

**SELECTMEN'S MEETING AGENDA\***

*Donn B. Griffin Room, Town Hall  
732 Main Street, Harwich, MA  
Regular Meeting 6:30 P.M.  
Tuesday, February 20, 2018*

*\*As required by Open Meeting Law, you are hereby informed that the Town will be video and audio taping as well as live broadcasting this public meeting. In addition, anyone in the audience who plans to video or audio tape this meeting must notify the Chairman prior to the start of the meeting.*

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. WEEKLY BRIEFING**

**IV. PUBLIC COMMENTS/ANNOUNCEMENTS**

**V. CONSENT AGENDA**

- A. Approve Minutes – February 5, 2018 Regular Meeting
- B. Refer Large Scale Ground Mounted Photovoltaic Zoning By Laws to Planning Board for hearing

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

- A. Public Hearing – Application for Pledge of License and Transfer of Annual, Common Victualler, All Alcoholic Beverages License from Land Ho Harwichport LLC d/b/a Land Ho, Dillon J. Murphy Sr. - Manager to BLM Restaurant Group Inc. d/b/a Lanyard Bar & Grill, Benjamin Porter – Manager at 429 Route 28, Harwich Port, MA

**VII. NEW BUSINESS**

- A. Municipal Stormwater Drainage Update – *Bob Cafarelli – Town Engineer*
- B. Stretch Code Update and other Green Communities Elements – *Ray Chesley – Building Commissioner, Charleen Greenhalgh – Town Planner*
- C. Review of Draft ATM Warrant Articles

**VIII. OLD BUSINESS**

- A. Housing Trust Membership Make-Up

**IX. TOWN ADMINISTRATOR'S REPORT**

- A. Roadwork Notifications
- B. Departmental Weekly Reports

**X. SELECTMEN'S REPORT**

**XI. ADJOURNMENT**

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

**Authorized Posting Officer:**

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

**Date:** \_\_\_\_\_  
February 15, 2018

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

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, FEBRUARY 5, 2018  
6:30 P.M.**

**SELECTMEN PRESENT:** Ballantine, Brown, Howell, Kavanagh, MacAskill

**OTHERS PRESENT:** Town Administrator Christopher Clark, John Rendon, Carol Coppola, Bob Cafarelli, Carolyn Carey, Cyndi Williams, Leo Cakounes, Robbin Kelley, and others.

**WEEKLY BRIEFING**

Ms. Carey reported that it is the 18<sup>th</sup> anniversary of the Community Center and discussed the upcoming associated events.

Mr. Dan McLaughlin of 116 Uncle Venies Road said that as a taxpayer and restaurant owner he has written to Mr. Clark asking to be in any RFP process for a restaurant at Saquatucket Harbor and he discussed what he believed would be the benefits to the town.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

- A. Annual Town Meeting Warrant Article Deadline – Friday, February 9, 2018 at noon

Mr. Ballantine moved to close the warrant on Friday at noon. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

**CONSENT AGENDA**

- A. Approve Minutes – January 22, 2018 Regular Session
- B. Approve application for Dave Birtwell Rememberly Walk to be held on May 12, 2018 and waive Building Department tent fee of \$55
- C. Confirm appointment of Mary Maslowski as Administrative Assistant in the Town Clerk's office as recommended
- D. Approve Harwich Participation in the FY18 Truro Regional CDBG Grant for Housing Rehabilitation and Child Care and authorize the Chair to sign

Chairman MacAskill stated that they would be taking up Item D separately. Mr. Ballantine moved approval of the Consent Agenda Items A through C. Mr. Howell seconded the motion and the motion carried by a unanimous vote. Mr. Ballantine moved approval of Item D. Mr. Howell seconded the motion and the motion carried by a 4-0-0 vote with Ms. Brown recusing herself on this item.

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

- A. Town of Harwich Federal Financial Internal Controls and Procedures – *Carol Coppola, Finance Director*

Ms. Coppola explained that when the Town receives awards of Federal grants, the Town is required to comply with the Federal Financial Internal Controls and Procedures and she provided the attached

slide presentation on this topic. She took questions and comments from the Board. The consensus of the Board was to move forward with this.

B. Presentation on MA Seaport Economic Council Grant - Saquatucket Landside Renovation project – *John Rendon, Harbormaster*

Mr. Rendon provided the attached presentation of the Saquatucket Landside project plan which included a snack shack. He asked for the Board's assurance that they still support the project as originally applied for with the snack shack prior to his attending next Tuesday's Seaport Council meeting to accept the grant in amount of \$1 million. Chairman MacAskill stressed that Town Meeting voted \$3 million for the project with the understanding that any grants received would offset that amount and that Town Meeting should decide whether to move ahead with the snack shack or use the \$1 million grant to reduce the Town's borrowing authorization for the project. There was extensive discussion that followed as to the merits of whether a snack shack or restaurant should be included in the plan, if voters should be given the chance to opt out of either choice at Town Meeting, or if we should revisit it in a year. Mr. Ballantine moved to accept the \$1 million grant consistent with the diagram shown at Town Meeting and the grant would be subject to appropriation at the Annual Town Meeting. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

**NEW BUSINESS**

A. Recommendation to appoint Randall Pond as the Housing Authority's representative to the Community Preservation Committee term to expire May 15, 2018

Chairman MacAskill said they didn't receive the minutes on this item that they had asked for. Mr. Howell said he wants the public to understand that we have been consistent in that we get approved minutes so he doesn't see how we can act on this and he stressed that this is not a personal animus. The Board took no action on this item.

B. Request by Cemetery Commission to name new Island Pond arboretum the "James Marceline Arboretum"

Chairman MacAskill said they would bring this item back. He reported that there is a piece missing to this and he has spoken to the Cemetery Administrator about it.

C. Transfer of land from Board of Selectmen to the Cemetery Commission for Island Pond Cemetery

Ms. Kelley described the project to turn part of Island Pond Cemetery into an arboretum which she noted requires a certain amount of acres. She further pointed out that this land will give us 60 more burial spaces and a parking area. Mr. Howell moved to support the transfer of land from the Board of Selectmen at the request of the Cemetery Commission to the Cemetery Commission for Island Pond Cemetery. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

D. Wastewater Support Committee information

Chairman MacAskill stated that he requested some information from Dave Young for the Wastewater Support Committee and Mr. Young had asked what the information flow would be. Chairman MacAskill explained that tonight's discussion is to establish a chain of command. Mr. Clark stated that the new Committee can't have Mr. Young at their beck and call and he recommended having Mr.

Pelletier be the repository for information and be the staff support we used to have Mr. Young provide. He said if requests come in from the Committee they could be channeled through himself or Mr. Pelletier and that could be the chain of command. Mr. Howell said he would urge CDM Smith to come up with a timeline for when and how this will affect people and Mr. Clark responded that they are working on a more detailed timeline. Mr. Ballantine stated that the Committee would like to have a definite path. He said they have asked Mr. Young to come in tomorrow and present in more detail where we are now, a time schedule for actions before Town Meeting, a schedule for implementation, and a fix on what costs are going to be. Ms. Pflieger said they have received some information from Mr. Young but have requested up-to-date maps and more detailed timelines. She pointed out that we are supposed to supplying a list of qualified engineers and/or plumbers. She commented that she needs to have a feeling of what this project is about and where we are with it so she can talk to the people and answer their questions

- E. Appoint Selectman Ballantine to serve on Cape Cod Water Protection Collaborative for a term from February 25, 2018 to February 28, 2019

Mr. Howell moved to appoint Mr. Ballantine to that position effective immediately and with an expiration date of February 28, 2019. Ms. Brown seconded the motion and the motion carried by a unanimous vote.

- F. Revenue allocation for Water Department cell tower lease

Mr. Howell moved to support the money going into our Housing Trust. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

- G. Establishment of two member Board of Selectmen Personnel Board

Chairman MacAskill said this is a request of one Board member but something he had been thinking of for some time. He stated that with everything going on with personnel and the most recent vacancy of the Assistant Town Administrator and some other positions, he thought it would be good if the Board were more involved in the overall structure. Mr. Howell said that it's not really a Personnel Board but rather this really delves into organizational structure and he would support it on that basis and not getting in the day to day operation of personnel. Ms. Kavanagh, Ms. Brown and Mr. Ballantine agreed. Mr. Clark also suggested getting away from calling it a Personnel Board. Mr. Cakounes pointed out that a Personnel Board would have to post agendas and minutes. He suggested that if the Town Administrator asked two of the Board to aid him in a Personnel Board scenario then they aren't required post and provide minutes. Mr. Ballantine volunteered to work with Mr. Clark to put some structure together and bring it back. Mr. Clark said he would like to have one member of the Board sit on the search committee for the Assistant position. Mr. Ballantine said he would be reluctant to do that right now as we need to discuss what our greatest needs are for that position and he suggested we focus on procurement and legal experience. Chairman MacAskill commented that given Mr. Cakounes' suggestion, do we really need to come back with this. Mr. Clark said he would reach out to Mr. Ballantine and Mr. Howell. Ms. Kavanagh said she would like to be involved in the recruitment process.

- H. Housing Trust membership make-up

Mr. Clark described the Yarmouth makeup of their Housing Trust which includes the Town Administrator – Chair of the Trust by Town Meeting by-law, one member of the Board of Selectmen – required by State law, one member of the Yarmouth Affordable Housing Committee – by Selectmen Board of Selectmen minutes

policy, one member of the CPC – by Selectmen policy, and one citizen at large – by Selectmen policy. He stated that by statute we definitely have to have a Selectman member on it. He volunteered to serve as well. Mr. Howell questioned if anyone has asked Town Counsel to give an opinion relative to Selectmen being on this as our Charter says you can't appoint a Selectman to a committee to which they have appointment authority over. Mr. Clark said he would send it to Town Counsel. Chairman MacAskill stated that Chatham and Bourne do not have their Town Administrator on the Committee. He suggested they say "or delegate of the Town Administrator" as they do in Brewster. He said it doesn't make sense to put that responsibility on the Town Administrator. Ms. Kavanagh said it would be helpful to have the Town Planner on the Committee instead of the Town Administrator and Mr. Howell and Ms. Brown agreed. Mr. Clark said he wouldn't remove the Town Administrator and Yarmouth has been successful because the Town Administrator is on it. It was agreed that it would be the Town Administrator or his designee. Mr. Ballantine suggested having a representative from the Housing Committee and Ms. Brown suggested having more than one person from the community involved. Mr. Bodin questioned what the term of the Town Administrator would be. He said it works well in Yarmouth with having the Town Administrator as Chair. Chairman MacAskill suggested the make-up of the Committee be the Town Administrator or his designee, a Selectman, a Housing Committee member, and one citizen at large. Ms. Brown suggested having two at large members and that the designee be the Town Planner. Ms. Brown said she would like to get some input from the community a little bit more. Chairman MacAskill asked that the Board give some thought to the structure. No action was taken.

#### I. New approval process for Executive Session minutes

Chairman MacAskill stated that it was pointed out to him that we probably shouldn't be approving executive session minutes in open session. He noted that he sent an email to Attorney Giorgio and he agreed and suggested approving them in executive session with a line item in open session or delegating someone on the Board to approve the minutes. Mr. Howell stated that he was in favor of voting the minutes in executive session and was against having a delegate approving them. He noted that when the purpose for the executive session no longer exists, the information becomes public. Mr. Ballantine and Ms. Kavanagh were also in favor of approving the minutes in executive session rather than having a delegate.

### **OLD BUSINESS**

#### A. Reallocation of staff in Community Development Department

Mr. Clark stated that his original intent was to take some of the savings and put it down in Administration but the budget is going to be much tighter than he had thought so he doesn't think there are resources to accomplish that. Mr. Ballantine said the plan makes sense and Ms. Kavanagh and Ms. Brown agreed. Mr. Ballantine moved to accept the Administrator's proposal of reallocating staff in the Community Development Department as shown in his memo of December 21, 2018. Ms. Brown seconded the motion and the motion carried by a unanimous vote.

#### B. Proposed Charter changes

Chairman MacAskill stated that this item is on the agenda in case the Board has questions. Mr. Howell said he has conveyed the changes to the By-Law and Charter Review Committee and they are working on finalizing their wording for the changes that assign the number of people to committees. He said there isn't going to be anything relative to ex-officio appointments as that mostly sits in the by-laws of the CPC and other towns do it other ways and we may want to look at it and decide what

direction we want to go in. Mr. Ballantine noted that in Section 7-10, it indicates that the Conservation Commission has 7 members but they also have potential for three associate members. Mr. Howell said they are going to rework this language and it should be in the paragraph related to the committee. Chairman MacAskill questioned if they want to make these all 7 and 9 members, other than those that are statutory, considering how difficult it is to get volunteers. Mr. Howell said they discussed this at last year's Town Meeting that we were going to give numbers to committees, so it wouldn't be consistent with what they said. Chairman MacAskill discussed going back to Town Meeting with a recommendation and Mr. Howell agreed.

C. Wastewater update – Cold Brook, East Harwich, Dennis/Yarmouth/Harwich

With regard to Cold Brook, Mr. Clark stated that there is a \$1.5 million grant earmarked for the Town for fish navigation and he is setting up a meeting next week as to how to move this project forward. He said he is having continuing discussions with the Harwich Conservation Trust to see about the changes that would be contemplated in that area. With regard to East Harwich, Mr. Clark reported that staff is working on design and they are looking at whether the pipe goes on the north or south side of Route 137 and how deep they can get it. With regard to Dennis/Yarmouth/Harwich, Mr. Ballantine said we have had input from K-PLaw on an option for Special Legislation and it is favored to model a regional partnership tentative to a meeting on March 22<sup>nd</sup> at the Dennis COA at 6:00 p.m. with the Selectmen from all three towns for the purpose of getting an update on proposed legislation.

## **TOWN ADMINISTRATOR'S REPORT**

A. Update on Route 28 sidewalk

Mr. Clark reported that he had a discussion with Mr. Hooper and MassDOT District 5 to see if we can move forward on this project. He said he thinks the mechanism to do that is that they would do the design work and we would pay a contractor that they approved. He said they will come look at it and provide feedback and we have budgeted \$250,000. Mr. Cakounes suggested asking Mr. Hooper to write a letter to the MPO stating that it would be a good idea to have a sidewalk allocation in their plan. Ms. Kavanagh said we should be looking at the sidewalk near Station 2.

B. Department Weekly Reports

Mr. Clark stated that the budget was a lot tighter than anticipated and a lot of cuts had to be made but the two firefighters and the police officer are included.

## **ADJOURNMENT**

Ms. Brown moved to adjourn at 9:11 p.m. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel  
Recording Secretary

**PLANNING BOARD** • 732 Main Street, Harwich, MA 02645

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*ph: 508-430-7511 • fax: 508-430-4703*

February 14, 2018

To: Board of Selectmen  
From: Planning Board  
Re: Proposed Zoning Bylaws – Large-Scale Ground-Mount Photovoltaic Array By-Right Bylaw

At the duly posted Planning Board meeting held last evening, the Board voted unanimously to refer the attached amendments to the zoning bylaw – Large-Scale Ground-Mount Photovoltaic Array – to the Board of Selectmen.

At this time the Planning Board requests that the Board of Selectmen vote to refer this proposed zoning amendment back to the Planning Board so that the Planning Board can begin the required public hearing process pursuant to M.G.L. c.40A §5.

If you have any questions, please do not hesitate to contact the Board or Town Planner Charleen Greenhalgh.

Harwich Planning Board Legal Notice - Proposed Zoning Amendment

In accordance with the provisions of MGL c.40A §5, the Harwich Planning Board will hold a public hearing on Tuesday, March 27, 2018 no earlier than 6:30 pm in the Donn B. Griffin Room, Harwich Town Hall, 732 Main Street, Harwich, to consider amendments to the Harwich Zoning Codes:

**ARTICLE: - Zoning Bylaw Article LARGE-SCALE GROUND-MOUNTED PHOTOVOLTAIC ARRAYS**

To see if the Town will vote to amend the Town's Zoning Bylaw, by establishing a new Article XXIII, Large-Scale Ground-Mounted Photovoltaic Arrays (>250kW), to include the following subsections:

- §325-138 Purpose and Intent.
- §325-139 Definitions
- §325-140 Large Scale Solar Review.
- §325-141 Operation & Maintenance Plan
- §325-142 Utility Notification
- §325-143 Dimension and Density Requirements.
- §325-144 Design Standards.
- §325-145 Safety and Environmental Standards.
- §325-146 Monitoring and Maintenance
- §325-146 Monitoring and Maintenance.
- §325-147 Abandonment and Decommissioning.
- §325-148 Financial Surety

Further to amend Article III, Establishment of Zoning Districts by adding under:

- §325-3 Division of Town into districts, a new "Solar Farm Overlay District"; and,
- §325-4 Maps, add "E. Solar Farm Overlay District" and a corresponding map.

Further to amend Article V, Use Regulations:

- §325-13, Table of Uses, D. Paragraph IV, Commercial Uses and Attachment 1 – Table 1, by adding: 47 - Large-Scale Ground-Mounted Photovoltaic Array (§325-14S, Article XXII) as "P" in the IL zoning district.; and,

§325-14 Supplemental regulations, a new subsection "S. Large-Scale Ground-Mounted Photovoltaic Array shall be permitted by right within the Solar Farm Overlay District pursuant to the provisions of Article XXIII (§325-138 - §325-148).

Any person interested or wishing to be heard on these zoning proposals should appear at the time and place designated. The full text for the proposed amendments can be found on the Town Website <http://www.harwich-ma.gov/planning-board>, and in the Community Development and Town Clerk Offices at Town Hall, at the address noted above, during normal business hours.

Lawrence Brophy, Chair

Cape Cod Chronicle Print Dates: 3/8/18, 3/15/18



**Below is the complete text for the proposed changes related to the Large-Scale Ground-Mounted Photovoltaic Arrays Bylaws – this is ALL new text.**

### **XXIII. Large-Scale Ground-Mounted Photovoltaic Arrays**

**§325-138 Purpose and Intent.** The purpose of this bylaw is to promote the creation of new Large-Scale Ground Mounted Solar Photovoltaic Installations (250kW or larger and covering at least one acres in size) by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations to address public safety, minimize impacts on scenic, natural and historic resources, and provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of Large-Scale Ground-Mounted Solar Photovoltaic Installations. This section shall apply to Large-Scale Ground-Mounted Solar Photovoltaic Installations proposed for construction after the effective date of this section. This section shall also pertain to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

#### **§325-139 Definitions**

**As-of-Right Siting.** As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-Right development may be subject to Large Scale Solar Review to determine conformance with local zoning ordinances or bylaws. Projects subject to Large Scale Solar Review cannot be prohibited, but can be reasonably regulated by the building commissioner or local inspector.

**Designated Location.** The location designated by the Zoning Bylaw, in accordance with Massachusetts General Laws Chapter 40A, section 5, where Large-Scale Ground-Mounted Solar Photovoltaic Installations may be sited As-of-Right. Said location(s) are shown on the Zoning Map of Harwich pursuant to Massachusetts General Laws Chapter 40A Section 4. This map is hereby made a part of this section and is on file in the Office of the Town Clerk.

**Large-Scale Ground-Mounted Solar Photovoltaic Installation.** A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC. All Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be owned and operated by either the Town of Harwich or under agreements with the Town of Harwich.

**Large Scale Solar Review.** A review by the Planning Board to determine conformance with local zoning ordinances or bylaws.

**On-Site Solar Photovoltaic Installation.** A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

**Rated Nameplate Capacity.** The maximum rated output of the electric power production of the photovoltaic system in Direct Current (DC).

**Solar Photovoltaic Array.** an arrangement of solar photovoltaic panels.

**§325-140 Large Scale Solar Review.** Prior to construction, installation or modification, Large-Scale Ground Mounted Solar Photovoltaic Installations with 250 kW or larger nameplate capacity shall undergo Large Scale Solar Review by the Planning Board as provided below. In accordance with Section 22(c) of the Massachusetts Green Communities Act, Large Scale Solar Review shall be expedited and no decision shall be rendered more than one (1) year after the date of the application.

A. Compliance with Laws, Ordinances and Regulations.

The construction and operation of all Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of the installation shall be constructed in accordance with the State Building Code.

No Large-Scale Ground Mounted Solar Photovoltaic Installation shall be constructed, installed or modified without first obtaining a building permit.

B. Large Scale Solar Review Application and Plan Requirements.

All applications and plans shall be filed with the Planning Board.

1. Two (2) copies of a properly executed application for Large Scale Solar Review, along with a filing fee of \$525.00.
2. Twelve (12) copies of site plan(s), prepared by a Registered Land Surveyor licensed in the Commonwealth of Massachusetts, at a scale of one inch equals forty feet (1" = 40'), including:
  - a. North arrow and locus map;
  - b. Property boundaries;
  - c. Name/Description of project;
  - d. Topography, both existing and proposed, including proposed drainage;
  - e. Zoning designation;
  - f. Location of proposed structures, drives, etc., including setbacks;
  - g. Sign(s) location(s);
  - h. Landscaping, both existing and proposed;
  - i. Lighting, including locations, type and wattage.
3. Twelve (12) copies each of the following:
  - a. Plans or drawings of the Large-Scale Ground-Mounted Solar Photovoltaic Installation prepared by a Registered Professional Engineer licensed in the Commonwealth of Massachusetts, showing the proposed layout of the system and any potential shading from nearby structures;

- b. One or three line electrical diagram detailing the Large-Scale Ground Mounted Solar Photovoltaic Installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- c. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter(s);
- d. Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation;
- e. An operation and maintenance plan (see also §325-141);
- f. Proof of liability insurance;
- g. Description of financial surety that satisfies §325-148;
- h. A public outreach plan, including project development timeline, which indicates how the project proponent will meet the required site plan review notification procedures and other wise inform abutters and the community.

C. Waiver of Requirements: Upon written request submitted as part of the application, the Planning Board may waive any requirements.

**§325-141 Operation & Maintenance Plan.** The project proponent shall submit a plan for the operation and maintenance of the Large-Scale Ground-Mounted Solar Photovoltaic Installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

**§325-142 Utility Notification** No Large-Scale Ground –Mounted Solar Photovoltaic Installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the installation owner or operator’s intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

**§325-143. Dimension and Density Requirements.**

- A. Setbacks. Setbacks from all boundary lines shall be a minimum of fifty feet (50’).
- B. Appurtenant Structures. All appurtenant structures to Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

**§325-144. Design Standards.**

- A. Lighting. Lighting of Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as

appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

- B. Signage. Signs on Large-Scale Ground-Mounted Solar Photovoltaic Installations shall comply with a Harwich Sign Code. A sign that identifies the owner and provides a 24-hour emergency contact phone number shall be required.

Large-Scale Ground-Mounted Solar Photovoltaic Installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the installation.

- C. Utility Connections.

Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections for the Large-Scale Ground-Mounted Solar Photovoltaic Installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

#### **§325-145 Safety and Environmental Standards.**

- A. Emergency Services. The Large-Scale Ground-Mounted Solar Photovoltaic Installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Harwich Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- B. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Large-Scale Ground-Mounted Solar Photovoltaic Installation or otherwise prescribed by applicable laws, regulations, and bylaws.

#### **§325-146 Monitoring and Maintenance.**

- A. Large-Scale Ground-Mounted Solar Photovoltaic Installation Conditions. The Large-Scale Ground Mounted Solar Photovoltaic Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Harwich Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the installation and any access road(s), unless accepted as a public way.

- B. Modifications. All material modifications to a Large-Scale Ground-Mounted Solar Photovoltaic Installation made after issuance of the required building permit shall require approval by the Planning Board.

**§325-147 Abandonment and Decommissioning.**

- A. Removal Requirements. Any Large-Scale Ground-Mounted Solar Photovoltaic Installation which has reached the end of its useful life or has been abandoned consistent with §325-147.B shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Large Scale Solar Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
1. Physical removal of all Large-Scale Ground-Mounted Solar Photovoltaic Installations, structures, equipment, security barriers and transmission lines from the site.
  2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Large Scale Solar Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- B. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be considered abandoned when it fails to operate for more than one (1) year without the written consent of the Planning Board. If the owner or operator of the large-Scale Ground-Mounted Solar Photovoltaic Installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

**§325-148 Financial Surety.** Proponents of Large-Scale Ground-Mounted Solar Photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

**Article III. Establishment of Zoning Districts**

**§325-3. Division of Town into districts**

Solar Farm Overlay District

**§325-4. Maps.**

E. The Solar Farm Overlay District established hereunder is shown on a map labeled “Town of Harwich, Solar Farm Overlay District” dated February \_\_\_\_, 2018, a copy of which is on file in the office of the Town Clerk.

**Article V. Use Regulations**

**§325-13, Table of Uses, D. Paragraph IV, Commercial Uses and Attachment 1 – Table 1**

Use	RR	RL	RM	RH-1	RH-2	RH-3	CV	CH-1	CH-2	IL	MRL	MRL-1	WR	
Paragraph IV – Commercial Uses														
47	Large-Scale Ground-Mounted Photovoltaic Array (§325-14S, Article XXII)	-	-	-	-	-	-	-	-	-	P	-	-	-

**§325-14 Supplemental regulations.**

S. Large-Scale Ground-Mounted Photovoltaic Array shall be permitted by right within the Solar Farm Overlay District pursuant to the provisions of Article XXIII (§325-138 - §325-148).

QUEEN ANNE ROAD  
UNDEF. TOWN WAY-30' WIDE  
(1854 L.O.-NEW BOOK OF OLD ROADS)

FACTORY ROAD

SOLAR FARM OVERLAY DISTRICT  
386306 Sq. Ft. ±  
8.87 Acres ±

NSTAR ELECTRIC COMPANY EASEMENT  
FORMERLY CAPE & VINEYARD ELECTRIC COMPANY

150'

TOWN OF HARWICH  
SOLAR FARM OVERLAY DISTRICT



SCALE: 1"=200'

PREPARED BY THE PLANNING BOARD

FEBRUARY 8, 2018

NOTICE OF PUBLIC HEARING  
TOWN OF HARWICH  
BOARD OF SELECTMEN  
APPLICATION FOR LIQUOR LICENSE  
TRANSFER OF LICENSE

Notice is hereby given under Chapter 138 of the General Laws as amended that application has been made to this Board for a pledge of license and transfer of the Annual, Common Victualler, All Alcoholic Beverages License now held by Land Ho Harwichport L.L.C. d/b/a Land Ho, 429 Route 28, Harwich Port, MA, Dillon J. Murphy Sr. – Manager, to BLM Restaurant Group Inc., d/b/a Lanyard Bar and Grill, 429 Route 28, Harwich Port, MA, Benjamin Porter – Manager, on the following described premises located at 429 Route 28, Harwich Port, MA: Indoor area - 5,817 square foot restaurant with 3 entrances and 4 exits. Outdoor area – 648 square foot patio area with outside seating. Total indoor and outdoor seating for 95.

The Board of Selectmen will hold a hearing upon the application on Tuesday, February 20, 2018 no earlier than 6:30 p.m. in the Donn B. Griffin Room at Town Hall, 732 Main Street, Harwich, at which time all interested parties will be heard.

Board of Selectmen  
Local Licensing Authority

Cape Cod Times  
February 10, 2018

Cape Cod Chronicle  
February 15, 2018





# HARWICH Police

DEPARTMENT

183 Sisson Road, Harwich, MA 02645

Tel 508-430-7541

Fax 508-432-2530



DAVID J. GUILLEMETTE  
Chief of Police

THOMAS A. GAGNON  
Deputy Chief

## Memorandum

**TO:** Board of Selectmen

Christopher Clark  
Town Administrator

**FROM:** David J. Guillemette  
Chief of Police

**DATE:** February 12, 2018

**SUBJECT:** Application for a Transfer of License from Land Ho Harwich Port LLC  
d/b/a Land Ho, Dillon J. Murphy Sr. Manager to BLM Restaurant  
Group Inc. d/b/a Lanyard Bar & Grille, Benjamin Porter Manager  
located at 429 Route 28, Harwich Port

The Police Department has no objections regarding the Application for the above listed transfer of license. A background investigation of the proposed individual(s) indicates no liquor code violations or disqualifying history.

If you have any questions or need further clarification, please feel free to contact me at your earliest convenience.

## HARWICH BOARD OF SELECTMEN

### Policy on the Pledge of Alcoholic Beverage License

This policy is designed to assist licensees and prospective licensees in understanding the Board of Selectmen's policy regarding the pledging of alcoholic beverages licenses:

1. Although the Board of Selectmen may, in its discretion, approve a license pledge of the alcoholic beverage license as collateral for a loan pursuant to M.G.L. Ch. 138, § 23, the Board of Selectmen reserves any and all rights it has to suspend, revoke, not renew, or otherwise regulate the license under M.G.L. Ch. 138, § 1, et al.
2. By its approval of the alcoholic beverage license and pledge of the license as collateral, the Board of Selectmen does not intend to become a party to the loan agreement and does not intend to bind or obligate the Town to any of the terms of the loan agreement.
3. In the event the license holder's pledge of license is approved by the Board of Selectmen, the pledge agreement and any associated loan documents must contain the following language:

“Notwithstanding the Harwich Board of Selectmen's approval of the alcoholic beverage license of \_\_\_\_\_, and pledge of the same as collateral pursuant to the terms of the agreement, the Board of Selectmen expressly reserves any and all rights it has to suspend, revoke, not renew, or otherwise regulate this alcoholic beverage license under M.G.L. Ch. 138, § 1, et al. Furthermore, the Board of Selectmen does not intend to become a party to this loan agreement and does not intend to bind or obligate the Town of Harwich to any of the terms of this loan agreement.”

4. In the event the lender requests a transfer of the alcoholic beverage license, the Board of Selectmen will not approve the transfer without the consent of the license holder or a final judgment from a court of competent jurisdiction adjudicating the lender as the sole holder of the pledged license under the terms of the loan documents.
5. The Board of Selectmen will not be bound or obligated to provide the notice to the lender of any actions that it takes relative to the alcoholic beverage license or license holder.
6. Upon suspension, revocation, or non-renewal of the alcoholic beverage license pledged as collateral, the lender shall immediately surrender the license to the Office of the Board of Selectmen in accordance with M.G.L. Ch. 138, § 65.

First Reading: September 25, 2006

Second Reading: October 2, 2006

Third Reading: October 10, 2006

Adopted: October 10/10/06

OFFICE OF THE SELECTMEN

PHONE (508) 430-7513  
FAX (508) 432-5039

732 MAIN STREET, HARWICH, MA 02645



February 7, 2018

Mr. Benjamin Porter  
Lanyard Bar & Grille  
510 Queen Anne Rd.  
Harwich, MA 02645

Re: Application for a Transfer of Annual, Common Victualler, All Alcohol Beverages License

Dear Mr. Porter:

This is to confirm that the Liquor Hearing on the above-referenced application is scheduled for Tuesday, February 20, 2018 no earlier than 6:30 P.M. in the Donn B. Griffin meeting room at Town Hall, 732 Main Street, Harwich.

Enclosed please find a copy of the Legal Notice to be advertised on Saturday, February 10, 2018 in the Cape Cod Times. You must send a copy of the Legal Notice to all abutters (list enclosed) by **certified mail, return receipt requested**, via U.S. Postal Service within three (3) days of publication. The return receipts must be brought to the hearing.

Please feel free to contact this office should you have any questions.

Sincerely,

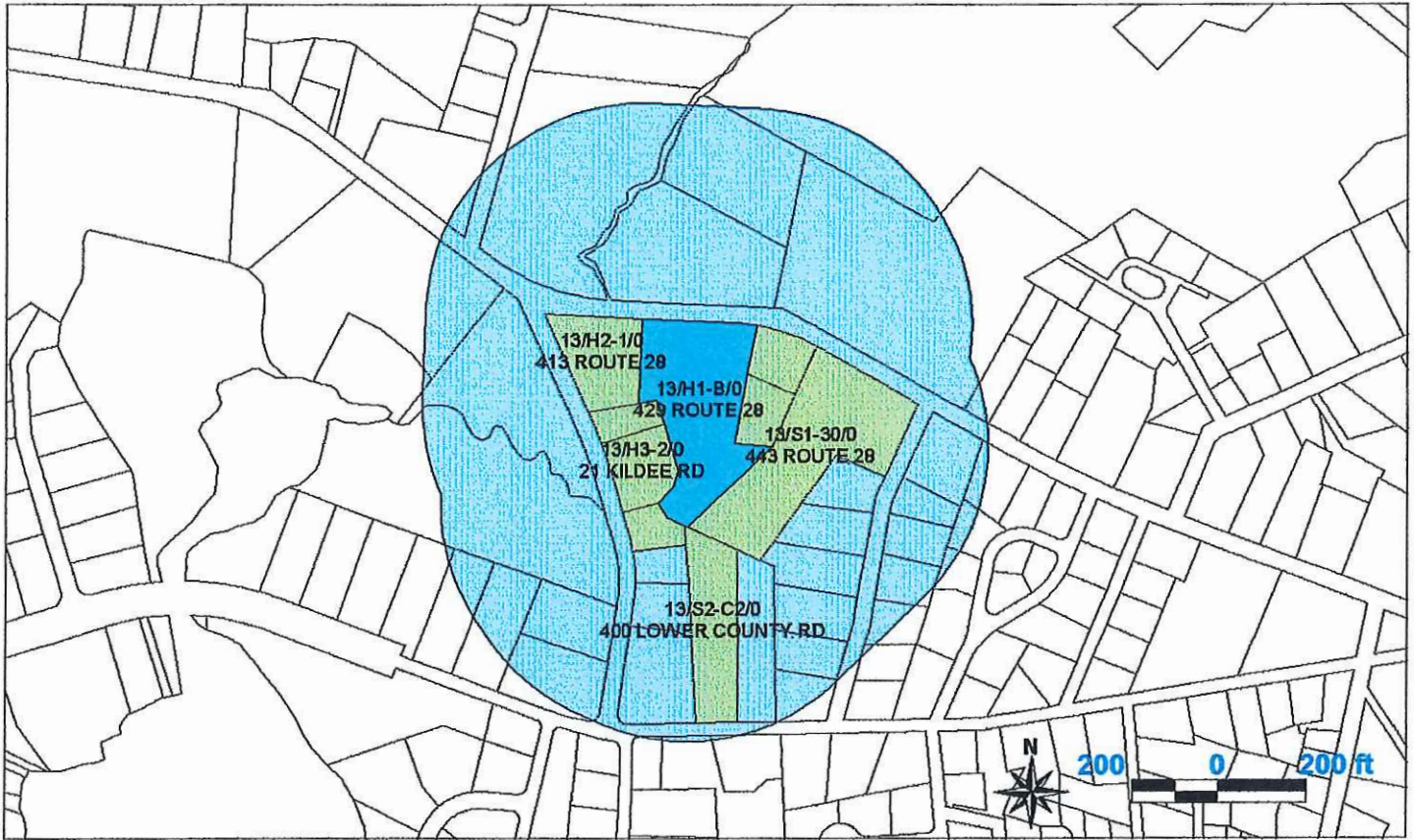
Ann Steidel  
Administrative Secretary

enclosures



TOWN OF HARWICH, MA  
 BOARD OF ASSESSORS  
 732 Main Street, Harwich, MA 02645

Abutters List Within 500 feet of Parcel 13/H1-B/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
7778	13-H1-B-0-R	PETERSON JAMES A TR FOUR HUNDRED BLOCK REALTY TR I	429 ROUTE 28	PO BOX 5	HARWICH PORT	MA	02646
1687	13-H2-1-0-R	TAREK WISSAM R	413 ROUTE 28	19 CRANBERRY LN	S YARMOUTH	MA	02664
1689	13-H3-1-0-R	SAGER JOSEPH	27 KILDEE RD	27 KILDEE RD	HARWICH PORT	MA	02646
1690	13-H3-2-0-R	PETERSON BARBARA P TR BARBARA P PETERSON 2016 TRUST	21 KILDEE RD	32 CRANMORE RD	WELLESLEY	MA	02481
8349	13-S1-30-0-R	CDMEADER LLC ET AL MEADER KEVIN A TR	443 ROUTE 28	23 PUTTING GREEN CIR	S YARMOUTH	MA	02664
1809	13-S1-B2-0-R	PETRO REALTY CORP	435 ROUTE 28	4 NORTH ST	HINGHAM	MA	02043
1810	13-S1-B3-0-R	HUTTON ANDREW P & HUTTON KATIE F	437 ROUTE 28	49 OLD FREEMANS WAY PO BOX 949	BREWSTER	MA	02631
1819	13-S2-36-0-R	KIRRANE KATHLEEN M	17 KILDEE RD	60 CABOT ST	WALTHAM	MA	02453
1815	13-S2-C2-0-R	SHEA FRANCES P	400 LOWER COUNTY RD	400 LOWER COUNTY RD	HARWICH PORT	MA	02646



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
 www.mass.gov/abcc

**APPLICATION FOR A RETAIL ALCOHOLIC BEVERAGES LICENSE**

Please complete this entire application, leaving no fields blank. If field does not apply to your situation, please write N/A.

**1. NAME OF PROPOSED LICENSEE (Business Contact)**

BLM Restaurant Group Inc.

This is the corporation or LLC which will hold the license, **not** the individual submitting this application. If you are applying for this license as a sole proprietor, not an LLC, corporation or other legal entity, you may enter your personal name here.

**2. RETAIL APPLICATION INFORMATION**

There are two ways to obtain an alcoholic beverages license in the Commonwealth of Massachusetts, either by obtaining an existing license through a transfer or by applying for a new license.

Are you applying for a new license  New  Transfer or the transfer of an existing license?

If transferring, please indicate the current ABCC license number you are seeking to obtain:

0011-RS-0506

If applying for a new license, are you applying for this license pursuant to special legislation?

Yes  No

Chapter

Acts of

If transferring, by what method is the license being transferred?

Purchase

**3. LICENSE INFORMATION / QUOTA CHECK**

On/Off-Premises

City/Town

HARWICH

On-Premises

TYPE

\$12 Restaurant

CATEGORY

All Alcoholic Beverages

CLASS

Annual

**4. APPLICATION CONTACT**

The application contact is required and is the person who will be contacted with any questions regarding this application.

First Name: MATTHEW

Middle: P.

Last Name: KELLEY

Title: Attorney

Primary Phone: 508-432-3304

Email:

**5. OWNERSHIP**

Please list all individuals or entities with a direct or indirect, beneficial or financial interest in this license.

An individual or entity has a direct beneficial interest in a license when the individual or entity owns or controls any part of the license. For example, if John Smith owns Smith LLC, a licensee, John Smith has a direct beneficial interest in the license.

An individual or entity has an indirect beneficial interest if the individual or entity has 1) any ownership interest in the license through an intermediary, no matter how removed from direct ownership, 2) any form of control over part of a license no matter how attenuated, or 3) otherwise benefits in any way from the license's operation. For Example, Jane Doe owns Doe Holding Company Inc., which is a shareholder of Doe LLC, the license holder. Jane Doe has an indirect interest in the license.

A. All individuals listed below are required to complete a Beneficial Interest Contact - Individual form.

B. All entities listed below are required to complete a Beneficial Interest Contact - Organization form.

C. Any individual with any ownership in this license and/or the proposed manager of record must complete a CORI Release Form.

Name	Title / Position	% Owned	Other Beneficial Interest
Benjamin Porter	President/Manager	75	Financial
Louis F. Malzone	Vice President	12.5	Financial

**APPLICATION FOR A NEW RETAIL ALCOHOLIC BEVERAGES LICENSE**

**5. OWNERSHIP** (continued)

Name	Title / Position	% Owned	Other Beneficial Interest
Matthew P. Kelley	Secretary	12.5	Financial

**6. PREMISES INFORMATION**

Please enter the address where the alcoholic beverages are sold.

**Premises Address**

Street Number:  Street Name:  Unit:

City/Town:  State:  Zip Code:

Country:

**Description of Premises**

Please provide a complete description of the premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage.

Floor Number	Square Footage	Number of Rooms
1	5817.20	

Patio/Deck/Outdoor Area Total Square Footage

Indoor Area Total Square Footage

Number of Entrances

Number of Exits

Proposed Seating Capacity

Proposed Occupancy

**Occupancy of Premises**

Please complete all fields in this section. Documentation showing proof of legal occupancy of the premises is required.

Please indicate by what right the applicant has to occupy the premises

Lease Beginning Term

Lease Ending Term

Rent per Month

Rent per Year

Landlord Name

Landlord Phone

Landlord Address

If leasing or renting the premises, a signed copy of the lease is required.

If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.

Please indicate if the terms of the lease include payments based on the sale of alcohol:  Yes  No

## APPLICATION FOR A NEW RETAIL ALCOHOLIC BEVERAGES LICENSE

### 7. BUSINESS CONTACT

The Business Contact is the proposed licensee. If you are applying as a Sole Proprietor (the license will be held by an individual, not a business), you should use your own name as the entity name.

\* Please see last page of application for required documents based on Legal Structure \*

Entity Name:	BLM Restaurant Group Inc.	FEIN:	82-4061235
DBA:	LANYARD BAR AND GRILL	Fax Number:	508-430-8662
Primary Phone:	508-685-9242	Email:	
Alternative Phone:		Legal Structure of Entity	Corporation

**Business Address (Corporate Headquarters)**     Check here if your Business Address is the same as your Premises Address

Street Number:		Street Name:	
City/Town:		State:	
Zip Code:		Country:	

**Mailing Address**     Check here if your Mailing Address is the same as your Premises Address

Street Number:		Street Name:	
City/Town:		State:	
Zip Code:		Country:	

Is the Entity a Massachusetts Corporation?	<input checked="" type="radio"/> Yes <input type="radio"/> No	If no, is the Entity registered to do business in Massachusetts?	<input type="radio"/> Yes <input type="radio"/> No
		If no, state of incorporation	<input style="width: 100%;" type="text"/>

**Other Beneficial Interest**

Does the proposed licensee have a beneficial interest in any other Massachusetts Alcoholic Beverages Licenses?     Yes     No    *If yes, please complete the following table.*

Name of License	Type of License	License Number	Premises Address

**Prior Disciplinary Action:**

Has any alcoholic beverages license owned by the proposed licensee ever been disciplined for an alcohol related violation?

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation
WIA				

**APPLICATION FOR A NEW RETAIL ALCOHOLIC BEVERAGES LICENSE**

**8. MANAGER CONTACT**

The Manager Contact is required and is the individual who will have day-to-day, operational control over the liquor license.

Salutation  First Name  Middle Name  Last Name  Suffix

Social Security Number

Date of Birth

Primary Phone:

Email:

Mobile Phone:

Place of Employment

Alternative Phone:

Fax Number

**Citizenship / Residency / Background Information of Proposed Manager**

Are you a U.S. Citizen?  Yes  No

Have you ever been convicted of a state, federal, or military crime?  Yes  No

If yes, attach an affidavit that lists your convictions with an explanation for each

Have you ever been Manager of Record of a license to sell alcoholic beverages?  Yes  No

If yes, please list the licenses for which you are the current or proposed manager:

Do you have direct, indirect, or financial interest in this license?  Yes  No

If yes, percentage of interest

If yes, please indicate type of Interest (check all that apply):

- Officer  Sole Proprietor
- Stockholder  LLC Manager
- LLC Member  Director
- Partner  Landlord
- Contractual  Revenue Sharing
- Management Agreement  Other

Please indicate how many hours per week you intend to be on the licensed premises

**Employment Information of Proposed Manager**

Please provide your employment history for the *past 10 years*

Date(s)	Position	Employer	Address	Phone
2014-present	Owner/Executive Chef	Viera Restaurant	11 Route 28, W. Harwich, MA 02671	774-408-7492
2010-2014	Executive Chef	Belfry Inn	8 Jarvis Street, Sandwich, MA 02653	508-888-8550
2009-2010	Chef	The Glass Onion	37 North Main Street, Falmouth, MA	508-540-3730
2007-2009	Sous Chef	Belfry Inn	8 Jarvis Street, Sandwich, MA 02653	508-888-8550

**Prior Disciplinary Action of Proposed Manager**

Have you ever been involved directly or indirectly in an alcoholic beverages license that was subject to disciplinary action? If yes, please complete the following:

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation
	NONE			



**APPLICATION FOR A NEW RETAIL ALCOHOLIC BEVERAGES LICENSE**

**9. FINANCIAL INFORMATION**

Please provide information about associated costs of this license.

**Associated Costs**

A. Purchase Price for Building/Land	
B. Purchase Price for any Business Assets	\$400,000.00
C. Costs of Renovations/Construction	\$20,000.00
D. Purchase Price of Inventory	\$20,000.00
E. Initial Start-Up Costs	\$25,000.00
F. Other (Please specify)	
G. Total Cost (Add lines A-F)	\$465,000.00

Please note, the total amount of **Cash Investment** (top right table) plus the total amount of **Financing** (bottom right table) must be equal to or greater than the **Total Cost** (line G above).

Please provide information about the sources of cash and/or financing for this transaction

**Source of Cash Investment**

Name of Contributor	Amount of Contribution
Benjamin A. Porter	\$83,750.00
Matthew P. Kelley	\$58,125.00
Louis F. Malzone	\$58,125.00
<b>Total:</b>	<b>\$200,000.00</b>

**Source of Financing**

Name of Lender	Amount	Does the lender hold an interest in any MA alcoholic beverages licenses?	If yes, please provide ABCC license number of lender
Cape Cod Five	\$265,000	No	No
<b>Total:</b>			<b>\$265,000.00</b>

**10. PLEDGE INFORMATION**

Are you seeking approval for a pledge?  Yes  No

Please indicate what you are seeking to pledge (check all that apply)

License  Stock / Beneficial Interest  Inventory

To whom is the pledge is being made:

Does the lender have a beneficial interest in this license?  Yes  No

Does the lease require a pledge of this license?  Yes  No

**APPLICANT'S STATEMENT**

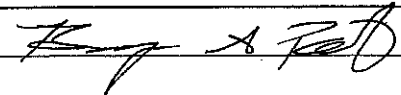
I, Benjamin A. Porter the:  sole proprietor;  partner;  corporate principal;  LLC/LLP member  
Authorized Signatory

of BLM Restaurant Group Inc., hereby submit this application for Transfer of All Alcoholic License  
Name of the Entity/Corporation Transaction(s) you are applying for

(hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statement and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises does not violate any requirement of the ABCC or other state law or local ordinances;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the Application information as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of, the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

Signature: 

Date: 01/23/2018

Title: President

APPLICATION FOR A NEW RETAIL ALCOHOLIC BEVERAGE LICENSE

**BENEFICIAL INTEREST - Organization**

Please complete a Beneficial Interest - Organization sheet for all organization(s) who have a direct or indirect beneficial interest, with or without ownership, in this license.

**Example:**

ABC Inc. is applying for a liquor license. ABC Inc. is 100% owned by XYZ Inc., which is 100% owned by 123 Inc. XYZ Inc. is considered to have a direct beneficial interest in the proposed licensee (ABC Inc.) and 123 Inc. is considered to have indirect beneficial interest in the proposed licensee (ABC Inc.). Both XYZ Inc. and 123 Inc. should complete a Beneficial Interest - Organization Form.

Entity Name:  FEIN:

Primary Phone:  Fax Number:

Alternative Phone:  Email:

**Business Address**

Street Number:  Street Name:

City/Town:  State:

Zip Code:  Country:

**Mailing Address**

Check here if your Mailing Address is the same as your Business Address

Street Number:  Street Name:

City/Town:  State:

Zip Code:  Country:

**Publicly Traded**

Is this organization publicly traded?  Yes  No

**Ownership / Interest**

Using the definition above, does this organization hold a direct or indirect interest in the proposed licensee?  Direct  Indirect

If this organization holds a direct beneficial interest in the proposed licensee, please list the % of interest it holds.

If you hold an indirect beneficial interest in this license, please complete the Ownership / Interest Table on the next page.

**Ownership / Interest**

If this organization holds an indirect interest in the proposed licensee, please list the organization(s) it holds a direct interest in which, in turn, hold a direct or indirect interest in the proposed licensee. These generally include parent companies, holding companies, trusts, etc. A Beneficial Interest - Organization Form will need to be completed for each entity listed below.

Name of Beneficial Interest - Organization	FEIN
N/A	

**Other Beneficial Interest**

List any indirect or indirect beneficial or financial interest this entity has in any other Massachusetts Alcoholic Beverages License(s).

Name of License	Type of License	License Number	Premises Address
NONE			

**Prior Disciplinary Action**

Has this entity ever been involved directly or indirectly in an alcoholic beverages license that was subject to disciplinary action? If yes, please complete the following:

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation
NONE				

ALCOHOLIC BEVERAGES CONTROL COMMISSION

**BENEFICIAL INTEREST CONTACT - Individual** (Formerly known as a Personal Information Form)

Please complete a Beneficial Interest - Individual sheet for all individual(s) who have a direct or indirect beneficial interest, with or without ownership, in this license. This includes people with a financial interest and people without financial interest (i.e. board of directors for not-for-profit clubs). All individuals with direct or indirect financial interest must also submit a CORI Authorization Form.

An individual with direct beneficial interest is defined as someone who has interest directly in the proposed licensee. For example, if ABC Inc is the proposed licensee, all individuals with interest in ABC Inc are considered to have direct beneficial interest in ABC Inc (the proposed licensee).

An individual with indirect beneficial interest is defined as someone who has ownership in a parent level company of the proposed licensee. For example, if ABC Inc is the proposed licensee and is 100% owned by XYZ Inc, all individuals with interest in XYZ Inc are considered to have an indirect beneficial interest in ABC Inc (the proposed licensee).

Salutation  First Name  Middle Name  Last Name  Suffix

Title:  Social Security Number  Date of Birth

Primary Phone:  Email:

Mobile Phone:  Fax Number

Alternative Phone:

**Business Address**

Street Number:  Street Name:

City/Town:  State:

Zip Code:  Country:

**Mailing Address**

Check here if your Mailing Address is the same as your Business Address

Street Number:  Street Name:

City/Town:  State:

Zip Code:  Country:

**Types of Interest (select all that apply)**

- Contractual       Director       Landlord       LLC Manager
- LLC Member       Management Agreement       Officer
- Partner       Revenue Sharing       Sole Proprietor       Stockholder       Other

**Citizenship / Residency Information**

Are you a U.S. Citizen?     Yes     No      Are you a Massachusetts Resident?     Yes     No

**Criminal History**

Have you ever been convicted of a state, federal, or military crime?     Yes     No      If yes, please provide an affidavit explaining the charges.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

**BENEFICIAL INTEREST CONTACT - Individual (continued)**

**Ownership / Interest**

Using the definition above, do you hold a direct  Direct  Indirect or indirect interest in the proposed licensee?

If you hold a direct beneficial interest in the proposed licensee, please list the % of interest you hold. 75

If you hold an indirect beneficial interest in this license, please complete the Ownership / Interest Table below.

**Ownership / Interest**

If you hold an indirect interest in the proposed licensee, please list the organization(s) you hold a direct interest in which, in turn, hold a direct or indirect interest in the proposed licensee. These generally include parent companies, holding companies, trusts, etc. A Beneficial Interest - Organization Form will need to be completed for each entity listed below.

Name of Beneficial Interest - Organization	FEIN
N/A	

**Other Beneficial Interest**

List any indirect or indirect beneficial or financial interest you have in any other Massachusetts Alcoholic Beverages License(s).

Name of License	Type of License	License Number	Premises Address
Viera LLC	\$12 On Premises	050600090	11 Route 28, West Harwich, MA, 02671

**Familial Beneficial Interest**

Does any member of your immediate family have ownership interest in any other Massachusetts Alcoholic Beverages Licenses? Immediate family includes parents, siblings, spouse and spouse's parents. Please list below.

Relationship to You	ABCC License Number	Type of Interest (choose primary function)	Percentage of Interest
NONE			

**Prior Disciplinary Action**

Have you ever been involved directly or indirectly in an alcoholic beverages license that was subject to disciplinary action? If yes, please complete the following:

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation
NONE				

ALCOHOLIC BEVERAGES CONTROL COMMISSION

**BENEFICIAL INTEREST CONTACT - Individual** (Formerly known as a Personal Information Form)

Please complete a Beneficial Interest - Individual sheet for all individual(s) who have a direct or indirect beneficial interest, with or without ownership, in this license. This includes people with a financial interest and people without financial interest (i.e. board of directors for not-for-profit clubs). All individuals with direct or indirect financial interest must also submit a CORI Authorization Form.

An individual with direct beneficial interest is defined as someone who has interest directly in the proposed licensee. For example, if ABC Inc is the proposed licensee, all individuals with interest in ABC Inc are considered to have direct beneficial interest in ABC Inc (the proposed licensee).

An individual with indirect beneficial interest is defined as someone who has ownership in a parent level company of the proposed licensee. For example, if ABC Inc is the proposed licensee and is 100% owned by XYZ Inc, all individuals with interest in XYZ Inc are considered to have an indirect beneficial interest in ABC Inc (the proposed licensee).

Salutation  First Name  Middle Name  Last Name  Suffix   
Title:  Social Security Number  Date of Birth   
Primary Phone:  Email:   
Mobile Phone:  Fax Number   
Alternative Phone:

**Business Address**

Street Number:  Street Name:   
City/Town:  State:   
Zip Code:  Country:

**Mailing Address**

Check here if your Mailing Address is the same as your Business Address

Street Number:  Street Name:   
City/Town:  State:   
Zip Code:  Country:

**Types of Interest (select all that apply)**

- Contractual       Director       Landlord       LLC Manager
- LLC Member       Management Agreement       Officer
- Partner       Revenue Sharing       Sole Proprietor       Stockholder       Other

**Citizenship / Residency Information**

Are you a U.S. Citizen?     Yes     No      Are you a Massachusetts Resident?     Yes     No

**Criminal History**

Have you ever been convicted of a state, federal, or military crime?     Yes     No      If yes, please provide an affidavit explaining the charges.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

**BENEFICIAL INTEREST CONTACT - Individual (continued)**

**Ownership / Interest**

Using the definition above, do you hold a direct  Direct  Indirect or indirect interest in the proposed licensee? If you hold a direct beneficial interest in the proposed licensee, please list the % of interest you hold. 12.5

If you hold an indirect beneficial interest in this license, please complete the Ownership / Interest Table below.

**Ownership / Interest**

If you hold an indirect interest in the proposed licensee, please list the organization(s) you hold a direct interest in which, in turn, hold a direct or indirect interest in the proposed licensee. These generally include parent companies, holding companies, trusts, etc. A Beneficial Interest - Organization Form will need to be completed for each entity listed below.

Name of Beneficial Interest - Organization	FEIN
N/A	

**Other Beneficial Interest**

List any indirect or indirect beneficial or financial interest you have in any other Massachusetts Alcoholic Beverages License(s).

Name of License	Type of License	License Number	Premises Address
Chapin Beach Bar	\$12 On Premises	027800119	85 Taunton Ave., Dennis, MA, 02638

**Familial Beneficial Interest**

Does any member of your immediate family have ownership interest in any other Massachusetts Alcoholic Beverages Licenses? Immediate family includes parents, siblings, spouse and spouse's parents. Please list below.

Relationship to You	ABCC License Number	Type of Interest (choose primary function)	Percentage of Interest
NONE			

**Prior Disciplinary Action**

Have you ever been involved directly or indirectly in an alcoholic beverages license that was subject to disciplinary action? If yes, please complete the following:

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation
NONE				



ALCOHOLIC BEVERAGES CONTROL COMMISSION

**BENEFICIAL INTEREST CONTACT - Individual** (Formerly known as a Personal Information Form)

Please complete a Beneficial Interest - Individual sheet for all individual(s) who have a direct or indirect beneficial interest, with or without ownership, in this license. This includes people with a financial interest and people without financial interest (i.e. board of directors for not-for-profit clubs). All individuals with direct or indirect financial interest must also submit a CORI Authorization Form.

An individual with direct beneficial interest is defined as someone who has interest directly in the proposed licensee. For example, if ABC Inc is the proposed licensee, all individuals with interest in ABC Inc are considered to have direct beneficial interest in ABC Inc (the proposed licensee).

An individual with indirect beneficial interest is defined as someone who has ownership in a parent level company of the proposed licensee. For example, if ABC Inc is the proposed licensee and is 100% owned by XYZ Inc, all individuals with interest in XYZ Inc are considered to have an indirect beneficial interest in ABC Inc (the proposed licensee).

Salutation  First Name  Middle Name  Last Name  Suffix   
Title:  Social Security Number  Date of Birth   
Primary Phone:  Email:   
Mobile Phone:  Fax Number   
Alternative Phone:

**Business Address**

Street Number:  Street Name:   
City/Town:  State:   
Zip Code:  Country:

**Mailing Address**

Check here if your Mailing Address is the same as your Business Address

Street Number:  Street Name:   
City/Town:  State:   
Zip Code:  Country:

**Types of Interest (select all that apply)**

- Contractual  Director  Landlord  LLC Manager
- LLC Member  Management Agreement  Officer
- Partner  Revenue Sharing  Sole Proprietor  Stockholder  Other

**Citizenship / Residency Information**

Are you a U.S. Citizen?  Yes  No      Are you a Massachusetts Resident?  Yes  No

**Criminal History**

Have you ever been convicted of a state, federal, or military crime?  Yes  No      If yes, please provide an affidavit explaining the charges.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

**BENEFICIAL INTEREST CONTACT - Individual** (continued)

**Ownership / Interest**

Using the definition above, do you hold a direct  Direct  Indirect or indirect interest in the proposed licensee?

If you hold a direct beneficial interest in the proposed licensee, please list the % of interest you hold.

12.5

If you hold an indirect beneficial interest in this license, please complete the Ownership / Interest Table below.

**Ownership / Interest**

If you hold an indirect interest in the proposed licensee, please list the organization(s) you hold a direct interest in which, in turn, hold a direct or indirect interest in the proposed licensee. These generally include parent companies, holding companies, trusts, etc. A Beneficial Interest - Organization Form will need to be completed for each entity listed below.

Name of Beneficial Interest - Organization	FEIN
N/A	

**Other Beneficial Interest**

List any indirect or indirect beneficial or financial interest you have in any other Massachusetts Alcoholic Beverages License(s).

Name of License	Type of License	License Number	Premises Address
NONE			

**Familial Beneficial Interest**

Does any member of your immediate family have ownership interest in any other Massachusetts Alcoholic Beverages Licenses? Immediate family includes parents, siblings, spouse and spouse's parents. Please list below.

Relationship to You	ABCC License Number	Type of Interest (choose primary function)	Percentage of Interest
NONE			

**Prior Disciplinary Action**

Have you ever been involved directly or indirectly in an alcoholic beverages license that was subject to disciplinary action? If yes, please complete the following:

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation
NONE				

**CERTIFICATE OF VOTE**

BLM Restaurant Group Inc. d/b/a Lanyard Bar and Grill

At a special meeting of the BLM Restaurant Group, Inc. duly called and held at the offices of Attorney Matthew P. Kelley, 72 Route 28, West Harwich, Massachusetts on January 11, 2018 at which all members of the corporation were present and voting, upon motion duly made, accepted, and seconded, it was

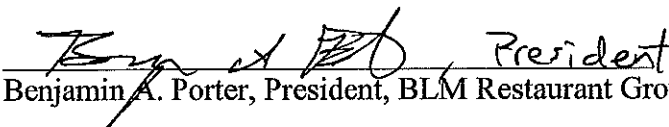
VOTED: To authorize Benjamin Porter, as President of BLM Restaurant Group, Inc., to open a restaurant known as the Lanyard Bar and Grill. The location of the Lanyard Bar and Grill is 428 Route 28, Harwich Port, MA, 02646.

VOTED: To authorize Benjamin Porter as President of BLM Restaurant Group Inc. to do all things reasonable and necessary in connection with the foregoing including but not limited to applying for a transfer of the liquor license currently held at the location and to be held in the name of BLM Restaurant Group Inc.

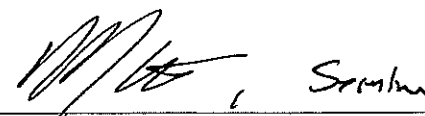
VOTED: To appoint Benjamin Porter Manager of the Lanyard Bar and Grill.

I hereby certify that the foregoing is a true and accurate copy of the minutes of said meeting and that the vote has not been altered, amended, or revoked, and that I am the duly-elected President of the corporation.

Date: January 11, 2018

  
\_\_\_\_\_  
Benjamin A. Porter, President, BLM Restaurant Group Inc.

A True and Attested Copy:

  
\_\_\_\_\_  
Matthew P. Kelley, Secretary, BLM Restaurant Group Inc.



**The Commonwealth of Massachusetts  
William Francis Galvin**

Minimum Fee: \$250.00

Secretary of the Commonwealth, Corporations Division  
One Ashburton Place, 17th floor  
Boston, MA 02108-1512  
Telephone: (617) 727-9640

**Articles of Organization**

(General Laws, Chapter 156D, Section 2.02; 950 CMR 113.16)

**Identification Number:** *(number will be assigned)*

**ARTICLE I**

The exact name of the corporation is:

BLM Restaurant Group Inc

**ARTICLE II**

Unless the articles of organization otherwise provide, all corporations formed pursuant to G.L. C156D have the purpose of engaging in any lawful business. Please specify if you want a more limited purpose:

**ARTICLE III**

State the total number of shares and par value, if any, of each class of stock that the corporation is authorized to issue. All corporations must authorize stock. If only one class or series is authorized, it is not necessary to specify any particular designation.

Class of Stock	Par Value Per Share Enter 0 if no Par	Total Authorized by Articles of Organization or Amendments		Total Issued and Outstanding Num of Shares
		Num of Shares	Total Par Value	
CNP	\$0.00000	1,000	\$0.00	100

G.L. C156D eliminates the concept of par value, however a corporation may specify par value in Article III. See G.L. C156D Section 6.21 and the comments thereto.

**ARTICLE IV**

If more than one class of stock is authorized, state a distinguishing designation for each class. Prior to the issuance of any shares of a class, if shares of another class are outstanding, the Business Entity must provide a description of the preferences, voting powers, qualifications, and special or relative rights or privileges of that class and of each other class of which shares are outstanding and of each series then established within any class.

**ARTICLE V**

The restrictions, if any, imposed by the Articles of Organization upon the transfer of shares of stock of any class are:

**ARTICLE VI**

Other lawful provisions, and if there are no provisions, this article may be left blank.

Note: The preceding six (6) articles are considered to be permanent and may be changed only by filing appropriate articles of amendment.

ARTICLE VII

The effective date of organization and time the articles were received for filing if the articles are not rejected within the time prescribed by law. If a later effective date is desired, specify such date, which may not be later than the 90th day after the articles are received for filing.

Later Effective Date: Time:

ARTICLE VIII

The information contained in Article VIII is not a permanent part of the Articles of Organization.

a,b. The street address of the initial registered office of the corporation in the commonwealth and the name of the initial registered agent at the registered office:

Name: Benjamin A. Porter
No. and Street: 429 Main St
City or Town: Harwich Port State: MA Zip: 02646 Country: USA

c. The names and street addresses of the individuals who will serve as the initial directors, president, treasurer and secretary of the corporation (an address need not be specified if the business address of the officer or director is the same as the principal office location):

Table with 3 columns: Title, Individual Name, Address. Rows include President (Benjamin A Porter), Secretary (Matthew P Kelley), Vice President (Louis F Malzone), Treasurer (Benjamin A Porter), and Director (Benjamin A Porter).

d. The fiscal year end (i.e., tax year) of the corporation: December

e. A brief description of the type of business in which the corporation intends to engage:

Full Service Restaurant

f. The street address (post office boxes are not acceptable) of the principal office of the corporation:

No. and Street: 429 Main St
City or Town: Harwich Port State: MA Zip: 02646 Country: USA

g. Street address where the records of the corporation required to be kept in the Commonwealth are located (post office boxes are not acceptable):

No. and Street: 429 Main St
City or Town: Harwich Port State: MA Zip: 02646 Country: USA

which is
[X] its principal office
\_\_\_ an office of its transfer agent
\_\_\_ an office of its secretary/assistant secretary
\_\_\_ its registered office

**Filer's Contact Information**

*(Enter a contact name, mailing address, and email and/or phone number.)*

Contact Name: Benjamin A. Porter

Business Name:

No. and Street: 429 Main St

City or Town: Harwich Port

State: MA

Zip: 02646

Country: USA

Contact Phone: (508) 685-9242 ext:

Contact Email: bporter7@hotmail.com

**Please provide an email address to receive an expedited response from the Corporations Division.**

**If the filing is rejected for any reason, you will be contacted. If no email address is provided, correspondence from the Division will be sent by mail.**

**Signed this 18 Day of January, 2018 at 3:30:28 PM by the incorporator(s). *(If an existing corporation is acting as incorporator, type in the exact name of the business entity, the state or other jurisdiction where it was incorporated, the name of the person signing on behalf of said business entity and the title he/she holds or other authority by which such action is taken.)***

Benjamin A Porter

## ASSET PURCHASE AGREEMENT

Agreement made this 12<sup>th</sup> day of January 2018, by and between Land Ho Harwichport, LLC having an address of 14 Cove Road, PO Box 496, Orleans, MA, 02653 hereinafter called "Seller", and, Benjamin Porter of 510 Queen Anne Road, Harwich, Massachusetts 02645, or his nominee hereinafter called "Buyer" or "Purchaser".

**Whereas**, Seller is the owner of a restaurant business located at 429 Main St., Harwichport, MA hereinafter the "Business", and

**Whereas**, Buyer desires to purchase the assets of the Business, including, but not limited to furniture, fixtures, and equipment and goodwill of the Seller.

**Whereas**, the Buyer has made a proposal to Seller for the purchase of the Business, which Seller has agreed to accept;

**Now Therefore** in consideration of the mutual covenants and conditions contained herein the parties hereto agree as follows:

**1. Price:** Seller agrees to sell and Buyer agrees to pay thereof the sum of with Four Hundred Twenty - Five Thousand (\$425,000.00) Dollars. The price shall be allocated as follows:

Good Will:	\$20,000.00
Covenant Not to Compete	\$5,000.00
Furniture Fixtures and Equipment	<u>\$400,000.00</u>
<b>Total:</b>	<b>\$425,000.00</b>

**2. Payment:** the Buyer has deposited with the Seller's Broker the sum of \$1000.00 as a binder paid at the time of the making of the Offer to Purchase. Upon execution of this agreement, the Buyer agrees to deposit with Seller the sum of \$24,000.00 to be held in escrow by Seller's Broker pending the closing of this transaction all as provided for herein. Upon closing, the balance due of \$400,000.00 shall be paid by means of a Bank, cashier's, treasurer's, or certified check or wire transfer as directed by the Seller at the time of closing.

**3. Closing:** Closing of this transaction shall take place on February 26, 2018 at 10 o'clock AM, at the office of Charles M. Sabatt, Esquire, 540 Main Street, Suite 8, Hyannis, MA 02601 or such other date, time, and place as the parties may agree.

(c) Seller has obtained, or will obtain before the date of closing, all consents, releases, and permission of any kind or nature, whether from the public authorities or otherwise, which may be required in connection with the sale of Seller's assets or any part thereof under the provisions of this agreement.

(d) The property agreed to be sold hereunder includes all improvements, and tangible personal property owned by Seller and used in Seller's business on the closing date except as otherwise expressly provided for herein.

(e) There are no lawsuits, claims for damages or injuries or losses now pending against the seller of which the Seller has any knowledge.

(f.) The Seller is in compliance with all local and state regulations, licenses, and permits, pertaining to or held in connection with the operation of the Seller's business operated at the Premises and there are no administrative or regulatory enforcement actions now pending or threatened against the Seller or its business as operated at the Premises.

(l) There are no judgments, liens, suits, actions, or proceedings pending against Seller or the assets.

(j) Seller has not entered into, and the Assets are not subject to, any: (i) written contract or agreement for the employment of any employee of the business; (ii) contract with any labor union or guild; (iii) pension, profit-sharing, retirement, bonus, insurance, or similar plan with respect to any employee of the business; or (iv) similar contract or agreement affecting or relating to the Assets.

(k) Seller has full power and authority to conduct the Business as now carried on, and to carry out and perform his undertakings and obligations as provided herein.

**10. Bill of Sale:** Seller shall transfer title to the assets to be sold hereunder by means of a Warranty Bill of Sale transferring a good and marketable title to the assets free of any liens or encumbrances.

**11. Risk Of Loss.** The risk of loss to the assets of the business sold hereunder, until the closing, is assumed and shall be borne by Seller.

**12. Books and Records:** Seller shall make available to the Buyer or to Buyer's consultants or professionals the books and records of the Business. Buyer agrees to keep confidential any information obtained from its review of such records. Buyer shall be entitled to make copies of any such books, records, or tax returns, but shall distribute such copies only to its consultants or professionals or its institutional lender, if any.



**EXHIBIT A**

Furniture Fixtures and Equipment

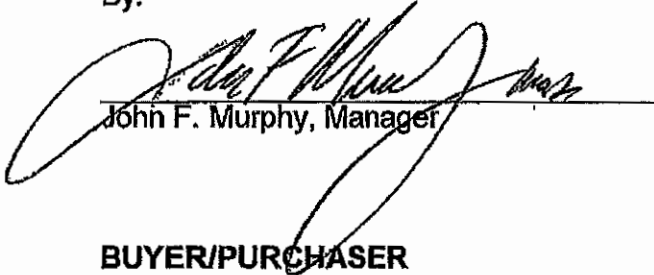
(To be Completed by Parties Prior to Closing)

**IN WITNESS WHEREOF**, the parties hereto have duly executed this Agreement as  
of the day and year first above written.

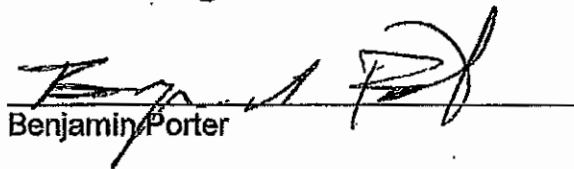
**SELLER:**

Land Ho Harwichport, LLC

By:

  
\_\_\_\_\_  
John F. Murphy, Manager

**BUYER/PURCHASER**

  
\_\_\_\_\_  
Benjamin Porter

**BROKER**

Peterson Realty, Inc.

by:

  
\_\_\_\_\_  
James Peterson

**EXHIBIT B**

**COVENANT NOT TO COMPETE**

Agreement made this     day of February 2018 by and between John F. Murphy, Dillon Murphy, and Land Ho Harwich, LLC, a Massachusetts limited liability company having a principal office or usual place of business at 14 Cove Road, PO Box 496, Orleans, MA 02653 (hereinafter called collectively "the Land Ho Group") and Benjamin Porter of 510 Queen Anne Road, Harwich, MA 02645 (hereinafter called "Buyer").

Whereas, the Land Ho Group have entered into an Asset Purchase Agreement wherein Land Ho Harwich, LLC has agreed to sell certain assets to Buyer; and

Whereas, as a part of the assets to be sold pursuant to said Asset Purchase Agreement, Land Ho Harwich, LLC has agreed to provide a Covenant Not To Compete to Buyer as an inducement to Buyer in agreeing to conclude the sale; and

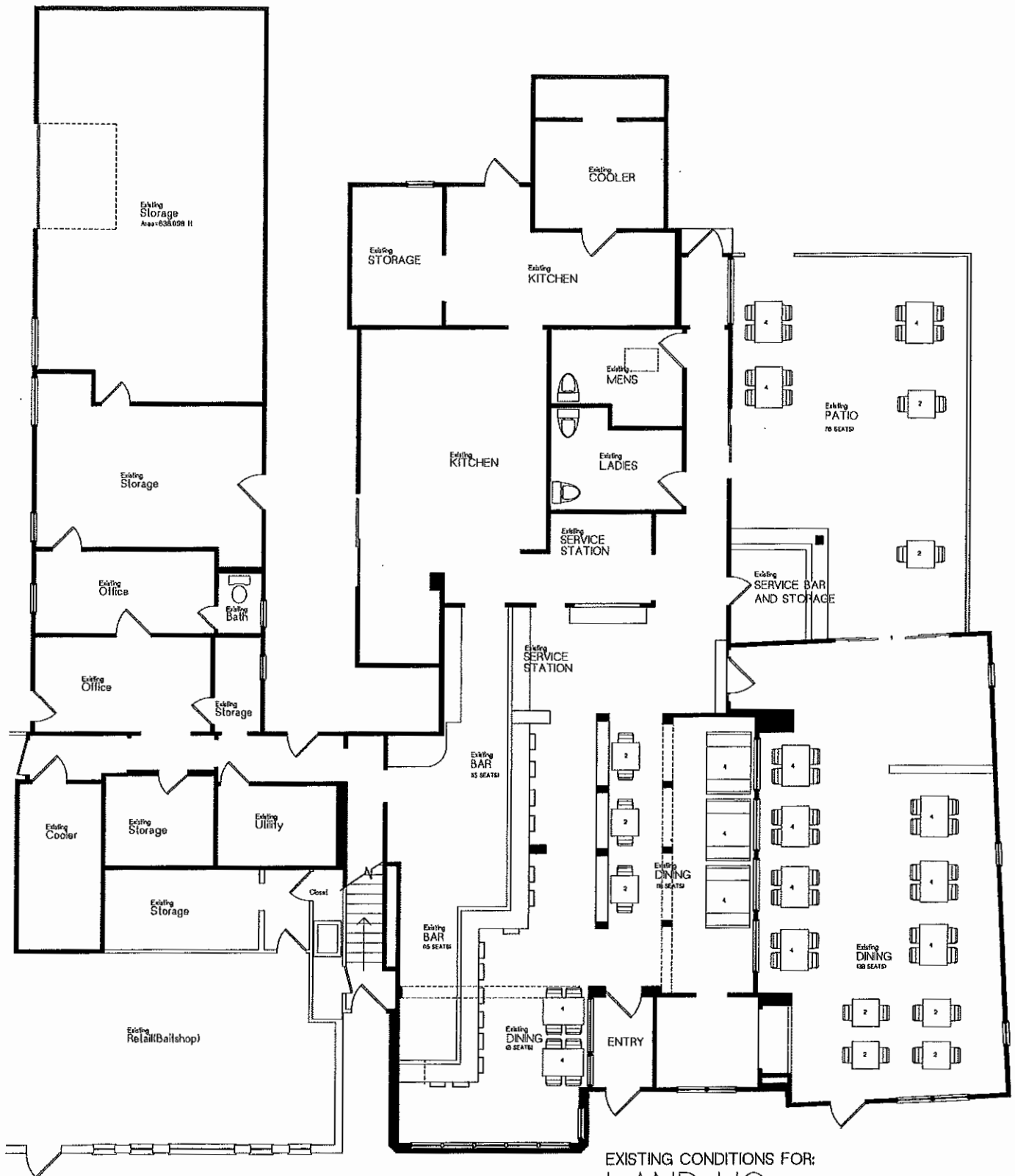
Whereas, said Asset Purchase Agreement is dated January 12, 2018 and provides that a Covenant Not To Complete is to be delivered together with assets of Land Ho Harwich, LLC; and

Whereas, Jon F. Murphy and Dillon Murphy are all principals of Land Ho Harwich LLC who will benefit from the sale of the assets contemplated under the Asset Purchase Agreement; and

Whereas, the inclusion of said principals is necessary for the effective implementation of this Covenant Not to Compete,

Now therefore, in consideration of the mutual covenants contained within said Asset Purchase Agreement and in further consideration of \$5000.00 Dollars the receipt whereof is hereby acknowledged, it is hereby agreed as follows:

- 1. The Land Ho Group hereby agrees that for a period of five (5) years from the date hereof they shall not own either directly or indirectly any interest in any restaurant as defined herein within the Town of Harwich nor be employed by, or be the agent or officer of any restaurant as defined herein within the Town of Harwich. For purposes of this Covenant, indirect ownership shall include owning any stock in any corporation or trust, holding or owning a membership in any limited liability company, being a partner in, or in any other manner or by any other means having any interest in any entity that owns, controls, operates, or manages any restaurant or that holds a common victualler license or all alcoholic beverage license within the Town of Harwich. For purposes of this Covenant, the term "restaurant" or an entity that holds a common victualler or all alcoholic beverage license shall mean and be limited to a restaurant or



EXISTING CONDITIONS FOR:  
**LAND HO** FIRST FLOOR PLAN  
 429 MAIN STREET, HARWICHPORT, MA.  
 (95 SEATS) AREA=5817.20 (12)

## LEASE

**THIS INDENTURE** made this \_\_\_\_\_ day of January 2018, by and between 429 Main Inc., a Massachusetts corporation having an address of 429 Main Street, Harwich Port, MA 02646 (hereinafter "Lessor"), and BLM Restaurant Group, Inc., a Massachusetts corporation having an address of 72 Route 28, West Harwich, MA, 02671. (hereinafter "Lessee"):

In consideration of the rent and the covenants hereinafter reserved and contained, the Lessor does hereby let the Premises to the Lessee and the Lessee does hereby hire the below - described Premises from the Lessor subject to the terms and conditions set forth herein.

1. **Premises:** The restaurant located at 429 Main Street, Harwich Port, MA 02646 now known as the Land Ho! Restaurant comprising the rooms, closets, kitchens, and storage areas located on the first floor of the building located thereon all as more specifically identified on the plan attached hereto and marked Exhibit A.
2. **Term:** The lease shall commence upon the date of the execution hereof and shall run for a period of ten (10) years, which ten year term shall begin March 1, 2018, and terminate on March 1, unless sooner terminated as provided herein. The Lessee shall have an option for an additional 10 year period at such terms as may determined by and between the parties.
3. **Rent:**

March 1, 2018 through March 1, 2019, \$35,652.00 per year payable \$2,971.00 per month on the first day of each month;

March 1, 2019 through March 1, 2020, \$36,732.00 per year payable \$3,061 per month on the first day of each month;

March 1, 2020 through March 1, 2021, \$40,405.00 per year payable \$3,367.00 per month on the first day of each month;

March 1, 2021 through March 1, 2022, \$44,445 per year payable \$3,704 per month on the first day of each month;

March 1, 2022 through March 1, 2023, \$48,890 per year payable at \$4,074 per month on the first day of each month;

March 1, 2023 through March 1, 2024, \$53,779 per year payable \$4,481 per month on the first day of each month;

March 1, 2024 through March 1, 2025, \$59,157 per year payable at \$4,930 per month on the first day of every month;

March 1, 2025 through March 1, 2026, \$62,706 per year payable at \$5,226 per month on the first day of each month;

March 1, 2026 through March 1, 2027, \$66,468 per year payable at \$5,539 per month on

the first day of each month;

March 1, 2026 to March 1, 2027, \$66,468 per year payable at \$5,539 per month on the first day of each month

March 1, 2027 to March 1, 2028, \$70,456 per year payable at \$5,871 per month on the first day of each month

The additional ten year option at a rate to be determined by the parties;

Lessee shall be required to give notice of its intent to exercise the option no less than 90 days prior to the termination of the current term.

4. **Permitted Uses:** Operation of a restaurant and lounge.
  
5. **Taxes and Utilities:** lessee shall pay for all personal property taxes and water which is separately metered to the restaurant. All utilities, including electric service, oil, gas and other fuels, shall be the responsibility of the Lessee and the services shall be carried in the name of Lessee. Lessee shall also be responsible for three-quarters (3/4) of the cost of snow plowing and removal from the parking lot, and shall clean all grease traps monthly and the restaurant septic system twice per year.
  
6. **Lessor's Obligation, Maintenance and Repair-** The Lessor shall not be responsible to make any other repairs or improvements of any kind upon the Premises. The Lessee accepts the Premises "as is" and agrees that the Lessor has made no representations, warranties or agreements of any kind or nature with respect to the use, occupancy, enjoyment or condition thereof except as contained herein. The Lessee agrees to keep the Premises and the buildings thereon in the good order, condition and repair and, except as provided herein, shall pay all charges for maintenance, repair and upkeep of the same. The Lessor shall be responsible only for any damage caused by the Lessor and Lessor shall not be responsible to make any other repairs or improvements of any kind upon the Premises.

Notwithstanding the previous paragraph, the Landlord agrees to maintain the structure of the building of which the premises area part in the same condition as it is at the commencement of the term or as it may be put during the term of this Lease, reasonable wear and tear, damage by fire and other casualty only excepted, unless such maintenance is required because of the Tenant or those for whose conduct the Tenant is legally responsible. Landlord's obligations shall include, without limitation, replacement of the septic system, maintenance, repair and replacement of the building and the roof (exclusive of any HVAC and refrigeration equipment which may be located on the roof which shall be Tenant's obligation), and maintenance of the parking lot and walkways.

The Lessee shall have the right, upon prior written consent of Lessor which shall not be unreasonably withheld, to make alterations, improvements, restoration, repairs, replacements, renovation or additions to the Premises which do not adversely affect the utility of or decrease the value of the Premises, in each instance in accordance with plans and specifications therefore approved by Lessor. All such alterations, improvements or other modifications hereunder, if any, shall be constructed in a good and workmanlike manner, using first quality materials and in compliance with applicable laws and building codes. The Lessee shall have the right to maintain signs on the Premises, subject to the Lessor's approval, which approval shall not be unreasonably withheld. The Lessee will secure all necessary permits, licenses, and other permissions for all such signs, alterations, improvements, restoration, repairs, replacements, renovation or additions; obtain and deliver to the Lessor certificates of, and throughout such construction maintain in full force and effect, payment and performance bonds from all contractors and subcontractors; and upon completion of any such construction, promptly deliver to the Lessor any required certificate of occupancy, or the equivalent thereto under local law.

Upon the expiration or sooner termination of the Term, the Lessee shall peaceably and quietly leave, yield up and surrender the Premises to the Lessor in tenantable condition broom clean and in good order, condition and repair, substantially in the condition now existing, reasonable wear and tear only excepted, together with all alterations, improvements, restoration, repairs, replacements, renovation and additions thereto as permitted hereby, and orderly and free of occupants in any event. Without limiting the foregoing, ventilation systems, heating and air conditioning systems, bars, plumbed fixtures such as sinks, hot water heater, dishwashing equipment, etc, lighting, walk-in refrigerators/freezers, fire suppression systems and other fixtures shall be considered improvements which shall be retained in the Premises upon vacancy of the Premises

7. **The Lessee's Covenants:** The Lessee hereby covenants with the Lessor that the Lessee during the Term and for such further time as the Lessee, or any other person or persons claiming through or under the Lessee shall hold the Premises or any part thereof: (a) will pay to the Lessor all Rent at the times and in the manner herein set forth; (b) will operate the restaurant at the Premises in a good and responsible manner so as to maintain and not diminish the general reputation of the Premises; (c) will not deface the Premises or permit any use of the Premises which shall increase any insurance rate or create a fire hazard or be unlawful, improper, noisy or offensive or which shall constitute a nuisance or which is contrary to any law, rule, regulation or requirement of any governmental authority or the fire insurance rating association having jurisdiction, or which is injurious to any person or property, or commit waste, whether voluntary or involuntary, or permit anyone else to do any of the foregoing; (d) will not do or permit to be done anything in or about the Premises which (i) shall make void or voidable any insurance carried by the Lessor or the Lessee which is required by any term or provision of this lease or which relates to the Premises in any manner or (ii) shall increase or create extra premiums therefore and will pay the Lessor on demand, as additional rental, the amount of any such increase or extra premiums on insurance carried by the Lessor, if any; (e) will not terminate or discontinue operations on the Premises for more than thirty (30) days without the prior consent of Lessor; (f) will conduct its operations in compliance with all applicable laws and (g) will

not install or use a washer machine on premise. Lessee further covenants that Lessee has full power and authority to enter into and perform its obligations under this Lease, and that Lessee's execution, delivery and performance of this Lease: (i) have been duly authorized by all necessary corporate or other action, (ii) require no consent, permission or authorization of any person, and (iii) violate no contract, agreement, order, judgment or the like that is binding upon the Lessee

8. **Insurance:** The Lessee shall maintain, comprehensive general public liability insurance (including general liability endorsement and contractual liability), in an amount not less than One Million (\$1,000,000.00) Dollars with respect to any one person, and not less than Two Million (\$2,000,000.00) Dollars with respect to injuries suffered in any one accident and not less than One Hundred Thousand (\$100,000.00) Dollars with respect to property damage and with such other conditions as Lessor may, from time to time, reasonably request. If desired by Lessee, Lessee, at its sole cost and expense, shall obtain insurance covering Lessee's property of any kind or nature in or on the Premises and Lessee shall be solely responsible for same; Lessor shall have no responsibility whatsoever with respect to insurance for or damage to any such personal or other property. All such insurance policies (except personal property insurance) shall name the Lessor as an additional insured with the usual loss payable clause in favor of the holder of any mortgage covering the Premises. Each such policy of insurance, or a certificate thereof, shall be promptly deposited with the Lessor, and in the case of the renewal of such policy, shall be deposited not less than ten (10) days prior to the expiration date of the expiring policy. Such policies shall provide that the same may not be canceled or coverage reduced without at least twenty (20) days' prior written notice to Lessor.
9. **Sole Risk and Hazard:** All fixtures, equipment, signs, merchandise, supplies, inventory, motor vehicles, and other property on or about the Premises shall be at the Lessee's sole risk and hazard, and if the whole or any part thereof shall be destroyed or damaged by storm, weather, fire, water, ground water runoff, flooding, water, ice or snow buildup, or otherwise, or by use or abuse of water, or by leaking or bursting of water pipes or sprinklers, or in any other way or manner, no part of said loss or damage is to be charged to or borne by the Lessor in any case whatsoever, except only to the extent caused by the Lessor's negligence or willful default or the negligence of the Lessor's agent(s); the Lessee agrees to exonerate and indemnify the Lessor from and against any and all claims, suits, obligations, liabilities and damages, including attorneys' fees, based upon or arising out of any of the foregoing except to the extent caused by Lessor's negligence or willful default, or willful breach of Lessor's obligations hereunder. Lessee shall maintain insurance against such other perils and in such amounts as the Lessor may from time to time reasonably request in writing.
10. **Fire, Casualty or Taking:** If all or any part of the Premises is destroyed by fire or casualty or taken by eminent domain or other action of any public authority or destroyed or damaged or the use or enjoyment thereof diminished by action of public authority, or war, enemy action or civil defense, excluding any event resulting from the act or omission of Lessee or any person for whom Lessee is legally responsible, then in each such event a just and proportionate rent abatement shall be made for such period of time as the Lessee is precluded from using the Premises or any substantial portion thereof for



their intended use. Within thirty (30) days after any substantial damage caused by fire or casualty loss, the Lessor shall give notice to the Lessee of Lessor's intent to restore the Premises to their former condition. If Lessor fails to give such notice, or if Lessor gives notice of its intent not to restore the Premises, the Lessee shall have the option to restore the Premises at the expense of the Lessee, in which event the Lessee's obligation to pay rent shall be suspended until such time as the Lessee shall be able to utilize the Premises for normal business operations, or may terminate this Lease by giving notice to the Lessor not later than 30 days after Lessor's giving such notice to Lessee. The Lessor shall have the option to terminate this Lease by giving notice to the Lessee at any time prior to the expiration of 120 days after any taking, or any such substantial damage due to fire or casualty loss. As used herein, "substantial damage" shall mean damage to the premises to the extent that such damage is not reasonably expected by Lessor to be repaired or restored within 100 days.

In the event of any termination of this lease as a result of any taking, the Lessor and not the Lessee shall be entitled to the entire amount of the damages and awards, except as hereinafter provided. For the purposes of this lease, all amounts payable pursuant to any agreement with any taking authority which has been made in settlement of or under threat of any such taking or action shall be deemed to constitute an award made in such proceeding. The Lessee may make a claim for the value of the Lessee's trade fixtures, equipment and relocation expenses in any taking proceeding described in this section to the extent the same will not diminish the Lessor's damages and awards, and to such extent the Lessee may make a separate claim therefore against the appropriate governmental authority if such claim is permitted by law.

11. **Default by the Lessee:** (i) in the event of any failure by the Lessee to pay any item of Rent or monetary amount due under this Lease on or before the date for payment provided herein continuing for seven (7) days after written notice from the Lessor to the Lessee without its being cured, or in the event of any failure by the Lessee to perform, fulfill or observe any other representation, warranty or agreement by the Lessee set forth herein, continuing for thirty (30) days after written notice from the Lessor specifying such failure, without its being waived or its effect cured, or the cure thereof promptly commenced and diligently prosecuted at all times thereafter, or (ii) in the event that the estate created hereby shall be taken on execution, or by other process of law, or (iii) in the event that the Lessee or any guarantor of the Lessee shall commit any act of bankruptcy or be declared bankrupt or insolvent according to law, or (iv) in the event that any petition under federal or state law pertaining to bankruptcy or insolvency or for a reorganization or arrangement or other relief shall be filed by or against the Lessee or any guarantor of the Lessee, or (v) in the event that any assignment, trust, mortgage or other transfer in trust or otherwise shall be made for the benefit of creditors, or (vi) in the event that forty percent (40%) or more of the record or beneficial ownership of the Lessee shall, without the prior consent of Lessor, be transferred or assigned, directly or indirectly, in a single transaction or series of related transactions, (other than transfers of such interests to a Massachusetts business entity or trust wholly owned by Lessees and/or members of their immediate families, which transfers are expressly permitted

hereunder), or (vii) in the event that the Lessee shall vacate or abandon the Premises for five (5) or more days, or discontinue operations for more than thirty (30) days (other than seasonal closures), in each case without Lessor's prior permission, then in any of said cases: (1) the Lessor or the Lessor's agents may lawfully immediately, or at any time thereafter, and without further demand or notice, enter into and upon the Premises or any part thereof in the name of the whole and repossess the same as of the Lessor's former estate and expel the Lessee and those claiming by, through or under the Lessee and remove the Lessee's or their effects without being deemed guilty of any manner of trespass, and without prejudice to any remedies which might otherwise be used for arrears of rental or preceding breach of covenant or condition; and/or (2) the Lessor may terminate this lease by 7 days written notice to the Lessee, and the Lessee covenants with the Lessor that in case of such termination, or in the case of termination under statute for default of the Lessee, the Lessee will at the election of the Lessor (which election may be made or changed at any time or from time to time before the settlement), take any of the following actions: (a) declare this lease forfeited and the term ended and declare the entire amount of rental and all other sums which would have otherwise become due and payable during the remainder of the term of this Lease to be due and payable immediately, in which event Lessee agrees to pay the same at once, together with all rental and other sums theretofore due and payable; provided, however, that such payment shall not constitute a penalty or forfeiture or liquidated damages, but shall merely constitute payment in advance of the rental for the remainder of the said term. Upon making such payment, Lessee shall from time to time receive from Lessor an account of the Premises during the terms of this Lease, after deducting from gross receipts any and all of Lessor's costs and expenses, including brokers' commissions related thereto, the excess of such gross receipts (after deduction of such costs and expenses) over the rentals otherwise due and payable hereunder shall be refunded promptly to Lessee, provided, however, that the monies to which Lessee shall be become entitled shall in no event exceed the entire amount payable by Lessee to Lessor hereunder; (b) pay, as liquidated damages for so much of the unexpired Term as is covered thereby, and at the same times and in the same installments as are specified in this lease, sums equal to the rental and other payments herein named or, if the Premises shall have been re-let, sums equal to the excess of the rental and other payments last mentioned over the net sums actually received by the Lessor for the period to which the rental and other payments last mentioned relate, or (c) indemnify the Lessor against loss of the rental and other payments herein named at the time of such termination or from the time to which installments of liquidated damages shall have been paid, during the residue of the Term -each of the foregoing alternatives being separable. The rental and other payments named herein shall be deemed to be the Rent plus all items herein named.

In addition to the foregoing and regardless of which of the foregoing alternatives shall have been elected, the Lessee agrees to pay to the Lessor on demand all expenses incurred by the Lessor in order to (a) obtain possession of the Premises, (b) make such alterations, improvements, repairs, replacements, renovation and restoration as the Lessor deems reasonably necessary or advisable to put the Premises in good and rentable repair, order and condition, and (c) re-let the Premises, including, without limitation, the reasonable fees of attorneys, brokers, engineers and architects. In the

event that any failure by the Lessee to perform, fulfill or observe any agreement herein to be performed, fulfilled or observed by the Lessee continues for thirty (30) days, or in situations involving potential danger to the health or safety of persons in, on or about the Premises or a material deterioration of, or damage to, the Premises, after written notice specifying such failure, the Lessor may (but shall not be required to) at its election perform, fulfill or observe such agreement for and on behalf of the Lessee, and any amount which the Lessor shall expend for such purpose, or which shall otherwise be due by the Lessee to the Lessor hereunder, shall be deemed to be additional rental and shall be paid to the Lessor on demand, together with interest thereon at the lower of (a) the rate of eighteen (18) percent per annum, or (b) the maximum rate permissible from time to time under applicable law, from the date of expenditure or the date the same shall have become due to the date of payment thereof in full.

12. **Indemnity:** Lessee has sole control of the Premises and shall exonerate and indemnify the Lessor against all claims, suits, obligations, liabilities, and damages, including attorneys' fees, arising out of: (a) any failure by the Lessee to perform, fulfill or observe any obligation or liability of the Lessee set forth in this Lease, or (b) any negligent act or omission by the Lessee, or (c) any condition of any kind, class or description, however and whenever occurring, in any portion of, or in the vicinity of, the Premises, caused by or resulting from any action of or omission to act by the Lessee, or (d) anyone claiming under Lessee, including but not limited to subtenants, agents, employees, agents, contractors, invitees or visitors, no matter how arising. The Lessor will exonerate and indemnify the Lessee and its directors, officers, employees and agents against all claims, suits, obligations, liabilities, and damages including attorneys' fees, arising out of: (a) any willful failure by the Lessor to perform, fulfill or observe any obligation or liability of the Lessor set forth in this Lease; and (b) or any negligent act or omission by the Lessor, relating hereto
  
13. **Notice of Default to the Lessor:** In no event will the Lessor be deemed to be in default under this Lease for thirty (30) days after written notice to the Lessor specifying such default, without it being waived, or its effect having been cured, or the cure thereof having been promptly commenced and diligently prosecuted thereafter.
  
14. **Subordination:** This Lease is subject to and subordinate to any mortgage on all or any portion of the Premises and to any renewals, extensions, substitutions, re-financings, modifications or amendments thereof; the Lessee covenants and agrees to execute any documents reasonably acceptable to Lessee's counsel reflecting the foregoing and take any steps which may be necessary to consummate such subordination.
  
15. **Non-Assignability:** The Lessee shall not assign or sublet (whether by oral or written agreement, by operation of law or otherwise) the whole or any part of the Premises without the Lessor's prior written consent, which consent may be granted only in the absolute and sole discretion of the Lessor

16. **Entry and Inspection by the Lessor and Third Parties:** The Lessor and its agents shall have the right to enter into and upon the Premises or any part thereof from time to time upon reasonable notice and at reasonable times to examine the same and make any repairs or alterations which the Lessor is permitted hereunder to make, all at such times and in such manner as shall not interfere unreasonably with the Lessee's business. The Lessee shall permit inspection of the Premises at reasonable hours and intervals by prospective purchasers or mortgagees and during the last three months of the Term or any renewal term, the Lessee shall permit inspection of the Premises at reasonable hours and intervals by prospective lessees, provided, however, that such inspection or inspections shall not unreasonably interfere with the Lessee's business. For the purposes of this section, reasonable notice shall be at least 24 hours prior notice (except in the event of emergency, in which case Lessor shall give Lessee such prior or subsequent notice as is practical under the circumstances).
17. **Waiver of Subrogation:** To the extent available under standard policies of insurance without extra cost, or if extra cost shall be charged therefore, so long as the other party pays such extra cost, (i) each party hereby waives all liability and all rights to recovery and subrogation against, and agrees that neither it nor its insurers will sue the other party for any loss of or damage to property arising out of fire or casualty, and (ii) each party agrees that all insurance policies relating to the Premises will contain waivers by the insurer of such liability, recovery, subrogation and suit. If extra cost is chargeable therefore, each party shall advise the other party of the amount of the extra cost and the other party, at its election, may pay the same, but shall not be obligated to do so. Nothing contained herein shall obligate Lessor to obtain or maintain any insurance on or relating to the Premises except as otherwise provided herein.
18. **Estoppel Certificates:** Each of Lessor and Lessee agree, upon reasonable request, to execute and deliver a written declaration in recordable form reasonably acceptable to counsel: (1) ratifying this Lease; (2) expressing the commencement and termination dates thereof; (3) certifying that to the best of such party's knowledge this Lease is in full force and effect and has not been assigned, modified, supplemented or amended (except by such writings as shall be stated); (4) that to the best of such party's knowledge all conditions under this Lease to be performed by Lessor have been satisfied; (5) that to the best of such party's knowledge there are no defenses or offsets against the enforcement of this Lease by such party, or stating those claimed by such party; (6) the amount of advance rental, if any, (or none if such is the case) paid by Lessee; and (7) the date to which rental has been paid; and (8) the amount of security deposited with Lessor. Such declaration shall be executed and delivered from time to time as may be reasonably requested. Lessor's and Lessee's mortgage and other lenders and/or purchasers shall be entitled to rely upon same.
19. **Mechanic's Liens:** Lessee shall not permit any mechanic's or other lien or charge to be filed against the Premises or the building of which the Premises are a part by reason of any act of Lessee or anyone holding the Premises through or under Lessee. If any such mechanic's or other lien or charge shall at any time be filed against the Premises or the building of which the Premises are a part resulting from or in connection with any action or omissions by Lessee or any person claiming through Lessee, Lessee shall cause the same to be discharged of record, in default of which Lessor may, on thirty

(30) days' notice to Lessor, discharge the same, and all costs and expenses, including attorneys' fees, incurred by Lessor in procuring such discharge shall be payable by Lessee to Lessor as additional rent upon demand. Nothing in this Paragraph shall be deemed or construed as (i) Lessor's consent to any person, firm, or corporation for the performance of any work or services or the supply of any materials to the Premises or any improvement thereon, or (ii) giving Lessee or any other person, firm, or corporation any right to contract for or to perform or supply any work, services, or materials that would permit or give rise to a lien against the Building or any part thereof.

20. **Holding Over:** Any holding over by Lessee after the expiration of the term of this Lease shall be treated as a tenancy at sufferance at a rate equal to one and one-half (1.5) times the Rent plus any other charges herein provided (prorated on a daily basis) and shall otherwise be on the terms and conditions set forth in this Lease as far as applicable. In addition, Lessee shall pay Lessor for all damages sustained by Lessor as a result of Lessee's holding over, including, without limitation, all court costs and attorneys' fees. Notwithstanding the foregoing, by accepting any holdover rent, the Lessor does not waive any of its rights or remedies under this Lease to recover the Premises and/or to remove Lessee from the premises, or to seek any other remedy or relief to which Lessor may be entitled under law or under this Lease.
21. **Late Fee:** In the event that Lessee shall fail to pay any Rent or any other amounts payable by the Lessee to Lessor hereunder, within fifteen (15) days of the date payable hereunder, Lessee shall also pay to Lessor as additional rent on demand, interest on such sums in the amount of eighteen percent (18%) per annum, from the date payment was due (not including any grace period) until paid in full (or such lesser amount as shall be the maximum permitted under law). This late fee shall be in addition to any other rights and remedies permitted Lessor hereunder.
22. **Quiet Enjoyment:** Lessor covenants and warrants that Lessee, subject to the terms and provisions of this Lease, on payment of the rentals and other amounts provided to be paid by Lessee hereunder and observing, keeping and performing all the terms and provisions of this Lease on Lessee's part to be observed, kept and performed, shall lawfully, peaceably and quietly have, hold, occupy and enjoy the Premises during the term of this Lease and any extension hereof without hindrance or ejection by any person or party whomsoever claiming by, through or under Lessor, subject to Lessor's present or future mortgages of record, and to all applicable laws, rules and regulations of all governmental authorities, agencies and departments, from time to time, exercising jurisdiction on the Premises.
23. **Subordination and Non-Disturbance Agreements:** Lessor shall cooperate with Lessee in Lessee's efforts to obtain any subordination and non-disturbance agreement from the holder of any mortgage relating to the Premises.
24. **Representations and Warranties by Lessor:** Lessor hereby represents and warrants to Lessee that, as of the date hereof, and to the best of Lessor's knowledge and without investigation: (a) Lessor is not in default under any indenture, mortgage, loan agreement

or other agreement affecting any portion of the premises. Lessor and the Premises are not subject to any agreement, restriction, requirement, regulation or any order or decree of any court or governmental agency which might to a material degree adversely affect the use of the Premises for the purposes contemplated by this lease; (b) there are no actions, suits, proceedings or investigations pending or affecting any portion of the premises, at law or in equity before or by an federal, state, municipal or other governmental agency; (c) no work has been done on the premises on behalf of Lessor which could give rise to any liens under Massachusetts law and no contracts with Lessor are outstanding or are in effect with respect to the performance of any such work; (d) with the exception of the residential apartment located on the second floor, the premises are not subject to any leases or rights of any occupants; and (e) Lessor has received any notice of taking, condemnation, betterment or assessment, actual or proposed, with respect to the premises, and has no reason to believe that any such taking, condemnation, betterment or assessment has been proposed or is under consideration.

25. **Lessor's Cooperation:** If any provision of law, act, rule, code, regulation, ordinance or other provision of any state, municipal or other governmental department, board, bureau or agency having jurisdiction over the demised premises, any of the appurtenances thereunto or the operations of the Lessee shall require that the owner of the demised Premises join in, consent to or institute any action, proceeding or application with respect to the exercise by Lessee of any right, not in violation of the terms of the lease, for the enjoyment and use of the demised premises or of any buildings or improvements now or hereafter thereon, or the appurtenances thereunto belonging, Lessor agrees, to the extent that same is reasonable, free of expense to Lessee, to give Lessor's consent thereto and Lessee may, in its name, in Lessor's name or in both names, institute such actions or proceedings and make such applications as shall be requisite for Lessee's enjoyment and use of the premises, and the appurtenances thereunto belonging. In the event that Lessor shall fail or neglect to comply with any of its obligations as set forth in this Paragraph, Lessee may, in addition to any other remedies, as agent or attorney in fact or Lessor do all such things as Lessor is obligated hereunder to do and to execute,

acknowledge and deliver all instruments required for Lessee to exercise its rights pursuant to this lease for the lawful enjoyment and use of the demised premises; and in any such case Lessor hereby irrevocably nominates, constitutes and appoints Lessee as Lessor's proper and legal attorney in fact for such action, proceeding or application; and Lessee will indemnify and hold Lessor harmless from all such costs and expenses. All actions and proceedings shall be conducted, all applications shall be made, and all instructions and documents required shall be prepared, by Lessee's attorney at Lessee's expense.

26. **Notice of Lease:** The Lessee agrees not to record the within lease, but each party agrees, on request of the other, to execute a Notice of Lease in recordable form and complying with applicable Massachusetts laws, and reasonably satisfactory to the Lessor's attorney. In no event shall such document set forth the rental or other charges payable by the Lessee under this lease; and any such document shall expressly state that it is executed pursuant to the provisions contained in this lease, and is not intended to vary the terms and conditions of this lease.
27. **Miscellaneous:** All terms and provisions of this lease shall be independent and shall

inure to the benefit of and be binding upon the personal representatives, successors and assigns of the parties, except as otherwise expressly provided herein. All rights and remedies of each party shall be cumulative and not alternative, in addition to and not exclusive of any other right or remedy to which such party may be lawfully entitled.' This Lease sets forth the entire agreement of the parties, and no custom, act, forbearance, or words or silence at any time, gratuitous or otherwise, shall impose any additional obligation or liability upon either party or waive or release either party as a supplement, alteration, amendment or change of any term or provision set forth herein, including this clause, unless set forth in a written instrument duly executed by such party expressly stating that it is intended to impose such an additional obligation or liability or to constitute such a waiver or release, or that it is intended to operate as such a supplement, alteration, amendment or change. The parties hereby release each other from any and all liabilities regarding any contract or agreement regarding the Premises or the businesses or corporations related thereto except as set forth herein or in the Guarantee executed in connection herewith.

28. **Notices:** All notices and other communications shall be in writing and deemed given and delivered to the Lessor when mailed, by registered or certified mail, or by reputable over-night delivery service, all postage, delivery and other charges prepaid, addressed to the Lessor or Lessee at their respective addresses set forth in section 1; except that either party may by written notice to the other designate another address which shall thereupon become the effective address of such party for the purposes of this section.
29. **Headings:** The captions to the various sections of this lease have been inserted for reference only and shall not in any manner be construed as modifying, amending or affecting in any way the express terms and provisions hereof, nor shall they be admissible for proving the intent of the parties.
31. **Severability:** If any term or provision of this lease or the application thereof to any person, property or circumstance shall to any extent be invalid or unenforceable, the remainder of this lease, or the application of such term or provision to persons, properties and circumstances other than those as to which it is invalid or unenforceable, shall not be affected thereby, and each term and provision of this lease shall be valid and enforced to the fullest extent permitted by law.

Executed under seal as of the date first above written.

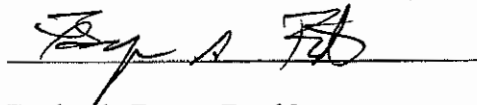
**LESSOR:**

**LESSEE:**

\_\_\_\_\_  
Four Hundred Block Realty Trust

\_\_\_\_\_  
BML Restaurant Group, Inc.





James A. Peterson, Trustee

Benjamin Porter, President



# US EPA NPDES MS4 Permitting Requirements

Massachusetts General Permit



# BACKGROUND

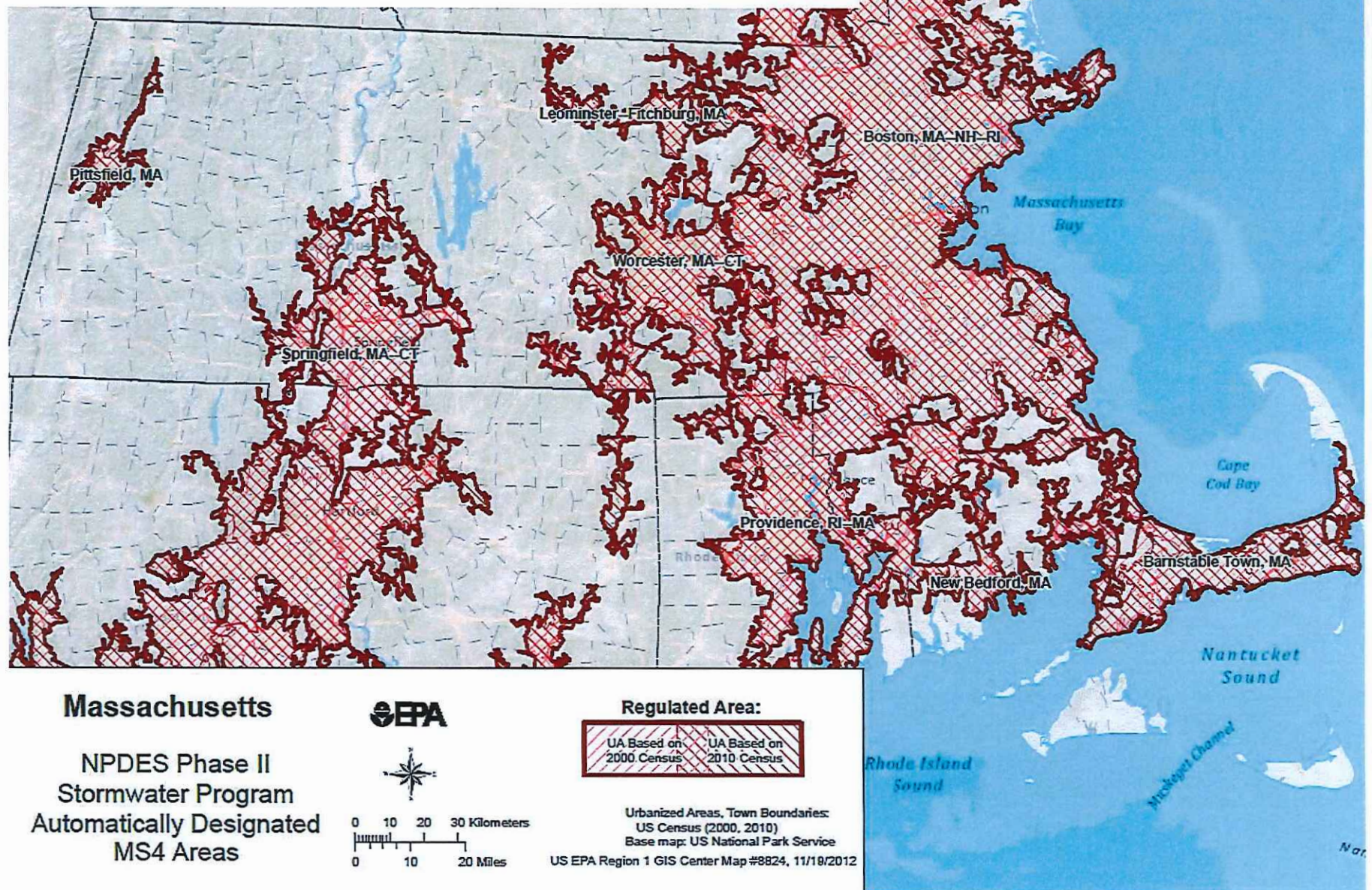
- Clean Water Act adopted in 1972
- Studies in the 70's and 80's showed that stormwater run off has impurities that impair water bodies
- Phase 1 Stormwater Regulations were added to the Clean Water Act in 1987 to regulate stormwater in industry and large cities.
- Phase 2 regulations were added to the Clean Water Act in 1999 to regulate stormwater in urbanized areas

# NPDES SmallMS4

- MS4: Municipal Separate Storm Sewer System
- General EPA Small MS4 Permit for MA
  - Authorizes Stormwater Point Discharges
  - Urbanized Area Based on US Census Data
  - US Census Urbanized Areas with populations less than 100,000
- Notice of Intent Requests Coverage
- 2003 – First General Permit issued for MA
- 2016 New Updated Permit Issued, Effective July 1, 2018

# Regulated Communities

260 Urbanized Cities and Towns

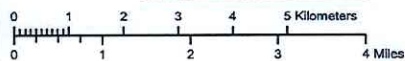




NPDES Phase II Stormwater Program  
Automatically Designated MS4 Areas

**Harwich MA**

Regulated Area:

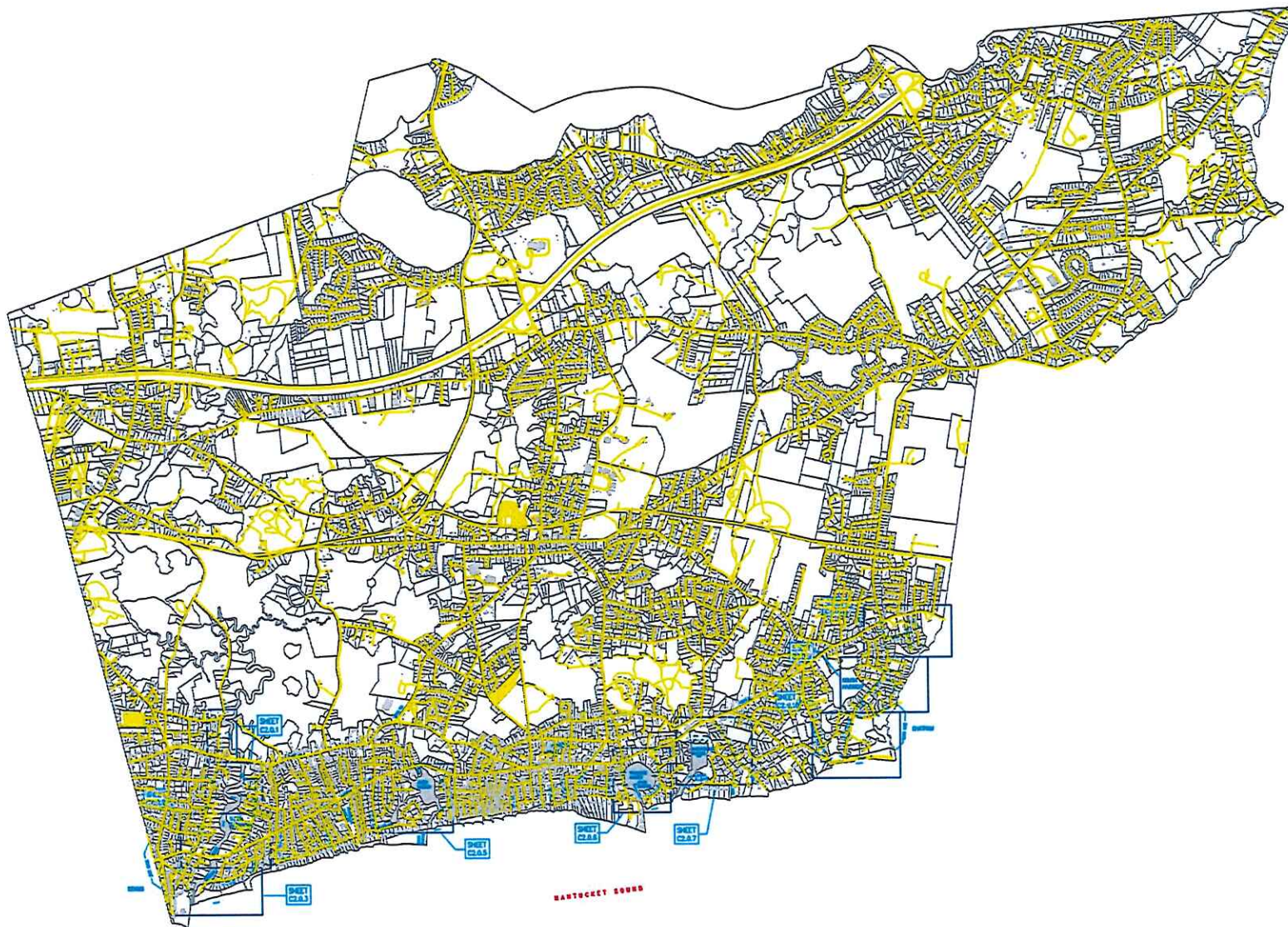


Town Population: **12188**  
Regulated Population: **11779**  
(Populations estimated from 2010 Census)



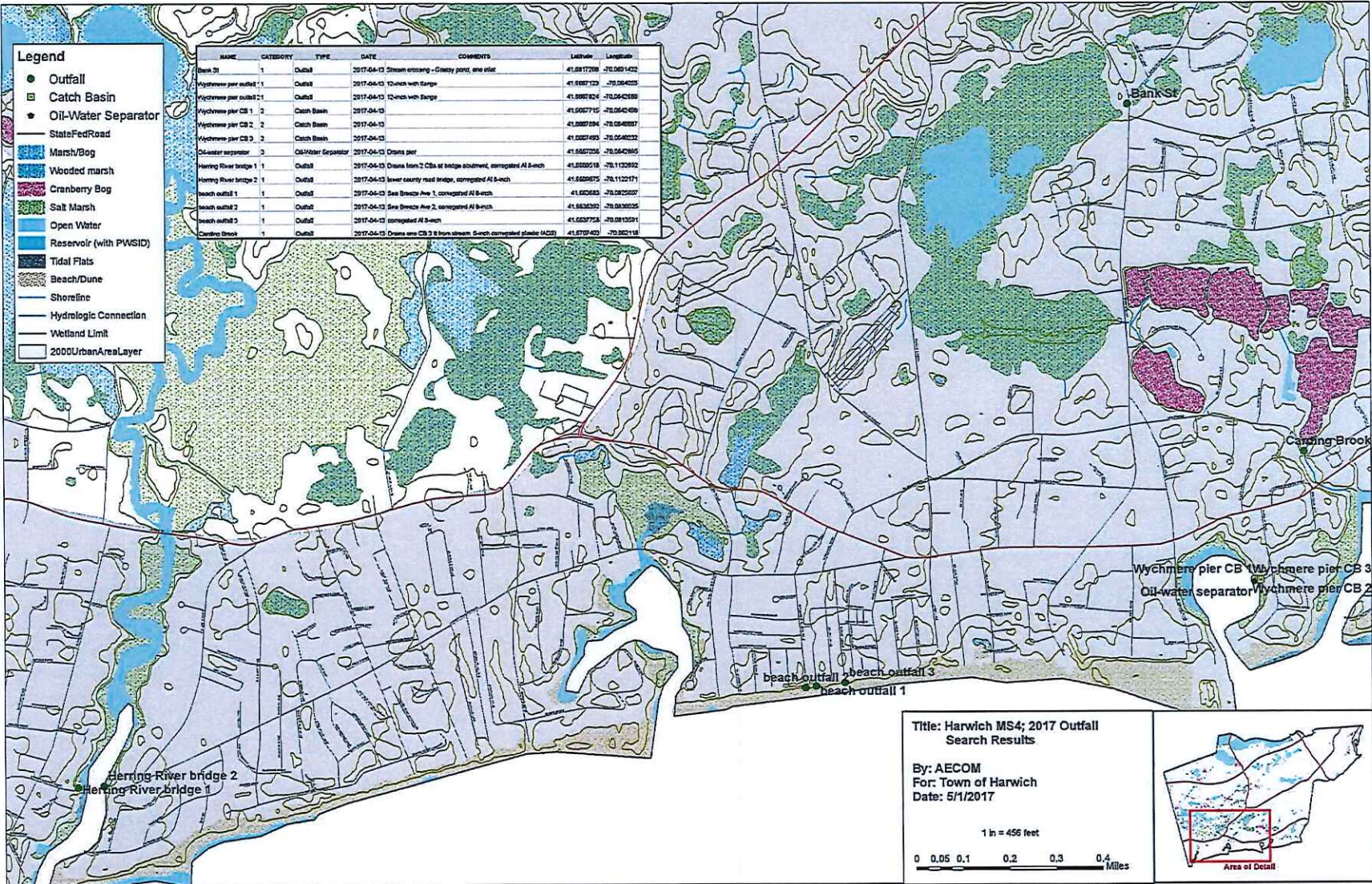
Urbanized Areas, Town Boundaries:  
US Census (2000, 2010)  
Base map © 2013 Microsoft Corporation  
and its data suppliers

US EPA Region 1 GIS Center Map #8824, 8/9/2013



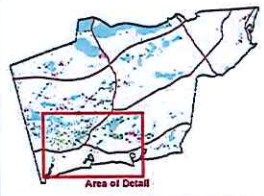
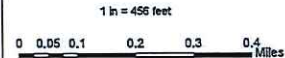
- Legend**
- Outfall
  - Catch Basin
  - Oil-Water Separator
  - State/Fed Road
  - Marsh/Bog
  - Wooded marsh
  - Cranberry Bog
  - Salt Marsh
  - Open Water
  - Reservoir (with PWSID)
  - Tidal Flats
  - Beach/Dune
  - Shoreline
  - Hydrologic Connection
  - Wetland Limit
  - 2000 Urban Area Layer

NAME	CATEGORY	TYPE	DATE	COMMENTS	Latitude	Longitude
Bank St	1	Outfall	2017-04-13	Stream crossing - Grassy pond, one silt	41.8917208	-70.0891432
Wychmere pier outfall 1	1	Outfall	2017-04-13	Drains with Sarge	41.8881323	-70.0840255
Wychmere pier outfall 2	1	Outfall	2017-04-13	Drains with Sarge	41.8881824	-70.0840390
Wychmere pier CB 1	2	Catch Basin	2017-04-13		41.8887115	-70.0840408
Wychmere pier CB 2	2	Catch Basin	2017-04-13		41.8885894	-70.0848987
Wychmere pier CB 3	2	Catch Basin	2017-04-13		41.8887493	-70.0848232
Oil-water separator	3	Oil-Water Separator	2017-04-13	Drains pier	41.8887258	-70.0840865
Herring River bridge 1	1	Outfall	2017-04-13	Drains from 2 CBs at bridge abutment, corrugated Al 8-inch	41.8888518	-70.1123882
Herring River bridge 2	1	Outfall	2017-04-13	Lower county road bridge, corrugated Al 8-inch	41.8888875	-70.1123171
beach outfall 1	1	Outfall	2017-04-13	Sea Breeze Ave 1, corrugated Al 8-inch	41.8826883	-70.0825007
beach outfall 2	1	Outfall	2017-04-13	Sea Breeze Ave 2, corrugated Al 8-inch	41.8826392	-70.0826025
beach outfall 3	1	Outfall	2017-04-13	corrugated Al 8-inch	41.8827758	-70.0813591
Cardno Brook	1	Outfall	2017-04-13	Drains one CB 3 @ brook stream. Surch corrugated (steel) (A23)	41.8787403	-70.082118



Title: Harwich MS4; 2017 Outfall Search Results

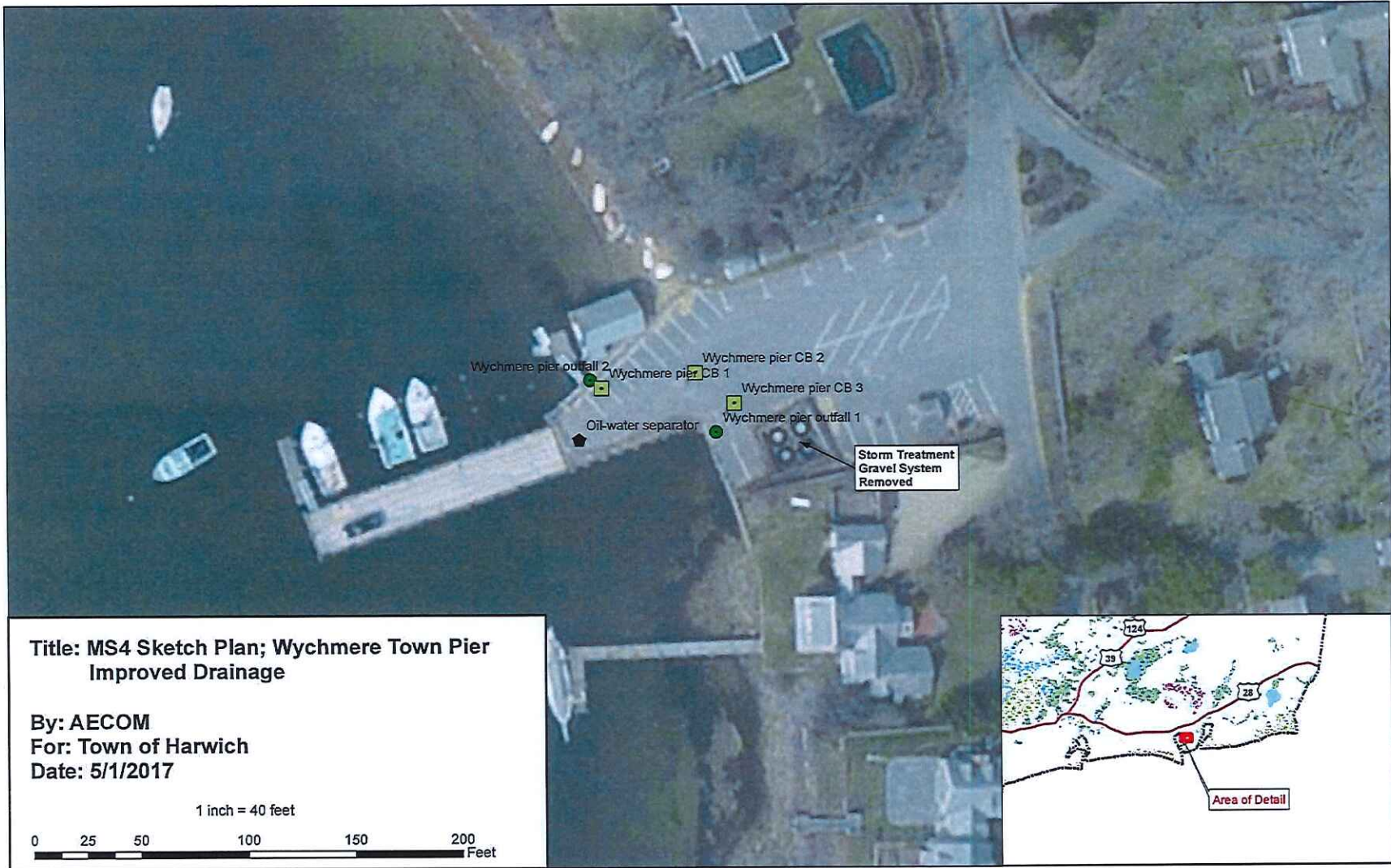
By: AECOM  
For: Town of Harwich  
Date: 5/1/2017



# Outfalls

- Herring River
  - Driftwood Terrace 1
  - Chase Street 1
  - Lower County Road Bridge 2
- Allen Harbor area
  - Hulse Road 1
  - Allen Harbor Landing 1
- Wychmere Area
  - Snow Inn Road 3
  - Wychmere Landing 2
- Saquatucket Area
  - Lower Road 3
- Red River Beach Area
  - Uncle Vennies Road 2
- Bank Street (Near Lovers Lane) 1
- Carding Brook 1
- Beach Outfalls (Ocean & Sea Breeze) 3
- TOTAL 22





## Status of 2016 MS4 Permit

- 2003 MS4 Permit remains in effect until new permit becomes effective
- 2016 MS4 Permit co-issued with MassDEP April 2016
- Original effective date was July 1, 2017
- EPA issued a one-year delay; New effective date July 1, 2018
- Permit period is 5 years
- Current effective date is July 1, 2018
- **NOI due October 1, 2018**

# Annual Reports

**Document activities during the previous year in compliance with permit terms and conditions**

**Due 90 days after close of each reporting period (September 29<sup>th</sup>)**

- Annual reporting period = July 1 through June 30
- First annual report will cover 14-month period from May 1, 2018 through June 30, 2019

Includes:

- Self-assessment review of compliance with permit terms and conditions
- Assessment of the appropriateness of the selected BMPs
- Status of BMPs, progress toward meeting measurable goals
- Planned activities for next reporting period
- Attach written plans, maps, and data as developed

# Notice of Intent (NOI)

## Permittee's request to be covered under the 2016 MS4 Permit

**Due to EPA within 90 days of effective date (October 1, 2018)**

Includes:

- Receiving and impaired waters, number of outfalls to each
- Existing system map (hardcopy or electronic)
- Status of existing ordinance/regulations per 2003 MS4 Permit
- Statement regarding endangered species and historic properties
- Preliminary best management practices (BMPs), measurable goals, and responsible parties
- EPA will post for 30-day public review period, then grant authorization

# NOI Template in Appendix E

## Notice of Intent (NOI) for coverage under Small MS4 General Permit Page 1 of 18

### Part I: General Conditions

#### General Information

Name of Municipality or Organization:  State:

EPA NPDES Permit Number (if applicable):

#### Primary MS4 Program Manager Contact Information

Name:  Title:

Street Address Line 1:

Street Address Line 2:

City:  State:  Zip Code:

Email:  Phone Number:

Fax Number:

#### Other Information

Stormwater Management Program (SWMP) Location  
(web address or physical location, if already completed):

#### Eligibility Determination

Endangered Species Act (ESA) Determination Complete?

National Historic Preservation Act (NHPA) Determination Complete?

Eligibility Criteria (check all that apply):  A  B  C

Eligibility Criteria (check all that apply):  A  B  C

Check the box if your municipality or organization was covered under the 2003 MS4 General Permit

**MS4 Infrastructure** (if covered under the 2003 permit)

Estimated Percent of Outfall Map Complete?  If 100% of 2003 requirements not met, enter an estimated date of completion (MM/DD/YY):

Web address where MS4 map is published:  
*If outfall map is unavailable on the internet an electronic or paper copy of the outfall map must be included with NOI submission (see section V for submission options)*

**Regulatory Authorities** (if covered under the 2003 permit)

Illicit Discharge Detection and Elimination (IDDE) Authority Adopted?  Effective Date or Estimated Date of Adoption (MM/DD/YY):

Construction/Erosion and Sediment Control (ESC) Authority Adopted?  Effective Date or Estimated Date of Adoption (MM/DD/YY):

# Stormwater Management Program (SWMP)

**The permittee will use the SWMP document to describe and detail the activities and measures that will be implemented to meet the terms and conditions of the permit.**

**Complete within 1 year (June 30, 2019)**

Includes:

- All info from NOI
- Additional details on BMPs being implemented or planned
- Written procedures, plans, and reports as developed
- Retain a copy at the office/facility and post online
- Living document, update annually

# Year 1 Major Requirements

## Notice of Intent (NOI)

## Stormwater Management Program (SWMP)

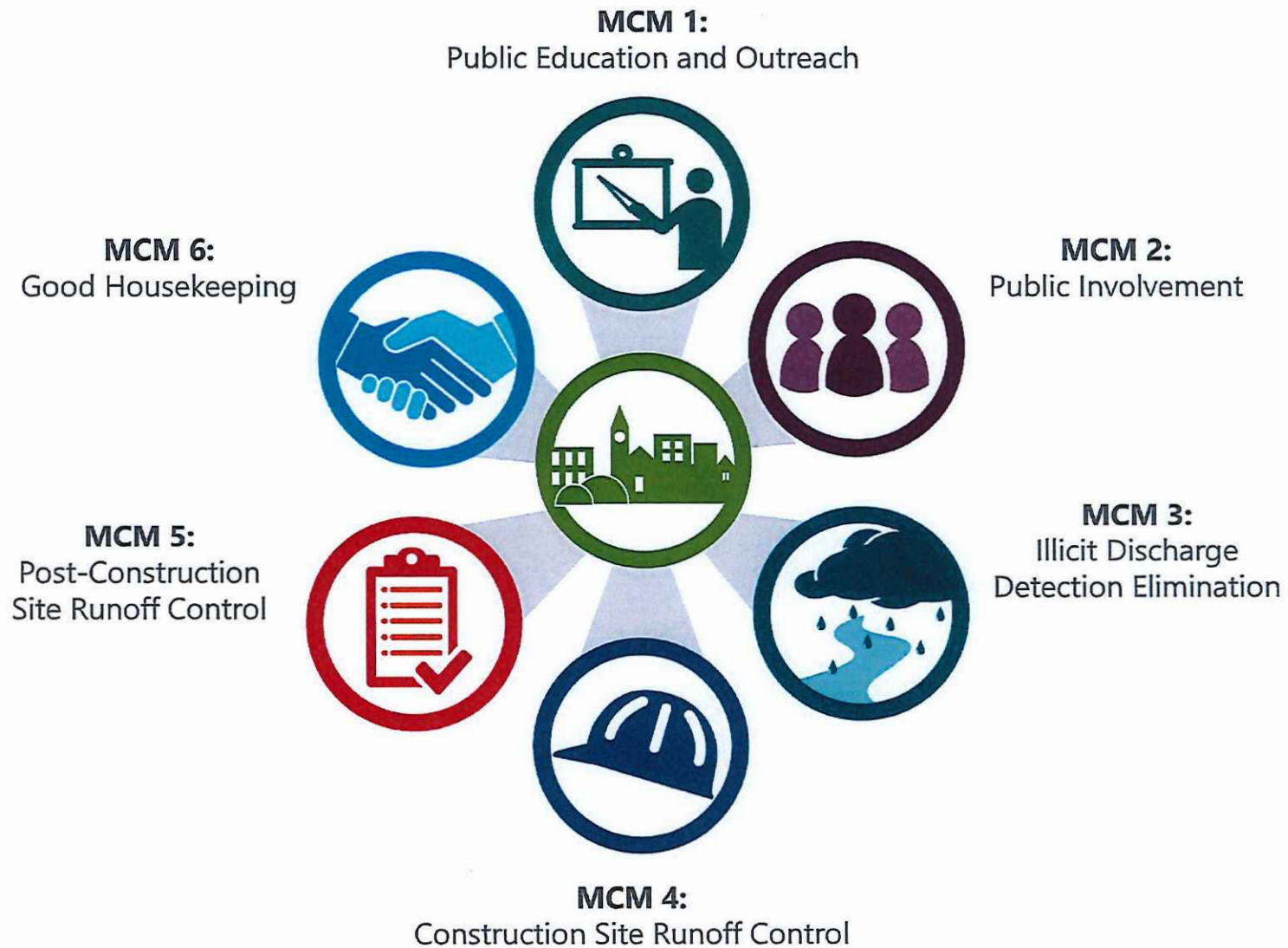
<b>MCM 2</b>	<b>Public involvement – post SWMP online</b>
<b>MCM 3</b>	<b>Bylaw prohibiting illicit discharges</b>
	<b>IDDE Plan with SSO inventory</b>
	<b>Initial outfall ranking</b>
<b>MCM 4</b>	<b>Bylaw requiring control of erosion &amp; sediment, construction wastes</b>
	<b>Written procedures for site inspections &amp; enforcement</b>
	<b>Written procedures for site plan review, inspections &amp; enforcement</b>
<b>MCM 6</b>	<b>Street sweeping</b>
	<b>Catch basin cleaning</b>
	<b>Inspect permittee-owned structural BMPs</b>

# Year 2 Major Requirements

<b>MCM 1</b>	<b>Educational messages</b>
<b>MCM 2</b>	<b>Public involvement</b>
<b>MCM 3</b>	<b>Phase 1 system map</b>
	<b>Begin dry weather outfall screening and sampling</b>
<b>MCM 5</b>	<b>Bylaw/regulations requiring post-construction stormwater management</b>
	<b>Written procedures requiring as-built drawings and long-term O&amp;M</b>
<b>MCM 6</b>	<b>Continue street sweeping, catch basin cleaning, BMP inspections</b>
	<b>Facility inventory &amp; written O&amp;M procedures</b>
	<b>Written program for maintenance of MS4 infrastructure</b>
	<b>Stormwater Pollution Prevention Plans (SWPPPs)</b>



# Minimum Control Measures





# MCM 1 Timeline for Existing Permittees

<i>Requirement</i>	Time from Permit Effective Date				
	1 year	2 year	3 year	4 year	5 year
<b>Develop public education and outreach plan</b>	■				
<b>Distribute public messages</b>		■	■	■	■



## MCM 2 Timeline for Existing Permittees

<i>Requirement</i>	Time from Permit Effective Date				
	1 year	2 year	3 year	4 year	5 year
<b>Develop public involvement plan</b>	█				
<b>Post SWMP for public review</b>	█				
<b>Provide annual opportunities for public involvement</b>	█				



## MCM 3. Illicit Discharge Detection & Elimination (IDDE)

**Prevent, find & eliminate sources of non-stormwater discharges**

- Legal authority (e.g. bylaw) prohibiting illicit discharges
- Written IDDE Program & procedures
- Drainage system map
- Inventory and rank outfalls & interconnections
- Document Sanitary Sewer Overflows (SSOs)
- Dry & wet-weather screening
- Catchment investigations







# MCM 4 Timeline for Existing Permittees

Requirement	Time from Permit Effective Date				
	1 year	2 year	3 year	4 year	5 year
<b>Bylaw requiring erosion &amp; sediment control, construction waste management</b>		<i>Required under 2003 Permit</i>			
<b>Written procedures for site inspections &amp; enforcement</b>					
<b>Written procedures for site plan review, inspections &amp; enforcement</b>					
<b>Track reviews, inspections &amp; enforcement actions. Report annually.</b>					



## MCM 5 Timeline for Existing Permittees

<i>Requirement</i>	Time from Permit Effective Date				
	1 year	2 year	3 year	4 year	5 year
<b>Bylaw/regulations requiring post-construction stormwater management</b>		■			
<b>Written procedures requiring as-built drawings &amp; long term O&amp;M</b>		■			
<b>Report assessing street design &amp; parking lot guidelines</b>				■	
<b>Report assessing local regs for feasibility of green infrastructure</b>				■	
<b>Identify 5 permittee-owned properties for retrofit</b>				■	



## MCM 6 Timeline for Existing Permittees

Requirement	Time from Permit Effective Date				
	1 year	2 year	3 year	4 year	5 year
Facilities inventory and written O&M procedures		■			
Written program for maintenance of MS4 infrastructure		■			
SWPPPs		■			
Catch basin cleaning	■	■	■	■	■
Street sweeping	■	■	■	■	■
Inspect permittee-owned BMPs	■	■	■	■	■



# What can communities do now?

## Preparation Activities

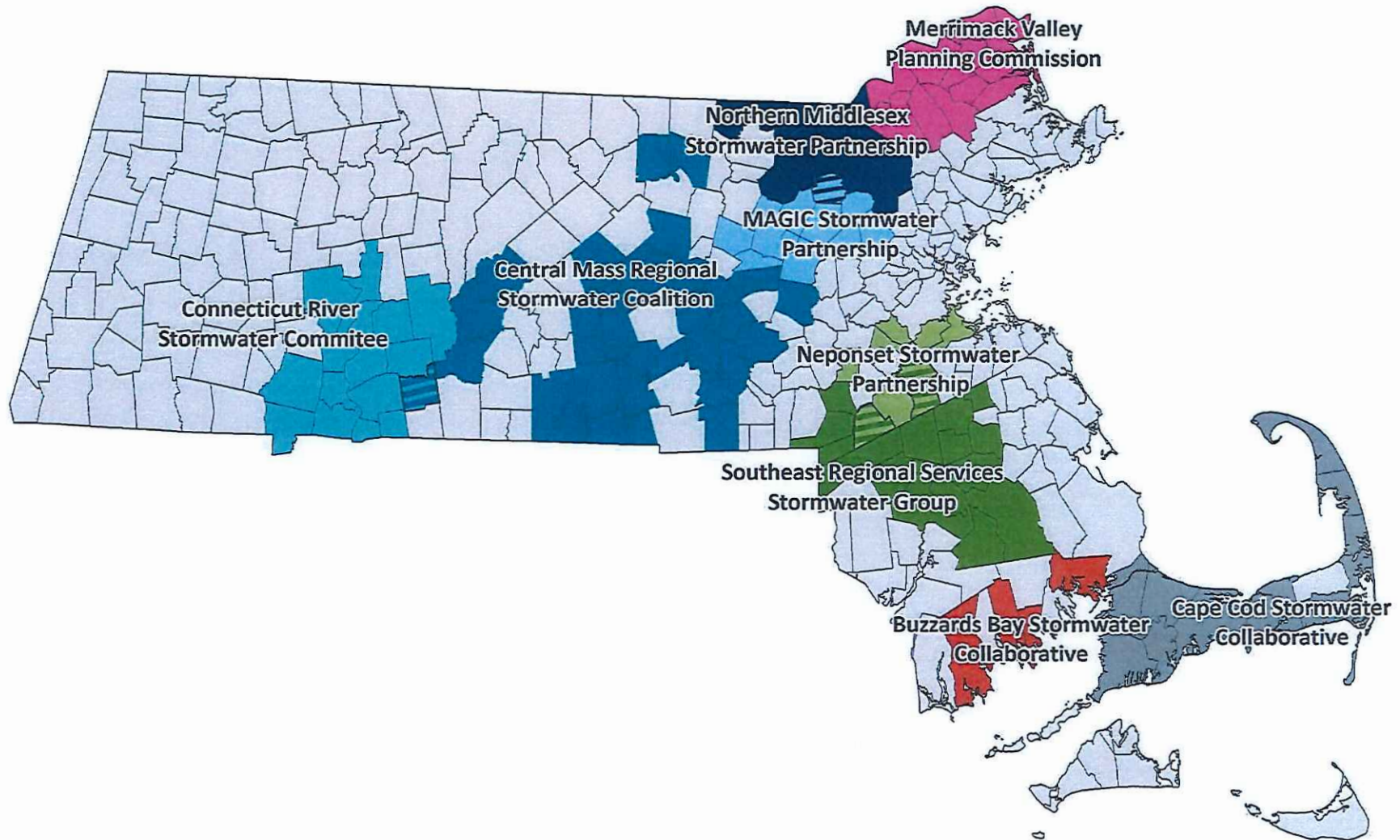
- Identify key stakeholders (internal and external); start building awareness and support
- Coordinate with other departments on best practices, roles and responsibility
- Develop staffing and budget plans
- Review/update GIS mapping and prepare it for analysis and reporting requirements
- Review stormwater management bylaw/regulations; ID needed revisions
- Gather templates and tools



# Stormwater Program Coordinator



# Municipal Stormwater Collaboratives



# Statewide Stormwater Collaborative

## More opportunities for shared resources and economies of scale

Regional coalitions joining forces to:

- Promote resource and tool development and sharing across regions
- Help regulated municipalities meet terms of the MS4 permit at the least cost possible

Statewide stormwater awareness, education and outreach campaign

- Producing replicable messages to educate general public
- Can be customized to meet local and regional needs

# Funding Options

- Property taxes / General fund
  - Competing against other municipal priorities
  - Excludes tax-exempt properties
- Sewer enterprise fund
  - Fees based on water use, not stormwater generation
- Stormwater permit/connection fees
  - New developments/connections, limited one-time revenue
- Bonds and Loans (e.g. Massachusetts Clean Water State Revolving Fund)
  - Best suited for large capital expenses
- Grants
  - Competitive; one-time funding source
- Stormwater enterprise/utility
  - Dedicated fee-based revenue stream for stormwater management

# SUMMARY

## What Harwich Needs to Do

- By July 1, 2018
  - Complete outfall mapping
  - Develop IDDE General Approach
  - Develop required by-laws
  - Investigate funding opportunities
- Year 1 (July 1, 2018 – July 1, 2019)
  - Submit Notice of Intent for coverage under new MS4 Permit
  - Prepare Stormwater Management Plan
  - Prepare IDDE Plan
- Year 2 (July 1, 2019 – July 1, 2020)
  - Complete detailed system mapping
  - Initiate IDDE Catchment Investigation Procedure
  - Prepare Municipal O&M Plans
  - Prepare Town Garage SWPPP

**Municipality/Organization: Town of Harwich**

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**EPA NPDES Permit Number: MAR041120**

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**MassDEP Transmittal Number: W-062631**

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**Annual Report Number**    Year 14  
**& Reporting Period:**                      April 1, 2016 – March 31, 2017

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## **NPDES PII Small MS4 General Permit Annual Report (Due: May 1, 2017)**

### **Part I. General Information**

Contact Person: Robert Cafarelli, PE

Title: Town Engineer

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Telephone #: 508-430-7508

Email: rcafarelli@town.harwich.ma.us

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Mailing Address: 732 Main Street, Harwich, Ma 02645

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#### Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: \_\_\_\_\_

Printed Name: Christopher Clark

---

Title: Town Administrator

---

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

, the Town completed additional field work to locate and map stormwater outfalls, prepare a draft discharges, prepare an IDDE framework, and identify potential funding sources to assist with budget to address items required by the new MS4 permit that will go into effect on July 1, 2017. Based on to review town-owned roadways and properties in the field as well as review of existing infrastructure located additional outfalls in the field that were documented using GPS and depicted on an outfall map. record observations of new, previously unknown discharges when conducting regular operation and ns. In addition, our staff records observations of any dry weather flows or signs of illicit discharges (or odor) when conducting regular operation and maintenance activities. Any signs of an illicit investigated following the IDDE framework we have established. To date, no illicit discharges have been



**Part III. Summary of Minimum Control Measures**

**1. Public Education and Outreach**

<b>BMP ID #</b>	<b>BMP Description</b>	<b>Responsible Dept./Person Name</b>	<b>Measurable Goal(s)</b>	<b>Progress on Goal(s) – Permit Year 14 (Reliance on non-municipal partners indicated, if any)</b>	<b>Planned Activities</b>
E1 Revised	Channel 18	Assist. Admin	Video Production	Information gathering ongoing interdepartment	Production and display of video
E2 Revised	Hand outs and flyers	Various Departments	Provided at Public Facilities	Handouts available at various facilities	Continued and additional handouts available at various public facilities
E3 Revised	Posters	Various Departments	Posters displayed at all public facilities	Posters displayed at all municipal facilities	Continue to display and update posters at Municipal Facilities
E4 Revised	Town Web Site	Town Planner	Post Homeowners Guide	Guide Posted on Website	Review and update guide as needed
Revised					
Revised					

**1a. Additions**


**2. Public Involvement and Participation**

<b>BMP ID #</b>	<b>BMP Description</b>	<b>Responsible Dept./Person Name</b>	<b>Measurable Goal(s)</b>	<b>Progress on Goal(s) – Permit Year 14</b> (Reliance on non-municipal partners indicated, if any)	<b>Planned Activities</b>
P1 Revised	Town Web site	Assist. Admin	Provide Response	Plan posted and explained on web site	Posting on web site with response area
P2 Revised	Public hearings	Rules and Regulations various Departments	Enact Rules and Regulations	Rules and Regulations for Subdivision Control and Site Plan review continually reviewed to ensure compliance with Stormwater Regulations	Enforce Rules and Regulations for compliance by applicants
P3 Revised	Hazardous Waste Collection	DPW Director	Reduce Hazardous waste	Six hazardous waste days per year . 3,300 gallons of hazardous waste collected and disposed of.	Flyers and mailers sent for hazardous waste days
P4 Revised	Oil, Antifreeze, etc.	DPW Director	Increase amount collected	Increase ease and availability of recycling facility oil – 4800 gallons of oil and antifreeze collected	Facility open daily and antifreeze and oil filter recycling facility available.
Revised					
Revised					

**2a. Additions**


### 3. Illicit Discharge Detection and Elimination

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 14 (Reliance on non-municipal partners indicated, if any)	Planned Activities
D1 Revised	Locate discharge to water	Harbormaster	Reduce number of discharges	Mapping of existing drainage system completed	Mapping of system completed and field verification ongoing.
D2 Revised	Locate discharge areas	Engineering Department,	Fly over	Planimetric data available from a fly over conducted by the Cape Cod Commission was used to map manholes , inlets, culverts and open drains	Town staff will continue to record observations of new, previously unknown discharges when conducting regular operation and maintenance inspections.
D3 Revised	Review of existing data and compliance with MS4 requirements	Engineering Department	Update data	With consultant assistance, reviewed MS4 requirements and conducted additional review of town infrastructure based on mapping and field surveys and located additional outfalls in the field using GPS to create a map of outfall locations	Town staff will continue to record observations of new, previously unknown discharges when conducting regular operation and maintenance inspections.
Revised					
Revised					
Revised					

#### 3a. Additions

D4	Enact By-Law prohibiting illicit discharges	Engineering and Planning Departments, as well as Town Meeting Approval	Draft by-law and put forward for Town Meeting approval	A consultant was engaged to prepare a draft by-law based on review of existing model by-laws. The Town is reviewing the draft by-law.	Finalize and enact by-law.

#### 4. Construction Site Stormwater Runoff Control

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 14 (Reliance on non-municipal partners indicated, if any)	Planned Activities
S1	Subdivision Control Rules and Regulations Amended	Planning Department	Adopted by Planning Board	Engaged consultant to conduct review of existing Rules and Regulations and identify recommended changes to address requirements of current MS4 permit as well as new permit going into effect on July 1, 2017. Continued to enforce current rules and regulations to full extent.	Continue to Enforce Rules and Regulations for on all relevant construction sites as well as consider changes for compliance with new permit going into effect on July 1, 2017
Revised					
Revised					
Revised					
Revised					
Revised					
Revised					

#### 4a. Additions




### 5. Post-Construction Stormwater Management in New Development and Redevelopment

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 14 (Reliance on non-municipal partners indicated, if any)	Planned Activities
C1	Subdivision Control Rules and Regulations Amended	Planning Department	Adopted by Planning Board	Amended Rules and Regulations were enforced on all new construction.	Continue to enforce regulations on all new work.
Revised					
C2	Site Plan Regulations amended	Planning Department	Adopted by Planning Board	Amended Rules and Regulations were enforced on all new construction.	continue to enforce regulations on all new work
Revised					
Revised					
Revised					
Revised					
Revised					

#### 5a. Additions


**6. Pollution Prevention and Good Housekeeping in Municipal Operations**

<b>BMP ID #</b>	<b>BMP Description</b>	<b>Responsible Dept./Person Name</b>	<b>Measurable Goal(s)</b>	<b>Progress on Goal(s) – Permit Year 14</b> (Reliance on non-municipal partners indicated, if any)	<b>Planned Activities</b>
G1 Revised	Street Sweeping	DPW Director	All Roads Swept Annually	Street Sweeping program reviewed and all roads included for sweeping. Two sweepers in use	All roads to be swept for 2017
G2 Revised	Review Town Property for Drainage	DPW Director	Locate problems and repair	Continual inspection of drainage structures	Inspections ongoing
Revised					
Revised					
Revised					
Revised					

**6a. Additions**




**7. BMPs for Meeting Total Maximum Daily Load (TMDL) Waste Load Allocations (WLA) <<if applicable>>**

<b>BMP ID #</b>	<b>BMP Description</b>	<b>Responsible Dept./Person Name</b>	<b>Measurable Goal(s)</b>	<b>Progress on Goal(s) – Permit Year 14 (Reliance on non-municipal partners indicated, if any)</b>	<b>Planned Activities</b>
M1 Revised	Continue Drainage installation and update	DPW Director	Improve Drainage system	53 drainage systems installed or upgraded	Continuation of Town Installation of drainage systems throughout the Town
Revised					
Revised					
Revised					
Revised					
Revised					
Revised					

**7a. Additions**


#### **Part IV. Summary of Information Collected and Analyzed**

Harwich is also a member of the Pleasant Bay Resource management Alliance with Chatham, Brewster and Orleans. The Alliance has over 100 volunteers who collect water samples throughout the Bay from June through September.

The samples are analyzed for Nitrates and Phosphates as well as color and turbidity in order to establish a baseline for future testing.

In September 2016, Harwich Natural Resources worked in conjunction with Harwich Conservation Trust to host COASTSWEEP 2015. Volunteers spent the day cleaning debris from beaches. All debris/trash was taken to the Harwich Transfer station in the back of a dump truck.

In March 2017 (several days) - Natural Resources Dept., with the help of Americorps of Cape Cod, cleaned streams related to our herring runs. Connections between Seymour Pond, Long Pond & Hinckleys pond as well as Herring River were cleaned. Debris and fallen trees/limbs were removed in order to assist migrating Herring up the run. Red River connecting to Skinequit Pond was also cleaned.

Waste oil from boats is collected at Saquatucket Harbor. In the past year the oil holding tank was emptied 4 times, (250 gal, 275 gal, 250 gal, 250 gal). A total of Approx 1,000 gallons of waste oil was collected and hauled away to an approved disposal site.

**Part V. Program Outputs & Accomplishments (OPTIONAL)**

(Since beginning of permit coverage unless specified otherwise by a \*\*, which indicates response is for period covering April 1, 2010 through March 31, 2014)

**Programmatic**

	(Preferred Units)	Response
Stormwater management position created/staffed	(y/n)	no
Annual program budget/expenditures **	(\$)	
Total program expenditures since beginning of permit coverage	(\$)	
Funding mechanism(s) (General Fund, Enterprise, Utility, etc)	Local & Federal funds	

**Education, Involvement, and Training**

Estimated number of property owners reached by education program(s)	(# or %)	90%
Stormwater management committee established	(y/n)	Yes
Stream teams established or supported	(# or y/n)	yes
Shoreline clean-up participation or quantity of shoreline miles cleaned **	(y/n or mi.)	2 mi per year
Shoreline cleaned since beginning of permit coverage	(mi.)	2 mi per year
Household Hazardous Waste Collection Days		
▪ days sponsored **	(#)	6
▪ community participation **	(# or %)	100%
▪ material collected **	(tons or gal)	4,496 gal
School curricula implemented	(y/n)	yes

**Legal/Regulatory**

	In Place Prior to Phase II	Reviewing Existing Authorities	Drafted	Draft in Review	Adopted
Regulatory Mechanism Status (indicate with "X")					
▪ Illicit Discharge Detection & Elimination		X	X	X	
▪ Erosion & Sediment Control					X

▪ Post-Development Stormwater Management					X
Accompanying Regulation Status (indicate with "X")					
▪ Illicit Discharge Detection & Elimination		X			
▪ Erosion & Sediment Control					X
▪ Post-Development Stormwater Management					X

### Mapping and Illicit Discharges

	(Preferred Units)	Response
Outfall mapping complete	(%)	100
Estimated or actual number of outfalls	(#)	17
System-Wide mapping complete (complete storm sewer infrastructure)	(%)	100
Mapping method(s)		
▪ Paper/Mylar	(%)	100
▪ CADD	(%)	0
▪ GIS	(%)	100
Outfalls inspected/screened **	(# or %)	0
Outfalls inspected/screened (Since beginning of permit coverage)	(# or %)	6
Illicit discharges identified **	(#)	0
Illicit discharges identified (Since beginning of permit coverage)	(#)	0
Illicit connections removed **	(#); and (est. gpd)	0
Illicit connections removed (Since beginning of permit coverage)	(#); and (est. gpd)	0
% of population on sewer	(%)	0
% of population on septic systems	(%)	100

### Construction

	(Preferred Units)	Response
Number of construction starts (>1-acre) **	(#)	4
Estimated percentage of construction starts adequately regulated for erosion and sediment control **	(%)	100%
Site inspections completed **	(# or %)	100%
Tickets/Stop work orders issued **	(# or %)	0
Fines collected **	(# and \$)	0

Complaints/concerns received from public **	(#)	0

### Post-Development Stormwater Management

Estimated percentage of development/redevelopment projects adequately regulated for post-construction stormwater control	(%)	100%
Site inspections (for proper BMP installation & operation) completed **	(# or %)	100%
BMP maintenance required through covenants, escrow, deed restrictions, etc.	(y/n)	N
Low-impact development (LID) practices permitted and encouraged	(y/n)	Y

### Operations and Maintenance

Average frequency of catch basin cleaning (non-commercial/non-arterial streets) **	(times/yr)	1
Average frequency of catch basin cleaning (commercial/arterial or other critical streets) **	(times/yr)	1
Qty of structures cleaned **	(#)	375
Qty. of storm drain cleaned **	(%, LF or mi.)	200
Qty. of screenings/debris removed from storm sewer infrastructure **	(lbs. or tons)	200+TONS
Disposal or use of screenings (landfill, POTW, compost, beneficial use, etc.) **	(location)	Recycle for sand and closed landfill berm

Basin Cleaning Costs		
• Annual budget/expenditure (labor & equipment)**	(\$)	
• Hourly or per basin contract rate **	(\$/hr or \$ per basin)	
• Disposal cost**	(\$)	3000

Cleaning Equipment		
• Clam shell truck(s) owned/leased	(#)	1
• Vacuum truck(s) owned/leased	(#)	0
• Vacuum trucks specified in contracts	(y/n)	0
• % Structures cleaned with clam shells **	(%)	100
• % Structures cleaned with vactor **	(%)	

	(Preferred Units)	Response
Average frequency of street sweeping (non-commercial/non-arterial streets) **	(times/yr)	1
Average frequency of street sweeping (commercial/arterial or other critical streets) **	(times/yr)	1
Qty. of sand/debris collected by sweeping **	(lbs. or tons)	200 tons
Disposal of sweepings (landfill, POTW, compost, beneficial use, etc.) **	(location)	Closed landfill cover berm
Annual Sweeping Costs		
• Annual budget/expenditure (labor & equipment)**	(\$)	
• Hourly or lane mile contract rate **	(\$/hr. or ln mi.)	
• Disposal cost**	(\$)	3000
Sweeping Equipment		
• Rotary brush street sweepers owned/leased	(#)	2
• Vacuum street sweepers owned/leased	(#)	1
• Vacuum street sweepers specified in contracts	(y/n)	n
• % Roads swept with rotary brush sweepers **	%	90%
• % Roads swept with vacuum sweepers **	%	10%

Reduction (since beginning of permit coverage) in application on public land of: ("N/A" = never used; "100%" = elimination)		
▪ Fertilizers	(lbs. or %)	0
▪ Herbicides	(lbs. or %)	N/A
▪ Pesticides	(lbs. or %)	N/A
Integrated Pest Management (IPM) Practices Implemented	(y/n)	Y

	(Preferred Units)	Response
Average Ratio of Anti-/De-Icing products used ** (also identify chemicals and ratios used in specific areas, e.g., water supply protection areas)	% NaCl % CaCl <sub>2</sub> % MgCl <sub>2</sub> % CMA % Kac % KCl % Sand	50salt      50sand
Pre-wetting techniques utilized **	(y/n or %)	no
Manual control spreaders used **	(y/n or %)	yes
Zero-velocity spreaders used **	(y/n or %)	yes
Estimated net reduction or increase in typical year salt/chemical application rate	(±lbs/ln mi. or %)	15%
Estimated net reduction or increase in typical year sand application rate **	(±lbs/ln mi. or %)	10%
% of salt/chemical pile(s) covered in storage shed(s)	(%)	100%
Storage shed(s) in design or under construction	(y/n or #)	no
100% of salt/chemical pile(s) covered in storage shed(s)	(y/n)	yes

### Water Supply Protection

Storm water outfalls to public water supplies eliminated or relocated	# or y/n	N/A
Installed or planned treatment BMPs for public drinking water supplies and their protection areas	# or y/n	N/A
<ul style="list-style-type: none"> <li>Treatment units induce infiltration within 500-feet of a wellhead protection area</li> </ul>	# or y/n	N/A

## **Illicit Discharge Detection and Elimination Program Harwich, MA**

### *1.0 Introduction*

In April 2003, the United States Environmental Protection Agency (USEPA) issued a National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s). Many Massachusetts towns, including Harwich, became subject to Stormwater Phase II regulations based on their designation as Urbanized Areas according to the 2000 US Census. Section 402 (p)(3)(B)(ii) requires that permits for municipal separate storm sewers shall include a requirement to effectively prohibit problematic non-storm water discharges into storm sewers. Emphasis is placed on the elimination of inappropriate connections to urban storm drains. This requires affected municipalities to identify and locate sources of non-storm water discharges into storm drains so they may institute appropriate actions for their elimination. The General Permit requires that each regulated community develop a five-year plan to:

*“... (R)educe the discharge of pollutants from the MS4 to the maximum extent practicable; protect water quality, and satisfy the water quality requirements of the Clean Water Act and state water quality standards.”*

The permit dictated that several key elements be part of the storm water planning, including mapping of outfalls, development of several stormwater bylaws and implementation of the six minimum control measures identified in the permit. The six (6) minimum control measures that were identified are: (1) Public Education and Outreach, (2) Public Involvement and Participation, (3) Illicit Discharge Detection and Elimination (IDDE), (4) Construction Site Stormwater Runoff Control, (5) Post Construction Stormwater Management in New Development and Redevelopment, and (6) Pollution Prevention and Good Housekeeping in Municipal Operations. This program focuses on the IDDE control measure.

### *2.0 Identification of High Priority Outfalls*

There are no wastewater sewers in Harwich, therefore illicit sewer connections are not a risk factor for an outfall being designated as high priority. High priority areas in Harwich will be identified as discharges to beaches, drinking water sources, shellfish areas, and concentrated areas of failing septic systems. Areas with older buildings and infrastructure will also be prioritized as there is a greater potential for leaks, historical pollution, and structural failure. Outfalls in commercial and industrial areas should also be prioritized because they have been shown to have significant numbers of illicit connections. If there are areas that have repeated complaints these will also be prioritized.

### *3.0 Procedures to Locate Illicit Discharges and Sources*

Mapping of the storm water outfalls is a requirement of the MS4 Permit and can be used to aid in achieving the implementation of the six minimum control measures. Catch basins leading to known outfalls may be stenciled or otherwise signed by local organizations to alert the public to the fact that the catch basin discharges to a waterway or wetland. Known outfalls can be monitored for signs of illicit connections during regular operation and maintenance work ongoing through the town. Localized flooding and or odor complaints can be more easily addressed when the locations of nearby outfalls are known. And finally, a maintenance program can more easily be developed for care of the outfalls and



related catch basins with a comprehensive map, and activities related to said program can be easily tracked and evaluated for effectiveness.

Detection of illicit discharges and their sources will be primarily accomplished by Highway, Engineering, Conservation, and Planning Department staff observing outfalls during their regular operation and maintenance and site inspection work. These town staff will note any discharges from outfalls during dry weather, which would indicate that non-stormwater flows are present within the drainage system. Similarly, it is possible that citizens or regulatory staff may observe dry weather flows and report these to the Town. These reports will be documented in an Incident report database and further investigated by the Engineering Department, who will coordinate with other municipal departments as necessary.

If an illicit discharge is suspected, additional investigation will occur to identify the source of the discharge. Field work may include visual inspection, interviewing occupants or owners of the property, and/or conducting water quality sampling as appropriate to make a determination. Potential sources will be identified and the results of the investigation will be documented in the database.

During site investigations there are many indicators that can be used to detect an illicit connection.

- Flow during dry weather is an indicator that there could be a source of effluent other than stormwater.
- Water quality of the effluent is another consideration. Instances of cloudy flow, colored flow, foam, biological sheens, petroleum sheens, and sewage odor can indicate a potential for pollution discharge. If the water quality is suspected at any outfalls then samples should be taken for conductivity, ammonia, temperature, pH, surfactants, and fecal coliform.
- The presence of sediment at the outfall indicates that the storm drainage system may be in need of service upstream. Sediment in the system can also cause outfall blockages that will prevent stormwater from flowing within and out of the drainage system.
- Excessive vegetation can cause access issues to the outfalls that may be a concern in regards to long term maintenance.
- Structural integrity is also important to the function of the outfall itself, as broken outfalls can impede or stop outflow.

In the case where an illicit discharge has been located at the outfall the source will be traced. Various methods will be used in combination or on their own to find the source.

- Manhole Observations- following the discharge from the outfall to the source through the stormwater pipes
- Video Inspections- using cameras in the stormwater pipes to follow the discharge to the source
- Smoke Testing- pumping smoke into the pipe system and looking for smoke venting out of buildings
- Dye Testing- testing from the drain of the suspected source
- Tracking Illegal Dumping- develop a system for tracking reports of illegal dumping

#### *4.0 Illicit Discharge Removal Methods*

A mix of compliance assistance and enforcement actions will be used to remove illicit discharges. Some discharges, such as pool draining and spills of other household pollutants, can be prevented through public awareness and education. In some cases contaminated groundwater or failing septic systems could be leaking into broken storm pipes. If deficiencies are found in municipal stormwater infrastructure, the town will follow up as needed to repair the stormwater infrastructure. Stormwater regulations will be used to enforce regulations to prevent illicit connections and discharge in to the stormwater system.

The response to the discovery of an illegal connection will occur in a graduated manner, beginning with efforts to obtain voluntary compliance and escalating to increasingly severe enforcement actions if compliance is not obtained. Often, home or business owners are not aware of the existence of illegal connections between their buildings and the storm sewer systems. In these cases, providing the responsible party with information about the connection, its environmental consequences, the applicable regulations, and how to remedy it may be enough to secure voluntary compliance.

#### *5.0 Documentation of Actions and Evaluation of Results*

The Engineering Department will maintain a database to document all potential illicit discharges, as well as the potential or actual source and the follow-up actions taken to address and remove the source. After the actions have been enumerated and recorded, the evaluation process can be used to review actions taken in order to optimize the plan for the future. Evaluation procedures will include documentation of actions taken to locate and eliminate illicit discharges. Such documentation might include numbers of outfalls screened, complaints taken and investigated, feet of storm sewers videotaped, numbers of discharges eliminated, or number of dye or smoke tests conducted. The impact of these results can be used to adjust to the IDDE program as needed throughout the program.

# Chapter ###: Comprehensive Stormwater Bylaw

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# Chapter ###: Comprehensive Stormwater Bylaw

## Article I: Local Stormwater Management

### Section 1. Authority

This by-law is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and the regulations of the federal Clean Water Act found at Title 33 U.S.C. § 1252 1387 and 40 CFR 12 2.34.

### Section 2: Purpose and Objectives

- A. The purpose of this by-law is to better manage land alteration and development in order to protect, maintain, and enhance the public health, safety, and general welfare of the citizens of Harwich by establishing minimum requirements and procedures to control the adverse impacts associated with stormwater runoff.
  
- B. The proper management of stormwater runoff will meet the following objectives:
  - 1. Reduce the adverse water quality impacts of stormwater discharges to rivers, lakes, reservoirs, streams and estuaries in order to meet federal water quality standards;
  - 2. Prevent the discharge of pollutants, including hazardous chemicals, into stormwater runoff;
  - 3. Minimize the volume and rate of stormwater, which is discharged to rivers, streams, reservoirs, lakes storm sewers, and estuaries that flows from any site during and following development;
  - 4. Prevent erosion and sedimentation from land development, and reduce stream channel erosion caused by increased runoff;
  - 5. Provide for the non-polluted recharge of groundwater aquifers and maintain the base flow of streams;
  - 6. Provide stormwater facilities that are attractive, maintain the natural integrity of the environment, and are designed to protect public safety;
  - 7. Maintain or reduce pre-development runoff characteristics after development to the extent feasible;
  - 8. Minimize damage to public and private property from flooding;
  - 9. Ensure that these management controls are properly maintained; and
  - 10. Comply with state and federal statutes and regulations relating to stormwater discharges.

### Section 3: Definitions

Unless otherwise expressly stated, the following definitions describe the meaning of the terms used in this by-law:

**Applicant** - a person with the duty to apply for a permit hereunder

**Authorized Enforcement Agency** - The Town of Harwich Engineering Department, and its employees or agents designated to enforce this by-law. Also see permitting authority below.

**Adverse Impact** - Any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

**Best Management Practices (BMP)** - An activity, procedure, restraint, or structural improvement that helps reduce the quantity or improve quality of stormwater runoff. Some examples of BMPs are described in a stormwater design manual, Stormwater Management, Volume Two: Stormwater Technical Handbook (March, 1997, MA Department of Environmental Protection and MA Office of Coastal Zone Management, as updated or amended).

**Certificate of Completion** - A written determination by the Harwich Engineering Department that work has been completed in accordance with a **Local Stormwater Management Permit**. For major projects, a Certificate of Completion will be issued only after a Notice of Termination has been submitted to the United States Environmental Protection Agency for termination of coverage under NPDES.

**Clean Water Act** - The Federal Water Pollution Control Act (33 U.S.C. section 1251 et seq.) and as amended.

**Construction Activity** - The disturbance of the ground by removal of vegetative surface cover or topsoil, grading, excavation, clearing or filling.

**Design Storm** - A rainfall event of specified size and return frequency that is used to calculate the runoff volume and peak discharge rate.

**Detention** - The temporary storage of storm runoff which is used to control the Peak Discharge rate, and which provides gravity settling of pollutants.

**Discharge of Pollutants** - The addition from any source of any pollutant or combination of pollutants into the storm drain or into waters of the United States of America (United States) or the Commonwealth of Massachusetts (Commonwealth) from any source.

**Disturbance** - Any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the clearing, grading, digging, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural man-made watercourse.

**Drainage Area** - That area contributing runoff to a consolidated flow of water as measured in a horizontal plane.

**Easement** - A grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

**Groundwater** - Water beneath the surface of the ground in the cracks and spaces in soil, sand, and rock.

**Illicit Connection** - A surface or subsurface drain or conveyance, which allows an illicit discharge into a storm drain, including, but not limited to, sewage, process wastewater, or gray water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this by-law.

**Illicit Discharge** - Direct or indirect discharge to the storm drain that is not composed entirely of stormwater, except as exempted Article I Section 5. The term does not include a discharge in compliance with a National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit or resulting from firefighting activities.

**Impervious Surfaces** - Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. Impervious surfaces include roads, pavement, compacted gravel, building rooftops, sidewalks, and driveways.

**Infiltration** - The process of percolating water from the surface into the subsoil.

**Local Stormwater Management Permit:** A document issued by the Stormwater Authority which regulates stormwater controls associated with land disturbance.

**Municipal Storm Drain System (storm drain) or Municipal Separate Storm Sewer System (MS4)** - The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Harwich.

**National Pollutant Discharge Elimination System (NPDES)** - As authorized by the Clean Water Act, this is a permit program governed by the U.S. Environmental Protection Agency (EPA) that controls water pollution by regulating point sources that discharge pollutants into waters of the United States or Commonwealth. A Notice of Intent is the mechanism used to "register" for coverage under a general permit. A Notice of Termination is the mechanism used to close out coverage under a general permit after construction completion.

**Nonpoint Source Pollution** - The Pollution from any source other than from any discernible, confirmed, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, mining, construction, subsurface disposal and urban runoff sources.

**Non-Stormwater Discharge** - Discharge to the storm drain not comprised entirely of stormwater.

**NRCS** - The United States Department of Agriculture Natural Resources Conservation Service.

**Operation and Maintenance Plan** - A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

**Owners:** The person owning the subject property at the time the application for the permit is made and the subsequent owners and assignees.

**Outfall** - The terminus of a storm drain or other stormwater structure where the contents are released to the environment.

**Peak Discharge** - The maximum instantaneous rate of flow during a storm, usually in reference to a specific design storm event.

**Permeable Soils** - Soil materials with a sufficiently rapid infiltration rate so as to greatly reduce or eliminate surface and stormwater runoff. These soils are generally classified as NRCS hydrologic soil types A and B.

**Permit - A Local Stormwater Management permit** (see above)

**Permitting Authority** -The Stormwater Authority, to which a person must apply for a permit under this bylaw.

**Person** - Any individual, group of individuals, association, partnership, corporation, company, business, organization, trust, estate, administrative agency, public or quasi-public corporation or body, the Commonwealth or political subdivision thereof.

**Pollutant** - Any element or property of sewage, residential, agricultural, industrial, or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or non-point source, that is or may be introduced into any storm drain system, waters of the United States, and/or Commonwealth. Pollutants shall include without limitation:

- a. paints, varnishes, solvents;
- b. fuels, oil, grease, antifreeze, other automotive fluids and/or products;
- c. non-hazardous liquid and solid wastes;
- d. refuse, garbage, litter, rubbish, yard wastes, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- e. pesticides, herbicides, and fertilizers;
- f. nutrients
- g. hazardous materials and wastes;
- h. construction wastes
- i. wastewater from washout of concrete, unless managed by an appropriate control
- j. soaps and solvents used in vehicle and equipment operation and maintenance;



- k. sewage;
- l. dissolved and particulate metals;
- m. metal objects or materials;
- n. animal wastes;
- o. rock, sand, salt, soils, or other products/materials that mobilize in surface water runoff; and construction wastes and/or residues.

**Process Wastewater** - Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

**Phasing** - The disturbance of a parcel of land in distinct phases, with the stabilization of each phase completed before the disturbance of the next.

**Recharge** - The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

**Responsible Party:** Transferees and assignees of the original owner/applicant.

**Retention** - The holding of runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.

**Stormwater** - Runoff or flow on the surface of the ground from precipitation or snowmelt.

**Stormwater Management Permit:** See **Local Stormwater Management Permit**

**Stormwater Pollution Prevention Plan (SWPPP)** - Plan including minimum information as required for coverage under the EPA NPDES General Permit and with additional information as required by this by-law.

**Swale** - A natural depression or wide shallow ditch used to temporarily store, route, or filter runoff.

**Toxic or Hazardous Material or Waste** - Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare or to the environment. Toxic or hazardous material includes without limitation:

- a. any synthetic organic chemical;
- b. petroleum products;
- c. heavy metals;
- d. radioactive or infectious waste;
- e. acid and alkali substances;
- f. any substance defined as Toxic or Hazardous under G.L. Ch. 21C and Ch. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.000; and
- g. any substance listed as hazardous under 40 CFR 261.

**Watercourse** – A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

**Waters of the Commonwealth** - All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater, as defined by the MA Wetlands Protection Act, Ch 131 § 40, and the Harwich Wetland Protection By-law.

**Wastewater** - Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

#### **Section 4: Responsibility for Administration**

The Stormwater Authority shall be the [Permitting Authority/Authorized Enforcement Agency] and shall administer, implement and enforce this by-law. Any powers granted to or duties imposed upon the Department to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

#### **Section 5: Waiver**

- A. Following a public hearing on a waiver request, the Stormwater Authority may waive strict compliance with any requirement of this bylaw or the rules and regulations promulgated hereunder, where such action is:
  1. Allowed by federal, state and local statutes and/or regulations;
  2. In the public interest; and
  3. Is not inconsistent with the purpose and intent of this bylaw.
- B. Any applicant must submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaw does not further the purposes or objectives of this bylaw.
- C. All waiver requests shall be discussed and voted on at the public hearing for the project.
- D. If, in the Stormwater Authority's opinion, additional time or information is required for review of a waiver request, the Stormwater Authority may continue a hearing to a certain date announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

#### **Section 6: Regulations**

The Stormwater Authority may adopt, and periodically amend, regulations, rules and/or written

guidance relating to the terms, conditions, definitions, enforcement, fees, procedures, and administration of this Stormwater Bylaw by majority vote after conducting a public hearing to receive comments. Such a hearing shall be advertised in a newspaper of general local circulation at least fourteen (14) days prior to the hearing date. Failure of the Stormwater Authority to issue such rules, or regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this Bylaw.

Such regulations, rules or guidance may include without limitation, provision or the establishment of one or more categories of administrative review approvals for specific types or sizes of projects. Administrative review applications that meet all the standard requirements may be issued by one or more agents designated in writing by the Stormwater Authority, without the requirement for a public hearing as detailed in Article II of this bylaw. Administrative review approval shall comply with all other provisions of this Bylaw.

### **Section 7: Severability**

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.

## **Article II: Stormwater Management and Land Disturbance**

### **Section 1: Applicability**

No person may undertake a construction activity or land disturbance, including clearing, grading, excavation, or redevelopment that will disturb equal to or greater than the thresholds outlined in the Town of Harwich Stormwater Regulations (Regulations) without a written approval or a permit from the Stormwater Authority, or as otherwise provided in this bylaw.

Any person that fails to follow the requirements of a Local Stormwater Management Permit, including the related Erosion and Sedimentation Control Plan and Operations and Maintenance Plan issued under the Stormwater Management Regulations, shall be in violation of the Town of Harwich Bylaws.

### **Section 2: Approval and/or Permit**

An applicant seeking a permit shall file an appropriate application with the Stormwater Authority in a form and containing information as specified in this bylaw and in regulations adopted by the Stormwater Authority. A permit must be obtained prior to the commencement of land disturbing or redevelopment activity based on the thresholds described in the Stormwater Regulations.

### **Section 3: Entry**

Filing an application for an approval or permit grants the Stormwater Authority and its employees or agent's permission to enter the site to verify the information in the application and to inspect for compliance with approval or permit conditions.

### **Section 4: Inspection and Site Supervision**

The Stormwater Authority or its designated agent shall make inspections as outlined in the Regulations to verify and document compliance the Local Stormwater Management Permit.

### **Section 5: Compliance with the provisions of EPA's General Permit for MS4s in Massachusetts**

This Bylaw shall be implemented by the Stormwater Authority in accordance with the requirements of EPA's most recent General Permit for MS4s in Massachusetts relating to illicit connections and discharges, construction site runoff, and post-construction stormwater management. The Stormwater Authority shall include these requirements in any Regulations that it issues. The Stormwater Authority may establish additional requirements by Regulation to further the purposes and objectives of this Bylaw so long as they are not less stringent than those in the MS4 General Permit for Massachusetts.

### **Section 6: Surety**

The Stormwater Authority may require the applicant to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Stormwater Authority and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the permit.

### **Section 7: Final Reports**

Upon completion of the work, the applicant shall submit a report (including certified as-built construction plans prepared and certified by a Professional Land Survey (P.L.S.)) from a Professional Engineer (P.E.), or Certified Professional in Erosion and Sedimentation Control (CPESC), certifying that all erosion and sedimentation control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved Erosion and Sediment Control Plan and Local Stormwater Management plan. Any discrepancies shall be noted in the cover letter.

### **Section 8: Enforcement**

The Stormwater Authority or its authorized agent shall enforce this bylaw, and any associated regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

- A. **Civil Relief.** If a person violates the provisions of this bylaw, or any associated regulations, permit, notice, or order issued thereunder, the Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- B. **Orders.** If the Stormwater Authority determines that a person's failure to follow the requirements of this Bylaw, any Regulatory provision issued hereunder, or any authorization issued pursuant to this Bylaw or Regulations is creating an adverse impact to a water resource, then the Authority may issue a written order to the person to remediate the adverse impact, which may include:
  - 1. A requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the Local Stormwater Management Permit.
  - 2. Maintenance, installation or performance of additional erosion and sediment control measures.
  - 3. Monitoring, analyses, and reporting.
  - 4. Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
  - 5. A requirement to eliminate discharges, directly or indirectly, into a watercourse or into the waters of the Commonwealth.
- C. If the Stormwater Authority determines that abatement or remediation of a pollutant is

required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest, or within thirty (30) days following a decision of the Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a special assessment against the property owner of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Chapter 59, s 57 after the thirtieth (30) day at which the costs first become due.

- D. Criminal and Civil Penalties. Any person who violates any provision of this bylaw, valid regulation, or the terms or conditions in any permit or order prescribed or issued there under, shall be subject to a fine not to exceed three hundred dollars (\$300.00) for each day such violation occurs or continues or subject to a civil penalty, which may be assessed in an action brought on behalf of the town in any court of competent jurisdiction.
- E. Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D and Chapter 1 § 1-2 the Town of Harwich General Bylaws, in which case the agent of the Stormwater Authority shall be the enforcing person. The penalty for the first violation shall be a warning. The penalty for the second violation shall be \$100. The penalty for the third and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- F. Entry to perform duties under this bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Stormwater Authority, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations, and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary.
- G. Appeals. The decisions or orders of the Stormwater Authority shall be final. Further relief shall be to a court of competent jurisdiction.
- H. Remedies Not Exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.
- I. Violations. Any development activity that has commenced or is conducted contrary to this by-law may be restrained by injunction or otherwise abated in a manner provided by law.

- J. Notice of Violation. When the Town determines that an activity is not being carried out in accordance with the requirements of this by-law, it shall issue a written notice of violation to the owner of the property.

## **Article III: Illicit Discharges to the Municipal Storm Drain System and to Watercourses or Waters of the Commonwealth**

### **Section 1: Purpose and Objectives**

The purpose of this article is to eliminate non-stormwater discharges to the Town of Harwich's Municipal separate storm sewer system (MS4). Non-stormwater discharges contain contaminants and supply additional flows to the Town of Harwich's Storm Drain System. Non-stormwater discharges are major causes of:

- Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, and groundwater;
- Contamination of drinking water supplies;
- Alteration or destruction of aquatic and wildlife habitat; and
- Flooding.

Regulation of illicit connections and discharges to the storm drain system is necessary for the protection of the Town of Harwich's natural resources, municipal facilities, general health, safety, welfare, and the environment.

The objectives of this section are to:

- Prevent pollutants from entering Harwich's municipal storm drain;
- Prohibit illicit connections and illicit discharges to the storm drain;
- Require the removal of illicit discharges. Including discharges from properties not owned or controlled by the municipal storm drain that discharge into the municipal storm drain system;
- Comply with state and federal statutes and regulations relating to stormwater discharges.

### **Section 2: Applicability**

Article III of this bylaw shall apply to water entering the municipally owned storm drain system or going, directly or indirectly, into a watercourse, or into waters of the United States and/or Commonwealth that is generated on any developed or undeveloped lands except as explicitly exempted in this bylaw, or where the Stormwater Authority has issued a waiver in accordance with Article I Section 5.

### **Section 3: Prohibited Activities**

- A. Illicit Discharges - No person shall dump, discharge, spill, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal storm drain, onto an impervious surface directly connected to the municipal storm drain or directly or indirectly, into a watercourse or waters of the Commonwealth.



- B. Illicit Connections - No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. Obstruction of the Municipal Storm Drain System - No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior approval from the Stormwater Authority.

#### **Section 4: Exemptions**

- A. Discharge or flow resulting from fire-fighting activities.
- B. The following non-stormwater discharges or flows are considered exempt from the prohibitions of Section 4 provided that the source is not a significant contributor of pollution to the municipal storm drain system or, directly or indirectly, to a watercourse or waters of the Commonwealth:
  - 1. Waterline flushing;
  - 2. Flow from potable water sources;
  - 3. Springs;
  - 4. Natural flow from riparian habitats and wetlands;
  - 5. Diverted stream flow;
  - 6. Rising groundwater;
  - 7. Uncontaminated groundwater infiltrating as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater
  - 8. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
  - 9. Discharge from landscape irrigation or lawn watering;
  - 10. Water from individual residential car washing;
  - 11. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
  - 12. Discharge from street sweeping;
  - 13. Dye testing, provided verbal notification is given to the Stormwater Authority prior to the time of the test;
  - 14. Non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the US Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
  - 15. Discharge for which advanced written approval is received from the Engineering Department as necessary to protect public health, safety, welfare, and the environment.

#### **Section 5: Additional Prohibited Pollutants**

- A. Pet Waste: Waterbodies in the Town of Harwich are subject to a Bacterial TMDL. Because dog feces are a major component of stormwater pollution, it shall be the duty of each person

who owns, possesses, or controls a dog to remove and properly dispose of any feces left by the dog on any public or private property neither owned nor occupied by said person. This provision is not applicable to a person using a helping dog or other helping animal registered as such (Refer to Harwich Code Part I General Bylaws Chapter 26).

- B. Pavement Sealers: Coal tar based driveway and pavement sealers have been identified as a primary source of poly-aromatic hydrocarbons affecting streams in developed areas. Poly-aromatic hydrocarbons are classified by the US Environmental Protection Agency as a probable human carcinogen and are highly toxic to aquatic life. Asphalt-based driveway and pavement sealers contain low concentrations of poly-aromatic hydrocarbons. Therefore, application of coal tar based driveway and pavement sealers is prohibited for all paved areas directly connected to the storm drain.

### **Section 6: Emergency Suspension of Storm Drain System Access**

The Stormwater Authority may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare, or the environment.

### **Section 7: Notification of Spills**

- A. Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment and cleanup of the release.
- B. In the event of a release of oil or hazardous materials, the person shall immediately notify the [Municipal Fire and Police Departments] and MassDEP's Emergency Response.
- C. In the event of a release of nonhazardous material, the reporting person shall notify the [authorized enforcement agency] no later than the next business day. The reporting person shall provide to the Stormwater Authority written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter.
- D. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

### **Section 8. Transitional Provisions**

Residential property owners shall have 60 days from the effective date [Date] of this bylaw to comply with its provisions provided good cause is shown for the failure to comply with the bylaw during that period.

### **Section 9: Enforcement of Prohibitions on Illicit Discharges and Connections**

The Stormwater Authority may order anyone responsible for an illicit connection or discharge to an MS4 to:

1. Eliminate it;
2. Take measure to minimize the discharge of pollutants until such time as the illicit connection or discharge shall be eliminated; and
3. Remediate the contamination.

## Chapter ##: Stormwater Regulations

### Section 1: Authority

These Stormwater Regulations have been adopted by the Town of Harwich and its Stormwater Authority in accordance with the Town's Comprehensive Stormwater Bylaw. Nothing in these Regulations is intended to replace or be in derogation of the requirements of the Town of Harwich Zoning Bylaw, Wetlands Protection Bylaw, Subdivision of Land and Site Plan Special Permits Regulation, or any other Regulations adopted thereunder.

### Section 2: Purpose

The purpose of these Stormwater Regulations is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased runoff, decreased ground water recharge, erosion and sedimentations, nonpoint source pollution associated with new development and redevelopment of land, as identified in Chapter ### Comprehensive Stormwater Bylaw of the Town of Harwich.

These Stormwater Regulations (the "Regulations") have been established to provide reasonable guidance for the regulation of design, construction and post-development stormwater runoff for the purpose of protecting local water resources from degradation. It is in the public interest to regulate construction and post-development stormwater runoff discharges in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion and sedimentation, stream channel erosion, and nonpoint source pollution associated with construction site and post-development stormwater runoff.

### Section 3: Definitions

**Abutter** - The owner(s) of land abutting the activity.

**Agriculture** - The normal maintenance or improvement of land in agricultural or aquaculture use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

**Alteration of Drainage Characteristics** - Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge, change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

**Applicant** - Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a soil erosion and sediment control permit for proposed land-disturbance activity.

**Best Management Practice (BMP)** - An activity, procedure, restraint, or structural improvement

that helps to reduce the quantity or improve the quality of stormwater runoff.

**Certificate of Completion (COC)** - A document issued by the Storm Water Authority after all construction activities have been completed, which states that all conditions of an issued Local Stormwater Management Permit have been met and that a project has been completed in compliance with the conditions set forth in the Stormwater Regulations.

**Certified Professional in Erosion and Sediment Control (CPESC)** - A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

**Construction and Waste Materials** - Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

**Clean Water Act** - The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

**Clearing** - Any activity that removes the vegetative surface cover.

**Development** - The modification of land to accommodate a new use or expansion of use, usually involving construction.

**Discharge of Pollutants** - The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

**Disturbance of Land** - Any action that causes a change in the position, location, or arrangement of soil, sand rock, gravel or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters, involves clearing and grading, or results in an alteration of drainage characteristics.

**Drainage Easement** - A legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

**Erosion** - The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

**Erosion and Sedimentation Control Plan** - A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

**Erosion Control** - The prevention or reduction of the movement of soil particles or rock fragments

due to stormwater runoff.

**Estimated Habitat of Rare Wildlife and Certified Vernal Pools** - Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

**Flooding** - A local and temporary inundation or rise in the surface of a body of water, such that covers land not usually under water.

**Grading** - Changing the level or shape of the ground surface.

**Groundwater** - Water beneath the surface of the ground in the cracks and spaces in soil, sand, and rock.

**Illicit Connection** - A surface or subsurface drain or conveyance which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water, and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

**Illicit Discharge** - Direct or indirect discharge to the municipal storm drain system or into a watercourse or the waters of the Commonwealth that is not composed entirely of stormwater, except as exempted in Chapter ### Article I Section 5. The term does not include a discharge in compliance with an NPDES stormwater discharge permit or resulting from fire-fighting activities.

**Impervious Surface** - Any material or structure on or above the ground that prevents water infiltrating the underlying soil. "Impervious surface" includes without limitation roads, paved parking lots, sidewalks, and rooftops.

**Impoundment** - A stormwater pond created by either constructing an embankment or excavating a pit which retains a permanent pool of water.

**Infiltration** - The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

**Land Disturbing Activity** - Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters, involves clearing and grading, or results in an alteration of drainage characteristics.

**Land Use of Higher Potential Pollutant Load (LUHPPL)** - Land uses or activities with higher potential pollutant loadings, such as auto salvage yards, auto fueling facilities, exterior fleet storage yards, vehicle service and equipment cleaning areas, commercial parking lots with high intensity use, road salt storage areas, outdoor storage and loading areas of hazardous substances, confined disposal facilities and disposal sites, and marinas or boat yards, as defined under Massachusetts Stormwater Standards Section 5.

**Massachusetts Endangered Species Act** - G.L. c. 131A and its implementing regulations at (321 CMR 10.00) which prohibit the “taking” of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

**Massachusetts Stormwater Management Standards** - The Standards as further defined by the Massachusetts Stormwater Handbook, issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 §. 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Standards address stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

**Municipal Separate Storm Sewer System (MS4)** - The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Harwich.

**National Pollutant Discharge elimination System (NPDES) Stormwater Discharge Permit** - A permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes the discharge of pollutants to waters of the United States.

**Non-Stormwater Discharge** - Discharge to the municipal storm drain system not composed entirely of stormwater.

**Operation and Maintenance Plan** - A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

**Outfall** - The point at which stormwater flows out from a point source discernible, confined and discrete conveyance into waters of the Commonwealth.

**Outstanding Resource Waters (ORWs)** - Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

**Owner** - A person with a legal or equitable interest in property.

**Person** - An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

**Point Source** - Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

**Pre-Construction** - All activity in preparation for construction.

**Pollutant** - Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the commonwealth. Pollutants shall include without limitation:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Nonhazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
- G. Dissolved and particulate metals;
- H. Animal wastes;
- I. Rock; sand; salt; soils;
- J. Construction wastes and residues; and
- K. Noxious or offensive matter of any kind.

**Priority Habitat of Rare Species** - Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

**Process Wastewater** - Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

**Recharge** - The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

**Redevelopment** - Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface, including impervious surfaces, on previously developed sites. The creation of new areas of impervious surface or new areas of land disturbance on a site constitutes development, not redevelopment, even where such activities are part of a common plan which also involves redevelopment. Redevelopment includes maintenance and improvement of existing roadways including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems and repaving; and remedial projects specifically designed to provide improved stormwater management such as projects to separate storm drains and sanitary sewers and stormwater retrofit projects.

**Runoff** - Rainfall, snowmelt, or irrigation water flowing over the ground surface.



**Sediment** - Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

**Sedimentation** - The process or act of deposition of sediment.

**Site** - Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

**Slope** - The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

**Soil** - Any earth, sand, rock, gravel, or similar material.

**Stabilization** - The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

**Stormwater Authority** - Town of Harwich Stormwater Authority, [NAME of BOARD, COMMISSION OR OTHER BODY DESIGNATED BY THE TOWN WHICH WILL BE THE STORMWATER AUTHORITY] or its authorized agent(s).

**Stormwater** - Runoff from precipitation or snow melt and surface water runoff and drainage.

**Stormwater Management Plan** - A plan required as part of the application for a Stormwater Management Permit.

**Strip** - Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing or removing roots or stumps, and storage or removal of topsoil.

**Toxic or Hazardous Material or Waste** - Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as "toxic" or "hazardous" under MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

**TSS** - Total Suspended Solids.

**Vernal Pools** - Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

**Watercourse** - A natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream.

**Wastewater** - Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing comes into direct contact with or results from the production

or use of any raw material, intermediate product, finished product, by-product or waste product.

**Watercourse** - A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

**Waters of the Commonwealth** - All waters within the jurisdiction of the commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

**Wetland Resource Area** - Areas specified in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40 and in the Town of Harwich Wetlands Protection Bylaw.

**Wetlands** - Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs.

#### **Section 4: Administration**

- A. The Town of Harwich and its Stormwater Authority [or other body designated by the Town] shall administer, implement, and enforce these regulations. Any powers granted to or duties imposed upon the Stormwater Authority may be delegated in writing by the Stormwater Authority to its employees or agents.
- B. Prior to the issuance of any Special Permit, Site Plan Approval, or Building Permit for any proposed development listed below, a Local Stormwater Permit must be approved by the Stormwater Authority. No person shall, on or after the effective date of the by-law, initiate any vegetation clearing, land grading, earth moving or development activities without first complying with this by-law.
- C. Waiver. Following a public hearing on a waiver request, the Stormwater Authority may waive strict compliance with any requirement of these regulations promulgated hereunder:
  1. Where such action is:
    - a. Allowed by federal, state and local statutes and/or regulations;
    - b. In the public interest; and
    - c. Not inconsistent with the purpose and intent of this bylaw.
  2. Any applicant must submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaw does not further the purposes or objectives of this bylaw.
  3. All waiver requests shall be discussed and voted on at the public hearing for the project.

- D. If in the Stormwater Authority's opinion, additional time or information is required for review of a waiver request, the Stormwater Authority may continue a hearing to a certain date announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.
- E. Stormwater Authority may amend rules and regulations after holding a public hearing. Notice of the time, place and subject matter shall be published in a newspaper of general circulation in Harwich once, not less than 14 days before the day of such a hearing.
- F. Approval by the Stormwater Authority under this bylaw does not exempt the applicant from meeting the requirements of the federal National Pollutant Discharge Elimination System (NPDES) program, which requires a Notice of Intent be filed with the EPA and a Stormwater Pollution Prevention Plan (SWPPP) be prepared and maintained on site, and compliance with the Massachusetts Stormwater Standards, nor does it supersede compliance with the requirements of the Harwich Conservation Commission and the Massachusetts Department of Environmental Protection

### **Section 5: Applicability**

- A. These regulations shall apply to land disturbances that drain to the municipal storm drain system or, directly or indirectly, into a watercourse or water of the Commonwealth. Except as authorized by the Stormwater Authority in a Local Stormwater Permit, no person shall perform any activity that results in a land disturbance above the threshold contained in this subsection, below.
- B. The following uses and activities shall be regulated under this by-law:
  - 1. Subdivisions and construction activities of any kind disturbing an area equal to or greater than one (1) acre (43,560 square feet); and
  - 2. Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development or sale that would disturb area equal to or greater than one (1) acre (43,560 square feet).
- C. These regulations do not apply to single family residential uses that are not part of a larger subdivision of one (1) acre (43,560 square feet) or greater.
- D. The following activities are exempt from the provisions of Section 5(B) above.
  - 1. Any agricultural activity which is consistent with an approved soil conservation plan prepared or approved by the NRCS;
  - 2. Any logging which is consistent with a timber management plan already approved under the Forest Cutting Practices Act by the Massachusetts Department of Conservation and Recreation;

3. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling conducted in such a way as not to cause a nuisance;
4. Any emergency activity that is immediately necessary for the protection of life, property or the environment, as determined by the Stormwater Authority; and
5. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns or result in discharge of sediment to the municipal storm drain.
6. Disturbance of land, or redevelopment, subject to jurisdiction under the Wetlands Protection Act so long as the project has demonstrated compliance with the Massachusetts Stormwater Management Standards as further defined by the Massachusetts Stormwater Handbook, and with the requirements of these Regulations as reflected in a valid Order of Conditions issued by the Conservation Commission.

#### **Section 6: Local Stormwater Permit Procedures**

- A. A complete application for a Local Stormwater Permit shall be filed with the Stormwater Authority. The application package shall include:
  1. A completed application form with original signatures of all owners.
  2. A list of abutters within 300 feet of the property, certified by the Assessor's Office.
  3. ## copies of the:
    - a. Stormwater Management Plan that complies with Section 7 and 8;
    - b. Erosion and Sediment Control Plan that complies with Sections 9 and 10; and
    - c. Operation and Maintenance Plan (Section 11)
  4. Payment of the application and review fees.
  5. One (1) copy of each of the application form and the list of abutters filed with the Town Clerk.
  6. One (1) copy of the NPDES Notice of Intent (NOI) and the SWPPP.
    - a. The SWPPP shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. The SWPPP shall be designed to meet the Massachusetts Stormwater Management Standards as set forth in the DEP/CZM Stormwater Management Handbook Volumes I and II. The applicant shall certify on the drawings that all clearing, grading, drainage,

construction, and development shall be conducted in accordance with the SWPPP.

- b. The Stormwater Authority may require additional information or data deemed appropriate and may impose such conditions as may be deemed necessary to ensure compliance with the provisions of this by-law, or to protect public health and safety
- B. Information requests. The applicant shall submit all additional information requested by Stormwater Authority to issue a decision on the application.
- C. Determination of Completeness. The Stormwater Authority shall make a determination as to the completeness of the application and adequacy of the materials submitted. No review shall take place until the application has been found to be complete.
- D. Fee Structure. The fee for review of any Local Stormwater Management Permit application shall be based on the amount of land to be disturbed at the site and the fee structure established by the Stormwater Authority. Stormwater Authority is authorized to retain a Registered Professional Engineer or other professional consultant to advise Stormwater Authority on any or all aspects of the Application.
- E. Entry. Filing an application for a permit grants the Stormwater Authority, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
- F. Other Boards. The Stormwater Authority shall notify the Town Clerk of receipt of the application, and shall give one copy of the application package to [each of the other relevant boards. Fill in the Planning Board, the Engineering Department, the Conservation Commission, or Department of Public Works as appropriate].
- G. Public Hearing. Stormwater Authority shall hold a public hearing within twenty-one (21) days of the receipt of a complete application and shall take final action within twenty-one (21) days from the time of the close of the hearing, unless such time is extended by agreement between the applicant and Stormwater Authority. Notice of the public hearing shall be given by publication and posting and by first-class mailings to abutters at least seven (7) days prior to the hearing. Stormwater Authority shall make the application available for inspection by the public during business hours at the Town of Harwich [specify office].
- H. The Stormwater Authority may take the following actions:
  1. Approve the Local Stormwater Permit Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this by-law.
  2. Approve the Local Stormwater Permit Application and issue a permit with conditions, modifications or restrictions that Stormwater Authority determines are required to

ensure that the project will protect water resources and meets the objectives and requirements of this by-law.

3. Disapprove the Local Stormwater Permit Application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this by-law.
  4. Disapprove the Local Stormwater Permit Application “without prejudice” where an applicant fails to provide requested additional information or review fees that in the Stormwater Authority’s opinion are needed to adequately describe or review the proposed project.
- I. Final Approval. Final approval, if granted, shall be endorsed on the Stormwater Management Permit by the signature of the majority of the Stormwater Authority (or by the signature of the person officially authorized by the Stormwater Authority).
  - J. Project Changes. The permittee, or their agent, must notify Stormwater Authority in writing of any change or alteration of a land-disturbing activity authorized in a Local Stormwater Permit before any change or alteration occurs. If Stormwater Authority determines that the change or alteration is significant, based on the design requirements and accepted construction practices, Stormwater Authority may require that an amended Local Stormwater Permit application be filed and a public hearing held. If any change or alteration from the Local Stormwater Permit occurs during any land disturbing activities, Stormwater Authority may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

### **Section 7: Stormwater Management Plan Submission Requirements**

- A. A Stormwater Management Plan containing sufficient information to evaluate the environmental impact, effectiveness, and acceptability of the site planning process and measures proposed by the applicant to reduce adverse impacts from construction and on a long-term basis shall be submitted as part of the application for a Local Stormwater Management Permit.
- B. The Stormwater Management Plan shall fully comply with the Standards in Section 9.
- C. The Stormwater Management Plan shall fully describe the project in narrative, drawings, and calculations. It shall include at a minimum:
  1. Contact Information. The name, address, and telephone number of all persons having a legal interest in the property and the Assessor’s map and parcel numbers of the property or properties affected.
  2. Narrative describing the following elements:
    - a. Purpose
    - b. Methodologies and assumptions

- c. Existing and proposed uses and conditions
- d. Project impacts and mitigation techniques including:
  - i. Summary of proposed land area to be cleared, proposed impervious area, work within proximity of regulated wetland resources, aquifer protection zones, earthwork within four (4) feet of seasonal high groundwater elevations, and other sensitive environmental areas.
  - ii. Low impact development (LID) techniques considered for this project and an explanation as to why they were included or excluded from the project.
  - iii. Best management practices proposed for this project.
  - iv. Identifying the immediate down gradient waterbody(s) that stormwater runoff from the project site discharges to, the LIDs and BMPs included in the project to address the pollutant(s) of concern, and EPA's waterbody assessment and TMDL status of the waterbody(s)  
<http://www.epa.gov/region1/npdes/stormwater/ma.html>.
- e. Summary of pre- and post-development peak rates and volumes of stormwater runoff to show no adverse impacts to down-gradient properties, stormwater management systems and wetland resources.
- f. Conclusions

### 3. Plans

- a. Portion of the USGS Map indicating the site locus and properties within a minimum of 500 feet of project property line.
- b. Existing conditions and proposed design plans showing:
  - i. Buildings and/or structures including materials and approximate height
  - ii. Utilities including size, material, and invert data
  - iii. Regulated wetland resource areas within proximity of the site
- c. Stormwater management design plan(s) and details showing:
  - i. Location, size, material, inverts data and details for all existing and proposed stormwater management system components including structures, pipes, swales, detention, retention, and infiltration systems and any other LID techniques or BMPs.
  - ii. Profiles of drainage trunk lines
  - iii. Drainage easements
- d. Separate Pre- and Post-Condition Watershed Plans indicating:
  - i. Structures, pavements, surface vegetation and other ground cover materials
  - ii. Topography sufficient to delineate watershed areas
  - iii. Point(s) of analysis
  - iv. Watershed areas, including upgradient areas that contribute stormwater flow onto the project site, labeled to be easily identified in calculations – total pre and post watershed areas should be equivalent.
  - v. Breakdown summary of various surface conditions by soil hydrologic group rating
  - vi. Flow path for time of concentration (Tc) calculation

### 4. Calculations

- a. Hydrologic calculation to determine pre and post peak rates and volumes of stormwater runoff for 2, 10, 25, and 100 year, 24-hour storm events
  - b. Groundwater recharge calculations and BMP drawdown
  - c. Water quality calculations including (if applicable):
    - vii. TSS removal calculation for each watershed
    - viii. Specified BMPs utilized in critical areas
    - ix. Specific Treatment for pollutant causing impairment of down-gradient waterbody identified by EPA and MassDEP
  - d. Hydraulic calculations to size drainage pipes, swales and culverts
  - e. Supplemental calculations for sizing LID and BMPs and addressing impairments to water bodies
5. Soil mapping and test data.
6. MassDEP Checklist for Stormwater Report completed, stamped and signed by a Professional Engineer (PE) licensed in the Commonwealth of Massachusetts to certify that the Stormwater Management Plan is in accordance with the criteria established in the MassDEP Stormwater Management Standards, Harwich Stormwater Management By-law and these Regulations.
7. Any other information requested by the Stormwater Authority.

#### **Section 8: Stormwater Management Plan Standards**

- A. The Plan shall be designed to meet the Massachusetts Stormwater Management Standards as further defined in the Massachusetts Stormwater Handbook and any additional standards required by this Bylaw or regulations adopted hereunder.
- B. To the extent that any project within the jurisdiction of this Bylaw is located in an area subject to one or more pollutant-specific Total Maximum Daily Loads (TMDLs), such project is required to implement structural and non-structural stormwater best management practices (BMPs) that are consistent with each such TMDL and its associated Waste Load Allocation (for point sources) and Load Allocation (for nonpoint sources). The Stormwater Authority may develop, publish and periodically revise one or more pollutant-specific guidance documents describing the geographic applicability of each TMDL and identifying BMPs that individually or in combination are considered to be consistent with the TMDL(s).
- C. Low Impact Development (LID) site planning and design strategies must be used to the maximum extent feasible.
- D. The Plan shall be designed to meet the requirements contained in the latest version of EPA's MS4 General Permit for Massachusetts section on Post-Construction Stormwater management:
  1. The following standards apply to new development:



- a. Stormwater management systems shall fully comply with the standards of the Massachusetts Stormwater Management Standards listed in Section 9(D)(3) below, and as updated or amended.
  - b. Stormwater management systems shall:
    - i. Retain the volume of runoff equivalent to, or greater than, one (1.0) inch multiplied by the total post-construction impervious surface area on the site, and/or
    - ii. Remove 90% of the average annual load of Total Suspended Solids (TSS) generated from the total post-construction impervious surface area on the site (average removal over a year) and 50% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site. Pollutant removal shall be calculated consistent with EPA Region 1 BMP Performance Extrapolation Tool or other BMP performance evaluation tool provided by EPA Region 1. If EPA Region 1 tools do not address the planned or installed BMP performance, any federally or State approved BMP design guidance or performance standards may be used to calculated BMP performance.
2. The following standards apply to redevelopment:
- a. Stormwater management systems shall comply to the maximum extent feasible with the standards listed in the Massachusetts Stormwater Management Standards listed in Section 9(D)(3) below, and as updated or amended.
  - b. Stormwater management systems shall
    - i. Retain the volume of runoff equivalent to, or greater than, eight-tenths (0.8) inch multiplied by the total post-construction impervious surface area on the site and/or
    - ii. Remove 80% of the average annual load of Total Suspended Solids (TSS) generated from the total post-construction impervious surface area on the site (average removal over a year) and 50% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site. Pollutant removal shall be calculated consistent with EPA Region 1 BMP Performance Extrapolation Tool or other BMP performance evaluation tool provided by EPA Region 1. If EPA Region 1 tools do not address the planned or installed BMP performance, any federally or State approved BMP design guidance or performance standards may be used to calculated BMP performance.
  - c. Stormwater management systems on redevelopment sites may utilize offsite

mitigation within the same USGS Hydrologic Unit Code (HUC) 10 watershed as the redevelopment site to meet the equivalent retention or pollutant removal requirements in Section 9(D)(2).

3. Requirements of the Massachusetts Stormwater Management Standards:

- a. Conveyances. No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to, or cause erosion in, wetlands or waters of the Commonwealth.
- b. Peak Runoff. Stormwater management systems shall be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates. This Standard may be waived for discharges to land subject to coastal storm flowage as defined in 310 CMR 10.04.
- c. Groundwater Recharge. Loss of annual recharge to groundwater shall be eliminated or minimized through the use of infiltration measures including environmentally sensitive site design, low impact development techniques, stormwater best management practices, and good operation and maintenance. At a minimum, the annual recharge from the post-development site shall approximate the annual recharge from pre-development conditions based on soil type. This Standard is met when the stormwater management system is designed to infiltrate the required recharge volume as determined in accordance with the Massachusetts Stormwater Handbook.
- d. Discharge of Pollutants. For land uses with higher potential pollutant loads, source control and pollution prevention shall be implemented in accordance with the Massachusetts Stormwater Handbook to eliminate or reduce the discharge of stormwater runoff from such land uses to the maximum extent practicable. If through source control and/or pollution prevention all land uses with higher potential pollutant loads cannot be completely protected from exposure to rain, snow, snow melt, and stormwater runoff, the proponent shall use the specific structural stormwater BMPs determined by the Department to be suitable for such uses as provided in the Massachusetts Stormwater Handbook. Stormwater discharges from land uses with higher potential pollutant loads shall also comply with the requirements of the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53 and the regulations promulgated thereunder at 314 CMR 3.00, 314 CMR 4.00 and 314 CMR 5.00.
- e. Protection of Zone II or Interim Wellhead Protection Areas. Stormwater discharges within the Zone II or Interim Wellhead Protection Area of a public water supply, and stormwater discharges near or to any other critical area, require the use of the specific source control and pollution prevention measures and the specific structural stormwater best management practices determined by the Department to be suitable for managing discharges to such areas, as provided in the Massachusetts Stormwater Handbook. A discharge is near a critical area if there is a strong likelihood of a significant impact occurring to said area, taking into account site-

specific factors. Stormwater discharges to Outstanding Resource Waters and Special Resource Waters shall be removed and set back from the receiving water or wetland and receive the highest and best practical method of treatment. A “storm water discharge” as defined in 314 CMR 3.04(2)(a)1 or (b) to an Outstanding Resource Water or Special Resource Water shall comply with 314 CMR 3.00 and 314 CMR 4.00. Stormwater discharges to a Zone I or Zone A are prohibited unless essential to the operation of a public water supply.

- f. Long Term Maintenance. A long-term operation and maintenance plan shall be developed and implemented to ensure that stormwater management systems function as designed

### **Section 9: Erosion and Sediment Control Plan Submission Requirements**

- A. An Erosion and Sediment Plan containing sufficient information to evaluate compliance with these Regulations and, if applicable, the NPDES General Permit for Stormwater Discharges from Construction Activities, shall be submitted as part of the application for a Local Stormwater Management Permit.
- B. The Erosion and Sediment Control Plan shall fully comply with the standards in Section 11.
- C. If the project requires a SWPPP, the permittee is required to submit a complete copy of the SWPPP, including the signed Notice of Intent (NOI) and approval letter. If the SWPPP meets the requirements of the General Permit, it will be considered equivalent to the Erosion and Sediment Control Plan described in this section.
- D. The Erosion and Sediment Control Plan shall contain the following information:
  - 1. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
  - 2. Title, date, north arrow, names of abutters, scale, legend, and locus map;
  - 3. Location and description of natural features including:
    - a. Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;
    - b. Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities; and
    - c. Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
  - 4. Lines of existing abutting streets showing drainage and driveway locations and curb cuts;
  - 5. Existing soils, volume and nature of imported soil materials;

6. Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed;
7. Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
8. Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
9. Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
10. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
11. Location and description of industrial discharges, including stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit;
12. Stormwater runoff calculations in accordance with the Department of Environmental Protection's Stormwater Management Standards;
13. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
14. A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
15. A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
16. Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control; and
17. Such other information as is required by the Stormwater Authority.

E. The Erosion and Sediment Control Plan shall remain on file with the Stormwater Authority.

#### **Section 10: Erosion Control Performance Standards**

- A. The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls which include BMPs appropriate to site conditions, including efforts to minimize the areas of land disturbance. The plan shall also describe measures to control construction wastes including but not limited to construction materials, concrete truck wash out chemicals, litter, and sanitary waste.
- B. Stormwater systems shall be designed to avoid disturbances of areas susceptible to erosion and sediment loss. This means avoiding to the greatest extent practicable: the damaging of large forest stands; building on steep slopes (15% or greater); and disturbing land in wetland buffer zones and floodplains.

## **Section 11: Operation, Maintenance, and Inspection Plan**

- A. An Operation and Maintenance Plan shall be submitted as part of the application for a Local Stormwater Management Permit for all projects with constructed stormwater BMPs and stormwater management practices.
- B. The Operation and Maintenance Plan shall be designed to ensure compliance with the Local Stormwater Management Permit and these Regulations in all season and throughout the life of the system.
- C. The Operation and Maintenance Plan shall remain on file with the Stormwater Authority.
- D. The Applicant shall provide copies of the Operations and Maintenance Plan to all persons responsible for maintenance and repairs.
- E. The Operations and Maintenance Plan shall include:
  - 1. The name(s) of the owner(s) for all components of the system;
  - 2. A map showing the location of the systems and facilities including all structural and nonstructural stormwater best management practices (BMPs), catch basins, manholes/access lids, pipes, and other stormwater devices. The plan showing such systems and facilities to be privately maintained, including associated easements shall be recorded with the Registry of Deeds prior to issuance of a Certificate of Compliance by the Conservation Commission.
  - 3. Maintenance Agreement with the Stormwater Authority that specifies:
    - a. The names and addresses of the person(s) responsible for operation and maintenance.
    - b. The person(s) financially responsible for maintenance and emergency repairs.
    - c. An Inspection and Maintenance Schedule for all stormwater management facilities including routine and non-routine maintenance tasks to be performed. Where applicable, this schedule shall refer to the Maintenance Criteria provided in the Stormwater Handbook or the EPA National Menu of Stormwater Best Management Practices or equivalent.
    - d. Instructions for routine and long-term operation and maintenance shall have sufficient detail for responsible parties to perform necessary maintenance activities and prevent actions that may adversely affect the performance of each structural and/or nonstructural stormwater BMP.
    - e. A list of easements with the purpose and location of each.
    - f. The signature(s) of the owner(s) and all persons responsible for operation and maintenance, financing, and emergency repairs, as defined in the Maintenance Agreement, if maintenance is to be performed by an entity other than the owner.
  - 4. Stormwater Management Easement(s)
    - g. Stormwater Management easements shall be provided by the property owner(s) as necessary for:
      - i. Access for facility inspections and maintenance;

- ii. Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event; and
    - iii. Direct maintenance access by heavy equipment to structures requiring maintenance.
  - h. The purpose of each easement shall be specified in the Maintenance Agreement signed by the property owner.
  - i. Stormwater Management easements are required for all areas used for permanent stormwater control, unless a waiver is granted by the Board of Health.
  - j. Easements shall be recorded with the Registry of Deeds prior to issuance of a Certificate of Compliance by the Board of Health.
- 4. Changes to Operation and Maintenance Plans
  - a. The owner(s) of record of the Stormwater Management system must notify the Stormwater Authority of changes in ownership, assignment of Operation and Maintenance responsibilities, or assignment of financial responsibility within 30 days of the change in ownership. The owner of record shall be responsible for Operation and Maintenance activities until a copy of the updated Operation and Maintenance Plan has been furnished to the Stormwater Authority signed by the new owner or any new responsible person.
  - b. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of the Stormwater Management By-law by mutual agreement of the Stormwater Authority and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational and/or maintenance responsibility.

## **Section 12: Inspection and Site Supervision**

- A. Pre-construction Meeting. Prior to starting the clearing, excavation, construction, redevelopment or land disturbing activity, the applicant, the applicant's technical representative, the general contractor or any other person with authority to make changes to the project, may be required to meet with the Stormwater Authority, to review the approved plans and their implementation. The need for a pre-construction meeting shall be determined by the Stormwater Authority based on the project scope.
- B. Stormwater Authority Inspection. The Stormwater Authority or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the applicant wherein the work fails to comply with the Erosion and Sedimentation Control Plan or the Stormwater Management Plan as approved. The approved Erosion and Sediment Control Plan and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Stormwater Authority, shall be maintained at the site during the progress of the work. In order to obtain inspections, the applicant shall notify the Stormwater Authority at least two (2) working days before each of the following events:

1. Erosion and sedimentation control measures are in place and stabilized;
2. Site Clearing has been substantially completed;
3. Rough Grading has been substantially completed;
4. Final Grading has been substantially completed;
5. Close of the Construction Season; and,
6. Final Landscaping (permanent stabilization) and project final completion.

C. Applicant Inspections. The applicant or his/her agent shall conduct and document inspections of all control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the Erosion and Sediment Control Plan, and the need for maintenance or additional control measures as well as verifying compliance with the Stormwater Management Plan. The applicant or his/her agent shall submit monthly reports to the Stormwater Authority or designated agent in a format approved by the Stormwater Authority.

### **Section 13: As-Built Plans**

Permittees shall submit as-built plans prepared and certified by a Professional Land Surveyor (P.L.S) no later than one (1) year after completion of construction projects. The as-built plans must depict all on site structural and non-structural controls design to manage stormwater associated with the completed site. The plan set must include design specifications of all stormwater management controls prepared and certified by a Professional Engineer (P.E.). The Stormwater Authority shall issue a Certificate of Completion once all requirements have been met.

### **Section 14: Performance Bond**

- A. The Town or its agents may require from the developer a surety or cash bond or other means of security acceptable to the Town prior to the issuance of any building permit for the construction of a development requiring a stormwater management facility. The bond so required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved stormwater management plan, compliance with all the provisions of this By-law and other applicable laws and regulations, and any time limitations. The company providing the performance bond to the developer shall submit a bond of the highest grade as rated by Moody's or Standard and Poor's.
- B. A Certificate of Completion signed by the town, submission of "As-built" plans, and the Town's final inspection are required prior to full release of the bond.

### **Section 15: Severability**

If any provision, paragraph, sentence, or clause, of this by-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.

### **Reference Documents**

DRAFT | 05.01.17

MA Executive Office of Energy and Environmental Affairs. Massachusetts Stormwater Handbook (2008).

<http://www.mass.gov/eea/agencies/massdep/water/regulations/massachusetts-stormwater-handbook.html>

EPA National Pollutant Discharge Elimination System (NPDES). Developing a Stormwater Pollution Prevention Plan (SWPPP).

<https://www.epa.gov/npdes/developing-stormwater-pollution-prevention-plan-swppp>

EPA National Pollutant Discharge Elimination System (NPDES). National Menu of Best Management Practices (BMPs) for Stormwater.

<https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater#edu>



# GREEN COMMUNITIES

What is the process and where are we?

February 20, 2018

Charleen Greenhalgh, Town Planner

Raymond Chesley, Building Commissioner

Sean Libby, Facilities Maintenance Manager

# THERE ARE 5 CRITERIA THAT MUST BE MET TO QUALIFY:

1. Adopt as-of-right siting, in designated locations, for Renewable or Alternative Energy:
  - Generating Facilities, or
  - Research and Development (R&D) Facilities; or
  - Manufacturing Facilities in designated locations
2. Expedited Permitting
3. Energy Baseline & 20% Energy Reduction Plan
4. Fuel Efficient Vehicles
5. Minimize Life Cycle Costs (Stretch Code)

# CRITERIA 1 – AS OF RIGHT SITING

- The Planning Board voted on February 13<sup>th</sup> to forward to the Board of Selectmen a zoning amendment that would create a Large-Scale Ground-Mounted Photovoltaic Bylaw:
  - Create a new Article within the Zoning Bylaw
  - Adds the Use to the Use Table
  - Adds a “Solar Farm Overlay District” to the Zoning Districts and Zoning Map (to be on Town Property)
- This evening the Board of Selectmen voted to refer this to the Planning Board to begin the required public hearing process
- The hearing will be scheduled for March 27, 2018
- This zoning amendment changes will require a 2/3 vote of the Town Meeting
  - Create a new Article within the Zoning Bylaw
  - Adds the Use to the Use Table
  - Add a “Solar Farm Overlay District” to the Zoning Districts and Zoning Map

QUEEN ANNE ROAD  
UNDEF. TOWN WAY-30' WIDE  
(1854 L.D.-NEW BOOK OF OLD ROADS)

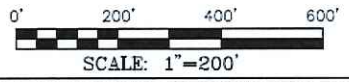
FACTORY ROAD

SOLAR FARM OVERLAY DISTRICT  
386306 Sq. Ft. ±  
8.87 Acres ±

NSTAR ELECTRIC COMPANY EASEMENT  
FORMERLY CAPE & VINEYARD ELECTRIC COMPANY

150'

TOWN OF HARWICH  
SOLAR FARM OVERLAY DISTRICT



PREPARED BY THE PLANNING BOARD

FEBRUARY 8, 2018

# CRITERIA 2 – EXPEDITED PERMITTING

- Applies only to the proposed Large-Scale Ground-Mounted Photovoltaic Use within the Solar Farm Overlay District
  - The proposed bylaw contains wording indicating that this will be an expedited process
  - Will also want to get a letter from Town Counsel, once the bylaw is approved, that this will be an expedited process

# CRITERIA 3 – ENERGY BASELINE & 20% ENERGY REDUCTION PLAN

- The Energy Committee, through Cape Light Compact, had Peregrine Energy Group, prepared a Portfolio-wide Building Assessment, completed in Aug. 2016
  - Albro House - Brooks Public Library - Community Ball Fields - Fire Station 2
  - Community Center - Cranberry Valley GC - Fire Station (Main) - Police Station
  - Highway Barn - Cultural Center - Town Hall - Water Department Facilities
- The Town will work with the Green Communities Southeast Regional Coordinator to update information within the MassEnergyInsight website
- Once completed, a target “start date” for the Baseline will be established (FY16?)
- Using the Peregrine Plan and it’s recommendations, the comprehensive energy reduction plan will be finalized

# CRITERIA 4 – FUEL EFFICIENT VEHICLES

- Adopt a Fuel-Efficient Vehicle Policy requiring all municipal departments and divisions to purchase fuel-efficient vehicles, whenever such vehicles are commercially available and practicable,
  - 2 wheel drive car: 29 MPG
  - 4 wheel drive car: 24 MPG
  - 2 wheel drive minivan 20 MPG
  - 4 wheel drive minivan 18 MPG
  - 2 wheel drive pick-up truck: 17 MPG
  - 4 wheel drive pick-up truck: 16 MPG
  - 2 wheel drive sport utility vehicle: 21 MPG
  - 4 wheel drive sport utility vehicle: 18 MPG
- Develop and maintain a vehicle inventory for **all** four-wheeled vehicles, and
- Provide a plan for replacing non-exempt vehicles with vehicles that meet specified fuel efficiency ratings.

**NOTE:** Police Cruisers and Heavy Duty Vehicles >8,500 pounds are exempt

# CRITERIA 5 – STRETCH CODE

- Adoption of BBRs Stretch Code (780 CMR 115.AA) an appendix to the MA State Building Code
- This only effects new residential construction and commercial over 100,000 sf.
- The Stretch Code must be adopted as a general bylaw amendment within the Town Meeting Warrant and voted on by Town Meeting....requires a simple majority vote
- A draft general bylaw has been drafted and provided to Administration for inclusion in the Town Meeting Warrant



# GREEN COMMUNITIES DESIGNATION AND GRAN PROGRAM

- Grant allocation based on a \$125,000 base plus a population/per capita income formula. Harwich could receive between \$140-150,000
- Over \$80M awarded in total for both designation and competitive grants programs
- Projects being funded include electric and thermal (natural gas and fuel oil) energy conservation measures, incremental costs for hybrid vehicles and grant administration cost



Questions?

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**May 7, 2018**

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GREEN COMMUNITIES

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Draft 2/15/18

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HARWICH  
ANNUAL TOWN MEETING  
May 7, 2018**

BARNSTABLE, ss:

To either of the Constables of the Town of Harwich in said county,

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet in the Community Center Gymnasium, 100 Oak Street in said Town on May 7, 2018 at 7:00 P.M., then and there to act on the following articles:

**ARTICLES**

TOWN OFFICERS AND COMMITTEES

ARTICLE 1 To choose various Town Officers and Committees. Customary Article

REPORTS OF TOWN OFFICERS AND COMMITTEES

ARTICLE 2 To hear reports of all Town Officers and Committees for the year 2017.  
Customary Article

ELECTED OFFICIALS SALARIES

ARTICLE 3 To see if the Town will vote to fix the salaries of the elected officials of the Town for fiscal year commencing July 1, 2018 and ending June 30, 2019 as follows and to act fully thereon. Estimated cost: \$111,033

Selectmen (5) .....	\$1,500 (each)
Moderator .....	\$300
Town Clerk .....	\$88,033
Water Commissioners (3) .....	\$500 (each)

TOWN OPERATING BUDGET

ARTICLE 4: To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be required to defray Town charges for Fiscal Year 2019, and to act fully thereon. (BUDGET – SEE APPENDIX B).  
Estimated cost: \$ \_\_\_\_\_.

MONOMOY REGIONAL SCHOOL DISTRICT BUDGET

ARTICLE 5: To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be required to pay for the Monomoy Regional School District Assessment for Fiscal Year 2019, and to act fully thereon. By request of the Monomoy Regional School Committee and Superintendent. Estimated cost: \$ \_\_\_\_\_.

CAPE COD REGIONAL TECHNICAL SCHOOL DISTRICT BUDGET

ARTICLE 6: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money as may be required to pay for the Cape Cod Regional Technical High School District Assessment for Fiscal Year 2019, and to act fully thereon. By request of the Cape Cod Regional Technical High School District. Estimated cost: \$ \_\_\_\_\_.

WATER BUDGET

ARTICLE 7: To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be required to defray Water Department Operating Budget for Fiscal Year 2019, and to act fully thereon. By request of the Water Commissioners and Superintendent. Estimated cost: \$ \_\_\_\_\_.

ADOPT THE CAPITAL PLAN

ARTICLE 8: To see if the Town will vote to adopt the Capital Plan for the ensuing seven year period as adopted last year by the Town Meeting with new fiscal year 2025 as proposed by the Board of Selectmen and set forth below or as amended by vote of the Town Meeting, and to act fully thereon. By request of the Board of Selectmen.

INSERT CAPITAL PLAN HERE



**ADMINISTRATION**

**CAPITAL ITEMS FUNDED FROM FREE CASH – ITEMS UNDER \$50,000**

**ARTICLE 9:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to fund the items in the table below, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$263,103

1	Albro House/Brooks Academy boilers	40,000
2	Deputy Fire Chief – vehicle replacement	48,000
3	Nozel and Valve replacement program (town funded)	3,750
	Nozel and Valve replacement program (grant funded)	71,250
4	Ford F-150 for Natural Resources	29,103
5	Taser replacement (5 year program – 3 to pay) and further to authorize a lease/purchase for a term of up to five years	36,000
6	2018 Ford Transport Passenger Wagon	35,000
	<b>TOTAL</b>	<b>\$263,103</b>

**FACILITY MAINTENANCE AND REPAIR FUND**

**ARTICLE 10:** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money as may be required to defray costs related to Facility Maintenance and Repair for FY 19, and to act fully thereon. By request of the Board of Selectmen. Estimated cost \$700,000

1	Walkway reconstruction, Rte 28 SAQ to Harwich Port	250,000
2	Update/Replace Town's energy mgmt. system – HVAC	140,000
3	Community Center/Town Hall carpet replacement	130,000
4	Phase 2 Town Wide Radio System	100,000
5	Bank Street parking lot paving	80,000
	<b>TOTAL</b>	<b>\$700,000</b>

**FUND SNOW AND ICE DEFICIT FOR FY18**

**ARTICLE 11:** To see if the Town will vote to transfer from available funds a sufficient sum of money to fund the Fiscal Year 2018 Snow and Ice Deficit Account, and to act fully thereon. By request of the Board of Selectmen. Estimated cost \$ \_\_\_\_\_.

**FUND BUDGET SHORTFALLS IN BUDGET TRANSFERS FOR FY18**

**ARTICLE 12:** To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to fund shortfalls in various budget transfers, and to act fully thereon. By request of the Town Administrator and Town Accountant. Estimated cost: \$ \_\_\_\_\_.

RESCIND AMOUNTS IN LONG TERM DEBT AUTHORIZED BY VOTE OF THE TOWN FOR VARIOUS PURPOSES THAT IS NO LONGER NEEDED THAT HAVE BEEN FUNDED BY GRANTS

**ARTICLE 13:** To see if the Town will vote to rescind \$6,145,166.57 in long term debt previously authorized by vote of the Town for various purposes, articles and Annual Town Meetings set forth in the detail below. These amounts are no longer needed to pay costs of completing the projects for which they were approved, or take any other action thereon.

To rescind the following:

- \$100,000 balance of the \$3,500,000 to construct Greensand Water Treatment Facility, ATM 2010 Article # 15,
- \$2,802.50 balance of the \$172,000 to reconstruct Skinequit Road through private road betterment, ATM 2013 Article #36,
- \$4,500,000 balance of the \$4,500,000 to construct the Muddy Creek Culvert, ATM 2014 Article #27,
- \$1,369,613.37 balance of the \$1,704,000 to replace the Wychmere Harbor Town Pier and Bulkheads, ATM 2014 Article #32,
- \$116,311.95 balance of the \$500,000 to supplement construction of Muddy Creek Bridge, ATM 2015 Article #26,
- \$56,438.75 balance of the \$223,650 to reconstruct Ginger Plum Lane through private road betterment, ATM 2016 Article #51.

And to act fully thereon. By request of the Finance Director

Explanation:

*The 2010 Annual Town Meeting approved \$3,500,000 borrowing for the Greensand Water Treatment Facility project. The project is completed and the actual cost was less than originally approved.*

*The 2013 Annual Town Meeting approved \$172,000 borrowing for the Skinequit Road Betterment project. The project is completed and the actual cost was \$169,197.50.*

*The 2014 annual town meeting approved \$4,500,000 borrowing for the Muddy Creek Culvert project. The town received state and federal grants to cover the cost of the project.*

*The 2014 Annual Town Meeting approved \$1,704,000 borrowing for the replacement of the Wychmere Harbor Town Pier and Bulkheads. The town received state grants to cover most of the project cost.*

*The 2015 Annual Town Meeting approved \$500,000 borrowing to supplement construction of the Muddy Creek Bridge. The project is completed and the actual cost was \$383,688.05.*

*The 2016 Annual Town Meeting approved \$223,650 borrowing for the Ginger Plum Betterment project. The project is completed and the actual cost was \$167,211.25.*

*This article will rescind the remaining \$6,145,166.57 borrowing authority which is no longer needed for the projects listed above.*

## WASTEWATER

### CONSTRUCTION OF INTERCONNECTION WITH CHATHAM AND SEWERS IN THE SOUTHERN SECTION OF PLEASANT BAY WATERSHED

ARTICLE 14: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to implement a portion of Phase 2 of the Town of Harwich Comprehensive Wastewater Management Plan, approved by the Massachusetts Secretary of Energy and Environmental Affairs in a Massachusetts Environmental Policy Act Certificate dated May 13, 2016, consisting of construction of sewers in the Southern section of Pleasant Bay Watershed and construction of the Chatham interconnector system, as more fully described in said Comprehensive Wastewater Management Plan, including any land acquisition costs and all other costs incidental and related thereto; provided that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote. And further, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$22,450,000.

### DENNIS HARWICH YARMOUTH (DHY) CLEAN WATERS COMMUNITY PARTNERSHIP

ARTICLE 15: To see if the Town will vote to authorize and direct the Board of Selectmen, in cooperation with the Towns of Dennis and Yarmouth, to draft special legislation to create the DHY Clean Waters Community Partnership, with substantially the powers, membership, governance, and purposes set forth in Massachusetts General Laws, Chapter 21, Sections 28 through 30, and Massachusetts General Laws Chapter 40N, supplemented and amended as the Board of Selectmen shall determine to be in the best interests of the Town; to direct the Board of Selectmen to request that the state representative and senator representing the Town file and support such special legislation; and to authorize the Board of Selectmen to take all action necessary to effect the foregoing; provided, however, that such special legislation shall contain a condition that requires approval by town meeting in each of the three towns before any agreement entered into pursuant to said special legislation takes effect; and to act fully thereon. By request of the Board of Selectmen

### SEWER ENTERPRISE FUND

ARTICLE 16: To see if the Town will vote to establish a Sewer Enterprise Fund, pursuant to M.G.L. Ch. 44, §53F ½, to cover the cost of operation debt, capital and other operation and maintenance costs of a sewer utility. The fund to begin operation for Fiscal Year 2019, which begins on July 1, 2018, and to act fully thereon. By request of the Board of Selectmen.

## WATER DEPARTMENT

### LOWER COUNTY ROAD PROJECT FOR FY18

ARTICLE 17: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow, a sufficient sum of money to conduct distribution system upgrades outlined in our master plan and in conjunction with the DPW's plan to repave Lower County Road, including all costs incidental and related thereto. This project includes abandoning an 8" asbestos (AC) water main, moving water services from the AC main to the existing 16" ductile iron water main, installing in-line gate valves, installing tee's & hydrants, and increasing the pipe diameter underneath the Allen harbor bridge to address pipe discontinuity. Estimated cost: \$1,300,000

*Explanation: All of the aforementioned upgrades will increase water quality, water pressure, as well as, provide additional firefighting capacity in one of the most densely populated areas in the community. In addition, this work will lay the foundation to replace the old 2" cast iron water main located on the abutting streets, further improving water quality and firefighting capacity. Engineering for this project is currently underway intend to bid the project prior to TM to ensure adequate funding request*

### REPAVE ACCESS ROADS TO WELL SITES

ARTICLE 18: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sufficient sum of money for repaving of access roads to well sites, and to act fully thereon. By request of the Board of Water Commissioners and Superintendent. Estimated cost: \$175,000.00

*Explanation: Continued deterioration of the access roads makes travel to and from the remote well sites difficult and promotes excessive wear and tear on the department vehicles, especially during snow removal efforts. It should be noted that all remote well sites are required by MassDEP, to be monitored & visually inspected 365 days a year and maintaining access during all severe weather is mandatory.*

### PURCHASE UTILITY TRUCKS FOR THE WATER DEPARTMENT

ARTICLE 19: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sufficient sum of money for the purchase of two (2) 2018 Ford F350's. These vehicles are to replace a 2004 F150 4WD Pickup and a 2005 F350 4WD Pickup, and to act fully thereon. By request of the Board of Water Commissioners and Superintendent. Estimated cost: \$110,000, less trades \$8,175.00. (Total Dollars \$101,825)

*Explanation: The two trucks being replaced are very undersized for the work they perform on a daily basis resulting in many expensive repairs. The new trucks have been sized appropriately and will also be able to provide support with snow removal efforts.*

RE-APPROPRIATION OF BOND PROCEEDS

ARTICLE 20: To see if the Town will vote to transfer the excess bond proceeds of \$59,767.89 from the \$3,500,000 borrowing authorized under Article #15, May 3, 2010 to Construct Greensand Water Treatment Facility to reduce the amount paid for water main replacement and to act fully thereon. By request of the Board of Water Commissioners and the Superintendent. Estimated cost: 59,767.89

*Explanation: Article #15 of the May 3, 2010 Town Meeting appropriated \$3,500,000 for the construction of the Bruce Cahoon Greensand Water Treatment Facility. The project has since been completed and a balance of \$59,767.89 remains unspent. It is the intent of the Water Department, upon approval, to re-allocate these funds to Fiscal Year 2019 budget, line item 13204502-553350 – Water Main Replacement” to assist with the funding for the replacement of 2” water mains.*

DEPARTMENT OF PUBLIC WORKS

PURCHASE AND EQUIP VEHICLES FOR THE DPW

ARTICLE 21: To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow in accordance with M.G.L. Ch. 44 a sufficient sum of money to purchase and equip the following vehicles:

(1) One Ton Dump Truck (Parks)	\$80,000
(1) One Ton Dump Truck (Cemetery)	\$80,000
(1) One Ton Dump Truck (Highway)	\$55,000
<b>TOTAL</b>	<b>\$215,000</b>

And further to authorize the trade-in or sale of the following old vehicles toward the purchase price, where the Board of Selectmen find that the vehicles cannot be utilized elsewhere in the Town:

1999 Ford F-350 Dump Truck  
2006 Ford F-350 Dump Truck  
2000 Ford F-250 Pickup Truck

And to act fully thereon. By request of the DPW Director. Estimated cost: \$215,000

*Explanation: This request is for three (3) one-ton dump trucks to replace a 1999 dump truck, a 2006 dump truck and a 2000 pick-up truck used by the Parks, Cemetery, and the Highway Departments. The current trucks, which are front-line vehicles in their departments, are in poor condition with high mileage (145,785, 101, 026, 147,995 miles respectively) and are rapidly deteriorating. The primary functions of these vehicles include transport of staff, tools and materials to and from job sites, snow plowing, sanding, pothole and road repairs, and towing equipment trailers.*

## ROAD MAINTENANCE PROGRAM

ARTICLE 22: To see if the Town will vote to raise and appropriate and/or transfer from available funds, or borrow in accordance with Ch. 44 of the M.G.L., or any other authorizing authority, the sum of \$700,000 to fund the Road Maintenance Program as requested in the Capital Plan for FY19, including all costs incidental and related thereto. The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c.59 § 21c (Proposition 2 ½ ) the amounts required to pay the principal of and the interest on any borrowing authorized under this article. And further, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied, and to act fully thereon. By request of the DPW Director. Estimated cost: \$700,000.

## FIRE DEPARTMENT

### PURCHASE OR LEASE NEW AMBULANCE

ARTICLE 23: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to purchase or lease on ambulance for the Fire Department, and to act fully thereon. By request of the Fire Chief. Estimated cost: \$340,000

### CONSTRUCTION FOR STATION 2

ARTICLE 24: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money for the design and construction, and construction administration, of Fire Station 2 at 149 Route 137; including equipment and furnishing, and any other costs incidental and related thereto. The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c.59 § 21 (Proposition 2 ½ ) the amounts required to pay the principal of and the interest on any borrowing authorized under this article. And further, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied, and to act fully thereon. By request of the Fire Chief. Estimated cost: \$6,044,000

## CEMETERY

### TRANSFER OF LAND FROM BOARD OF SELECTMEN PROPERTY TO ISLAND POND CEMETERY

ARTICLE 25: To see if the Town will vote to transfer from the Board of Selectmen, currently being held for General Municipal Use to the Cemetery Commission to be held for cemetery purposes, a parcel of land consisting of approximately 1 Arce identified as shown on the sketch of plan included in the Warrant for this Town Meeting. Assessors Map: 49 Parcel: R3 (Deed References: Bk.12500 Pg.140, Bk.3161 Pg.056, and Bk.1486 Pg.647), and to act fully thereon. By request of the Cemetery Administrator and the Cemetery Commission.

*Explanation: To add an approximately an additional 120 burial spaces and to be used for grant opportunities for the Island Pond Arboretum.*

### CONSTRUCTION OF BUILDING FOR PET CREMATORY

ARTICLE 26: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund the design and construction and equipment, including a cremation device for a pet crematory located at 276 Queen Anne Road commonly known as the Pet Cemetery including all costs incidentals and related thereto. The appropriation authorized by this vote shall not take effect until the town votes to exempt from the limitation on total taxes imposed by M.G.L. Chapter 59, Section 21C (Proposition 2 ½) the amounts required to pay the principal of and interest on any borrowing authorized under this article. And further, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied, and to act fully thereon. By request of the Cemetery Administrator and the Cemetery Commission. Estimated cost \$577,950.

### FUND PURCHASE OF EQUIPMENT FOR PET CREMATORY (take out??)

ARTICLE 26: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund the purchase and installation of an Animal Cremation Retort (cremation unit) for the Pet Crematory located at 276 Queen Anne Road commonly known as the Pet Cemetery including all costs incidentals and related thereto. The appropriation authorized by this vote shall not take effect until the town votes to exempt from the limitation on total taxes imposed by M.G.L. Chapter 59, Section 21C (Proposition 2 ½) the amounts required to pay the principal of and interest on any borrowing authorized under this article, and to act fully thereon. By request of the Cemetery Administrator and the Cemetery Commission. Estimated cost \$91,950.

AMEND THE HARWICH CEMETERY COMMISSION RULES AND REGULATIONS  
OF HARWICH CEMETERIES

ARTICLE 27: To see if the Town will vote to amend the Rules and Regulations of the Harwich Cemeteries as follows, and to act fully thereon. By request of the Cemetery Commission.

Harwich Cemetery Commission  
Rules and Regulations of Harwich Cemeteries

**III. Cemetery Lots**

7. Maintenance of all plantings and maintenance and removal of all plantings and holiday arrangement placed by a lot owner, or designee, is the responsibility of the lot owner, and the Cemetery Commission reserves the right to remove any planting that becomes unsightly. The Town of Harwich is not liable for items left at a grave, or damage to flowers, flags, containers, or monuments due to weather, vandalism, theft, or maintenance procedures. **All Christmas decorations must be removed by January 31<sup>st</sup> anything left on the grave will be removed by the cemetery personnel.**

**12. Items left at or on the lots after burial will be removed after one week.**

**13. The Above Rules will be strictly enforced.**

VI. Active Cemeteries (Burial space available)

~~Harwich Center Cemetery, 686 Main Street, AKA Congregational Church Yard Cemetery~~

Cemetery Office located @ ~~273 Queen Anne Road~~ 100 Oak Street; mail received at Town Hall, 732 Main Street

Office phone: 508-430-7549

**GOLF DEPARTMENT**

**LANDSCAPE RECLAMATION AND MAJOR TREE REMOVAL**

ARTICLE 28: To see if the Town will vote to raise and appropriate and/or transfer a sufficient sum of money from the Golf Improvement Fund to continue landscape reclamation and tree removal specific to holes 1-9, but not restricted to any other areas that the Golf Director and the Committee deem necessary, and to act fully thereon. By request of the Director of Golf and the Golf Committee. Estimated cost: \$40,000



*Explanation: The golf course continues to improve turf conditions through-out the existing 18 fairways. Significant work on holes 10 through 18 has been done over the last 4 years. Attention to holes 1-9 is now in its second year of work to be completed. Removal of growth that restricts both air and light enhances the playability of these fairways as recognized by consultation with the USGA, and with the endorsement of the Golf Committee, the Director, and the Supt. of the Green.*

#### PHASE TWO COMPLETION OF LANDSCAPING

**ARTICLE 29:** To see if the Town will vote to transfer a sufficient sum of money from the Golf Improvement Fund to complete the landscape and streetscape improvements as part of the infrastructure improvements voted in Article 18 of the 2017 Annual Town Meeting, and to act fully thereon. By request of the Director of Golf and the Golf Committee. Estimated cost: \$50,000

*Explanation: this is the necessary completion phase to the capital project which will enhance traffic flow, pedestrian access to the Club House and the "Hot Stove", as well as emergency vehicle access. This methodical step by step approach will be completely funded by the Golf Improvement*

#### HARBORMASTER DEPARTMENT

##### #30. ACCEPT GRANT FOR THE SAQUATUCKET HARBOR LANDSIDE PROJECT

##### LEASE OF RESTAURANT ON THE SAQUATUCKET LANDSIDE PROPERTY

**ARTICLE 31:** To see if the Town will vote to authorize the Board of Selectmen to lease on such terms and conditions as the Board of Selectmen deem in the best interests of the Town all or a portion of Saquatucket Harbor landside property, as shown on a sketch plan entitled "Saquatucket Harbor Landside Improvements" for restaurant-related purposes, for a term not to exceed 40 years, including all extension and renewal options; said property having been acquired for general municipal purposes. This parcel is identified on Assessor's Map 15, Parcel H4 and is 2.95 acres, and to act fully thereon. By request of the Board of Selectmen.

##### #32 MONOMOY REGIONAL SCHOOL DISTRICT REGIONAL AGREEMENT

## GREEN COMMUNITIES

### AMEND THE CODE OF HARWICH GENERAL BYLAWS – CHAPTER 115 STRETCH ENERGY CODE

**ARTICLE 33:** To see if the Town will vote to amend the Code of the Town of Harwich under the General By-Laws by adding a new by-law under Chapter 115 – Stretch Energy Code for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of January 1, 2019 a copy of which is on file with the Town Clerk,, and to act fully thereon. By request of the Board of Selectmen.

#### Chapter 115 Stretch Energy Code

##### **§115-1 Purpose**

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

##### **§115-2 Definitions**

**International Energy Conservation Code (IECC)** - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

**Stretch Energy Code** – Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

##### **§115-3 Applicability**

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

##### **§115-4 Authority**

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 115.AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

##### **§115-5 Stretch Code**

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Code of the Town of Harwich under the General Bylaws, Chapter 115. The Stretch Code is enforceable by the inspector of buildings or building commissioner and effective as of January 1, 2019.

ZONING BYLAW ARTICLE LARGE-SCALE GROUND-MOUNTED  
PHOTOVOLTAIC ARRAYS

ARTICLE 34: To see if the Town will vote to amend the Town's Zoning Bylaw, by establishing a new Article XXIII, Large-Scale Ground-Mounted Photovoltaic Arrays (>250kW), to include the following subsections:

- §325-138 Purpose and Intent.
- §325-139 Definitions
- §325-140 Large Scale Solar Review.
- §325-141 Operation & Maintenance Plan
- §325-142 Utility Notification
- §325-143 Dimension and Density Requirements.
- §325-144 Design Standards.
- §325-145 Safety and Environmental Standards.
- §325-146 Monitoring and Maintenance
- §325-146 Monitoring and Maintenance.
- §325-147 Abandonment and Decommissioning.
- §325-148 Financial Surety

Further to amend Article III, Establishment of Zoning Districts by adding under:

- §325-3 Division of Town into districts, a new "Solar Farm Overlay District"; and,
- §325-4 Maps, add "E. Solar Farm Overlay District" and a corresponding map.

Further to amend Article V, Use Regulations:

- §325-13, Table of Uses, D. Paragraph IV, Commercial Uses and Attachment 1 – Table 1, by adding: 47 - Large-Scale Ground-Mounted Photovoltaic Array (§325-14S, Article XXIII) as "P" in the IL zoning district.; and,

- §325-14 Supplemental regulations, a new subsection "S. Large-Scale Ground-Mounted Photovoltaic Array shall be permitted by right within the Solar Farm Overlay District pursuant to the provisions of Article XXIII (§325-138 - §325-148).

And to act fully thereon. By request of the Planning Board.

**Below is the complete text for the proposed changes related to the Large-Scale Ground-Mounted Photovoltaic Arrays Bylaws – this is ALL new text.**

**XXIII. Large-Scale Ground-Mounted Photovoltaic Arrays**

**§325-138 Purpose and Intent.** The purpose of this bylaw is to promote the creation of new Large-Scale Ground Mounted Solar Photovoltaic Installations (250kW or larger and covering at least one acres in size) by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations to address public safety, minimize impacts on scenic, natural and historic resources, and provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of Large-Scale Ground-Mounted Solar Photovoltaic Installations. This section shall apply to Large-Scale Ground-Mounted Solar Photovoltaic Installations proposed for construction after the effective date of this section. This section shall also pertain to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

**§325-139 Definitions**

**As-of-Right Siting.** As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-Right development may be subject to Large Scale Solar Review to determine conformance with local zoning ordinances or bylaws. Projects subject to Large Scale Solar Review cannot be prohibited, but can be reasonably regulated by the building commissioner or local inspector.

**Designated Location.** The location designated by the Zoning Bylaw, in accordance with Massachusetts General Laws Chapter 40A, section 5, where Large-Scale Ground-Mounted Solar Photovoltaic Installations may be sited As-of-Right. Said location(s) are shown on the Zoning Map of Harwich pursuant to Massachusetts General Laws Chapter 40A Section 4. This map is hereby made a part of this section and is on file in the Office of the Town Clerk.

**Large-Scale Ground-Mounted Solar Photovoltaic Installation.** A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC. All Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be owned and operated by either the Town of Harwich or under agreements with the Town of Harwich.

**Large Scale Solar Review.** A review by the Planning Board to determine conformance with local zoning ordinances or bylaws.

**On-Site Solar Photovoltaic Installation.** A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

**Rated Nameplate Capacity.** The maximum rated output of the electric power production of the photovoltaic system in Direct Current (DC).

**Solar Photovoltaic Array.** an arrangement of solar photovoltaic panels.

**§325-140 Large Scale Solar Review.** Prior to construction, installation or modification, Large-Scale Ground Mounted Solar Photovoltaic Installations with 250 kW or larger nameplate capacity shall undergo Large Scale Solar Review by the Planning Board as provided below. In accordance with Section 22(c) of the Massachusetts Green Communities Act, Large Scale Solar Review shall be expedited and no decision shall be rendered more than one (1) year after the date of the application.

**A. Compliance with Laws, Ordinances and Regulations.**

The construction and operation of all Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of the installation shall be constructed in accordance with the State Building Code.

No Large-Scale Ground Mounted Solar Photovoltaic Installation shall be constructed, installed or modified without first obtaining a building permit.

**B. Large Scale Solar Review Application and Plan Requirements.**

All applications and plans shall be filed with the Planning Board.

1. Two (2) copies of a properly executed application for Large Scale Solar Review, along with a filing fee of \$525.00.
2. Twelve (12) copies of site plan(s), prepared by a Registered Land Surveyor licensed in the Commonwealth of Massachusetts, at a scale of one inch equals forty feet (1" = 40'), including:
  - a. North arrow and locus map;
  - b. Property boundaries;
  - c. Name/Description of project;
  - d. Topography, both existing and proposed, including proposed drainage;
  - e. Zoning designation;
  - f. Location of proposed structures, drives, etc., including setbacks;
  - g. Sign(s) location(s);
  - h. Landscaping, both existing and proposed;
  - i. Lighting, including locations, type and wattage.
3. Twelve (12) copies each of the following:
  - a. Plans or drawings of the Large-Scale Ground-Mounted Solar Photovoltaic Installation prepared by a Registered Professional Engineer licensed in the Commonwealth of Massachusetts, showing the proposed layout of the system and any potential shading from nearby structures;
  - b. One or three line electrical diagram detailing the Large-Scale Ground Mounted Solar Photovoltaic Installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;

- c. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter(s);
- d. Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation;
- e. An operation and maintenance plan (see also §325-141);
- f. Proof of liability insurance;
- g. Description of financial surety that satisfies §325-148;
- h. A public outreach plan, including project development timeline, which indicates how the project proponent will meet the required site plan review notification procedures and other wise inform abutters and the community.

C. Waiver of Requirements: Upon written request submitted as part of the application, the Planning Board may waive any requirements.

**§325-141 Operation & Maintenance Plan.** The project proponent shall submit a plan for the operation and maintenance of the Large-Scale Ground-Mounted Solar Photovoltaic Installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

**§325-142 Utility Notification** No Large-Scale Ground –Mounted Solar Photovoltaic Installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the installation owner or operator’s intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

**§325-143. Dimension and Density Requirements.**

- A. Setbacks. Setbacks from all boundary lines shall be a minimum of fifty feet (50’).
- B. Appurtenant Structures. All appurtenant structures to Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

**§325-144. Design Standards.**

- A. Lighting. Lighting of Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the Large-Scale Ground-Mounted Solar Photovoltaic

Installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

- B. Signage. Signs on Large-Scale Ground-Mounted Solar Photovoltaic Installations shall comply with a Harwich Sign Code. A sign that identifies the owner and provides a 24-hour emergency contact phone number shall be required.

Large-Scale Ground-Mounted Solar Photovoltaic Installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the installation.

- C. Utility Connections.

Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections for the Large-Scale Ground-Mounted Solar Photovoltaic Installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

#### **§325-145 Safety and Environmental Standards.**

- A. Emergency Services. The Large-Scale Ground-Mounted Solar Photovoltaic Installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Harwich Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- B. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Large-Scale Ground-Mounted Solar Photovoltaic Installation or otherwise prescribed by applicable laws, regulations, and bylaws.

#### **§325-146 Monitoring and Maintenance.**

- A. Large-Scale Ground-Mounted Solar Photovoltaic Installation Conditions. The Large-Scale Ground Mounted Solar Photovoltaic Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Harwich Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the installation and any access road(s), unless accepted as a public way.
- B. Modifications. All material modifications to a Large-Scale Ground-Mounted Solar Photovoltaic Installation made after issuance of the required building permit shall require approval by the Planning Board.

### **§325-147 Abandonment and Decommissioning.**

- A. Removal Requirements. Any Large-Scale Ground-Mounted Solar Photovoltaic Installation which has reached the end of its useful life or has been abandoned consistent with §325-147.B shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Large Scale Solar Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
1. Physical removal of all Large-Scale Ground-Mounted Solar Photovoltaic Installations, structures, equipment, security barriers and transmission lines from the site.
  2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Large Scale Solar Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- B. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be considered abandoned when it fails to operate for more than one (1) year without the written consent of the Planning Board. If the owner or operator of the large-Scale Ground-Mounted Solar Photovoltaic Installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

**§325-148 Financial Surety.** Proponents of Large-Scale Ground-Mounted Solar Photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

### **Article III. Establishment of Zoning Districts**

#### **§325-3. Division of Town into districts**



Solar Farm Overlay District

**§325-4. Maps.**

E. The Solar Farm Overlay District established hereunder is shown on a map labeled "Town of Harwich, Solar Farm Overlay District" dated February \_\_, 2018, a copy of which is on file in the office of the Town Clerk.

**Article V. Use Regulations**

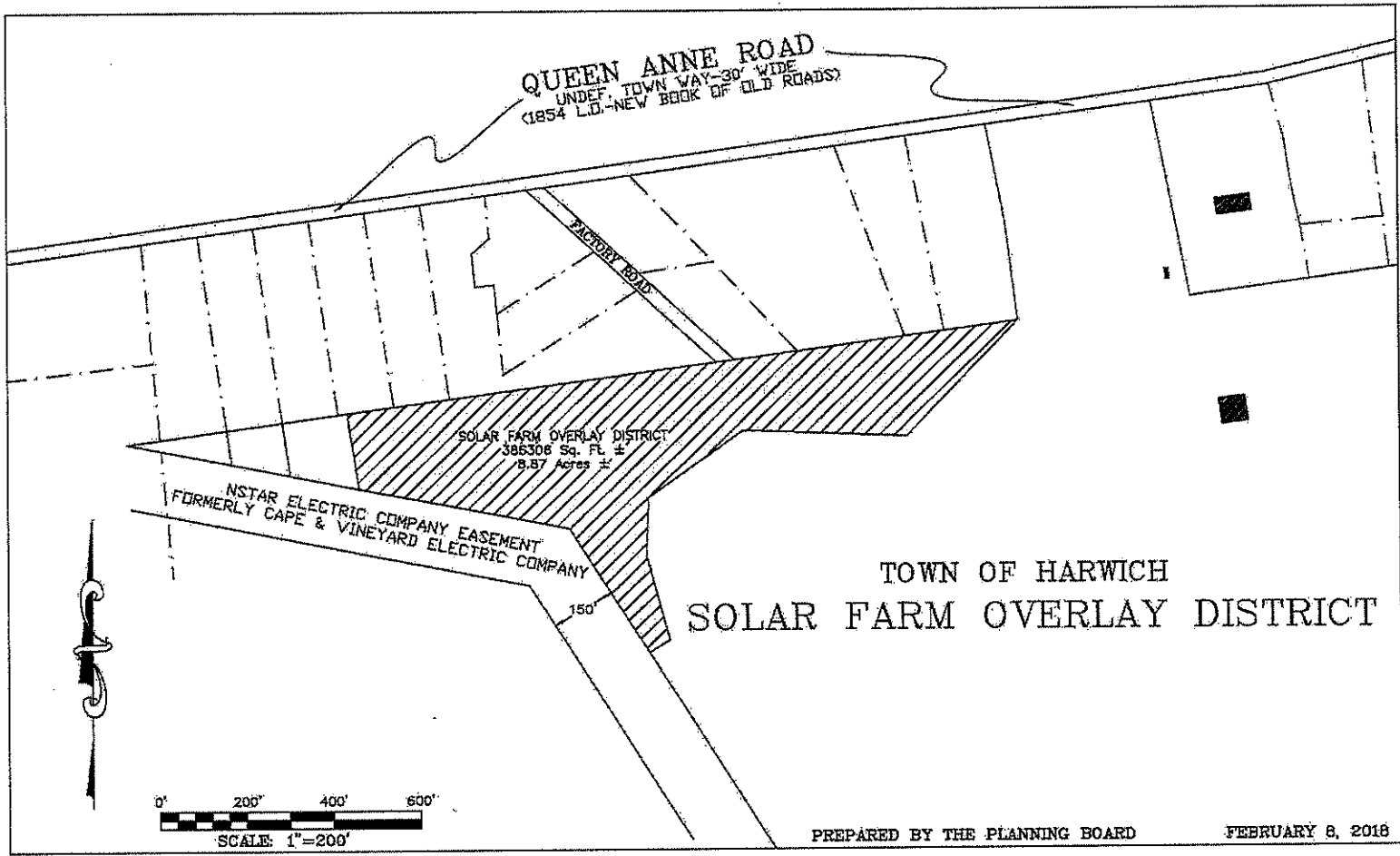
**§325-13, Table of Uses, D. Paragraph IV, Commercial Uses and Attachment 1 – Table 1**

Use	RR	RL	RM	RH-1	RH-2	RH-3	CV	CH-1	CH-2	IL	MRL	MRL-1	WR
Paragraph IV – Commercial Uses													
47	Large-Scale Ground-Mounted Photovoltaic Array (§325-14S, Article XXII)	-	-	-	-	-	-	-	-	P	-	-	-

**§325-14 Supplemental regulations.**

S. Large-Scale Ground-Mounted Photovoltaic Array shall be permitted by right within the Solar Farm Overlay District pursuant to the provisions of Article XXIII (§325-138 - §325-148).

Draft



**MARIJUANA ESTABLISHMENTS**

**AMEND THE CODE OF THE TOWN OF HARWICH ZONING BYLAWS**  
**MARIJUANA ESTABLISHMENTS - BAN**

ARTICLE 35: To see if the Town will vote to amend the Town's Zoning Bylaw, ARTICLE V, Use Regulations, §325-10 Prohibited uses in all zoning districts, to include a new paragraph K, that would provide as follows, and further to amend the ARTICLE II § 325-2 Word usage and definitions to include, "Marijuana Establishments" as follows:  
Section 325-10 Prohibited uses in all zoning districts.

K. Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical "marijuana establishments" as defined in G.L. c.94G §1, including marijuana cultivators, independent testing laboratory, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Harwich.

Section 325-2 Word usage and definitions.

MARIJUANA ESTABLISHMENTS - Marijuana cultivators, independent testing laboratory, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, as defined in G.L. c.94G §1.

And to act fully thereon. By request of the \_\_\_\_\_

**AMEND THE CODE OF THE TOWN OF HARWICH - GENERAL BYLAWS**  
**MARIJUANA ESTABLISHMENTS - BAN**

ARTICLE 36: To see if the Town will vote to amend the Town's General Bylaw Chapter 171 Marijuana by adding a new Section 171-3, that would provide as follows:

**Section 171-3**

Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical "marijuana establishments" as defined in G.L. c.94G, §1, to including marijuana cultivators, independent testing laboratory, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Harwich.

And to act fully thereon.

**ZONING BYLAW ARTICLE MARIJUANA ESTABLISHMENT – RECREATIONAL**  
**SPECIAL PERMIT USE**

ARTICLE 37: To see if the Town will vote to amend the Town's Zoning Bylaw, Article V, Use Regulations, §325-14 Supplemental Regulations, to include a new paragraph "R" that would provide as follows; further to amend Article II §325-2 Word usage and definitions

to include, “Marijuana Establishment – Recreational”, as follows; and further to amend Article V, Use Regulations, §325-13, Table of Uses, D. Paragraph IV, Commercial Uses and Attachment 1 – Table 1 by inserting said use into the Use Table, as follows:

**§325-14 Supplemental Regulations**

R. Marijuana Establishment – Recreational are subject to special permit review pursuant to §325-51 and site plan review pursuant to §325-55. Recreational marijuana establishments shall be prohibited as an accessory use in all zoning districts. Recreational marijuana establishments are subject to the following standards:

1. Recreational marijuana establishments shall be located in stand-alone facilities and shall not be allowed within a building or structure containing other retail, commercial, residential, industrial, or other uses.
2. A minimum separation of 1000 feet, measured between lot lines, is required between recreational marijuana establishments and state-certified public or private schools, state-licensed day care centers, public park, recreation facilities and/or religious facilities or any facility in which children congregate.
3. No building permit for a recreational marijuana establishment shall issue until the applicant has executed a Host Community Agreement with the Town pursuant to G.L. c.94G, §3(d).

Recreational marijuana establishments shall be subject to the zoning moratorium adopted as §139-37 of this Bylaw. Applicants may not apply for a special permit for recreational marijuana establishments prior to January 1, 2019.

**§325-2 Word usage and definitions**

**MARIJUANA ESTABLISHMENT - RECREATIONAL**

A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in G.L. c.94G, §1.

**§325-13, Table of Uses, D. Paragraph IV, Commercial Uses and Attachment 1**

Use	RR	RL	RM	RH-1	RH-2	RH-3	CV	CH-1	CH-2	IL	MRL	MRL-1	WR
Paragraph IV – Commercial Uses													
46 Marijuana Establishment - Recreational		-	-	-	-	-	S	S	S	-	-	-	P

AMEND THE CODE OF HARWICH ZONING BYLAW TEMPORARY MORATORIUM ON SALE AND DISTRIBUTION OF RECREATIONAL MARIJUANA

ARTICLE 38: To see if the Town will vote to amend the Town’s Zoning Bylaw, “Article XXII, Temporary Moratorium on the Sale and Distribution of Recreational Marijuana” as follows:

§325-134 Purpose

Paragraph A: add in the second sentence within the parenthesis after “Acts of 2016”, the following “and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017”

Paragraph B: Within the first sentence replace the phrase “a permitted use in the Town,” with “specifically addressed in the Zoning Bylaw” and delete in its entirety the last sentence.

#### §325-135 Definitions

Add a new definition for “Marijuana Establishment” as follows: “A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, ~~marijuana~~ retailer or any other type of licensed marijuana-related business.”

Change “Marijuana Testing Facility” to “Independent Testing Laboratory” and keep the existing definition language.

#### §325-136 Temporary moratorium

In the second sentence, change “June 30, 2018 to “December 31, 2018”

In the third sentence, delete “, by ballot measure.”

And to act fully thereon. By request of Board of Selectmen

### M.G.L./CHARTER/BY-LAW AMENDMENTS

#### AMEND THE TOWN OF HARWICH - CHARTER TO CHANGE THE NAME OF WATER COMMISSION TO WATER/WASTEWATER COMMISSION

ARTICLE 39: To see if the Town will vote pursuant to G.L. c.43B, §10 to amend Chapters 6 and 10 of the Town Charter, which amendment will be subject to approval by the voters at the 2019 Annual Town Election, as set forth below, with strikethrough text to be deleted and bold text to be inserted:

1. Amend Chapter 6, subsection 6-1-1, General Provisions, as follows:

6-1-1 The officers and town agencies to be elected by vote of the town shall be: a moderator, a town clerk, a board of selectmen as provided in chapter 3, members of the Monomoy regional school district committee, a water and wastewater commission, a board of library trustees, and a housing authority.

2. Amend Chapter 6, Section 6, Water Commission, as follows:

#### Section 6. Water and Wastewater Commission

6-6-1 A water **and wastewater** commission of ~~3~~ **5** members shall be elected for 3-year overlapping terms.

6-6-2 The water **and wastewater** commission shall possess and exercise all powers given to ~~this the~~ **the board of water commissioners** under chapter 165 of the acts of 1935, **and boards of sewer commissioners under chapter 83 of the General Laws.** ~~The water and wastewater commission shall be responsible for the~~

**administration, maintenance and operation of the water and sewer systems and facilities.**

**6-6-3 The water and wastewater commission shall appoint a water and wastewater superintendent, and such officer shall work cooperatively with shall request this officer to cooperate with, and be responsive to, requests from the town administrator's office.**

**6-6-4 Notwithstanding any other provision of this section to the contrary, the board of selectmen shall be responsible for the design and construction of the town sewer systems and for implementation of the comprehensive wastewater management plan.**

3. Amend Chapter 10, Additional Provisions, by inserting the following new section:

**Section 4. Water and Wastewater Commission Transition**

**10-4-1 The vote of the May 7, 2018 Annual Town Meeting to amend the Section 6 of the Town Charter shall take effect upon approval by the voters at the 2019 Annual Town Election ("amendment").**

**10-4-2 As of the effective date of the amendment, the water commission shall have the additional powers, duties and responsibilities of a sewer commission under the general laws, except as otherwise specified in the amendment. No contracts or liabilities in force on the effective date of the amendment shall be affected by the expansion of the powers and duties of the water commission, and the newly established water and wastewater commission shall in all respects be the lawful successor of the water commission. All records, property and equipment whatsoever of the water commission shall be assigned to the water and wastewater commission, and any appropriation for the operations of such water commission and water system, and for the sewer system, shall, following initial approval by the town administrator, be available for expenditure by the water and wastewater commission consistent with the purposes for which such funds were appropriated.**

**10-4-3 Any incumbent elected water commissioner shall serve as a member of the water and wastewater commission for a period equivalent to the remainder of their elected term, and shall be entitled to have the words "candidate for re-election" appear next to their name on the ballot if they choose to run for election to the water and wastewater commission while serving in that capacity. At the first annual town election held after the effective date of this Charter amendment, two additional offices of water and wastewater commissioner shall be included on the election warrant, one for a two-year term and one for a three-year term; provided, however, that until said election, the water and wastewater commission shall be deemed to consist of three members.**

And to act fully thereon. By request of the Board of Selectmen and Water Commissioners.

AMEND THE CODE OF HARWICH – GENERAL BYLAWS § 7-10 COMPOSITION  
OF APPOINTED AGENCIES

ARTICLE 40: To see if the Town will vote to amend the Harwich General By-laws by deleting the text and title of Section 7-10 in its entirety and inserting in place thereof the following:

**Section 7-10 Composition of Appointed Town Agencies**

A. Pursuant to chapter 7 of the Town Charter, the following appointed boards and committees shall be comprised as follows:

<u>Board</u>	<u>Membership</u>	<u>Charter Reference</u>
1 Board of Health	Five members	§7-4-1
2 Planning Board	Seven members	§7-5-1
3 Board of Assessors	Three members	§7-6-1
4 Conservation Commission	Seven members	§7-7-1
5 Council on Aging	Seven members	§7-8-1
6 Historic District/Historical Commission	Seven members - one alternate	§7-9-1
7 Recreation and Youth	Seven members	§7-10-1
8 Cultural Council	Nine members	§7-11-1
9 Zoning Board of Appeals	Five members – three associate	§7-12-1
10 Golf Committee	Seven members	§7-13-1
11 Waterways Committee	Seven members – two alternate	§7-14-1
12 Cemetery Commission	Three members	§7-15-1
13 By-Law/Charter Review Committee	Five members	§7-16-1

B. Members of the appointed boards and committees listed in the preceding section shall be appointed for the term set forth in the Charter. If the Charter is silent as to the term, members shall be appointed for 3-year overlapping terms.

And to act fully thereon. By request of the Board of Selectmen and Bylaw/Charter Review Committee.

AMEND THE CODE OF HARWICH GENERAL BYLAWS – CHAPTER 140  
HARWICH AFFORDABLE HOUSING TRUST

ARTICLE 41: To see if the Town will vote to accept the provisions of M.G.L. ch.44, §55C to establish an Affordable Housing Trust Fund; and further to amend the Code of the Town of Harwich to add a new Chapter 140 “Harwich Affordable Housing Trust” to read as follows:

**Affordable Housing Trust**

**Section 140-1 – Appointments** – As authorized by Chapter 44, §55C, the Board of Selectmen shall appoint 5 Trustees, one of whom shall be the Town Administrator or designee, a member of the Board of Selectmen. The remaining three (3) Trustees shall be appointed by the Board of Selectmen for two-year staggered terms.

**Section 140-2 – Duties and Responsibilities**

- A. The Trust shall possess all of the powers and authority set forth in M.G.L. c.44, §55C. The Selectman member of the Trust shall report to the full Board of Selectmen on purchases or sales of real property.
- B. In addition, the Affordable Housing Trust shall work with the Harwich Housing Committee to develop an affordable housing plan, which shall be updated each year and a copy presented to the Board of Selectmen.

**Section 140-3 – Removal** – A member may be removed from the Trust by the Board of Selectmen by a majority vote for cause after a public meeting or by failure to reappoint.

And to act fully thereon. By request of Town Administrator and Board of Selectmen.

SPECIAL LEGISLATION TO INCREASE ANNUAL LIQUOR LICENSES

ARTICLE 42: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for three (3) additional all alcohol on premises liquor licenses, bringing the number of said licenses from fifteen (15) to eighteen (18), as set forth below, said licenses not to be transferred to any other locations; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, and to act fully thereon. By request of the Board of Selectmen.

The petition for special legislation shall take the following form:

AN ACT AUTHORIZING THE TOWN OF HARWICH TO ISSUE THREE ADDITIONAL LIQUOR LICENSES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special, rule or regulation to the contrary, the licensing authority of the town of Harwich may grant three (3) additional licenses for the sale of all alcoholic beverages to be consumed on premises under section 12 of said chapter 138 as follows: one license to Blue Stripe LLC d/b/a Cape Sea Grille, to be exercised at 31 Sea St., in the Town of Harwich Port; one license to Ember Pizza, Inc. d/b/a Ember, to be exercised at 600 Route 28, in the Town of Harwich Port; and one license to Pleasant Bay Group Inc. d/b/a Wequassett Inn, to be exercised at 2173 Route 28, in the Town of Harwich. Licenses granted under this section shall be subject to all of said chapter 138 except said section 17.



(b) Once issued, the licensing authority shall not approve the transfer of a license issued under this act to any other location, but it may grant a license to a new applicant at the same location if the applicant files with the authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

(c) If any of the licenses granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, which may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

SECTION 2. This act shall take effect upon passage.

and to act fully thereon. By request of the Board of Selectmen

AMEND M.G.L. CHAPTER 59, §5, Clause 5k – SENIOR WORK-OFF EXEMPTION

ARTICLE 43: To see if the Town will vote to support the Harwich Board of Selectmen's request to the State Legislature to pass a bill amending the Senior Exemption (as provided in Chapter 59, §5 Clause (5k) amount from a maximum of \$1000.00 to a maximum of \$1,683.00 as a local option for all cities and towns and/or as a home rule petition for the Town of Harwich, and to act fully thereon. By request of the Harwich Board of Assessors. By request of the Harwich Board of Assessors.

CREATE SUPPLEMENTAL SENIOR EXEMPTION

ARTICLE 44: To see if the Town will vote to raise and appropriate or transfer from available funds to provide a sufficient sum of money to grant an additional \$500.00 exemption to each Senior Exemption granted by the Board of Assessors to a maximum of \$1,500.00, and to act fully thereon. (Subject to funding). By request of the Harwich Board of Assessors. Estimated cost: \$40,000 requested. By request of the Harwich Board of Assessors.

*Explanation: This article is for our most vulnerable residents over 65 who have income and assets not to exceed:*

	<u>Income</u>	<u>Assets</u>
Single	\$25,180	\$41,558
Married	\$37,954	\$57,142

ACCEPT M.G.L., CHAPTER 59, §5, CLAUSE 56 – PERSONAL PROPERTY TAX ABATEMENT FOR NATIONAL GUARD AND RESERVISTS

ARTICLE 44: To see if the Town will vote to accept MGL Chapter 59, §5, Clause 56. Upon acceptance of this section by the Town, the Board of Assessors may grant, real and

personal property tax abatement up to 100% of the total tax assessed to members of the Massachusetts National Guard and to Reservists on active duty in foreign countries for the fiscal year they performed such service subject to eligibility criteria to be established by the Board of Assessors. The authority to grant abatements under this section shall expire after 2 years of acceptance unless extended by a vote of the city or town. Said change to take effect FY 2019 and act fully thereon. By request of the Harwich Veteran's Agent and Board of Assessors.

*Explanation: This local option for the National Guard and Reservists must be renewed every two (2) years.*

#### DE-COMMISSION THE ARCHITECTURAL ADVISORY COMMITTEE

ARTICLE 45: To see if the Town will vote to authorize and instruct the Board of Selectmen to de-commission the Architectural Advisory Committee and to act fully thereon. By request of the Board of Selectmen.

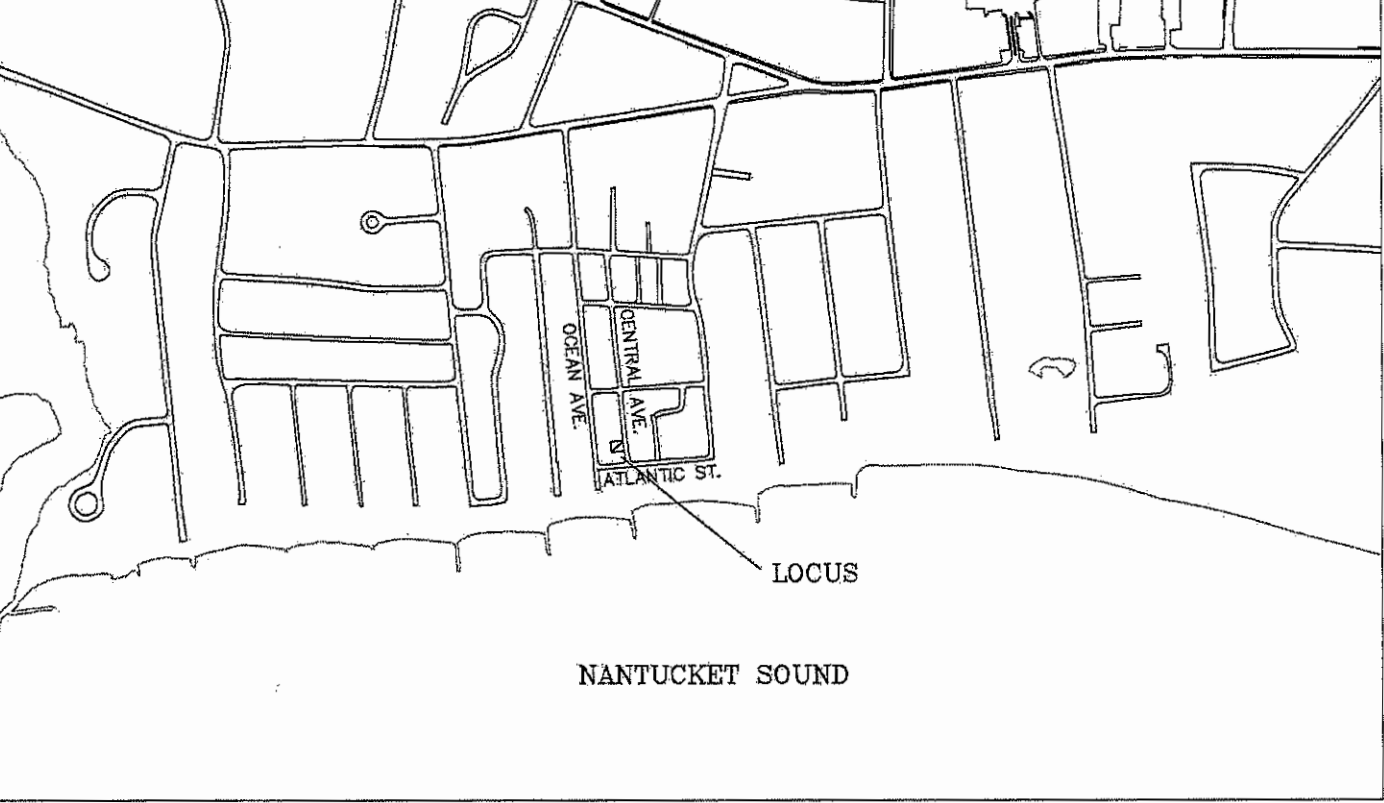
*Explanation: Throughout the years the responsibilities of the Architectural Advisory Committee (AAC) have been eliminated to the point of advisory only. The AAC was created at Special Town Meeting in October 1984 giving them review over commercial buildings and signs; at this time the Planning Board did not have review authority. In 1986, the Zoning Bylaws were amended to grant review authority to the Planning Board of commercial buildings through Site Plan Review; the AAC no longer had an active participation in the review process. In May 2009, Town Meeting approved and adopted a new Sign Code under the Zoning Bylaws granting sign review to Staff within the Building Department, and Master Sign Plan Review by the Planning Board as part of Site Plan Review. The Historic District and Historical Commission continue to have review/approval authority. At this time the AAC no longer has specific responsibilities.*

#### LAND MATTERS

##### TOWN-OWNED LAND – 4 CENTRAL AVENUE

ARTICLE 46: To see if the Town will vote to authorize the Board of Selectmen to take by Eminent Domain, for the purpose of clearing the Title, 4 Central Avenue used for general municipal use as surplus property. The parcel is identified on Assessor's Map 6B, Parcel L134 and is approximately 0.04 of an acre, and to act fully thereon. By request of the Board of Selectmen.

*Explanation: The 2017 Annual Town Meeting authorized the sale of this parcel. The Board of Selectmen has an accepted bid for the parcel. It was learned that the title has some potential defects. This action will clear the title and allow the transfer to be completed.*



LOCUS

NANTUCKET SOUND

**COMMUNITY PRESERVATION**

**RESERVE FOR FUTURE APPROPRIATION AMOUNTS FROM FY 2018  
COMMUNITY PRESERVATION FUND ESTIMATED ANNUAL REVENUES**

**ARTICLE 47:** To see if the Town will vote to reserve for future appropriations amounts from the FY 2018 Community Preservation Act Fund estimated annual revenues as recommended by the Community Preservation Committee as follows:

- A sum of money for the acquisition, creation and preservation of open space;
- A sum of money for the acquisition, preservation, restoration and rehabilitation of historic resources;
- A sum of money for the acquisition, creation, preservation and support of community housing; and
- A sum of money for the Community Preservation Act Fund FY 2018 Undesignated Fund Balance

And to act fully thereon. By request of the Community Preservation Committee.

**FUND LAND BANK DEBT SERVICE**

**ARTICLE 48:** To see if the Town will vote to appropriate from the Community Preservation Act Funds - Undesignated Fund Balance, \$ 588,750- to fund the Debt Service on the outstanding Land Bank Debt. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds- Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Town Administrator. Estimated Cost: \$ 588,750.

**MOTION:** I move that this article be accepted and adopted and the sum of \$ 588,750- be transferred from the Community Preservation Act Funds- Undesignated Fund Balance, for this purpose.

**COMMUNITY PRESERVATION ARTICLES UNDER \$50,000**

**ARTICLE 49:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to fund the items in the table below, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$139,740

	<u>Project</u>	<u>Purpose</u>	<u>Amount</u>	<u>Appropriation Source</u>
1	Albro House Status Assessment	Assessment of the structure of the house for future use.	2,500	Historic
2	Mt. Pleasant Cemetery Gravestone Preservation	Preservation of the gravestones.	49,900	Historic

3	Pleasant Lake Ave Crossing Lights	Installation of pedestrian warning lights on the bike trail.	27,000	Undesignated/ Recreation
4	Library Preservation & Digitization of the Harwich Oracle	Digitization of paper copies.	10,340	Historic
5	Contracting for Records Retention	Records retention specialist firm to cull through historic documents.	40,000	Historic
6	Community Development Partnership	Fund educational training activities related to Affordable Housing.	10,000	Housing
<b>TOTAL</b>			<b>139,740</b>	

HISTORIC BROOKS FREE LIBRARY RESTORATION – SUPPLEMENTAL FUNDS

ARTICLE 50: To see if the Town will vote to appropriate from Community Preservation Act Funds - Historic Fund Balance, \$300,000 of additional funding to accomplish historic preservation work on the exterior of the Brooks Free Library appropriated at the 2016 Annual Town Meeting. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Brooks Free Library Board of Trustees. Estimated Cost: \$300,000

CONSTRUCTION OF AN APPROPRIATE MUNICIPAL  
PUBLIC RECORDS STORAGE FACILITY IN THE  
HARWICH COMMUNITY CENTER BASEMENT

ARTICLE 51: To see if the Town will vote to appropriate from Community Preservation Act Funds - Historic Fund Balance, \$120,275 to construct an appropriate municipal public records storage facility in the Harwich Community Center for the preservation and archiving of public records. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Town Administrator. Estimated Cost: \$120,275

HABITAT FOR HUMANITY COMMUNITY HOUSING

ARTICLE 52: To see if the Town will vote to appropriate from Community Preservation Act Funds - Community Housing Fund Balance, \$300,000 to support Habitat for Humanity of Cape Cod, Inc. build six new affordable homes located at 93-97 Main Street in West Harwich and to enter into a grant agreement with Habitat for Humanity of Cape Cod, Inc. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds - Community Housing Funds Balance, and to act fully thereon. By request of

the Community Preservation Committee and Habitat for Humanity of Cape Cod, Inc.  
Estimated Cost: \$300,000

#### BROOKS PARK EXPANSION/IMPROVEMENT PHASE 5

ARTICLE 53: To see if the Town will vote to appropriate from Community Preservation Act Funds - Undesignated Fund Balance, \$333,500 to replace the current Brooks Park lighting system with a new comprehensive lighting system. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds - Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Recreation and Youth Commission. Estimated Cost: \$333,500

#### JUDAH ELDDREDGE PROPERTY ACQUISITION

ARTICLE 54: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, and/or eminent domain, for conservation and open space purposes, a parcel of land located on Seth Whitefield Road, identified by the Assessors as Parcel 85/B1-R, containing 24.6 acres, more or less, and described in a deed recorded with the Barnstable Registry of Deeds in Book 1, Page 512, with the care, custody, control and management thereof to be vested with the Conservation Commission; to raise and appropriate, transfer from available funds, including without limitation, from the Community Preservation Fund/Undesignated Fund Balance and Open Space, and/or borrow a sum of money for the foregoing acquisition, including costs incidental or related thereto, and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said funds and to issue bonds or notes of the Town therefor under G.L. c. 44B, Section 11, G.L. c. 44, Sections 7(3) and 8C, and/or any other enabling authority, and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; further, to authorize the Board of Selectmen and/or the Conservation Commission to apply for, accept and expend any funds that may be provided by the Commonwealth or other public or private sources to defray all or a portion of the costs of said acquisition, including, but not limited to, grants and/or reimbursement from the Commonwealth under the Self-Help Act, G.L. c. 132A, Section 11 (now, so-called LAND grants), which grants and/or funds so received shall be used to repay all or a portion of the sum borrowed hereunder; and to authorize the Board of Selectmen and/or the Conservation Commission to grant to a qualified organization a perpetual conservation restriction pursuant to the provisions of G.L. c. 184, Sections 31-33, in compliance with G.L. c. 44B, Section 12(a), protecting the property for the purposes for which it is acquired, and to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes, and to act fully thereon. By request of the Board of Selectmen. Estimated Cost: \$

PURCHASE OF CONSERVATION RESTRICTION FOR 15 ACRES AT CORNELIUS  
POND (AKA ELDRIDGE POND)

ARTICLE 55: To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, a perpetual conservation restriction pursuant to the provisions of G.L. c.184, §§31-33, for open space and watershed protection purposes under the provisions of G.L. c. 40, §8C, on certain parcels of land situated on Cornelius Pond off of 588 Queen Anne Road in Harwich, containing 15 acres, more or less, in the aggregate, which parcels are shown as the land in Plan Book 215, Page 47, except Lot S-1 on Plan Book 430, Page 18, and further described in a deed recorded with said Deeds in Book 30652, Page 193, with the care, custody, control and management of such conservation restriction to be vested with the Conservation Commission; to appropriate from the Community Preservation Act Funds-Open Space Reserve, the Community Preservation Act Funds-Undesignated Reserve, and/or estimated annual revenues under G.L. c.44B, the so-called Community Preservation Act, the sum of \$200,000 for the foregoing acquisition and costs incidental or related thereto, including, without limitation, costs of appraisals and closing costs; to authorize the Board of Selectmen and the Conservation Commission to apply for, accept, and expend any grants and/or reimbursement of funds which may be provided by the Commonwealth of Massachusetts to defray all or a portion of the foregoing costs, including, but not limited to, funding under the Self-Help Act (G.L. c.132A, §11), the Federal Land & Water Conservation Fund (P.L. 88-568, 78 Stat 897), and/or other federal and state programs in any way related to the scope of this article, and to accept a gift of funds from the Harwich Conservation Trust and/or any other source, provided that any such grant and/or reimbursement funds shall be returned upon receipt to the Community Preservation Act fund from which said sum was appropriated, after first reimbursing the Harwich Conservation Trust for its contribution towards the Town's local match; and, further, to authorize the Board of Selectmen and/or Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes; provided that any funds left unspent from this Article are to be returned to the Community Preservation Act Funds – Undesignated; and to act fully thereon. By request of the Community Preservation Committee, Harwich Conservation Trust and the Real Estate and Open Space Committee. Estimated cost: \$200,000.

HINCKLEY POND REMEDIATION/IMPROVEMENTS

ARTICLE 56: To see if the Town will vote to raise and appropriate , transfer from available funds, including from the Community Preservation Act Funds – Open Space/Undesignated Fund Balance, or borrow a sum of money to implement a portion of Phase 2 of the Town of Harwich Comprehensive Wastewater Management Plan, approved by the Massachusetts Secretary of Energy and Environmental Affairs in a Massachusetts Environmental Policy Act Certificate dated May 13, 2016, consisting of the design, construction, and remediation of Hinckley Pond, including water treatments and installation of stairway and other recreational amenities, as more fully described in said Comprehensive Wastewater Management Plan, including any land acquisition costs and all

other costs incidental and related thereto; provided that any funds left unspent from this Article are to be returned to the Community Preservation Act Funds – Undesignated; and to act fully thereon. By request of the Community Preservation Committee and Town Administration. Estimated Costs: \$650,000

FUND THE AFFORDABLE HOUSING TRUST

ARTICLE 57: To see if the Town will vote to appropriate from Community Preservation Act Funds – Community Housing Reserve, \$490,000 and \$10,000 from Undesignated Fund Balance, for a total of \$500,000 to fund the Harwich Affordable Housing Trust to create and preserve affordable housing in the Town of Harwich. Said appropriation is subject to approval of the Housing Trust acceptance statute and related bylaw that is contained within this Annual Town Meeting, and to act fully thereon. By request of the Community Preservation Committee and the Board of Selectmen.

PRIVATE PETITIONS

DEFRAY THE EXPENSES OF THE CHASE LIBRARY AND HARWICH PORT LIBRARY

ARTICLE 58: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,000 to help defray the expenses of the Chase Library and the Harwich Port Library; said funds to be expended under the direction of the Chase Library and Harwich Port Library Trustees, and to act fully thereon. By Petition. Estimated cost: \$20,000.

*Explanation: Chase Library and Harwich Port Library are free, publicly supported libraries. Town funds have been appropriated either through the general budget or by articles since 1911 (Chase) and 1926 (Harwich Port). These funds are essential for continued operation and for the customary State reimbursements.*

PROMOTE THE TOWN OF HARWICH

ARTICLE 59: To see if the Town will vote to: raise and appropriate and/or transfer from available funds a sufficient sum of money for the Harwich Chamber of Commerce to promote the Town and its businesses and to advance economic development initiatives for and with the Town of Harwich. Said monies to be used to manage and fulfill year-round visitor/resident/business information services, to promote and market the Town, to generate and initiate materials and activities that encourage the establishment, growth and sustainability of businesses in Harwich, and to implement economic development objectives and activities in partnership with the Town, and to act fully thereon. By petition. Estimated cost: \$30,000

*Explanation: For more than 59 years, Harwich Chamber of Commerce (HCC) has worked in the best interest of Harwich and for the people living in, working in and visiting the Town of Harwich. Since 1995, the citizens of Harwich, through the annual Town Meeting, have voted to fund warrant articles submitted by the Harwich Chamber of*



Commerce in support of its work promoting the community, providing needed informational services, and developing and advancing economic sustainability and development strategies. We are again requesting the Town's support for the Chamber's efforts in:

- (a) providing year-round informational services to visitors, residents, second homeowners, and businesses (over 76,000 visits to our Information Center in 2017)
- (b) promoting the Town of Harwich and its new brand: *The Warm Side of the Cape*, thereby bringing much needed income into the community.
- (c) Support of the Chamber's efforts, in partnership with the Town of Harwich, to develop and implement economic development initiatives to benefit the Town as defined by objectives in the Town's Local Comprehensive Plan, and marketing Harwich's Cultural Districts; Harwich Port and Harwich Center.

**(a) Year-Round Information Services:** Harwich's Information Center is open 52 weeks a year. Combining this valuable resource with the Chamber's internet/website portals, New explore boards located at Logan Airport, North and South Stations as well in many locations throughout Massachusetts, New England and Nationally and continued telephone and mail inquiries, Harwich Chamber annually provides more than 320,000 instances of contact with visitors, seasonal and year-round homeowners and residents, organizations and businesses. These connections offer the opportunity to market and promote the Town utilizing our new brand "*The Warm Side of the Cape*." By being available to meet the needs of our "customers" we are able to encourage patronage of our local amenities and businesses and to connect individuals and businesses with the appropriate Town offices and officials 12 months a year in a friendly, warm and upbeat fashion.

**(b) Promoting the Town of Harwich:** The Harwich Chamber continues to be the lead force in promoting the Town of Harwich. By utilizing a multi-faceted approach, HCC strives to position Harwich as a premier destination for local, regional, national and international individuals and families. The marketing strategies are aimed at encouraging residents, second homeowners (current and potential), and visitors to avail themselves of Harwich's recreational amenities, as well as for shopping, dining, vacations, day trips, events and festivals. The plan, which positions Harwich as a desired vacation destination and an outstanding place in which to live and work, includes:

1. The 2018 Harwich Magazine will focus on Arts and Culture, the Town's primary comprehensive printed and online resource for attracting tourists and visitors to Harwich, and for our residents, second home-owners and businesses.
2. The HCC website's robust content complements the Magazine and links to a wide range of Town resources.
3. Ancillary printed and on-line pieces, including specialized maps (cranberry bogs, lodging locator, dining locator, beaches, bike trail) that target market segments and interests.
4. Media placements in local, regional and national publications.
5. Online targeted ads geared towards establishing new residents, building our workforce and bringing in tax revenues for the town.

*Special events and festivals are about more than attracting people to town to enjoyable experiences. They are about defining key elements of Harwich's brand and about parlaying those assets into support for our businesses, non-profit organizations, and the community. In 2017 the Harwich Chamber of Commerce in partnership with sponsorships from Harwich Chamber of Commerce members we brought back after a 10 year absence the much loved Fireworks as part of the Harwich Cranberry Festival. In addition, Fall for Harwich provided the umbrella under which thousands of people were invited to participate in a wide array of more than 30 events, including the half-marathon road race, music festival, bog walks, concerts, teas, arts & crafts, our second sidewalk sale and more. Fall for Harwich and Christmas in Harwich also provide opportunities for our local non-profits to raise much needed funds and increase their visibility. In addition, the Chamber continues to actively engage in creating and implementing new events as well as expanding existing events. In 2017, the Chamber coordinated eight Port Summer Night Musical Strolls in Harwich Port, several musical concerts that combined opportunities with restaurants and other businesses to increase meals, shopping and a night out with a show. We look forward to continuing to expand these offerings in 2018.*

***Economic Development:*** *HCC will continue to collaborate with the Town on economic development strategies and initiatives. Over this past year, HCC has worked tirelessly on behalf of the Town and its businesses and continues to do so. HCC has advocated for a strengthened technology infrastructure and better health insurance rates for small businesses. The Chamber has also provided training, counsel and support to dozens of small businesses struggling to survive in the current economic climate, and has met with several individuals considering locating their business in Harwich.*

*HCC continues to strengthen its collaboration with other local chambers of commerce through the Local Cape Chambers Collaborative (LC3) and the Lower Cape Chambers group. Among the many activities currently underway are:*

- With LC3 meeting with the Economic Development Council on regional economic development priorities, identified by local chambers in consultation with town officials*
- With LC3 continued advocacy on transportation issues, including real time information, bridge issues, issues relating to drug use, attracting more traffic to the Regional Airport and more.*
- With Lower Cape Chambers hosting the Annual Lower Cape Home & Garden Show this year again to be held at the Cape Cod Tech, trainings, inter-chamber networking (giving greater business-to-business opportunities)*
- Parking and Connectivity continue to explore opportunities for remote parking lots and transit service for harbors, beaches and other sites with high seasonal demand.*

*The Chamber is honored to partner with the Town on building a better community, but the Chamber relies on the Town's support to help achieve its goals. Without this support, the Chamber's marketing activities will be significantly reduced. We appreciate the past support of the Town of Harwich and request funding for these important, revenue-generating initiatives. Thank you for your consideration*

SUPPLEMENT ANNUAL ALLOCATION OF MASS CULTURAL COUNCIL FOR  
LOCAL CULTURAL COUNCIL GRANTS

ARTICLE 60: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to supplement the Massachusetts Cultural Council annual allocation for grant awards to artists, performers and interpretive scientists who bring events to local venues which enhance the cultural experience of Harwich citizens of all ages, and to act fully thereon. By request of the Harwich Cultural Council. Estimated Cost: \$3,600.

INTERMUNICIPAL AGREEMENT TO FACILITATE REMOVAL OF EXCESS  
NITROGEN LOADS TO PLEASANT BAY

ARTICLE 61: To see if the Town will vote to direct the Board of Selectmen to approve and execute an Intermunicipal Agreement (IMA) with the Towns of Chatham, Brewster, and Orleans relative to a Pleasant Bay Watershed Permit to be requested from the Massachusetts Department of Environmental Protection to facilitate removal of excess nitrogen loads to Pleasant Bay; execution of the IMA shall be contingent upon and subject to the satisfactory completion and acceptance by the Board of Selectmen of the Pleasant Bay Targeted Watershed Management Plan, Watershed Permit terms and conditions, and final proposed Intermunicipal Agreement; and to act fully thereon. By request of \_\_\_\_\_

*Explanation: MassDEP has initiated a new program of Watershed Permitting to facilitate removal of excess nitrogen loads impacting coastal embayments. Pleasant Bay has been selected to participate in a pilot project to obtain such a permit, pending town approvals.*

*The core aspect of the permit will be a Targeted Watershed Management Plan (TWMP). The TWMP is based on the nutrient management plans (ie, CWMPs) already prepared by the towns in the watershed and will demonstrate how the combined effect of the four towns' plans will achieve the necessary nutrient removal within the Pleasant Bay watershed., and will not be a new plan. The TWMP will be an elaboration of the Pleasant Bay Composite Nitrogen Management Analysis (March 2017).*

*In order to obtain a Watershed Permit, a four-town intermunicipal agreement (IMA) will need to be executed that confirms each town's share of nitrogen removal responsibility and its intended implementation schedule, giving all towns the assurance that the towns are working together and that improved water quality will be not delayed by one town's inactions.*

*The proposed IMA builds on the Resolution of the Towns Sharing the Watershed of Pleasant Bay signed by the Board of Selectmen in June 2017. The resolution endorsed the Pleasant Bay Composite Nitrogen Management Analysis as an accurate representation of the Town's share of current attenuated nitrogen load and its responsibility to remove nitrogen in Pleasant Bay.*

*The Watershed Permit will give the towns MassDEP permission to conduct nitrogen removal projects for which there is no current permitting program, such as so-called non-traditional technologies, with an agreed-upon process for documenting the nitrogen removal that actually occurs.*

*By accepting the permit, the town obtains the following advantages:*

- *Eligibility for SRF financing for non-traditional technologies*
- *Higher priority for SRF financing for both traditional and non-traditional technologies*
- *Special consideration for other grant programs;*
- *An assured procedure for documenting nitrogen removal credits toward TMDL compliance;*
- *Protection from DEP enforcement actions related to current excessive nitrogen loads, provided that implementation schedules are met.*

#### PLEASANT BAY RESOURCE MANAGEMENT PLAN UPDATE

ARTICLE 62: To see if the Town will vote to adopt the 2018 Pleasant Bay Resource Management Plan Update developed in accordance with the Pleasant Bay Resource Management Plan adopted by the Town in 1998 and updated in 2003, 2008 and 2013, and the Memorandum of Agreement with the Towns of Orleans, Chatham and Brewster, originally authorized by the Town in 1998 and re-authorized in 2003, 2008 and 2013; and to authorize the Board of Selectmen to enter into a successor Memorandum of Agreement, as amended by the Board of Selectmen, with one or more of the aforementioned towns for the purpose of continuing the Pleasant Bay Resource Management Alliance to implement the plan and plan updates and to act fully thereon. By request of the Board of Selectmen and Pleasant Bay Alliance.

*Explanation: The Pleasant Bay Resource Management Plan 2018 Update describes management issues and provides recommendations for coordinated management activity within the Pleasant Bay Area of Critical Environmental Concern (ACEC) and watershed. The purpose of the management plan is to promote the natural resource health and public enjoyment of Pleasant Bay. The management plan is updated as needed by the Pleasant Bay Alliance, an organization formed by an inter-municipal agreement between Brewster, Orleans, Chatham and Harwich. Town Meeting in each town is being asked to adopt the 2018 Update and renew the Memorandum of Agreement forming the Alliance. The 2018 Update contains recommendations in the areas of Biodiversity and Habitat Protection, Wetlands Protection, Fisheries Management, Watershed Planning, Coastal Processes and Coastal Structures, Navigation Safety, Public Access and Historic Resources. The Update was developed over the past year by the Alliance with input from local and regional resource managers and interested citizens. A public hearing was held in xxx.*

*The 2018 Update is available on the home page of the Pleasant Bay Alliance website, [www.pleasantbay.org](http://www.pleasantbay.org). Resource Management priorities include:*

1. *Continuing to Facilitate Watershed-based Collaboration to Address Nitrogen Loading*  
 Encourage the four watershed towns to make progress in developing and implementing nutrient management plans and promote watershed-based collaboration to achieve total nitrogen Total Maximum Daily Loads (TMDLs). Stormwater management, smart growth, and fertilizer controls will be areas of focus.

2. *Promoting Coastal Resiliency by Protecting Healthy Coastal Processes*  
 Continue to work with Conservation Commissions to to implement the Guidelines for Erosion Management in Pleasant Bay, Evaluate Management and Resiliency Strategies for Dealing with the Effects of Sea Level Rise in Pleasant Bay and Chatham Harbor

3. *Promoting Strengthening of Wetland Protections*  
 Continue to work to strengthen local wetlands protection regulations and review procedures by recommending modifications to local conservation regulations and bylaws.

4. *Developing Best Management Practices to Protect Biodiversity*  
 Develop best management practices designed to manage invasive species and promote habitat and resource protection. Investigate, monitor and improve opportunities for diadromous fish passage.

5. *Continuing Resource Monitoring Programs and Research*  
 Continue to monitor water quality, tide data, salt marsh and eelgrass health, and aerial photography for management support and regulatory compliance. Rely on rigorous technical analyses to discern significant trends.

6. *Continuing to Build Stewardship through Public Education*  
 Continue to develop stewardship by sharing research, data and information regarding resource conditions and trends.

**REVOLVING/STABILIZATION/OPEB FUNDS**

**DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION**

**ARTICLE 63:** To see if the Town will vote to set the spending limits for various revolving funds that have been authorized pursuant to Section 8.1\_\_ of the Town Code; and to act fully thereon. By request of the Board of Selectmen

<u>Revolving Fund</u>	<u>Authorize to Spend Fund</u>	<u>Revenue Source</u>	<u>Use of Fund</u>	<u>FY 19 Spending Limit</u>	<u>Disposition of FY18 Fund balance</u>
Golf	Director, Golf Committee & ATA	Golf Lessons and Pro Shop Sales	Pro Shop expenses, clubhouse and kitchen maintenance, modernization, and lessons instructor	\$250,000	Available for expenditure
Golf Infrastructure fund	Director, Golf Committee	New surcharge on all green fees and cart fees	CVGC Infrastructure including Club House	\$100,000	

			facilities, maintenance facilities		
Council on Aging	Director & Council on Aging	Fees from health, recreation, nutrition and education programs	Health, recreation, nutrition and education programs	\$125,000	Available for expenditure
Cemetery	Administrator & Cemetery Commission	90% of Lot Sales, 100 % of all Cemetery Services and Fees	Maintenance of town cemeteries	\$100,000	Available for expenditure
Community Center	Director & Facilities Committee	Fees from use of the weight room	Weight Room Equipment (and repair)	\$100,000	Available for expenditure
Recreation	Director & Rec & Youth Commission	Fees from recreation and youth programs	Recreation and youth programs	\$120,000	Available for expenditure
Albro House	Town Planner & Historic District/Hist. Commission	Fees from receipts of lease or fees for short term rooms use and rental	Restorations, maintenance, care and support of town-owned property	\$10,000	Available for expenditure
ADA	Town Administrator	Receipts of parking penalty fees	Interpreter services or accommodations required under ADA	\$2,500	Available for expenditure
Wetlands	Conservation Commission	Notice of Intent filing fees	Consultants and wetland and buffer zone management and restoration projects	\$6,000	Available for expenditure
Middle School	Community Center Director and Facilities Manager	funds generated from receipt of lease or fees collected for short term, year-round, temporary or otherwise, room(s) use and rental	funding restorations, maintenance, care, and support	\$100,000	Available for expenditure
Sidewalks	Town Planner and Planning Board	sidewalk improvements including consulting services and construction	monies generated from receipts paid to the Town in lieu of sidewalks required to be installed in new subdivisions	\$50,000	Available for expenditure

**AMEND THE DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION BY-LAW**

**ARTICLE 64:** To see if the Town will vote to amend the by-law to the Code of the Town of Harwich under Chapter 8, entitled "Departmental Revolving Funds", and to act fully thereon. By request of the Board of Selectmen.

**8. Departmental Revolving Funds**

8.1 There are hereby established in the Town of Harwich pursuant to the provisions of M.G.L. c.44 §53E ½, the following Revolving Funds:

<u>Revolving Fund</u>	<u>Authorize to Spend Fund</u>	<u>Revenue Source</u>	<u>Use of Fund</u>
Middle School	Community Center Director and Facilities Manager	funds generated from receipt of lease or fees collected for short term, year-round, temporary or otherwise, room(s) use and rental	funding restorations, maintenance, care, and support
Sidewalks	Town Planner and Planning Board	sidewalk improvements including consulting services and construction	monies generated from receipts paid to the Town in lieu of sidewalks required to be installed in new subdivisions

8.2 Expenditures from each revolving fund set forth herein shall be subject to the limitation established annually by Town Meeting or any increase therein as may be authorized in accordance with M.G.L. c.44, §53E ½.

STABILIZATION FUND

ARTICLE 65: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to be added to the Stabilization Fund, and act fully thereon. By the request of the Board of Selectmen. Estimated cost: \$ \_\_\_\_\_.

OPEB TRUST FUND

ARTICLE 66: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to be added to the OPEB Trust Fund, and act fully thereon. By the request of the Board of Selectmen. Estimated cost: \$ \_\_\_\_\_.

FUND PRIOR YEAR'S UNPAID BILLS

ARTICLE 67: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to pay unpaid bills of prior years as provided for in M.G.L. Ch. 44, Section 64, and to act fully thereon. By request of the Finance Director/Accountant. Estimated cost: \$ \_\_\_\_\_.

Explanation:

Mathews & Mathews, LLC – Legal Expense \$7,825

CUSTOMARY

HERRING FISHERIES

ARTICLE 68: To see what action the Town will take in regard to the Herring Fisheries and to act fully thereon. Customary Article.

## HOUSING TRUST MEMBERSHIP MAKE-UP RECOMMENDATION

Town Administrator or his designee

One member of the Board of Selectmen

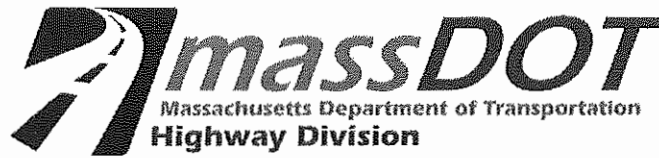
Three citizens at large



## DRAFT MINUTES OF FEBRUARY 5, 2018

### RE HOUSING TRUST MEMBERSHIP MAKE-UP

Mr. Clark described the Yarmouth makeup of their Housing Trust which includes the Town Administrator – Chair of the Trust by Town Meeting by-law, one member of the Board of Selectmen – required by State law, one member of the Yarmouth Affordable Housing Committee – by Selectmen policy, one member of the CPC – by Selectmen policy, and one citizen at large – by Selectmen policy. He stated that by statute we definitely have to have a Selectman member on it. He volunteered to serve as well. Mr. Howell questioned if anyone has asked Town Counsel to give an opinion relative to Selectmen being on this as our Charter says you can't appoint a Selectman to a committee to which they have appointment authority over. Mr. Clark said he would send it to Town Counsel. Chairman MacAskill stated that Chatham and Bourne do not have their Town Administrator on the Committee. He suggested they say "or delegate of the Town Administrator" as they do in Brewster. He said it doesn't make sense to put that responsibility on the Town Administrator. Ms. Kavanagh said it would be helpful to have the Town Planner on the Committee instead of the Town Administrator and Mr. Howell and Ms. Brown agreed. Mr. Clark said he wouldn't remove the Town Administrator and Yarmouth has been successful because the Town Administrator is on it. It was agreed that it would be the Town Administrator or his designee. Mr. Ballantine suggested having a representative from the Housing Committee and Ms. Brown suggested having more than one person from the community involved. Mr. Bodin questioned what the term of the Town Administrator would be. He said it works well in Yarmouth with having the Town Administrator as Chair. Chairman MacAskill suggested the make-up of the Committee be the Town Administrator or his designee, a Selectman, a Housing Committee member, and one citizen at large. Ms. Brown suggested having two at large members and that the designee be the Town Planner. Ms. Brown said she would like to get some input from the community a little bit more. Chairman MacAskill asked that the Board give some thought to the structure. No action was taken.



on website

## **City and Town Notification for Roadway Work**

MassDOT will be conducting work in your community in the near future. The following project information is being forwarded to you for distribution to affect City/Town Departments.

Project Location (City/Town): Harwich

Estimated Start Date of Work: February 20, 2018

Project Type: Sign Replacement

Resident Engineer and Contact Information: Marc Cardinal 774 286 6383

Description of Work: Retroreflective sign replacement and upgrades on Routes 6A, 28 and 124 from town line to town line or beginning to end.

Contractor and Contact Information: Road Safe Traffic Systems, Inc. : 508-580-6700

Hours of Operation (Day/Night): 7:00 am to 3:30 pm

Description of Traffic Management: Work mainly in the breakdown lane/shoulder.

Estimated Duration of Work: 5 Months

Additional Information: \_\_\_\_\_



on website

## City/Town Construction Notification Form

MassDOT will be conducting work in your community in the near future. The following project information is being forwarded to you for distribution to affected City/Town Departments.

Project Location (City/Town): Harwich

Estimated Start Date of Work: 19MAR18

Project Type: Rt.124 Park and Ride Resurfacing and Upgrades

Resident Engineer and Contact Information: Malcolm Lavalley (508) 694-5681

Description of Work: Pavement milling, paving and thermoplastic pavement marking installation with sidewalk and wheel chair ramp reconstruction. Installation of a new bus shelter and bicycle rack. Cleaning of drainage pipes, structures and retention basin. Selective clearing and thinning along existing fence with fence repairs as needed. Other incidental work

Contractor and Contact Information: Lawrence-Lynch Corp.  
Superintendent Tony Augusto (508) 566-1503

Hours of Operations (Day/Night): 7:00am – 3:30pm

Description of Traffic Management: Traffic Management Plan per Contract, Roadway Flaggers to be used as needed with Police Details to be used for milling and paving operations.

Estimated Duration of Work: 19MAR18 – 25SEP18

Additional information: No work to be performed between Memorial Day and Labor Day

Memorandum from Charleen Greenhalgh  
Assistant Town Administrator

Town of Harwich

February 14, 2018

To: Christopher Clark, Town Administrator  
From: Charleen Greenhalgh, Assistant Town Administrator  
Re: Weekly Report – Week of February 5, 2018

This will be my second to last weekly report in the dual role of interim Planner and Assistant Town Administrator. The week included, but was not limited to:

- Planning Board Work:
  - Finalize agenda
  - Review plans and applications; prepared 3 staff report for 1 new commercial building, an accessory apartment and a change of use for Outer Cape Health Services; correspondence with applicants, etc.
- Notified interviewed applicant that they were not selected for a position
- Weekly meeting with Cyndi Williams of the Cultural Compact.
- Green Communities Update meeting with Town Administrator, Sean Libby and Ray Chesley.
- Green Communities Work:
  - Prepared Stretch Code Bylaw Language for ATM Warrant
  - Finalized the Large-Scale Ground-Mounted Photovoltaic Array By-Right Zoning Bylaw Amendment that will go before the Planning Board on Feb. 13<sup>th</sup>.
  - Prepared a Power Point Presentation on status of Green Communities for the Feb. 20<sup>th</sup> BoS Meeting
- Reviewed other applications and signed off in Accela
- Continued work on SEIU year 3 Salary and Compensation Study.
- Attended Community Development Weekly Meeting
- Participated in MIIA/EAP Webinar on *Best Practices in Progressive Discipline*
- Worked with Sandy Robinson on the FY19 Human Services Grant
- Bereavement Day on Friday



**HARWICH  
ASSESSORS  
OFFICE**  
508-430-7503

## Memo

To: Sandy Robinson  
Ann Steidel

From: Donna Molino

Date: February 14, 2018

**RE: Assessor's Department Weekly Report (w/e 2/10/18)**

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1. Training of employees.
2. Processed and reviewed abutter's lists.
3. Processed and reviewed weekly deeds.
4. Viewed properties in the field for abatement applications.
5. Produced graphs for budget.
6. Provided information for FY 2019 maps to vendors.
7. Processed address changes.
8. Processed motor vehicle and boat abatements.
9. Process sales questionnaires.
10. Input building permits into PK.
11. Fulfilled a public records request.

## Cemetery Administrator's Weekly Report

Week ending February 10, 2018

- Cemetery Commission Meeting February 6, 2018, reviewed Town Meeting Articles: Rules and Regulations for the Harwich Cemeteries, commissioners made recommendations on changes for Town Meeting which included the following. All Christmas Decorations must be removed by January 31. Items left on grave after burial will be removed after one week. The above rules will be strictly enforced. Transfer of land from Board of Selectmen to the Cemetery Commission for Island Pond Cemetery. Land under the Conservation Commission to be included in property for the Island Pond Arboretum, will just need approval from Conservation not transfer of property.
- Met with Amy Usowski, Conservation Agent on Island Pond Arboretum project. Met with Paul Sweetser, Surveyor on Map and language to be included in the Town Meeting transfer of land from Board of Selectmen to the Cemetery Commission for Island Pond Cemetery.
- Continuing worked on documentation for Island Pond Arboretum project: Trees in the cemetery property common name and scientific name. Have two Monomoy High School students who will be volunteering to photograph both the trees and birds.
- Researching grants available for the Island Pond Arboretum and the Pet Burial Grounds.
- Met with Nesmith Family at Island Pond Cemetery for an at-need purchase of grave space. Sold single space on East Main Avenue, type deed for the next Cemetery Commission Meeting.
- Meeting with the BSC Group to discuss the Island Pond Arboretum: Went over previous documentation on project that they did for the Conservation Commission titled "The Land Management Plan for Island Pond." Plan included all species of trees, birds, and wildlife with recommendations on how to maintain the conservation area as open space for passive recreation to protect and preserve important of this archeological sites.
- Meeting with Conservation Committee Wednesday February 7 to discuss the 7 acre parcel on Conservation Land to be included in the Island Pond Arboretum. Land will stay in its natural state and the Cemetery Commission would like to place interpretive signage on trails system which would identify trees and walking paths, the Conservation Commissioners unanimously supported project.
- Attending the MMA Class at Barnstable Town Hall on Friday two session were on Public Policy with Grant Writing and Administrative Strategies of Local Government.

Respectfully Submitted

Robbin Kelley  
Cemetery Administrator

Channel 18 Weekly Report w/e February 10, 2018



- Filmed Board of Selectmen
- Filmed Wastewater Support Committee
- Filmed Conservation Commission
- Filmed Community Journal (Four Volunteers reported)
- Filmed with Voter Info. Cmte. and Michael Ford
- Assisted the Community Center with "Building Birthday Events"
- Agendas and Minutes posted
- All clips and meetings transferred and posted to YouTube
- Video file maintenance

Please Follow Channel 18 on YouTube for frequent video updates/meetings

[www.youtube.com/harwichchannel18](http://www.youtube.com/harwichchannel18)

And Facebook for additional info

[www.facebook.com/harwichchannel18](http://www.facebook.com/harwichchannel18)

Respectfully Submitted,

Jamie Lee Goodwin

Weekly Update for the Community and Cultural Centers  
February 4, 2018 – February 10, 2018

I am pleased to provide a report on my work at both the Community Center and the Cultural Center for the week running 2/4 to 2/10.

- Attended the Selectmen meeting on Monday evening regarding the Budget.
- I started selling tickets for the Bean Town Medium program. The Fairy door scavenger Hunt began on February 8, 2018 and I wanted to Thank all the departments who are hosting one of our Fairy doors. We continue to get vendors for the indoor farmers market scheduled on February 22 as part of the Birthday celebration for the Community Center.
- I had an interview at the Cultural Center for the local paper to showcase the growth in the building and to introduce more of the renters.
- I ordered directional signs for the Community Center from a local sign company to provide better customer service and accessibility throughout the Community Center.
- I had a meeting with the COA director regarding the Community Center and programming.
- I continued working on the salary survey study the town is doing for SEIU members.
- Responded to weight room morning position applications. The Current employee is leaving for family illness.
- I attended the Facility Committee meeting on Friday February 9, 2018.
- I continue to meet with the program aide at the cultural center to come up with new ways to market the building and fill the larger spaces.
- I am working on the mailing to the over 150 Community Center users for next fiscal year applications. I am also including a survey to help with our customer relations. Working with the public is a high priority for the entire staff
- I gave a presentation about the Harwich Community Center to the Town of Brewster on Tuesday evening. The group was interested in learning about our path and our current progress to having a successful Community Center. The meeting was very well attended and had great participation from the audience.

Should you need further information on these weekly activities, please do not hesitate to get in touch with me.

Carolyn Carey, Community Center Director





# TOWN OF HARWICH

## DEPARTMENT OF PUBLIC WORKS

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

Telephone (508) 430-7555

Fax (508) 430-7598

### **DPW Activity for period of February 4, 2018 through February 10, 2018**

#### **Highway Maintenance**

- Responded to inclement weather the following days: None
- Received 12 work orders and completed 12
- Trash runs and roadside litter Monday, Wednesday & Friday
- 1 day brushing the bike path
- 2 days brushing roads
- Removed brush from Thompson Field
- Turf repairs from plowing
- Assisted Facility Maintenance with building repairs two days
- Continued dealing with RH White and National Grid

#### **Vehicle Maintenance**

- Performed a major service on Fire Engine 64
- Performed 22 repairs on vehicles, small and heavy equipment
- Performed a major service on Fire forestry truck #71

#### **Cemetery Maintenance**

- Removal of Christmas Decorations from cemeteries
- Continued removal of diseased and hazardous trees
- Continued repairs and spring prep of cemetery mowers

#### **Parks Maintenance**

- Equipment repairs and maintenance in preparation of spring
- Welding and fabrication work on the Fire Department's boat trailer
- Checked on and coordinated work orders for potholes and trees for Highway Division

#### **Facility Maintenance**

- Received 12 new work orders and completed 15 work orders from back log
- Fabricated 160 feet of board walk for beach access at Pleasant and Cahoon beaches

- Re-construction of lifeguard stand at pleasant Beach that was damaged by winter storms

### **Disposal Area**

- C&D: 10 loads, 171.93 tons
- MSW: 6 loads, 151.41 tons
- Recycling: 6 loads, 25.11 tons
- Vehicles Recorded: 4,673
- Revenue: \$ 33,138.25

### **Reception**

- Telephone calls: 58
- Walk ins: 19
- Work orders processed: 22



**TOWN OF HARWICH**  
**FINANCE DIVISION**  
**732 MAIN STREET, HARWICH, MA 02645**  
**TEL: 508-430-7518 FAX: 508-430-7504**

**Carol Coppola**  
**Finance Director/Town Accountant**

**Wendy Tulloch**  
**Assistant Town Accountant**

*Report of the*  
**Finance Director/Town Accountant – Week Ending 2/9/18**

Undertakings within the Finance Department during the past two weeks include the following initiatives/tasks:

- Continued work on FY 19 budget,
- Various conversations with Assessor,
- Present Internal Control documents to BOS,
- Research snow plow procedures in Harwich,
- Request specific snow plow insurance information from MIIA,
- Gather information for CPC and Finance Committee meetings,
- Continued work on Cemetery Perpetual Care funds,
- Segregation of OPEB balances for General Fund/Water Ent Fund,
- Update graphs/charts and other budget data,
- Prepare draft presentation for FY 19 budget,
- Review and edit TA budget message,
- Audit, process and approve payroll transactions,
- Audit, process and approve vendor transactions,
- Review and record cash receipts.

Sincerely,

Carol Coppola  
Finance Director/Town Accountant



# Harwich Fire Department



*Fire Suppression*

*Prevention*

*Emergency Services*

Norman M. Clarke Jr., **Chief of Department**

David J. LeBlanc, Deputy **Fire Chief**

Weekly Report – February 4, 2018 through February 03, 2018

Incidents:

Fire/Explosion	00
Overpressure/Rupture	00
Rescue Call/ EMS	46
Hazardous Condition	04
Service Call	06
Good Intent	03
False Call	04
Severe Weather/Disaster	00
Special Type/Complaint	00
Total	63

Fire Prevention:

Inspections	
Resale	08
Annual	01
Joint	00
Final	04
Lockbox	01
Liquid Propane Storage	00
Pre-Inspection	00
Oil Tank	00
Oil burner	00
Town Hall Hours	05
Underground Storage Tank	00
Truck Tank	01
InspectionsMisc	01

Items of note:

## **Ann Steidel**

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**From:** John Rendon  
**Sent:** Wednesday, February 14, 2018 3:32 PM  
**To:** Ann Steidel; Sandy Robinson  
**Cc:** Michelle Morris; William Neiser; Heinz Proft  
**Subject:** Harbormaster Dept Weekly Report 4-10 Feb

### **Operations:**

- Responded aboard Marine 77 to a report of a partially submerged buoy between the Saquatucket Harbor (SAQ) channel and Red River Beach; nothing found.
- Opened the tide gate at Uncle Venies Road; previously closed due to heavy rain event.
- Went to Fairhaven Shipyard to take some measurements on the passenger boat Yankee, needed for the new marina handicap access ramp system.

### **Admin:**

- Mailed out waitlist renewals for C-Permits, D-Permits Commercial Slips & Recreational Slips.
- Followed up on multiple expired registrations.
- Continued to look up boat registrations to make sure they are current.

### **Meetings:**

- BOS Meeting; discussed potential Seaport grant award, and received positive vote to present to the Seaport Council the full SAQ Landside project that was approved by Town Meeting and was outlined in the grant application.

### **Maintenance:**

- Ran fire and dewatering pumps.
- Touched up paint on regulatory buoys.

### **SAQ Dock Project:**

- Change Order 3 submitted for Fire Standpipe
- Aluminum platform submittal process.
- Greenheart piles delivered.
- Bulkhead concrete caps pured.

### **SAQ Landside Project:**

- Survey locations for timber piles and helical piles for office building, garage and boardwalk marked.
- Commenced driving of helical piles for garage foundation.
- Commenced driving of timber piles for harbormaster office building.
- Area for retaining wall at east end of boardwalk area excavated.

**John C. Rendon**  
Harbormaster  
Town of Harwich  
774 212-6193 (c)

## Health Director Weekly Report Week ending February 10, 2018

Projects-

New employee training and orientation for Katie Tenaglia.

Conducted one Title 5 Inspector exam-passing results.

Inspector Twombly is attending a three day training in Taunton on Food borne Illness investigations in food service establishments.

Met with David Young of CDM Smith to review the CWMP and upcoming sewer project. We discussed the BOH's role and responsibilities and the need for policy's to be in place prior to sewer use. The BOH needs to begin thinking about new construction and failed/failing systems that are within the Phase II area. I would like to begin to attend the wastewater support committee meetings as a BOH representative. These meetings are held to help with educating the residents on how the sewer project is going to work and impacts it will have on individual homeowners.

Requested a list of properties to connect during Phase II of the sewer project from CDM Smith. I have started a project with my staff of gathering septic permit numbers of the properties to connect to the sewer in order to pull the septic files. My goal is to scan the site plan of each property that will be looking for information regarding the location of their existing septic system line/system so they can get a better sense of where they should have the new town sewer line installed. The scanned documents will then be linked to the property address through Accela-accessible online to the general public. CDM Smith indicated that they will be requesting this information from the homeowners prior to construction, so I believe getting this information scanned onto our website will be helpful-both to the homeowner as well as to our staff.

Presented speech to Garden Club regarding food service at events at the Community center. Pot luck luncheons were taking place without the knowledge of the Health Department. This activity has ceased and the club has been informed of the regulations.

Completed Site Summaries for the upcoming BOH meeting next week.

<b>REAL ESTATE TRANSFER INSPECTION REPORTS</b>	<b>BUILDING PERMIT REVIEWS</b>
761 Main Street 10 Williamsburg 40 Joshua Jethro 28 Bay Ridge 2 Haromar Heath 305 Depot 28 Scotlin Way 69 Pleasant Bay Rd	<i>No reviews-focused on staff training</i>
<b>SEPTIC SYSTEM PERMITS</b>	<b>CERTIFICATES OF COMPLIANCE</b>
<b>WELL PERMITS</b>	<b>ANNUAL PERMITS/LICENSES</b>

<b>FINAL SEPTIC INSPECTIONS</b>	<b>FOOD INSPECTIONS</b>
615 route 28 36 Bank Street	
<b>COMPLAINT INSPECTIONS</b>	<b>CONSULTATIONS</b>
	Met with prospective mobile food vendors Met with food service operator regarding need for variances

## Ann Steidel

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**From:** Heinz Proft  
**Sent:** Wednesday, February 14, 2018 9:24 AM  
**To:** Ann Steidel; Sandy Robinson  
**Subject:** Heinz -Natural Resources Weekly report 02/14/18

Natural Resources Weekly report 02/14/18

- \* Completed Shellfish Patrols on Open days. Everyday is an open shellfishing day provided it is > 30deg. 110 Shellfish permits sold YTD.
- \* Attended Division of Marine Fisheries Electronic Fish Counter preseason meeting. Harwich will be deploying an electronic river herring counter at our fish ladder in March. We covered procedures, data sheets and spring schedule.
- \* Submitted response to the Pleasant Bay Alliance TWMP, Targeted Watershed Management Plan. It include a description of our Town Plan, Technology choices, Growth Management, Financing, Implementation, and Contingency Planning.
- \* Finished review and submitted comments/edits for the Coastal Studies report written for the Pleasant Bay Alliance. The study is focused on benthic habitats, fisheries, and seals in Pleasant Bay.
- \* Arranged for meeting with Falmouth Natural Resources, aquaculture - private grant regulations and permitting.
- \* Shellfish lab entrance door - small window pane cracked. Window pane was replaced.
- \* Submitted 2018 MSOA Massachusetts Shellfish Officer Association membership application/annual dues.  
Also registred for MSOA annual convention to be held March 15th & 16th in New Bedford, MA.

Heinz Proft  
*Nat. Resources Director*



# HARWICH Police

DEPARTMENT

183 Sisson Road, Harwich, MA 02645

Tel 508-430-7541 Fax 508-432-2530



DAVID J. GUILLEMETTE  
Chief of Police

THOMAS A. GAGNON  
Deputy Chief

## WEEKLY ACTIVITY REPORT FOR WEEK OF 2/4/18 THROUGH 2/10/18

### PATROL

- 254 Calls and patrol-initiated activity logged
  - 6 arrests
  
- 41 motor vehicle stops resulting in:
  - 25 Verbal warnings
  - 10 Written warnings
  - 4 Investigations
  - 2 Criminal Complaints

- 
- 4 Motor vehicle accidents investigated

### ADMINISTRATION

- Chief attended meeting Southeast Regional Homeland Security Advisory Council staff member regarding receipt of \$70,000 equipment grant for regional SWAT
- Recruit selection committee conducted initial meeting with 20+ recruit candidates
- Chief hosted Tactical Emergency Medical Support meeting with fire chiefs
- Chief and Lt. Sullivan met with firearms licensee re: a reinstatement

### COMMUNITY POLICING

- Officer Walinski did presentation with FD to women's club regarding home safety and crime prevention





## TOWN OF HARWICH

### OFFICE OF THE TREASURER/COLLECTOR

732 MAIN STREET, HARWICH, MA 02645

TEL. 508-430-7501 FAX: 508-430-7504

Amy Bullock  
Treasurer / Collector

Nancy Knepper  
Assistant Treasurer/Collector

### Weekly Report to the Board of Selectmen

Week ending February 10, 2018

Along with our regular weekly duties and responsibilities, which include but are not limited to processing payroll, receiving, reporting and depositing tax/water payments and departmental receipts, processing accounts payable checks, assisting Taxpayers and Employees with any requests and other various customer service, the following took place:

#### Weekly collections 2/4 - 2/10

Tax/Water Collections:	\$568,947.26
Departmental turnovers:	\$357,770.38
Total:	\$926,717.64

#### Weekly Disbursements 2/4 - 2/10

Accounts Payable	\$556,015.11
Payroll (week ending 2/3/18)	\$318,436.65
Total:	\$874,451.76

Respectfully submitted,

Amy Bullock, Treasurer/Collector



# TOWN OF HARWICH

## OFFICE OF THE TREASURER/COLLECTOR

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TEL: 508-430-7501 FAX: 508-430-7504

Amy Bullock  
Treasurer / Collector

Nancy Knepper  
Assistant Treasurer/Collector

### Weekly Report to the Board of Selectmen

Week ending February 3, 2018

Along with our regular weekly duties and responsibilities, which include but are not limited to processing payroll, receiving, reporting and depositing tax/water payments and departmental receipts, processing accounts payable checks, assisting Taxpayers and Employees with any requests and other various customer service, the following took place:

#### Weekly collections 1/28-2/3

Tax/Water Collections:	\$3,028,655.62
Departmental turnovers:	\$185,963.30
Total:	\$3,214,618.92

#### Weekly Disbursements 1/28-2/3

Accounts Payable	\$1,196,573.04
Payroll (week ending 1/27)	\$293,536.60
Total:	\$1,490,109.64

Respectfully submitted,

Amy Bullock, Treasurer/Collector



# Harwich Water Department Weekly Activity Report

Dan Pelletier, Superintendent

## For Week Ending: February 10, 2018

Please see the following highlights from the previous week:

- Install spray foam insulation in Stations 8 & 9 ceiling joists
- Attend Wastewater Support Committee meeting 2/6/18
- Attend meeting with contractor regarding 565 Route 28
- Excavate Test holes for Fire Station 2
- Continue Tier II Site Drawings
- Seaside alarms on-site to troubleshoot medical alarm dialer
- Woodard & Curran onsite 2/9/18 to continue SCADA punch list
- Paint new check valve & flange piping at Station 6
- Attend meeting with Tighe & Bond regarding quarterly rate study proposal
- Observe water main pressure test at the new development on Sisson Rd.
- PeopleGIS implementation- testing Munis connection second attempt
- Install new combustible storage cabinets in Buildings A, B, and C @ 196 Chatham road
- Check Iron & Manganese removal @ filter plants

### Ongoing/Upcoming Items:

- Begin data collection for the Annual Statistical Report & Consumer Confidence Report
- National Grid Crossover project bid preparation
- Tier II annual report to include drafting site plans for all treatment facilities
- Continue SCADA punch list 2/14-2/16
- Engineered Fluids Inc. onsite 2/15 to adjust IP configuration for Lothrop Flow Control Valve to enable communication with new SCADA system & adjust and test out analog overflow valve operation
- Install Utilite ceiling panels @ Station 8 & 9
- Real Estate & Open Space Meeting 2/16/18
- Wastewater Support Committee meeting 2/15/18

## Quick Stats

<b>18</b>	<b>3.6%</b>	<b>+16.7%</b>
*Water Samples Taken	Weekly Change in Pumping	YTD Change in Pumping

\*Off-season bacteria sampling is reduced to the first and last week of each month

### Activities Last Week

Final Read for Property Transfer	3	Repair/Replace Valve	1
Frozen Water Meter	2	Seasonal Turn Off	1
Markouts	6	Site Visit	5
Meter Replacement	8	Troubleshoot	7

### Activities Statistics

	<u>2017</u>	<u>2018WTD</u>	<u>2018YTD</u>
Curb Stop Repair/Renewals	5	0	0
Final Read for Property Transfer	394	3	22
Frozen Water Meter/Services	2	2	13
Hydrant Maintenance/Repairs	1	0	0
Hydrant Installation/Replacement	52	0	1
Markouts	365	6	33
Meter Replacement	461	8	16
Meter Installation <i>new accounts</i>	39	0	5
Seasonal Turn On/Off	1126	1	82
Water Main Repairs	5	0	1
Water Service Installation <i>new</i>	40	0	0
Water Service Renewal	47	0	0
Service Repair/Site Visit <i>general</i>	194	13	38



*Sheila House, MS, LMHC  
Harwich Youth & Family Counselor  
Town of Harwich • 728 Main Street  
Harwich, MA 02645*

**WEEKLY REPORT-Board of Selectmen      Sheila House, LMHC**

February 14, 2018

February 7-14, 2018

- Current caseload of 18 individuals. Clients receive mental health counseling, case management, mentoring, and wellness referrals as needed.
- Administrative block time (closing files, curriculum planning, update email lists, generate and distribute information to school administrators)
- Non-clinical activities this week involved planning for final GIRL POWER session, as part of the 5-week series, meetings with the Monomoy Middle School administrators, ongoing planning and PR for the screenings of the film ANGST (about the rise in anxiety disorders in youth) in March and April. Here is a link to the trailer:  
<https://www.youtube.com/watch?v=R52HZR8ZsgE> Also, because Michael Phelps, the Olympic swimmer is featured in the film, here is a link to an interview with him, talking about his struggle with anxiety:  
<https://www.youtube.com/watch?v=ao4fEgIWqms>  
The film will be shown at the Harwich Community Center on Thursday, April 12<sup>th</sup> at 7:00 p.m.

If you have any questions, please feel free to call me at (508) 430-7836.

Best,

*Sheila* ☺

**Attended regular meetings of Regional Substance Abuse Council, Harwich Children's Fund and Harwich Youth Services Committee.**