

Chapter 400

SUBDIVISION OF LAND AND SITE PLAN SPECIAL PERMITS

ARTICLE I
General Provisions

§ 400-1. Authority.

- A. Under the authority vested in the Planning Board of the Town of Harwich by MGL c. 41, § 81Q and all other applicable sections thereof, said Board hereby adopts these Rules and Regulations Governing the Division of Land and Special Permits including Site Plan Review in the Town of Harwich, Massachusetts, to supersede present regulations and to be effective on the date of adoption.
- B. For matters not covered by these rules and regulations, reference is made to MGL c. 41, §§ 81K to 81GG and MGL c. 40A.

§ 400-2. Original regulations; adoption of state law.

The Town of Harwich originally adopted local subdivision regulations made effective March 25, 1949. The State Subdivision Control Law, MGL c. 41, §§ 81A to 81Y, inclusive, was adopted by the Town of Harwich effective October 2, 1953.

§ 400-3. Title.

These rules and regulations of the Harwich Planning Board shall be known and may be cited as the "Rules and Regulations Governing the Subdivision of Land and Special Permits including Site Plan Review in the Town of Harwich, Massachusetts," which herein are called "these rules and regulations." As a short title, these rules and regulations shall be known and may be cited as the "Harwich Rules and Regulations."

§ 400-4. Purpose.

- A. These rules and regulations have been enacted for the purpose of protecting the safety, convenience, and welfare of the inhabitants of the Town of Harwich by regulating the laying out and construction of roadways in subdivisions providing access to the several lots therein, but which have not become public roadways, and ensuring sanitary conditions in subdivisions and, in proper cases, parks and open areas.
- B. The Harwich Planning Board, through these rules and regulations, shall pursue the objectives of:
 - (1) Providing adequate access to all of the lots in a subdivision by roadways that will be safe and convenient for travel;
 - (2) Lessening congestion in such ways and in the adjacent public ways;
 - (3) Reducing danger to life and limb in the operation of motor vehicles;
 - (4) Securing safety in the case of fire, flood, panic, and other emergencies;

- (5) Ensuring compliance with the applicable zoning bylaws;
- (6) Securing adequate provision for water, sewerage, drainage, and other requirements where necessary in a subdivision;
- (7) Coordinating the ways in a subdivision with each other and with the public ways in the Town of Harwich and with the ways in neighboring subdivisions;
- (8) Encouraging good subdivision design;
- (9) Ensuring sound community growth with minimum governmental costs consistent with the encouragement of the appropriate development of land; and
- (10) Relating new subdivisions to the Harwich Local Comprehensive Plan.

§ 400-5. Definitions.

For the purpose of these regulations, the terms and words defined in the Subdivision Control Law shall have the meaning given therein.

ABUTTER — A person who owns property that adjoins, or faces across a way, a lot/parcel that is the subject of the subdivision application or related procedure.

APPLICANT — An owner, agent, representative or assign who is authorized to propose and/or develop the proposed subdivision.

APPROVAL NOT REQUIRED (ANR) PLAN — A plan showing a division of land where each lot created is served by existing safe and adequate access (with limited exceptions). While an ANR does not require Planning Board approval, it does require Planning Board endorsement verifying that the plan is consistent with MGL c. 41, § 81L.

BOARD — The Planning Board of the Town of Harwich.

BYLAWS, GENERAL — Legislation governing aspects dealing primarily with administrative policies and quality of life in the Town of Harwich.

BYLAWS, ZONING — Legislation that deals primarily with land use in the Town of Harwich.¹

DEFINITIVE PLAN — A plan submitted for Planning Board approval which represents the proposed specifications for the division of land and construction of roadways and utilities (MGL c. 41, § 81L).

DRINKING WATER RESOURCE PROTECTION DISTRICT (DWRPD) — Any designated district falling within the recharge boundaries for the drinking water/aquifer area. This specially zoned area places limitations on certain uses within its boundaries as defined in Article V, Table 1 of the Harwich Zoning Bylaw.² The Drinking Water Resource Protection Districts

1. Editor's Note: See Ch. 325, Zoning.

established in the Harwich Zoning Bylaw are shown on a map titled "Drinking Water Resource Protection District and Approved Zone II Delineations, Harwich, Massachusetts," dated December 1997, scale: 1:12,000, which map is on file in the office of the Town Clerk, the authenticity of said map to be established in the same manner as provided for establishing the authenticity of the Zoning Map. **[Amended 5-11-2010]**

ENGINEER — A professional engineer registered in the Commonwealth of Massachusetts.

FRONTAGE — The boundary of a lot that runs adjacent to a roadway.

GENERAL LAWS — The Commonwealth of Massachusetts General Laws (MGL), with all additions and amendments. In case of a rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections in the new codification.

LAND SURVEYOR — A professional land surveyor registered in the Commonwealth of Massachusetts.

LOT — A measured parcel of land having fixed boundaries and designated on a plot or survey in one ownership, with definite boundaries, used, or available for use, as the site of one or more lots or buildings.

PARCEL — A tract or plot of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more lots or buildings.

PRELIMINARY PLAN — An informal and optional working plan which precedes a definitive plan used to confirm direction and details needed for a definitive plan submitted for Planning Board approval (MGL c. 41, § 81L).

ROADWAY — A traveled path that allows for safe and adequate access to lots and parcels. The term "roadway" shall mean, but is not limited to, street, place, path, court, trail, way, road, avenue, boulevard, etc. Roadways as referenced in Table 1, Recommended Geometric Design Standards for Roadways,³ are categorized as follows:

- A. WAY — A traveled roadway which in the opinion of the Board is used to service abutting lots and is not intended for use by through traffic, and shall include any roadway servicing five or fewer lots or dwelling units.
- B. MINOR — A traveled roadway which in the opinion of the Board is used to service abutting lots and is not intended for use by through traffic, and shall include any roadway servicing six to 49 lots or dwelling units.
- C. MAJOR — A traveled roadway collecting traffic from several minor roadways, and shall include any roadway servicing 50 to 99 lots or dwelling units.
- D. COLLECTOR — A traveled roadway which in the opinion of the Board is being used or will be used as a thoroughfare between different sections

2. Editor's Note: See Ch. 325, Zoning.

3. Editor's Note: Table 1 is included at the end of this chapter.

of the Town, or which will be used as a principal access to a business or industrial subdivision, and shall include any roadway servicing 100 or more lots or dwelling units.

ROADWAY, PAPER — A way shown on a recorded plan but not built on the ground.

RULES AND REGULATIONS — A publication of the Planning Board which governs the procedures for the submission and approval of applications for subdivision, site plan review and special permits (MGL c. 41, § 81Q).

SUBDIVISION — The division of a tract of land into two or more lots, including resubdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law if, at the time when it is made, every lot within the tract so divided has frontage on a public way or a way which the Town Clerk certifies is maintained and used as a public way, or a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or a way in existence when the Subdivision Control Law became effective in the Town, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Zoning Bylaw of the Town for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least 20 feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the Town into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision (MGL c. 41, § 81L). **[Amended 5-11-2010]**

SUBDIVISION CONTROL LAW — Sections 81K to 81GG, inclusive, of Chapter 41, General Laws of the Commonwealth of Massachusetts, and any modifications or additions thereto. See <http://www.mass.gov/legis/laws/mgl/mgllink.htm>.

UTILITIES — Sewers, surface water drains, water pipes, gas pipes, electric lines, telephone lines, fire alarm lines, cable television and/or internet lines, their respective appurtenances, and other like services.

WETLANDS — Resource areas subject to regulation under MGL c. 131, § 40 and the Town of Harwich Wetland Bylaw.⁴

§ 400-6. Waiver of rules and regulations.

4. Editor's Note: See Ch. 310, Wetlands Protection.

- A. As provided in MGL c. 41, § 81R, the Planning Board may waive strict compliance with these rules and regulations when, in its judgment, such action is in the public interest and not inconsistent with the intent or purposes of the Subdivision Control Law. However, it cannot waive those requirements that originate from the General and Zoning Bylaws.
- B. Applicants seeking waivers from the requirements of the rules and regulations must, at the time of filing of an application for approval, submit a separate written request for waivers. Said request shall:
 - (1) Specify the waivers requested by section and subsection;
 - (2) Provide a concise statement of the nature and extent of the waiver(s) requested; and
 - (3) Specify the reason(s) for the request and how such waiver(s) would serve the public interest.
- C. In acting to approve waiver requests, the Board may consult with other agencies as appropriate and may impose reasonable conditions and/or requirements not expressly written in these rules and regulations, provided that such conditions or requirements represent a reasonable consideration for the waiver requested, serve the public interest, and are not unduly burdensome to the applicant.

§ 400-7. Informal discussions.

Requests for informal discussions shall be made to the Planning Department in writing. Written requests must include the requester's name, address, local phone number, and a brief explanation of the matter to be discussed with the Board. Such discussions will be scheduled for the next available time slot on the Board's regular meeting agenda. No informal discussions will be scheduled less than seven days prior to a meeting date.

§ 400-7.1. Project review fees. [Added 6-22-2010]

- A. Employment of consultants. In accordance with MGL c. 44, § 53G, the Planning Board, acting through the Town Planner, may require that applicants pay the reasonable cost for employment of outside consultants to review a proposed project. The Planning Board may use the project review fee to engage experts, other than attorneys, as outside consultants to assist the Planning Board in its review process.
- B. Establishment of special account. The project review fee shall be deposited with the Town Treasurer who shall establish a special account in accordance with MGL c. 44, § 53G. Expenditures from this special account may be made at the direction of the Town Planner under the overall guidance of the Planning Board, and shall be made only for services rendered in connection with a specific project for which a project review fee has been collected from the applicant. The consultant's review shall not commence until the Town Planner verifies receipt of the project review fee. Failure of an applicant to pay a

required project review fee shall be grounds for finding the application incomplete.

- C. Reimbursement of excess amount. At the completion of the Planning Board's review of a project, any excess amount in the account, including interest, shall be repaid to the applicant along with a final report of said account.
- D. Administrative appeal. Any applicant may make a written administrative appeal from the selection of the outside consultant to the Board of Selectmen within 20 days after the Planning Board has delivered notice of the selection to the applicant. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum qualifications required for the task. The required time limit for action upon an application by the Planning Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Planning Board shall stand.

ARTICLE II
Subdivision of Land

§ 400-8. Introduction.

- A. The primary intent of subdivision review is for protecting the safety, convenience, and welfare of the inhabitants of the Town of Harwich by regulating the laying out and construction of roadways which provide access to the lots within the subdivision.
- B. Applications for a subdivision may be submitted to the Planning Board under two conditions:
 - (1) Access to the lots already exists and is safe and adequate*. Approval of a plan for subdivision by the Planning Board is not required for this type which is referred to as an "ANR." (*Most commonly. There are other situations where approval is not required pursuant to MGL c. 41, § 81L.)
 - (2) Access to the lots does not exist or is not safe and adequate. Approval of the subdivision by the Planning Board is required (subdivision). Plans will be referred to as "subdivision" and may be submitted in the following forms:
 - (a) Preliminary.
 - (b) Definitive.
 - (c) Modification or amendment of an approved plan.
 - (d) Rescission of an approved plan.

§ 400-9. Approval not required (ANR) plan.

- A. Criteria for endorsement of ANR. In determining whether or not a plan constitutes a subdivision, the Board shall determine whether or not all three of the following standards have been met in accordance with MGL c. 41, §§ 81L and 81M:
 - (1) The lots shown on such plan must meet the minimum frontage requirements as specified in MGL c. 41, § 81L;
 - (2) The lots shown on such plan must front on one of the three types of ways specified in MGL c. 41, § 81L:
 - (a) A public way or a way that the Harwich Town Clerk certifies is maintained and used as a public way;
 - (b) A way shown on a plan previously approved and endorsed in accordance with the Subdivision Control Law; or
 - (c) A way in existence when the Subdivision Control Law became effective in the Town of Harwich; and

- (3) The Planning Board verifies that existing access to such lots provide sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the land abutting or served thereby and for the installation of municipal service to serve such land and the buildings existing thereon to be erected as specified in Table 1 of these rules and regulations.⁵
- B. Determination of safe and adequate access. In determining whether or not existing access meets the standards as defined in these rules and regulations, the Planning Board will examine evidence as follows:
- (1) The applicant will provide all items listed in Appendix 4.⁶
 - (2) The Planning Board will circulate the application to the Town Engineer and Surveyor for general comments. When necessary, additional comments may be requested from the following departments:
 - (a) Department of Public Works.
 - (b) Fire Department.
 - (c) Police Department.
 - (3) All ways which are neither Town ways nor ways shown on a plan approved and endorsed in accordance with the Subdivision Control Law (existing private ways) must meet the minimum standards for new ways in the Town of Harwich as specified in Table 1 of these rules and regulations in order to be considered frontage for building purposes or the division of land for which approval under the Subdivision Control Law is not required. If such way is substandard, approval may be granted if the applicant agrees to complete the necessary improvements to the substandard way, said agreement to be filed in the form of a covenant at the time of approval of the definitive plan (MGL c. 41, § 81FF).
- C. Satisfaction of safe and adequate access. When in the opinion of the Planning Board the existing condition of the roadway does not meet the minimum standards for roadways in the Town of Harwich in order to be considered frontage for building purposes, and the necessary roadway improvements do not substantially change the nature, layout or composition of the roadway, the Planning Board may determine, without a public hearing, that submission of a subdivision plan for approval is not required by an affirmative vote of a majority of the Planning Board present, and in no event fewer than four members. Once the improvements have been made, the applicant may submit his request for determination of safe and adequate access. Improvements to Town roadways must also meet the requirements of Town of Harwich General Bylaws Chapter 255, Streets and Sidewalks.

5. Editor's Note: Table 1 is included at the end of this chapter.

6. Editor's Note: Appendix 4 is included at the end of this chapter.

§ 400-10. Subdivision filing.

- A. General filing requirements. Applications shall meet all requirements as specified in this section. Failure to file a complete application with the Planning Board may be considered grounds for denial of Board approval (MGL c. 40A, §§ 9 and 14).
- (1) Prior to submitting any plans showing a proposed road to the Board, the applicant will cause the intersection of the center line of the proposed road and the existing road to be staked on the ground with one point, for inspection by the Board.
 - (2) Prior to submission to the Planning Board, the applicant shall file with the Town Clerk, by delivery or registered mail, a complete set of application materials, including plans and supporting documents to be stamped with the date of submission.
 - (3) All taxes, assessments, and charges relative to land being subdivided must be paid in full prior to submission of the application. The applicant shall be responsible for obtaining a municipal lien certificate from the Town Treasurer indicating that all taxes, assessments, and charges have been paid in full.
 - (4) For preliminary and definitive plans of a subdivision, the information requested shall be submitted by the applicant to both the Planning Board and Board of Health for discussion and approval, modification, or disapproval. The submission of a preliminary plan will enable the applicant, the Planning Board, the Board of Health and other local agencies to discuss and clarify the problems of such subdivision before a definitive plan is prepared.
 - (5) Protection of natural features. Due regard shall be shown for all natural features, such as large trees, watercourses, ponds, wetlands, beaches, dunes, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.
 - (6) When a filed subdivision plan is to be revised, six full-size copies of the revised subdivision plan which must show the latest revision date and the word "Revised" in bold capital letters, must be submitted to the Town Clerk's office no later than 10 days prior to the next scheduled discussion of the application by the Board. Failure to meet this deadline may cause discussion of the application to be continued until a subsequent meeting or, if the Board is constrained by an action deadline, could result in the denial of said plan (MGL c. 41, § 81S).
 - (7) All other requirements as listed in Appendix 4 shall be met.⁷
- B. Plan, profile and cross-section requirements.

7. Editor's Note: Appendix 4 is included at the end of this chapter.

- (1) All plans shall be prepared and stamped by a professional land surveyor and shall be clearly and legibly drawn in permanent ink upon a reproducible material acceptable for recording at the Registry of Deeds or in Land Court, complying with the requirements of the Registry of Deeds and Land Court, if applicable, and having an error of closure not to exceed 1:12,000.
- (2) When a separate plan and profile are submitted, they shall be of the same exact size. The plan and profile shall be prepared and stamped by a professional engineer.
- (3) All other requirements as listed in Appendix 4 shall be met.

C. Additional requirements.

- (1) Special permits. All applications must comply with any additional requirements as stated in the Zoning Bylaw, Article V, Table 1, such as flexible cluster, open space residential (see Chapter 325, Zoning, § 325-51E), and Six Ponds District.
- (2) Naming new ways. Three proposed street names shall be submitted with a subdivision plan. Duplicate street names or names similar to existing street names shall not be considered.
- (3) Renaming existing ways. Refer to MGL c. 85, §§ 3 and 3B and MGL c. 41, § 74 which require that the Planning Board notice and hold a public hearing to change the name of an existing way. See also the Town of Harwich General Bylaws Chapter 255, Streets and Sidewalks, for petition requirements along private ways.
- (4) The Planning Board may require additional information as necessary.

§ 400-11. Subdivision review procedure.

A. Approval not required (ANR).

- (1) A plan showing a division of land where each lot created is believed to be served by existing adequate access shall be submitted for a determination as to whether or not the plan requires approval by the Planning Board under the Subdivision Control Law. The plan will be scheduled for action by the Board at the earliest reasonable date but no later than 21 days after filing with the Town Clerk's office (MGL c. 41, § 81P). **[Amended 5-11-2010]**
- (2) If the Board determines that the plan does not require approval, it shall without a public hearing and without unnecessary delay endorse the plan with the words "Approval under the Subdivision Control Law Not Required."
- (3) The Board may add to such endorsement a statement of the reason approval is not required. Notice of the Board's endorsement shall

be made to the Town Clerk and the applicant. The original plan shall be returned to the applicant.

- (4) If the Board determines that the plan does require approval under the Subdivision Control Law, it shall give written notice of its determination to the Town Clerk and the applicant.
- (5) If the Board fails to act upon a plan submitted under this section within 21 days after its submission, it shall be deemed to have been determined that approval under the Subdivision Control Law is not required, and it shall make such endorsement on the plan. If the Board fails to do so, the Town Clerk shall issue a certificate to the same effect. In either case, the original shall be delivered to the applicant.

B. Preliminary plan.

(1) Action.

- (a) Within 45 days after submission of a preliminary plan, the Planning Board shall approve with modifications, or disapprove the preliminary plan. In the case of disapproval, the Board must state specific reasons for denial. Said notice of decision shall be filed with the Town Clerk and sent via certified mail to the applicant.
 - (b) Approval of a preliminary plan does not constitute approval of a subdivision. The rules and regulations in effect at the time of submission of such preliminary plan shall govern the definitive subdivision plan evolved from such preliminary plan, provided that such definitive plan is submitted within seven months of the submission of the preliminary plan.
- (2) Certificate of approval (decision). The action of the Board with respect to a preliminary plan shall be by vote, copies of which shall be certified by and filed with the Town Clerk and sent by certified mail to the applicant. If the Board modifies or disapproves the plan, it shall state specifically the reasons for its action.

C. Definitive plan, including modification, amendment or rescission. All procedures relating to the submission and approval of a subdivision plan of land shall, so far as apt, be applicable to the approval of the modification, amendment, or rescission, and to the plan which has been changed. A public hearing is required before approval, modification of approval, disapproval or rescission of the definitive plan is given.

- (1) Public notice. A public hearing shall be held by the Board, with notice of the time and place of the hearing as well as the subject matter, sufficient for identification, as follows:

- (a) The Board shall give notice by posting such notice in a conspicuous place in the Town Hall for a period of not less than 14 days before the day of such hearing;
 - (b) The Board shall give notice by advertisement in a newspaper of general circulation in the Town of Harwich, once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing; and
 - (c) The applicant shall give notice by mailing a copy of such advertisement via certified mail, return receipt, to property owners within 300 feet abutting the subject property, which may also include abutters to abutters, and properties across the roadway from the subject property. The advertisement and list of abutters, to include names and addresses of abutters certified by the Harwich Board of Assessors, will be supplied to the applicant by the Planning Department. Said notice shall be mailed out no less than 10 days prior to the scheduled public hearing. A copy of the certified mail receipts must be filed with the Planning Office and the original returned "green cards" shall be submitted as well.
- (2) Public hearing. At a public hearing a presentation is made by the applicant and the Board reviews and considers all information and comments submitted by interested parties and discusses the merits of the application. The Board, on its own motion or acting on the petition of any person interested, may modify, amend, or rescind its approval of a plan of a subdivision or require a change in a plan as a condition of its retaining the status of an approved plan.
- (3) Action. The Planning Board must take final action and file a notice of decision with the Town Clerk within 90 days of the filing date, provided that the definitive filing was preceded by a preliminary plan within the last seven months or 135 days if either there was no preliminary plan or 45 days have not elapsed since the submission of the preliminary plan. It may approve, modify and approve, or disapprove said plan as provided by statute. In the case of disapproval, the Board must state specifically where the plan does not comply with the rules and regulations or the recommendation of the Board of Health or Health Officer. The Planning Board shall file said decision with the Town Clerk and shall send via certified mail a copy of the decision to the applicant.
- (4) Certificate of approval (decision). The action of the Board with respect to a definitive plan shall be by vote, copies of which shall be certified by and filed with the Town Clerk and sent by certified mail to the applicant. If the Board modifies or disapproves the plan, it shall state specifically the reasons for its action. Approval, if granted, shall be endorsed on the original drawing of the plan by the signatures of a majority of the Board (or by the signature of the person officially authorized by the Board) but not until the

statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and said Clerk has notified the Board that no appeal has been filed.

- D. Performance guarantee. The Board shall require, before endorsement of its approval of a definitive plan of a subdivision, that the applicant shall agree to complete the required improvements specified in § 400-14 according to his plans and profiles, such construction and installation to be secured by one, or in part by one and in part by the other, of the methods described below. In addition, other methods may be approved by the Planning Board.
- (1) Approval with financial security, to include escrow, bonds, and surety. The applicant shall post a financial security in an amount determined by the Board to be sufficient to cover the cost of the improvements shown on the subdivision plans. Such financial security, if filed or deposited, shall be approved as to form and manner of execution by Town Counsel and as to sureties by the Harwich Town Treasurer. Such financial security shall be contingent on the completion of such improvements within two years of the filing of other surety. At the discretion of the Board, a time extension may be granted.
 - (2) Approval with covenant. The applicant shall file a covenant (Form B-2), executed and duly recorded with Barnstable County Registry of Deeds by the owner of record, running with the land, whereby such ways and services as shown on the plans shall be provided to serve any lot before such a lot may be built upon or conveyed, other than by mortgage deed, provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject to that portion of this covenant which provides that no lot shall be built upon until such ways and services have been provided to serve such lot, and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Board.
- E. Recording of plan. Once the plan and covenant have been recorded, documentation of said recording shall be filed with the Planning Board. Upon receipt of notification of recording, the Board shall file one print of the definitive plan with the Building Department. In accordance with the statute, where approval with covenant is noted, the Building Department shall issue no permit for the construction of a building on any lot within the subdivision except upon receipt from the Board of a copy of the certificate of release of covenant (Form B-3) releasing the lot or lots in question (see Subsections F and G below). In addition, no site work or road construction work shall commence until the plan and covenant have been recorded and documentation of said recording shall be filed with the Planning Board.

- F. Evidence of satisfactory performance. Before the Board will release the interest of the Town in a performance bond or deposit or, in the case of approval with covenant, issue a release of covenant the following must be submitted to and approved by the Board:
- (1) A certification shall be done by a professional engineer with the following statement or similar statement: "All roadways, sidewalks, sewers, storm drains, and water mains and their appurtenances shown have been constructed in accordance with the approved design plan." Certification shall be by the professional engineer employed by the applicant at his or her own expense.
 - (2) An as-built drawing shall be prepared and certified by a professional land surveyor in accordance with Appendix 4⁸ with the following statement or similar statement: "All roadways, sidewalks, sewers, storm drains, and water mains and their appurtenances shown have been laid out in accordance with the lines and grades of the approved plan and are accurately located as shown hereon." Certification shall be by the professional land surveyor employed by the applicant at his or her own expense.
 - (3) The Board shall obtain in writing from the Town Engineer a statement that all work required by the rules and regulations and the approved definitive subdivision plan has been inspected by him or her and completed in each roadway in the subdivision (or the roadway or roadways serving the lots in question), including storm drains, bridges, and sidewalks, and that he or she has approved the methods of construction and materials used in the performance of such work.
 - (4) The Board shall obtain in writing from the Board of Water Commissioners a statement that it has inspected and that the applicant has completed each water main and its appurtenances in accordance with the requirements of these rules and regulations and that it has approved the methods of construction and materials used in the performance of such work.
 - (5) The applicant shall execute an instrument, in a form approved by the Board, transferring to the Town or to an approved public utility company, without cost, valid unencumbered title to all water mains and appurtenances thereto constructed and installed in the subdivision or approved portion thereof and conveying to the Town or to an approved public utility company, without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate, and forever maintain such water mains, with any manholes, pipes, conduits and other appurtenances, and to do all acts incidental thereto, in, through and under the whole of all roadways in the subdivision or approved portion thereof, and if any such sewers or water

8. Editor's Note: Appendix 4 is included at the end of this chapter.

mains have been constructed and installed in land not within such roadways, then in, through, and under a strip of land extending 10 feet in width on each side of the center line of all such water mains.

G. Release or partial release of performance guarantee.

- (1) The penal sum or the amount of any financial security held under Subsection D, Performance guarantee, above may, from time to time, be reduced by the Board and the obligations of the parties thereto released by the Board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required.
- (2) A request for a full or partial release of security will be considered by the Board no sooner than 10 days after the Planning Department has received a written request for the release, subject to the availability of Town officials to perform the required inspections of the respective improvements and furnish written reports to the Board.
- (3) Upon completion of improvements shown on the applicant's plans, security for the performance of which was given by financial security or covenant, or upon the performance of any covenant with respect to any lot, the applicant shall submit to the Town Clerk and the Planning Board a written statement that said construction or installation in connection with which such financial security or covenant has been given has been completed in accordance with these rules and regulations, such statement to contain the address of the applicant.
- (4) Upon receiving the applicant's request for a partial or full release of covenant or security, the Board will request from the Town Engineer a report regarding the quality and quantity of work completed. The Town Engineer will produce a list of the items of work left to be completed in the subdivision, in accordance with the approved definitive subdivision plan and the rules and regulations, and give an estimate of the cost to cover the remaining items of work. Such estimate shall reflect 150% of the calculated cost.
- (5) If the Board determines that said construction or installation has not been completed in accordance with the approved definitive subdivision plan based on the Town Engineer's report, it shall specify in a notice sent by registered mail to the applicant and delivered to the Town Clerk the details wherein said construction and installation fail to comply with these rules and regulations. Upon failure of the Board to act on such application within 45 days after the receipt of the application by the Town Clerk, all obligations under the financial security shall cease and terminate and any deposit shall be returned and any such covenant shall become void. In the event that said forty-five-day period expires without such Board action or without the release and return of the

bond or return of the financial security or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which shall be recorded.

§ 400-12. Design standards for new roadways.

A. Location and alignment.

- (1) All streets/roads in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel. Due consideration shall also be given by the applicant to create an attractive street/road layout.
- (2) The recommended street design standards presented by Table 1 and displayed by the Figures 1 to 9 are to be used by the designer.⁹
- (3) Streets shall be laid out so as to intersect as nearly as possible at right angles. No roadway shall intersect any other roadway at less than 70° (Figure 1). Owners are encouraged to consult with the Town's Tree Warden concerning removal of trees within the Town right-of-way and to plan and locate road intersections to minimize their loss.
- (4) Public and private utilities shall be located within the right-of-way in accordance with Figure 3. All utilities shall be underground. The applicant may be requested to make provisions for streetlighting.
- (5) Other design standards shall be consistent with Table 1.

B. Width.

- (1) The minimum width of a right-of-way shall be consistent with Table 1.
- (2) The minimum width and other dimensions of ways shall be as indicated by Figures 3 and 4 and in Table 1. Eighteen-inch machine berms shall be required to be installed on both sides of the pavement.

C. Dead-end way (Figure 1).

- (1) Dead-end ways shall be no longer than 1,200 feet unless, in the opinion of the Board, greater length is appropriate. The distance of 1,200 feet shall be measured from the intersecting right-of-way to the center of the turnaround along the proposed center line.
- (2) Dead-end ways shall be provided at the closed end with a circular turnaround having an outside roadway diameter of at least 90 feet and a property line diameter of at least 110 feet. "T" type turnarounds are not permitted. Dead-end ways shall be provided with a turning circle paved in the same manner as the rest of

9. Editor's Note: Table 1 and Figures 1 to 9 are included at the end of this chapter.

the roadway. The paved turning circle shall have a radius of at least 45 feet with twenty-five-foot transition radii. Within a circular turnaround, a thirty-foot diameter planting area may be considered by the Board.

- D. Waivers of road length limit. Where topography or other unique site conditions exist, the Board may waive the specified road length limit as it deems appropriate, provided that such action is, in the opinion of the Planning Board, in the public interest and not inconsistent with the intent or purposes of the Subdivision Control Law.
- E. Waivers from design standards for subdivisions to maintain rural character. In order to apply for waivers under this section, the applicant must file a preliminary subdivision plan along with any waiver requests with the Board. In order to maintain the rural character of an area, the Planning Board may grant waivers for a residential subdivision plan which is designed to be in keeping with the rural character of the surrounding area based on the following findings by the Board:
 - (1) That the plan is well designed and generally in keeping with the design principles set forth in these rules and regulations.
 - (2) That there is adequate access to the lots for the intended uses.
 - (3) That the plan is in keeping with the character of the surrounding area.

§ 400-13. Design standards for utilities.

A. Drainage.

- (1) The quantity of stormwater carried to basins or pipes shall be determined by the Rational Method, and the design shall be for twenty-five-year storms, except for bridges in which case it shall be for fifty-year storms. Coefficient of runoff to be used shall be as outlined in Appendix 1, a detailed description of the Rational Method of Drainage Design.¹⁰ Other methods may be used with the approval of the Planning Board on the recommendation of the Town Engineer.
- (2) Pipe drains, where used, shall have a minimum diameter of 12 inches. In general, they shall be designed to flow full with the hydraulic gradient at the crown. However, in flat slope areas surcharge may be allowed. The minimum velocity at design flow should be 2 1/2 feet per second and the maximum of 15 feet per second.
- (3) Stone-paved channels shall be installed where requested. The typical section of the channel shall have a flat bottom and side slope at least one foot higher than the design water surface. The

10. Editor's Note: Appendix 1 is included at the end of this chapter.

maximum velocity allowed in any channel at design flow shall be six feet per second. A coefficient of friction "n" equal to 0.030 should be used for the stone-paved channel.

- (4) All stormwater shall be disposed of by subsurface leaching or drainage easements [see Subsection A(5) below]. No paved surface runoff shall be allowed to be directed to open stream channels or vegetative wetlands as defined in the Harwich Wetland Bylaw.¹¹ Leaching basins shall be of the radial block or precast concrete type (Figure 5). These leaching basins shall be connected [equalizing pipe by a twelve-inch diameter asphalt-coated corrugated metal pipe (ACCM) or high-density polyethylene pipe (HDPE) of the proper gauge or reinforced concrete pipe of the proper class]. Aluminum pipe under roadways will not be permitted unless encased in six inches of cement concrete.
- (5) Catch basins shall be spaced so that storm runoff is received from a maximum roadway distance of 250 feet. Catch basins located in low points (sags) shall collect from a roadway for a distance not greater than 200 feet. Runoff collected by catch basins will be piped to suitable leaching facilities located in easements outside the right-of-way. Said easements shall be at least 625 square feet in area and shall be of a suitable configuration for the proposed facility. Sufficient test pits shall be installed to determine the suitability of the soils for subsurface disposal. The center of the catch basins shall be located along the gutter line regardless of the percent grade.
- (6) Frames and grates. The Massachusetts standard square catch basin frame and grate shall be utilized for all catch basins and/or leaching basins.

B. Water.

- (1) Water systems shall be installed in accordance with the standards of the Harwich Board of Water Commissioners.
- (2) For all new subdivisions where access to Town water is available within 500 feet of the point of intersection of any new subdivision road with any Town or private road, the applicant shall be required to hook up to Town water and provide Town water service to all lots within said subdivision. For all new subdivisions where access to Town water is not available within 500 feet of the point of intersection of any new subdivision road with any Town or private road, the applicant shall be required to provide the required piping and hydrants within the entire subdivision to allow for hookup to Town water at such time as a main reaches within 500 feet of the point of intersection of said subdivision road.

11. Editor's Note: See Ch. 310, Wetlands Protection.

- (3) The Board of Water Commissioners may grant a waiver to this requirement following a written request from the applicant explaining the reasons why neither option is feasible for the proposed subdivision. The Board of Water Commissioners shall provide written conformation of the grant of a waiver to the Planning Board. In the case of the grant of a waiver, a water easement shall be provided in accordance with the requirements of the Board of Water Commissioners. Said easement shall be delineated on the subdivision plan and an agreement prepared and submitted to the Board of Water Commissioners.

C. Easements.

- (1) Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least 20 feet wide.
- (2) Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, the Board may require that there be provided a stormwater easement or drainage right-of-way of adequate width to conform substantially to the lines of such watercourse, drainageway, channel, or stream and to provide for construction or other necessary purposes.

§ 400-14. Required improvements and specifications for construction.

A. General provisions.

- (1) Construction details and specifications shall comply with the standards as shown on Figures 3 and 5¹² unless the Planning Board grants waivers from the rules and regulations requirements.
- (2) All improvements specified on the definitive subdivision plan, road profile plans, and road cross sections shall be constructed or installed by the applicant in accordance with the provisions of the Harwich Bylaws, this section of the rules and regulations, or as directed by the Board. The applicant shall furnish all necessary materials, labor, and equipment that may be required to complete the work called for or implied on the definitive plan, including all related expenses. Items not specifically mentioned herein shall be constructed in accordance with the latest revision of the Standard Specifications for Highways and Bridges of the Massachusetts Department of Public Works (hereinafter referred to as the "Department's Specifications") unless specifically directed otherwise by the Board.
- (3) All work performed by the applicant as a consequence of these rules and regulations will be subject to the review and acceptance

12. Editor's Note: Figures 3 and 5 are included at the end of this chapter.

or approval of the Board. Therefore, the Town Engineer will act as the Planning Board's agent for the inspection of the work. In order that the Town Engineer may properly inspect the work as it progresses, the applicant will keep the Town Engineer informed of the progress of the work and shall, at any time, provide safe and convenient access to all parts of the work for inspection by members of the Board or the Town Engineer. No work will be approved which has been covered prior to inspection by subsequent work. Reference should be made to § 400-15 for inspections required by the Board.

B. Subdivision layout.

- (1) The subdivision, including all ways, lot lines, drain lines and utilities, shall be laid out as to line and grade by a professional land surveyor and a certificate filed with the Board to this effect. Stakes for line and grade, clearly marked with the proper station, shall be maintained throughout construction.
- (2) In the event that the construction of the road deviates from the plan and profile approved by the Board, the applicant must stop work and notify the Town Engineer. The Town Engineer will review the changes and consult with planning staff as necessary. If said changes are deemed to be significant in nature, work shall not resume until said changes are brought before the Board for review and approval. If said changes are deemed to be minor in nature, with the Town Engineer's approval, the work may proceed. All changes must be shown on the as-built plan.
- (3) Any work which in the opinion of the Board has not been properly laid out or does not conform to the plans may be checked by the Town Land Surveyor or a land surveyor employed by the Board. If the Board determines that such work does not conform to the plan, the applicant shall pay all costs that the Board incurs in connection with checking the work. No lots shall be released from the covenant until such payment has been made in full. The Board may require, at the applicant's expense, the removal and correct replacement of any work which has been incorrectly laid out.

C. Clearing, grubbing and excavation.

- (1) No clearing of vegetation or grading for the development of ways or building sites shall commence until an approved, signed definitive plan has been recorded with the Barnstable Registry of Deeds or Land Court and evidence of such recording has been returned to the Board. This shall not apply to limited clearing for the purpose of surveying or performing percolation tests.
- (2) Proposed roadways shall be cleared, grubbed, and excavated to a minimum width of 35 feet. All deleterious materials, such as logs, stumps, branches, and brush, shall not be buried on any part of the subdivision property and shall be removed from the site

and disposed of properly. Trees intended to be preserved shall be protected from injury by suitable boxes, or fenders, or wells if in fill.

- (3) The Town Engineer will make an inspection when this phase of the work is completed.

D. Erosion control measures. Erosion control during and after construction shall be accomplished using the following erosion control measures recommended by the United States Soil Conservation Service:

- (1) Erosion minimization. Stripping of vegetation, soil removal, and regrading shall be accomplished so as to minimize erosion.
- (2) Duration of exposure. The duration of exposure of disturbed area shall be kept to a practical minimum.
- (3) Temporary erosion control. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
- (4) Permanent erosion control installation. Permanent (final) vegetation and mechanical measures to stabilize the land surface and control erosion shall be installed as soon as practicable after construction ends.
- (5) Protection of permanent drainage facilities. Until a disturbed area is stabilized, permanent drainage facilities, including but not limited to catch basins, pipes, retention basins, grass swales, and infiltration devices, shall be protected from sediment in runoff water by the use of temporary drainage facilities such as debris basins, sediment basins, silt traps, or other acceptable methods.
- (6) Dust control. During grading operations, methods of dust control shall be employed wherever practicable. The Board may require the implementation of reasonable soil erosion control measures during construction if, in its opinion, such measures are warranted but have not been implemented by the applicant.

E. Drainage system.

- (1) Drainage specifications. All proposed drainage systems shall be in compliance with Massachusetts Department of Environmental Protection Phase II Stormwater Regulations Best Management Practice.
- (2) Disposal of surface water. Adequate disposal of surface water shall be provided. Catch basin/leaching basin systems shall be constructed on both sides of the roadway and shall be interconnected. Systems shall be located on both sides of the pavement on continuous profile grades, at profile low points and at intersections. Systems shall also be located at intersections of proposed roads with existing roads. It is necessary that storm

runoff from existing roads and/or gutter flow not enter the proposed subdivision drainage system and, therefore, disposal must be provided for within the existing road right-of-way in accordance with the requirements of the Director of Division of Highways and Maintenance. **[Amended 5-11-2010]**

- (3) Inspection required prior to backfilling. The Town Engineer will inspect the completed drainage system or sections thereof prior to placing any backfill.
 - (4) Backfill specifications. All trench backfill for the storm and subsurface drains and other backfill within the limits of the way shall conform to the base course requirements. Frozen earth/soil shall not be used for backfill material.
- F. Utilities. All utilities shall be installed underground prior to the placing of the bituminous concrete binder course.
- (1) Responsibility. The applicant shall provide and install all necessary materials, appurtenances and equipment to complete the utilities as may be required by these rules and regulations and as provided on the definitive plan in a manner acceptable to the officials or agency having jurisdiction over each service. All costs incurred by the applicant as a consequence of installing and maintaining such utilities as the Board requires shall be paid by the applicant, including all costs which may be incurred for any reasons whatsoever. The Board will not take any action to have the applicant reimbursed for any costs so incurred.
 - (2) Water distribution specifications.
 - (a) General. Water distribution facilities shall be installed in conformity with specifications and requirements of the Harwich Board of Water Commissioners.
 - (b) Hydrant and water main specifications. Water pipes and related equipment, such as hydrants and main shutoff valves, shall be constructed to serve all lots on each roadway. In addition, service connections shall be installed from the main to the opposite side of the roadway right-of-way line. These services shall be installed in accordance with Harwich Water Department specifications, with a proper stopcock at the approximate center of each lot. All stopcocks shall be located by permanent ties, the location of which will be filed with the Harwich Board of Water Commissioners.
 - (3) All other utilities. All other utilities shall be installed in conformity with specifications and requirements of the specific utility company.
 - (4) Notification of backfill and paving.

- (a) All work in connection with the utilities shall be left uncovered until the Town Engineer permits the backfill to be placed.
 - (b) The applicant shall notify all companies with utilities installed or to be installed within the ways as to the date and time the applicant intends to place the gravel base course and the paving so that such utility company may properly record the location of pertinent features of the system so that they will not be covered or lost as a result of the paving operation.
- (5) Backfill specifications. All trench backfill material for the utilities within the way limits shall conform to the base course requirements. Frozen earth/soil shall not be used for backfill material.

G. Preparation of subbase.

- (1) Topsoil and stone dust, gravel, processed stone, or reclaimed asphalt shall be stockpiled for future use on the site. The subbase shall be prepared in order to accept the base, base leveling course, and pavement in accordance with the approved plans and profiles. Such preparation shall include compaction of the roadbed prior to installation of the base leveling course.
- (2) All utilities including but not limited to storm drains, subdrains, and drainage structures within the way lines shall be installed prior to the completion of the subbase. This shall include the installation of each service pipe, sleeve, or conduit to the front lot line of each lot in the subdivision. Upon completion of the subbase and the backfill of all service trenches, the work will be inspected by the Town Engineer. Subsequent work shall not commence until the Town Engineer has approved the fill as acceptable for the application of the roadway foundation material.

H. Base and base leveling course.

- (1) Upon completion of the subbase, four inches of processed stone or reclaimed asphalt (T-base) shall be placed and compacted with suitable equipment to a width of 28 feet. Four inches of dense-graded crushed stone conforming to the gradation shown in Table 2,¹³ or reclaimed asphalt, shall be placed and compacted to the width of the first four-inch layer. Moisture content of the processed material shall be sufficient to enable the material to be compacted into a firm, dense surface.
- (2) Reclaimed base borrow material for subbase course shall consist of crushed asphalt pavement, crushed cement concrete, and gravel borrow (meeting Massachusetts Highway Department Standard Specifications for Highways and Bridges) free from loam, clay and

13. Editor's Note: Table 2 is included at the end of this chapter.

deleterious materials, including but not limited to brick, reinforcing steel, glass, wood, paper, plaster, lathing, and building rubble.

- (3) The coarse aggregate shall have a percentage of wear, by the Los Angeles Abrasion Test, of not more than 50.
- (4) The gradation shall meet the requirements as specified in Table 3.¹⁴
- (5) The approved source of reclaimed pavement borrow material shall be processed by mechanical means. The equipment for producing crushed material shall be of adequate size and with sufficient adjustments to produce the desired materials. The processed material shall be stockpiled in such a manner as to minimize segregation of particle sizes. All reclaimed pavement borrow material shall come from approved stockpiles.
- (6) The composite gradation and moisture content shall be controlled to ensure a uniform product delivered to the job site.

I. Pavement.

- (1) The prepared base shall be paved in two courses of Type 1 bituminous concrete (Figure 3). The binder course shall meet the requirements of Table 1. The bituminous concrete aggregate gradation shall be as given in Table 4. All road pavement shall be crowned in order to maintain a cross slope of 1/4 inch per foot to 3/8 inch per foot.¹⁵
- (2) No bituminous work shall be done during rainy weather, upon any surface where water is ponding, when the temperature is lower than 34° and rising, or when frost is in the ground.

J. Berms (Figure 8).¹⁶ Machined berms, where required, shall be placed along both edges of all roads. The berms shall be 18 inches wide with a three-inch minimum pitch. The berms shall be Type 1 bituminous concrete.

K. Side slopes (Figure 8). Side slopes, where necessary, shall be no steeper than three horizontal on one vertical. In areas where fill has been placed to acquire the needed elevation and the vertical fill distance is six feet or greater, guardrails shall be placed. Rails and posts shall be of a design approved by the Town Engineer and/or Director of Division of Highways and Maintenance.

L. Topsoiling and hydroseeding (Figure 8).

- (1) All areas which are disturbed by the construction shall be graded to blend into undisturbed areas and shall be loamed to a depth of four inches, fertilized, and hydroseeded. Loam obtained from the

14.Editor's Note: Table 3 is included at the end of this chapter.

15.Editor's Note: Tables 1 and 4 and Figure 3 are included at the end of this chapter.

16.Editor's Note: Figure 8 is included at the end of this chapter.

stripping operations may be used and/or loam may be furnished from off site by the contractor. All areas shall be given an application of lime (dolomitic limestone) and commercial fertilizer of an 8-6-4 mixture. The rate of application of lime shall be 45 pounds per 1,000 square feet and the rate of fertilizer application shall be 20 pounds per 1,000 square feet.

- (2) The following hydroseed mixture will be required:

38.8%	Rebel II Tall Fescue
38.3%	Tribute Tall Fescue
9.7%	Cowboy Perennial Rye Grass
9.5%	Baron Kentucky Bluegrass
3.2%	Other (weed, inert, crop grass, etc.)

- (3) The applicant shall be responsible for maintaining the (hydroseeded) areas until growth is established.

M. Sidewalks.

- (1) Sidewalk requirement (Figure 2).¹⁷ Sidewalks (Figure 9) of not less than four feet in width shall be constructed on one side of the roadway, or both sides of the roadway when required by the Planning Board. The maximum grade for a sidewalk in a new subdivision will be 5%. This number reflects the current Americans with Disabilities Act (ADA) requirement for walks. Any steeper grade would be considered in the same category with handicapped ramps and would, therefore, require handrails and grades of restricted length.
- (2) Subgrade (Figure 9). All materials shall be removed for the full width of the sidewalk to subgrade 8 1/2 inches below finished grade. All soft spots and other undesirable material below subgrade shall be replaced with gravel or other good binding material and rolled. This excavated area shall then be filled with six inches of a good quality stone dust, gravel, processed stone, or reclaimed asphalt and rolled with a pitch of 3/16 inch per foot toward the gutter/roadway.
- (3) Surface (Figure 9). One of the following methods may be used: forms shall be set to grade, filled with asphalt concrete and rolled to a thickness of 1 1/2 inches. A second course of 1 1/2 inches is then to be placed over the first one, in the same manner. Alternatively, other material may be used for the sidewalk surface, if approved by the Planning Board. In this case, specifications of the Massachusetts Department of Public Works shall be complied with.

17. Editor's Note: Figures 2 and 9 are included at the end of this chapter.

- (4) Typical driveway/roadway intersection (Figure 9) The intersection of a sidewalk with a driveway or a roadway shall be constructed in accordance with the specifications detailed in Figure 9. At any point where a sidewalk meets a driveway or a roadway, the sidewalk shall remain at its pitch of 3/16 inch per foot toward the gutter/roadway.
- (5) Typical sidewalk retaining wall (Figure 9). If found to be necessary due to the steepness of side slopes within the layout of a new subdivision road, retaining walls shall be constructed along sidewalks in accordance with the specifications detailed in Figure 9. The height of the retaining wall may vary according to the finished grade of the side slopes. Six-inch by six-inch pressure-treated timbers with one-half-inch thick steel rods at four foot on center shall be installed at a depth of two feet. Lateral tiebacks with a one-inch steel rod and concrete anchor shall be installed when a retaining wall exceeds two feet in height. Filter fabric shall be placed between the pressure-treated timbers and the side slope. The disturbed area of the side slope shall be backfilled with excavated material and loamed and hydroseeded in accordance with Subsection L, Topsoiling and hydroseeding (Figure 8), above.
- (6) Maintenance of subdivision sidewalks during construction of structures and driveways.
 - (a) Where a sidewalk exists along a roadway in the Town of Harwich, the condition and grade of the sidewalk shall not be disturbed when a structure and its driveway are under construction. When a driveway opening permit is applied for from the Division of Highways and Maintenance, each property owner shall provide a plan of the property, proposed driveway curb cut, and any existing subdivision sidewalks which may exist within the subdivision road layout. The Division of Highways and Maintenance will note the existence of a sidewalk on the permit and/or sign-off sheet that is submitted to the Building Department and will inform the applicant that the condition and grade of the sidewalk are to remain undisturbed throughout the building process of the structure.
 - (b) At the final inspection stage of the building process, the local building official will note the condition of the existing sidewalk. If the sidewalk is found to be altered or inadequate in anyway, the local building official will notify the property owner of the sidewalk's condition. The property owner will be responsible for repairing any damage to the sidewalk and ensuring that it will be restored to its former condition.
- (7) Waiver of sidewalk construction. The Planning Board may grant a waiver of sidewalk construction at the applicant's request, contingent on a finding that the location of the subdivision or the rural nature of the subdivision would not benefit from the

construction of a sidewalk as part of the subdivision. If a waiver of sidewalk construction is granted, the applicant will pay, in lieu of performance, an amount equivalent to the cost of constructing the waived sidewalk to the Town of Harwich to be used for sidewalk construction. The amount of the payment will be calculated by the Town Engineer and provided to the Planning Board and the applicant before the waiver request is considered.

N. Granite or concrete bounds.

- (1) Granite or concrete bounds shall be placed at all intersections of roadway lines, angle points, and where there is a change in the direction of curvature or at center line of road.
- (2) Granite or concrete bounds shall be no less than 2 1/2 feet in length and a minimum of four inches square and shall be set as shown on the approved drawings with a three-eighths-inch drill hole or steel rod or brass cap set into the top to indicate the point. All concrete bounds are required to have a No. 4 reinforcement bar. The top of the granite or concrete bound when placed in a way shall be set flush with or to finish grade. All monuments must be properly placed, backfilled, and tamped with a good binding gravel or stone dust.

O. Lot corners. At all lot corners where a granite or concrete bound is not required under Subsection N above concrete bounds shall be set.

P. Roadway name signs. Roadway name signs, of a type, lettering, and material approved by the Planning Board and the Director of the Division of Highways and Maintenance, shall be placed at all intersections. Signs may be ordered from the Harwich Division of Highways and Maintenance. Signs shall be installed prior to the issuance of any certificate of occupancy for any structure within the subdivision.

Q. Cleaning up. The entire area of the subdivision shall be cleaned up to leave, in the opinion of the Board, a neat and orderly appearance, free from debris and other objectionable materials. All catch basins shall be cleaned out.

R. Roadway maintenance. If released from restrictions with regard to sale of lots or buildings on lots by the posting of a performance bond or other security, the applicant shall maintain the roadway for vehicular traffic in a manner satisfactory to the Board. Further, the applicant shall maintain the roadway in a subdivision in a condition that meets all the above requirements to the satisfaction of the Board either until acceptance of the way by a vote of the Town or for a period of one year from the date of release.

§ 400-15. Inspections during construction.

A. General provisions.

(1) Responsibility.

- (a) All subdivision and road construction work performed in connection with these rules and regulations shall be subject to the review of the Planning Board, which shall approve or reject each phase or portion of such work and at completion shall recommend the acceptance of all work or disapproval of the work with reasons therefor. The Town Engineer, or a representative of the Engineering Department, will act as the Planning Board's agent in the inspection of the work to ensure compliance with these rules and regulations and will report to the Board with recommendations as to approval or disapproval of the work.
 - (b) The applicant will engage the services of a professional engineer throughout both the design and construction phases of the work who will act as agent with the Town Engineer. The Town Engineer shall make certain inspections as prescribed herein prior to such work being covered by subsequent work. However, the Board and the Town Engineer shall have the right to inspect the work at any time. Therefore, the applicant shall at any time provide safe and convenient access to all parts of the work for inspection by the Board or its authorized agents.
- (2) Compliance. All work that has been disapproved or is not acceptable to the Board shall be removed and replaced or otherwise corrected to the point of complying with the requirements of the Board for acceptance. Any work that has been covered by subsequent work prior to acceptance or is otherwise not available or obscured to the point of rendering inspection of the work difficult shall be considered not acceptable to the Board. Such subsequent work shall be removed as directed by the Town Engineer to ensure availability of the work to be inspected as required in this section. The release of the performance guarantee shall depend upon the acceptance of all work prescribed herein and on the definitive plan and as directed by the Board.

(3) Inspection by the Town Engineer.

- (a) At points indicated in § 400-14 and as further described in this section hereinafter, the Town Engineer or a representative of the Engineering Department will inspect the construction of the required improvements. Unless approval of the work completed, including approval of the materials used, to each point of construction has been given in writing, no further work shall be commenced. Such inspections may include the taking of certain samples for laboratory analysis or testing. In such cases, the applicant shall ensure that the Town Engineer is in no way hindered or obstructed in the course of obtaining such samples. Where such samples are removed from the completed work, the applicant shall replace and restore such

work, to the satisfaction of the Town Engineer, to its condition prior to the taking of the sample.

- (b) The Town Engineer may require certified copies of delivery receipt or bills of lading or other certification as to the description of materials used or incorporated in the work. The Town Engineer may also require a sample of any materials or supplies which may be incorporated in the work; such samples shall be furnished at the expense of the applicant, and the applicant shall pay for all costs and fees incurred by the Board as a result of transporting and testing such materials.

B. Notification to the applicant's engineer.

- (1) Applicant's procedure. After the approval of the definitive plan, the applicant shall notify the Board as to the engineer who will act as his agent and keep the Town Engineer fully informed as to the status and progress of the work and shall notify the Town Engineer directly in writing, at least 48 hours in advance, that work has progressed to a stage that an inspection is required. Where applicable the applicant shall also submit testing results.
- (2) Town Engineer procedure. In the event that the Town Engineer makes an inspection of the work at the time designated and finds that such work is not at the proper state of completion or that the work has been covered or otherwise obscured, the Town Engineer shall notify the applicant and the Board as to the additional steps the applicant shall take to complete the work to the point required or to the extent the work shall be uncovered or exposed to full view. The applicant shall notify the Town Engineer again when the work is ready as prescribed in Subsection B(1) above.
- (3) Liability. The applicant shall pay for all costs and fees incurred by the Board as a result of requests by the applicant for inspection of the work that, in the opinion of the Board, was not at an acceptable stage of completion for such inspection.

C. Lines and grades.

- (1) Deviation from plan and profile. The applicant's engineer will advise the Board at any time during the construction if, in the Engineer's opinion, the work has not been laid out to the lines and grades as shown on the plan and profile associated with the approved definitive plan. In such cases, the applicant will proceed as described in § 400-14B.
- (2) Responsibility. Any costs that occur as a result of deviating from the definitive plan during the construction phase of the subdivision are the responsibility of the applicant in addition to any fees required.

D. Inspection of required improvements. The following inspections of the required improvements will be made by the Town Engineer. (Form B-5,

Subdivision Road Construction Inspection Form, shall be used during each inspection.) These inspections may be in addition to any other inspection the Board may make or cause to be made. All sampling and testing of materials shall be performed by qualified personnel acceptable to the Town and shall be at the applicant's expense. At the discretion of the Town Engineer or the applicant's engineer, additional sampling may be required.

- (1) First inspection. An inspection will be made of the work upon completion of all clearing, grubbing, and excavation and all work incidental thereto as may be required in § 400-14C. No fill shall have been placed at the time of this inspection.
- (2) Second inspection. An inspection will be made of the completed drainage system (without backfill) as required herein or on the definitive plan.
 - (a) At the same time, or such other time as the work may be available, an inspection will be made of the completed utilities (without backfill) as required on the definitive plan. The inspection of the required utilities will be made by the agency responsible for the particular service as well as by the applicant's engineer. The Town Engineer shall also be notified so that he or she may inspect the utilities prior to backfill. Each agency so involved will notify the Town Engineer of the approval of such work.
 - (b) Backfill of any portion of the drainage system or utilities shall not be made until after receipt of notification of approval or acceptance by the Town Engineer or agency responsible.
 - (c) The inspection of the construction of the ways shall include the inspection of the backfilling and compaction of all utility trenches as may be installed by utility companies, and such work shall be performed in the manner as required by these rules and regulations. It shall be the applicant's responsibility to ensure compliance with these requirements. If, in the opinion of the Planning Board, the backfilling and compaction of utility trenches and the patching of the pavement, if required, have not been performed in accordance with these rules and regulations, the Planning Board may not release the bond or covenant applicable until such work has been performed to the satisfaction of the Planning Board.
- (3) Third inspection. An inspection will be made of the compacted fill as specified in § 400-14G and as may be required to bring the roadways to their proposed grades. The applicant shall notify the Town and the Town Engineer as to the source of gravel for fill, as soon as such information is known, so that samples may be taken and analyzed by the Town and the Town Engineer. The applicant is hereby advised not to proceed with the filling operation until the

Town and the Town Engineer notify the applicant that the gravel proposed for the fill is acceptable. If the applicant proceeds with the fill prior to such notice this act shall be at the applicant's own risk. The applicant shall not use a gravel source other than the one designated without prior notice to the Board and the Town Engineer. The applicant's engineer or the Town Engineer may also require compaction tests.

- (4) Fourth inspection. An inspection will be made of the first layer of compacted roadway foundation (stone dust, gravel, processed stone, or reclaimed asphalt) as specified in § 400-14H. A gravel sample or samples may be taken, at the option of the Town Engineer, in the same manner as prescribed for the third inspection. Compaction tests may also be required by the applicant's engineer or the Town Engineer.
- (5) Fifth inspection. An inspection will be made of the final layer of compacted roadway foundation (processed stone) prior to the application of the concrete penetration as specified in § 400-14H, and a gravel sample may be taken by the Town Engineer. Compaction tests may also be required by the applicant's engineer or the Town Engineer.
- (6) Sixth inspection. An inspection of the binder course (bituminous concrete) will be made during placement and following completion. If required, samples of the mix shall be taken by the applicant's engineer or the Town Engineer for the purposes of performing extraction tests, compaction tests, or pavement thickness tests. Core drill samples may be required at the applicant's expense. Certified paving slips indicating bituminous concrete quantities shall be submitted to the applicant's engineer, who will tabulate the quantities, check the correlation with the anticipated quantities, and then forward the slips and a report to the Town Engineer.
- (7) Seventh inspection. An inspection of the finish course (bituminous concrete) before, during, and following the placement of the mix shall be performed. A tack coat shall be applied to the binder course of mix prior to placement of the top coat where required by the applicant's engineer or the Town Engineer. The requirements regarding sampling, testing, and quantity slips indicated in Subsection D(6) above for the binder course shall also apply to the top course.
- (8) Eighth inspection. An inspection will be made of all work as required on sidewalks, berms, topsoil, hydroseeding, open space, side slopes, monuments, bounds, and roadway signs.
- (9) Ninth inspection. A final inspection will be made of all subsequent work as required herein or on the definitive plan, which shall include the final cleanup. An as-built plan shall be filed following this inspection.

E. Town Engineer's report.

- (1) The Town Engineer will submit a completed certified report to the Board for each way in a subdivision.
- (2) If the applicant submits a request for full or partial release from the covenant with the Town, the Planning Board may request a report from the Town Engineer prior to completion of the subdivision road(s).

ARTICLE III

Special Permits, Including Site Plans**§ 400-16. General requirements.**

- A. Applicability. A site plan special permit from the Planning Board is required for all activities outlined in § 325-55C of the Harwich Zoning Bylaw. This is in addition to any special permit or variance required under § 325-13 (Table of Use Regulations) of the Harwich Zoning Bylaw. The Planning Board may waive strict compliance with these Rules and Regulations Governing Site Plan Special Permits when, in its judgment, such action is in the public interest and not inconsistent with the intent or purposes of these rules and regulations or the Zoning Bylaw.
- B. Applications and plans. The following must be filed with the Town Clerk for application for a special permit, including a site plan special permit:
- (1) Complete application.
 - (a) A complete application shall include all items listed in Appendix 4¹⁸ respective to the nature of the special permit and any other requirements as specified in § 400-17.
 - (b) Failure to submit a complete application at the time of filing may be grounds for denial of the site plan special permit. Failure to submit the required site plan fee prior to the scheduled public hearing may also be grounds for denial. Failure to file a complete application with the Board may be grounds for denial by the Planning Board (MGL c. 40A, §§ 9 and 14).
 - (c) For uses that do not utilize a structure, the area of the parcel covered by land areas must be expressed separately for each parcel and for each zoning district affecting each parcel. These numbers must also be shown as a project total for each zoning district. Such use must be specified.
 - (d) Plans for redevelopment of a site or modification of an approved site plan must show all land on the subject parcel and any other parcels relating to the subject use, including all structures, parking areas, other appurtenant facilities, and open space (undeveloped natural areas and landscaped areas). Failure to show all property pertaining to the subject use(s) may result in incomplete notification to all parties in interest, which may invalidate any approval obtained.
 - (2) Traffic study.
 - (a) The Board may also require the applicant to submit professionally prepared documentation of the environmental,

18. Editor's Note: Appendix 4 is included at the end of this chapter.

traffic, or other impacts of a particular project (use) or project element in order to determine compliance with the general conditions for granting a special permit.

- (b) If the Board requires a traffic study for the proposed use/project, the applicant shall document the traffic levels expected for average daily traffic and a.m. and p.m. peak hours. This data shall be presented for summer and nonsummer periods.
- (3) Landscaping. See Table 7.¹⁹
 - (a) When required, details of the proposed landscaping plan shall include all proposed landscaping, including species names, quantities, location, and size upon planting. Evergreen species shall be specifically identified as such when used for screening.
 - (b) The plan must also show with appropriate graphic symbols the specific areas of landscaping which are counted as interior landscaping. A dotted line shall be used to delineate the area used for total parking lot area for the purpose of interior landscaping computation, which should include parking spaces, the maneuvering area for a single space or row of spaces, the maneuvering area between two rows of spaces, all loading areas, and the landscape islands. Areas to be excluded from total parking area computations and interior landscape area totals are driveway areas where there are no adjacent parking spaces and areas beyond the perimeter of the parking area, such as building yard areas, required parking setback areas and non-island or non-peninsula landscape areas along the perimeter of the parking area.
- (4) Utilities: water.
 - (a) Location of existing waterlines, if any, and the location of any existing hydrants within the site or within the layout of any way adjacent to the site, if any shall be marked on the plan.
 - (b) The location of proposed waterlines and hydrants is to be determined pursuant to the requirements of the Board of Water Commissioners and shall be shown on the site plan.
- (5) Revised site plans. A revised site plan is defined as any plan showing a change in a filed site plan that is awaiting Board action. For the purpose of this section, any plan showing a change in a site plan which has received action by the Board to approve or deny will be subject to all of the requirements for an initial site plan special permit application. When a filed site plan is to be revised, six copies of the revised site plan, which must show the latest revision date, must be submitted to the Town Clerk's office no later than 10 days

19.Editor's Note: Table 7 is included at the end of this chapter.

prior to the next scheduled discussion of the application by the Board.

§ 400-17. Additional requirements.

A. Accessory apartment or two-family dwelling.

- (1) In addition to the general requirements, the following must be filed with the Town Clerk for application for an accessory apartment special permit:
 - (a) Two copies of a signed and notarized affidavit by the owner stating that he or she will live in one of the units on a year-round basis. In the case of a not-for-profit housing entity proof of ownership must be filed.
 - (b) Two copies of the required covenant for parcels in a Water Resource Protection District.
 - (c) Accurately drawn and scaled floor plans of both the existing structure and the proposed apartment, showing floor area by room and the common wall between the two units.
 - (d) Building elevation drawings showing all existing and proposed entrances to the main dwelling and the accessory apartment.
- (2) Parking spaces must have direct access to a roadway and may not be lined up one behind the other.

B. Drinking Water Resource Protection District.

- (1) In addition to the general requirements, the following must be filed with the Town Clerk for application for a special permit in the Drinking Water Resource Protection District:
 - (a) A plan showing the location of all buildings, impervious surfaces, subsurface disposal systems and boundaries of the district where applicable.
 - (b) A drainage plan for the property showing the method to be used for disposing of all runoff from impervious surfaces. If dry wells are to be used, evidence must be presented to show that other methods of disposal are undesirable.
 - (c) A complete list of the type and quantities of all chemicals, pesticides, fuels and other potentially hazardous or toxic materials to be stored, used, or disposed of on site.
 - (d) A description of how and where the hazardous materials will be stored, accompanied by a description of the provisions which will be employed to protect all said materials from vandalism, corrosion, leakage, and spills. The description should include

control measures and the degree of threat to the groundwater quality should controls fail.

- (e) A description of potentially toxic or hazardous waste or waste by-products to be generated, indicating storage and/or disposal methods to be used.
 - (f) Nitrogen loading calculation of wastewater to be disposed of on site.
- (2) For any project where runoff other than typical runoff from parking lots or driveways may occur and/or subsurface disposal of materials other than typical septage waste may occur, the following additional information shall be supplied:
- (a) Data developed from test borings and test holes or wells to adequately indicate the elevation (mean sea level datum) of the groundwater on site and the nature and composition of the soil.
 - (b) A projection of groundwater flow conditions on site, including a description of down-gradient water resources and an evaluation of the impact of disposal of accidental spills on such resources.
 - (c) A description of mitigating measures which the applicant plans to implement to eliminate the potential for groundwater contamination and any backup measure should said measure fail.
- (3) The Planning Board shall make findings with the guidance of the Board of Health and/or Health Department consistent with the requirements of § 325-51C of the Harwich Zoning Bylaw.

§ 400-18. Review procedure.

- A. Public hearing. Following the submittal of a completed application and plans, the planning staff will schedule a public hearing before the Planning Board consistent with the requirements of MGL c. 40A, § 9, which requires public notice of the time and place of the public hearing and of the subject matter, sufficient for identification, as follows:
- (1) The Board shall give notice by advertisement in a newspaper of general circulation in the Town of Harwich, once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing;
 - (2) The Board shall give notice by posting such notice in a conspicuous place in the Town Hall for a period of not less than 14 days before the day of such hearing; and
 - (3) The applicant shall give notice by mailing a copy of such advertisement via certified mail, return receipt, to property owners within 300 feet abutting the subject property, which may also

include abutters to abutters, and properties across the roadway from the subject property. The advertisement and list of abutters, to include names and addresses of abutters certified by the Harwich Board of Assessors, will be supplied to the applicant by the Planning Department. Said notice shall be mailed out no less than 10 days prior to the scheduled public hearing. A copy of the certified mail receipts must be filed with the Planning Office and the original returned "green cards" shall be submitted as well. **[Amended 5-11-2010]**

- B. Planning Board action. In accordance with MGL c. 40A, the Board shall hold the public hearing within 65 days of the filing with the Town Clerk. Following the closing of the hearing, the Planning Board shall have 90 days to render a decision and file it with the Town Clerk. Once the decision is rendered, the Board shall have 14 days to file said decision with the Town Clerk, but within 90 days from the closing of the hearing. The Planning Board may approve, approve with conditions or modifications, or disapprove said plan as provided by MGL c. 40A by a two-thirds vote. Said decision shall state specifically the reasons for such action. A copy of the decision shall be forwarded to the applicant and/or the representative.
- C. Effective date. No special permit shall be effective until the appeal period has passed and a copy certified by the Town Clerk is recorded together with any covenant made in connection with said special permit at the Registry of Deeds in Barnstable County. The site shall not be occupied or used until a certificate of completion has been issued by the Planning Board.
- D. Appeal period and certificate of approval. Following the filing of the decision with the Town Clerk there shall be a twenty-day appeal period. Provided the application is approved or approved with conditions or modifications and following the expiration of the appeal period the applicant or the representative may request from the Town Clerk a certification that no appeal was taken in this matter.
- E. Covenants and agreements. In any case where the Board, pursuant to the authority conferred on it by the Zoning Bylaw, has voted to grant a density bonus to an applicant, the Board shall require, prior to the issuance of a special permit, that the applicant execute a covenant in such form as the Board deems appropriate wherein the applicant agrees to construct the amenities for which the density bonus has been granted according to a specific timetable with such security guaranteeing said construction as the Board and the applicant may agree is appropriate. As a condition to the grant of a special permit, the Board may require that, when constructed, said amenities will be conveyed by the applicant or other person developing the project to any of the individuals, groups, or corporations designated by the Town of Harwich Zoning Bylaw or by MGL c. 40A, § 9. **[Amended 5-11-2010]**

- F. Recording of the special permit decision. Upon filing the special permit decision with the Town Clerk, the Board shall send a copy of the decision to the applicant notifying the applicant that the decision has been filed with the Harwich Town Clerk and an appeal, if any, from the Board's decision must be filed with the Superior Court or a District Court of Barnstable County or the Massachusetts Land Court within 20 days. After the twenty-day appeal period has expired, the applicant shall present the decision to the Town Clerk for certification that no appeal has been taken. Once this certification is received, the decision must be recorded at the Barnstable County Registry of Deeds. After recording the decision, the applicant shall return copies of the decision, stamped at the Registry, to the Board and the Town Clerk.
- G. Inspection, certificate of completion and as-built plan. The site shall not be occupied or used until one of the following has been complied with:
- (1) The applicant shall notify the Planning Department/Planning Board when all required site work has been completed. The Board shall obtain in writing from the Planning Department, or other designated Planning Board agent, a certification that all work required by the rules and regulations and the approved site plan special permit (with conditions, if any) has been inspected by it or him or her and completed to the satisfaction of all Town agencies involved in the site plan process. In addition, an as-built plan, certified by a professional land surveyor or registered engineer, shall be submitted to the Planning Department/Planning Board. The as-built plan shall attest to the development's conformity with the approved site plan by indicating landscaping, buildings, structures, signs, drainage and all other site improvements. Until the certification and as-built are approved, the site shall not be occupied or used.
 - (2) In the alternative, the applicant may submit a cost estimate to cover the remaining site work to be performed and the cost to prepare and submit an as-built plan. The Town Engineer shall review said estimate and shall submit a report to the Planning Board indicating the accuracy of the estimate and stating any recommendations or discrepancies. The Planning Board shall review the estimate and the Town Engineer's report and set the amount for a cash bond or passbook account. An incentive factor of 150% shall be calculated in to the final amount. The cash bond or passbook account shall be released or reduced by the Planning Board only after certification by the Planning Board that all of the required improvements or those improvements requested for release have been completed in conformance with the approved plan and all applicable conditions and regulations. There shall be no complete release until an as-built plan is submitted and accepted by the Planning Board.

§ 400-19. Other requests.

- A. Waiver from site plan requirement. Pursuant to § 325-55F of the Harwich Zoning Bylaw, the Planning Board may waive the requirement of the filing of a site plan. When, in the opinion of the Planning Board, the requirements of § 325-55C of the Harwich Zoning Bylaw do not substantially change the relationship of the structure to the site and to abutting properties and structures, the Planning Board may determine, without a public hearing, that submission of a site plan for special permit approval is not required.
- (1) Application requirements. The following must be filed with the Town Clerk for application for a waiver from site plan special permit requirements:
- (a) All items as listed in Appendix 4.²⁰
 - (b) A clearly drawn plan to scale shall be prepared showing the proposed changes and/or additions to the site. If an approved site plan special permit exists the same plan shall be utilized showing the proposed changes and/or additions to the site.
 - (c) Site plan information may be superimposed on a valid survey plan or a valid existing site plan, provided that the following notation is included on the site plan: "[This site plan was prepared by (name of preparer) using a (plan of land/site plan) titled "_____, dated _____ and last revised on _____, scale: _____, prepared by _____.]"
- (2) Planning Board action.
- (a) Following the submittal of a completed application and plan, the planning staff will schedule a public meeting before the Planning Board.
 - (b) A notice of said meeting shall be mailed to the abutters no less than 10 days prior to the scheduled meeting.
 - (c) Failure to submit a complete application at the time of filing may be grounds for denial of the site plan special permit. Failure to submit the required site plan fee prior to the scheduled public hearing may also be grounds for denial.
- B. Repetitive petition. Section 16 of MGL c. 40A provides for a repetitive petition process before the Planning Board. The Planning Board has the ability to refer cases back to the permit or special permit granting authority within two years of an unfavorable action by said authority.
- (1) Application requirements. In addition to items listed in Appendix 4, the following must be filed with the Town Clerk for application for a special permit:

- (a) Original plan presented to the special permit granting authority or the permit granting authority which denied the original request.
 - (b) A revised plan showing, if applicable, showing the changes and/or differences from the original plan.
- (2) Planning Board action. In order for the Planning Board to give its consent for a case to return to said authority, the Board must make a finding, with a vote of all but one member of the Planning Board, that there are specific and material changes in the conditions upon which the previous unfavorable action was based. Notice of the consent proceedings shall be given to parties in interest of the time and place of such proceedings.

§ 400-20. Earth removal and sand and gravel mining in Six Ponds Special District. [Amended 5-11-2010]

Earth removal and sand and gravel mining within the Six Ponds Special District require an operations permit in accordance with § 325-102 of the Zoning Bylaw

ARTICLE V, Use Regulation, §325.13.A, Paragraph I, Residential Uses,

Table 1, Use Regulations

Use	RR	RL	RM	RH-1	RH-2	RH-3	CV	CH-1	CH-2	IL	MRL	MRL-1	WR
Paragraph IV – Residential Uses													
10 Single-family dwelling with accessory apartment (§325-14.T)	P	P	P	P	-	-	P	P	-	-	P	P	P

ARTICLE V, Use Regulation, §325-14.T, Single-family dwelling with accessory apartment:

T. Single-family dwelling with accessory apartment.

- (1) Purpose. The intent of permitting accessory apartments is to:
 - a. Increase the number of small dwelling units available for rent in Town;
 - b. Increase the range of choice of housing accommodations;
 - c. Encourage greater diversity of population with particular attention to young adults and senior citizens; and
 - d. Encourage a more economic and energy-efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods.
- (2) Definitions. **OWNER** One or more individuals holding title to the property.
- (3) Criteria. An accessory apartment is allowable within a single-family dwelling, either attached or detached, provided that the following criteria have been satisfied:
 - a. Only one accessory apartment is permitted for each principal dwelling unit.
 - b. The accessory apartment may not be held in separate ownership from the principal use.
 - c. Only one of the principal dwelling or accessory apartment may be rented at any given time and, if rented, shall be rented for a term of no less than six (6) consecutive months.
 - d. The accessory apartment shall have a net floor area not exceeding 1/2 of the net floor area of the principal dwelling unit and not more than 900 square feet.
 - e. The accessory apartment shall have not more than two bedrooms.
 - f. At least one off-street parking space shall be provided for the accessory apartment.
 - g. The minimum lot area required for a parcel to allow an accessory apartment shall not be less than 15,000 square feet if the parcel is situated in a RH-1, CV, CH-1, MRL or MRL-1 District; 20,000 square feet if situated in a RL, RM or RR District; and 40,000 square feet if situated in a Water Resource (WR) Overlay District. For parcels existing within an approved Open Space Residential Development or Cluster Subdivision, the lots size shall be consistent with the endorsed plan.
 - h. The accessory apartment shall be designed so that, to the degree reasonably feasible, the appearance of the property remains that of a single-family property with matching materials, colors, window styles and roof design for one structure, if the apartment is attached, or for both structures, if the apartment is detached.

- i. The principal dwelling unit and accessory apartment shall meet all wastewater treatment requirements for the combined number of bedrooms.
- j. The proposed use shall not exceed the building or site coverage for the zoning district.
- k. If an addition is to be built for the proposed use, the addition shall be set back from front, side and rear lot lines the distance required in the zoning district for new construction.

The Building Commissioner shall determine compliance with said criteria following receipt of the application for a building permit for a change of use and/or for construction of the said accessory apartment.

(4) A determination that the owner has failed to comply with these forgoing criteria shall be evidence that the rights and benefits conferred hereunder are null and void and the elements that make the accessory apartment a separate dwelling unit shall be removed from the property within 90 days of said determination, with the owner to comply with all requirements of the State Building Code and Town Zoning in removing elements determined to be unpermitted.

§325-2 Definitions

BUILDING/STRUCTURE HEIGHT

- A. The height of a building or structure shall be calculated by averaging the distance between the lowest pre-existing grade point at the base of the building/structure and the top of said structure, and the distance between the highest pre-existing grade point at the base of the structure and the top of said structure. A structure shall include such elements as a rooftop deck, fence, railing, widow's walk, or other rooftop structure, parapet, or other attached structure. A cupola not larger than four feet in width and chimneys shall be exempt from the above requirements if they do not extend more than four feet in height above the roof. For developed lots, pre-existing grade shall be determined by calculating the average of existing high and low grade points at the base of the existing/original building or structure and top of said structure, where the highest point is at a minimum of eight inches below the top of foundation.
- B. For a building or structure located within an area of special flood hazard, refer to §325-108;

§325-108 Special Provisions for Lifting Existing Structures to New and Appropriate Elevations

(1) Notwithstanding the provisions of any other provision of the Harwich Zoning By-law to the contrary, except as otherwise provided pursuant to paragraph (3) of this subsection, a person shall be allowed to lift an existing structure located in an Area of Special Flood Hazard to a new and appropriate elevation, or constructing a staircase or other attendant structure necessitated by such raising without the need for Board of Appeals relief, provided, however, this exemption shall apply only to the minimum extent or degree necessary to allow the structure to meet the new and appropriate elevation with adequate means of ingress, egress and accommodation of typical basement facilities.

(2) Appurtenant to lifting an existing structure, the existing structure may be relocated elsewhere on the lot as long as said relocation does not create a new, or increase the intensity of a setback nonconformity.

(3) The exemption established pursuant to paragraph (1) of this subsection shall not be available to a person who has altered or is seeking to alter the original dimensions of a structure if, had the alteration not been made, the structure could have been raised to meet the new and appropriate elevation either without the exemption or with an exemption of lesser degree than is needed with the alteration.

§325-108.1 - Definitions.

The definitions contained herein pertain only to this article of the bylaw.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

ATTENDANT STRUCTURE

Means an area to accommodate utilities, laundry facilities or mechanicals which are otherwise typically located within a basement area.

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year.

COASTAL HIGH-HAZARD AREA

The area subject to high-velocity waters, including but not limited to hurricane wave wash.

The area is designated on a FIRM as Zone V1-30, VE, VO or V.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT

Floodplain District.

EXISTING STRUCTURE

Means any commercial or municipal structure or residential dwelling that currently exists, or existed prior to the catastrophic event, at the time a request is made to elevate.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY

An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of flood-related erosion hazards.

HIGHEST APPLICABLE FLOOD ELEVATION STANDARD

Means the one-percent (1%) FEMA base flood elevation plus up to an additional three (3) feet.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of state and local regulations.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

Administered by the Federal Emergency Management Agency (FEMA)

NEW AND APPROPRIATE ELEVATION

Means any elevation to which a structure is raised, or is to be raised, that is equal to or higher than the applicable FEMA base flood elevation, provided, however, in no case shall the new and appropriate elevation exceed the highest applicable flood elevation standard.

NEW CONSTRUCTION

For floodplain management purposes, structures for which the start of construction commenced on or after the effective date of October 6, 1976. For the purpose of determining

FORM 2 – Submission #3 – Article 26

insurance rates, "new construction" means structures for which the start of construction commenced on or after the effective of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD

See "base flood."

SPECIAL FLOOD HAZARD AREA

An area having special flood and/or flood-related erosion hazards and shown on a FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, or VE.

STRUCTURE

For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "Structure," for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed.

Form 2 – Submission #3 Final Version of Bylaw – Article 24

§325-2 - “**FREESTANDING PORTABLE SIGN**” – A single or double-faced, self-supporting sign made of wood, cardboard, plastic, metal or other lightweight and rigid material.

New §325-26.K:

K. Freestanding Portable Sign.

- (1) A sign permit from the Building Department shall be required;
- (2) The area of the sign shall be no more than six (6) square feet per side;
- (3) The sign height above the ground shall not exceed three (3) feet;
- (4) The sign width shall not exceed three (3) feet;
- (5) The sign shall be unlit, shall be inaudible, and shall have no moving parts (except any necessary hinge to fold and unfold said sign);
- (6) The sign shall be stable and have no external supports;
- (7) The sign area (one side only) shall count towards the total allowable sign area (in square feet) for the business, pursuant to §325-27
- (8) The sign shall indicate no more than the name of the business, a special event, hours of operation, sale of a product or service, and price;
- (9) Only one (1) freestanding portable sign per business may be located on a property; a business with street frontage on two (2) streets may have no more than one (1) such sign on each street front; however, if there are multiple businesses on a property, there shall be no more than one (1) such sign per business, regardless of the street frontage;
- (10) The sign may only be displayed up to two (2) hours before the business is open to the general public and during the time business is open to the general public; and
- (11) The sign shall also comply with the requirements of §325-26.D-G, above.

FORM 2 – Submission #3 –Article 25

§325-16

Table 2, Area Regulations
[Amended 5-7-2013 STM by Art. 12; 5-2-2016 ATM by Art. 47]

District	Use	Minimum Required				
		Lot Area (square feet)	Lot Frontage (contiguous feet)	Front ³ (feet)	Side ³ (feet)	Rear ³ (feet)
RR	Any permitted use	40,000	150	25	20	20
	Single-family dwellings in open space residential developments	5 contiguous acres with 30% of the applicable land to remain open space; lot area per unit 12,000	50 feet within interior of development ¹	25	20 ²	20 ²
	Shared elderly housing	40,000	150	25	20	20
RL	Single-family dwellings in open space residential developments	5 contiguous acres with 30% of the applicable land to remain open space; lot area per unit 12,000	50 feet within interior of development ¹	25	20 ²	20 ²
	Any other permitted use	40,000	150	25	20	20
RM	Single-family dwellings in open space residential developments	5 contiguous acres with 30% of the applicable land to remain open space; lot area per unit 12,000	50 feet within interior of development ¹	25	20 ²	20 ²
	Any other permitted use	40,000	150	25	20	20
RH-1	Any permitted use	40,000	150	25	20	20
RH-2	Multifamily	40,000 plus 7,500 for every dwelling unit	150	50	50	50
	Hotel and motel	40,000 plus 2,000 per rental unit	150	50	50	50
	Any other permitted use	40,000	150	25	20	20
RH-3	Multifamily	40,000 plus 4,500 per dwelling unit	150	25	20	20
	Hotel and motel	40,000 plus 3,000 per rental unit	150	25	20	20

FORM 2 – Submission #3 –Article 25

HARWICH CODE

District	Use	Minimum Required				
		Lot Area (square feet)	Lot Frontage (contiguous feet)	Front ³ (feet)	Side ³ (feet)	Rear ³ (feet)
	Any other permitted use	40,000	150	25	20	20
CV	Shared elderly housing	40,000	150	25	20	20
	Single-family dwelling	40,000	150	25	20	20
	Dwelling, single-family, with accessory apartment	40,000	150	25	20	20
	Any other permitted use	40,000	150	25	20	20
CH-1	Shared elderly housing	40,000	150	25	20	20
	Single-family dwelling	40,000	150	25	20	20
	Dwelling, single-family, with accessory apartment	40,000	150	25	20	20
	Two-family dwelling	40,000	150	25	20	20
	Adult entertainment	50,000	150	50	50	100
	Any other permitted use	20,000	100	25	10	10
CH-2	Any permitted use	50,000	150	50	25	25
	Adult entertainment	50,000	150	50	50	100
IL	Any permitted use	20,000	100	25	25	50
MRL	Multifamily residential	10 contiguous acres minimum, 25 contiguous acres maximum; maximum density 8 bedrooms per acre	150	50	50	50
	Any other permitted use	40,000	150	25	20	20
MRL-1	Multifamily residential	8 contiguous acres minimum; maximum density 4 bedrooms per acre, provided Planning Board may give a density bonus as elsewhere provided in this bylaw	150	50	50	50

FORM 2 – Submission #3 –Article 25

325 Attachment 2:2

01 - 01 - 2017

ZONING	Use	Minimum Required				
		Lot Area (square feet)	Lot Frontage (contiguous feet)	Front ³ (feet)	Side ³ (feet)	Rear ³ (feet)
	Single-family dwellings in open space residential developments	5 contiguous acres with 30% of the applicable land to remain open space; lot area per unit 12,000	50 feet within interior of the development ¹	25	20 ²	20 ²
	Any permitted use other than multifamily residential	40,000	150	25	20	20
WR	Dwelling, single-family, with accessory apartment	40,000	Same as underlying district			
	Any other permitted use	Same as underlying district				
PWS	Personal wireless service facility	90,000	75	150	150	150
		Note: These dimensional requirements may be reduced by the Planning Board in its approval of a special permit for a personal wireless service facility which is less than 150 feet in height in this district.				
	Any other permitted use	Same as underlying district				

NOTES:

¹ In an open space residential development, lots may have a minimum of 25 feet of frontage on any roadway within the development where the building site is generally behind another building site relative to the same road frontage or at least 75 feet from the front lot line.

² May be reduced pursuant to § 325-51E(4)(d).

³ May be reduced to 10 feet for Septic System pursuant to §325-18.R.

FORM 2 – Submission #3 –Article 25

West Harwich Nomination

DOCUMENTATION OF COMMUNITY
CONCERN

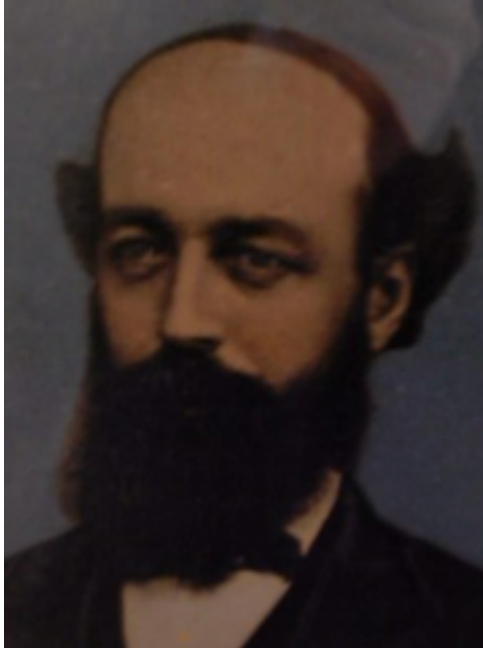
(e)



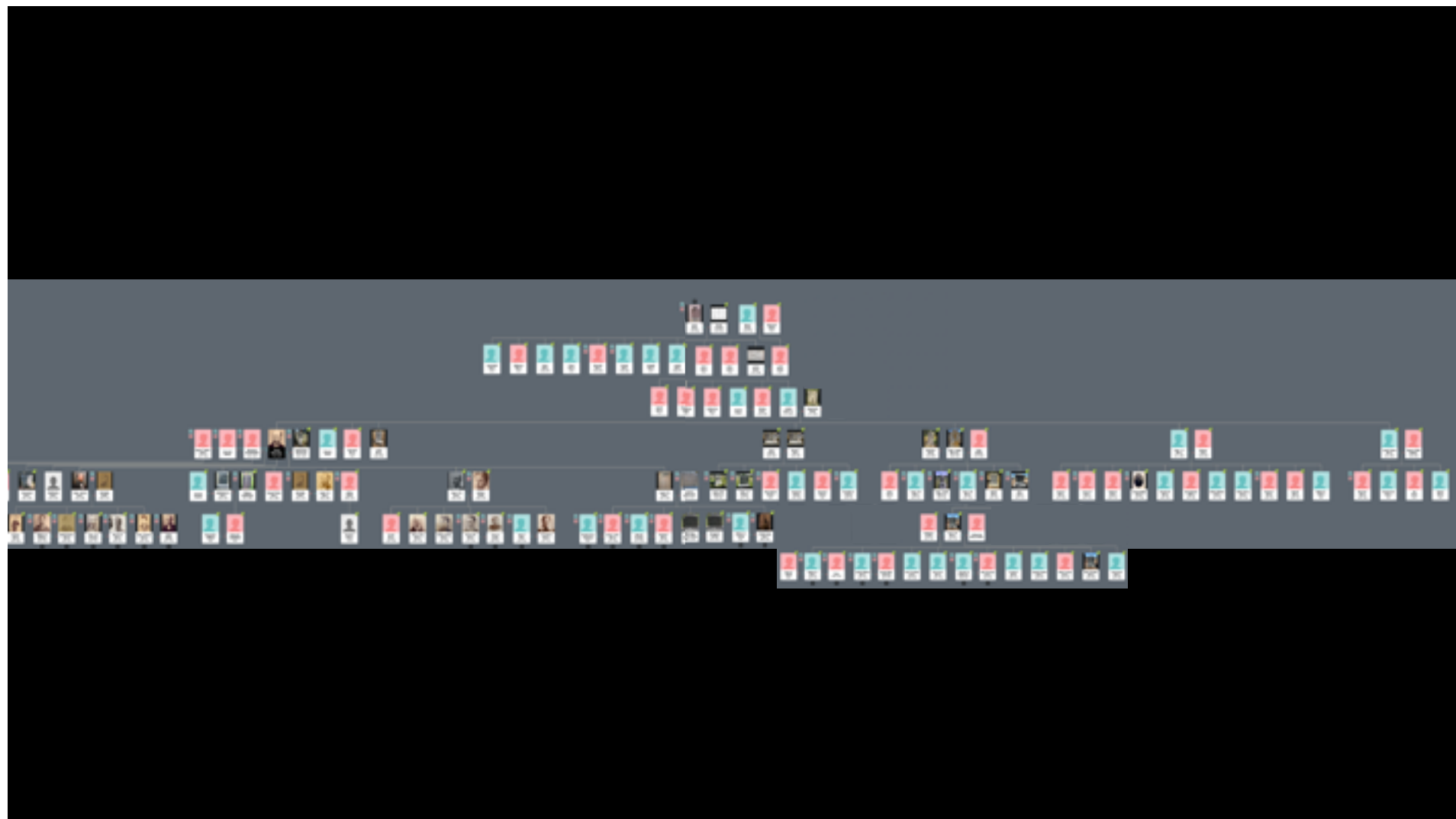
THE CAPTAINS *of* CAPTAINS' ROW

Ambition, Virtue, and Risk

J. Duncan Berry *for*
The Harwich Historical Society
21 July 2019

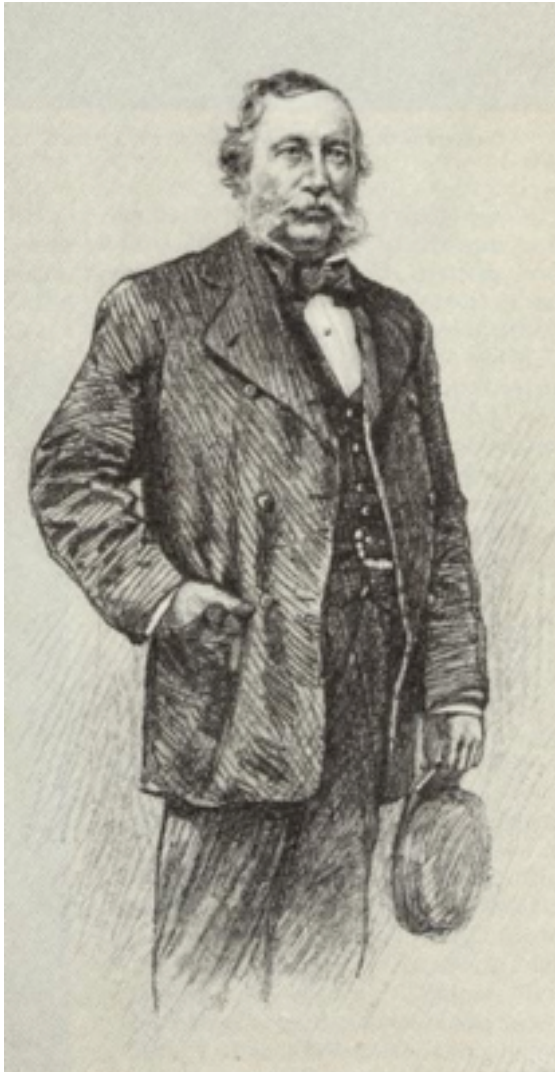








18 Sea Captains in the West Harwich branch of the Berry family descending from Isaac 4



“The first-class ship-master of years gone by, when American claimed supremacy on the seas, combined the sailor, sail-maker, rigger, carpenter, painter, and, in fact, cook, doctor, lawyer, clergyman, navigator, merchant, and banker. This education fitted him well to do anything except enter Wall Street profitably. Though no class of men understood human nature better, yet he was the most gullible and easiest swindled.”

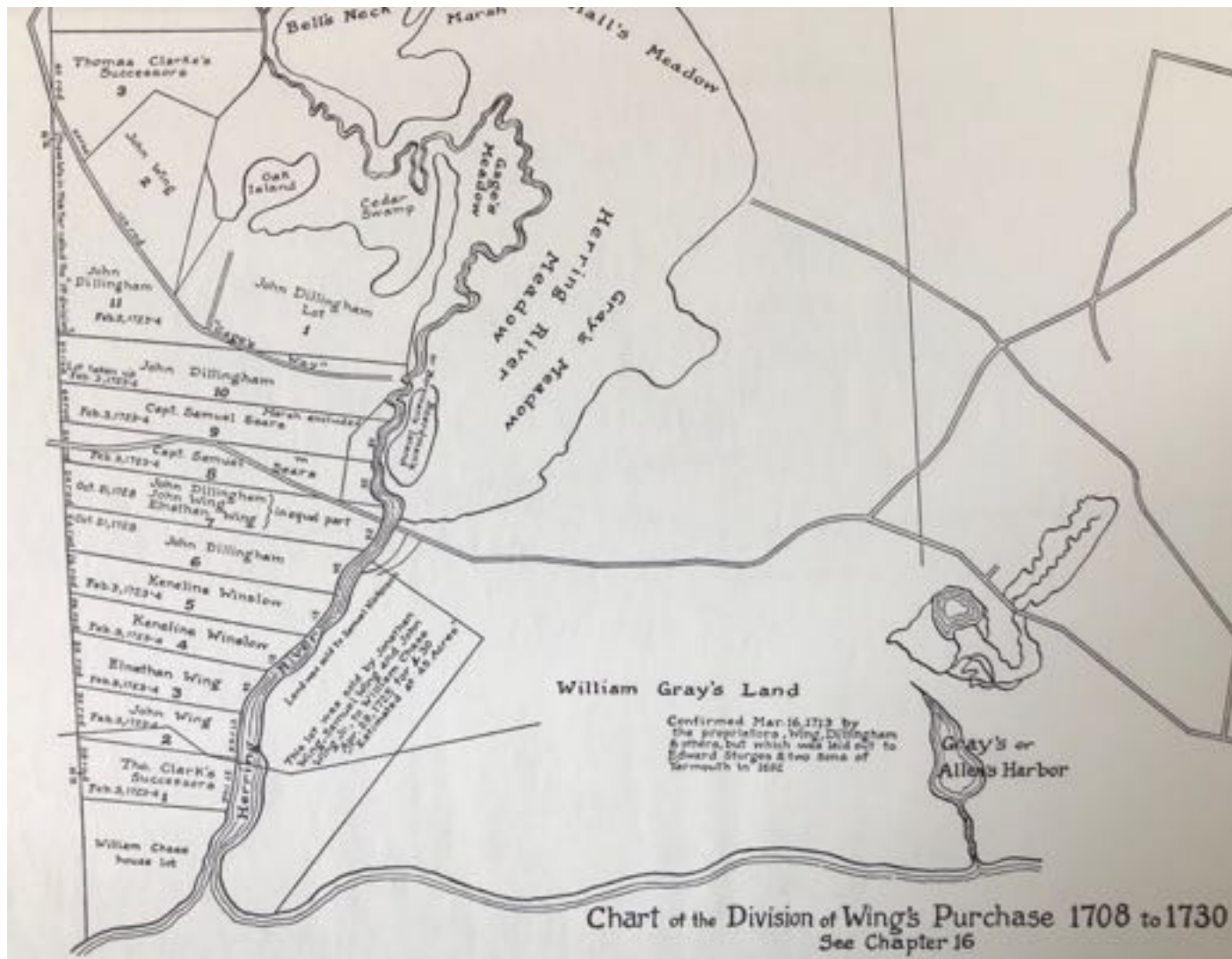
Capt. Samuel Samuels, *From the Forecastle to the Cabin* (1887), p. 237.

Topics *and* Characters

- 1) Quick Overview
 - Geography *and* Settlement
 - The Chase Family
- 2) Capt. Gustavus Vasa Crowell (1842-1927)
- 3) Capt. Judah Berry, Jr. (1834-1904)
- 4) Capt. Jeremiah Park (1849-1916)
- 5) Capt. Osmyn Berry (1865-1935)

Detail from Carleton's 1801
Map of Massachusetts





From: Josiah Paine,
A History of Harwich (1937/1971),
map following p. 138.

(1 rod = 5 yards)





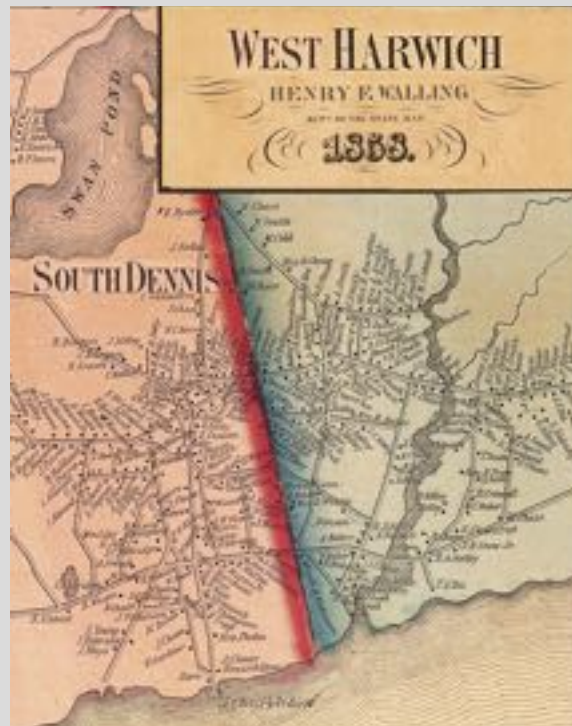
CAPT. JOB CHASE, Sr.'s
FIRST DWELLING *at*
76 MAIN STREET



CAPT. JOB CHASE, Sr.'s
SECOND DWELLING *at*
108 MAIN STREET




Hales' Map of Harwich (1831)









“Every town on the Cape furnished its full quota of builders, owners and masters... These men in the fifties commanded the finest fleet of clippers ships the world ever produced. Their name was legion.

On the south side from Chatham to Hyannis, the former held the lead for many years in what is known as deep-water captains. All sections but one of Harwich furnished its masters; *the west section its deep-water quota.*”

— Capt. Gustavus Vasa Crowell



CAPT. GUSTAVUS V. CROWELL
(1842-1927)



Capt. Benajah Crowell, Sr.
1800-1880



Capt. Benajah Crowell, Jr.
1825-1900



Capt. Gustavus Vasa Crowell
1842-1927



Almira Hardy Crowell
1825-1900

February 11th 1858. Left Liverpool in the steam
Tiger, went to the river, met on board
the Gold Rover, called for bottles, with a few
more. Dried out and it arranged things for me
Kleber, and it went to bed in gold room
fulley rather early, and the first all night
11th Kleber and I very sick all day. This day of
very attention. Left morning hard and
fifty from the deck and blowing a gale.
fifty on deck would take in ship within
day or night.
12th Sunday. Left my shell all day, dressed in
the evening and went to bed. It and
on shore by boat.
13th Spoke a ship and discharged fifty. We
went off ship, sea was high, two be shore
and drake flew in every direction.
14th More weather. Kleber and I got over our
sea sickness and can run about very well.
15th This found lots of sperm whale blubber. In
good kept waiting very slow.
16th This wind going faster. Next, squalls and
snow. Kleber and I were taken a nap.
ship was spewing overboard.

Log Book of Almira Hardy Crowell
19 Feb 1858 — 30 Jan 1859
Journey of WILD ROVER from Liverpool to Callao, Peru
Courtesy of the Chatham Historical Society

March 28th 1858, at sea:

"A flying fish flew on board. Kleber and I had
it fried for breakfast. Dedong made Kleber a
sloop. Steward towed it after the ship to
please him. We were going fast, took the
sloop under water and lost her. He then flew
around to the carpenter and all hands to
make him one. Gus at last rigged him a
sloop."

July 4th 1858, at harbor, Callao, Peru:

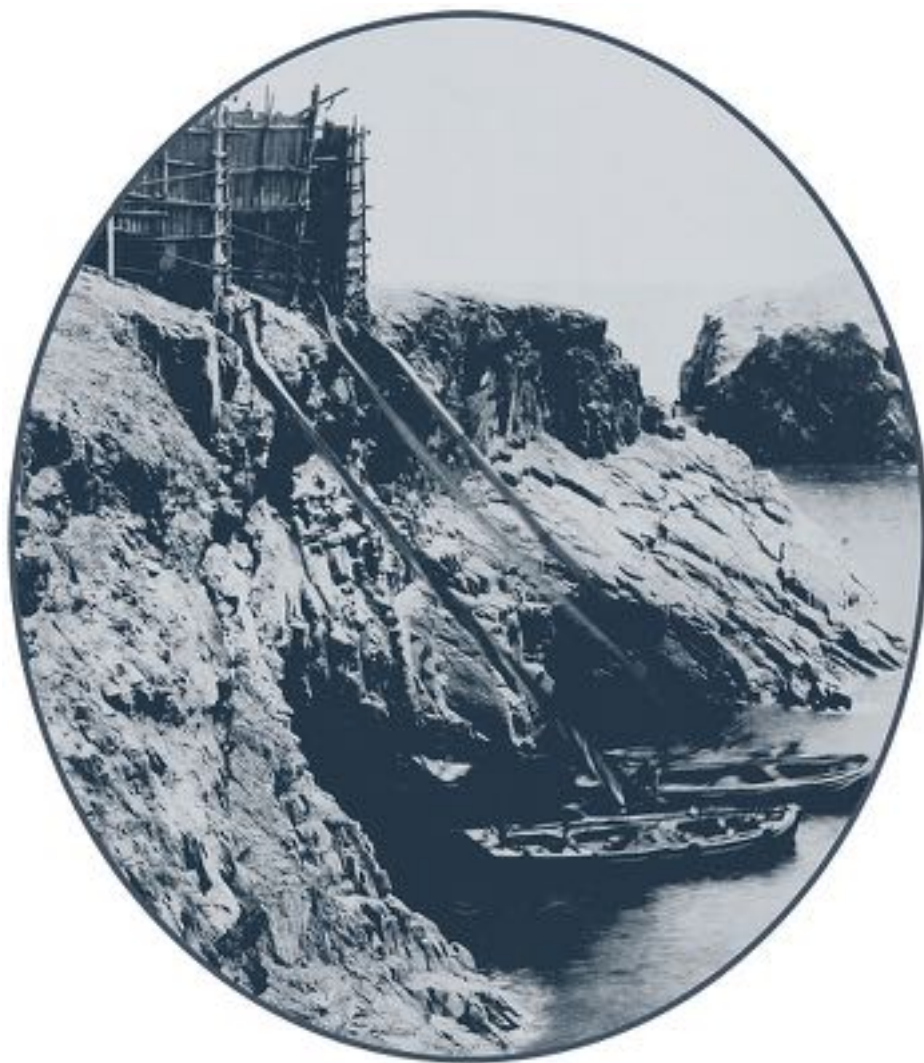
"All of the harbor of Americans on board the
Star King to celebrate the 4th. We had a
grand dinner, speeches, toasts, a band of
music, dancing and singing. Salutes fired at
sunset. Left at 12."



In 1913, CAPT. GUS CROWELL writes:

“In the year 1858 the writer, then a boy, was on a sailing ship in Callao, Peru. A large fleet of American ships was laying there waiting charters. They came from different parts of the world, ‘seeking.’ It was a year doubtless remembered by many to this day as one of hard times for commerce. ¶ The Fourth of July came, and our ship was selected on which to celebrate the day. At the banquet table were seated sixty-four. In answer to the toast ‘Sweethearts and wives on Cape Cod,’ twenty eight masters of ships at that port stood at attention. Every town on Cape Cod from Chatham to Barnstable, both on the north and south sides, was represented; and besides eight of the above number, with the beauty and dignity of queens as they were, stood their wives. Chatham, Brewster, North and East Dennis, Hyannis, Yarmouth and Barnstable were represented by the daughters of Cape Cod. Should they yet be counted among the living, and the above reach their eye, possibly they may remember the little boy who was detailed by them to look after their little ones, with which three of them were blessed.”

State Room of the Clipper Ship *Cutty Sark* (London)







CAPT. GUS CROWELL RESIDENCE
33 Main Street

Brazilian Affairs.

We have before us a copy of the New York HERALD containing a report of its interview with Capt. **Gustavus Crowell** on the Brazilian question.

The New York PRESS says editorially, in reference to the statement, that it is in full accord with the position assumed by the PRESS regarding the troubles in Brazil. Capt. Crowell does not hesitate to say that the Brazilian difficulties have been fomented by British agencies. His evidence on that point is strong and conclusive. Capt. Crowell states that there is a mighty sentiment in Brazil against British bulldozing methods and that it is constantly growing more formidable. These words from a veteran American sailor should be widely read. They show that the inevitable conflict between England and the United States for commercial supremacy in South America has already begun. The merchants and government of Great Britain recognize this fact. Americans should be warned to recognize it also.

The Boston JOURNAL also says editorially:

"Capt. Crowell, an American shipmaster, long resident in Para, adds his testimony to the fact that the Brazilian troubles are due in large measure to English intrigue. 'The reciprocity treaty between the United States and Brazil,' he says, 'is bitterly opposed by English merchants both in England and Brazil. The reciprocity treaty was hailed with delight by the Brazilians and by a howl of indignation from the English. The Brazilians look to the United States for relief from the yoke of British capital. English merchants have resorted to every conceivable means to create local disturbances and break up the republic.' It is this Great Britain, it should be noted, that according to David A. Wells and other 'tariff reform' economists, is industriously engaged in preaching the gospel of peace and good will to all the nations."

The Harwich Independent (Mar. 1 Dec 1894), p. 3.

On Friday Capt. Henry C. Berry received the appointment of postmaster at West Harwich. The appointment is one that will give general satisfaction. The present incumbent, Mr. Charles H. Kelley, has made an exceptionally good officer, and has not only fully performed his duties but has taken upon himself unrequited labor for the personal convenience of patrons. It is said he will be retained at the office, but whether this is true or not, we cannot expect a more efficient or accommodating service. Mr. Kelley's removal is owing wholly to the change of administration. Mr. Erasmus Chase has been a prominent candidate for the office. His failure to secure the appointment is probably due to the fact that he was postmaster many years previous to President Cleveland's election.

Capt. J. M. Lachlan and family of New York, will occupy for the season the old homestead of Capt. G. V. Crowell at West Harwich. Capt. Lachlan's former home was San Francisco, where he was commodore, also superintendent, of the Pacific Mail Steamship Co. He was ordered to the Atlantic side to superintend the construction of four steamships for the China trade. He was then given the management of the Company. He designed and constructed those famous steamships, Finance, Advance and Alliance, the latter ship being considered the best piece of marine architecture in America. The Captain visited the Cape many years ago as the guest of Capt. Oliver Eldridge of Dennis. He is a strong advocate of Cape Cod men as sailors. We shall welcome the Capt. and family and trust their visit will be pleasant, when they will come again. Capt. Crowell has been very busy for the past few days getting the homestead in readiness for his friends.

The Harwich Independent (2 July 1889), p. 3.

Capt. G. V. Crowell Offers His Services to His Country.

We are able to state, we believe the first man from Harwich, and possibly from all Cape Cod, to offer his services to his country in case of war with Spain. We make the announcement with a just feeling of pride and patriotism. The man to whom, in case of being called, this honor will ever be connected, is Capt. Gustavus Vasa Crowell of West Harwich, at present in command of steamship City of Panama, of the Pacific Mail Steamship Co., plying between San Francisco and Acapulco, Mexico.

In event of war Massachusetts and the whole New England coast is likely to come in for a share of the horror, and suffer more or less disaster. Capt. Crowell takes this view of it, and as a son of the good old Bay State, though thousands of miles away, is ready to shorten the distance promptly and quickly on call in defense of his flag, his state and his country.

Capt. Crowell has passed an examination that entitles him to a commission in the Volunteer Naval Service of the United States, also as coast pilot from New York to Texas. In view of the above fact Capt. Crowell has forwarded an application dated Feb. 25, 1898, to the Navy Department at Washington for a commission in the Volunteer Naval Service, and awaits the call as a matter of duty pure and simple.

Capt. Crowell is well known to be a man fearless in the discharge of his duties, an expert navigator, sailing master and commander. A man who has been in the merchant marine service all his life and is familiar with every sea port in the world. He has been in command of the largest steamship ever commanded by a Cape Cod man. He was the first man from Massachusetts on from New England who passed through the Suez Canal and through the Red Sea in command of an ocean steamship, the date of that performance being Sept. 15, 1887. He is the first ship captain that carried the Hawaiian flag around the world (the flag being hoisted on his ship in London and was received by the Queen (at that time) on arrival at Honolulu).

The society will be in need of just such men as Capt. Crowell if war is declared, and the Captain's friends who know him best realize his ability to play a truly part.

The Harwich Independent (22 Mar 1898), p. 2.

Cape Cod and Panama Canal.

A letter from Congressman Lovering under recent date, to Capt. Gustavus V. Crowell of West Harwich, instructs the Captain to hold himself ready for immediate orders to depart for Panama. Throughout the long drawn out Panama Canal discussion Capt. Crowell, who is considered one of the best informed men on the geographical situation at Panama has been in frequent correspondence with Admiral Walker on the subject, and has been called for a personal interview with the Admiral and others of the Panama Commission, and with Congressman Lovering. Now that active operations are begun Capt. Crowell is wanted at the Isthmus, and Mr. Lovering says his appointment as Captain of the Port and Marine Department, with Headquarters at Colon, will come from Washington through Governor Davis, and will be the first appointment to be made. The position is one of great honor and the Captain is not only to be congratulated, but Harwich also, from the fact that she is called upon to furnish the first official for the practical operations on the canal. We shall regret to lose the genial Captain from our midst, but with him every success in his new responsibilities.—Harwich Independent.

The Barnstable Patriot (13 Jun 1904), p. 2.

THE PANAMA Isthmus Canal Commission have inaugurated a medal system among the employees of the Commission by which every person given two consecutive years of service shall receive a medal, and for each two years' additional service a bar will be awarded to be attached to the medal. Among the list to receive this honor is the name of Capt. Gustavus V. Crowell of West Harwich whose service with the Commission dates back to Nov. 16, 1894. He will therefore receive a medal with one bar attached, and is on the list for a second bar.—Harwich Independent.

Hyannis Patriot (3 May 1909), p. 3.



On June 8, 1914 the Panama Railroad's *S. S. Alliança* became the first ocean-going passenger vessel to enter or pass the locks of the Canal. It passed through Gatun Locks from the Atlantic channel to Gatun Lake and back to the channel to test the towing locomotives.

At the helm was Capt. Gustavus Vasa Crowell of West Harwich. The event was celebrated that evening in Cristobal. Sitting next to Capt. Crowell that evening, the man who presented him with the Roosevelt Medal, was former President Teddy Roosevelt.



Roosevelt Medal



MINNIE and GUS CROWELL, ca. 1920



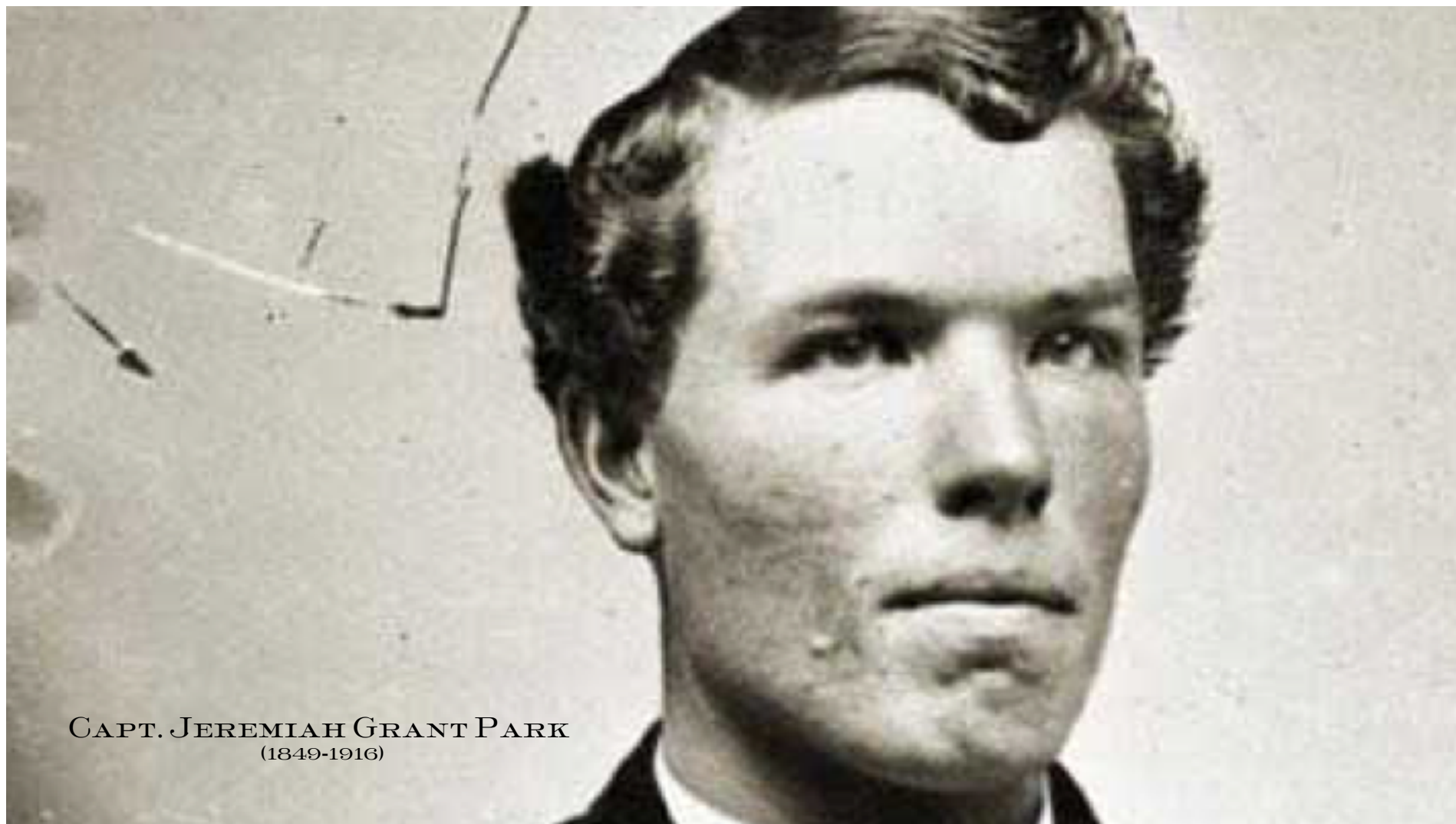
Marion Hollis Crowell
(1898-1974)



Maxine Herzog
at the Crowell Residence
(Summer 1929)



Maxine Herzog Smith
at the Captains' Row Exhibit
(June 2019)



CAPT. JEREMIAH GRANT PARK
(1849-1916)



Capt. Jeremiah Park House
Perry, *A Trip Around Cape Cod* (1898)



Capt. Jeremiah Park House
Perry, *A Trip Around Cape Cod* (1898)



Bark *Luzon*



The John Ena being towed through the Panama Canal.
Pacific Marine Review, Vol. 17 (October 1920), p. 70.



Bark Acme off Cape Horn, ca. 1908.

DON'T FIND SHIP AFTER S. O. S.

Seamen Think Craft Lost; Former Cape Cod Man Captain.

Mystery surrounds the disappearance of the American bark Manga Reva, which on Tuesday sent out a wireless appeal for help from off the coast of France. When steamers reached the position given the vessel was nowhere in sight, and is believed to have gone down with all hands.

The Manga Reva was commanded by Captain Jeremiah G. Park, a former Cape Cod man, who lives at 68 Bowdoin avenue, Dorchester, with his wife, three daughters and a son. He had intended to quit sea life after the present trip.

The Manga Reva had delivered a valuable cargo of tobacco from Baltimore to Rotterdam, and was on her return trip to Newport News.

Yarmouth Register (25 Nov 1916), p. 6.

FEARED LOST AT SEA

Much anxiety is felt for the American bark Manga Reva, Capt Jeremiah G. Park of West Harwich master, which on Sunday, the 19th, while off the coast of France sent out an S. O. S. distress signal, saying "Come quickly, drifting before the wind, no boats."

Two steamers picked up the call, the nearer of which reached the scene twenty-four hours later but found no trace of the vessel.

It is thought that she must have foundered in a heavy gale.

The Manga Reva had delivered a valuable cargo of tobacco from Baltimore to Rotterdam, and was on her return trip in ballast to Newport News.

Capt Park had decided to retire from the sea but was persuaded to go on this voyage, which was to have been his last.

He married Miss Sylvia Taylor of West Harwich and besides his wife has a son and three daughters.

Mrs Park is at her winter home in Dorchester.

Hyannis Patriot (27 Nov 1916), p. 2.

WROTE MANGA REVA WAS "VERY CRANKY"

Letter From Capt Park of Missing American Bark
Dorchester Relatives Have Not Given Up Hope for His Safety

Capt Jeremiah G. Park of the American bark Manga Reva, which sent a wireless call for help, while off the coast of France Nov 18, had a premonition of disaster to his ship, according to a letter received by his relatives at 68 Bowdoin av. Dorchester. Four days before the signal from the Manga Reva was flashed, Capt Park gave a pilot in the English Channel a letter which he requested to be forwarded to Dorchester.

In the letter he wrote: "This ship is very cranky. I am afraid of her. If I get ashore from her this time I will never go to sea in her again."

Immediately after the call for help was sent from the Manga Reva the Garland Line steamer Rockingham, which arrived at Baltimore on Saturday from England, searched for the bark without success, and Capt Edwards of the Rockingham is quoted as having said that, in his opinion, the Manga Reva and all on board went down.

Notwithstanding the circumstances surrounding the disappearance of the bark Capt Park's family have not given up hope.

"The wireless operator aboard the bark," said G. I. Lawley of the American Trust Company, the captain's son-in-law, last night, "was a Washington boy who had never been to sea before. He was a competent operator, we have learned by inquiries at Washington; but he may have become frightened during the gales we know the vessel must have encountered about the time she disappeared; and sent out the S. O. S. call

the gales we know the vessel must have encountered about the time she disappeared; and sent out the S. O. S. call without the knowledge of the captain. So far as we have been able to learn, the message simply asked for aid and gave no reason."

Capt Park's son left for New York last night to meet the steamer Ryndham, from whose captain he hopes to get more information about the wireless message sent from his father's ship.

The Manga Reva was bound from Rotterdam to Newport News in ballast and because of heavy weather anchored in the English Channel off Falmouth. On Nov 14 she left there after Capt Park had given the letter to the pilot.

Reports that have come since from various sources say that she was in latitude 47, longitude 14, which is about 500 or 600 miles off the coast of France, when the wireless message was picked up.

Vessels which were in the neighborhood report that they encountered very bad weather and if the Manga Reva was "cranky" they fear she has been lost.

She was so cranky, Capt Park wrote, that on one of his recent voyages her port rail was under water much of the time and he was in constant fear that she would capsize.

Capt Park was 47 years old, a native of Searsport, Me., but during much of his seafaring career made his home at West Harwich on Cape Cod. Before he went to Rotterdam, two years ago to join the Manga Reva as her commander he sailed the ships Alert, Acme and Luzon, owned by the Standard Oil Company.

From Rotterdam he took the Manga Reva to Port Arthur, from there to South Africa and then back to Baltimore. From Baltimore the vessel carried a cargo of tobacco to Rotterdam, the last cargo of the kind passed into that port by the Allied warships, and on Nov 3 she sailed from Rotterdam for Baltimore.

The Manga Reva was owned in New York, was built of steel, was 300 feet long and had a cargo capacity of 3000 tons.

The Boston Globe (5 Dec 1916), p. 4



FROM THE X-FILES



L to R: Capt. Judah Berry, Jr.; Capt. Herbert F. Berry; Capt. Judah Wilton Berry



CAPT. JUDAH BERRY, JR.
(1834-1904)

MIND WENT BACK ON HIM.

Capt. Berry of Schooner 'Tryon Home, but Cannot Tell How He Got There.

HARWICH, Mass., Aug. 6.—Capt. Judah Berry of the schooner S. C. Tryon, who was reported recently as having mysteriously disappeared while the vessel was lying in port at Philadelphia, has arrived at his home in West Harwich, but he cannot tell how he got there.

The vessel was chartered to go to Norfolk, and Capt. Berry does not know how it happened that he went to Philadelphia.

It is understood that the cause of his trouble is that he has a large interest in the schooner for which he has given his note.

The note is reported to have fallen due, and on account of the exceeding low rates of freight which have been ruling for some time, he has been unable to meet it.

Boston Daily Globe (7 Aug 1891), p. 8.

Capt. Judah Berry, Jr., of West Harwich, has purchased 34-Giths of schr. S. C. Tryon, at the rate of \$12,000 for the whole vessel. Capt. Berry will take command of her when she arrives at Boston.

Barnstable Patriot (17 June 1890), p. 3.

MARINE NOTES.

The brig Mary Fink, which was rigged up for carrying molasses in bulk from Cuba to the United States, has proved a failure, owing to the leak in the tanks. The engine has been taken out, and the vessel chartered to carry general cargo to Africa. Schooner Senator Sullivan which was fitted up in a similar manner has abandoned the business and accepted a Southern lumber charter.

The Newburyport bark Obed Baxter, which arrived at Manila (Philippines) June 19, has been chartered to load a full cargo of hemp for Boston direct.

Captain Judah Berry of the schooner S C Tryon, who was reported recently as having mysteriously disappeared while the vessel was lying in port at Philadelphia, has arrived at his home in West Harwich, Mass. His mind is somewhat unbalanced, said to be the result of financial losses which were caused by the present low rates of freight which his vessel has been obliged to accept. Captain Berry is well and favorably known in Boston's shipping circles, and much sympathy is expressed for him. His friends expect him to recover speedily, now that he is at home where he can rest.

The Boston Post (7 Aug 1891), p. 3.



Great Point Light, Nantucket

Death of Capt. Judah Berry of West Harwich.

Capt. Judah Berry, head keeper of the Great Point Lighthouse in Nantucket, and well known in this section of the State, died during Tuesday night from apoplexy. The United States Steamer Azalea, Capt. Gibbs, Wednesday took the body of Capt. Berry from the Lighthouse to Hyannis, where it was taken charge of by Undertaker Bradford and forwarded to West Harwich.

Captain Judah Berry, who died suddenly at the Great Point light on Tuesday last, was a veteran in the lightship service. He was born in Harwich, and from a boy followed the sea in one capacity or other. For many years he was engaged in the foreign trade, making a great number of voyages to Africa, China, Japan and other countries near them. He was a skilful and capable navigator and commanded some of the best ships engaged in the foreign trade in his day. He also engaged in the West Indies and Gulf of Mexico trade, and commanded a ship owned by Eleazer Sears of West Harwich.

Captain Berry had been in the lightship service for nearly 15 years, was captain of about every ship in Vineyard sound, and was considered by the lighthouse department as one of the most re-

liable keepers in the service. When he resigned from the lightship service last July he was keeper of the Succanesset light vessel. After a few weeks ashore, he accepted an offer to go to Great Point, Nantucket, as chief keeper.

There had been no word from Great Point since the blizzard, and the first intimation that anything was wrong there was learned by the Azalea as she steamed over the shoals Wednesday, when Captain Gibbs sighted the station flag at half-staff. He put in near the beach and sent a boat ashore.

He learned that Captain Berry, who was apparently in his usual good health Tuesday night, was sitting in his armchair watching the beacon. His wife left the room for a moment and when she returned Captain Berry was dead.

All night long the bereaved wife and daughter of Captain Berry and the assistant keeper kept a lonely vigil over the remains. Great Point lighthouse, on the extreme northern end of Nantucket, is nearly 14 miles from Nantucket village. The blizzard has made the roads impassable and the flag was placed at half-staff to attract the attention of the first vessel passing that the body might be taken to the birthplace of the dead captain, where he had often expressed a desire to be buried.

Mrs. Berry and her daughter accompanied the body in the Azalea, leaving the assistant keeper to perform the duties at the lighthouse. Captain Berry was 70 years of age.

The Barnstable Patriot (Mon., 18 Jan 1904), p. 2.

CAPT BERRY'S FUNERAL.

Last Rites for Veteran Lighthouse Keeper to be Held at West Harwich Today.

WEST HARWICH, Jan 15--The funeral of Capt Judah Berry, late head keeper of Great Point light Nantucket, who died of heart disease Tuesday night, will be held at his residence here tomorrow afternoon at 1 o'clock.

The service will be conducted by Rev Mr Cox, pastor of the Baptist church in this village, and the Exchange lodge of Odd Fellows, of which keeper Berry was a member, will participate in the funeral rites.

Surfman Studley of the Monomoy life-saving station received a letter from Capt Berry today written on New Year's day, at which time he had not the slightest premonition of his approaching death.

Capt Berry was keeper of the Pollock Rip lightship five years ago at the time of the great November gale when the Portland was lost. The lightship broke adrift and was carried nearly 30 miles out seaward. She was picked up by an Atlantic line steamer and towed into Delaware breakwater.

Surfman Studley was then a sailor on the lightship and in keeper Berry's letter, which came today, he referred feelingly to their awful experiences during that long-continued storm, saying: "You were the only man on board at that time. Ed. who could see that steamer coming to us."

It is expected that some of the lighthouse officials will be present at the funeral, as keeper Berry had been in the government service many years.

Boston Globe (16 Jan 1904), p. 7.



STAFF PHOTO BY RON SCHLOERS

Alice Berry recalls Nantucket's Great Point Lighthouse, which was tended by her grandfather Judah Berry (shown in painting) in the early part of the century.

Lighthouse keeper's kin to shine at dedication

Sen. Edward M. Kennedy will dedicate the newly constructed Great Point Lighthouse on Nantucket tonight. The old lighthouse, that stood for 166 years, was destroyed in a 1984 storm. Among the guests to be present when Kennedy lights the new beacon will be Alice Berry, whose grandfather Judah Berry lived at the old lighthouse in the early 1900s.

By ANNE BRENNAN
STAFF WRITER

DENNISPORT — Great Point

Lighthouse on Nantucket is more than just a building to Alice Berry, 81. It's family.

The old lighthouse that stood for some 166 years warning mariners away from the dangerous waters of Great Point Rip was home for her grandparents Judah and Sarah Berry and her older brother Joe just after the turn of the century.

When a March 1984 storm destroyed the old beacon, Miss Berry

See LIGHT, Page 29

...Light

From Page 1

said she felt as if someone in the family had died.

Although she never met her grandfather or set eyes on the lighthouse, Miss Berry said she became acquainted with both through brother Joe's stories. Joe was sent to the Nantucket outpost about the time Miss Berry, the Berry family's 13th child, was born. Their mother needed help taking care of all her offspring, so Joe was sent to his grandparents.

When Joe grew up, he promised to take his sister to see the lighthouse and made plans for the trip every summer for many years. Miss Berry said in a recent interview at her Dennisport home. But the plans were always canceled. And when Joe died in 1978, he took the promise to his grave.

The promise, however, was given new life by Sen. Edward M. Kennedy. When he discovered Miss Berry was the last surviving grandchild of one of the Great Point Lighthouse keepers he invited her to today's dedication ceremonies for the new lighthouse.

"I think Joe was afraid that if [the lighthouse] wouldn't be so he remembered it, so we never went," Miss Berry said. "I've always wanted to go see the lighthouse. I just wish Joe was going to be there with me [at the dedication]."

The lighthouse that her retired ship captain grandfather took care of from about 1902 to 1965 was recently rebuilt with part of \$1 million appropriated by the U.S. Congress in October 1985. Miss Berry, a retired school teacher, does not intend that she will never see the actual lighthouse where her grandparents lived. Just going to the place where her brother stayed and Judah and Sarah worked is enough, she said.

CAPE COD TIMES, SATURDAY, SEPTEMBER 6, 1986

PAGE 29

In addition to Joe's stories, Miss Berry's knowledge of life at the lighthouse stems primarily from letters her grandfather wrote to her father, Herbert Berry of West Harwich. The letters chronicle a simple existence — one that was often lonely, and even boring. In a letter written by Judah on Jan. 12, 1886, he tells of the ice-bound harbor that had blocked supply ships from delivering staples like meat — and non-staples, like vitamins.

"I have only been in Nantucket twice since I have been here," wrote Judah. "Lonesome is no name for Great Point and its surroundings. Was it not for the Life Savers (harbormen to the Coast Guard) we should see nobody. The Inspector was here Oct. 12th expect him now any day."

Lonesome, however, was only one of the woes encountered by the keepers of the light. Getting from Nantucket to the Cape to run a few errands, for example, was a complicated matter — even for a ship captain who had sailed all over the world as Judah had.

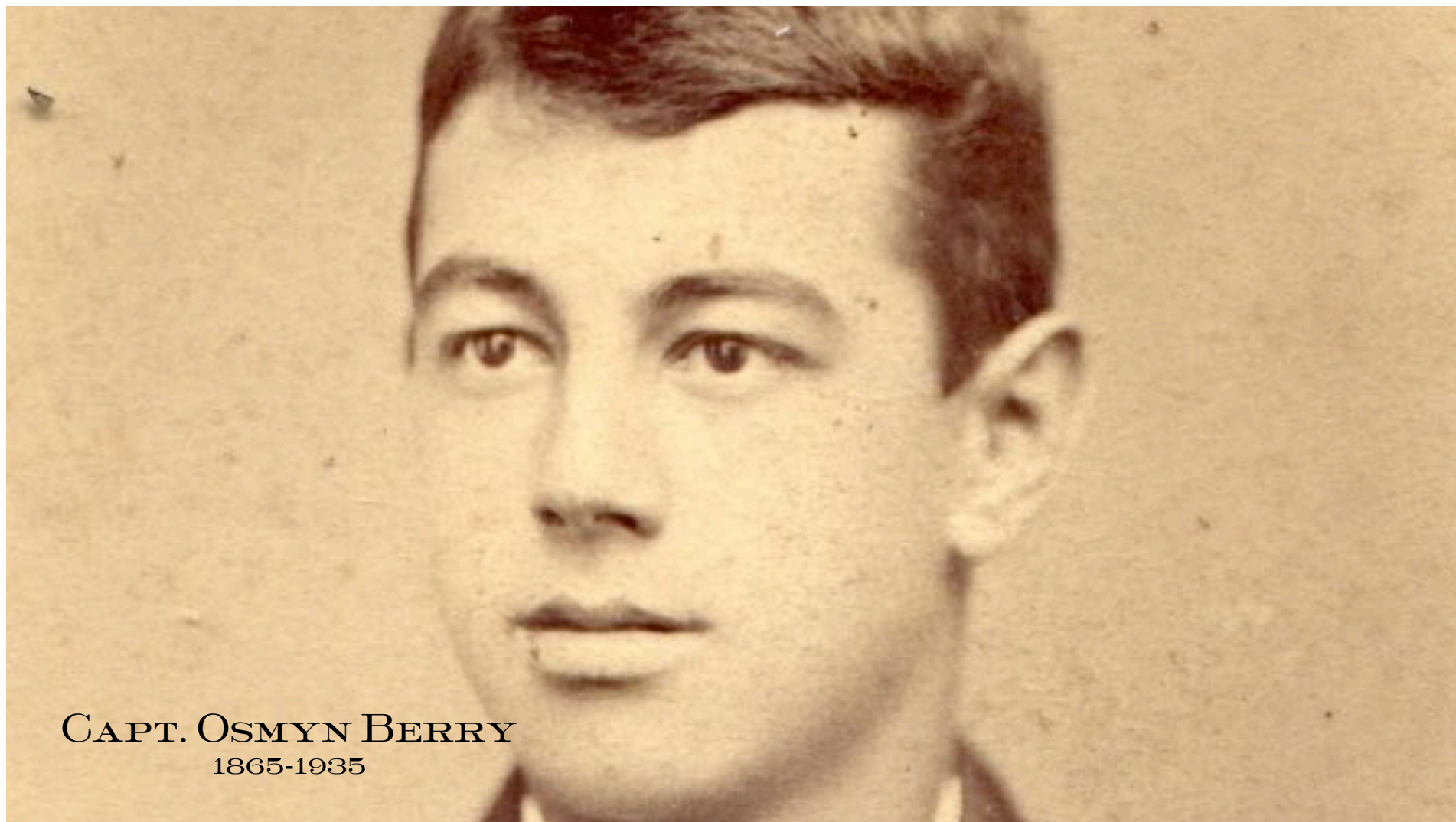
"Should you see Capt. Coleman

Kelley," he wrote to his son, "tell him the elements have conspired against my sending my box this month but will do so the first chance I can. It is as far to Nantucket as from New York to San Francisco by land. I have no means of getting them. Had made arrangements to go about the first but the bad weather spoiled it all — tell him not to worry."

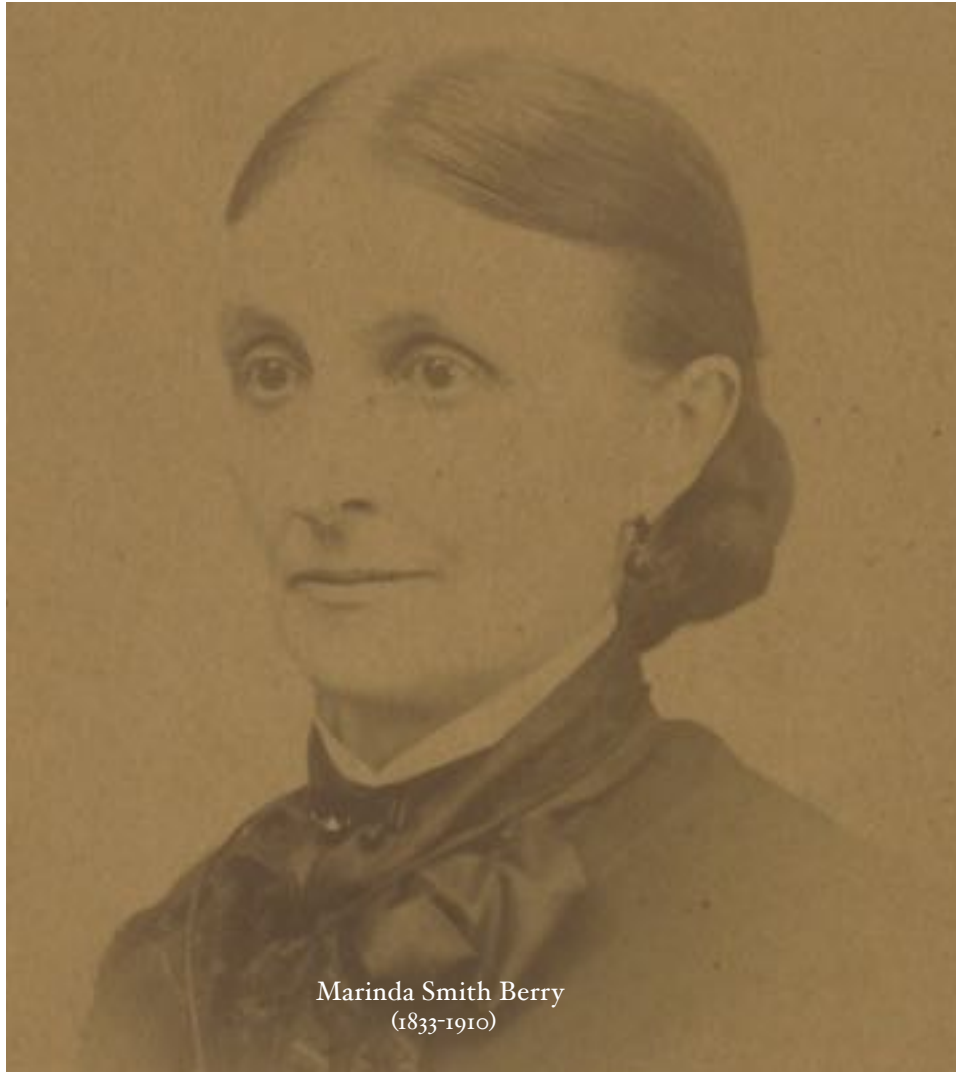
On a cold and stormy day in January 1965, Judah died while either climbing or descending the cast-iron spiral staircase that led to the lighthouse lamps, said Miss Berry's niece, Jo Ann Kelley of Centerville. He was 78 years old. Because of the bad weather, the Life Savers had to wait 15 days before they could pick up the body, she said.

Miss Berry will have the yellowed and wrinkled Western Union telegram notifying her father of Judah's death.

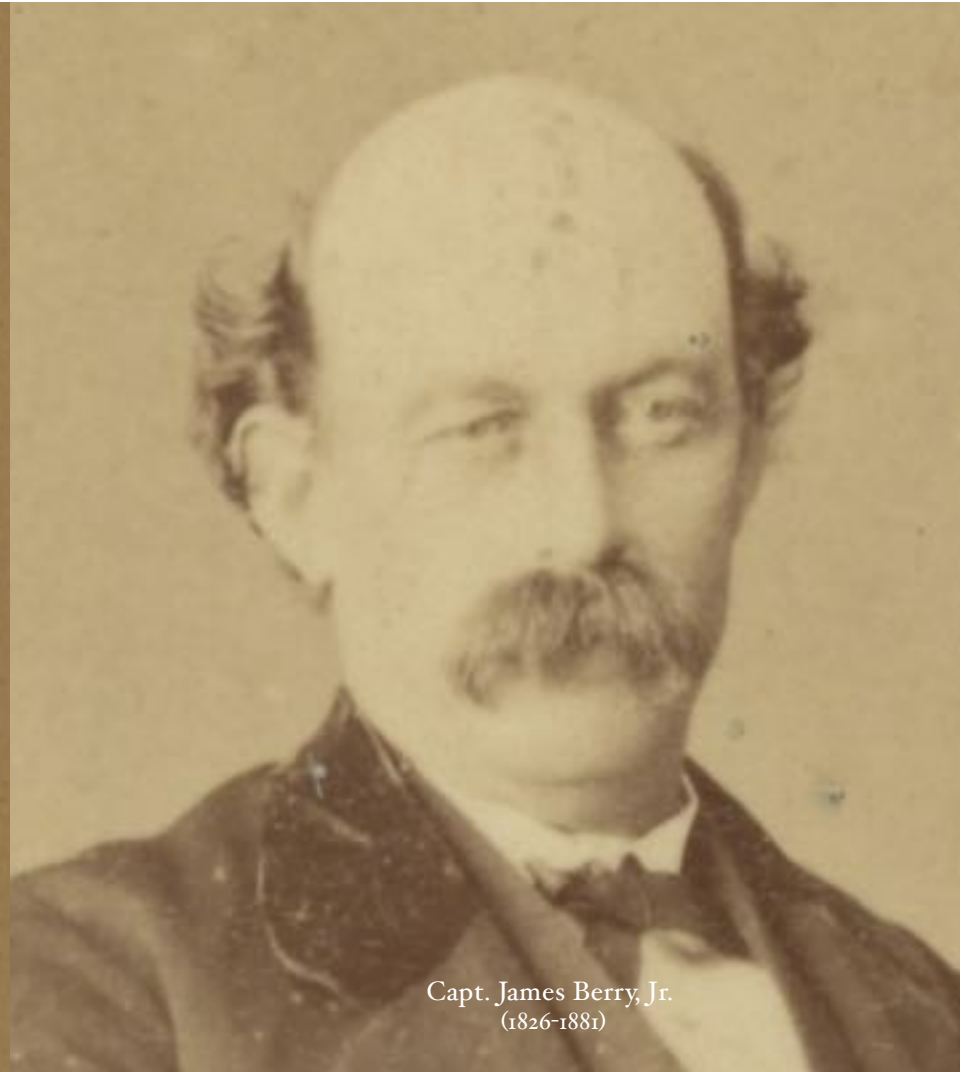
Pictures of ships painted by Judah hang on the walls of Miss Berry's cozy living room. A painting of the bearded captain stares down at all who pass. From one of her past, they look her is a seafaring tradition and to a lighthouse of long ago.



CAPT. OSMYN BERRY
1865-1935



Marinda Smith Berry
(1833-1910)



Capt. James Berry, Jr.
(1826-1881)



Osmyn Berry
(1854-1865)



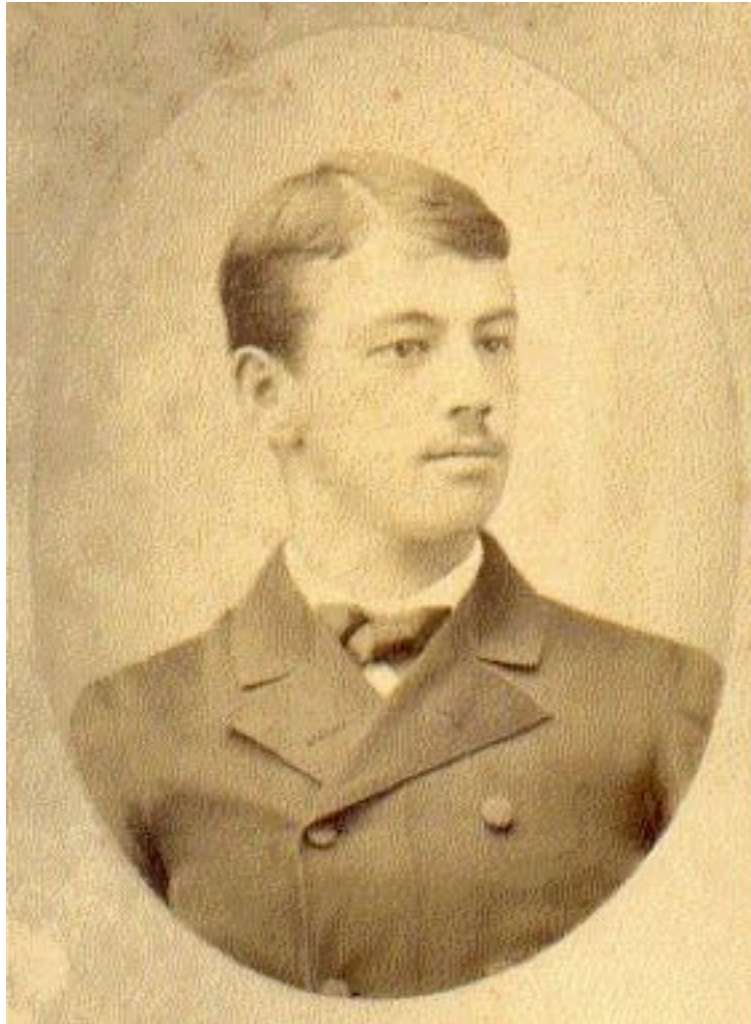
Minnie Berry
(1858-1842)

Zellah Berry
(1856-1851)




Willson-Berry Golden Wedding Anniversary - August 20, 1928







LOG BOOK
OF THE
Hercules
ON A VOYAGE
FROM *Cardiff*
TO *Hong-Kong*
COMMANDED BY
Capt. James Perry
BEGINNING *Aug 24*
ENDING _____
KEPT BY
Comdr Perry


LONDON:
RICHARD HOLMES LAURIE,
26, FLEET STREET, E.C.

Abstract log of ship Hercules

111

Feb 25th During the 24 hours we have had nothing but calm. We are now in the narrowest part of the passage. At 11 A.M. the eastern part of Gaudy Is. is 10 miles. One look and one day are in sight. Lat 5° 15' N Long 151° 15' E

• 26th At 4 P.M. we made our land of a Dutch. This land is some part in the north of Gaudy Is. Lat 5° 15' N the eastern part of Gaudy Is. is 10 miles. The land here is very high and slopes gradually down to the sea. There are some of cultivation. We cleared the Dutch passage at 5 P.M. with the wind N.E. Lat 5° 15' N Long 151° 15' E

Feb 27th During the 24 hours we have had the wind from the N.E. we have made 10 miles. One day and one night but lat by observation 5° 15' N 151° 15' E

• 28th During the 24 hours we have had it calm all of the time. We have made 31 miles E.N.E. We have a strong current here setting to the eastward amounting to about a mile an hour. The system is of wind and will be set on the Dutch Islands by the current. Lat 5° 15' N Long 151° 15' E

Abstract log of ship Hercules

112

Feb 26th Calm during the whole 24 hours. We have made only 3 miles. One day and one night but lat by observation 5° 15' N Long 151° 15' E

• 27th Light breeze from the N.E. during the 24 hours. The day is still in sight. At 1 P.M. sighted the Island of Rongelap. This island is very high, it is to the southward of Rongelap. The eastern part slopes gradually down to the sea and forms a low cape. Lat 5° 15' N Long 151° 15' E

• 28th Quite a stiff breeze from the northward during the 24 hours. We are now in the middle of Rongelap. During the 24 hours we have made about 10 miles. We had such a heavy squall of rain last night all hands had a nice wash, and we caught nearly half a lamb with a net. Lat 5° 15' N Long 151° 15' E

Mar 1st We passed between the Islands of Rongelap and Rongelap at 11 P.M. Quite a stiff breeze from the N.E. During the 24 hours we have made about 31 miles to day. The islands about here are very high. Lat by observation 5° 15' N Long 151° 15' E. One employed scraping wood here and there.

Abstract log of Ship Occurrences

1881

May

14th Light breeze from the S.W. until 4 A.M. when it hauled to E.S.E. At 6 P.M. we are well clear of the Cape Horn having passed within three miles of it. Day by observation 11:55. A low-lying, fertile, channel of water, a reef into the large fish hook in Day's words with a stiff breeze from the Eastward.

15th Strong breeze from E.S.E. We tacked ship at noon. Quail Island bore S. 4 miles. At 6 P.M. Ambleton Island bore E. 4 miles the wind hauled around to S.W. and commenced to rain at 12 o'clock, when it changed again to E.S.E. and moderate. Lat. by observation 11:11. Day was pleasant with a very light sea from E.S.E. One steamer was sighted bound to the Northward.

16th Nearly calm during the whole 24 hours. At 4 P.M. saw a ship distant 10 miles at 4:30 she caught up with us, and now was 2 miles ahead. She was the Ship Oakland of Portland from Shanghai bound to Bluff. Lat. 11:03. Day was pleasant with a slight breeze from the S.W.

from Hong Kong bound to Bluff

1881

May

17th The wind has been variable during the whole 24 hours. Just as calm and then a fine breeze. From 1 P.M. to 12 we had a stiff breeze from the Westward. The Oakland still in company. We beat her this morning by staying at this port back 4 miles. At noon Sydney Island bore E.S.E. 4 miles. At 11:24 P.M. Endeavour Island, with variable air.

18th At 4 P.M. we are well clear of Point Hope. From the S.W. equally and rainy all night. We tacked ship every two hours. At 2 hours came to anchor at five fathoms of water, about eight miles from Bluff.

19th The pilot came on board and we tried to get under weigh again, but we could not as the wind and tide were both against us. We all turned in until five o'clock when we cleared up decks and set the watch to be ready to get under weigh at 8 A.M. At 8 A.M. we beat up to Bluff the tide being in our favor we arrived here about 11 P.M. Ship Oakland arrived half an hour later. Bluff May 19th 1881.

Abstract log of Ship Hercules

June 18th The Pilot came on board at 12 o'clock and gave orders to get under weigh. At half past one the anchor was up and called out and we were going away with our top gallant sails on. But all hands busied of and got off. At 2 o'clock the slackened sails were taken down. Ship Oakland got under weigh about an hour after we did bound for Boston. At 12 M. the bottom parts of the main beam was 10 miles. The Oakland at no far as you can see but when we are steering S by E to the south. Day ends pleasant both as far as breeze from S. E.

19th Light breeze from the N. E. until 2 P. M. when the wind shifted to the southward and remained as all night. The Oakland out of sight again. At 5 A. M. the wind sprang up from N. E. again. Lat by observation 41° 15' N. Long 71° 15' E. Day ends pleasant both as far as breeze from S. E.

20th Light wind from S. E. until five o'clock when it shifted to S. W. and remained as until 2 P. M. when it commenced to shift the wind shifting all around the face, and backed until 7 P. M. Oakland still in sight. The wind on board of her got a turn of S. W. Lat by 41° 15' N. Long 71° 15' E.

from Gloucester brand to Boston

June 17th Light wind from S. W. until 2 P. M. when it changed and backed from S. W. to S. E. At 5 P. M. wind sprang up from the westward. Rain equally all night long. Our employed scrubbing party shifting a little by the cargo and headstays as said manner. Lat by observation 41° 15' N. Long 71° 15' E. Day ends equally with wind from the westward.

18th Wind from the southward until six o'clock. At 6 P. M. we sighted the Longby Island bearing S. W. 12 miles. At 8 P. M. hove to for a long time and equally so that we could not see anything and the Captain did not dare undertake to go through the straits. At 12 o'clock we squared away again, and at five o'clock we could see Hound and Basilan quite plain. The wind being strong we made fine progress, and at noon were half way through the Basilan Strait. We could see the town of Cambray quite plain. There was two steamers and two sailing ships anchored there. The Oakland is still in company with us. Day ends pleasant with a strong breeze from the westward.

General from 21.8 to 22.8 towards Boston

Time	Lat	Long	Remarks
2.0	46° 40'	144° 15'	First part cloudy.
4.0			
6.0			
8.0			
10.0			Middle part same.
12.0			
2.0			Clear except for wrapping the glass.
4.0			Dark, gathering wrapping surface broken.
6.0			
8.0			
10.0			at 10.00 out
12.0			Ends pleasant

Position of the surface from 21.8 to 22.8

Time	Lat	Long	Remarks
2.0	46° 40'	144° 15'	First part cloudy.
4.0			
6.0			
8.0			
10.0			
12.0			

There is not much that there is much changing state was out in a perpendicular position.

18 Sep 1881

General from 21.8 to 22.8 towards Boston

Time	Lat	Long	Remarks
2.0	46° 40'	144° 15'	First part cloudy.
4.0			
6.0			
8.0			
10.0			Middle part pleasant.
12.0			
2.0			Clear except for wrapping the glass.
4.0			Dark, gathering wrapping surface broken.
6.0			
8.0			
10.0			at 10.00 out
12.0			Ends pleasant

Position of the surface from 21.8 to 22.8

Time	Lat	Long	Remarks
2.0	46° 40'	144° 15'	First part cloudy.
4.0			
6.0			
8.0			
10.0			
12.0			

There is not much that there is much changing state was out in a perpendicular position.

30 Sep 1881

General from Little Woods Station									
Time	Lat	Long	Alt	Wind	Temp	Humidity	Clouds	Remarks	Date
12.1	36	106	1000	SE	60	70	100	First part clear and pleasant	Wednesday Oct 27 1881
12.2	36	106	1000	SE	60	70	100		
12.3	36	106	1000	SE	60	70	100	Little part clear	
12.4	36	106	1000	SE	60	70	100	Clear employed sweeping the yards, mowing the yard and left still very much	
12.5	36	106	1000	SE	60	70	100		
12.6	36	106	1000	SE	60	70	100		
12.7	36	106	1000	SE	60	70	100	Clear employed	
12.8	36	106	1000	SE	60	70	100		
12.9	36	106	1000	SE	60	70	100		
12.10	36	106	1000	SE	60	70	100		
12.11	36	106	1000	SE	60	70	100		
12.12	36	106	1000	SE	60	70	100		
12.13	36	106	1000	SE	60	70	100		
12.14	36	106	1000	SE	60	70	100		
12.15	36	106	1000	SE	60	70	100		
12.16	36	106	1000	SE	60	70	100		
12.17	36	106	1000	SE	60	70	100		
12.18	36	106	1000	SE	60	70	100		
12.19	36	106	1000	SE	60	70	100		
12.20	36	106	1000	SE	60	70	100		
12.21	36	106	1000	SE	60	70	100		
12.22	36	106	1000	SE	60	70	100		
12.23	36	106	1000	SE	60	70	100		
12.24	36	106	1000	SE	60	70	100		
12.25	36	106	1000	SE	60	70	100		
12.26	36	106	1000	SE	60	70	100		
12.27	36	106	1000	SE	60	70	100		
12.28	36	106	1000	SE	60	70	100		
12.29	36	106	1000	SE	60	70	100		
12.30	36	106	1000	SE	60	70	100		

1-2 Oct 1881

General from Little Woods Station									
Time	Lat	Long	Alt	Wind	Temp	Humidity	Clouds	Remarks	Date
12.1	36	106	1000	SE	60	70	100	First part clear and pleasant	Wednesday Oct 27 1881
12.2	36	106	1000	SE	60	70	100		
12.3	36	106	1000	SE	60	70	100	Little part clear	
12.4	36	106	1000	SE	60	70	100	Clear employed	
12.5	36	106	1000	SE	60	70	100		
12.6	36	106	1000	SE	60	70	100		
12.7	36	106	1000	SE	60	70	100	Clear employed	
12.8	36	106	1000	SE	60	70	100		
12.9	36	106	1000	SE	60	70	100		
12.10	36	106	1000	SE	60	70	100		
12.11	36	106	1000	SE	60	70	100		
12.12	36	106	1000	SE	60	70	100		
12.13	36	106	1000	SE	60	70	100		
12.14	36	106	1000	SE	60	70	100		
12.15	36	106	1000	SE	60	70	100		
12.16	36	106	1000	SE	60	70	100		
12.17	36	106	1000	SE	60	70	100		
12.18	36	106	1000	SE	60	70	100		
12.19	36	106	1000	SE	60	70	100		
12.20	36	106	1000	SE	60	70	100		
12.21	36	106	1000	SE	60	70	100		
12.22	36	106	1000	SE	60	70	100		
12.23	36	106	1000	SE	60	70	100		
12.24	36	106	1000	SE	60	70	100		
12.25	36	106	1000	SE	60	70	100		
12.26	36	106	1000	SE	60	70	100		
12.27	36	106	1000	SE	60	70	100		
12.28	36	106	1000	SE	60	70	100		
12.29	36	106	1000	SE	60	70	100		
12.30	36	106	1000	SE	60	70	100		

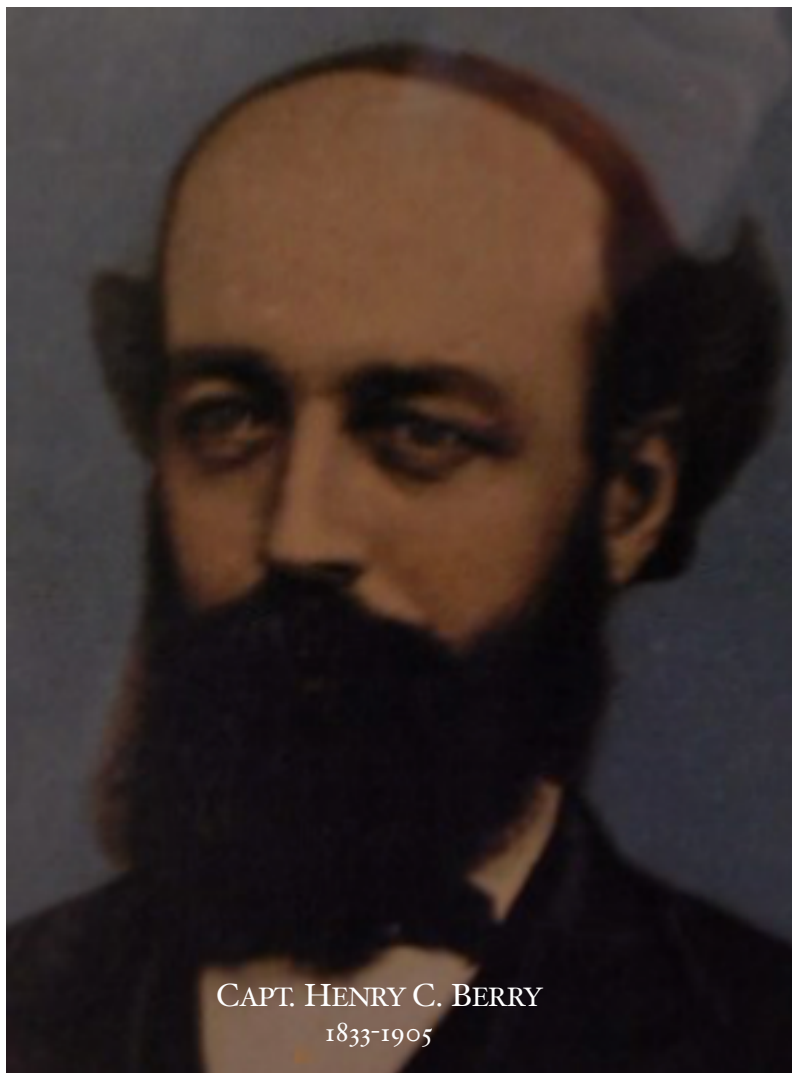
3-4 Oct 1881





Improved Enameled Cards.
By Bayley & Winter, 618 and 620 Washington Street,
NEXT TO MAGUIRE'S OPERA HOUSE, N. Y.





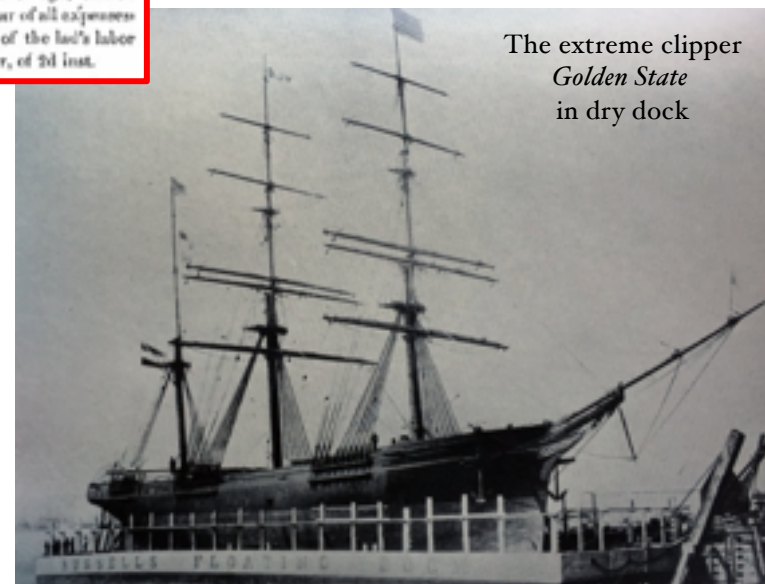
CAPT. HENRY C. BERRY
1833-1905

A WORTHY EXAMPLE.—No town on the Cape has profited more by the success which has attended the fishing business the past season than Harwich. This result is to be attributed partly to the superior enterprise of her fishermen, who are always "on hand" to seize upon any advantage that offers. "Go ahead;" is the motto of the Harwich people, and they are going ahead in earnest. We know of no community that progresses more rapidly in business, or in social, moral and intellectual improvement; and it gives us pleasure to record that much of the credit for this condition of things is due to the young men of that place. Even the boys are imbued with the spirit of enterprise and industry, as we can testify from numerous instances that have been related to us. One of them is worthy of being mentioned. James Berry, Esq., informs us that his son, Henry Clay Berry, under 14 years of age, earned him during the past season \$220 clear of all expenses and in two years past the product of the lad's labor has been rising of \$400.—[Register, of 2d inst.

Barnstable Patriot (8 Dec 1847), p. 2.

Capt. H. C. Berry and family have returned home from their sojourn in Brockton. We are pleased to welcome among them Mr. Osmyrn Berry, who has been absent about five years.

The Harwich Independent (22 Feb 1887), p. 2.



The extreme clipper
Golden State
in dry dock



Shipping Contract, Sch. Jonathan Bown

1871	Baltimore	
Dec 20	To Baltimore from 20th Dec. 1871	3.00
"	" " " " " " " "	"
"	" " " " " " " "	"
"	" " " " " " " "	"

1872	Baltimore	
Jan 27	To Baltimore from 27th Jan. 1872	3.00
"	" " " " " " " "	"
"	" " " " " " " "	"

1872	Baltimore	
Feb 18	To Baltimore from 18th Feb. 1872	3.00
"	" " " " " " " "	"
"	" " " " " " " "	"
"	" " " " " " " "	"

1872	Baltimore	
Mar 18	To Baltimore from 18th Mar. 1872	3.00
"	" " " " " " " "	"
"	" " " " " " " "	"

Vessels, Baltimore, Sch. Jonathan Bown

1872	Baltimore	
Dec 20	To Baltimore from 20th Dec. 1871	3.00
"	" " " " " " " "	"
"	" " " " " " " "	"
"	" " " " " " " "	"

1872	Baltimore	
Jan 27	To Baltimore from 27th Jan. 1872	3.00
"	" " " " " " " "	"
"	" " " " " " " "	"
"	" " " " " " " "	"

1872	Baltimore	
Feb 18	To Baltimore from 18th Feb. 1872	3.00
"	" " " " " " " "	"
"	" " " " " " " "	"
"	" " " " " " " "	"

Port Charges, Sch. Jonathan Bown

1872	Baltimore	
Dec 20	To Baltimore from 20th Dec. 1871	3.00
"	" " " " " " " "	"
"	" " " " " " " "	"
"	" " " " " " " "	"

1872	Baltimore	
Jan 27	To Baltimore from 27th Jan. 1872	3.00
"	" " " " " " " "	"
"	" " " " " " " "	"
"	" " " " " " " "	"

Port Charges, Sch. Jonathan Bown

1872	Baltimore	
Feb 18	To Baltimore from 18th Feb. 1872	3.00
"	" " " " " " " "	"
"	" " " " " " " "	"
"	" " " " " " " "	"

New York, Sept. 15, 92.

Dear Sir:-

We are in position to practically always secure highest prevailing rates on coal. Newport News to Galveston, which port the above schooner is very well adapted to. She will then proceed to Mobile, load lumber to come north to either New York or Boston. In this service regularly we feel sure that the vessel should meet with good success.

We would like very much to have you interested with us, and as there are a few shares still untaken and I desire to dispose of the matter and get it out of the way, I will be pleased if you will take say 1/32, to allow you that same proportion of the net sailing interest. We figure that the vessel will cost about \$640 to the 1/64th.

Mr Comyns Perry

The schooner FRANK WIND, in which I am a part-owner

Yours very respectfully,

[illegible]

BIG DERELICT.

Found Floating Bottom
Up in Sluc.

May Sink Some Vessel, as She
is Near the Channel.

Sunken Schooner May be
Jonathan Bourne.

Impossible to Learn Name
for the Present.

Owner Has Grave Fears That
Such is the Case.

CHATHAM, March 10.—Another ocean catastrophe has developed here today with probable loss of more lives in last week's blizzard.

U S Inspector Theodore McMahon, working under the authority of the U S engineer's office at Newport, R I, in the destruction of sunken wrecks in this neighborhood, was able to get out today and complete the destruction of the sunken schooner Frank Magee, which has been lying in the sluc channel since last fall.

He returned to town this evening, and in conversation with a Globe man said: "After completing work on the Magee we ran across to the sunken four-master. When I left here this morning it was my intention to go down and take off the quarter board of the unfortunate vessel and bring her name to light, thus relieving the anxiety of those who fear it may be some vessel in which they are interested.

"But arriving there we found such a mass of material floating in the water, covering about an acre of surface, that as the currents run so strong at that point it was too dangerous an experiment to dive among it, until it has been broken away entirely from the hull and drifted off.

"The four masts were floating heel up, with sails and rigging attached, and the latter securely held to the hull on the bottom, the masts having come out of her. It may help considerably in her identification to know that she has 'made' masts; that is, not solid Oregon pine sticks, but masts built of several sticks fastened solidly together.

"They were very bright, as if newly sawn, or else very well cared for. Being unable, under the circumstances, to learn anything, we stood over across the channel toward what looked at a distance to be a buoy, but getting near it one of the crew on the lookout exclaimed: 'That's not a buoy; it's the broken sternpost sticking up from another vessel, bottom up, and a big one, too.'

"And so it proved, as upon getting nearer, we found a big derelict, bottom up, apparently caught by her spars on the 15-foot stump, about three-quarters of a mile northeast by north from Pollock rip lightship. Her stern was considerably damaged, the keel and shoal being almost entirely knocked off aft.

"She appeared to be about 120 to 130 feet in length, and perhaps 20 feet beam, quite a large vessel, and a centerboard craft.

"I should judge her to be perhaps from 1200 to 1500 tons burden. None of us could do anything but guess as to how she came there, or when and where she met her doom, but she was floating so low in the water that she has probably not been observed by any passing vessels today, as with the prevailing northwest winds all vessels have been passing quite a distance to the eastward.

"I feel, however, that she is an extremely dangerous derelict, as she appeared to move with the current somewhat, and if the tide takes her out a short distance into the channel it will be miraculous if she is not struck in the darkness by some steamer leaving Boston just before night. She is so large that if she gets strung out across the sluc channel she will be even more of a menace to coastwise shipping than was Vanderbilt's yacht, so all vessels should be warned of the existence of this new danger which confronts them if they attempt to pass over the shoals after dark.

"It looks like another sea tragedy, but possibly her crew may have escaped somehow when she capsized, and may yet be heard from, if they have been picked up by some other vessel; I may receive orders from Newport to investigate this derelict, and perhaps to destroy it, and in either case I shall be able to ascertain her identity the first time I go to her.

"It is to be hoped she may become firmly attached to some shoal soon, and not menace navigation many days. I would not be surprised to find another vessel sunk off there tomorrow morning, if the derelict drifts out into the track tonight."

Capt William H. Berry, late master of schooner D M Anthony, went out with the Inspector today, and corroborates the above statement, fearing soon to hear of more disasters caused by this drifting obstruction.

Capt Henry C. Berry of West Harwich was in town yesterday to look up The Globe reporter, to get as good a description as possible of the schooner seen at anchor in the sluc last Tuesday at sunset. He owns the four-masted schooner Jonathan Bourne, and says his vessel left Portland with a cargo of ice Monday afternoon bound to New York, and would be due off here Tuesday. He has very grave fears it may be the Bourne, and is anxiously awaiting some news.

Some reports are circulated that the four-masters Henry L. Peckham and Eagle Wing were due from Boothbay, bound to Baltimore, but most of the experienced captains say these vessels would have gone out the south channel in a snow storm, while a vessel bound to New York, as was the Bourne, would most likely have tried to follow the coast and try to get in over the shoals to find a lee anchorage.

CONVINCED IT WAS THE BOURNE.

Capt **Berry**, Owner of Missing Craft, at
Chatham—All Facts Seem to Establish
Identity of Pollock Rip Wreck.

CHATHAM, March 10.—Capt H. C. Berry of West Harwich, owner of schooner Jonathan Bourne, was here again this noon to see Inspector McMahon regarding his examination of the wreck on Pollock Rip the other day. Capt Berry is now firmly convinced that the unfortunate vessel which went down in the blizzard was no other than the Bourne, as his vessel was a center-board craft and had "built" masts with white mastheads, corresponding exactly with those seen by Inspector McMahon.

A Providence dispatch to a Boston paper, claiming that it could not have been the Jonathan Bourne, because the latter was ice loaded, and therefore unsinkable, does not prove anything, since the vessel appeared to break apart as soon as she struck the shoal.

It is a very singular coincidence that chief mate Keefe of the Bourne was the son of Capt Keefe of the Frank Mago, which was sunk last fall by collision only a short distance from where the Bourne met her fate.

MELCHNATH AND MINERS TRANSPORTATION COMPANY

CULINARY DEPARTMENT



Estimating a model



REPRODUCED BY THE NATIONAL ARCHIVES FOR THE NATIONAL ARCHIVES AT COLLEGE PARK, MARYLAND

[illegible]

the 1990s, the U.S. economy has been growing at a slower rate than in the 1980s. The U.S. economy has been growing at a slower rate than in the 1980s. The U.S. economy has been growing at a slower rate than in the 1980s.


[illegible]

STEAMERS
The steamer of the Western Line, the "Western" is the only one of her kind in the world. She is the only one of her kind in the world. She is the only one of her kind in the world.

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[illegible]

FROBERG, D. 1983.



1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

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COMPANION AT THE RECEPTION

From the center a branching network leads to the lower flange on the upper block. Opening from the lower flange is used to load the pressure block, and the block electrically isolates the cells. An accelerometer, and also the input to the pressure transducer, is located in the lower flange.



The following limited list of titles is provided with the hope that it will encourage the use of the following resources and increase the quality of the program.

The main theme of the literature is, of course, the multi-state problem of [1].

—白口下平水 白下 白平水 白口下平水



MERCK & CO. INC.
TELEPHONATION CO.

MERCHANTS AND MINERS TRANSPORTATION CO.

Baltimore, Md., 11-26-69.
File #43.

Cap. O. Berry.
S/S Parcelan.
Phila, Pa.

Year 5/6-

In reference to your record of service with this Company, I beg to advise that our office records show your service as follows:


Age 4 years
Service 6 years - 7 months
Enl Date -25 months
Enl Date 8 years
Hoster 2 - - 4 months
Unaffiliated Hosters-Jail & Street
Thompson, T. E. to Jay Nash, Host/
Delaware River & Bay, Saranah River, Tybee
Is., Chesapeake Bay, Hampton Roads, Haiti,
Cape Henry.
Residence 2202 Locust St., N. Philadelphia.
Position Hosters 2/3 Persons.

Please acknowledge receipt of this letter, advising if the above record is correct, or any change you know that should be made in same.

Yours truly,

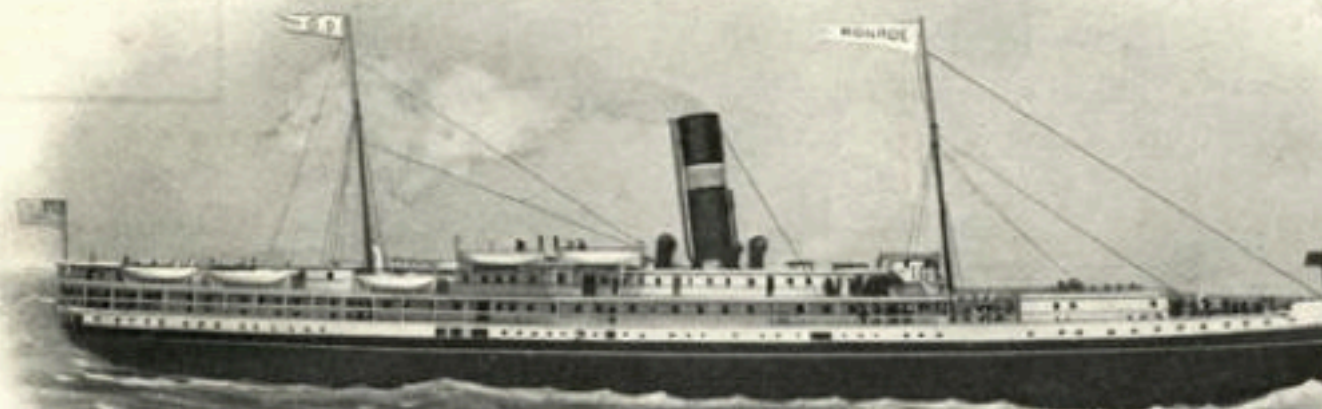
 $\frac{2000}{1}$

Suppose in fact that $\theta = 0$.

 <div style="display: inline-block; vertical-align: middle;"> BOSTON AND PHILADELPHIA STEAMSHIP COMPANY </div>	
S. S. PARTHIAN	
Free suit case	\$ 6.00
Leather hand bag	5.00
Sailors Canvas bag	1.00
7 White brass shirts	5.00
3 baggy shirts	2.00
2 suits winter undershirts	1.00
1 suit summer undershirts	1.00
1 bag Handkerchiefs	2.00
1 bag Socks	2.50
6 Neckties, Collars & cuffs	11.00
Cuff buttons & streamer pin	2.00
Razor and shaving gear	5.00
Barbers & cut	2.00
One uniform suit	10.00
3 Caps & buttons	2.50
2 dirty hats for double hats	7.00
Messing boots and put on boots	5.00
One pair of rubber boots	5.00
2 pair rubber, 1 pair over shoes	2.50
2 pair shoes	11.00
Amica Epitome (New)	6.00
Radio Expansion & Key (2 sets)	4.00
Pottery boxes	1.50
Myo's Vase and vase	2.00
Charts, rulers & sundries	10.00
3 Oil coats & 2, Mite	6.00
1 Muffler, winter	1.00
Laundry bag and sea chest	5.00
	\$140.00



OLD DOMINION LINE
DAILY SERVICE BETWEEN NEW YORK AND VIRGINIA



ON BOARD O. D. S. S. CO.'S S. S. MONROE

PASSENGERS ASLEEP WHEN CRASH COMES

SINKING OF THE LINER MONROE AFTER COLLISION WITH THE NANTUCKET
NEAR NORFOLK, VA. THIS MORNING



DOCTOR SLASHES MUSICIAN

Business Credit Line (BCL)—A revolving line of credit that can be used for a variety of business purposes.

DANCING ONLY
BOOKING SET TO
WUOLC—WUOLC



ELLER SAYS YESTERDAY
WAS HIS HAPPIEST DAY



**PENROSE MIXED
A STATEMENT
AS TO OLIVER**

**SAVED FROM FIRE
BY HUMAN LADDER;
ONE PERSON DEAD**

[illegible]

**PENROSE MAKES
A STATEMENT
AS TO OLIVER**

1. The first step is to identify the problem. This involves understanding the current situation and what needs to be improved.

THE ISLANDER
BY LINDA GILL

LAST AND HOME FRONT

TODAY'S WILLY: WRECKED VESSELS AND WASHINGTON MAN SAVE



TONIGHT WILL
SEE BLAZE OF
WHITE LIGHT
ON THE AVENUE

See *London From the Treasury*
to *Peace Movement: Will*
Make Throughline One of
the World's Progress.

DON'T SAY "I WILL
RUN," AVERS CLARK

Special Sales Representative: The
 An. Criminal Justice is a
 1990 Book is published.

PLASTERERS FAVOR BUCHANAN WEALD

Three persons, including the President of the United States, have been named as recipients of the award. The award is given to the person who has made the most significant contribution to the field of computer science in the past year.

WASHINGTON IS SAVED FROM WRECK

James O'Connell Books: *Wine and the Bible*. That one is built up for the nonbeliever.

GOVERNMENT PROBE OF
DISASTER HAS BEGUN;
MONROE'S CREW IS HELD

Winning Operation Though It Has Perished at Its
Post-Season Show-as Such Within Twenty
Minutes After Crash With Weather in Ocean

The Missing

This is the only list used by members of the passenger community for and probably derived:

[illegible]

HOFFMAN, Va., Jan. 26.—Trapped in their tracks and surrounded soon before the GMU Students from Moscow was sent to the Marine's Station after being rescued by the steamer *Thetis*. Only four men and women perished early today.

The Hummelists were soaring past, in case of bugs, is divided. It will be impossible until she dares to determine whether the loss of life will amount to anything. These estimates show the South will at 800,000.

Every member of the crew of both vessels will be held by Government authorities for an investigation to be begun tomorrow by George Uhlen, assistant chief of the United States coastguard inspection board.

— Cruising about at half speed through the fog we drew the recognition was possible only by "dead reckoning" the Whizzer was steamed on her forward quarter as finally that low silhouette was seen, came and her whistle ceased.

By the summer birds available indicate that the amount of the colonies is:

Class Test: 5 Minutes 20
 Percentage: 100% 20
 Time: 10:00 20

OPERATION IS MISSING.

You must be wearing glasses the whole of the exam.

When the window man at the Museum stopped by his "6, 45 37" cell shortly before 2 o'clock this morning to be allowed admittance to the room apart from the

The operator at the Museum is still recovering his wits and it is believed that he remained at his post throughout

The tragedy has unfolded in its horror, say, the

The New York Times

January 31, 1914

Stricken Ship Turns Turtle After Receiving Blow Amidships.

WIRELESS MAN A HERO

F. J. Kustin of New York Sticks to Post, Gives Life-Belt to Woman; Goes Down with Ship.

THREE BOATS LOWERED

"Women First," the Obeyed Order—Crew of Nantucket Save Scores from the Sea.

SURVIVORS ILL FROM SHOCK

Husband Keeps His Wife Afloat by Holding Her Hair in His Teeth, Then She Dies.

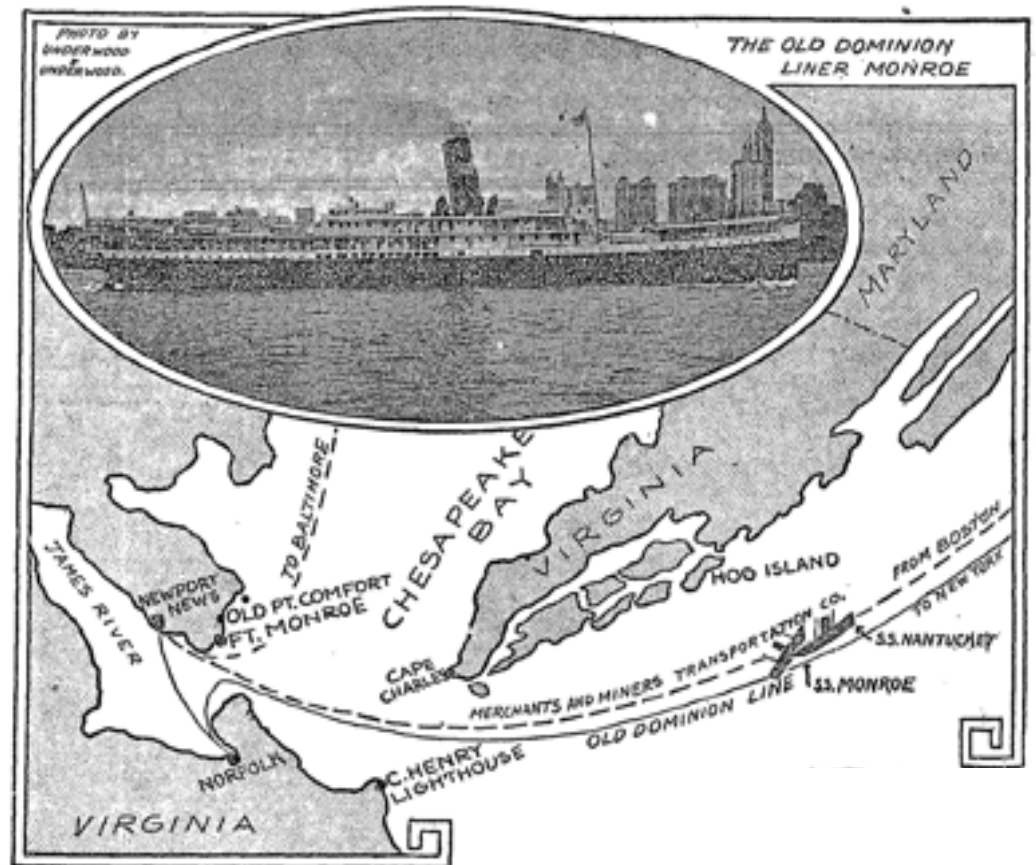
CAUSE OF CRASH HIDDEN

Capt. Johnson of Lost Ship, Away in Third Boat, Stands by to Pick Up Survivors.

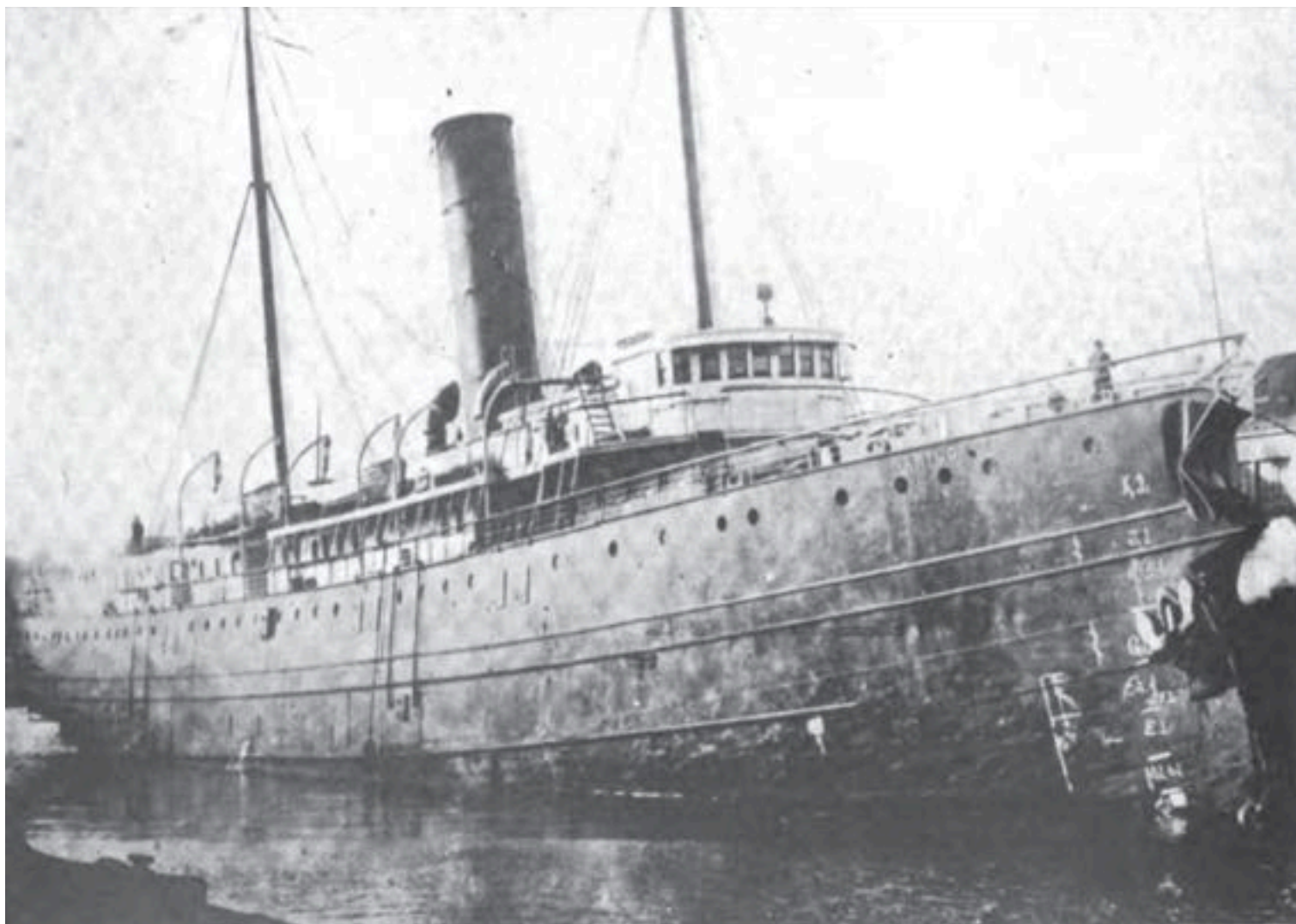
RIGID INQUIRY IN SIGHT

Officers and Crews of Both Vessels Held at Norfolk Pending an Investigation.

The Lost Liner and Scene of the Disaster.



WHERE THE STEAMSHIPS CRASHED IN FOG





THE BATTERED "NANTUCKET" AT THE WHARF IN NORFOLK HARBOR.

Showing how the impact of the collision crumpled her bows. The damage, however, was not sufficient seriously to endanger her voyage into port with her own company and the 98 persons rescued from the *Montec*. The *Nantucket* then went on to Baltimore.



E. L. SMITH Wesleyan University, Middletown	CLARENCE A. BEARD U. of N. Carolina	JOHN S. FARRINGHAM U. of N. Carolina, Chapel Hill	A. T. BRIDGES Wesleyan University, N.Y.
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DIVERS WILL SEEK BODIES IN MONROE

Week of Old Dominion
Liner Loaned by Ren-
aissance Center.

CAPTAIN BERT
BLAKE'S JOHNSON

**Muster of 30-Piece Ship Crew Is
Being Sought For
Murder**

[illegible]

Marka Watery Grave of Forty



The photograph shows the mast of the *Edmund Moore*, which was run down recently by the *Nantuxet*, with a great loss of life. The cutter *Chowag* is anchored near by.

MONROE'S CAPTAIN NOT QUITE SURE OF HIS COURSE

Skipper Johnson Is Witness at Trial of Captain Berry of Nantucket for Bad Seamanship in Causing Collision and Loss of Life.

...the Associated Press.

Tuesday.

LOSES HIS LICENSE DUE TO COLLISION



CAPT. OSWYN BERRY

Washington, April 11.—Capt. Henry D. Derry of the Massachusetts and Maine coasted Narragansett, which happened and took the Old Dominion home Sunday morning. Derry, who is a native of Narragansett, has been found guilty of manslaughter and his sentence has been returned.

It is believed that the United States officials divided the responsibility for the disaster between Capt. Derry and Capt. Johnson of the Mission. In regard to the latter, it is said that he was killed by Capt. Derry who has been held guilty of the crime.

Capt. Derry's decision holds that the tragedy he could have seen the Mission never is so close today that the tragedy is toward the Mission's location and that Capt. Derry might have

1997-1998

THE DULUTH HERALD

U. S. ADMIRAL ORDERED
TO SEIZE VERA CRUZ
CUSTOM HOUSES

_____ situations from state 1.1

The London reproducers are alarmed by the foreign exchange conditions and have laid before the House some plans to meet the need.

President Adenauer (Chancellor) in 1954-1955. The White House is responsible for the general conduct of the relations established by the United States with Germany, but the President is not bound to follow the recommendations of the Federal Government. The President is responsible to the Federal Government for the conduct of the relations established by the United States with Germany, but the President is not bound to follow the recommendations of the Federal Government.

President Wilson opposed making the revolution too small for fear that it might be considered as a declaration of war.

The language of the amended resolution adopted by the Senate Foreign Relations Committee is satisfactory to the President because it specifically disclaims any purpose of making war in Mexico. The administration expects the House to agree promptly.

A new resolution, to exempt the apostles already offered for Hawaii, a "voluntary organization" for the Tongan incident, was introduced by Senator

"It would be very unusual for me to say anything at this time," said the

"In a situation of high tension such as now confronts us, it is well to remember the responsibility of the media," he began. "The power of the media was used, under the Communist line, with the intention of

"When the president says an international conference before coming to take the last step that peace was," commented Mr. Long, "the president might have taken further steps, but he had come to the end which almost has proved to disaster and I think the last thing will."

A cartoon illustration of a man with a wide-eyed, shouting expression, wearing a suit and tie. He is holding a large sign that reads "Only 8 More Shopping Days HURRY!". The illustration is in a classic comic book style with bold lines and cross-hatching for shading.

Our floors are again covered
we were already shipped to

Everything Is Real Removal

Now at First Street

COMPLETE



Crew of the S. S. Monroe
February 1914



Capt. Edward E. Johnson
February 1914

THE WIRELESS AGE

Statement of the ownership, management, circulation, etc., of THE WIRELESS AGE, published monthly at New York, N. Y., required by the Act of August 24, 1912. Editor, J. Andrew White, 435 Fourth avenue, New York; Business Manager, John Curtis, 435 Fourth avenue, New York; Publisher, Marconi Publishing Corporation, 435 Fourth avenue, New York.

Stockholders holding 1 per cent. or more of total amount of stock, Marconi Wireless Telegraph Company of America, 233 Broadway, New York City. Known bondholders, mortgagees, and other security holders, holding 1 per cent. or more of total amount of bonds, mortgages, or other securities: none.

JOHN CURTIS,
Business Manager.

Signed and published before me this 28 day of October, 1913.

B. N. Swift,
Commissioner of Deeds,
New York City, No. 169,
New York Register, No. 15,304,
Commission expires April, 1915.

MARCH, 1914

The Monroe Disaster

*In which the
Marconi Tradition was again
upheld when
Operator Kuehn
laid down his
life for another*



DEEDS of heroism and bravery in time of peril alleviate in a measure the horror of a marine disaster in which almost half a hundred persons perished. Again, the wireless operators—faithful guardians through the day and the night—proved that they could be tried in calamitous extremities and meet the test unflinchingly. One, in particular, distinguished himself by his valor, and the account of how he gave his own life to save that of a woman stands out prominently in the annals of self-sacrifice.

And the ever-indispensable wireless, too, operated on a sinking vessel, faithfully performed its great service to humanity. With only ten minutes to spare before the waters swallowed up the ill-starred craft, a far-reaching appeal was sent out over the ocean. There was just time to flash the S O S and give the location of the disaster, but that brief message was sufficient to convey the information that lives were in danger and help was needed.

Forty-nine human lives—twenty-five

passengers on the Old Dominion line steamer Monroe and twenty-four of her crew—were claimed by the sea early on the morning of January 30 last, when the Narnocket, a smaller ship of the Merchants and Miners Transportation Company, reaching for Norfolk, Va., from Boston, came into collision with the Monroe in the heavy fog. The vessels were off Hog Island, sixty miles from Cape Charles; the Monroe, bound for New York, barely five hours out of Norfolk.

The Narnocket did not escape undamaged. Her bow was crumpled up and she began to leak in an alarming manner. A temporary patch was placed over the rent and she stood steadfastly by while her searchlight swept the sea in search of the victims of the accident. Not until all hope of effecting rescues was gone did she leave the scene of the disaster.

"Women and children first!" was the order of Captain E. E. Johnson, of the Monroe, as he stood by the sinking vessel in command of one of the three lifeboats which it was possible to launch. The





JAMES BERRY (1904-1967)
behind the wheel of the *Buick XP-300*
GM Concept Car in Cleveland, OH 1952.







CAPTAINS' ROW®

BRAINSTORMING SESSION

CONTEXT — AESTHETICS — VISION

J. DUNCAN BERRY, PH. D.
37 MAIN STREET • WEST HARWICH

27 OCTOBER 2015
HARWICH TOWN HALL

PRELIMINARY OBSERVATIONS

BETWEEN DIVISION STREET AND THE HERRING RIVER, THERE ARE TWENTY-FOUR (24) STRUCTURES THAT HAVE MET ALL FOUR QUALIFICATIONS TO BE AWARDED FULL STANDING IN THE **NATIONAL REGISTER OF HISTORIC PLACES**; THEY DATE BETWEEN THE 1750S AND 1914 AND REPRESENT ALL THE MAJOR STYLES OF ARCHITECTURE (HALF HOUSE, GREEK REVIVAL, ITALIANATE, SECOND EMPIRE, STICK STYLE, SHINGLE STYLE, AND BUNGALOW).

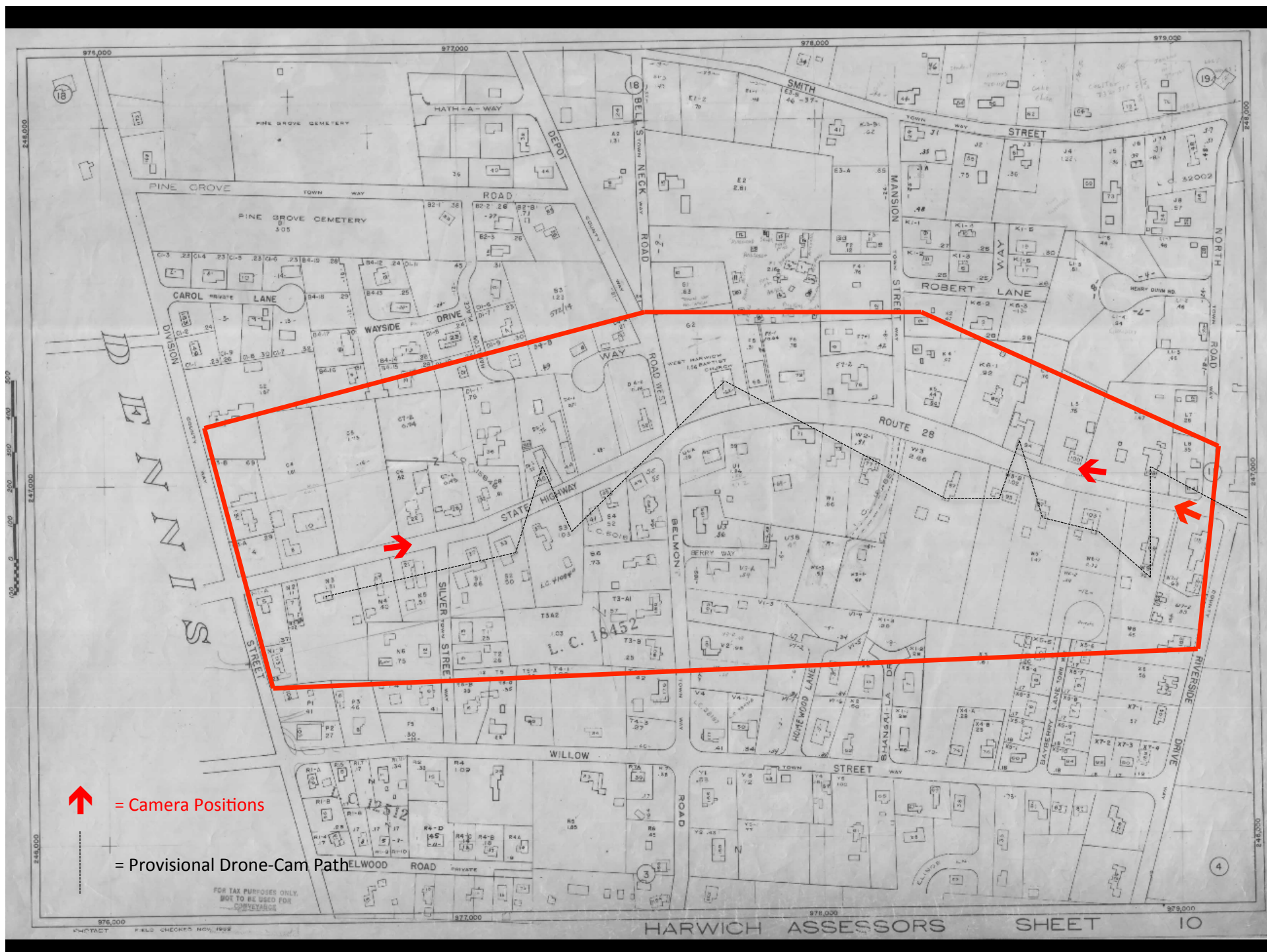
THE HOMES ARE ARRAYED ON THE MAIN STREET WHICH TAKES THE SHAPE OF A GENTLE, SERPENTINE BEND, ARTICULATED BY SOFTLY MODULATED CONTOURS THAT FOLLOW PROPERTY LINES, AND WHICH IS CROWNED BY A NATURAL HILLOCK AT THE SITE OF THE BAPTIST CHURCH, WHOSE SPIRE MARKS BOTH A SYMBOLIC AND GEOLOGICAL HIGHPOINT IN THE VILLAGE.

BY THE END OF THE 19TH CENTURY, MAIN STREET WAS A MEADOW-LIKE PATH WINDING THROUGH A LIGHTLY POPULATED VILLAGE.

BEFORE THE ROAD SURFACE WAS FIRST PAVED IN 1908 (THANKS TO THE PRIVATE INITIATIVE OF COL. CALEB CHASE), PRIVATE ACORN-TOP, FOUR-RAIL AND TURNED-PICKET FENCES BOUNDED A BROAD BOULEVARD, BORDERED BY GRASSY STRIPS, AND WALKING PATHS.

I ENCOURAGE YOU TO THINK OF THIS NOT AS A FLAT-TWO DIMENSIONAL PATH, BUT AS A THREE-DIMENSIONAL SEQUENCE OF *TABLEAUX* THAT UNFOLD IN TIME.

WHAT FOLLOWS IS AN ASSESSOR'S MAP, AND THREE HISTORICAL VIEWS OF THE MAIN STREET.





WEST HARWICH, MASS. Main St., showing P. O. and Baptist Church.





MAIN ST. W. HARWICH MASS. 64



Superimposed Imaginary Tableaux Frames

ARTICULATIONS: LIGHT, TEXTURE, SURFACE

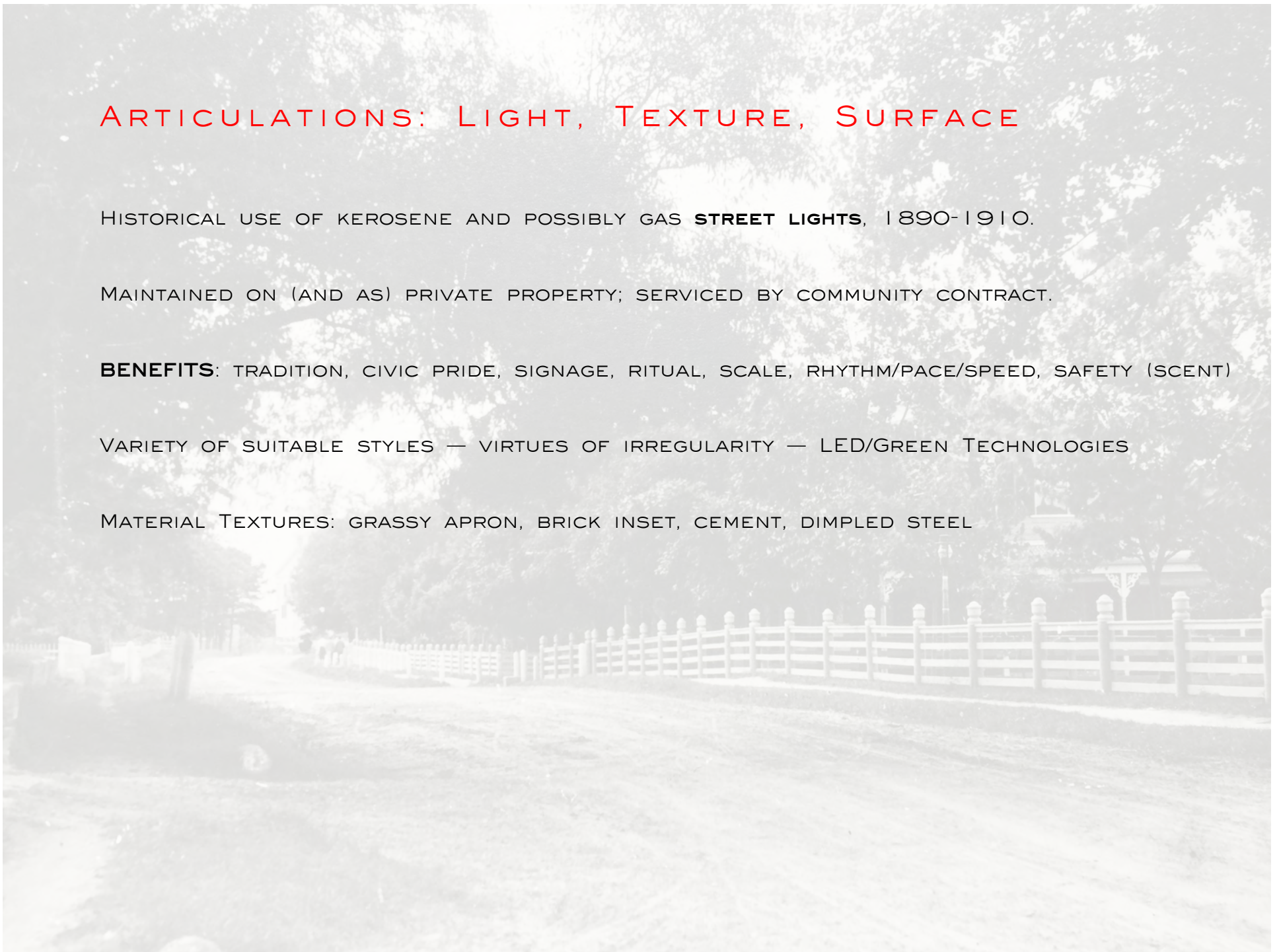
HISTORICAL USE OF KEROSENE AND POSSIBLY GAS **STREET LIGHTS**, 1890-1910.

MAINTAINED ON (AND AS) PRIVATE PROPERTY; SERVICED BY COMMUNITY CONTRACT.

BENEFITS: TRADITION, CIVIC PRIDE, SIGNAGE, RITUAL, SCALE, RHYTHM/PACE/SPEED, SAFETY (SCENT)

VARIETY OF SUITABLE STYLES — VIRTUES OF IRREGULARITY — LED/GREEN TECHNOLOGIES

MATERIAL TEXTURES: GRASSY APRON, BRICK INSET, CEMENT, DIMPLED STEEL





The Captain James Berry Residence , *circa* 1910 (37 Main Street)

Left to Right: James Berry (1904-1967), Hazel Berry Gordon (1895-1944), Osmyn Berry (1900-1972).



Detail from 37 Main Street, *circa 1910* — Street Lamp



West Harwich Mass









DENNISPORT: COMPARISON & CONTRAST

DIFFERENT SENSE OF CADENCE MOVING THROUGH SPACE — GINN'S EMPORIUM

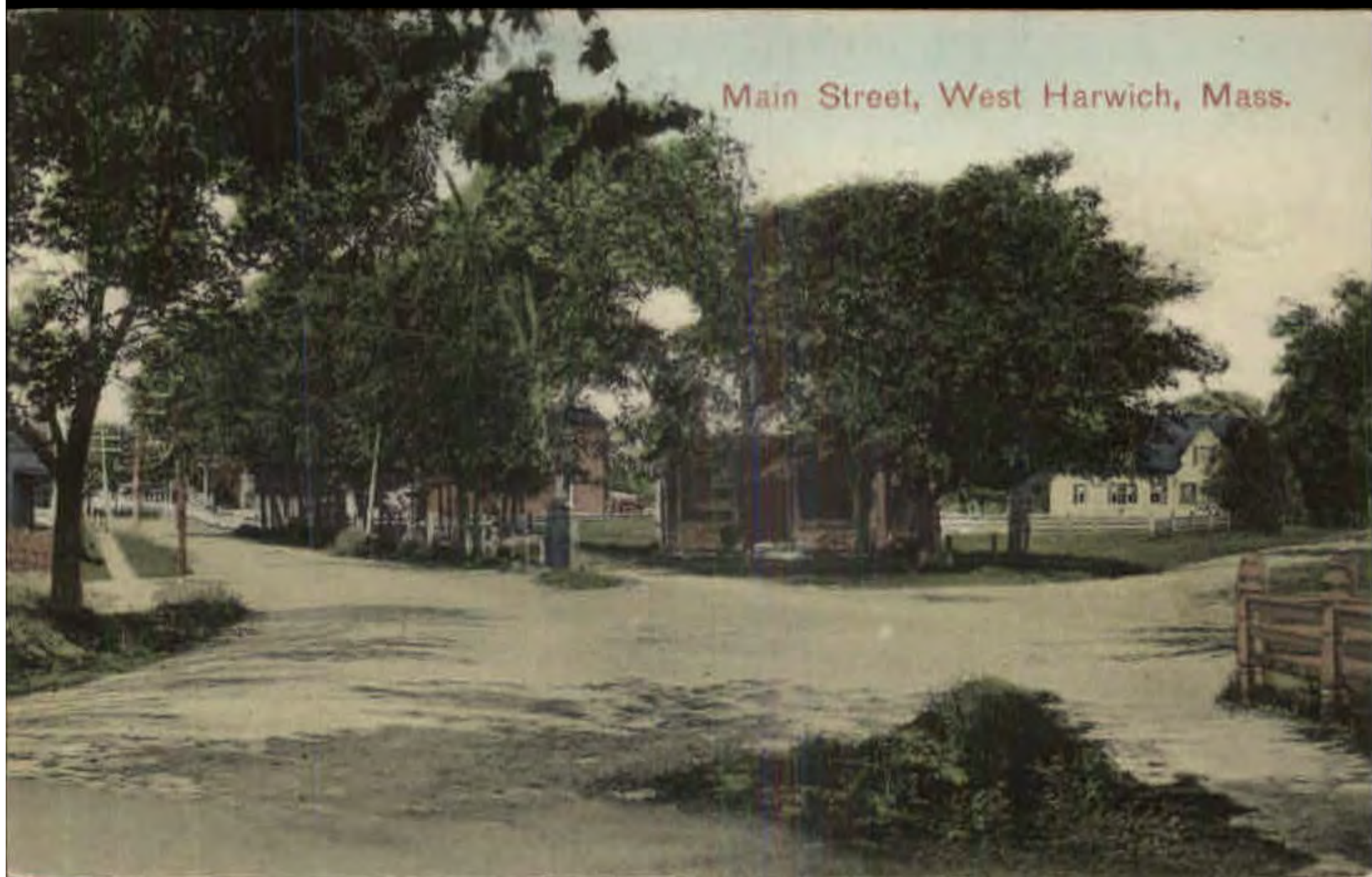
CLEAR DIVISION BETWEEN AUTOMOTIVE SPACE AND PEDESTRIAN SPACE

NOTE CRESTING AND IRREGULARITIES OF ROAD BOUNDARIES

TEXTURAL VARIETY: GRASS, WOOD FENCE, DIRT PATH, SANDY ROAD BED



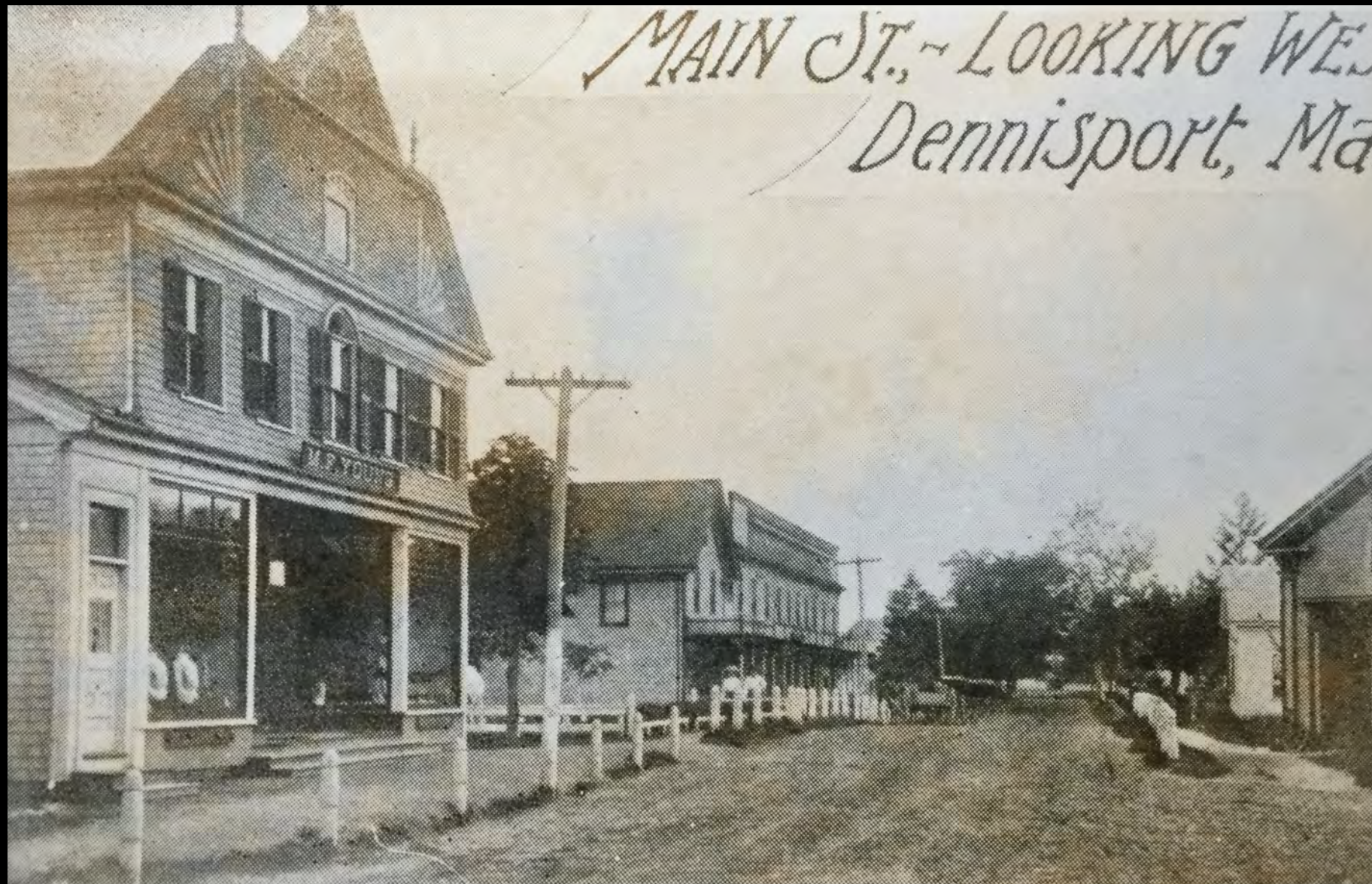
Main Street, West Harwich, Mass.







MAIN ST. - LOOKING WEST
Dennisport, Ma



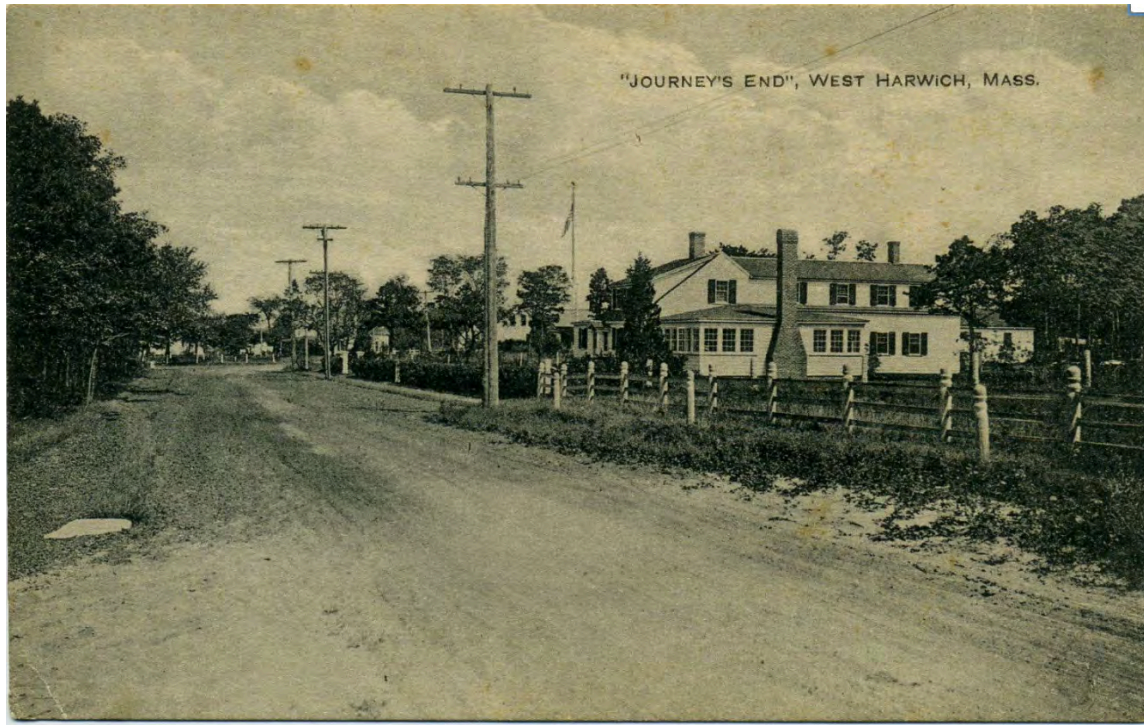


INSTRUCTIVE VISUALS

VINTAGE
WEST HARWICH
POST CARDS

BELMONT AVENUE, CORNER MAIN STREET, WEST HARWICH, MASS.





Judah Chase House, *circa* 1920 (97 Main Street)







THANK YOU

CAPTAINS' ROW
BRAINSTORMING SESSION

J. DUNCAN BERRY, PH. D.
JDB@APPLIED-ICONOLOGY.COM