

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, JULY 15, 2013
7:00 P.M.**

APPROVED

SELECTMEN PRESENT: Ballantine, Cebula, LaMantia, McManus

Open session of the Board of Selectmen was called to order by Chairman LaMantia on July 15, 2013 at approximately 6:25 p.m. In attendance were: Selectmen LaMantia, McManus, Ballantine, Cebula; and Interim Town Administrator Robert Lawton. Mr. Ballantine moved that the Board of Selectmen go into Executive Session pursuant to M.G.L. c. 30A §21(2) to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel; M.G.L. c. 30A §21(3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body; and M.G.L. c. 30A, § 21(a)(6), to consider the purchase, exchange, lease or value of real estate, and return to open session. On a roll call vote: Mr. McManus, yes; Mr. LaMantia, yes; Ms. Cebula, yes; Mr. Ballantine, yes. Open session adjourned at 6:26 p.m. and re-opened at 7:07 p.m.

OTHERS PRESENT: David Spitz, John Rendon, Bob Cafarelli, Barbara-Anne Foley, Joseph MacParland, Richard Waystack, and others.

WEEKLY BRIEFING

- A. Award of Police Department Commendations, Meritorious Service Medal, and Distinguished Service Medal

In recognition of their actions in responding to a call to a home on Charlene Road on March 2, 2013, Chief Mason awarded Officer Jeffrey Davis and Detective Joseph LaBelle with Departmental Written Commendations. Officer Davis was not present. Chief Mason also awarded the Meritorious Service Medal to Sergeant Kevin Considine.

In recognition of his action in responding to a structure fire on May 1, 2013 in North Harwich, Chief Mason awarded the Distinguished Service Medal to Officer Derek Dutra.

The Board thanked the officers for their outstanding efforts in protecting and serving the community.

Chairman LaMantia reported that Ms. Bonnie Therrien has accepted a position in the Midwest and the Board will begin the process of a search for a new Town Administrator.

CONSENT AGENDA

- A. Approve Minutes
1. June 17, 2013 Regular Meeting
 2. June 24, 2013 Regular Meeting

3. July 1, 2013 Executive Session

- B. Vote to sign letter to County Commissioners supporting use of existing Mosquito Control Funds for study
- C. Vote to award bid for sale of land on Queen Anne Road for Lot 2 to Sean O'Leary of EROS Partnership in the amount of \$50,600 and Lot 3 to Rick Roy of Rick Roy Construction in the amount of \$32,502
- D. Vote to authorize Chair to sign Memorandum of Agreement with Barnstable County regarding implementation of the permit licensing and inspection software
- E. Vote to hold Public Hearing on rate change by Recreation & Youth for August 26, 2013
- F. Vote to approve application for Hawkers & Peddlers License for Dog Days
- G. Allen Harbor Parking Lot and Bulkhead Repair Design and Permitting

Chairman LaMantia requested to hold Item D and he noted that Item G would be addressed under New Business. Mr. McManus moved approval of the Consent Agenda with the exception of Items D and G. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

With regard to Item D, Chairman LaMantia requested to find out what the dollar amount is. Mr. Lawton recommended an amount of \$20,000 for the e-permitting process and \$10,000 for the licensing as an upper limit. Mr. McManus moved to approve Item D with the insertion of "up to \$20,000 for the e-permitting and up to \$10,000 for the licensing." Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

OLD BUSINESS

- A. East Harwich Sub-Committee Status Report – *David Spitz*

Mr. Spitz outlined the attached report. The Board considered comments from Carole Ridley, Gerry Loftus and Bill Marsh. Ms. Cebula suggested that the build-out studies should be referenced in the report and added as appendixes. Chairman LaMantia requested that Mr. Spitz prepare the build-out numbers as a starting point for discussion. The Board agreed that Mr. Ballantine and Mr. McManus would work with Mr. Spitz and bring this back before the Selectmen prior to sending to the Planning Board.

NEW BUSINESS

- A. Interim Town Administrator's recommendation to add Program Aide job title/position to the Harwich Employee's Association Agreement - *discussion & possible vote*

After confirming with Ms. Foley that the money for this is in the FY14 budget, Mr. McManus moved to approve adding Program Aide job title/position in the Harwich Employees Association agreement. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

- B. Request by Middle School Repurpose Committee for determination from Town Counsel whether the Middle School/Elementary School Property is sub-dividable – *discussion & possible vote*

Ms. Cebula moved to ask Town Counsel for this specific opinion. Mr. McManus seconded the motion. Mr. Lawton stressed that this should be with the understanding that he will work with the Committee to frame the question and the Board agreed. The motion carried by a unanimous vote.

- C. Request by Middle School Repurpose Committee for funding to complete a Building Needs Analysis of the Harwich Middle School and a commercial building inspection
- discussion & possible vote

Mr. McManus moved to ask the Town Administrator to develop a plan to get any number of inspections needed to assess the building. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

- D. Engineering improvements for Allen Harbor bulkhead and parking area – *discussion and possible vote*

Mr. Cafarelli outlined the attached points with the Board. For purpose of discussion, Mr. McManus moved to award a contract to Coastal Engineering for the design of Allen Harbor bulkhead and drainage improvements on a time and expense basis with a total not to exceed \$40,000 without further authorization. Ms. Cebula seconded the motion. Mr. Rendon and Mr. Hart encouraged the Board to support Mr. McManus' motion. The motion carried by a unanimous vote.

TOWN ADMINISTRATOR'S REPORT

Mr. Lawton delivered the following report to the Board:

I Policy issues

I have been informed that there are two package stores that may have recently closed. One is on Route 28 in Harwich Port next to Cumberland Farms. I believe that we should wait until July 15th and determine whether or not an application for a transfer has been received. If a transfer is not received, I believe the Board of Selectmen should then make a policy decision on whether or not you wish to re-issue this license after advertising and receiving applications for the Annual All Alcoholic Package Store license and the Seasonal Beer and Wine license. I have also been informed that a package store on Main Street next to the hardware store has also been closed. I have asked that a letter be sent to the owner requesting information regarding the closure, and if no response is received, a hand-delivered letter would be presented to the manager of the licensed business. If no response is then received, the Board of Selectmen would again be asked to make a determination as to whether or not the license should be re-issued and an advertisement made.

II Upcoming items:

I would like the Board of Selectmen to know that on July 16th I will be attending a meeting at Barnstable County regarding the 208 Wastewater Management Plan Review. Also on July 17th, I

will be meeting with the Cape Cod Commission and other Town Administrator's concerning the Open Cape/Net Cape issues. These will involve the cost of the service and what actions the Town Administrators and the Cape Cod Commission can take to insure that the Open Cape and Cape Net are providing the towns with the proper pricing and services.

On Wed July 10th, I met with the Police Chief and the Deputy Fire Chief at the Public Safety Facility to be briefed on their operations and to meet staff.

On July 10th there was a bond review with Standard and Poors for the \$2.9 million in General Obligation Bonds which the town will be issuing. I want to commend David Ryan for an excellent job in his review with Standard and Poors of the Town of Harwich financial position. Also, David Scannell made important comments regarding the town's capital exemption which seemed to impress Standard and Poors. David Ryan's financial team did an excellent job in preparation, along with Cape Cod Five's Jim Eldredge, to present a very positive financial picture for Harwich to the rating agency.

ADJOURNMENT

Mr. McManus moved to adjourn at 9:21 p.m. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary

IMPLEMENTATION OF EAST HARWICH VISION STATEMENTS

Board of Selectmen
East Harwich Subcommittee
June 24, 2013

VISION STATEMENTS

2. Appropriate commercial development is a priority and should take place in a pedestrian-friendly and interconnected pattern.
3. A strong residential component should be included.
4. The town should provide active direction in pursuit of its vision.
8. The East Harwich vision should be integrated with Harwich wastewater planning.

~~~~~

### IMPLEMENTATION

The goal for future development of East Harwich is one of mixed commercial and residential use. Build-out studies suggest potential for 250 residential units within the boundaries of the existing CH-2 District. The same build-out studies suggest potential for 500,000 square feet of additional commercial development, a significant increase above the 300,000 square feet that currently exists in East Harwich. Even though additional commercial development is a priority, there is considerable room for residential growth within the existing CH-2 boundaries and no immediate need to expand boundaries for additional moderate or high-density residential growth.

The Town should use all available municipal tools – zoning, infrastructure, funding for land acquisition, etc. – to accomplish its vision for East Harwich. One of the most important tools is wastewater infrastructure. The planned construction of sewers in East Harwich in an early phase of the CWMP will do much to mitigate water quality issues in the Pleasant Bay watershed. However, construction of sewers also has the potential to facilitate growth.

70% lot coverage is listed for the underlying CH-2 District, but two zoning overlays significantly reduce permitted lot coverage. The drinking water protection overlay limits lot coverage to 40% in three of the four quadrants of the CH-2 District. The fourth quadrant (Northwest) is limited to 15% and 30% by the Six Ponds Overlay District.

With the expectation that municipal sewer will be available soon, it is reasonable to adjust or remove overlay restrictions on lot coverage. However, a return to pre-overlay

70% lot coverage should not be automatic. Higher lot coverage should be permitted only in conjunction with development that is compatible with the vision for East Harwich.

With the zoning tool of lot coverage serving as a primary incentive, proposed development should be required to accomplish the following goals to be granted higher lot coverage:

- Accomplish more cohesive development by consolidation of parcels into larger planning units.
- Build one or more village streets with a connection to Route 137 or 39 and with extensions to abutting properties. Orient all development to village streets.
- Include substantial residential development. Further analysis is needed to determine how much residential development is needed on any individual or combined parcels and whether greater residential percentages will be recommended in certain East Harwich quadrants or portions of quadrants.
- Provide pocket parks and greenery.

Existing lot coverage (15 to 40%) will not change unless proposed development achieves one or more of the above goals. If all goals are achieved, lot coverage of 80% may be permitted. Partial increases in lot coverage should be allowed for partial achievement of goals.

An additional requirement is that all development in the district must connect to municipal sewer when available.

The above comments provide a zoning framework to encourage pedestrian-friendly mixed residential and commercial development and to enable reasonable lot coverage in the existing CH-2 district. East Harwich zoning should now return to the Planning Board for further detail within this overall framework.

A further comment under vision statement #2 is, "Not all commercial uses are appropriate for East Harwich. Notably, establishment of big box auto dependent retail should be strongly discouraged as out of scale and character for this location." To achieve this goal, the Planning Board should consider the following standards:

- Maximum size of individual stores
- Street-scale façades that provide multiple building entries and encourage continuity of pedestrian activity
- Block design that provides pedestrian access through the interior of blocks - from streets to rear parking lots and to other streets - without having to travel long distances around blocks
- Parking lot design with landscaping features minimizing overall size of any individual parking area.

## VISION STATEMENTS

5. Growth levels should be reasonable, and growth patterns should be managed.
6. The town's vision should include an element of "offset" zoning for outlying districts in the East Harwich area.

~~~~~

IMPLEMENTATION

Initial build-out studies suggest approximately 10,000 existing dwelling units in Harwich with build-out potential for 2,000 additional dwelling units town-wide, of which approximately 500 dwelling units are located in the Pleasant Bay watershed. The addition of 250 to 300 dwelling units in the existing CH-2 zoning district should be considered in this context.

Offset zoning should consider a variety of topics:

- Environmental impacts
- Desired development patterns
- Fiscal impacts to the Town of Harwich, and
- Fairness to individual property owners.

Offset zoning is one of several tools that may be used in controlling the extent of growth in outlying districts:

- NRP-style zoning
- Greater emphasis on clustering
- Continued public acquisition of open space land, and
- Removal of development potential via use of private Conservation Restrictions and similar techniques.

The Board of Selectmen later may offer more specific guidance on goals and tools to be used for offset zoning. However, it is recommended first that the focus should be on a zoning proposal for reasonable levels of pedestrian-friendly mixed-use development in the existing CH-2 zoning district. Once that zoning has been prepared, the extent of recommended offsets may be addressed more clearly.

VISION STATEMENT

7. East Harwich zoning should be considered in the context of other principal villages in Harwich.

IMPLEMENTATION

Many zoning and open space concepts being developed for East Harwich may also relate to other areas in Harwich. Once new plans and by-laws have been prepared for East Harwich, the town should consider similar measures for Harwich Port, Harwich Center and other Harwich villages. Concepts should also be explored for watersheds, e.g., Herring River, to utilize land management options to minimize sewerage needs and protect open space while ensuring fairness to property owners.

- Jim, John Rendon, Don Munroe and I have had a number of discussions over the last 6 months regarding this project. Generally at Allen Harbor during dredge inspections, and at the office after dredge meetings.
- Don Monroe from Coastal introduced John Rendon to Doug Cameron of the State Department of Fish and Game who made us aware of the State Fishing and Boating Access (FBA) Grant. John has been in contact with Doug to secure this grant for the Town.
- The existing bulkhead has been undermining for some time now. John and I have had talks with Coastal regarding the best alternative to repair/replace this. I have read that the plastic bulkheads are cheaper and last longer, and Coastal has engineered and overseen construction on a number of these bulkheads. Part of the design is to determine which type of bulkhead is best for this application.
- In January, Coastal submitted a design proposal for engineering for the bulkhead only for \$18,000.
- It was decided that the drainage in the area had to also be designed and built to comply with MS4 requirements. John Rendon also wanted a bulkhead to stabilize the property to the south of the parking area. There also may need to be work on the existing pier. In February, Coastal submitted a design proposal for all of the work needed at Allen Harbor for \$49,000.
- In March, Coastal submitted a draft conceptual plan showing proposed improvements to Allen Harbor.
- Town meeting appropriated \$250,000 for this project at the Annual Town Meeting.
- In July, Coastal submitted a revised design proposal for \$40,000. This is a time and expense contract, and will only cost us what time they spend on it, it is not lump sum. Jim asked me to review it and make a recommendation to the Selectmen before he retired.
- Coastal has been working with Jim, John Rendon and I for the past six months on this project at no cost to the Town. Coastal is very qualified to perform this type of work. They designed and supervised the construction of the bulkhead, loading pad and wash station at Allen Harbor Marina which is the adjacent property to this property. They are very familiar with the site and soils.
- Since 2009, there have been no procurement requirements for professional services from engineers, architects and related professional for non-building projects (horizontal construction). The Town contracted with Horsley and Witten for the Red Beach project with no RFP.

- John is concerned about the continued undermining of the existing bulkhead, and would like it repaired/ replaced this fall. Time is running out.
- I recommended Coastal for purposes of consistency, expediency and fairness.