

SELECT BOARD MEETING AGENDA*

Donn B. Griffin Room, Town Hall

732 Main Street, Harwich, MA

Regular Meeting 6:00 P.M.

Monday, April 22, 2024

Remote Participation Optional:

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/453148397>

You can also dial in using your phone.

Access Code: 453-148-397

United States: [+1 \(224\) 501-3412](tel:+12245013412)

**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 Chair prior to the start of the meeting.*

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. PUBLIC COMMENTS/ANNOUNCEMENTS

- A. Welcome newly elected Select Board Member Peter Piekarski
- B. Office Hours with Michael MacAskill & Jeff Handler – Tuesday, April 23, 2023, 5:30 p.m. – 7:00 p.m. in Room 3 at the Community Center

IV. CONSENT AGENDA

- A. Approve the Select Board Meeting Minutes for:
 - 1. March 19, 2024
 - 2. March 25, 2024
 - 3. April 1, 2024
 - 4. April 8, 2024
 - 5. April 10, 2024

V. PUBLIC HEARING & PRESENTATIONS

- A. Public Hearing on the proposed amendments to Harbor Management Plan, Appendix A, Special Purpose Mooring Assignment; Votes may be taken
- B. Presentation by Karen Sunnarborg of the Housing Production Plan's needs assessment; Vote to support

VI. NEW BUSINESS

- A. Approve the Community Rating System (CRS) National Flood Insurance filing
- B. Discussion on open projects related to Brooks Academy Museum; Votes may be taken
- C. Approve a Change of Manager Application for the Belmont Condominium Beach d/b/a The Beach, 1 Belmont Road
- D. Approve a Special Permit Application for a one day wines and malt permit for Jessica Gomes, The Beaded Wire, event to be held on May 11, 2024, 11:00 a.m. to 6:00 p.m., at 554 Route 28, Unit 14
- E. Approve a Special Permit Application for a one day wines and malt permit for David M. Cravenho, event to be held on June 8, 2024, 6:00 p.m. to 10:00 p.m., at 204 Sisson Road
- F. Approve a 2024 Annual Class II Used Auto license renewal for Good Sons Motor Cars Inc., 210 Queen Anne Road, Unit 12
- G. Discussion on Kayak Rack rental fees; Votes may be taken
- H. Discussion on Select Board Goals & Objectives
- I. Select Board Member Howell to provide update on the Harwich Accessibility Rights Committee (HARC)

VII. OLD BUSINESS

- A. Discussion on Annual Town Meeting Warrant and all articles therein

VIII. CONTRACTS

- A. Approve a one-year lease agreement with Seacoast Harley-Davidson in the amount of \$5,000 for a motorcycle for the Police Department.

IX. TOWN ADMINISTRATOR'S REPORT

X. SELECT BOARD'S MEMBER REPORT

XI. CORRESPONDENCE

XII. ADJOURNMENT

**Per the Attorney General's Office: The Select Board 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 Select Board's Office at 508-430-7513.*

Authorized Posting Officer:

Danielle Freiner, Executive Assistant

Posted by: _____
Town Clerk

Date: _____
April 18, 2024

CONSENT AGENDA

**MINUTES
SELECT BOARD MEETING
DONN B. GRIFFIN ROOM, TOWN HALL
732 MAIN STREET, HARWICH, MA
REGULAR MEETING - 6:00 PM
TUESDAY, MARCH 19, 2024**

MEMBERS PARTICIPATING: Julie Kavanagh, Chair, Michael MacAskill, Vice Chair, Jeff Handler, Clerk and Don Howell

ALSO PARTICIPATING: Joseph F. Powers, Town Administrator and Kathleen Barrette, Financial Director

I. CALL TO ORDER

Ms. Kavanagh called the meeting of the Harwich Select Board to order at 6:00PM on Tuesday, March 19, 2024 at 6:00 PM and read the Open Meeting Law Notice.

II. PLEDGE OF ALLEGIANCE

Ms. Kavanagh invited all attendees to join in the Pledge of Allegiance.

III. PUBLIC COMMENTS/ANNOUNCEMENTS

David Guillemette, Chief of Police was present and gave an update on an incident that occurred at the Cape Cod Tech School that morning. He emphasized that it was a false alarm, that everyone did their job and there were no major incidents involved. He expressed his gratitude for everyone's cooperation and professionalism.

Kevin Considine, Deputy Police Chief was present and gave an update on the Annual Polar Plunge noting that \$51,500 had been raised. The money raised by the Plunge will go to Special Olympics and he expressed his gratitude to everyone involved in the event.

Patrick Otton of East Harwich was present and referred to a question that he had posed to the Board in February regarding whether or not a non-binding question about a pool facility could be placed on the May 21st Town Ballot and asked for a response. He also announced that he is holding an open public forum discussion and information sessions on the 5 citizens petitions and gave details of time and place.

IV. CONSENT AGENDA

A. Approve the Select Board Meeting Minutes for February 26, 2024

March 19, 2024

- B. Approve the Select Board Meeting Minutes for March 4, 2024
- C. Approve the Select Board Meeting Minutes for March 11, 2024
- D. Designate Jennifer Harrington as the 2024 Inspector of Animals

Mr. Handler moved to approve the Consent Agenda as presented, seconded by Howell.

Mr. MacAskill suggested changes in the minutes that Board members agreed with.

Vote: 4:0 in favor with proposed changes. Motion carried.

V. NEW BUSINESS

- A. Approve a Special Permit application for one day entertainment for Cape Farm Supply, 1601 Factory Road, event to be held June 29, 2024, 3:00 p.m. to 11:00 p.m. at The Farm, 1590 Factory Road – Live/recorded music, amplification

Mr. Handler moved to approve a Special Permit application for one day entertainment for Cape Farm Supply, 1601 Factory Road, event to be held June 29, 2024, 3:00 p.m. to 11:00 p.m. at The Farm, 1590 Factory Road – Live/recorded music, amplification. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

- B. Fee waiver request from the Harwich Garden Club for a plant sale on May 25, 2024, at Doane Park

Mr. Handler moved to approve a waiver request from the Harwich Garden Club for a plant sale on May 25, 2024, at Doane Park. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

- C. Fee waiver request from National Art Honor Society for an Induction Ceremony on March 20, 2024, 6:00 p.m. to 8:00 p.m. at the Community Center gym

Item removed from the Agenda.

- D. Approve the committee recommendations from the Select Board Interview Committee
 - * James R. Ferry – Bikeways Committee – Full Member- Term to expire 6/30/2026
 - * Frank Wiacek, Jr. – Capital Outlay Committee (Select Board Appointment) – Full Member – Term to expire 6/30/2025

Mr. Handler moved to approve the committee recommendations from the Select Board Interview Committee, James R. Ferry – Bikeways Committee – Full Member- Term to expire 6/30/2026

March 19, 2024

and Frank Wiacek, Jr. – Capital Outlay Committee (Select Board Appointment) –Full Member – Term to expire 6/30/2025

Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

E. Approve a request to relinquish Fish Shanty License Agreement, Eric Hesse

Mr. Handler moved to approve a request to relinquish Fish Shanty License Agreement, Eric Hesse, Seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

F. Approve the Designer Selection Committee for the Great Sand Lakes Sewer Design

Mr. Handler moved to approve the Designer Selection Committee for the Great Sand Lakes Sewer Design. Seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

G. Discussion and possible vote about one day event – River Herring Harvest Celebration

Mr. MacAskill noted that this is a request of the Board to reopen this topic to allow him to have a discussion with Brad Chase from the State regarding a one day herring celebration. He also noted that this is different from the opening of the herring run that had been previously discussed. If he can bring people together to plan the event, he will bring more details and a date back to the Board for final approval.

Don Yanuzzi, Jr., Director of Natural Resources was present and thanked the Board for putting this event together.

Ms. Kavanagh noted that the Board will take an action when Mr. MacAskill comes back to them with more formation. She also noted that the event would not involve staff.

VI. 2024 ANNUAL TOWN MEETING

A. Cape Cod Regional Technical School District Fiscal Year 2025 Budget Presentation

Dr. Sanborn, Superintendent of Cape Cod Regional Technical School District (CCT) was present and gave a presentation on the FY25 Budget. He noted Enrollment, the reasons for the Budget increase, Revenue Sources, Capital Debt and Operating Assessments.

March 19, 2024

Dr. Sanborn commented on the increase in enrollment and the significant waiting list. He noted that this is the reason they are looking at 374 Main Street. They are in an inter-municipal agreement/lease with the Town of Harwich. He expressed excitement over the fund raising that they are presently undertaking. They are also developing a master plan for that property. He is hopeful that they will be starting two new programs at that location in September of 2025 (FY26). He clarified that nothing about the “farm property” is in the Budget that he is presenting at this meeting.

Dr. Sanborn noted that he and Deputy Chief Considine will meet to discuss the amount that CCT pays towards the Resource Officer and figure an amount that works for both the school and the Police Department. He expects that amount to be incorporated into the FY26 Budget.

Mr. MacAskill moved to accept, recommend and place Article 6 Cape Cod Regional Technical School Budget assessment for the Town of Harwich in the amount of \$2,204,820. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

B. Discussion and possible vote on a debt exclusion article for Monomoy Regional Middle School

Michael McMillan was present and gave a presentation on a debt exclusion article regarding the Monomoy Middle School siding and trim replacement. He showed slides and described the reason for the request in detail. Mr. McMillan also explained the project financing, the timeline for the project and Town options. There is a long term plan for projects which he will supply to the Board.

Mr. Howell confirmed for the record, that it is expected that the building will be there in twenty years.

Board members asked questions which Mr McMillan answered in detail.

Mr. MacAskill commented on the need to move forward on the assessment and on the way it is done.

Board members agreed that they will have those discussions after Town Meeting,

Mr. Powers noted that if the Board approves this, he will need direction on the issue of Debt Exclusion for the 2024 Town Meeting.

Mr. MacAskill requested that the information that is not in the packet, be sent to Board members via email.

March 19, 2024

Mr. MacAskill moved to vote to create an Article for the Monomoy Regional Middle School Siding Project, estimated amount 2.5 million, contingent on a Debt Exclusion. Seconded by Mr Howell.

Mr. Powers noted that they will have to work with Bond Counsel to create the ballot question and get it to the Board as quickly as possible.

Discussion continued regarding the money being included in the assessment which is based on estimates. Mr McMillan answered questions from the Board.

Kathleen Barrette, Financial Director was present and explained that the money has been accounted for separately in the latest adjustment.

Mr. Powers confirmed that the \$250,000 earmarked in the debt table is going to be 76.23% for Harwich, which is included in the Draft Article

Mr. MacAskill requested the number for this project, that is built into the Capital Budget.

Mr. McMillan replied that the amount is \$192,000.00.

Ms. Barrette clarified that all the debt documentation has been put forward and she is unsure that this debt could be introduced and approved for a May to June borrowing.

Mr. McMillan described the timeline, if the Select Boards approves the motion.

Vote: 4:0 in favor. Motion carried

Mr. Powers noted that, regarding item C., the Board refer to the list of Articles. He has Article numbers that he is prepared to use. He also emphasized that he is requesting that they accept, recommend and place various Articles.

- C. Discussion and possible vote to accept, recommend and place the following Articles in the 2024 Annual Town Meeting Warrant:
 - o Town Operating Budget

Mr. Powers noted that this is typically Article 4 and he referred to the pertinent pages in the packet.

Mr. MacAskill asked for the original Budget proposal percentage and noted that Article 4 appears to be 8.1% overall. He requested a document that shows how the Budget went from the original to the 8.1%.

Ms. Barrette will get that information for the Board.

March 19, 2024

Mr. MacAskill referred to Water Retained Earnings and asked why it is retained earnings and not a budgeted item.

Ms. Barrette responded that the figures noted are not from retained earnings. She also commented that the terminology can be adjusted for clarification.

Mr. Howell commented that he wants to see, in detail, how summary line items were determined.

Ms. Barrette responded that she can supply the information that was being requested and distribute it to Board members.

Board members made suggestions and asked additional questions which Ms. Barrette answered.

Mr. MacAskill moved to place Article 4 Town Operating Budget on the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. Powers noted that he will inform the Finance Committee at their Public Hearing on the 21st that Article 4 has been placed but not yet voted to accept or recommend.

Mr. Howell noted for the record that he has spoken with a number of the Finance Committee members and they want the same information that he had just requested.

Ms. Barrette will forward the requested information to the Finance Committee also.

Mr. MacAskill confirmed that the answers to the questions he posed, will also be relayed to the Finance Committee. He also requested information regarding the Enhancement of Services (EOS) for the DPW.

Board members emphasized that they are supporting the Budget, they are only requesting more detail.

Mr. Powers asked the Select Board for guidance on Appendix B. He suggested that he can provide as much detail as the Board requires by utilizing MUNIS or other software to generate reports.

Ms. Kavanagh suggested using any format other than MUNIS, that may produce a more easily understood document or spreadsheet.

March 19, 2024

Mr. MacAskill commented that the way they have done it in the recent past has been successful and he does not see a need to add more information.

Ms. Kavanagh emphasized that offering as much information as possible to help people understand the Articles is beneficial as long as it doesn't hold up the finalizing of the Warrant. She also emphasized that the Board fully supports the Warrant. Information was requested only for the purpose of showing that they support the decisions the Board has made, where they started and where they ended. It is not that there is anything wrong with the Budget.

Both Mr. Powers and Ms. Barrette emphasized that they can supply all the information requested in whatever format is needed. Mr. Powers described his Town Meeting notebook, how it is set up and the information included. He emphasized that he strives to have as much information available as possible.

o Monomoy Regional School District Budget

Mr. MacAskill moved to vote to accept, recommend and place Article 5, Monomoy Regional School District Budget Assessment to the Town of Harwich for \$29,876,982. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

o Cape Cod Regional Technical School District Budget

Previously voted.

o Water Department Budget

Mr. MacAskill moved to vote to accept, recommend and place Article 7 Water Department Budget in the amount of \$4,831,887. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

o Wastewater Department Budget

Mr. MacAskill moved to vote to accept, recommend and place Article 8 Wastewater Department Budget in the amount of \$700,432. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

o Transfer from the Special Purpose Wastewater Stabilization Fund for Wastewater to the General Fund

March 19, 2024

On Mr. Power's recommendation, no action was taken, as this is covered in Article 4.

o Citizen Initiative Petitions
– Tree Preservation Bylaw

Mr. MacAskill moved to vote to place Article 10 Tree Preservation Bylaw. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to vote to support Article 10 Tree Preservation Bylaw. Seconded by Mr. Howell.

Mr. MacAskill stated that he will be voting not to support this Petition.

Patrick Otton commented that what he had submitted did not translate in the same format, some graphics were eliminated and text was not aligned. He has resent the submission and requested that it be presented in the correct format.

Mr. Powers showed the petitioner what had been included in the packet. He explained that the reason it appeared as it did is because the Town cannot change wording in the petition. Counsel builds the Article based on the Petition and all the other documents. Mr. Powers noted that he had sent the petitioner an email with the Article attached.

Ms. Kavanagh directed Mr. Otton to check his email for the document noted and then have a conversation with Administration.

Mr. Otton went on to explain the reason for and intent of the Petition.

Mr. MacAskill voiced his objection and commented that the wording within the Petition is open to interpretation and could be misleading to the public. He also added that he hopes the Select Board will have an informational session to allow the other side of the Public who are completely against this, to get their voice out in public.

Ms. Kavanagh suggested having an informational session to address all the Petition Articles and address any questions.

The Board members agreed that there will be an informational session held by the Board addressing the Petition Articles.

Mr. Handler noted why he would not be voting to support this Petition.

Vote: 0:4 with all members opposed.

March 19, 2024

– Home Rule Petition: Pesticides

Mr. MacAskill moved to place Article 13 Home Rule Petition: Pesticides in the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to support Article 13 Home Rule Petition: Pesticides. Seconded by Mr. Howell.

Mr. Otton explained the reason for and intent of the Petition. He also noted what other Cape towns have done regarding pesticides.

Mr. MacAskill noted that the wording mirrors the wording in the “Round-Up” Article. Board members asked questions confirming that this Petition has not been before the Town previously.

Mr. Otton replied that it is a copy of what Orleans had used, it passed in Orleans and has been submitted to the Legislature.

Mr. Handler asked, if this is a Petition to Petition the State to allow Harwich to handle pesticide usage, who in Harwich would be responsible for that.

Mr. Otton replied that it would be the Board of Health.

Mr. MacAskill explained there State Agency MDAR, which has people who are licensed and control this, emphasizing the there is already oversight in this area.

Mr. Howell commented that DDT use did not change until there were laws nationally. He noted that it is difficult to regulate on a local basis due to the migration of the pesticides. Mr. Howell expressed his concerns, noting paragraph 2 and the word “findings”. He also commented that telling anyone on a local basis that the pesticide police are going to come if you’re using something, is completely unworkable.

Mr. Otto responded saying that strict enforcement is not necessary to make this work.

Mr. Powers noted that Counsel has reviewed all Petitioned Articles. Regarding the Pesticide Petition, he read from Counsel’s notes: “The text of the Home Rule Petition was not included in this Petition as was done in the Fertilizer By-law. Special Legislation is required for both”. Mr. Powers believes that Counsel is saying Special Legislation for the By-law and for the Special Legislation. He continued “There is no need to also enact a By-law and Counsel would not recommend that the Town enact a By-law as well.” He will share all of Counsel’s notes with the

March 19, 2024

Board. The information is still under Attorney-Client Privilege. The Board can decide on publication after they have reviewed it.

Mr. Otton asked and received confirmation that he will not be able to see those notes until after the Board decides that it is available.

Vote: 0:4 with all members opposed.

– Authorize Special Act to Enable Harwich to Regulate the Application of Fertilizers

Mr. MacAskill moved to place Article 14 Special Act to Enable Harwich to Regulate the Application of Fertilizers on the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill moved to support Article 14 Special Act to Enable Harwich to Regulate the Application of Fertilizers on the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Mr. Handler commented to Mr. Otton that whether his Petitions pass or fail, he has done a good job educating and making people aware. He also noted that he is not supporting this Petition.

Mr. MacAskill noted that his comments are the same as for the last two Petitions.

Mr. Howell commented that there was a time when jurisdictionally this was being considered by the State. This was being considered by the State that they offered the opportunity for the towns to opt out of the State. Secondly, the Harwich Board of Health voted to try and hold jurist action here. He noted that it is in the wrong place, it is in the State Agriculture Department and not in the Department of Environmental Protection. He commented that this is not about saying you can't use fertilizers, it's about who it is that gets to say you use them or don't use them. His position is that to the extent that the Town could have done this, and they could have, they missed the deadline and couldn't opt out. He will support this because ultimately it doesn't ban the use of fertilizers, it determines who it is who gets to say who applies them and how they apply them.

Mr. MacAskill noted that the Town's own experts, Golf Course Superintendent, landscapers and many people came and spoke on who should regulate this. He stated that the Board of Health in Harwich is not the Department of Agriculture, they are not the State and they do not have the same access to the professionals. This is covered by somebody, this is government overreach at best.

Mr. Otton commented on how much the Town is willing to spend to reduce nitrogen in our environment. He noted that fertilizers contributes 15% of the nitrogen within our environments.

March 19, 2024

Mr. MacAskill noted that the 15% is Mr. Otton's number. The Board had experts in the room and the Town's professionals saying that 15% is no longer the number. He suggested that Mr. Otton look back on last year's debate for the correct number.

Sharon Pflieger, MS and Chair of the Board of Health was present. She commented that she is not speaking on behalf of the Board. She agreed that pesticides and fertilizers should not be used indiscriminately. There are people on Cape who are certified to use them correctly. She noted that fertilizer cannot at this time be regulated but they do have a policy which follows the state. She made other points regarding pesticides noting the positive roles that they play and emphasizing that there are two sides to the issue.

Vote: 0:3:1 with Mr. MacAskill, Mr. Handler and Ms. Kavanagh opposed and Mr. Howell abstained.

– Affirm Support for a Public Access Swimming Pool and Facilities at the Harwich Community Center

Mr. MacAskill moved to place Article 15 Support for a Public Access Swimming Pool and Facilities at the Harwich Community Center. Seconded by Mr. Handler.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to support Article 15 Support for a Public Access Swimming Pool and Facilities at the Harwich Community Center. Seconded by Mr. Howell.

Mr. MacAskill commented that there are no numbers and he feels it is an irresponsible Article, it does not give the Town the true picture. He noted that the public should know that it would cost them upwards of 10 million dollars and more staff. He noted previous conversations that he and Mr. Powers had with a group over the last two years who were interested in a Town pool. There is a movement going on but to ask the voters to support something with no numbers attached to it seems irresponsible to him.

Mr. Handler noted that he had been part of a plan to have a pool built in Falmouth. He commented that the money it was going to cost was mind-blowing. He cannot support this Petition in Harwich.

Mr. Howell agreed that the Petition needs a profit and loss. He noted the cost of operating a pool, the chemicals and the corrosive pipes. People need to know what it will cost to build and more importantly to maintain it throughout the years. None of that information is in the petition.

March 19, 2024

Mr. Otton explained the reason for and intent of the Petition saying that it is just to see if there is support from the Town before moving forward. Numbers will come after they know that there is support.

Mr. Howell added that it would be different if the conversation had started organically. He noted that there were no conversations that included whether or not there were other towns that wanted to be part of it or if the YMCA might be interested in having a pool within the proximity that Harwich would not be responsible for maintaining. He noted conversation he has had in the past, including with Chatham and why they didn't put in their Community Center. Maintaining a pool could cost more than the Community Center itself. This Petition is too restrictive.

Mr. Otton noted that he may make changes at Town Meeting to include an intermunicipal pool.

Ms. Kavanagh commented that she appreciates the intent and noted past interest in a pool that did not go forward. She agreed that changing the wording to just find out if there is interest would be better.

Mr. Handler commented that if it is Private/Non Profit, someone like Cape Cod Swim Club comes in, pays an exorbitant amount of money and then the pool can't be used by the residents of the Town for a lot of hours. He added that, in a survey that was done 15 or 20 years ago nationally, the number of people who say on a survey that people at a health club with access to a pool and actually use it is about 1%. He commented that it is not as cut and dry as, do you want a pool or not want a pool.

Ms. Kavanagh noted all the pros to having a pool for all generations to use.

Mr. Powers commented on previous discussions regarding a community or regional pool as recently as a year ago, noting that a Community Compact Grant had been contemplated but there was little interest from other towns.

Vote: 0:4 with all members opposed.

– Home Rule Petition: Attainable Housing

Mr. MacAskill moved to recommend and place Article 46 to see if the Town will vote to special legislation to amend the Harwich Affordable Housing Trust By-law Chapter 140 to include attainable housing. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. Handler moved to support Article 46. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

March 19, 2024

Mr. Powers noted that the following items impact upon the Capital Outlay Plan and are currently represented as Article 16. It is for the Town to adopt the five year Capital Plan. The Article should read Fiscal Year 2025-2029. The Raise & Appropriate will be removed and renumbered. He distributed material to the Board and gave a detailed explanation and noted changes and other items to be considered. Mr. Powers noted that FY25 has changes which will be reflected in Appendix C for Article 16 and would be reflected in the Funding Articles that come to follow. He described the removals/changes/additions in detail and suggested possible funding sources for the additions.

Board members asked questions which Mr. Powers answered in detail.

Mr. Powers went on to mention a new request, Assistance to Firefighters Grant for EKG monitors.

David LeBlanc, Fire Chief and Craig Thornton, Deputy Fire Chief were present. Chief LeBlanc explained the request to reappropriate \$13,863.

Mr. Powers noted various ways to reappropriate the funds. He recommended that the Board vote to direct the Finance Director and Town Administrator to account for the request.

Mr. MacAskil moved to vote to direct the Finance Director and Town Administrator to account for the request. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. Powers described the request from the Director of Natural Resources. He commented that he supports the Director of Natural Resources having a vehicle immediately and asked that the Board allow him to work with the Finance Director and other Departments to reallocate.

The Board directed the Town Administrator to reallocate resources for the benefit of the Natural Resources Director and confirmed that there is no need for this to come before the Capital Plan.

Mr. Powers stated that what is now before the Board is Draft Article 17 to fund Capital Outlay Projects for FY25 from the sources listed. He listed the sources and amounts recommending that it be accepted, recommended and placed.

o Adopt the Capital Plan

- Capital Outlay Plan Items Funded from Free Cash
- Capital Outlay Plan Items Funded from Other Sources
- Capital Outlay Plan Items Funded from Raise & Appropriate
- Capital Outlay Plan Items Funded from Water Retained Earnings
- Capital Outlay Plan Items Funded from Wastewater Retained Earnings

March 19, 2024

Mr. MacAskill moved to accept, recommend and place Article 17 as an addition in the amount of \$1,089,863 as read. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. Powers explained Article 18 and what it included.

Mr. MacAskill moved accept, recommend and place Article 18 totaling \$2,892,000 as read. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. Powers noted that Draft Article 19 is no longer needed for the purpose listed.

Mr. MacAskill moved to renumber Article 20 to be Article 19 and to accept, recommend and place Article 19 in the amount of \$652,000 to be funded by Water Department Retained Earnings. Seconded by Mr Handler.

Vote 3:1 in favor with Mr. Howell opposed. Motion carried.

Mr. MacAskill moved to renumber Article 21 to be Article 20 and to accept, recommend and place Article 20 in the amount of \$75,000 to be funded by the Wastewater Retained Earnings. Seconded by Mr. Handler.

Vote: 4:0 in favor. Motion carried.

Mr. Powers noted that Article 21 will be for the Harwich Conservation Trust which will come back to the Board in proper form as Article 21.

Michael Lach, Executive Director of the Non-Profit Harwich Conservation Trust and Tom Evans, President of the Board of Trustees were present. Mr. Lach described in detail, the purchase of a Conservation Restriction for the purpose of bringing more funding to the Town of Harwich.

Board members agreed to put Article 21 on next week's Agenda for a vote.

Mr. MacAskill moved to reconsider Article 19 Capital Funding Raise & Appropriate, seconded by Mr. Howell.

Vote 3:0:1 in favor with Mr. Howell abstained. Motion carried.

March 19, 2024

Mr. MacAskill moved to accept, recommend and place Article 19 in the amount of \$652,000 to be funded by Water Department Retained Earnings. Seconded by Mr Handler.

Vote 4:0 in favor. Motion carried.

- o Placeholder-article appropriating funds from sale of 276 Queen Anne Road

Mr. Powers asked that the Board hold action until he receives information from Counsel.

- o Correct Article 24 from the 2023 Annual Town Meeting

Mr. Powers noted that the language has not yet been confirmed by Counsel. Regarding proposed Articles 24-36, Mr. Powers will confirm this at a meeting scheduled for the next day. He requested that the Board hold on all the CPC Articles.

- o Community Preservation Committee
 - Affordable Housing Trust Funds
 - Beach Automated External Defibrillator (AED) Acquisition
 - Cold Brook Trailhead and Public Access Project
 - Harwich Police Soccer Club Street Soccer Pitch
 - Appropriations and Housekeeping Expenses
 - Lower Cape Housing Institute
 - Monomoy Press Box Project
 - North Woods and Water Supply Protection Project
 - Old Bank Street Firehouse Housing
 - Red River Valley Land & Water Protection Project
 - Senior Memorial Softball Field Fencing
 - South Harwich Gravestone Conservation
 - Veterans Memorial Complex Electric Irrigation Replacement
- o Reappropriate funds from Article 31 of the 2013 Annual Town Meeting

Mr Powers noted that he is waiting for information from Counsel.

- o Placeholder- Finance Director Article for prior article correction

Mr. Powers noted that he is still waiting for information for this Article.

- o Amendment to General Bylaw Chapter 7

Mr. Powers noted that he is waiting for information from Counsel regarding Chapter 7.

- o Amendment to General Bylaw Chapter 271

March 19, 2024

Mr. Powers noted that he is waiting for information from Counsel regarding Chapter 271.

- o Amendments to Harwich Charter

Mr. Powers noted that Article 45 accounts for 12 distinct changes to the Harwich Charter and he understands that there is a desire to strike Item #6 which he read and explained. He recommended that if the Board votes Draft Article 45 they strike #6.

Mr. Handler moved to accept, recommend and place Article 45, to strike #6 related to 4-3-2I and renumber, seconded by Mr. Howell.

Vote: 4:0 in favor. Motion Carried.

D. Vote to recommend the following placed Articles in the 2024 Annual Town Meeting Warrant:

- o Town Officers & Committees

Mr. Powers noted that Town Officers & Committees is Article 1.

- o Reports of Officers & Committees

Mr. Powers noted that Reports of Officers & Committees is Article 2.

- o Elected Officials' Salaries

Mr. Powers noted that Elected Officials' Salaries is Article 3.

- o Lease Purchase Agreements

Mr. Powers noted that Lease Purchase Agreements is Article 12

- o Defray Library Expenses

Mr. Powers noted that Defray Library Expenses is Article 47

- o Promote the Town of Harwich

Mr. Powers noted that Promote the Town of Harwich is Article 48

- o Herring Fisheries

Mr. Powers noted that Herring Fisheries is Article 50.

March 19, 2024

Mr. Powers stated that the Select Board has voted to place those Articles and is now being asked to accept and recommend.

Mr. MacAskill moved to accept and recommend Articles 1, 2, 3, 12, 47, 48 and 50 as read. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

E. Discussion on any other Fiscal Year 2025 Budget Items or Warrant Articles

Mr. Powers noted that Section E. is on the Agenda to confirm that the Select Board has previously placed and recommended the following Articles.

- * Articles that have been placed and recommended:
 - o Cape Cod Community Media Center
 - o Revolving Fund authorizations
 - o Transfer 172 Queen Anne Rd
 - o Transfer 178 Queen Anne Rd
 - o Transfer 246 Queen Anne Rd
 - o Supplement Cultural Council

Mr. Powers read the Articles and votes in order as listed:

Article 39 Vote: 3:1

Articles 40, 41 and 42 Vote: 4:0

Article 49 Vote 4:0

Sharon Pflieger asked if there is an Article regarding the Sewer Assistance Program (SAP).

Ms. Kavanagh replied that it will be discussed at next Monday's meeting.

VII. OLD BUSINESS

A. Discussion and possible vote on potential municipal tax bill inserts per to Massachusetts General Law Chapter 60, section 3(a)

Ms.Barrette explained that the cost of the inserts is .10 each. There are a total of 15, 786 tax bills to be mailed which brings the total cost to be \$1,578.00. She also noted that adding the inserts will delay the mailing by a week.

Mr. Handler moved to accept the municipal tax bill insert per Massachusetts General Law Chapter 60, section 3(a) contingent upon finding an appropriate funding source. Seconded by Mr. Howell.

March 19, 2024

Vote 4:0 in favor. Motion carried.

VIII. TOWN ADMINISTRATOR'S REPORT

Mr. Powers noted that there is signature report for the Board members to sign and he noted that the Finance Committee is holding their Charter required Public Hearing Thursday, March 21st at 6:15PM.

IX. SELECT BOARD'S MEMBER REPORT

Mr. Howell noted that he attended the Monomoy School production of Beauty and the Beast and commented on the outstanding performances. He also noted that he will be participating on a ZOOM call on Friday and gave details on the subject.

Mr. Handler requested that Office Hours be available on the website.

Ms. Kavanagh congratulated Deputy Chief Considine and all the Polar Plunge participants

X. CORRESPONDENCE

XI. ADJOURNMENT

Mr. Howell moved to adjourn. Seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried. Meeting adjourned.

Respectfully submitted,

Judi Moldstad
Board Secretary

March 19, 2024

**MINUTES
SELECT BOARD MEETING
DONN B. GRIFFIN ROOM, TOWN HALL
732 MAIN STREET, HARWICH, MA
EXECUTIVE SESSION 5:30 PM
REGULAR MEETING - 6:00 PM
MONDAY, MARCH 25, 2024**

MEMBERS PARTICIPATING: Julie Kavanagh, Chair, Michael MacAskill, Vice Chair, Jeff Handler, Clerk and Don Howell

ALSO PARTICIPATING: Joseph F. Powers, Town Administrator and Kathleen Barrette, Finance Director

I. CALL TO ORDER:

Ms. Kavanagh called the meeting of the Harwich Select Board to order on Monday, March 25, 2024 at 5:30PM noting that the Board will be entering into Executive Session and will return no earlier than 6:00PM.

II. EXECUTIVE SESSION

A. Pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct contract negotiations with non-union personnel

Mr. Handler moved to enter into Executive Session Pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct contract negotiations with non-union personnel. Seconded by Mr. Howell.

Vote: 4:0 by roll call vote. Motion carried.

Ms. Kavanagh called the meeting of the Select Board back to order at 6:00PM reporting that in Executive Session, no decisions were made.

Ms. Kavanagh read the Open Meeting Law Notice.

III. PLEDGE OF ALLEGIANCE

Ms. Kavanagh invited all attendees to join in the Pledge of Allegiance.

March 25, 2024

IV. PUBLIC COMMENTS/ANNOUNCEMENTS

Mr. Handler noted that he will be choosing the date for the next Office Hours for the month of April. That information will be posted on the Town's website.

Emily Mitchell, Town Clerk was present and noted important dates in relation to both the Special Town Election and the Annual Town Election. She noted all the dates and events in detail, information can be found on the Town Website.

Mike Olgren, President of the Standish Woods Homeowners Association was present with several members of the Association. He noted that they are available to answer questions regarding an Agenda item.

Patrick Otton of Harwich was present and noted that there would be a discussion and information forum for the public on the Citizens' Petitions. He noted dates and times. He also referred to the Tree Cutting By-law (Article 10) and that it had not been in the proper format when it was presented to the Board. He requested that the Select Board follow up and confirm that what is on the Town Warrant is what was submitted and correctly formatted.

Mr. Powers commented that Article 10 now references the omitted graphics.

V. PUBLIC HEARING

A. Discussion and possible vote to opt out of early Voting by Mail for the Annual Town Election to be held on May 21, 2024

Mr. Handler read the Notice of Public Hearing.

Mr. Howell moved to open the Public Hearing. Seconded by Mr. Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

Emily Mitchell, Town Clerk gave a brief overview of Voting by Mail and recommended that the Town opt out of offering Vote by Mail, noting the reasons.

No one from the public opted to speak.

Mr. MacAskill moved to close the Public Hearing. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to opt out of Vote by Mail for the Annual Town Election to be held on May 21, 2024. Seconded by Mr. Howell.

March 25, 2024

Vote: 4:0 in favor by roll call vote. Motion carried.

Ms. Kavanagh took Item A. from New Business out of order, at this time, to accommodate the residents of Standish Woods who were present.

VI. 2024 ANNUAL TOWN MEETING

A. Discussion and possible vote to accept, recommend and place the following Articles in the 2024 Annual Town Meeting Warrant:

- * Monomoy Middle School Project Draft
- * Acquisition of Conservation Restriction
- * Expenditure of Funds from Sale of 276 Queen Anne Road
- * Correct 2023 Annual Town Meeting Article 24
- * Community Preservation Committee – Housekeeping Expenses
- * Community Preservation Committee – Beach AED Equipment
- * Community Preservation Committee – Cold Brook Trailhead & Public Access
- * Community Preservation Committee – Harwich Police Soccer Club Pitch
- * Community Preservation Committee – Affordable Housing Trust
- * Community Preservation Committee – Lower Cape Housing Institute
- * Community Preservation Committee – Monomoy Press Box
- * Community Preservation Committee – North Woods & Water Supply
- * Community Preservation Committee – 2023 Bank Street Firehouse Housing
- * Community Preservation Committee – Red River Valley Land & Water Protection
- * Community Preservation Committee – Senior Memorial Softball Field Fencing
- * Community Preservation Committee – South Harwich Gravestone Conservation
- * Community Preservation Committee – Veterans Memorial Complex Electric Irrigation
- * Repurpose 2013 Annual Town Meeting Article 31 (Library Trustees)
- * Amend General Bylaw Chapter 7
- * Amend General Bylaw Chapter 271
- * To fund the Fiscal Year 2024 Wastewater debt
- * Electronic Voting

Mr. Powers noted updates and changes in specific Articles as he described each one on the list.

Mr. MacAskill moved to accept, recommend and place Article 9 Monomoy Middle School Project in the amount of 2.5 million, in the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 21 Acquisition of Conservation Restriction on the Annual Town Meeting Warrant. Seconded by Mr. Howell.

March 25, 2024

Michael Lach, Executive Director of the Harwich Conservation Trust was present and noted that the Trust had just received the results of an appraisal and the overall authorization can now be reduced from 2.7 million to 2 million.

Mr. Handler confirmed with Mr. Lach that there will be no net capital cost to the Town.

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 22 Expenditure of Funds from Sale of 276 Queen Anne Road in the amount of \$1,505,001. Seconded by Mr. Handler.

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 23 Correct 2023 Annual Town Meeting Article 24 on the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. Powers noted that Articles 24-36 are the Community Preservation Articles. They have all been vetted by him, the Finance Director, Town Counsel and members of the Community Preservation Committee.

Mr. MacAskill moved to accept, recommend and place Articles 24-36 Community Preservation Committee Articles as presented, in the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 37 Repurpose 2013 Annual Town Meeting's Article 31 (Library Trustees) in the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 43 Amend General Bylaw Chapter 7 in the Annual Town Meeting Warrant as presented. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 44 Amend General Bylaw Chapter 271 in the Annual Town Meeting Warrant. Seconded by Mr. Howell.

March 25, 2024

Vote: 4:0 in favor. Motion carried.

Ms. Kavanagh noted that the Board will not be moving forward with the Zoning Bylaws until and if there is a fall Town Meeting.

Mr. MacAskill moved to accept, recommend and place Article 45 to fund the Fiscal Year 2024 Wastewater debt in the Annual Town Meeting Warrant. Seconded by Mr Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 51 Electronic Voting Tabulators in the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Mr. Powers noted that no decision has been made on how this Article will be funded. He asked the Board to consider using the Articles with unspent balances which total approximately \$183,000, if it is available.

Kathleen Barrette, Financial Director confirmed that there are available funds in the approximate amount of \$150,000 to \$160,000.

Mr. Howell commented that we have confirmed the we have the money. A lease is a different number than purchasing and he suggested making motion that identifies sweeping one or two of the Articles for that available funds at the same time as funding this. He noted that they do not yet know the cost of a lease.

Ms. Kavanagh asked for an estimated time frame to get the cost of a lease vs purchasing.

Mr. Powers commented that an estimated cost is from \$15,000 to \$30,000. For the purposes of this Article, he recommended that they have sufficient information to place and the funding sources which can be confirmed by next month.

Vote 3:1 in favor with Mr. MacAskill opposed. Motion carried.

B. Discussion and possible vote to accept and recommend the following Articles in the 2024 Annual Town Meeting Warrant:

- * Town Operating Budget
- * Adopt the Capital Plan
- * Capital Outlay Plan Items Funded from Water Retained Earnings

Mr. Powers noted that there will be a fourth Article which will be presented next week. He recommended that the discussion go to Article 4 Town Operating Budget and the Article regarding adopting the Capital Plan.

March 25, 2024

Mr. MacAskill moved to accept, recommend and place Article 4 Town Operating Budget in the Annual Town Meeting Warrant in the amount of \$45,732,309. Seconded by Mr. Howell.

Mr. Powers noted a scrivener's error on page 90.

Mr. MacAskill commented on the 8.1% increase and the reasons for it. He noted that the Town's total Debt Service went up 39.1% and noted the reasons for that. He also commented that, moving forward, they should not have Budget Messages that say 1.5% when it is not realistic. He recommended that the Board create a policy on what they expect to come from the Town Administrator and the Finance Director with the budget message. Mr. MacAskill also requested that the Board discuss a realistic timeline moving towards Town Meeting, to allow them more time for discussions. He suggested that conversation take place in June or July to give the Board more time and allow for greater discussions.

Mr. Howell agreed with Mr. MacAskill that it would be beneficial to pull the time frame back to allow them to look at all the information and make sense of where they may be able to pull things. He commented on increases that the Town cannot control and cautioned that they have to think carefully about out-years to be able to continue funding things. He does not want to see anyone laid off four years after they were hired. He emphasized that it's important to be sure they have some sort of dynamic assessment of both the receipts and the Town's obligations.

Mr. MacAskill commented on unchanging line items and noted that he will be requesting that the Board look at those line items and Department turn backs over a three year period.

Mr. Powers referred to Article 4 and the two versions of Appendix B. He emphasized that there was base level language which he will incorporate into the portrait version of Appendix B. He commented that the Board has a Budget that is a statement of their priorities and he congratulated them on that effort.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to adopt, recommend and place Article 16 Adopt the Capital Plan on the Annual Town Meeting Warrant. Seconded by Mr. Handler.

Mr. MacAskill noted that Brooks Academy Museum is off the Capital Plan at this time with the intention of bringing it to a fall Town Meeting. He asked Mr. Powers to explain.

Mr. Powers replied and explained that he removed Brooks Academy Museum as there was no funding source which would accomplish what was envisioned under the Capital Plan in FY25. He also explained the Board's options for the future regarding Brooks Academy Museum.

Mr. Howell noted that the Capital Plan authorizes the Board to move forward in various directions. He suggested that the Article remain in the Capital Plan and whatever is listed in the

March 25, 2024

Capital Plan. In order for it to actually be operative it has to have a second article that funds it. He does not understand, if they are going to a fall meeting, why they wouldn't just leave the amount in the Capital Plan for the Brooks Academy under the assumption that they're going to take a follow on action. It doesn't have an article associated with it to actually fund it but it is still a priority. He continued that they would have to go through amending the Capital Plan in the fall when all they really have to do is put a funding article in if this is accepted as is with the amount included.

Ms. Kavanagh asked, if they were to incorporate a number into the Capital Plan and bring it to Town Meeting understanding that they don't specifically have a funding source for Brooks Academy, would that not require some type of disclosure on the actual Plan? She asked how they can say they are funding something and it's in the Plan, if they don't know an identified funding source.

Mr. Howell replied that the Capital Plan doesn't fund anything. The Capital Plan sets priorities within which you have articles that fund those priorities.

Ms. Kavanagh replied that they have had many conversations about whether the Capital Plan is written in stone or if it is a document that is amendable. She is asking for clarification on why they should leave it in the Capital Plan.

Mr. Powers commented that in his tenure in Harwich, everything that he has presented to the Select Board, has been balanced. And by extension, everything that the Board has presented has been balanced. He would be concerned that there may be some that consider that Capital Plan to be out of balance. He suggested that they can add language to the explanation under Article 16 and then stand ready to explain and justify.

Mr. Howell expressed concern for the message overall. The Town has a building that does not have a waiver at this time, it's not ADA compliant and it doesn't have a certificate of occupancy. Even if it's zeroed out, there is still a need for a discussion about what the plan is for the public's information. He suggested it be left in the Capital Plan, say it is not being funded but when funds are available, it's already been voted on the Capital Plan for FY25.

Mr. Handler commented that he thinks there needs to be a funding source and if in the fall they have a better understanding of where Free Cash is going to land, it's an easier package to bring to a fall Town Meeting. He feels this will be very confusing to the public, having something where there is no financial wherewithal. He understands that it is not being removed from the Capital Plan, it is just a different strategy to get there.

Mr. Powers emphasized that it is his responsibility as Town Administrator, to create a Capital Outlay Plan and a Budget with the Capital Outlay Committee. They met that obligation and the obligation of presenting to the Board in December. All parties understood that the funding

March 25, 2024

mechanisms were up in the air, at that time. Whatever the Board decides to do, he can assist in explaining.

Mr. Handler asked, if they get to the fall and there is no funding source, it would be a great way to collaborate with the Brooks Academy Commission to figure out the bare minimum to get it opened and find the funding in a lesser amount to then present at the fall Town Meeting. He supports the way it is presented and the strategy of it.

Ms. Kavanagh commented that this does not fall lightly on this Board, they are aware of how much money has gone into that building and they appreciate the historical asset. This Board has consistently supported Brooks.

Mr. Howell commented that he has never seen it done this way. It started out in this year, year one and now it's not on any year. He would feel better if it was in year FY26 to give it a deadline rather than take it out of the discussion entirely.

Mr. Handler commented that it is the Select Board's Capital Plan and it expects it will be included in the Fall Town Meeting.

Ms. Kavanagh emphasized that the Capital Plan is a plan and can be changed.

Mr. MacAskill noted that once they find out an amount, they can work with Brooks Academy between now and the fall on a priority list. They can then come up with all of or part thereof for fall and then add back in to the Plan anywhere they see fit.

Mr. Powers reminded the Board that even though there is zero value on zero dollars on the Plan, the Town through Facilities Maintenance are pursuing architectural support to aid in that conversation as well. Even though there is no funding available and sought in May of 2024, there are still ongoing projects and work that can tie into that perfectly.

Vote 3:1 in favor with Mr. Howell opposed. Motion carried.

Mr. Powers noted a correction and changes to Article 19, Capital Outlay Items Funded from Water Retained Earnings. He suggested that the Board reconsider their "accept, recommend and place" because it now has an updated number.

Mr. MacAskill moved to reconsider previous vote on Capital Outlay Plan Items Funded from Water Retained Earnings. Seconded by Mr Howell.

Vote: 4:0 in favor. Motion carried.

March 25, 2024

Mr. MacAskill moved to accept, recommend and place Article 19 Capital Outlay Plan Items Funded from Water Retained Earnings in the amount of \$2,402,000 in the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

C. Vote to close the 2024 Annual Town Meeting Warrant

No action. This item is held for next week.

Mr. Powers listed the items that will be before the Board on April 1, 2024.

Mr. MacAskill requested that the Warrant include maps and a description of the properties on Queen Anne Road. He also noted some traditional Articles that have not yet been before the Board and asked for a status on those.

Mr. Powers replied giving answers and noting the status of each.

There was conversation about \$100,000 for the Sewer Assistance Program (SAP) and more definite information will be available for the next meeting.

Mr. MacAskill suggested that if an Article is needed that KP Law be asked to create it for next week.

Richard Waystack from the Board of Assessors participated remotely and noted that the criterion is in place to help people in need.

Kathleen Barrette, Finance Director commented that she needed to confirm how it would work, who would be responsible and where the fund would be transferred to, noting that it would end with the right result.

Mr. Waystack noted that the Assessors do not have the right to use their overlay account to fund SAP. He did explain what they can do and how they can participate by vetting for this program.

Mr. MacAskill commented that there should be an Article for the SAP including that it will be funded by a line item in the Water/Wastewater Budget and that the Board of Assessors will do the vetting. And then authorize the use of those funds.

Ms. Barrette confirmed that the Water/Wastewater Commissioners designated the Water Retained Earnings Funds for SAP.

Mr. Powers will work with counsel to create Article 53 for that purpose.

March 25, 2024

Ms. Barrette noted that she did not expect any additional unpaid bills before Town Meeting.

After discussion it was agreed that placing Article for unpaid bills is unnecessary.

VII. 2024 ANNUAL TOWN ELECTION

A. Discussion and possible vote on a debt exclusion ballot question for Monomoy Regional Middle School

Mr. MacAskill moved to approve the placement of a debt exclusion ballot question for Monomoy Regional Middle School for the Annual Town Election. Seconded by Mr. Howell.

Vote: 4:0 in favor by roll call vote. Motion carried.

VIII. NEW BUSINESS

A. Phase 3 Sewer Project – Review, approve and execute Orders of Taking for Sewer Pump Stations and Private Road Utility Infrastructure for Phase 3 Sewer Project – Votes may be taken

- * 43 Chestnut Lane
 - * 0 Standish Woods Circle
 - *3 Wilma’s Way
- Private Roads to include:
- * Bascom Hollow
 - * Brothers Lan
 - * Caldwell Lane
 - * Lily Lane
 - * Live Oak Drive
 - * Perry’s Way
 - * Scribners Terrace
 - * Walden Way
 - * Washburn Way
 - * Wilma’s Way
 - * McGuerty Road

Mr. Powers distributed documents that reflect updated information, correcting an omission. He gave a summary of the Project and noted that the Board can discuss the Order of Taking and/or develop a process for negotiating on behalf of the parties present. He also stated that the Town needs to execute the two separate Orders of Taking. Mr. Powers referred to the pages in the documents regarding the Orders of Taking and noted the few changes. He commented that he is recommending the Orders of Taking as they are necessary for the Town to move forward on Phase 3 of the Projects. He also recommended that the Board vote to direct him to negotiate on the Town’s behalf noting that the final agreement would come before the Board. He noted the timeline moving forward, if there is a vote at this meeting.

March 25, 2024

Mr. MacAskill moved to approve and execute Orders of Taking for Sewer Pump Stations 43 Chestnut Lane, 0 Standish Woods Circle, 3 Wilma's Way as presented and as amended this evening and further to ask the Town Administrator to negotiate damages on the Town's behalf. Seconded by Mr. Howell.

Vote: 4:0 in favor by roll call vote. Motion carried.

Mr Powers noted that he will reach out to the parties tomorrow to start the process. He also noted that included under Item A. are Orders of Taking for Private Road Utility Infrastructure for Phase 3 Sewer Project.

Mr. Handler moved to approve and execute Orders of Taking for Private Utility Infrastructure on the private roads to include: Bascom Hollow, Brothers Lane, Caldwell Lane, Lily Lane, Live Oak Drive, Perry's Way, Scribners Terrace, Walden Way, Washburn Way, Wilma's Way and McGuerty Road. Seconded by Mr. MacAskill.

Mr. Powers referred to a 19 page document in the packet related to the Orders of Taking noting that specific plans are included. He requested that the Board sign the pertinent documents this evening so that they can be recorded the next day.

Vote: 4:0 in favor by roll call vote. Motion carried.

Select Board members signed the pertinent documents.

B. Vote to declare the following Queen Anne Road parcels as surplus properties

- * 172 Queen Anne Road
- * 178 Queen Anne Road
- * 246 Queen Anne Road

Mr. MacAskill moved to declare the following Queen Anne Road parcels as surplus properties: 172 Queen Anne Road, 178 Queen Anne Road, 246 Queen Anne Road. Seconded by Mr. Howell.

Mr. Powers noted that no Board, Committees or Departments had any municipal use for the properties. He stated for the record that the Planning Department had suggested that perhaps the proceeds from these sale of lands could be marked to support affordable housing needs.

Vote: 4:0 in favor. Motion carried.

C. Approve a M.G.L Chapter 138, Section 15 seasonal liquor license for Maulik Corporation d/b/a Value Mart, 435 Route 28

March 25, 2024

Mr. Handler moved to approve a M.G.L Chapter 138, Section 15 seasonal liquor license for Maulik Corporation d/b/a Value Mart, 435 Route 28 subject to any terms and conditions that may have been contained in the prior license. Seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

D. Approve the following M.G.L Chapter 138, Section 12 seasonal liquor licenses:

1. Ajb Corp. d/b/a The Weatherdeck Restaurant, 168 Route 28
2. The Belmont Condominium Beach Club Corp., 1 Belmont Road
3. Ember Pizza Inc. d/b/a Ember, 600 Route 28
4. 554 Street Bar LLC d/b/a Three Monkeys, 554 Route 28
5. Mt Group LLC d/b/a Mad Minnow Bar & Kitchen, 554 Route 28
6. Port Restaurant and Bar, Inc., 541 Route 28
7. Saquatucket Snack Shack LLC d/b/a Dockside, 715A Route 28
8. The Lucky Labrador, Inc. d/b/a Perks, 545 Route 28
9. Wychmere Harbor Functions Lp d/b/a Wychmere Harbor Beach & Tennis Club

Mr. Handler moved to approve the following M.G.L Chapter 138, Section 12 seasonal liquor licenses #1-9 as noted in the packet with conditions previously contained in prior licenses. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

E. Approve a new 2024 Seasonal Entertainment license for 554 Street Bar d/b/a 3 Monkeys, 554 Route 28:

- * Weekday 1:00 p.m. to 4:00 p.m. & 6:00 p.m. to 10:00 p.m. inside – Live/recorded music, amplification, dancing by live performers
- * Sunday 1:00 p.m. to 4:00 p.m. & 6:00 p.m. to 10:00 p.m. inside – Live/recorded music, amplification, dancing by live performers

Mr. Howell noted the differences between the new license request and the previous license.

Mr. Handler moved to approve a new 2024 Seasonal Entertainment license for 554 Street Bar d/b/a 3 Monkeys, 554 Route 28 as noted in the packet with conditions previously contained in prior years including time and type. Seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

F. Approve the following 2024 Seasonal Common Victauller license renewal:

1. 554 Street Bar d/b/a 3 Monkeys, 554 Route 28
2. MT Group d/b/a Mad Minnow Bar & Kitchen, 554 Route 28
3. Port Restaurant and Bar, Inc., 541 Route 28
4. Belmont Condominium Trust Beach Club d/b/a The Beach, 1 Belmont Road

March 25, 2024

5. Saquatucket Snack Shack LLC d/b/a Dockside, 715A Route 28
6. AJG Corporation d/b/a The Weatherdeck Restaurant, 168 Route 28
7. Lucky Labrador, Inc. d/b/a Perks, 545 Route 28
8. Wychmere Harbor Functions, LP d/b/a Wychmere Beach Club, 23 Snow Inn Road
9. Seagulls Sweets, 537 Route 28

Mr. Handler moved to approve the following 2024 Seasonal Common Victauller license renewals #1-9 as noted in the packet with conditions previously contained in prior license of 2023. Seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

G. Approve the following 2024 Seasonal Entertainment license renewals:

1. MT Group d/b/a Mad Minnow Bar & Kitchen, 554 Route 28 Weekday 4:00 p.m. to 10:00 p.m. inside & outside Live Recorded Music, amplification, dancing by live performers
 - * Sunday 4:00 p.m. to 10:00 p.m. inside & outside Live Recorded Music, amplification, dancing by live performers

Mr. Handler moved to approve the following 2024 Seasonal Entertainment license renewal as noted in the packet with conditions previously contained in prior years including time and type as voted in 2023. MT Group d/b/a Mad Minnow Bar & Kitchen, 554 Route 28 Weekday 4:00 p.m. to 10:00 p.m. inside & outside Live Recorded Music, amplification, dancing by live performers, Sunday 4:00 p.m. to 10:00 p.m. inside & outside Live Recorded Music, amplification, dancing by live performers. Seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

2. Port Restaurant and Bar, Inc., 541 Route 28
 - * Weekday 10:00 a.m. to 12:00 a.m. inside & 10:00 a.m. to 10:00 p.m. outside Jukebox, radio, television, live/recorded music, amplification, dancing by live performers
 - * Sunday 10:00 a.m. to 12:00 a.m. inside & 10:00 a.m. to 10:00 p.m. outside Jukebox, radio, television, live/recorded music, amplification, dancing by live performers

Mr. Howell moved to approve the following 2024 Seasonal Entertainment license renewal for the Port Restaurant and Bar, Inc., 541 Route 28 with the following conditions: Weekday 10:00 a.m. to 12:00 a.m. inside & 11:00 a.m. to 10:00 p.m. outside with acoustic entertainment only. Sunday 1:00 p.m. to 12:00 a.m. inside & 1:00 p.m. to 10:00 p.m. outside with acoustic entertainment only. Seconded by Mr. Handler.

March 25, 2024

Mr. Howell withdrew his motion.

Mr. Handler withdrew his second and noted that he supports allowing the earlier times for inside.

Mr. MacAskill moved to approve the 2024 Seasonal Entertainment license renewal for the Port Restaurant and Bar, Inc., 541 Route 28 specific to the inside: Weekday 10:00 a.m. to 12:00 a.m. inside, Sunday 10:00 a.m. to 12:00 a.m. inside for jukebox, radio, television, live recorded music with amplification, dancing by performers. Seconded by Mr. Handler.

Vote: 3:1 in favor with Mr. Howell opposed. Motion carried.

Mr. MacAskill moved to approve the 2024 Seasonal Entertainment license renewal for the Port Restaurant and Bar, Inc., 541 Route 28 specific to the outside: Weekdays 11:00 a.m. to 10:00 p.m. and Sunday 1:00 p.m. to 10:00 p.m. to include a jukebox, radio, television, live and recorded music - acoustic only with no amplification, dancing by live performers. Seconded by Mr. Handler.

Vote: 4:0 in favor. Motion carried.

3. Belmont Beach Condominium Trust Beach Club d/b/a The Beach, 1 Belmont Road
 - * Weekday 5:00 p.m. to 10:00 p.m. inside
 - Live/recorded music, amplification, dancing by live performers & patrons

Mr. Handler moved to approve the following 2024 Seasonal Entertainment license renewal Belmont Beach Condominium Trust Beach Club d/b/a The Beach, 1 Belmont Road, Weekday 5:00 p.m. to 10:00 p.m. inside, Live/recorded music, amplification, dancing by live performers & patrons. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

4. Lucky Labrador, Inc. d/b/a Perks, 545 Route 28
 - * Weekday 12:00 p.m. to 12:00 a.m. inside & 11:30 a.m. to 10:00 p.m. outside
 - Jukebox, radio, television, live/recorded music, amplification, dancing by live performers & patrons
 - * Sunday 1:00 p.m. to 12:00 a.m. inside, 3:00 p.m. to 12:00 a.m. inside & 6:00 p.m. to 10:00 p.m. outside
 - Inside 1:00 p.m. to 12:00 a.m. ambient music & television only
 - Inside 3:00 p.m. to 12:00 a.m. jukebox, radio, television, live/recorded music, amplification, dancing
 - Outside 6:00 p.m. to 10:00 p.m. jukebox, radio, television, live/recorded music, amplification, dancing

Mr. Handler moved to approve the following 2024 Seasonal Entertainment license renewal:

March 25, 2024

Weekday 12:00 p.m. to 12:00 a.m. inside & 11:30 a.m. to 10:00 p.m. outside, Jukebox, radio, television, live/recorded music, amplification, dancing by live performers & patrons, Sunday 1:00 p.m. to 12:00 a.m. inside, 3:00 p.m. to 12:00 a.m. inside & 6:00 p.m. to 10:00 p.m. outside. Inside 1:00 p.m. to 12:00 a.m. ambient music & television only Inside 3:00 p.m. to 12:00 a.m. jukebox, radio, television, live/recorded music, amplification, dancing. Outside 6:00 p.m. to 10:00 p.m. jukebox, radio, television, live/recorded music, amplification, dancing as noted in packet with conditions previously contained in prior license of 2023 including time and type. Seconded by Mr. MacAskill.

Vote 4:0 in favor Motion carried.

H. Approve the following 2024 Seasonal Amusement license renewals:

1. Grand Slam Entertainment, 322 Main Street – Weekday & Sunday 10:00 a.m. to 9:00 p.m. – Batters box & video games
2. AJG Corporation d/b/a Harbor Glen Mini Golf, 168 Route 28 – Weekday & Sunday 11:00 a.m. to 9:00 p.m. – Mini golf
3. Hall Karts, Inc. d/b/a Bud's Go-Karts, 9 Sisson Road – Weekday & Sunday 9:00 a.m. to 10:00 p.m. – Go Carts

Mr. Handler moved to approve the following 2024 Seasonal Amusement license renewal: Grand Slam Entertainment, 322 Main Street – Weekday & Sunday 10:00 a.m. to 9:00 p.m. – Batters box & video games as noted in packet with conditions previously contained in prior licenses. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. Handler moved to prove the following 2024 Seasonal Amusement license renewal AJG Corporation d/b/a Harbor Glen Mini Golf, 168 Route 28 – Weekday & Sunday 11:00 a.m. to 9:00 p.m. – Mini golf as noted in packet with conditions previously contained in prior license. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. Handler moved to approve the following 2024 Seasonal Amusement license renewal: Hall Karts, Inc. d/b/a Bud's Go-Karts, 9 Sisson Road – Weekday & Sunday 9:00 a.m. to 10:00 p.m. – as noted in packet with conditions previously contained in prior license. Seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

I. Approve a 2024 Seasonal Innholders license renewal for Allen Harbor Inn LLC d/b/a Allen Harbor Rentals, 326 Lower County Road

March 25, 2024

Mr. Handler moved to approve a 2024 Seasonal Innholders license renewal for Allen Harbor Inn LLC d/b/a Allen Harbor Rentals, 326 Lower County Road as noted in packet with conditions previously contained in prior license, Seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

IX. CONTRACTS

A. Approve an agreement with Nextgrid, Inc. For the decommissioning and removal of renewable- energy electric generating facilities at 0 Depot Road and authorize the Chair to sign.

Mr. Handler moved to approve an agreement with Nextgrid, Inc. for the decommissioning and removal of renewable- energy electric generating facilities at 0 Depot Road and authorize the Chair to sign. Seconded by Mr. Howell.

Mr. Powers explained that the Board is being asked to vote to approve and sign upon the endorsement of the other party.

Vote: 4:0 in favor Motion carried.

B. Approve a contract with McGovern Auto Group Corp Services in the amount of \$75,126.85 for the purchase of a 2024 Ford Super Duty F-350

Mr. Handler moved to approve a contract with McGovern Auto Group Corp Services in the amount of \$75,126.85 for the purchase of a 2024 Ford Super Duty F-350. Seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

C. Approve a contract with McGovern Auto Group Corp Services in the amount \$118,335.50 for the purchase of a 2024 Ford Super Duty F-550

Mr. Handler moved to approve a contract with McGovern Auto Group Corp Services in the amount \$118,335.50 for the purchase of a 2024 Ford Super Duty F-550. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried

D. Approve a contract a with McGovern Auto Group Corp Services in the amount of \$107,476.10 for the purchase of a 2024 Ford Super Duty F-450

March 25, 2024

Mr. Handler moved to approve a contract with McGovern Auto Group Corp Services in the amount of \$107,476.10 for the purchase of a 2024 Ford Super Duty F-450. Seconded by Mr. Howell

Vote: 4:0 in favor. Motion carried.

X. TOWN ADMINISTRATOR'S REPORT

Mr. Powers reported that he has no announcements.

XI. SELECT BOARD'S MEMBER REPORT

Mr. Howell requested a report from Mr. Powers regarding Brooks Academy that states whether or not it is possible to get a waiver allowing them to get the main floor open.

Mr. Handler requested an update on HARC which Mr. Howell said he would provide.

XII. CORRESPONDENCE

XIII. ADJOURNMENT

Mr. MacAskill moved to adjourn. Seconded by Mr. Handler.

Vote: 4:0 in favor. Motion carried.

Respectfully submitted,

Judi Moldstad
Recording Secretary

March 25, 2024

MINUTES
SELECT BOARD MEETING
DONN B. GRIFFIN ROOM, TOWN HALL
732 MAIN STREET HARWICH, MA 02645
EXECUTIVE SESSION - 5:30 PM
REGULAR MEETING - 6:00 PM
MONDAY, APRIL 1, 2024

MEMBERS PARTICIPATING: Julie Kavanagh, Chair, Michael MacAskill, Vice Chair, Jeff Handler, Clerk and Don Howell.

ALSO PARTICIPATING: Joseph Powers, Town Administrator

I. CALL TO ORDER:

Ms. Kavanagh called the meeting of the Harwich Select Board to order at 5:30 PM. She announced that the Board will be entering into Executive Session and returning no sooner than 6:00PM.

II. EXECUTIVE SESSION

A. Pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct contract negotiations with non-union personnel: Police Chief

B. Pursuant to MGL c. 30A §21(a)(7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, the Open Meeting Law, MGL c. 30A §§ 22(f), (g) to review, approve and or discuss the possible release of executive session meeting minutes dated March 4, 2024 March 11, 2024 & March 25, 2024

Mr. Handler moved to moved into Executive Session as presented. Seconded by Mr. MacAskill.

Vote: 4:0 in favor by roll call vote. Motion carried.

Ms. Kavanagh called the Select Board back to order at 6:00 PM, reporting that in Executive Session action was taken on two elements of item B.

Ms. Kavanagh read the Open Meeting Law Notice.

III. PLEDGE OF ALLEGIANCE

Ms. Kavanagh invited all attendees to join in the Pledge of Allegiance.

April 1, 2024

IV. PUBLIC COMMENTS/ANNOUNCEMENTS

Paul Ready of Great Western Road and member of the Harwich Climate Action Network was present. He described the purpose of the group and invited all Board members, employees and residents to the Earth Day Celebration. He gave details of the event.

David LeBlanc, Fire Chief and Deputy Chief Kevin Considine were present. Chief LeBlanc described the training that the Department recently had - ASHER - Active Shooter Hostile Event Response. He gave a description of the training and what and who it involved. He commented on the outstanding training and thanked everyone involved in its success.

Ginny Hewitt, Library Director was present and announced a musical program and eclipse viewing event. Ms. Hewitt also noted other programs and events being offered and gave details of each. She noted that the information can be found on the website. Ms. Hewitt noted that the Library Roof project is poised to start and will take one to two weeks.

Mr. Howell cautioned everyone to not look at the solar eclipse.

Reagan Wilda, Program Specialist at the Community Center was present. She listed all the April scheduled programs. All information is available on the website.

Patrick Otton of East Harwich announced the dates and times of Public Forums to discuss Citizens Petitions. He questioned if a petition that he submitted would be on the ballot.

Ms. Kavanagh responded that it would not be on the ballot because there is a Petition on the Warrant regarding the pool.

Mr. Otton gave the reasons that he feels it should be included on both the ballot and the warrant. He also requested information on the Cape and Islands Protection Fund that was being presented to all towns, commenting that it needs to be voted on. Mr. Otton commented that the reference to voting was in the Association for Preservation of Cape Cod's notes (APCC) website.

Mr. Howell described the approved Intended Use Projects and noted that there is no public ballot for that particular thing. He also noted that Harwich did receive its fair share.

V. CONSENT AGENDA

A. Accept a gift of a memorial bench to be placed at Long Pond Beach

Mr. Handler moved to accept a gift of a memorial bench to be placed at Long Pond Beach. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

April 1, 2024

B. Approve the Select Board Meeting Minutes for March 19, 2024 and March 25, 2024

Mr. Handler moved to approve the Select Board Meeting Minutes for March 19, 2024 and March 25, 2024. Seconded by Mr. MacAskill.

Mr. Howell stated that he would not be voting to accept the minutes. He commented that he feels there should be more information, more than the entry that there was a discussion and a comment. He added that it does not have to be a transcript but needs to have more detail.

Mr. MacAskill removed his motion. Mr. Handler removed his motion.

Ms. Kavanagh stated that those Minutes will be brought back.

Mr. Howell noted that he will try to fix them.

VI. 2024 ANNUAL TOWN ELECTION

A. Vote to approve and execute the 2024 Annual Town Election Warrant

Mr. Handler moved to approve and execute the 2024 Annual Town Election Warrant. Seconded by Mr. MacAskill.

Mr. Howell added that, to be clear, that they are putting forward what they had previously voted on.

Vote: 4:0 in favor. Motion carried.

Mr. Powers stated that there are 3 originals for each Board member to sign.

VII. 2024 ANNUAL TOWN MEETING

A. Vote to accept, recommend and place the following Articles in the 2024 Annual Town Meeting Warrant:

- * Article 52 Supplemental Appropriation for Phase 3 Wastewater Management Plan Construction Costs

- * Article 53 Fund a Sewer Assistance Program

Mr. MacAskill asked Mr. Powers if it is possible to renumber the Articles and put the Herring Fisheries Article last, as it normally is.

Mr. Powers replied that it would be helpful to have a vote to that effect.

April 1, 2024

Mr. Handler moved to accept, recommend and place the following Articles in the 2024 Annual Town Meeting Warrant: Article 52 Supplemental Appropriation for Phase 3 Wastewater Management Plan Construction Costs and Article 53 Fund a Sewer Assistance Program and to renumber the Articles to have the Herring Fisheries last. Seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill confirmed that it will be Articles 50, 51, 53 and 54 that will be changed.

B. Vote to close and execute the 2024 Annual Town Meeting Warrant

Mr. Handler moved to close and execute the 2024 Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill noted his objection, there is no dollar amount in Article 51. It says to Raise and Appropriate but there is no estimate of cost. He does not think it is something they should get in the habit of bringing to Town Meeting.

Mr. Howell commented that Mr. MacAskill's objection should be spelled out in the Minutes.

Ms. Kavanagh commented that they had discussed purchasing or leasing the voting clickers and they expected to get more information.

Mr. Handler pointed out that, in respect to the Capital Plan, he thinks there has been discussion that he has had with residents and the public, regarding there "removal" of some items on the Capital Plan. His interest is to make sure it's understood that he would feel more comfortable seeing some kind of narrative to let the people who are very concerned with certain items of the Capital Plan being removed, that this Select Board, as far as he knows, is not removing these items from the Capital Plan entirely. He views it more as a strategic effort to fund these items in the fall at the Town Meeting. It was suggested to him to put a side column with an asterisk specifying that those items are going to look to be funded in the fall Town Meeting so the voters don't feel like the Articles have been arbitrarily removed and forgotten.

Mr. Powers referred to Article 16 Adopting the Plan itself, language can be added to the explanation if that's also a preference.

Mr. Handler replied that he would feel better as to clarifying what the intention of the Select Board is as there is some misinformation out there and it's important that they clarify.

April 1, 2024

Mr. Howell clarified that they have gone down this road a few times, something that is in the explanation is not part of the Warrant. If the table had an asterisk, that would be in the Warrant. They are not the same.

Mr. MacAskill commented to Mr. Handler's point and Mr. Powers' suggestion, he is willing to support that. They have talked about this, nobody on this Board has said that they do not want to do the Project, the Town Administrator has done a great job explaining it, they have committed to and supported bringing it back in the fall. There are some that don't trust that explanation but he is comfortable with it. He does not see the need to change and add back.

Ms. Kavanagh noted that the packet has the information on all the different votes to support Brooks. She feels that they are at 3 million and that would be another 1.1 million. She does not think there is one member of this Board that does not support Brooks Academy. They are currently trying to put together a Capital Plan that achieves what they can achieve with the monies that they have and they know. They are hoping that in the fall, they can fully support.

Mr. Howell noted that he is looking at the August 7th meeting where there was an amendment to the Spencer Group which actually, point blank said that it would be helpful to show progress on a plan to be able to ask for an exemption for opening the building and that absent that, there is considerable doubt whether they would be granted that by the State. Secondly if the Board does this, this way, they will be required to amend a Capital Plan by a two thirds vote to put it back in, if they hold a Fall Town Meeting.

Mr. Handler asked if the Board were to hypothetically move this to 2026, as a fall back position, would that vprohibit this Board from acting on it and trying to fund it in 2025.

Mr. Howell responded no, that if anything was moved around in the Capital Plan, according to Mr. Georgio, it would have to be a vote within the same Fiscal year by a two thirds vote. That is why he advocated initially to have it zeroed out, contained in the Capital Plan but not funded by an Article in this Town meeting. The only thing that would have to happen is not amend the Capital Plan, just fund it this fall. Now the obligation is in FY26 or by taking it out to have a two thirds vote to put it back in the Capital Plan before it can be funded.

Ms. Kavanagh followed up that the Capital Plan will have to be amended if put back in on Town Meeting Floor as it is. She commented that they had discussed that it would either be amended now or amended later.

Mr. Howell disagreed and stated that if it was in this Plan and not funded, it would not have to be amended, it would just be a vote for the funding in the fall.

Ms. Kavanagh clarified with Mr. Howell that he is saying that at the May Town Meeting, when they're voting on something, they would not have to amend the Capital Plan knowing that at the Town Meeting, that money was not in the Budget.

April 1, 2024

Mr. Howell stated that the Capitol Plan stands as a Plan. The mechanism to fund what is in the Capital Plan are individual Articles. If this is in the Capital Plan for FY25, as an item recommended for FY25 and there is no funding mechanism, it is still in the Plan as of October and it could be funded at that point without amending the Plan. If it is taken out, then you're obligated to amend it either way, by fall.

Ms. Kavanagh replied that it is understood but the Board has had lengthy discussions in the past about the Capital Plan, what it is in Mr. Howell's mind and what it is in her mind. She is now hearing that the Capital Plan can be a work in progress where in there past, that hasn't been the interpretation. Ms. Kavanagh deferred to Mr. Powers for clarification.

Mr. Howell also requested that she ask at the same time about the August 7th action because it specifically references, without a show of progress towards a lift, that it's unlikely that they will get any relief.

Ms. Kavanagh responded that that is already an Agenda item, C. under New Business.

Mr. Powers suggested that they look at Appendix C. and described in detail what they are looking to add. He commented that they can add anything they need to the appendices and explanations. If the Board wants to go in a different direction, it's the Board's Warrant.

Mr. Handler added that there are two others, Golf and Chapter 90 Roads, that are also following this same path.

Ms. Kavanagh summarized what Mr. Powers was saying, referring to their previous discussion, they can add an asterisk noting that those items would come back to a fall Town Meeting rather than put them back in the Plan. Ultimately it is whether or not they want to put a dollar amount in, going in to May Town Meeting or do they want to stay with an asterisk to explain the they currently don't have the funds for three items and they are planning on bringing them back in the fall ,pending funds. They can take a different action or vote to close and execute the 2024 Annual Warrant. She asked the Board members how they would like to proceed.

Mr. Handler commented that there seems to be a level of comfort that they will be able to achieve the goal that needs to be achieved from the standpoint of all three of the Articles that they need to fund on the Capital Plan. He is willing to continue along with the asterisk and explanation for the public to understand that these three projects have not been dropped from the Capital Plan.

Vote: 3:1 with Mr. Howell opposed. Motion carried.

Mr. Powers distributed 7 originals for the Board's signatures.

April 1, 2024

VIII. NEW BUSINESS

A. Vote to appoint Edward Spellman, Jr. as Temporary Treasurer/Collector

Mr. Handler moved to vote to appoint Edward Spellman, Jr. as Temporary Treasurer/Collector. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

B. Discussion on holding a Public Forum on Annual Town Meeting Warrant Articles

Mr. Handler expressed interest in having a discussion on holding a Public Forum on Annual Town Meeting Warrant Articles.

Ms. Kavanagh noted that they had had a discussion on different Articles and whether or not it would be helpful to have a Public Session. She expanded to say that they could decide as a Board to have a Public Session and talk about any Articles that the public might have questions on. She asked Board members for feedback.

Mr. Handler commented that he thinks it'd be a fantastic idea to hold a Public Forum for all Warrant Articles. He stated that information to the public is extremely important and he supports having a Public Forum 100%.

Mr. MacAskill also said 100% and suggested it be kept as an open topic for the next amount of meetings until Town Meeting and set aside a block of time. He noted that they have done this in the past. There are a half dozen to a dozen Articles to be talked about. There is a growing number of people who aren't as interested in the Petition Articles going forward and they would like to have their "day in court" on their own science and a differing view of the Petitioners. He sees no reason why having an open Agenda item every Monday night for discussion on Warrant Articles doesn't make sense.

Ms. Kavanagh agreed that they can have an open Agenda item. Voter Information Committees used to do a fantastic job at educating the public and holding different things on the Harwich Channel. Unfortunately, they don't have that anymore. It would be good if they keep it as an open Agenda item. They can feel it out as they go, how many people are asking and then figure out a date and a time prior to Town Meeting to have something if they need to.

Mr. Handler noted that he is in the process of selecting his next Office Hours with Mr. MacAskill. He will reschedule and let the public know. He stated that it is an opportunity to sit in a smaller setting with one or two Select Board members to answer questions.

April 1, 2024

Cindy Williams, Executive Director of the Harwich Chamber of Commerce was present. She commented that this is something that the Chamber, the Select Board and Town Administrator have done on a regular basis at the 400 East. She added that there is a cost but also a buffet and they go through popular Warrant Articles. It has been done for a number of years other than the COVID years and she offered to do it again this year and will look into it.

Richard Waystack of Harwich was present. He noted that years ago, they held a Public Forum with the Chamber but at no cost. It was televised live and open to everybody. He noted that it was just an articulation of the Articles, not a debate. They brought in every Department Head, Board or Committee the was involved and it lasted about two hours. He commented that for people who don't want to pay for a dinner, this would be a wonderful way to do it with the cooperation of the Harwich Channel.

Ms. Kavanagh stated that they will keep it as an Agenda item moving forward and they will decide if they will have an event as Mr. Waystack described, as well as Ms. Williams' event.

Mr. Handler suggested that they pick a date.

Ms. Kavanagh will look for an available evening date for the Griffin Room to allow more people to attend or watch live. She suggested a Wednesday April 17th, 24th or May 1st.

Mr. MacAskill suggested the 17th or 24th to give people time and allow for follow up questions.

She asked members to let her know which dates work best for them.

Mr. Powers noted that the 17th is during school vacation week and some staff will be on vacation.

Mr. MacAskill moved that they schedule it for April 24th time to be determined, seconded by Mr. Howell.

Ms. Kavanagh stated that if the Griffin Room is available they will do it on the 24th, probably at 6:00PM. She will confirm.

Vote: 4:0 in favor. Motion carried.

C. Town Administrator to provide an update on Brooks Academy Museum occupancy

Mr. Powers referred to a memorandum in the packet that he provided. It is meant to follow on Select Board member Howell's question posed, under the Select Board report last week regarding whether or not it's possible to get a waiver allowing access to the main floor of the building.

April 1, 2024

Secondly it responds to the Chair's directive to provide a narrative on funds provided to date. He went through the memorandum for the public.

Regarding the question of whether or not they can get a waiver allowing access to the main floor: He presented that question to the Building Commissioner and he indicated that the waiver would be known as a Temporary Occupancy Permit. The Commissioner then provided a definition of that under the State Building Code. He also expressed concern which Mr. Powers shares, on the question of liability of having anyone in the building before the renovation project has concluded. He also indicated that the standard operating procedure on providing temporary occupancy is predicated on knowing to a high degree of certainty as to when the project would be completed and the building then therefore in compliance with State Building Code.

The second part is regarding funds that have been appropriated. Based on the directive, he took that to understand any actions beginning in 2019 which was Article 41 and that Article sought funds for a Structural Engineering Study pertaining to the foundation of the building. Building off of that date, there were four other Articles of varying purposes and dollar amounts. The total appropriation is \$2,595,000 with just over a million left over. The million left over comes from Article 27 of Annual Town Meeting 2023, and Annual Town Meeting 2024 Article 47. He also noted the present lift vs the limited use lift access or LULA Lift. He met last week on site, with the Building Commissioner and the Facilities Maintenance Manager. During the site visit they discussed the present lift which is a staircase lift and is non-functional. According to the Town's Maintenance Manager and the Town's Project Consultant, Doug Manley, the Spencer Preservation Group was hoping to rely on that lift to gain acceptance from the Architectural Access Board while the Town seeks funding for the Fiscal Year 2025 Capital Outlay request of 1.16 million which included funding for a "Limited Use Access" lift or a LULA Lift among other expenditures. The Facilities Maintenance Manager informed the consultant that the current lift is inoperable that the consultant should still proceed seeking the Town's waiver request from the Architectural Access Board as soon as possible.

Mr. Howell expressed his frustration and quoted from August 7th, the recommendations from the contractor. The memo says the you can seek the variance application in some instances where compliance causes a financial hardship. The Board may grant a time extension to allow the owner to bring the project in conformance. It talks about submitting this with a cost estimate and a timeline. He asked if anyone knew when the 250th anniversary is. He emphasized the this was discussed in August, two Chairs told him because he was liaison to the Brooks Academy Commission, that Administration had told them that they were prohibited as a Commission, from being in the building. Eventually that was lifted but not the public. He noted that this is not a new issue, it's coming up on a vote that the Board took to pursue getting that Temporary Occupancy Permit. It's coming up on a year this summer. He's frustrated that they are at this point and everyone is pretending that it just became a problem. It has been a problem.

Ms. Kavanagh noted that the Spencer Preservation Group did not submit that to the Architectural Access Board which needed to be completed.

Mr. Howell noted that it was their contract and they didn't follow up.

April 1, 2024

Mr. MacAskill asked Mr. Howell to clarify what “we didn’t follow up” means.

Mr. Howell replied that they have a contracting office that’s not just to procure things, it’s also to administer contracts and to default them if things aren’t going right. He clarified with Mr. Powers that the money had been paid.

Mr. Powers noted that the vendor did not submit to the Architectural Access Board as directed by the contract and by the Primary Project Manager. They had conversation in the fall about that, they talked about the other lift and whether or not he may be able to rely upon that. When he had the conversation last week with staff, the consultant informed staff that they thought it was already taken care of by the consultant. It was not.

Mr. Howell stated that the reason he is concerned about that is that if they start today and ask for the variance, it says from their own, quoting from the information in the packet on August 7th: “for this type of variance, cost estimated for the changes must be included in the application” . He explained that they would have to enclose the cost estimates and exactly when they plan on doing it. There is no exactly when they’re going to be doing it.

Mr. MacAskill asked if the frustration should be directed at the consultant. The Town did what the Town was supposed to do. He commented that it seems that Mr. Howell is frustrated with the Town.

Mr. Howell replied that no, he brought this issue up more than a month ago and asked if it had a certificate of occupancy and if not, have we pursued the variance. He noted that more than a month has transpired since he asked and now they have a report, finally had someone looking at the paperwork in the trail and realize they hadn’t put in for the variance. He noted that it’s on the Board too because he brought it up.

Mr. Handler commented that he respects what Mr. Howell was saying but asked if they had a funding issue and if they need an estimated time to completion, how would they apply for anything when they’re staring at a funding issue to fund the work that needs to be done on this amazing building.

Mr. Howell replied that it’s a self-created emergency, even if this had some certainty for Fall Town Meeting, which is doesn’t, this should have been submitted because the Capital Plan at that time, had that money in it. It was in the Capital Plan and it had a number, it didn’t have zeros. They could have been submitting the request for the variance at that time. Right now, if this is put off to the fall, you’re not talking about opening that building until at least the summer after this one. He stated that his frustration is born out of the fact that this was an evolving problem, that people knew that they had a problem, that they did not have an Occupancy Certificate and that they didn’t take the appropriate steps or followup. If they issue a contract and no work is

April 1, 2024

ever done, they should be issued a cure letter. He didn't know if anyone followed up on this until just recently and that's his concern.

Ms. Kavanagh commented that he seems upset at the process but not the vendor. At this point it is what it is and they have to move forward. It hasn't been submitted, they've been instructed to submit it.

Mr. Howell replied that the vendor is their agent and he's upset with everybody.

Ms. Kavanagh commented that at the same time it hasn't been done, it's being submitted. The only way to go forward is, they're moving forward with the submittal to the Architectural Access Board to seek a variance. She noted that it doesn't mean it will be granted. She added that this refers to the FY25 Budget which they're talking about not having funding for. Ms. Kavanagh noted that Mary Anderson, former Chair of the Select Board, signed that and then the vendor was supposed to submit. The Town Administrator just explained that there was miscommunication back and forth and that they did not submit. That's a fact and the Board needs to move forward. It's a request to the Architectural Access Board to grant a variance. A variance is a variance for a reason. It doesn't mean it'll be granted, it's not automatic. Moving forward, it then says that FY25 Capital Plan was the way it was going to be funded. So regardless, we have this issue, it's an update and it's moving forward. She asked Mr. Howell what more they can do.

Mr. Howell said it's moving forward as of this week and he added, shame on us, shame on all of us.

Mr. MacAskill commented that there is 1.1 million dollars that hasn't been spent yet. What is the 1 million dollars left over from Annual 23 Town Meeting Warrants. It could have been reappropriated if anyone brought this before this Board to fix the elevator. He commented that this isn't on Mr. Powers, as a matter of fact, Sean Libby and Mr. Powers should be thanked because they took two years of projects in out years and moved them forward with a funding source at 1.160 million and nowhere in this conversation or any of the emails, anyone has even acknowledged the fact that the Maintenance Facilities Director and the Town Administrator tried to get this done. Mr. MacAskill added that members of the Commission have said to him that they're OK with the fact that they don't have the money this year. He commented that if they're going to start talking about things not getting done, then look back 8 years and how many years of procurements that aren't done. This building is very important but is it the absolute most important project to this Town right now and it should be being skipped over? This is the frustration that he has in many, many other projects that haven't been started. He compliments the Town, the Administrator and the Facilities Director for their work on this building. And shame on those who say one thing and then act another and then the Board ends up in this place tonight. It's turning into a headline for the Chronicle that doesn't need to be a headline. Which, based on Sunday's More to Come, it'll be a headline anyway. There should be some credit given, not just shots fired, a past recently resigned person from that Commission was sidestepping the

April 1, 2024

project and talking to the Project Manager outside of where he should have been. This isn't all on the Town nor should it be painted that way by the public or the press.

Mr. Powers stated that the total balance presently for the Articles that are referenced is \$1,022,628, \$690,000 of which cannot be repurposed because it's Community Preservation. The Facilities Manager has reached out and had conversations with the CPC Committee but those funds were identified specifically for exterior work. The remainder \$332,628 comes from the Supplemental Funds Article under Article 47. A portion of that may be used but they were looking to use that for the owners Project Manager and Architect planned for the 1.16. Of the million, there is less than a third available.

Mr. MacAskill confirmed that that was another Article brought forward for re-appropriation by an attempt from the Facilities Manager to get this project done.

D. Vote to approve the revised Personnel Bylaw classification and Compensation table to account for;

- * Deputy Library Director
- * Human Resources Generalist
- * Seasonal Activities Coordinator

Mr. Handler moved to vote to approve the revised Personnel Bylaw classification and Compensation table to account for; Deputy Library Director, Human Resources Generalist, . Seasonal Activities Coordinator. Seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

Mr. Powers noted that on items E., F. and G. they all relate to the same establishment which is Pelham on Earle. He asked that they do those three items and hold H.

E. Approve a 2024 Seasonal Common Victuallers license renewal for Pelham on Earle Operating LLC d/b/a Pelham on Earle, 30 Earle Road

F. Approve a 2024 Seasonal M.G.L. Chapter 138 Section 12 liquor license renewal for Pelham on Earle Operating LLC d/b/a Pelham on Earle, 30 Earle Road

G. Approve a new 2024 Annual Innholders license for Pelham on Earle Operating LLC d/b/a Pelham on Earle, 30 Earle Road

Mr. Handler moved to approve a 2024 Seasonal Common Victuallers license renewal for Pelham on Earle Operating LLC d/b/a Pelham on Earle, 30 Earle Road as well as a 2024 Seasonal M.G.L. Chapter 138 Section 12 liquor license renewal for Pelham on Earle Operating LLC d/b/a Pelham on Earle, 30 Earle Road both under such terms and conditions as contained in the prior license. And a new 2024 Annual Innholders license for Pelham on Earle Operating LLC d/b/a Pelham on Earle, 30 Earle Road. Seconded by Mr. MacAskill.

April 1, 2024

Vote 4:0 in favor. Motion carried.

Item H. is held, no action taken at the request of the Applicant.

H. Approve a 2024 Seasonal Weekday and Sunday Entertainment license renewal for Pelham on Earle Operating LLC d/b/a Pelham on Earle, 30 Earle Road:

* Weekday 12:00 p.m. to 10:00 p.m. inside & outside Live/recorded music, amplification, dancing by live performers

* Sunday 12:00 p.m. to 10:00 p.m. inside & outside Live/recorded music, amplification, dancing by live performers

I. Approve a 2024 Weekday and Sunday Entertainment license renewal for Wychmere Harbor Functions, LP d/b/a Wychmere Beach Club, 23 Snow Inn Road:

* Weekday 11:00 a.m. to 10:00 p.m. outside & 11:00 a.m. to 1:00 a.m. inside Live/recorded music, amplification, dancing by live performers and patrons

* Sunday 11:00 a.m. to 10:00 p.m. outside & 11:00 a.m. to 1:00 a.m. inside Live/recorded music, amplification, dancing by live performers and patrons

Mr. handler moved to approve a 2024 Weekday and Sunday Entertainment license renewal for Wychmere Harbor Functions, LP d/b/a Wychmere Beach Club, 23 Snow Inn Road:

* Weekday 11:00 a.m. to 10:00 p.m. outside & 11:00 a.m. to 1:00 a.m. inside Live/recorded music, amplification, dancing by live performers and patrons

* Sunday 11:00 a.m. to 10:00 p.m. outside & 11:00 a.m. to 1:00 a.m. inside Live/recorded music, amplification, dancing by live performers and patrons

with any language that was associated with prior licenses. Seconded by Mr. MacAskill.

Mr. Howell asked for the public, if this is any change from last year.

It was confirmed that there are no changes.

Vote: 4:0 in favor. Motion carried.

J. Approve a 2024 Seasonal Lodging House License renewal for Gingerbread House, 141 Division Street

Mr. Handler moved to approve a 2024 Seasonal Lodging House License renewal for Gingerbread House, 141 Division Street with any language that was associated with prior licenses. Seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

K. Vote to name the Town Administrator as Agent for the Board to negotiate with the food service license holder at Cranberry Valley Golf Course

April 1, 2024

Mr. Handler moved to name the Town Administrator as Agent for the Board to negotiate with the food service license holder at Cranberry Valley Golf Course. Seconded by Mr. MacAskill.

Mr. Howell asked if they know exactly who owns what equipment, noting that there is a value to whether or not somebody has to backfill equipment.

Mr. Powers replied that that is the essence and purpose for this action so that the Town can have the Board's Agent in the room, working with other staff, going over inventory lists and trying to determine who owns what. He added that we, the Town, are certain in their inventory, the current provider is less certain and there were questions as to the prior provider. He is asking for that designation, to move that issue forward.

Mr. Howell does not feel it is a burden that should be born by anybody if they assume that they're going to have certain things in a building. He commented that they need to button this up so when they do this sort of a contract, we own this and you've got to bring that. Then when you leave you take that and the Town owns everything else. It's really important to hammer down right away.

Vote 4:0 in favor. Motion carried.

IX. TOWN ADMINISTRATOR'S REPORT

Mr. Powers reported that he has signed on behalf of the Town, a contract with Sigma Health for \$68,769, which has been procured to provide comprehensive cardiac screening evaluation. He noted the funding source as an EOS last year. Another contract through the Harwich Channel, a contract with WB Mason for the Griffin Room Furniture Replacement Project, \$33,140. He also noted a personnel appointment, John Rossi, a Harwich resident will be a Program Specialist 3 in the Recreation Department.

X. SELECT BOARD'S MEMBER REPORT

Mr. Handler thanked Matt and Caleb who do one heck of a job for the Select Board every week.

XI. CORRESPONDENCE

XII. ADJOURNMENT

Mr. Howell moved to adjourn. Seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

Meeting adjourned.

April 1, 2024

Respectfully submitted,

Judi Moldstad
Recording Secretary

April 1, 2024

**MINUTES
SELECT BOARD MEETING
DONN B. GRIFFIN ROOM, TOWN HALL
732 MAIN STREET, HARWICH, MA 02645
EXECUTIVE SESSION - 5:00 PM
REGULAR MEETING - 6:00 PM
MONDAY, APRIL 8, 2024**

MEMBERS PARTICIPATING: Julie Kavanagh, Chair and Jeff Handler, Clerk both in person
Michael MacAskill, Vice Chair participated remotely.

ALSO PARTICIPATING: Joseph F. Powers, Town Administrator

I. CALL TO ORDER: Ms. Kavanagh called the meeting of the Harwich Select Board to order at 5:00PM noting that they were entering into Executive Session and will return no sooner than 6:00PM.

Mr. Handler moved to enter into Executive Session as presented. Seconded by Ms. Kavanagh.

Vote: 3:0 in favor by roll call vote. Motion carried.

II. EXECUTIVE SESSION

- A. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual.
- B. Pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct contract negotiations with non-union personnel: Police Chief

Ms. Kavanagh called the Select Board Meeting back to order at 6:00 PM, reporting that while in Executive Session no action was taken on Items A or B. She then read the open meeting Law Notice. Ms. Kavanagh noted that Select Board Member Michael MacAskill is participating remotely.

III. PLEDGE OF ALLEGIANCE

Ms. Kavanagh invited all attendees to join in the Pledge of Allegiance.

IV. PUBLIC COMMENTS/ANNOUNCEMENTS

April 8, 29024

Emily Mitchell, Town Clerk was present and offered a reminder that the Special Election to fill the Select Board vacancy is scheduled for April 9th, she gave all voting details. Information is on the town's website.

A. The Select Board Public Forum on Annual Town Meeting Warrant Articles will be held on April 24, 2024, at 6:00 pm in the Griffin Room at Town Hall.

Ms. Kavanagh noted the Select Board Public Forum details. She also noted that the Select Board will not be meeting on Tuesday, April 16th

B. Office Hours with Michael MacAskill and Jeffrey Handler will be held on April 23, 2024, at 5:30-7:00 pm at the Community Center in Room 3

Mr. Handler announced the next Office Hours with details as presented.

Carrie Schoener, Health Director was present. She offered updates and noted the Department's programs. She also noted other events offered by the Health Department. Details on events and programs are on the Town's website.

Amy Usowki, Conservation Agent was present and spoke about the annual Tour de Trash. Event details and sign-up details are on the Town's website.

Cindy Williams, Executive Director of the Harwich Chamber of Commerce was present and announced that the Toast of Harwich will be held at Wequassett next Saturday, April 20th. Select Board Member Jeff Handler will be the auctioneer for the Live Auction. Ticket information is on the Town's website.

Ashley Symington, Director of Youth and Family Services was present and gave details on this month's parent workshop. No registration required.

Terry Canavan of Harwich was present and gave a brief overview of her experience advocating for disabled elderly and vulnerable people. She offered her thanks Mr. Handler for attending the pizza party and to Eric Beebe, Rec and Youth Director for his continued involvement in a program that she had started. She noted that she has been requesting an ADA (Americans with Disabilities Act) accommodation (chair) for quite some time and she described her needs. She commented that the chair that had been ordered is a "community chair" which does not meet her standard for accommodation, which she explained. She noted the new chair at the Community Center, which is designated for a specific individual. She also stated that if this (her request for a chair) is not done now, it will go to the Attorney General.

V. NEW BUSINESS

A. Approve a M.G.L Chapter 138, section 12 seasonal liquor license renewal for Ashwood Food Service, Inc. d/b/a Jake's at Cranberry Valley, 183 Oak Street

April 8, 29024

Mr. Handler moved to approve a M.G.L Chapter 138, section 12 seasonal liquor license renewal for Ashwood Food Service, Inc. d/b/a Jake's at Cranberry Valley, 183 Oak Street, consistent with the license from the previous years. Seconded by Mr. MacAskill.

Vote 3:0 in favor by roll call vote. Motion carried.

B. Approve the following 2024 Seasonal Common Victualler license renewals:

1. Ashwood Food Service Inc. d/b/a Jake's at Cranberry Valley, 183 Oak Street
2. Schoolhouse Ice Cream & Yogurt, 749 Route 28

Mr. Handler moved to approve the following 2024 Seasonal Common Victualler license renewals:

1. Ashwood Food Service Inc. d/b/a Jake's at Cranberry Valley, 183 Oak Street
2. Schoolhouse Ice Cream & Yogurt, 749 Route 28

Seconded by Mr. MacAskill.

Vote 3:0 in favor by roll call vote. Motion carried.

C. Approve a One day Wines and Malt Special Permit for Georgene Riedl, event to be held on May 3, 2024, 5:30 p.m. to 7:30 p.m. at 204 Sisson Road

Mr. Handler moved to approve a One day Wines and Malt Special Permit for Georgene Riedl, event to be held on May 3, 2024, 5:30 p.m. to 7:30 p.m. at 204 Sisson Road. Seconded by Mr. MacAskill.

Vote 3:0 in favor by roll call vote. Motion carried.

D. Approve a 2024 Seasonal Weekday and Sunday Entertainment license renewal for Pelham on Earle Operating LLC d/b/a Pelham on Earle, 30 Earle Road:

- * Weekday 12:00 p.m. to 10:00 p.m. inside & outside Live/recorded music, amplification, dancing by live performers
- * Sunday 12:00 p.m. to 10:00 p.m. inside & outside Live/recorded music, amplification, dancing by live performers

Mr. Handler moved to approve a 2024 Seasonal Weekday and Sunday Entertainment license renewal for Pelham on Earle Operating LLC d/b/a Pelham on Earle, 30 Earle Road:

- * Weekday 12:00 p.m. to 10:00 p.m. inside & outside Live/recorded music, amplification, dancing by live performers
- * Sunday 12:00 p.m. to 10:00 p.m. inside & outside Live/recorded music, amplification, dancing by live performers

Mr. Handler noted that there is representative from Pelham present to answer questions.

Seconded by Mr. MacAskill.

Mr. MacAskill asked if there are any changes from last year.

Ms. Kavanagh replied noting that on the weekday, inside 9:00 AM to 10:00PM on the Entertainment License and Sunday, inside 9:00 AM to 10:00 PM, the only change is “un-amplified”. The Petitioner is requesting “amplified”.

Ms. Kavanagh clarified that the request for amplified is for inside and outside.

Mr. Powers noted there is memo from Staff that includes the information from last year. He noted that it appears that the hours in question are reduced.

John McCarthy, Pelham Hospitality Representative was present and gave the reasons they requested different times and amplification.

Mr. MacAskill commented that in the past, people in that area of town were not interested in any amplification whatsoever, regarding other businesses. He also commented on Pelham’s great reputation and is unaware of any complaints against them. He cautioned management and ownership that there is a Noise By-law. He is one to give someone a chance but feels the 10:00 might be stretching it.

Mr. Handler agreed with Mr. MacAskill noting Pelham’s impeccable reputation. He also emphasized using caution.

Ms. Kavanagh noted past complaints in that area but also agreed that Pelham deserves this opportunity, she also emphasized using caution.

Mr. Handler noted that it’s beneficial to reach out to the neighbors.

Mr. McCarthy expressed his intention to reach out to everyone in the area.

Vote: 3:0 in favor by roll call vote. Motion carried.

E. Approve the following 2024 Seasonal Weekday and Sunday Amusement license renewals:

1. The Trampoline Center, 296 Route 28 – Weekday & Sunday 9:00 a.m. to 9:00 p.m. Amusement Type: Trampolines
2. S&S Amusement, LLC d/b/a Bud’s Mini Golf, 9 Sisson Road – Weekday & Sunday 10:00 a.m. to 10:00 p.m. Amusement Type: Miniature Golf

April 8, 29024

Mr. Handler moved to approve the two 2024 Seasonal Weekday and Sunday Amusement license renewals:

1. The Trampoline Center, 296 Route 28 – Weekday & Sunday 9:00 a.m. to 9:00 p.m. Amusement Type: Trampolines
2. S&S Amusement, LLC d/b/a Bud's Mini Golf, 9 Sisson Road – Weekday & Sunday 10:00 a.m. to 10:00 p.m. Amusement Type: Miniature Golf

Seconded by Mr. MacAskill.

Vote: 3:0 in favor by roll call vote. Motion carried.

VI. OLD BUSINESS

A. Discussion on Annual Town Meeting Warrant and all articles therein

Ms. Kavanagh noted that the Board has this item on the Agenda for any questions the public might have on the Annual Town Meeting Articles. Also as announced earlier, there will be a session on April 24th to discuss the Annual Town Meeting.

Mr. Handler noted that the Office Hours on April 23rd are also an opportunity for the public to ask questions about the Warrant.

No questions were asked.

VII. CONTRACTS

A. Vote to approve a Memorandum of Understanding with Meals on Wheels

Mr. Handler moved to vote to approve a Memorandum of Understanding with Meals on Wheels. Seconded by Mr. MacAskill.

Mr. Powers noted that this is a standard arrangement that the Town has had for several years. The purpose is to support the Nutrition Program for the Meals on Wheels Program. It is tied to Elder Services of Cape Cod and the Islands and he recommended that the Board approve this Contract

Vote: 3:0 in favor by roll call vote. Motion carried.

VIII. TOWN ADMINISTRATOR'S REPORT

Mr. Powers noted a memorandum of Agreement with the Cape Cod Commission. He explained that the Town is partnering with the Cape Cod Commission, for them to serve as the Town's consultant as they progress through the Hazard Mitigation Plan. He has signed the Memorandum of Agreement but will hold off if the Board considers it something that they do. If the Board is in favor of it, the Town is relying on an \$18,000 Grant that it received through the Federal Government.

April 8, 29024

Board members agreed to go forward with the Agreement as noted. Mr. MacAskill requested that the information be forwarded to him.

IX. SELECT BOARD'S MEMBER REPORT

Mr. MacAskill - No report.

Mr. Handler mentioned the Harwich Accessibility Rights Committee (HARC) , noting that Select Board Howell is the Liaison. He was hoping to get closure on where they are going with HARC. He would like to move that forward.

Ms. Kavanagh will add that to the April 22nd Agenda as there is no meeting on Tuesday, April 16th.

X. CORRESPONDENCE

XI. ADJOURNMENT

Mr. Handler moved to adjourn. Seconded by Mr. MacAskill.

Vote: 3:0 in favor. Motion carried.

Meeting adjourned.

Respectfully submitted,

Judi Moldstad
Board Secretary

April 8, 29024

MINUTES
EMERGENCY MEETING OF THE SELECT BOARD
BOARD OF WATER AND WASTEWATER COMMISSIONERS
DONN B. GRIFFIN ROOM, TOWN HALL
732 MAIN STREET, HARWICH, MA
EMERGENCY MEETING 8:40AM
WEDNESDAY, APRIL 10, 2024

MEMBERS PARTICIPATING: Julie Kavanagh, Chair, Jeff Handler, Clerk, Don Howell and Peter Piekarski were present. Michael MacAskill, Vice Chair participated remotely.

ALSO PARTICIPATING: Joseph F. Powers, Town Administrator and Noreen Donahue, Vice Chair of the Water/Wastewater Commissioners

I. CALL TO ORDER: Ms. Kavanagh called the Emergency Meeting of the Harwich Select Board and Board of Water and the Wastewater Commissioners to order on Wednesday, April 10, 2024 at 8:40 AM. Ms. Kavanagh read the Open Meeting Law Notice.

II. JOINT MEETING OF THE SELECT BOARD AND BOARD OF WATER AND WASTEWATER COMMISSIONERS

A. Town Administrator update

B. emergency relative to drinking water emergency and distribution plan. Votes may be taken

Mr. Powers acknowledged that there may be some representatives from the Board of Water and Wastewater Commissioners present. He explained for the general public, that the Town is operating in an emergency manner. This meeting has come together as quickly as possible, making sure that the Board of Water and Wastewater Commissioners had an opportunity to be present. He also recognized that many of them may not yet be available considering how fast things are occurring. He requested that, for the record, that those present be identified.

Ms. Kavanagh acknowledged Noreen Donahue, Vice Chair of the Water and Wastewater Commissioners who was participating remotely.

Ms. Donahue stated that she has attempted to connect with other members of the Commission. She has connected with Dan Pelletier, Water/Wastewater Superintendent.

Mr. Powers stated that they are also joined by the Town of Harwich Department Heads. He noted that the purpose of this meeting is to ramp up information regarding the drinking water emergency that the Town became aware of late on April 9th. The Town is still under a drinking water ban. There should be no drinking of water occurring in the Town of Harwich at present. Through Dan Pelletier, the Town's Water/Wastewater Superintendent, the information he has as

April 9, 2024

of this morning is that the Town is working through the Massachusetts Department of Environmental Protection in an attempt to get the order localized to the area that was impacted. That area is the Village of North Harwich. As of this time, that has not occurred and it continues as a Town wide ban. The main purpose of this meeting is to have the Select Board declare an emergency for drinking water purposes so the Town may preserve its rights for procurement and any other necessary steps that may occur. He is also working with Department Heads, with Public Safety as the first among them, for the distribution of water. The appropriate action at this time is for the Board to discuss and hopefully declare an emergency for drinking water purposes. He requested a motion, discussion and a vote from the Select Board.

Mr. Howell moved to vote to declare an emergency relative to the incident and to invoke emergency powers for the Town vis-a-vis procurements. Seconded by Mr. Handler.

Vote: 5:0 in favor by roll call vote. Motion carried.

Mr. Powers commented that he can give the Board more information if needed. At this time, they will be resuming the Department Heads meeting to discuss water distribution. He noted that there may be a single point of contact such as the Community Center. They will continue that discussion and get the information out to everyone as soon as possible. He did note that they have been able to secure water immediately through the immediate efforts of the Superintendent, Public Safety and the Health Department. Having the inventory is not the issue. Distribution and length of need for distribution are the issues. He expects to have more information as the day progresses.

Dan Pelletier, Water/Wastewater Superintendent reported that crews have been out since they received the first call at 4:30PM yesterday. They opened hydrants and flushed the system until approximately 2:00 AM. They observed foam in Great Western Road and around the corner on Depot. He does not believe that any of the foam went towards the east. He believes it is localized to the northwest portion of town. The way the distribution system operates and at the time at which the pumps were running, the pumping for the water system shut off right before firefighting activities went into place. The firefighting foam that was introduced into the system was not distributed broadly throughout town. He noted that they got the appropriate samples bottles from the Barnstable County Lab. They are now coordinating testing samples to get the samples up to the lab for analysis. Once they received confirmation that there is no longer PFAS present, he expects that they will be able to lift the ban. He is presently waiting for a call back from the Department of Environmental Protection (DEP) and he is hoping they will be allowed to reduce the ban to the localized area. There are only two water mains that feed that section of Town.

Mr. Piekarski asked how frequently the additional testing will occur.

April 9, 2024

Mr. Pelletier replied that, following DEP's guidelines, they're doing the initial sampling round. He is unsure if DEP will be requiring additional sampling but they can do it on their own in a couple of weeks.

David LeBlanc, Fire Chief referred to the email that he had sent to the Board. He highlighted that approximately 3 or 4 years ago, using a program through the DEP, the Fire Department replaced all of their foam. They had identified all the legacy chemicals that had been identified as hazardous. The DEP funded the clean up process and then the Department spent additional funds to get rid of foam that had not been identified as hazardous but may contain harmful chemicals. He noted that it is biodegradable and has no legacy chemicals or PFAS in it. He emphasized that those facts are important when they look at the totality of the incident. It is a small area and the hazard is minimal. However, he is not minimizing where they are now. As a way of an explanation of the incident, he noted the following: Harwich had responded to a building fire in Dennis at 11:00 AM on April 9th. On the town line, behind the Great Western Deli there are storage buildings and the fire was involved in two bays of the building. He went on to describe that Harwich arrived first and as they arrived, the Harwich engine connected to a hydrant on the Harwich side of the Town line and laid into that supply line. It's a dead end main that ends at the Town line. Those typically have poor pressure and are typically not used for firefighting operations as they are not satisfactory. When they started operations, they didn't have enough water. The second engine that arrived was from Dennis. They connected to a hydrant on the Dennis side and augmented the Harwich water supply. He described how Harwich's engine had a one hydrant line connected from Dennis and one from Harwich. During the firefighting operation a gas tank let go on one of the vehicles, creating a flaming puddle of gasoline coming out of the building and towards people. They immediately switched to a foam operation, knocked the fire down and put the fire out in the building. He explained how the foam system works. What has been determined is that the pressure on the Dennis side is greater than the pressure on the Harwich side and it was able to push that foamy water back through the hydrant line and into the water main. He estimates that the amount of foamy water that went back in solution into the water main is minimal but a little bit of foam looks like a lot. He expressed regret that the situation happened and commented that it was not something anyone could have anticipated. It was two different water systems and the perfect storm of events. At the Town Administrator's request, he reached out to the Community Emergency Response Team (CERT). They will be available to assist the town with the distribution of water.

Mr. Powers noted next steps. They are resuming the Department Head Meeting for the purposes of the distribution plan. The regulatory departments have and will be reaching out to businesses in the Town of Harwich and they are relying on CERT. The emphasis is for Harwich residents and Harwich families to have access to drinking water. They will be relying on all communication channels, social media, the Harwich Channel, the distributions through CERT and the Town website. He reminded everyone to sign up on the website to receive Town alerts.

April 9, 2024

Mr. Howell expressed on behalf of the Board, their appreciation for the efforts from the Fire Department and Dan Pelletier and his people, for doing what they did yesterday. He commented that we should be proud of all their efforts.

III. ADJOURNMENT:

Mr. Handler moved to adjourn. Seconded by Mr. Howell.

Vote: 5:0 in favor by roll call vote. Motion carried.

Meeting adjourned.

Respectfully submitted,

Judi Moldstad
Board Secretary.

April 9, 2024


PUBLIC HEARING

&

PRESENTATIONS

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

Memo

To: Chair, Select Board
Via: Joseph F. Powers, Town Administrator
From: John C. Rendon, Harbormaster 
Date: March 27, 2025
Subject: Special Purpose Moorings – Cape Cod Community Rowing

Ref: (a) Harbor Management Plan

Request Select Board approval for the permitting of a Special Purpose Mooring by the Harbormaster to Cape Cod Community Rowing (CCCR) per Section 3.13 of reference (a). Cape Cod Community Rowing is a non-profit organization with a mission of providing rowing opportunities for the region's youth and adults through recreational and competitive programs at Long Pond, and therefore qualifies for the assignment of a Special Purpose Mooring as defined in reference (a). As outlined in the attached letter from CCCR, the Special Purpose Mooring will be located near the Fernandes public mooring field and will provide a safe mooring for their new wakeless safety launch.

Sharlene Sones, Chair of CCCR Board of Directors went before the Waterways Committee on March 20, 2024 requesting assignment of a Special Purpose Mooring, and received unanimous support from the committee.

Encl (1) Cape Cod Community Rowing letter request for Special Purpose Mooring permit

Copy (1) Chairman, Waterways Committee



Waterways Committee
Harwich Town Hall
732 Main Street
Harwich, MA 02645

March 10, 2024

Dear Committee Members,

We are writing to request consideration for a special mooring permit for a wakeless safety launch at Fernandes Beach, Long Pond, for annual use during the rowing season from April 1- November 1.

Our 501 (c)(3) non-profit organization, Cape Cod Community Rowing, Inc. (CCCR), supports a rowing community of all ages and abilities through programming at Long Pond in Harwich. As you are aware, we have offered programs for many years from Fernandes Beach, providing rowing opportunities for our region's youth and adults through recreational and competitive rowing programs. We are the only Cape Cod club offering a competitive rowing program for middle and high school students. In addition, we provide classes for cancer survivors in collaboration with Cape Wellness Collaborative.

During the fall of 2023, CCCR received a time-sensitive grant from the Cape Cod Foundation to support the purchase of a wakeless safety launch and joined the waiting list for a mooring at Fernandes Beach, Long Pond. As we are nearing the purchase of the launch, we would like to request an exception to the standard mooring assignment protocol to allow for the addition of a mooring for use between April 1 and November 1 annually.

This launch – and the mooring to access it - is a critical part of our safety plan, providing a solid rescue platform within inches of the water level to rescue an injured or unconscious rower by pulling them directly onto the platform. The flat platform would allow the coach to administer CPR or other first aid to the prone rower. In addition, this launch can come alongside a rowing shell to administer aid or coach those who are hearing impaired, unlike launches with wakes that prevent getting close to a rower. Equally important, this would enable us to rescue a group of rowers quickly at once (such as a shell with 8 rowers and a coxswain).

We look forward to your response. Please do not hesitate to contact me by cell 386-846-8621 or email sharlenezones@gmail.com if you have questions or concerns. Thank you for your consideration.

Sincerely,
Sharlene Sones
Chair, Board of Directors
Cape Cod Community Rowing, Inc

cc: John Rendon, Harbormaster

Cape Cod Community Rowing, Inc.
P.O. Box 1515
Harwich, MA 02645
capecodcommunityrowing.org

**TOWN OF HARWICH
SELECT BOARD**

**NOTICE OF PUBLIC HEARING
Harbor Management Plan**

The Harwich Board of Selectmen will hold a Public Hearing on April 22, 2024, no earlier than 6:00 P.M. in the Donn B. Griffin Room located at Town Hall, 732 Main Street, Harwich for the purpose of reviewing proposed amendments to the Harbor Management Plan, Appendix A, Special Purpose Mooring Assignment.

All members of the public having an interest in this topic are cordially invited to attend. Remote participation is also offered. Please see the posted agenda for dial in information.

Julie E. Kavanagh, Chair
Jeffrey F. Handler
Michael D. MacAskill
Donald F. Howell

Harwich Select Board

The Cape Cod Chronicle
April 4, 2024
April 11, 2024

Housing Production Plan/Housing Needs Assessment

TOWN OF HARWICH, MASSACHUSETTS

A solid orange horizontal bar at the bottom of the page.

Demographic and Economic Trends

1,086 new residents between 2010 and 2021 to 13,329 residents.

Projections indicate relatively stable population through 2030 then declining.

Losing younger residents and gaining older ones.

Rising incomes with median of \$79,641.

57% of households earned more than \$100,000.

12% earned less than \$25,000.

\$1,116 average weekly wage = \$58,000 annual salary.

13.5% of residents claimed a disability.

Housing Growth and Occupancy Trends

61% of housing stock predates 1980.

Limited housing production since 2010.

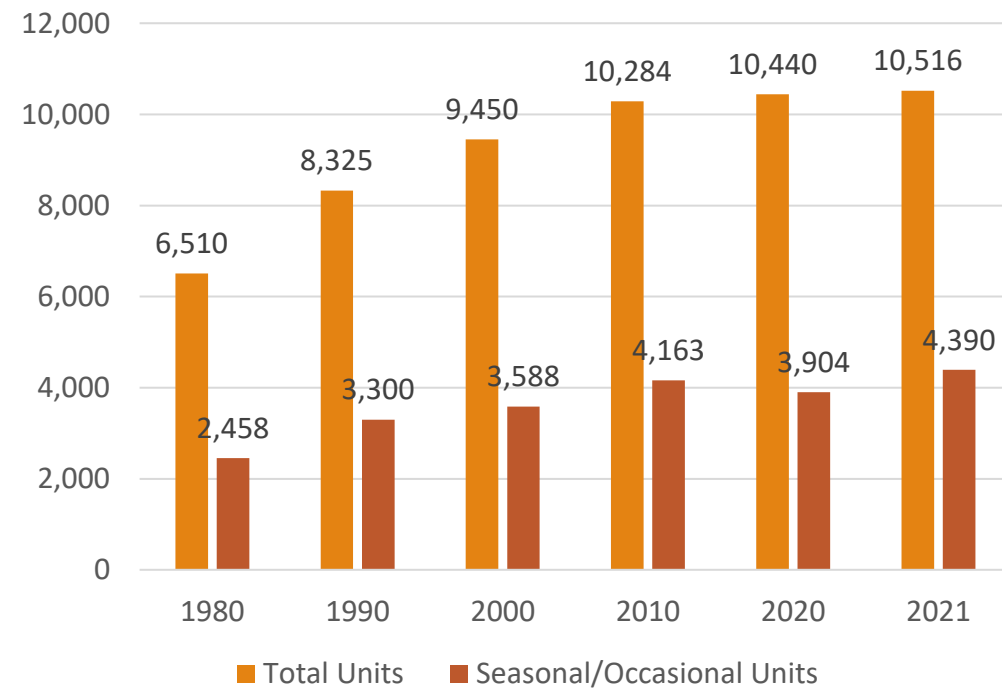
Substantial teardown activity.

Loss of year-round rental units since 2010.

Owner-occupancy at 86% in 2021.

89% of units in single-family detached dwellings.

Change in Total and Seasonal/Occasional Units, 1980 to 2021



Housing Cost Trends

Housing market rebounded in last few years as demand outstripped supply, driving up prices.

While the median income increased by 92% between 2000 and 2021, the median single-family home price increased by 195%.

The median single-family house price was \$650,000 as of August 2023, requiring an income of about \$160,200.

Affordability gap of an estimated \$318,700 for median income earning households.

Market rents of about \$2,400 for a 2-bedroom unit, requires an income of about \$106,000.

About 1/3 of households had cost burdens, 14% with severe cost burdens.

Of the 2,249 households with incomes at or below 80% AMI, 63% had cost burdens, 32% with severe cost burdens.

Priority Housing Needs



Continued focus on year-round rental housing.

- Focus on most vulnerable residents
- Diversify housing stock
- Make up for some of the loss in rentals
- Almost all state subsidies for rentals
- Long waits for subsidized housing

First-time homeownership is also a priority.

- Starter housing
- Units for empty nesters

Integrate handicapped accessibility and supportive services into new development.

Support necessary home improvements.

Next Steps

Draft next sections of the HPP including housing challenges, production goals, and strategies to address housing needs.

Conduct another housing forum to present the draft Plan for comments.

Obtain approvals from Planning Board and Board of Selectmen.

Submit Plan to the state for approval.

Visit Town's website for more information – www.Harwich-ma.gov





This was the previous HPP cover. We may want to change up.

HOUSING PRODUCTION PLAN

Prepared for the
TOWN OF HARWICH
www.harwich-ma.gov

Prepared by the Local Planning Committee
[List members](#)

Karen Sunnarborg, Consultant
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May 2024?



TOWN OF HARWICH HOUSING PRODUCTION PLAN

Table of Contents

	Page
I. Executive Summary	1
A. Purpose of Project	1
B. Affordability Challenges	2
C. Summary of Development Challenges	5
D. Summary of Production Goals	6
E. Summary of Housing Strategies	6
II. Introduction	10
A. Background and Purpose	10
B. Definition of Affordable Housing	11
C. Housing Goals	13
III. Housing Needs Assessment	14
A. Demographic Profile	14
1. Population Growth	14
2. Race	15
3. Age Distribution	15
4. Household Characteristics	18
B. Economic Profile	20
1. Income	21
2. Poverty	24
3. Employment	25
4. Education	26
5. Disability Status	27
C. Housing Profile	28
1. Housing Growth	29
2. Types of Units and Structures	31
3. Housing Market Conditions	35
4. Affordability Analysis	41
5. Subsidized Housing Inventory	47
D. Priority Housing Needs	54
1. Rental Housing Need	54
2. Homeownership Need	55
3. Special Population Need	57
4. Housing Conditions Need	58
5. Summary of Priority Housing Needs	58
The following sections are not yet updated.	
IV. Challenges to Development	63
A. Infrastructure	63
B. Environmental Concerns	64

C. Zoning	65
D. Local Capacity	70
E. School Enrollment	71
F. Public Transportation	73
G. Availability of Subsidy Funds	73
H. Community Perceptions	74
V. Housing Production Goals	75
VI. Housing Strategies	79
A. Capacity Building Strategies	81
B. Zoning and Planning Strategies	87
C. Housing Production Strategies	94
D. Housing Preservation and Assistance Strategies	98
Appendix 1 – Local and Regional Organizations	104
Appendix 2 – Summary of Regulations and Resources	111
Appendix 3 – Glossary of Housing Terms	134

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TOWN OF HARWICH HOUSING PRODUCTION PLAN (HPP)

I. EXECUTIVE SUMMARY

A. Purpose of Project

The Town prepared Housing Production Plans (HPPs) in both 2010 and 2016, and this HPP represents an opportunity to provide another update to accomplish the following purposes:

- Obtain a current understanding of the housing dynamic in Harwich based on updated U.S. Census Bureau figures, market information, and other important indicators of housing need.
- Reflect on what has been accomplished towards meeting local housing needs since the 2016 Housing Plan was approved.
- Reflect on what housing strategies have worked to promote housing diversity and affordability, what actions should be taken to expand and/or modify these approaches, and what new actions should be introduced.
- Review what other comparable communities have done with respect to housing policies, regulation, programs, and projects that Harwich might consider adapting.
- Obtain approval from the state under Housing Production regulations and guidelines that offer communities greater local control over housing development, including the potential to deny inappropriate comprehensive permit projects that can override local zoning.¹
- In light of limited resources and other local constraints to development, determine the most effective avenues for addressing the wide range of local housing needs, charting the town's affordable housing agenda for the next five years.
- Help establish better communication and coordination among Town boards and committees with updated information and guidance from this document. For example, recent work by the Harwich Affordable Housing Trust in developing a Housing Action Plan is an important contribution to this HPP.

The Town is preparing this HPP as part of efforts to update its Local Comprehensive Plan (LCP) with housing being an important component of the community's focus on better understanding current municipal needs and priorities and a vision for the future. The Town selected the firm, Tigie & Bond, to undertake the LCP under the oversight of a special Local Comprehensive Plan Committee with Karen Sunnarborg Consulting hired to prepare the HPP.

While this HPP focuses on the creation of SHI units to meet annual housing production goals, the Town is also interested in creating housing opportunities for those who may earn about the 80% AMI limit but are still priced out of the local housing market. This can be accomplished in establishing different income tiers within new development.

¹ Massachusetts General Law, Chapter 40B, 760 CMR 56.03 (4).

B. Affordability Challenges²

Rising Affordability Gaps and Cost Burdens

The Town of Harwich, like much of Cape Cod, continues to have a pressing need for more attainable housing, particularly in the context of rising housing values for both homeownership and rentals. The median single-family home price was \$650,000³ based on *Banker & Tradesman* data as of August 2023, up from \$352,500 in 2010. This represents an 84% increase, more than twice the 41% rate of inflation during this period. To afford this median price, a household would have to earn an estimated \$191,200 based on 95% financing.⁴ This income is more than twice Harwich's median household income per 2021 census estimates of \$79,641 as well as considerably more than the 2023 HUD area median income limit for a family of four of \$123,400. If the calculations were based on 80% financing with a 20% down payment, the estimated required income would be reduced to about \$160,200, about twice the town's median household income and requiring the purchaser to come up with about \$135,000 in upfront cash for the down payment and closing costs, challenge for many.

The median income earning household could likely afford a single-family home of about \$286,500 based on 95% financing. *The affordability gap is then about \$363,500* - the difference between the price of the median priced single-family home (\$650,000) and what a median income household can afford (\$286,500).⁵ In the case of 80% financing, requiring a 20% down payment, a purchaser would need to borrow less and therefore could afford a home of about \$331,300 and thus the affordability gap would decrease to \$318,700, still very high.

First-time home purchasers are also challenged by increasing interest rates as well as stringent lending criteria in response to the recession that occurred more than 15 years ago that precipitated high down payment requirements and rigorous credit standards. Some homeowners lost their homes to foreclosure while others have found that rising energy, flood insurance, and other housing-related costs are much more challenging to afford. Moreover, of the 1,835 owner households with incomes at or below 80% of median income for Barnstable County, 1,234 or two-thirds were spending too much on housing costs (more than 30% of income) including 644 or 35% who were spending more than half of their income on housing.

The situation is challenging for renters as well. More affordable rentals are urgently needed in Harwich, based largely on the concentration of service-sector and seasonal jobs and the related high degree of job turnover. While a median income-earning renter household (\$51,786) could afford a rent of approximately \$1,045 based on spending no more than 30% of income on housing and average monthly utility costs of \$250, median market rents are closer to \$2,400. Even the median income-earning

² This Housing Production Plan provides the most current information available, often offering historical data to demonstrate important demographic or housing trends. The 2020 decennial census data is offered when actual counts are available, also providing updated 2021 census estimates from the U.S. Census Bureau's American Community Survey.

³ The Warren Group's *Banker & Tradesman* as of October 2023 based on actual sales data.

⁴ Figures based on 95% financing, interest of 6.5%, 30-year term, annual property tax rate of \$6.64 per thousand, and insurance costs of \$6 per thousand. Also based on the purchaser spending 30% of gross income on mortgage, taxes, and insurance.

⁵ Private mortgage insurance (PMI) was not included in these calculations assuming that the purchaser earning at Harwich's median income could qualify for a subsidized mortgage program such as the ONE Mortgage Program or a MassHousing program for example.

household in Harwich (\$79,641) would be hard-pressed to pay more than \$1,741 in rent. No wonder an estimated 42% of renters with incomes at or below 80% AMI are paying too much for their housing.⁶

Rentals also exact high up-front cash requirements, often including first and last month's rent and a security deposit. Credit checks and other references also place barriers to securing housing for some. Information from the Harwich Housing Authority further suggests that there are hundreds of applicants for their subsidized units which rarely turnover.

As would be expected from a community in a tourist area, seasonal housing use remains high and, consequently, in the summer months Harwich's population increases substantially, putting considerable demands on local services but bolstering the town's economy. Having about 40% of units unavailable for year-round occupancy further limits the supply of affordable housing for year-round residents. Nevertheless, more housing is also needed in the summer months to house seasonal workers which are essential to the community's economy but, given low wages and a lack of available inventory, struggle to find places to live.

While seasonal and occasional units increased over prior decades, COVID-19 reversed this trend when off-Cape residents moved to Harwich and other Cape communities in search of a safer place to ride-out the pandemic. This surge in housing demand in tandem with limited housing production drained local housing inventories and drove up prices.

The Cape Cod Times cited a New York Times study that listed Cape Cod as #4 on a list of places where people moved to escape COVID which further exacerbated the region's housing crisis.

The Concord Group Report found that the "Great Mismatch" will continue to have long-lasting impacts on Cape communities' sustainable development if actions are not taken promptly to better control it. The report indicates that a widening wealth gap, negative job growth, polarized industry composition, top-heavy age structure with growing unmet demand for care are a few of the apparent consequences of having too little attainable housing inventory.

To further aggravate local and regional housing and economic challenges is the mismatch between what jobs are available and the housing that is affordable. The Housing Assistance Corporation (HAC) hired The Concord Group to study and report on the Cape's regional economy and housing market and provide solutions for addressing the housing crisis and increasing affordability gaps which bears some consideration.⁷

The report claims, "Continuing to build "capital A Affordable" housing is critically important, however, focusing too heavily on strictly affordable efforts will not fully solve resident displacement. The housing crisis will only be fully corrected when municipalities make legislative efforts (zoning to make building legal and offering density bonuses by adding capital A units) to incentivize denser multi-family development. It is not feasible to strictly continue to deliver capital A affordable housing as the costs of doing so does not allow for the scalability of this product type. This will never significantly reduce the imbalance of supply and demand. The development of more market-rate rental units is a necessity to give current

and future community members a chance for residency on the Cape." The report also identified 28,789

⁶ Defined as spending more than 30% of total income on housing costs.

⁷ The Concord Group, *Housing Market Overview and Economic and Fiscal Benefits of Housing Development in Barnstable County, MA*, prepared for the Housing Assistance Corporation, October 2022.

households on the Cape earning \$50,000 or less as of 2020 and only 1,789 “capital A Affordable” SHI units.

The state currently lists 328 affordable housing units in Harwich’s state-approved Subsidized Housing Inventory (SHI), representing 4.98% of the total year-round housing stock of 6,581 units. This is up from 261 units and 4.5% in 2009 but down somewhat from 333 units and 5.4% in 2016 (based on 2010 census count of 6,121 year-round units). The town still would need to produce at least 330 more affordable units to reach the state’s 10% goal based on the existing year-round housing count from the 2020 census. Because the number of year-round units is based on the decennial census figure, it will change again when the 2030 census figures are released and thus the 10% state threshold is a moving target.

Demographic Changes

Demographic shifts are occurring which also have a bearing on housing needs. Trends indicate that gains in the proportion of older residents and declines in younger people will likely continue. Older adults will be most able to move into Harwich, as they are more likely to possess the significant equity needed to participate in the local housing market, which is increasingly dominated by owner-occupied units. Demand for second homes has also been a driving force behind rising housing prices. The growth in Airbnb’s has also removed units from year-round use as owners can earn about the same amount of money on temporary rentals while still being able to use the units themselves, also with less wear and tear on the property.

Because of their increasing numbers, reliance on fixed incomes, and unique needs, a substantial segment of seniors will require smaller more affordable and accessible dwelling units as well as assisted living arrangements. When asked what the major housing problem was for seniors, the representatives of the Council on Aging immediately responded, ?
Waiting for their response to my requests to talk to them.

Despite a growing population of seniors, buoyed by the baby boom generation and the community’s desirability as a retirement destination, housing for younger people is critically needed because of the ongoing losses from the younger age groups and the expected continued prevalence of homeownership among seniors. To attract a more stable labor force, it is important to work towards providing more affordable and appropriately-sized housing opportunities. Consequently, the Town will largely target its affordable housing efforts on the development of affordable rental options for younger households and the increasing numbers of older, long-term residents with fixed incomes. The Town recognizes, however, that homeownership opportunities for first-time purchasers and low- to moderate-income empty nesters should also be part of its housing agenda.

Based on these trends and further documentation in the Housing Needs Assessment (Section III.C), this Housing Plan suggests the following priority housing needs:

1. *Households with very limited incomes*

Priority Need #1: Given the high costs of rental housing (at least \$2,400 for a two-bedroom unit), high cost burdens (42% of all renters earning at or below 80% of area median income were spending too much for their housing), and limited public housing stock which rarely turns over; more subsidized rental housing is necessary to make living in Harwich more affordable. Goal of about 80% of all affordable units created.

2. *Widening affordability gaps and exodus of younger residents*

Priority Need #2: Create a wider range of affordable and attainable housing options, including first-time homeownership opportunities, particularly for younger households entering the job market and forming their own families and some empty nesters looking to downsize. Goal of about 20% of all affordable units created.

3. *Special needs housing*

Priority Need #3: Harwich has a higher proportion of residents with disabilities at 13.5% of the noninstitutionalized residents in comparison to 11.7% for the state. Some amount of new housing should be built handicapped-adaptable or accessible to those with disabilities, including increasing numbers of seniors, and more supportive housing services should also be integrated into new development. Goal of 10% of all new family units created, 20% for senior housing units or those for individuals.

4. *Housing conditions*

Priority Need #4: About 61% of Harwich's housing stock was built before 1980 and is more likely to include units with lead-based paint that is hazardous to children, septic system problems, as well as deferred maintenance issues. Programs to support necessary home improvements that correct code violations for units occupied by low- and moderate-income households should be reintroduced if possible, particularly the elderly living on fixed incomes and properties tenanted by qualifying households. Goal of about half of the ownership units.

C. Summary of Development Challenges

Continuing a proactive housing agenda to promote affordable housing remains a significant challenge in Harwich. First, the town's resources for absorbing growth are limited given significant physical constraints. In addition to the considerable extent of the town's preserved open and recreational space as well as its sensitive environment, Harwich lacks sewer services in most areas at this point and a few areas are still without municipal water, making denser development more costly and difficult.⁸ This raises concerns among residents about water supply and water quality impacts of any new development.

Second, local zoning provides substantial obstacles to workforce housing development, and current regulations would have to be reformed or in many cases overridden through "friendly" comprehensive permits to overcome these barriers. Zoning for accelerated growth raises local questions concerning capacity and changing the very nature of the community with its small coastal town distinctions. Zoning changes to allow greater density and economies of scale in development in appropriate locations is key to this HPP.

Third, the Town needs to continue to promote more affordable development by effectively managing the Town's limited assets as a whole and directing growth for the overall environmental and social health of the community. Besides Community Preservation Funds, Harwich has established a Housing Trust Fund that has been creatively capitalized from rental proceeds of a cell tower on Town property and the sale of a Town-owned property. Because the Town has limited commercial and industrial uses, it relies predominantly on property taxes raised through its residential base. While tax revenues are increasing based on rising property values, Harwich, like other nearby communities, has a relatively low

⁸ The Town is in the process of implementing its Comprehensive Wastewater Management Plan (CWMP) with the first phase completed in East Harwich.

tax rate of \$6.64 per thousand⁹ as opposed to more than \$15.00 per thousand in quite a few other communities in the Boston region.

Fourth, the lack of community support for new development, including affordable or attainable units, has created road blocks for some development opportunities.

D. Summary of Production Goals

The state administers the Housing Production Program that enables cities and towns to adopt an affordable housing plan that demonstrates production of 0.50% over one year or 1.0% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory (SHI). If this is accomplished in any calendar year, the town will have 12 months or 24 months, respectively, when it will have the likely ability to deny Chapter 40B comprehensive permit applications that it deems do not meet local needs.¹⁰ Harwich would have to produce at least 33 affordable units annually to meet these annual production goals, a formidable challenge.

The state's subsidizing agencies have entered into an Interagency Agreement that provides more guidance to localities concerning housing opportunities for families with children and are now requiring that at least 10% of the units in affordable production developments that are funded, assisted, or approved by a state housing agency have three (3) or more bedrooms with some exceptions (e.g., age-restricted housing, assisted living, supportive housing for individuals, SRO's, etc.).

E. Summary of Housing Strategies (This section has not yet been updated – from 2016 HPP.)

The strategies summarized below are based on previous plans, the Housing Needs Assessment, local housing goals, other community input, and the experience of comparable communities in the area and throughout the Commonwealth. Many of the strategies reflect a continuation of efforts that have proven effective in promoting affordable housing in Harwich over the past decade or so. The strategies are grouped according to the type of action proposed – Building Local Capacity, Planning and Zoning Strategies, Housing Development, and Direct Assistance to Qualifying Households – and categorized according to priority as those to be implemented within Years 1 and 2 and those within Years 3 to 5. The strategies also reflect state requirements that ask communities to address a number of major categories of strategies to the greatest extent applicable.¹¹

It should be noted however, that while a major goal of this Plan is to eventually meet the state's 10% goal under Chapter 40B, another important goal is to serve the range of local housing needs. For

⁹ For fiscal year 2023.

¹⁰ If a community has achieved certification within 15 days of the opening of the local hearing for the comprehensive permit, the ZBA shall provide written notice to the applicant, with a copy to EOHLC, that it considers that a denial of the permit or the imposition of conditions or requirements would be consistent with local needs, the grounds that it believes have been met, and the factual basis for that position, including any necessary supportive documentation. If the applicant wishes to challenge the ZBA's assertion, it must do so by providing written notice to EOHLC, with a copy to the ZBA, within 15 days of its receipt of the ZBA's notice, including any documentation to support its position. EOHLC shall review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The ZBA shall have the burden of proving satisfaction of the grounds for asserting that a denial or approval with conditions would be consistent local needs, provided, however, that any failure of the EOHLC to issue a timely decision shall be deemed a determination in favor of the municipality. This procedure shall toll the requirement to terminate the hearing within 180 days.

¹¹ Massachusetts General Law Chapter 40B, 760 CMR 56.03.4.

example, this includes the promotion of accessory apartments and opportunities to produce workforce units for those earning above 80% of area median income but still priced out of the local housing market. Consequently, there are instances where housing initiatives might be promoted to meet community needs that will not necessarily result in the inclusion of units in the Subsidized Housing Inventory (SHI).

Within the context of the compliance issues, local needs, existing resources, affordability requirements, and the goals listed in Section II of this Plan, the following housing strategies are offered for consideration. *It is important to note that these strategies are presented as a package for the Town to consider, prioritize, and process, each through the appropriate regulatory channels.* Moreover, the proposed actions present opportunities to judiciously invest limited Community Preservation funding and the Affordable Housing Fund.

1. Capacity Building Strategies

Specific actions to help build local capacity to meet local housing needs and production goals are listed below. While these strategies do not directly produce affordable units, they provide the necessary support to implement a proactive housing agenda and build local support for new affordable housing initiatives.

- *Conduct ongoing educational campaign (public hearings, print media, events, etc.)*
Continue to engage the community in discussions on affordable housing to present information on the issue needed to dispel myths and negative stereotypes and to help galvanize local support, political and financial, for new production.
- *Hire a part-time Housing Coordinator*
Hire the necessary expertise to provide ongoing support to effectively coordinate the implementation of various components of the Housing Plan.

2. Zoning Strategies

Housing production is contingent not only on actual development projects but on the regulatory tools that enable localities to make well informed decisions to strategically invest limited public and private resources on housing creation. To most effectively and efficiently execute the strategies included in this Plan and meet production goals, greater flexibility will be needed in the Town's Zoning By-law, and new tools will be required to capture more affordable units and better guide new development to specific "smarter" locations. The Town of Harwich should consider the following regulatory strategies to provide appropriate incentives and guidance to promote the creation of additional affordable units.

- *Integrate affordable housing in the Open Space Residential Development (OSRD) by-law (cluster development)*
Consider density bonuses for the integration of some amount of affordable housing into the by-law and allow some multi-family dwelling types as well. More incentivized density bonuses and affordability requirements should encourage mixed-income development and support project feasibility.
- *Adopt inclusionary zoning*
Adopt inclusionary zoning *with incentives* to ensure that any new residential development in Harwich provides a percentage of affordable units or cash in-lieu of units to be invested in the town's special Affordable Housing Fund.

- *Promote affordable housing in mixed-use development*
Integrate affordable housing in the Village Commercial Overlay District and Harwich Center Overlay District mixed-use by-law, allowing the density that will make high quality development economically feasible. The Town should also explore extending higher density and second story, "Above the Shop" zoning to all villages.
- *Modify the accessory apartment by-law*
Amend the existing accessory apartment by-law to better promote new accessory units that meet a range of local needs and help diversify the housing stock without significant impacts on the surrounding neighborhood.
- *Revise Local LIP Regulations and Procedures*
Revise the Town's "Regulations and Procedures for Accepting Comprehensive Permit Applications Under the Local Initiative Program (LIP)," which were adopted by the Board of Selectmen in May 2000, to make them more consistent with current needs, priorities, resources and market conditions.
- *Adopt a Motel Conversion By-law*
Explore what other communities are doing to incentivize the redevelopment of increasingly antiquated and uneconomic motel properties. The Planning Board should explore other by-laws, adopt one for Harwich, and obtain necessary approvals.

3. *Housing Production Strategies*

The Town of Harwich has made considerable progress in producing affordable housing during the decade, but to accomplish the actions included in this Housing Plan and meet production goals, it will be essential for the Town to continue to reach out to the development community and sources of public and private financing to secure the necessary technical and financial resources to create additional affordable units.

- *Continue to make publicly-owned land available for affordable housing*
Convey suitable, surplus publicly-owned properties to selected developers through a Request for Proposals (RFP) process that includes some amount of affordable housing.
- *Continue to partner with developers*
Continue to work effectively with area non-profit and for-profit developers who have been active in producing affordable housing to produce affordable or mixed-income housing in line with local needs and priorities.
- *Convert existing housing to long-term affordability*
Continue to administer and fund the Buy Down Program that provides opportunities to enable qualifying first-time homebuyers to buy a home in Harwich.

4. *Housing Assistance and Preservation*

Housing production is critical, but the Town also needs to be concerned that it does not lose units already counted as part of its Subsidized Housing Inventory and provides resources to support the deferred home maintenance needs of lower income residents, including seniors.

- *Monitor Subsidized Housing Inventory (SHI)*
Ensure that all affordable units, current and future, remain a part of the Town’s Subsidized Housing Inventory (SHI) to the greatest extent possible.
- *Help qualifying homeowners access housing assistance*
Continue existing local initiatives, such as the Rental Assistance Program, and disseminate information regarding local, regional and state programs that provide technical and financial assistance to help qualifying residents with housing needs.

Table I-4 summarizes these strategies.

Table I-1: Summary of Housing Strategies (from previous HPP. Not yet updated.)

Strategies	Priority for Implementation		# Affordable Units	Responsible Party**
	In Years 1-2	In Years 3-5		
Capacity Building Strategies				
1. Conduct ongoing community education	X		*	HC
2. Hire a part-time Housing Coordinator	X		*	BOS/HC
Zoning Strategies				
1. Integrate affordable housing in the OSRD by-law (cluster development)	X		*	PB/HC
2. Adopt inclusionary zoning	X		*	PB/HC
3. Promote affordable housing in mixed-use development		X	*	PB/HC
4. Modify accessory apartment by-law		X	*	PB/HC
5. Update local LIP regulations and Procedures		X	*	BOS/ZBA//PB/HC
6. Adopt a Motel Conversion By-law		X	*	PB/HC
Housing Production Strategies				
1. Continue to make suitable public land available for affordable housing	X		80	BOS/HC
2. Continue to partner with private Developers	X		90	HC
3. Convert existing housing to Affordability	X		10	HC/HA
Housing Preservation Strategies				
1. Monitor Subsidized Housing Inventory (SHI)	X		*	HC
2. Help qualifying residents access housing assistance	X		*	HC/HA/COA

**Indicates actions for which units are counted under other specific housing production strategies, have an indirect impact on production, do not add to the Subsidized Housing Inventory, or cannot be counted towards production goals. ** Abbreviations*

Housing Committee = HC
 Housing Authority = HA Council on Aging = COA
 Board of Selectmen = BOS Planning Board = PB
 ZBA = Zoning Board of Appeals

II. INTRODUCTION

A. Background and Purpose

Harwich is a resort and residential community located on the south side of Cape Cod at its elbow. The town, of about 13,400 year-round residents, is bordered by Dennis on the west, Brewster and Orleans on the north, Chatham on the east, and Nantucket Sound on the south. The town is divided into seven villages including East Harwich, Harwich Center, Harwich Port, Pleasant Lake, West Harwich, North Harwich and South Harwich, each with its own composition of land uses and character.

Harwich's small town character, extensive shoreline, rich historical connection to the sea, and rural nature have continued to lure visitors over the years – some who arrive for extended periods in the summer, others who have decided to purchase second homes, and those searching for a place to retire. But like most communities on the Cape, living in Harwich is expensive. A compelling question is whether Harwich will be able to sustain some reasonable diversity of ages, occupations, and incomes in light of escalating land and home values that were only exacerbated during the pandemic.

As far back as May 2003, the Town approved a Housing Strategy at a Special Town Meeting that included 19 recommendations for promoting affordable housing. The Housing Strategy stated that, “the provision of affordable rental opportunities for working people and their families still appears to be the greatest identified need. Anecdotal evidence from school, Town, and private employers all indicates that the lack of affordable housing is the greatest problem in attracting and retaining employees. The lack of affordable seasonal employee rental housing also has been identified as a problem and as such places additional pressure on the availability and affordability of year-round rental units.” These needs persist in Harwich and were further examined in previous Housing Production Plans that were prepared in 2010 and 2016.

This Housing Production Plan is being prepared as part of the Town's effort to update its Local Comprehensive Plan (LCP) and is also informed by the Affordable Housing Trust's work on developing a Housing Action Plan.

This Housing Production Plan (HPP) provides an update of the 2016 Plan in conformance with state requirements under Massachusetts General Law Chapter 40B, 760 CMR 56.03(4). It revisits the issue of housing in Harwich, particularly housing affordability, to present a documented snapshot of current conditions and trends. It also looks at existing gaps between what housing is available to serve residents and what is required to address the wide range of local needs.

This Plan also identifies production goals and strategies to address identified community priorities based on input from a wide variety of sources including interviews with local and regional stakeholders, local housing goals and objectives, prior planning efforts, community meetings, the priority housing needs identified in Section III.D and the experience of Harwich to date as well as other comparable localities in the area and throughout the Commonwealth.

This Housing Plan provides a roadmap to guide the Town of Harwich in promoting affordable housing over the next five years, directing such development to appropriate target populations and locations in the context of the following local and regional housing issues:

- Due to the rising costs of both homeownership and rentals, including escalating costs associated with taxes, insurance and utilities; some residents are finding it increasingly difficult to afford to remain in Harwich. Widening affordability gaps were only made worse during the pandemic.
- Decent paying jobs are becoming scarcer and thus children who grew up in town face the possibility that they may not be able to return to raise their own families locally.
- Long-term residents, especially the elderly, are finding themselves less able to maintain their homes and keep up with real estate taxes, insurance, and energy costs but unable to find alternative housing that better meets their current life styles and ability to pay.
- Families are finding it more difficult to “buy into” the private housing market or “buy up,” purchasing larger homes as their families grow.
- Town employees and employees of local businesses are increasingly hard pressed to find housing that is affordable in Harwich and face long commutes.
- Some residents need to rent out their homes in the summer months and camp or move in with relatives during this period in order to afford to stay in the community.
- Occupants of the Housing Authority’s family housing development have all been at risk of homelessness if not actually homeless.

Clearly more housing options are required to meet local needs and produce Harwich’s fair share of regional needs.

B. Definition of Affordable Housing

Affordable housing, sometimes referred to as subsidized housing, attainable or community housing, is generally defined by the income of the household in comparison to housing costs. For example, HUD generally identifies units as affordable if rent plus utility costs combined are no more than 30% of a household’s gross income or if the costs of owning a home (mortgage, homeowners association fees, property taxes and insurance) do not exceed 30% of gross income. If households are paying more than the traditional 30% affordability threshold, they are described as experiencing housing cost burdens; and if they are paying 50% or more for housing, they have severe cost burdens.

Affordable housing can also be defined according to percentages of median income for the area. Housing subsidy programs are typically targeted to particular income ranges depending upon programmatic goals. Extremely low-income housing is directed to households with incomes at or below 30% of area median income as defined by the U.S. Department of Housing and Urban Development (HUD) for the Barnstable area, and very low-income is defined as households with incomes over 30% but at or below 50% of area median income. Low-income generally refers to the range between 51% and 80% of area median income. These income limits are adjusted annually by area and household size and included in Table II-1 for 2023.

Table II-1: Income Limits for Affordable Housing in the Barnstable County Area, 2023

# in Household	30% AMI	50% AMI	80% AMI	100% AMI
1	\$24,200	\$40,300	\$64,450	\$87,010
2	\$27,650	\$46,050	\$73,650	\$99,440
3	\$31,100	\$51,800	\$82,850	\$111,870
4	\$34,550	\$57,550	\$92,050	\$124,300
5	\$37,350	\$62,200	\$99,450	\$134,244
6	\$40,280	\$66,800	\$106,800	\$144,188
7	\$45,420	\$71,400	\$114,150	\$154,132
8	\$50,560	\$76,000	\$121,550	\$164,076

Source: U.S. Department of Housing and Urban Development (HUD)

2023 Median Household Income for the Barnstable Metropolitan Statistical Area (MSA) = \$124,300

The state established legislation for promoting affordable housing under Chapter 774 of the Acts of 1969, creating the Massachusetts Comprehensive Permit Law (Massachusetts General Laws Chapter 40B). This legislation allows developers to override local zoning if the project meets certain requirements and the municipality has less than 10% of its year-round housing stock defined as affordable as part of the 40B Subsidized Housing Inventory (SHI) or meets other criteria such as achieving annual housing production goals. In calculating a community's progress toward the 10% Chapter 40B goal, the state counts a housing unit as affordable if it is created by state or federal programs that support low- and moderate-income households earning at or below 80% of area median income. All units in a Chapter 40B rental development qualify for inclusion in the SHI as opposed to only the actual affordable units in a homeownership project.

**FOR THE PURPOSES OF CHAPTER 40B,
AFFORDABLE HOUSING IS GENERALLY DEFINED
AS HOUSING UNITS THAT ARE:**

1. Subsidized by an eligible state or federal program
2. Subject to a long-term deed restriction limiting occupancy to income eligible households for a specified periods of time
3. Subject to an Affirmative Fair Housing Marketing Plan

Based on the state's Executive Office of Housing and Livable Communities (EOHLC)¹² most recent data on Harwich's supply of affordable housing included in the state's Subsidized Housing Inventory, Harwich had 6,581 year-round housing units (up from 6,121 units based on 2010 data), of which 328 are currently counted by the state as affordable (down from 333 in 2016), representing 4.98% of the year-round housing stock (down from 5.44% in 2016). It remains a challenge to meet the 10% state affordability goal, and, assuming future housing growth, this 10% figure is a moving target as ultimately the required minimum number of year-round units will likely increase over time.

Most state-supported housing assistance programs are targeted to households earning at or below 80% of area median income (AMI), however, others, particularly rental programs, are directed to those earning at lower income thresholds. For example, the Low Income Housing Tax Credit Program that subsidizes rental units is targeted to households earning less than 60% AMI. First-time homebuyer programs typically apply income limits of up to 80% AMI. It is worth noting that according to a special HUD report, an estimated 2,249 households or about 42% of Harwich's households included in this data, might have been income-eligible for affordable housing using the 80% AMI income limit alone without consideration of other financial assets.

The Community Preservation Act (CPA) allows Community Preservation funding to be directed to those up to a somewhat higher income range – 100% AMI – now commonly referred to as “community housing”. Additionally, some housing developments incorporate several income tiers. For example, one project could combine units for those earning at or below 80% AMI, moderate-income “workforce” units for those earning between 80% and 120% AMI, and even some market rate units to help cross-subsidize the more affordable ones. Rental projects often include a couple of tiers below the 60% level to reach

¹² Formerly named the Executive Office of Housing and Livable Communities (EOHLC).

some of the most financially vulnerable residents in a community. It should be noted, however, that those units that involve occupants with incomes higher than 80% AMI, while still serving local housing needs, will not count as part of the Subsidized Housing Inventory (SHI) and help the Town reach its 10% affordability goal or annual production goals unless they are part of a rental development where 100% of the units could qualify for inclusion in the SHI.

C. Housing Goals

This Housing Production Plan incorporates the following goals that were established as part of the Housing Strategy that was approved by the Town in a special town meeting on May 6, 2003 and reconfirmed in the Town's 2010 and 2016 Housing Production Plans. **(These goals need to be revisited during the visioning process.)**

- 1) To promote the annual development of affordable housing – whether by new construction, acquisition, and/or conversion of existing buildings – through Town action and the actions of others, striving to produce one-half of its year-round housing stock as affordable annually, approximately 70% of which will provide for the need of rental housing.
- 2) To promote the development of funding sources and income streams to support the development of affordable housing.
- 3) To continue to review Town by-laws and other regulations and strive to remove barriers preventing the development of affordable housing.

These housing goals, further guided by the priority housing needs identified in the Housing Needs Assessment (Section 3 of this Plan), will provide the context for the package of housing actions the Town is considering implementing over the next five years.

III. HOUSING NEEDS ASSESSMENT

This Housing Needs Assessment presents an overview of the current housing situation in the town of Harwich, providing the context within which a responsive set of strategies can be developed to address housing needs and meet production goals.

A. Demographic Profile

It is important to closely examine demographic characteristics and trends to understand the composition of the population and how it relates to current and future housing needs. Key questions to be addressed, with corresponding findings, include:

- *What have been the historical growth trends in the community?* The Town grew quickly following World War II through 2000, from 2,649 residents in 1950 to 12,386 residents. After a modest population loss between 2000 and 2010, the population has increased to about 13,400 residents.
- *What are the ramifications of increases and decreases of various age groups regarding housing needs?* There have been overall declines in younger residents and significant gains in older ones reflecting the aging of baby boomers and decline in families. Population projections largely reflect a continuation of these trends. This suggests the need to create more starter home opportunities for young families as well as options for downsizing with the integration of barrier-free units and supportive services.
- *What are the variations in household size and types that suggest specific housing needs?* Despite declines in the number of children, the average household size grew slightly from 2.15 to 2.29 persons between 2010 and 2021. There have also been increases in non-family households, mainly single individuals. About 70% of those living alone were 65 years of age or older in 2021, up from 58% in 2010. These trends suggest a need for some larger family units as well as smaller units for single individuals and downsizing.

1. **Population Growth – 9% population gain over the last decade**

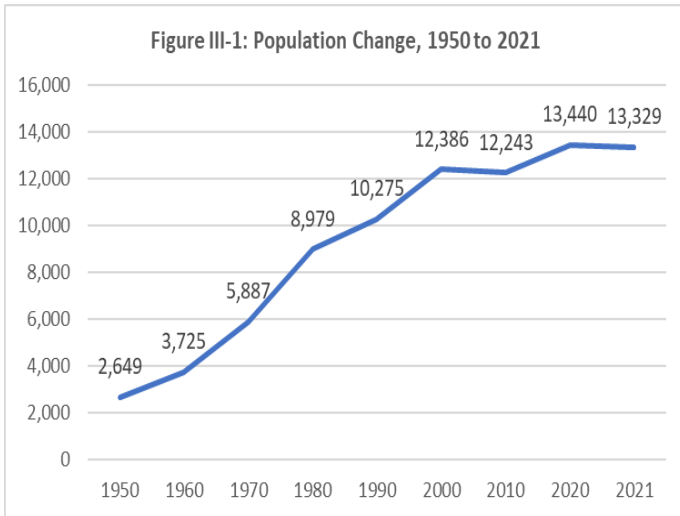
Over the past few decades, population growth put significant pressures on the town, local services, and the housing market in particular, as the population almost doubled in size between 1970 and 1990, from 5,887 residents to 10,275. From 1990 through 2000 the population increased by another 2,111 residents or by more than 20%. Between 2000 and 2010, there was a loss of 143 residents with a rebounding of the population after that to 13,440 residents according to the 2020 decennial census and 13,329 from the 2021 census estimates. These population changes are summarized in Table III-1 and Figure III-1. It is worth noting that Town census figure suggests a similar population level at about 13,000 residents.

Population projections from the University of Massachusetts' Donahue Institute calculate a relatively stable population through 2030 with longer-term declines to 12,549 residents in 2040 and 11,380 in 2050.

Table III-1: Population Change

Year	Population	Increase in # Residents	Percentage Change
1930	2,329	--	--
1940	2,535	206	8.8%
1950	2,649	114	4.5%
1960	3,725	1,076	40.6%
1970	5,887	2,162	58.0%
1980	8,979	3,092	52.5%
1990	10,275	1,296	14.4%
2000	12,386	2,111	20.6%
2010	12,243	-143	-1.2%
2020	13,440	1,197	9.8%
2021	13,329	-111	-0.8%
Town Records/9-23	13,000	--	--

Source: U.S. Census Bureau, MassBenchmarks, State Data Center at the University of Massachusetts Donahue Institute.



2. Race – Small but increasing minority population

The population has remained predominately White but minority residents are steadily increasing in number from 288 residents or 3.2% of all residents in 1980, to 569 or 4.6% in 2000, and then up to 724 or 5.4% of the population according to 2021 census estimates. Approximately 36% of the 2021 minority population identified themselves as Black or African American, 10% as Asian, and 51% of some other race. About one-third of residents claimed they were of two or more races. Additionally, 240 residents identified themselves as Hispanic or Latino.

3. Age Distribution – Substantial decreases in younger residents and significant gains in older ones

As Table III-2 demonstrates, Harwich experienced the following demographic shifts during the last several decades:

- *Declining population of children:* While the overall population increased by 7.6% between 2000 and 2021, those under age 18 decreased by 27%, representing a steadily declining portion of the population – from 18.3% in 2000, to 16.1% in 2010, and down further to 12.4% by 2021.
- *Fluctuations in those 18 to 24:* Between 2000 and 2010, those between the ages of 18 and 24 increased from 525 residents or 4.2% of the population to 1,074 and 8.7% by 2010. This group then declined somewhat to 897 residents and 6.7% in 2021.

- Losses in younger adults:** There were significant declines in those between the ages of 25 and 34 who are entering the labor market and beginning to form their own families, thus reducing the pool of entry-level workers and service employees. For example, in 1980 and 1990, this group comprised at least 12% of Harwich’s residents, but by 2010 the percentage of those in this age category was down to only 3.6%. The 2021 census estimates point to some increase in this population, to 6.4%, which is proportionately half the 1980 and 1990 levels.

Planning needs to focus on strategies to retain and attract younger residents to the community by providing affordable housing in tandem with economic development measures.

This general trend towards declining numbers of young adults is occurring throughout most communities of the Cape, where the combination of fewer job opportunities, particularly those outside of the retail and service sectors that pay well, and escalating living expenses are increasingly forcing these households to relocate further away. This trend suggests the need for not only workforce development efforts, but also more starter home opportunities for first-time homebuyers as such new development in the private housing market has virtually been eliminated. Clearly more subsidized rental options would also be extremely helpful in housing this cohort.

Table III-2: Age Distribution, 1980-2021

	1980		1990		2000		2010		2021	
	#	%	#	%	#	%	#	%	#	%
Under 5 Years	405	4.5	568	5.5	504	4.1	472	3.9	285	2.1
5 – 17 Years	1,594	17.8	1,381	13.4	1,759	14.2	1,500	12.3	1,362	10.2
18 – 20 Years	337	3.8	299	2.9	273	2.2	297	2.4	897	6.7
21 – 24 Years	278	3.1	349	3.4	252	2.0	777	6.3		
25 – 34 Years	1,073	12.0	1,282	12.5	1,036	8.4	439	3.6	854	6.4
35 – 44 Years	836	9.3	1,339	13.0	1,705	13.8	1,256	10.3	1,418	10.6
45 – 54 Years	727	8.1	924	9.0	1,739	14.0	1,847	15.1	1,086	8.2
55 – 64 Years	1,173	13.1	1,198	11.7	1,452	11.7	2,104	17.2	2,765	20.7
65 – 74 Years	1,624	18.1	1,615	15.7	1,787	14.4	1,698	13.8	2,917	21.9
75 – 84 Years	804	9.0	1,039	10.1	1,319	10.6	1,262	10.3	1,149	8.6
85+ Years	120	1.3	281	2.7	560	4.5	591	4.8	596	4.5
Total	8,971	100.0	10,275	100.0	12,386	100.0	12,243	100.0	13,329	100.0
Under 18	1,999	22.3	1,949	19.0	2,263	18.3	1,972	16.1	1,647	12.4
Age 65+	2,548	28.4	2,935	28.6	3,666	29.6	3,551	29.0	4,662	35.0
Median Age	44.6 years		44.3 years		48.8 years		52.6 years		58.4 years	

Source: U.S. Census Bureau, 1980, 1990, 2000 and 2010 and 2017-2021 American Community Survey 5-Year Estimates.

- Substantial decrease in middle-aged residents:** Another significant population shift is reflected in those between the ages of 35 and 54 who made up 27.8% of Harwich residents in 2000, then decreased to 25.4% in 2010, and then declined further to 17.0% by 2021. This decline is likely correlated to the costs of living, where older residents in the height of their earning potential are better able to afford to live in town. This trend also reflects the overall aging of the

population with the median age increasing from 48.8 years to 58.4 years between 2000 and 2021.

- *The population of older middle-aged residents almost doubled between 2000 and 2021:* Residents between the ages of 55 and 64 increased from 11.7% of the population in 2000 to 17.2% in 2010 and then up to 20.7% in 2021. This represented a 90% population increase during this period compared to 7.6% for all residents and is reflective of the aging of the baby boomers.
- *Significant increases in those 65 years or older:* These residents increased from 29.6% of the population in 2000 to 35.0% by 2021, representing an increase of about 1,000 residents and growth of 27% during this period.

A graphic representation of these trends is presented in Figure III-2, visually demonstrating the significant increase in older residents.

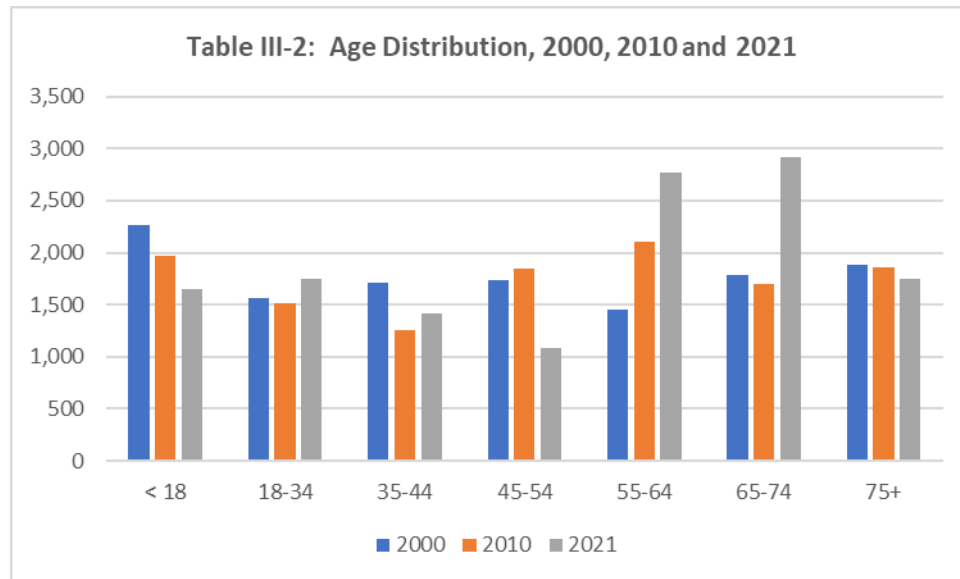


Table III-3 provides comparative information for Barnstable County and the state, which highlights the trends described above. Harwich has had proportionately significantly fewer younger residents and greater levels of older ones than Barnstable County and the state. In fact, Harwich had a lower level of all residents under the age 54 compared to the county and state, also reflected in higher average median age levels, for example 58.4 years for Harwich compared to 55.7 years and 40.3 years for the county and state, respectively.

Table III-3: Comparative Demographic Data

	Harwich		Barnstable County		Massachusetts	
	% 2000	% 2021	% 2000	% 2022	% 2000	% 2022
Under 18	18.3	12.4	20.4	13.9	23.6	19.1
Age 18 to 34	12.6	13.1	14.9	15.1	17.8	23.9
Age 35 to 44	13.8	10.6	15.3	9.5	14.6	13.0
Age 45 to 54	14.0	9.2	14.8	10.6	16.7	12.3
Age 55 to 64	11.7	20.7	11.5	17.3	13.8	13.7
Age 65 +	29.6	35.0	23.1	33.7	13.5	18.0
Median Age	48.8 years	58.4 years	44.6 years	55.7 years	36.5 years	40.3 years

Source: U.S. Census Bureau, 2000 and 2017-2021 American Community Survey 5-Year Estimates for Harwich and 2022 1-Year data for the County and State. The 2022 data had not yet been released for Harwich.

While those age 65 or older increased by 27% between 2000 and 2021, they are expected to increase by another thousand residents to 42% of the population in both 2030 and 2040. Projections identify a considerable fall-off after that. These projections coincide with the aging of the baby boomers. The housing needs of this expanding population of seniors will need to be addressed in the Town’s housing agenda.

Table III-4 provides projections of the age distribution in Harwich through 2050 from the State Data Center at the University of Massachusetts’ Donahue Institute. This data suggests some modest gains in residents under age 20 through 2040 and then some fall-off after that. The projections also identify a decline in younger adults age 20 to 44 through 2050. As to the more middle age category of ages 45 to 64, the projections estimate a general decline over the decades. The 65 years and older cohort is predicted to increase through 2030 and then begin to decline after that with a considerable drop

between 2040 and 2050 in tandem with the loss of baby boomers. This older population is still expected to remain a predominant segment of Harwich’s population at 37.6% of all residents in 2050.

These demographic changes would significantly change the character of the community given substantial losses of population diversity, significant shifts away from families and workers, and an extended retirement focus. This situation is not unique to Harwich as it is a trend throughout most communities across the Cape

Table III-4: Projected Age Distribution through 2050

Age Range	2021		2030		2040		2050	
	#	%	#	%	#	%	#	%
Less than 20	1,821	13.7	1,965	14.6	1,937	15.4	1,781	15.6
20 to 44 years	2,995	22.5	2,745	20.4	2,599	20.7	2,431	21.4
45 to 64 Years	3,851	28.9	3,092	23.0	2,743	21.9	2,887	25.4
65+ years	4,662	35.0	5,652	42.0	5,270	42.0	4,281	37.6
Total	13,329	100.0	13,454	100.0	12,549	100.0	11,380	100.0

Source: University of Massachusetts Donahue Institute, 2022.

3. Household Characteristics – Increasing numbers of small, non-family households

While Harwich’s population increased by 7.6% between 2010 and 2021, the number of households increased by about 2%, suggesting that households were getting somewhat larger. In fact, the average

household size increased from 2.15 to 2.29 persons during this period. The average family size increased as well, from 2.61 to 2.90 persons.

Nevertheless, smaller, non-family households have become a more significant part of Harwich, more than doubling in number between 1980 and 2010 and then increasing again, albeit modestly, through 2021. As a percentage of all households, they increased from 28.6% in 1980 to 39.1% in 2010 and then to 40.3% in 2021, reflective of the community’s aging population and more residents living alone.

While the number of families increased substantially from 1980 to 2000, from 2,646 to 3,545 households, they decreased as a proportion of all households from 71.4% to 64.8%. They continued to decrease through 2010 and 2021 in both number and in proportion to all households, reaching 59.7% as of 2021. This trend towards many smaller households is part of a demographic shift that is occurring throughout the state and country. For example, the percentage of non-family households grew from 33% to 36% between 1990 and 2000 in both Barnstable County and the state and was up 38.9% and 38.4% in 2021, respectively.

The number of female-headed households with children under age 18 has been small but typically represent some of the most financially vulnerable residents in any community. Such households largely increased over the decades until more recently. It may be that the rising costs of living in Harwich in tandem with the pandemic forced some of these residents to leave the community in search of more affordable living conditions.

Table III-5: Demographic Characteristics, 1980-2021

Characteristics	1980		1990		2000		2010		2021	
	#	%	#	%	#	%	#	%	#	%
Total Population	8,971	100.0%	10,275	100.0%	12,386	100.0%	12,243	100.0	13,329	100.0
Minority residents*	288	3.2%	387	3.8%	569	4.6%	799	6.5%	724	5.4%
Total # Households	3,706	100.0%	4,505	100.0%	5,471	100.0%	5,623	100.0%	5,733	100.0%
Family Households**	2,646	71.4%	3,043	67.6%	3,545	64.8%	3,422	60.9%	3,421	59.7%
Female Heads of Households with Children **	150	4.0%	208	4.6%	242	4.4%	225	4.0%	97	1.7%
Non-family Households **	1,060	28.6%	1,462	32.4%	1,926	35.2%	2,201	39.1%	2,312	40.3%
Ave. Household Size	--		2.27 persons		2.20 persons		2.15 persons		2.29 persons	

Sources: U.S. Census Bureau, 1980, 1990, 2000 and 2010 and American Community Survey 5-Year Estimates, 2017-2021. *All non-White classifications ** Percent of all households

About 30% of all Harwich households involved residents who were living alone, and of these, 1,177 or 70% were 65 years of age or older.

Table III-6 provides a breakdown of household size by household type, comparing 2021 census estimates for Harwich to Barnstable County as a whole. This information indicates that there were proportionately fewer persons living alone in Harwich, at 29.5% of all households compared to 31.7% countywide.

On the other hand, the level of two-person households was higher in Harwich at 44.4% of all households compared to 42.3% for the county. Harwich also had a higher level of three-person households in comparison to the Cape as a whole, 14.0% in comparison to 11.2%, however, it also had proportionately

fewer large families of five or more members. Harwich’s average household size was larger at 2.29 persons compared to 2.14 persons for the county based on 2021 census estimates, with a larger average average family size of 2.90 persons compared to 2.66.

Table III-6: Types of Households by Size for Harwich and Barnstable County

Households by Type and Size	Harwich		County	
	#	%	#	%
Family Households	3,421	59.7	65,492	61.1
2-person household	1,966	34.3	39,133	36.5
3-person household	766	13.4	11,213	10.5
4-person household	555	9.7	9,579	8.9
5-person household	43	0.8	3,889	3.6
6-person household	0	0.0	1,200	1.1
7 or more person household	91	1.6	478	0.4
Non-family Households	2,312	40.3	41,695	38.9
1-person household	1,689	29.5	33,989	31.7
2-person household	577	10.1	6,167	5.8
3-person household	38	0.7	773	0.7
4-person household	8	0.1	0	0.0
5-person household	0	0.0	766	0.7
6-person household	0	0.0	0	0.0
7 or more person household	0	0.0	0	0.0
Total	5,733	100.0	107,187	100.0

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates for Harwich and 2022 1-Year Estimate for the County.

B. Economic Profile

This section examines income and other issues related to economic status to address the following questions with corresponding major findings:

- What changes in income levels have occurred and how does this relate to housing affordability?*
 The median household income increased from \$54,958 in 2010 to \$79,641 by 2021 which represented a 45% increase and almost twice the rate of inflation during this period of 24%. While high, incomes for many residents have not kept pace with rising housing costs for both rentals and homeownership. Moreover, Harwich’s median household income is below the HUD 80% of area median income limit for Barnstable County of \$82,850 for a three-person household in 2023.
- Are there growing income disparities among residents?* Those with incomes of \$100,000 or more almost doubled, from about 12% to 57% of all households between 2010 and 2021. Despite increasing household wealth, there are substantial numbers of households with incomes below \$25,000, including 690 households or 12% of all households based on 2021 census estimates. There are also considerable income disparities based on the type of household with significantly

higher median income levels for families, homeowners, households with middle-aged heads, and male workers, a pattern that is typical in most communities.

- *What are the relative incomes of Harwich residents and those with local jobs?* The \$1,116 average weekly wage is the equivalent of about \$58,000 annually, significantly lower than the median household income of Harwich residents of \$79,641. This disparity suggests that many who have jobs in town cannot afford to live in Harwich given a median single-family home price of \$650,000 as of August 2023 and rents of about \$2,400.
- *What proportion of the population is disabled or has other special needs that limit their employment options and income?* Of Harwich’s 13,212 residents in in the civilian, noninstitutionalized population, 1,788 or 13.5% claimed a disability. Those with disabilities, often relying on Social Security income, can find it challenging to not only find housing that is affordable but accessible as well. Moreover, as the population continues to age, with those 65 years and older predicted to increase to about 42% of all residents by 2030 and through 2040, the level of special needs in the community will grow. This suggests a greater need for handicapped accessibility and supportive services to be integrated into housing.

1. Income – Increasing incomes for many

Harwich has gained increasingly more affluent residents over the past several decades as have many communities on Cape Cod and in the Boston region. For example, the median household income increased from \$41,552 in 2000, to \$54,958 in 2010, and then up to \$79,641 by 2021. *The increase between 2010 and 2021 alone was 45%, almost twice the rate of inflation during this period of 24%.* As shown in Table III-7, Harwich’s median household income, while high, is lower than many of its neighbors with medians ranging from a low of \$70,864 for Dennis to \$90,208 in Wellfleet. Moreover, Harwich’s median household income is below the HUD 80% of area median income limit for Barnstable County of \$82,850 for a three-person household in 2023.

Table III-7: Comparison of Median Household Incomes for Harwich and Neighboring Communities,

Community	1999 Median Income	2010 Median Income	2021 Median Income
Brewster	\$49,276	\$58,374	\$88,110
Chatham	\$45,519	\$65,990	\$88,750
Dennis	\$41,598	\$50,642	\$70,864
Eastham	\$42,618	\$58,750	\$76,859
Harwich	\$41,552	\$54,958	\$79,641
Orleans	\$42,594	\$56,313	\$79,250
Truro	\$42,981	\$80,425	\$83,992
Wellfleet	\$43,558	\$66,109	\$90,208
Barnstable County	\$45,933	\$60,317	\$91,438

Source: U.S. Census Bureau, 2000 and 2010 Census, Summary File 3, and 2017-2021 ACS 5-Year Estimates with 2022 1-Year Estimate for the County.

Table III-8 presents census income data from 1979 through 2021, which is also visually presented in Figure III-3 since 1999. Those earning more than \$100,000 more than doubled between 2010 and 2021 from about 28% of all households to 57% in 2021 or from 1,263 to 3,263 households. Households with incomes of more than \$150,000 increased more markedly, from 8.2% to 37.2% of all households or from 466 to 2,134 households. While it is to be expected that the incomes of longer-term residents would increase over time, it is likely that the influx of new residents with higher income levels, who could

Despite increasing household wealth, there are substantial numbers of households with incomes below \$25,000, including 690 households or 12% of all households based on 2021 census estimates. There are substantially more of these households than the 328 SHI units, and they are challenged to compete in Harwich’s costly housing market.

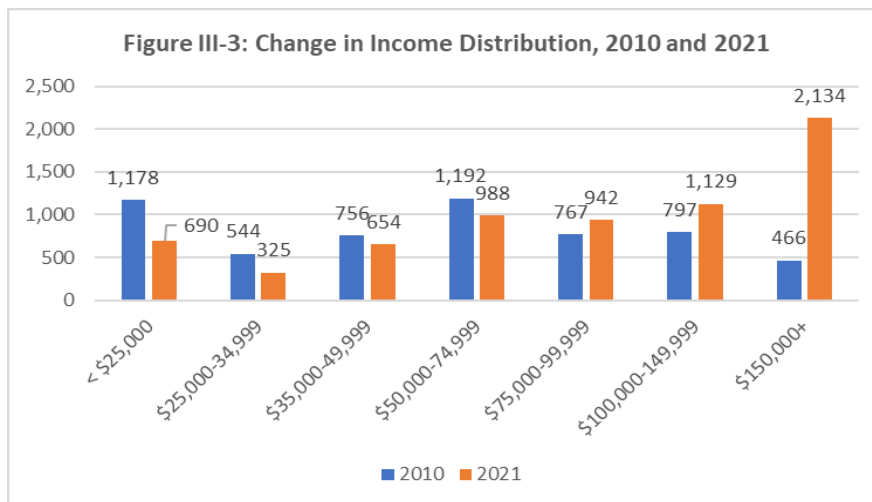
afford rising and unprecedented housing costs, was the main cause of this dramatic increase. This situation was exacerbated by the pandemic that attracted off-Cape families to relocate to what they considered safer and less costly retreats from COVID.

It is likely that some of the households in the lower income ranges may be long-term residents who own their homes, which are now worth a considerable amount of money, and therefore in effect equity rich but cash poor. Nevertheless, continued increases in the cost of living as well as health-related issues may drive some of these households out of the community given the relatively limited supply of affordable units for seniors and lack of service-enriched housing alternatives in Harwich for both seniors and special needs individuals.

Table III-8: Income Distribution, 1979-2021

Income Range	1979		1989		1999		2010		2021	
	#	%	#	%	#	%	#	%	#	%
Under \$10,000	1,006	27.2	572	12.7	332	6.1	295	5.2	117	2.0
\$10,000-24,999	1,945	52.5	1,436	31.9	1,123	20.5	883	15.5	573	10.0
\$25,000-34,999	496	13.4	695	15.4	751	13.7	544	9.5	325	5.7
\$35,000-49,999	205	5.5	818	18.2	1,029	18.8	756	13.3	654	11.4
\$50,000-74,999	44	1.2	673	15.0	1,222	22.3	1,192	20.9	988	17.2
\$75,000-99,999	10	0.3	186	4.1	479	8.8	767	13.5	942	16.4
\$100,000-149,999			113	2.5	369	6.7	797	14.0	1,129	19.7
\$150,000 or more			8	0.2	165	3.0	466	8.2	2,134	37.2
Total	3,706	100.0	4,501	100.0	5,470	100.0	5,700	100.0	5,733	100.0
Median Income	\$14,731		\$28,259		\$41,552		\$54,958		\$79,641	

Source: U.S. Census Bureau, 1980, 1990, 2000 and 2010 and 2017-2021 ACS 5-Year Estimates.



Incomes for Harwich residents have been on average somewhat lower than the Cape as a whole with more recent median household income levels of \$79,641 and \$91,438, respectively, for example. Harwich's median is also significantly lower than the state at \$94,488. The County proportionately had lower levels of households in all income categories except the extremes including the lowest income range of under \$10,000 and highest range above \$150,000 as documented in Table III-9.

Table III-9: Income Distribution by Household: Barnstable County and Harwich

Income Range	Barnstable County		Harwich	
	2000 %	2022 %	2000 %	2021 %
Under \$10,000	6.8	4.0	6.1	2.0
\$10,000-24,999	17.8	8.1	20.5	10.0
\$25,000-34,999	12.8	5.2	13.7	5.7
\$35,000-49,999	16.8	8.7	18.8	11.4
\$50,000-74,999	21.5	15.4	22.3	17.2
\$75,000-99,999	11.9	11.6	8.8	16.4
\$100,000-149,999	8.0	17.9	6.7	19.7
\$150,000 or more	4.4	29.0	3.0	37.2
Total	100.0	100.0	100.0	100.0
Median Household income	\$45,933	\$91,438	\$41,552	\$79,641

Source: U.S. Census Bureau, 2000 and 2017-2021 American Community Survey 5-Year Estimates and 2022 1-Year Estimates for the County

The income distribution for family households is higher with a median of \$101,612. This is highly correlated to the greater prevalence of two-workers in families. Nevertheless, Harwich's median family income is significantly lower than that of the state at \$120,263.

As presented in Table III-10, there are considerable income disparities based on the type of household with significantly higher median income levels for families, homeowners, households with middle-aged heads, and male workers, a pattern that is typical in most communities.

Table III-10: Median Income by Household Type, 2021

Type of Household/Householder	Median Income
Individual/per capita	\$46,676
Households	\$79,641
Families	\$101,612
Non-families	\$48,451
Renters	\$51,786
Homeowners	\$84,478
Householder less than age 25	NA*
Householder age 25 to 44	\$78,400
Householder age 45 to 64	\$108,348
Householder age 65 or more	\$68,418
Male full-time, year-round workers	\$59,917
Female full-time, year-round workers	\$55,265

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates *Sample size too small

These income figures are also based on Harwich’s year-round population, not those who live in town for only part of the year. Many in this group of occasional residents, who occupy about 42% of Harwich’s housing units, likely have significantly higher average incomes to afford the high costs of seasonal units or second homes, thus further widening income disparities within the community.

Table III-11 presents a comparison of income levels for owners and renters. About 31% of renters had incomes of less than \$25,000 compared to 9% of homeowners. On the other hand, 20% of the homeowners earned more than \$150,000 compared to only 1.6% of the renter households. The income disparity is also reflected in median income levels of \$84,478 and \$51,786 for owners and renters, respectively, based on 2021 census estimates. It is interesting to note that while the median household income of owners increased by 40% from \$60,207 in 2010, the median income of renters increased somewhat more, by 44%, from \$35,938.

Table III-11: Income Distribution by Tenure, 2021

Income Range	Homeowners		Renters	
	#	%	#	%
Under \$10,000	72	1.5	45	5.4
\$10,000-24,999	361	7.4	212	25.7
\$25,000-34,999	275	5.6	50	6.1
\$35,000-49,999	563	11.5	91	11.0
\$50,000-74,999	836	17.0	152	18.4
\$75,000-99,999	767	15.6	175	21.2
\$100,000-149,999	1,041	21.2	88	10.7
\$150,000 +	992	20.2	13	1.6
Total	4,907	100.0	826	100.0

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2017-2021

2. Poverty – Declining poverty

Table III-12 presents poverty levels in Harwich over the past several decades showing some marked fluctuations over the years.¹³ The 2010 census indicates that the absolute numbers and proportion of those with incomes below the poverty level increased since 1979 across each of the resident types listed in the table, including an increase in overall poverty from 6.4% in 1979 to 7.9% in 2010. The 2021 census estimates identify a significant decline of those living below the poverty level to 693 residents or 5.2% of the population. It also identifies decreases in poverty for families, children under age 18 and seniors age 65 or older.

Despite these decreases, this data demonstrates that there remains a population within the town of Harwich, including 693 individuals and 99 families who had substantial income limitations and may require public assistance to meet their housing needs. Moreover, the declines of those living in poverty may be partially due to former residents being forced to leave Harwich in search of more affordable living conditions.

¹³ The 2022 federal poverty level from the U.S. Department of Health and Human Services was \$13,590 for an individual and \$23,030 for a three-person household for example.

Table III-12: Poverty Status, 1979-2021

Types of Residents/ Households	1979		1989		1999		2010		2021	
	#	%	#	%	#	%	#	%	#	%
Individuals Below Poverty *	573	6.4	568	5.6	668	7.8	967	7.9	693	5.2
Families **	130	4.9	148	4.8	103	2.9	226	6.6	99	2.9
Related Children Under 18 Years ***	182	9.1	89	4.6	185	8.4	229	11.6	120	7.3
Individuals 65 and Over ****	121	4.8	185	6.3	141	4.1	249	7.0	266	5.7

Source: U.S. Census Bureau, 1980, 1990, 2000 and 2010 and 2017-2021 American Community Survey 5-Year Estimates. *Percentage of total population for whom poverty status was determined

**Percentage of all families for whom poverty status was determined

Percentage of all related children under 18 years *Percentage of all individuals age 65+

3. Employment – Expanding labor market with many jobs in the service sector

Harwich is located well into the Cape and a fair distance from the major population and job centers of Boston and Providence, approximately 82 miles away, but about 12 miles away from Hyannis. The 2021 census estimates indicated that 37.8% of Harwich’s 7,102 residents in the labor force were involved in management or professional occupations and 44% were employed in the lesser paying retail and service-oriented jobs that supported the local economy including sales and office occupations (23%), and service occupations (21%). Another 10% worked in construction or maintenance jobs while 8% were involved in production or transportation related occupations. While 72% were private wage or salaried workers, another 16% were government workers, and 11% were self-employed.

Harwich’s significant resort economy causes fluctuations in the job force involving increases in the summer months to serve seasonal needs. As this point, there are few housing options in Harwich to house these lower paid seasonal workers.

Additional information on employment patterns indicates that of those Harwich residents who were employed over the age of 16, 1,591 or about 24% worked in the community, up from 17% about a decade ago. This suggests increasing local employment opportunities including potentially more residents who are working remotely.

It should also be noted that most workers drove alone to work, 79%, another 4% carpooled, and 14% worked from home. Only 3 workers used public transportation, which is not surprising given limited options. The average commuting time was 21.3

minutes according to 2021 census estimates. The reliance on the car can be a major financial challenge for lower income residents.

Labor and workforce data from the state’s Executive Office of Labor and Workforce Development is presented in Table III-13, which focuses on the jobs available in Harwich in 2022. This data shows an average employment of 4,482 workers and 544 business establishments, up from 3,907 workers and 469 businesses in 2015. The data also confirms the concentration of jobs in the retail and service sectors. All industries with an average of more than 200 employees are highlighted in Table III-13, comprising 77% of all local jobs.

The average weekly wage for Harwich was \$1,116 (up from \$828 in 2015), that is the equivalent of about \$58,000 annually, significantly less than the median household income of Harwich residents of \$79,641. As a point of comparison, this average weekly wage was less than half of Boston's at \$2,450, but higher than Dennis' at \$1,043 and Chatham's at \$1,099. Additionally, the average weekly wage was \$1,224 and \$1,260 for the Upper Cape communities of Bourne and Falmouth, respectively, for example.

State labor statistics project an unemployment rate in Harwich as of August 2023 of 2.6%, with 230 residents unemployed. This is down from 8.8% in February with 531 unemployed workers. The summer decrease in unemployment, as noted above, is a result of Harwich's resort economy that causes fluctuations in the job force with increases in the summer months to serve seasonal needs. For example, there were 6,384 workers employed in August 2023 compared to 5,516 the previous January.

Another point of comparison relates to the effect of the COVID-19 pandemic on employment patterns. For example, the unemployment rate averaged 5.3% in 2022, down from 7.1% in 2021, and 11.2% in 2020. The pre-pandemic average was 4.4% in 2019.

Table III-13: Average Employment and Wages by Industry in Harwich, 2022

Industry	# Establishments	Total Wages	Average Employment	Average Weekly Wage
Construction	106	\$55,780,690	700	\$1,532
Manufacturing	8	\$2,494,978	37	\$1,282
Wholesale trade	9	\$940,084	13	\$1,409
Retail trade	65	\$31,713,319	776	\$786
Transportation and warehousing	14	\$6,052,237	107	\$1,089
Information	9	\$4,725,927	38	\$2,392
Finance & insurance	15	\$6,173,649	63	\$1,897
Real estate/rental	17	\$2,474,897	30	\$1,591
Professional/technical Services	49	6,908,776	102	\$1,305
Administrative and waste services	77	\$21,559,987	361	\$1,150
Educational services	8	\$15,240,704	240	\$1,222
Health care and social assistance	47	\$25,441,948	458	\$1,069
Arts, entertainment and recreation	14	\$3,093,379	98	\$610
Accommodation and food services	57	\$42,313,931	900	\$905
Other services, Exec., public administration	44	\$7,553,364	171	\$848
TOTAL	544	\$260,196,119	4,482	\$1,116

Source: Massachusetts Executive Office of Labor and Workforce Development, October 3, 2021

Shaded rows indicate industries with more than 200 employees.

4. Education – More college-educated residents and declining school enrollments

According to the U.S. census, the educational attainment of Harwich residents has improved. In 2000, 93.7% of those 25 years and older had a high school diploma or higher and 32.4% had a Bachelor's

degree or higher, up from the 1990 figure of 26% with a college degree and comparable to the 2000 figure of 33.6% for the county. As of 2021, those with at least a high school degree climbed to 98.5% with the percentage of residents with a college degree or higher also increasing to 44.8%. This signals improving job qualifications and is correlated with higher incomes.

Census estimates also document declining school enrollments related to demographic shifts to fewer families and children. Those enrolled in school (nursery through graduate school) in 2000 totaled 2,430 residents or almost 20% of the population, which decreased to 1,956 and 15% of all residents in 2021. Additionally, those enrolled in kindergarten through high school totaled 1,868 students in 2000, down to 1,452 as of 2021 and representing 74% of those who are enrolled in school.

With the exception of the Harwich Elementary School, most schools serving Harwich are regional including the Cape Cod Vocational Technical School (enrollment of 666 students in 2022-2023, up from 616 in 2015-2016 but down from 717 in 2005), the Cape Cod Lighthouse Charter School (250 students, up from 240 students in 2015-2016 and 228 in 2012), and the Monomoy Regional School District with a middle school and high school serving the Harwich and Chatham communities (also includes Housing Choice students from other communities). The Monomoy School District had a total enrollment of 1,763 students (down from 1,896 students as of October 1, 2016 and 1,998 students in 2005).

5. Disability Status – High level of special needs

Of all Harwich 13,212 residents in in the civilian, noninstitutionalized population, 1,788 or 13.5% claimed a disability. This is lower than the 15.4% level for the County but higher than that of the state at state of 11.7%. Harwich had a lower proportion of disabilities among all age ranges in comparison to the county except for those under age 5 or 75 years of age or older. In comparison to the state, Harwich had a proportionately lower level of those with disabilities except for children under age 18. *These levels of disability, particularly those of seniors, demonstrate significant special needs within the Harwich community.*

As the population continues to age, with those 65 years and older predicted to increase to about 42% of all residents by 2030 and through 2040, the level of special needs in the community will grow as well. This trend suggests a greater need for handicapped accessibility and supportive services integrated into housing.

Table III-14: Civilian Noninstitutionalized Population with a Physical Disability, 2021

Age Range	Harwich		County	MA
	#	%	%	%
Under 5 years	10	3.5	0.0	0.8
5 to 17 years	89	6.5	10.8	6.0
18 to 34 years	62	3.5	11.6	6.7
35 to 64 years	473	9.0	10.1	10.2
65 to 74 years	384	13.3	15.5	20.4
75+ years	770	45.9	40.4	46.0
Total	1,788	13.5	15.4	11.7

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2017-2021 for Harwich and 1-Year Estimates for the county and state.

The 2021 census estimates also identify numbers of residents with particular disabilities, as summarized in Table III-15. It should be noted that some residents will have multiple challenges but almost 48% of

the 1,788 residents who claimed a disability experienced an ambulatory difficulty and 34% and about 25% had a hearing or independent living problem, respectively.

Table III-15: Types and Distribution of Disabilities, 2021

Type of Disability	# Residents	% Disabled Residents	% All Civilian Noninstitutionalized Residents
Hearing Difficulty	608	34.0	4.6
Vision Difficulty	300	16.8	2.3
Cognitive Difficulty	374	20.9	2.9
Ambulatory Difficulty	852	47.7	6.6
Self-care Difficulty	341	19.1	2.6
Independent Living Difficulty	440	24.6	3.8

Source: U.S. Census Bureau, Census American Community Survey 5-Year Estimates for 2017-2021.

C. Housing Profile

This section examines housing growth, occupancy, and costs to address the following questions with corresponding major findings:

- *What housing has recently been produced?* The U.S. census data suggests only limited housing production since 2010 with some loss of rental units. Recent building activity has also been limited to a small increase of 172 units between 2020 and October 2023. However, because teardown activity was involved in between one-third to one-half of new unit development in any calendar year, net new unit creation was considerably less.
- *What housing is available to what residents can afford?* Housing prices have risen faster than incomes making housing much less affordable. While incomes increased by 92% between 2000 and 2021, the median owner-occupied unit price rose by 153% based on census data. When focusing on increases in single-family home prices, the percentage increase grows to 195% based on changes according to *Banker & Tradesman* data between 2000 and 2021 (from \$195,000 to \$575,050). The median increased to \$650,000 as of August 2023.

As prices rise, so do affordability gaps and cost burdens. The affordability gap is about \$363,500 - the difference between the price of the median priced single-family home (\$650,000) and what a median income household can afford (\$286,500).¹⁴ In the case of 80% financing, requiring a 20% down payment, a purchaser would need to borrow less and therefore could afford a home of about \$331,300, and thus the affordability gap would decrease to \$318,700, still very high.

Special tabulations of HUD data suggest that of the 5,394 year-round households included in the analysis, 1,751 or 32.5% were reported with cost burdens as they were paying more than 30% of their income on housing costs. Moreover, of these households, 738 or 13.7% were

¹⁴ Private mortgage insurance (PMI) was not included in these calculations assuming that the purchaser earning at Harwich’s median income could qualify for a subsidized mortgage program such as the ONE Mortgage Program or a MassHousing program for example.

spending more than 50% of their income on housing, referred to as being severely cost burdened.

There were 2,249 households, or 42% of households, who were earning at or below 80% of median income for the Barnstable County area. Of these, 1,407 households or about 63% were experiencing cost burdens.

Market rents are high and a typical two-bedroom apartment is at least \$2,400. This rent would be affordable to a household earning about \$106,000 annually, assuming average monthly utility costs of \$250 and spending 30% of income on housing costs. The median income earning renter (\$51,786) could afford a rent of only about \$1,045 with the same assumptions. It is consequently not surprising that so many renters are paying too much for their housing.

- *What units are defined as affordable by the state?* Based on the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) most recent data on Harwich’s supply of affordable housing included in the state’s Subsidized Housing Inventory, Harwich had 6,581 year-round housing units (up from 6,121 units based on 2010 data), of which 328 are currently counted by the state as affordable (down from 333 in 2016), representing 4.98% of the year-round housing stock (down from 5.44% in 2016).
- *What are Harwich’s priority housing needs?* This Housing Production Plan recommends a continued focus on rental unit development based on a number of important considerations including the priority of addressing the housing needs of the community’s most vulnerable residents and further diversifying the housing stock. Nevertheless, it also suggests the importance of addressing unmet local needs through homeownership development as starter homes for families or smaller units for empty nesters looking to downsize and minimize home maintenance demands. The Plan also prioritizes the development of housing for special needs populations given high levels of residents with disabilities and an aging population in addition to some focus on resources for making home improvements.

1. Housing Growth – Slowdown in recent housing growth

The 2020 decennial census identified 10,485 total housing units in Harwich of which 5,391 or 51.6% were occupied. The 2021 census estimates counted limited further growth to 10,516 housing units of which 5,733 or 54.5% were occupied (see Table III-19).

While Harwich’s population grew by 7.6% between 2000 and 2021, housing units increased by 11.3%, which was largely fueled by the seasonal and second home markets and, more recently, by off-Cape households looking for safer places to ride out the pandemic.

Census figures also indicate that housing growth has been higher than population growth. For example, between 2000 and 2021, the Town experienced a 11.3% rate of housing growth, from 9,450 units to 10,516, higher than the total population growth of 7.6% during this period.

Table III-16 charts housing growth, identifying that development activity was relatively high between 1950 and 2000 with the highest number of units produced between 1970 and 1989, directed largely to the higher priced market based on the growing demand for second homes and places to retire on

or near the seashore. Still another 41% of the town’s housing was built prior to 1970, including 13.4% before WWII. Since 2000, residential building activity slowed down considerably from a growth rate of

6.6% between 2000 and 2009 to 3.8% between 2010 and 2019. While the Census Bureau’s American Community Survey indicates that there no building activity occurred in 2020 or later, this is not the case given building permit activity that counted 172 units permitted from 2020 through October 2023 as summarized in Table III-17.

New residential building activity has slowed down in recent years with the average number of permits for new residential units decreasing from a high of 166 permits in 1999 to a low of 24 permits/units in 2019. The annual average number of new units was 145 from 1995 through 2000, to an average of 73 permits from 2001 to 2010, and then down to 41 between 2011 and 2015. Between 2016 and 2022, the average annual number of units that were permitted was 40. However, this does not reflect the net new units that are created as demolition and replacement activity has been significant, ranging from about one-third to one-half of newly constructed units in any calendar year. Small units, such as cottages, have been particular targets of teardown activity.

Table III-16: Housing Units by Year Structure Was Built

Time Period	# Units	% Units
2020 or later	0	0.0
2010 to 2019	399	3.8
2000 to 2009	696	6.6
1990 to 1999	1,400	13.3
1980 to 1989	1,646	15.6
1970 to 1979	2,060	19.6
1960 to 1969	1,524	14.5
1950 to 1959	1,192	11.3
1940 to 1949	194	1.8
1939 or earlier	1,405	13.4
Total	10,516	100.0

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2017-2021

Table III-17: Residential Building Permit Data, 2010 through October 2023

Year	# Building Permits for New Units
2010	37 single-family units
2011	37 single-family units + 4 two-family homes/8 units = 45 units
2012	40 single-family units
2013	36 single-family units
2014	43 single-family units
2015	43 single-family units
2016	52 single-family units
2017	55 single-family units
2018	40 single-family units + 1 two-family home/2 units = 42 units
2019	24 single-family units
2020	47 single-family units
2021	50 single-family units
2022	37 single-family units
As of October 2023	27 single-family units + 11 units in rear, above garage or ADUs = 38 units
Total	589 units

Source: University of Massachusetts Donahue Institutes, State Data Center, and Harwich Building Department

Table III-18 compares Harwich’s housing growth from 1970 through 1999 and then between 2000 and 2019 and finally 2020 to 2021 to that of its neighbors. While housing growth has slowed, this data suggests that between 2000 and 2019, Harwich had a relatively comparable rate of growth to that of the county. It also had a higher proportional growth rate between 1970 and 1999 compared to Dennis and Chatham with Brewster experiencing the highest level of growth during this period. Housing growth for all communities was limited between 2020 and 2022.

**Table III-18: More Recent Housing Development
Harwich and Neighboring Communities and Barnstable County**

Community/ Total Units 2020	Units Built 1970-1999		Units Built 2000-2019		Units Built in 2020 or later/2020-2022*	
	#	%	#	%	#	%
Brewster/8,338	4,894	58.7	1,722	20.7	0/53	0.0/0.6
Chatham/7,556	3,283	43.4	1,147	15.2	14/130	0.2/1.7
Dennis/15,641	6,904	44.1	1,085	6.9	0/187	0.0/1.2
Eastham/6,360	3,339	52.5	655	10.3	49/44	0.8/0.7
Harwich/10,516	5,106	48.6	1,095	10.4	0/119	0.0/0.1
Orleans/5,293	2,854	53.9	735	13.9	10/77	0.2/1.5
County/166,131	84,073	50.6	18,085	10.9	1,309/1,860	0.8/1.1

Source: U.S. Census Bureau, 5-Year Estimates from the American Community Survey, 2017-2021 for communities and 1-Year Estimates for the county.

*First figure is from the ACS data for 2017-2021/second is from the University of Massachusetts Donahue Institute, State Data Center. The percentages are included based only on the total unit count as part of the 2020 census, and not estimated for the updated State Data Center counts.

While the Town’s growth has slowed since 2000, there remains large tracts of undeveloped residential land, particularly in the Six Ponds District bounded by Routes 6, 124 and 137 and by Queen Anne Road. Growth rates are likely to remain modest, but much of the Town’s remaining undeveloped land is subject to further development. Efforts are being made to guide development to existing villages and designated zoning districts to help revitalize Harwich Center and to continue modest upgrades in Harwich Port. The greatest current growth potential is in East Harwich, where the Town has initially focused sewer installation and is exploring new zoning that will change this location from commercial to a pedestrian-friendly mixed-use district.¹⁵ (Is this still the case?)

2. Types of Units and Structures – Increases in year-round units during the pandemic

Table III-19 includes a summary of housing occupancy characteristics from 1980 through 2021. Out of 10,440 total housing units based on the 2020 decennial census data, Harwich had 6,581 year-round units of which 5,391 were occupied. The 2021 census estimates suggest an increase of 116 total units, more than the 79 units counted in Table III-18 for 2020 and 2021 per building permit activity.

In reviewing changes in the housing stock since 1980, the following trends become apparent:

¹⁵ Town of Harwich Draft Open Space and Recreation Plan, July 2015.

- *Significant increase in year-round housing units during the pandemic:* As shown in Table III-19 and Figure III-4, seasonal or occasional units steadily increased over the decades from 37.8% of all units in 1980 to 40.5% in 2010. The 2020 decennial data, showed a marked decline in such units to 37.4%, a bit lower than the 1980 level. This was largely due to the influx of off-Cape residents who flocked to the Cape during the pandemic to find a safer place to live. This inflow put considerable pressure on the housing market, largely depleting any available housing inventory and causing some conversion of seasonal or occasional units to year-round use.

The 2021 census estimates showed a 486-unit increase in seasonal and occasional units to 4,390 units or 41.7% of all housing units. This would point to a significant number of newer residents returning to their original off-Cape locations on either a full-time or part-time basis. It is surprising and questionable that there would be such a high reversal in such a short period of time.

Due to this very high level of seasonal housing, Harwich's population increases substantially during the summer months, putting high demands on local services but bolstering the town's economy. However, having such a substantial portion of homes unavailable for year-round occupancy further limits the supply of affordable housing for year-round residents and has increased housing prices.

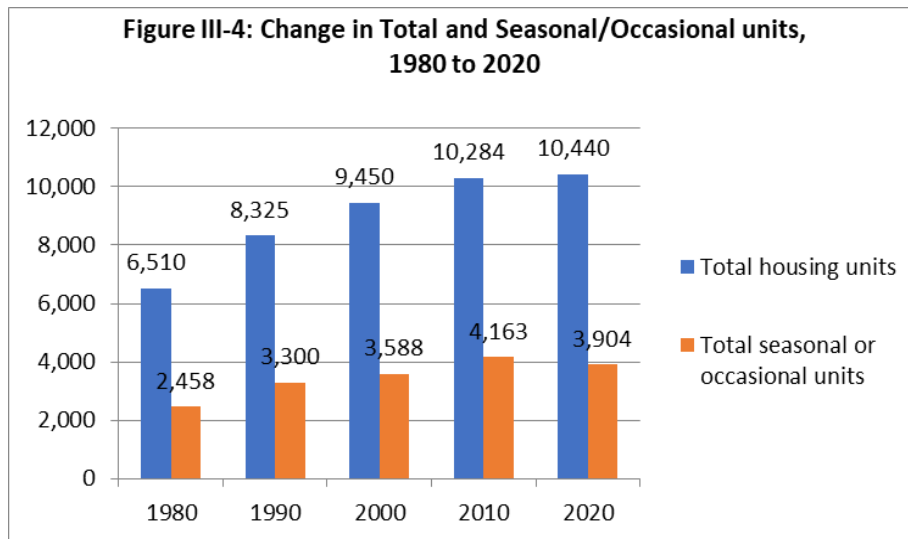
- *Owner-occupied units increased by 394 units or by 8.7% between 2010 and 2021:* Out of the total occupied housing units in 2021, 4,907 or 85.6% were owner-occupied. This represents a higher level of owner-occupancy than 80.3% in 2010 and also higher than that of Barnstable County at 82.2%.

Table III-19: Housing Occupancy, 1980-2021

Housing Characteristics	1980		1990		2000		2010		2020/2021	
	#	%	#	%	#	%	#	%	#	%
Total # Units	6,510	100.0	8,325	100.0	9,450	100.0	10,284	100.0	10,440/ 10,516	100.0/ 100.0
Occupied Units*	3,720	57.1	4,505	54.1	5,471	57.9	5,623	54.7	5,391/ 5,733	51.6/ 54.5
Total Seasonal, Recreational or Occasional Use*	2,458	37.8	3,300	39.6	3,588	38.0	4,163	40.5	3,904/ 4,390	37.4/ 41.7
Occupied Owner Units **	3,039	81.7	3,545	78.7	4,504	82.3	4,513	80.3	4,907	85.6
Occupied Rental Units **	681	18.3	960	21.3	967	17.7	1,110	19.7	826	14.4
Average House-Hold Size of Owner-Occupied Unit	Not Available		2.29 persons		2.23 persons		2.19 persons		2.36 persons	
Average House-Hold Size of Renter-Occupied Unit	Not Available		2.16 persons		2.07 persons		1.98 persons		1.93 persons	

Source: U.S. Census Bureau, 1980, 1990, 2000 and 2010, 2020 decennial, and 2016-2020 plus 2017-2021 American Community Survey 5-Year Estimates and data from EOHL. * Percentage of total housing units ** Percentage of occupied housing units

- *Renter-occupied units decreased by 284 units or by 26% during the 2010 to 2021 period:* Rental units decreased in number and as a percentage of all units to 826 units or 14.4% of all occupied units by 2021. This level is lower than 17.8% for the Cape as a whole. It is likely that some of this loss was the result of the conversion of seasonal or part-time units to owner-occupancy, particularly during the pandemic.
- *Recent increase in persons per owner-occupied units but decrease for rental occupancy:* The average number of persons per homeownership unit declined between 1990 and 2010, from 2.29 persons to 2.19 persons, but increased to 2.36 person between 2010 and 2021. On the other hand, the average household size for rentals continued to decline from 2.16 persons in 1990 to 1.93 persons by 2021.



- *Declining homeownership vacancy rates:* The homeowner vacancy rate was 4.0% in 1990, decreased to 3.2% by 2010, and declined further to 0.9% by 2020 as shown in Table III-20. This rate is lower than the county level but the same as that for the state, representing extremely tight market conditions.
- *Increasing rental vacancy levels:* The rental vacancy rate almost doubled from 6.7% in 1990 to 12.8% by 2010, then declined to 8% by 2020. While the turnover of rentals is generally higher in resort towns than other areas, these rates are higher than what one would expect from the natural turnover of units as well as the effects of the pandemic that spurred housing demand and reduced available inventories. It is also surprising given that those at the Harwich Housing Authority and Housing Assistance Corporation (HAC), who administer rental housing subsidies, have found that households with vouchers are finding it difficult to find qualifying rental units given such tight market conditions in Harwich.

Table III-20: Vacancy Rates, 1990 to 2020

Tenure	1990	2000	2010	2020	County 2020	MA 2020
Rental	6.7%	6.5%	12.8%	8.0%	8.9%	4.9%
Homeowner	4.0%	2.2%	3.2%	0.9%	1.4%	0.9%

Source: U.S. Census Bureau, 1990, 2000, 2010 and 2020

- Predominance of single-family homes:* As shown in Table III-21, almost 90% of Harwich’s housing units have been in single-family detached homes, higher than the county’s level at 82.5% and much higher than the state where somewhat more than half of all units were in such dwellings (50.7%). The data indicates that there was an increase of 763 of these units between 2010 and 2021, while the net increase in total units was only 667 units. This was based largely on the loss of multi-family units, particularly in larger development as the number of units in structures of ten or more units is identified as falling from 473 units in 2010 to 176 in 2021 according to this census data. (Any idea of where this might have occurred?)

Census data also suggests a major drop in mobile homes since 1990 with a remaining number of 11 units. Assessor’s data indicates that mobile homes no longer exist in Harwich.

Table III-21: Units in Structure, 1990 to 2021

Type of Structure	1990		2000		2010		2021	
	#	%	#	%	#	%	#	%
1 Unit Detached	7,180	86.2	8,337	88.2	8,577	87.1	9,340	88.8
1 Unit Attached	184	2.2	303	3.2	151	1.5	369	3.5
2 to 4 Units	350	4.2	292	3.1	311	3.1	289	2.7
5 to 9 Units	291	3.5	229	2.4	306	3.1	331	3.1
10 or More Units	212	3.6	282	3.0	473	4.8	176	1.7
Mobile Homes	108	1.3	7	0.1	31	0.3	11	0.1
Total	8,325	100.0	9,450	100.0	9,849	100.0	10,516	100.0

Sources: U.S. Census Bureau, 1990, 2000, and ACS 5-Year Estimates, 2006-2010 and 2017-2021

Table III-22 examines units by type of structure for renters versus homeowners. About half of all rental units were in single-family detached units, likely indistinguishable from owner-occupied ones. Another 24% of rental units are in smaller multi-family dwellings of two to four units with the remaining quarter dispersed among the other structure types. Not surprisingly, almost all the owner-occupied units were in single-family units.

- Moderately-sized housing stock on average:* The median number of rooms per housing unit was 5.8 in both the 2010 and 2021 census data, indicating that the average home was medium-sized with three bedrooms. The number of rooms per dwelling ranged from three rooms or less in 620 units (5.9%) to nine rooms or more in 1,193 (11.3%), representing a relatively small portion of very large residential units.

Table III-22: Tenure by Occupied Units in Structure, 2021

Type of Structure	Owner-occupied Units		Renter-occupied Units	
	#	%	#	%
1 Unit Detached	4,497	91.6	431	52.2
1 Unit Attached	66	1.3	58	7.0
2 to 4 Units	88	1.8	201	24.3
5 to 9 Units	156	3.2	78	9.4
10 or More Units	99	2.0	58	7.0
Mobile Homes	11	0.2	0	0.0
Total	4,907	100.0	826	100.0

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2017-2021

3. Housing Market Conditions – Very little affordability remaining in the private housing stock Ownership

Census data also provides information on housing values as summarized in Table III-23. In 2000 there were 2,306 units, or 56.8% of the owner-occupied, year-round housing stock, valued below \$200,000. This relatively affordable housing dwindled to 142 units or 2.9% by 2021. Most of these lower-priced units were likely small unwinterized condos.

Those higher-end properties of \$500,000 or more were only 3.8% of the housing stock in 2000 but as of 2021 they comprised almost half of all owner-occupied, year-round units, 8% at more than \$1 million. The increased value of Harwich’s housing stock is also reflected in median values that increased by 170% between 2000 and 2021, from \$183,000 to \$494,000 according to census figures, far greater than the 57% rate of inflation during this period. In the last decade alone, the median owner-occupied unit value increased from \$404,600 in 2010 or by 22%.

Table III-23: Housing Values of Owner-occupied Properties, 2000, 2010 and 2021

Value	2000		2010		2021	
	#	%	#	%	#	%
Less than \$50,000	7	0.2	67	1.4	38	0.8
\$50,000 to \$99,000	127	3.1	29	0.6	23	0.5
\$100,000 to \$149,000	966	23.8	28	0.6	35	0.7
\$150,000 to \$199,000	1,206	29.7	66	1.4	46	0.9
\$200,000 to \$299,999	1,043	25.7	546	11.5	523	10.7
\$300,000 to \$499,999	520	12.8	2,459	51.8	1,840	37.5
\$500,000 to \$999,999	155	3.8	1,405	29.6	2,010	41.0
\$1 million or more	33	0.8	144	3.0	392	8.0
Total	4,057	100.0	4,744	100.0	4,907	100.0
Median	\$183,000		\$404,600		\$494,000	

Source: U.S. Census Bureau, 2000 and American Community Survey 5-Year Estimates, 2006-2010 and 2017-2021.

More updated and historic market data is tracked by The Warren Group from Multiple Listing Service information based on actual sales. This market information from 2010 through August 2023 is

A local realtor indicated that there has been some limited softening of the market since the pandemic, however, when properties are priced right, they continue to attract multiple offers within days of listing. Moreover, about 2/3 of buyers live outside of Harwich.

summarized in Table III-24. This data demonstrates significant increases in housing values, particularly between 2020 and 2021 when the median increased from \$480,000 to \$575,050. This was likely due to the increased housing demand and limited supply due to the pandemic. The single-family home market was at its peak in 2022 with a median of \$660,000 which fell modestly as of August 2023 to \$650,000.

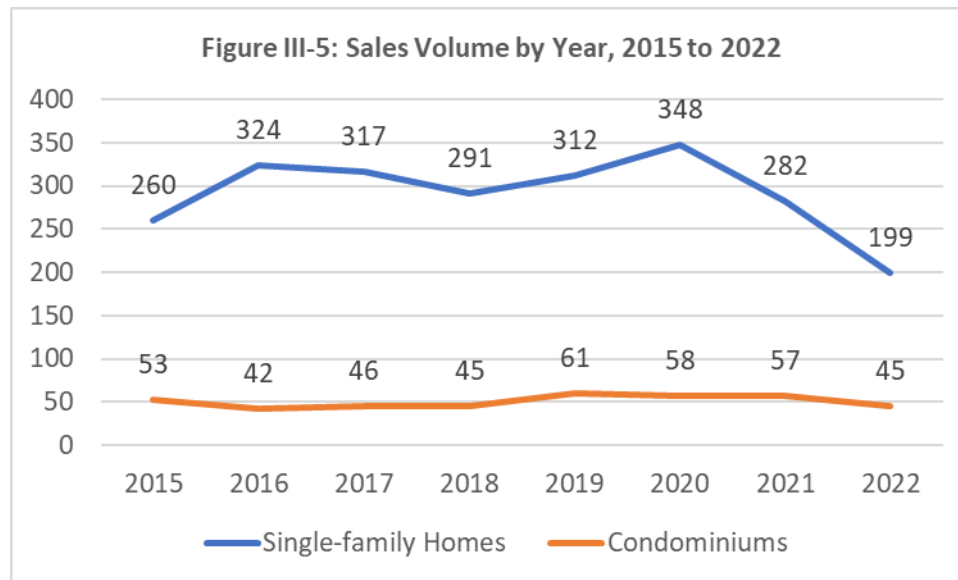
The condo market has experienced somewhat greater market volatility. The median sales price, however, rose considerably from less than \$200,000 prior to 2013, due to the affects of the financial recession, to an unprecedented high of \$339,500 as of August 2023.

Table III-24: Median Single-family Sales Prices, 2010-August 2023

Year	Months	Single-family Values	# Single-Family Sales	Condo Values	# Condo Sales
2023	Jan - August	\$650,000	119	\$339,500	23
2022	Jan – Dec	\$660,000	199	\$322,500	45
2021	Jan – Dec	\$575,050	282	\$330,000	57
2020	Jan – Dec	\$480,000	348	\$271,900	58
2019	Jan – Dec	\$442,500	312	\$240,000	61
2018	Jan – Dec	\$422,500	291	\$245,000	45
2017	Jan – Dec	\$400,000	317	\$207,500	46
2016	Jan – Dec	\$358,500	324	\$210,000	42
2015	Jan – Dec	\$365,000	260	\$217,000	53
2014	Jan – Dec	\$371,500	221	\$237,500	43
2013	Jan – Dec	\$345,000	277	\$237,500	39
2012	Jan – Dec	\$329,000	274	\$171,500	36
2011	Jan – Dec	\$345,000	219	\$168,000	31
2010	Jan – Dec	\$352,500	250	\$197,000	40

Source: The Warren Group, October 7, 2023

The volume of sales – including single-family homes and condo – by year since 2015 is presented in Figure III-5, clearly showing the fluctuations in the housing market. Of particular note is the decline in sales activity after 2020 when the existing inventory of available units decreased as a result of high demand for units during the pandemic.



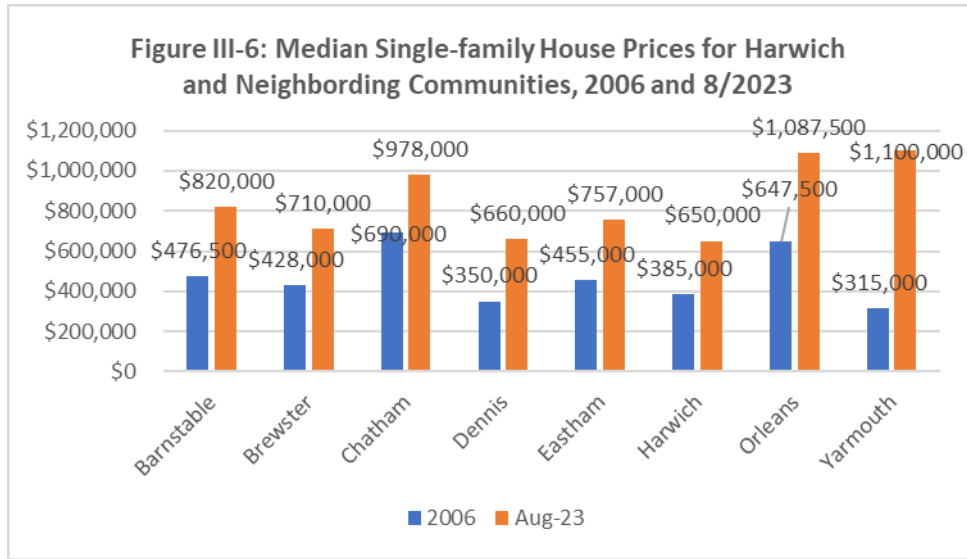
A comparison of median values for Harwich and neighboring communities, as well as the Cape and state, is presented in Table III-25. This table includes the median single-family house price at pre-recession levels in 2006, post-recession levels in 2009, and then as of August 2016 and 2023. The table also shows the percentage changes between these periods, demonstrating where prices have been the most volatile, which communities best recovered from the recession, and which have had the greatest changes in more recent median single-family home prices. This data is also visually presented in Figure III-6 for the 2006 and August 2023 timeframes. This analysis indicates the following market trends:

- While the median values of Harwich and all neighboring communities fell between 2006 and 2009, the medians rebounded somewhat after that through August 2016, except Wellfleet.
- None of the communities' 2016 median prices surpassed pre-recession levels, ranging from the lowest percentage change of -6.6% in Brewster to a high of -21.0% in Wellfleet and with Harwich at -9.1%. This is not the case in other parts of the state, particularly those in the Metro West area of Greater Boston, where median prices surpassed pre-recession ones only several years after the recession. This is also reflected in the relatively small but positive percentage change between 2006 and 2016 of 1.2% for the state.
- The increase in median single-family homes prices has been considerable since 2016 in all communities, 132.1% in Wellfleet and Harwich at 85.7%. With the exceptions of Truro and Chatham, all the communities included in the table had higher increases in median values than the 63.3% statewide level.
- The median sales values in Harwich have been at the lower end of the range, at \$650,000 as of August 2023, between a low of \$560,000 in Yarmouth and a high of \$1,087,500 for Orleans. Harwich's 2016 and 2023 medians of \$350,000 and \$650,000, respectively, are comparable to county levels.

Table III-25: Median Single-family House Price for Harwich and Neighboring Communities as of 2006, 2009, and August 2023

Place	Median Single-family House Price				% Change 2006 to 2009	% Change 2009 to 8/2016	% Change 2006 to 8/2016	% Change 2016 to 8/2023
	12/2006	12/2009	8/2016	8/2023				
Barnstable	\$476,500	\$405,000	\$415,000	\$820,000	-15.0%	2.5%	-12.9%	97.6%
Brewster	\$428,000	\$364,000	\$399,950	\$710,000	-15.0%	9.9%	-6.6%	77.5%
Chatham	\$690,000	\$511,250	\$600,000	\$978,000	-29.3%	17.4%	-13.0%	63.0%
Dennis	\$350,000	\$288,700	\$325,000	\$660,000	-17.5%	9.1%	-7.1%	103.1%
Eastham	\$455,000	\$385,000	\$400,000	\$757,000	-15.4%	3.9%	-12.1%	89.2%
Harwich	\$385,000	\$324,400	\$350,000	\$650,000	-15.7%	7.9%	-9.1%	85.7%
Orleans	\$647,500	\$525,000	\$561,500	\$1,087,500	-18.9%	7.0%	-13.3%	93.7%
Truro	\$717,000	\$517,750	\$605,000	\$910,000	-27.8%	16.9%	-15.6%	50.4%
Wellfleet	\$600,000	\$482,950	\$474,000	\$1,100,000	-19.5%	-1.9%	-21.0%	132.1%
Yarmouth	\$315,000	\$256,250	\$275,000	\$560,000	-18.6%	7.3%	-12.7%	103.6%
County	\$387,000	\$315,000	\$350,000	\$651,500	-18.8%	11.1%	-9.6%	86.1%
State	\$345,000	\$285,000	\$349,000	\$570,000	-17.4%	22.5%	1.2%	63.3%

Source: The Warren Group, Banker & Tradesman, October 7, 2023



Another analysis of housing market data is presented in Table III-26, which breaks down sales data from the Multiple Listing Service for single-family homes and condominiums from October 2022 through the end of September 2023. This data indicates that sales below \$200,000 are largely limited to transactions between family members at discounted prices or for affordable SHI units. About 35% of all single-family homes sold in the \$500,000 to \$700,000 range with almost one-fifth selling for more than \$1 million. Condominiums are relatively more affordable with almost half of the units selling between \$300,000 and \$400,000. This relative affordability is also reflected in the median sales prices of \$655,000 for single-family homes and \$350,000 for condos.

Table III-26: Single-family Home and Condominium Sales, October 2022 through September 2023

Price Range	Single-family Homes		Condominiums		Total	
	#	%	#	%	#	%
Less than \$100,000	1*	0.5	1	2.5	2	0.8
\$100,000-199,999	12**	5.5	1	2.5	13	5.0
\$200,000-299,999	6	2.7	5	12.5	11	4.2
\$300,000-399,999	15	6.8	19	47.5	34	13.1
\$400,000-499,999	13	5.9	3	7.5	16	6.2
\$500,000-599,999	34	15.5	0	0.0	34	13.1
\$600,000-699,999	43	19.6	2	5.0	45	17.4
\$700,000-799,999	20	9.1	2	5.0	22	8.5
\$800,000-899,999	18	8.2	0	0.0	18	6.9
\$900,000-999,999	15	6.8	1	2.5	16	6.2
\$1 million +	42	19.2	6	15.0	48	18.5
Total	219	100.0	40	100.0	259	100.0
Median	\$655,000		\$350,000		--	

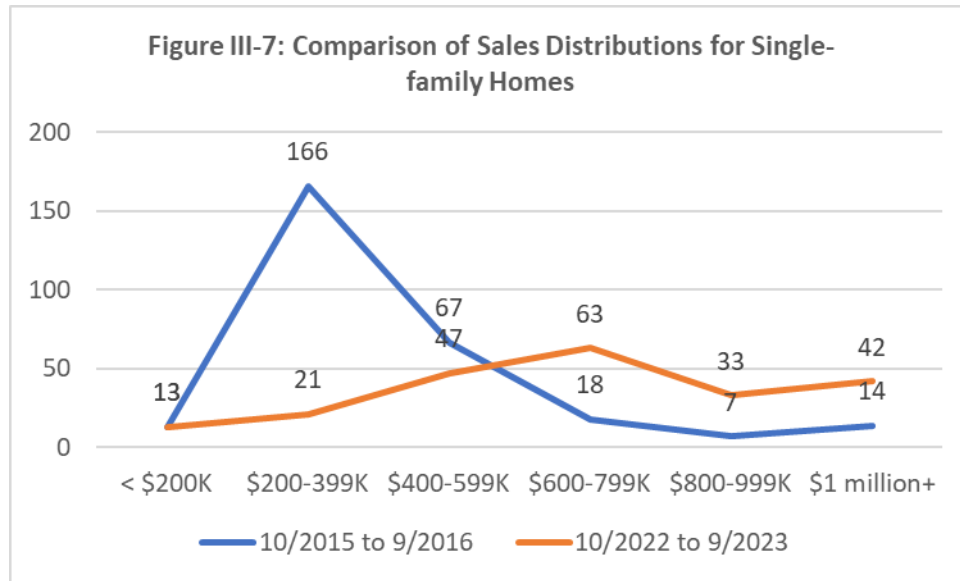
Source: The Warren Group, *Banker & Tradesman*, October 16, 2023.

*Were not likely arms-length transactions

**One of the units was not likely an arms-length transaction and six were Habitat homes.

The distribution of single-family home prices for October to September of 2015-2016 is compared to the same period of 2022-2023 in Figure III-7. This data shows the much higher level of affordability in the

earlier period, also showing some fall off in the number of sales, particularly those below \$400,000. Another notable change involves the high-end market of properties selling for more than \$1 million, representing an increase from 14 to 42 units. The highest-priced sale was \$7 million.



Information from the Town Assessor on the assessed values of residential property in Harwich is presented in Table III-27 for Fiscal Year 2023.¹⁶ This data confirms that there is very limited affordability still existing in the housing stock with only 268 single-family homes, condos and small multi-family properties valued below \$200,000, down from 900 in 2016. The bulk of these lower valued properties were *condominiums* with almost 100 assessed for less than \$100,000 and largely small and seasonal cabana-type units. About 55% of the condos were valued at less than \$300,000, down from 73% in 2016, and the median assessed value was \$281,800. Condominiums in fact are a significant part of Harwich’s housing stock, totaling 849 units, and the most affordable component of the community’s private housing.

About 44% of the *single-family homes* were valued in the \$400,000 and \$599,999 range, still including some smaller homes in the more moderately priced range. On the other hand, 1,433 homes were assessed for more than \$1 million compared to 484 in 2016, clearly demonstrating considerable growth in the high-end luxury market. The median assessed single-family home was \$582,200.

Assessor’s data also indicated that there were 349 *small multi-family dwellings* including 180 two-family properties (360 units), 5 three-family dwellings (15 units) as well as 164 properties with more than one house on the lot. Only six of these properties were assessed below \$300,000, 24 below \$400,000, while 92 or 26.4% were assessed beyond \$1 million.

Larger multi-family structures represent a very small segment of Harwich’s housing stock, with only four 4 to 8-unit properties and two (2) properties with more than 8 units according to Assessor’s data.

Regarding *mixed-use properties*, there were 48 such properties where the residential use was primary that ranged in value from \$182,400 to \$1,543,500. The median value was \$629,100. There were

¹⁶ Assessments typically lag market values, particularly in a rising housing market.

another 61 mixed-use properties where the commercial use was primary. Values for these properties ranged from \$11,000 to \$1,724,700 with a median assessed value of \$597,000.

Table III-27: Assessed Values of Residential Properties

Assessment	Single-family Dwellings		Condos		Multi-family Dwellings*		Total	
	#	%	#	%	#	%	#	%
\$0-199,999	45	0.5	221	26.0	2	0.6	268	2.7
\$200,000-299,999	122	1.4	243	28.6	4	1.1	369	3.7
\$300,000-399,999	609	7.0	110	13.0	18	5.2	737	7.5
\$400,000-499,999	2,037	23.5	61	7.2	74	21.2	2,172	22.0
\$500,000-599,999	1,746	20.2	46	5.4	38	10.9	1,830	18.6
\$600,000-699,999	1,067	12.3	63	7.4	50	14.3	1,180	12.0
\$700,000-799,999	742	8.6	56	6.6	32	9.2	830	8.4
\$800,000-899,999	509	5.9	14	1.6	24	6.9	547	5.5
\$900,000-999,999	351	4.1	8	0.9	15	4.3	374	3.8
Over \$1 million	1,433	16.5	27	3.2	92	26.4	1,552	15.7
Total	8,661	100.0	849	100.0	349	100.0	9,859	100.0

Source: Harwich Town Assessor, fiscal year 2023.

* Includes two-family/three-family/and multiple homes on one lot.

Rentals

Table III-28 summarizes census data for rental units from 1980 to 2021. Between 1980 and 2000, Harwich experienced substantial growth and demographic shifts as significant numbers of homes were built based on the increasing demand for second homes or retiring to Cape Cod. With this building boom, home prices increased significantly, including rental values, the medians of which more than doubled from 1980 to 1990 alone, from \$293 to \$642. By 2000 this median rent had increased to \$708, just a bit lower than 2000 median gross rent of \$723 for the county. Rents have continued to increase with a median rent of \$1,047 in 2010 and \$1,282 as of 2021, considerably lower than \$1,573 for the county in 2021. However, the 81% increase in Harwich’s median rent between 2000 and 2021 is much higher than the 57% rate of inflation during this period.

Table III-28: Rental Costs, 1980-2021

Rent	1980		1990		2000		2010		2021	
	#	%	#	%	#	%	#	%	#	%
Under \$200	57	8.4	43	4.5	28	2.9	8	0.8	174	21.1
\$200-299	265	38.9	42	4.4	54	5.5	38	4.0		
\$300-499	267	39.2	215	22.4	112	11.5	111	11.6		
\$500-749	11	1.6	309	44.8	304	31.2	118	12.3	67	8.1
\$750-999			209	21.8	263	27.0	123	12.9		
\$1,000-1,499			79	8.1	287	30.0	187	22.6		
\$1,500 +			42	4.4	0	0.0	163	17.1	299	36.2
No cash rent	81	11.9	100	10.4	134	13.8	108	11.3	99	12.0
Total	681	100.0	960	100.0	974	100.0	956	100.0	826	100.0
Median rent	\$293		\$642		\$708		\$1,047		\$1,282	

Source: U.S. Census Bureau, 1980, 1990, 2000 and 2010 and 2017-2021 American Community Survey 5-Year Estimates. * Percentage of total housing units

Like housing values for homeownership units, rental values tend to be underestimated in the census data, and actual market rents are typically higher. In mid-October 2023, there were only four internet listings of rental units, all in single-family homes, that included:

It is important to note that 264 units, or almost one-third of Harwich’s 826 rental units, were included in the SHI and thus have below market rents.

- A 1-bedroom, 1-bath unit with 505 square feet for \$2,087.
- A 2-bedroom, 1-bath unit with 800 square feet for \$2,700.
- A 2-bedroom, 2-bath rental with 994 square feet for \$2,400.
- A 3-bedroom, 1-bath unit with 1,200 square feet for \$1,950.

Winter rentals have historically been more affordable, however, have been difficult to find since the pandemic. Summer rentals, like most of this part of the Cape, have been very pricey and continue to be, especially near the water.

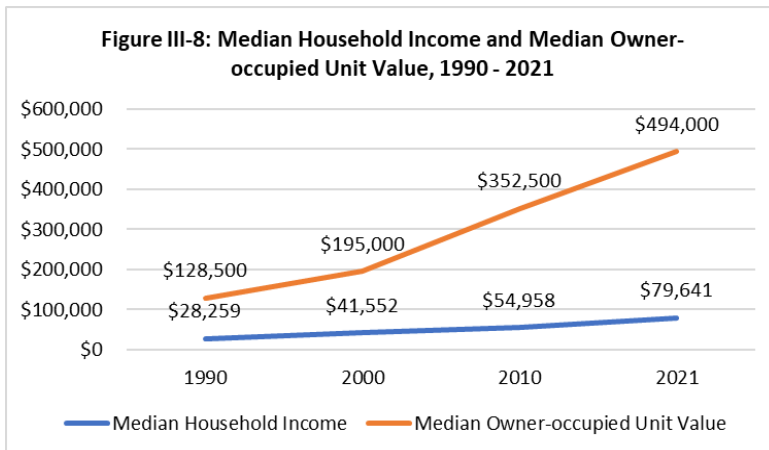
HUD Fair Market Rents (FMRs) are the maximum rents allowed by HUD in the Section 8 Housing Choice Voucher Program or the Massachusetts Rental Voucher Program (MRVP). For the Cape, they are \$1,486 for an efficiency unit, \$1,585 for a one-bedroom unit, \$2,044 for a two-bedroom unit, \$2,501 for three bedrooms, and \$2,781 for four bedrooms based on 2024 limits. These rent limits are generally lower than the recent listings provided above. Consequently, voucher holders find it very difficult to find qualifying housing in the area.

4. Affordability Analysis – Widening affordability gaps

While it is useful to understand past and present housing costs, it is also important to analyze the implications of these costs on residents’ ability to afford them for both homeownership and rentals.

Affordability Gaps - Homeownership

As shown in Figure III-8, housing prices have in fact risen faster than incomes, particularly since 2000. As time went by, the gap between median household income and the median single-family house price widened. While incomes increased by 92% between 2000 and 2021, the median owner-occupied unit price rose by 153% based census data for this same period. When focusing on increases in single-family home prices, the percentage increase grows to 195% based on changes according to *Banker & Tradesman* data between 2000 and 2021 (from \$195,000 to \$575,050).



Moreover, in 1990 the median income was 22% of the median owner-occupied unit price but decreased to 15.6% by 2010 and 16% as of 2021. Additionally, the gap between income and house value was \$100,241 in 1990 but increased to \$297,542 by 2010 and then to \$414,359 in 2021.

Another way of calculating the affordability gap is to estimate the difference between the median priced house and what a median income earning household can afford

based on spending no more than 30% of income on housing costs.¹⁷ To afford the median sales price of a single-family home of \$650,000, based on *Banker & Tradesman* data as of August 2023, a household would have to earn an estimated \$191,200 with 95% financing.¹⁸ This income is more than twice the median household income for the town per 2021 census estimates of \$79,641. If the calculations were based on 80% financing with a 20% down payment, the estimated required income would be reduced to about \$160,200, about twice the town's median household income in 2021 and requiring the purchaser to come up with about \$135,000 in upfront cash for the down payment and closing costs.

The median income earning household could likely afford a single-family home of about \$286,500 based on 95% financing. *The affordability gap is then about \$363,500* - the difference between the price of the median priced single-family home (\$650,000) and what a median income household can afford (\$286,500).¹⁹ In the case of 80% financing, requiring a 20% down payment, a purchaser would need to borrow less and therefore could afford a home of about \$331,300 and thus the affordability gap decreases to \$318,700, still very high.

For those earning at the 80% of area median income limit (\$82,250 for a family of three), which is higher than the Town's median household income, the gap decreases somewhat to \$352,000, the difference between the maximum they could afford of approximately \$298,000 and the median single-family house price of \$650,000. These figures are based on 95% financing, assuming purchasers could qualify for homebuyer programs such as the state's One Mortgage Program or MassHousing's mortgage offerings for example. It should also be noted that this price is based on the 80% AMI limit and purchase prices for deed-restricted units are calculated for a household earning at 70% AMI to allow for some marketing window and with other prescribed requirements.

There was an affordability gap of \$82,000 for condos as the median condo price of \$339,500, as of August 2023 from *Banker & Tradesman*, was higher than the estimated price that a median income earning Harwich household could afford of about \$257,500 assuming a monthly condo fee of \$250.²⁰ The gap decreases to \$27,500 for those households earning at the 80% of area median income limit (\$82,850 for a household of three) who could afford a condo of about \$312,000.²¹

¹⁷ Based on the 2021 census estimate of \$79,641 for median household income for Harwich.

¹⁸ Figures based on 95% financing, interest of 6.5%, 30-year term, annual property tax rate of \$6.64 per thousand, and insurance costs of \$4 per \$1,000 for condominiums and \$6 per thousand for single-family homes). The calculations are also based on the purchaser spending no more than 30% of gross income on mortgage (principal and interest), taxes and insurance. It also assumes the purchaser earning at Harwich's median income could qualify for a subsidized mortgage program such as the ONE Mortgage Program or a MassHousing program for example that do not require Private Mortgage Insurance (PMI).

¹⁹ Private mortgage insurance (PMI) was not included in these calculations assuming that the purchaser earning at Harwich's median income could qualify for a subsidized mortgage program such as the ONE Mortgage Program or a MassHousing program for example.

²⁰ Figures based on 95% financing, interest of 6.5%, 30-year term, annual property tax rate of \$6.64 per thousand, \$250 monthly condo fee, insurance costs of \$4 per \$1,000 for condominiums and \$6 per \$1,000 for single-family homes, and the purchaser spending no more than 30% of gross income on mortgage (principal and interest), taxes and insurance. It also assumes households could access a subsidized mortgage program such as the ONE Mortgage Program and MassHousing offerings that do not require Private Mortgage Insurance (PMI).

²¹ Assumes households could access a subsidized mortgage program such as the ONE Mortgage Program and Private Mortgage Insurance (PMI) was not included in the calculations.

Table III-29 provides a breakdown of the number of units existing within various affordability ranges. According to Assessor’s data, an estimated 145 or 1.7% of Harwich’s *single-family homes* were affordable to households earning at or below the town’s median household income (\$79,641) according to 2021 census estimates, down from 2,227 homes in 2016. Using percentages of area median income for Barnstable County, 166 or 1.9% were affordable to those earning at or below 80% of area median income (\$82,850 for a household of three) compared to about 10% of the units in this range in 2016. Another 463 units or 5.3% of all single-family home assessments were likely affordable to those earning between 80% and 100% of area median income (up to \$111,870) down from 2,484 in 2016. These figures suggest significant erosion of affordability since 2016.

Condominiums are valued much more affordably with 326 units or about 38% of condos affordable to households earning at or below the Harwich \$79,641 median household income from the 2021 census estimates. Those units affordable to households earning at or below 80% of area median income, based on a household size of three, include 475 units or about 56% of all condos. Another 80 condos or 9.4% were also assessed within a relatively affordable range, likely affordable to those earning between 80% and 100% of area median income. Therefore, about 65% of the condo market was potentially affordable to those earning within 100% AMI for Barnstable County based on an estimated condo fee of \$250. Some condos, particularly in the lowest price range, are not available on a year-round basis as they involved the conversion of small cottages or cabanas to ownership that are used seasonally from about April through October.

Table III-29: Distribution of Single-family Home and Condo Values by Income Range

Maximum Prices Single-family/ Condo*	Income Range (based on HUD Area Median Income (AMI) Limits	Single-family Homes Available in Price Range		Condominiums Available in Price Range	
		#	%	#	%
\$286,500/\$257,500	At Town’s median Income (\$79,641) **	145	1.7	326	38.4
\$298,000/\$312,000	At 80% AMI Limit (\$82,850) **	166	1.9	475	55.9
\$298,001-\$387,500/ \$312,001-\$361,500	80% - 100% AMI (\$82,851-\$111,870)	463	5.3	80	9.4
\$387,501-\$464,000/ \$361,501-\$440,000	100% - 120% AMI (\$111,871-\$134,244)	1,356	15.6	49	5.8
More than \$464,000/more than \$440,000	More than 120% AMI (More than \$134,244)	6,675	77.1	245	28.9
Total		8,661	100.0	849	100.0

Source: Town Assessor’s Database for Fiscal Year 2023. Please note that as a standard practice, assessed value is assumed to be at least 93% below actual value or potential sale price with some assessments even lower. Figures based on a three-person household.

* Includes estimated condo fee of \$250 per month.

** Based on 95% financing given potential eligibility for subsidized mortgage programs such as the ONE Mortgage Program and MassHousing offerings. All other income ranges assume 95% financing with private mortgage insurance.

It should also be noted that Assessor’s data indicated that Harwich had 349 small multi-family dwellings including 180 two-family properties (360 units), 5 three-family dwellings (15 units) as well as 164

properties with more than one house on the parcel. Such housing is frequently more affordable as they often generate rental income. For example, the median valued two-family home in Harwich, based on Assessor's data, was \$568,200. If owner-occupied with one rental unit, it could be affordable to a purchaser earning approximately \$107,372 (assuming rental income of \$2,000 of which 75% or \$1,500 is likely to be included in mortgage underwriting computations as well as 95% financing). This is low in comparison to a condo at the same price that would require an income of about \$173,585 given the additional computation of the condo fee (assuming \$250) and lack of rental income.

Affordability Gaps - Rentals

Regarding rentals, the gross median rent of \$1,282, according to 2021 census estimates, required an income of about \$61,280 based on spending 30% of income on housing costs which included estimated monthly utility costs of \$250 per month. These costs are beyond the means of many lower income households with the median earning renter household having an income of \$51,786.

Market rents are typically higher. Listings of year-round units are limited but suggest that two-bedroom units are renting for at least \$2,400. This rent would be affordable to a household earning about \$106,000 annually, assuming average monthly utility costs of \$250 and spending 30% of income on housing costs. The median income earning renter (\$51,786) could afford a rent of only about \$1,045 under the same assumptions. It is consequently not surprising that so many renters are paying far too much for their housing.

It is important to note that landlords typically require first and last month's rent plus a security deposit on monthly rentals, also creating substantial up-front cash requirements for renters.

Cost Burdens

The U.S. census also provides data on how much households spent on housing whether for ownership or rental. Such information is helpful in assessing how many households are overspending on housing or encountering housing affordability problems, defined as spending more than 30% of their income on housing costs.

Based on 2021 census estimates, 1,688 or 34.4% of homeowners in Harwich were experiencing cost burdens as they were spending more than 30% of their income on their housing, including 1,285 who had a mortgage and 403 without a mortgage. Of these, 848 or 17.3% had severe cost burdens as they were spending more than half their income on housing, including 731 with a mortgage and 117 without a mortgage.

Regarding renters, 258 or 31% of renters were cost burdened that included 102 or 12.3% with severe cost burdens.

This census data suggests that 1,946 households or 33.9% of all Harwich households were living in year-round housing that was by common definition unaffordable.

HUD provides additional data on housing affordability problems through its State of Cities CHAS report that identifies cost burdens by household type and whether they are renters or owners, also offering a breakdown of households within specific income categories as summarized in Table III-30. For example, the first cell indicates that of the 130 elderly renters earning at or below 30% of area income, none were experiencing cost burdens and therefore likely living in subsidized housing.

This report, based on 2016-2020 5-Year Estimates from the American Community Survey for Harwich (the latest report available), indicates that *of the 5,394 year-round households included in this analysis, 1,751 or 32.5% were reported with cost burdens as they were paying more than 30% of their income on housing costs. Moreover, of these households, 738 or 13.7% were spending more than 50% of their income on housing, referred to as being severely cost burdened.*

728 households or 32% of the 2,249 households earning at or below 80% of area median income were spending more than half of their income on housing costs and thus are referred to as having severe cost burdens.

There were 2,249 households, or 42% of all households in this analysis, who were earning at or below 80% of median income for the Barnstable County area. Of these, 1,407 households or about 63% were experiencing cost burdens.

It is also notable, that 344 households earning more than 80% of area median income, or 6% of all households, were also overspending, all homeowners.

More specific findings from this report include the following:

Renters

- There were 774 year-round renters in this analysis of whom 414 or 53.5% had incomes at or below 80% of median for Barnstable County. Of these, 173 or 42% were spending too much on their housing including 84 or almost half with severe cost burdens.
- Of the 329 elderly renters 62 years of age or older, 68 or 21% were overspending including 24 spending at least half of their income on housing costs, down from 114 in 2016. None of the 130 elderly renters with incomes at or below 30% AMI had cost burdens and are likely living in subsidized housing. Of the 109 seniors with income between 30% and 80% AMI, 68 or 62% were overspending.
- Of the 360 small families with incomes equal to or less than 80% of area median, 295 or 82% were experiencing cost burdens, 145 or 40% with severe cost burdens.
- There were no large families (5 members or more) who were renting in Harwich according to this data. Large families likely encounter difficulty finding larger units to rent in the community and rents for homes are pricey.
- Of the 205 non-family and non-elderly households (largely single individuals), 35 were overspending on their housing costs, all with incomes at or below 80% of median.

Owners

- There were 4,620 year-round homeowner households identified in this report of which 1,578 or 34% were experiencing cost burdens including 654 or 14% with severe cost burdens.
- Of the 1,835 or 40% of owners earning at or below 80% of median income for the area, 1,234 or 67% were overspending and 644 or 35% were spending more than half of their income on housing costs.

- There were also 344 owner household who were earning more than 80% of area median and still cost burdened, comprising 12% of all households earning above this income level.
- More than half (53%) of Harwich’s homeowners are 62 years of age or older. Of these elderly households, 1,090 or 45% were earning at or below 80% of median income that included 675 with cost burdens and 305 with severe cost burdens.
- Families also had considerable cost burdens. Of the 1,465 small families (four or fewer household members) who owned homes, 369 or 25% were overspending on their housing including 170 or 12% with severe cost burdens. Of the 375 with incomes at or below 80% of area median, 295 or 79% were overspending, 160 or 43% spending more than half their income on housing costs.
- There were only 150 large families (five or more household members) who owned their homes, and only 25 were earning at or below 80% of area median, ten with cost burdens.
- There were 565 non-family, non-elderly homeowners, mostly single individuals, that included 339 or 60% with cost burdens. Of these, 345 or 61% were earning at or below 80% of area median with 254 experiencing cost burdens and 179 with severe cost burdens

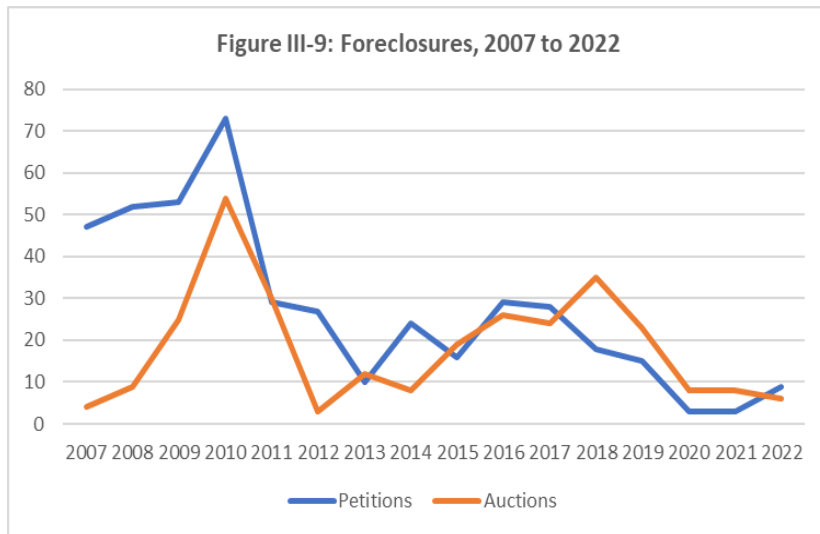
Table III-30: Cost Burdens by Tenure, Income and Type of Household, 2020

Type of Household	Households Earning < 30% MFI/ # with cost burdens **	Households Earning > 30% to <50% MFI/ # with cost burdens**	Households Earning > 50% to < 80% MFI/ # with cost burdens**	Households Earning > 80% and < 100% MFI /# with cost burdens**	Households Earning > 100% MFI/ # with cost burdens**	Total
Elderly Renters	130/0-0	95/40-14	14/4-10	45/0-0	45/0-0	329/44-24
Small Family Renters	30/0-30	10/0-10	75/30-0	20/0-0	100/0-0	235/30-40
Large Family Renters	0/0-0	0/0-0	0/0-0	0/0-0	0/0-0	0/0-0
Other Renters	30/0-20	10/0-0	15/15-0	60/0-0	90/0-0	205/15-20
Total Renters	195/0-50	115/40-24	104/49-10	125/0-0	235/0-0	774/89-84
Elderly Owners	260/105-120	345/115-110	485/150-75	270/110-0	1,080/75-0	2,440/555-305
Small Family Owners	55/30-15	150/10-110	170/95-35	165/60-10	925/4-0	1,465/199-170
Large Family Owners	0/0-0	0/0-0	25/10-0	110/0-0	15/0-0	150/10-0
Other Owners	130/35-85	15/10-4	200/30-90	45/20-0	176/65-0	565/160-179
Total Owners	445/170-220	510/135-224	880/285-200	590/190-10	2,195/144-0	4,620/924-654
Total	640/170-270	625/175-248	984/334-210	715/190-10	2,430/144-0	5,394/1,013-738

Source: U.S. Department of Housing and Urban Development (HUD), SOCDs CHAS Data, and American Community Survey 5-Year Estimates 2016-2020. ** First number is total number of households in each category/second is the number of households paying between 30% and 50% of their income on housing (with cost burdens) – and third number includes those who are paying more than half of their income on housing expenses (with severe cost burdens). Small families have four (4) or fewer family members while larger families include five (5) or more members. Elderly are 62 years of age or older. “Other” renters or owners are non-elderly and non-family households. Median Family Income (MFI) in this analysis is the equivalent of AMI.

Foreclosures

Also related to housing affordability is the issue of foreclosures, which has been a problem for many homeowners across the country since the “bursting of the housing bubble” more than 15 years ago. As shown in Figure III-9, foreclosure activity was at its highest in this recession and fluctuated somewhat while declining after 2011. More recently, foreclosures were largely prohibited based on state and federal efforts to protect homeowners from impacts of the COVID-19 pandemic. While these moratoriums have ended, foreclosures remained low and in 2023, as of October in 2023,

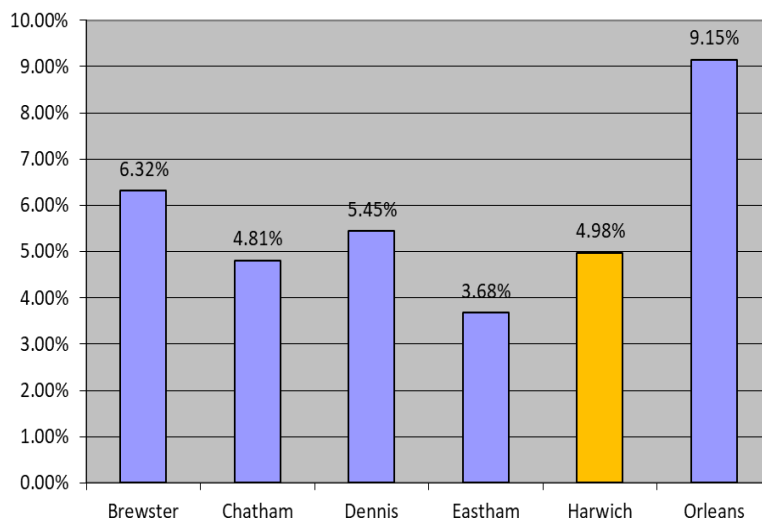


there were only five petitions to foreclose and six auctions.

5. Subsidized Housing Inventory (SHI) – Almost halfway towards meeting the state 10% affordability goal

As mentioned in Section II.B, the state established legislation for promoting affordable housing under Chapter 774 of the Acts of 1969, creating the Massachusetts Comprehensive Permit Law (Massachusetts General Laws Chapter 40B). This legislation allows developers to override local zoning if the project meets certain requirements and the municipality has less than 10% of its year-round housing stock defined as affordable under the 40B Subsidized Housing Inventory or meets other statutory requirements. In calculating a community’s progress toward the 10% Chapter 40B goal, the state counts a housing unit as affordable if it is created by state or federal programs that support low- and moderate-income households earning at or below 80% of area median income, are deed restricted, and affirmatively marketed. It is important to note that all units in a Chapter 40B rental development count towards the 10% goal as opposed to only the 25% actual affordable units for homeownership.

Figure III-9: Comparison of SHI Levels



Most communities in the state are confronting challenges in boosting their supply of affordable housing and reaching the 10% affordability threshold. Harwich and its neighbors have affordable housing levels below the 10% state target, as visually presented in Figure III-9, although Orleans is getting close at 9.15%. Most of the other communities, including Harwich, are hovering close to 5% with Eastham at 3.68% and Brewster at 6.32%.

Current Inventory

As of June 29, 2023, the state listed 328 housing units as part of Harwich’s state-

approved Subsidized Housing Inventory (SHI), representing 4.98% of the total year-round housing stock of 6,581 units. The town still needs to produce at least 330 more SHI units to reach the state’s 10% goal based on the existing year-round housing stock. Because the number of year-round units is based on the decennial census figure, it changes over time. For example, **the year-round total increased from 6,121 in 2010 to 6,581 units in 2020. With this increase in the year-round total, the percentage of SHI units correspondingly decreased.**

Ten projects with 173 total units took advantage of the Chapter 40B comprehensive permit process, representing 53% of all SHI units.

Table III-31 summarizes SHI units that are eligible for counting towards the state’s 10% state affordability goal. Of the 328 SHI units, 264 (80%) are rentals with the remaining 64 targeted to homeownership. The table also shows the units that were dropped from the SHI since 2016 and those that were added, involving a net decrease of five units.

Table III-31: Harwich’s Subsidized Housing Inventory (SHI)

Project Name	# Affordable Units	Project Type/ Financing	Use of a Comp Permit	Affordability Expiration Date
Special Needs Housing	8 (HHA owns And manages/ DMH clients)	Special needs rental/EOHLC Chapter 689	No	Perpetuity
Long Pond/ Headwaters*	12 (HHA owns and manages)	Family rental/ EOHLC Chapter 705	Yes	Perpetuity
Cedardale Road*	1	Ownership/HOP	No	Perpetuity
Pine Oaks Village I*	60	Senior rental/ EOHLC and RHS	No	2037
Pine Oaks Village II*	38	Senior rental/ EOHLC and RHS	No	2023
Pine Oaks Village III*	65	Senior rental/ EOHLC and HUD	Yes	2042
Queen Anne’s Ct.	24	Ownership/EOHLC HOP	Yes	2030
Community Way*	7	Ownership/EOHLC HOP	No	2043
333 Route 28	11	Family rental/ FHLBB	Yes	2023
DMH Group Homes	8	Rental/Special Needs	No	NA
DDS Group Homes	18/13	Rental/Special Needs	No	NA
CCC HOR Program	1	Ownership/Rehab Program/EOHLC	No	2024
CDP/LCCDC HOR Program	8/0	Ownership/Rehab Program/EOHLC	No	2017-2019
HECH – Uncle Willis Lane	2	Family rental/ HUD	No	2039
Little Homesteads (CDP/LCCDC)	8	Family rental/ EOHLC	No	2045
Robert Lane (CDP/LCCDC)	4	Family rental/ EOHLC and HUD	No	2052
Habitat Gomes Way*	13	Ownership/HUD	Yes	Perpetuity

Harwich Buy-Down Program* (Samuel's Path, Speak Way, Steven's Way, Wendy's Way and Old Post Road)	3/5	Ownership/EOHLC	No	Perpetuity
Thankful Chases Pathway*	12	Rental/MHP and EOHLC	Yes	2110
HECH Sisson Road	13	Rental/MassHousing and MHP	Yes	Perpetuity
HECH South Harwich (916 and 920 Rt. 28)	10	Rental/ MassHousing and MHP	Yes	Perpetuity
Habitat for Humanity/Oak St.	7	Ownership/EOHLC	Yes	Perpetuity
Habitat for Humanity/Murray Lane	0/6	Ownership/EOHLC	Yes	Perpetuity
TOTAL	2016/2023 333/328	264 rental units/80% 64 ownership units/20%	173 40B units/53%	

Source: Massachusetts Executive Office of Housing and Livable Communities, April 4, 2023.

*Projects involved Town-owned land.

The Harwich Housing Authority (HHA) manages 20 SHI units, eight (8) units for DMH special needs clients and 12 units of family rental housing at 111 Long Pond Road/127 Headwaters Drive. Given the state's centralized waitlist through the Common Housing Application for Massachusetts Programs (CHAMP), when HHA pulls the waitlists for those who have applied for their units, it can take months to process the applications. Nevertheless, vacancies at Long Pond Road (2 duplexes/4 units) and Headwaters Drive (4 duplexes/8 units) are very rare. This extensive demand for family rental housing and very low turnover rate suggests a substantial need for more subsidized family rentals. It is also interesting to note that of the eight units at Headwaters Drive, half are occupied by the adult children (18 years +) of the families given little availability of housing that they can afford in the area.

While the Harwich Housing Authority owns and manages the eight (8) units of special needs housing mentioned above, VinFen works with DMH to fill any vacancies and provide necessary services.

The Housing Authority also manages state rental vouchers under the Massachusetts Rental Voucher Program (MRVP), now up to 21. A major problem has been the lack of qualifying rental units available with some voucher holders searching for units for up to a year. About a third of the voucher holders are living in Harwich, with most of the others in other communities on the Lower Cape.

The Harwich Housing Authority also continues to manage the Rental Assistance Program that provides \$350 per month in assistance towards rent for up to three years for residents with income at or below 80% AMI. HHA recognizes that some of these renters benefit from case management assistance and, while providing some of this support, has also referred households to HECH for homelessness prevention counseling.



HHA's Long Pond Road development

Another 308 units were developed privately by for profit or non-profit developers. A description of most of these projects is included below.

- *Pine Oaks Village*

Almost half of the SHI units, or 163 units, are part of three (3) phases of Pine Oaks Village that is owned by Mid-Cape Church Homes and has been managed by MB Management since the initial phase was developed in 1980 (see photo below). Phases I and II include a 98-unit elderly Section 8 property located on John Nelson Way and Phase III is a 65-unit elderly property located on Leighton's Lane. The affordability restrictions for Phases I and II were due to expire in 2018, however Phase I had a long-term Section 8 contract in place and affordability was extended to 2037. According to this state SHI list, Phase II is due to expire in 2023. (I contacted the state on this, and they didn't have any info. 333 Route 28 is another potential problem. Who are the best contacts on the status of the projects?)



- *Community Way*
The defunct Harwich Community Development Corporation created six homeownership units on Town-donated land with financing from the state Housing Opportunity Program (HOP), also no longer available.
- *HECH Sisson Road*
Harwich Ecumenical Council for Housing (HECH) was formed in 1990 by clergy and lay people from seven (7) Harwich churches for the purpose of providing housing for homeless families with children. In 2003, the organization purchased an old farmhouse on 1.67 acres on the open market for \$325,000 and redeveloped the property to accommodate 13 rental units and HECH's day care program. The farmhouse was reconfigured into three (3) apartments upstairs, the free day care facility on the first floor, two (2) apartments in the former garage as well as eight (8) more units in two (2) quadplexes. HECH continues to own and manage the property.

HECH received financing to acquire the property from Cape Cod Five Cents Savings Bank, construction financing from the Life Initiative, and the permanent mortgage from the Massachusetts Housing Partnership's Permanent Rental Financing Program. Total development costs were approximately \$4 million. Subsidies were provided by the Barnstable County HOME Consortium, the state's Affordable Housing Trust Fund, and Massachusetts Housing Partnership's Perm Plus Program.

- *HECH South Harwich/916 and 920 Route 28*
HECH also developed a project in South Harwich involving ten (10) rental units, nine (9) of which are affordable with the other one at a market rent. Because the project was developed through a comprehensive permit, all ten units count towards the Town's Subsidized Housing Inventory. Financing included \$695,000 from the Massachusetts Housing Partnership (MHP) Small Scale Rental Program, \$70,000 in Community Preservation funds, \$260,000 through the Affordable Housing Fund and \$120,000 in County HOME funding. The Life Initiative provided the construction funding.
- *Habitat Gomes Way*
Habitat for Humanity of Cape Cod developed 13 affordable new homes in 10 separate structures at Gomes Way. The project was developed through a comprehensive permit and a special "women's build" initiative through Habitat. The Town of Harwich donated the nine-acre parcel and allocated \$510,000 from Harwich's Affordable Housing Fund plus another \$90,000 in CPA funding to further support the development.
- *Main Street Extension/Thankful Chases Pathway*
The Community Development Partnership (CDP) worked with the Harwich Housing Authority on the development of a donated three-acre Town-owned property into 12 affordable rental units for families. The Town provided project subsidies that included \$368,520 from its Affordable Housing Fund and another \$330,000 in CPA funds. The site is located past Depot Road near the Dennis line and was also developed with a comprehensive permit.
- *The American Dream Program I*
The Town of Harwich contracted with the Harwich Housing Authority (HHA) and built three new homes for first-time homebuyers on scattered Town-owned lots. The name, "The American

Dream,” aptly described the intent of providing a home that is both affordable and suitable for family life as well as a home built on a single lot whose design is compatible with the existing neighborhood. In addition to conveying the lots for only a nominal amount, the Town allocated \$25,000 in CPA funding (sponsored by the Harwich Housing Committee) to the Harwich Housing Authority to support the costs of coordinating the program development and implementation process. The HHA issued an RFP for the sites and selected McShane Construction as the developer. Given timing issues with respect to marketing, the units are not on the SHI.

- *Habitat for Humanity/Oak Street*
Habitat for Humanity of Cape Cod also developed seven units for first-time homebuyers on Oak Street. The Town’s Affordable Housing Fund provided \$139,500 in funding toward the acquisition of the parcel and another \$100,000 to subsidize construction costs. The Town, through its Community Preservation Committee, allocated still another \$140,000 to further subsidize the project and make it financially feasible. The project was permitted through a comprehensive permit.
- *Buy-Down Program I*
The Town worked with the Harwich Housing Authority and Bailey Boyd Associates on a Buy-down Program that involved the purchase of existing housing units for eventual sale to eligible first-time homebuyers. Three units were funded through this phase. The Harwich Housing Committee received approval for \$280,000 from the Town’s Affordable Housing Trust as well as \$75,000 from the Barnstable County HOME Consortium.
- *Driftwood Lane*
This project, developed by HECH, involved the construction of three single-family homes on formerly Town-owned property on Driftwood Lane, two for first-time homebuyers and another as a rental, all affordable. HECH still manages the rental unit. These three (3) units are not on the SHI given issues with the deed riders.
- *Buy-Down Program II*
The Town introduced a second round of the Buy-Down Program, providing \$75,000 with another \$75,000 coming from unspent Phase I funds and additional Housing Authority funding to support two first-time homebuyers. The Housing Assistance Corporation (HAC) conducted the lottery.
- *Habitat West Harwich*
Habitat for Humanity developed a six-unit project in Murray Lane in West Harwich on property behind two homes owned by HECH. The project includes six single-family homes, four with three bedrooms and the other two with two bedrooms. The Town’s Affordable Housing Fund supported acquisition costs with \$240,000 in funding, contingent upon the Habitat obtaining necessary permitting, also providing a grant of \$35,000 towards early feasibility work. HECH marketed the two homes that front the property as market units.

- *DDS and DMH Group Homes*
In addition to new affordable housing development, Harwich can count 13 units (down from 18 units in 2016) through group homes managed by the state’s Department of Developmental Services (DDS) and another eight units through the state’s Department of Mental Health (DMH).
- *Housing Rehabilitation Programs*
Another nine SHI units were part of the Town’s Housing Rehabilitation Program in 2016, but because deed restrictions were shorter in term, eight of these units fell off the SHI with the last one expiring in 2024. These rehabbed units were subsidized with Community Development Block Grant (CDBG) funding,²² one still on the SHI initially administered by the Cape Cod Commission. This Program provided funding for property owners who rent year-round to Cape residents, as well as income-eligible, single-family homeowners, to bring units up to building, health, and safety codes.

Pipeline Projects or Potential Opportunities

The Town has additional housing opportunities that were discussed in the past or are in the predevelopment stage including:

- *Old Bank Street Firehouse*
The Town issued a Request for Proposals (RFP) to restore the community’s first fire station on Bank Street and received two proposals. The selected developer will renovate the front of the building, maintaining its historic features, and develop two affordable units on the second floor that will be eligible for inclusion in the SHI.
- *Harwich Middle School*
The Harwich Middle School is vacant and plans were considered to convert the school to affordable housing through the Stratford Development Group, which successfully redeveloped another school in Yarmouth among other projects. Despite approval from a nonbinding referendum to repurpose the property as affordable housing, no action has been taken regarding the reuse of this former school. **Is this still the case?**
- *Rec Building/WHS Cultural/Housing Development*
Plans were previously underway to convert this Town-owned property to 22 rental units back in 2009, supported by an initial CPA allocation of \$85,000. These plans did not go forward, however, some further consideration might be made to redevelop this property as affordable housing in the future as it remains underutilized.
- *American Dream II Buy Down Program*
The conveyance of additional Town-owned properties for additional phases of the American Dream Program should be explored.

Others?

²² Now renamed the Executive Office of Housing and Livable Communities (EOHLC).

C. Priority Housing Needs

As the affordability analysis indicates in Section III.B.4 above, significant gaps remain between what many current year-round residents can afford and the cost of housing that is available. Based on the demographic, economic and housing characteristics and trends documented in this Housing Needs Assessment, the following priority housing needs have been identified:

1. Rental Housing Need

The following indicators suggest a #1 priority need for more affordable rental units, particularly for those with very limited incomes:

- Despite increasing household wealth, there are substantial numbers of households with incomes below \$25,000, including 690 households or 12% of all households based on 2021 census estimates. There are substantially more of these households than the 328 SHI units and they are challenged to compete in Harwich’s housing market.
- There were 2,249 households with incomes at or below 80% of area median income. Therefore, based on income alone, almost 40% of Harwich’s households might have qualified for housing assistance.
- Of the 414 renter households earning at or below 80% of area median income, 42% were spending too much on their housing.
- There are only 12 subsidized family rental units in Harwich, and wait times for Harwich Housing Authority units are considerable as there is little turnover.
- There are few housing options for seasonal workers who are essential for sustaining Harwich’s significant resort and retirement market.
- Market rents are high. Listings of year-round rentals are very limited, but such listings suggest that two-bedroom units are renting for at least \$2,400. This rent would be affordable to a household earning about \$106,000 annually, assuming average monthly utility costs of \$250 and spending 30% of income on housing costs. The median income earning renter (\$51,786) could afford a rent of only about \$1,045 under the same assumptions.

The analysis included in Table III-32 projects a shortage of 173 rental units for low- and moderate-income renters. This data, however, was based only on existing renters in 2020 (latest data available) and does not reflect pent-up regional need for additional rental opportunities, particularly in the context of an increasingly costly housing market. If Harwich wants to attract more young adults its workforce, it will have to make sure that it provides additional affordable rental opportunities to enable them to live in town as the current subsidized rental stock is inadequate to meet these needs. It is important to note that there is no identified need for rentals directed to those with incomes above 80% AMI.

Table III-32: Rental Unit Gap Analysis

Income Group	Income Range*	Affordable Rent**	# Renter Households	# Existing Aff. Units***	Deficit or Surplus
Less than 30% AMI	\$31,100 and less	Less than \$528	195	145	-50
Between 30% and 50% AMI	\$31,101 to \$51,800	\$528 to \$1,045	115	51	-64
Between 50% and 80% AMI	\$51,801 to \$82,850	\$1,046 to \$1,821	104	45	-59
Above 80% AMI	More than \$82,850	\$1,822 +	360	360	0
Total			774	601	-173

Source: 2020 HUD SOCDS CHAS Data (see Table III-30).

* Based on 2023 HUD Income Limits for average household size of three persons.

** Includes an average monthly utility cost of \$250 and renters spending 30% of income on housing costs.

*** Assumes those renters that are not cost burdened.

A further analysis of the rental needs of different types of households is included in Table III-33. This table indicates that in 2020 (latest data available) there were 173 renter households spending too much of their income on their existing housing. Just looking at the proportionate need of seniors, families, and single individuals, seniors comprise about 29% of those with cost burdens, small families make-up about 37%, and singles about 34%.

Table III-33: Cost Burdens by Type of Renter Household

Income	Elderly	Small Families	Large Families	Other Renters	Total
< 30% AMI	0	30*	0	20*	50
30-50% AMI	54	10*	0	0	64
50-80% AMI	14	30	0	15	59
> 80% AMI	0	0	0	0	0
Total	68	70	0	35	173

Source: 2020 HUD SOCDS CHAS Data

* All with severe cost burdens as they were spending at least half their income on housing costs.

This Housing Needs Assessment recommends that rental housing be distributed as follows largely based on the deficit in Table III-32 and the distribution in Table III-33:

Table III-34: Projected Distribution of Rental Units

Target Renter Households	Target Unit Size	Proportion of Need	# Units
Seniors/Individuals	One bedroom	50%	86
Small Families	Two bedrooms	40%	70
Large Families	Three+ bedrooms*	10%	17
Total		100%	173

Source: 2013 HUD SOCDS CHAS Data

* Required by the state based on an Interagency Agreement.

2. Homeownership Need

The following indicators suggest that the Town’s #2 priority need should be to provide a wider range of affordable housing options that includes first-time homeownership opportunities, particularly for younger households entering the job market and forming their own families as well as for empty nesters looking to downsize.

- There were significant declines in those between the ages of 25 and 34 who are entering the labor market and beginning to form their own families, reducing the pool of entry-level workers and service employees. For example, in 1980 and 1990, this group comprised at least 12% of Harwich’s residents, but by 2021 census estimates point to a decrease to 6.4%, proportionately half the 1980 and 1990 levels.
- Family households have decreased in proportion to all households from 71.4% in 1980 to 59.7% in 2021.

- To afford the median sales price of a single-family home of \$650,000, based on *Banker & Tradesman* data as of August 2023, a household would have to earn an estimated \$191,200 with 95% financing.²³ This income is more than twice the median household income for the town per 2021 census estimates of \$79,641.

The general trend towards declining numbers of young adults and children is occurring throughout most communities of the Cape, where the combination of fewer job opportunities, particularly those outside of the retail and service sectors that pay well, and escalating living expenses are increasingly forcing this group to relocate further and further away.

- The median income earning household could likely afford a single-family home of about \$286,500 based on 95% financing. *The affordability gap is then about \$363,500* - the difference between the price of the median priced single-family home (\$650,000) and what a median income household can afford (\$286,500).²⁴
- For those earning at the 80% of area median income limit (\$82,250 for a family of three), which is higher than the Town's median household income, this gap decreases to \$352,000, the difference between the

maximum they could afford of approximately \$298,000 and the median single-family house price of \$650,000.

- There was an affordability gap of \$82,000 for condos as the median condo price of \$339,500, as of August 2023 from *Banker & Tradesman*, was higher than the estimated price that a median income earning Harwich household could afford of about \$257,500.²⁵ Many condos, however, are likely to be small, in poor condition, or not suitable for year-round use.
- Two-thirds of the 1,835 homeowner households earning at or below 80% of area median income were experiencing cost burdens.

Table III-35 is based on the HUD CHAS report summarized in Table III-30, comparing numbers of households earning within income categories to units that are affordable as the units are occupied by households without cost burdens. These calculations suggest that there is a 1,578-unit deficit in homeownership units, including 1,234 units for those earning below 80% of area median income. Because there is a gap between the current costs of housing and what residents can afford, this Housing Needs Assessment recommends that first-time homeownership opportunities be included as a priority in the town's affordable housing agenda either through the development of starter homes or condos for young workers and their families.

²³ Figures based on 95% financing, interest of 6.5%, 30-year term, annual property tax rate of \$6.64 per thousand, and insurance costs of \$4 per \$1,000 for condominiums and \$6 per thousand for single-family homes). The calculations are also based on the purchaser spending no more than 30% of gross income on mortgage (principal and interest), taxes and insurance. It also assumes the purchaser earning at Harwich's median income could qualify for a subsidized mortgage program such as the ONE Mortgage Program or a MassHousing program for example that no not required Private Mortgage Insurance (PMI).

²⁴ Private mortgage insurance (PMI) was not included in these calculations assuming that the purchaser earning at Harwich's median income could qualify for a subsidized mortgage program such as the ONE Mortgage Program or a MassHousing program for example.

²⁵ Figures based on 95% financing, interest of 6.5%, 30-year term, annual property tax rate of \$6.64 per thousand, \$250 monthly condo fee, insurance costs of \$4 per \$1,000 for condominiums and \$6 per \$1,000 for single-family homes, and the purchaser spending no more than 30% of gross income on mortgage (principal and interest), taxes and insurance. It also assumes households could access a subsidized mortgage program such as the ONE Mortgage Program and MassHousing offerings that do not require Private Mortgage Insurance (PMI).

Empty nesters looking to downsize from their existing single-family homes should be able to find accessible, attainable, and affordable condominiums in Harwich. However, state requirements regarding assets, such as not having more than \$200,000 in net equity from a previous house and an additional \$75,000 in financial assets, put many seniors out of the running for affordable housing that can be counted as part of the Subsidized Housing Inventory. Nevertheless, such housing does serve an important need for local seniors who want to afford to live independently in Harwich without substantial maintenance demands. Some service-enriched housing for seniors and single individuals should also be considered.

Once again, because there are few government resources to help finance affordable homeownership opportunities, projects must rely on CPA or Housing Trust gap fillers or cross subsidies from market rate units. Consequently, many homeownership projects with affordable units are small in scale. Moreover, as the affordability gap widens, so does the need for increasing amounts of subsidies.

As noted earlier, only those units that are occupied by those earning at or below 80% of area median income and meet other state requirements can be counted as part of the Subsidized Housing Inventory (SHI). Options for reducing real estate taxes can provide some relief from cost burdens however.

Table III-35: Homeownership Gap Analysis

Income Group	Income Range*	Affordable Sales Prices for Single-family/Condo ²⁶	# Households **	# Existing Affordable Units**	Deficit or Surplus
Less than 80% AMI	Less than \$82,850	Less than \$298,000/\$312,000	1,835	601	-1,234
Between 80% and 100% AMI	\$82,851 to \$111,870	\$298,001 to \$387,500/\$312,001 to \$361,500	590	390	-200
Above 100% AMI	Above \$111,870	More than \$387,500/\$361,500	2,195	2,051	-144
Total			4,620	3,042	-1,578

Sources: Based on 2023 HUD Income Levels for household size of three persons and 2020 HUD SOCDs CHAS data (see Table III-30).

3. Special Population Need

Some amount of new housing should be built handicapped-adaptable or accessible to those with disabilities, including a growing population of seniors, and more supportive housing services should also be integrated into new development based on the following indicators:

- Of all Harwich 13,212 residents in the civilian, noninstitutionalized population, 1,788 or 13.5% claimed a disability, lower than the 15.4% level for the County but higher than that of the state at state of 11.7%.

²⁶ Figures based on 95% financing, interest of 6.5%, 30-year term, annual property tax rate of \$6.64 per thousand, insurance costs of \$6 per \$1,000 for single-family homes and \$4 per thousand for condos, and estimated monthly condo fees of \$250. Assumes financing from ONE Mortgage Program or MassHousing offerings that do not require Private Mortgage Insurance (PMI).

- Those residents 65 years of age or older increased from 29.6% of the population in 2000 to 35.0% by 2021, representing an increase of about 1,000 residents and growth of 27% during this period.
- As the population continues to age, with those 65 years and older predicted to increase to about 42% of all residents by 2030 and through 2040, the level of special needs in the community will grow as well, suggesting a greater need for handicapped accessibility and supportive services be integrated into housing.
- Of the 329 elderly renters 62 years of age or older, 68 or 21% were overspending including 24 spending at least half of their income on housing costs.
- The only affordable rental units for seniors (62 years and over) are part of Pine Oaks Village where there are roughly five-year waits for units in all its phases. These developments also have very limited handicapped accessible units available.
- There are very limited assisted living units in Harwich with the small Royal at Harwich Village on Parallel Street and Epoch of Harwich on the Route 124 line. None of these units are affordable however.

4. Housing Condition Need

Programs are needed to support necessary home improvements, including deleading and septic repairs for units occupied by low- and moderate-income households, particularly for the elderly living on fixed incomes and investor-owned properties tenanted by qualifying households based on the following indicators:

- About 61% of Harwich's housing stock was built prior to 1980, and houses in this age category are more likely to have traces of lead-based paint, posing safety hazards to children, as well as aging system and structural problems.
- Because municipal sewer services remain limited, it is likely that some existing septic systems are failing or in disrepair.
- There are a very limited number of handicapped accessible units in the town's Subsidized Housing Inventory.

5. Summary of Priority Housing Needs

This Housing Needs Assessment suggests that the Town of Harwich establish the targeted affordable housing production goals as summarized in Table III-36 based on priority housing needs over the next five years, the term of this Housing Production Plan.

It is important to note that while cost burdens for homeowners are substantial and affordability gaps are widening, the ability to make substantial progress on the production of affordable homeownership is limited. Consequently, priority needs are directed largely to rental unit development based on the following considerations:

- Target the needs of the community's most vulnerable residents with very limited financial means as rental housing is typically more affordable and requires less up-front cash.
- Promote greater housing diversity as about 86% of Harwich's housing stock is owner-occupied and 89% involves single-family detached homes. More housing options are necessary to meet the needs of local workers and younger individuals and families who are priced out of the housing market, people who grew up in Harwich and want to remain in the community, and empty nesters, for example.

- Better leverage other funds as state and federal resources are almost exclusively directed to rental housing development, family rentals in particular. Consequently, most of the financial support for homeownership development will remain largely limited to local resources, CPA and Affordable Housing Trust Funds, that are insufficient to support more than a few affordable units per year.
- Invest locally-available subsidy funds (e.g., CPA, Affordable Housing Trust Funds, CDBG funding, HOME Program funds) in support of greater numbers of households/occupants over time as rentals turnover more regularly than ownership units.
- Provide opportunities for some older residents who are “over-housed” and spending too much on their housing to relocate to more affordable and less isolated settings, opening up their homes to families requiring more space.
- Create new income opportunities (e.g., through Accessory Dwelling Units or conversions to two-family homes) that could also address high cost burdens.
- Enhance the ability to qualify occupants for housing subsidies as state requirements for including units on the SHI make it very difficult for long-term homeowners to be eligible for subsidized or assisted housing given asset limits.²⁷
- Provide opportunities for mixed-income housing where several different income tiers can be accommodated within the same project.

Table III-36 summarizes the distribution of units to be produced over the next five (5) years based on the housing production goal of 33 SHI units per year, with about 80% of the units directed to subsidized rentals to meet the increasing needs of the most vulnerable and financially-strapped households and the considerations listed above. About half of these rentals would be developed for qualifying families and the remainder for seniors or individuals. The remaining 20% of the projected affordable units would be developed for homeownership.

Given the aging of the population and the relatively high level of people with disabilities in Harwich, the housing goals include the integration of handicapped accessible and/or service enriched housing units equivalent to about 10% of all new units produced for families and 20% for seniors and single individuals (likely to include those with disabilities). Moreover, the goal of supporting necessary home improvements of a projected three units per year are also included in production goals.

While this HPP focuses on the creation of SHI units to meet annual housing production goals, the Town is also interested in creating housing opportunities for those who may earn about the 80% AMI limit but are still priced out of the local housing market. This can be accomplished in establishing different income tiers within new development.

²⁷ The state Local Initiative Program (LIP) guidelines prescribe financial asset limits of \$75,000, including another \$200,000 from the net equity of a previous home for those 55 years of age and older. This means that many of the lower income owners who are particularly cash burdened might not qualify for subsidized housing given the value of their existing homes.

Table III-36: Housing Production Goals Based on Types of Units

Type of Units	1-Year Goals (based on annual housing production goal of 33 units)	5-Year Goals
Rental Housing (@80%) Families Seniors/Individuals	26 units 13 units 13 units	132 units 140 units 50 units
Homeownership Units (@20%)	7 units	33 units
Total	33 units	165 units
Handicapped accessibility and/or supportive services/about 10% of new units produced	3 units	15 units
Promote housing assistance for property Improvements (about half of ownership units)	3 participants in improvement programs	15 participants in improvement programs

The following Sections IV, V and VI have not yet been updated.

IV. CHALLENGES TO PRODUCING AFFORDABLE HOUSING

It will be a great challenge for the town of Harwich to create enough affordable housing units to meet the state's 10% affordable housing standard, production goals and local needs, particularly in light of the following constraints to new development:

A. Infrastructure

A major constraint and cost factor for new development relates to infrastructure, particularly the lack of sewer services that raises concerns among residents about impacts of any new development on the environment, water supply and quality in particular, which are critical issues for Cape Cod. Residents must rely solely on on-site septic systems unless special treatment facilities are integrated into the new development, a costly measure that requires a fairly large project to be feasible. It should also be mentioned that some very limited areas of Harwich also do not have municipal water services.

As part of the 2006 Pleasant Bay Estuary System Report, DEP released suggested total maximum daily loads (TMDLs) for total nitrogen (N) for the Pleasant Bay watershed that includes a portion of Harwich. The primary goal is to lower the concentrations of nitrogen by greatly reducing the loading from on-site subsurface wastewater disposal systems through a variety of centralized or decentralized methods such as sewerage or treatment with nitrogen removal technology, advanced treatment of septage, upgrade/repairs of failed on-site systems, and/or installation of N-reducing on-site systems.

In February 2013, Town drafted a Comprehensive Wastewater Management Plan (CWMP) in coordination with the Commonwealth of Massachusetts and the Cape Cod Commission. Draft recommendations of the Draft CWMP include:²⁸

- A master plan to be implemented in eight phases;
- Two projects to enhance natural attenuation, one in the Saquatucket Harbor watershed and the other in the Pleasant Bay watershed;
- Connection to the existing Chatham wastewater treatment facility to serve areas of East Harwich and the Pleasant Bay watershed;
- A later phase of construction of a second wastewater treatment facility near the Harwich landfill site to serve Wychmere, Allen and Saquatucket Harbor watersheds and portions of the Herring River watershed; and
- Non-infrastructure strategies to enhance environmental protection.

The CWMP was reviewed concurrently by the Cape Cod Commission (CCC) as a Development of Regional Impact (DRI) and for consistency with the county's Wastewater Plan. CCC and the state recently approved the Plan, and the Town is considering next steps in its implementation.

Mitigation Measures: It will be important for any new affordable housing development to address these infrastructure constraints, septic issues in particular, and ensure that there are sufficient amounts of subsidies incorporated into the project to adequately service new residents and protect the environment. Also, the Town will need to consider providing municipal sewer services in some areas of town where growth could better be directed at some point in the future. Also, with data distributed

²⁸ Harwich Draft Open Space and Recreation Plan, July 2015.

from the Massachusetts Estuaries Project (MEP) about nitrogen impaired coastal waters, the Town is now evaluating wide-scale wastewater treatment including public sewerage. Moreover, future water supply sites need to be addressed and protected in the Town's growth management planning.

B. Environmental Concerns

Harwich encompasses about 21 square miles of land area including almost 11 miles of tidal shoreline with four picturesque harbors. In addition to the extensive coastline, miles of rivers and marshes provide every form of aquatic activity, scenic beauty, and important natural ecosystems that require protection. There are also 22 freshwater ponds, two reservoirs²⁹, two scenic river corridors along the Herring River and Muddy Creek, and over 320 acres of forests, water and wetland in the Bells Neck Road/Salt Marsh/Reservoir area. These natural features not only provide important wildlife habitats and watershed protection, but also serve to draw summer visitors, second home owners and retirees to Harwich, thus placing substantial pressure on existing developable land and pushing housing prices up beyond the means of many long-term residents. These important natural assets need to be protected to the greatest extent possible and include, but are not limited to the following:

- *Water* -- The town has 22 fresh water ponds including 14 great ponds of ten acres or more and eight lesser ponds. Flax Pond was polluted in the past and mitigation was undertaken. In other ponds some mitigation of polluted runoff is warranted. The Department of Highways has a program for Drainage Manholes which has addressed many of these problems. Also, excessive well pumping near ponds may damage certain rare species habitats. The town also has substantial areas of cranberry bogs and freshwater wetlands that should, to the greatest extent possible, be preserved. There are also important salt water bodies including Nantucket Sound, Pleasant Bay, and the Herring River watershed that include estuaries and embayments that are valuable environmental, economic and aesthetic assets. These areas have been subject to some degradation based on erosion, debris and overuse. The Cape's watersheds are being mapped by the Massachusetts Estuaries Project (MEP), which is evaluating the ability of Cape Cod's estuaries and marine embayments to assimilate nitrogen loads from their watersheds.
- *Monomoy Lens* -- Harwich, along with Dennis, Orleans and Chatham, obtains its drinking water from a sole-source aquifer, the Monomoy Lens. Because drinking water is such a crucial resource, the Town has enacted a Drinking Water Resource Protection By-law that limits development of land within its Zone II's, the recharge areas for its wellfields. Further, the Town has enacted the Six Ponds Special District to further protect against the destruction of habitat and pollution of surface and groundwater resources involving 1,350 acres of land area and 114 acres of pond surface area.
- *Existing Open Space* -- The Town has struggled to protect open space, which is under tremendous development pressures. As a result of both public and private efforts, approximately 1,500 acres of the town's land area is now permanently protected. There is a full understanding that as build-out approaches, development pressures will increase, which further suggests the need to actively preserve land and accommodate affordable housing within existing and future development.

²⁹ The East Reservoir is a tidal basin and the West Reservoir is a dammed up river basin, both of which are not used for the town's drinking water supply.

- *Rare, Threatened or Endangered Species* -- The Massachusetts Division of Fisheries and Wildlife's Natural Heritage and Endangered Species Program maintains a list of vascular plants, invertebrates and vertebrates observed in Harwich that are considered endangered, threatened, or of special concern. This list includes six birds such as the Piping Plover and Common Tern, five moths or dragonflies, the Bridle Shiner fish, Eastern Box Turtle, and a wide assortment of vascular plants. Although habitats of the listed species are varied, the most common threat to all is development.
- *Hazardous Waste Sites* – The Town has identified a number of groundwater pollution hazardous waste sites that involve petroleum contamination, landfill, or septage lagoons. Approximately five petroleum contamination sites can be found in Harwich; three in Harwich Port along Route 28, one in North Harwich on Depot Street, and one in Pleasant Lake in the area of the Cape Cod Regional Technical High School. Two landfill hazardous waste sites are known to exist in Harwich; in North Harwich in the vicinity of the Town Disposal Area and off of Lothrop Avenue in the Town's major wetland resource area surrounding the Herring River. The Town Disposal Area housed the septage lagoons as of 1991. These facilities were closed as of 1992 because of their potential as a hazardous waste site.³⁰

Mitigation Measures: The impacts of any new development must be identified as to how they affect the environment and what actions might be required to mitigate problems. While regulations to protect the environment, such as wetland by-laws and ZONE II regulations, and to protect the public health, such as Title V regulations, are important and essential, they nevertheless present challenges to development by reducing the amount of buildable land and increasing the time and costs of developing new housing.

Housing strategies are largely oriented to actions that will promote smart growth and limit impacts on the environment such as promoting accessory apartments, converting existing housing to long-term affordability, developing infill sites in existing neighborhoods, promoting cluster development, and encouraging mixed-use development (see Section VI.B and C for details on these strategies). The Town of Harwich updated its Land Management/Open Space and Recreation Plan in July 2015, which will help the Town better plan for the use and protection of its natural resources.

C. Zoning

As is the case in most American communities, a zoning by-law or ordinance is enacted to control the use of land including the patterns of housing development. The Town is divided into a number of different Zoning Districts³¹, each with its own requirements including:

- Residential – Rural Estate (R-R)
- Residential – Low Density (R-L)
- Residential – Medium Density (R-M)
- Residential – High Density 1 (R-H-1)
- Residential – High Density 4 (R-H-3)
- Commercial – Village (C-V)
- Commercial – Highway 1 (C-H-1)
- Commercial – Highway 2 (C-H-2)

³⁰ Town of Harwich Draft Open Space and Recreation Plan, July 2015.

³¹ Harwich Zoning By-law, Section III Establishment of Zoning Districts.

- Industrial – Limited (I-L)
- Multi-family Residential – Low Density (M-R-L)
- Multi-family Residential – Low Density 1 (M-R-L-1)
- Drinking Water Resource Protection District (W-R)
- Personal Wireless Service Overlay District (P-W-S)
- Elderly Affordable Housing (E-A-H)

Moreover, the By-law establishes additional overlay districts that are specifically delineated areas that overlay existing zoning district(s) and provide for more specific regulations and requirements to protect environmentally sensitive areas, promote housing affordability for seniors, and control commercial development in villages, for example. These Zoning Overlay Districts include:

- Elderly Affordable Housing
- Drinking Water Resource Protection District
- Six Ponds Special District³²
- Personal Wireless Service Overlay District
- Harwich Center Overlay District
- Village Commercial Overlay District

These Zoning Districts allow the Town to better control and direct development. However, like most localities in the Commonwealth, Harwich’s Zoning By-law embraces large-lot zoning of at least 40,000 square feet. As of May 1988, the minimum required area for single-family purposes anywhere in Town became 40,000 square based on a finding that one unit per acre was the maximum acceptable density to protect the drinking water supply. The minimum required frontage became 150 feet.³³

Low housing density severely constrains the construction of affordable housing. There are, however, several zoning provisions included in the existing By-law that are meant to potentially promote smart growth and/or more housing affordability including:

- *Accessory Apartments*³⁴
The Zoning By-law allows accessory apartments in single-family homes by special permit in a number of zoning districts under the following conditions:
 - The dwelling should have the appearance of a single-family home.
 - The residential lot must have between 15,000 to 40,000 square feet depending on the district.
 - The owner of the property must occupy the principal dwelling or accessory unit on a year-round basis except for bona fide temporary absences.
 - The accessory unit cannot be larger than 900 square feet and include no more than two bedrooms.
 - One off-street parking space is required.
 - At least one (1) wall of at least eight (8) linear feet of living space for both the principal dwelling and apartment is common to both dwelling units.

³² The Six Ponds Special District, Harwich Center Overlay District and Village Commercial Overlay District are not officially mapped.

³³ Town of Harwich Draft Open Space and Recreation Plan, July 2015.

³⁴ Harwich Zoning By-law, Section X. 7 and 8 Administrative Official and Section II Definitions.

- An applicant for an accessory apartments in the W-R (Water Resource) District must provide proof of a recorded covenant that states that the lot containing the dwelling will not be reduced to less than 60,000 square.

Failure to comply with these provisions will result in the special permit becoming null and void and within the next 12 months, the kitchen must be removed and the home brought back to single-family status.

The Zoning By-law includes another section related to accessory apartments, referred to as Certification of Dwelling Units, that states, “An accessory apartment or any dwellings in existence on the effective date of this by-law that were not in compliance with existing zoning when constructed may be granted a special permit from the Board of Appeals to allow the use to continue provided that any units (either the main or accessory unit or a number of units equal to the number not permitted) is *deed restricted to remain affordable* as defined by the Executive Office of Housing and Livable Communities for a period of 20 years, and that the Board of Appeals finds that the issuance of the special permit will not be detrimental to the neighborhood.”³⁵ The dwelling must be inspected and be in compliance (or brought into compliance within 60 days) with all building codes and Board of Health regulations.

This by-law was adopted before changes were made to state requirements for including such units in the SHI. These changes included requiring deed restrictions, the affirmative market of the units, tenant selection through a lottery, prohibiting inclusion of occupied units and residency of family members, among others. Consequently, almost all communities that had affordability provisions in place have not used them.

- *Two-family Dwellings*³⁶

The Planning Board can also provide special permits for two-family dwellings that the By-law defines as “a building containing two (2) dwelling units, whether side-by-side, over each other or in any other combination provided there is a common roof or a series of roofs connecting the dwelling units.”³⁷ The special permit requires that the following conditions be met:

- The lot area must be at least 40,000 square feet of contiguous upland with the exception of the W-R (Water Resource) District where the minimum is raised to 60,000 square feet.
- Minimum floor area for each unit of 800 square feet.
- Two off-street parking spaces per unit.

- *Multi-family Dwellings*³⁸

Multi-family housing is permitted under special permit in the R-H-2 and R-H-3 Districts, the By-law requiring 40,000 square feet per unit plus another 4,500 or 7,500 square feet per additional unit. Multi-family units in the MR-L and MRL-1 districts require parcels of at least ten (10) or eight (8) acres, respectively, with maximum densities of eight (8) and four (4) bedrooms per acre, respectively. The W-R district allows multi-family housing based on 60,000 square feet per

³⁵ Harwich Zoning By-law, Section X.15 Administrative Official.

³⁶ Harwich Zoning By-law, Section X.13 Administrative Official.

³⁷ Harwich Zoning By-law, Section II Definitions.

³⁸ Harwich Zoning By-law, Section V Use Regulations and Section VI Area, Height and Bulk Regulations.

unit. Other restrictions include that the units and accompanying lots not comprise more than 15% of the land area in the R-H-3 and M-R-L districts, going up to 30% in the R-H-2 district. This by-law has not been used as there is not enough land in the places where such housing is allowed.

- *Open Space Residential Development*³⁹

The By-law allows the Planning Board to issue special permits for Open Space Residential Development where part of the parcel is set-aside and regulated as permanent open space and the plan is preferable to a conventional residential subdivision. The By-law defines Open Space Residential Development as “an optional form of development of single-family dwelling subdivisions, that permits lots with lesser area and frontage than conventional development, provided there is no increase in the number of lots that would be permitted under a conventional development, as provided in Section 4.2, and the balance of the land not included in single-family building lots is set aside as permanent open space. Open space residential development is synonymous with the concept of ‘cluster’ development.” This provision promotes a “smarter” and more compact type of development pattern as units are built in a cluster instead of the conventional grid pattern, allowing higher density on a portion of the site and creating permanently restricted open space. Specific provisions in the By-law include:

- Minimum lot size of 12,000 square feet.
- Minimum lot frontage of 50 feet on any proposed roadway within the development, 100 feet for lots on an existing roadway, and 25 feet on any roadway where the building site is to be generally behind another site relative to the same road frontage or at least 75 feet from the front lot line.
- Set-backs may be reduced by one-half if the Planning Board determines that this reduction would result in a better overall design and improved protection of natural and scenic resources.
- The Planning Board may require that at least 10% of the open space or two acres, whichever is less, provide an informal field for group recreation or community gardens for the residents of the subdivision.
- Up to 10% of the open space may be set-aside for accessory structures or facilities necessary for the use of the open space including parking and paved pathways.
- The open space must be conveyed as permanent to the Town, a non-profit organization or land trust, or other corporation or trust formed by the owners of the residential properties. The permanent restriction must comply with the requirements of the state’s Executive Office of Energy and Environmental Affairs.
- The Planning Board can reduce the roadway requirements under conditions when at least 50% of the site is permanently restricted as open space and where these reductions will lead to better overall site design.

A total of 31 separate developments have used this by-law, with clusters of housing scattered throughout the community.

- *Village Commercial Overlay District*⁴⁰ and *Harwich Center Overlay District*⁴¹

³⁹ Harwich Zoning By-law, Section X.4 Administrative Official.

⁴⁰ Harwich Zoning By-law, Section X.11 Administrative Official.

⁴¹ Harwich Zoning By-law, Section X.14 Administrative Official.

The provisions for the Village Commercial Overlay District (for Harwich Port) and Harwich Center Overlay District are almost identical in language and intent and enable the development and redevelopment of these village centers to be in keeping with historic development patterns, including the size and spacing of structures and additional open space. They are also meant to be used in conjunction with other by-laws designed to encourage appropriate and consistent patterns of village development (for example, see Apartments Incidental to Commercial By-law below). The focus is to have the structures facing the street frontage portion of the property and to locate parking, septic and open space to the rear. The by-laws include dimensional requirements that foster existing development patterns.

In the context of good town planning and smart growth, the likely location for denser development that could provide housing for smaller households and seniors is in or near commercial areas and village centers. Mixed-use development is particularly well suited to these areas as the residential units add vitality; provide housing for small households in easy walking distance to goods, services and transportation; and reduce the amount of traffic.

- *Apartments Incidental to Commercial*⁴²

The Planning Board can also grant a special permit for integrating residential units into a commercial space under the following conditions:

 - No less than 33% of the floor area of the building can be dedicated to commercial use.
 - There must be at least 10,000 square feet of lot area per unit.
 - Off-street parking with screening must comply with Section IX of the Zoning By-law.
 - A landscaped public area must be provided.
 - Site Plan approval is required.

- *Elderly Affordable Housing District*⁴³

The By-law allows an Elderly Affordable Housing District if it is established as a special district which overlays an existing residential zoning district. Provisions include the following:

 - Occupants must be at least 60 years of age.
 - Units must be leased by a non-profit organization or governmental entity.
 - Rent levels must not exceed HUD Fair Market Rents.
 - Minimum parcel size of eight (8) acres.
 - Minimum lot frontage, side yard and rear yard requirements of 50 feet.
 - Minimum density of eight (8) units per acre of contiguous upland.
 - Maximum building height of 40 feet and 2½ stories.
 - One parking space per unit.

The by-law has not been used to date. This Housing Needs Assessment documents a need for more affordable housing for seniors, particularly rental housing, and at some point the Town might want to consider fine-tuning this By-law to better define affordability requirements (e.g., units must count as part of the Subsidized Housing Inventory, allow mixed-income development, allow private development, change bulk, area and height restrictions, etc.)

⁴² Harwich Zoning By-law, Section X.12 Administrative Official.

⁴³ Harwich Zoning By-law, Section XII Elderly Affordable Housing District.

- *Residential Subdivision Growth Rate Limit*⁴⁴

The Residential Subdivision Growth Rate Limit By-law is “to ensure that the rate of development does not exceed the Town’s ability to provide at least the current level of municipal services (e.g., schools, fire and police protection, an adequate supply and distribution of clean drinking water, roadways, solid waste disposal, etc.) and maintain at least the current ratio of protected open space area per year-round resident”. The by-law therefore limits residential subdivision development to no more than 50 building permits per year and no person or persons can be granted more than 10% of this total. Such permits are issued on a first-come, first-served basis and no more than 10% of the available building permits can be issued in one calendar month. Applicants must demonstrate ownership at the time of application and for at least the prior 12 months. The By-law does importantly exempt low and moderate income housing developed by a public agency, non-profit organization or a limited dividend sponsor of affordable housing as defined under Chapter 40B. The by-law might have had a larger impact during past growth periods, but given that less new housing is being built, development has and will likely continue to fall far short of the growth limits.

Mitigation Measures: This Housing Production Plan includes a number of strategies that are directed to reforming local zoning regulations, making them “friendlier” to the production of affordable housing and smart growth development. These include adding inclusionary zoning, further modifying accessory apartment provisions, promoting mixed-use development, and better integrating affordable housing in its clustered zoning by-law (see Section VI.B and C).

D. Local Capacity

The Town of Harwich is fortunate to have a number of local and regional housing agencies and organizations involved in providing affordable housing. The Harwich Housing Authority owns and manages 20 units of subsidized housing and partnered with CDP on the Main Street Extension/Thankful Chases Pathway project with another 12 units. It is also working with the Town on managing a number of local initiatives.

The Town of Harwich also has experience in working with non-profit housing providers such as the Harwich Ecumenical Council on Housing (HECH), Habitat for Humanity of Cape Cod, the Community Development Partnership (CDP), and Housing Assistance Corporation (HAC). It will be important for the Town to continue to establish important partnerships with developers, for profit and non-profit, and build its capacity to promote new affordable units by aggressively reaching out for necessary technical and financial resources in addition to securing the necessary political support for new housing initiatives.

Harwich is also fortunate to have a Town Planner. Nevertheless, unlike some other towns on and off the Cape, the Town does not currently have a Housing Coordinator on staff or on a consulting basis to oversee affordable housing issues. The continued and increased use of the Housing Authority can help fill this need.

Mitigation Measures: This Housing Plan suggests that the Town secure additional support to oversee the implementation of the Plan, recommending that the Town hire a Housing Coordinator on a yearly retainer to advise the Town of Harwich on housing-related matters and preform a number of activities. The Town will also continue to actively engage the Harwich Housing Authority as well as local and

⁴⁴ Harwich Zoning By-law, Section XIV Residential Subdivision Growth Rate Limit By-law.

regional non-profit organizations in specific housing initiatives to secure important support in the implementation of this Plan (see strategy VI.A.2 and VI.C).

E. School Enrollment

While the overall population increased by 36.5% between 1980 and 2010, those under age 18 decreased by 27 children, representing a declining portion of the population – from 22.3% in 1980 to 16.1% by 2010. It is interesting to note that the number of children below 18 years actually decreased by 50 between 1980 and 1990 despite a 14.5% increase in the overall population suggesting that some families likely left during a time when individuals or households without children arrived. This is testament to the fluctuations in the “net in/out-migration” of families with children over the years.

Census estimates indicate declining school enrollments related to demographic shifts to fewer families and children. Those enrolled in school (nursery through graduate school) in 2000 totaled 2,430 residents or almost 20% of the population, down to 2,227 as of 2014. Additionally, those enrolled in kindergarten through high school totaled 1,868 students in 2000, down to 1,399 as of 2014, representing 63% of those who are enrolled in school.

With the exception of the Harwich Elementary School, most schools serving Harwich are regional including the Cape Cod Vocational Technical School (enrollment of 616 in 2015-2016 down from 717 in 2005 with 74 students from Harwich), the Cape Cod Lighthouse Charter School (240 students in 2015-2016 up from 228 in 2012 and 48 students from Harwich), and the Monomoy Regional School District with a middle school and high school serving the Harwich and Chatham communities (also includes 230 School Choice students from other communities). The Monomoy Regional School District became operational in mid-2012 with the Middle School (grades 5 to 7), located in Chatham, and High School (grades 8 to 12), located in Harwich, both opening in 2014.

Historic enrollment data is included in Table IV-1, demonstrating slow declines through the 2011-2012 school year and then general increases through 2014-2015 and only a small decrease after that to 1,896 students as of October 2016.

**Table IV-1: Historic School Enrollments for the Monomoy Regional School District
Pre-Kindergarten through 12th Grade
2005-2016**

Year	Total Enrollment	Difference	% Difference
2005-06	1,998	--	--
2006-07	1,995	-3	-0.15
2007-08	1,913	-82	-4.1
2008-09	1,744	-169	-8.8
2009-10	1,713	-31	-1.8
2010-11	1,678	-35	-2.0
2011-12	1,632	-14	0.8
2012-13	1,880	248	15.2
2013-14	1,869	-11	-0.6
2014-15	1,934	65	3.5
2015-16	1,933	-1	-0.05
2016-17	1,896	-37	-1.9

Source: New England School Development Council, July 25, 2016.

This trend of decreasing school enrollments is happening in most communities on Cape Cod, particularly those in the Mid to Lower Cape area. Many people with children have moved away due to the high cost of living, lack of jobs, etc., and others are sending their kids to charter schools and private schools in the area.

Projections of school enrollments through to the 2025-2026 school year from the New England School Development Council are presented in Table IV-2, showing continued slow but steady declines from year to year to 1,799 students by 2025.

**Table IV-2: Projected School Enrollments for the Monomoy Regional School District
Pre-Kindergarten through 12th Grade
2016 to 2025**

Year	Total Enrollment	Difference	% Difference
2016-17	1,896	-37	-1.9
2017-18	1,927	31	1.6
2018-19	1,920	-7	-0.4
2019-20	1,901	-19	--1.0
2020-21	1,897	-4	-0.2
2021-22	1,884	-13	-0.7
2022-23	1,868	-16	-0.8
2023-24	1,848	-20	-1.1
2024-25	1,841	-7	-0.4
2025-26	1,799	-42	-2.3

Source: New England School Development Council, July 25, 2016.

Mitigation Measures

This Housing Production Plan recognizes the need for a wider range of affordable housing options in Harwich, including first-time homebuyer opportunities and more affordable rentals for young families. It is likely that this new development will not have a significant impact on school capacity, particularly in light of current and projected declining enrollments. Moreover, 85% of the units included in long-term production goals focus on small one- or two-bedroom units that are not conducive to lots of children.

F. Public Transportation

Like most of Cape Cod, Harwich encounters significant problems with traffic congestion, particularly in the summer months when the population doubles in size. While limited, there are a number of public transportation options.

The Cape Cod Regional Transit Authority (CCRTA) provides several transportation options for Harwich residents. For example, the b-Bus is a seven-day-a-week, door-to-door bus service for trips of any purpose by appointment. This service also includes trips to Boston area hospitals.

Starting in June 2006, CCRTA introduced Flex-Route, which provides bus service throughout the Outer Cape including Harwich. Those living within a half mile of the route can call the service to arrange pick-up. Twelve buses were purchased through a federal grant obtained by the National Seashore, and all participating towns pay the operating expenses with some support from passengers via a token system.

CCRTA also operates the H2O which runs along Route 28 between Hyannis and Orleans. The service is a traditional fixed route bus service with two designated stops in Harwich. The bus will also stop along the route if a patron flags them down.

It should also be noted that Harwich's Council on Aging offers free transportation to area seniors, thus promoting independent living for this part of the population. Nevertheless, public transit remains limited and largely requires residents to have access to automobiles, further increasing the cost of living in Harwich and presenting a barrier to those low- and moderate-income residents who are more likely to feel the financial strains of owning and maintaining a car.

Mitigation Measures: The Town will have to pay particular attention to the projected traffic implications of any new development, working with the developer to resolve problems. One of the strategies included in this Housing Plan is to explore higher density, mixed-use development in appropriate locations that has the potential for reducing the reliance on the automobile (see Section VI.B.3 for details). Opportunities to direct development to areas that are most conducive to higher densities, such as village centers and commercial corridors, may serve to reduce transportation problems somewhat.

G. Availability of Subsidy Funds

Financial resources to subsidize affordable housing preservation and production as well as rental assistance, have suffered budget cuts over the years making funding more limited and extremely competitive. Communities are finding it increasingly difficult to secure necessary funding and must be creative in determining how to finance projects and tenacious in securing these resources.

Community Preservation funding offers Harwich an important resource for affordable housing production and since Harwich adopted CPA, a total of \$2,662,481 has been allocated for housing activities. The Town also established a special Affordable Housing Fund. Recent allocations include \$140,000 in FY14, nothing in FY15, \$27,000 for the Harwich Housing Authority in FY16, and two grants for Habitat for Humanity in FY17 that totaled about \$12,100. The fund balance as of October 31, 2016 was \$230,752. HOME funding from the Barnstable County HOME Consortium is also an important and flexible resource. See Appendix 1 for more information on these important resources. Nonetheless, the Town will continue to need substantial support from regional, state and federal resources to implement this Housing Production Plan (see Appendix 2 for specific program information).

Mitigation Measures: This Housing Plan provides guidance on the use of Community Preservation Funds and its special Affordable Housing Fund for affordable housing initiatives that will enable the Town to support the production of new affordable units and leverage other public and private funding sources. Moreover, like other communities on Cape Cod, Harwich has access to federal HOME subsidies, administered by the Barnstable County HOME Consortium. In an effort to better manage and coordinate funding for affordable housing purposes, this Plan recommends that the Town contract with a Housing Coordinator (see Section VI.A.2 for details).

H. Community Perceptions

Residents in most communities are concerned about the impacts that any new development will have on local services and quality of life, and many may also have negative impressions of affordable housing in general. Therefore, local opposition to new affordable developments is more the norm than the exception. On the other hand, with real estate prices rising once again, community perceptions should be tilting towards the realization that workforce housing is needed in the community. More people are

recognizing that the new kindergarten teacher, their grown children, or the elderly neighbor may not be able to afford to live or remain in the community. Also, housing demand during the summer months compels some to rent their homes to make ends meet, forcing them to double-up with friends or family or even camp out. Housing for seasonal workers is also a serious concern of local employers. It is this growing awareness that is spurring communities such as Harwich to take a more proactive stance in supporting affordable housing initiatives.

Mitigation Measures: Harwich proposes continuing an ongoing educational campaign to inform local leaders and residents on the issue of affordable housing, to help dispel negative stereotypes, provide up-to-date information on new opportunities and to garner political support (see details on this strategy in Section VI.A.1). It will be important to continue to be sensitive to community concerns and provide opportunities for residents to not only obtain accurate information on housing issues, whether they relate to zoning or new development, but have opportunities for real input. Moreover, this Plan proposes that the Town hold occasional housing summits to provide opportunities for local leaders to share information about the status of affordable housing initiatives to better promote municipal communication and cooperation in the implementation of various strategies as well as for local leaders to obtain ongoing training related to affordable housing.

V. HOUSING PRODUCTION GOALS

The Massachusetts Executive Office of Housing and Livable Communities (EOHLC) is administering the Housing Production Program in accordance with regulations that have enabled cities and towns to prepare and adopt a Housing Plan that demonstrated the production of an increase of 0.5% over one year or 1.0% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory.⁴⁵ If EOHLC certifies that the locality had complied with its annual goals or that it had met two-year goals, the Town could, through its Zoning Board of Appeals, potentially deny comprehensive permit applications for one or two-years, respectively.⁴⁶

Despite considerable progress towards promoting affordable housing in recent years, it will still be a substantial challenge for Harwich to meet the prescribed annual affordable housing production goal of 33 units or a total of 66 units for the two-year goal. When the next decennial census count becomes available, housing growth will drive-up this annual production goal as well as the 10% goal somewhat

Using the strategies summarized under Section VI and priority needs established in Section III.C, the Town of Harwich has developed a Housing Production Program to chart affordable housing activity over the next five (5) years. The projected goals are best guesses at this time, and there is likely to be a great deal of fluidity in these estimates from year to year. The goals are based largely on the following criteria:

- At a minimum, at least fifty percent (50%) of the units that are developed on publicly-owned parcels should be affordable to households earning at or below 80% of area median income – the **affordable units**. The rental projects will also target some households earning at or below 60% of area median income and lower depending upon subsidy program requirements. It should also be noted that the Town can provide CPA assistance to subsidize units for those earning between 80% and 100% of area median income, commonly referred to as “**community housing**” units.
- Projections are based on no fewer than four (4) units per acre, averaging about eight (8) total bedrooms. However, given specific site conditions and financial feasibility it may be appropriate to decrease or increase density as long as projects are in compliance with state Title V and wetlands regulations.
- Because housing strategies include some development on privately owned parcels, production will involve projects sponsored by private developers through the standard regulatory process

⁴⁵ Massachusetts General Law Chapter 40B, 760 CMR 31.07 (1)(i).

⁴⁶ If a community has achieved certification within 15 days of the opening of the local hearing for the comprehensive permit, the ZBA shall provide written notice to the applicant, with a copy to EOHLC, that it considers that a denial of the permit or the imposition of conditions or requirements would be consistent with local needs, the grounds that it believes have been met, and the factual basis for that position, including any necessary supportive documentation. If the applicant wishes to challenge the ZBA’s assertion, it must do so by providing written notice to EOHLC, with a copy to the ZBA, within 15 days of its receipt of the ZBA’s notice, including any documentation to support its position. EOHLC shall review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The ZBA shall have the burden of proving satisfaction of the grounds for asserting that a denial or approval with conditions would be consistent local needs, provided, however, that any failure of the EOHLC to issue a timely decision shall be deemed a determination in favor of the municipality. This procedure shall toll the requirement to terminate the hearing within 180 days.

- or possibly the “friendly” comprehensive permit process. The Town will continue to work with these private developers to fine-tune proposals to maximize their responsiveness to community interests and to increase affordability to the greatest extent feasible, potentially infusing funding from the Affordable Housing Fund or CPA where appropriate.
- The projections involve a mix of rental and ownership opportunities that reflect the priority housing needs in the Housing Needs Assessment (see Section III.C) where about 80% of the units are directed to rentals. The Town will work with developers to promote a diversity of housing types directed to different populations with housing needs including families, seniors and other individuals with special needs to offer a wider range of housing options for residents.

Table V-1: Harwich Housing Production Program

Strategies by Year	Units < 80% AMI	Ineligible SHI Units	Total # Units*
Year 1 – 2017			
Buy Down Program/ownership	2	0	2
West Harwich Habitat Project/ownership	6	0	6
Rental Assistance Program	0	8	8
<i>Subtotal</i>	<i>8</i>	<i>8</i>	<i>16</i>
Year 2 – 2018			
Buy-down Program/homeownership	2	0	2
Accessory apartments	0	4	4
Development of Town-owned property – Middle School/rental	56		56
Rental Assistance Program	0	8	0
<i>Subtotal</i>	<i>58</i>	<i>12</i>	<i>70</i>
Year 3 – 2019			
Private development - "friendly" 40B/ Rental	16	0	16
Development of Town-owned, tax- foreclosed properties/homeownership	6	0	6
American Dream II/homeownership (units on Town-owned property)	4	0	4
Buy-down Program/homeownership	2	0	2
Accessory apartments	0	4	4
Private development – OSRD/ Homeownership	5	0	35
Rental Assistance Program	0	8	8
<i>Subtotal</i>	<i>33</i>	<i>12</i>	<i>75</i>
Year 4 – 2020			
Private development – group home/special needs rental	5	0	5
Private development – mixed-use /rental	1	0	6
Private development – inclusionary zoning/ Ownership	3	0	20
Development of Town-owned property – "friendly" 40B/rental	14	0	14
Buy-down Program/homeownership	2	0	2
Accessory apartments	0	4	4
Housing Rehab Program/homeownership	5	0	5
Private development – motel conversion by-law/rental	4	0	12
Rental Assistance Program	0	8	8
<i>Subtotal</i>	<i>42</i>	<i>12</i>	<i>76</i>
Year 5 – 2021			
Private development "Friendly" 40B/ rental for seniors with supportive service	40	0	40

(perhaps some Town-owned land for Pine Oaks IV*)			
Buy-down Program	2	0	2
Accessory apartments	0	4	4
Housing Rehab Program/homeownership	5	0	5
Rental Assistance Program	0	8	8
<i>Subtotal</i>	<i>47</i>	<i>12</i>	<i>59</i>
Total	180	56	296

Total = 180 affordable units (for those earning at or below 80% of area median income) and a total projected number of housing units created of 296 units.

* Includes market units.

VI. HOUSING STRATEGIES

The strategies outlined below are based on previous plans, the Housing Needs Assessment, local housing goals and the experience of the Town and other comparable localities in the area and throughout the Commonwealth. The strategies are grouped according to the type of action proposed – Building Local Capacity, Zoning, Housing Production and Housing Preservation and Assistance – and categorized according to priority as those to be implemented within Years 1 and 2 and those within Years 3 to 5. A summary of these actions is included in Table I-4.

The strategies also reflect state requirements that ask communities to address all of the following major categories of strategies to the greatest extent applicable:⁴⁷

- *Identification of zoning districts or geographic areas in which the municipality proposes to modify current regulations for the purposes of creating affordable housing developments to meet its housing production goal;*
 - Promote affordable housing in mixed-use development (see strategy VI.B.3)

- *Identification of specific sites for which the municipality will encourage the filing of comprehensive permit projects;*
 - Continue to make suitable public land available for affordable housing (see strategy VI.C.1)
 - Promote affordable housing in mixed-use development (see strategy VI.B.3)
 - Continue to partner with private developers (see strategy VI.C.2)
 - See “friendly” 40B projects listed in production goals (Section V)

- *Characteristics of proposed residential or mixed-use developments that would be preferred by the municipality;*
 - Update local LIP regulations and procedures (see strategy VI.B.5)
 - Adopt inclusionary zoning (see strategy VI.B.2)
 - Integrate affordable housing in the Open Space Residential By-law (see strategy VI.B.1)
 - Convert existing housing to affordability (see strategy VI.C.3)
 - Modify accessory apartment by-law (strategy VI.B.4)
 - As indicated in strategy VI.C.2, the Town should continue to work with developers to create affordable housing in line with smart growth principles including:
 - Mixed-use development in appropriate locations,
 - Redevelopment of nonresidential properties into housing,
 - Smaller infill housing in existing neighborhoods, and
 - Cluster development.

- *Municipally owned parcels for which the municipality commits to issue requests for proposals to develop affordable housing.*
 - Continue to make suitable public land available for affordable housing (see strategy VI.C.1)

⁴⁷ Massachusetts General Law Chapter 40B, 760 CMR 56.03.4.

- *Participation in regional collaborations addressing housing development*
 - Participate in Barnstable County HOME Consortium (see strategy VI.D.2)
 - Promote homebuyer counseling and other homebuyer services (see strategies VI.D.2)

It will be important to also insure that affordable units produced through this Plan get counted, to the greatest extent possible, as part of the Subsidized Housing Inventory (SHI), applied through the Local Initiative Program (LIP) administered by the state's Executive Office of Housing and Livable Communities (EOHLC) if another state or federal housing subsidy is not used. In addition to being used for "friendly" 40B projects, LIP can be used for counting those affordable units as part of a Town's Subsidized Housing Inventory that are being developed through some local action, referred to as Local Action Units (LAUs), including:

- Zoning-based approval, particularly inclusionary zoning provisions and special permits for affordable housing;
- Substantial financial assistance from funds raised, appropriated or administered by the city or town; and/or
- Provision of land or buildings that are owned or acquired by the city or town and conveyed at a substantial discount from their fair market value.

In order to be counted as part of the Subsidized Housing Inventory the units must meet the following criteria:

- A result of municipal action or approval;
- Sold or rented based on procedures articulated in an affirmative fair marketing and lottery plan approved by EOHLC;
- Sales prices and rents must be affordable to households earning at or below 80% of area median income; and
- Long-term affordability is enforced through affordability restrictions, approved by EOHLC.

Additionally, a Subsidized Housing Inventory New Units Request Form must be submitted to EOHLC to insure that these units get counted.

The Town needs to designate a municipal employee or a consultant to coordinate this work (see strategy VI.A.2). Associated administrative costs should come from the project budget and could also be covered by Community Preservation funding or the Affordable Housing Fund. The affordability restrictions for all units produced through the Local Initiative Program will be monitored by EOHLC, but it is the premise of LIP that the municipality and EOHLC work together to create affordable housing and fulfill the obligations of the affordability restrictions.

It should be noted however, that a major goal of this Plan is not only to strive to meet the state's 10% goal under Chapter 40B, but to also to serve local needs and there are instances where housing initiatives might be promoted to meet these needs that will not necessarily result in the inclusion of units in the Subsidized Housing Inventory (examples potentially include the promotion of accessory apartments or housing for those earning between 80% and 120% of area median income or mixed-income housing that includes "community housing" or "workforce housing" units).

Within the context of these compliance issues, local needs, existing resources, affordability requirements and the goals listed in Section II of this Plan, the following housing strategies are offered for consideration. ***It is important to note that these strategies are presented as a package for the Town to consider, prioritize, and process, each through the appropriate regulatory channels.*** Moreover, the proposed actions present opportunities to judiciously invest funding from the Affordable Housing Fund or CPA to subsidize actual unit production (predevelopment funding and/or subsidies to fill the gap between total development costs and the affordable rents or purchase prices) and leverage additional resources, modify or create new local zoning provisions and development policies, help preserve the existing affordable housing stock, and build local capacity.

A. Capacity Building Strategies

As noted in the Housing Needs Assessment, the Town of Harwich has made considerable progress in producing affordable housing during the past few years, bringing the number of affordable units from 261 to 333, with other units in the pipeline. This level of activity was spurred by partnerships created between the Town and developers including the support of a capable Housing Authority and an active Housing Committee. Key components to building on the substantial progress that has been accomplished to date and bolstering local capacity include:

- ***Plan***

The Town adopted a brief Housing Strategy at its Special Town Meeting on May 6, 2003. The first recommendation was to adopt a plan and strategy with concrete production goals. During 2009 the Town prepared a Housing Needs Assessment and Housing Production Plan that represented the culmination of the 2003 recommendation, providing an important roadmap for prioritizing and implementing affordable housing initiatives based on documented local needs, community input and existing resources. This Plan continues to build on these prior planning efforts, providing updated documentation to revisit priority housing needs and strategies. The Plan also provides important guidance on how to strategically invest funding from the Affordable Housing Fund and CPA for housing.
- ***Dedicated Municipal Oversight***

Harwich has created a viable organizational structure to implement the Housing Production Plan. The Town has an active Housing Committee and Housing Authority to promote affordable housing issues and development. Moreover, the Community Preservation Committee (CPC) has been very supportive of affordable housing initiatives and is involved in the preparation of this Housing Production Plan, participating in the planning process and providing funding support. It will be incumbent on the Town to continue to foster coordination among these parties towards the implementation of the Housing Plan, securing support from other important boards and committees as well including the Planning Board, Zoning Board of Appeals and Board of Selectmen.
- ***Affordable Housing Fund***

The second recommendation in the 2003 Housing Strategy was to “establish a local fund for affordable housing for the receipt of cash contributions, state and private grants, and local funds dedicated to affordable housing”. The Town has created this special fund, its Affordable Housing Fund, and has capitalized it through a number of sources including the sale of Town-owned land that has resulted in sales proceeds totaling more than \$1.6 million (Great Western I = +/- \$113,000, Great Western II = +/- \$1,465,000, and miscellaneous parcels = +/- \$34,000) as well as revenue from a cell tower lease of approximately \$70,000 per year to 2027). Therefore,

in addition to CPA funding, Harwich is fortunate to have a separate local Fund that is available to support affordable housing initiatives (see Appendix 2 for funding details).

- **Support in Implementation**

In order to oversee the implementation of the Housing Plan, the Town of Harwich will need ongoing support. The Town is fortunate to have a capable Housing Authority that in addition to owning and managing 20 units of publicly-assisted housing, has been engaged by the Town to administer a number of special initiatives including a Rental Assistance Program, Buy Down Program, the American Dream I Program (involving new home construction on Town-owned lots scattered throughout Harwich), and Main Street Extension Project in coordination with the Community Development Partnership. While the Housing Authority has been responsible for insuring that its new units meet all state requirements and are eligible for inclusion in the Subsidized Housing Inventory, it will be important for the Town to identify a municipal staff person who will be responsible for coordinating this work for other affordable units, hire the Housing Authority to conduct this work on a broadened professional services contract, or bring on a part-time staff person or a consultant (see strategy VI.A.2). Consultants are also likely to be needed to offer specialized expertise and to further supplement existing staff resources.

- **Comprehensive Permit Guidelines**

The Town of Harwich adopted “Regulations and Procedures for Accepting Comprehensive Permit Applications under the Local Initiative Program (LIP)” in May 2000. These guidelines included a list of qualifications for use in determining, at least initially, the acceptability of a project for support from the Board of Selectmen in a “friendly” 40B project. This document has been of some use, but should be revisited to make it more consistent with current needs, priorities, resources and market conditions as well as state comprehensive permit regulations and guidelines.

- **Partnerships**

The successful implementation of this Housing Production Plan will require continued access to a wide range of resources – financial and technical – as well as maintaining important partnerships with a range of organizations, funding agencies, developers and lenders on new initiatives. Over the past decade, Harwich has relied on the following organizations for a significant amount of its housing production activity:

Table VI-1: Affordable Housing Activity in Partnership with Non-Profit

Organizations or Agencies		
Organization	Completed Units to Date	Units in Conceptual Phase, Planning or Development
Harwich Housing Authority	28 units 8 with Fellowship Housing Resources; 12 with CDP and another 3 with American Dream I (not on SHI); and 3 with the Buy Down Program An additional 2 units recently closed through the Buy Down Program with support from HAC	
Harwich Ecumenical Council	18/21 (Sisson Road, Driftwood	

for Housing (HECH)	Lane, Uncle Willis Lane, South Harwich)	
Habitat for Humanity of Cape Cod	20 units 13 (Gomes Way) 7 (Oak Street)	6 units through the West Harwich project in process
Community Development Partnership (CDP)	32 units 8(Little Homesteads) 4 (Robert Lane) 8 current units (Housing Rehab Program) 12 (Thankful Chases Pathway with Housing Authority)	
Mid-Cape Church Homes	163 (Pine Oaks Village I, II and III)	

The Town should continue to foster these partnerships and reach out to other developers as well via Requests for Proposals.

- **Local Leadership and Community Support**

Last but not least, communities that have made considerable progress in producing affordable housing, like Harwich, typically have leaders who are willing to advocate for new housing initiatives and residents who are sympathetic to the importance of diversifying the local housing stock. Because most of the housing strategies rely on local approvals, including those of Town Meeting, community support for new initiatives has and will continue to be essential. Strategic efforts to better inform key officials and residents on the issue of affordable housing and specific new initiatives to build local support will help generate a greater understanding of the benefits of affordable housing, reduce misinformation, and dispel negative stereotypes. These opportunities will also help the Town obtain useful feedback on its housing agenda (see strategy VI.A.1).

Specific actions to help build local capacity to meet local housing needs and production goals are detailed below. While these strategies do not directly produce affordable units, they provide the necessary support to implement a proactive housing agenda and build local support for new affordable housing initiatives.

1. **Conduct Ongoing Community Education**

Current Status: Affordable housing has been a more visible issue in Harwich, largely as a result of the level of activity that is being conducted by the Town through various developments and initiatives as well as housing prices that are rising once again following the recession. **In January 2017**, the Harwich Housing Committee presented the draft of this updated Housing Production Plan to the Harwich Board of Selectmen that was carried on the local cable network that highlighted the current gaps between the supply of housing and local needs, also recommending actions to address these needs.

Additional opportunities to engage the community in discussions on affordable housing and to present information on the issue are needed to continue to dispel myths and misinformation and help galvanize local support, political and financial, for new affordable housing production. These outreach efforts are mutually beneficial as they provide useful information to community residents and important feedback to local leaders on local concerns and suggestions.

Next Steps: The presentation of this Housing Production Plan offers an opportunity to continue to bring attention to the issue of affordable housing that can help attract community support for affordable housing initiatives. Efforts need to be made to not only conduct outreach to the overall Harwich community, but to also provide specific information on affordable housing opportunities to those who may qualify for it.

Additional education opportunities should be pursued such as:

- *Forums on specific new initiatives*
As the Town develops new housing initiatives, the sponsoring entity should hold community meetings to insure a broad and transparent presentation on these efforts to other local leaders and residents, providing important information on what is being proposed and opportunities for feedback before local approvals are requested.
- *Housing summits*
Most communities lack an effective mechanism for promoting regular communication among relevant Town boards and committees on issues related to affordable housing. This coordination is particularly important in Harwich where housing-related responsibilities are shared among a number of local entities including the Housing Committee, Board of Selectmen for the Affordable Housing Fund, Housing Authority, Community Preservation Committee, ZBA and Planning Board. Having a forum to share information on current housing issues would help foster greater communication and coordination among these entities. Additionally, inviting community residents can help build community interest, improve communication and garner support. Many communities are sponsoring such events, including a recent regional housing meeting in Truro.
- *Public information on existing programs and services*
The Town should get the word out about existing programs and services that support homeownership, property improvements or help reduce the risk of foreclosure including first-time homebuyer and foreclosure prevention counseling from HAC and the Community Development Partnership. Also, in the past, members of the Housing Committee appeared on local cable access Channel 18 on a quarterly basis to provide updates on housing activities, which the Town should explore reintroducing.

A brochure describing available local, regional and state housing programs and services would also help spread the word to potentially qualifying households. The Town, through the Housing Committee, might also consider reaching out to residents and request funding or property donations to support existing and future affordable housing projects, explaining the tax advantages involved in such contributions. Another recent opportunity has been the Council on Aging's recent Housing Summit where a wide range of important information related to housing issues was presented to participants.

- *Educational opportunities for board and committee members*
Local boards such as the Community Preservation Committee, Housing Committee, Zoning Board of Appeals, Planning Board and other interested local leaders, as well as members of the Harwich Housing Authority, should receive ongoing training on affordable housing issues. Well advised and prepared board and committee members are likely to conduct Town business in a more effective and efficient manner. New members without significant housing experience

would benefit substantially from some training and orientation regarding their responsibilities. Moreover, requirements keep changing and local leaders must keep up-to-date. Funding for the professional development of staff, including the Town Planner and any designated Housing Coordinator (see strategy VI.A.2), Assistant Town Administrator, etc. would also help keep key professionals informed and up-to-date on important new developments, best practices and regulations.

The University of Massachusetts Extension's Citizen Planner Training Collaborative (CPTC) offers classes periodically throughout the year and will even provide customized training sessions to individual communities. The Massachusetts Housing Partnership conducts at least annually the Massachusetts Housing Institute, which is "an educational program to support municipalities and local participants to better understand the affordable housing development process and have an effective role in initiating and implementing local solutions to increasing housing choices". Other organizations and agencies, such as EOHLC, MHP, CHAPA, and the Community Preservation Coalition, also provide conferences and training sessions on a wide variety of housing issues that would be useful for local officials and staff persons to attend. In addition, there are numerous written resources for localities. For example, EOHLC has prepared a procedural "how to" booklet for local communities on the development process, MHP has many technical guides for localities, and CHAPA has a wide variety of reports on many issues related to affordable housing as well.

Timeframe: Years 1-2

Responsible Party: Housing Committee

Resources Required: Volunteer time of members of the Housing Committee to prepare outreach materials, appear on cable TV programs, and track training opportunities are needed. Attendance fees for special housing workshops or conferences could be paid through the Affordable Housing Fund or Community Preservation Fund when required, the total costs potentially ranging from \$2,000 to \$4,000 annually.

2. Hire a Part-time Housing Coordinator

Current Status: The Town of Harwich has been fortunate to have a capable Housing Authority that has been expanding its mission beyond the ownership and management of publicly assisted housing. The Town has established a strong working partnership with the Housing Authority, contracting with the Authority to administer programs including the Renters Assistance Program, American Dream I, and the two phases of the Buy-down Program. Services have included marketing and lotteries for affordable units and insuring that affordable units get counted as part of the Subsidized Housing Inventory.

EOHLC guidelines require that each community have a "local project administrator" who is responsible monitoring the affordability of SHI units or designate this task. Most communities designate some staff person or entity to do this work, if applicable, and communities have accomplished this in different ways. For example, the Town of Marshfield issued a Request for Proposals for a Housing Coordinator position and split the work into two components, bringing on a separate consultant for each using CPA funding. Bourne has also used CPA funds to hire a part-time Affordable Housing Specialist, expanding the number of hours as the Scope of Work increased. The Town of Grafton has an Assistant Planner on board to assume many of these housing-related functions based on initial guidance from a housing consultant. Dennis just hired a part-time Housing Coordinator funded through CPA funds.

Next Steps: The Town should determine how best to insure that it has adequate oversight to monitor affordability and insure that all affordable units are counted as part of the SHI and continue to meet all state requirements. Additionally, the Town could use some support in undertaking the following potential activities:

- Staff the Housing Committee;
- Provide HOME Program related tasks;
- Answer housing inquiries;
- Maintain a list of those to notify when affordable housing opportunities arise;
- Conduct marketing/lottery work;
- Review and submits reports regarding development proposals;
- Review affordable housing development documents;
- Coordinate new or modify zoning related to affordable housing, working with the Town Planner;
- Oversee HPP implementation;
- Assist in the preparation of Requests for Proposals (RFP) for housing projects;
- Provides orientation to new housing-related board members;
- Perform community outreach and education, including the preparation of materials;
- Research funding sources available to supplement local resources;
- Draft criteria to evaluate affordable housing proposals;
- Organize public forums and special events, including housing summits;
- Explore development opportunities; and
- Draft funding guidelines and the action plans for the Affordable Housing Fund.

With input from the Housing Committee, the Board of Selectmen should develop a Scope of Services for a part-time housing consultant/housing coordinator and issue a Request for Proposals (RFP) to solicit interest from qualifying professionals or organizations to undertake these services. It should also be noted that other consultants could be brought on as needed to handle specific activities including environmental engineers for predevelopment work, appraisers, surveyors, lawyers, etc.

Timeframe: Years 1-2

Responsible Party: Board of Selectmen with input from the Housing Committee

Resources Required: Annual funding for a part-time Housing Coordinator typically ranges from \$25,000 to \$35,000 depending upon the Scope of Services. This funding could come from CPA or the Affordable Housing Fund.

B. Zoning Strategies

Housing production is contingent not only on actual development projects but on the regulatory tools that enable localities to make well informed decisions to strategically invest limited public and private resources on housing creation. To most effectively and efficiently execute the strategies included in this Plan and meet production goals, greater flexibility will be needed in the Town's Zoning By-law, and new tools will be required to capture more affordable units and better guide new development to specific "smarter" locations.

The Zoning By-law includes a minimum lot requirement of at least 40,000 square feet as well as frontage, setback and other requirements that are not typically conducive to affordable housing. This creates the likely need for regulatory relief for most residential development that includes affordable units, possibly through the “friendly” comprehensive permit process that overrides local zoning if not through normal regulatory channels. Additionally, the Zoning By-law incorporates a number of provisions that while intended to encourage affordable housing, have not provided sufficient incentives to realize actual new affordable unit production and should be revisited and revised as necessary (see Section IV.B).

The Town of Harwich should consider the following zoning-related strategies to promote the creation of additional affordable units and to better direct new development and begin planning for the possible development of affordable seasonal units for workers. These actions can be considered as tools that the Town will have available to promote new housing opportunities, each applied to particular circumstances and providing a powerful group of resources when available in combination. (Units created through the use of these by-laws are counted as part of housing production strategies included in Section VI.C.)

1. Integrate Affordable Housing into the Open Space Residential Development By-law (Cluster Development)

Current Status: Harwich’s Zoning By-law includes an Open Space Residential Development By-law that requires part of the development parcel be set-aside and regulated as permanent open space when such plan is preferable to a conventional residential subdivision. This provision promotes a “smarter” and more compact type of development pattern as units are built in a cluster instead of the conventional grid pattern, allowing higher density on a portion of the site and creating permanently restricted open space. About 31 separate developments have used this by-law, with clusters of housing scattered throughout the community. The by-law does not include any requirements or incentives for including affordable housing.

Next Steps: The Town should consider density bonuses for the integration of some amount of affordable housing into the By-law and allow some multi-family dwelling types as well. More incentivized density bonuses and affordability requirements should encourage mixed-income development and support greater project feasibility. Associated design guidelines and review as well as inclusionary requirements can insure that goals are met in ways appropriate and beneficial to the Town.

The Planning Board should review model by-laws and tweak the existing one. Model by-laws have been produced by the Metropolitan Area Planning Council, Massachusetts Audubon, and others in the Green Neighborhood Alliance, and adopted by a number of Massachusetts communities. Several examples are offered on the Citizen Planner Training Collaborative website (www.umass.edu/masscptc/exampleby-laws.html) and the state’s Smart Growth Toolkit (www.mass.gov/envir/smart_growth_toolkit/pages/SG-by-laws.html).

Timeframe: Years 1-2

Responsible Party: Planning Board

Resources Required: The Planning Board should coordinate this effort with other appropriate local officials, drafting the zoning amendment and coordinating the necessary approvals towards implementation. This strategy is also likely to require the professional support from the Town Planner

with input potentially from a consultant that could be covered by CPA funding or the Affordable Housing Fund.

2. Adopt Inclusionary Zoning

Current Status: Inclusionary zoning, not currently included in Harwich’s Zoning By-law, is a zoning provision that requires a developer to include affordable housing as part of a development or potentially contribute to a fund for such housing. This mechanism has been adopted by 161 communities in the state.

Studies on inclusionary zoning indicate that mandatory provisions coupled with strong incentives are most effective in promoting affordable housing. It is important to provide sufficient incentives to developers to make sure that the incorporation of affordable units will be financially feasible. Incentives also reduce the risk of litigation from developers who claim that the mandatory inclusion of affordable units involves a “taking” of their property rights. In fact inclusionary zoning can be legally vulnerable if requirements make it impossible for the developer to earn a reasonable return on the project as a whole.

Many of the municipalities that have inclusionary zoning in place are reaping the rewards of these actions through the creation of actual affordable units and/or cash contributions to the locality for investment in affordable housing production. Most of the by-laws include mandated percentages of units that must be affordable, typically 10% to 20%, and density bonuses⁴⁸. Some also allow the development of affordable units off-site and/or cash in lieu of actual units. Table VI-1 provides a summary of some inclusionary zoning requirements from other communities.

Table VI-1: Summary of Inclusionary Zoning Requirements in Other Communities

Municipality	Required Percentage of Affordable Units	Minimum Project Size	Payment-in-lieu of Affordable Units
Amherst	Based on project size Ranges from 7% to 12%	10 Units	No ⁴⁹
Arlington	15%	6 Units	Yes
Barnstable	10%	10 Units	Formed a committee to study
Belmont	10%, 12.5% or 15% depending on project size	2 single-family or two-family homes	Yes
Brookline	15%	6 Units	Yes
Cambridge	15%**	10 Units	Yes
Duxbury	10%	6 Units	Yes
Hopkinton	10%	10 Units	Yes
Medway	10%	6 Units	Yes
Newton	15%	4 Units*	Yes
Somerville	12.5% to 20% depending on location	6 Units*	Yes
Tewksbury	15%	4 Units*	Yes
Watertown	12.5%	5 Units	Yes
Wellesley	20%	5 Units	Yes
Yarmouth	20%	5 Units	Yes

⁴⁸ Density bonuses allow increased densities beyond what is allowed under the Zoning By-law.

⁴⁹ A cash in-lieu fee was recommended as part of the Housing Production Plan that the Town approved in 2013.

*Zoning indicates that the calculation of a fractional unit of 0.5 or more shall be regarded as a whole unit. With a 12.5% to 15% affordability requirement, the 0.5 threshold occurs with four (4) total units.

** Considering increasing the percentage to 20%.

Next Steps: There are a variety of by-laws that have been adopted in localities throughout the state but requirements vary considerably. The Executive Office of Environment and Energy's Smart Growth Toolkit includes a model inclusionary zoning by-law that highlights key local decisions and makes some commentary for consideration throughout (www.mass.gov/envir/smart_growth_toolkit/pages/SG-by-laws.html). The Citizen Planner Training Collaborative's website has a model by-law with commentary and some policies as well (www.umass.edu/masscptc/exampleby-laws.html).

The Harwich Planning Board should explore models and prepare a zoning amendment that is best suited to supporting affordable housing in Harwich. The Planning Board should prepare, adopt and present the by-law to Town Meeting for adoption. Ideally the adoption of this by-law would lead to the production of actual housing units, but may also deliver payments in lieu of actual units to help capitalize Harwich's Affordable Housing Fund.

Timeframe: Years 3-5

Responsible Party: Planning Board

Resources Required: The research and preparation of the by-law could be performed by the Town Planner, potentially with input from a consultant. If the Town decided to hire a consultant, the fee should not be more than \$5,000 and could be covered by CPA funds, the Affordable Housing Fund, Cape Cod Commission's Technical Assistance Program (TAP), or state technical assistance funding such as EOHLC's Planning Assistance Towards Housing (PATH) Program.

It will be important to also insure that all affordable units produced through the by-law get counted as part of the Subsidized Housing Inventory, applied through the Local Initiative Program (LIP) administered by EOHLC if another housing subsidy is not used. Some professional oversight is required (see strategy VI.A.2). The monitoring of projects to insure continued affordability based on use restrictions would be the responsibility of a designated monitoring agent, EOHLC in the case of LIP units, however towns also have a role in supporting the monitoring process.

3. Promote Affordable Housing in Mixed-Use Development

Current Status: Harwich's Zoning By-law allows mixed-use development through its Village Commercial Overlay District (for Harwich Port) and Harwich Center Overlay District, both of which are meant to be used in conjunction with other by-laws designed to encourage appropriate and consistent patterns of village development such as the Apartments Incidental to Commercial by-law (see Section IV), including mixed-use development with housing above commercial space. The focus is to have the structures facing the street frontage portion of the property and to locate parking, septic and open space to the rear. The by-laws include dimensional requirements that foster existing development patterns. At this point the by-law does not require or provide any incentives for including some housing affordability.

Next Steps: The Planning Board should explore by-laws for promoting mixed-use development in all villages that incorporates some housing affordability and prepare a zoning amendment that best meets Harwich's needs. Housing affordability should be required and design guidelines met in return for allowing the density that will make high quality development economically feasible.

There are by-laws that have been adopted in other communities that offer models on how to integrate housing, including affordable housing, in town or village centers and other commercial areas. The Town of Yarmouth adopted a Village Center By-law that would be worth reviewing, and the Metropolitan Area Planning Council (MAPC) has prepared a report entitled, “Mixed Use Zoning: A Planner’s Guide” that can be referenced. Additionally, the Citizen Planner Training Collaborative offers several models including one adopted by the Town of Dennis. The establishment of Smart Growth Zoning Overlay District under the state’s 40R and 40S provisions may also be helpful in promoting the feasibility of mixed-use development (40R/40S are described in Appendix 2).

It should be noted that the Town’s lack of sewer services significantly constrains density unless special treatment facilities are available. At some point in the future the Town might consider adding sewer services to its village centers to better promote the vitality of these areas and follow “smart growth” principles.

Another option would be to develop policy and design guidelines on mixed-use development and process acceptable mixed-use development projects through the “friendly” 40B process as established under the state’s Local Initiative Program (LIP).

In 2009, the Town considered providing funding as an incentive for business owners in Harwich Port to create second story apartments above their businesses. The Town should once again explore the implementation of this Second Story Program in the Harwich Port Business District where under current zoning business owners who have second floor expansion capacity can add an affordable rental unit above their business. The Program was meant to provide funds for feasibility studies. If it turned out that a unit could not be produced, the funding became a grant. If the owner could or was willing to pursue the creation of the unit, the funding became a loan however.

Timeframe: Years 3-5

Responsible Party: Planning Board

Resources Required: This strategy will require staff time from the Town Planner with potential input from a consultant. Introducing a Second Story Program would involve some administrative costs and capacity, either through the Housing Authority or the proposed Housing Coordinator (see strategy 8.1.2).

4. Modify Accessory Apartment By-law

Current Status: The Zoning By-law allows accessory apartments in single-family homes by special permit in a number of zoning districts. Several relatively recent and positive changes were made to the bylaw including the reduction of minimum lot size from 40,000 square feet across the board to a range of 15,000 to 40,000 depending upon the zoning district, the ability to include these units in detached structures, and an increase in the maximum accessory unit size to 900 square feet and two bedrooms. However, additional modifications can be made to better promote such units that provide the following important benefits:

- Provide homeowners with additional income, which is particularly important for elderly homeowners, single parents, and others who are spending too much of their income on housing and for whom such income may be critical to remaining in their homes. Also, without the flow

of income from the rent of an accessory apartment, some young families or moderate-income households might not be able to afford homeownership.

- Offer appropriately sized units for growing numbers of smaller households.
- Provide a fairly inexpensive means of increasing the supply of year-round rental units at lower cost than new construction and without significant impact on the surrounding neighborhood.
- Create housing units that do not require additional Town services such as new streets or utilities and involve little or no loss of open space.
- Potentially provide companionship, security and services for the homeowner.
- Generate increased tax revenue in a locality because accessory units add value to existing homes.
- Offer a way of preserving historic properties given the rental stream available to help maintain the property.

While the by-law includes a section to certify affordable accessory apartments for counting as part of the Subsidized Housing Inventory, these provisions have not been used to date, largely because of changes in state requirements. Deed restrictions are now required, tenants must be chosen through a pre-approved list of renters, and family members are not eligible as occupants. Nevertheless, accessory units do serve a pressing local need for smaller, year-round rentals and should be encouraged.

Next Steps: Because accessory apartments provide small rental units that diversify the housing stock within the confines of existing dwellings or lots, the Town should amend the by-law to better promote such units even if they are not eligible for inclusion in the Subsidized Housing Inventory. Such modifications might include the following:

- Consider preparing a hybrid by-law that includes the two-tier approach to approvals (by-right and special permit). The by-right units must meet relatively standard requirements but those through the special permit process involve somewhat more restrictive requirements. Good models for this approach include Lexington and Amherst's by-laws.
- Allow accessory units in additions.
- Reduce off-street parking to one space or have the owners make any parking determinations as is the case in Wellfleet.
- Promote accessory apartments in commercial structures.
- Enable investor owners to participate in the program.
- Consider implementing an amnesty period to permit illegal apartments.
- Provide CPA or proposed Affordable Housing Funds to implement a deferred loan program to support the costs of creating the accessory unit that meets all health and safety codes.

Timeframe: Years 3-5

Responsible Party: Planning Board in coordination with the Housing Committee

Resources Required: The donated time of local officials with professional support from the Town Planner and proposed Housing Coordinator. It will also be important to obtain buy-in from both the Building Department and the Board of Health given permitting and enforcement issues.

5. Update Local LIP Regulations and Procedures

Current Status: The Town of Harwich adopted “Regulations and Procedures for Accepting Comprehensive Permit Applications under the Local Initiative Program (LIP)” in May 2000. These guidelines included a list of qualifications for use in determining, at least initially, the acceptability of a project for support from the Board of Selectmen in a “friendly” 40B project.

Next Steps: This document has been of some use, but should be revisited to make it more consistent with current needs, priorities, resources and market conditions. It may be useful for the Board of Selectmen to appoint an Ad Hoc Task Force to review the existing document and recommend changes. It would be important to keep the revised document as consistent as possible with this Housing Production Plan as well as changes in the state’s comprehensive permit regulations and guidelines.

Timeframe: Years 3-5

Responsible Party: Board of Selectmen with support from the Zoning Board of Appeals, Planning Board and Housing Committee.

Resources Required: Donated time of representatives from various town boards and committees with staff support from the Town Planner, the proposed Housing Coordinator (see strategy VI.A.2), or a consultant.

6. Adopt a Motel Conversion By-law

Current Status: Harwich has a number of motel properties that are increasingly becoming antiquated and less economically viable. Other Cape communities with similar uses have adopted or are considering zoning to incentivize the redevelopment of these properties to better serve local needs.

The Town of Yarmouth has adopted a Motel Conversion By-law to meet two local community development needs – the need for affordable multi-family housing and the need to redevelop underperforming properties by allowing the conversion of motels to permanent housing under specific conditions, including the provision of affordable housing. The by-law provides Route 28 motel owners with a viable alternative to Chapter 40B development through the ability to develop motel properties by-right into stand-alone, multi-family housing or mixed-use development.⁵⁰ The use of the Motel By-law has been promoted by financial assistance offered through a Motel Predevelopment Fund that provides grants of up to \$40,000 to qualified sponsors of motel redevelopment projects on Route 28. Grants are in the form of a zero interest, deferred loan that is forgivable after five (5) years. For highly competitive raze and replace projects, the Motel Redevelopment Program offers grants of up to \$30,000 per affordable unit for acquisition and construction costs.

Yarmouth also approved an allocation of \$2 million in CPA funding for the Housing Trust to acquire and rehabilitate an existing motel, converting it to long-term affordability. It issued a Request for Proposals to solicit interest from motel owners in participating in the special program by selling their property. It is working with a current owner and will ultimately issue another RFP to select a developer to convert the property to multi-family rental housing that includes affordable housing.

⁵⁰ Yarmouth Zoning By-law Section 404 specifies a maximum density of 16 units per acre, the size of units (600 square feet for raze and replace and a schedule of sizes ranging from 250 square feet to 750 + square feet for redevelopment), the number of affordable units (based on overall density with a maximum requirement of 25% affordability), and design standards. Affordable units are required to meet the state’s Local Initiative Program (LIP) standards.

Next Steps: Representatives from the Planning Board and Housing Committee should arrange a meeting with Yarmouth’s Community Development Department to learn more about their efforts and then work together to adapt the by-law for Harwich.

Timeframe: Years 3-5

Responsible Party: Planning Board in coordination with the Housing Committee

Resources Required: The donated time of local officials with professional support from the Town Planner and proposed Housing Coordinator.

C. Housing Production Strategies

As noted in the Housing Needs Assessment, the Town of Harwich has made considerable progress in producing affordable housing during the past decade or so including:

- Approximately 30 units were produced by non-profit and private developers from 2003 to 2008 with another 55 produced after that;
- Two (2) affordable units are ready to be added to the SHI as first-time purchasers have recently closed on their homes as part of the second phase of the Town’s Buy Down Program.
- Six (6) affordable units are in the planning stage for a Habitat for Humanity project in West Harwich.

To accomplish the actions included in this Housing Plan and meet production goals, it will be essential for the Town of Harwich to continue to reach out to the development community and sources of public and private financing to secure the necessary technical and financial resources. While some of the units produced may rely on the participation of existing property owners, most of the production will continue to focus on joint ventures with developers, both for profit and non-profit.

The following strategies provide the basic components for the Town to meet its housing production goals:

1. Continue to Make Suitable Public Property Available for Affordable Housing

Current Status: The contribution or “bargain sale” of land owned by public entities, including the Town and Housing Authority, but not essential for public purposes has been a major component of Harwich’s housing strategy, and to date 211 units have been produced on donated Town-owned property (see Table III-31 for specific projects included in the Subsidized Housing Inventory).

The Town has identified a list of additional publicly-owned properties that have already been approved for future affordable housing development as summarized in Table VI-2.

Of particular recent interest has been the potential redevelopment of the now vacant Harwich Middle School. The Stratford Capital Group proposed converting the property to affordable housing in response to a Town-sponsored RFP, much the same as they did with the John Simpkins Elementary School in Yarmouth. While nonbinding referendum approved the reuse of the building for affordable housing, there has been no final decision on how the property will be repurposed.

Also, the Housing Committee has identified 334 parcels that in tax title and 143 FY16 real estate bills with overdue balances. Some of these properties might become available through the tax foreclosure process.

Table VI-2: Publicly-owned Properties with Potential for Affordable Housing Development

Parcels	Map #/ Parcel #	Total Parcel Acres/	Estimated # Affordable Housing Units	Comments
759 Queen Anne Road	72/L262	.23 acres	1	Difficult topography
215 Pleasant Bay Road	113/X5	.61 acres	1	
5 Dexter Road*	49/X1-4	.31 acres	2	
3 Dexter Road*	49/X-6	.29 acres		
Depot Road	63/J1	1.41 acres	33 homes/ 99 bedrooms	
Orleans Road	63/J2	4.59 acres		
Depot Road	63/J3	17.35 acres		
Middle Road	63/J4	2.70 acres		
Depot Road	63/J6	2.06 acres		
Harwich Middle School	40/T6	18.49 total acres with approx. 6.8 acres for Middle School bldg.	40+ units depending on design	

* Combine into one (1) lot.

Additionally, the Town should become alert to opportunities for acquiring property that would be suitable for some amount of affordable housing. Ideally such properties would meet a number of smart growth principals such as:

- The redevelopment of existing structures,
- Infill site development including small home development as starter housing,
- Development of housing in underutilized locations with some existing infrastructure,
- Parcels large enough to accommodate clustered housing,
- Mixed-use properties in village areas or along commercial corridors;
- Property with good carrying capacity for water and septic systems or can accommodate special treatment facilities,
- Buffer between adjacent properties, and
- Located along a major road.

The Town, through the Housing Committee, is also beginning to reach out to residents and request funding or property donations to support existing and future affordable housing projects, explaining the tax advantages involved in such contributions. **The Donation Tax Credit has recently been adopted by the Massachusetts Legislation. This credit is in the form of a state tax credit for the donation of property at below fair market value. Regulations have not yet been promulgated but it bears watching as another potential tool for the Town to create affordable housing.**

Next Steps: The Housing Committee should continue to identify and pursue surplus municipal property for the development of affordable housing.

Where appropriate, the Town should also support the costs of preliminary feasibility analyses of existing Town-owned parcels or Housing Authority owned properties or on sites identified at a later time on the open market, through negotiations with interested sellers for reduced prices or through tax foreclosures that might potentially include some amount of affordable housing. Such analyses could be funded through Community Preservation funds or the Affordable Housing Fund. In fact, the Affordable Housing Fund and CPA funding will be tapped to assist the Housing Committee in the development of lay-out concepts for its Home Sweet Home Program that was never implemented.

Following the necessary approvals for the conveyance of Town-owned properties, the Town's Chief Procurement Officer and proposed Housing Coordinator or a consultant, should prepare a Request for Proposals (RFP) to solicit interest from developers based on the Town's specific project requirements and select a developer based also on identified criteria included in the RFP. Projects may require densities or other regulatory relief beyond what is allowed under the existing Zoning By-law, and this might be obtained through the "friendly" comprehensive permit process under EOHLC's Local Initiative Program (LIP). In fact the Chapter 40B has been used in the past in the development of a number of formerly Town-owned parcels. Additionally, the Town will need to be involved in helping the selected developer attract the necessary financial, technical and political support. Evidence of municipal support is often critical when seeking financial or technical assistance from regional, state or federal agencies.

Timeframe: Years 1-2

Responsible Party: Board of Selectmen with support from the Housing Committee

Resources Required: The Housing Committee has been very "hands-on" in the identification and pursuit of Town-owned properties for affordable housing, working closely with the Town Administrator's Office and the Board of Selectmen. Just recently the Housing Committee was asked to comment on a list of municipally owned property that is being reviewed as part of the Town's Open Space Plan. The timing of this Housing Plan and the Open Space Plan provide an opportunity for the Housing Committee and the Conservation Commission, with input from other boards and committees as well, to identify properties on this list that might be suitable for affordable housing development. There are also some possible small tax title properties, currently estimated at 143, that could possibly become available for affordable housing.

Resources will also be required to help subsidize the development. Comprehensive permits typically do not involve external public subsidies but use internal subsidies by which the market units in fact subsidize the affordable ones. Many communities have used the "friendly" comprehensive permit process to take advantage of these internal subsidies, to create the necessary densities to make development feasible, and to make it easier to navigate the existing regulatory system. Other communities are finding that they require public subsidies to cover the costs of affordable or mixed-income residential development and need to access a range of programs through the state and federal government and other financial institutions to accomplish these objectives. Because the costs of development are typically significantly higher than the rents or purchase prices that low- and moderate-income households can afford, multiple layers of subsidies are often required to fill the gaps. Even Chapter 40B developments are finding it useful to apply for external subsidies to increase the numbers

of affordable units, to target units to lower income or special needs populations, or to fill gaps that market rates cannot fully cover.

It is likely that a number of financial and technical resources will be required to produce affordable units in Harwich. Appendix 2 includes summaries of most of these programs. A potential program opportunity is the Starter Home Program that was included in state legislation as part of the Governor's Economic Development Bill. This was accomplished by modifying the existing Smart Growth Zoning and Housing Production law of Chapter 40R to include \$25 million in new funding over five years for cities and towns that create new starter home zoning districts. EOHLC is amending the 40R regulations but the new districts will be a minimum of three acres, restrict primary dwelling size to 1,850 square feet of heated living area, require that 50% of the primary dwelling units contain three bedrooms, allow a minimum of four units per acre by right, and provide 20% affordability up to 100% AMI.

Additionally, the Massachusetts Housing Partnership (MHP) and MassHousing have been working with EOHLC to develop a small-scale production program to address non-metro communities' need for smaller scale housing that responds to local housing needs and density requirements. These projects, because of their small size, are not a good fit for the Low Income Housing Tax Credit (LIHTC) program. This program, if adopted, would provide a deeper level of resources to small-scale projects that do not use LIHTCs. Generally, projects that can leverage some debt by having a few higher income units and a gap filler like the Community Preservation Act funding (CPA) would be in the best position to utilize such a program. This program may also become a useful resource for Harwich.

Projected # Affordable Units Produced: 80 units

2. Continue to Partner with Private Developers

Current Status: With incentives created in the zoning by-law to promote affordable housing (see Section VI.B) and with the availability of the "friendly 40B" option, the Town is in a good position to continue to work cooperatively with developers, both for profit and non-profit, to guide new development to appropriate locations that incorporates affordable units. The Town of Harwich is fortunate to have a working relationship with a number of development entities including the Harwich Housing Authority, Community Development Partnership (CDP), Housing Assistance Corporation (HAC), Harwich Ecumenical Council for Housing (HECH) and Habitat for Humanity of Cape Cod. It has also reached out to other developers, such as Community Housing Resource, Inc., to get advice on housing issues and to encourage interest in possibly working in Harwich. Moreover, it has worked with private developers include McShane Construction on the American Dream Program for example.

This Housing Production Plan suggests that new development, including affordable housing, should be in line with "smart growth" principles:

- Mixed-use development in appropriate locations,
- Redevelopment of nonresidential properties into housing such as the Harwich Middle School,
- Smaller infill housing in existing neighborhoods, and
- Cluster development.

Development should also comply with the Town's Regional Land Use Vision that maps suitable locations for new construction activities.

Support for such development could be processed through normal regulatory channels when the projects are in basic compliance with existing zoning or could be handled through the “friendly” 40B process offered through the state’s Local Initiative Program (LIP). Comprehensive permits have proven to be a useful tool in many communities for projects that require significant waivers of local zoning but meet local needs and priorities. Harwich has used the comprehensive permit process on a number of its affordable housing developments as noted in Table III-31. Many of these projects have also incorporated more affordable units than those required under Chapter 40B. Key to the success of these developments was the partnership between the Town and the developer to build affordable housing and the infusion of state-supported subsidy programs (see Appendix 2 for a summary of resources) as well as the expertise of the developer in building affordable housing.

Next Steps: The Town should make efforts to work cooperatively with developers who propose new residential developments, trying to provide important input into preliminary plans. Updating local affordable housing guidelines (see strategy VI.B.5) will give developers better information on the local housing needs and preferences. To further guide development, the Town should identify the Housing Committee as the municipal entity to oversee this preliminary review of early plans and bring on a Housing Coordinator in support of this review process (see strategy VI.A.2).

Timeframe: Years 1-2

Responsible Party: Housing Committee

Resources Required: This Housing Plan recommends that a part-time Housing Coordinator be hired on a yearly retainer basis based on a Scope of Services and selected through an RFP process (see strategy VI.A.2).

Projected # Affordable Units Produced: 90 units

3. Convert Existing Housing Units to Affordability

Current Status: The Town has embarked on a Buy-down Program, managed by the Housing Authority, which provides subsidies to qualified first-time homebuyers to fill the gap between the market purchase price and the affordable price that is allowed under the state’s Local Initiative Program (LIP). Purchasers are pre-qualified through the Program and then selected through a lottery before they are able to search in the private housing market for a qualifying home. Purchasers are also required to attend first-time homebuyer classes and encouraged to explore more affordable mortgage financing such as loans through the state’s ONE Mortgage Program.

The first phase of the Program received an initial funding allocation of \$280,000 and supported three participants with subsidies of up to \$75,000 per purchaser.

Next Steps: A second phase of the Program has been completed that included \$71,000 in funding remaining from the first phase, donated administrative funds from the Housing Authority, and another CPA allocation of \$75,000. Two participants were selected through a lottery conducted by the Housing Assistance Corporation, and these participants recently closed on their new homes.

The Harwich Housing Authority also contemplated the development of a rental buy-down program that would involve a Request for Proposals to owners of rental properties who would agree to enter into 15-year deed restrictions to convert their rental units to affordability in line with state requirements. The

Housing Authority would apply for subsidies through CPA and HOME to make necessary improvements, to manage the units and the program, and offer some compensation to the property owners as well. This Program might also work well in tandem with their Rental Assistance Program. The Town in concert with the Housing Authority should evaluate whether to move forward with such an initiative.

Timeframe: Years 1-2

Responsible Party: Housing Committee in tandem with the Housing Authority

Resources Required: Additional subsidies of at least \$75,000 per purchaser to provide ongoing annual support for the Program from CPA or the Affordable Housing Fund. Also, ongoing administrative support.

Projected # Affordable Units Produced: 10 units

D. Housing Preservation and Assistance Strategies

Housing production is critical, but the Town also needs to be concerned that it does not lose current as well as future units counted as part of its Subsidized Housing Inventory to the greatest extent possible and provides assistance to residents to access affordable housing or make necessary property improvements.

1. Monitor Affordability of Subsidized Housing Inventory (SHI)

Current Status: Based on how housing was financed, how long the affordability requirements were established, and other stipulations in affordability agreements, the affordable status of housing units may be in jeopardy in many communities in the future. Harwich's existing Subsidized Housing Inventory includes a number of projects where affordability restrictions are currently projected to expire including:

- Cape Cod Commission or CDP/Lower Cape CDC Housing Rehab Program (9 units) – expiration from 2015 to 2019
- Pine Oaks Village I and II (98 units) – affordability restrictions due to expire in 2018
- Pine Oaks Village III (65 units) – expiration in 2042
- 333 Route 28 (11 units) – restrictions due to expire in 2023
- Queen Anne's Court (24 units) – expiration in 2030
- Uncle Willis Lane (2 units) – expiration in 2039
- Community Way (7 units) – expiration in 2043 (2 units have restrictions in perpetuity)
- Little Homesteads (8 units) – expiration in 2045
- Robert Lane (4 units) – expiration in 2052
- Thankful Chases Pathway (12 units) – expiration in 2110

As many as 240 units might be lost to the existing Subsidized Housing Inventory. The 9 units that were part of rehab loans programs had lower subsidies per unit and 15-year affordability restrictions and will not unfairly go off the SHI as the restrictions expire. Most of the units with restrictions that are not in perpetuity are not due to have their affordability in jeopardy for many years. The affordability restrictions for Pine Oaks Village Phases I and II are due to expire in 2018, however Phase I has a long-term Section 8 contract in place and is not at risk of losing its affordability any time soon.

It is important to insure that affordable housing units remain a part of the Town's Subsidized Housing Inventory for as long a period of time as possible. While expiration dates are largely a ways off, developers can typically prepay their mortgages after a certain amount of time and at that point chose to convert affordable units to market ones. However, because most of these units were developed by non-profit entities, it is likely that they will want to extend affordability when the time comes.

Next Steps: Because most of the developments, including Pine Oaks Village, were developed by non-profits it is probable that affordability is not in jeopardy. Nevertheless, the Housing Committee should continue to closely monitor developments with "expiring" affordable units, communicating directly with project owners regarding their intentions.

In case problems surface, the Housing Committee should contact EOHLC or CEDAC to seek guidance on the exact status of the developments and appropriate next steps. There are a number of non-profit organizations that specialize in the acquisition and refinancing of these "expiring use" developments and state funding under Chapter 40T⁵¹ has provided a good mechanism for refinancing many of these projects.

Timeframe: Years 1-2

Responsible Party: Housing Committee

Resources Required: Some volunteer time from the Housing Committee to make the necessary inquiries and monitor the status of existing affordable units with potential support from the proposed Housing Coordinator (see strategy VI.A.2).

Projected # Affordable Units Produced: While this strategy is unlikely to create new affordable units, it is essential for maintaining existing affordable units in the SHI.

2. Help Qualifying Residents Access Housing Assistance

Current Status: Rising housing costs create challenges for many lower income residents. For example, renters continue to confront difficulties finding safe and decent rental units, especially during the summer. Owners, including seniors living on fixed incomes, are finding it increasingly difficult to afford the costs associated with increasing taxes, energy costs, insurance and home improvements and some may be faced with foreclosure. Additionally, some seniors and those with special needs require handicapped adaptations and repairs to help them remain in their homes. Harwich residents might also benefit from technical and financial support in the case of septic failures and Title V compliance issues.

The Town previously had access to Community Development Block Grant (CDBG) funding from the state to support a Housing Rehabilitation Program. This Program provided important technical and financial support to low- or moderate-income owner-occupants, earning at or below 80% AMI, or investor-owners that rented to low- or moderate-income households in making much-needed repairs to their properties. Program assistance was offered at a 0% interest deferred loan. Harwich should continue to

⁵¹ Chapter 40T, which passed in 2009, has several provisions aimed at giving tenants of affordable housing plenty of notice and resources if their landlord decides to pursue the conversion of the property to market rate after affordability restrictions have expired. One of these provisions gives EOHLC the right of first refusal when a building with affordable units comes up for sale. EOHLC does not buy the properties outright, but relies on a pre-approved list of affordable housing developers with whom it works to help acquire and manage the property, insuring extended and long-term affordability.

apply to the state for CDBG funds to reintroduce this Program or use CPA or the Affordable Housing Fund.

HECH also manages the Libby Arnold Stevens Resident Stabilization Fund that is available countywide to provide emergency assistance to residents that are experiencing a financial crisis. Additional emergency assistance to cover delinquent utility bills is available through the Chase Fund.

There are also counseling programs available to help renters prepare for homeownership and to assist existing residents in preventing foreclosure. The Housing Assistance Corporation has received state and federal funding to provide this counseling.

Additional programs operated by the Housing Assistance Corporation (HAC) are available to qualifying local residents to assist in home improvements including the following:

- *Existing Homeowner Rehabilitation Assistance Program*
Provides a no-interest, deferred payment loan to qualifying homeowners, the amount not to exceed \$25,000 and to be repaid upon the sale or refinancing of the property. The maximum house value for participating properties is \$362,000 and consequently many properties in Harwich may not qualify. The needs of seniors, handicapped and single parents are given priority consideration for funding, as are houses with substantial repair needs.
- *Get the Lead Out*
With funding from MassHousing, this Program provides low-cost financing to owners of 1-4 family properties to remove lead and reduce the possibility of lead poisoning in children.
- *Home Modification Loan Program*
Offers financial assistance to persons seeking to make modifications to their home to improve accessibility for the physically disabled.
- *Weatherization*
A federally-funded program to help qualifying property owners make energy-efficient home improvements. Most households that receive fuel assistance also qualify for this program.
- *Heartwrap*
An emergency repair program for households receiving fuel assistance that require the repair or replacement of their heating system.
- *Keyspan Gas Program*
Provides installation, caulking and weather stripping to income-eligible tenants and homeowners who heat with Keyspan Gas and receive the lowered gas rate.
- *Cape Light Compact Efficiency Program*
Offers energy-saving devices (i.e., light bulbs, water conservation and other devices) and technical assistance to qualifying tenants and homeowners on how to save on their electrical bills. Some participants can also qualify for a free refrigerator, freezer.

Next Steps: The Town should continue funding the Rental Assistance Program and reintroduce the Housing Rehabilitation Program, hopefully with CDBG funding through the state. EOHLC has been revisiting some of its criteria for allocating this funding, and Harwich may find itself in a more competitive position in the future to receive this financial support. If such funding is not forthcoming, the Town should consider using CPA or the Affordable Housing Fund to support program operations.

Through the community educational campaign recommended in Section VI.A.1, important information on rental assistance, education and counseling services, and housing improvement resources could be disseminated to real estate professionals, local organizations and community residents. The Town, through its Housing Committee and Council on Aging, as well as the Housing Authority, should provide the necessary education and referrals to programs sponsored by the Harwich Housing Authority, Community Development Partnership, Housing Assistance Corporation and MassHousing. Written materials on available housing programs and services, with links to service providers, can be prepared and distributed throughout the community, also included on the Town's website.

Timeframe: Years 1-2

Responsible Party: Housing Committee, Housing Authority, and Council on Aging

Resources Required: Donated time of volunteers or staff time from the Council on Aging and Housing Authority as well as the proposed Housing Coordinator (see strategy VI.A.2) to disseminate important housing information. Potential additional CPA or Affordable Housing Trust funding to support a Housing Rehab Program and continued funding of the Rental Assistance Program, both at about \$100,000 per year.

Projected # Affordable Units Produced: The Rental Assistance Program and available home repair programs provide needed assistance, however, these programs do not typically include the necessary requirements to enable properties to be included in the SHI with the exception of those programs that require deed restrictions including the Home Repair Program operated by HAC and the previous CDBG-funded Housing Rehab Program. The Rental Assistance Program has provided important services however, assisting over 100 households since the Program started in 2010, with 33 current participants.

APPENDIX 1

Local and Regional Organizations

The town of Harwich has a number of local and regional agencies and organizations available to help support the production of affordable housing or provide housing-related services:

1. *Harwich Housing Authority (HHA)*

The Harwich Housing Authority was established in 1986 and currently owns and manages 20 units of affordable housing including 12 family rental units at 111 Long Pond Road/127 Headwaters Drive. These units involved side-by-side duplex construction on scattered sites in existing neighborhoods. The other eight (8) units are for DMH special needs clients. The Authority also manages a number of state rental vouchers through the Massachusetts Rental Voucher Program (MRVP).

In addition to its property management functions, the Housing Authority administers a couple of local housing programs including the Rental Assistance that provides qualifying households with a voucher of up to \$350 per month for three years to make their market rental affordable. It has also overseen the Buy Down Program that subsidizes first-time homeownership for qualifying households and properties, and the American Dream Program that brought on a private developer, McShane Construction, to build three homes on scattered Town-owned properties.

Additionally, the Authority worked with CDP on the Main Street Extension project (Thankful Chases Pathway) that produced 12 new rental units on former Town-owned property.

2. *Harwich Community Preservation Committee (CPC)*

In September of 2000, the Community Preservation Act (CPA) was enacted to provide Massachusetts cities and towns with another tool to conserve open space, preserve historic properties and provide affordable housing. This enabling statute established the authority for municipalities in the Commonwealth to create a Community Preservation Fund derived from a surcharge of up to 3% of the property tax with a corresponding state match of up to 100% funded through new fees at the Registry of Deeds and Land Court. Once adopted the Act requires at least 10% of the monies raised to be distributed to each of the three categories (open space, historic preservation and affordable housing), allowing flexibility in distributing the majority of the money to any of the three uses as determined by the community. The Act further requires that a Community Preservation Committee of five to nine members be established, representing various boards or committees in the community, to recommend to the legislative body, in this case Town Meeting, how to spend the Community Preservation Fund.

In November 2004, Harwich Town Meeting adopted the CPA and ballot approval occurred in May 2005, with support of 82% of all voters. Harwich approved a 3% surcharge without any exemptions. Like the other communities on Cape Cod, Harwich voted to convert the 3% property tax surcharge that had been committed to the Land Bank for the purchase and conservation of open space into funding to support the Community Preservation Fund. As a result, the Town was able to continue to receive state matching funds, as state support for the Land Bank had run out, without raising additional taxes.

The Community Preservation Committee includes nine (9) members including representatives of the Board of Selectmen, Housing Authority, Housing Committee, Conservation Commission, Historical Commission, Planning Board, and Recreation and Youth Commission, and Real Estate and Open Space Committee appointed for three-year terms by the Board of Selectmen. The Town is focused on paying for land it purchased awhile back for conservation purposes, but has also allocated significant funding for housing including:

- \$90,000 for Habitat for Humanity's development at Gomes Way.
- \$830,000 for the Rental Assistance Revolving Loan Program operated by the Harwich Housing Authority.
- \$69,553 in support of HECH's South Harwich development.
- \$100,000 for predevelopment work on the Portuguese Men's Club and CDP's sponsored housing development (did not proceed/returned).
- \$30,000 in predevelopment funding for the Housing Authority's and CDP's Main Street Extension development and another \$300,000 to further subsidize the affordable units.
- \$25,000 sponsored by the Harwich Housing Committee towards the Harwich Housing Authority's administration of the American Dream Program I and an additional \$20,000 towards down payment costs.
- \$200,000 towards the Housing Authority's Infrastructure Development Fund that is available to developers who are in the beginning stages of producing rental housing. The funds can be used for predevelopment activities or small gap financing needs.
- A total of \$296,750 in five articles in 2006, 2007 and 2008 towards the Rec Building WH School Cultural/Housing Mixed-Use Development sponsored by the Housing Committee, Cultural Council and Historic Commission (\$130,000).
- \$282,928 for the Buy Down Program.
- \$140,000 for Habitat's Oak Street project.
- \$455,000 for HECH's West Harwich project (did not proceed/returned)

3. *Harwich Housing Committee*

The Harwich Housing Committee was established by the Board of Selectmen to promote diverse solutions to the acknowledged shortage of affordable housing that will further the Town's goal of reaching the 10% affordability goal stated in the Harwich Local Comprehensive Plan. The Board of Selectmen appoints five (5) members to work with the Harwich Housing Authority to perform the following functions:

- Identify the need for affordable housing including emergency housing, handicap accessible units, rental and ownership needs, and seasonal housing needs and issues;
- Review the Local Comprehensive Plan (LCP) regarding goals and objectives relating to affordable housing;
- Identify existing housing resources for low- and moderate-income housing, potential mixed-use properties, and current Town-owned property suitable for multiple or single-unit housing;
- Identify potential remedies and courses of action to promote affordable housing;
- Develop financial analysis related to potential housing strategies;
- Identify potential funding sources; and
- Prepare a written report for presentation to the Board of Selectmen on an annual basis that includes specific recommendations with a plan to address affordable housing needs.

The Harwich Housing Committee has been the primary advocate for new housing initiatives, working closely with the Housing Authority as well as other Town boards and committees on new housing efforts.

4. *Harwich Affordable Housing Fund*

The Harwich Board of Selectmen established an Affordable Housing Fund in September 2005 to preserve, promote, and increase affordable housing within the Town of Harwich. The Town had prepared a home rule petition to the state for official approval of the fund. The vote to pursue this legislation was approved at a special Town Meeting in February 2008, and the Town received state approval in January 2009.

The Board of Selectmen is authorized to expend fund monies to pay for a wide range of affordable housing activities including planning, research, acquisition, creation, construction, repair, maintenance, rehabilitation, program administration, legal and engineering costs associated with and incurred for affordable housing, and to fund grants to the Harwich Housing Authority for any low-income rental assistance programs.

The Town of Harwich has effectively dedicated special resources towards the support of affordable housing initiatives through the creation of this Fund, in this case rents from a cell tower lease that averages about \$70,000 per year and sale of Town-owned property that while assessed at \$250,000 was sold for \$1.6 million. The local Housing Committee was instrumental in getting early approval of the use of these funds for affordable housing. Also additional public funds have been appropriated to the Fund by Town Meeting and other gifts or grants can be directed to the Fund pursuant to an affirmative vote of the Board of Selectmen. The policy that has been established provides the Board of Selectmen with significant flexibility regarding what affordable housing initiatives to fund.

As of the end of FY 2009, over \$1.8 million has been deposited into the Fund. Allocations from the Fund have included the following:

- Two contributions of \$325,000 and \$185,000 to Habitat for Humanity of Cape Cod for its Gomes Way project,
- \$143,000 to subsidize the resale price of two affordable homes where deed restrictions would have resulted in unaffordable prices (the deed restrictions were rewritten to insure that the resale price formulas were no longer tied to market values),
- Support for Barnstable's homelessness prevention program – Operation in From the Streets,
- Additional funding for predevelopment work on potential developments including \$260,000 to HECH and \$368,000 for the Community Development Partnership,
- \$280,000 has been approved for Harwich's Buy-down Program,
- \$20,000 for American Dream I,
- \$15,000 for American Dream II,
- \$20,000 for the Second Story Program,
- \$140,000 in FY14,
- \$27,600 to the Harwich Housing Authority in FY16,
- About \$12,100 for Habitat for Humanity, and
- \$5,000 towards the preparation of this Housing Production Plan.

5. *Harwich Council on Aging*

The Harwich Council on Aging is a Town department that supports the quality of life of Harwich's elders through a wide variety of services. These activities include an information and referral service on a wide range of issues, community-based services to promote independent living such as a free shuttle van "The Cranberry Coach" to local stores and services, and in-home support services. The Council relies heavily on local volunteers to support its activities and operates a senior center.

The Council receives a number of inquiries regarding housing, particularly regarding where elders might find affordable housing, either rental or ownership, that is easily accessible on the ground floor or by elevator. Particularly vulnerable seniors are those who lose a spouse that results in a substantial decrease in their fixed incomes during a time of rising housing expenses including taxes, utilities and insurance. A number of Harwich's seniors would prefer to move from their more isolated and increasingly difficult to maintain single-family homes, but are finding that they cannot afford to stay in town. The only affordable rental units for seniors is Pine Oaks Village where there are 3½ to 7-year waits for a unit and where only a couple of handicapped accessible units are available, and Davenport units in Harwich Port that are not part of the Subsidized Housing Inventory but provide rentals at the lower end of the price range from about \$1,250 to \$1,800.

In regard to condos, there are few affordable options. None of the condos are currently eligible for counting as part of the Subsidized Housing Inventory but there are some condo developments that have attracted seniors including:

- *Harwich House*
- *The Melrose*
- *Myacomet Condos*
- *The Anchorage*
- *Beach Plum Condos*

The Council on Aging indicated that reverse mortgages were fairly popular a couple of years ago, but interest has declined considerably given the softening of the real estate market. It was suggested that some effort to promote home sharing and accessory apartments would be very helpful for local seniors who live in large homes and could benefit from some additional income as well as companionship.

The Assessing Department has a Real Estate Tax Exemptions Program summarized both on their website and in their office for the public to obtain. This Program is for income qualifying residents including those who are sight impaired, seniors, veteran's, surviving spouses, etc. that reduces property tax bills. The Council on Aging works with the Town on the Senior Citizen Property Tax Work Off Program that abates taxes for qualifying seniors in exchange for services to the Town. The Program currently allows a maximum of \$1,000 to be worked off in exchange for 100 hours credited at \$10.00 per hour with an annual allocation of 30 slots. If a qualifying senior cannot do the work, they may designate a family member designee to do the work for them.

The Council on Aging has also prepared a Ten-Year Strategic Plan that identified the types and levels of services required to meet the needs of Harwich's increasing senior population. The Council on Aging hired a consultant, the Wheeler Performance Group, to do this work; and the results provide important updated information to the Harwich Housing Committee and Housing Authority on the current and future needs of the community's seniors. Particularly noteworthy was the demographic analysis that indicated that Harwich's seniors (defined as 59½ years or more for this study) would comprise 61% of all residents by 2019. The document further states, "Among this growth will be an influx from the current

resident Baby Boomers and others who move to Harwich from off-Cape locations over the coming decade. These new seniors will be better educated and demand more from the COA. Such a scenario will have very significant implications for not only the COA but for Harwich as well. The ability of the COA, without proper planning, to meet the needs of Harwich's seniors will be challenged at best." Harwich is at about 38% of the year-round population over the age of 60 based on 2014 census estimates.

The COA held a Housing Summit in October 2016 with 91 in attendance and covered financial assistance, legal matters, downsizing, low income housing and wait times, assisted living, nursing home facilities etc. The COA will be hosting another Housing Summit II in January 2017 and then each month after will choose 1-2 topics related to housing issues to cover more in depth.

The COA's Board invited Housing Committee Chair, Art Bodin, to their December 2016 Board meeting the Housing Committee with plans to work cooperatively in support of potential senior/affordable housing projects to bring forward to Selectmen and Town Meeting. Support for such development has also been forthcoming from the Friends of the Harwich COA.

6. *Cape Cod Commission (CCC)*

The Cape Cod Commission (CCC) was created as the regional planning and regulatory agency for the Cape. In addition to coordinating a wide range of planning and policy activities, the Commission administers the Technical Assistance Program (TAP), which provides funds for consultant to assist communities in promoting affordable housing. The Commission also manages the allocation of a number of housing subsidy funds that can be made available to communities to support affordable housing efforts including the oversight of HOME Program funds on behalf of the Barnstable County HOME Consortium, the DRI Fund Management, and the Down Payment and Closing Cost Assistance. (3225 Main Street, Barnstable, MA 02630; 508/362-3828).

7. *Barnstable County HOME Consortium*

This Consortium includes all municipalities in Barnstable County and provides federal HOME Program funding to support the financing of a wide variety of housing activities. These funds are available to all towns participating in the Consortium, including Harwich, and are administered by the Cape Cod Commission. HOME funding for Harwich through September 20, 2014 included:

- \$11,800 for the HECH duplexes at Uncle Willis Lane,
- \$100,000 for HECH's Sisson Road development,
- \$80,000 for Pine Oaks III,
- \$117,286 for 836 Route 28 (Little Homesteads Project),
- \$64,332 for the Down Payment/Closing Cost Program (27 loans),
- \$71,221 for nine (9) loans as part of the Homeowner Repair Program,
- \$125,000 for CDP's Main Street Extension project, and
- \$125,000 for Habitat for Humanity of Cape Cod's Gomes Way project.

(C/O the Cape Cod Commission; 3225 Main Street, Barnstable, MA 02630; 508/362-3828).

8. *Harwich Ecumenical Council for Housing (HECH)*

Harwich Ecumenical Council for Housing (HECH) was formed in 1991 by clergy and lay people from seven (7) Harwich churches for the purpose of providing housing for homeless families with children. HECH has developed programs in homelessness prevention, mortgage foreclosure prevention, child care, and

youth counseling. In 1996, HECH began purchasing its own rental housing and has purchased a house or condominium to keep a family housed. The organization raises funds from individual donors and through special events. To date the organization has produced 25 units of affordable housing units through its Sisson Road, Uncle Willis Lane developments and South Harwich developments. (P.O. Box 86, West Harwich, MA 02671; (508) 432-0015).

9. *Community Development Partnership (CDP)*

The Community Development Partnership (CDP), formerly known as the Lower Cape Cod Community Development Corporation (LCCDC), was established in 1992 to promote affordable housing and economic development in the towns of the Lower Cape. In regard to affordable housing, the organization recognized that the dwindling supply of affordable housing was becoming a critical problem and focused on two important strategies. Through its Housing Development Program it is creating new, year-round, affordable housing units by purchasing existing units or building new units. The organization also used to manage the Housing Rehabilitation Program throughout the Lower Cape that was supported through Community Development Block Grant (CDBG) funds provided by the state. Program activities were suspended given state funding constraints.

CDP completed the Little Homesteads development in Harwich that involved the rehabilitation of a former motel, schoolhouse, and historic Captain's house on a single property on Route 28 in Harwich into eight (8) rental units consisting of two (2) 2-bedrooms units, five (5) one-bedroom units, and one (1) studio. The buildings had previously been used as market-rate rentals. The CDC purchased the property, rehabbed the units, and converted them into affordable apartments, deed restricted in perpetuity. CDP purchased the property in 2005, using seller financing to bridge the gap between when state financing was committed and when funds were received. State Affordable Housing Trust Funds, HOME, CDBG, Barnstable County Rental Program, CEDAC, and Weatherization funds were awarded to the project, totaling \$1,252,164. CDP was able to retain a number of the existing tenants and, at the time of purchase, filled the remaining units with households earning under 50% and 60% of AMI. CDP conducted renovations while the units were occupied, completing the project in the spring of 2006. CDP obtained permanent financing through Cape Cod Five Cents Savings Bank.

CDP also worked with the Harwich Housing Authority on the development of 12 affordable rental units on former Town-owned land that was conveyed to the Housing Authority for the Main Street Extension project (also known as Thankful Chases Pathway). (P.O. Box 1860, Main Street Mercantile, North Eastham, MA 02651; 508/240-7873)

10. *Habitat for Humanity of Cape Cod*

Habitat for Humanity is an ecumenical, non-profit Christian ministry dedicated to building simple, decent homes in partnership with families in need that has grown over the past two decades into one of the largest private homebuilders in the world. The organization has almost 1,600 U.S. affiliates and over 2,000 affiliates worldwide, including one on the Cape that has been able to build new homes for first-time homebuyers through donated land, materials, labor and funding as well as other special financing strategies. The organization developed 13 new affordable homes in Harwich on Gomes Way, another seven on Oak Street, and is working on another project to build six homes on land currently owned by HECH. (658 Main Street, West Yarmouth, MA 02673; 508/775-3559)

11. *Housing Assistance Corporation (HAC)*

The Housing Assistance Corporation (HAC) has proclaimed its mission to “promote and implement the right of all people on Cape Cod and the Islands to occupy safe and affordable housing”. This non-profit organization is working throughout the Cape as a sponsor of affordable housing developments and has a

Draft 10-30-23

wide range of financial and educational resources available for renters, existing homeowners and first-time homebuyers including HOME Program funding and rental subsidies. (460 West Main Street, Hyannis, MA 02601; 508/771-5400)

APPENDIX 2

Summary of Housing Regulations and Resources

I. SUMMARY OF HOUSING REGULATIONS

A. Chapter 40B Comprehensive Permit Law

The Massachusetts Comprehensive Permit Law, Chapter 40B Sections 20-23 of the General Laws, was enacted as Chapter 774 of the Acts of 1969 to encourage the construction of affordable housing throughout the state, particularly outside of cities. Often referred to as the Anti-Snob Zoning Act, it requires all communities to use a streamlined review process through the local Zoning Board of Appeals for “comprehensive permits” submitted by developers for projects proposing zoning and other regulatory waivers and incorporating affordable housing for at least 25% of the units. Only one application is submitted to the ZBA instead of separate permit applications that are typically required by a number of local departments as part of the normal development process. Here the ZBA takes the lead and consults with the other relevant departments (e.g., building department, planning department, highway department, fire department, sanitation department, etc.) on a single application. The Conservation Commission retains jurisdiction under the Wetlands Protection Act and Department of Environmental Protection, the Building Inspector applies the state building code, and the Board of Health enforces Title V.

For a development to qualify under Chapter 40B, it must meet all of the following requirements:

- Must be part of a “subsidized” development built by a public agency, non-profit organization, or limited dividend corporation.
- At least 25% of the units in the development must be income restricted to households with incomes at or below 80% of area median income and have rents or sales prices restricted to affordable levels income levels defined each year by the U.S. Department of Housing and Urban Development.
- Restrictions must run for minimum of 30 years or longer for new construction or for a minimum of 15 years or longer for rehabilitation. Alternatively, the project can provide 20% of the units to households below 50% of area median income. Now new homeownership must have deed restrictions that extend in perpetuity.
- Development must be subject to a regulatory agreement and monitored by a public agency or non-profit organization.
- Project sponsors must meet affirmative marketing requirements.

According to Chapter 40B regulations, the ZBA decision to deny or place conditions on a comprehensive permit project cannot be appealed by the developer if any of the following conditions are met⁵²:

- The community has met the “statutory minima” by having at least 10% of its year-round housing stock affordable as defined by Chapter 40B, at least 1.5% of the community’s land area includes

⁵² Section 56.03 of the new Chapter 40B regulations.

affordable housing as defined again by 40B, or annual affordable housing construction is on at least 0.3% of the community's land area.

- The community has made "recent progress" adding SHI eligible housing units during the prior 12 months equal at least to 2% of its year-round housing.
- The community has a one- or two-year exemption under Housing Production.
- The application is for a "large project" that equals at least 6% of all housing units in a community with less than 2,500 housing units.
- A "related application" for the site was filed, pending or withdrawn within 12 months of the application.

If a municipality does not meet any of the above thresholds, it is susceptible to appeals by comprehensive permit applicants of the ZBA's decision to the state's Housing Appeals Committee (HAC). This makes the Town susceptible to a state override of local zoning if a developer chooses to create affordable housing through the Chapter 40B comprehensive permit process.⁵³ Recently approved regulations add a new requirement that ZBA's provide early written notice (within 15 days of the opening of the local hearing) to the application and to EOHLC if they intend to deny or condition the permit based on the grounds listed above that make the application appeal proof, providing documentation for its position. Under these circumstances, municipalities can count projects with approved comprehensive permits that are under legal approval, but not by the ZBA, at the time.

Applicants wishing to appeal the ZBA decision based on appeal-proof grounds must notify the ZBA and EOHLC in writing within 15 days of receipt of the ZBA notice. If the applicant appeals, EOHLC will review materials from the ZBA and applicant and issue a decision within 30 days of receipt of the appeal (failure to issue a decision is a construction approval of the ZBA's position). Either the ZBA or application can appeal EOHLC's decision by filing an interlocutory appeal with the Housing appeals Committee (HAC) within 20 days of receiving EOHLC's decision. If a ZBA fails to follow this procedure, it waives its right to deny a permit on these "appeal-proof" grounds.

Recent changes to Chapter 40B also address when a community can count a unit as eligible for inclusion in the SHI including:

- *40R*
Units receiving Plan Approval under 40R now count when the permit or approval is filed with the municipal clerk provided that no appeals are filed by the board or when the last appeal is fully resolved, similar to a Comprehensive Permit project.
- *Certificate of Occupancy*
Units added to the SHI on the basis of receiving building permits become temporarily ineligible if the C of O is not issued within 18 months.

⁵³ Chapter 774 of the Acts of 1969 established the Massachusetts Comprehensive Permit Law (Massachusetts General Laws Chapter 40B) to facilitate the development of affordable housing for low- and moderate-income households (defined as any housing subsidized by the federal or state government under any program to assist in the construction of low- or moderate-income housing for those earning less than 80% of median income) by permitting the state to override local zoning and other restrictions in communities where less than 10% of the year-round housing is subsidized for low- and moderate-income households.

- *Large Phased Projects*
If the comprehensive permit approval or zoning approval allows a project to be built in phases and each phase includes at least 150 units and average time between the start of each phase is 15 months or less, then the entire project remains eligible for the SHI as long as the phasing schedule set forth in the permit approval continues to be met.
- *Projects with Expired Use Restrictions*
Units become ineligible for inclusion in the SHI upon expiration or termination of the initial use restriction unless a subsequent use restriction is imposed.
- *Biennial Municipal Reporting*
Municipalities are responsible for providing the information on units that should be included in the SHI through a statement certified by the chief executive officer.

Towns are allowed to set-aside up to 70% of the affordable units available in a 40B development for those who have a connection to the community as defined per requirements under the state's Local Initiative Program.

While there are ongoing discussions regarding how the state should count the affordable units for the purpose of determining whether a community has met the 10% goal, in a rental project if the subsidy applies to the entire project, all units are counted towards the state standard. For homeownership projects, only the units made affordable to those households earning within 80% of median income can be attributed to the affordable housing inventory.

There are up to three stages in the 40B process – the project eligibility stage, the application stage, and at times the appeals stage. First, the applicant must apply for eligibility of a proposed 40B project/site from a subsidizing agency. Under Chapter 40B, subsidized housing is not limited exclusively to housing receiving direct public subsidies but also applies to privately-financed projects receiving technical assistance from the State through its Local Initiative Program (LIP) or through MassHousing (Housing Starts Program), Federal Home Loan Bank Board (New England Fund), MassDevelopment, and Massachusetts Housing Partnership Fund. The subsidizing agency then forwards the application to the local Board of Selectmen for a 30-day comment period. The Board of Selectmen solicits comments from Town officials and other boards and based on their review the subsidizing agency typically issues a project eligibility letter. Alternatively, a developer may approach the Board of Selectmen for their endorsement of the project, and they can make a joint application to EOHLC for certification under the Local Initiative Program (for more information see description in Section I.E below).

Recent changes to 40B regulations expands the items a subsidizing agency must consider when determining site eligibility including:

- *Information provided by the municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, including inclusionary zoning, multi-family districts and 40R overlay zones.*
- Whether the conceptual design is appropriate for the site including building massing, topography, environmental resources, and integration into existing development patterns.

- That the land valuation, as included in the pro forma, is consistent with EOHLC guidelines regarding cost examination and limitations on profits and distribution.
- Requires that LIP site approval applications be submitted by the municipality's chief executive officer.
- Specifies that members of local boards can attend the site visit conducted during EOHLC's 30-day review period.
- Requires that the subsidizing agency provide a copy of its determination of eligibility to EOHLC, the chief executive officer of the municipality, the ZBA and the applicant.

If there are substantial changes to a project before the ZBA issues its decision, the subsidizing agency can defer the re-determination of site/project eligibility until the ZBA issues its decision unless the chief executive officer of the municipality or applicant request otherwise. New 40B regulations provide greater detail on this re-determination process. Additionally, challenges to project eligibility determinations can only be made on the grounds that there has been a substantial change to the project that affects project eligibility requirements and leaves resolution of the challenge to the subsidizing agency.

The next stage in the comprehensive permit process is the application phase including pre-hearing activities such as adopting rules before the application is submitted, setting a reasonable filing fee, providing for technical "peer review" fees, establishing a process for selecting technical consultants, and setting forth minimum application submission requirements. Failure to open a public hearing within 30 days of filing an application can result in constructive approval. The public hearing is the most critical part of the whole application process. Here is the chance for the Zoning Board of Appeals' consultants to analyze existing site conditions, advise the ZBA on the capacity of the site to handle the proposed type of development, and to recommend alternative development designs. Here is where the ZBA gets the advice of experts on unfamiliar matters – called peer review. Consistency of the project with local needs is the central principal in the review process.

Another important component of the public hearing process is the project economic analysis that determines whether conditions imposed and waivers denied would render the project "uneconomic". The burden of proof is on the applicant, who must prove that it is impossible to proceed and still realize a reasonable return, which cannot be more than 20%. Another part of the public hearing process is the engineering review. The ZBA directs its consultants to analyze the consistency of the project with local by-laws and regulations and to examine the feasibility of alternative designs.

New Chapter 40B regulations now add a number of requirements related to the hearing process that include:

- The hearing be terminated within 180 days of the filing of a complete application unless the applicant consents to extend.
- Allows communities already considering three (3) or more comprehensive permit applications to stay a hearing on additional applications if the total units under consideration meet the definition of a large project (larger of 300 units or 2% of housing in communities with 7,500 housing units as of the latest Census, 250 units in communities with 5,001 to 7,499 total units, 200 units in communities with 2,500 to 5,000 units, and 150 units or 10% of housing in communities with less than 2,500 units).

- Local boards can adopt local rules for the conduct of their hearings, but they must obtain an opinion from EOHLC that their rules are consistent with Chapter 40B.
- Local boards cannot impose “unreasonable or unnecessary” time or cost burdens on an applicant and bans requiring an applicant to pay legal fees for general representation of the ZBA or other boards. The new requirements go into the basis of the fees in more detail, but as a general rule the ZBA may not assess any fee greater than the amount that might be appropriated from town or city funds to review a project of a similar type and scale.
- An applicant can appeal the selection of a consultant within 20 days of the selection on the grounds that the consultant has a conflict of interest or lack minimum required qualifications.
- Specify and limit the circumstances under which ZBA’s can review pro formas.
- Zoning waivers are only required under “as of right” requirements, not from special permit requirements.
- Forbids ZBA’s from imposing conditions that deviate from the project eligibility requirements or that would require the project to provide more affordable units than the minimum threshold required by EOHLC guidelines.
- States that ZBA’s cannot delay or deny an application because a state or federal approval has not been obtained.
- Adds new language regarding what constitutes an uneconomic condition including requiring applicants to pay for off-site public infrastructure or improvements if they involve pre-existing conditions, are not usually imposed on unsubsidized housing or are disproportionate to the impacts of the proposed development or requiring a reduction in the number of units other than on a basis of legitimate local concerns (health, safety, environment, design, etc.). Also states that a condition shall not be considered uneconomic if it would remove or modify a proposed nonresidential element of a project that is not allowed by right.

After the public hearing is closed, the ZBA must set-aside at least two sessions for deliberations within 40 days of the close of the hearing. These deliberations can result in either approval, approval with conditions, or denial.

Subsidizing agencies are required to issue final project eligibility approvals following approval of the comprehensive permit reconfirming project eligibility, including financial feasibility, and approving the proposed use restriction and finding that the applicant has committed to complying with cost examination requirements. New Chapter 40B regulations set forth the basic parameters for insuring that profit limitations are enforced, while leaving the definition of “reasonable return” to the subsidizing agency in accordance with EOHLC guidelines. The applicant or subsequent developer must submit a detailed financial statement, prepared by a certified public accountant, to the subsidizing agency in a form and upon a schedule determined by the EOHLC guidelines.

If the process heads into the third stage – the appeals process – the burden is on the ZBA to demonstrate that the denial is consistent with local needs, meaning the public health and safety and environmental concerns outweigh the regional need for housing. If a local ZBA denies the permit, a state Housing Appeals Committee (HAC) can overrule the local decision if less than 10% of the locality’s year round housing stock has been subsidized for households earning less than 80% of median income, if the locality cannot demonstrate health and safety reasons for the denial that cannot be mitigated, or if the community has not met housing production goals based on an approved plan or other statutory minima listed above. The HAC has upheld the developer in the vast majority of the cases, but in most instances promotes negotiation and compromise between the developer and locality. In its 30-year

history, only a handful of denials have been upheld on appeal. The HAC cannot issue a permit, but may only order the ZBA to issue one. Also, any aggrieved person, except the applicant, may appeal to the Superior Court or Land Court, but even for abutters, establishing “standing” in court is an uphill battle. Appeals from approvals are often filed to force a delay in commencing a project, but the appeal must demonstrate “legal error” in the decision of the ZBA or HAC.

B. Housing Production Regulations

As part of the Chapter 40B comprehensive permit regulations, the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) is administering the Housing Production Program in accordance with regulations that enable cities and towns to do the following:

- Prepare and adopt an Housing Production Plan that demonstrates production of an increase of .05% over one year or 1.0% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory (22 units and 44 units, respectively, for Harwich until the new census figures are available in 2011) for *approval* by EOHLC.⁵⁴
- Request *certification* of compliance with the plan by demonstrating production of at least the number of units indicated above.
- Through local ZBA action, deny a comprehensive permit application during the period of certified compliance, which is 12 months following submission of the production documentation to EOHLC, or 24 months if the 1.0% threshold is met.

For the plan to be acceptable to EOHLC it must meet the following requirements:

- Include a comprehensive housing needs assessment to establish the context for municipal action based on the most recent census data. The assessment must include a discussion of municipal infrastructure include future planned improvements.
- Address a mix of housing consistent with identified needs and market conditions.
- Address the following strategies including -
 - Identification of geographic areas in which land use regulations will be modified to accomplish affordable housing production goals.
 - Identification of specific sites on which comprehensive permit applications will be encouraged.
 - Preferable characteristics of residential development such as infill housing, clustered areas, and compact development.
 - Municipally owned parcels for which development proposals will be sought.
 - Participation in regional collaborations addressing housing development.

Plans must be adopted by the Board of Selectmen and Planning Board, and the term of an approved plan is five (5) years.

C. Chapter 40R/40S

In 2004, the State Legislature approved a new zoning tool for communities in recognition that escalating housing prices, now beyond the reach of increasing numbers of state residents, are causing graduates from area institutions of higher learning to relocate to other areas of the country in search of greater affordability. The Commonwealth Housing Task Force, in concert with other organizations and institutions, developed a series of recommendations, most of which were enacted by the State

⁵⁴ Massachusetts General Law Chapter 40B, 760 CMR 31.07 (1)(i).

Legislature as Chapter 40R of the Massachusetts General Laws. The key components of these regulations are that “the state provide financial and other incentives to local communities that pass Smart Growth Overlay Zoning Districts that allow the building of single-family homes on smaller lots and the construction of apartments for families at all income levels, and the state increase its commitment to fund affordable housing for families of low and moderate income”.⁵⁵

The statute defines 40R as “a principle of land development that emphasizes mixing land uses, increases the availability of affordable housing by creating a range of housing opportunities in neighborhoods, takes advantage of compact design, fosters distinctive and attractive communities, preserves opens space, farmland, natural beauty and critical environmental areas, strengthens existing communities, provides a variety of transportation choices, makes development decisions predictable, fair and cost effective and encourages community and stakeholder collaboration in development decisions.”⁵⁶ The key components of 40R include:

- Allows local option to adopt Overlay Districts near transit, areas of concentrated development, commercial districts, rural village districts, and other suitable locations;
- Allows “as-of-right” residential development of minimum allowable densities;
- Provides that 20% of the units be affordable;
- Promotes mixed-use and infill development;
- Provides two types of payments to municipalities; and
- Encourages open space and protects historic districts.

The incentives prescribed by the Task Force and passed by the Legislature include an incentive payment upon the passage of the Overlay District based on the number of projected housing units as follows:

Incentive Payments	
Incentive Units	Payments
Up to 20	\$10,000
21-100	\$75,000
101-200	\$200,000
210-500	\$350,000
501 or more	\$600,000

There are also density bonus payments of \$3,000 for each residential unit issued a building permit. To be eligible for these incentives the Overlay Districts need to allow mixed-use development and densities of 20 units per acre for apartment buildings, 12 units per acre for two and three-family homes, and at least eight units per acre for single-family homes. Communities with populations of less than 10,000 residents are eligible for a waiver of these density requirements, however significant hardship must be demonstrated. The Zoning Districts would also encourage housing development on vacant infill lots and in underutilized nonresidential buildings. The Task Force emphasizes that Planning Boards, which would enact the Zoning Districts, would be “able to ensure that what is built in the District is compatible with and reflects the character of the immediate neighborhood.”⁵⁷

⁵⁵ Edward Carman, Barry Bluestone, and Eleanor White for The Commonwealth Housing Task Force, “A Housing Strategy for Smart Growth and Economic Development: Executive Summary”, October 30, 2003, p. 3.

⁵⁶ Massachusetts General Law, Chapter 40R, Section 11.

⁵⁷ “A Housing Strategy for Smart Growth and Economic Development: Executive Summary,” p. 4.

The principal benefits of 40R include:

- Expands a community's planning efforts;
- Allows communities to address housing needs;
- Allows communities to direct growth;
- Can help communities meet production goals and 10% threshold under Chapter 40B;
- Can help identify preferred locations for 40B developments; and
- State incentive payments.

The formal steps involved in creating Overlay Districts are as follows:

- The Town holds a public hearing as to whether to adopt an Overlay District per the requirements of 40R;
- The Town applies to EOHLC prior to adopting the new zoning;
- EOHLC reviews the application and issues a Letter of Eligibility if the new zoning satisfies the requirements of 40R;
- The Town adopts the new zoning through a two-thirds vote of Town Meeting subject to any modifications required by EOHLC;
- The Town submits evidence of approval to EOHLC upon the adoption of the new zoning; and
- EOHLC issues a letter of approval, which indicates the number of incentive units and the amount of payment.

The state recently enacted Chapter 40S under the Massachusetts General Law that provides additional benefits through insurance to towns that build affordable housing under 40R that they would not be saddled with the extra school costs caused by school-aged children who might move into this new housing. This funding was initially included as part of 40R but was eliminated during the final stages of approval. In effect, 40S is a complimentary insurance plan for communities concerned about the impacts of a possible net increase in school costs due to new housing development.

D. Local Initiative Program (LIP) Guidelines

The Local Initiative Program (LIP) is a technical assistance subsidy program to facilitate Chapter 40B developments and locally produced affordable units. The general requirements of LIP include insuring that projects are consistent with sustainable or smart growth development principles as well as local housing needs. LIP recognizes that there is a critical need for all types of housing but encourages family and special needs housing in particular. Age-restricted housing (over 55) is allowed but the locality must demonstrate actual need and marketability. EOHLC has the discretion to withhold approval of age-restricted housing if other such housing units within the community remain unbuilt or unsold or if the age-restricted units are unresponsive to the need for family housing within the context of other recent local housing efforts.

There are two types of LIP projects, those using the comprehensive permit process, the so-called "friendly" 40B's, and Local Action Units, units where affordability is a result of some local action such as inclusionary zoning, Community Preservation funding, other regulatory requirements, etc.

Specific LIP requirements include the following by category:

Income and Assets

- Must be affordable to those earning at or below 80% of area median income adjusted by family size and annually by HUD. Applicants for affordable units must meet the program income limits in effect at the time they apply for the unit and must continue to meet income limits in effect when they actually purchase a unit.
- For homeownership units, the household may not have owned a home within the past three years except for age-restricted “over 55” housing.
- For homeownership projects, assets may not be greater than \$75,000 except for age-restricted housing where the net equity from the ownership of a previous house cannot be more than \$200,000.
- Income and asset limits determine eligibility for lottery participation.

Allowable Sales Prices and Rents⁵⁸

- Rents are calculated at what is affordable to a household earning 80% of area median income adjusted for family size, assuming they pay no more than 30% of their income on housing. Housing costs include rent and payments for heat, hot water, cooking fuel, and electric. If there is no municipal trash collection a trash removal allowance should be included. If utilities are separately metered and paid by the tenant, the LIP rent is reduced based on the area’s utility allowance. Indicate on the EOHLC application whether the proposed rent has been determined with the use of utility allowances for some or all utilities.
- Sales prices of LIP units are set so a household earning 70% of area median income would have to pay no more than 30% of their income for housing. Housing costs include mortgage principal and interest on a 30-year fixed term mortgage at 95% of purchase price, property taxes, condo fees⁵⁹, private mortgage insurance (if putting less than 20% of purchase price down), and hazard insurance.
- The initial maximum sales price or rent is calculated as affordable to a household with a number of household members equal to the number of bedrooms plus one (for example a two-bedroom unit would be priced based on what a three-person household could afford).

Allowable Financing and Costs

- Allowable development costs include the “as is” value of the property based on existing zoning at the time of application for a project eligibility letter (initial application to EOHLC). Carrying costs (i.e., property taxes, property insurance, interest payments on acquisitions financing, etc.) can be no more than 20% of the “as is” market value unless the carrying period exceeds 24 months. Reasonable carrying costs must be verified by the submission of documentation not within the exclusive control of the applicant.
- Appraisals are required except for small projects of 20 units or less at the request of the Board of Selectmen where the applicant for the LIP comprehensive permit submits satisfactory evidence of value.

⁵⁸ EOHLC has an electronic mechanism for calculating maximum sales prices on its website at www.mass.gov/EOHLC.

⁵⁹ EOHLC will review condo fee estimates and approve a maximum condo fee as part of the calculation of maximum sales price. The percentage interests assigned to the condo must conform to the approved condo fees and require a lower percentage interest assigned to the affordable units as opposed to the market rate ones. EOHLC must review the Schedule of Beneficial Interests in the Master Deed to confirm that LIP units have been assigned percentage interests that correspond to the condo fees.

- Profits are limited to no more than 20% of total allowable development costs in homeownership projects.
- In regard to rental developments, payment of fees and profits are limited to no more than 10% of total development costs net of profits and fees and any working capital or reserves intended for property operations. Beginning upon initial occupancy and then proceeding on an annual basis, annual dividend distributions will be limited to no more than 10% of the owner's equity in the project. Owner's equity is the difference between the appraised as-built value and the sum of any public equity and secured debt on the property.
- For LIP comprehensive permit projects, EOHLC requires all developers to post a bond (or a letter of credit) with the municipality to guarantee the developer's obligations to provide a satisfactory cost certification upon completion of construction and to have any excess profits, beyond what is allowed, revert back to the municipality. The bond is discharged after EOHLC has determined that the developer has appropriately complied with the profit limitations.
- No third party mortgages are allowed for homeownership units.

Marketing and Outreach (refer to state Affirmative Fair Housing Marketing Plan guidelines dated June 25, 2008.)

- Marketing and outreach, including lottery administration in adherence with all Fair Housing laws.
- LIP requires that the lottery draw and rank households by size.
- If there are proportionately less minority applicants in the community preference pool than the proportion in the region, a preliminary lottery must be held to boost, if possible, the proportion of minority applicants to this regional level.
- A maximum of 70% of the units may be local preference units for those who have a connection to the community as defined under state guidelines (Section C: Local Preference section of the Affirmative Fair Housing Marketing Plan Guidelines (dated June 25, 2008)).
- The Marketing Plan must affirmatively provide outreach to area minority communities to notify them about availability of the unit(s).
- Marketing materials must be available/application process open for a period of at least 60 days.
- Marketing should begin about six (6) months before occupancy.
- Lottery must be held unless there are no more qualified applicants than units available.

Regulatory Requirements

- The affordable units design, type, size, etc. must be the same as the market units and dispersed throughout the development.
- Units developed through LIP as affordable must be undistinguishable from market units as viewed from the exterior (unless the project has a EOHLC-approved alternative development plan that is only granted under exceptional circumstances) and contain complete living facilities.
- For over 55 projects, only one household member must be 55 or older.
- Household size relationship to unit size is based on "households" = number of bedrooms plus one – i.e., a four-person household in a three-bedroom unit (important also for calculating purchase prices of the affordable units for which LIP has a formula as noted above).
- Must have deed restrictions in effect in perpetuity unless the applicant or municipality can justify a shorter term to EOHLC.
- All affordable units for families must have at least two or more bedrooms and meet state sanitary codes and these minimum requirements –

- 1 bedroom – 700 square feet/1 bath
- 2 bedrooms – 900 square feet/1 bath
- 3 bedrooms – 1,200 square feet/ 1 ½ baths
- 4 bedrooms – 1,400 square feet/2 baths

- Appraisals may take into account the probability of obtaining a variance, special permit or other zoning relief but must exclude any value relating to the possible issuance of a comprehensive permit.

The process that is required for using LIP for 40B developments – “friendly” comprehensive permit projects – is largely developer driven. It is based on the understanding that the developer and Town are working together on a project that meets community needs. Minimum requirements include:

1. Written support of the municipality’s chief elected official, the Board of Selectmen in the case of towns, and the local housing partnership, trust or other designated local housing entity. The chief executive officer is in fact required to submit the application to EOHLIC.
2. At least 25% of the units must be affordable and occupied by households earning at or below 80% of area median income or at least 20% of units restricted to households at or below 50% of area median income.
3. Affordability restrictions must be in effect in perpetuity, to be monitored by EOHLIC through a recorded regulatory agreement.
4. Project sponsors must prepare and execute an Affirmative Fair Housing Marketing Plan that must be approved by EOHLIC.
5. Developer’s profits are restricted per Chapter 40B requirements.

The process that is required for using LIP for 40B developments – “friendly” comprehensive permit projects – is as follows:

1. Application process
 - Developer meets with Town
 - Developer and Town agree to proposal
 - Town chief elected officer submits application to EOHLIC with developer’s input
2. EOHLIC review involves the consideration of:
 - Sustainable development criteria (redevelop first, concentrate development, be fair, restore and enhance the environment, conserve natural resources, expand housing opportunities, provide transportation choice, increase job opportunities, foster sustainable businesses, and plan regionally),
 - Number and type of units,
 - Pricing of units to be affordable to households earning no more than 70% of area median income,
 - Affirmative marketing plan,
 - Financing, and
 - Site visit.
3. EOHLIC issues site eligibility letter that enables the developer to bring the proposal to the ZBA for processing the comprehensive permit.

4. Zoning Board of Appeals holds hearing
 - Developer and Town sign regulatory agreement to guarantee production of affordable units that includes the price of units and deed restriction in the case of homeownership and limits on rent increases if a rental project. The deed restriction limits the profit upon resale and requires that the units be sold to another buyer meeting affordability criteria.
 - Developer forms a limited dividend corporation that limits profits.
 - The developer and Town sign a regulatory agreement.
5. Marketing
 - An Affirmative Fair Housing Marketing Plan must provide outreach to area minority communities to notify them about availability of the unit(s).
 - Local preference is limited to a maximum of 70% of the affordable units.
 - Marketing materials must be available/application process open for a period of at least 60 days.
 - Lottery must be held.
6. EOHLC approval must include
 - Marketing plan, lottery application, and lottery explanatory materials
 - Regulatory agreement (EOHLC is a signatory)
 - Deed rider (Use standard LIP document)
 - Purchase arrangements for each buyer including signed mortgage commitment, signed purchase and sale agreement and contact information of purchaser's closing attorney.

As mentioned above, in addition to being used for “friendly” 40B projects, LIP can be used for counting those affordable units as part of a Town’s Subsidized Housing Inventory that are created as a result of some local action. Following occupancy of the units, a Local Action Units application must be submitted to EOHLC for the units to be counted as affordable. This application is on EOHLC’s web site.

The contact person at EOHLC is Janice Lesniak of the LIP staff (phone: 617-573-1309; fax: 617-573-1330; email: rieko.hayashi@state.ma.us).

E. MassWorks Infrastructure Program

The MassWorks Infrastructure Program provides a one-stop shop for municipalities and other eligible public entities seeking public infrastructure funding to support economic development and job creation. The Program represents an administrative consolidation of six former grant programs:

- Public Works Economic Development (PWED)
- Community Development Action Grant (CDAG)
- Growth Districts Initiative (GDI) Grant Program
- Massachusetts Opportunity Relocation and Expansion Program (MORE)
- Small Town Rural Assistance Program (STRAP)
- Transit Oriented Development (TOD) Program

The MassWorks Infrastructure Program provides a one-stop shop for municipalities and other eligible public entities seeking public infrastructure funding to support:

- Economic development and job creation and retention

- Housing development at density of at least 4 units to the acre (both market and affordable units)
- Transportation improvements to enhancing safety in small, rural communities

The MassWorks Infrastructure Program is administered by the Executive Office of Housing and Economic Development, in cooperation with the Department of Transportation and Executive Office for Administration & Finance.

II. SUMMARY OF HOUSING RESOURCES

Those programs that may be most appropriate to development activity in Harwich are described below.⁶⁰

A. Technical Assistance

1. ***Planning Assistance Toward Housing (PATH)***

A relatively new state-funded initiative, the Planning Assistance Toward Housing (PATH) Program, provides planning assistance to municipalities for housing production. The state has made \$600,000 in planning grants available through the program to support locally initiated planning for municipally owned sites, changes to land use and zoning, and other strategies that directly contribute to housing production. This program replaces the Priority Development Fund that was introduced by the state in 2004.

2. ***Peer to Peer Technical Assistance***

This state program utilizes the expertise and experience of local officials from one community to provide assistance to officials in another comparable community to share skills and knowledge on short-term problem solving or technical assistance projects related to community development and capacity building. Funding is provided through the Community Development Block Grant Program and is limited to grants of no more than \$1,000, providing up to 30 hours of technical assistance.

Applications are accepted on a continuous basis, but funding is limited. To apply, a municipality must provide EOHLC with a brief written description of the problem or issue, the technical assistance needed and documentation of a vote of the Board of Selectmen or letter from the Town Administrator supporting the request for a peer. Communities may propose a local official from another community to serve as the peer or ask EOHLC for a referral. If EOHLC approves the request and once the peer is recruited, EOHLC will enter into a contract for services with the municipality. When the work is completed to the municipality's satisfaction, the Town must prepare a final report, submit it to EOHLC, and request reimbursement for the peer.

3. ***MHP Intensive Community Support Team***

The Massachusetts Housing Partnership Fund is a quasi-public agency that offers a wide range of technical and financial resources to support affordable housing. The Intensive Community Support Team provides sustained, in-depth assistance to support the development of affordable housing.

⁶⁰ Program information was gathered through agency brochures, agency program guidelines and application materials as well as the following resources: Verrilli, Ann. Housing Guidebook for Massachusetts, produced by the Citizen's Housing and Planning Association, June 1999.

Focusing on housing production, the Team helps local advocates move a project from the conceptual phase through construction, bringing expertise and shared lessons from other parts of the state. The team can also provide guidance on project finance. Those communities, which are interested in this initiative, should contact the MHP Fund directly for more information.

4. *MHP Chapter 40B Technical Assistance Program*

Working with EOHL, MHP launched this program in 1999 to provide technical assistance to those communities needing assistance in reviewing comprehensive permit applications. The Program offers up to \$10,000 in third-party technical assistance to enable communities to hire consultants to help them review Chapter 40B applications. Those communities that are interested in this initiative should contact the MHP Fund directly for more information.

MHP recently announced new guidelines to help cities and towns review housing development proposals under Chapter 40B including:

- State housing agencies will now appraise and establish the land value of 40B sites before issuing project eligibility letters.
- State will put standards in place for determining when permit conditions make a 40B development “uneconomic”.
- There will be set guidelines on determining related-party transactions, i.e., when a developer may also have a role as contractor or realtor.
- Advice on how to identify the most important issues early and communicate them to the developer, how informal work sessions can be effective, and how to make decisions that are unlikely to be overturned in court.

B. Housing Development

While comprehensive permits typically do not involve external public subsidies but use internal subsidies by which the market units in fact subsidize the affordable ones, communities are finding that they also require public subsidies to cover the costs of affordable or mixed-income residential development and need to access a range of programs through the state and federal government and other financial institutions to accomplish their objectives and meet affordable housing goals. Because the costs of development are typically significantly higher than the rents or purchase prices that low- and moderate-income tenants can afford, multiple layers of subsidies are often required to fill the gaps. Sometimes even Chapter 40B developments are finding it useful to apply for external subsidies to increase the numbers of affordable units, to target units to lower income or special needs populations, or to fill gaps that market rates cannot fully cover.

The state requires applicants to submit a One Stop Application for most of its housing subsidy programs in an effort to standardize the application process across agencies and programs. A Notice of Funding Availability (NOFA) is issued by the state usually twice annually for its rental programs and homeownership initiatives. Using the One Stop Application, applicants can apply to several programs simultaneously to support the funding needs of a particular project.

1. *HOME Program*

HUD created the HOME Program in 1990 to provide grants to states, larger cities and consortia of smaller cities and towns to do the following:

- Produce rental housing;
- Provide rehabilitation loans and grants, including lead paint removal and accessibility modifications, for rental and owner-occupied properties;
- Offer tenant-based rental assistance (two-year subsidies); and/or
- Assist first-time homeowners.

The HOME Program funding is targeted to homebuyers or homeowners earning no more than 80% of median income and to rental units where at least 90% of the units must be affordable and occupied by households earning no more than 60% of median income, the balance to those earning within 80% of median. Moreover, for those rental projects with five or more units, at least 20% of the units must be reserved for households earning less than 50% of median income. In addition to income guidelines, the HOME Program specifies the need for deed restrictions, resale requirements, and maximum sales prices or rentals.

The HOME Rental Program is targeted to the acquisition and rehabilitation of multi-family distressed properties or new construction of multi-family rental housing from five to fifty units. Once again, the maximum subsidy per project is \$750,000 and the maximum subsidy per unit in localities that receive HOME or CDBG funds directly from HUD is \$50,000 (these communities should also include a commitment of local funds in the project). Those communities that do not receive HOME or CDBG funds directly from HUD, like Harwich, can apply for up to \$65,000 per unit. Subsidies are in the form of deferred loans at 0% interest for 30 years. State HOME funding cannot be combined with another state subsidy program with several exceptions including the Low Income Housing Tax Credits, HIF and the Soft Second Program.

Like all other communities on Cape Cod, Harwich is part of the Barnstable County HOME Consortium and has access to HOME funding.

2. *Community Development Block Grant Program (CDBG)*

In addition to funding for the Peer-to-Peer Program mentioned in the above section, there are other housing resources supported by federal CDBG funds that are distributed by formula to Massachusetts.

The **Massachusetts Small Cities Program** that has a set-aside of Community Development Block Grant (CDBG) funds to support a range of eligible activities including housing development. However, at least 70% of the money must provide benefits to households earning within 80% of median income. This money is for those nonentitlement localities that do not receive CDBG funds directly from HUD. Funds are awarded on a competitive basis through Notices of Funding Availability with specific due dates or through applications reviewed on a rolling basis throughout the year, depending on the specific program. This funding supports a variety of specific programs.

3. *Housing Stabilization Fund (HSF)*

The state's Housing Stabilization Fund (HSF) was established in 1993 through a Housing Bond bill to support housing rehabilitation through a variety of housing activities including homeownership (most of this funding has been allocated for the MHP Soft Second Program) and rental project development. The state subsequently issued additional bond bills to provide more funding. The HSF Rehabilitation Initiative is targeted to households with incomes within 80% of median income, with resale or subsequent tenancy for households within 100% of median income. The funds can be used for grants or loans through state and local agencies, housing authorities and community development corporations with the ability to subcontract to other entities. The funds have been used to match local HOME

program funding, to fund demolition, and to support the acquisition and rehabilitation of affordable housing. In addition to a program directed to the rehabilitation of abandoned, distressed or foreclosed properties, the HSF provides funds to municipalities for local revitalization programs directed to the creation or preservation of rental projects. As with HOME, the maximum amount available per project is \$750,000 and the maximum per unit is \$65,000 for communities that do not receive HOME or CDBG funds directly from HUD, and \$50,000 for those that do. Communities can apply for HSF funding biannually through the One Stop Application.

4. *Low Income Housing Tax Credit Program*

The Low Income Housing Tax Credit Program was created in 1986 by the Federal Government to offer tax credits to investors in housing development projects that include some low-income units. The tax credit program is often the centerpiece program in any affordable rental project because it brings in valuable equity funds. Tax credits are either for 4% or 9% of the development or rehab costs for each affordable unit for a ten-year period. The 4% credits have a present value of 30% of the development costs, except for the costs of land, and the 9% credit have a present value equal to 70% of the costs of developing the affordable units, with the exception of land. Both the 4% and 9% credits can be sold to investors for close to their present values.

The Federal Government limits the 9% credits and consequently there is some competition for them, nevertheless, most tax credit projects in Massachusetts are financed through the 9% credit. Private investors, such as banks or corporations, purchase the tax credits for about 80 cents on the dollar, and their money serves as equity in a project, reducing the amount of the debt service and consequently the rents. The program mandates that at least 20% of the units must be made affordable to households earning within 50% of median income or 40% of the units must be affordable to households earning up to 60% of median income. Those projects that receive the 9% tax credits must produce much higher percentages of affordable units.

The Massachusetts Legislature has enacted a comparable state tax credit program, modeled after the federal tax credit program. The One Stop Application is also used to apply for this source of funding.

5. *Affordable Housing Trust Fund*

The Affordable Housing Trust Fund (AHTF) was established by an act of the State Legislature and is codified under Chapter 121-D of the Massachusetts General Laws. The AHTF operates out of EOHLC and is administered by MassHousing with guidance provided by an Advisory Committee of housing advocates. The purpose of the fund is to support the creation/preservation of housing that is affordable to people with incomes that do not exceed 110% of the area median income. The AHTF can be used to support the acquisition, development and/or preservation of affordable housing units. AHTF assistance can include:

- Deferred payment loans, low/no-interest amortizing loans.
- Down payment and closing cost assistance for first-time homebuyers.
- Credit enhancements and mortgage insurance guarantees.
- Matching funds for municipalities that sponsor affordable housing projects.
- Matching funds for employer-based housing and capital grants for public housing.

Funds can be used to build or renovate new affordable housing, preserve the affordability of subsidized expiring use housing, and renovate public housing. While the fund has the flexibility of serving

households with incomes up to 110%, preferences for funding will be directed to projects involving the production of new affordable units for families earning below 80% of median income. The program also includes a set-aside for projects that serve homeless households or those earning below 30% of median income. Once again, the One Stop Application is used to apply for funding, typically through the availability of two funding rounds per year.

6. *Housing Innovations Fund (HIF)*

The state also administers the Housing Innovations Fund (HIF) that was created by a 1987 bond bill and expanded under two subsequent bond bills to provide a 5% deferred loan to non-profit organizations for no more than \$500,000 per project or up to 30% of the costs associated with developing alternative forms of housing including limited equity coops, mutual housing, single-room occupancy housing, special needs housing, transitional housing, domestic violence shelters and congregate housing. At least 25% of the units must be reserved for households earning less than 80% of median income and another 25% for those earning within 50% of area median income. HIF can also be used with other state subsidy programs including HOME, HSF and Low Income Housing Tax Credits. The Community Economic Development Assistance Corporation (CEDAC) administers this program. Applicants are required to complete the One-Stop Application.

7. *Federal Home Loan Bank Board's Affordable Housing Program (AHP)*

Another potential source of funding for both homeownership and rental projects is the Federal Home Loan Bank Board's Affordable Housing Program (AHP) that provides subsidies to projects targeted to households earning between 50% and 80% of median income, with up to \$300,000 available per project. This funding is directed to filling existing financial gaps in low- and moderate-income affordable housing projects. There are typically two competitive funding rounds per year for this program.

8. *MHP Permanent Rental Financing Program*

The state also provides several financing programs for rental projects through the Massachusetts Housing Partnership Fund. The Permanent Rental Financing Program provides long-term, fixed-rate permanent financing for rental projects of five or more units from \$100,000 loans to amounts of \$2 million. At least 20% of the units must be affordable to households earning less than 50% of median income or at least 40% of the units must be affordable to households earning less than 60% of median income or at least 50% of the units must be affordable to households earning less than 80% of median income. MHP also administers the Permanent Plus Program targeted to multi-family housing or SRO properties with five or more units where at least 20% of the units are affordable to households earning less than 50% of median income. The program combines MHP's permanent financing with a 0% deferred loan of up to \$40,000 per affordable unit up to a maximum of \$500,000 per project. No other subsidy funds are allowed in this program. The Bridge Financing Program offers bridge loans of up to eight years ranging from \$250,000 to \$5 million to projects involving Low Income Housing Tax Credits. Applicants should contact MHP directly to obtain additional information on the program and how to apply.

9. *OneSource Program*

The Massachusetts Housing Investment Corporation (MHIC) is a private, non-profit corporation that since 1991 has provided financing for affordable housing developments and equity for projects that involve the federal Low Income Housing Tax Credit Program. MHIC raises money from area banks to fund its loan pool and invest in the tax credits. In order to qualify for MHIC's OneSource financing, the project must include a significant number of affordable units, such that 20% to 25% of the units are affordable to households earning within 80% of median income. Interest rates are typically one point

over prime and there is a 1% commitment fee. MHIC loans range from \$250,000 to several million, with a minimum project size of six units. Financing can be used for both rental and homeownership projects, for rehab and new construction, also covering acquisition costs with quick turn-around times for applications of less than a month (an appraisal is required). The MHIC and MHP work closely together to coordinate MHIC's construction financing with MHP's permanent take-out through the OneSource Program, making their forms compatible and utilizing the same attorneys to expedite and reduce costs associated with producing affordable housing.

10. Section 8 Rental Assistance

An important low-income housing resource is the Section 8 Program that provides rental assistance to help low- and moderate-income households pay their rent. In addition to the federal Section 8 Program, the state also provides rental subsidies through the Massachusetts Rental Voucher Program as well as three smaller programs directed to those with special needs. These rental subsidy programs are administered by the state or through local housing authorities and regional non-profit housing organizations. Rent subsidies take two basic forms – either granted directly to tenants or committed to specific projects through special Project-based rental assistance. Most programs require households to pay a minimum percentage of their adjusted income (typically 30%) for housing (rent and utilities) with the government paying the difference between the household's contribution and the actual rent.

11. Massachusetts Preservation Projects Fund

The Massachusetts Preservation Projects Fund (MPPF) is a state-funded 50% reimbursable matching grant program that supports the preservation of properties, landscapes, and sites (cultural resources) listed in the State Register of Historic Places. Applicants must be municipality or non-profit organization. Funds can be available for pre-development including feasibility studies, historic structure reports and certain archaeological investigations of up to \$30,000. Funding can also be used for construction activities including stabilization, protection, rehabilitation, and restoration or the acquisition of a state-registered property that are imminently threatened with inappropriate alteration or destruction. Funding for development and acquisition projects range from \$7,500 to \$100,000. Work completed prior to the grant award, routine maintenance items, mechanical system upgrades, renovation of non-historic spaces, moving an historic building, construction of additions or architectural/engineering fees are not eligible for funding or use as the matching share. A unique feature of the program allows applicants to request up to 75% of construction costs if there is a commitment to establish a historic property maintenance fund by setting aside an additional 25% over their matching share in a restricted endowment fund. A round of funding was recently held, but future rounds are not authorized at this time.

12. District Improvement Financing Program (DIF)

The District Improvement Financing Program (DIF) is administered by the state's Office of Business Development to enable municipalities to finance public works and infrastructure by pledging future incremental taxes resulting from growth within a designated area to service financing obligations. This Program, in combination with others, can be helpful in developing or redeveloping target areas of a community, including the promotion of mixed-uses and smart growth. Municipalities submit a standard application and follow a prescribed application process directed by the Office of Business Development in coordination with the Economic Assistance Coordinating Council.

13. Urban Center Housing Tax Increment Financing Zone (UCH-TIF)

The Urban Center Housing Tax Increment Financing Zone Program (UCH-TIF) is a relatively new state initiative designed to give cities and towns the ability to promote residential and commercial

development in commercial centers through tax increment financing that provides a real estate tax exemption on all or part of the increased value (the “increment”) of the improved real estate. The development must be primarily residential and this program can be combined with grants and loans from other local, state and federal development programs. An important purpose of the program is to increase the amount of affordable housing for households earning at or below 80% of area median income and requires that 25% of new housing to be built in the zone be affordable, although the Executive Office of Housing and Livable Communities may approve a lesser percentage where necessary to insure financial feasibility. In order to take advantage of the program, a municipality needs to adopt a detailed UCH-TIF Plan and submit it to EOHLC for approval.

14. Community Based Housing Program

The Community Based Housing Program provides loans to nonprofit agencies for the development or redevelopment of integrated housing for people with disabilities in institutions or nursing facilities or at risk of institutionalization. The Program provides permanent, deferred payment loans for a term of 30 years, and CBH funds may cover up to 50% of a CHA unit’s Total Development Costs up to a maximum of \$750,000 per project.

15. Compact Neighborhoods Program

EOHLC recently announced “Compact Neighborhoods” that provides additional incentives to municipalities that adopt zoning districts for working families of all incomes as well as smart growth development. Similar to 40R, the program requires new zoning that must:

- Allow a minimum number of “future zoned units” in the Compact Neighborhood, which is generally 1% of the year-round housing in the community;
- Allow one or more densities as-of-right in the zone of at least eight (8) units per acre on developable land for multi-family housing and at least four (4) units per acre for single-family use;
- Provide not less than 10% of units be affordable within projects of more than 12 units; and
- Not impose any restrictions to age or other occupancy limitations within the Compact Neighborhood zone although projects within the zone may be targeted to the elderly, persons with disabilities, etc.

Financial assistance through the Priority Development Fund is available to communities that are adopting Compact Neighborhoods zoning, giving priority to the creation of mixed-use development beyond the bounds of a single project. The state also promotes projects that meet the definition of smart growth under 40R, encourage housing that is priced to meet the needs of households across a broad range of incomes and needs.

The process for implementing a Compact Neighborhoods Zone includes:

- Identify an “as-of-right” base or overlay district (the Compact Neighborhood);
- Request and receive a Letter of Eligibility from EOHLC; and
- Adopt the Compact Neighborhood Zoning.

16. EOHLC Project-Based Homeownership Program

EOHLC recently announced a first round of funding for its Project-Based Homeownership Program with two (2) funding categories:

- *Areas of Opportunity*
Funds are being awarded for new construction of family housing projects for first-time homebuyers in neighborhoods or communities that provide access to opportunities that include but are not limited to jobs, transportation, education, and public amenities. The minimum project size is ten (10 units) for up to \$500,000 in funding for a single project and no more than \$75,000 per affordable unit. The maximum total development cost for affordable units is \$300,000 and the maximum developer overhead and fee is 15% of total development costs. Localities must provide matching funds at least equal to the amount of the EOHLIC subsidy request.
- *Gateway Cities*
A limited amount of funding will be made available to Gateway Cities or other smaller communities with well-defined Neighborhood Redevelopment Plans for the acquisition and rehabilitation or new construction of single-family or duplex units or triple deckers (rehab only). The development of single sites is preferred but scattered-site projects are permissible. The minimum project size is six (6 units) for up to \$500,000 in funding for a single project and no more than \$75,000 per affordable unit. The maximum total development cost for affordable units is \$250,000 and the maximum developer overhead and fee is 15% of total development costs. Localities must provide matching funds at least equal to one-half the amount of the EOHLIC subsidy request.

Sponsors/developers must have hard letters of interest from construction lenders and mortgage loan originators, follow prescribed design/scope guidelines, submit sound market data at the time of pre-application, and have zoning approvals in place. Interested sponsors/developers must submit a pre-application for funding and following its review, EOHLIC review will invite certain sponsor/developers to submit full applications.

C. Homebuyer Financing and Counseling

1. *ONE Mortgage Program*

The Massachusetts Housing Partnership Fund, in coordination with the state's Executive Office of Housing and Livable Communities, has recently introduced the ONE Mortgage Program, a new simplified version of the successful Soft Second Loan Program, which from 1991 to 2013 helped over 17,000 families purchase their first home. Like the Soft Second Program, ONE features low, fixed-rate financing and state-backed reserve that relieves homebuyers of the cost of purchasing private mortgage insurance.

2. *Homebuyer Counseling*

There are a number of programs, including the Soft Second Loan Program and MassHousing's Home Improvement Loan Program, as well as Chapter 40B homeownership projects, that require purchasers to attend homebuyer workshops sponsored by organizations that are approved by the state, Citizens Housing and Planning Association (CHAPA) and/or HUD as a condition of occupancy. These sessions provide first-time homebuyers with a wide range of important information on homeownership finance and requirements. The organization that offers these workshops in closest proximity to Harwich is the Housing Assistance Corporation or Lower Cape Cod CDC.

3. *Self-Help Housing.*

Self-Help programs involve sweat-equity by the homebuyer and volunteer labor of others to reduce construction costs. Some communities have donated building lots to Habitat for Humanity to construct affordable single housing units. Under the Habitat for Humanity program, homebuyers contribute between 300 and 500 hours of sweat equity while working with volunteers from the community to construct the home. The homeowner finances the home with a 20-year loan at 0% interest. As funds are paid back to Habitat for Humanity, they are used to fund future projects.

D. Home Improvement Financing

1. *MassHousing Home Improvement Loan Program (HLP)*

The MHFA Home Improvement Loan Program (HILP) is targeted to one- to four-unit, owner-occupied properties, including condominiums, with a minimum loan amount of \$10,000 up to a maximum of \$50,000. Loan terms range from five to 20 years based on the amount of the loan and the borrower's income and debt. MassHousing services the loans. Income limits are \$92,000 for households of one or two persons and \$104,000 for families of three or more persons. To apply for a loan, applicants must contact a participating lender.

2. *Get the Lead Out Program*

MassHousing's Get the Lead Out Program offers 100% financing for lead paint removal on excellent terms that are based on ownership status and type of property. An owner-occupied, single-family home may be eligible to receive a 0% deferred payment loan up to \$20,000 that is due when the house is sold, transferred or refinanced. An owner-occupant of a two-family house could receive up to \$25,000 to conduct the de-leading work. Maximum income limits for owner-occupants are \$74,400 for one and two-person households and \$85,500 for three or more persons. Investor-owners can also participate in the program but receive a 5% fully amortizing loan to cover costs. Non-profit organizations that rent properties to income-eligible residents are also eligible for 0% fully amortizing loans that run from five to 20 years. Applicants must contact a local rehabilitation agency to apply for the loan.

3. *Septic Repair Program*

Through a partnership with the Massachusetts Department of Environmental Protection and Revenue, MassHousing offers loans to repair or replace failed or inadequate septic systems for qualifying applicants. The interest rates vary according to the borrower's income with 0% loans available to one and two-person households earning up to \$23,000 and three or more person households earning up to \$26,000 annually. There are 3% loans available for those one or two person households earning up to \$46,000 and three or more persons earning up to \$52,000. Additionally, one to four-family dwellings and condominiums are eligible for loan amounts of up to \$25,000 and can be repaid in as little as three years or over a longer period of up to 20 years. To apply for a loan, applicants must contact a participating lender.

4. *Home Modification Program*

This state-funded program provides financial and technical assistance to those who require modifications to their homes to make them handicapped accessible. The Southern Middlesex Opportunity Council (SMOC), with an office located in Buzzards Bay, administers this program for the Cape.

APPENDIX 3

Glossary of Housing Terms⁶¹

Affordable Housing

A subjective term, but as used in this Plan, refers to housing available to a household earning no more than 80% of area median income at a cost that is no more than 30% of total household income.

Area Median Income (AMI)

The estimated median income, adjusted for family size, by metropolitan area (or county in nonmetropolitan areas) that is adjusted by HUD annually and used as the basis of eligibility for most housing assistance programs. Sometimes referred to as “MFI” or median family income.

Chapter 40B

The state’s comprehensive permit law, enacted in 1969, which established an affordable housing goal of 10% for every community. In communities below the 10% goal, developers of low- and moderate-income housing can seek an expedited local review under the comprehensive permit process and can request a limited waiver of local zoning and other restrictions, which hamper construction of affordable housing. Developers can appeal to the state if their application is denied or approved with conditions that render it uneconomic, and the state can overturn the local decision if it finds it unreasonable in light of the need for affordable housing.

Chapter 44B

The Community Preservation Act Enabling Legislation that allows communities, at local option, to establish a Community Preservation Fund to preserve open space, historic resources and community housing, by imposing a surcharge of up to 3% on local property taxes. The state provides matching funds from its own Community Preservation Trust Fund, generated from an increase in certain Registry of Deeds’ fees.

Comprehensive Permit

Expedited permitting process for developers building affordable housing under Chapter 40B “anti-snob zoning” law. A comprehensive permit, rather than multiple individual permits from various local boards, is issued by the local zoning boards of appeals to qualifying developers.

Executive Office of Housing and Livable Communities (EOHLC)

The state’s lead agency for housing and community development programs and policy. It oversees state-funded public housing, administers rental assistance programs, provides funds for municipal assistance, and funds a variety of programs to stimulate the development of affordable housing.

Fair Housing Act

⁶¹ Heudorfer, Bonnie, “Taking the Initiative: A Guidebook on Creating Local Affordable Housing Strategies”, Citizens Housing and Planning Association with funding from the Massachusetts Housing Partnership Fund, November 2002.

Federal legislation, first enacted in 1968, that provides the Secretary of HUD with investigation and enforcement responsibilities for fair housing practices. It prohibits discrimination in housing and lending based on race, color, religion, sex, national origin, handicap, or familial status. There is also a Massachusetts Fair Housing Act, which extends the prohibition against discrimination to sexual orientation, marital status, ancestry, veteran status, children, and age. The state law also prohibits discrimination against families receiving public assistance or rental subsidies, or because of any requirement of these programs.

Inclusionary Zoning

A zoning ordinance or by-law that requires a developer to include affordable housing as part of a development or contribute to a fund for such housing.

Infill Development

The practice of building on vacant or undeveloped parcels in dense areas, especially urban and inner suburban neighborhoods. Promotes compact development, which in turn allows undeveloped land to remain open and green.

Local Initiative Program (LIP)

A state program under which communities may use local resources and EOHLC technical assistance to develop affordable housing that is eligible for inclusion on the state Subsidized Housing Inventory (SHI). LIP is not a financing program, but the EOHLC technical assistance qualifies as a subsidy and enables locally supported developments that do not require other financial subsidies to use the comprehensive permit process. At least 25% of the units must be set-aside as affordable to households earning less than 80% of area median income.

MassHousing (formerly the Massachusetts Housing Finance Agency, MHFA)

A quasi-public agency created in 1966 to help finance affordable housing programs. MassHousing sells both tax-exempt and taxable bonds to finance its many single-family and multi-family programs.

Metropolitan Statistical Area (MSA)

The term is also used for CMSAs (consolidated metropolitan statistical areas) and PMSAs (primary metropolitan statistical areas) that are geographic units used for defining urban areas that are based largely on commuting patterns. The federal Office of Management and Budget defines these areas for statistical purposes only, but many federal agencies use them for programmatic purposes, including allocating federal funds and determining program eligibility. HUD uses MSAs as its basis for setting income guidelines and fair market rents.

Mixed-Income Housing Development

Development that includes housing for various income levels.

Mixed-Use Development

Projects that combine different types of development such as residential, commercial, office, industrial and institutional into one project.

Overlay Zoning

A zoning district, applied over one or more other districts that contains additional provisions for special features or conditions, such as historic buildings, affordable housing, or wetlands.

Public Housing Agency (PHA)

A public entity that operates housing programs: includes state housing agencies (including EOHLIC), housing finance agencies and local housing authorities. This is a HUD definition that is used to describe the entities that are permitted to receive funds or administer a wide range of HUD programs including public housing and Section 8 rental assistance.

Regional Non-profit Housing Organizations

Regional non-profit housing organizations include nine private, non-profit housing agencies, which administer the Section 8 Program on a statewide basis, under contract with EOHLIC. Each agency serves a wide geographic region. Collectively, they cover the entire state and administer over 15,000 Section 8 vouchers. In addition to administering Section 8 subsidies, they administer state-funded rental assistance (MRVP) in communities without participating local housing authorities. They also develop affordable housing and run housing rehabilitation and weatherization programs, operate homeless shelters, run homeless prevention and first-time homebuyer programs, and offer technical assistance and training programs for communities. The Housing Assistance Corporation (HAC) serves as Harwich’s regional non-profit housing organization.

Regional Planning Agencies (RPAs)

These are public agencies that coordinate planning in each of thirteen regions of the state. They are empowered to undertake studies of resources, problems, and needs of their districts. They provide professional expertise to communities in areas such as master planning, affordable housing and open space planning, and traffic impact studies. With the exception of the Cape Cod and Nantucket Commissions, however, which are land use regulatory agencies as well as planning agencies, the RPAs serve in an advisory capacity only. The Cape Cod Commission serves as Harwich’s regional planning agency.

Request for Proposals (RFP)

A process for soliciting applications for funding when funds are awarded competitively or soliciting proposals from developers as an alternative to lowest-bidder competitive bidding.

Section 8

Refers to the major federal (HUD) program – actually a collection of programs – providing rental assistance to low-income households to help them pay for housing. Participating tenants pay 30% of their income (some pay more) for housing (rent and basic utilities) and the federal subsidy pays the balance of the rent. The Program is now officially called the Housing Choice Voucher Program.

Smart Growth

The term used to refer to a rapidly growing and widespread movement that calls for a more coordinated, environmentally sensitive approach to planning and development. A response to the problems associated with unplanned, unlimited suburban development – or sprawl – smart growth principles call for more efficient land use, compact development patterns, less dependence on the automobile, a range of housing opportunities and choices, and improved jobs/housing balance.

Subsidy

Typically refers to financial assistance that fills the gap between the costs of any affordable housing development and what the occupants can afford based on program eligibility requirements. Many times multiple subsidies from various funding sources are required, often referred to as the “layering” of subsidies, in order to make a project feasible. In the state’s Local Initiative Program (LIP), EOHLC’s technical assistance qualifies as a subsidy and enables locally supported developments that do not require other financial subsidies to use the comprehensive permit process. Also, “internal subsidies” refers to those developments that do not have an external source(s) of funding for affordable housing, but use the value of the market units to “cross subsidize” the affordable ones.

Subsidized Housing Inventory (SHI)

This is the official list of units, by municipality, that count toward a community’s 10% goal as prescribed by Chapter 40B comprehensive permit law.

U.S. Department of Housing and Urban Development (HUD)

The primary federal agency for regulating housing, including fair housing and housing finance. It is also the major federal funding source for affordable housing programs.

NEW BUSINESS



MEMORANDUM

April 16, 2024

To: Board of Selectmen
Cc: Joe Powers, Town Administrator
From: Christine Flynn, Director of Planning and Community Development
Shelagh Delaney, Planning Assistant
Planning Department CRS Coordinator
Re: 2024 Annual CC-213 Recertification of the Community Rating System (CRS) under the National Flood Insurance Policy (NFIP)

The Town of Harwich is required to complete an annual recertification of the Community Rating System (CRS) program in order for the Town to uphold its current classification. The town currently holds a Class 7 designation which affords certain resident property owners/ policy holders of flood insurance premiums a 15% discount.

As background, the Community Rating System (CRS) is a voluntary incentive program administered by the Department of Homeland Security's Federal Emergency Management Agency (FEMA) that rewards communities for taking action beyond minimum standards for floodplain practices. The program allows for the maximum of a 45% premium discount at a Class 1 designation.

We are close to completing the extensive list of criteria and activities for the 2024 Town's annual recertification. The completed package needs to be signed the Chair of the Select Board and submitted to FEMA by May 1, 2024. The current draft is attached.

We respectfully request that the Board of Selectmen, at its next scheduled meeting, vote to authorize the Chair to sign the annual recertification filing upon its completion.

Attachment: 2024 Community Certification Form Only, CC-213

Harwich Planning Department



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(508) 430-7511

Shelagh Delaney, Planning Assistant

Community Rating System Activity 510 (Floodplain Management Planning) Progress Report on Implementation of Credited Plan

Date: April 17, 2024

Name of Community: Town of Harwich and CID #250008

Name of Plan: Harwich 2017 Hazard Mitigation Plan

Date of Expiration of Plan: October 2022

In 2022, the Town of Harwich applied for a Local Hazard Mitigation Planning Grant to fund and update the expired 2017 Hazard Mitigation Plan. Due to delays in state funding, the Town received MEMA funding in January 2024. The 2025 Hazard Mitigation Plan is currently underway in collaboration with the Cape Cod Commission and the scheduled completion date is April 30, 2025.

1. How can a copy of the original plan or area analysis be obtained?

The Hazard Mitigation Plan is available on the Town's website at the following link: https://www.harwichma.gov/sites/g/files/vyhlf7091/f/file/file/harwich_hazard_mitigation_plan-final-fema-dec_2017_0.pdf. Copies of the Hazard Mitigation Plan are also available at Town Hall in the Planning Department.

2. Describe how this progress report was prepared and how it was submitted to the governing body, released to the media and made available to the public?

The progress report was prepared by Christine Flynn, Harwich Planning & Community Development Director and Shelagh Delaney, Planning Assistant. A copy of the complete CRS Community Certification Package was sent to the Harwich Select Board, the Town's Governing body on April 17, 2024. All Select Board meetings are televised and recorded by the Harwich Community Channel. The Select Board is scheduled to discuss the matter at their meeting April 22, 2024. We anticipate that at the meeting, the Select Board will acknowledge receipt of the CRS Certification Package. Members of the public that attend or watched the Select Board meeting on TV, could then request copies of the CRS Certification Package from the Planning or Select Board's office at Town Hall.

3. Provide a description of the implementation of each recommendation or action item in the action plan or area analysis report, including a statement on how the project was implemented or not implemented during the previous year.

Over the last year the Town has completed or has been implementing on an on-going basis the following activities that were listed as actions items in the 2017 Hazard Mitigation Plan.

The following are the current Mitigation Actions:

- **Mitigation Action #1** – Continue a standing Multi-Hazard Mitigation Committee.

Over the last several years, there has been a turnover or vacancy in staff positions within the following Town Departments: Planning & Community Development Department, Building Department, Engineering & Land Surveying and Water & Wastewater Department. The gap in staffing and turnover has impacted the Town's ability to maintain an active Multi-Hazard Mitigation Committee. Despite staff shortages, the Town has continued to make progress in implementing the action items in the Hazard Mitigation Plan.

- **Mitigation Action #2** – Use the Town's evolving Geographic Information System (GIS) to maintain current building and parcel data for the purpose of conducting more detailed hazard risk assessments and for tracking permitting / land use data.

The Town has a GIS component that is available to Town Hall Staff and the public on the Town's website. The Community Development Department uses on-line permitting software OpenGov to manage the permitting process electronically for the Building Department, Zoning Department, Conservation Department, Health Department, and Planning Department. Building Permits and parcel data are maintained so that Town officials can conduct hazard risk assessments.

- **Mitigation Action #3** – Continue to supply educational materials on preparedness/mitigation for property owners, for display and distribution at Town Hall, Brooks Free Public Library

Town Hall, Brooks Free Public Library, and Community Center. The Community Development Department provides copies of the Homeowners Handbook to prepare for Coastal Hazards, 3rd addition to the public. Copies are available on the counters at Town Hall and the Brooks Free Public Library. The library carries additional CRS-credited FEMA mitigation documents.

- **Mitigation Action #4** – Maintain an inventory of the Town's most at risk locations identified in the Vulnerability Analysis and evaluate potential

mitigation techniques for protecting each location to the maximum extent possible.

This is an on-going action item with the DPW, Conservation and Planning Department staff. On February 7, 2024, the DPW and Cape Cod Commission held a public session on Low Lying Roads.

- **Mitigation Action #5** – Monitor the Town’s emergency services to identify needs in terms of personnel, equipment, and/or required services.
This is an on-going effort with the Police, Fire, and Emergency Operations staff to continue to focus and identify department needs. In FY 2024, Town approved budget funding requests for 4 new Fire Department Staff members.
- **Mitigation Action #6** – Quantify potential losses by estimating such losses at varying degrees of storm surge, wind, and stormwater hazard severity, as well as specific impacts on critical facilities. This should be performed for the plan’s five-year update.

Over the last decade, the Town has lost approximately 15 feet of beach front property. This past winter there has been a serious loss of beach elevation exposing rock revetments and bulkheads. The beach erosion has caused access to public and private beaches via staircases unsafe.

- **Mitigation Action #7** - Develop a list of mitigation projects, including but not limited to snow fencing in areas prone to blowing and drifting snow, and regrading and improved drainage in areas prone to flooding.

Project 1

The Town received a Massachusetts Municipal Vulnerability Preparedness Grant to install a new, elevated ramp to a pier at the mouth of Herring River. Approximately 700 Square Feet of salt marsh within the area will be restored. A new revetment will be installed to protect that march restoration area from foot traffic and a new infiltration trench will be installed to prevent untreated runoff from causing erosion and impairing water quality. The area has been impacted by sea level rise. Engineering and Design work has been completed for the Herring River Rt 28 Ramp and landing by Horsley & Witton Group. The project is currently in the permitting process and the construction start is not known at this time.

Project 2

The Town Water/Wastewater Superintendent, DPW Director, and Conservation Administrator is working in partnership with the Cape Cod Commission, on evaluating low lying areas to determine if municipal infrastructure such as roads, sewers, and water mains in the East Harwich Area are susceptible to impacts

from flooding and sea level rise. On February 7th the Cape Cod Commission gave a presentation and update regarding an on-going study of Low-Lying Roads.

Project 3

The Town Water/Wastewater Superintendent is also working on a design for a horizontal directional drilling to relocate a water main beneath Herring River in conjunction with the Herring River Landing Project which is under the Mitigation Action # 19 third bullet. This is being done to protect the water main from impacts due to flooding, sea level rise, and an elevated water table.

Project #4

The Town has completed or is in process of completing the following Culvert Replacement Projects:

- Complete: Route 28 at Bay Bridge Road Culvert in the Pleasant Bay Watershed*
- Complete: Route 28 and Hoyt Road Culvert Project as well as a project at Coy Brook*
- Preliminary Phase: Smith and North Culvert Marsh Restoration Project*

The Town is facilitating preliminary discussions with key stakeholders including NCRS and MassDOT regarding a Culvert Replacement Program, especially for undersized culverts. These discussions will also include the State's Small Bridge Replacement Program

Project #5

The Conservation Commission oversees a Dune Restoration and Beach re-nourishment Program. Harwich is one of a few towns in Massachusetts to have a Town-wide Nourishment Permit from EPA 401, MA Chapter 91, and Army Corp of Engineers. The Town works with the Barnstable County Dredge Program to dredge Round Cove every five to ten years. The town's Dune Restoration and Beach Re-nourishment Program helps to mitigate the impacts of storm surge and flooding.

- **Mitigation Action #8** - Provide communication equipment to emergency management, Communicate local hazard mitigation planning activities with Barnstable County, neighboring towns, and Massachusetts Emergency Management Agency.

The Police and Fire Departments have emergency communication equipment that connects Barnstable County and the surrounding towns. There is also a town-wide radio system and Harwich Channel 18 that all town departments can access in addition to the reverse 911 telephone communication system.

- **Mitigation Action #9** – Conduct vulnerability assessment of town-owned facilities with site analysis that identify potential vulnerabilities to structures (i.e. what could go wrong) and recommendations for prevention of future problems.

The DPW Director and Water/Wastewater Superintendent are currently working with the Cape Cod Commission to identify low-lying roads that are susceptible to flooding and sea level rise. Other town owned infrastructure will be assessed in the near future for vulnerability issues brought on by climate change and sea level rise impacts.

- **Mitigation Action #10** – Upgrade/expand town-wide communications equipment, including radios for inter-departmental communication, and additional message boards for public communications.

There is a town-wide radio system that all town departments can access. The Highway Department has electronic variable message board signs that can be used to communicate emergency information to the public.

- **Mitigation Action #11** – Upgrade communications system for texting and emailing residents about hazards, including an emergency alert system.

The Town web page has a communication service available to citizens to receive emergency and routine email notifications. The Regroup mass notifications solution software allows residents to sign up for email notification in the event of an emergency.

- **Mitigation Action #12** – Install new pilings, docks, and fire suppression system at Saquatucket Harbor.

The project was completed in July 2018.

- **Mitigation Action #13** – Work with Coast Guard and state agencies to provide training and practice for incident command systems.

The Massachusetts Emergency Management Agency (MEMA) and the Northeast Emergency Management Training & Education Center (NEMTEC) provide frequent training and instruction opportunities at various locations throughout Massachusetts. The County Regional Emergency Management Planning Committee offers training as well.

In May 2022, The Harbormaster's Department participated in the Massachusetts Department of Environmental Protection (DEP) First Response/Geographic Response Strategy Exercise. The following objectives were achieved:

- *Objective 1: Demonstrate the ability to deploy oil spill equipment from one or more MassDEP pre-positioned oil spill response trailers using common Geographic Response Strategy (GRS) tactics.*
- *Objective 2: Demonstrate the ability to assemble a spill response organization utilizing Incident Command System (ICS) principles through execution of an Incident Briefing (ICS 201) and implementation of on-site incident management and tactical operations.*
- *Objective 3: Demonstrate the ability to effectively communicate between multiple local, state and federal agencies including fire departments, police departments, harbormasters and other state and federal first responders using VHF and UHF communications.*
- *The Harwich Harbormaster has completed ICS 100, 200, 300 and 400 training courses.*

In January 2024, the Harbormaster's Department, at the request of the Coast Guard, assisted in the search and rescue of a missing kayaker.

- **Mitigation action #14** – Upgrade Harbormaster weather equipment for early/advance data.

The Harbormaster's Department utilizes web-based weather sites on a daily basis for weather, sea state and tide information. No additional advanced weather equipment has been procured or installed.

- **Mitigation Action #15** - Update the Comprehensive Emergency Management Plan.

A draft Comprehensive Emergency Management Plan was updated in 2022.

- **Mitigation Action #16** – Continue thinning dense growth for wildfire fuel reduction at Thompsons Field (50 acres) and eventually conduct a prescribed burn.

As per the approved Mass DCR Land Management Plan, the Conservation Department has an ongoing program to thin out dense undergrowth brush and then collect, pile and burn the collection of fire fuel which is mostly pitch pine and oak. This is not a prescribed burn on the ground. Since 2017, the town has implemented this program on the same ten acres at Thompson Field. The work is done by volunteers and town hall staff in addition to the Harwich Fire Dept. The intention is to re-establish Sand Plain Grassland/Heathland in Thompsons Field.

- **Mitigation Action #17** – Monitor conditions for wildlife and provide information/outreach to the public on wildfire dangers.

The Natural Resources Department and Conservation Commission provide information to the public regarding deer, ticks, herring, coyotes, plovers, and other flora and fauna.

The Fire Department has an ongoing program which provides education to the public on the dangers of wildfire and wildfire prevention. The Fire Department also provides educational programming on fire and fire safety with the public schools.

- **Mitigation Action #18-** Continue participation and maintain standing in the NFIP's Community Rating System (CRS) program through enhanced floodplain management activities.

The Town of Harwich is committed to its participation in the CRS program to help provide residents in flood prone areas with a discount on their flood insurance. In addition, the Town will continue with its efforts to improve upon its flood plain management in order to further protect public health and safety, the environment and to reduce potential damage to public and private property.

- **Mitigation Action #19** – Replace and/or repair town landing ramps at Round Cove and Herring River.

The following is an update regarding the landing ramps at Round Cove and Herring River:

- *In May 2021, the replacement of the Round Cove boat ramp was completed by Robert B. Our, Inc. The ramp was not extended, however but the slope of the ramp was increased making it usable during all phases of the tide. In addition, the adjacent bulkhead was reconstructed along with repairs to the surrounding concrete bulkheads. The total cost of the project was \$280,803.*
- *Construction began in October of 2023, the Wixon Landing Improvement Project on the Herring River. That project is now complete.*
- *Herring River Route 28 Boat Ramp and Landing Project: The engineering design has been completed by Horsley Witton Group and supported through an APCC grant. An application for permits is in progress. The construction timeline is unknown at this point.*

- **Mitigation Action #20** – Conduct Educational Workshops for coastal and riverfront homeowners and contractors.

Information about building in coastal areas is available at the counters of the Conservation Commission, Building and Planning Departments. The Conservation Commission in partnership with other town departments hosts workshops relative to Climate Change and Sea Level Rise. The town also works closely with the Barnstable County Cooperative Extension Office and other non-profits to provide additional education on Climate Change, Sea Level Rise, and Coastal Resiliency.

- **Mitigation Action #21** – Continue beach nourishment with dredge spoils to mimic natural conditions.

The Conservation Commission oversees a Dune Restoration and Beach re-nourishment Program. Harwich is one of a few towns in Massachusetts to have a Town-wide Nourishment Permit from EPA 401, MA Chapter 91, and Army Corp of Engineers. The town's Dune Restoration and Beach Re-nourishment Program helps to mitigate the impacts of storm surge and flooding.

The Town works with the Barnstable County Dredge Program to dredge Round Cove every five to ten years. The Barnstable County dredging vessel also conducts routine maintenance of the Town channels leading in and out of the harbors. The dredge spoils are used for beach nourishment with any unused dredge spoils available for property owners with beach front lots or private beaches.

- **Mitigation Action #22** – Repair the Allen Harbor jetty and improve boat channels.
Engineering design for repairs to Allen Harbor jetty has been completed by GEI Consulting, and permit applications are ongoing. Construction scheduled for FY27.
- **Mitigation Action #23** – Continue the Town's participation in the Cape Cod Cooperative Extension Wildfire Assessment and Preparedness by applying during each grant round.
In 2023, the Barnstable County Cooperative Extension Office was denied funding to update this program.
- **Mitigation Action #24** – Enforce the State Building Code for wind-resistant design and building techniques for new construction and reconstruction during the Town's permitting process and provide information for builders.

The Building Department enforces all requirements of the State Building Code. Information regarding building in coastal areas is available at the counters of both the Building and Planning Departments.

- **Mitigation Action #25** – Protect the outer harbor and use it as a refuge.

Expansion of the Wychmere Outer Harbor mooring field is no longer being contemplated. The project was removed from the Harbormaster’s department capital plan.

- **Mitigation Action #26** – Incorporate the inspection and management of hazardous trees and limbs into the Town’s routine monitoring process.

The DPW Director also serves as the Town’s Tree Warden. In that capacity, he inspects all Town roads and deals with any dead or damaged trees within the right of way of any Town accepted street.

- **Mitigation Action #27** – Mitigation of the impacts of blowing/drifted snow.

The Highway Superintendent is responsible for snow plowing throughout the town. This includes mitigating the impacts of drifting snow.

4. Discuss why any objectives were not reached or implementation is behind schedule?
The major challenge for the town to effectively implement some strategies has been the turnover of staff and continued vacancies in Town Hall positions. Otherwise, if there were any delays or changes in objectives, the reasons have been explained in section 3.
5. What are the recommendations for new projects or revised recommendations?
The 2025 Hazard Mitigation Plan is underway. As part of the planning process the Town will evaluate and update the Action Items from the 2017 HMP as well as identify new objectives. The Town wants to ensure that the goals and objectives are consistent with federal and state policies and initiatives regarding Climate Change and Coastal Resiliency. It’s also vital that the HMP reflects the community’s needs and priorities in the hopes to ensure the town remains progressive in addressing the challenges brought on by Climate Change and Sea Level Rise.

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency

OMB Control Number: 1660-0022
Expiration: 10/31/2023

CRS COMMUNITY CERTIFICATIONS

Community <u>Harwich, Town of</u>	State <u>MA</u>	CID <u>250008</u> (6-digit NFIP Community Identification Number)
<p>Note: Please cross out any incorrect items, below, as needed, and insert the updated information.</p>		
CC-213 Recertification		
Recertification due date	May 1, 2024	
Chief Executive Officer	CRS Coordinator	
Name	Julie Kavanagh	Shelagh Delaney
Title	Chair, Select Board	Planning Assistant
Address	732 Main St Harwich, MA 02645	732 Main St Harwich, MA 02645
Phone number	(508) 430-7513	508-430-7511
E-mail address	julie.kavanagh@harwich-ma.gov	shelagh.delaney@harwich-ma.gov
<p>I hereby certify that <u>Harwich, Town of</u> [community name] is implementing the following activities on the attached pages as credited under the Community Rating System and described in our original application to the CRS and subsequent modifications.</p> <p>I hereby certify that, to the best of my knowledge and belief, we are in full compliance with the minimum requirements of the NFIP and we understand that we must remain in full compliance with the minimum requirements of the NFIP. We understand that at any time we are not in full compliance, we will retrograde to a CRS Class 10.</p> <p>I hereby certify that we will continue to maintain FEMA Elevation Certificates on all new buildings and substantial improvements constructed in the Special Flood Hazard Area following the date at which we joined the CRS.</p> <p>I hereby certify that if there are one or more repetitive loss properties in our community that we must take certain actions that include reviewing and updating the list of repetitive loss properties, mapping repetitive loss areas, describing the cause of the losses, and sending an outreach project to those areas each year, and if we have fifty (50) or more unmitigated repetitive loss properties we must earn credit under Activity 510 (Floodplain Management Planning) for either a repetitive loss area analysis (RLAA) or a floodplain management plan (FMP).</p> <p>I hereby certify that, to the best of my knowledge and belief, we are maintaining in force flood insurance policies for insurable buildings owned by us and located in the Special Flood Hazard Area (SFHA) shown on our Flood Insurance Rate Map. I further understand that disaster assistance for any community-owned building located in the SFHA is reduced by the amount of National Flood Insurance Program (NFIP) flood insurance coverage (structure and contents) that a community should be carrying on the building, regardless of whether the community is carrying a policy.</p>		
Signature _____	(Chief Executive Officer)	
Date _____		

Community Harwich, Town of

State MA

CID 250008

(6-digit NFIP Community Identification Number)

CRS Program Data Table	A. In the SFHA	B. In a regulated floodplain outside the SFHA	C. In the rest of the community
1. Last report's number of buildings in the SFHA (bSF) (line 6, last report)	927		
2. Number of new buildings constructed since last report	+ 0		
3. Number of buildings removed/demolished since last report	- 0		
4. Number of buildings affected by map revisions since last report (+ or -)	0		
5. Number of buildings affected by corporate limits changes (+ or -)	0		
6. Current total number of buildings in the SFHA (bSF) (total lines 1-5)	927		
7. Number of substantial improvement/damage projects since last report	1		
8. Number of repetitive loss properties mitigated since last report	0		
9. Number of LOMRs and map revisions (not LOMAs) since last report	0		
10. Acreage of the SFHA (aSFHA) as of the last report (line 13, last report)	1888		
11. Acreage of area(s) affected by map revisions since last report (+ or -)	0		
12. Acreage of area(s) affected by corporate limits changes (+ or -)	0		
13. Current acreage of the SFHA (total lines 10-12)	1888		
14. Primary source for building data:	Town of Harwich Building Department		
15. Primary source for area data:	NFHL, MassGIS		
16. Period covered:	May 1, 2023-April 30, 2024	Current FIRM date	July 16, 2014
<i>If available, the following data would be useful:</i>			
17. Number of new manufactured homes installed since last report			
18. Number of other new 1 -4 family buildings constructed since last report			
19. Number of all other buildings constructed/installed since last report			

Comments:

(Please note the number of the line to which the comment refers.)

Community Harwich, Town of State MA CID 250008
(6-digit NFIP Community Identification Number)

Instructions

At the first verification visit after the effective date of the 2013 *CRS Coordinator's Manual*, ONLY LINES 6 AND 13 NEED TO BE COMPLETED. These lines form the baseline data about the number of buildings and area of the SFHA for when the table is completed as part of the next annual recertification. The "period covered" entered in line 16 is the date that lines 6 and 13 are first completed. At all subsequent annual recertifications and cycle verification visits, the entire table is completed. The information in lines 6 and 13 from the last report is transferred to lines 1 and 10 in the next report.

Instructions for the Columns

Column A numbers are for the SFHA (the A and V Zones shown on the Flood Insurance Rate Map) (FIRM)). Use the FIRM currently in effect, not a draft or pending revision.

Column B is completed only if the community receives CRS credit for regulating floodplain development outside the SFHA under Activity 410 (Floodplain Mapping) or Activity 430 (Higher Regulatory Standards).

Column C numbers help relate what happens in the floodplain to what is happening in the rest of the community. Enter "0" if there are no numbers to report for this period. Do not leave a cell blank. Do not fill in the shaded boxes.

Instructions for the Lines

Lines 1-7 deal with buildings.

- o Section 301.a of the *CRS Coordinator's Manual* defines what constitutes a "building" and lists examples of structures that are not counted as "buildings" by the CRS.
- o Section 302.a of the *CRS Coordinator's Manual* describes how the CRS counts buildings. For example, accessory structures are not counted.
- o As noted in Section 302.a, to determine building counts, communities may use any method that yields reasonably good estimates of the number of buildings. Examples of acceptable methods are listed in Section 302.a. Precision is less important for large numbers. For example, the impact of the numbers will not change much if there are 10,000 buildings or 10,100 buildings.
- o If a building is out of the SFHA, but in a parcel that is partly in the SFHA, it is not counted in column A --In the SFHA.
- o In line 14, note how the building counts were obtained or estimated. Use the comments area, if needed.

Line 4 refers to map revisions. These include physical map revisions, Letters of Map Revision (LOMR), and Letters of Map Amendment (LOMA). If a building is removed from the SFHA by FEMA through a LOMA, but the community still administers its floodplain management regulations on the property, the building should not be included in the line 4 count in column A --In the SFHA. However, communities that still regulate areas removed by LOMAs can receive credit under Activities 410 or 430. If the community is receiving such credit, the building should be counted under column B --In a regulated floodplain outside the SFHA.

Line 7 is for the total number of buildings that were substantially improved plus the number of buildings that were substantially damaged during the period covered.

Lines 10 -13 deal with areas.

- o These areas are based on the areas shown on the community's FIRM including LOMRs or LOMAs. Section 403.b discusses those portions of the SFHA that are subtracted from the area of the SFHA to calculate the community's aSFHA used in credit calculations.
- o Section 403.e of the *CRS Coordinator's Manual* discusses calculating areas for CRS purposes.
- o Section 403.e notes that communities "should not spend an inordinate amount of time measuring areas." As with buildings, communities may use any method that yields reasonably good estimates. Examples of acceptable approaches are listed in Section 403.e.
- o Line 13 asks for the current acreage of the SFHA. The best source for this number is a GIS layer that shows the SFHA. If the community does not have GIS, the county, regional agency, or state NFIP mapping office may have SFHA layers and may be able to provide the data. If the community has a relatively recent FIRM, the study contractor or consulting engineer may have the data.
- o In line 15, note how the area calculations were obtained or estimated. Use the comments area, if needed.

Lines 17 -19 are voluntary, if the numbers are readily available.


- o Line 17 includes replacing an existing manufactured home with a new one. The newly placed manufactured home is counted as a new, post-FIRM, building.
- o The total of lines 17 -19 should equal the value entered in line 2.

CC-213-3


COMMUNITY RATING SYSTEM ANNUAL RECERTIFICATION


Your community has been verified as receiving CRS credit for the following Activities.


- If your community is still implementing these activities the CRS coordinator is required to put his or her initials in the blank (do not use a checkmark or an "X") and **attach** the appropriate items. A blank with no initials indicates you are not implementing that Activity anymore, and will result in loss of points (and possible CRS Class).
- If the word "**attached**" is used you must provide the requested documentation for that Activity. If no documentation has been acquired for that Activity, please explain why there is no documentation from the past year.

 310 EC: We are maintaining Elevation Certificates, Floodproofing Certificates, Basement Floodproofing Certificates, V Zone design certificates and engineered opening certificates on all new construction and substantially improved buildings in our Special Flood Hazard Area (SFHA) and make copies of all Certificates available at our present office location. [] *Initial here is you have had no new construction or substantial improvement in the SFHA in the last year.*


 310 EC: **Attached is the permit list for only new or substantially improved structures in the SFHA that have been completed in the last year.** We have permitted ___ new building and substantial improvements in the SFHA during this reporting period.

 310 EC: **Attached are all the Certificates for new or substantially improved structures that have been completed during this reporting period that are included on the above permit list.** (Note: The total number of Elevation and Floodproofing certificates should match the number of permits issued and completed within the reporting period defined above. All permits issued for new construction or substantial improvement within the V zone should have both an Elevation Certificate and a V Zone Certificate, and all buildings with basements within the basement exemption communities should have both an Elevation Certificate and a Basement Floodproofing Certificate).

 320 MI 1: We are providing basic flood information to inquirers. We also continue to provide the following to inquirers:

-  MI 2 additional FIRM information
 MI 6 historical flood information
 MI 7 natural floodplain functions


 320 MI: **Attached is a copy of the publicity for the credited elements of this service this year.**


 320 MI: **Attached is a copy of one page of the log, or 3 letters if using letters or other like records to document the service.**

COMMUNITY RATING SYSTEM ANNUAL RECERTIFICATION

- D 320 MI: We are continuing to keep our FIRM updated and maintain old copies of our FIRM.
- D 330 OP: We continue to conduct or provide all credited outreach projects.
- D 340 ODR: People looking to purchase flood prone property are being advised of the flood hazard through our credited hazard disclosure measures.
- D 350 LIB/LPD: Our public library continues to maintain flood protection materials.
- D 350 WEB: We continue to conduct an annual review and update of the information and links in our flood protection website.
- D 420 OSP: We continue to preserve our open space in the floodplain.
- D 430: We continue to enforce the floodplain management provisions of our zoning, subdivision and building code ordinances for which we are receiving credit.
D Initial here if you have amended your floodplain regulations. **Attach a copy of the amended regulations, provide a summary of the changes and mark up the regulations indicating what's been changed.**
- D 430 RA: We continue to enforce our procedures for administering our floodplain management regulations. If applicable, we also continue to employ CFMs and staff who took credited training courses. We currently have 0 CFMs on staff.
- D 440 AMD: We continue to use and update our flood data maintenance system on an annual basis as needed.
- D 440 FM: We continue to maintain our historical Flood Hazard Boundary Map, FIRMs and Flood Insurance Studies.
- D 502 RL: We currently have 3 repetitive loss properties and send our notice to 16 properties in the repetitive loss areas.
- D 502 RL: **Attached is a copy of this year's notice on property protection, flood insurance and financial assistance that we sent to our repetitive loss areas.**
- D 510 FMP: **Attached is a copy of our floodplain management plan's annual progress report for the action items contained in the plan.** We have included a progress report template for you to use (in the email notification) if you don't have one of your own.
- D 510 FMP/RLAA/FSP: We have provided copies of this/these progress report(s) to our governing board and local media.

COMMUNITY RATING SYSTEM ANNUAL RECERTIFICATION

 540 CDR: We continue to implement our drainage system maintenance program.

 540 CDR: **Attached is one completed copy of a typical inspection report and one completed copy of the record that shows that any needed maintenance was performed on the credited components of our natural drainage system.**

Additional Comments:

Attachments:

CRS 2024 Application Attachments

- Memo to Harwich Select Board for their review and signature;
- Credited Hazard Disclosure Brochure;
- Mitigation Funding Programs Brochure;
- Building Science for Disaster-Resistant Communities Brochure;
- FIRMs memo;
- 320 Guide – Cape Cod Cooperative Extension
- Repetitive Loss Abutters List;
- Letter sent to repetitive loss abutters;
- Mailing List of realtors and Lenders receiving brochures;
- Letter to Lenders and Realtors;
- Certified copy of amended Harwich Flood Plain Bylaw;
- 310 Permit List;
- Elevation Certificate for Trinity Cove

U.S. DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
National Flood Insurance Program

OMB Control No. 1660-0008
Expiration Date: 06/30/2026

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION		FOR INSURANCE COMPANY USE
A1. Building Owner's Name: <u>Michael and Mary-Beth Donovan</u>		Policy Number: _____
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: <u>5 Trinity Cove</u>		Company NAIC Number: _____
City: <u>Harwich Port</u> State: <u>MA</u> ZIP Code: <u>02646</u>		
A3. Property Description (e.g., Lot and Block Numbers or Legal Description) and/or Tax Parcel Number: <u>Harwich Assrs Parcel ID 1-3E-9-0; Barnstable County Registry, Deed Book 33123 Page 269, Lot 9 Plan Book 106 Page 61</u>		
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.): <u>Residential</u>		
A5. Latitude/Longitude: Lat. <u>41.65992</u> Long. <u>-70.11469</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input type="checkbox"/> NAD 1983 <input checked="" type="checkbox"/> WGS 84		
A6. Attach at least two and when possible four clear photographs (one for each side) of the building (see Form pages 7 and 8).		
A7. Building Diagram Number: <u>9</u>		
A8. For a building with a crawlspace or enclosure(s):		
a) Square footage of crawlspace or enclosure(s): <u>1,086.00</u> sq. ft.		
b) Is there at least one permanent flood opening on two different sides of each enclosed area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
c) Enter number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade: Non-engineered flood openings: _____ Engineered flood openings: <u>6</u>		
d) Total net open area of non-engineered flood openings in A8.c: _____ sq. in.		
e) Total rated area of engineered flood openings in A8.c (attach documentation - see Instructions): <u>1,200.00</u> sq. ft.		
f) Sum of A8.d and A8.e rated area (if applicable - see Instructions): _____ sq. ft.		
A9. For a building with an attached garage:		
a) Square footage of attached garage: <u>198.00</u> sq. ft.		
b) Is there at least one permanent flood opening on two different sides of the attached garage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A		
c) Enter number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade: Non-engineered flood openings: _____ Engineered flood openings: _____		
d) Total net open area of non-engineered flood openings in A9.c: _____ sq. in.		
e) Total rated area of engineered flood openings in A9.c (attach documentation - see Instructions): _____ sq. ft.		
f) Sum of A9.d and A9.e rated area (if applicable - see Instructions): _____ sq. ft.		
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION		
B1.a. NFIP Community Name: <u>Harwich</u>		B1.b. NFIP Community Identification Number: <u>250008</u>
B2. County Name: <u>Barnstable</u>	B3. State: <u>MA</u>	B4. Map/Panel No.: <u>0611</u> B5. Suffix: <u>J</u>
B6. FIRM Index Date: <u>07/16/2014</u>		B7. FIRM Panel Effective/Revised Date: <u>07/16/2014</u>
B8. Flood Zone(s): <u>AE</u>		B9. Base Flood Elevation(s) (BFE) (Zone AO, use Base Flood Depth): <u>13</u>
B10. Indicate the source of the BFE data or Base Flood Depth entered in Item B9: <input type="checkbox"/> FIS <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other: _____		
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____		
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA		
B13. Is the building located seaward of the Limit of Moderate Wave Action (LiMWA)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: <u>5 Trinity Cove</u>	FOR INSURANCE COMPANY USE
City: <u>Harwich Port</u> State: <u>MA</u> ZIP Code: <u>02646</u>	Policy Number: _____
	Company NAIC Number: _____

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

- C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.
- C2. Elevations – Zones A1–A30, AE, AH, AO, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO, A99. Complete Items C2.a–h below according to the Building Diagram specified in Item A7. In Puerto Rico only, enter meters.
Benchmark Utilized: NGS OPUS Solution Vertical Datum: NAVD 1988

Indicate elevation datum used for the elevations in items a) through h) below.

- NGVD 1929 NAVD 1988 Other: _____

Datum used for building elevations must be the same as that used for the BFE. Conversion factor used? Yes No

If Yes, describe the source of the conversion factor in the Section D Comments area.

Check the measurement used:

- | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------|--------------|--------------------------------------------------------------------------|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor): | <u>9.32</u> | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters |
| b) Top of the next higher floor (see Instructions): | <u>15.03</u> | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters |
| c) Bottom of the lowest horizontal structural member (see Instructions): | _____ | <input type="checkbox"/> feet <input type="checkbox"/> meters |
| d) Attached garage (top of slab): | <u>10.06</u> | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters |
| e) Lowest elevation of Machinery and Equipment (M&E) servicing the building (describe type of M&E and location in Section D Comments area): | <u>14.43</u> | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters |
| f) Lowest Adjacent Grade (LAG) next to building: <input type="checkbox"/> Natural <input checked="" type="checkbox"/> Finished | <u>9.03</u> | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters |
| g) Highest Adjacent Grade (HAG) next to building: <input type="checkbox"/> Natural <input checked="" type="checkbox"/> Finished | <u>10.73</u> | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters |
| h) Finished LAG at lowest elevation of attached deck or stairs, including structural support: | <u>8.56</u> | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters |

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by state law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No

Check here if attachments and describe in the Comments area.

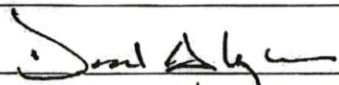
Certifier's Name: David A Lyttle License Number: MA 34620

Title: Professional Land Surveyor

Company Name: Ryder & Wilcox, Inc.

Address: PO Box 439

City: South Orleans State: MA ZIP Code: 02662

Signature:  Date: 12/8/2023

Telephone: (508) 255-8312 Ext.: _____ Email: davidlyttle@ryder-wilcox.com



Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including source of conversion factor in C2; type of equipment and location per C2.e; and description of any attachments):

The information provided hereon relates to the newly constructed addition only.
The equipment servicing the dwelling at EL 14.43' are exterior AC units, all other equipment is located at or above EL 15.03'.
6 Smart Vent Dual Function Flood Vents were installed which accommodate a total floor area of 1200s.f.

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 5 Trinity Cove	FOR INSURANCE COMPANY USE
City: <u>Harwich Port</u> State: <u>MA</u> ZIP Code: <u>02646</u>	Policy Number: _____ Company NAIC Number: _____

**SECTION E - BUILDING MEASUREMENT INFORMATION (SURVEY NOT REQUIRED)
FOR ZONE AO, ZONE AR/AO, AND ZONE A (WITHOUT BFE)**

For Zones AO, AR/AO, and A (without BFE), complete Items E1-E5. For Items E1-E4, use natural grade, if available. If the Certificate is intended to support a Letter of Map Change request, complete Sections A, B, and C. Check the measurement used. In Puerto Rico only, enter meters.

Building measurements are based on: Construction Drawings* Building Under Construction* Finished Construction
 *A new Elevation Certificate will be required when construction of the building is complete.

E1. Provide measurements (C.2.a in applicable Building Diagram) for the following and check the appropriate boxes to show whether the measurement is above or below the natural HAG and the LAG.

a) Top of bottom floor (including basement, crawlspace, or enclosure) is: _____ feet meters above or below the HAG.

b) Top of bottom floor (including basement, crawlspace, or enclosure) is: _____ feet meters above or below the LAG.

E2. For Building Diagrams 6-9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1-2 of Instructions), the next higher floor (C2.b in applicable Building Diagram) of the building is: _____ feet meters above or below the HAG.

E3. Attached garage (top of slab) is: _____ feet meters above or below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is: _____ feet meters above or below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? Yes No Unknown The local official must certify this information in Section G.

SECTION F - PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without BFE) or Zone AO must sign here. *The statements in Sections A, B, and E are correct to the best of my knowledge*

Check here if attachments and describe in the Comments area.

Property Owner or Owner's Authorized Representative Name: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Signature: _____ Date: _____

Telephone: _____ Ext.: _____ Email: _____

Comments: _____

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 5 Trinity Cove	FOR INSURANCE COMPANY USE
City: <u>Harwich Port</u> State: <u>MA</u> ZIP Code: <u>02646</u>	Policy Number: _____
	Company NAIC Number: _____

SECTION G - COMMUNITY INFORMATION (RECOMMENDED FOR COMMUNITY OFFICIAL COMPLETION)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Section A, B, C, E, G, or H of this Elevation Certificate. Complete the applicable item(s) and sign below when:

- G1. The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by state law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2.a. A local official completed Section E for a building located in Zone A (without a BFE), Zone AO, or Zone AR/AO, or when item E5 is completed for a building located in Zone AO.
- G2.b. A local official completed Section H for insurance purposes.
- G3. In the Comments area of Section G, the local official describes specific corrections to the information in Sections A, B, E and H.
- G4. The following information (Items G5-G11) is provided for community floodplain management purposes.
- G5. Permit Number: _____ G6. Date Permit Issued: _____
- G7. Date Certificate of Compliance/Occupancy Issued: _____
- G8. This permit has been issued for: New Construction Substantial Improvement
- G9.a. Elevation of as-built lowest floor (including basement) of the building: _____ feet meters Datum: _____
- G9.b. Elevation of bottom of as-built lowest horizontal structural member: _____ feet meters Datum: _____
- G10.a. BFE (or depth in Zone AO) of flooding at the building site: _____ feet meters Datum: _____
- G10.b. Community's minimum elevation (or depth in Zone AO) requirement for the lowest floor or lowest horizontal structural member: _____ feet meters Datum: _____
- G11. Variance issued? Yes No If yes, attach documentation and describe in the Comments area.

The local official who provides information in Section G must sign here. *I have completed the information in Section G and certify that it is correct to the best of my knowledge. If applicable, I have also provided specific corrections in the Comments area of this section.*

Local Official's Name: _____ Title: _____

NFIP Community Name: _____

Telephone: _____ Ext.: _____ Email: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Signature: _____ Date: _____

Comments (including type of equipment and location, per C2.e; description of any attachments; and corrections to specific information in Sections A, B, D, E, or H):

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:
5 Trinity Cove

City: Harwich Port State: MA ZIP Code: 02646

FOR INSURANCE COMPANY USE

Policy Number: _____

Company NAIC Number: _____

SECTION H – BUILDING'S FIRST FLOOR HEIGHT INFORMATION FOR ALL ZONES (SURVEY NOT REQUIRED) (FOR INSURANCE PURPOSES ONLY)

The property owner, owner's authorized representative, or local floodplain management official may complete Section H for all flood zones to determine the building's first floor height for insurance purposes. Sections A, B, and I must also be completed. Enter heights to the nearest tenth of a foot (nearest tenth of a meter in Puerto Rico). *Reference the Foundation Type Diagrams (at the end of Section H Instructions) and the appropriate Building Diagrams (at the end of Section I Instructions) to complete this section.*

H1. Provide the height of the top of the floor (as indicated in Foundation Type Diagrams) above the Lowest Adjacent Grade (LAG):

a) For Building Diagrams 1A, 1B, 3, and 5-9. Top of bottom _____ 0.29 feet meters above the LAG floor (include above-grade floors only for buildings with subgrade crawlspaces or enclosure floors) is:

b) For Building Diagrams 2A, 2B, 4, and 6-9. Top of next higher floor (i.e., the floor above basement, crawlspace, or enclosure floor) is: _____ 6.00 feet meters above the LAG

H2. Is all Machinery and Equipment servicing the building (as listed in Item H2 instructions) elevated to or above the floor indicated by the H2 arrow (shown in the Foundation Type Diagrams at end of Section H instructions) for the appropriate Building Diagram?

Yes No

SECTION I – PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION

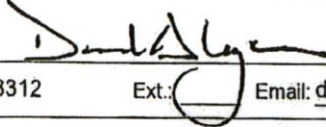
The property owner or owner's authorized representative who completes Sections A, B, and H must sign here. *The statements in Sections A, B, and H are correct to the best of my knowledge. Note: If the local floodplain management official completed Section H, they should indicate in Item G2.b and sign Section G.*

Check here if attachments are provided (including required photos) and describe each attachment in the Comments area.

Property Owner or Owner's Authorized Representative Name: David A Lyttle

Address: c/o Ryder & Wilcox, Inc. PO Box 439

City: South Orleans State: MA ZIP Code: 02662

Signature:  Date: 12/8/2023

Telephone: (508) 255-8312

Ext.: _____

Email: davidlyttle@ryder-wilcox.com

Comments:

ELEVATION CERTIFICATE
IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19
BUILDING PHOTOGRAPHS

See Instructions for Item A6.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:
5 Trinity Cove

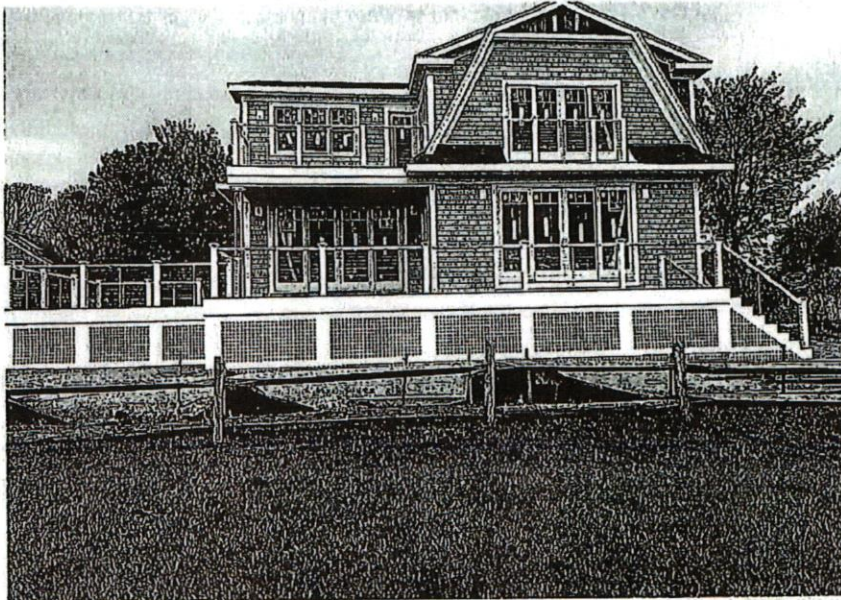
City: Harwich Port State: MA ZIP Code: 02646

FOR INSURANCE COMPANY USE

Policy Number: _____

Company NAIC Number: _____

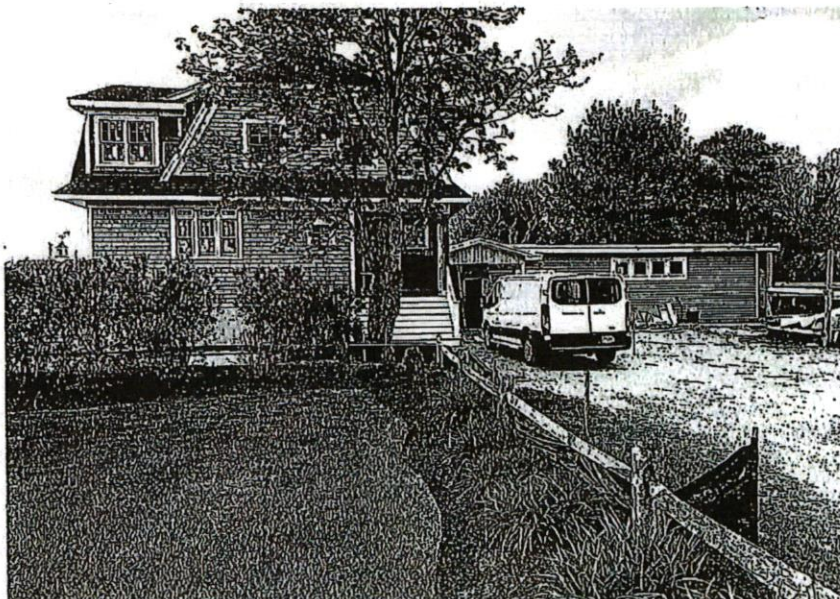
Instructions: Insert below at least two and when possible four photographs showing each side of the building (for example, may only be able to take front and back pictures of townhouses/rowhouses). Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." Photographs must show the foundation. When flood openings are present include at least one close-up photograph.



EAST
SIDE

Photo One Caption

Clear Photo One



NORTH
SIDE

Photo Two Caption:

Clear Photo Two

ELEVATION CERTIFICATE
IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19
BUILDING PHOTOGRAPHS

Continuation Page

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:
 5 Trinity Cove

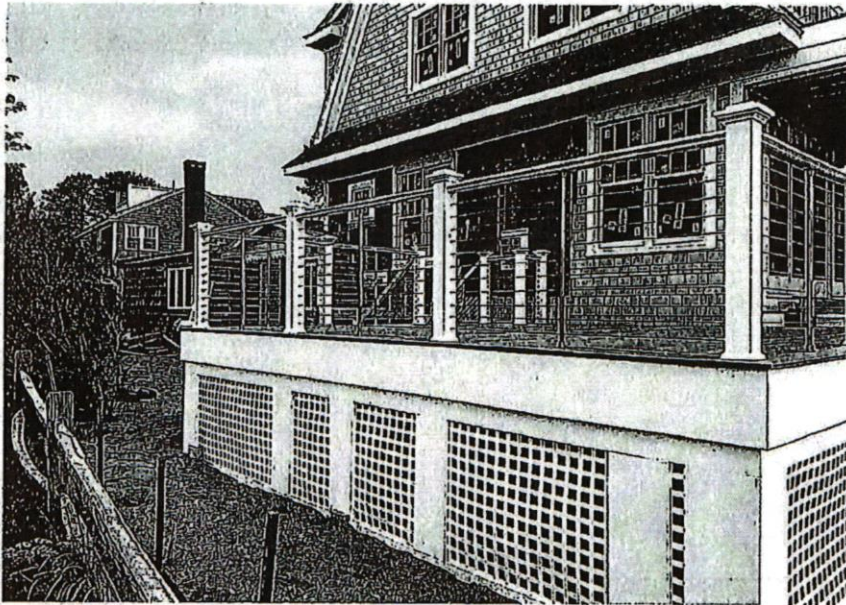
FOR INSURANCE COMPANY USE

City: Harwich Port State: MA ZIP Code: 02646

Policy Number: _____

Company NAIC Number: _____

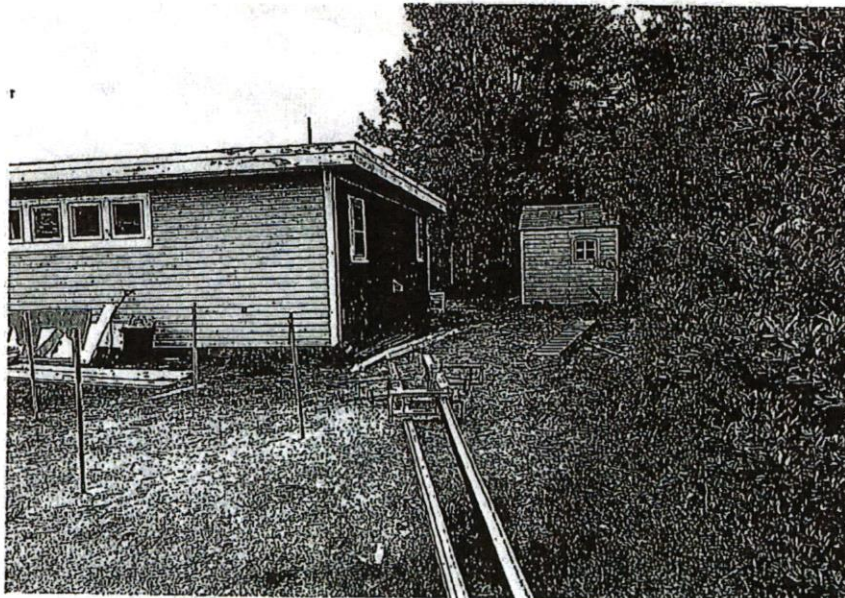
Insert the third and fourth photographs below. Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections AA and AQ



SOUTH
SIDE

Photo Three Ca

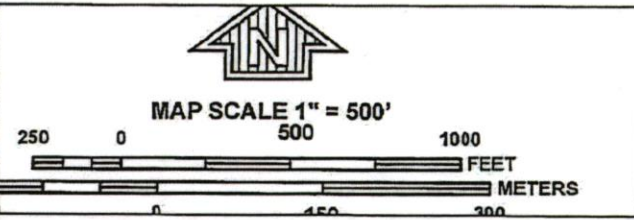
Clear Photo Three



WEST
SIDE

Photo Four Capti

Clear Photo Four



NFIP
NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0611J

FIRM
FLOOD INSURANCE RATE MAP
BARNSTABLE COUNTY,
MASSACHUSETTS
(ALL JURISDICTIONS)

PANEL 611 OF 875
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
DENNIS, TOWN OF	250005	0611	J
HARWICH, TOWN OF	250008	0611	J

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
 25001C0611J
EFFECTIVE DATE
 JULY 16, 2014

Federal Emergency Management Agency

JOINS PANEL 0613

407,000m E
 LIMIT OF MODERATE
 WAVE ACTION

This is an official copy of a portion of the above referenced flood map. It was extracted using FIRMeIte - Desktop version 3.0. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. Further information about National Flood Insurance Program flood hazard maps is available at <http://www.msc.fema.gov/>.

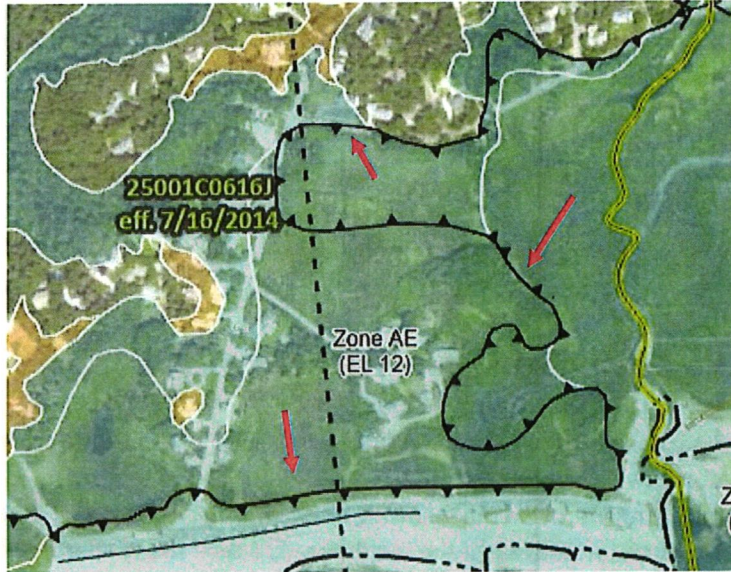


CAPE COD COOPERATIVE EXTENSION

COMMUNITY RATING SYSTEM

ACTIVITY 320: MAP INFORMATION SERVICE GUIDE

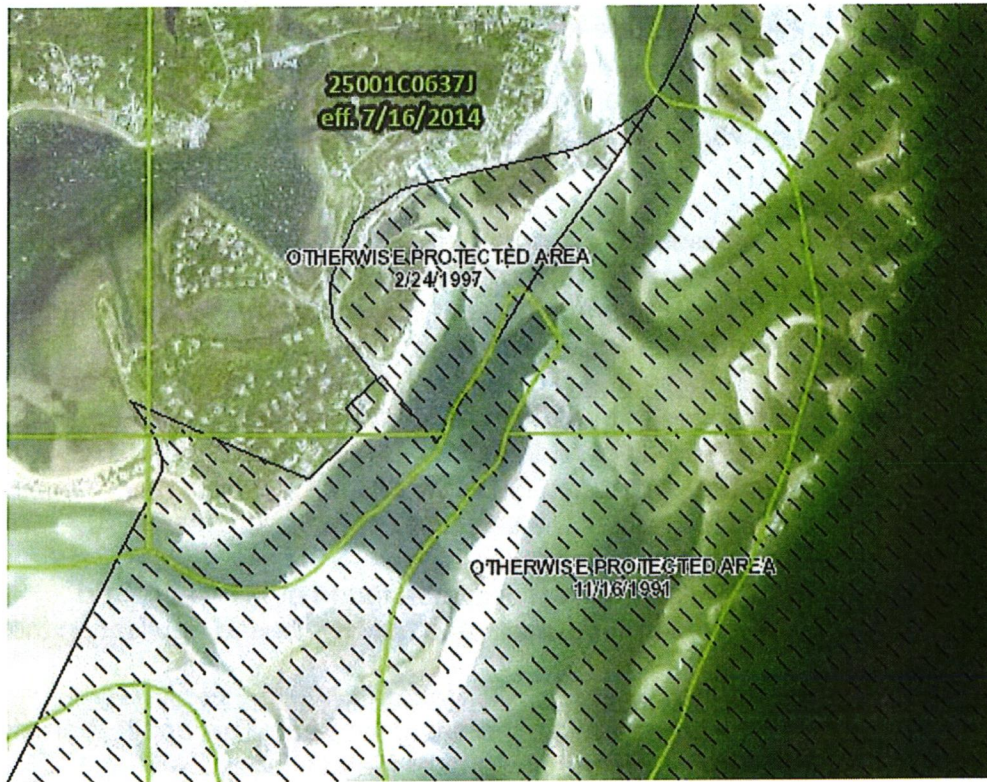
1. Providing insurance information from the Flood Insurance Rate Map (FIRM)
 - Use [FEMA's National Flood Hazard Layer Viewer](#) for easiest access to information below
 - Providing a copy of the Elevation Certificate for the property, if available, can suffice for the providing the information below
 - **If requested**, the community **MUST** provide the following FIRM information (only the specific information requested must be provided; e.g. **if the inquirer only asks if the property is in a floodplain, that is all they must be told**):
 - Whether the property is in a Special Flood Hazard Area (zones beginning with the letters A or V)
 - If the property is located in the SFHA, the inquirer must be informed of the mandatory purchase requirement. This may be done by advising the inquirer that flood insurance may be required because of the property's location. (The law is that any structure located in the floodplain with a federally backed mortgage must carry flood insurance.)
 - If a property is too close to the SFHA boundary to determine the building's FIRM zone, the community may give the inquirer a copy of the FIRM and advise that the FIRM zone cannot be determined based on the map information available.
 - The community number (250008)
 - The panel number and suffix (this can be found on the paper maps or by using FEMA's [Map Service Center](#))
 - The date of the FIRM's index (cover panel) (found through the [Map Service Center](#))
 - The FIRM zone, e.g. AE, VE, X, AO, etc.
 - The base flood elevation (the depth in AO Zones) where shown on the FIRM
 - A note should be made how the insurance information was given – L = a letter or other written communication (e.g. email); V = told verbally in-person or over the phone
2. Limit of Moderate Wave Action / Coastal Barrier Resource Area information
 - Inquirers should be told whether the property in question is located within the Limit of Moderate Wave Action (LiMWA) as shown on the FIRM. This is area, known as the Coastal A-Zone, has a higher risk of wave damage than in the rest of the A-zone with wave heights expected to be between 1.5 and 3 feet. The inquirer must be advised that waves and velocity from coastal storms and hurricanes can cause significant damage to a structure that is not properly elevated on an open foundation and protected from erosion and scour. The LiMWA line is black with black triangles as demonstrated below:



- Inquirers should be told whether the property is located in a Coastal Barrier Resource Area or Otherwise Protected Area as shown on the FIRM. If so, the community must advise the inquirer that flood insurance, federal disaster assistance, and other types of federal financial assistance are not available for buildings constructed or substantially improved after the effective date of designation, as shown on the FIRM. More information on the Coastal Barrier Resources System can be found at www.fws.gov/CBRA. CBRS Areas look like the following hashed area:



Otherwise Protected Areas look like the following:



3. Flood information that is not shown on the FIRM. This could be areas that are prone to urban drainage/stormwater flooding with heavy rains, or areas subject to future sea level rise if the town wants to share that information. The best source for stormwater/urban drainage flooding is local knowledge.
4. Areas subject to Conservation Commission regulation or sensitive areas in the floodplain that should be protected for natural floodplain functions
 - Inquirers should be told whether the property is located in a sensitive area with natural floodplain functions (e.g. wetlands) and that it is subject to regulation by the Conservation Commission. The inquirer should be told that these areas provide natural flood protection, wildlife habitat, water quality protection, and other functions contributing to the overall health and well-being of the community. There is a wetlands layer in the town GIS and the Conservation Agents may be able to identify other sensitive areas.

For questions please contact Shannon Hulst, CRS & Floodplain Coordinator, Cape Cod Cooperative Extension, Barnstable County, at 508-375-6952 or Shannon.Hulst@capecod.gov.

FEMA FLOOD INSURANCE RATE MAPS (FIRMS) AND THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

The current Flood Insurance Rate Maps for the Town of Harwich went into effect on July 16, 2014. As part of the Town's participation in the National Flood Insurance Program we are required to maintain public map viewing. (Concerned property owners should seek advice from their mortgage holder or insurer.)

The Town of Harwich possesses the paper maps and they are available for public viewing at the Planning Office, located on the second floor of the Town Hall, 732 Main Street, Harwich, upon request. **These are the exact same maps found online at FEMA'S Map Service Center:**

<https://msc.fema.gov/portal/search>. This site uses an address look-up search technique and a zooming technique. Be sure to include Harwich MA (or any town and state) after the address for all address look-up products. Select MAP IMAGE to see a digital copy of the paper map or DYNAMIC MAP (highly recommended) to create a snapshot and legend of the selected search address.

Another free but 'simplified' mapping tool can be found at the **Cape Cod Commission's Resource Center**. This is another web based application that is easy to navigate:

http://gisservices.capecodcommission.org/apps/JS_Developing/FEMA_Floodplains/Index.htm.

Click on the **search by address** link in the navigation bar. This application also uses an address look-up search and has a user friendly legend.

Many answers can be found on the **FEMA Flood Smart** website including finding a local agent to assist with your insurance questions as well as details regarding the **Homeowner Flood Insurance Affordability Act (HFIAA)** (<https://www.floodsmart.gov/>).

Older building permits and/or septic plans contain very limited information regarding elevations and/or top of foundation information. For newer construction of structures and septic systems some information may be available but only if your design professional supplied the information to the Town. Check directly with your design professional.

Hiring a local land surveyor or engineer may be necessary to meet your lender's and insurer's requirements. Property owners looking to mitigate higher insurance costs are encouraged to seek advice from a local builder or builders' association.

The Planning staff and Building Officials are available to assist residents with general information during regular Town Hall business hours. The Planning Department is the Community Rating Systems Coordinator for the Town of Harwich and may be reached by phone at 508-430-7511. Email requests are always welcomed by contacting Shelagh Delaney, Planning Assistant at Shelagh.delaney@harwich-ma.gov.

Town	Work Date	Site #	Work Type	Work Type2	Work Type3
Harwich	8/1/2023	75.2	Checked	<null>	<null>
Harwich	8/1/2023	639Y	Checked	<null>	<null>
Harwich	8/1/2023	652W	Checked	<null>	<null>
Harwich	8/3/2023	75.5	Checked	<null>	<null>
Harwich	8/3/2023	75.2	Checked	<null>	<null>
Harwich	8/3/2023	70.2	Checked	<null>	<null>
Harwich	8/3/2023	70.2B	Checked	<null>	<null>
Harwich	8/3/2023	70.7	Checked	<null>	<null>
Harwich	8/7/2023	75.2	Checked	<null>	<null>
Harwich	8/7/2023	614	Checked	<null>	<null>
Harwich	8/7/2023	614A	Checked	<null>	<null>
Harwich	8/7/2023	650Y	Checked	<null>	<null>
Harwich	8/8/2023	659B	Checked	<null>	<null>
Harwich	8/8/2023	621A	Checked	<null>	<null>
Harwich	8/9/2023	632A	Checked	<null>	<null>
Harwich	8/9/2023	626Z	Checked	<null>	<null>
Harwich	8/10/2023	75.3	Checked	<null>	<null>
Harwich	8/14/2023	75.2	Checked	<null>	<null>
Harwich	8/14/2023	612	Checked	<null>	<null>
Harwich	8/14/2023	612Z	Checked	<null>	<null>
Harwich	8/14/2023	608E	Checked	<null>	<null>
Harwich	8/14/2023	654U	Checked	<null>	<null>
Harwich	8/14/2023	641L	Checked	<null>	<null>
Harwich	8/14/2023	638X	Checked	<null>	<null>
Harwich	8/15/2023	657Z	Opened Pipe	<null>	<null>
Harwich	8/15/2023	647W	Cleaned	Shoveled	<null>
Harwich	8/15/2023	641E	Checked	<null>	<null>
Harwich	8/16/2023	652Z	Checked	<null>	<null>
Harwich	8/16/2023	652S	Checked	<null>	<null>
Harwich	8/16/2023	650Y	Checked	<null>	<null>
Harwich	8/16/2023	526Z	Checked	<null>	<null>
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Harwich	8/18/2023	75.5	Checked	<null>	<null>
Harwich	8/18/2023	70.2	Checked	<null>	<null>

Harwich	8/18/2023	621A	Checked	<null>	<null>
Harwich	8/18/2023	620	Checked	<null>	<null>
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Harwich	8/24/2023	639Y	Checked	<null>	<null>
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Harwich	8/28/2023	647Y	Checked	<null>	<null>
Harwich	8/28/2023	620V	Checked	<null>	<null>
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Harwich	8/29/2023	626D	Checked	<null>	<null>
Harwich	8/29/2023	626C	Checked	<null>	<null>
Harwich	8/29/2023	626F	Checked	<null>	<null>
Harwich	8/30/2023	626A	Checked	<null>	<null>
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Harwich	8/30/2023	647Z	Checked	<null>	<null>
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Harwich	8/31/2023	70.2	Checked	<null>	<null>
Harwich	8/31/2023	654U	Checked	<null>	<null>
Harwich	8/31/2023	654V	Checked	<null>	<null>
Harwich	8/31/2023	650Y	Checked	<null>	<null>



TOWN OF HARWICH PLANNING DEPARTMENT

Christine Flynn
Director of Planning & Community Development
Shelagh Delaney Planning Assistant

February 21, 2024

You are receiving this letter because your property is located near an area that has flooded several times. This has no bearing on your flood insurance costs; we are telling you this so that you can take additional measures to protect yourself and your property if you choose.

The Town of Harwich participates in the National Flood Insurance Program's (NFIP) Community Rating System (CRS), which provides discounts on flood insurance for NFIP policyholders. As part of the requirements for participating in this program, we must alert property owners that are located near repeatedly flooded areas.

There are many things you can do to protect your property from flood damage. You can make structural changes, purchase or increase your flood insurance coverage, and take actions to reduce damage right before a flood. Below is a list of things you can do to protect your family and property from flooding.

1. Prepare for flooding by doing the following:
 - Obtain a flood insurance policy. Homeowner's insurance does not cover flood damage. Begin by talking to your insurance agent or visiting www.floodsmart.gov. Because the Town of Orleans participates in the CRS, you will likely receive a discount on your flood insurance policy.
 - Find out if your property is in a flood zone. Visit FEMA's Map Service Center at www.msc.fema.gov or visit the Planning Department at Town Hall, 732 Main Street, Harwich. You may also call 508-430-7511 for assistance.
 - Know how to shut off the electricity and gas to your house when a flood comes.
 - Make a list of emergency numbers and identify a safe place to go in the event of an evacuation (friend or family out of harm's way, hotel, shelter, etc.).
 - Make a household inventory of belongings to make processing of insurance claims easier (and review your policy so you know what is covered).
 - Put insurance policies, valuable papers, medicine, etc. in a safe and easily accessible location; bring them with you if you leave.
 - Collect and put cleaning supplies, camera, waterproof boots, etc. in a handy place.
 - Relocate belongings from the basement to a higher floor.
 - Develop a disaster response plan. See the Red Cross's website at www.redcross.org for information about preparing your family and home for a disaster.
 - Get a copy of "Repairing Your Flooded Home". It is available from www.redcross.org. There are also more publications about post-flood safety and recovery available online through the Cape Library Automated Materials Sharing (CLAMS) system; they can be found by searching for "FEMA flood protection".

TOWN OF HARWICH PLANNING DEPARTMENT

Christine Flynn
Director of Planning & Community Development
Shelagh Delaney Planning Assistant

2. Consider permanent flood protection measures:
 - NOTE: some flood protection measures may need a building permit and others may not be safe for your type of building. Call the Building Department at 508-430-7506 for further information.
 - Consider elevating your home or business above flood levels. This will lower your individual flood insurance rate, keep your home or business safer from flooding, and will contribute to reducing flood insurance costs for the whole town.
 - Consider elevating your Heating, Ventilating, and Air Conditioning (HVAC) units and ducts above expected flood levels. This will lower your flood insurance rate and reduce the risk of flooding your utilities.
 - If you are interested in elevating your building above the flood level, you may be able to apply for a Federal grant to cover a portion of the cost.
 - Mark your fuse or breaker box to show the circuits to the floodable areas – turning off the power to the basement before a flood can reduce property damage and save lives by reducing the risk of electrocution and fire.
 - Check your building for water entry points, such as basement windows, basement stairwell, doors, and dryer vents, then protect them with low walls or temporary shields like sandbags.
 - Consider installing a floor drain plug, standpipe, overhead sewer, or sewer backup valve to prevent sewer backup flooding.
 - Protect dunes, wetlands, and other open space near your property, as these open spaces will help to absorb or redirect flood waters and keep them away from your property. Do not mow wetland grasses and only walk on designated dune walkovers.
 - More information can be found on www.floodsmart.gov (Policyholder Resources and Preparation and Recovery).

For more information, contact the Harwich Planning Department at (508) 430-7511, or contact Shannon Hulst, Community Rating System and Floodplain Coordinator for Barnstable County, at (508) 375-6952, shannon.hulst@capecod.gov or Shelagh Delaney @ shelagh.delaney@harwich-ma.gov.



TOWN OF HARWICH PLANNING DEPARTMENT

Christine Flynn
Director of Planning & Community Development
Shelagh Delaney Planning Assistant

RE: Special Flood Hazard Area Map Information Services

February 20, 2024

Dear Local Lenders, Insurance Agents, and Realtors,

The Town of Harwich voluntarily participates in the National Flood Insurance Program's (NFIP) Community Rating System (CRS) in an effort to reduce flood insurance premiums for Harwich residents. Harwich is currently rated as a Class 7 community. This rating entitles most residents to a 15% flood insurance discount. This program is also part of a larger effort to promote community awareness of a method to mitigate flooding impacts.

As part of the Town's participation in this program, we are required to notify you that the Town of Harwich provides information regarding the location of individual properties in the floodplain, whether a property is in a Coastal A-Zone or Coastal Barrier Resource Area, whether it is subject to flood problems not shown on the map, and whether it is a sensitive or wetland area that may be subject to jurisdiction under the Conservation Commission. We use the official Flood Insurance Rate Maps ("FIRM") that have an effective date of July 16, 2014. You may view this information by selecting the Flood Maps/FEMA navigation tab on the home page of the Town of Harwich website.

The Building Department also provides information on flood hazard protection and possible construction mitigation measures. Elevation certificates related to newer construction or substantial improvements for certain properties located in the floodplain are available by request to the Building Department. These certificates are required for all new construction or substantial improvements for properties in the floodplain.

Requests for Special Flood Hazard Area map information services may be directed to the Planning Department at 508-430-7511. Other flood inquiries may be addressed to the Building Department at 508-430-7506. These departments are located in Town Hall. Written requests may be addressed to 732 Main Street, Harwich, MA 02645. Email addresses and fax numbers can be found on each department's home page at www.harwich-ma.gov. The Brooks Free Library, located on the corner of Main Street at Bank Street, across from Town Hall also carries flood hazard informational materials.

For additional information on the Community Rating System application prepared by the Town of Harwich, please contact the Planning Department at 508-430-7511 or email to Shelagh.delaney@harwich-ma.gov.

Encs. Town Resource Brochure Mapping Information Notice.

2024 Lenders, Realtors, Etc.

Type	Name	Name 2	Location	Location2
Insurer	Benson, Young & Dov		565A Rte. 28, POB 1	Harwich Port, MA 02646
Insurer	Safe Harbor Insurance		120 Rte. 28, POB 1	West Harwich, MA 02671
Insurer	Snow & Thompson Inc		514 Rte. 28	Harwich Port, MA 02646
Insurer	William Raveis RE Inc		551 Rte. 28	Harwich Port, MA 02646
Lender	Cape Cod 5 Savings		532 Rte. 28	Harwich Port, MA 02646
Lender	Cape Cod 5 Savings		128 Rte. 137	Harwich, MA 02645
Lender	Cape Cod Cooperative		1470 Orleans Road	East Harwich, MA 02645
Lender	Citizens Bank		500 Chatham Rd	East Harwich, MA 02645
Lender	TD Bank		536 Rte. 28	Harwich Port, MA 02646
Lender	William Raveis RE Inc		551 Rte. 28	Harwich Port, MA 02646
RE	Bayside Realty Const		571 Rte. 28	Harwich Port, MA 02646
RE	B C Executive Realty		68 Clearwater Drive	East Harwich, MA 02645
RE	Cape Cod Associates		566 Rte. 28	Harwich Port, MA 02646
RE	Cape Cod Associates		468 Rte. 28	Harwich Port, MA 02646
RE	Cape Cod Homes RE		25 Gilbert Lane	Harwich Port, MA 02646
RE	Cape Real Estate		1 Auston Rd	Harwich, MA 02645
RE	Cape Lifestyles Realty		335 Lower County Ro	Harwich Port, MA 02646
RE	Century 21 Professior		571 Rte. 28	Harwich Port, MA 02646
RE	Charwich Properties		21 Dundee Circle	Harwich, MA 02645
RE	Coldwell Banker Murr		490 Rte. 28	Harwich Port, MA 02646
RE	Commonwealth Assoc		551 Rte. 28	Harwich Port, MA 02646
RE	J. O'Loughlin Realty		2 Harold Street	Harwich Port, MA 02646
RE	Keller Williams Realty		119 Route 137	Harwich, MA 02645
RE	Kennedy RE		1305 Orleans Road	Harwich, MA 02645
RE	Kinlin Grover RE		476 Rte. 28	Harwich Port, MA 02646
RE	LaBarge RE Services		237 Rte. 28	West Harwich, MA 02671
RE	Linda Collins Realtor		476 Route 28	Harwich Port, MA 02646
RE	Marietta Realty		95 Parallel Street	Harwich Port, MA 02646
RE	MJM & Assocaites		15 Rabbit Run	West Harwich, MA 02671
RE	OldCape Sotheby's		587 Route 28	Harwich Port, MA 02646
RE	Patriot RE/Patriot Buil		537 Rte. 28	Harwich Port, MA 02646
RE	Peterson Realty, Inc.		255 Rte. 28, PO Box 1	West Harwich, MA 02671
RE	Seashore RE		113 Bank Street	Harwich Port, MA 02646
RE	Speakman Constructi		15 Speak Way	Harwich, MA 02645
RE	Jack Conway RE		565 Rte. 28	Harwich Port, MA 02646
RE	Thomson Properties		514 Rte. 28	Harwich Port, MA 02646
RE	Today RE		336 Rte. 28	Harwich Port, MA 02646
RE	William Raveis Real E		551 Rte. 28	Harwich Port, MA 02646

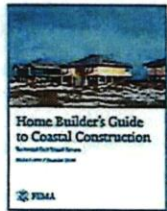
19-501.

RL Area Abutters mailing

abutters_id_fie	abutters_owner1	abutters_owner2	abutters_address	abutters_town	abutt	abutter	abutters_location
1/H2-0-E	HARWICH TOWN OF - SELECTMEN	WIXONS LANDING	732 MAIN ST	HARWICH	MA	02645	15 HARBOR WAY
1/G1-2-0-R	CAHALANE MARY LOU		PO BOX 239	W HARWICH	MA	02671	29 HARBOR WAY
1/G1-3-0-R	CURTIN CECILE R &	CURTIN HOWARD F	PO BOX 25	W HARWICH	MA	02671	25 HARBOR WAY
1/G1-4-0-R	KELLY PAUL V &	KELLY MARY LEE	401 HUNNEWELL ST	NEEDHAM	MA	02494	7 RIVER BEND
1/G1-5-0-R	DONAHUE JAMES J &	DONAHUE SIOHAN E	443 WALPOLE ST	CANTON	MA	02021	5 RIVER BEND
1/G1-9-0-R	MEYER JOHN B &	MEYER STEPHANIE H	74 PURITAN RD	WABAN	MA	02468	11 RIVER BEND
1/G1-13-0-R	KELLEHER DAVID P &	KELLEHER LINDA	9 NOTTINGHAM LN	PLYMOUTH	MA	02360	9 RIVER BEND
1/H1-0-R	DONAHUE JOHN R		18549 HARBOR LIGHT V	BOCA RATON	FL	33498	17 HARBOR WAY
1/H3-0-R	ZARETTE FRANCIS P TRS ET AL	ZARETTE DEBRA A TRS	625 SOUTH ST	SHREWSBURY	MA	01545	11 HARBOR WAY
1/J1-1-0-R	SUGDEN JANE ET ALS		PO BOX 475	W HARWICH	MA	02671	5 STRANDWAY
11/C1-0-R	ONEILL JOSEPH P &	ONEILL LINDA A	6448 BROOKES LN	BETHESDA	MD	20816	1 SALT MEADOW LN
11/C3-0-E	HARWICH CONSERVATION TRUST		PO BOX 101	S HARWICH	MA	02661	0 HERRING RIVER
11/C6-0-E	HARWICH CONSERVATION TRUST		PO BOX 101	S HARWICH	MA	02661	0 HERRING RIVER
11/C9-8-0-E	HARWICH TOWN OF - CONSERVATION		732 MAIN ST	HARWICH	MA	02645	0 BOWMANS ISLAND
11/T3-A-0-R	ARGYRIADIS ANGELA ET ALS	BARAKILIS JOHN & ELAINE	PO BOX 341	W HARWICH	MA	02671	168 ROUTE 28
109/P1-2-0-R	MURPHY M TRS ET AL & KEANE AMY TR	C/O SUSAN HOLLAND	88 CHAPIN RD	NEW MILFORD	CT	06776	2091 RT 28- HEAD OF THE BAY RD
109/B1-7-0-R	CAHILL THOMAS J &	CAHILL LISA R	26 QUARRY RD	MEDFIELD	MA	02052	2097 RT 28- HEAD OF THE BAY RD

comprehensive approach to sensible development in coastal areas based on guidance from over 200 experts in building science, coastal hazard mitigation, and building codes and regulatory requirements.

<https://www.fema.gov/library/viewRecord.do?id=1671>



Home Builder's Guide to Coastal Construction Technical Fact Sheet Series (FEMA P-499, December 2010) E, C, CO, H,

This document contains a series of 37 fact sheets that provide technical guidance and recommendations concerning the construction of coastal residential buildings.

<https://www.fema.gov/library/viewRecord.do?id=2138>

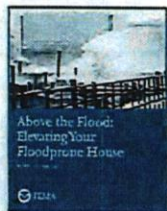


Homeowner's Guide to Retrofitting (FEMA P-312, Second Edition, December 2009) E, C, CO, H,

This guide is specifically for homeowners who want information on protecting their houses from flooding. Homeowners need clear

information about the options available and straightforward guidance that will help make decisions. This guide gives both, in a form designed for readers who have little or no knowledge about flood protection methods or building construction techniques.

<https://www.fema.gov/library/viewRecord.do?id=1420>



Above the Flood: Elevating Your Floodprone House (FEMA 347, May 2000) E, C, H,

This publication shows how flood-prone houses in south Florida were elevated above the 100-year flood level following Hurricane Andrew (1992) and also presents alternative elevation techniques.

<https://www.fema.gov/library/viewRecord.do?id=1424>

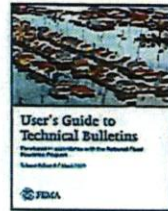


Reducing Flood Losses Through the International Codes (Third Edition, August 2008) E, C, CO,

The third edition of this guide is intended to help community officials decide how to integrate the 2006 edition (and 2007 Supplement) of the International Codes (I-Codes)

into their current floodplain development and regulatory processes in order to meet the requirements to participate in the NFIP.

<https://www.fema.gov/library/viewRecord.do?id=2094>

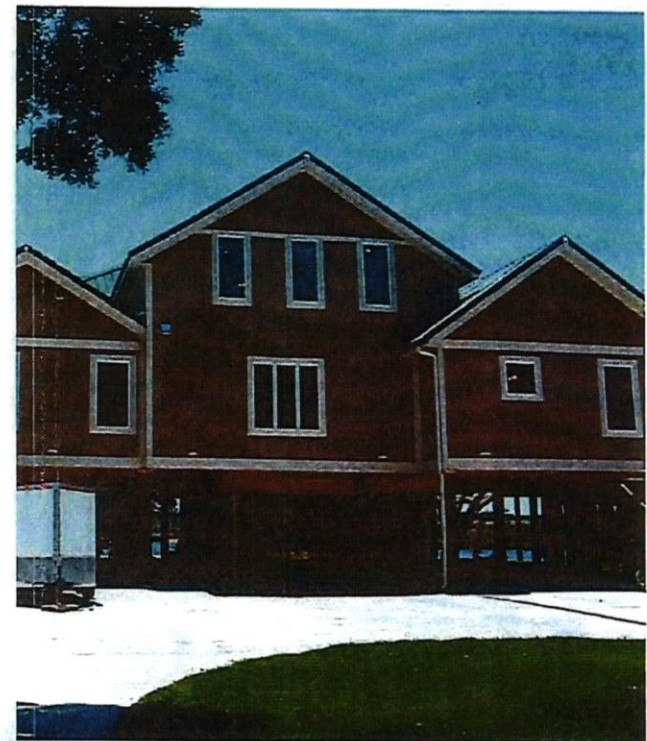


Technical Bulletins
E, C, CO, H,

The 11 Technical Bulletins provide guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins are intended for use primarily by

State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. The bulletins do not create regulations, rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

<http://www.fema.gov/plan/prevent/floodplain/techbul.shtm>



Flood/Wind Building Science Helpline

FEMA-Buildingsciencehelp@dhs.gov • 1-866-927-2104

E (Engineers) / C (Contractors) / CO (Community Officials) / H (Homeowners) / (Available Online) (Available Print) (Available CD)

To download publications, please visit the FEMA Library at: <http://www.fema.gov/library>.

To order publications please call 1-800-480-2520 or fax 1-240-699-0525 (Monday – Friday, 8:00 a.m. – 5:00 p.m., EST) or email your request to FEMA-Publications-Warehouse@dhs.gov. Please provide the title, publication number, and quantity, along with your name, address, zipcode, and daytime telephone number.

Building Science for Disaster-Resistant Communities: Flood Hazard Publications

FEMA L-782 / November 2011



FEMA

FEMA L-782
Catalog No. 09345-3



FEMA

Mitigation Works



Building Science for Disaster-Resistant Communities



Mitigation Works

Building Science

The Building Science Branch develops and produces technical guidance and tools focused on fostering a disaster-resistant built environment. Located within the FEMA Federal Insurance and Mitigation Administration's (FIMA) Risk Reduction Division, the Building Science Branch supports FIMA's mission to reduce risk to life and property by providing state-of-the-art technical hazard mitigation solutions for buildings. Mitigation efforts provide value to the American people by creating safer communities and reducing loss of life and property.

Building Science publications provide strategies for all types of hazards. This brochure provides readers with a quick summary of publications that will help them prepare for and mitigate against flood hazards.

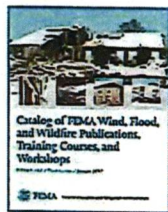
Flood Hazard

Floods are one of the most common hazards in the United States, affecting more than 20,000 local jurisdictions covered under the National Flood Insurance Program (NFIP) and representing more than 70 percent of Presidential disaster declarations. Flooding is a

process that may occur in a variety of forms, including coastal flooding from hurricanes and tropical storms, and flooding from inland floodplain hazards.

Buildings located in flood hazard areas are at risk from forces generated by floodwaters. These forces can include hydrostatic forces from slow moving floodwaters, hydrodynamic forces from waves and quickly moving water, as well as scour around building elements, erosion, and flood-borne debris.

Building Science Publications



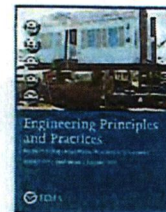
Catalog of FEMA Wind, Flood, and Wildfire Publications, Training Courses, and Workshops (FEMA P-787, Third Edition, January 2012)

E, C, CO, H,

This catalog contains a listing with brief descriptions of publications and courses developed by the Building Science Branch of FEMA's

Mitigation Directorate.

<https://www.fema.gov/library/viewRecord.do?id=3184>

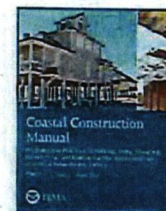


Engineering Principles and Practices for Retrofitting Flood-Prone Residential Structures (FEMA P-259, Third Edition, December 2011)

E, C, CO, H,

This publication provides engineering design and economic guidance on what constitutes feasible and cost-effective retrofitting measures for floodprone residential structures.

<http://www.fema.gov/library/viewRecord.do?id=1645>



Coastal Construction Manual: Principles and Practices of Planning, Siting, Designing, Constructing, and Maintaining Buildings in Coastal Areas (FEMA P-55, Fourth Edition, August 2011)

E, C, CO,

To provide mitigation guidance to local officials and professionals in building design and construction, FEMA prepared the third edition of the Coastal Construction Manual. The manual provides a



Town of Harwich

TOWN CLERK'S OFFICE

Emily Mitchell, Town Clerk
Harwich Town Hall • 732 Main Street • Harwich, MA 02645
Tel: 508-430-7516 • Fax: 508-430-7517

The following is a True Copy of Article 38 of the Annual Town Meeting held on May 1, 2023 and continued to May 2, 2023, and the vote passed thereunder at the continued session on May 2, 2023.

AMEND ZONING BYLAW – CHAPTER 325, ARTICLE XVII FLOODPLAIN REGULATIONS

ARTICLE 38: To amend the Code of the Town Of Harwich Article XVII §325 –Floodplain Regulations by deleting the entire existing section and replacing it with the following new Floodplain Regulations.

Article XVII

Floodplain Regulations

§ 325-104 Purpose

The purpose of the Floodplain Overlay District is to:

1. Promote flood resiliency through planning and design;
2. Reduce the creation of new public safety hazards caused by new construction and redevelopment in flood zones;
3. Reducing the occurrence of public emergencies resulting from adversely impacting water quality, contamination, and pollution due to flooding;
4. Reducing the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
5. Reducing costs and safety risks associated with the response and cleanup of flooding conditions;

Reducing damage to public and private property resulting from flooding waters.

§ 325-105 Establishment Of Floodplain Districts

The Floodplain District is herein established as an overlay district superimposed over the underlying Zoning Districts. The district includes all Special Flood Hazard Areas within the Town of Harwich designated as Zones A, AE, AH, AO, A99, V, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) dated July 16, 2014 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the Districts shall be defined by the 1% chance base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 16, 2014. All flood zones referenced within this Floodplain Overlay District Bylaw shall mean the flood zones designated on the FIRM dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Department and Conservation Commission.

§ 325-106 Abrogation

The floodplain management provisions found in this Floodplain Overlay District Bylaw shall take precedence over and shall supersede any less restrictive, conflicting sections of the Zoning Bylaws, Code of the Town of Harwich or regulations in the Town of Harwich.

§ 325-107 Relation to Other Districts.

The Floodplain Overlay District is superimposed over the other Zoning Districts shown on the Official Zoning Map. All buildings, structures, uses or land included within the Floodplain Overlay District shall be subject to all the restrictions and regulations of the underlining Zoning District in addition to those set forth in this article.

§ 325-108 Designation of Floodplain Administrator

The Town of Harwich hereby designates the Building Commissioner to be the official Floodplain Administrator for the Town.

§ 325-109 Degree Of Protection

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

§ 325-110 Severability

The degree of flood protection required by this Floodplain Overlay District Bylaw is based on reasonable scientific and engineering considerations but does not imply total flood protection. This Bylaw shall not create liability on the part of the Town of Harwich or any officer or employee thereof for any flood damage that may result from reliance on the provisions hereof, or from any administrative decision made hereunder.

§ 325-111 Requirement To Submit New Technical Data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to: FEMA Region I Risk Analysis Branch Chief, 99 High St., 6th floor, Boston, MA 02110 and a copy of notification to: Massachusetts NFIP State Coordinator, MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114.

§ 325-112 Unnumbered A Zones

In A Zones, in the absence of FEMA Base Flood Elevation (BFE) and/or floodway data, the Town of Harwich Building Department shall reasonably obtain, review and utilize base flood elevation and floodway data available from a Federal, State, or other source for determining whether residential and nonresidential structures must be elevated to or above base flood level, whether floodproofing is required or whether encroachments in floodways should be prohibited.

§ 325-113 Floodway Encroachments

In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zone AE, along watercourses that have a regulatory floodway designated on the Town's FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

§ 325-114 Watercourse Alterations or Relocations in Riverine Areas

In a riverine situation, the Floodplain Administrator shall notify the following entities of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream;
- NFIP State Coordinator: Massachusetts Department of Conservation and Recreation, 251 Causeway Street, 8th floor, Boston, MA 02114.
- NFIP Program Specialist - Federal Emergency Management Agency, Region I, 99 High Street, 6th Floor, Boston, MA 02110.

§ 325-115 Drainage Requirements in AO and AH Zones

Before any activity that constitutes Development, New Construction, Substantial Improvement, Site Alterations or Subdivision (as those terms are defined herein) is commenced within Zones AO and AH on the FIRM, the Floodplain Administrator shall confirm that the work includes adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

§ 325-116 Recreational Vehicles

In A, AH, AE, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

§ 325-117 Permit Requirements

The Town of Harwich requires a permit for all proposed construction or other development in the Floodplain Overlay District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or filling, grading, drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

§ 325-118 Variances From The State Building Code Floodplain Provisions

Variances to the flood-resistant standards as found in the MA State Building Code may only be issued by the MA State Building Code Appeals Board.

Upon learning that an applicant intends to file for a variance from the State Building Code Appeals Board, the Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the Floodplain Overlay District.

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

§ 325-119 Variances From This Local Floodplain Overlay District Bylaw

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted by the Board of Appeals if they make the following findings: (1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

§ 325-120 Enforcement

Violations of any section or provision of this Bylaw may be enforced by the institution of enforcement actions, either criminal or civil, either legal or equitable or both, or by fines of not more than three hundred (300) dollars for each offense. Each day that such offense continues shall constitute a separate offense.

§ 325-121 Subdivision Within Floodplain Overlay Districts

All preliminary and definitive subdivision applications filed with the Town of Harwich Planning Board for land located within the Floodplain Overlay District shall be reviewed by the Planning Board as part of its review under the Subdivision Control Law and the Harwich Subdivision Regulations to assure that:

- a) Such proposals minimize flood damage;
- b) Public utilities and facilities are located and constructed so as to minimize flood damage; and
- c) Adequate drainage is provided.

§ 325-122 Base Flood Elevation Data for Subdivision Proposals

When proposing subdivisions greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the proposed subdivision plans.

§ 325-123 Use Regulations.

A. Existing Regulation

1. All development in the floodplain, including structural and nonstructural activities, whether permitted by right or by Special Permit, must be in compliance with the following:

- a) Section of the State Building Code which addresses floodplain and coastal high-hazard areas (currently 780 CMR).
- b) Wetland Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00).
- c) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00)
- d) Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00).
- e) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).
- f) Minimum Requirements for the Subsurface Disposal of Sewage Regulations, Town of Harwich.
- g) Harwich Wetlands Protective Bylaw.

2. Any variance from the provisions and requirements of the above-referenced state or local regulations may only be granted in accordance with the required variance procedures of these state or local regulations.

B. Other Use Regulations

1. Within Zones AH and AO on the FIRM, adequate drainage paths are required around structures on slopes, to guide floodwaters around and away from proposed structures.
2. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
3. Located within the floodplain are areas designated as coastal high-hazard areas (Zone VE). Since these areas are extremely hazardous due to high-velocity waters from tidal surges and hurricane wave wash, the following provision shall apply: all new construction shall be located landward of the reach of mean high tide. Existing contour intervals of site and elevations of existing structures must be included on any plan proposal.

§ 325-124 Permitted Uses

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged, provided that they are permitted in the underlying district and they do not require structures, fill, or storage of material or equipment:

- A. Agricultural uses, such as farming, grazing, horticulture, etc.
- B. Forestry and nursery uses.
- C. Outdoor recreational uses, including fishing, boating, play areas, etc.
- D. Conservation of water, plants, and wildlife.
- E. Wildlife management areas and foot, bicycle and/or horse paths.
- F. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- G. Buildings lawfully existing prior to September 30, 1980.

§ 325-125 Special Provisions For Lifting Existing Structures To New and Appropriate Elevations

- A. Notwithstanding the provisions of any other provision of the Harwich Zoning Bylaw to the contrary, except as otherwise provided pursuant to Subsection C of this section, a person shall be allowed to lift an existing structure located in an area of special flood hazard to a new and appropriate elevation, or constructing a staircase or other attendant structure necessitated by such raising without the need for Board of Appeals relief; provided, however, that this exemption shall apply only to the minimum extent or degree necessary to allow the structure to meet the new and appropriate elevation with adequate means of ingress, egress and accommodation of typical basement facilities.
- B. Appurtenant to lifting an existing structure, the existing structure may be relocated elsewhere on the lot as long as said relocation does not create a new, or increase the intensity of a setback nonconformity.
- C. The exemption established pursuant to Subsection A of this section shall not be available to a person who has altered or is seeking to alter the original dimensions of a structure if, had the alteration not been made, the structure could have been raised to meet the new and appropriate elevation either

without the exemption or with an exemption of lesser degree than is needed with the alteration.

§ 325-126 Definitions

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

AREA OF SPECIAL FLOOD HAZARD

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

ATTENDANT STRUCTURE

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

BASE FLOOD

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

COASTAL HIGH-HAZARD AREA

The area subject to high-velocity waters, including but not limited to hurricane wave wash. The area is designated on a FIRM as Zone V1-30, VE, VO or V.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

DISTRICT

Floodplain District.

EXISTING STRUCTURE

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

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

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

FLOOD INSURANCE RATE MAP (FIRM)

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

FLOOD INSURANCE STUDY

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

FLOODWAY

The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST APPLICABLE FLOOD ELEVATION STANDARD

Means the 1% FEMA base flood elevation plus up to an additional three feet.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE

Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;
or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior or
 2. Directly by the Secretary of the Interior in states without approved programs.[US Code of Federal Regulations, Title 44, Part 59]

LOWEST FLOOR

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

NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

A program administered by the Federal Emergency Management Agency (FEMA)

NEW AND APPROPRIATE ELEVATION

Means any elevation to which a structure is raised, or is to be raised, that is equal to or

higher than the applicable FEMA base flood elevation; provided, however, that in no case shall the new and appropriate elevation exceed the highest applicable flood elevation standard.

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE

A vehicle which is:

- a) Built on a single chassis;
- b) 400 square feet or less when measured at the largest horizontal projection;
- c) Designed to be self-propelled or permanently towable by a light duty truck;
and
- d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - See FLOODWAY

SPECIAL FLOOD HAZARD AREA

The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A99, AR, AO, AH, V, VO, or VE. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION

The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE

A structure, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL DAMAGE

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

SUBSTANTIAL IMPROVEMENT

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

SUBSTANTIAL REPAIR OF A FOUNDATION

When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

TYPES OF FLOOD ZONE DESIGNATIONS

1. ZONE A - An area of special flood hazard without water surface elevations determined.
2. ZONE AE - Area of special flood hazard with water surface elevations determined.
3. ZONE AH - Areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined.
4. ZONE AO - Area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.)
5. ZONE A99 - Area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)
6. ZONE X - Areas of minimal or moderate flood hazards or areas of future-conditions flood hazard.
7. ZONE V - Area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area)
8. ZONE VE - An area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area)

VARIANCE

A grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION

The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development

without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

Or to take any other action relative thereto. By request of the Planning Board. *Requires a 2/3 vote.*

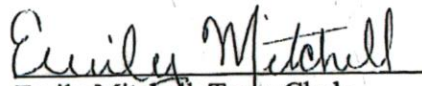
*Explanation: This article will amend the Code of the Town of Harwich Article XVII §325 – Floodplain Regulations by deleting the entire existing section and replacing it with new Floodplain Regulations. The Federal Emergency Management Agency (FEMA) is requiring all of communities that are a members of the National Flood Insurance Program (NFIP) to adopt new floodplain management regulations. The new floodplain regulations in this Article contain all of the new restrictions required by FEMA. If voters at Town Meeting do not approve this article, the Town could be removed as a member community in the NFIP and flood insurance policies will dramatically increase in cost.
Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to support long range planning for public safety within a flood plain district.*

Motion: (Peter Hughes, Chair – Finance Committee) I move that Article 38 be accepted and adopted and that the Town amend the Zoning Bylaw as printed in the warrant and further, that the Town Clerk be authorized to appropriately conform numerals, written numbers, and sections throughout the Zoning By-laws based upon this Article. Duly seconded

The Planning Board report was presented by Duncan Berry, Planning Board Chair.

Action: The motion carried unanimously.

A True Copy, Attest:


Emily Mitchell, Town Clerk

Quick Reference

Town Hall Department Phone Numbers:

Administration/Selectmen	508.430.7514
Brooks Free Library	508.430.7562
Building	508.430.7506
Conservation	508.430.7539
Engineering	508.430.7508
Fire	508.430.7546
Highways/Maintenance	508.430.7555
Health	508.430.7509
Natural Resources	508.430.7532
NFIP / CRS Coordinator (Harwich Planning Department)	508.430.7511
Police	508.430.7541
Local Power Company	800.592.2000
Local Natural Gas	800-732-3400

TOWN OF HARWICH

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

FEMA

<http://www.fema.gov/>

NFIP

<http://www.floodsmart.gov/>

HOMELAND SECURITY

<http://www.dhs.gov/>

Flood Facts:

- Did you know that homes in the so-called "100-year" floodplain have a 26% chance of flooding over a 30-year period—the length of a typical mortgage?
- Did you know that people living outside of the mapped floodplain file over 20% of National Flood Insurance Program (NFIP) claims and receive one third of FEMA's disaster assistance for flooding?
- Did you know that flood insurance is available to all home and business owners—even those living outside high-risk areas?
- Hurricanes, winter storms, heavy precipitation and snowmelt are common (but often overlooked) causes of flooding.
- New land development can increase flood risk, especially if the construction changes natural runoff paths.
- If you live in a moderate-to-low risk area you may be eligible for the low cost Preferred Risk Policy through NFIP.
- You are eligible to purchase flood insurance as long as your community participates in the NFIP.

Harwich Facts:

Harwich voluntarily participates in the incentive Community Rating System (CRS) program and is currently rated as a **Class 8** community. This rating entitles *most* residents of Harwich to a **10%** flood insurance discount.

Town of Harwich

FLOOD PROTECTION AND PUBLIC INFORMATION RESOURCES 2021



Town of Harwich

Town Resources

Significant areas of Harwich are within federally designated flood hazard areas. Flooding in any of these areas can come with little warning, depending on the severity and timing of a storm. Floods can be dangerous to humans and to property. Coastal erosion is just the first indicator of a storm's hazardous effects.

If you are in the floodplain, this flyer provides valuable information, resources and ideas of what you can do to protect yourself and your property from flood hazards.

The first thing you should do is to see if you are in a mapped floodplain. For an online map visit FEMA's Map Service Center: <http://msc.fema.gov>. Flood Insurance Rate Maps (FIRMs) and reference materials are available through the Planning, Building, or Engineering Departments at Town Hall and reference materials are at the Brooks Free Library.

Save this brochure.

A complete list of local phone numbers and web links are on the last page of this brochure.

Plan, Prepare and Mitigate

FLOOD AWARENESS

Flooding is costly and dangerous. The better able we are to communicate possible flood risk through increased public awareness the greater the actions that lead to reduced risks to life and property.

MUDDY CREEK

The Muddy Creek area was recently restudied after a culvert replacement improved the flow of water. This may have changed your floodplain designation and could affect your flood insurance costs. Checking the most recent flood map is free and easy at the [FEMA Map Service Center](#) or at Town Hall.

FLOOD INSURANCE

National Flood Insurance Program (NFIP):

Flood insurance covers all floods that affect two contiguous properties or two contiguous acres. Talk to your insurance agent as homeowner's insurance policies do not cover damage from floods. You can purchase additional flood insurance policies for a structure and/or contents. In most cases, this insurance is backed by the Federal Government and is available to everyone, even for properties that have been flooded.

FLOOD SAFETY MEASURES

Protecting your Property:

- Local builders and building officials can provide information on flood-proofing, retrofitting and re-grading your property to mitigate damage. Alterations to your property and land may require permitting, so please check with the Building Office before you begin.
- Do not dump or throw anything into the ditches, streams, or rivers. Even grass clippings and branches can accumulate and plug channels.
- Do not walk through flowing water. Drowning is the number one cause of flood deaths, mostly during flash floods. Currents can be deceptive; six inches of moving water can knock you off your feet.
- Do not drive through a flooded area or around road barriers. The road or bridge may be washed out. Hurricanes, winter storms and snowmelt are common causes of flooding.
- Stay away from power lines and electrical wires. Electrical current can travel through water. Report downed power lines.

Visit www.floodsmart.gov/ and www.fema.gov/plan to subscribe to updates and view available fact sheets and resource materials.

COMMUNITY SERVICES

MITIGATION FUNDING PROGRAMS FEMA | USDA | HUD

FEMA Hazard Mitigation Grant Program
The Hazard Mitigation Grant Program from the Federal Emergency Management Agency provides funding for several mitigation projects, including elevation and acquisition of privately owned structures. Interested property owners should talk to their local planning or emergency management office. In some cases, funding is only available after a federally-declared disaster.

USDA Natural Resource Conservation Service's Emergency Watershed Protection Buyout Program (Floodplain Easement Option)
This program, available after eligible federally-declared disasters, provides funding to purchase a flood-damaged structure at pre-storm market value, demolish the structure, and put a conservation easement on the property. A local partner (typically the local government) must purchase the land at the new lower value. Interested property owners can seek information from the state Natural Resources Conservation Service office.

HUD 203k Loans
The Department of Housing and Urban Development 203k loans, known as Rehab Mortgage Insurance, allows homeowners to finance up to \$35,000 into their mortgage to repair, improve, or upgrade their new or refinanced home. Home changes may include structural alterations, reconstruction, and improvements for flood mitigation. Interested property owners can contact Massachusetts HUD office at (617) 994-8200.



ADDITIONAL INFORMATION



Shannon Jarbeau, CFM
Community Rating System &
Floodplain Coordinator
Cape Cod Cooperative Extension
shannon.jarbeau@barnstablecounty.org
508-375-6952
PO Box 367 Barnstable, MA 02630-0367

Cape Cod Cooperative Extension
www.capecodcodextension.org

National Flood Insurance Program
www.floodsmart.gov

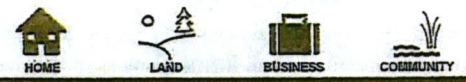
Thank you to AmeriCorps Cape Cod for assistance in creating brochure series, and thank you to the town of Orleans for providing brochure images.



Coastal Processes
www.capecodextension.org

**BE AWARE
BE PREPARED**

PROTECT YOUR PROPERTY



PROTECT YOUR HOME FROM COASTAL STORMS AND FLOODING

HOW YOU CAN PROTECT YOUR HOME OR BUSINESS FROM FLOODING AND LIMIT THE DAMAGE TO YOUR PROPERTY.

Coastal Processes
www.capecodextension.org

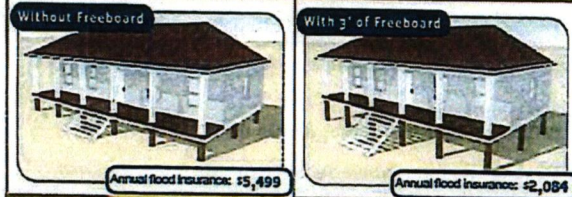


BUILDING IN A FLOODPLAIN

- > Check with your local building department to see if you need a permit – many actions require permits in a floodplain.
- > If you make improvements or suffer damages worth 50% or more of the market value, you will be required to bring the structure into code compliance. In the floodplain, this means it will have to be elevated to or above expected flood levels or flood vents may be required. If you have flood insurance, you may be eligible for up to \$30,000 to help cover these costs from the Increased Cost of Compliance coverage in your flood insurance policy.
- > Building in wetland areas or in wetland buffer zones (within 100 feet of a wetland or water body) must be approved through your town's Conservation Commission to be sure the work you perform does not harm the wetland. If you are considering doing any construction or landscaping near a wetland or water body, contact your local Conservation Commission. For more information, please visit <http://www.mass.gov/eea/agencies/massdep/water/watersheds/wetlands-protection.html>.
- > Contact the local Board of Health for work involving septic systems and on-site wells.

ELEVATION & FREEBOARD

Freeboard is elevating your home above the predicted flood levels by a small additional height (usually 1-3 feet). Elevating your home and incorporating freeboard is the most effective way to minimize flood risk and save money on flood insurance. Note that enclosures below an elevated structure must be used only for parking vehicles, building access, and storage.



Depiction of home without freeboard and with 3' of freeboard. The home with freeboard has a substantial flood insurance discount. Image courtesy of www.mass.gov/freeboard

BASEMENT FILLING

If floodwaters enter a basement that is not floodproofed, the building structure is susceptible to damage. Materials including gravel and sand can be used to fill a basement; this will decrease flood damages and significantly reduce your flood insurance premium. If fill is going on original basement slab, drain holes can be cut or slab can be broken up to allow for proper drainage. Contact a design professional for information on basement filling for flood mitigation.

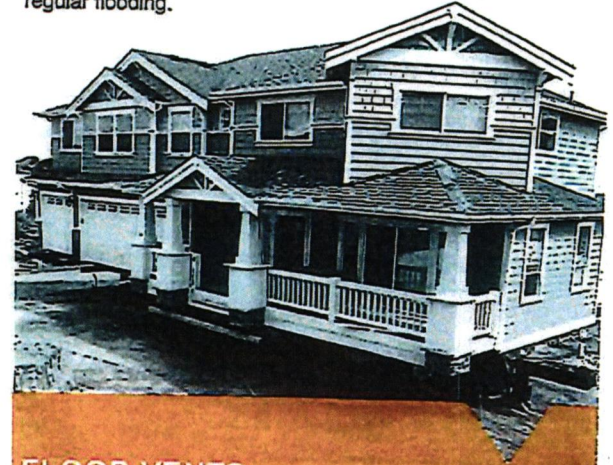
WET FLOODPROOFING

If elevating your home is not an option and local regulations allow, consider wet floodproofing. This means modifying the uninhabited parts of your house, like a crawl space, to allow floodwaters to get in but not cause significant damage. Keep these things in mind when you are wet floodproofing your home:

- > Use flood resistant materials
- > Create flushable, drainable walls

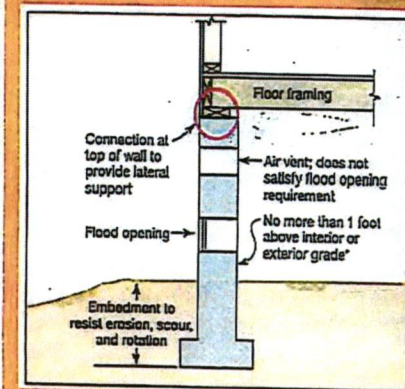
RELOCATION

If your house experiences frequent flooding but you do not want to leave your home, consider relocation as an option. In many instances, it is possible to lift a house and move it to another location. This would allow a homeowner to remain in their house but in a safer location that does not experience regular flooding.



FLOOD VENTS

For homes that are elevated on a crawl space and where flood levels are not high above the ground, installing flood vents in the crawl space foundation will reduce the risk of structural flood damage and reduce flood insurance rates. These vents allow water to pass freely through the crawl space, reducing the pressure on the outside of the structure that could cause damage.



Flood vents installed in the crawl space allow water to pass through safely, reducing the water pressure on the building's foundation.

MASSACHUSETTS

HOMEOWNER'S HANDBOOK

— TO PREPARE FOR —
COASTAL HAZARDS

3RD EDITION, JULY 2020



Woods Hole
Sea Grant





HARWICHPolice

DEPARTMENT

183 Sisson Road, Harwich, MA 02645

Tel 508-430-7541 Fax 508-432-2530



DAVID J. GUILLEMETTE
Chief of Police

KEVIN M. CONSIDINE
Deputy Chief

Memorandum

TO: Select Board

Joe Powers
Town Administrator

FROM: David J. Guillemette
Chief of Police

DATE: April 4, 2024

SUBJECT: Application for Change of Manager at the Belmont Condominium Beach, DBA the Beach 1 Belmont Road West Harwich, MA 02671. Requested new manager Nayely C. Osorio.

The Police Department has no objections regarding the application for a change of manager at The Belmont Condominium Beach. 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.



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM

AMENDMENT-Change of Manager

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: ABCC PAYMENT WEBSITE

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/ TOWN

STATE

ZIP CODE

For the following transactions (Check all that apply):

- | | | | |
|------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <input type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | | <input type="checkbox"/> Other <input type="text"/> | <input type="checkbox"/> Change of DBA |

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3
 Chelsea, MA 02150-2358



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

AMENDMENT-Change of Manager

Change of License Manager

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
The Belmont Condominium Beach, DBA The Beach	Harwich MA	00001-CL-0506

2. APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Jay Donovan	General Manager	belmontmanager@comcast.net	505-432-8028

3A. MANAGER INFORMATION

The individual that has been appointed to manage and control of the licensed business and premises.

Proposed Manager Name Date of Birth SSN

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises Last-Approved License Manager

3B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* Yes No *Manager must be U.S. citizen
 If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.
 Have you ever been convicted of a state, federal, or military crime? Yes No
 If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

3C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name

3D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

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

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature Date

APPLICANT'S STATEMENT

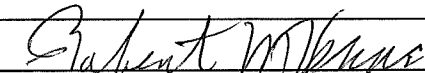
I, Robert McKenna, Trustee the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory

of The Belmont Condominium Beach, DBA The
Name of the Entity/ Corporation

hereby submit this application (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 statements 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 are in compliance with state and local laws and regulations;
- (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 ownership 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.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: 

Date: 03/11/2024

Title: Treasurer

ENTITY VOTE

The Board of Directors or LLC Managers of
Entity Name
duly voted to apply to the Licensing Authority of and the
City/Town
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

For the following transactions (Check all that apply):

Change of Manager

Other

"VOTED: To authorize
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,


Corporate Officer / LLC Manager Signature

Robert McKenna
(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)



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

APPLICATION FOR A SPECIAL PERMIT

- One day Entertainment (\$25)
- One day Liquor License – All Alcohol (\$50)
- One day Liquor License – Wines & Malt (\$50)
- Craft Fair (\$50)
- Event (\$25)
- Road Race (\$50)
- Other (please specify) _____

Applicants Name Jessica Gomes Phone [REDACTED]

Mailing Address [REDACTED]

Owners Name & Address Jessica Gomes, [REDACTED]

Email Address thebeadedwire@gmail.com

REQUIRED FOR ONE DAY ENTERTAINMENT – PLEASE PRINT

- The date & time (I.E. 4 P.M. to 10 P.M.) you are requesting to have entertainment

- Location of entertainment (Inside and/or outside)

- Address where entertainment will be playing

- Event Information

- Indicate if there will be food service
Yes _____
No _____

REQUIRED FOR ONE DAY ENTERTAINMENT - ENTERTAINMENT TYPE: (Check all appropriate boxes)

- Concert Dance Exhibition Cabaret Public Show Other
- Dancing by Patrons
- Dancing by Entertainers or Performers
- Recorded or Live Music
- Use of Amplification System
- Theatrical Exhibit, Play or Moving Picture Show
- A Floor Show of Any Description
- A Light Show of Any Description

REQUIRED FOR ONE DAY LIQUOR/ROAD RACE/CRAFT FAIR/ANY OTHER EVENT

Address of Event The Beaded Wire, 554 Route 28, #14, Harwich Port MA 02646

Date & Time ~~01/18/24~~ 5/11/24 11am - 6pm

Route/Location for Road Race _____

Indicate if there be food service
 Yes
 No

Provide any additional information necessary for the Board of Selectmen 5/11/24
Season Opening / Mothers Day Sip & Shop Event

Pursuant to MGL, Chapter 62C, Section 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all State tax returns, and have paid all State taxes under the law.

J. Cass Owner Federal I.D. # [REDACTED]
 Signature of applicant & title

 Signature of individual or corporate name Federal I.D. # _____

 Signature of Manager Federal I.D. # _____

 Signature of Partner Federal I.D. # _____

REGULATORY COMPLIANCE FORM

The premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes & regulations, including zoning ordinances, health regulations & building & fire codes.

DocuSigned by: Jack Mee DocuSigned by: Carie Schaner DocuSigned by: Ernie Young
 Building Commissioner Board of Health Fire Department

DocuSigned by: Kevin Conshine DocuSigned by: Eric Beeh
 Police Department Recreation Department

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

Please note: This permit does not exempt the applicant from the Town of Harwich Chapter 189 Noise by-law



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

APPLICATION FOR A SPECIAL PERMIT

- One day Entertainment (\$25)
- One day Liquor License – All Alcohol (\$50)
- One day Liquor License – Wines & Malt (\$50)
- Craft Fair (\$50)
- Event (\$25)
- Road Race (\$50)
- Other (please specify) _____

Applicants Name David M. Crauenko Phone [REDACTED]

Mailing Address [REDACTED]

Owners Name & Address Town of Harwich

Email Address [REDACTED]

REQUIRED FOR ONE DAY ENTERTAINMENT – PLEASE PRINT

- The date & time (I.E. 4 P.M. to 10 P.M.) you are requesting to have entertainment
6/8/2024 6pm - inside
- Location of entertainment (inside and/or outside)
- Address where entertainment will be playing
- Event Information
- Indicate if there will be food service
Yes
No

REQUIRED FOR ONE DAY ENTERTAINMENT - ENTERTAINMENT TYPE: (Check all appropriate boxes)

- Concert Dance Exhibition Cabaret Public Show Other
- Dancing by Patrons
- Dancing by Entertainers or Performers
- Recorded or Live Music
- Use of Amplification System
- Theatrical Exhibit, Play or Moving Picture Show
- A Floor Show of Any Description
- A Light Show of Any Description

REQUIRED FOR ONE DAY LIQUOR/ROAD RACE/CRAFT FAIR/ANY OTHER EVENT

Address of Event The 204 Cultural Arts Municipal Building (Library)
204 Sisson Rd, Harwich Ma. 02645
 Date & Time 6/8/2024 6pm - 10pm
 Route/Location for Road Race _____

Indicate if there be food service

Yes
No

Provide any additional information necessary for the Board of Selectmen _____

Pursuant to MGL, Chapter 62C, Section 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all State tax returns, and have paid all State taxes under the law.

David M. Cawento
Signature of applicant & title

Federal I.D. #

Signature of individual or corporate name

Federal I.D. #

Signature of Manager

Federal I.D. #

Signature of Partner

Federal I.D. #

REGULATORY COMPLIANCE FORM

The premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes & regulations, including zoning ordinances, health regulations & building & fire codes.

DocuSigned by:
Jack Allen
Building Commissioner

DocuSigned by:
Carrie Schauer
Board of Health

DocuSigned by:
Bruce Young
Fire Department

DocuSigned by:
Kevin Lonsdale
Police Department

DocuSigned by:
Eric Park
Recreation Department

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

Please note: This permit does not exempt the applicant from the Town of Harwich Chapter 189 Noise by-law



OFFICE OF THE SELECTMEN
732 MAIN ST., HARWICH, MA 02645
www.harwich-ma.gov
(508) 430-7513

APPLICATION FOR AUTO LICENSE RENEWAL

Check all applicable:

- CLASS I - AGENTS OR SELLERS
 CLASS II - USED CAR DEALERS
 CLASS III - JUNK CAR DEALERS
 CLASS IV - AUTO REPAIRMAN

FEE: \$100 each

BUSINESS NAME Good Sons Motors Cars Inc.

D/B/A _____ PHONE [REDACTED]

BUSINESS ADDRESS 210 Queen Ann Rd (unit 12) Harwich, MA

MAILING ADDRESS [REDACTED]

NAME OF OWNER Paul A. Bonfiglio

EMAIL ADDRESS GoodsonsMotorsCars@gmail.com

IF CORPORATION OR PARTNERSHIP, LIST OFFICER INFORMATION BELOW.

Name	Title	Address
<u>Paul Bonfiglio</u>	<u>President</u>	<u>[REDACTED]</u>

Pursuant to MGL Ch. 62c, Sec. 49A, I certify under the penalties of perjury that to the best of my knowledge and belief I have filed all state tax returns and paid all state taxes required under law.

By signing below, I am certifying that the premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes and regulations, including zoning ordinances, health regulations and building and fire codes.

Paul A. Bonfiglio 3/11/24
Signature of Applicant, Owner or Manager Date

Federal I.D. # [REDACTED]

*Application must include payment, Certificate of Insurance showing workers comp coverage and Workers Comp Affidavit. Any application missing information or documentation will be deemed incomplete and sent back to the applicant.

TOWN OF HARWICH

Kayak Rack Rules and Regulations

2024

The Town of Harwich requires a current kayak rack permit for any vessel stored on the Town owned racks.

Sand Pond

Cahoon Beach

Fees:

- a) \$100 per year (May 15-October 15) per space

Permits:

- a) Seasonal permits are issued for Sand Pond Beach and Cahoons Landing Beach

Applications:

- a) Applications will be accepted between April 15 and January 1 annually.
- b) To apply come to Recreation Department Offices or call 508 430 7553

Terms of use:

- a) Available May 15 -October 15
- b) Storage is permitted only on racks.
- c) There is no ground storage permitted.
- d) No storage of other beach equipment i.e., umbrellas, beach toys, beach chairs, etc. is permitted.

Occupancy Requirements:

- a) With limited space at each location, rack space must be actively used.
- b) **Starting on July 1, any rack left empty for 14 continuous days or more will be forfeited and that rack space will be offered to the next person on the waiting list.**

Suitable Vessel:

A single or double kayak that, in the opinion of the Recreation Director or their designee:

- Fits within the designated rack space and
- Does not impair the use of the rack by other permit holders, and
- Does not negatively impact natural resources, and
- Does not exceed the structural capacity of the rack.

Stickers:

- a) Must be current
- b) Must match the rack number and location
- c) Must be visible
- d) Replacement stickers for lost or forgotten stickers will be \$50
- e) Renter must have valid beach parking sticker for their vehicle to park at any town beach between the hours of 9:30am-4:30pm June 22 through Labor Day.

Selection Process:

- a) Will be selected on a first-applied first serve basis until all rack slots are filled at each location.
- b) Successful applicants will be sent a notification by email and an invoice for the \$100 payment.
- c) Payment is due within 30 days of being notified. Failure to remit payment in a timely fashion will result in the forfeiture of the space for that calendar year.
- d) Once payment is received, the sticker with the rack number and space will be processed.
- e) This number will correspond with a number on the rack, designating the applicant's rack location.

Responsibilities:

- a) The Town of Harwich shall not be responsible for any lost or damaged vessels stored on Townracks.
- b) The Town shall not be responsible for any injuries resulting from the raising or lowering of these vessels onto Town racks.
- c) Vessel owners/operators will be held responsible for any damage caused by themselves, people using their vessels or their vessels.

Permit Inspections:

- a) The Recreation Director or his or her designee, may, at any time inspect any vessel stored on these racks and remove any vessel that does not have a current permit.

Non-permitted Vessel:

- a) Any vessel that is not in compliance with these regulations will be tagged with a violation notice, stating the date, nature of violation and contact information.
- b) Efforts will be made to notify the vessel owners.
- c) If no action is taken within 48 hours of the initial notice, the vessel may be removed and stored and subject to a non-criminal violation with a fine of up to \$100.00.
- d) The per diem storage fee for vessels unclaimed within 48 hours is \$15.00 per day up to a maximum of \$150.00. The vessel will be released to its owner upon payment of any fine imposed. Persons with unpaid fines will not be able to purchase beach and transfer station stickers until or unless the fine is paid in full.

Abandoned Vessel and Vessel Storage:

- a) Any vessel removed will be held until the owner has been notified, vessel is claimed, storage fees paid or for one (1) year at which time the vessel will be considered an abandoned vessel and may be disposed of in the best interest of the Town.

Town of Harwich

Kayak Rack 2024

ACKNOWLEDGEMENT AND INDEMNIFICATION

I, **(PRINT)** _____, state that I am at 18 years of age or older and have read and understand the Regulations above. I have also read and understand the following:

I hereby release the Town of Harwich and its employees or agents ("the Town") from any and all claims, rights of action or other forms of liability, whether for personal injury, property damage or otherwise, that may arise in connection with my use of the "Rack" for storage of a watercraft, and agree, as a condition of my receipt of a permit for such storage, to INDEMNIFY and HOLD HARMLESS the Town against any and all legal claims and proceedings of any type that may arise from or relate in any way to use of the rack. **I further understand that permission to use the Rack may be revoked at any time by the Town for violation of the rules and regulations of this permit.**

Harwich street address: _____

Year round mailing address: _____

Email address:

Cell phone: _____

Age as of April 15, 2024: _____

Signature: _____ Date: _ _ _ _ _

For Office Use Only

Check number: _____

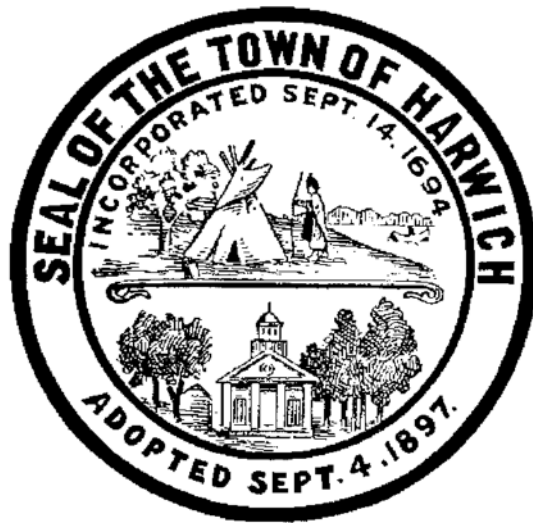
Location: _ _ _ _ _

Date received: _____

Rack#: _ _ _ _ _

OLD BUSINESS

**ANNUAL TOWN MEETING
WARRANT
WITH
RECOMMENDATIONS**



**May 6, 2024
7:00 p.m.
Harwich Community Center
100 Oak Street
Harwich, MA 02645**

TABLE OF CONTENTS
ANNUAL TOWN MEETING
MAY 6, 2024

	<u>Page Number</u>
Voting Procedures.....	3
Motion Chart.....	4
Tax Rate Chart.....	5
Municipal Finance Terms.....	6

<u>Article Number</u>	<u>Page Number</u>
1. Town Officers & Committees	9
2. Reports of Town Officers & Committees	9
3. Elected Officials’ Salaries	9
4. Town Operating Budget	10
5. Monomoy Regional School District Budget	11
6. Cape Cod Regional Technical School District Budget	11
7. Water Department Budget	12
8. Wastewater Department Budget	12
9. Monomoy Middle School Project	13
10. Citizen Petition – Tree Preservation Bylaw	13
11. Fund Cape Cod Community Media Center	30
12. Lease Purchase Agreements	31
13. Citizen Petition – Home Rule Petition: Pesticides	31
14. Citizen Petition – Special Act: Fertilizers	35
15. Citizen Petition – Support for swimming pool	37
16. Adopt the Capital Plan	38
17. Capital Funding – Various Sources	39
18. Capital Funding – Free Cash	39
19. Capital Funding – Water Retained Earnings	40
20. Capital Funding – Wastewater Retained Earnings	41
21. Acquisition of Conservation Restriction	41
22. Expenditure of Funds from sale of 276 Queen Anne Road	42
23. Correct Article 24 – 2023 Annual Town Meeting	43
24. Community Preservation Committee – Housekeeping	43
25. Community Preservation Committee – Beach AED Equipment	44
26. Community Preservation Committee – Cold Brook Trailhead & Public Access	45
27. Community Preservation Committee – Harwich Police Soccer Club Pitch	46
28. Community Preservation Committee – Affordable Housing Trust	46
29. Community Preservation Committee – Lower Cape Housing Institute	47
30. Community Preservation Committee – Monomoy Press Box	47
31. Community Preservation Committee – North Woods & Water Supply	48
32. Community Preservation Committee – 203 Bank Street Firehouse Housing	49
33. Community Preservation Committee – Red River Valley Land & Water Protection	49
34. Community Preservation Committee – Senior Memorial Softball Field Fencing	50
35. Community Preservation Committee – South Harwich Gravestone Conservation	51
36. Community Preservation Committee – Veterans Memorial Complex Electric Irrigation	51

37.	Repurpose 2013 Annual Town Meeting Article 31	52
38.	Fund Fiscal Year 2024 Wastewater Debt	52
39.	Revolving Fund authorizations	53
40.	Transfer 172 Queen Anne Road	54
41.	Transfer 178 Queen Anne Road	54
42.	Transfer 246 Queen Anne Road	55
43.	Amend General Bylaw Chapter 7	57
44.	Amend General Bylaw Chapter 271	57
45.	Amend the Harwich Charter	58
46.	Citizen Petition – Amend Chapter 140 General bylaw	61
47.	Defray Library Expenses	63
48.	Promote the Town of Harwich	63
49.	Supplemental Cultural Council	64
50.	Fund Electronic Voting at Town Meetings	64
51.	Supplemental Appropriation for Phase 3 WMP Construction Contracts	65
52.	Fund a Sewer Assistance Grant Program	65
53.	Herring Fisheries	66

Appendices

- A. Annual Town Election Warrant
- B. Fiscal Year 2025 Select Board Recommended Budget
- C. Capital Outlay Plan Fiscal Year 2025 - 2029

VOTING PROCEDURES

- I A quorum, 150 registered voters, must be present in order to conduct business. The only motion in order when no quorum is present is a motion to adjourn.
- II A two-thirds majority of the Town Meeting shall be required for inclusion of any Capital Outlay, unless it was included in the Capital Outlay Plan adopted at the preceding Town Meeting.
- III All motions introduced at the Town Meeting shall be in writing when required by the Moderator.
- IV Voters are limited to two times speaking on any one question; the total time speaking not to exceed 10 minutes.
- V Only registered voters shall occupy the meeting “floor”.
- VI No voter will be allowed to speak until he or she is recognized by the Moderator.
- VII Motion requiring more than a simple majority to pass:
 - A. To reconsider a vote on a motion – $\frac{3}{4}$ majority (this motion must be made prior to the next adjournment of the meeting).
 - B. To consider articles in an order other than as appears on the warrant – $\frac{3}{4}$ majority.
 - C. To pay unpaid bills – $\frac{4}{5}$ majority at the Annual Town Meeting, $\frac{9}{10}$ majority at a Special Town Meeting.
 - D. To move the previous question (terminate debate) – $\frac{3}{4}$ majority.
- VIII Quorum cannot be questioned after a motion has been made and seconded.

MOTION CHART Section 1-211
(Application of Rules is indicated by an X)

Motions	Debatable	Non Debatable	Amendable	Non Amendable	Second Required	Second Not Required	Majority Vote	2/3 Vote	3/4 Vote	May Reconsider	Cannot Reconsider
Adjourn	X		X		X		X				X
Adjourn (in a time certain)	X		X		X		X			X	
Amendment	X		X		X		X			X	
Adopt a Resolution	X		X		X		X				X
Accept & Adopt	X		X		X		X ¹			X	
Postpone Indefinitely	X			X	X		X			X	
Previous Question		X			X			X			X
Terminate Debate											
Reconsider ²	X			X	X			X			X
Consider Articles	X		X		X			X			X
Out of Order											
Point of Order		X							X		
1. Unless a greater than simple majority required by General Laws of Town of Harwich by-laws.											
2. See section 1.207											

TAX RATE CHART

THE CHART BELOW SHOWS THE AMOUNT OF MONEY REQUIRED TO CHANGE THE FY 2024 TAX RATE.						
TAX RATE CHANGE IN \$/1000			DOLLARS REQUIRED			
\$	0.01					\$95,117
\$	0.05					\$475,584
\$	0.10					\$951,167
\$	0.15					\$1,426,751
\$	0.20					\$1,902,334
\$	0.25					\$2,377,918
\$	0.30					\$2,853,501
\$	0.35					\$3,329,085
\$	0.40					\$3,804,669
\$	0.45					\$4,280,252
\$	0.50					\$4,755,836
\$	0.55					\$5,231,419
\$	0.60					\$5,707,003
\$	0.65					\$6,182,587
\$	0.70					\$6,658,170
\$	0.75					\$7,133,754
\$	0.80					\$7,609,337
\$	0.85					\$8,084,921
\$	0.90					\$8,560,504
\$	0.95					\$9,036,088
\$	1.00					\$9,511,672

MUNICIPAL FINANCE TERMS

APPROPRIATION: An authorization granted by a town meeting, city council or other legislative body to expend money and incur obligations for specific public purposes. An appropriation is usually limited in amount and as to the time period within which it may be expended.

AVAILABLE FUNDS: Balances in the various fund types that represent nonrecurring revenue sources. As a matter of sound practice, they are frequently appropriated for unforeseen expenses, capital expenditures, or other one-time costs. Examples of available funds include free cash, stabilization funds, overlay surplus, water surplus, and retained earnings.

CHERRY SHEET: Named for the cherry-colored paper on which they were originally printed, the Cherry Sheet is the official notification to cities, towns, and regional school districts of the next fiscal year's state aid and assessments. The aid is in the form of distributions, which provide funds based on formulas and reimbursements that provide funds for costs incurred during a prior period for certain programs or services.

FREE CASH: Remaining, unrestricted funds from operations of the previous fiscal year, including unexpended free cash from the previous year, actual receipts in excess of revenue estimated on the tax recapitulation sheet, and unspent amounts in budget line items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash.

OVERLAY (Overlay Reserve, or Allowance for Abatements and Exemptions): An account that funds anticipated property tax abatements, exemptions, and uncollected taxes. Additions to the overlay reserve need not be funded by the normal appropriation process but instead raised on the tax rate recapitulation sheet.

RESERVE FUND: An amount (not to exceed 5 percent of the tax levy for the preceding year) set aside annually within a community's budget to provide a funding source for extraordinary or unforeseen expenditures. In a town, the finance committee can authorize transfers from this fund for "extraordinary or unforeseen" expenditures. Other uses of the fund require budgetary transfers by town meeting.

STABILIZATION FUND: A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose (MGL c. 40 § 5B). Communities may establish one or more stabilization funds for different purposes and may appropriate any amounts into them. A two-thirds vote of town meeting is required to establish, amend the purpose of, or appropriate money from a stabilization fund. A majority vote of town meeting is required to appropriate money into a stabilization fund.

MUNICIPAL FINANCE TERMS RELATED TO CAPITAL IMPROVEMENTS

CAPITAL ASSETS: – Any tangible property used in the operation of government that is not easily converted into cash and that has an initial useful life extending beyond a single financial reporting period. Capital assets include land and land improvements; infrastructure, such as roads, bridges, water and sewer lines; easements; buildings and building improvements; vehicles, machinery and equipment. Communities typically define capital assets in terms of a minimum useful life and minimum initial cost.

CAPITAL BUDGET: An appropriation or spending plan that uses borrowing or direct outlay for capital or fixed asset improvements. Among other information, a capital budget should identify the method to finance each recommended expenditure (e.g., tax levy or rates) and identify those items that were not recommended.

CAPITAL IMPROVEMENTS PROGRAM: – A blueprint for planning a community's capital expenditures that comprises an annual capital budget and a five-year capital plan. It coordinates community planning, fiscal capacity, and physical development. While all the community's needs should be identified in the program, there is a set of criteria that prioritize the expenditures.

CAPITAL OUTLAY: The exchange of one asset (cash) for another (capital asset) with no ultimate effect on net assets. Also known as "pay as you go," it is the appropriation and use of available cash to fund a capital improvement, as opposed to incurring debt to cover the cost.

FIXED ASSETS: – Long-lived, tangible assets, such as buildings, equipment and land, obtained or controlled as a result of past transactions or circumstances.

MUNICIPAL FINANCE TERMS RELATED TO PROPOSITION 2 ½ TERMS

Chapter 59, Section 21C of the Massachusetts General Laws commonly referred to as Proposition 2 ½ (Prop. 2 ½) or the Tax Limiting Law for Cities and Towns in Massachusetts.

CAPITAL OUTLAY EXPENDITURE EXCLUSION: A temporary increase in the tax levy to fund a capital project or to make a capital acquisition. Such an exclusion requires a two-thirds vote of the selectmen or city council (sometimes with the mayor's approval) and a majority vote in a communitywide referendum. The exclusion is added to the tax levy only during the year in which the project is being funded and may increase the tax levy above the levy ceiling.

CONTINGENT APPROPRIATION: An appropriation that authorizes spending for a particular purpose only if subsequently approved in a voter referendum. Under MGL c. 59 § 21C (m), towns may make appropriations from the tax levy, available funds, or borrowing contingent on the subsequent passage of a Proposition 21/2 override or exclusion question for the same purpose. If initially approved at an annual town meeting, voter approval of the contingent appropriation must occur by September 15. Otherwise, the referendum vote must occur within 90 days after the town meeting dissolves. The question may be placed before the voters at more than one election, but if the appropriation is not approved by the applicable deadline, it is null and void. If contingent appropriations are funded through property taxes, DLS cannot approve the tax rate until the related override or exclusion question is resolved or the deadline passes, whichever occurs first.

DEBT EXCLUSION: An action taken by a community through a referendum vote to raise the funds necessary to pay debt service costs for a particular project from the property tax levy but outside of the limits under Proposition 21/2. By approving a debt exclusion, a community calculates its annual levy limit under Proposition 21/2, then adds the excluded debt service cost. The amount is added to the levy limit for the life of the debt only and may increase the levy above the levy ceiling.

LEVY: The amount a community raises through the property tax. The levy can be any amount up to the levy limit, which is reestablished every year in accordance with Proposition 21/2 provisions.

LEVY CEILING: – A levy ceiling is one of two types of levy (tax) restrictions imposed by MGL c. 59 § 21C (Proposition 2 1/2). It states that, in any year, the real and personal property taxes imposed may not exceed 2 1/2 percent of the total full and fair cash value of all taxable property. Property taxes levied may exceed this limit only if the community passes a capital exclusion, debt exclusion, or special exclusion.

LEVY LIMIT: A levy limit is one of two types of levy (tax) restrictions imposed by MGL c. 59 § 21C (Proposition 21/2). It states that the real and personal property taxes imposed by a city or town may only grow each year by 21/2 percent of the prior year's levy

NEW GROWTH: The additional tax revenue generated by new construction, renovations and other increases in the property tax base during a calendar year. It does not include value increases caused by normal market forces or revaluations.

OVERRIDE: A vote by a community at an election to permanently increase the levy limit. An override vote may increase the levy limit no higher than the levy ceiling. The override question on the election ballot must state a purpose for the override and the dollar amount.

OVERRIDE CAPACITY: The difference between a community's levy ceiling and its levy limit. It is the maximum amount by which a community may override its levy limit.

Note: The glossary definitions found on pages 4, 5 and 6 of this Warrant were derived from the Municipal Glossary published the Division of Local Services (January 2020).

The entire glossary can be found at:

<https://www.mass.gov/info-details/municipal-governance-training-and-resources>

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
ANNUAL TOWN MEETING
May 6, 2024**

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 6, 2024 at 7:00 P.M., then and there to act on the following articles:

TOWN OFFICERS AND COMMITTEES

ARTICLE 1: To choose various Town Officers and Committees.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

REPORTS OF TOWN OFFICERS AND COMMITTEES

ARTICLE 2: To hear reports of all Town Officers and Committees for the year 2023.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

ELECTED OFFICIAL SALARIES

ARTICLE 3: To see if the Town will vote the salaries of the Elected Officials of the Town for fiscal year commencing July 1, 2024 and ending June 30, 2025 as follows; and to act fully thereon. Estimated cost: \$136,616

Selectmen (5)	\$2,400 each
Moderator	\$1,000
Water & Wastewater Commissioners (5)	\$1,000 each
Library Trustees (7)	\$1,000 each
Town Clerk	\$111,616

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

TOWN OPERATING BUDGET

ARTICLE 4: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to defray Town charges for Fiscal Year 2025; and to act fully thereon.

By request of the Select Board. (BUDGET – APPENDIX B). Estimated Cost: \$45,732,309

FUNDING SOURCES	
Betterments	145,000
Cable Fund	226,964
Golf Improvement Receipts Reserved	95,200
Harbor Improvement Fund	200,000
Harbor Waterways Fund	200,000
Overlay Surplus	400,000
Special Purpose Wastewater Stab. Fund	500,000
Water Enterprise Indirect Costs	861,327
Wastewater Enterprise Indirect Costs	62,148
Subtotal	2,690,639
Local Receipts	16,307,350
Taxes	26,734,320
Operating Budget	45,732,309

Explanation: The Town’s Operating Budget (outlined in line-item detail in Appendix B showing salaries & wages as well as expenses) covers three main areas of expenditures: the Departmental Budgets, Debt Service (“payments” comprised of principal and interest) and Semi-fixed and Fixed Costs including the town’s mandatory retirement contributions to the Barnstable County Retirement System as well as insurances (group health insurance and general insurance and deductibles). The use of retained earnings from the Water and Wastewater Departments is solely to account for the indirect costs provided by staff in the Operating Budget.

Additionally, this operating budget includes several enhancements of services (EOS) including:

- **Administration (Dept. 149: lines 29 & 30 in Appendix B):** A new, full-time, benefitted position of Human Resources Generalist as well related fringe benefits, Human Resource programming and funds to support merit increases throughout the organization totaling \$115,000 in line 29 and \$30,000 in line 30.
- **Fire Department (Dept. 220: line 76 in Appendix B):** Additional overtime for shift coverage totaling \$231,190.00 in line 76.

- **Community Center (Dept. 540: line 111 in Appendix B):** \$52,000.00 in line 111 in Appendix B for building enhancements including additional security cameras and monitors, blinds, furniture and cleaning.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

MONOMOY REGIONAL SCHOOL DISTRICT BUDGET

ARTICLE 5: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to pay for the Monomoy Regional School District Assessment for Fiscal Year 2025, and to act fully thereon. By request of the Monomoy Regional School Committee. Estimated cost: \$29,876,982

Operating	27, 213,481
Capital	323,626
Transportation	787,996
Debt	1,551,879
Total Assessment - Harwich	\$29,876,982

Explanation: This article represents the total assessment for the Town of Harwich to the Monomoy Regional School District and reflects a 4.9% increase over the FY 2024 assessment rate. The capital line includes the capital project at the Harwich Elementary School (roof units) as well as the debt line including the debt service payment anticipated to include the Middle School project (see Article 9 of this warrant).

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

CAPE COD REGIONAL TECHNICAL SCHOOL DISTRICT BUDGET

ARTICLE 6: 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 pay for the Cape Cod Regional Technical High School District Assessment for Fiscal Year 2025, and to act fully thereon. By request of the Cape Cod Regional Technical High School District. Estimated cost: \$2,204,820

Operating	1,546,671
Debt	658,149
Assessment for Town of Harwich	2,204,820

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 0 (Zero): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

WATER DEPARTMENT BUDGET

ARTICLE 7: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to defray the Water Department Operating Budget for Fiscal Year 2025, and to act fully thereon.

Salaries	1,363,256
Expenses	1,817,878
Debt	739,426
Indirect Costs	861,327
OPEB	50,000
Total	\$4,831,887

By request of the Board of Water/Wastewater Commissioners. Estimated cost: \$4,831,887.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

WASTEWATER DEPARTMENT BUDGET

ARTICLE 8: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to defray the Wastewater Department Operating Budget for Fiscal Year 2025, and to act fully thereon.

Salaries	\$202,624
Expenses	\$435,660
Indirect Costs	\$62,148
TOTAL	\$700,432

By request of the Board of Water/Wastewater Commissioners. Estimated cost: \$700,432.

Explanation: Funding for this article will come from Wastewater Enterprise Fund Receipts (\$50,000), Enterprise Fund Retained Earnings (\$100,000), and a subsidy through the General Fund (\$550,432).

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

MONOMOY MIDDLE SCHOOL RENOVATION PROJECT

ARTICLE 9: To see if the Town will vote to approve the \$2,500,000.00 debt authorized by the Monomoy Regional School District to pay costs of renovating and reconstructing the exterior siding of the Monomoy Regional Middle School, including the payment of all costs incidental and related thereto, provided that the approval of the District’s borrowing by this vote shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. Chapter 59, Section 21C (Proposition 2-1/2, so-called); and to act fully thereon.

By request of the Select Board. Estimated cost: \$2,500,000.00.

Explanation: The borrowing authorized is contingent upon the passage of the related ballot question (Question #1) which appears on the Annual Town Election warrant (see Appendix A).

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

PETITIONED ARTICLE – TREE PRESERVATION BYLAW

ARTICLE 10: To see if the Town will vote to:

Trees are a tremendous asset to our community and environment. The Harwich Tree Preservation Bylaw encourages the preservation and protection of trees on residential, commercial and industrial lots during building activities as defined in this Bylaw and monitors for their survival after construction.

This Bylaw does not prohibit a landowner's right to remove a protected tree. Removal of protected trees will be authorized so long as the property owner undertakes one of the mitigation options set forth herein. This Bylaw incentivizes the preservation of protected trees by requiring property owners to compensate for any Protected Trees that are removed, either by planting new ones or by contributing to the Tree Bylaw Revenue Account that supports the Town's tree planting and maintenance efforts.

This Article would establish a program intended to incentivize the protection of certain trees on lots within the Town of Harwich. It would require, prior to any building activities as defined in this Article, the submission of an application and plan to the Planning Department that identifies trees that qualify as "Protected Trees," within the lot perimeter setback area of the lot, defined as the "Tree Lot." This Article does not prohibit any property owner from removing any tree, protected or not, from their property, however if a protected tree is proposed for removal it will require either a payment into a Tree Bylaw Revenue Account or replacement of the protected tree with a suitable species in accordance with this Article. This would

eliminate the ability for property owners to "clear-cut" their lot prior to a building activity. This Article does not restrict cutting or removal of trees outside of the "Tree Lot." Nor does this Article prevent an owner from cutting or removing trees if there is no building or construction activities. The Article is intended to encourage the preservation of existing trees for their environmental benefits and positive impact on the character of the community.

To see if the Town will vote to add new Chapter: Tree Preservation Bylaw to the Harwich General Bylaws as follows:

HARWICH TREE PRESERVATION BYLAW

§175-1 PURPOSE & INTENT

The Harwich Tree Preservation Bylaw encourages the preservation and protection of trees on residential, commercial and industrial lots during building activities as defined in this Bylaw and monitors for their survival after construction.

This Bylaw does not prohibit a landowner's right to remove a protected tree. Removal of protected trees will be authorized so long as the property owner undertakes one of the mitigation options set forth herein. This Bylaw incentivizes the preservation of protected trees by requiring property owners to compensate for any Protected Trees that are removed, either by planting new ones or by contributing to the Tree Bylaw Revenue Account that supports the Town's tree planting and maintenance efforts.

This Bylaw does not discourage the removal of hazardous trees (as defined herein) for reasons of public health and safety nor does this Bylaw discourage the removal of a tree(s) that by size or otherwise is not subject to the protections set forth herein.

This Bylaw defines which trees are of preservation value ("Protected Trees") and designates the area(s) of a lot or parcel where those trees are protected ("Tree Yard").

Trees cannot be assigned a monetary value, they are 'priceless.' The preservation of existing trees and the promotion of new tree planting is a public purpose that protects the ecology and public health, welfare, environment and aesthetic character of the Town of Harwich and its residents. Trees serve a variety of functions that this Bylaw intends to protect and enhance. These valuable functions include but are not limited to reducing energy consumption, providing shade, improving air quality, providing vital wildlife habitat, erosion control, reducing storm-water runoff, buffering noise pollution, increasing property values, and positively contributing to the visual character of the Town.

§175-2 DEFINITIONS

The following words, terms, and phrases, when used in this Bylaw, shall have the meaning

ascribed to them in this section:

AGGREGATE DIAMETER: The combined diameter of a multiple-trunk tree measured at breast height. Breast height: see definition below.

BUILDING ACTIVITY: One of the following types of work performed on a lot:

- *Work performed pursuant to a special permit (as defined in MGL Ch. 40A Sec. 9 and the Harwich Zoning Bylaw);*
- *Work performed pursuant to site plan approval (as defined in the Harwich Zoning Bylaw);*
- Construction of a new dwelling (including after razing an existing dwelling);
- Construction of a structure on a vacant lot;
- Construction of a subdivision;
- Construction of a structure or addition that increases the gross floor area of a residential, commercial, or industrial structure by 50% or more;
- Demolition of a structure(s) with a footprint of 250 square feet or greater;
- Construction of any accessory structures requiring a building permit including but not limited to sheds 200 square feet, detached garages, pools, retaining walls with a height of four feet or greater; or
- Clearing, grading, grubbing or other site preparation work performed prior to undertaking any of the above.

CERTIFICATE OF

EXEMPTION: Formal permission granted to proceed with building activity without the need for a tree permit.

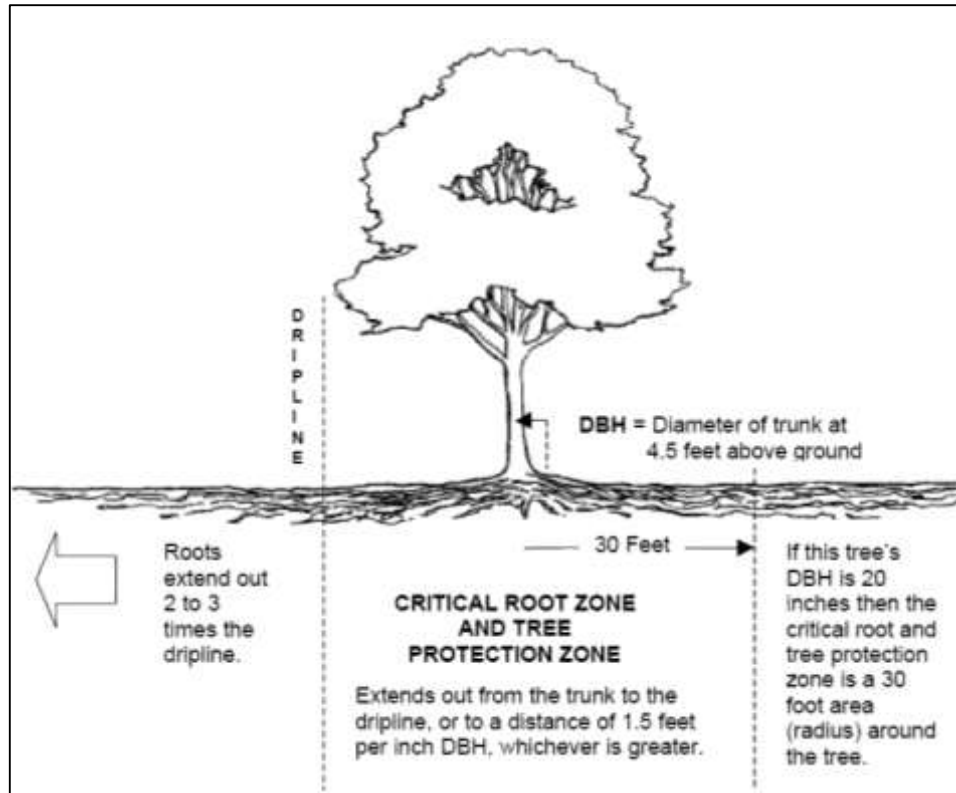
CERTIFIED ARBORIST: An arborist certified by the Massachusetts Arborists Association or International Society of Arboriculture, or any successor organization.

CRITICAL ROOT ZONE

(CRZ):

The minimum area beneath the tree canopy of a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The CRZ is represented by a circle centering on the tree's trunk and extending outwards towards the tree's drip line. The minimum radius of the CRZ shall be determined by multiplying the tree's diameter at breast height in inches by 18 (1.5 feet per inch DBH). See Figure 1 below.

Figure 1



Example: A tree with a diameter at breast height of 20 inches shall have a CRZ of 360 inches or 30 feet ($20'' \times 18'' = 360''$)

Calculating the CRZ:

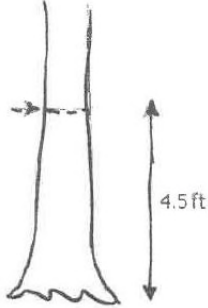
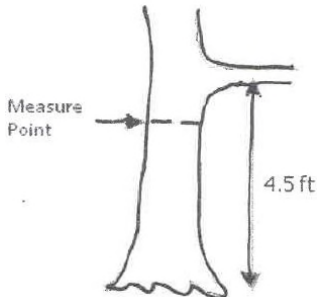
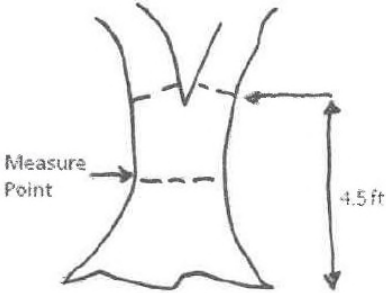
First you need to calculate the tree's Diameter at Breast Height (DBH). DBH can be measured using a caliper measuring tool, or for trees that are too large, DBH can be measured by dividing the tree's circumference by pi (π). Diameter = circumference / π (3.14)

The Critical Root zone extends from the trunk of the tree to its drip line, or to a distance of 1.5 feet per inch DBH, whichever is greater.
CRZ = Diameter * 1.5 feet (18 inches)

DIAMETER BREAST

HEIGHT (DBH):

The diameter of the trunk of a tree 4.5 feet above the existing grade at the base of the tree. For trees that have branches or swelling at 4.5' above grade that interferes with measurement or for multi-stemmed trees refer to Table 1 below.

TABLE 1: HOW TO MEASURE DIAMETER AT BREAST HEIGHT (DBH)	
<p>Standard Tree</p> <p>For those trees on a site that are at least 6 inches in diameter at a height of 4.5 feet above the existing grade at the base of the tree. For trees on a slope, measure on the uphill side of the tree.</p>	
<p>Tree has branches or swelling at 4.5'</p> <p>Measure DBH below the branch or swelling immediately below where branches cease to affect diameter of the stem. Record the height at which the diameter was measured.</p>	
<p>Multi-stemmed Trees</p> <p>If a tree splits into multiple trunks below 4.5' above the existing grade, the DBH shall be considered to be the measurement taken at the narrowest point beneath the split.</p>	

HAZARDOUS TREE: A tree that is dead, diseased, injured and/or that is dangerously close to existing structures, utilities, streets, sidewalks or other existing improvements or is causing disruption of public utility service, or poses a threat to pedestrian or vehicular safety, or drainage or passage issues upon right-of-way and/or that is harming the health or condition of other trees on the same site.

INVASIVE SPECIES: Any tree that is listed on the most recent version of the Massachusetts Prohibited Plant List as published by the Massachusetts Department of Agriculture. Invasive species as defined in this Bylaw are not protected trees.

Here is link to Massachusetts prohibited plant list:

<https://www.mass.gov/info-details/massachusetts-prohibited-plant-list>

Up dates:

<https://www.mass.gov/info-details/massachusetts-prohibited-plant-list-update>

Including but not limited to these examples:

<i>Acer platanoides</i>	Norway Maple
<i>Acer pseudoplatanus</i>	Sycamore Maple
<i>Ailanthus altissima</i>	Tree-of-Heaven
<i>Phellodendron amurense</i>	Amur Cork-tree
<i>Robinia pseudoacacia</i>	Black Locust

OVERSTORY TREE: A tree that will generally reach a mature height of more than 40 feet.

PROTECTED TREES: Any tree with a diameter at breast height (DBH) of six-inches (6”) or greater of any one of the species listed in Table 2 below.

Removal of Protected Trees shall require a permit before being removed, encroached upon, or in some cases, pruned.

Invasive species as defined in this Bylaw are not protected trees.

Table 2: List of Tree Species that are Protected Trees	
Overstory Species	Understory Species
Atlantic White Cedar (<i>Chamaecyparis thyoides</i>)	American Holly (<i>Ilex opaca</i>)
Black tupelo (<i>Nyssa sylvatica</i>)	Sassafras (<i>Sassafras albidum</i>)
Gray Birch (<i>Betula populifolia</i>)	Eastern Red Cedar (<i>Juniperus virginiana</i>)
River Birch (<i>Betula nigra</i>)	Shadbush (<i>Amelanchier Canadensis</i>)
White Ash (<i>Fraxinus americana</i>)	Flowering Dogwood (<i>Cornus florida</i>)
Green Ash (<i>Fraxinus pennsylvanica</i>)	Cockspur Hawthorne (<i>Crataegus crus-galli</i>)
Red Maple (<i>Acer rubrum</i>)	Sweetbay Magnolia (<i>Magnolia virginiana</i>)
Willow, various species (<i>Salix</i> spp.)	Ironwood (<i>Ostrya virginiana</i>)
Atlantic White Cedar (<i>Chamaecyparis thyoides</i>)	American Hornbeam (<i>Carpinus caroliniana</i>)
Pitch Pine (<i>Pinus rigida</i>)	
White Oak (<i>Quercus alba</i>) and other <i>Quercus</i> species	
Hackberry (<i>Celtis occidentalis</i>)	
American Beech (<i>Fagus grandifolia</i>)	

Tulip Poplar (<i>Liriodendron tulipifera</i>)
White Spruce (<i>Picea glauca</i>)
Black Spruce (<i>Picea mariana</i>)
American basswood (<i>Tilia Americana</i>)
Black Gum/Sourgum (<i>Nyssa sylvatica</i>)
Black Cherry (<i>Prunus serotina</i>)

**REMOVE, EMOVED,
REMOVAL or REMOVING:**

The cutting down of any Protected Tree and all other acts that directly or indirectly result in the death of a Protected Tree prior to any building activity or within two years thereafter, as determined by a certified arborist based on arboricultural practices recommended by the International Society of Arboriculture, including, but not limited to, damaging, poisoning, excessive pruning or other direct or indirect actions.

Grading, grubbing, changing the contour within the CRZ is not permitted if the health of the protected tree is threatened.

Removal or altering the understory vegetation within the CRZ is not permitted if the health of the protected tree is threatened.

TREE BYLAW

REVENUE ACCOUNT: An account established by the Town Accountant to deposit mitigation funds collected under this chapter to be appropriated via a town meeting vote and expended for the purposes of maintaining, acquiring and/or installing trees to beautify the Town and preserve and enhance the character of the community. All sums deposited into the Tree Bylaw Revenue Account shall be used for the sole purpose of buying, planting and maintaining trees on public property in Harwich, and for no other purpose whatsoever.

At least once a year the Town Accountant shall audit the receipts and expenses of the Tree Bylaw Revenue

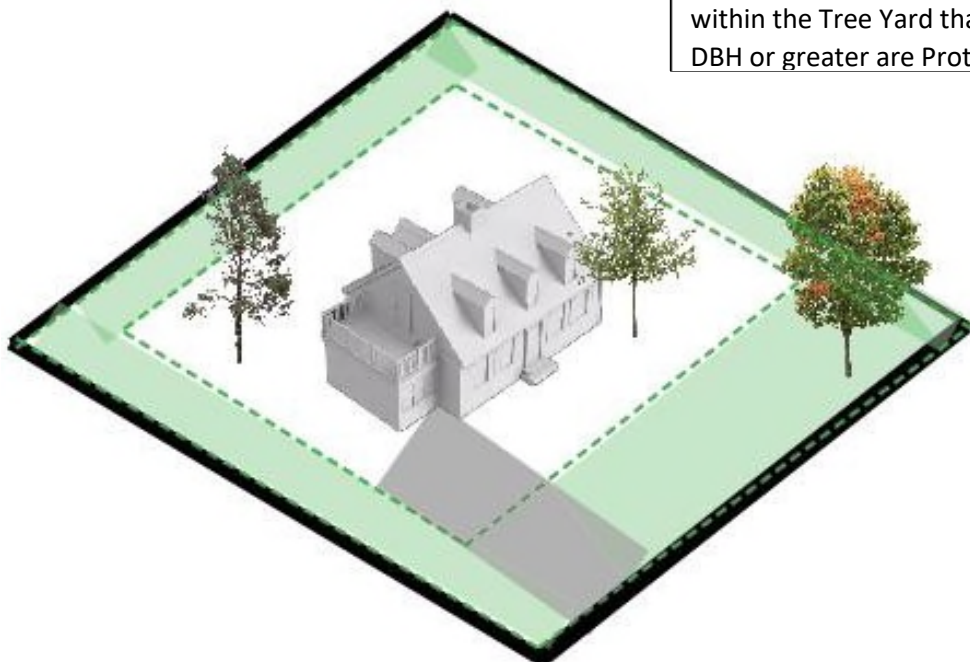
Account to ensure accuracy and propriety of its transactions.

The required dollar amount paid into the Tree Bylaw Revenue Accountant is determined by the written price quotes/estimates from a garden center/nursery for the purchase of trees and as well a price quote/estimate from a qualified landscape professional for installation of the equivalent size of the Protected Tree(s) each stamped, dated and signed by a Certified Arborist;

TREE YARD:

A defined area around the perimeter of a lot which is equal to the minimum setbacks front, side, and rear as defined in Town of Harwich Section 325 Attachment 2, Table 2, Area Regulations of the Harwich Zoning Bylaw.

Figure 2



Note: **The shaded perimeter is the Tree Yard** on this parcel - the same as existing zoning setbacks. Trees located within the Tree Yard that are 6 inches DBH or greater are Protected Trees.

TREE PERMIT: Formal permission granted to proceed with any building activity that affects a Protected Tree(s).

UNDERSTORY: A layer of vegetation beneath the main canopy of a forest.

Removal or altering the understory vegetation within the CRZ is not permitted if the health of the protected tree is threatened.

§175-3 APPLICABILITY

All lots in the Town of Harwich are subject to the Tree Preservation Bylaw unless specifically exempted under **Section 3(A)** below and the project involves at least one building activities as defined in this chapter:

No person shall commence building activity on any lot without first obtaining a Tree Preservation Permit or a Certificate of Exemption from the Planning Department via the Town Planner or his/her designee.

Protected Trees removed within the past 12 months prior to an application for building activity are also subject to the requirements of the Tree Bylaw.

A. EXEMPTIONS

- (1) Properties that are pre-disturbed or previously developed may remove protected trees in the Tree Yard of their property without connection to a building activity. Applicability of this bylaw applies only to those Building Activities as defined.
- (2) Any lot or lots located within wetlands jurisdiction whereas any building activity that may impact protected trees will be subject to the review and approval of the Conservation Commission
- (3) Any building activity not within the definition of “building activity” (i.e., demolition of a shed that is less than 250 square feet).
- (4) If a Certificate of Exemption has been issued by the Planning Department, no Tree Preservation Permit shall be required. The granting of exemption shall be at the discretion of the Town Planner or his/her designee and shall be based on whether the building activity could potentially harm a Protected Tree. If the proposed building activity does not have the potential to harm a

Protected Tree, the Town Planner or his/her designee shall issue a Certificate of Exemption.

- (5) Invasive species as defined in this Bylaw are not protected trees.
- (6) Dead, Diseased, or otherwise Hazardous Trees - If a Protected Tree is deemed to be imminently hazardous because it is dead, or infested with a disease or pest of a permanent nature or is an immediate danger to the public health, safety or welfare or shall cause an immediate disruption of public services, the tree may be removed without delay. An oral authorization from the Town Planner or his/her or designee to remove the tree shall be permitted and followed up with a written report. In the event that the emergency condition does not allow time to seek prior authorization then the emergency removal of the tree shall proceed with notification to the Town Planner sent by email or U.S. mail within 24 hours of said removal.
- (7) Pruning: A tree permit is not required for pruning of Protected Trees. However, excessive pruning may constitute tree removal.
- (8) Any building activity conducted by the Town or on behalf of the Town of Harwich.

Waiver: During a period of a bona fide emergency declaration resultant of a significant weather event and/or natural disaster by local or other Act of God, state and/or federal authorities, requirements of this Bylaw shall be waived.

§175-4 IDENTIFYING PROTECTED TREES

Any tree with a Diameter at Breast Height (DBH) of 6” or greater and within the Tree Yard is considered to be a Protected Tree. Any Protected Trees located within the Tree Yard are to be adequately protected. Any Protected Trees located in the Tree Yard proposed for removal shall require adequate mitigation plantings and/or payment to the Harwich Tree Bylaw Revenue Account.

Protected Trees removed within the past 12 months prior to an application for any of the projects are also subject to the requirements of the Tree Bylaw.

§175-5 SUBMISSION REQUIREMENTS FOR A TREE PROTECTION AND MITIGATION PLAN

The applicant pays for a registered land surveyor to prepare a tree protection or mitigation plan. The applicant pays for the services of a certified arborist. An approved Tree Protection and Mitigation Plan is required before commencement of any applicable building activity. The Tree Protection and Mitigation Plan is

intended to define the Tree Yard and the location(s) of Protected Trees within it and define how the method with which the property owner intends on mitigating for any Protected Trees that are proposed for removal. This Plan may be part of a landscape plan or a separate plan.

All submitted plans must be drawn to a uniform scale (preferably 1"= 10', 1" =20', or 1"=30') and shall be a minimum size of 11" x 17" (preferred) and a maximum size of 24" x 36", with 3/4" borders. Font sizes on plans should be no smaller than 1/8". All Tree Protection and Mitigation Plans shall be prepared, stamped, dated and signed by a Registered Land Surveyor. If a plan is submitted by a Registered Landscape Architect, the plan must also be stamped by a Registered Land Surveyor.

At a minimum, the Tree Protection and Mitigation Plan shall include the following elements:

- a) Boundaries of the subject property, including all property lines, easements, and right-of- way of public and private ways;
- b) The location of all existing buildings, driveways, retaining walls and other improvements, with an indication of those features to be retained or removed/demolished;
- c) The location of all planned buildings, driveways, retaining walls and other improvements;
- d) The location of the Tree Yard for projects located in the subject zoning district; and
- e) The location, height, DBH, and species of all existing Protected Trees and all Protected Trees that were removed within 12 months prior to application with an indication of those Protected Trees to be removed and those to be retained, if applicable.

§175-6 **ADDITIONAL REQUIREMENTS TO BE SUBMITTED**

A. If Protected Trees are intended to be preserved, protected, and retained, the following elements must be added to the Plan:

1. The Critical Root Zone and Drip line shall be shown for all Protected Trees to be retained.
(See Figure 1 above in definitions section).
2. Submitted plans shall specify the tree protection measures to be installed around the Critical Root Zone.

3. Prior to the commencement of construction, written documentation prepared, stamped, dated and signed by a Certified Arborist must be submitted to the Planning Department confirming the protection measures have been installed correctly and in accordance with any approved plans.
4. Projects that encroach within the CRZ require a maintenance plan which shall be submitted for such trees, prepared, stamped, dated and signed by a Certified Arborist; at a minimum, the maintenance plan shall identify the course of action that will be taken to maintain the tree in good health for a period of no less than 24 months from the date of Final Inspection or issuance of Certificate of Occupancy.
5. Grading, grubbing, changing the contour within the CRZ is not permitted if the health of the protected tree is threatened.
6. Removal or altering the understory vegetation within the CRZ is not permitted if the health of the protected tree is threatened.

B. If Protected Trees are intended to be removed and compensated for on-site by replanting new trees, the following additional elements must be added to the Plan:

1. The location, DBH, species, and planting schedule of trees to be replanted to mitigate the removal of a Protected Tree(s). New trees of one-half (0.5) inch DBH is needed to mitigate for each one-inch at breast height of Protected Trees proposed for removal. **Example:** The removal of a 20 inch DBH Protected Tree shall require 5, 2 inch DBH replacements.
2. Each new tree must have a minimum DBH of 2 inches.
3. Replanting must be complete prior to Final Inspection or the issuance of a Certificate of Occupancy.
4. Applicants have the ability to plant on land abutting the applicant's land, with the express written approval of the abutting property owner.
5. Over story Tree species, if removed, must be replaced with an Overstory Tree species.
6. Invasive tree species as defined in this Bylaw shall not be replanted to mitigate the removal of a Protected Tree and no invasive species will be accepted as mitigation toward the removal of a Protected Tree.

C. If Protected Tree removal is permitted but replanting trees as defined above is not the preference of the property owner, then mitigation may be effected through contribution into the Town of Harwich Tree Bylaw Revenue Account as follows:

1. The Town Planner or his/her designee shall determine the amount of the

contribution based upon the cost to purchase and install trees. An applicant who has been granted a Tree Permit may choose, in lieu of replanting onsite, to make a contribution to the Tree Bylaw Revenue Account in an amount equal to planting replacement tree(s). And deposit such amount in the Tree Bylaw Revenue Accountant.

To establish the required dollar amount the applicant shall provide to the Board written price quotes/estimates from

- a. a garden center/nursery or from whomever they purchase the trees, and
- b. as well as from a qualified landscape professional the price for installation and planting of the replacement trees.

each stamped, dated and signed by a Certified Arborist;

§175-7 COMBINATION OF OPTIONS

Any combination of Tree Retention, Tree Replanting or Tree Removal with contribution to the Tree Bylaw Revenue Account can be used. Tree mitigation for those trees removed must be clearly identified either on the submitted plan or in a written document accounting for each DBH of Protected Trees removed and the mitigation proposed. This is not required for tree retention of all trees in the Tree Yard.

§175-8 ADMINISTRATION OF BYLAW

The Town Planner or his/her designee shall administer, implement and enforce this Bylaw and any rules and regulations adopted thereunder. Any powers granted to or duties imposed upon the Town Planner may be delegated to its agents under the Board's direct supervision.

§175-9 AUTHORITY

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes.

§175-10 RULES AND REGULATIONS

The Planning Board may promulgate rules and regulations to effectuate the

purposes of this Bylaw. Such rules may prescribe the size, form, contents, style and number of copies of plans for determining final compliance with these regulations. The adoption or amendment of rules and regulations shall be after a public hearing to receive comments on the proposed or amended rules and regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing.

§175-11 NOTICE OF VIOLATION

Any person who violates any of the provisions of this Bylaw shall be notified by the Town Planner or his/her designee of the specific violation by certified mail, return receipt requested, or by hand delivery. The notice shall set forth the nature of the violation and the date by which the Protected Tree(s) is to be mitigated, by planting a replacement tree(s) or payment to the Tree Bylaw Revenue Account, for purposes of computing the “per diem” violation rule. Any notice of violation shall also be transmitted to the Harwich Building Commissioner.

§175-12 STOP WORK ORDER

Upon notice from the Town Planner or his/her designee that work on any lot on which a Protected Tree is located is being performed contrary to the provisions of this Bylaw, a written Stop Work Order shall be given to the owner or agent or the person performing work on the property by the Building Commissioner. The Stop Work Order shall state the conditions under which work will be permitted to resume. Upon receipt of the Stop Work Order all work on the subject property that might affect any Protected Trees must cease while a stop work order is pending.

A person, having been served with a stop work order, may be directed to perform work on the said Protected Tree property to remove a violation or unsafe condition.

§175-13 SUSPENSION OR REVOCATION

The Town Planner or his/her designee may suspend or revoke the applicant’s Tree Permit at any time if the permit holder has failed to comply with either the Bylaw or the conditions of the permit. Notice may be made via certified or registered mail, return receipt requested, or hand delivered. The notice must provide the applicant an opportunity to correct the non- compliance. This may include remediation or

other requirements identified by the Town Planner or authorized monitoring agent, such as the Code Compliance Inspector. Once the project is returned to compliance or remediation completed, if practicable, the applicant may apply for a renewal of the tree permit.

§175-14 IRREPARABLE DAMAGE

If the Town Planner or his/her designee determines that the applicant damaged a tree approved for Retention and Protection during construction to an extent that may significantly compromise its survival and future health, the Town Planner or his/her designee may require the applicant to provide mitigation per the terms of the Bylaw.

§175-15 NON-CRIMINAL FINES

If the Town Planner or authorized monitoring agent, such as the Code Compliance Inspector, identifies any issues of non-compliance, fines will accrue per the Bylaw if not corrected within 30 days. Each consecutive day the non-compliance continues is considered a separate offense.

§175-16 FINES AND PENALTIES

The following actions shall cause the Planning Department to issue a fine to the applicant:

- A. A Protected Tree has been removed without a Tree Permit: The fine shall be in addition to the required payment for the replacement of the tree(s).
- B. Failure to replace trees or make payment to the Tree Bylaw Revenue Account as required: Each failure to replace a tree or make a payment to the Tree Bylaw Revenue Account constitutes a separate violation of this Bylaw, subject to a fine. Each day such violation continues after the compliance date specified by the Planning Department in its notice of violation shall constitute a separate offense.
- C. Failure to comply with a condition of the Tree Permit: Each instance of failure to comply with a condition in the Tree Permit shall constitute a violation of this Bylaw which shall be subject to a fine. Each day such violation continues shall constitute a separate offense.
- D. Failure to comply with a condition in a Stop Work Order: Each instance of failure to comply with a condition in a Stop Work Order shall constitute a violation of this Bylaw which shall be subject to a fine. Each day such violation continues shall constitute a separate offense.
- E. Fines for the above violations

are as follows: First
offense = \$100 per day
Second Offense = \$200 per day

Third Offense = \$300 per day

F. Fines assessed pursuant to this Section shall be enforced and collected in accordance with applicable provisions of law, including the provisions of G.L. c.40, §21D providing for noncriminal disposition of bylaw violations, as implemented by Article III, §1-3 of these Bylaws

§175-17 SEVERABILITY

The provisions of this Bylaw are severable. If any section, provision or portion of this Bylaw is determined to be invalid by a court of competent jurisdiction, then the remaining provisions of this Bylaw shall continue to be valid.

§175-18 CONFLICT OF LAWS

This Bylaw shall not apply to any public shade tree as that term is defined by the General Laws, Chapter 87, and to the extent that any provision hereof conflicts with said Chapter 87, such provision shall not be valid. Nothing herein is intended to conflict with existing special-permit procedures and to the extent than any provision hereof conflicts with said special-permit procedures, such provision shall not be valid.

§175-19 COMPLIANCE WITH ALL STATE AND LOCAL REGULATIONS

Complying with the terms of this Bylaw shall not relieve the owner of the subject property from complying with any other pertinent regulation, including but not limited to all state and local wetlands-protection regulations.

§175-20 ENFORCEMENT

The Town Planner or his/her designee is hereby authorized to enforce all provisions of the Harwich Preservation Tree Bylaw and may designate monitoring and enforcement agents to include but not be limited to the Code Compliance Officer, the Town Planner, the Conservation Agent, Building Inspector/Commissioner.

§175-21 APPEALS

Any person who has been aggrieved by refusal, order, or decision of the Town Planner or his/her designee, may appeal to the Planning Board within 20 days from the date of such refusal, order or decision.

By Petition (Lead Petitioner: Patrick Otton)

Explanation: This Article would establish a program intended to incentivize the protection of certain trees on lots within the Town of Harwich. It would require, prior to any building activities as defined in this Article, the submission of an application and plan to the Planning Department that identifies trees that qualify as "Protected Trees," within the lot perimeter setback area of the lot, defined as the "Tree Lot." This Article does not prohibit any property owner from removing any tree, protected or not, from their property, however if a protected tree is proposed for removal it will require either a payment into a Tree Bylaw Revenue Account or replacement of the protected tree with a suitable species in accordance with this Article. This would eliminate the ability for property owners to "clear-cut" their lot prior to a building activity. This Article does not restrict cutting or removal of trees outside of the "Tree Lot." Nor does this Article prevent an owner from cutting or removing trees if there is no building or construction activities. The Article is intended to encourage the preservation of existing trees for their environmental benefits and positive impact on the character of the community.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 0 (Zero): None

Nays: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

FUND CAPE COD COMMUNITY MEDIA CENTER

ARTICLE 11: To see if the Town vote to raise and appropriate or transfer from available fund or borrow such sums of money that may be required for the purpose of funding the public access station, Cape Cod Community Media Center, 17 Shad Hole Rd. Dennis Port, MA 02639. Providing the public access television to the citizens of Harwich; and to act fully thereon. By request of the Select Board. Estimated cost: \$158,273.

Explanation: This customary article is funded from the PEG Access and Cable Related Fund. The Town of Harwich receives funding from Comcast subscriber fees to fund and maintain Public, Education and Government television stations (PEG access). Under the current 10 year agreement with Comcast the Town will allocate funds directly to Cape Cod Community Media Center.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

LEASE PURCHASE AGREEMENTS

ARTICLE 12: To see if the Town will vote to enter into various lease purchase financing agreements for town equipment included in the operating budget for FY 2025, said leases may be a term not to exceed the useful life of the equipment as determined by the Select Board; and to act fully thereon. By request of the Select Board. *Requires a 2/3 majority vote.*

Explanation: Massachusetts General Law, c. 44, §21C requires a recommendation by the Town Administrator and a two-thirds majority vote of Town Meeting whenever there are items to be funded by lease agreements within the Operating Budget. The lease agreements funded by the operating budget relate to procurements for Fiscal Year 2025.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

PETITIONED ARTICLE – HOME RULE PETITION: PESTICIDES

ARTICLE 13: To see if the Town will vote to authorize and direct the Select Board to petition the Great and General Court of the Commonwealth of Massachusetts for special legislation, authorizing the Town to adopt a Pesticide Reduction Bylaw (the bylaw), the text of which is set forth below, and to authorize the General Court, with the approval of the Select Board to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage: and vote to adopt the bylaw.

PESTICIDE REDUCTION BYLAW

§1. Purpose.

The purpose of this bylaw is to reduce toxic pesticide use in and on public and private property in the Town of Harwich in order to promote a healthy environment and to protect the public from the

hazards of pesticides, and for implementation of sustainable land and building management practices on all public and private property.

§2. Findings.

- A. Scientific studies associate exposure to pesticides with asthma, cancer, developmental and learning disabilities, nerve and immune system damage, liver or kidney damage, reproductive impairment, birth defects, and disruption of the endocrine system.
- B. Infants, children, pregnant women, the elderly, and people with compromised immune systems and chemical sensitivities are especially vulnerable to pesticide effects and exposure.
- C. Pesticides are harmful to pets and wildlife, including threatened and endangered species, soil microbiology, plants, and natural ecosystems.
- D. Toxic runoff from chemical fertilizers and pesticides pollute streams, lakes, estuaries, and drinking water sources.
- E. The use of pesticides is not necessary to create and maintain green lawns and landscapes given the availability of viable alternatives practices and products.
- F. People have a right not to be involuntarily exposed to pesticides in the air, water or soil that inevitably result from chemical drift and contaminated runoff.
- G. Sustainable land and building management practices that emphasize non-chemical methods of pest prevention and management, and least-toxic pesticide use as a last resort, will eliminate the use of and exposure to pesticides while controlling pest populations.
- H. Sustainable land and building management practices complement other important goals of Harwich's maintenance and administration, such as energy conservation and security.
- I. Harwich embraces a precautionary approach to the use of pesticides in order to adequately protect people and the environment from the harmful effects of pesticides.
- J. Application of chemicals simply for aesthetic/cosmetic purposes has harmful consequences for our ecosystem, children and pets. Pollinators are directly harmed by applications particularly the indiscriminate (and long-term ineffective) spraying of pesticides.

§3. Authority.

This bylaw is adopted under authority granted by the Home Rule amendment to the Massachusetts Constitution and the provisions of any Special Legislation passed by the Legislature.

§4. Definitions.

For the purposes of this bylaw, the following definitions shall apply:

Allowed Materials List - The list of acceptable pesticides is limited to the following:

- 1) All non-synthetic (natural) materials, with the exception of prohibited non-synthetic materials under 7 CFR 205.602;
- 2) Any synthetic material listed at 7 CFR 205.601 that is labeled for turf uses, subject to discretionary authority to require disclosure of inert ingredients; and
- 3) 25b listed pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Inert ingredient - Any substance (or group of substances with similar chemical structures if designated by the Environmental Protection Agency) (EPA) other than an active ingredient that is intentionally included in any pesticide product (40 CFR 152.3(m)) [7 CFR 205.2 Terms defined.], and are not classified by the EPA Administrator as inserts of toxicological concern. [7 U.S.C. 6502(21) Definitions]

Non-synthetic (natural) materials - A substance that is derived from mineral, plant, or animal matter and does not undergo a synthetic process as defined in section 6502(21) of the Organic Foods Production Act. For the purposes of this part, 'non-synthetic' is used as a synonym for natural as the term is used in the regulations. [7 CFR 205.2 Terms defined.]

Pesticide — Any substance or mixture of substances intended for: (i) preventing, destroying, repelling, or mitigating any pest; (ii) use as a plant regulator, defoliant, or desiccant; or (iii) use as a spray adjuvant such as a wetting agent or adhesive. The term 'pesticide' includes insecticides, herbicides, fungicides, and rodenticides, but does not include cleaning products other than those that contain pesticidal agents.

Synthetic materials - A substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes. [7 U.S.C. 6502(21) Definitions]

§5. Prohibitions.

The application of any Pesticide that is not on the Allowed Material List is prohibited, except as permitted in this bylaw.

§6. Exceptions.

- A. The application of the following Pesticides is allowed:
 1. Indoor pest sprays and insect baits (excluding rodent baits)

2. Insect repellants for personal and household use
 3. Pet: Flea and tick sprays, powders, and pet collars
 4. Kitchen, laundry, and bath disinfectants and sanitizer
 5. Products labeled primarily to kill mold and mildew
 6. Usage for commercial farming and nurseries.
- B. Pesticides for the treatment of invasive plants for ecological restoration (see Massachusetts Invasive Plant Advisory Group current lists of Invasive, Likely Invasive, and Potentially Invasive <https://www.massnrc.org/mipag/> may be used upon the grant of a waiver by the Town Manager or authorized designee.
- C. If an emergency public health situation warrants the use of Pesticides, which would otherwise not be permitted under this bylaw, the Town Manager or authorized designee shall have the authority to grant a temporary waiver on a case-by-case basis after an evaluation of all alternative methods and materials.
- D.

§7. Enforcement.

The enforcement authority shall be the Town Manager, or any town officials as designated by the Select Board to oversee and enforce the provisions of this bylaw.

§8. Penalties.

Any person who violates any provision of this bylaw shall be punished by a fine of one hundred dollars (\$100.00) for the first offense and three hundred dollars (\$300.00) for each offense thereafter. Each day or portion thereof during which a violation continues shall constitute a separate offense and a violation of each provision of the bylaw shall constitute a separate offense. If the offender is a commercial applicator, the right to do business in Harwich may be revoked.

§9. Severability.

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

Provided, that this bylaw is subject to the Town obtaining special legislation from the Great and General Court of the Commonwealth of Massachusetts authorizing the Pesticide Reduction Bylaw as aforesaid; or to take any other action relative thereto.

By Petition (Lead Petitioner: Patrick Otton)

Explanation

This Home Rule petition asks the state legislature to allow the Town of Harwich to establish its own fertilizer regulations. Beacon Hill does not have the seashore, ponds, embayments and estuaries. *These are all* endangered by human sourced pollution of nitrogen and phosphorous from fertilizers. Harwich's 22 ponds and 11+ miles of coastline are the life and assets for all residents, property owners, visitors and businesses in Harwich. It is the reason we live here and they need to be protected and cared for.

SUMMARY

The article authorizes the Select Board to file special legislation authorizing the adoption of the proposed bylaw as the application of pesticides in Harwich is currently primarily regulated by state and federal law. This article also proposes the adoption of a bylaw that seeks to reduce toxic pesticide use in and on public and private property in order to promote a healthy environment and to protect the public from the hazards of pesticide use. It does not prohibit businesses from selling products containing pesticides to anyone.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 0 (Zero): None

Nays: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

**PETITIONED ARTICLE – AUTHORIZE SPECIAL ACT TO ENABLE HARWICH
TO REGULATE THE APPLICATION OF FERTILIZERS**

ARTICLE 14: To see if the Town will vote to authorize and ask the Select Board to petition the Great and General Court of the Commonwealth of Massachusetts for special legislation, the text of which is set forth below, prohibiting the application of fertilizer in the Town of Harwich except for the purposes of commercial agriculture and the residential use of organic fertilizer with low nitrogen and phosphorus for the use in growing fruits and vegetables that is allowable under the USDA National Organic Program organic standards (OMRI listed), and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage, as follows:

An Act prohibiting the application of fertilizer used in the Town of Harwich except for the purposes of commercial agricultural and the residential use of organic fertilizer with low nitrogen

and phosphorus for the use in growing fruits and vegetables that is allowable under the USDA National Organic Program organic standards (OMRJ listed).

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. There is sound scientific evidence to conclude that nitrogen and phosphorus in fertilizers are contaminants that negatively affect fresh and salt waters when present in excessive amounts. These excessive amounts of nitrogen and phosphorus contribute to undesirable algae and aquatic plant growth within all Harwich water bodies. This undesirable algae and aquatic plant growth has an adverse effect on public health through the degradation of waters used for drinking water, shell fishing, and recreational swimming and boating.

Section 2. It is necessary to prohibit the application of fertilizer that contains phosphorus and nitrogen so as to improve the water quality of the Town of Harwich. The soils of Harwich are unique insofar as Harwich has significant amounts of coarse, sandy soils that are subject to rapid water infiltration, percolation and leaching of nutrients, and such unique local conditions require that Harwich prohibit the application of nitrogen and phosphorus added to soils through the application of fertilizers. This Act should help Harwich to achieve compliance with the Total Maximum Daily Loads (TMDL) prescribed by the Commonwealth of Massachusetts for nitrogen and phosphorus in its waters.

Section 3. Notwithstanding any General or Special law to the contrary, including but not limited to any General or Special law conferring exclusive authority upon the Department of Agriculture to regulate and control the application of fertilizers elsewhere in the Commonwealth, the application of fertilizer containing nitrogen or phosphorus, or any other pollutants in the Town of Harwich is prohibited, except for the purposes of commercial agricultural and the residential use of organic fertilizer with low nitrogen and phosphorus for the use in growing fruits and vegetables that is allowable under the USDA National Organic Program organic standards (OMRI listed).

Section 4. This act shall take effect upon passage.

Or to take any other action related thereto.

By Petition (Lead Petitioner: Patrick Otton)

Explanation: This Home Rule petition asks the state legislature to allow the Town of Harwich to establish its own fertilizer regulations. Beacon Hill does not have the seashore, ponds, embayments and estuaries. *These are all* endangered by human sourced pollution of nitrogen and phosphorous from fertilizers. Harwich's 22 ponds and 11+ miles of coastline are the life and assets

for all residents, property owners, visitors and businesses in Harwich. It is the reason we live here and they need to be protected and cared for.

SUMMARY

Water is what brings people here and makes us want to stay in this special place of ours. Water is our most valuable environmental resource and our most valuable economic asset. It directly or indirectly affects every resident, property owner, visitor, and business in Harwich. Harwich has 22 ponds/lakes and H miles of coastline, water is our lifeblood and it is our responsibility to keep it healthy and protect what we love. Yes, please move forward to regulate fertilizers. Supporting the preparation of a Home Rule Petition an act addressing clean and healthy waters will protect Harwich's environment, wildlife, residents, visitors, pets, economy and property values before all is lost.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 0 (Zero): None

Nays: 3 (Three): Julie Kavanagh, Michael MacAskill, Jeffrey Handler

Abstained: 1 (One): Donald Howell

PETITIONED ARTICLE - AFFIRM SUPPORT FOR A PUBLIC ACCESS OLYMPIC SWIMMING POOL AND FACILITIES AT THE HARWICH COMMUNITY CENTER

ARTICLE 15: To see if the Town will vote to adopt the following resolution:

WHEREAS, the Town of Harwich acknowledges the seasonal use of our ponds and seashore for recreational use; and,

WHEREAS, the Town of Harwich acknowledges that year-round swim lessons for our children, competitive swimming for our youth and recreational and fitness swimming for our adults would improve the health and well-being for all; and,

WHEREAS, the Harwich Community Center originally built in 2000 has the rough plumbing facilities needed to operate a pool; and,

WHEREAS, a pool and additional structure would need to be built as an additional wing to the Community Center. The last estimated cost in 2018, was \$18M; and,

WHEREAS, also needed would be a new staff person position to operate the pool. The Recreation department would be responsible for lifeguards and safety; and,

WHEREAS, all details of funding, costs, building, access, timing etc. would be addressed if positive interest is expressed; and,

NOW THEREFORE BE IT RESOLVED, that the Harwich Town Meeting supports the concept of a public access Olympic swimming pool and attendant facilities at the Harwich Community Center, and that the concept be referred to the Select Board, Town Administrator and the Capital Outlay Committee for consideration of inclusion in the Town's Capital Plan and to act fully thereon.

By Petition (Lead Petitioner: Patrick Otton)

Summary: A public Olympic size swimming pool would be an asset for all Harwich residents. This is a nonbinding question - a first step. Similar to golf, other recreational facilities and our beaches, a pool would promote the health, happiness and well-being of all Harwich residents.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 0 (Zero): None

Nays: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

ADOPT THE CAPITAL OUTLAY PLAN

ARTICLE 16: To see if the Town will vote pursuant to Section 9-6 of the Town Charter to adopt the five (5) year Capital Outlay Plan for FY 2025 through FY 2029 as proposed by the Select Board and set forth in Appendix C of this Warrant, and to act fully thereon.

By request of the Select Board. (APPENDIX C)

Explanation: The five-year Capital Outlay Plan is laid out in Appendix C. The projects listed under FY 2025 are funded as laid out in Articles 17, 18, 19 and 20. There are three projects that are not included in the Fiscal Year 2025 Capital Outlay Plan. They are;

- Facilities Maintenance – Brooks Academy Museum (\$1,160,000)
- Golf Department - Irrigation System Update (\$2,500,000)
- Public Works Department – Road Improvement Plan (\$1,500,000)

The Select Board intends on funding these three projects through a Fall 2024 Special Town Meeting if funds are available, most likely from Free Cash.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 3 (Three): Julie Kavanagh, Michael MacAskill, Jeffrey Handler

Nays: 1 (One): Donald Howell

CAPITAL OUTLAY PROJECTS FUNDED FROM VARIOUS SOURCES

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 fund the projects in the table below included in the Fiscal Year 2025 Capital Outlay Plan, and to act fully thereon.

By request of the Select Board. Estimated cost: \$437,863.

Project	Amount	Source
Harwich Channel Equipment Upgrades	47,863	Cable Fund
Herring River Ramp Replacement	40,000	Waterways Improvement Fund
Facilities Maintenance – Harbor Generator	200,000	Waterways Improvement Fund
Electronic Records/Content Management	150,000	Community Compact IT Grant
Total from Other Sources	\$437,863	

Explanation: The projects listed above are fully funded through the sources identified in the table. The town received the grant award for the Community Compact IT Grant through the Governor’s office in December 2023.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

CAPITAL OUTLAY PROJECTS FUNDED FROM FREE CASH

ARTICLE 18: 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 projects in the table below included in the FY 2025 Capital Outlay Plan, and to act fully thereon.

By request of the Select Board. Estimated cost: \$2,892,000.

Department	Project	Amount
Facilities Maintenance	Community Center (\$295,000)	\$997,000

	Public Safety Complex (\$52,000) 204 Sisson Road (\$650,000)	
Fire Department	Ambulances (\$520,000) Vehicles (\$90,000)	\$610,000
Information Technology	Technology Reinvestment (\$250,000)	\$250,000
Police Department	Cruiser Replacements (\$219,000) Equipment Replacements (\$51,000)	\$270,000
Public Works	Vehicle Replacements	\$765,000
Total from Free Cash		\$2,892,000

Explanation: Free Cash was certified on February 26, 2024 in the amount of \$2,956,463 of which \$2,892,000 is recommended to fund this article.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

CAPITAL OUTLAY PROJECTS FUNDED FROM WATER RETAINED EARNINGS AND BORROWING

ARTICLE 19: 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 items in the table below included in the FY 2025 Capital Outlay Plan, and to act fully thereon.

By request of the Select Board and the Board of Water and Wastewater Commissioners.

Estimated cost: \$2,402,000

Vehicle replacements	270,000
Equipment replacements	232,000
Well Rehabilitation	150,000
Pleasant Lake Ave. Tank Painting	1,750,000

Total	2,402,000
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ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

CAPITAL OUTLAY PROJECTS FUNDED FROM WASTEWATER RETAINED EARNINGS

ARTICLE 20: 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 items in the table below included in the FY 2025 Capital Outlay Plan, and to act fully thereon.

By request of the Select Board and the Board of Water and Wastewater Commissioners. Estimated cost: \$75,000.

Collections System Improvements	75,000
Total	75,000

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

ACQUISITION OF A CONSERVATION RESTRICTION FOR 1039 ROUTE 28

ARTICLE 21 : To see if the Town will vote to acquire, by gift, purchase, eminent domain, or otherwise, a perpetual conservation restriction upon a certain parcel of land, together with any improvements thereon, located at 1039 Route 28, Harwich, consisting of 9.6 acres, more or less, as shown on Assessor’s Map 35, Parcel S2, for conservation and passive recreation purposes, to be held by the Conservation Commission under the provisions of M.G.L. c. 40, s. 8C, as hereafter amended, and any other Massachusetts statutes relating to conservation, said acquisition contingent upon successful awarding to the Town of a Commonwealth of Massachusetts Municipal Vulnerability Preparedness (MVP) program reimbursement grant; and, further, to authorize the Town to accept the sum of \$2,000,000 from The Compact of Cape Cod Conservation Trust, Inc. and to expend the sum of \$2,000,000 to acquire said conservation

restriction; and the Select Board and the Conservation Commission be authorized to file on behalf of the Town any and all applications for grants and/or reimbursements from the Commonwealth of Massachusetts under M.G.L. c. 132A, s. 11 and/or any others in any way connected with the scope of this Article, and the Select Board and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments including the acceptance of the perpetual conservation restriction in accordance with M.G.L. c. 184, ss. 31-33 as may be necessary on behalf of the Town to effect said purchase; and to act fully thereon.

By request of the Select Board.

Explanation: The Harwich Conservation Trust and Town Administrator are working collaboratively to secure the Municipal Vulnerability Preparedness (MVP) grant as referenced in the article. The Town submitted an “Expression of Interest” (EOI) back in December 2023 and will have applied for the Fiscal Year 2025 before Town Meeting.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

EXPENDITURE OF FUNDS FROM SALE OF 276 QUEEN ANNE ROAD

ARTICLE 22: To see if the Town will vote to authorize the Select Board to acquire, by gift, purchase, eminent domain, or otherwise, a fee, or lesser interest, in a parcel or parcels of land within the Town of Harwich, and to authorize the Select Board to expend the sum of \$1,505,001.00 from the Sale of Land Sinking Fund pursuant to G.L. c. 44, §63 for these acquisitions, including all costs incidental and related thereto, said acquisitions determined by the Select Board to be in the best interests of the Town; and the Select Board be authorized to enter into all agreements and execute any and all instruments including, but not limited to, orders of taking, as may be necessary on behalf of the Town to accomplish the purpose of this article; and to act fully thereon.

By request of the Select Board.

Explanation: This article is recommended to be funded by the Sale of Land Sinking Fund (Sale of Land Receipts Reserved Account) with the proceeds derived from the recent sale of the surplus property at 276 Queen Anne Road.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

CORRECT ARTICLE 24 FROM THE 2023 ANNUAL TOWN MEETING

ARTICLE 23: To see if the Town will vote to amend the vote taken under Article 24 of the 2023 Annual Town Meeting by adding the following language to the end of the motion: “and further, to authorize the the Conservation Commission to acquire a conservation restriction pursuant to G.L. c. 40, section 8C, on two parcels of land located at 61 and 77 Bells Neck Road, Harwich as shown on Assessors Map 18, Parcels K2 and K6, for conservation and passive outdoor recreation purposes pursuant to G.L. c. 184, sections 31-33”, and to act fully thereon.

By request of the Select Board and the Community Preservation Committee.

Explanation: This article corrects Article 24 by including previously omitted language regarding the acquisition of a conservation restriction.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT –HOUSEKEEPING EXPENSES

ARTICLE 24: To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2025 Community Preservation Budget, and to reserve for future spending the following amounts from Community Preservation Act Fund FY 2025 Estimated Annual Revenue as recommended by the Community Preservation Committee, with each item considered a separate appropriation:

- A sum of money for the acquisition, creation, and preservation of the 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;

- A sum of money for the administrative expenses of the Community Preservation Committee.

RESERVES AND ADMINISTRATIVE EXPENSES	FY 2025
Open Space Reserve	\$ 199,500.00 from FY2025 Estimated Annual Revenue
Historic Preservation Reserve	\$ 199,500.00 from FY2025 Estimated Annual Revenue
Community Housing Reserve	\$ 199,500.00 from FY 2025 Estimated Annual Revenue
Administrative Expenses	\$75,000 from FY2025 Estimated Annual Revenue

And to act fully thereon.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – BEACH AUTOMATED EXTERNAL DEFIBRILLATOR (AED) ACQUISITION

ARTICLE 25: To see if the Town will vote to appropriate \$39,000.00 from the Community Preservation Act Fund consisting of \$17,300.00 from the FY2025 Estimated Annual Revenue and \$21,700.00 from the Community Preservation Act Undesignated Fund Balance to fund the Beach Automated External Defibrillator Project Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund –Undesignated Fund Balance, and to act fully thereon.

By request of the Community Preservation Committee.

Explanation: Funding supports the purchase of fifteen (15) AED units for all lifeguard stands at guarded town beaches. An AED is a useful tool in continued lifesaving in an emergency situation. The AED’s could be used in the offseason for many other recreational programs and activities.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – COLD BROOK TRAILHEAD AND PUBLIC ACCESS PROJECT

ARTICLE 26: To see if the Town will vote to appropriate \$250,000 from the Community Preservation Act Fund – FY2025 Estimated Annual Revenue to fund the Cold Brook Trailhead and Public Access Project at 203, 199 and 0 Bank Street, shown on Assessors Map 23, Parcels B3, B2 and B2-1, for the purposes of the rehabilitation and restoration of land for recreational use, and that the Town Administrator and the Select Board be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Harwich to effect said funding. Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Undesignated Fund Balance; and to act fully thereon. By request of the Community Preservation Committee.

By request of the Community Preservation Committee.

Explanation: Funding to support available parking for the Robert F. Smith Cold Brook Preserve, the Harwich Fire Association (HFA) restored Firehouse and handicapped accessible spaces for the soon-to-be completed half-mile wheelchair accessible trail loop; as well as addressing stormwater run-off to protect water quality in the Cold Brook watershed, and support to align with water quality and habitat improvement goals associated with the ecological restoration project currently occurring within the Cold Brook Preserve.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – HARWICH POLICE SOCCER CLUB STREET
SOCCER PITCH

ARTICLE 27: To see if the Town will vote to appropriate \$48,700.00 from Community Preservation Act Fund FY2025 Estimated Annual Revenue to fund the Mobile Soccer Pitch Project Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund –Undesignated Fund Balance; and to act fully thereon.

By request of the Community Preservation Committee

Explanation: Funding to support the Harwich Police Soccer Club’s purchase of a portable Street Soccer Pitch (a portable field set-up) that can be used town-wide to provide the opportunity for all the local community to enjoy. Players develop better game skills while fostering social, emotional, physical and cognitive development.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – AFFORDABLE HOUSING TRUST FUNDS

ARTICLE 28: To see if the Town will vote to appropriate \$500,000.00 from the Community Preservation Act Fund, consisting of \$199,500.00 from the FY2025 Community Housing Reserve Fund and \$300,500.00 from the FY2025 Estimated Annual Revenue to fund the Affordable Housing Trust; and to act fully thereon.

By request of the Community Preservation Committee.

Explanation: Fund the Harwich Affordable Housing Trust to allow for the analysis, promotion of public discussion, and creation of affordable housing units to meet critical housing needs.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – LOWER CAPE HOUSING INSTITUTE

ARTICLE 29: To see if the Town will vote to appropriate \$7,500.00 from the Community Preservation Act Fund FY2025 Estimated Annual Revenue to fund the Lower Cape Housing Institute. Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund –Undesignated Fund Balance, and to act fully thereon.

By request of the Community Preservation Committee.

Explanation: Funds to support the Community Development Partnership’s Lower Cape Housing Institute which provides education to local elected and appointed officials that help support Affordable Housing development in their town.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – MONOMOY REGIONAL SCHOOL DISTRICT
PRESS BOX PROJECT

ARTICLE 30: To see if the Town will vote to appropriate \$100,000.00 from the Community Preservation Act Fund FY2025 Estimated Annual Revenue to fund the Monomoy Press Box Project; Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund –Undesignated Fund Balance, or to act thereon.

By request of the Community Preservation Committee

Explanation: Partial funding to support the Monomoy All Sports Booster Club’s Press Box project at the stadium turf field (to be ADA compliant) which upon completion will become the property of the Monomoy Regional School District. This press box will provide a more interactive experience for young athletes, allowing for the capability to commentate and film activities on the field as well as enhancing other school and community group usage.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**COMMUNITY PRESERVATION ACT – NORTH WOODS AND WATER SUPPLY
PROTECTION PROJECT**

ARTICLE 31: To see if the Town will vote to appropriate \$100,000.00 from the Community Preservation Act Fund - Open Space Reserve Fund to fund the Northwoods Project for the acquisition of a Conservation Restriction on a parcel of land of approximately 7± acres as described on Assessors Map 89, Parcel G1, with an address of 0 Woodland, Harwich, for conservation and passive outdoor recreation purposes pursuant to G.L.c. 184, sections 31-33, said conservation restriction to be held by the Conservation Commission by authority of G.L.c. 40, section 8C, and that the Town Administrator and the Select Board and the Conservation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments including the acceptance and approval of the perpetual conservation restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B or Chapter 293 Section 10 of the Acts of 1998 as amended, as may be necessary on behalf of the Town of Harwich to effect said purchase. Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Open Space Reserve Fund; and to act fully thereon.

By request of the Community Preservation Committee.

Explanation: Funding to support the purchase of a Conservation Restriction by the Town of Harwich to protect approximately seven (7) acres in North Harwich on the Brewster/Harwich line to protect water quality (located near Harwich water supply land) and protection of prime forest land, valuable wildlife corridor, and priority habitat of rare species.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – 203 BANK STREET FIREHOUSE HOUSING

ARTICLE 32: To see if the Town will vote to appropriate \$400,000.00 from the Community Preservation Act Fund FY2025 Estimated Annual Revenue to fund the 203 Bank Street Community Housing Project at the Old Fire Station, and that the Town Administrator and the Select Board be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments including a CPA Grant Agreement, and the acceptance and approval of an affordable housing restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B; and to act fully thereon.

By request of the Community Preservation Committee.

Explanation: Provide funding to the Harwich Fire Association to support the rehabilitation of the second floor for the construction of three (3) one-bedroom affordable rate rental housing units.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – RED RIVER VALLEY LAND AND WATER
PROTECTION PROJECT

ARTICLE 33: To see if the Town will vote to appropriate \$99,500 from the Community Preservation Act Fund - Open Space Reserve Fund and \$50,500 from FY25 Estimated Revenue for the acquisition of a Conservation Restriction in the amount of \$150,000 on a parcel of land of approximately 2.24+ acres as described on Assessors Map 35, parcel E-5, with an address of 0 Route 28, Harwich, for conservation, passive outdoor recreation purposes and water supply protection purposes pursuant to G.L.c. 184, sections 31-33, said conservation restriction to be held by the Conservation Commission by authority of G.L.c. 40, section 8C, and that the Town Administrator, the Select Board and the Conservation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments including the acceptance and approval of the perpetual conservation restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B or Chapter 293 Section 10 of the Acts of 1998 as amended, as may be necessary on behalf of the Town of Harwich to effect said purchase. Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Open Space Reserve Fund; and to act fully thereon.

By request of the Community Preservation Committee.

Explanation: Funding to support the purchase of a Conservation Restriction by the Town of Harwich to protect approximately 2.24 acres in South Harwich to provide water quality protection in the Red River watershed, protect water supply recharge for the Town of Harwich public water supply wells, protection of scenic views on Route 28, and protection of wildlife habitat.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**COMMUNITY PRESERVATION ACT – SENIOR MEMORIAL SOFTBALL FIELD
FENCING**

ARTICLE 34: To see if the Town will vote to appropriate \$110,000.00 from Community Preservation Act Fund FY2025 Estimated Annual Revenue to fund the Senior Softball Field Fence Project. Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Undesignated Fund Balance, and to act fully thereon.

By request of the Community Preservation Committee

Explanation: Funding supports the complete replacement of all fencing around the field including the backstop. The current fencing is at the end of its useful life and presents a safety risk. This field is located behind Whitehouse Field and next to Potter Softball Field and used on a constant basis throughout the spring and summer months.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – SOUTH HARWICH GRAVESTONE
CONSERVATION

ARTICLE 35: To see if the Town will vote to appropriate \$23,000.00 from the Community Preservation Act Fund FY2025 Historic Preservation Reserve Fund to fund the South Harwich Cemetery Project; Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund –Undesignated Fund Balance, and to act fully thereon.

By request of the Community Preservation Committee.

Explanation: Funding to support the repair and restoration of gravestones in the South Harwich cemetery located on the grounds of the South Harwich Meeting House.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – VETERANS MEMORIAL COMPLEX ELECTRIC
IRRIGATION REPLACEMENT

ARTICLE 36: To see if the Town will vote to appropriate \$37,000.00 from Community Preservation Act Fund FY2025 Estimated Annual Revenue to fund the Veterans Field Irrigation/Electrical Project Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund –Undesignated Fund Balance, and to act fully thereon.

By request of the Community Preservation Committee.

Explanation: Funding for the complete replacement of the electrical system that controls the irrigation for the multi-field complex. The field irrigation system will be rendered unusable without this improvement. This complex includes the Bassett Softball Field and the Crowell Baseball Field and the open recreational space between them. This complex has been used for over 15 years in Spring and Summer including usage by the Cranberry Festival, the annual Hooker’s Ball, rugby and lacrosse tournaments, and AAU baseball.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

REPURPOSE ARTICLE 31 OF THE 2013 ANNUAL TOWN MEETING

ARTICLE 37: To see if the Town will vote to transfer \$25,000 from the appropriation under Article 31 of the 2013 Annual Town Meeting for carpeting/flooring at the Brooks Free Library to supplement the funds appropriated under Article 12 of the 2019 Annual Town Meeting for the repair of the brick sidewalk at the Brooks Free Library including the replacement of two trees along Main Street with trees whose roots do not damage sidewalks, and to act fully thereon.

By request of the Select Board and the Board of Library Trustees.

Explanation: The Board of Library Trustees voted to recommend this action to help defray the costs anticipated in the completion of the sidewalk repair and tree removal. The Department of Public Works has indicated funds previously appropriated under Article 12 (Item #6 for \$90,000) at the 2019 Annual Town Meeting are insufficient to complete this project. It is expected that the amount in this article combined with the original funds will be sufficient.

The original purpose of Article 31 is no longer relevant as the Facilities Maintenance Department has evaluated the condition of the tile flooring in the bathrooms in Brooks Free Library and has determined that they are structurally sound.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

FUND FISCAL YEAR 2024 WASTEWATER DEBT

ARTICLE 38: To see if the Town will vote to transfer from Wastewater Retained Earnings \$858,742 for the FY 2024 Wastewater Enterprise Fund operating budget, and to act fully thereon.

By request of the Select Board. Estimated cost: \$858,742.

Explanation: This article is necessary in order to have sufficient funds available in the Wastewater Enterprise Fund operating budget to make a debt service payment on existing sewer bonds due before the end of Fiscal Year 2024. The funds are coming from Certified Retained Earnings of the Wastewater Enterprise Fund.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

ANNUAL DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION

ARTICLE 39: To see if the Town will vote to set spending limits for various revolving funds that have been authorized pursuant to Section 8.2 of the Town Code; and to act fully thereon. By request of the Town Administrator.

<i>Revolving Fund</i>	<i>FY 2025 Spending Limit</i>	<i>Disposition of FY24 Fund balance</i>
<i>Golf Pro Shop and Restaurant Lease Revenue</i>	<i>\$250,000</i>	<i>Available for expenditure</i>
<i>Golf Infrastructure fund</i>	<i>\$140,000</i>	<i>Available for expenditure</i>
<i>Council on Aging</i>	<i>\$125,000</i>	<i>Available for expenditure</i>
<i>Cemetery</i>	<i>\$100,000</i>	<i>Available for expenditure</i>
<i>Community Center</i>	<i>\$100,000</i>	<i>Available for expenditure</i>
<i>Recreation</i>	<i>\$175,000</i>	<i>Available for expenditure</i>
<i>Albro House</i>	<i>\$10,000</i>	<i>Available for expenditure</i>
<i>Wetlands</i>	<i>\$6,000</i>	<i>Available for expenditure</i>
<i>204 Sisson Road Municipal Building</i>	<i>\$300,000</i>	<i>Available for expenditure</i>
<i>Sidewalks</i>	<i>\$50,000</i>	<i>Available for expenditure</i>
<i>Tax Title Collection</i>	<i>\$36,000</i>	<i>Available for expenditure</i>

Explanation: This is a customary article required by state statute. The spending limits are the same as was voted for Fiscal Year 2024.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 3 (Three): Julie Kavanagh, Michael MacAskill, Jeffrey Handler

Nays: 1 (One): Donald Howell

TRANSFER 172 QUEEN ANNE ROAD FOR DISPOSITON

ARTICLE 40: To see if the Town will vote to transfer the care, custody and control of the parcel of land located at 172 Queen Anne Road, and any improvements thereon, containing 0.684 acres, more or less, being Assessor's Map 58, Parcel K1-3, from the board or commission having the care, custody and control thereof and for the purpose for which said property is currently held, to the Select Board for general municipal purposes and for the purpose of conveyance, and authorize the Select Board to convey said property, on such terms and conditions as the Select Board shall determine; and to authorize the Select Board to enter into all deeds and agreements and take any and all actions as may be necessary or convenient to accomplish the foregoing purposes; and to act fully thereon.

By request of the Select Board.

Explanation: The Real Estate and Open Space Committee (REOS) has evaluated this parcel (and two others) and stated that all parcels are somewhat wooded, contain no wetlands, with lots of underbrush and trash. These are not in a Zone of contribution, have no natural resource value, and do not support any endangered species or habitats. Therefore, it is the conclusion of REOS that these three parcels, having no resource value, would be acceptable for disposition.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero):

TRANSFER 178 QUEEN ANNE ROAD FOR DISPOSITON

ARTICLE 41: To see if the Town will vote to transfer the care, custody and control of the parcel of land located at 178 Queen Anne Road, and any improvements thereon, containing

0.792 acres, more or less, being Assessor's Map 58, Parcel K1-4, from the board or commission having the care, custody and control thereof and for the purpose for which said property is currently held, to the Select Board for general municipal purposes and for the purpose of conveyance, and authorize the Select Board to convey said property, on such terms and conditions as the Select Board shall determine; and to authorize the Select Board to enter into all deeds and agreements and take any and all actions as may be necessary or convenient to accomplish the foregoing purposes; and to act fully thereon.

By request of the Select Board.

Explanation: The Real Estate and Open Space Committee (REOS) has evaluated this parcel (and two others) and stated that all parcels are somewhat wooded, contain no wetlands, with lots of underbrush and trash. These are not in a Zone of contribution, have no natural resource value, and do not support any endangered species or habitats. Therefore, it is the conclusion of REOS that these three parcels, having no resource value, would be acceptable for disposition.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

TRANSFER 246 QUEEN ANNE ROAD FOR DISPOSITON

ARTICLE 42: To see if the Town will vote to transfer the care, custody and control of the parcel of land located at 246 Queen Anne Road, and any improvements thereon, containing 1.45 acres , more or less, being Assessor's Map 58, Parcel K6, from the board or commission having the care, custody and control thereof and for the purpose for which said property is currently held, to the Select Board for general municipal purposes and for the purpose of conveyance, and authorize the Select Board to convey said property, on such terms and conditions as the Select Board shall determine; and to authorize the Select Board to enter into all deeds and agreements and take any and all actions as may be necessary or convenient to accomplish the foregoing purposes; and to act fully thereon.

By request of the Select Board.

Explanation: The Real Estate and Open Space Committee (REOS) has evaluated this parcel (and two others) and stated that all parcels are somewhat wooded, contain no wetlands, with lots of underbrush and trash. These are not in a Zone of contribution, have no natural resource value, and

do not support any endangered species or habitats. Therefore, it is the conclusion of REOS that these three parcels, having no resource value, would be acceptable for disposition.

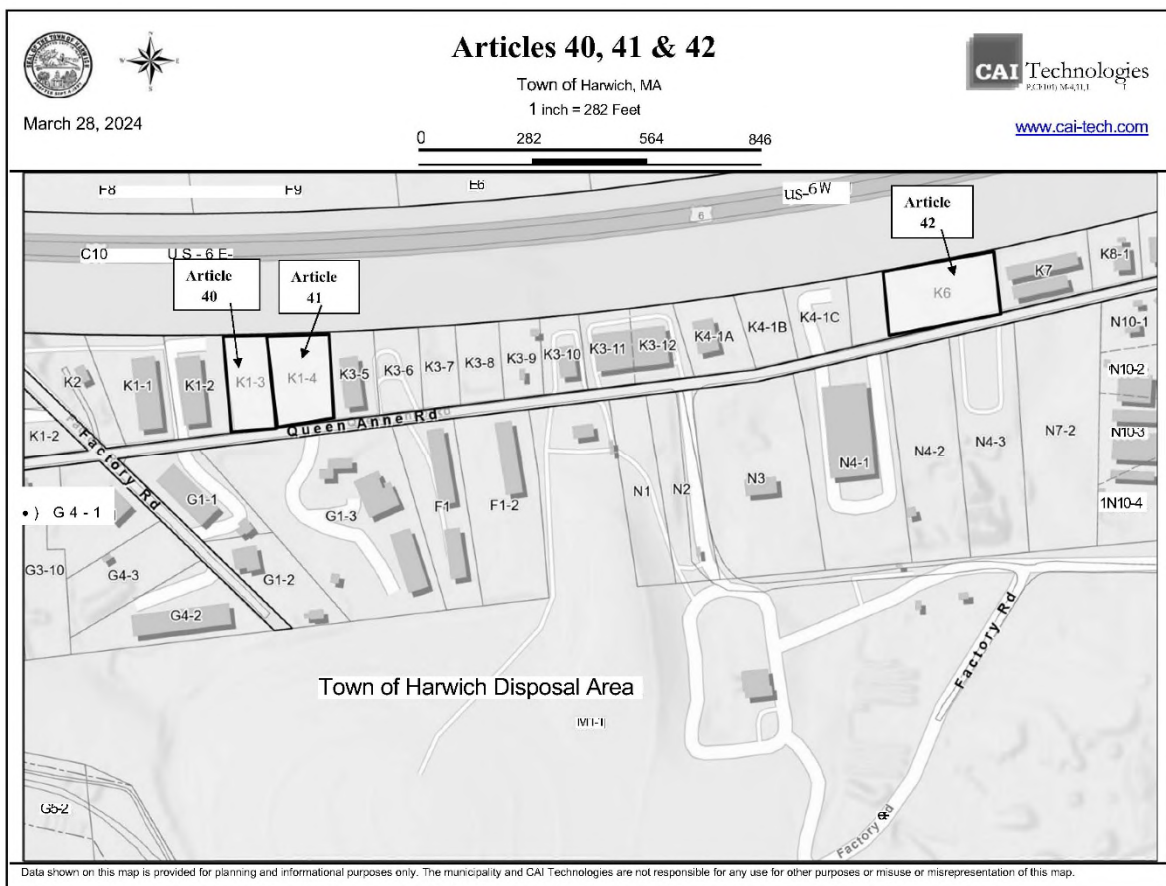
ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None



AMEND CHAPTER 7 OF THE GENERAL BYLAWS

ARTICLE 43: To see if the Town will vote to amend the Town of Harwich General Bylaws (§7-10 Composition of appointed Town Agencies) of the Town Code, as set forth below, with strikethrough text to be deleted and bold, underlined text to be inserted:

§7-10 A.1

Pursuant to Chapter 7 of the Town Charter, the following appointed boards and committees shall be comprised as follows:

Board	Membership	Charter Reference
<u>1</u>	<u>Board of Health</u> Five full members, <u>two alternates</u>	<u>§ 7-4-1</u>

and to act fully thereon.

By request of the Select Board.

Explanation: This amendment to the General Bylaws will add two alternates to the Board of Health.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

AMEND CHAPTER 271 OF THE GENERAL BYLAWS

ARTICLE 44: To see if the Town will vote to amend the Town of Harwich General Bylaws Chapter 271 of the Town Code, as set forth below, with strikethrough text to be deleted and bold, underlined text to be inserted:

§271-3

During the legislative session of Town Meeting the floor shall be occupied solely by registered voters, and it shall be the duty of the Moderator to clear the floor of all nonvoters. Nonvoters shall not address the Meeting without majority consent thereof; provided, however, that the Moderator

may **shall** allow a nonresident department head to speak on any article the subject matter of which might affect that department or in response to questions from the floor.

§271-16

~~Votes of the Board of Selectmen and Finance Committee establishing recommendations regarding Town Meeting articles shall be made available upon the request of any registered voter at a Regular or Special Town Meeting.~~ **Votes of the Select Board and Finance Committee establishing recommendations regarding Town Meeting articles shall be printed in the warrant with each individual's recorded vote.**

and to act fully thereon.

By request of the Select Board.

Explanation: The amendment to §271-3 will require that the Moderator allow nonresident department head to speak on any article which might affect that department or in response to questions from the floor.

The amendment to §271-6 will align the General Bylaw with the provisions of the Town Charter regarding recording of individuals votes of the Select Board and the Finance Committee in the warrant.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

AMENDMENTS TO THE HARWICH CHARTER

ARTICLE 45: To see if the Town will vote pursuant to M.G.L. c.43B, §10 to amend the Town Charter, as set forth below, with strikethrough text to be deleted and bold, underlined text to be inserted:

1. Chapter 2 Town Meeting, Section 3 Procedures:

2-3-1 The annual election of town officers shall be called under clause 8-1-1 of chapter 8. ~~The annual town meeting for transaction of other town business shall be held the first Monday in May~~

The annual town meeting shall meet regularly in the first week of May to consider and adopt annual operating and capital budgets, and to act on financial and other matters. The meeting shall be continued to other days, until all articles in the warrant have been acted upon.

2. Chapter 3 Select Board, Section 1 The Select Board

3-1-2 Vacancies in the office of ~~selectmen~~ **select board** shall be filled by special election in accordance with general law.

3. Chapter 3 Select Board, Section 5 Specific powers, Duties, and Responsibilities

3-5-3 ~~The select board shall have the authority to designate from time to time 1 or more of its members to sign warrants for the payment of town funds in the absence of the town administrator as referenced in clause 4-6-1. This designation shall be by a majority of the board at a duly called and held public meeting. The vote shall take effect as soon as a written copy of it signed by a majority of the board is filed in the offices of the town clerk, town accountant and town treasurer~~ **The select board chair shall have the authority to designate from time to time one or more of its members to sign warrants for the payment of town funds in the absence of the town administrator as referenced in clause 4-6-1. The town treasurer shall be notified by the chair of this designation.**

4. Chapter 3 Select Board, Section 6 Powers of Appointment

3-6-1 Except as may otherwise be provided by General Laws, this charter, or the personnel bylaw, the select board shall have the power to appoint and remove: a) a town administrator as provided in chapter 4; b) a town counsel; c) a town accountant; d) a police chief; e) a fire chief; f) 3 assessors for overlapping 3-year terms; g) 3 members of a board of registrars of voters for overlapping 3-year terms; h) election officers; ~~and~~ i) 1 or more constables, **and j) human resources position.**

5. Chapter 3 Select Board, Section 7. Prohibitions

3-7-1 Except for the purpose of investigation authorized by this charter, the ~~board of selectmen~~ **Select Board** or its members shall deal with town officers and employees who are subject to the direction and supervision of the town administrator solely through the town administrator, and neither the board nor its members shall give orders to these officers or employees, either publicly or privately. **The human resources position will report to both the town administrator and the select board.**

6. Chapter 4 Town Administrator, Responsibilities for Appointment

4-4-2 Except as may otherwise be provided by General Laws, this charter, the personnel bylaw, or collective bargaining, the town administrator shall have the authority to appoint, on the basis of merit and fitness alone, and remove: a) all full-time town employees; b) all part-time employees; c) all employees of appointed town agencies; d) 1 or more inspectors; and e) all other full-time, part-time or seasonal employees. Any such appointments or removals may be overturned only by the affirmative vote of at least 4 **members of the Select Board** ~~selectmen~~ taken within 14 days of the town administrator's action in initiating such appointment or removal.

7. Chapter 4 Town Administrator, Section 4 Responsibilities

~~4-4-3 The town administrator shall appoint the harbormaster and any assistant harbormasters.~~

8. Chapter 7 Appointed Town Agencies, Section 4, Board of Health

~~7-4-1~~ A board of health of up to five members **and two alternate members** shall be appointed by the Select Board in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's bylaws for 3-year overlapping terms. One member, at least, shall be a doctor of medicine, or a person with significant experience in public health.

9. Chapter 8 Election and Recall, Section 1 Town Elections

8-1-1 The regular election for all town officers who are chosen by ballot shall be held the third Tuesday in May. The warrant calling this election may include other ballot questions as determined by the **select board** ~~selectmen~~.

10. Chapter 9 Financial Provisions and Procedures, Section 2 Section 2 Submission of Budget and Budget Message

9-2-4 On or before the second Tuesday of February, the town administrator shall submit to the Select Board a comprehensive budget for all town functions for the ensuing fiscal year and shall submit to the **select board** ~~selectmen~~ a budget message.

11. Chapter 9 Financial Provisions and Procedures, Section 3 Action on the Proposed Budget

9-3-3 The finance committee shall conduct 1 or more public hearings on the proposed budget after it has been submitted to it by the **select board** ~~selectmen~~ and by March 31 of each year shall submit its written recommendations on the budget and on all articles to appear in the warrant. These

written recommendations shall be made available for distribution to the public at least 10 days before the scheduled date of town meeting. To assist in its preparation of recommendations, the committee may require the town administrator, the head of any division or department or any other town officer or member of a town agency to furnish it with appropriate data

and to act fully thereon. By request of the Select Board.

Explanation: This article proposes several amendments to the Town Charter, including correcting remaining references to Select Board, minor changes to Town Meeting and financial procedures, providing that the Human Resources Position (who will report to both the Town Administrator and the Select Board) and the Harbormaster will be appointed by the Select Board, adding two alternate members of the Board of Health, changing the reference from water department to water/wastewater department

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

PETITIONED ARTICLE - HOME RULE PETITION – ATTAINABLE HOUSING

ARTICLE 46: To see if the Town will vote to Special Legislation to Amend the Harwich Affordable Housing Trust Bylaw Chapter 140 to include Attainable Housing. Specifics text of the Article is contained on the attached sheet to this petition.

SPECIAL LEGISLATION TO AMEND HARWICH AFFORDABLE HOUSING TRUST FUND BYLAW CHAPTER 140 TO INCLUDE ATTAINABLE HOUSING

ARTICLE : To see if the Town will vote to authorize and instruct the Select Board to petition the Great and General Court for special legislation authorizing the Town to amend Chapter 140 Affordable Housing Trust as set forth below; 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 Ed McManus.

The petition for special legislation shall take the following form:

AN ACT AUTHORIZING THE TOWN OF HARWICH AFFORDABLE HOUSING TRUST TO PROVIDE FOR THE CREATION OF ATTAINABLE HOUSING

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. Notwithstanding any general or special law to the contrary, the Harwich Affordable Housing Trust Chapter 140, shall be amended as follows:

Amend Section 140-2 to include an additional subsection C. as set forth below in bold:

The purpose of the _Harwich Affordable Housing Trust Fund (Trust) is to provide for the creation and preservation of affordable housing in Harwich for the benefit of low- and moderate- income households, for the creation and preservation of attainable housing, as defined below in Section 140-4, and for the funding of community housing, as defined in and in accordance with the provisions of MGL Chapter 44 Section 55C.

Add the following new Section 140-4. Definition of Attainable Housing set forth below in bold:
SECTION 140-4. Definition of Attainable Housing.For the purpose of this Bylaw, the term "attainable housing" shall mean housing that is not restricted to occupancy by low or moderate income households, and that may also include housing subject to maximum income limits to be occupied by households with gross income greater than 80 per cent but not more than 200 per cent of the area median household income as most recently determined by the United States Department of Housing and Urban Development, adjusted for household size.

Section 2. This act shall take effect upon its passage, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court; and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition: and to further authorize the Select Board to approve the final language of any such special legislation or to take any other action relative thereto.

EXPLANATION: The housing market on Cape Cod has now moved out of reach for many working people and families. Both private and public jobs are vacant because potential employees can't find housing. The trust is now limited to providing assistance to create housing only for people who are at or below 100% Area Medium Income. Passage of this Article would expand the Trust's toolbox to address our housing needs. It does not require any funding, but it would allow the Trust to work with private donors to help create this much needed housing.

By Petition (Lead Petitioner: Edward McManus)

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

DEFRAY THE EXPENSES OF THE CHASE LIBRARY AND HARWICH PORT LIBRARY

ARTICLE 47: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money 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 Trustee, and to act fully thereon. By request of the Select Board. Estimated cost: \$20,000.

Explanation: This is a customary article wherein the Town of Harwich provides money in support of our two, private community libraries. These two longstanding institutions are a mainstay of our community to the visiting public in the summer months. The funds provide help ensure continuing operations as in years past.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

PROMOTE THE TOWN OF HARWICH

ARTICLE 48: 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 cultural endeavors 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 request of the Select Board. Estimated cost: \$50,000.

Explanation: This is a customary article that provides funding to the Harwich Chamber of Commerce in support of their efforts promoting the Town of Harwich.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

ANNUAL ALLOCATION FOR LOCAL CULTURAL COUNCIL GRANTS

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 supplement the Massachusetts Cultural Council annual allocation for community grant awards to artists, performers, and interpretive scientists who bring events and programs to local venues which enhance the cultural experience of Harwich citizens of all ages; and to act fully thereon.

By request of the Select Board. Estimated cost: \$4,000.00

Explanation: This is a customary article that provides supplemental support for local culture council grants in addition to funds provided through the Massachusetts Cultural Council.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

FUND ELECTRONIC VOTING AT TOWN MEETINGS

ARTICLE 50: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to provide for the option of electronic voting at Town Meetings, or take any other action related thereto.

By request of the Town Moderator

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

SUPPLEMENTAL APPROPRIATION FOR PHASE 3 WATERSHED MANAGEMENT
PLAN CONSTRUCTION CONTRACTS

ARTICLE 51: To see if the Town will vote to amend the vote take under Article 19 of the 2023 Annual Town Meeting for the West Harwich Sewer Main Replacement Project to include supplementing the funds appropriated under Article 21 of the 2023 Annual Town Meeting for the East Harwich Wastewater Collection System Expansion Project; and to act fully thereon.

By request of the Select Board

Explanation: At the 2023 Annual Town Meeting, the Town vote to authorize a borrowing of \$6.5 Million for the West Harwich Sewer Main replacement project. Based on actual bids received, the current estimate for this project is \$1.5 Million. In addition, Town Meeting voted to authorize a borrowing of \$50,000,000 for the East Harwich Wastewater Collection System Expansion Project. Both borrowing authorizations were subject to a debt exclusion vote at the 2023 Annual Town Election. The current article seeks to amend the vote under Article 19 of the 2023 Annual Town Meeting to allow the expenditure of any funds not needed for the West Harwich Sewer Main replacement project for the East Harwich Wastewater Collection System Expansion Project.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

FUND A SEWER ASSISTANCE GRANT PROGRAM

ARTICLE 52: To see if the Town will vote to transfer from Retained Earning of the Sewer Enterprise Fund the sum of \$100,000 to implement a sewer assistance grant program that will provide financial assistance to income eligible individuals to connect their properties to the Town's sewer system and/or to decommission existing Title 5 septic systems; and further to authorized the Select Board, or its designee, to establish the grant program including eligibility criteria for participation in the program, the standards for providing assistance to individual homeowners, and the requirement for an appropriate grant agreement; and further that in making this appropriation Town Meeting make a finding that this grant program serves a valid public

purpose of supporting the Town's implementation of the Comprehensive Wastewater Management Plan by facilitating compliance with the watershed regulations of the Massachusetts Department of Environmental Protection by reducing the introduction of nitrogen into the watershed caused by septic systems; or to act fully thereon

By request of the Select Board

Explanation: This appropriation will fund a grant program to provide financial assistance to income eligible homeowners to connect their properties to the Town's sewer system and to decommission their existing septic systems. The Select Board will develop the details of the program including income eligibility for participation.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

HERRING FISHERIES

ARTICLE 53: To see what action the Town will take in regard to the Herring Fisheries; and to act fully thereon. By request of the Select Board. Estimated cost: \$0.

Explanation: This is a customary article that has appeared in the Town Meeting for several years if not decades.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
TOWN ELECTION WARRANT
MAY 21, 2024**

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 Tuesday, May 21, 2024.

POLLS WILL BE OPEN AT 7:00 A.M. and CLOSE AT 8:00 P.M.


To choose on one (1) ballot the following Town Officers and Committees: One (1) member of the Select Board for a three year term; One (1) Moderator for a three year term; One (1) member of the Monomoy Regional School Committee for a three year term; Three (3) Trustees of the Brooks Free Library for a three year term; Two (2) Water/Wastewater Commissioners for a three year term; One (1) member of the Housing Authority for a five year term.

BALLOT QUESTION

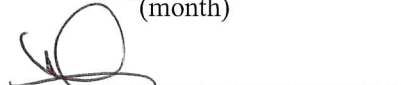
1. Shall the Town of Harwich be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Town's allocable share of the bond issued by the Monomoy Regional School District to pay costs of renovating and reconstructing the exterior siding of the Monomoy Regional Middle School, including the payment of all costs incidental and related thereto?

YES _____ NO _____


Given under our hands this 1st day of April, 2024.
(month)



Julie E. Kavanagh, Chair



Michael D. MacAskill, Vice Chair




Jeffrey F. Handler, Clerk



Donald F. Howell

Select Board
Town of Harwich

Attest:



Emily Mitchell, Town Clerk

Posted by: _____

Constable

_____, 2024.

**FY 2025 OPERATING BUDGET
SELECT BOARD RECOMMENDATIONS**

DEPT #	DEPT NAME	2023 VOTED	2024 VOTED	2025 Select Board Recommend	% Change 2024 to 2025
1	114 MODERATOR S&W	1,000	1,000	1,000	0.0%
2	114 Total	1,000	1,000	1,000	0.0%
3	122 SELECTMEN S&W	762,500	12,500	12,500	0.0%
4	122 SELECTMEN - EXP	8,750	8,750	8,750	0.0%
5	122 Total	771,250	21,250	21,250	0.0%
6	131 FINANCE COMMITTEE S&W	3,000	3,000	3,000	0.0%
7	131 FINANCE COMMITTEE - EXP	2,000	2,000	2,000	0.0%
8	131 FINANCE COMMITTEE RESERVE FUND	50,000	50,000	50,000	0.0%
9	131 Total	55,000	55,000	55,000	0.0%
10	135 TOWN ACCOUNTANT - SAL	284,406	282,824	293,694	3.8%
11	135 TOWN ACCOUNTANT - EXP	8,139	9,844	10,344	5.1%
12	135 Total	292,545	292,668	304,038	3.9%
13	136 AUDIT - EXP	45,000	49,000	49,000	0.0%
14	136 Total	45,000	49,000	49,000	0.0%
15	141 ASSESSORS - S&W	206,844	234,344	211,742	-9.6%
16	141 ASSESSORS - EXP	140,450	147,080	162,102	10.2%
17	141 Total	347,294	381,424	373,844	-2.0%
18	143 TOWN COLLECTIONS - S&W	15,000	14,000	14,000	0.0%
19	143 TOWN COLLECTIONS - EXP	6,140	9,190	9,190	0.0%
20	143 Total	21,140	23,190	23,190	0.0%
21	144 POSTAGE	50,000	50,000	50,000	0.0%
22	144 Total	50,000	50,000	50,000	0.0%
23	145 TREASURER - S&W	296,268	307,839	284,321	-7.6%
24	145 TREASURER - EXP	92,353	93,173	85,653	-8.1%
25	145 Total	388,621	401,012	369,974	-7.7%
26	148 Medicare	260,000	260,000	260,000	0.0%
27	148 Vacation/Sick- Payout (Buy Back)	184,355	246,358	226,924	-7.9%
28	148 Total	444,355	506,358	486,924	-3.8%
29	149 ADMINISTRATION - S&W	543,821	421,593	584,980	38.8%
30	149 ADMINISTRATION - EXP	133,000	163,000	169,000	3.7%
31	149 ADMIN -PRESCHOOL FAMILY SUPPORT PROGRAM			250,000	0.0%
32	149 Total	676,821	584,593	1,003,980	71.7%
33	152 LEGAL SERVICES - EXP	185,000	185,000	185,000	0.0%
34	152 CLAIMS & SUITS	500	500	500	0.0%
35	152 Total	185,500	185,500	185,500	0.0%
36	155 INFORMATION TECHNOLOGY - S&W	91,940	94,758	101,503	7.1%
37	155 INFORMATION TECHNOLOGY - EXP	439,500	474,247	449,001	-5.3%
38	155 Total	531,440	569,005	550,504	-3.3%
39	156 IT CHANNEL 18 S&W	153,629	169,054	174,964	3.5%
40	156 IT CHANNEL 18 EXPENSES	37,240	48,400	52,000	7.4%
41	156 Total	190,869	217,454	226,964	4.4%
42	157 CONSTABLE S & W	700	700	700	0.0%
43	157 Total	700	700	700	0.0%
44	161 TOWN CLERK - S&W	238,499	249,927	295,813	18.4%

**FY 2025 OPERATING BUDGET
SELECT BOARD RECOMMENDATIONS**

45	161 TOWN CLERK - EXP	61,304	60,360	74,500	23.4%
46	161 Total	299,803	310,287	370,313	19.3%
47	171 CONSERVATION - S&W	160,786	197,658	214,177	8.4%
48	171 CONSERVATION - EXP	6,686	11,532	12,282	6.5%
49	171 Total	167,472	209,190	226,459	8.3%
50	173 HOUSING ADVOCATE - S&W	0	76,096	78,595	3.3%
51	173 HOUSING ADVOCATE - EXP	0	2,500	2,500	0.0%
52	173 Total	0	78,596	81,095	3.2%
53	174 TOWN PLANNER - S&W	153,036	174,015	177,921	2.2%
54	174 TOWN PLANNER - EXP	5,601	6,581	6,581	0.0%
55	174 Total	158,637	180,596	184,502	2.2%
56	176 BOARD OF APPEALS - S&W	2,050	2,050	2,050	0.0%
57	176 BOARD OF APPEALS - EXP	800	4,256	4,256	0.0%
58	176 Total	2,850	6,306	6,306	0.0%
59	180 ALBRO HOUSE - EXP	5,000	5,000	5,250	5.0%
60	180 Total	5,000	5,000	5,250	5.0%
61	181 OLD RECR BUILDING - EXP	6,500	6,500	6,925	6.5%
62	181 Total	6,500	6,500	6,925	6.5%
63	182 WEST HARWICH SCHOOL - EXP	1,600	0	0	0.0%
64	182 Total	1,600	0	0	0.0%
65	183 COMMUNITY DEVELOPMENT - EXP	5,898	5,898	5,898	0.0%
66	183 Total	5,898	5,898	5,898	0.0%
67	191 PUBLIC BUILDINGS REPAIRS	2,000	2,000	2,000	0.0%
68	191 Total	2,000	2,000	2,000	0.0%
69	192 TOWN/FIN COM REPORTS	10,000	10,000	10,000	0.0%
70	192 Total	10,000	10,000	10,000	0.0%
71	194 ADVERTISING	30,000	30,000	30,000	0.0%
72	194 Total	30,000	30,000	30,000	0.0%
73	210 POLICE - S&W	4,310,121	4,536,616	4,696,659	3.5%
74	210 POLICE - EXP	528,237	604,555	613,275	1.4%
75	210 Total	4,838,358	5,141,171	5,309,933	3.3%
76	220 FIRE - S&W	4,397,138	5,002,934	5,485,115	9.6%
77	220 FIRE - EXP	597,499	800,714	784,529	-2.0%
78	220 Total	4,994,637	5,803,648	6,269,644	8.0%
79	241 BUILDING - S&W	455,517	596,356	658,882	10.5%
80	241 BUILDING - EXP	14,885	17,085	19,536	14.3%
81	241 Total	470,402	613,441	678,418	10.6%
82	244 SEALER OF WEIGHTS & MEASURES	13,000	13,725	14,500	5.6%
83	244 Total	13,000	13,725	14,500	5.6%
84	291 EMERGENCY MANAGEMENT - S&W	5,408	5,515	5,833	5.8%
85	291 EMERGENCY MANAGEMENT - EXP	8,500	8,500	8,500	0.0%
86	291 Total	13,908	14,015	14,333	2.3%
87	296 NATURAL RESOURCES S&W	116,307	124,320	101,607	-18.3%
88	296 NATURAL RESOURCES - EXP	27,100	27,100	27,500	1.5%
89	296 Total	143,407	151,420	129,107	-14.7%
90	297 PLEASANT BAY ALLIANCE	25,232	25,232	31,077	23.2%
91	297 Total	25,232	25,232	31,077	23.2%

**FY 2025 OPERATING BUDGET
SELECT BOARD RECOMMENDATIONS**

92	411 TOWN ENGINEER - S&W	101,589	176,277	183,471	4.1%
93	411 TOWN ENGINEER - EXP	39,350	40,850	40,850	0.0%
94	411 Total	140,939	217,127	224,321	3.3%
95	421 HIGHWAY - S&W	2,778,807	3,067,180	3,136,327	2.3%
96	421 HIGHWAY - EXP	3,355,968	3,881,470	3,930,193	1.3%
97	421 Total	6,134,775	6,948,650	7,066,520	1.7%
98	423 SNOW/ICE - S&W	40,000	40,000	40,000	0.0%
99	423 SNOW/ICE - EXP	95,000	95,000	95,000	0.0%
100	423 Total	135,000	135,000	135,000	0.0%
101	424 STREET LIGHTS	30,000	30,000	30,000	0.0%
102	424 Total	30,000	30,000	30,000	0.0%
103	491 CEMETERY ADMINISTRATION - S&W	71,434	80,162	83,483	4.1%
104	491 CEMETERY ADMINISTRATION - EXP	5,108	5,108	5,771	13.0%
105	491 Total	76,542	85,270	89,254	4.7%
106	510 BOARD OF HEALTH - S&W	269,893	284,597	296,199	4.1%
107	510 BOARD OF HEALTH - EXP	18,425	18,425	19,025	3.3%
108	510 BOARD OF HEALTH-OPIOID ABATEMENT	0	102,328	0	-100.0%
109	510 Total	288,318	405,350	315,224	-22.2%
110	540 COMMUNITY CENTER - S&W	203,327	261,935	278,337	6.3%
111	540 COMMUNITY CENTER - EXP	120,682	158,152	207,648	31.3%
112	540 Total	324,009	420,087	485,985	15.7%
113	541 COUNCIL ON AGING - S&W	448,127	465,118	480,298	3.3%
114	541 COUNCIL ON AGING - EXP	112,773	118,045	124,281	5.3%
115	541 Total	560,900	583,163	604,579	3.7%
116	542 YOUTH COUNSELOR S&W	98,154	105,148	84,796	-19.4%
117	542 YOUTH COUNSELOR EXPENS	4,250	4,430	4,630	4.5%
118	542 Total	102,404	109,578	89,426	-18.4%
119	543 VETERANS EXPENSE/BENEFITS	145,018	145,805	152,327	4.5%
120	543 Total	145,018	145,805	152,327	4.5%
121	550 DISABILTY RIGHTS - EXP	500	500	500	0.0%
122	550 Total	500	500	500	0.0%
123	560 HUMAN SERVICES	83,250	83,250	83,250	0.0%
124	560 Total	83,250	83,250	83,250	0.0%
125	610 LIBRARY - S&W	755,032	819,809	853,139	4.1%
126	610 LIBRARY - EXP	280,183	300,400	319,258	6.3%
127	610 Total	1,035,215	1,120,209	1,172,397	4.7%
128	629 RECREATION SEASONAL S&W	219,179	298,919	298,919	0.0%
129	629 RECREATION & YOUTH S&W	264,600	279,271	296,816	6.3%
130	629 RECREATION & YOUTH EXP	48,075	59,225	71,349	20.5%
131	629 Total	531,854	637,415	667,084	4.7%
132	633 HARBORMASTER - S&W	360,621	386,952	401,850	3.9%
133	633 HARBORMASTER - EXP	250,879	324,470	567,534	74.9%
134	633 Total	611,500	711,422	969,384	36.3%
135	670 HISTORICAL COMMISSION - S&W	2,040	2,040	2,040	0.0%
136	670 HISTORICAL COMMISSION - EXP	350	350	350	0.0%
137	670 BROOKS ACADEMY MUSEUM COMM. - EX	14,000	14,000	14,000	0.0%
138	670 Total	16,390	16,390	16,390	0.0%

**FY 2025 OPERATING BUDGET
SELECT BOARD RECOMMENDATIONS**

139	692 CELEBRATIONS - EXP	1,600	1,600	1,600	0.0%
140	692 Total	1,600	1,600	1,600	0.0%
141	695 GOLF S&W	1,002,424	1,070,470	1,077,018	0.6%
142	695 GOLF - EXP	656,114	702,122	714,103	1.7%
143	695 GOLF -CAPITAL OUTLAY	68,000	73,000	73,000	0.0%
144	695 Total	1,726,538	1,845,592	1,864,121	1.0%
145	698 CULTURAL AFFAIRS - S&W	0	80,385	86,503	7.6%
146	698 CULTURAL AFFAIRS - EXP	0	2,500	2,500	0.0%
147	698 Total	0	82,885	89,003	7.4%
148	699 GOLF IMA MRSD	83,538	84,418	84,418	0.0%
149	699 ELECTRICITY - CVEC	77,644	77,644	85,408	10.0%
150	699 Total	161,182	162,062	169,826	4.8%
151	Total Departmental Budgets	27,283,173	29,672,809	31,303,818	5.5%
152	778 TOTAL DEBT SERVICE (Prin & Int)	3,082,196	2,541,802	3,534,589	39.1%
153	778 Total	3,082,196	2,541,802	3,534,589	39.1%
154	SEMI FIXED & FIXED COSTS				
155	Barnstable County Retirement Assessment		3,474,024.00	3,812,752	9.8%
156	Group Health Insurance		5,362,192.00	5,791,167	8.0%
157	OPEB Trust Fund Transfer		250,000.00	250,000	0.0%
158	Property & Liability Insurance		976,060.00	1,019,983	4.5%
159	Unemployment Insurance		20,000.00	20,000	0.0%
160	Total Semi-Fixed & Fixed Costs		10,082,276.00	10,893,902	8.1%
161	TOTAL TOWN BUDGET (full cost of Article 4)		42,296,886.82	45,732,309	8.1%

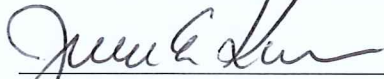
**Five Year Capital Outlay Plan
FY 2025 to 2029**

Department	Project	FY2025	FY2026	FY2027	FY 2028	FY 2029	Five Year Total
Channel 8 (The Harwich Ch.)	Equipment upgrades	47,863	24,896	45,000	16,500	46,672	180,931
	Channel 18 (The Harwich Channel)	47,863	24,896	45,000	16,500	46,672	180,931
Facilities Maintenance	100 Oak Street (Community Center)	295,000	0	653,000	0	0	948,000
Facilities Maintenance	183 Oak Street (Cranberry Valley Golf Course)	0	85,000	0	0	0	85,000
Facilities Maintenance	183 Sisson Road (Public Safety Complex)	52,000	0	0	135,000	0	187,000
Facilities Maintenance	204 Sisson Road (old Middle School)	650,000	265,000	0	0	0	915,000
Facilities Maintenance	209 Queen Anne Rd (DPW Complex)	0	0	9,177,000	0	0	9,177,000
Facilities Maintenance	273 Queen Anne Rd (Transfer Station)	0	0	0	545,000	0	545,000
Facilities Maintenance	728 Main Street (Albro House)	0	0	0	0	100,000	100,000
Facilities Maintenance	732 Main Street (Town Hall)	0	0	0	275,000	350,000	625,000
Facilities Maintenance	739 Main Street (Brooks Free Library)	0	0	40,000	740,000	0	780,000
Facilities Maintenance	80 Parallel St (Brooks Academy)	0	0	0	0	0	0
Facilities Maintenance	715 Route 28 (Harbor complex)	200,000	0	0	0	0	200,000
	Facilities Maintenance	1,197,000	350,000	9,870,000	1,695,000	450,000	13,562,000
Fire Department	Ambulances	520,000	0	550,000	0	625,000	1,695,000
Fire Department	Engines/Other Fire Equipped Vehicles	0	1,300,000	0	0	0	1,300,000
Fire Department	Vehicles	90,000	0	75,000	0	0	165,000
	Fire Department	610,000	1,300,000	625,000	0	625,000	3,160,000
Golf	Irrigation Update	0	0	0	0	0	0
Golf	Bunker renovation	0	0	0	0	900,000	900,000
	Golf	0	0	0	0	900,000	900,000
Harbormaster	Allen Harbor Jetty	0	0	2,350,000	0	0	2,350,000
Harbormaster	Herring River Ramp replacement	40,000	0	300,000	0	0	340,000
Harbormaster	Saquatucket Bulkhead replacements	0	650,000	0	9,915,000	0	10,565,000
Harbormaster	Vehicle replacement	0	65,000	0	0	0	65,000
	Harbors	40,000	715,000	2,650,000	9,915,000	0	13,320,000
Harwich Elementary School	Maintenance	120,000	0	65,000	54,000	1,115,000	1,354,000
	Harwich Elementary School	120,000	0	65,000	54,000	1,115,000	1,354,000
Information Technology	Technology reinvestment	250,000	250,000	250,000	250,000	0	1,000,000
Information Technology	Electronic Records/Content Management	150,000	100,000	100,000	100,000	100,000	550,000
	Information Technology	400,000	350,000	350,000	350,000	100,000	1,550,000
Police Department	Police Cruiser replacements	219,000	210,000	210,000	220,000	225,000	1,084,000
Police Department	Other vehicles/related equipment	0	0	0	0	0	0
Police Department	Equipment replacements	51,000	51,000	0	0	73,000	175,000
Police Department	Protective vests	0	0	0	0	70,000	70,000
	Police Department	270,000	261,000	210,000	220,000	368,000	1,329,000
Public Works	Road maintenance/improvements	0	1,750,000	1,500,000	1,500,000	1,600,000	6,350,000
Public Works	Vehicle replacements	765,000	680,000	715,000	765,000	700,000	3,625,000
	Public Works	765,000	2,430,000	2,215,000	2,265,000	2,300,000	9,975,000
Water Department	Vehicle replacements	270,000	0	0	0	0	270,000
Water Department	Equipment replacements	232,000	0	0	0	0	232,000
Water Department	Well rehabilitation	150,000	0	0	0	0	150,000
Water Department	New well construction	0	0	3,500,000	0	0	3,500,000
Water Department	196 Chatham Road improvements	0	0	0	1,500,000	0	1,500,000
Water Department	Paint Pleasant Lake Ave. tank	1,750,000	0	0	0	0	1,750,000
Water Department	Pipe discontinuity upgrade	0	1,500,000	0	0	0	1,500,000
	Water Department	2,402,000	1,500,000	3,500,000	1,500,000	0	8,902,000
Watershed (WMP)	Phase 4 Collection System design	0	0	0	0	0	0
	Watershed (WMP)	0	0	0	0	0	0
Wastewater Department	Collections System Improvements	75,000	0	0	0	0	75,000
Wastewater Department	Vehicle Replacements	0	65,000	0	0	0	65,000
	Wastewater Department	75,000	65,000	0	0	0	140,000
ANNUAL TOTALS		5,926,863	6,995,896	19,530,000	16,015,500	5,904,672	54,372,931

Funding Article	Funding Source	Amount
Article 5	Monomoy Regional School District Assessment	120,000
Article 17	Other Sources	437,863
Article 18	Free Cash	2,892,000
Article 19	Water Retained Earnings	1,652,000
	Borrowing	750,000
Article 20	Wastewater Retained Earnings	75,000
TOTAL FUNDING		5,926,863

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

Given under our hands this 1st day of April 2024.



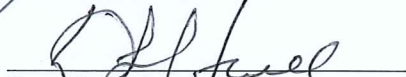
Julie E. Kavanagh, Chair



Michael D. MacAskill, Vice Chair




Jeffrey Handler, Clerk



Donald F. Howell

Select Board
Town of Harwich

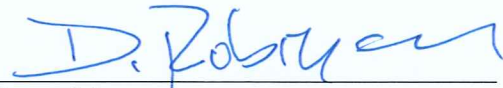
A true copy Attest:



Constable

April 4, 2024

By virtue of this Warrant I have this day notified and warned the inhabitants of the Town of Harwich, qualified to vote in elections and town affairs, to meet at the Harwich Community Center, 100 Oak Street in said Town on Monday, the 6th day of May, 2024 at the time and place for the purpose herein named by posting up attested copies thereon in the four (4) Post Office buildings, in Town Hall and Community Center in the Town of Harwich, which covers all four precincts, at least fourteen (14) days before the time of said meeting as within directed, and causing an attested copy thereof to be published in the Cape Cod Chronicle published in Barnstable County and having its circulation in the Town of Harwich.



Constable

Finance Committee

Votes and Recommendations

**2024 ANNUAL
TOWN MEETING**

MAY 6, 2024

1. TOWN OFFICERS AND COMMITTEES

The Finance Committee recommends this customary article be accepted and adopted.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Dan Tworek, Robert MacCready, Michele Gallucci

2. REPORTS OF TOWN OFFICERS AND COMMITTEES

The Finance Committee recommends this customary article be accepted and adopted.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Dan Tworek, Robert MacCready, Michele Gallucci

3. ELECTED OFFICIAL SALARIES

The Finance Committee recommends this customary article be accepted and adopted. Setting the Town elected officials' salaries at Town Meeting is a Harwich Home Rule Charter requirement which the Finance Committee supports. The funding for this article is contained in the general government operating budget article.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Dan Tworek, Robert MacCready, Michele Gallucci

4. TOWN OPERATING BUDGET

The Finance Committee recommends this article be accepted and adopted to fund the annual operation of the Town for FY 2025 and that \$45,732,309 be funded with \$2,690,639 be taken from available funds, \$16,307,350 be taken from estimated receipts, and \$26,734,320 be raised and appropriated for this purpose, with the following changes to APPENDIX-B the 2025 Select Board Recommended budget, line item 131 Finance Committee Reserve Fund increase by \$75,000 to a total of \$125,000, and line item 220 Fire – S&W decrease by \$75,000 to a total of \$5,410,115. The total increase for the fire department overtime account this year is over \$231,000 and the Finance Committee feels that the total budget for this line item is sufficient to support the needs of the department with \$75,000 moved into the Reserve Fund. This amount represents less than 6% of the total overtime budget. The Finance Committee will hold those funds with the expectation the department needs are less but make them available if needed. Having a higher reserve fund is beneficial to the Town as considered by Mass DOR and helps the Town to maintain our AAA rating.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

5. MONOMOY REGIONAL SCHOOL DISTRICT BUDGET

The Finance Committee recommends this article be accepted and adopted to fund the annual operation of the Monomoy Regional School District for FY 2025, and that \$29,876,982 be raised and appropriated for this purpose.

VOTE: YES-5, Peter Hughes, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci
NO, Dana DeCosta

6. CAPE COD REGIONAL TECHNICAL SCHOOL DISTRICT BUDGET

The Finance Committee recommends this article be accepted and adopted for the Harwich assessment to fund the annual operation of the Regional Technical High School for FY 2025, and that, \$2,204,820 be raised and appropriated for this purpose.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Dan Tworek, Robert MacCready, Michele Gallucci

7. WATER DEPARTMENT BUDGET

The Finance Committee recommends this article be accepted and adopted to fund the annual operation of the Water Department for FY 2025, and that \$4,831,887 be transferred from the water enterprise fund for this purpose.

VOTE: YES-5, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready

8. WASTEWATER DEPARTMENT BUDGET

The Finance Committee recommends this article be accepted and adopted to fund the annual operation of the Wastewater/Sewer Department for FY 2025, and that \$700,432 be raised and appropriated for this purpose.

VOTE: YES-5, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready

9. MONOMOY MIDDLE SCHOOL RENOVATION PROJECT

The Finance Committee recommends this article be accepted and adopted to fund the Monomoy Middle School siding project with a total estimated cost of \$2,500,000. This fund is subject to a 2 1/2% override question which is on this year's ballot.

VOTE: YES-5, Peter Hughes, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci, **NO-1,** Dana DeCosta

10. PETITIONED ARTICLE – TREE PRESERVATION BYLAW

The Finance Committee recommends indefinite postponement (IPP) on this article. This article will take away property rights that are currently held by all Harwich landowners. The article accounts for all the land under the current setback rules of the Town which are a significant part of many properties in the Town. Landowners will be required to assess and pay for changes made on these areas of their land, and this article is retroactive up to 12 months after the bylaw takes effect. The Finance Committee is recommending a “NO” vote on this article to not burden property owners with these requirements. There are public shade tree laws in the Town to protect our most valuable trees. There is “No” money associated with this article for enforcement or education, there are no funds for the Town to take any responsibility for the health and safety of any of these trees even though the Town has rights concerning those trees, and there are no additional funds for lawsuits that may result from ambiguities within the language of this bylaw.

IPP VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

11. FUND CAPE COD COMMUNITY MEDIA CENTER

The Finance Committee recommends this article be accepted and adopted to fund access to local television for the coming year, and that \$158,273 be transferred from PEG Access Funds for this purpose.

VOTE: YES-5, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready

12. LEASE PURCHASE AGREEMENTS

The Finance Committee recommends this article be accepted and adopted to meet State requirements of Municipal Finance lease purchase rules.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Dan Tworek, Robert MacCready, Michele Gallucci

13. PETITIONED ARTICLE – HOME RULE PETITION: PESTICIDES

The Finance Committee recommends this article be accepted and adopted to help curtail the use of pesticides in our Town.

VOTE: YES-4, Mark Ameres, Dan Tworek, Robert MacCready, Michele Gallucci **NO-3**, Dana DeCosta, Mark Kelleher, Peter Hughes

14. PETITIONED ARTICLE – AUTHORIZE SPECIAL ACT TO ENABLE HARWICH TO REGULATE THE APPLICATION OF FERTILIZERS

The Finance Committee recommends this article be indefinitely postponed. There are no funds available in this article for implementation or education. It is felt this article will hurt local businesses and homeowners who correctly apply fertilizers on their lawns and gardens.

VOTE: YES-4, Mark Ameres, Dana DeCosta, Mark Kelleher, Peter Hughes **NO-3**, Dan Tworek, Robert MacCready, Michele Gallucci

15. PETITIONED ARTICLE - AFFIRM SUPPORT FOR A PUBLIC ACCESS OLYMPIC SWIMMING POOL AND FACILITIES AT THE HARWICH COMMUNITY CENTER

The Finance Committee recommends this article be indefinitely postponed. The Finance Committee is aware this resolution is intended to inspire discussion on a pool in Harwich, this article as written is misleading and may lead votes in the wrong direction. An “Olympic” sized pool may be the wrong size needed for residents of the Town, and the Committee feels a price tag of \$18,000,000 which was developed pre-COVID in 2018 is no longer an appropriate measure for the potential cost. We would rather have a Town committee develop the needs of the Town and place the project on the Capital Plan the way all other Town projects are done.

VOTE: YES-5, Mark Ameres, Dana DeCosta, Peter Hughes, Dan Tworek, Robert MacCready **NO-2**, Mark Kelleher, Michele Gallucci

16. ADOPT THE CAPITAL OUTLAY PLAN

The Finance Committee recommends this article be accepted and adopted with the following changes to the FY 2025 column as set forth in Appendix C of this warrant, under the FY 2025 column add \$1,160,000 to the *Facility Maintenance 80 Parallel Street (Brooks Academy)* project, add \$2,500,000 to the *Golf Irrigation Update* project, and add \$1,500,000 to the *Public Works Road Maintenance/improvements* project. This motion will be made by the Finance Committee to restore the amounts in the Capital Plan. The Select Board has publicly indicated they wish to address these items at a Fall Town meeting, and the Finance Committee feels it is better to keep these amounts in the FY funding year instead of a \$0.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

17. CAPITAL OUTLAY PROJECTS FUNDED FROM VARIOUS SOURCES

The Finance Committee recommends this article be accepted and adopted, and that \$437,863 be transferred from various sources for this purpose including \$150,000 of grant money. Improvements to cable access, improvements to Herring River access, the harbormaster maintenance building, as well as preserving the public records of the Town will be funded through various available funds.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

18. CAPITAL OUTLAY PROJECTS FUNDED FROM FREE CASH

The Finance Committee recommends this article be accepted and adopted, and that \$2,892,000 be transferred from available funds for this purpose. This article will provide vehicle replacements, equipment, technology, and building maintenance for many departments across the Town.

VOTE: YES-5, Peter Hughes, Mark Kelleher, Mark Ameres, Dana DeCosta, Michele Gallucci
NO-1, Robert MacCready

19. CAPITAL OUTLAY PROJECTS FUNDED FROM WATER RETAINED EARNINGS AND BORROWING

The Finance Committee recommends this article be accepted and adopted, and that \$2,402,000 from Water Retained Earnings be made available or borrowed for this purpose. These funds will provide the usual vehicle and equipment replacements for FY 2025 and will allow for well rehabilitation and the painting of the Pleasant Lake Avenue water tank.

VOTE: YES-7, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Dan Tworek, Michele Gallucci

20. CAPITAL OUTLAY PROJECTS FUNDED FROM WASTEWATER RETAINED EARNINGS

The Finance Committee recommends this article be accepted and adopted, and that \$75,000 be transferred from the Wastewater retained earnings to make collection system improvements for FY 2025.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

21. ACQUISITION OF A CONSERVATION RESTRICTION FOR 1039 ROUTE 28

The Finance Committee recommends this article be accepted and adopted, contingent upon successful awarding to the Town of a Commonwealth of Massachusetts Municipal Vulnerability Preparedness (MVP) program reimbursement grant; and, further, to authorize the Town to accept the sum of \$2,000,000 from The Compact of Cape Cod Conservation Trust, Inc.

VOTE: YES-7, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Dan Tworek, Michele Gallucci

22. EXPENDITURE OF FUNDS FROM SALE OF 276 QUEEN ANNE ROAD

The Finance Committee recommends this article be accepted and adopted to allow the Select Board to access \$1,505,001 from a previous sale of land for future land purchases.

VOTE: YES-6, Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Michele Gallucci, Dan Tworek
NO-1, Robert MacCready

23. CORRECT ARTICLE 24 FROM THE 2023 ANNUAL TOWN MEETING

The Finance Committee recommends this article be accepted and adopted, to provide better legal clarification to the original motion.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

24. COMMUNITY PRESERVATION ACT –HOUSEKEEPING EXPENSES

The Finance Committee recommends this article be accepted and adopted. This customary article sets the limits for each designated fund. Open space, historic preservation, and community housing at \$199,500 each. This article also provides for \$75,000 for administrative purposes. This is an increase from the usual \$50,000 administrative costs.

VOTE: YES-5, Peter Hughes, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

NO-1, Dana DeCosta

25. COMMUNITY PRESERVATION ACT – BEACH AUTOMATED EXTERNAL DEFIBRILLATOR (AED) ACQUISITION

The Finance Committee recommends this article be accepted and adopted, and that \$39,000 be transferred from Community Preservation Act funds for this purpose.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

26. COLD BROOK TRAILHEAD AND PUBLIC ACCESS PROJECT

The Finance Committee recommends this article be accepted and adopted, and that \$250,000 be transferred from Community Preservation Act funds for this purpose.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

27. HARWICH POLICE SOCCER CLUB STREET SOCCER PITCH

The Finance Committee recommends this article be accepted and adopted, and that \$48,700 be transferred from Community Preservation Act funds for this purpose.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

28. AFFORDABLE HOUSING TRUST FUNDS

The Finance Committee recommends this article be accepted and adopted, and that \$500,000 be transferred from Community Preservation Act funds for this purpose.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

29. LOWER CAPE HOUSING INSTITUTE

The Finance Committee recommends this article be accepted and adopted, and that \$7,500 be transferred from Community Preservation Act funds for this purpose.

VOTE: YES-4, Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres
NO-1, Michele Gallucci, **Abstain-1,** Robert MacCready

30. MONOMOY REGIONAL SCHOOL DISTRICT PRESS BOX PROJECT

The Finance Committee recommends this article be accepted and adopted, and that \$100,000 be transferred from Community Preservation Act funds for this purpose.

VOTE: YES-4, Peter Hughes, Mark Kelleher, Mark Ameres, Michele Gallucci
NO-2, Dana DeCosta, Robert MacCready

31. NORTH WOODS AND WATER SUPPLY PROTECTION PROJECT

The Finance Committee recommends this article be accepted and adopted, and that \$100,000 be transferred from Community Preservation Act funds for this purpose.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

32. 203 BANK STREET FIREHOUSE HOUSING

The Finance Committee recommends this article be accepted and adopted, and that \$400,000 be transferred from Community Preservation Act funds for this purpose.

VOTE: YES-5, Peter Hughes, Dana DeCosta, Mark Ameres, Robert MacCready, Michele Gallucci

NO-1, Mark Kelleher

33. RED RIVER VALLEY LAND AND WATER PROTECTION PROJECT

The Finance Committee recommends this article be accepted and adopted, and that \$150,000 be transferred from Community Preservation Act funds for this purpose.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

34. SENIOR MEMORIAL SOFTBALL FIELD FENCING

The Finance Committee recommends this article be accepted and adopted, and that \$110,000 be transferred from Community Preservation Act funds for this purpose.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

35. SOUTH HARWICH GRAVESTONE CONSERVATION

The Finance Committee recommends this article be accepted and adopted, and that \$23,000 be transferred from Community Preservation Act funds for this purpose.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

36. VETERANS MEMORIAL COMPLEX ELECTRIC IRRIGATION REPLACEMENT

The Finance Committee recommends this article be accepted and adopted, and that \$37,000 be transferred from Community Preservation Act funds for this purpose.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

37. REPURPOSE ARTICLE 31 OF THE 2013 ANNUAL TOWN MEETING

The Finance Committee recommends this article be accepted and adopted, and that \$25,000 be transferred from the previous article for this purpose.

VOTE: YES-7, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Dan Tworek, Michele Gallucci

38. FUND FISCAL YEAR 2024 WASTEWATER DEBT

The Finance Committee recommends this article be accepted and adopted, and that \$858,742 be transferred from Wastewater Retained Earnings into the FY 2024 Wastewater Operating budget to pay for issued debt due in this year. This will allow the Wastewater Department to close their FY 2024 books without a significant deficit.

VOTE: YES-7, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Dan Tworek, Michele Gallucci

39. ANNUAL DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION

The Finance Committee recommends indefinite postponement (IPP) on this article. The Finance Committee feels that needed changes must be made to the concept of revolving funds so the cost of overhead, (treasury and accounting departments), to maintain and otherwise administer these revolving funds is deposited in the general fund of the Town, in the meantime it is felt that the Select Board should make the positive motion on this article.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

40. TRANSFER 172 QUEEN ANNE ROAD FOR DISPOSITON

The Finance Committee recommends this article be accepted and adopted.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

41. TRANSFER 174 QUEEN ANNE ROAD FOR DISPOSITON

The Finance Committee recommends this article be accepted and adopted.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

42. TRANSFER 246 QUEEN ANNE ROAD FOR DISPOSITON

The Finance Committee recommends this article be accepted and adopted.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

43. AMEND CHAPTER 7 OF THE GENERAL BYLAWS

The Finance Committee recommends this article be accepted and adopted to allow alternate members for the Board of Health to better assist them in maintaining a quorum for important votes.

VOTE: YES-7, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Dan Tworek, Michele Gallucci

44. AMEND CHAPTER 271 OF THE GENERAL BYLAWS

The Finance Committee recommends this article be accepted and adopted to allow the bylaws of the Town to better match the Town Charter.

VOTE: YES-6, Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Dan Tworek, **NO-1.** Michele Gallucci

45. AMENDMENTS TO THE HARWICH CHARTER

The Finance Committee recommends this article be accepted and adopted to allow for some “housekeeping” changes to the Charter. A previous article changing “Selectmen” to “Select Board” did not fully address all of the needed changes which makes this article necessary.

VOTE: YES-7, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Dan Tworek, Michele Gallucci

46. PETITIONED ARTICLE - HOME RULE PETITION – ATTAINABLE HOUSING

The Finance Committee recommends this article be accepted and adopted to allow access to affordable housing trust funds to a wider range of people in need of affordable housing.

VOTE: YES-6, Peter Hughes, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci, Dan Tworek, **NO-1.** Dana DeCosta

47. DEFRAID THE EXPENSES OF THE CHASE LIBRARY AND HARWICH PORT LIBRARY

The Finance Committee recommends this article be accepted and adopted, and that \$20,000 be transferred from available funds for this purpose for this customary article.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

48. PROMOTE THE TOWN OF HARWICH

The Finance Committee recommends this article be accepted and adopted, and that \$50,000 be raised and appropriated for this purpose for this customary article.

VOTE: YES-7, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Dan Tworek, Michele Gallucci

49. ANNUAL ALLOCATION FOR LOCAL CULTURAL COUNCIL GRANTS

The Finance Committee recommends this article be accepted and adopted, and that \$4,000 be transferred from available funds for this purpose for this customary article.

VOTE: YES-7, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Dan Tworek, Michele Gallucci

50. FUND ELECTRONIC VOTING AT TOWN MEETINGS

The Finance Committee recommends this article be accepted and adopted. At the time of our vote the cost of an electronic voting systems as used in other Towns was not available to the Finance Committee, however, the Committee wanted to show support for this idea.

VOTE: YES-7, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Dan Tworek, Michele Gallucci

51. SUPPLEMENTAL APPROPRIATION FOR PHASE 3 WATERSHED MANAGEMENT PLAN CONSTRUCTION CONTRACTS

The Finance Committee recommends this article be accepted and adopted. This article is to transfer the unused funds from the Route 28 dry pipe sewer project to the general sewer collection project.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

52. FUND A SEWER ASSISTANCE GRANT PROGRAM

The Finance Committee recommends this article be accepted and adopted. This article was placed in the warrant by the Select Board one day before the final meeting of the Finance Committee prior to the printing of the warrant. The Finance Committee voted to support this article and expects to learn the details of the grant program prior to Town meeting.

VOTE: YES-4, NO-2. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

53. HERRING FISHERIES

The Finance Committee recommends this customary article be accepted and adopted.

VOTE: YES-6, NO-0. Peter Hughes, Dana DeCosta, Mark Kelleher, Mark Ameres, Robert MacCready, Michele Gallucci

CONTRACTS

OFFICE OF THE TOWN ADMINISTRATOR

Phone (508) 430-7513

Fax (508) 432-5039

Joseph F. Powers, *Town Administrator*


732 MAIN STREET, HARWICH, MA 02645

Meggan M. Eldredge, *Assistant Town Administrator*



MEMO

TO: Select Board
Joseph F. Powers, Town Administrator

FROM: Meggan Eldredge, Assistant Town Administrator 

DATE: April 16, 2024

RE: Lease Agreement with Seacoast Harley-Davidson

The Police Department has received the attached Lease Agreement from Seacoast Harley-Davidson for the leased 2022 Harley Davidson motorcycle. The annual lease is in the amount of \$5,000 and requires a signature from the Select Board.

I recommend approval of this lease agreement.



Seacoast Harley-Davidson

P.O. Box 1740 • 17 Lafayette Road (US Route 1)
North Hampton, New Hampshire 03862
Tel: (603) 964-9959 Fax: (603) 964-9942
www.seacoastharley.com



March 30, 2024

Office of the Chief
Harwich Police Department
183 Sisson Road
Harwich, MA 02645

Dear Chief:

Please review, sign, and return, for our signature, the attached Lease Agreement. A copy of the completed Lease Agreement will be returned to you. The annual lease invoice is also enclosed.

Note: Proof of Insurance noting Seacoast Harley-Davidson as Loss Payee must be sent to us prior to the delivery of any leased motorcycle.

If you have any questions or need any changes made to the department's contact or billing information, please contact Brandi Bemis at extension 1199 or Mary Larson at extension 1190.

Sincerely,

Brandi Bemis
General Manager

Live Free and Ride™

LEASE AGREEMENT

LEASE DATE: 6/1/2024

LESSOR NAME AND ADDRESS:

SEACOAST HARLEY-DAVIDSON
17 LAFAYETTE ROAD
NORTH HAMPTON, NH 03862

LESSEE NAME AND ADDRESS:

HARWICH POLICE DEPARTMENT
183 SISSON ROAD
HARWICH, MA 02645

BY SIGNING THIS LEASE AGREEMENT, THE LESSEE LEASES FROM THE LESSOR THE FOLLOWING EQUIPMENT UNDER THE AGREEMENTS IN THIS LEASE AGREEMENT.

EQUIPMENT DESCRIPTION

<u>QTY</u>	<u>YEAR</u>	<u>MAKE</u>	<u>MODEL</u>	<u>MOTORCYCLES EQUIPPED WITH:</u>
1	2022	H-D	FLHTP	DEPT. OWNED OR PURCHASED EQUIPT.

VIN #1HD1FMP10NB640180

USE: POLICE

SECTION 1

INSURANCE: The Lessee shall insure the motorcycle for the term of this Lease Agreement. This insurance will be in the name of the Lessee and shall name the Lessor as certificate holder, for both liability and physical damage insurance. The Policy will include comprehensive, fire, theft with a deductible amount of not more than \$250, and liability insurance with a \$1,000,000.00 combined single limit for bodily injury and property damage. Such insurance shall provide for not less than thirty (30) days written notice of CANCELLATION to both loss Payee and Lessor. If (1) by prior agreement, or, (2) by cancellation of Lessee's insurance, the Lessor has to buy the insurance to comply with the requirements of this section, the Lessee shall pay back to the Lessor the cost of such insurance. The Lessee shall continue to pay lease payments for the vehicle during the term of this Lease Agreement, even in the event, the vehicle is lost, damaged, or destroyed.

If the Department is self-insured, please check box and provide letter stating as such.

VEHICLE MAINTENANCE AND OPERATING COSTS: The Lessee will provide and pay for all gas, oil and other necessary fluids for the vehicle, as well as keeping the vehicle in good order and seeing to all needed, but minimum maintenance set forth as follows:

- 1.) Factory scheduled maintenance starting at 1,000 miles; 5,000 miles and every 5,000 miles thereafter in accordance with the recommended factory maintenance schedule program and by a factory authorized Harley-Davidson dealer.
Factory scheduled maintenance is included in the cost of the lease.

The Lessee agrees to have services and/or repairs to the vehicle performed by Seacoast Harley-

Davidson, except in such circumstances as Seacoast Harley-Davidson is unable to perform said services and/or repairs and the Lessee has been so informed. The Lessee shall also be responsible for all damages to the motorcycle not considered normal wear and tear. This will include, but is not limited to, dents in painted parts and concealed damages. At the time of the lease turn-in, the Lessee will be responsible for the replacement of parts that are worn past inspection standards including, without limitation, brakes, tires, etc.

The Lessee shall protect the motorcycle from deterioration other than normal wear and tear, shall use the motorcycle for police related activities only, without abuse, and shall not make modifications, alterations or additions to the motorcycle without written consent of the Lessor. The Lessor shall have the right, during regular business hours to enter upon the premises where the motorcycle is located in order to inspect, observe or otherwise protect the Lessor's interest and the Lessee shall afford them the opportunity to do so.

RETURN OF THE VEHICLE: At the end of this Lease Agreement, the Lessee will return the vehicle to Lessor's address shown above or to such other place as the Lessor may direct, unless Lessee purchases the vehicle under the provisions of this Lease Agreement. If Lessee keeps possession of the vehicle past the expiration of the Lease Agreement term, the Lessee shall continue to pay the monthly payments as specified in this Lease Agreement. However, specific arrangement should be made within a (30) thirty-day period. The Lessee shall also pay the Lessor any damages, which the Lessor may be due, because the Lessee failed to return the vehicle or make proper arrangements at Lease Agreement End.

SECTION II

- 1.) **TERM OF LEASE AGREEMENT:**
June 1, 2024 through May 31, 2025

Total amount of Lease **per unit, per year**, \$5,000.00
Factory scheduled maintenance is included.

- 2.) **PAYMENT SCHEDULE OPTION: (Please check payment option box)**
- | | |
|----------------|-------------------------------------|
| A. Annual | \$5,000.00 <input type="checkbox"/> |
| B. Semi-Annual | \$2,500.00 <input type="checkbox"/> |

- 3.) **Terms of Payment** will be acknowledged with the signing of the Lease. Check should be made payable to Seacoast Harley-Davidson and mailed to PO Box 1740, North Hampton NH 03862. Credit card payment of lease will be subject to 3% fee in addition to lease price stated above. Call (603) 964-9959 x1190 to make credit card payment or to obtain ACH payment information.

- 4.) **LATE CHARGE:** The Lessee will pay a late charge on each payment that is not made within ten (10) days of the agreed upon due date. The **late charge** is five percent (5%) of the payment.

SECTION III

TERMINATION:

This Lease Agreement shall terminate when all three of the following have been accomplished:

- 1.) THE LEASE AGREEMENT TERM HAS ENDED.
- 2.) THE VEHICLE HAS BEEN RETURNED.
- 3.) ALL AMOUNTS OWED TO LESSOR HAVE BEEN PAID.

DEFAULT: If the Lessee fails to make the payment under this Lease Agreement when it is due, or if the Lessee fails to keep any other agreement in this Lease Agreement, the Lessor may terminate this Lease Agreement and take back the vehicle. The Lessor may go onto the Lessee's property to retake the vehicle. Even if the Lessor retakes the vehicle, the Lessee must still pay at once the monthly payments for the rest of the Lease Agreement Term and any other amounts that the Lessee owes under this Lease Agreement, in excess of what the Lessor would have invested in the equipment at the end of the Lease Agreement Term. The Lessee must also pay all expense paid by the Lessor to enforce the Lessor's right under this Lease Agreement, including reasonable attorney's fees as permitted by the law and damaged caused to the Lessor because of Lessee's default.

TAXES: The Lessee will pay all sales, use, excise, and other taxes and all fees and charges that are levied on the vehicle during the term of this Lease Agreement. The Lessee will also pay all taxes that are charged to the Lessor by reason of the Lessor's interest in the vehicle, except for income taxes.

REGISTRATION: The vehicle will be registered to the Lessee. The Lessee will be responsible for all registration costs.

TITLE: This vehicle will be titled in the name of the Lessor. The Lessee will be responsible for all titling costs.

VEHICLE USE: The Lessee will obey all laws in using the vehicle. The Lessee will not, without written permission from Lessor, use the vehicle in a state other than the state where it was first titled and registered for more than thirty (30) days. The Lessee shall be allowed to mark vehicles with vinyl lettering to identify it as a Department vehicle.

INDEMNITY: To the extent permitted by law, the Lessee will defend, indemnify and hold harmless the Lessor, its successors and assigns and their respective owners, managers, employees, officers, and agents ("Lessor Indemnified Parties") from any loss or damage to the vehicle or its contents during the term of this Rental Agreement. To the extent permitted by law, the Lessee will also indemnify the Lessor Indemnified Parties from all liabilities, claims, losses, costs and expenses arising out of the leasing, renting, operation, control use, delivery and return of the vehicle including, but not limited to, injuries causing personal injury, property damages and/or death, except for damages resulting from a design fault in the vehicle. The indemnification shall include all costs and expenses, including reasonable attorneys' fees, incurred by Lessor Indemnified Parties in connection with any suits or actions for which Lessor is entitled to indemnification pursuant to this provision. The Lessee will pay all fines imposed on the vehicle during the term of the Lease Agreement. If the Lessee fails to pay the fines and the Lessor pays,

the Lessee will pay the Lessor a \$20.00 administration charge for each time the Lessor must pay a fine, in addition to the fine or penalty imposed.

GENERAL: This Lease Agreement sets forth all of the agreements of the Lessor and the Lessee for the Lease Agreement of the vehicle. There is no other Agreement. The only way this Lease Agreement can be changed is by a new Lease Agreement signed by the Lessor. The law that will apply to this Lease Agreement is the last state where Lessor's place of business is, as set forth on the front of this Lease Agreement. The Lessee may not assign or sublease any rights or obligations under this Lease Agreement without the prior written consent of Lessor which may be granted or withheld on Lessor's sole discretion. This Lease Agreement shall be governed by the laws of the State of New Hampshire.

SEVERABILITY: If any provision of this Lease Agreement or the application thereof to any person or situation shall to any extent, be held invalid or unenforceable, the remainder of this Lease Agreement, and the application of such provisions to persons or situations other than those as to which it shall have been held invalid or unenforceable shall not be affected thereby, and shall continue in full force and effect, and be enforced to the fullest extent permissible by law.

WAIVER: The waiver by either Party of any failure on the part of the other Party to perform in accordance with any of the terms or conditions of this Agreement shall not be construed as a waiver of any future or continuing similar or dissimilar failure.

NOTICE TO THE LESSEE: Do not sign this Lease Agreement before you have read it. You will be given a completed copy of this Lease Agreement.

THE LESSEE STATES THAT BY SIGNING THIS LEASE AGREEMENT HE OR SHE HAS BEEN GIVEN A COMPLETED COPY OF THE LEASE AGREEMENT AND NOTICE OF ASSIGNMENT OF THIS LEASE AGREEMENT BY THE LESSOR TO A PARTY OF HIS CHOICE.

**HARWICH POLICE DEPARTMENT
"LESSEE"**

DATE: _____

BY: _____
Title _____

THE LESSOR ACCEPTS THIS LEASE AGREEMENT. THE LESSOR ASSIGNS THIS LEASE AGREEMENT TO A PARTY OF ITS OWN CHOOSING UNDER THE ASSIGNMENT SHOWN ON THE COVER PAGE OF THIS LEASE AGREEMENT.

**SEACOAST HARLEY-DAVIDSON
"LESSOR"**

DATE: _____

BY: _____

TOWN
ADMINISTRATOR'S
REPORT

Golf Department Revolving Fund

3rd Quarter FY24

Golf Revolving Fund (Pro Shop)

Overview - Established in 2008 (ATM2008, article 47), this revolving fund facilitates the operation of the golf pro shop. The funding sources are: golf lessons, restaurant lease and pro shop sales. The uses of the fund are: pro shop expenses (including purchase of retail inventory for sale in pro shop), clubhouse and kitchen maintenance and modernization and payment to golf instructor.

All expenditures from this account are signed for by the Director of Golf and the Town Administrator.

The annual spending limit is \$250,000

Quarterly Report – 3rd Quarter of FY24 (January-March)

Total Fund Balance on 3/31/24 = \$296,107.27

Narrative:

In the 3rd Quarter of the fiscal year there is generally low amount of revenue from the pro shop revolving fund, as golf is in off-season. Staff does not give golf lessons in the off-season. Expenses can be high in the 3rd quarter, as pro shop stock merchandise for the upcoming season begins arriving in March. Most merchandise is received in April and will be represented in the quarter 4 report.

Fitness Room Revolving Fund January, February & March 2024

Deposited Revenue: \$13,395.00

- Membership is \$15 per person for 30 days
- Revenue from Silver Sneakers insurance payments not included in this report

Part Time Salaries (Weight Room Coverage): \$8,245.54

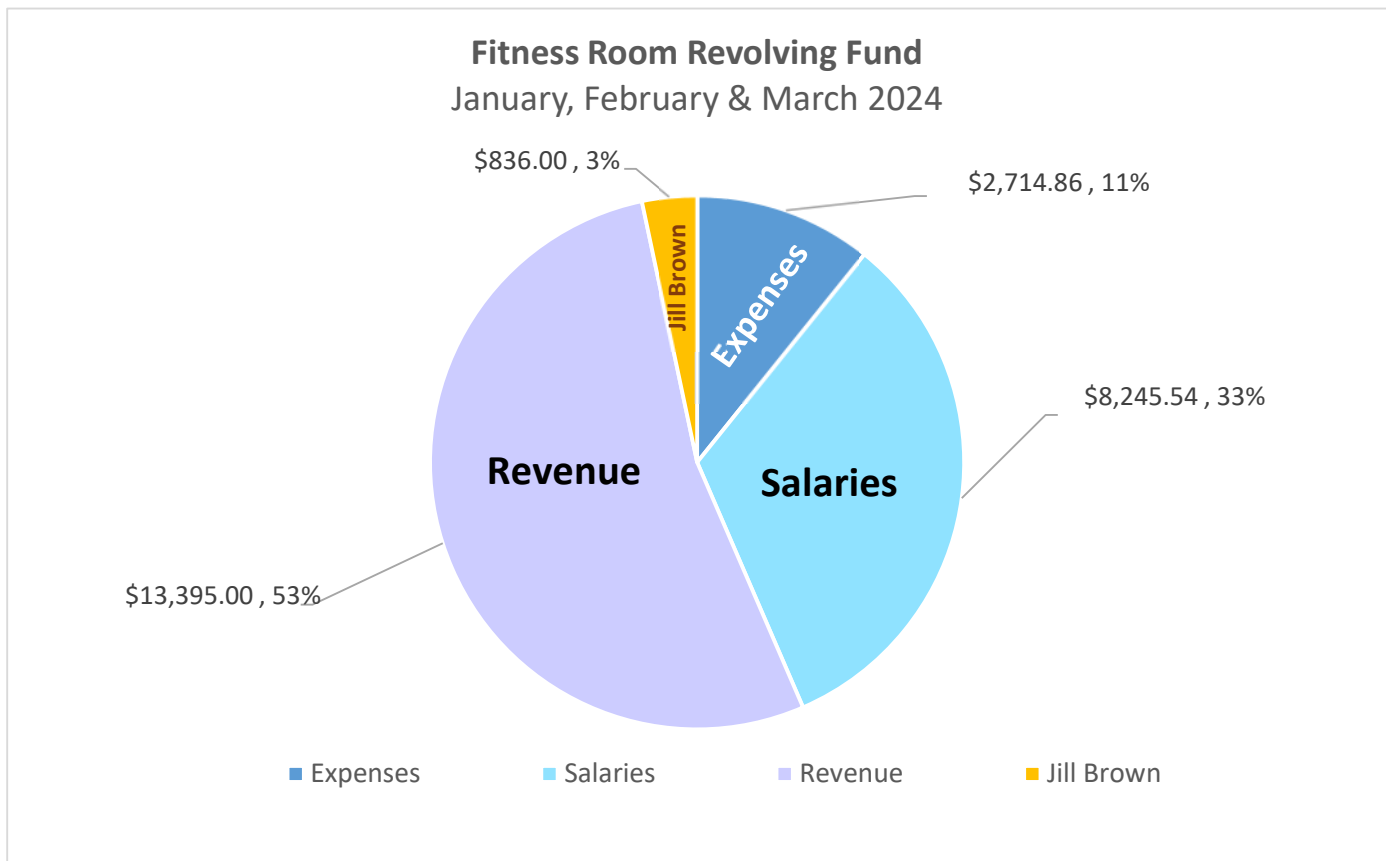
- Includes coverage from 6AM-9PM – Tuesday (15 hours), Wednesday (15 hours), Thursday (15 hours) & Friday (15 hours) = 60 hours total
- Monday: 6AM-6PM (12 hours)
- Saturday: 8AM-4PM (8 hours)
- Occasional staff coverage (sick, vacation).

Expenses (Weight Room): \$2,714.86

- Cleaning supplies wipes (\$1,427.86)
- Equipment & Repairs (\$1,287.00)

Personal Trainer – Jill Brown: \$836.00

- Jill Brown offers free personal training advice to all fitness room members. She works Monday & Thursday, 9:15AM-11:15AM.



Revenue Breakdown

Total Cash Payments: \$9,360.00 (624 Memberships)

Total Check Payments: \$4,035.00 (269 Memberships)

Total Memberships Sold: 893 Monthly Memberships