijuana Regulation Fund and would be used subject to appropriation for administration of the proposed law.

Marijuana-related activities authorized under this proposed law could not be a basis for adverse orders in child welfare cases absent clear and convincing evidence that such activities had created an unreasonable danger to the safety of a minor child.

The proposed law would not affect existing law regarding medical marijuana treatment centers or the operation of motor vehicles while under the influence. It would permit property owners to prohibit the use, sale, or production of marijuana on their premises (with an exception that landlords cannot prohibit consumption by tenants of marijuana by means other than by smoking); and would permit employers to prohibit the consumption of marijuana by employees in the workplace. State and local governments could continue to restrict uses in public buildings or at or near schools. Supplying marijuana to persons under age 21 would be unlawful.

The proposed law would take effect on December 15, 2016.

**A YES VOTE** would allow persons 21 and older to possess, use, and transfer marijuana and products containing marijuana concentrate (including edible products) and to cultivate marijuana, all in limited amounts, and would provide for the regulation and taxation of commercial sale of marijuana and marijuana products.

**A NO VOTE** would make no change in current laws relative to marijuana.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2016.  
(month)

\_\_\_\_\_  
Michael D. MacAskill, Chairman

\_\_\_\_\_  
Peter S. Hughes, Vice Chairman

\_\_\_\_\_  
Julie E. Kavanagh, Clerk

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

\_\_\_\_\_  
Jannell M. Brown

Harwich Board of Selectmen

\_\_\_\_\_  
David Robinson, Constable

Town Clerk

Attest:

\_\_\_\_\_  
Anita N. Doucette, MMC/CMMC

DATE:

By virtue of this Warrant I have this day notified and warned the inhabitants of the Town of Harwich, qualified to vote in elections and town affairs, to meet in the Community Center, 100 Oak Street in said Town on Tuesday, the 8<sup>th</sup> of November, 2016 at the time and place for the purpose herein named by posting up attested copies thereon in the four (4) Post Office buildings and in the Community Center in the Town of Harwich, which covers all four precincts, at least seven (7) days before the time of said meeting as within directed.

\_\_\_\_\_  
David Robinson, Constable

Warrant must be posted by **November 1, 2016**, (at least *seven days prior* to the **November 8, 2016** St

H A R W I C H

Community

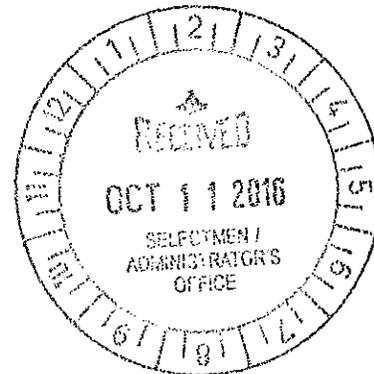
C E N T E R

Tel: 508-430-7568  
100 Oak Street, Harwich, MA 02645

Director  
Carolyn B. Carey

10/11/16

Board of Selectmen  
Chairman  
732 Main Street  
Harwich MA 02645



Dear Mr. Chairman;

Please accept a \$200.00 gift to the Community Center Gift Account #15166304 a donation was made to purchase candy for the Halloween event. The Donor has asked not to be named. Upon your approval I will follow up with a Thank you note. Thank you in advance for your time and attention in this matter. The Halloween Party is a big part of The Community Center and without wonderful people like this that make these donations, this event would not be possible.

Sincerely,

  
Carolyn B Carey  
Director, Harwich Community Center



**2016 Annual Report from THE HARWICH VOTER INFORMATION COMMITTEE** *whose purpose is to inform and prepare voters on issues to be addressed at Annual and Special town meetings and the local annual election and to encourage voter registration and participation.*

The committee focused on presenting the following three programs in its role to provide helpful information to voters as they prepare for the Annual and Special Town meetings and the local election in May:

- **Financial State of Harwich:** Joanne Rys moderated a discussion with stakeholders on the town and school budgets, upcoming capital projects, and future liabilities. The program was taped by Channel 18's staff on April 12 and broadcast numerous times in VIC's efforts to prepare voters for the Annual and Special Meetings.

**Participating were:** Peter Hughes, Chair- Board of Selectmen; Christopher Clark, Town Administrator; Dana DeCosta, Chair – Financial Committee; Scott Carpenter, Superintendent – Monomoy Regional School District; Andrew Gould, Finance Director/Accountant; Brian Widegren, Vice Chair – Monomoy Regional School District Committee; Robert Sanborn, Superintendent – Cape Cod Regional Technical High School, Robert Furtado, Harwich Representative on the Cape Cod regional Technical High School Committee.

- **Pre-Town Meeting:** Peggy Rose organized and moderated this Channel 18 broadcast to inform voters about the warrant articles on at the Annual and Special Town meetings. Participants provided listeners with the rationale of each article and how those articles will be funded if passed.

**Participants were:** Donna Molino, Deputy Assessor; Kathy Green, Community Preservation Committee; David LeBlanc, Deputy Fire Chief; John Rendon, Harbormaster; Christopher Clark, Town Administrator; Linda Cebula, Selectman, and Tom Gagnon, Deputy Police Chief.

- **League of Women Voters Moderated Debate:** On April 28 and in preparation for the local election, VIC invited Judy Thomas, League of Women Voters – Cape Cod Area, to moderate a debate for the two contested Board of Selectmen seats. Approximately 17 members of the public participated in the questions posed to the candidates. Channel 18 televised the program and generously broadcast on numerous occasions up to election date.

**Candidates participating:** Michael Macaskill, Linda Cebula, Robert Rocco, and Julie Kavanagh.

**Additional work during the year included:**

- **Citizens Leadership Academy:** VIC continues to develop a program similar to Barnstable's Citizens Leadership Academy which introduces residents to the working and funding of each town department.

- **Committee Handbook Revision and Committee Vacancy Lists:** VIC spoke to the need to revise the handbook in an effort to encourage residents to apply for committee appointments and participate more fully in Harwich. The committee congratulates the Board of Selectmen for approving the new edition and posting it on the town website along with posting the list of committee vacancies.
- **VIC Web Page – Town Website:** Committee member, Emily Milan, has updated our web page to include a link to the Citizens Activity Form, past VIC broadcasts and contact info. She also developed an on-line tutorial on how to sign up for E-alerts from the town web so residents can receive links to minutes and agenda in which they are interested.

We respectfully submit the year-to-date report of the Harwich Voter Information Committee (VIC) for 2016 with thanks to Jamie Goodwin, Channel 18 Station Manager; Caleb LaDue, Information Specialist; and Peter Hughes, outgoing VIC Liaison to the Board of Selectmen.

Christina Joyce, Chair  
Joanne Rys  
Emily Milan

Peggy Rose, Clerk  
Tina Games

**Christopher Clark**

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**From:** Shirin Everett <SEverett@k-plaw.com>  
**Sent:** Monday, September 19, 2016 3:54 PM  
**To:** Christopher Clark  
**Cc:** 'mike'  
**Subject:** Chloe's Path, Harwich - Transfer of Lot 8  
**Attachments:** KP-#555548-v2-Harw\_\_Chloe\_s\_Path\_-\_Deed\_to\_Lot\_8.DOCX

Hello Chris,

Attached please find the deed by which HFH Development, the owner of the Chloe's Path Subdivision, will donate Parcel 8 to the Town for conservation purposes. The Donor's attorney has certified that the Town will obtain good title to Lot 8, free from encumbrances. Attached to the Deed is an Acceptance, to be signed by the Conservation Commission, and an Approval, for the Board of Selectmen's execution.

Note that the Town does not have the right to access Lot 8 through the subdivision road, but, rather, directly from Forest Street. I assume that such direct access is possible. If not, please let me know.

If you could please send me the original signed Acceptances, I will get them recorded with the deed.

Please let me know if you have any questions. Thank you.

***Kopelman and Paige is now KP | LAW***

Shirin Everett, Esq.  
KP | LAW  
101 Arch Street, 12th Floor  
Boston, MA 02110  
O: (617) 654 1731  
F: (617) 654 1735  
[severett@k-plaw.com](mailto:severett@k-plaw.com)  
[www.k-plaw.com](http://www.k-plaw.com)

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and attachments thereto, if any, and destroy any hard copies you may have created and notify me immediately.

*Property Address:*  
Chloe's Path  
Harwich, MA

**QUITCLAIM DEED**

**HFH DEVELOPMENT, LLC**, a Massachusetts Limited Liability Company with an address of 39 George Ryder Road, Chatham, Massachusetts 02633,

**For consideration of ONE DOLLAR (\$1.00) paid,**

Grants and conveys to the **TOWN OF HARWICH**, a duly organized municipal corporation, with a principal place of business at 732 Main Street, Harwich, Massachusetts 02645, acting by and through its Conservation Commission, for conservation and passive recreation purposes, including but not limited to, the conservation of species listed pursuant to G.L. c.131A et. seq., which shall be considered the most important conservation purpose for which this land is to be protected in perpetuity, with quitclaim covenants,

A parcel of vacant land located on Chloe's Path (off Forest Street and Sisson Road) in Harwich, Barnstable County, Massachusetts, shown as "Lot 8" on the plan entitled "Chloe's Path Definitive Subdivision, Plan of Land in Harwich, Massachusetts for HFH DEVELOPMENT, LLC, J.M. O'Reilly & Associates, Inc." dated December 14, 2015 and revised March 7, 2016. Said plan is recorded with the Barnstable County Registry of Deeds in Plan Book 666, Page 22.

Said property is conveyed subject to Massachusetts Endangered Species Act (G.L. c.131A) and its implementing regulations (321 CMR 10.00), requiring said property to remain undeveloped and protected as habitat for the state-listed species, including but not limited to the Special Concern Eastern Box Turtle (*Terrapene Carolina*), in perpetuity. All future work on said property, with the exception of maintaining boundary markers and trails in existence at the time of the conveyance, including but not limited to vegetation clearing, soil disturbance, habitat

management, new trail construction and forestry shall require prior written approval from the Division of Fisheries and Wildlife acting through its Natural Heritage & Endangered Species Program.

Said property is further conveyed subject to and with the benefit of any and all rights, rights of way, easements, reservations, restrictions or other matters of record, insofar as the same remain in force and applicable.

The Grantor hereby certifies that this is not Homestead property and is not the principal residence of any person. The Grantor further certifies that it is not classified as a corporation for federal tax purposes for the current taxable year, and that this property does not constitute all or substantially all of its assets in Massachusetts.

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

For Grantor's title, see the deed recorded with the Barnstable County Registry of Deeds in Book 29940, Page 204.

[signature page follows]

Executed as a sealed instrument under the pain and penalties of perjury this \_\_ day of \_\_\_\_\_, 2016.

HFH Development, LLC

\_\_\_\_\_  
By: Peter B. Donovan, Manager

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss.

On this \_\_ day of \_\_\_\_\_, 2016 before me, the undersigned notary public, personally appeared Peter B. Donovan, Manager of HFH Development, LLC, 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 HFH Development, LLC.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_



APPROVAL OF ACCEPTANCE

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, the Town of Harwich, acting by and through its Board of Selectmen, hereby approves of the Harwich Conservation Commission's acceptance of the foregoing deed to property located on Chloe's Path, Harwich, for conservation and passive recreation purposes under the provisions of G.L. c. 40, § 8C.

TOWN OF HARWICH,  
By its Board of Selectmen

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, member of the Harwich Board of Selectmen, as aforesaid, who 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 Board of Selectmen.

\_\_\_\_\_  
Notary Public  
My Commission Expires

Town of Harwich  
Harbormaster's Office  
715 Main Street – PO Box 207  
Harwich, MA 02646  
Phone (508) 430-7532  
Fax (508) 430-7535

# Memo

**To:** Board of Selectmen  
**From:** John C. Rendon, Harbormaster   
**Date:** October 4, 2016  
**Subject:** Captain James M. Luce Letter

Ref: (a) Harbor Management Plan, Section 7.0

Enclosure (1) is my response to Captain James M. Luce's letter dated March 10, 2015. Current regulations outlined reference (a) do not allow for slip permits to be passed through partnerships or willed to the next generation. In his letter, Captain Luce requested that the regulation be changed to allow him to retain the slip that was permitted to his father, and then maintained by his mother after his father's death. Captain Luce appealed my decision outlined in enclosure (1) to the Waterways Committee on November 18, 2015. The Waterways Committee voted 6-0 to accept my decision to maintain and enforce the current regulations outlined in reference (a).

Enclosure (1) Harbormaster Letter dated 5 October 2015

Copy: (1) Town Administrator  
(2) Chairman, Waterways Committee

*Harbormaster Department*  
Town of Harwich  
715 Main Street · P.O. Box 207  
Harwich Port, MA 02646  
(508) 430-7532 · Fax (508) 430-7535



5 October 2015

James M. Luce  
13 Pamela Way  
East Harwich MA, 02645



Dear Mr. Luce,

Ref: (a) Your letter dated March 10, 2015  
(b) Harbor Management Plan

After careful consideration of your request outlined in reference (a) for a regulation change relating to the assignment of charter dockage permits, I find no reasonable or workable change that would not disadvantage the many people who are currently on the charter permit waitlist.

Current regulations listed in reference (b) state that slip rentals cannot be passed through partnerships or willed to the next generation. Class C Attached charter permits that are forfeited from charter slips shall be awarded to persons that are on the charter waiting list only.

Upon the death of your father Bob Luce in December 2012, his Class C Attached permit was maintained by your mother (his spouse) Barbara Luce as authorized by regulation. As a licensed Captain you are authorized to run the charter boat for your mother, and you may do so as long as your mother maintains the permit. However, once your mother gives up the permit, current regulations do not allow for the permit to be transferred to the next generation.

I understand and fully appreciate that your father fished out of Harwich for many, many years, and established a good charter business that you have since taken over. However, I see no viable option to change the current regulations to allow for dockage/offloading permits to be transferred to the next generation, without negatively impacting those currently on the Class C Attached permit waitlist. There are currently 20 people on the waitlist and the top two individuals have been on the list since 1999. By changing the regulation to allow for the charter permits to be transferred to the next generation, those people who have been paying a yearly waitlist renewal fee for many years would clearly be disadvantaged, as the turnover of permits would be significantly reduced.

Harwich regulations pertaining to the transfer of commercial/charter dockage permits is very much in line with neighboring towns. I provide the below comparison for your information:

5 October 2015

Yarmouth	No transfers allowed.
Barnstable	No transfers allowed.
Chatham	No docks available (only moorings), but transfer of offloading permits is not allowed.
Sandwich	Transfer to spouse only.
Dennis	Single waitlist for all slips (no specific charter or commercial slips). Dockage permit can be transferred to spouse only.
Falmouth	No transfers allowed
Provincetown	Does not maintain a waiting list for commercial slips; sends out public notice when slip becomes available, assignment based upon application.

In addition, the U.S. Army Corps of Engineers permit (# MA-HARW-84-014) that was issued on November 3, 1983 for the expansion of the west dock, attached conditions to the permit. One such condition is that "The facilities shall remain open to all on equal terms and be operated and maintained in accordance with the terms of local assurances for the Federal navigation project". This condition means that the town is prohibited from charging a different rate for Residents and Non-Residents, and dockage permits cannot be automatically transferred to next generations.

For the reasons stated above, I cannot support your request to have the Class C Attached charter permit that is currently assigned to your mother be automatically transferred to you upon her forfeiture of the permit. Please don't hesitate to call if you have any questions or concerns. If you wish to appeal this decision to the Harwich Waterways Committee, please do so within 30 days of this letter.

Sincerely,

  
John C. Rendon  
Harbormaster  
Town of Harwich

Copy: (1) Waterways Committee

March 10, 2015

John Rendon, Harbor Master  
Town of Harwich

Dear Sir,

My father Captain Bob Luce owner of the Stripper Charter boat has had a commercial slip in Saquatucket Harbor and a commercial mooring Wychmere Harbor for three decades. He passed away in December 2012 leaving the slip in my mother's name Barbara Luce. I received my Captain's license and now co-own the family business since 2012.

It is my understanding that current law states that my mother has to continue to co-own the boat in order to maintain the slip and operate the family business. When she passes, the slip would not stay in the family name.

I am requesting that the current rule be updated to state that if a son/daughter continues the family business that the slip remains in the family name. If the current law remains as is, it then jeopardizes my livelihood upon my mother's passing and I will no longer have a place to keep the boat and maintain the family business.

I appreciate your consideration in this matter.

Sincerely,

Captain James M. Luce



**From:** Matthew Hart [<mailto:mhart2@comcast.net>]  
**Sent:** Tuesday, October 4, 2016 3:04 PM  
**To:** 'John Rendon' <[jrendon@town.harwich.ma.us](mailto:jrendon@town.harwich.ma.us)>  
**Cc:** 'Michael MacAskill' <[michael.d.macaskill@gmail.com](mailto:michael.d.macaskill@gmail.com)>; [aslcape@comcast.net](mailto:aslcape@comcast.net)  
**Subject:** RE: Luce Appeal to BOS

Hi John:

Obviously, I cannot be at the BOS meeting on Monday. I wish I could be because the WWC has already reviewed and made their recommendations to the BOS.

As a result of my being absent from the Monday, Oct. 7, 2016, BOS meeting, I decided to include Michael (as Chairman) and Angelo (as the WWC Liaison) in this email reply so that they are aware of the difficult WWC decision process. We (the WWC) understood and sympathized with Mr. Jim Luce's situation, but rules are rules for everyone.

The one detail that bothered me at that previous WWC Meeting with Jim Luce, his mother, and his brother was this. How come Mr. Luce's brother was smart enough to get on a slip waiting list and then be issued a slip, but Jim did not even consider getting on the waiting list until he was turned down by the Harbormaster and the WWC under present Harwich regulations?

Because of the present, BOS approved, Harwich Harbor Management Plan, the WWC cannot recommend, and the Harbormaster cannot allow hardship exceptions for one individual. What about the poor guy that is next on the waiting list (after 8 or 10 years)? He would have to wait for another opening if the next slip opening were given to Mr. Luce. Even if that next slip was previously assigned to Mr. Luce's now deceased father. With, only 6 "Six Pack Boats" allowed at the Harwich Docks that next assignment for the next individual already on the waiting list could be a long wait! That's just not fair!

This Luce choice is a difficult one, but it is totally up to the BOS. I hope they will not make the exception because if they allow this exception that will establish a precedent for other "hardships" to be set in motion for a wide variety of boat slip requests in the Harwich Harbor.

Matt

**W. Matthew Hart**  
***"Rough Seas make better Sailors."***  
**2 Samoset Road**  
**Harwich, MA 02645**  
**508-432-8063**  
**[Matthart.org](http://Matthart.org)**

3. Cancellations before June 30<sup>th</sup> receive a 25% refund of the Final Payment amount (2/3 of the annual fee)
4. Cancellations July 1<sup>st</sup> or later receive no refund and forfeit the slip permanently

6.2 Refund policy for Transient Dockage:

1. Cancellation prior to two weeks of arrival date, 100% refund less a \$15.00 administration fee
2. Cancellation within two weeks but before 5pm on day preceding arrival day, forfeit one day's dockage and administrative fee
3. Cancellation after 5 pm on day preceding arrival, forfeit one half of deposit plus administrative fee
4. No show or no call shall constitute forfeiture of entire deposit

6.3 Interest on any past due balance shall accrue at the rate of 1% per month. In addition to interest on past due balances, owners will be liable for reasonable costs of collection including reasonable attorney fees.

## 7.0 SLIP REGULATIONS AT TOWN-OWNED MARINA

7.1.1 Fees charged for space shall be strictly in accordance with published schedules and shall be paid in advance to cover a full season or part thereof. Slip rentals shall not be canceled unless a suitable replacement boat can be obtained promptly.

7.1.2 If it is considered by the Town to be in the best interest of the marina and/or its occupants, this agreement may be canceled on ten days notice with the owner removing his boat forthwith.

7.1.3 Space rentals are non-transferable. Transfer of boats between spaces will only be allowed with the prior permission of the marina.

7.1.4 As with any non-titled or rented property slip rentals cannot be passed through partnerships or willed to the next generation. A fair and equal system of waiting lists shall be maintained by the Harbormaster for the assignment of vacated spaces.

7.2 To be admitted and to continue as an occupant of the marina a boat must be:

- A. Used for pleasure only
- B. Used for commercial fishing
- C. Used for chartered fishing, sightseeing trips or passenger carrying
- D. Such other uses as may be approved by the Waterways Committee and the Board of Selectmen
- E. Documented, registered, identified, marked, equipped, operated and maintained as required by law and standard practice
- F. Subject to periodic inspection by the marina to determine the maintenance of proper safety conditions

7.3 Due to structural limitations, no boat sixty five (65') feet or over in length or displacing more than 50 gross tons can be accommodated. Any such boat may be directed by the marina to anchor in a designated area. The marina does not provide launch service.

7.4 When a boat enters the marina area, it immediately comes under the jurisdiction of the marina and shall be berthed only where assigned and maneuvered as directed.

7.5 All boats will be secured in their assigned space in a manner acceptable to the marina.

7.6 Owners are requested to provide the marina with a set of main door hatch keys and ignition keys. The boat will only be entered by the marina for possible inspection or for emergency service, otherwise only with the permission of the owner. No other person will be given keys or allowed on the boat without the owner's written permission.

- 7.7 The owner (and guests for whom he/she is responsible) agrees to conduct himself at all times when on the property of the marina, or on any boat moored therein, so as to create no annoyance, nuisance or hazard to the marina or to any other persons. This includes good housekeeping, sanitation practices and the use of garbage and refuse containers.
- 7.8 Sewage, rubbish and other wastes:
- A. Federal, State and Town statutes prohibit the discharge of sewage, waste material, oil and fuel, rubbish or refuse of any kind or description into any river, stream, pond or tidal waters. Heavy fines and imprisonment are the penalties for violation.
  - B. Owners, guests, employees and all persons are to use the marina's shore-side toilets, showers and laundry facilities. All garbage and other refuse must be placed in receptacles provided by the marina.
- 7.9 Noise shall be kept to a minimum at all times. Consideration for others requires discretion in the operation of engines, generators, radios and television sets in such a manner and at such times as to create no nuisance or disturbance.
- 7.10 Swimming, fishing or water-skiing is prohibited anywhere in the marina.
- 7.11 House Keeping
- A. Boat owners shall not place supplies, materials, accessories or debris on any float or walkway and shall not construct or place thereon any lockers, chests, cabinets or containers without the permission of the marina.
  - B. Tenders on davits, gangways or boarding ladders or steps, extreme overhangs, bow and stern sprits, boomkins, spars, pulpits, etc. shall be secured in such a manner that none of these appurtenances shall create a hazard or block free passage along any float, walkway or waterway.
  - C. Laundry shall not be hung on any boat, float, walkway or anywhere else in the marina.
- 7.12 Charcoal or any form of open fire anywhere within the marina is absolutely prohibited.
- 7.13 Dogs and pet animals are permitted in the marina only on a leash or otherwise confined or restrained.
- 7.14 Young children should be accompanied by adults at all times.
- 7.15 Tenders, skiffs, dinghies and other small boats shall be stored aboard boats or placed where the marina directs. All such small boats shall carry identification numbers, marks or names. They may not be tied up in rental space or on any float, walkway or ramp.
- 7.16 No part of the marina, ashore or afloat, nor any boat therein shall be used for the conducting or solicitation of business of any kind except for the normal operation uses as provided for herein, and no signs or other advertising material will be permitted without the permission of the Marina, which will control size, placements, etc. Nothing in this section shall prohibit an owner from contracting for or using such services as his boat may require from the businesses or resources regularly available in the area or to him privately.
- 7.17 The use of alcoholic beverages is prohibited by law on any town landing, float, pier, building or parking area owned by or under the jurisdiction of the town. The sale of alcoholic beverages is prohibited in the Saquatucket Harbor area.
- 7.18 The cleaning of fish and the disposal of fish or parts thereof is prohibited anywhere within the marina including service and parking areas.
- 7.19 STORM PREPARATIONS
- A. In the event of a severe storm, the marina will check the security of all boats in the marina and take such steps as are feasible to prevent damage. Any costs incurred will be pro-rated over all the boats in the marina. The marina does not assume any responsibility for said protection or damages to any boat.

- B. In the case of any boat where water accumulates within it to the point where the boat is endangered, the marina will, if possible, pump it out with or without notice to the owner and the costs of such pumping will be assessed against the boat. If severe leakage is the cause the owner will be notified promptly.
- 7.20 The Town and the marina will take all reasonable precautions to insure the security and safety of any boat or property in the marina and will not be held liable for fire, theft, vandalism, trespass or damage to any boat or vehicles or its equipment arising from any cause whatsoever.
- 7.21 The marina, its management or the Town of Harwich shall not be held liable for damages or losses incurred by the interruption of electrical power to any boat for whatever reason.
- 7.22 The above space limitation shall be effective for all Town of Harwich slips including Saquatucket Marina and off-loading sites at Wychmere Harbor, Saquatucket Harbor and Allen Harbor.
- 7.23 Transient commercial boats may rent dock space, if available, between Labor Day and May 30 only. Commercial dockage between June 1 and Labor Day shall be limited to those boats holding applicable leases only.
- 7.24 Security and damage deposit. All boats renting dock space on a daily, weekly or monthly basis between Labor Day and May 30 are required to pay to Harbormaster before occupying any slip a security and damage deposit, to be held by the Town in escrow and refunded to any owner or master of the boat on termination of the rental agreement, provided that during the period the boat is in the harbor
  - A. All accumulated dockage fees have been paid when due;
  - B. All rules and regulations of the harbor and all lawful orders of the Harbormaster have been complied with, the security deposit shall be refunded and, notwithstanding the forfeiture of the deposit, the Town shall have the right to proceeding, criminal or civil, to
    - 1. Enforce its Rules and Regulations and Orders;
    - 2. Recover for any damage done to harbor facilities or
    - 3. Recover for any slip fees due including all reasonable costs of such recovery, including reasonable attorneys fees."
- 7.25 Those boats described in Section 7.2 C and D must carry a minimum of \$500,000.00 Legal Liability and Protection and Indemnity insurance coverage which shall name the Town of Harwich as loss payee.
- 7.26 The transfer of the entity – corporate or otherwise – majority ownership of the Ferry will constitute a transfer or the sale of the entity. Upon any change in ownership of the foregoing entity – corporate or otherwise – the new entity purchasing/owning the Ferry may apply to the Board of Selectmen for the related Ferry Slip, however, this slip does not automatically transfer. Or a transfer of a majority interest in the ownership of the Ferry would constitute a transfer or sale of the entity. Upon any change in ownership of the foregoing entity – corporate or otherwise – a new entity purchasing/owning the Ferry may apply to the Board of Selectmen for the related Ferry Slip, however, this Ferry Slip does not automatically transfer.

## **8.0 OFFLOADING PERMITS AND REGULATIONS AT TOWN-OWNED FACILITIES**

The Harwich commercial offloading permits represent the authorization of actively Harwich-based commercial fishing boats (in good standing with Town of Harwich) to use specified Boat Offloading Zones at Wychmere Harbor Town Pier, Allen Harbor Town Dock, and Saquatucket Harbor Bulkhead.

The Offloading Permits are sold in separate categories (as available) and are limited. Year-round offloading permits may be purchased only by owners/captains whose boat is permanently moored or docked during the season in a Harwich harbor. A permanent mooring permit, or legal slip contract, will be considered proof of this along with any other authorization which the Harbormaster may demand at the time of purchase.

Offloading zones shall be used by permitted boats only for the purpose of fueling by authorized tank wagon (diesel only), offloading fish, shellfish, loading ice, and limited gear work. Time allowed in the offloading zone shall not

# Harwich Recreation Department & Commission



## Memo



DATE: October 11, 2016  
TO: Board of Selectmen, Town Administrator  
FROM: Recreation and Youth Commission; Recreation Director  
PHONE: 508-430-7553  
FAX: 508-430-7579

At a meeting of the Recreation and Youth Commission on September 27, 2016 the Commission voted to support the request of the Harwich Athletic Association and the Harwich Mariners to build a permanent restroom facility at Whitehouse Field.

The Mariners have secured the funds for the project through donations and fundraising and would like to have the project completed by the Spring of 2017 and then gift it to the Town of Harwich.

Thank you for your attention to this matter.

Eric Beebe

Recreation Director

100 Oak Street

Harwich, MA 02645

Fax 508-430-7579

Director:

Executive Assistant:

Recreation Program Specialist:

Eric J. Beebe 508-430-7552

Lee A. Ames 508-430-7553

Susan H. Fraser 508-430-7554

[ebeebe@town.harwich.ma.us](mailto:ebeebe@town.harwich.ma.us)

[lhemeon@town.harwich.ma.us](mailto:lhemeon@town.harwich.ma.us)

[sfraser@town.harwich.ma.us](mailto:sfraser@town.harwich.ma.us)



## **HARWICH MARINERS ATHLETIC ASSOCIATION**

PO Box 201, Harwich Port, MA 02646

Town of Harwich Board of Selectmen,

The Harwich Mariners Athletic Association is requesting permission from the Town of Harwich Board of Selectmen to construct a permanent bathroom facility on the grounds of Whitehouse Field at 75 Oak Street as a gift to the Town of Harwich. Over the past 4 years, the Mariners have secured the necessary funds through our fans, community and alumni from fundraising and donations in order to approach the town with this endeavor.

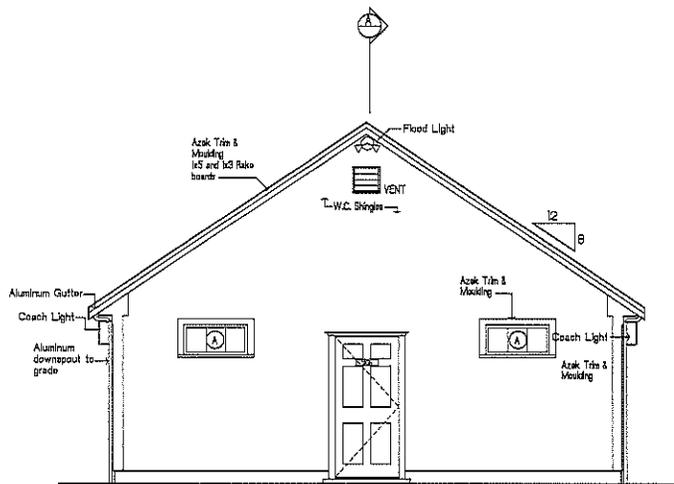
Attached to this letter are plans showing the details of the project. The bathroom will be 24'x24' slab/wood frame construction and have facilities for both men and women. The appearance of the building will be in sync with existing buildings on the property and will be constructed with all necessary permits by a licensed local contractor. Also attached to this letter is a site plan showing the approximate location of the proposed building and a letter from the Town of Harwich Health Department stating the existing septic system on site was built with this future endeavor in mind and will support this permanent bathroom.

The Harwich Mariners timeline for this project, if approved by the Board of Selectmen, would be to start as soon as possible once plans are formally submitted and approved by the Town of Harwich Planning/Engineering departments. Our hope is to have this permanent bathroom project complete and gifted to the Town of Harwich for the Spring of 2017.

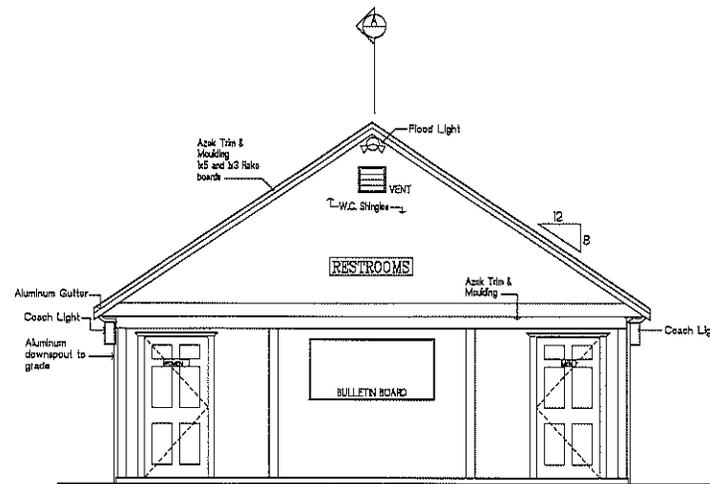
If you need further information on this request we would be glad to answer any and all questions or concerns in order to keep this process moving forward swiftly.

Cordially,

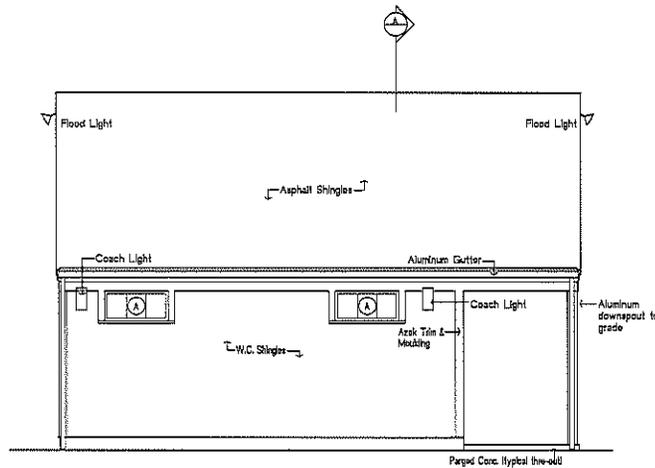
Ben Layton  
General Manager  
Harwich Mariners Athletic Association  
Cape Cod Baseball League



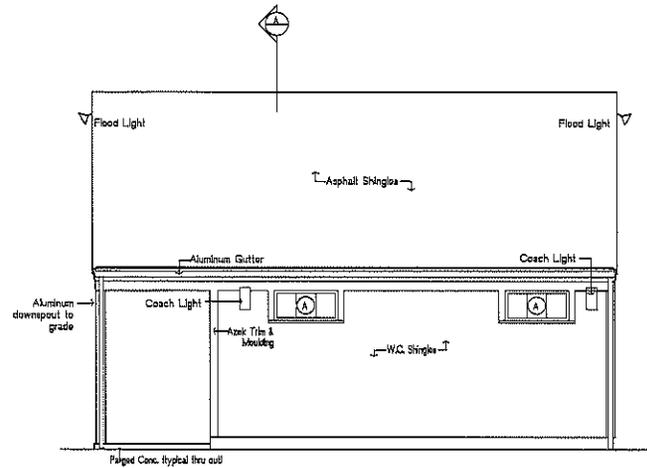
4 Proposed REAR ELEVATION  
Scale: 1/4"=1'-0"



1 Proposed FRONT ELEVATION  
Scale: 1/4"=1'-0"



3 Proposed LEFT ELEVATION  
Scale: 1/4"=1'-0"



2 Proposed RIGHT ELEVATION  
Scale: 1/4"=1'-0"

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d e s i g n s

\*Refer to "General Nailing Schedule-Table 2, WFCM Wood Frame Construction Manual  
Note: All construction shall be in accordance with American Forest and Paper Association "Wood Frame Construction Manual for One and Two Family dwellings (WCFM). Contractor shall be responsible to review all details to assure proper installation methods.



ZIBRAT & MCCARTHY LLP  
d e s i g n s  
63 Crowell Road  
Chatham, Mass. 02633  
508-945-9424

PROPOSED RESTROOM FACILITY FOR:  
HARWICH MARINERS

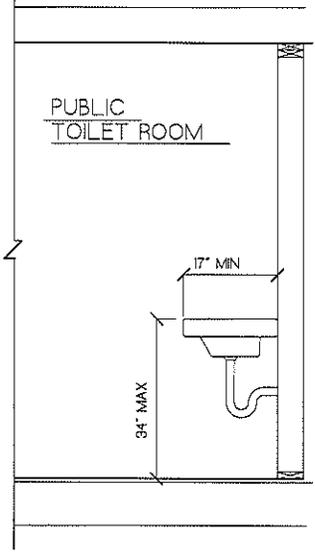
Oak St., Harwich, Ma.

16 SEPT 2016

A1

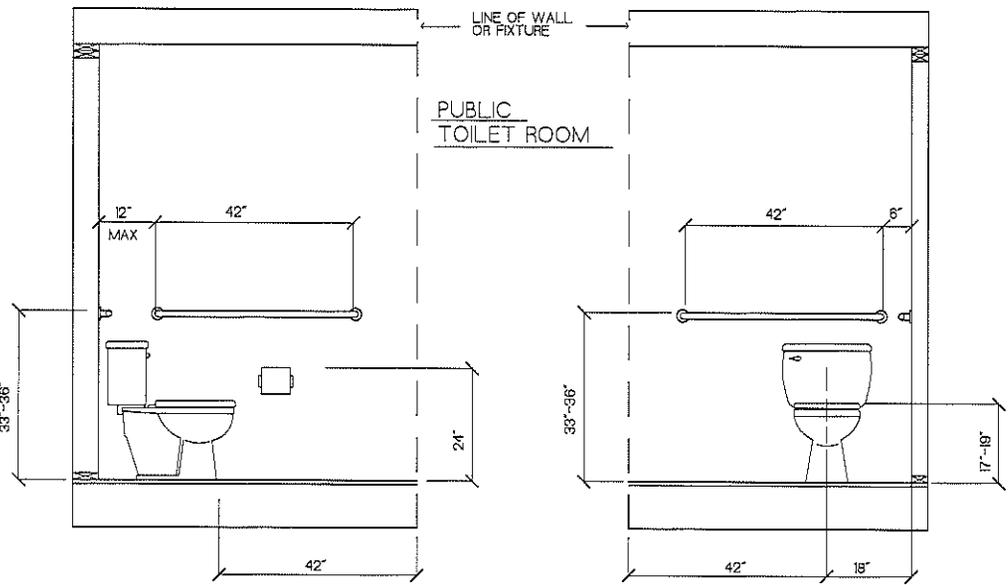






SINK  
ELEVATION

Scale: 1"=1'-0"



ACCESSIBLE TOILET STALL ELEVATIONS

Scale: 1"=1'-0"

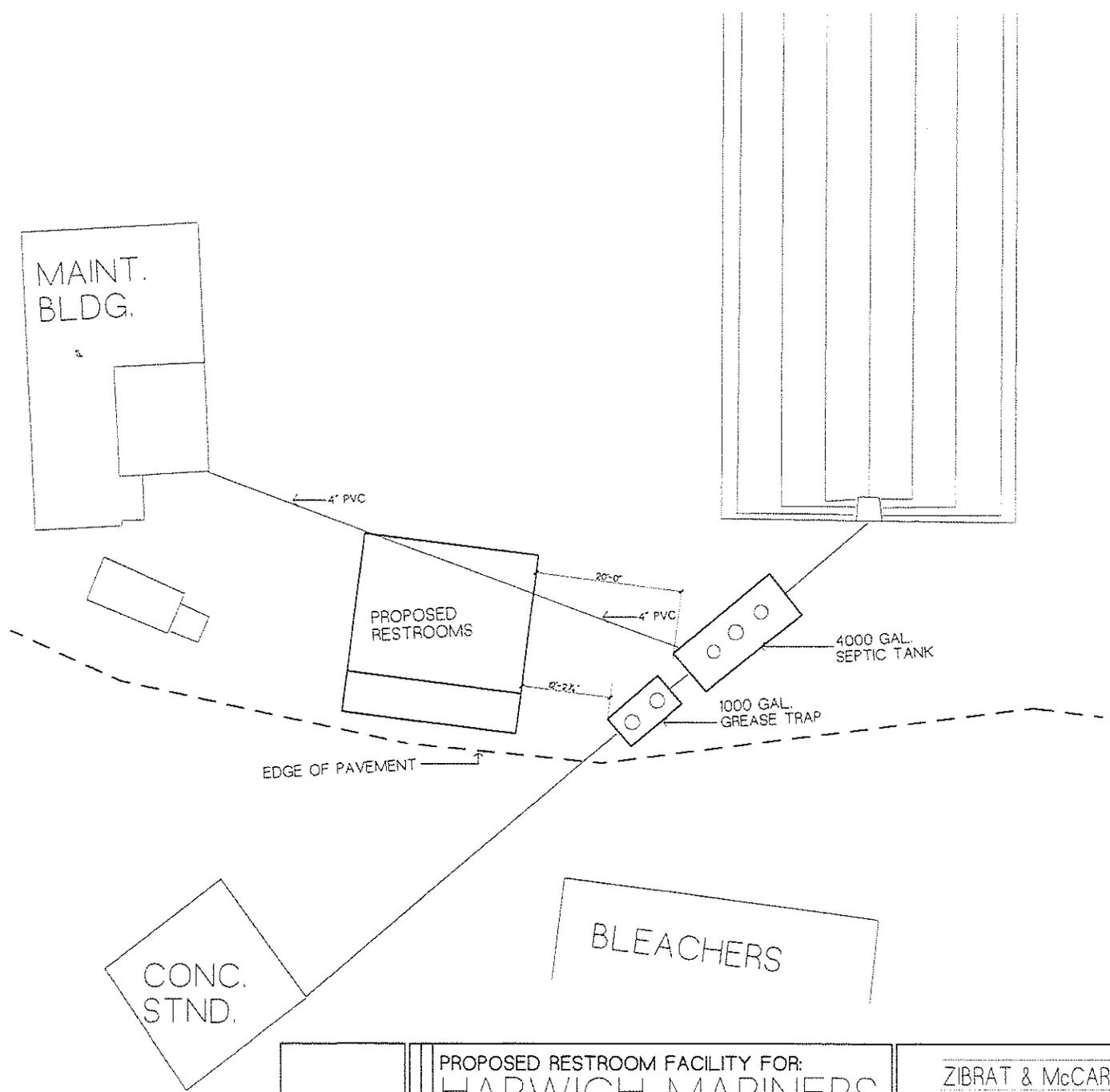
ZIBRAT & MCCARTHY, LLP  
d e s i g n s  
63 Crowell Road  
Chatham, Mass. 02633  
508-945-9424

PROPOSED RESTROOM FACILITY FOR:  
**HARWICH MARINERS**  
Oak St., Harwich, Ma.

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d e s i g n s

\*Refer to "General Nailing Schedule-Table  
2. WFCM Wood Frame Construction Manual  
Note: All construction shall be in accordance with American Forest and Paper Association "Wood Frame Construction Manual for One and Two Family Dwellings" (WFCM). Contractor shall be responsible to review all details to assure proper installation methods.

A4



	<p>PROPOSED RESTROOM FACILITY FOR:  <b>HARWICH MARINERS</b>          Oak St., Harwich, Ma.    SCALE: 1"=20"    (SCHEMATIC)</p>	<p>ZIBRAT &amp; McCARTHY <small>LLP</small>  <small>d o c u m e n t s</small>          63 Crowell Road          Chatham, Mass. 02633          508-945-9424</p>
--	--	--

To: Ben Layton  
General Manager  
Harwich Mariners

Dear Ben,

This note is to summarize several conversations we have had regarding a proposal to construct a restroom facility for the Harwich Mariners.

I have reviewed the architectural plan by Zibrat & McCarthy dated 9/16/16. A review of the septic file for the property indicates there is a facility in place from 2005 that accounted for a stadium of 500 attendees. This system also handles the snack bar and maintenance facility. The public restroom portion of the plan was never fully developed and is available for this project.

Since the system is >10 yrs old, we would require a septic system inspection to be performed as part of the application process for a building permit. Please arrange for this as part of your project pre planning items as soon as possible. Pending satisfactory approval, we would grant a permit for the connection of the new building to this system.

Regards,

Paula Champagne  
Health Director  
Town of Harwich

## Sandy Robinson

---

**From:** Christopher Clark  
**Sent:** Tuesday, October 11, 2016 3:41 PM  
**To:** Eric Beebe  
**Cc:** Sandy Robinson  
**Subject:** FW: HARW: License Agreement  
**Attachments:** KP-#526250-v1-HARW\_License\_to\_Construct\_Improvements\_on\_Town\_Property.DOC

FYI

**From:** Christopher Clark  
**Sent:** Wednesday, July 15, 2015 1:19 PM  
**To:** Eric Beebe <ebeebe@town.harwich.ma.us>  
**Subject:** FW: HARW: License Agreement

Eric,

Please see attached License Agreement with the Harwich Mariners. Please see notes below.

Chris

Christopher Clark  
Town Administrator  
Town of Harwich  
732 Main Street  
Harwich, MA 02645  
Tel. 508.430.7513  
Fax.508.432.5039  
[cclark@town.harwich.ma.us](mailto:cclark@town.harwich.ma.us)

**From:** Shirin Everett [<mailto:SEverett@k-plaw.com>]  
**Sent:** Friday, July 10, 2015 3:06 PM  
**To:** Christopher Clark  
**Cc:** John Giorgio  
**Subject:** HARW: License Agreement

Hello Chris:

Attached please find a draft of the License Agreement for the construction of restrooms by the Harwich Mariners/Cape Cod Baseball Lease. Please insert in the License the identity of the Licensee, the property on which the games are held and is to benefit from the facilities, and the property on which the improvements are to be constructed.

Please note the following:

1. We need to insert commencement and completion dates;
2. I have provided that construction shall not begin unless the Town has reviewed and approved the design plans and construction drawings;

3. The License requires the Licensee to carry a performance bond – this should be in an amount at least equal to the cost of construction. The bond is to stay in place for a period of 1 year after the Town has accepted the improvements; and
4. I recommend that the Town's insurer review the insurance provisions in Section 7;

Please let me know if you have any questions on this matter.

Shirin

Shirin Everett, Esq.  
Kopelman and Paige, P.C.  
101 Arch Street  
Boston, MA 02110  
Phone: (617) 654-1731  
Facsimile: (617) 654-1735  
Email: [severett@k-plaw.com](mailto:severett@k-plaw.com)

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and its attachments, if any, and destroy any hard copies you may have created and notify me immediately.

LICENSE AGREEMENT

THIS LICENSE AGREEMENT (this "License") is entered into on this 11th day of October, 2016, by and between the Town of Harwich, acting by and through its Board of Selectmen, having an address of 732 Main Street, Harwich, Massachusetts 02645 (the "Town"), and the Harwich Mariners / Cape Code Baseball League, a nonprofit corporation/association, having an address of P.O. Box 201, Harwich Port, Massachusetts 02646 ("Licensee").

WHEREAS, the Town is the owner of record of a certain parcel of land located at Whitehouse Field, Harwich, that is improved by recreational fields and related facilities (the "Recreation Premises");

WHEREAS, Licensee is a frequent user of the Recreation Premises, and holds and/or participates in games thereon with other sports association;

WHEREAS, Licensee desires to construct restroom facilities, at its sole cost, to enhance the use of the Recreation Premises by Licensee and others;

WHEREAS, Licensee requests that the Town permit Licensee to construct such facilities on the Town-owned property adjacent to the Recreation Premises, which Town property is located off Oak Street at Whitehouse Field, Harwich, and described in a deed recorded with the Barnstable County Registry of Deeds in Book 869, Page 149 (the "Property");

WHEREAS, the Town is amenable to allowing Licensee to construct the restroom facilities on a portion of the Property; and

WHEREAS, the parties desire to set out the terms and conditions of Licensee's use of the Property; and

NOW, THEREFORE, for good and valuable consideration, the parties agree as follows:

1. USE, PURPOSE, TERM. The Town hereby grants Licensee and its contractors, agents, representatives, employees, and invitees a license to enter and use the portion of the Property shown as "License Area" (the "License Area") on the sketch plan attached hereto as Exhibit A and incorporated herein for the sole purpose of constructing a building with restroom facilities and related improvements, which are approximately shown on the "First Floor Plan" attached hereto as Exhibit B and incorporated herein (the "Improvements"). Licensee acknowledges that it is not required to construct the Improvements, but that should Licensee wish to construct the same, the Improvements shall be constructed at Licensee's sole cost and expense and in accordance with the terms and conditions set forth below (the "Work"). Licensee acknowledges and agrees that the Town shall not have any obligation to pay for or contribute toward the Improvements and other costs of the Work.

Such entry and use by Licensee, its contractors, agents, representatives, employees, permittees and invitees may be exercised from the date of this License until \_\_\_\_\_,

unless terminated in accordance with the provisions of Section 9 below. Such entry and use shall be further limited by the provisions of Section 5.

2. CONSIDERATION. In consideration for this License, Licensee shall pay a fee of \$1.00 and shall bear all costs and expenses associated with the exercise of the rights granted hereunder, together with the observation and performance by Licensee of all the obligations and covenants set forth within this License to the reasonable satisfaction of the Town.

3. CONDITION OF THE PREMISES. Licensee accepts the License Area in its “as is” condition for the purpose of this License, and acknowledges and agrees that the Town has made no representations or warranties regarding the fitness of the License Area, the supply of utilities thereto, or its suitability for the construction of the Improvements. Nothing in this License shall be construed as requiring the Town to maintain the License Area during the term of this License or in any manner. The Town has no obligation to supply any such utilities to the License Area.

4. LICENSEE’S CONDUCT. During the exercise of the rights hereby granted, Licensee shall at all times conduct itself so as not to unreasonably interfere with the Town’s use of the License Area, and observe and obey directives of the Town and its duly designated representatives, as well as all applicable laws, statutes, ordinances, regulations and permitting or licensing requirements. Licensee shall, during the term of this License and at its sole expense, maintain the License Area and the Improvements and other structures thereon in good and safe order and condition. The Licensee’s responsibilities shall include the restoration or repair of any and all damage to the License Area and/or the remaining Property resulting from any act, failure to act or negligence of the Licensee, its contractors, agents, representatives, employees, invitees and/or permittees (with the Licensee, the “Licensee Parties”). This obligation shall survive the expiration or termination of this License.

5. WORK. The Licensee shall commence the Work and pursue its completion with reasonable diligence. The parties acknowledge that the sketch plan attached hereto as Exhibit B is a preliminary drawing of the Improvements and that Licensee shall, at least thirty (30) days prior to commencing any Work on the License Area, provide the Town with, and obtain the Town’s written approval of, the design of the Improvements and detailed construction drawings and specifications, prepared at Licensee’s cost, showing the Improvements to be constructed (the “Approved Plans”) and such other documents as the Town may reasonably request. The Improvements shall be constructed substantially in accordance with the Approved Plans. Licensee shall not make any other alterations to the License Area without the Town’s prior written consent, which may be withheld in its sole discretion

The Licensee shall procure all necessary permits before undertaking the Work, and cause all the Work to be performed in a good and workmanlike manner, and in accordance with the requirements of insurers, employing new materials of good quality. The Licensee shall at all times comply with (i) the plans and specifications; and (ii) all applicable local, state and federal rules, regulations, statutes, and by-laws.

The Licensee shall not permit any mechanic's liens or similar liens to remain upon the License Area and/or the remaining Property for labor and materials furnished to the Licensee in connection with work of any character performed at the direction of Licensee and shall cause any such lien to be released of record without cost to the Town. If the Licensee does not perform the Work itself, it shall employ responsible contractors to perform the Work.

The Licensee shall install such fencing and other safety devices, if any, necessary to ensure the safety of the Town's personnel, persons on the License Area and the Property, adjacent property owners and their property and the general public. The Town is not responsible for the security of the License Area and the Work, which shall be at all times the sole responsibility of the Licensee.

The Licensee shall not permit any mechanics' liens, or similar liens, to remain upon the Licensed Area and/or the Property for labor and material furnished to the Licensee or claimed to have been furnished to the Licensee in connection with work of any character performed or claimed to have been performed at the direction of the Licensee and the Licensee shall cause any such lien to be released of record forthwith without cost to the Town. All laborers and materialmen furnishing labor and materials for the Work shall release the Town from any and all liability.

The Licensee may bring such vehicles and other equipment upon the License Area as would ordinarily be used to undertake the Work, but the Licensee shall not store any equipment or materials thereon without the Town's prior written consent. The Licensee shall be responsible for the security of its equipment, materials, and the Improvements. The Town shall have no responsibility for any damage to the same from theft or vandalism.

The Licensee shall inform the Town at least fourteen (14) days prior to the completion of the Work so that the Town may inspect the same and assess compliance with the terms hereof. The Improvements shall not become the property of the Town, and the Town shall have no obligation to maintain the same, until the Town has issued a written Acceptance of Improvements.

The provisions of this Section shall survive the termination of this License.

6. INDEMNIFICATION AND RELEASE. The Licensee agrees to indemnify, defend and hold harmless the Town from and against any and all claims, demands, suits, actions, costs, judgments, whatsoever, including reasonable attorneys' fees, which may be imposed upon, incurred by, or asserted against the Town by reason of (a) any failure on the part of Licensee to comply with any provision or term required to be performed or complied with by Licensee under this License, (b) for the death, injury or property damage suffered by any person in or around the License Area relating in any way to Licensee's exercise of its rights under this License and/or the Improvements and/or the negligence or willful misconduct of any of the Licensee Parties, (c) the release, emission, storage or maintenance by Licensee or any of the other Licensee Parties of any toxic or hazardous waste or materials, pollutants, or substances, including without limitation, asbestos, PCBs, petroleum products and byproducts, substances defined or listed as "hazardous

substances" or "toxic substances" or "hazardous waste" or "hazardous material", as those terms are defined by any applicable laws, rules or regulations; or (d) any defect in the materials installed or improvements made or negligence in the assembly or construction of the Improvements in, on, under or upon the License Area.

Licensee hereby releases the Town, its employees, officers, agents, board members, and attorneys from any claims, actions, rights of action, causes of action, damages, costs, loss of services, expenses, compensation, attorneys' fees or other liability or responsibility for Licensee's losses or damages related to the condition of the License Area, and Licensee agrees and covenants that it will not assert or bring, nor cause any third-party to assert or bring, any claim, demand, lawsuit or cause of action against the Town, including, without limitation, claims for property damages, diminution in property value claims, personal injury or death damages and any other damages relating to, or arising from, Licensee's use of the License Area.

The provisions of this Section shall survive the expiration or termination of this License.

7. INSURANCE; BOND. [please have the Town's insurer review this provision]  
The Licensee shall maintain public liability insurance, including coverage for bodily injury, wrongful death and property damage, in the minimum amount set forth herein to support the obligations of Licensee under the terms of this License to indemnify, defend and hold harmless the Town: General Liability: \$1,000,000 per occurrence; Bodily Injury Liability: \$500,000 per occurrence; and Property Damage Liability or a combined single limit of \$2,000,000 annual aggregate limit.

Prior to entering upon the License Area, and at such other times as the Town may reasonably request, the Licensee shall provide the Town with a certificate of insurance in each case indicating the Town is an additional insured on the policy(ies) and showing compliance with the foregoing provisions. Licensee shall require the insurer to give at least thirty (30) days' written notice of termination, reduction or cancellation of the policy(ies) to the Town. The insurance coverage required hereunder shall be placed with insurance companies licensed by the Massachusetts Division of Insurance to do business in the Commonwealth of Massachusetts and have a Best's rating of B+ or better.

To the extent required by law, Licensee or Licensee's contractors shall maintain worker's compensation insurance, from the commencement of the Work until the completion thereof. Licensee agrees that any contractor performing work on behalf of Licensee at the License Area shall carry workers' compensation insurance, liability insurance, and automobile liability insurance in amounts reasonably acceptable to the Town and shall name the Town as an additional insured party. Prior to the commencement of any work on the License Area, Licensee shall provide Town with a copy of the contractor's insurance certificate indicating liability insurance coverage as herein specified, and copies of any approvals, including any building permits, necessary or obtained to conduct said construction.

To the extent possible, Licensee shall obtain, for each policy of insurance secured by it, provisions permitting waiver of any claims against the Town for loss or damage within the scope

of the insurance, and Licensee, for itself and its insurers, waives all claims against the Town as to such claims covered by such insurance.

The required insurance coverages hereinbefore specified shall be placed with insurance companies licensed by the Massachusetts Division of Insurance to do business in the Commonwealth of Massachusetts.

Prior to the commencement of any Work, the Licensee shall provide the Town with a performance bond to secure the proper construction of the Work, in an amount reasonably acceptable to the Town and sufficient to support the obligations of the Licensee under the terms of this License. The Licensee will provide the Town with the bond naming the Town as secured party, and evidencing that the bond is in force and that such bond shall not be canceled, reduced, or materially changed without giving the Town at least thirty (30) days written notice. Such bond shall be maintained for a period of one (1) year from the date on which the Improvements have been accepted by the Town; if any repairs are required during said one-year period, the Town shall have the right to use the bond proceeds to perform such repairs. In the event that the Work has commenced and the Improvements are not constructed for any reason and/or the License Area is not restored in accordance with the terms hereof, the Town shall have the right to use the bond proceeds to complete the Work and/or remove the Improvements and restore the License Area, at its sole discretion. The provisions hereof shall survive the expiration and/or termination of this License.

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8. RISK OF LOSS. Licensee agrees that it shall use and occupy the Property, including the License Area, at its own risk, and the Town, its agents, employees, representatives, officers, agents, board members and attorneys shall not be liable to Licensee for any injury or death to persons entering the License Area/Property pursuant to the License, or loss or damage to vehicles, equipment or other personal property of any nature whatsoever of Licensee, or of anyone claiming by or through Licensee, that are brought upon the License Area/Property pursuant to the License, except if such injury, death, loss or damages is caused by the willful act or gross negligence of the Town, or its employees, agents or contractors.

9. TERMINATION and REVOCATION. This License shall be revocable by either party upon written notice of revocation at least thirty (30) days prior to the termination date stated within said notice, except in the event of default in Licensee's obligations, including the insurance obligations, in which case reasonable notice may be given less than thirty (30) prior to the termination date.

In the event of the termination of this License by either party, Licensee, at the Town's request and at Licensee's sole expense, shall remove any and all Improvements from the License Area, and restore and/or repair the License Area to such condition as shall be specified by the Town, within thirty (30) from the effective date of such termination,. All Improvements allowed to remain on the License Area by the Town shall become the Town's property. This obligation shall survive the termination of this License.

10. RIGHTS OF THE TOWN TO ENTER. The Town reserves the right and Licensee shall permit the Town to enter upon and use the License Area at any time and for any and all purposes at the Town's sole discretion, and Licensee's use shall not interfere with the Town's use of the License Area.

11. NOTICE. For purposes of this License, the parties shall be deemed duly notified in accordance with the terms and provisions hereof, if written notices are hand-delivered, sent by registered or certified mail, postage prepaid, or sent by recognized overnight mail, or sent by confirmed facsimile transmission, to the addresses set forth above, or to such other addresses as may from time to time hereafter be designated by the parties by like notice

12. MISCELLANEOUS

A. No Estate Created. This License shall not be construed as creating or vesting in Licensee any estate in the License Area, but only the limited right of use as hereinabove stated.

B. Survival of Terms and Provisions. All appropriate terms and provisions relating to the restoration of the License Area affected hereby shall survive the expiration and/or termination of this License, in addition to the survival of other terms stated herein to so survive.

C. Waivers. Notwithstanding anything herein to the contrary, no provision of this License, no entry upon, travel over or other use of the License Area by the Town, nor the Town's granting of any rights or assumption of any obligations hereunder shall not waive, bar, diminish or in any way affect: (i) any legal or equitable right of the Town to regulate or issue any order with respect to the affected premises; (ii) waive any limitations on liability afforded a body politic of the Commonwealth of Massachusetts; or (iii) pursue any other claim, action, suit, damages or demand related thereto.

D. Severability. If any court determines any provision of this License to be invalid or unenforceable, the remainder of this instrument shall not be affected and each provision of this License Agreement shall be valid and enforceable to the fullest extent permitted by law.

E. Governing Law. This License shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts, and any and all legal actions brought in connection with this License shall be brought in courts within the Commonwealth of Massachusetts.

In Witness Whereof, the parties hereto have caused this License Agreement to be executed on this \_\_\_\_ day of \_\_\_\_\_, 2016.

TOWN OF HARWICH,  
By Its Board of Selectmen

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LICENSEE:

By: \_\_\_\_\_  
Name:

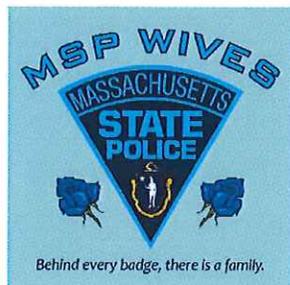
Title:

**EXHIBIT A**

[sketch plan of License Area]

**EXHIBIT A**

[First Floor Plan]



[mSP.wives1@gmail.com](mailto:mSP.wives1@gmail.com)

To whom it may concern:

We are the Massachusetts State Police WIVES. We are on a mission to cover the entire State of Massachusetts with Blue Ribbons to support ALL our Law Enforcement.

We are asking each town/city for the approval to place the ribbons in/or around the center of the town/city. We invite all town/city officials to be part of the event when it comes to your town/city and we also invite the police department in your town/city to be part of this wonderful event.

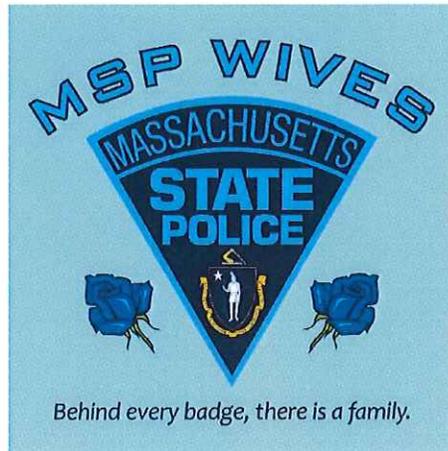
Our group would be thrilled if we get your blessing for this to happen in your town/city.

If you have any questions feel free to reach out. Our email address is above for contact.

Thank you in advance for all your kindness and support.

Respectfully,  
MSP WIVES





The WIVES of the Massachusetts State Police will be placing blue ribbons on trees and poles around the entire state of Massachusetts to support our Law Enforcement.

If interested in helping out, you can contact MSP WIVES @ [MSP.Wives1@gmail.com](mailto:MSP.Wives1@gmail.com)

Thank You For Your Support  
**ANY DONATIONS WELCOME!**

**OFFICE OF THE TOWN ADMINISTRATOR**

**Christopher Clark, Town Administrator**

Phone (508) 430-7513

Fax (508) 432-5039

732 MAIN STREET, HARWICH, MA 02645



**MEMO**

To: Board of Selectmen

From: Christopher Clark   
Town Administrator

Date: October 11, 2016

Subject: Conditions for Entertainment Licenses

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The Town of Harwich Noise By-Law states that "It shall be unlawful for any person or persons to cause or allow any noise which emanates from any building, boat, structure, vehicle, premises, or any sound amplification system, which is plainly audible at a distance of 150 feet from any such building, boat, structure, vehicle, premises or sound amplification system."

Currently all Entertainment Licenses issued by the Board indicate that noise levels are not to exceed the licensed premises. I recommend that the Board vote to remove this language from the licenses therefore changing the standard that music within a dwelling should be contained within the building. Any music, inside or outside, should adopt the standard used in the Noise By-Law.

In addition, in the interest of maintaining a harmonious balance in this commercial/residential district, I recommend that the Board vote to adopt uniform hours for Entertainment Licenses for license holders along the Route 28 corridor in Harwich Port as follows:

Mondays and Tuesdays	No Entertainment
Wednesday, Thursdays & Sundays	Entertainment ending at 10:00 p.m.
Fridays and Saturdays	Entertainment ending at 11:00 p.m.

Attached is a list of current Entertainment License holders in the area for your review.

**Harwich Port Entertainment Licenses  
for Restaurants on Route 28, Harwich Port  
as of September 2016**

<b>Establishment</b>	<b>Weekday Entertainment</b>	<b>Sunday Entertainment</b>
Ember	5:00 pm to 12:00 am inside 5:00 pm to 10:00 pm outside	No
Land Ho	11:30 am to 10:00 pm	6:00 pm to 10:00 pm
Mad Minnow	12:00 pm to 10:00 pm	No
Perks	6:00 pm to 10:00 pm	No
Salt Block Food Truck	10:30 am to 12:00 am	No
Sundae School	11:00 am to 10:30 pm	1:00 pm to 10:30 pm

**OFFICE OF THE TOWN ADMINISTRATOR**

**Christopher Clark, Town Administrator**

Phone (508) 430-7513

Fax (508) 432-5039

732 MAIN STREET, HARWICH, MA 02645



**MEMO**

To: Board of Selectmen   
From: Christopher Clark, Town Administrator  
Re: FY 17 Goals and Objectives  
Date: September 30, 2016

I have carefully reviewed the Harwich Board of Selectmen 2017 goals that were voted by a 3 to 2 vote this past fall. I am concerned by the split vote as well as the extensive nature of the plan that includes 6 goals, 16 objectives and 45 action items. Pursuant to my contract, the goals to be determined between the Board of Selectmen and Town Administrator shall be reached by mutual consent. The goals and objectives are those goals and objectives primarily of the Board of Selectmen. I have selected 12 items that I believe can realistically be accomplished within the FY 17 year despite the fact that we are a quarter of the way through the year already. The Board has not provided prioritization of goals and objectives so I have selected ones that I believe will require considerable active participated or direct work by myself to complete. I will group the goals/action items in the same manner in which they are listed by the majority of the Board. As time permits, I will make effort to complete other items on the list as I am able. The work I have identified will be difficult to accomplish. I have also gone over the action items and deliverables and have made suggestions as to the applicable departments to answer provide that information that is sought. Some of these items such as a town-wide review of all traffic safety items is well beyond the scope of the organization to complete. The coordination of an activity of this nature may be able to be coordinated with the Cape Cod commission as one example.

**Goal/Objective/Action Items: Fiscal Leadership and Stability: (1, Objective A - Items 1, 3 and 4; Objective C - Item 2)**

Develop the Fiscal Year 2018 Budget within the Limits of Proposition 2 1/2:

1. I believe that 3 action items are related to the development of the budget and therefore are grouped together as one. This task will take well over 250 hours to complete including document preparation, attendance at Department level budget meetings, Capital Outlay meetings, Selectmen and Finance Committee meetings. development and production of the Seven-Year Capital Plan 2018 to 2024, the FY 2018 Town Administrator budget message and provide additional updates throughout the process and it should be acknowledged that administration oversees the coordination with the Finance Director the budget throughout and Administration is responsible for the oversight and preparation of the various Town Meeting warrant articles to make the budget operable.

Develop Specific Financial Strategies to Increase Standard & Poor's Bond Rating:

2. Identify specific sustainable revenue sources to fund in contributions to Other Postemployment Benefits (OPEB)

Administration since I started has included a permanent funding source although fairly modest at this stage to begin to address the issue of OPEB.

**Goal/Objective/Action Items: Governance: (2, Objective A - Items 1 and 5; Objective B - Item 2)**

Conduct Town Government Business in an Efficient and Effective Manner:

3. Implement Accela. Will be rolled out in stages as permits and licenses are available to roll out. The Town of Yarmouth took this same approach and was the lead community on the Cape for Accela. I hope to roll out up to 10 permits/lookups/licenses.
4. Assess document storage needs. I have been coordinating this effort. The plan and the capital submission will be done by staff. The concept is to build public records storage in the basement of the Community Center. The coordination of records storage in the relocation of records to the Community Center should have a significant positive impact on freeing up space in Town Hall. This year will be the development of the plan and submission of the Capital Budget.

Conduct Town Government in a Transparent Manner:

5. Public Awareness & Outreach: improve awareness and understanding of the BOS, other Town-sanctioned groups, and Town departments. Currently, Administration has achieved a high level of public awareness through existing efforts of continuing contacts with the local newspaper, monthly administrator's corner, participation in Voter Information Committee videos (previously only one was done to discuss the warrant and fiscal situation and this past year it was expanded and numerous departments were invited to participate) I do not believe adequate credit has been given to Administration for its existing efforts. I have been approached by the Voter Information Committee about doing some additional outreach which I will explore.

**Goal/Objective/Action Items: Natural Resources: (4, Objective A - Items 1, 2 and 3)**

Wastewater Planning and Implementation:

6. Attempt to finalize IMA negotiations with Chatham BOS. My role has been to formalize the materials for the IMA by coordinating with our engineering consultant and the town attorney. Successful negotiations will depend upon a meeting of the mind of the two Board of Selectmen's participating in this activity.
7. Convene preliminary discussions with Dennis & Yarmouth. I have been actively coordinating with David Young, of CDM and my counterparts in Dennis and Yarmouth. Administratively we will work on concepts to bring back to the respective boards as a roadmap going forward. A deliverable for this year would be to present a concept plan back to each Board of Selectmen.
8. Document results of Muddy Creek projects & support Cold Brook mitigation planning and implementation. Muddy Creek data is still being collected and we anticipate a report due by December 2016. The Cold Brook study is nearing completion but an action plan to address nitrogen attenuation will be contingent upon coordination with research efforts of HCT. The final report should be completed by December 2016.

**Goal/Objective/Action Items: Planning and Economic Development: (5, Objective A - Items 1, 2 and Objective B - Item 5)**

Investigate Improved Utilization, Sale or Lease of Several Properties in Town:

9. Develop plans on how to use, sell or lease the Albro House, Bank Street Fire Station, West Harwich Schoolhouse and Harwich Middle School. A CPC application has been prepared for Albro House to assess building needs has been submitted in September. Former Bank Street fire station. The Board of Selectmen have previously voted to delay action on demolition until renovations at Saquatucket are completed. An appraisal of the property and a contingency sale could be worked on for this fiscal year. The West Harwich School House proposal for a boat building museum was turned down by Town Meeting. Administration will place a capital budget request for potential demolition of the building if so voted by the Board of Selectmen. Harwich Middle School, Administration has already prepared an interim use plan that has been voted by the Board of Selectmen along with the rate schedule in August and September 2016. Implementation of the plan will occur during this fiscal year. Administration is very concerned that the interim plan does run contrary to the voters' election results for affordable housing but will work with the majority of the Board on the reuse of the building.
10. Support community involvement, State compliance, planning and public information activities in the Route 28 reconstruction project from Herring River to the Dennis line. Coordination with the town of Dennis and the MassDOT are ongoing for the submission of a letter of intent to renovate Route 28. Our consultant will complete the application and submit. Work is already been completed during this fiscal year on this topic.

Create and Maintain a Strong Business and Job Growth Environment:

11. Investigate novel ideas to promote Harwich and attract tourists, such as painting/decorating fire hydrants. Administration did very actively participate in the Chamber of Commerce's efforts for rebranding and participated in several rebranding meetings. The successful outcome was the warm side of the Cape campaign completed last year. Administration will continue to work with the Chamber to see what other concepts could be developed. We will attempt to introduce one or two ideas in a collaborative fashion.

**Goal/Objective/Action Items: Quality of Life and Public Safety: (6, Objective B - Item 1)**

Support the Fire Station 2 Renovation Project:

12. Fire Station 2: Apply Town resources (Planning, Engineering, etc.) to support conduct and documentation of needs assessment, preliminary design and alternatives development, cost estimation and preparation of periodic presentations and open meetings and final recommendations to the Selectmen and Town voters.

Administration has already created a working group to study the needs at Fire Station 2 that transitioned into a Board of Selectmen approved committee for the renovation at the site. The intent for this year would be to speak funding for a feasibility study/design for the building and to include said funding in the annual Town Meeting warrant.

**Harwich Board of Selectmen  
FY17 Goals and Objectives  
Adopted by the BOS on July 25, 2016**

(For complete description of Action Items/Deliverable please refer to the detailed list)

<b>GOAL 1. FINANCIAL LEADERSHIP AND STABILITY</b>					
Provide financial leadership and stability to all Town departments and Town sanctioned boards and committees. (Primary responsibility is with TA although the Finance Team, Capital Outlay Committee and the Finance Committee provide significant input)					
<b>Objective</b>		<b>Action Items/Deliverables</b>	<b>Time Frame</b>	<b>Responsible BOS Member</b>	<b>TA Recommended Dept Assignment</b>
Objective A: Develop FY2018 budget within the limits of Proposition 2 1/2 that minimizes the use of capital exclusions.	1 1 1	<ul style="list-style-type: none"> <li>• Provide Seven Year Capital Plan, 2018-2024</li> <li>• Report: Estimated Free Cash</li> <li>• Report: FY2018 TA Budget Message</li> <li>• Provide Initial Budget &amp; additional updates as needed</li> </ul>	<ul style="list-style-type: none"> <li>• January 2017</li> <li>• Nov. 2016</li> <li>• TBD</li> <li>• TBD</li> </ul>	TA/Finance with BoS Support	<ul style="list-style-type: none"> <li>• TA</li> <li>• Accounting</li> <li>• Town Admin</li> <li>• TA</li> </ul>
Objective B: Provide transparency in town finances.		<ul style="list-style-type: none"> <li>• Provide quarterly expense &amp; revenue reports for each Town department.</li> <li>• Provide revenue sources &amp; expenses for each department.</li> <li>• Further implement the visual software package to better inform the taxpayers where their tax dollar is being spent.</li> <li>• Examine 1-3 years of auditors' reports &amp; document how Finance Dept. has resolved auditor's suggestions/recommendations.</li> <li>• Evaluate the need to form an insurance advisory committee to work with the TA to identify, develop options &amp; implement town insurance matters</li> </ul>	<ul style="list-style-type: none"> <li>•</li> <li>• TBD</li> <li>• TBD</li> <li>• TBD</li> <li>• TBD</li> </ul>	LaMantia Finance TA	<ul style="list-style-type: none"> <li>• Accounting</li> <li>• Accounting</li> <li>• Accounting</li> <li>• Accounting</li> <li>• Town Admin</li> </ul>
Objective C: Develop specific financial strategies to increase S&P Bond rating.	2	<ul style="list-style-type: none"> <li>• Provide memo identifying potential savings that could result over the next 5-10 years of planned borrowing if Harwich rating was increased.</li> <li>• Identify specific, sustainable revenue sources to fund annual contributions to Other Post Employment Benefits (OPEB).</li> </ul>	<ul style="list-style-type: none"> <li>• TBD</li> <li>• TBD</li> </ul>	MacAskill TA Finance	<ul style="list-style-type: none"> <li>• Treasurer/Accounting</li> <li>• Town Admin</li> </ul>

<b>GOAL 2. GOVERNANCE</b>				
Communicate and conduct Town government business in an efficient, effective, transparent and responsive manner.				
<b>Objective</b>	<b>Action Items/Deliverables</b>	<b>Time Frame</b>	<b>Responsible BOS Member</b>	<b>TA Recommended Dept Assignment</b>
Objective A: Conduct Town government business in an efficient and effective manner	<p><b>3</b></p> <ul style="list-style-type: none"> <li>• <b>Implement Accela.</b></li> <li>• Request Charter Review Committee to assess Charter to identify needed changes/improvement.</li> <li>• Direct Town boards &amp; committees to review Charges for appropriateness or modifications.</li> <li>• Ensure Town boards &amp; committees conduct meetings/public hearings in accordance with Charter, Regulations &amp; MGL.</li> </ul> <p><b>4</b></p> <ul style="list-style-type: none"> <li>• <b>Assess document storage needs.</b></li> <li>• Review &amp; reevaluate BOS policies.</li> </ul>	<ul style="list-style-type: none"> <li>• Negotiable</li> <li>• TBD</li> <li>• TBD</li> <li>• TBD</li> <li>• TBD</li> <li>•</li> </ul>	LaMantia MacAskill	<ul style="list-style-type: none"> <li>• Town Admin</li> <li>• BOS</li> <li>• BOS</li> <li>• BOS</li> <li>• Town Admin</li> <li>• BOS</li> </ul>
Objective B: Conduct Town government business in a transparent manner	<p><b>5</b></p> <ul style="list-style-type: none"> <li>• Develop &amp; implement informational meetings (“pre-annual town meetings) to improve understanding &amp; assess potential impacts of the Harwich budget &amp; selected warrant articles.</li> <li>• <b>Public Awareness &amp; Outreach: improve awareness &amp; understanding of the BOS, other Town-sanctioned groups, &amp; Town departments.</b> <ul style="list-style-type: none"> <li>○ Two memos, co-authored by Administration &amp; Dept. Head selected to participate in outreach activity describing activities planned, resources &amp; schedules required to achieve this objective.</li> <li>○ Periodic status reports on media projects, site visits, &amp; initial feedback from residents/visitors.</li> <li>○ End-of-year report on lessons learned.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• TBD</li> <li>• TBD</li> </ul>	LaMantia MacAskill TA Finance	<ul style="list-style-type: none"> <li>• BOS</li> <li>• Town Admin w/ Voter Info Committee</li> </ul>
Objective C: Conduct Town government business in a responsive manner	<ul style="list-style-type: none"> <li>• Establish Harwich-specific email addresses (4 memos).</li> <li>• Reevaluate Town Hall hours: 8 PM on Monday &amp; noon on Friday.</li> <li>• Evaluate improvements to Griffin Room audio reception, recording &amp; broadcasting.</li> <li>• Develop agreement for classroom use at MRHS &amp; Harwich Elementary (fee/no fee) for Town-sanctioned groups meetings.</li> </ul>	<ul style="list-style-type: none"> <li>• TBD</li> <li>• TBD</li> <li>• TBD</li> <li>• TBD</li> </ul>	Brown IT TA	<ul style="list-style-type: none"> <li>• IT</li> <li>• BOS</li> <li>• Cable</li> <li>• Bos</li> </ul>

<b>GOAL 3: INFRASTRUCTURE</b>				
Work with and support the design, construction and renovation activities of the Harbormaster, Department of Public Works, Board of Water Commissioners, Library and other departments conducting major projects.				
<b>Objective</b>	<b>Action Items/Deliverables</b>	<b>Time Frame</b>	<b>Responsible BOS Member</b>	<b>TA Recommended Dept Assignment</b>
Objective A: Support and report periodically on the water side rebuilding project at Saquatucket Harbor.	•	•	MacAskill TA	• Harbormaster
Objective B: Support and report on the land side design project	•	•		• Harbormaster Conservation
Objective C: Investigate renovation project proposed for Lower County Road.	•	•	Hughes TA DPW	• Highway Engineering
Objective D: Determine appropriate distribution of CVEC energy savings.	•	•	MacAskill TA	• BOS

<b>GOAL 4: NATURAL RESOURCES</b>				
Continue to implement the Comprehensive Wastewater Management Plan				
<b>Objective</b>	<b>Action Items/Deliverables</b>	<b>Time Frame</b>	<b>Responsible BOS Member</b>	<b>TA Recommended Dept Assignment</b>
Objective A: Wastewater planning and implementation	<ul style="list-style-type: none"> <li>6 • Attempt to finalize IMA negotiations with Chatham BOS.</li> <li>7 • Convene preliminary discussions with Dennis &amp; Yarmouth.</li> <li>8 • Document results of Muddy Creek projects &amp; support Cold Brook mitigation planning &amp; implementation.</li> <li>• Continue ongoing pollution mitigation efforts &amp; implementation of new technologies.</li> </ul>	<ul style="list-style-type: none"> <li>• For 2017 ATM</li> <li>•</li> <li>•</li> <li>•</li> </ul>	Hughes LaMantia TA	<ul style="list-style-type: none"> <li>• Town Admin</li> <li>• Town Admin</li> <li>• Town Admin</li> <li>•</li> </ul>
Objective B: Wastewater Education and Outreach	<ul style="list-style-type: none"> <li>• Using available information develop guidelines for environmentally-appropriate fertilization of lawns &amp; gardens.</li> <li>• Plan &amp; implement wastewater education program for residents &amp; nonresidents to explain the need for the project, the process &amp; next activities planned.</li> </ul>	<ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul>	BoS TA WIC IT Nat'l Resources	<ul style="list-style-type: none"> <li>• Health Conservation</li> <li>• CDM/Admin WIC</li> </ul>

**GOAL 5: PLANNING AND ECONOMIC DEVELOPMENT**

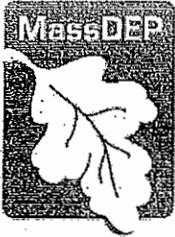
Actively participate in development of housing, business, transportation and historic and cultural enhancements. Establish working relationships with officials of nearby towns, Barnstable County, State and Federal agencies, as appropriate.

Objective	Action Items/Deliverables	Time Frame	Responsible BOS Member	TA Recommended Dept Assignment
<p>Objective A: Investigate improved utilization, sale or lease of several properties in Town.</p>	<p>9 • Develop plans on how to use, sell or lease the Albro House, Bank Street Fire Station, Old Recreation Building, West Harwich Schoolhouse &amp; Harwich Middle School.</p> <p>10 • Support community involvement, State compliance, planning, &amp; public information activities in the Rt. 28 reconstruction project from Herring River to the Dennis line.</p> <p>• Support community involvement in the HECH/Chase House historic preservation &amp; Chapter 40B development at 93 &amp; 97 Rt. 28.</p>	<p>•</p> <p>•</p> <p>•</p>	<p>TA</p>	<p>• Town Admin</p> <p>• Town Admin</p> <p>• BOS</p>
<p>Objective B: Create and maintain a strong business and job growth environment</p>	<p>11 • Explore creation of an economic development committee.</p> <p>• Create &amp; maintain positive Town &amp; business relationships.</p> <p>• Assist Town departments &amp; Town sanctioned groups with grants &amp; pursue funding opportunities in support of town priorities &amp; policy goals.</p> <p>• Develop educational program agreements with MRSD &amp; CCTech whereby special projects can be conducted coincident with major capital projects in Town.</p> <p>• Investigate novel ideas to promote Harwich &amp; attract tourists, such as painting/decorating fire hydrants.</p> <p>• Explore affordable &amp; senior housing options where the Town may retain the property.</p> <p>○ Memorandum #1: TA shall outline a plan to identify proven &amp; novel approaches to develop Affordable housing in Harwich.</p>	<p>•</p> <p>•</p> <p>•</p> <p>•</p> <p>•</p> <p>•</p>	<p>Brown MacAskill</p>	<p>• BOS</p> <p>• BOS</p> <p>• BOS</p> <p>• BOS</p> <p>• Town Admin Chamber</p> <p>•</p>

**GOAL 6: QUALITY OF LIFE AND PUBLIC SAFETY**

Develop and support programs that improve quality of life for Harwich residents and visitors. (Public Safety Departments have the primary responsibility for progress and accomplishments. TA has coordination, support and reporting responsibility)

Objective	Action Items/Deliverables	Time Frame	Responsible BOS Member	TA Recommended Dept Assignment
Objective A: Provide high quality, cost-effective public safety services to residents and visitors.	<ul style="list-style-type: none"> <li>• Assess public safety signage throughout the Town for adequacy &amp; consistency.</li> <li>• Investigate options, including increased police surveillance, low cost, automatic speed detection systems, raised crosswalks or speed bumps to lower vehicle speed on town streets.                             <ul style="list-style-type: none"> <li>○ Memorandum #1: Define near-term options that could be implemented in 30 days or less.</li> <li>○ Memorandum #2: Identify steps &amp; resources needed to develop a comprehensive safety improvement plan for Harwich</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul>	Kavanagh TA	<ul style="list-style-type: none"> <li>• Highway</li> <li>• Highway/CCC</li> </ul>
Objective B: Support the Fire Station #2 Renovation Project.	<p><b>12</b></p> <ul style="list-style-type: none"> <li>• Apply Town resources (Planning, Engineering, etc.) to support conduct &amp; documentation of needs assessment, preliminary design &amp; alternatives development, cost estimation &amp; preparation of periodic presentations &amp; open meetings &amp; final recommendations to the Selectmen &amp; Town voters. Deliverables:                             <ul style="list-style-type: none"> <li>○ Station Needs Assessment - provide operational requirements that drive the need and design of enhancements and expansions;</li> <li>○ Alternatives analysis and preliminary design;</li> <li>○ Cost estimates;</li> <li>○ Final recommendations.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	Brown TA	<ul style="list-style-type: none"> <li>• Town Admin Station II Committee</li> </ul>



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

October 5, 2016

Gwynne and David Dacks  
C/o Neil B. Glick, Esq.  
Swiggart & Agin, LLC  
197 Portland Street  
Boston, Massachusetts 02211

RE: HARWICH - Wetlands  
File No. SE 32-2242  
Superseding Order of Conditions

Dear Mr. & Mrs. Dacks:

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 SOC. The Order approves the proposed project subject to certain conditions.

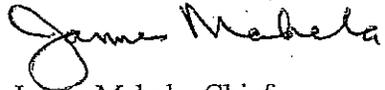
The proposed project consists of the reconstruction of a fish house. The proposed activities will occur within Land Under Ocean, Land Containing Shellfish, Salt Marsh, and Riverfront Area. The Department has determined that the project meets the requirements for Land Under Ocean (310 CMR 10.25), Land Containing Shellfish (310 CMR 10.34), Salt Marsh (310 CMR 10.32) and for Redevelopment within Previously Developed Riverfront Area (310 CMR 10.58(5)). Work below Mean High Water and formerly filled tidelands will require a Waterways License pursuant to M.G.L. Chapter 91. Pursuant to 310 CMR 10.58 (6)(i), activities subject to a M.G.L. c. 91 waterways license are exempt from the requirements of the Riverfront Area.

The Order does not relieve the applicant of the necessity of receiving approval under, and complying with the requirements of the Town of Harwich Wetlands By-law.

Should there be additional proceedings in this matter, the Department reserves the right to raise additional issues and present further evidence as may be appropriate.

If you have any questions concerning this Order, please do not hesitate to contact Mark Bartow at (508) 946-2746.

Very truly yours,



James Mahala, Chief  
Wetlands & Waterways Program  
Bureau of Water Resources

JM/MB

Enclosure

cc: Harwich Conservation Commission

Farm Realty Trust  
C/o Glenn A. Wood, Esq.  
Rubin and Rudmann, LLP  
50 Rowes Wharf  
Boston, Massachusetts 02110  
Certified Mail # 7012 1640 0001 4831 3706





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

MassDEP File #

SE 32-2242

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

6. Property recorded at the Registry of Deeds (attach additional information if more than one parcel):

<u>Barnstable</u>	
a. County	b. Certificate (if registered land)
<u>29070</u>	<u>272</u>
c. Book	d. Page

7. Dates: 12/14/15 a. Date NOI Filed 5/25/16 b. Date of Site Visit 3/23/16 c. Date of Issuance of Local Order

8. Final Approved Plans and Other Documents (attach additional plans or document references):

Existing Conditions Plan, Plan Showing Proposed Site Demolition, Proposed Pile Foundation Schematic Plan and Elevations, Proposed Structure, Plan Showing Proposed Fish House Reconstruction, Plan Showing Proposed Planting Detail.

a. Plan Title	
<u>Eldredge Surveying and Engineering, LLC</u>	<u>Terry Wayne Eldredge, PLS</u>
<u>Coastal Engineering Company, Inc</u>	<u>Roger Paul Michniewicz, PE</u>
b. Prepared By	c. Signed and Stamped By
<u>10/26/15, 12/11/15, 11/30/15, 2/9/16, 2/9/16,</u>	<u>1"=20'; 1"=10'; 1/4"=1'; 1/8"=1'; 1/8"=1'; 3/16"=1';</u>
<u>2/17/16</u>	<u>1"=10'; 1"=10'</u>
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, the Department finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection 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 Department hereby finds the project, as proposed, is (check one):

Approved subject to:

- a.  the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. The Department 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.



**WPA Form 5 – Superseding Order of Conditions**  
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MassDEP File #

SE 32-2242

**B. Findings (cont'd)**

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 these interests, 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.**

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

- 3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available) \_\_\_\_\_ a. linear feet

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 checked="" type="checkbox"/> Riverfront area	4333	4333		
Sq feet within 100 feet	_____ a. total sq. feet	_____ b. total sq. feet		
	4333	4333		
	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet





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

(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 Superseding Order of Conditions, this Amended Superseding Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Superseding Order will expire on \_\_\_\_\_ 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.
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 Department 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, "MA DEP"]

"File Number 32-2242"



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

MassDEP File #

SE 32-2242

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

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 DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Department of Environmental Protection.
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 Department 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 Department.
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 Department, 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.



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

- 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.
- 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 19(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 BMPs 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, and 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 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(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.



### **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.

Brief Project Description: Reconstruction of a fish house including: removal of an existing building and pilings, deck, timber bulkheads, fish trap poles, concrete, and rocks; and the installation of a new pile supported building, wash-over bulkhead/wave barrier, loading dock, stairs, ramp, split rail fence, native plantings, salt marsh restoration areas, driveway enhancements, installation of a water line and hydrant, and designation of a path for pedestrian passage.

Special Conditions (See attached sheet(s) for additional Special Conditions numbered 1 through 18).

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

To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no jurisdiction to supersede the local by-law order.



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

MassDEP File #

SE 32-2242

**E. Issuance**

This Order is valid for three years from the date of issuance, unless otherwise specified as a special condition pursuant to General Conditions 4 or 6.

Issued by: **Massachusetts Department of Environmental Protection:**

Signature:

James Mahala, Chief, Wetlands & Waterways Program  
Bureau of Water Resources

This Order is issued to the applicant as follows:

by Hand delivery on:

by certified mail on:

\_\_\_\_\_ Date

OCT - 5 2016  
Date Certified Mail #7012 1640 0001 4831 3706



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

MassDEP File #

SE 32-2242

**F. Recording Information**

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 Page 10 of this form shall be submitted to the Department.

Massachusetts Department of Environmental Protection – Southeast Region  
 Issuing Authority

To: Massachusetts Department of Environmental Protection – Southeast Region  
 Issuing Authority

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

11 Harbor Way 32-2242  
 Project Address – Street & Town DEP File Number

Has been recorded at the Registry of Deeds of:

Barnstable \_\_\_\_\_  
 County Book Page

For: \_\_\_\_\_  
 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:

\_\_\_\_\_  
 Date

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

\_\_\_\_\_  
 Instrument Number

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

\_\_\_\_\_  
 Document Number Signature of Applicant

JM/DG/MB



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

MassDEP File #

SE 32-2242

## **G. Appeal Rights and Time Limits**

The applicant, the landowner, any person aggrieved by the Superseding Order, Determination or other Reviewable Decision as defined at 310 CMR 10.04, who previously participated in the proceedings leading to this Reviewable Decision, the conservation commission, or any ten (10) residents of the city or town where the land is located if at least one resident was previously a participant in the permit proceeding, are hereby notified of their right to appeal this Reviewable Decision pursuant to M.G.L. c.30A, § 10, provided the request is made by certified mail or hand delivery to the Department, along with the appropriate filing fee and a MassDEP Fee Transmittal Form within ten (10) business days of the date of issuance of this Superseding Order or Determination, and addressed to:

Case Administrator  
Office of Appeals and Dispute Resolution  
Department of Environmental Protection  
One Winter Street, 2<sup>nd</sup> Floor  
Boston, MA 02108

A copy of the request (hereinafter also referred to as Appeal Notice) shall at the same time be sent by certified mail or hand delivery to the Conservation Commission, the applicant, the person that requested the Superseding Order or Determination, and the issuing office of the MassDEP at:

MassDEP  
20 Riverside Drive  
Lakeville, MA 02347

In the event that a ten resident group requested the Superseding Order or Determination, the Appeal Notice shall be served on the designated representative of the ten resident group, whose name and contact information is included in this Reviewable Decision (when relevant).

## **Contents of Appeal Notice**

An Appeal Notice shall comply with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.01(6) and 310 CMR 10.05(7)(j), and shall contain the following information:

- (a) the MassDEP Wetlands File Number, name of the applicant, landowner if different from applicant, and address of the project;
- (b) the complete name, mailing address, email address, and fax and telephone numbers of the party filing the Appeal Notice; if represented by consultant or counsel, the name, fax and telephone numbers, email address, and mailing address of the representative; if a ten residents group, the same information for the group's designated representative;
- (c) if the Appeal Notice is filed by a ten (10) resident group, then a demonstration of participation by at least one resident in the previous proceedings that led to this Reviewable Decision;
- (d) if the Appeal Notice is filed by an aggrieved person, then a demonstration of participation in the previous proceeding that led to this Reviewable Decision and sufficient written facts to demonstrate status as a person aggrieved;
- (e) the names, telephone and fax numbers, email addresses, and mailing addresses of all other interested parties, if known;



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

MassDEP File #

SE 32-2242

- (f) a clear and concise statement of the alleged errors contained in the Department's decision and how each alleged error is inconsistent with 310 CMR 10.00 and does not contribute to the protection of the interests identified in the Wetlands Protection Act, M.G.L. c. 131, § 40, including reference to the statutory or regulatory provisions that the party filing the Appeal Notice alleges has been violated by the Department's Decision, and the relief sought, including any specific desired changes to the Department's decision;
- (g) a copy of the Department's Reviewable Decision that is being appealed and a copy of the underlying Conservation Commission decision if the Reviewable Decision affirms the Conservation Commission decision;
- (h) a statement that a copy of the request has been sent by certified mail or hand delivery to the applicant and the conservation commission; and
- (i) if asserting a matter that is Major and Complex, as defined at 310 CMR 10.04, a statement requesting that the Presiding Officer make a designation of Major and Complex, with specific reasons supporting the request.

### **Filing Fee and Address**

A copy of the Appeal Notice along with a MassDEP Fee Transmittal Form and a valid check or money order payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

Commonwealth of Massachusetts  
Department of Environmental Protection  
Commonwealth Master Lockbox  
P.O. Box 4062  
Boston, Massachusetts 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.

Special Conditions for Superseding Order of Conditions for DEP File # SE 32-2242

1. This Order approves the reconstruction of a fish house including: removal of an existing building and pilings, deck, timber bulkheads, fish trap poles, concrete, and rocks; and the installation of a new pile supported building, wash-over bulkhead/wave barrier, loading dock, stairs, ramp, split rail fence, native plantings, salt marsh restoration areas, driveway enhancements, installation of a water line and hydrant, and designation of a path for pedestrian passage.
2. Prior to the start of work, the applicant or their representative shall notify MassDEP, the Town of Harwich Conservation Commission, and the Shellfish Constable as to the date(s) of construction.
3. Prior to the start of work, the project proponent must apply for and complete the C. 91 licensing process.
4. Prior to the start of work a silt fence shall be installed as shown on the plan of record entitled Plan Showing Proposed Site Demolition. As noted on the plan the silt fencing shall be maintained, inspected after each storm event, and any accumulated sediment shall be removed. The siltation fencing shall serve as the limit of work.
5. Prior to removal of the existing building and pilings a siltation boom shall be installed in the Herring River as shown on the plan of record entitled Plan Showing Proposed Site Demolition and maintained until the removal and installation of piles is completed.
6. Dredging (including but not limited to the effects of propwash) is neither proposed in the Notice of Intent, nor permitted by this Order.
7. No heavy construction equipment, cranes, vehicles, or barges are permitted on Land Containing Shellfish, Salt Marsh or Land Under Ocean.
8. The removal of the existing structure and pilings, and the construction of the new building and pilings, will be performed with equipment stationed landward above mean high water and/or upon completed sections of the structure. Small boats and floats may be used to assist in demolition and construction. The small boats and floats shall be operated in at least two feet of water and not permitted to ground out at low tides.
9. Jetting of piles is prohibited. Piles shall be mechanically driven to refusal or a depth of at least 12' below grade.
10. The use of timber pressure-treated with A.C.Q (Alkaline copper quats), C.C.A. (chromated copper arsenate) or recycled plastic or its equivalent is permitted as construction material. Creosote treated timber is prohibited. Wood preservative must be dry before the treated wood is used in construction.
11. As recommended by the Division of Marine Fisheries letter dated January 14, 2015, two (2) time of year (TOY) restrictions shall be observed for all in water silt producing work. In water silt producing work, including the installation of piles, removal of the existing concrete pad in Herring River, and bulkhead, shall not occur between January 15 through June 30, and from September 1 through November 15 of any year.
12. Prior to the commencement of construction and at the discretion of the Harwich Shellfish Constable, and under his supervision, the applicant may be required to purchase seed shellfish and seed adjacent areas. The quantity of seed shall be reasonably determined and approved by the Shellfish Constable.
13. The salt marsh restoration and native plantings areas shall be constructed in accordance with the plan of record entitled Plan Showing Proposed Planting Detail and shall include 33 marsh mats south of the loading dock, and 34 marsh mats north of the loading dock.
14. Annual salt marsh restoration monitoring reports shall be prepared for two (2) growing seasons. If, after two (2) growing seasons, the restoration areas have not been sufficiently established, MassDEP reserves the right to impose additional restoration measures to achieve compliance.

15. The salt marsh restoration and native planting areas shall be monitored and any invasive plants, including *Phragmites australis*, shall be removed by hand.
16. Upon completion of the project and after the areas disturbed by construction activities have been stabilized with vegetation or other suitable measures approved by the USDA natural Resources Conservation Service, the erosion control measures shall be removed and disposed of in accordance with all applicable laws, regulations or ordinances.
17. Upon completion of the project, a Certificate of Compliance shall be requested in accordance with General Condition No. 12, and under the provisions of 310 CMR 10.05 (9)(d). An "AS-BUILT" plan and a statement from a Registered Professional Engineer certifying compliance with the conditions of this Order shall accompany the request for a Certificate of Compliance.
18. Future maintenance of the approved structure, in strict compliance with the conditions of this Order, is permissible above the mean high water line.



Massachusetts Department of Environmental Protection  
**Adjudicatory Hearing Fee Transmittal Form**

**IMPORTANT!** This form is intended for fee transmittal only. The contents of a request for an adjudicatory appeal (Notice of Claim) are established at 310 CMR 1.01(6) and the substantive statutes and regulations governing the Department's action.

**A. Person/Party Making Request**

1. Name and address of person or party making request:

Name - If appropriate, name group representative \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

2. Project Information:

Street Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 DEP File or ID Number \_\_\_\_\_ \$ \_\_\_\_\_  
 Amount of filing fee attached  
 Email Address \_\_\_\_\_

**B. Applicant (if applicable)**

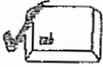
1. Name and address of applicant:

Name - If appropriate, name group representative \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Email Address \_\_\_\_\_

**C. Instructions**

- Send this form and check or money order of \$100.00 payable to the Commonwealth of Massachusetts to the MassDEP Lockbox at:  
 Department of Environmental Protection  
 P.O. Box 4062  
 Boston, MA 02211
- Send a copy of this form and a copy of the check or money order with the Request for Adjudicatory Appeal (Notice of Claim) to:  
 Case Administrator  
 Office of Appeals and Dispute Resolution  
 One Winter Street  
 Boston, MA 02108

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



**OFFICE OF THE TOWN ADMINISTRATOR**

Phone (508) 430-7513

Fax (508) 432-5039



Christopher Clark, *Town Administrator*

Charleen Greenhalgh, *Assistant Town Administrator*

732 MAIN STREET, HARWICH, MA

To: Interested Parties

From: Christopher Clark, Town Administrator

Re: Administrative Recommendations pertaining to Road Safety Audit  
Route 39 (Orleans Road) at Pleasant Bay Road

Date: September 28, 2016

The Board of Selectmen requested that the Cape Cod Commission complete a road safety audit of the intersection of Route 39 (Orleans Road) at Pleasant Bay Road. The audit has been on the Town's website for an extended period and was a primary topic of a recent Board of Selectmen's meeting. Town Administration, in coordination with the administration of Department of Public Works has suggested to the Board of Selectmen the following recommendations:

Short-term recommendations: to be completed using existing resources:

- Review and cut back vegetation that obstructs driver's views of oncoming traffic.
- Review and update signage in the area along with line painting elements such as stop bars.

This intersection has been under review and study for an extended period. Corrective actions have been already attempted with some mixed results (the illuminated stop signs do not appear to address the issue of driver inattentiveness) whereas the narrowing of the lanes through line painting has, based upon limited data, reduced the number of accidents during calendar 2016. This trend is not long enough to establish a long-term pattern.

Long-term suggestions identified in the report include the installation of a flashing beacon, installation of a roundabout or installation of full traffic signalization. The report indicates that a flashing beacon would not have a positive effect and could have a more detrimental effect. Based upon prior discussions with the neighbors, the installation of a full traffic signal appears to be to a more urban solution in a residential area and therefore not recommended by Town Administration.

Long-term recommendation:

- DPW administration will include in its request for highway funds the installation of a small roundabout at the above referenced location. A request for Federal funds through the Transportation Improvement Program will most likely necessitate a larger roundabout with applicable bike and pedestrian accesses that could require land takings.

During our public meeting, these items will be discussed and input sought on this recommendation. After the public meeting, the results of same will be shared with the Board of Selectmen.

**TOWN OF HARWICH  
PUBLIC MEETING  
Tuesday, October 18, 2016  
Donn B. Griffin Room  
732 Main Street, Harwich  
2:00 p.m.**

The Town Administrator will hold an informational Public Meeting on Tuesday, October 18, 2016 at 2:00 p.m. in the Donn B. Griffin Room at Town Hall, 732 Main Street, Harwich. The purpose of this meeting is to discuss a proposed roundabout project at the intersection of Rte. 39 and Pleasant Bay Road.

All members of the public having an interest in this topic are cordially invited to attend the public meeting and provide information and testimony relevant to this matter. If you are unable to attend, please feel free to submit written comments to Christopher Clark, Town Administrator at 732 Main Street, Harwich, MA 02645 by Friday, October 14, 2016.

Christopher Clark  
Town Administrator

Cape Cod Chronicle  
September 29, 2016

Harwich BOS / TA Action Item Report

Item Number	Action Item	Criticality ( 1,2 or 3 )	Lead Responsibility	Date Assigned	Due Date	Status	Comments
16-001	<i>Disability Access to Brook Park Bandstand</i>			7/11/2016		Referred to Recreation for inclusion in the next phase of Brooks Park Improvements.	
16-002	<i>Lighting at Brook Park Bandstand/Parking</i>		TA, ATA, Town Eng., Rec. Dir.	7/11/2016		Spoke with Town Engineer. Came up with concept for 2 lights in keeping with the Historic Dist. Cost \$2500/ea.	No funding available at this time to cover costs of lights. Path behind ballfield fence is not formal to make more accessible and add lighting would require a fence along the bank, t-base walkway 5' wide, electricity, etc.
16-003	<i>West Harwich Plume</i>		TA, ATA, Health Dir.	7/11/2016		Paula completed review week of August 15; meeting with Chair, TA and Asst. TA on 8/24/16.	Paula Champagne asked to research all applicable reports and to report back her findings/recommendations/plan.
16-004	<i>Committees: Vacancies; Charge Updates: Members being Sworn-in.</i>		Selectmen	7/25/2016			
16-005	<i>Track Additional Costs at Middle School</i>		Selectman LaMantia, TA	7/25/2016			
16-006	<i>Embers: Outside Bar Status</i>		ATA	8/8/2016		Completed 8/10/16- Status OK	Consulted Licensing Secretary; Building Comm; Health Agent. Mr. Nickerson contacted.
16-007	<i>Dedicated Turn Signal North on Rte 124 at Queen Anne Road</i>		DPW Director	8/8/2016		Completed 8/10/16- Status OK	DPW Director contacted consulting Engineer. The trip counts do not warrant a dedicated signal. Mr. Nickerson Contacted.
16-008	<i>Perk - Public Hearing for Entertainment License potential violation(s)</i>		TA; Licensing Secretary	8/22/2016		Hearing to be scheduled for 9/19/16 - <b>Status Complete</b>	
16-009							
16-010							
16-011							
16-012							
16-013							
16-014							
16-015							



You are now able to check to see if your application has been submitted, approved or is pending from online.

Visit the Town of Harwich website, go to the department site you need and click "online property information and permitting" from the resource list on the left side of the page.

<http://www.harwich-ma.gov/departments>

# CREATING A PERMIT APPLICATION

Home Board Of Health Building Planning **Conservation** Zoning

**Create an Application** Search Applications

## Online Application

Welcome to Agency's Online Permitting System. Using this system you can submit and update information, pay fees, schedule inspections, track the status of your application, and print your final record all from the convenience of your home or office, 24 hours a day.

Please "Allow Pop-ups from This Site" before proceeding. You must accept the General Disclaimer below before beginning your application.

### General Disclaimer

While the Agency attempts to keep its Web information accurate and timely, the Agency neither warrants nor makes representations as to the functionality or condition of this Web site, its suitability for use, freedom from interruptions or from computer virus, or non-infringement of proprietary rights. Web materials have been compiled from a variety of sources and are subject to change without notice from the Agency as a result of updates and corrections.

I have read and accepted the above terms.

**Continue Application »**

Home Board Of Health Building Planning **Conservation** Zoning

Create an Application Search Applications

### Administrative Review

1 Step 1 2 Step 2 3 Project 4 Review 5 Pay Fees 6

### Step 1: Step 1 > Location of Work

When searching by address please enter the street number and name. **Do not** enter a suffix (Ave, St, Road, Park, etc.)  
If you do not know how to spell the name of the street use the list that reflects that click search  
If you are searching on Route 20 or Route 6A please fully type out Route

\* Indicates a required field

Address

[Use map to select work location](#)

\* Street No. \* Street Name Unit No.

City State Zip:

--Select--

Search

Clear

To begin an online submission of an ADMINISTRATIVE REVIEW PERMIT APPLICATION Start by clicking Create an Application.

You will need to select a license type for the application you are submitting. For example, you will select soil evaluator for a perc test or trench application, system inspector for a Title 5 report, Construction Supervisor for building permit applications.

If you do not know the license type, you can select "none applicable".

The first step of the application is to enter the address of the work to be done or the address of where the inspection was done.

It is important to note that you must spell the street address correctly in order for the system to pull it up. DO NOT ENTER A SUFFIX such as St, Street, Rd, etc.

If you are unsure of the spelling, enter just the first few letters of the street name and a list will populate for you to select the proper address.

Once your address is found, the owner information and map/parcel will fill in automatically.

## Administrative Review

1 Step 1	2 Step 2	3 Project	4 Review
----------	----------	-----------	----------

### Step 2: Step 2 > People

## Agent

To add new contacts, click the Select from Account or Add New button. To edit a contact, click the E

Select from Account

Add New

Continue Application »

### Step 3: Project > Work to be Performed

## Detail Information

Application Name:

Detailed Description:

## Custom Fields

### ADMIN REVIEW

Require excavation machinery?:  Yes  No

Require uprooting vegetation?:  Yes  No

Require pruning of trees?:  Yes  No

Require cutting of shrubs?:  Yes  No

Require removal poison ivy?:  Yes  No

Require planting?:  Yes  No

Continue Application »

The second step is to select the Agent doing the work. If you did not select a license type at the beginning of the application, you must add one now. You can select from your account or add a new one. If you want a different contact person in this section, select edit or remove to look up a different licensed professional.

The third step of the application is the project detail information.

Type in the work address as the Application Name.

Type in Administrative Review as the Detailed Description.

Answer all questions in the Custom Fields section by clicking the circle next to yes or no.

Click Continue Application.

## Administrative Review

- 1 Step 1
- 2 Step 2
- 3 Project**

### Step 3: Project > Documents

#### Attachment

The maximum file size allowed is 16 MB.  
html;htm;mht;mhtml are disallowed file types to upload.

Name	Type	Size	Latest Update
No records found.			

Select from Account

Add

Continue Application »

Use this section to upload any documents or pictures you would like to go with the permit application.

~SAVE~

MAKE SURE TO CLICK SAVE AND TYPE IN A DESCRIPTION

## Administrative Review

- 1
- 2 Step 2
- 3 Project
- 4 Review**
- 5 Pay Fees
- 6 Record Insurance

### Step 4: Review

Continue Application »

Save and resume later

Please review all information below. Click the "Edit" buttons to make changes to sections or "Continue Application" to move on.

#### Record Type

Administrative Review

Address

Edit

The fourth step gives you an opportunity to edit any part of the permit application.

## Administrative Review

1	2 Step 2	3 Project	4 Review	5 Pay Fees
---	----------	-----------	----------	------------

### Step 5: Pay Fees

Listed below are preliminary fees based upon the information you've entered. Some fees are based on the quantity of work items installed or repaired. Enter quantities where applicable. The following screen will display your total fees.

#### Application Fees

Fees	Qty.	Amount
Application Fee	1	\$50.00

#### TOTAL FEES

Note: This does not include additional inspection fees which may be assessed later.

\$50.00

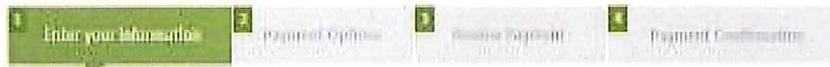
Recalculate

Check Out »

Continue Shopping »

After you have reviewed your application, you will then pay the fees.

If you are submitting more than one application, you can save the applications and put them in your "cart" to pay the fees all at once by clicking Continue Shopping.



### Your Invoice

Type	Invoice #	Due Date	Balance Due
Fermiting	ACCELA-222940	9/6/2018	\$110.00

### How would you like to pay?

EFT (Check) Please select a payment type

#### Billing Information

Bank Account Holder's Name

Billing Address

City State

Country Zip

Email Address (For payment confirmation receipt)

#### Payment Information

Please enter the Routing #, Account #, and Check # located at the bottom of your check into the fields below. Locate the check number first, it will match the check number in the upper right corner of your check. The routing # (9 digits long) will always be further to the left than the account number. Note: Bank account holder's name must match the name listed in Billing information.

Routing Number Account Number Check Number  
010102345678901023456789 243

Routing # Account #

Optional Ch # Re-enter your Account #

Account Type

Please click continue to proceed to the next step ->

Continue

The Town of Harwich uses Invoice Cloud to collect fees.

You can pay by credit card or electronic check.

Once you have submitted the fee, your application will be available to our office for review and processing.

You will be notified by email of status changes.

The Credit Card fees for Invoice Cloud is 2.95% with a \$1.00 min.

Electronic Checks are \$0.40.

# PROPERTY LOOK UP AND PERMIT STATUS CHECK

Accessing the Accela Citizen Access (ACA) Portal for online property information and permitting can be done from our website or by typing in the web address:

<https://aca3.accela.com/harwich>

Once you are on the ACA website, you can look up property information without logging in or creating a username.

You can look up property owners, map and parcel information as well as a permit history. For records entered since May of 2015, you will be able to view more detailed permit information.

Status checks of permits and inspection reports can be done from this system as well.

[Invoice Cloud](#) [Terms and Conditions](#)

[Home](#) [Board Of Health](#) [Building](#) [Planning](#) [Conservation](#) [Zoning](#)

Advanced Search ▾

## Please Login

Many online services offered by the Agency require login for security reasons. If you are an existing user, please enter your user name and password in the box on the right.

## New Users

If you are a new user you may register for a free Citizen Access account. It only takes a few simple steps and you'll have the added benefits of seeing a complete history of applications, access to invoices and receipts, checking on the status of pending activities, and more.

## Notice:

For best user experience, it is recommended you use one of our supported browsers and versions:

Internet Explorer 10 & 11

Mozilla Firefox 29

Chrome 34

Safari 6

Opera 21

You may find that your current version may also work, however, it may not support all functions.

## General Information

### Lookup Property Information

[Search Documents by Geographic Location](#)

## Building

[Create an Application](#)

[Search Applications](#)

[Schedule an Inspection](#)

## Conservation

[Search Applications](#)

## Board Of Health

[Search Applications](#)

## Planning

[Search Cases](#)

## Zoning

[Search Applications](#)

## SEARCHING FOR INFORMATION

From the home page, search applications under Health, Conservation or Building. A general "Lookup Property Information" will give owner information and not permits.

Once you choose a department to search in, input the street number and name. Do not use a suffix (St, Ave, Rd).

You are able to narrow down the search by selecting a record type if you wish. Make sure to click the "search all records" box unless you are looking for just department specific record.

Click Search.

o record results matching your search results

Click any of the results below to view more details.

Showing 1-8 of 8

[Download results](#)

<input type="checkbox"/>	Date	Record Number	Historic Tracking Number	Record Type	Description	Project Name	Expiration Date
<input type="checkbox"/>	12/07/1992	<a href="#">28982_9697</a>	445	Building Historic Data Conversion	STOVE	Building Historic Data Conversion	
<input type="checkbox"/>	01/18/1983	<a href="#">28981_9697</a>	19	Building Historic Data Conversion	DWELLING	Building Historic Data Conversion	
<input type="checkbox"/>	07/28/2016	<a href="#">BOHDC-16-0127</a>	S16-112	Disposal System Construction Permit	S16-112	73 AZALEA DRIVE	01/24/2017
<input type="checkbox"/>	07/11/2016	<a href="#">BLDTR-16-00031</a>	TR16-64	Trench	TR16-64	73 AZALEA DRIVE	01/31/2016
<input type="checkbox"/>	07/11/2016	<a href="#">BOHPT-16-0037</a>		Percolation Test Application	PERC TEST	73 AZALEA DRIVE	01/31/2016
<input type="checkbox"/>	06/23/2016	<a href="#">BOHT5-16-1883</a>	RET16-151	Title 5 Official Inspection	RET16-151	73 AZALEA DRIVE	
<input type="checkbox"/>	05/17/2016	<a href="#">BOHDC-16-1715</a>	S83-8	Disposal System Construction Permit	S83-8	73 AZALEA DRIVE	05/17/2016
<input type="checkbox"/>	07/07/1997	<a href="#">52121_9697</a>	RET	Disposal System Construction Permit	RET	Disposal System Construction Permit	

A list of records will populate (if any exist). The permit #'s are hyperlinks, when you click on them the permit information will come up with various details depending on the record type.

You can print the screen (ctrl + P) or export the results to Excel by using the "download results" link.

### Record Details

#### Applicant:

P. SCOTT CAMPBELL  
CARDINAL CONSTRUCTION  
32 RIDGETOP ROAD  
COTUIT, MA, 02635  
Mobile Phone:5083641259  
pscampbell@comcast.net

#### Licensed Professional:

P. SCOTT CAMPBELL  
CARDINAL CONSTRUCTION  
32 RIDGETOP ROAD  
COTUIT, MA, 02635  
Mobile Phone:5083641259  
Septic System Installer 0

#### Project Description:

73 AZALEA DRIVE  
S16-112

#### Owner:

REID DAVID &  
REID KEVIN  
73 AZALEA DR  
HARWICH MA 02645

#### More Details

##### Application Information

###### GENERAL INFORMATION

Permit Purpose:

Description of Work:

Type of Building:

Use Type:

Number of Bedrooms:

Design Flow Gallons Per Day:

Calculated Day Flow Gallons:

Design flow provided:

Total Leaching Capacity in Gallons:

Pump Chamber:

Tight Tank:

Installer:

Upgrade - Existing Design Flow

Complete System

Dwelling

Residential

2

220

220

322

322

No

No

CARDINAL CONSTRUCTION

###### PLAN INFORMATION

Plan Date Original:

07/13/2016

Number of Sheets:

1

Revision Date:

08/08/2016

Designer:

PUNKHORN SERVICES

###### RESTRICTIONS (OFFICE USE ONLY)

Water Resource Protection District (Zone I, II):

Yes

Private Well:

No

BOH Variances and Restrictions:

No

##### Parcel Information

### Getting more out of the system

The description and the record type will indicate the scope of the project.

By clicking on the Record Number hyperlink, you will have access to more useful information such as description of project, restrictions, etc.

Click the arrow indicating "more detail" and you will find design info, parcel info, Zone II info, etc.

## Search Applications

**Record BOHDC-16-0127:**  
**Disposal System Construction Permit**  
**Record Status: Complete**  
**Expiration Date: 01/24/2017**

Record Info	Payments
Record Details	
Processing Status	Added to this record on 08/08/2016. one II Severity: Notice ons: 1 (Notice: 1)
Related Records	
Attachments	
Inspections	

By clicking on the Record Info tab, you will have the option of looking at any attachments that have been scanned into the system, the status of the project and if any inspections have been done.

The hyperlinks on attachments will open pdf's of scanned documents.

## Attachments

The maximum file size allowed is 16 MB.  
html;htm;mht;mhtml are disallowed file types to upload.

### View People Attachments

Name	Description	Record ID	Record Type	Entity Type	Type	Latest Up
<a href="#">HarwichReceiptv.1_20160623_100013.pdf</a>		BOHT5-16-1883	Title 5 Official Inspection	Record	Receipt	06/23/20
<a href="#">HarwichReceiptv.1_20160623_100016.pdf</a>		BOHT5-16-1883	Title 5 Official Inspection	Record	Receipt	06/23/20
<a href="#">CCF06292016.pdf</a>		BOHT5-16-1883	Title 5 Official Inspection	Record	Document	06/29/20
<a href="#">CCF07132016.pdf</a>		BOHT5-16-1883	Title 5 Official Inspection	Record	Document	07/13/20

## Processing Status

- ✓ Application Acceptance
    - Due on 06/23/2016, assigned to TBD
    - Marked as Accepted - Review Req on 06/23/2016 by JMC
  - \* Health Review
    - Due on 06/23/2016, assigned to TBD
    - Marked as Failure on 06/29/2016 by TBD
  - 🕒 Compliance
    - Due on 06/29/2016, assigned to TBD
    - Marked as TBD on TBD by TBD
- Issuance  
Close Out

The Processing status can be checked to see if an application has been received, reviewed, approved, or if we are waiting for specific documents.

Please note the "due on" date is not valid. We are working on getting this function corrected.

# CREATING AN ACCOUNT WITH ACCELA CITIZEN ACCESS

The screenshot shows the Town of Harwich website header with navigation links: Home, Search, New, Return to Town of Harwich, Accessibility Support, Register for an Account, and Login. Below the header, there is a search bar and a navigation menu with links: Home, Board Of Health, Building, Planning, Conservation, and Zoning. The main content area features a 'Please Login' section with instructions for existing users and a 'New Users' section with instructions for new users. A 'Notice' section provides browser recommendations. A 'Login' form is visible with fields for 'User Name or E-mail' and 'Password', and a 'Login' button. A red asterisk (\*) is present next to the 'User Name or E-mail' field, indicating it is a required field. A red circle highlights a note about browser compatibility: 'Internet Explorer 10 & 11, Mozilla Firefox 29, Chrome 34, Safari 6, Opera 23. You may find that your current version may also work, however, it may not support all functions.'

## CREATING A USERNAME AND PASSWORD

By creating an account, you will be able to submit applications and pay for permits.

Your account can save all of your pertinent information such as licenses, workers compensation information and contact information.

All fields with a red asterisk (\*) are REQUIRED to be completed.

Home Board Of Health Building Planning Conservation Zoning  
Advanced Search

### Account Registration Step 2: Enter/Confirm Your Account Information

\* Indicates a required field.

#### Login Information

- \* User Name:
- \* E-mail Address:
- \* Password:
- \* Type Password Again:
- \* Enter Security Question:
- \* Answer:

#### Contact Information

Choose how to fill in your contact information.

Add New

Continue Registration >

**Contact Information**

\*First      Middle      \*Last

Home of Business:

Country:  
United States

\*Address (Line 1):

\*City:

\*State:  
--Select--

\*Zip:

Home Phone:      Work Phone:      Mobile Phone:

Fax:

Add new contact information. Make sure to fill in all of the required fields (the ones with the red asterisk \*).

A box will pop up saying the information is not found, click continue to create a new account. Click Continue.

Now your account is set up and you are able to personalize it with your license types and additional contacts.

You need to log out and back in to start this personalization process.

From the Home page, select My Account.

You can add a license or contact at any time. Having saved licenses and contacts allows you to select the license/contact during application submittals instead of entering the information each time.

Home    Board of Health    Building    Planning    Conservation    Zoning

Dashboard    My Records    **My Account**    Advanced Search

---

Hello, Harwich Health

View Cart (0)    View Cart    My Collections (0)    View Collections

There are no items in your shopping cart right now.

You do not have any collections right now.

Manage Your Account

Your current account information is shown below. Click on Edit button to update information within a section.

Account Type

Elmer Account

Login Information

Edit

Username:  Password:

Email:  Confirm Password:

Remember Me:  Security Question:

Add a License

License Information

You may add professional licenses to your public user account by clicking the Add a License button. Your professional license(s) may need to be validated by the agency before you can use it.

Showing 0-0 of 0

State License #	License Type	Issued On	Expired Date	Status	Action	Category
No records found						

Contact Information

Add a Contact

Showing 1-1 of 1 | Download results

First Name	Middle Name	Last Name	Business Name	SSN	FEBR	Contact Type	Status
Harwich		Health	Harwich Health Department			Individual	Approved

Attachments

The maximum file size allowed is 50 MB. Invalid file extensions are disallowed file types to upload.

Name	Entry Type	Type	Size	Latest Update	Description	Document Status
No records found						

Add

Trust Account Information

Showing 0-0 of 0

Account ID	Agency	Balance	Description	Status	Ledger Account
No records found					

Delegates

Add a Delegate

People who can access my account

None

People whose account I can access

None

Inspectors/Evaluators must be in the Harwich database in order to come up in a search.

You must enter your State License Number. If it does not come up, try entering SE or SI as a prefix to the number (ex. SI 670 or SI670). If you are still having trouble, contact our office to make sure you are in our database.

Once you find it, click "connect"

You are able to add additional contacts to your account. This may be useful if you are a company with more than one employee that will be submitting reports or permit applications.

Attachments such as workers compensation forms or certifications can be added here. A box will pop up allowing you to upload a document from your computer.

Trusted Account information allows you to add a "delegate". This feature allows someone to submit applications on your behalf as well as make payments.

### BUDGET/WARRANT TIME LINE 2016-2017

Friday, August 26, 2016	Capital Budget Instructions submitted by T A to Departments	
Friday, September 23, 2016	Deadline for submission of Department Capital Budgets to the T A	
Monday, September 26, 2016	TA presents BOS with 5-Year Financial Plan	<b>Charter 9-2-1/on or before October 1<sup>st</sup></b>
Monday, September 26, 2016	MRSD meeting with B O S and Fincom to discuss enrollments by class and demographics, including a five year projection of same.	
Monday, October 3, 2016	Deadline for submission of Community Preservation requests	
Monday, October 3, 2016	BOS Budget Message to guide TA in developing budget Requests - Including Board agreed to goals	<b>Charter 9-2-2/on or before the first Tuesday in October</b>
Monday, October 31, 2016	Capital Outlay Committee submits 7-yr Capital Outlay plan to T A	
Tuesday, November 1, 2016	Operating Budget instructions submitted to departments by T A	
Monday, November 14, 2016	Preliminary meeting with B O S and Fincom to discuss budget guidelines for the FY 17 MRSD budget	
Wednesday, November 30, 2016	Deadline for submission of department operating budgets to T A	<b>Charter 9-2-3/on or before the 1<sup>st</sup> Friday of December</b>
Friday, December 2, 2016	Deadline for submission of departmental warrant articles to T A	
Monday, December 5, 2016	B O S Review and discussion of potential warrant articles	
TBD	Meeting with B O S and Fincom to discuss initial look at MRSD FY 18 budget	
Monday, December 12, 2016	TA submits 7-yr Capital Outlay Plan to joint meeting of BOS/ Finance Committee	<b>Charter 9-6-3/during the month of December</b>
December 26 – 30	MRSD School Vacation	

Monday, January 9, 2017	BOS/FINCOM/Capital Outlay Committee hold joint public hearing on submitted Capital Outlay Plan	<b>Charter 9-6-4/on or before the 2<sup>nd</sup> Friday in January</b>
Friday, January 27, 2017	All items to be bid must have specifications in TA's office by 12:00 P.M. to be assured of bid process for Town Meeting	
Monday, January 30, 2017	Meeting with B O S and Fincom to discuss first draft budget and five year plan with MRSD and Cape Cod Tech	
February – March	Fincom review of budgets and articles	
Monday, February 6, 2017	Last BOS meeting before Annual Warrant closes	
Friday, February 10, 2017	Article deadline – Warrant closes Noon deadline	<b>Charter 2-2-1/Bylaw 1-101 2<sup>nd</sup> Friday in February by 12:00 Noon</b>
Monday, February 13, 2017	TA presents budget and budget message to B O S and Fincom	<b>Charter 9-2-4/on or before the 2<sup>nd</sup> Tuesday of February</b>
February 20 – 24	MRSD School Vacation	
Tuesday, February 21, 2017	1 <sup>st</sup> draft Warrant to BOS (presented at meeting)	
Tuesday, February 21, 2017	Articles submitted to Finance Committee by B O S	<b>General By-Laws I, § 271- 1.B. Not later than 14 days after article deadline</b>
Monday, February 27, 2017	BOS required to submit final budget to Finance Committee	<b>Charter 9-3-2 / on or before the 4<sup>th</sup> Tuesday of February</b>
February 2017	MRSD to submit final line item budget to B O S and Fincom for inclusion in the ATM Warrant	
TBD	Joint budget/article hearing BOS/Finance Committee	
February, 2017	BOS reviews Warrant articles	
Monday, March 6, 2017	VOTE to sign final Annual Town Meeting Warrant	
Monday, March 20, 2017	Vote to open Special Town Meeting Warrant	<b>All Special Town Meeting Articles must be received 40 days prior to STM</b>

No later than March 20, 2017	Article funding review by B O S	
Monday, March 27, 2017	BOS votes Special Warrant BOS votes Ballot	
not later than Monday, March 27, 2017	FINCOM submits written recommendations on Budget/Warrant.  Joint budget /article hearing with B O S and Fincom reconcilliation	<b>Charter 9-3-3/by March 31<sup>st</sup></b>
<u>Not later</u> than March 27, 2017	Fincom conducts one or more hearings on budget	<b>Charter 9-3-3 by March 31<sup>st</sup></b>
March 28, 2017	Ballot to Town Clerk	
Monday, April 3, 2017	Send Warrant to Printer Send Warrant to Chronicle <b>(April 13<sup>th</sup> publication)</b>	Printer needs 2 weeks. Chronicle needs 1 week before publish date
Friday, April 14, 2017	Warrants available for public distribution	<b>Charter 2-2-2/14 days prior to Town Meeting</b>
April 17 – 21, 2017	MRSD School Vacation	
Monday, May 1, 2017	First night of Annual Town Meeting	<b>Charter 2-3-1/1<sup>st</sup> Monday in May</b>
Tuesday, May 16, 2017	Annual Town Elections	<b>Charter 8-1-1/3<sup>rd</sup> Tuesday in May</b>