

Revised Agenda 12.14.2023 1:58 PM

SELECT BOARD MEETING AGENDA*

*Donn B. Griffin Room, Town Hall
732 Main Street, Harwich, MA
Regular Meeting 6:00 P.M.
Monday, December 18, 2023*

Remote Participation Optional:

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

<https://meet.goto.com/731177341>

You can also dial in using your phone.

Access Code: 731-177-341

United States: [+1 \(872\) 240-3212](tel:+18722403212)

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

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. PUBLIC COMMENTS/ANNOUNCEMENTS

A. Next Select Board Meeting will be Tuesday, January 2, 2024

IV. CONSENT AGENDA

A. Approve Select Board Meeting Minutes for December 4, 2023

B. Vote to appoint Brianna Powell as the Harwich member representative to the Barnstable County HOME Consortium Advisory Council for a three-year term, January 1, 2024, through December 31, 2026

V. PUBLIC HEARING

A. Approve an Alteration of Premise application for Blue Stripe, LLC d/b/a Cape Sea Grille, 31 Sea Street, Manager Jennifer R. Ramler

VI. NEW BUSINESS

A. Discussion to select a date for the all-day budget meeting

B. Discussion to reassign former member, Mary Anderson’s, liaison positions

C. Approve the 2024 Class IV Auto Repair license renewal for Wayne’s Auto Service, 643 Main Street

D. Approve the following 2024 Annual Common Victualler license renewals

1. Shogun, Inc. d/b/a Noble House, 21 Route 28

2. Harwichport House of Pizza, Inc., 330 Route 28

E. Approve a temporary closure of Round Cove Beverage Resort, LLC d/b/a Wequassett Inn and Golf Resort from January 2, 2024, through February 8, 2024

F. Discussion on 2024 Dog License Fees

VII. OLD BUSINESS

A. Discussion on fees related to all recreation programs charged to for-profit vs. nonprofit entities

B. Discussion and possible vote to call a Special Town Election to fill the current Select Board vacancy, term to expire May 21, 2024- added 12.14.2023, 1:58 PM

VIII. TOWN ADMINISTRATOR’S REPORT

IX. SELECT BOARD’S MEMBER REPORT

X. CORRESPONDENCE

XI. 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 Selectmen’s Office at 508-430-7513.

Authorized Posting Officer:

Posted by: _____

Town Clerk

Date: _____

Carol Campos, Executive Assistant

December 14, 2023

PUBLIC
COMMENTS /
ANNOUNCEMENTS

Youth and Family Services January Events

Update from Ashley Symington

In collaboration with Brooks Free Library, we will be offering a Yarn Crafting Group for high-school teens on Mondays from 4:00PM-5:00PM at Brooks Free Library in their meeting space. Free and open to all skill levels. Teens are welcome to come and enjoy some creative time. Opportunities for quiet crafting or engaging in some yarn-themed conversations (or any topic of their choosing). This program will run from January 8-February 12. Some supplies will be available for use (thanks, Ann!) and participants are also welcome to bring anything they are working on.

The next Parent Workshop Series chat will be on Thursday, January 18 from 6:00PM-7:00PM in the library at the 204 and we'll be talking about Navigating Serious Conversations. Thanks again to Kara for setting me up with space!

In response to lots of conversations and many thanks to the Community Center for allowing use of their space, I will be giving a talk on Understanding Anxiety on Thursday, January 25 from 6:00PM-7:00PM. Open to all- we'll be covering what anxiety is, what happens when someone feels anxiety, how to know when to reach out for help, and how to help someone you care about. This event is free, and no registration is required.



Brooks Free Library



&

Harwich Youth & Family Services
present

Yarn Crafting for Teens

**Enjoy a time for yarn crafting
(knitting, crochet, etc.).**

**Join the conversation or
enjoy some quiet craft time.**

Mondays

Jan 8 - Feb 12

4:00PM-5:00PM

Brooks Free Public Library Meeting Space



Harwich Youth and Family Services
invites you to attend

Parent Workshop Series

efbbee

This Month:

Navigating Serious Talks **Thursday, Jan 18**

Those really hard topics to talk about are some of the most important. It's not easy, and you're not alone. Come see!

All chats held at The 204
from 6:00PM-7:00PM

Understanding

Anxiety




Want to know about anxiety?

What it is? What happens when you feel it?

When to reach out for help?

How to help someone you care about?



Come to this FREE talk
with Ashley Symington, LMHC, NCC,
Town of Harwich
Director of Youth and Family Services.



Thursday, January 25, 2024

6:00PM-7:00PM

at the

Harwich Community Center



CONSENT AGENDA

**MINUTES
SELECT BOARD
HARWICH TOWN HALL
MONDAY, DECEMBER 4, 2023
5:00 P.M. EXECUTIVE SESSION
6:00 P.M. - REGULAR MEETING
REMOTE PARTICIPATION OPTIONAL FOR REGULAR MEETING ONLY**

SELECTMEN PARTICIPATING: Julie Kavanagh, Michael MacAskill, Jeffrey Handler & Donald Howell

ALSO PARTICIPATING: Town Administrator Joseph F. Powers

CALL TO ORDER

Ms. Kavanagh called the meeting to order at 5:00 p.m.

Mr. Handler moved that the Select Board enter into Executive Session regarding the items as listed below, 2nd by Mr. MacAskill. The vote was 4-0-0 with Mr. MacAskill, Mr. Handler, Ms. Kavanagh and Mr. Howell all voting aye by roll call.

EXECUTIVE SESSION

- A. Pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel; Harwich Employees Association (HEA)
- B. Pursuant to MGL c.30A section 21 (a)(3) to discuss with respect to collective bargaining for all town unions and the Chair has determined that open session would have a detrimental effect on the town's bargaining position; Harwich Employees Association (HEA)
- C. Pursuant to MGL c. 30A, §21(a)(6) to consider the purchase, exchange, lease or value of real property if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the Town; 62 Route 28, West Harwich

Ms. Kavanagh stated that action was taken on item a to approve, they will be moving forward with further discussions on item b and no action was taken on item c.

PUBLIC COMMENTS/ANNOUNCEMENTS

Harwich Chamber of Commerce Executive Director Cyndi Williams was present and thanked everyone that came out for the events over the weekend. Mr. MacAskill asked for a round of applause for Ms. Williams for all that she does.

Lt. Brad Willis from the Fire Department was present and reminded everyone about the 9th annual Homeless for the Holidays that will start on December 6th and will run through December 10th in Brooks Park. They will be collecting new unwrapped toys, monetary donations, and non-perishable food donations for The Family Pantry of Cape Cod. Over the last 8 years, they have

collected 8,267 toys, almost 14,000 pounds of food and just shy of \$65,000 in cash and gift card donations. They are looking forward to another successful year and thanked everyone for their support.

Lorraine Murphy from 43 Red Pine Drive was present and commented that she fell when entering the building tonight. Ms. Murphy feels that there is not enough information out there and that there must be something better to brighten the area during the construction. Ms. Kavanagh agreed that the lighting needs to be approved. A member of the Finance Committee noted that a second person fell when they were entering the building.

Community Center Director Carolyn Carey was present and noted that the correct date of the Winter Solstice event is December 21, 2023, and added that all of the publicity has been updated.

Patrick Otton was present and asked to make comments on the special election as well as electronic voting. He stated that the Select Board had a resignation on October 25, 2023, which left a vacancy. He felt it important to have 5 members on the Select Board that would represent the town. Mr. Otton pursued the special election petition hoping that it would be held in January, adding that he would prefer the now proposed date of April 9, 2024, simply be delayed until the normal local election on May 21, 2024. Ms. Kavanagh stated that based on all the information from the Town Clerk, we have to move forward with the special election prior to the next local election. Mr. Otton asked if the petition could be withdrawn. Ms. Kavanagh explained that the special election was discussed at public meetings and that our Town Clerk went to great lengths to explain all the information relating to the special election. Mr. Otton wishes that this information was put out before November 14th and that it is all new to him. Mr. Otton went on to comment on electronic voting and asked the Select Board how many registered voters they have discussed electronic voting with. Mr. Otton held up signatures of registered voters in Harwich who would like to see electronic voting because it is efficient, fast, accurate and private, adding that very few had no opinion on the issue. A couple of people said that they wanted to see how their neighbor's vote. Mr. Otton reviewed other towns that use electronic voting and highlighted comments from some towns, adding that the cost is .03% of the annual operating budget. Ms. Kavanagh responded that this item is on the Select Board agenda for discussion. Mr. Otton added that the electronic voting systems are closed systems and asked that electronic voting be used here in Harwich.

Mr. Handler stated that there will be no Select Board office hours during the month of December.

CONSENT AGENDA

A. Approve Select Board Meeting Minutes for November 20 and 27, 2023

Mr. Handler moved to approve the Select Board Meeting Minutes for November 20, 2023, 2nd by Mr. Howell and approved 4-0-0.

No action was taken on the minutes for the November 27, 2023 meeting, pending corrections.

B. Vote to rescind the reappointment of Ron Saulnier as a Shellfish Constable for the Town of Harwich

Mr. Handler moved to rescind the reappointment of Ron Saulnier as a Shellfish Constable for the Town of Harwich, 2nd by Mr. MacAskill and approved 4-0-0.

JOINT MEETING ON THE FISCAL YEAR 2025 – 2029 CAPITAL OUTLAY PLAN AND FISCAL YEAR 2025 CAPITAL BUDGET WITH SELECT BOARD, CAPITAL OUTLAY COMMITTEE AND FINANCE COMMITTEE

Finance Committee members present were Peter Hughes, Robert McCready, Mark Kelleher, Dana DeCosta, Dan Tworek & Michelle Gallucci. Capital Outlay Committee members present were Rich Larios, Paul Doane, Martha Donovan and Ann Clark Tucker. Note that Mark Kelleher and Dan Tworek are members of both committees.

Mr. Powers thanked everyone presented and noted that the Charter requires that there is a joint meeting of this nature that needs to be held in December to go over the capital plan. The Capital Outlay Committee has met several times, starting back in September. Presentations were made by various department heads and a final meeting was held on November 28th. What is being presented tonight is the draft capital outlay plan for FY25-FY29, the 5-year plan and we will be discussing the parameters of the FY25 budget which will be how we will fund the first year of the plan at next year's town meeting.

Peter Hughes asked if they could expect to see the potential funding sources for these items. Mr. Powers responded that he would be able to speak to them tonight, just not in complete specificity. Free cash is hoped to be certified in January or February. Mr. Hughes noted that it would be helpful to insert the funding sources into the document. Mr. Powers responded that he is planning to do the same as last year and have the funding sources outlined.

Mr. Hughes had questions about the proposed generator at the harbor, noting that the justification seems to be that there are pipes under the building that could freeze. He assumed that those pipes would have some kind of heat tracing on them, and that the general seems expensive, unless the ask would be expanded to have the generator run the entire complex. Mr. Hughes asked if there has been any consideration to installing solar panels to run the potential heat tracing for a couple of days, instead of a generator.

Rich Larios commented that the Capital Outlay Committee is made up of 6 members, 2 of which also sit on the Finance Committee. He added that the Capital Outlaw Committee visited the harbor to review the generator request and that there has been a lot of discussion about what the generator will do and its cost.

Mr. Hughes stated that he assumes that bid prices will be available for these items before we get to Town Meeting. Mr. Larios responded that it would be up to the facilities manager to obtain bid prices. Mr. Hughes feels that for him, the best information is getting bid prices.

Mr. Powers added that this ask is for a whole building generator for the harbor master building, not the entire complex and is not merely to keep the heat on. It will also power their communication equipment.

Mr. MacAskill said that we are still looking at a procurement list from 2 weeks ago with 24 uninitiated projects and that a large portion of them fall under the Department of Public Works. He feels that it would be great to have a more in depth conversation of when and how we are going to get out of the project back log before we are asked to approve more projects this year. Mr. MacAskill would like to hear back from administration and staff on their asks and if they are possible. He asked Mr. Powers when the Select Board can expect suggestions on reappropriations for a lot more of the procurement that have open ended balances. Mr. Powers responded that reappropriation is something that is done with Administration, Finance and the department heads and that his understanding for tonight was to present where we are with the draft capital plan.

Mr. Hughes had comments about the proposed roof at 204 Sisson Road. What caught his attention was that last year, there was information about a potential slate roof replacement and now it sounds like there will be an asphalt roof. Mr. Powers confirmed that is the expectation. Mr. Hughes feels that there should be a price difference between the 2, with asphalt being less expensive and that the number being presented is the same as last year. Mr. Powers responded that the project advocates did seek pricing, not through a formal bid process, but through appropriate procurement channels in the late summer and early fall. The numbers provided are based on professional estimates and relying upon the marketplace that exists today.

Mr. Hughes asked if the irrigation replacement at Cranberry Valley has expanded from last year or if the cost is based on price escalation. Mr. Powers responded that it is price escalation purely from year over year. It is the same project as last year.

Mr. Hughes said that we will get an opinion from bond counsel of what the cost of money will be over the next couple of years and that it might take sense to delay some items a year or two to see if the capital comes down.

With respect to the irrigation system, Mr. Larios responded that the golf course is an asset for Harwich that their revenue stream funds that capital. The fact of inflation is almost covered by the possibility of increasing fees. The project has been delayed and in terms of what it does, it is not a 100% rip out/put it, it is upgrades. His feeling is that the request number is a good number.

Dana DeCosta asked for a snapshot of what we have already borrowed that is not on the tax roles yet. Finance Director Kathleen Barrett was present and commented that she does not have that specific information for tonight's meeting but can have it prepared for a future time.

Mark Kelleher stated that he had raised the question about the price difference in the roof at 204 Sisson Road, commenting that slate roofs have a life estimate of about 80-150 years. He suggested that before money is spent, that a full evaluation of the roof be done. The existing roof is approximately 85 years old. Martha Donovan added that what she heard the facilities manager say is that this isn't just the roof, that it is also gutters and plywood that need to be replaced. It is also a safety issue.

Robert McCready asked for an explanation on the large change in the Department of Public works complex numbers from last year. DPW Director Lincoln Hooper was present and stated that this is a glorified space building for lack of a better term and had been priced out based on previous

things. They had engaged an engineering company who provided the estimates. There were some ancillary items that had not been considered. Mr. MacCready asked if the details of the project are more extensive than what was considered last year. Mr. Hooper responded that they are and that he would be happy to share details.

Mr. MacCready noted a new line item with values for all electronic records and information technology and asked for comments as to why this is an annual number. Mr. Powers responded that the electronic records and content management is a joint project between information technology and the Town Clerk's Office. Mr. Hughes said that his interpretation of this is that municipal government has always been a little behind and that he sees this as an opportunity to leap forward.

Mr. MacCready pointed out that last year there were no Police Department cruiser replacements and now we are back to having an annual replacement. Mr. MacAskill responded that it was previously put in the operating budget and was not a capital item.

Michelle Gallucci asked about the 2029 Harwich Elementary School maintenance item and Mr. Powers confirmed that it is for boilers. He added that when the 2 towns and the district changed their assessment, the Town of Harwich became completely responsible for the capital projects at the elementary school.

Mr. Larios said that he is happy with the way that the plan turned out and thanked the department heads and employees that were involved.

Lorraine Murphy from 43 Red Pine Drive was present and asked about clarification on the expression pseudo and if staff are encouraged to take accounting courses and if there is a program that pays for tuition. Ms. Kavanagh responded that this is a joint meeting of the Select Board with the Finance Committee and Capital Outlay Committee. When we talk about department heads formulating budgets, it means that they are asked to gather a lot of financial information.

Dan Tworek asked if the department heads will explain what the consequences would be to the town if their projects are not approved. Mr. Powers responded that there is a space on the narrative for that information.

Mr. Powers reviewed the request form, noting some significant changes in a more positive direction.

Mr. Howell stated that as he understands it, the inflation reduction act has had exactly the opposite of what the title says and that costs have been driven up. Aside from the magnitude of numbers, is there anything overtly different that was either added or dropped. Mr. Powers gave a brief overview of edits to the plan.

Mr. Howell asked if there is any chance of getting a list of what was taken out or put in for FY25, to have a future meeting. Ms. Donovan provided a brief run-through of changes. Mr. Howell responded that he would still like to see a list.

Jon Chorey was present and made comments regarding the Brooks Academy Museum project and the generator at the harbor. He also asked to see a list of the current debt and approved debt not spent.

Mr. Hooper showed the board and committee members a graph of the cost escalations for the DPW facility.

Mr. Hughes stated that the Finance Committee is down 2 members and that if anyone is interested in participating, they should contact the Select Board office to complete a citizen interest form or contact the Town Moderator, who is responsible for appointing members.

Mr. Larios also stated that the Capital Outlay Committee is down 1 member.

Mr. Hughes adjourned the meeting of the Finance Committee.

Mr. Larios adjourned the meeting of the Capital Outlay Committee.

NEW BUSINESS

- A. Discussion and Possible Vote to call a Special Town Election to fill the current Select Board vacancy, term to expire May 21, 2024

Ms. Kavanagh commented that Town Clerk Emily Mitchell has provided extensive information, and the discussion tonight is whether or not the Select Board wants to move forward with the April 9th date.

Mr. MacAskill said that he sees no point, other than the fact that there is a petition to hold a special town election at the expense of \$30,000 to fill a seat for one month. The Town Clerk did an outstanding job, prior to the certification, of outlining what the dates meant to the board. His recommendation, based on the petitioner, would be to hold the special election on May 20th, the day before the annual town election.

Town Clerk Emily Mitchell was present and stated that there was a petition filed properly with the appropriate number of signatures, 242 signatures in total. That does compel the Select Board to call a special election. Ms. Mitchell did speak with Town Counsel and they did confirm that we have to adhere to the 64 day minimum but that there is no outside maximum during which you have to hold the election, as long as it is prior to the annual town election. At this point, the boundaries to hold the special election are February 6th and May 20th. Ms. Mitchell said that her primary variables in forming her information were the Presidential Primary on March 5th and the minimum time frames between elections with respect to logistical factors. Legally, an election could be held on May 20th, but it may also cause some logistical issues with respect to the memory cards for the tabulators. There are some options considering the petitioner expressing interest in not pursuing the election with full force. The Select Board could opt to hold shortened hours for the special election, though that option would not minimize the election day set up or ballot printing, it would reduce staff time. Another option would be to opt out of vote by mail for the special election.

Ms. Kavanagh said that she understands where Mr. MacAskill is coming from, but that the impact to the Town Clerk's Office would still be there. She went back to the proposed April 9th date for consideration.

Mr. Handler thanked Ms. Mitchell for all the work that he did and said that he would be inclined to agree and support what Ms. Mitchell is presenting tonight. He went on to say that the Select Board is approachable that that they are here to answer questions with an unbiased and truthful explanation, adding that there is a lot of misinformation out there.

Mr. Howell said that he is disappointed and that he was more interested in the democracy part of this rather than the financial aspect. He cannot recall an executive position being vacant for 6 months. Mr. Howell feels that this was an unforced error in the first part when the Select Board did not vote to hold a special election in January. Ms. Kavanagh responded that the Select Board did have discussions and the impact that it would have on staff, even if the election was held in January.

Ms. Mitchell said that if the Select Board is serious about a May 20th date and minimizing impact, that she could reach out to our vendor who programs the tabulators and see if they have memory cards available to rent. If 2 sets of memory cards were available, the election could potentially be held on May 20th.

The consensus of the Select Board was that the Town Clerk contact the vendor for additional information.

B. Discussion regarding the potential use of Electronic Vote Tabulators (clickers) at future Town Meetings

Town Moderator Michael Ford was present and commented that the Town of Orleans, where he serves as Town Counsel, has used electronic voting for 4 years and that it started during COVID. He added that it was a success when Orleans held a town meeting in Nauset Beach parking lot and has continued to be a success. The Town Moderator in Orleans does not use the electronic voting clickers on every motion, but on those items where you know there will be a standing count. Mr. Ford added that there are at least 4 other towns on the cape that use the technology and that his recommendation would be that Harwich consider it, noting that the decision should be made by the voters at town meeting. Since the clickers require money, they can be expensive. Options of leasing, leasing with an option to buy, or buying out right will need to be considered, as well as building up the IT department to handle it. If purchased, Mr. Ford recommended that Harwich not purchase the internet clickers, as they can be prone to hacking. Mr. Ford added that the clickers provide convenience and that some voters enjoy the privacy of it.

Mr. Ford and Ms. Mitchell have spoken about the clickers, and it would be their joint recommendation to have an article inserted on the warrant for voter feedback. He said that he would be happy to work with Ms. Mitchell to draft an article for consideration. Mr. Ford also suggested that a committee or sub-committee be created that could make recommendations to the Select Board.

Mr. MacAskill thanked Mr. Ford for his recommendation and agreed that it is right to put it before the voters. What Mr. MacAskill has noticed in Harwich is that the only time we have a problem, or when town meeting gets extended is when there is termination on debate, which is usually on petition articles. He feels that our votes go fast and that voters should stand and be proud of their vote.

Mr. Ford reviewed a former bylaw that said that anytime money was borrowed, that the vote was done by a secret ballot and that if that bylaw was still in effect, he would have pushed for electronic voting a long time ago.

Mr. Howell said that he likes the idea of debating items and standing up for your vote, but also recognizes why people might like to have confidentiality. He agreed that it might be best to put this before a vote of town meeting.

Ms. Kavanagh agreed that Mr. Ford's recommendation to put together an article is a good one and that a committee or sub-committee could be formed to gather information. Ms. Kavanagh asked how the number of clickers needed would be determined. Mr. Ford responded that the Town Clerk would check the previous year's town meeting attendance numbers.

Ms. Kavanagh wanted Mr. Otton to know that this is a process and that the Select Board is looking into putting together an article for town meeting.

Mr. Otton thanked everyone for their time.

C. Discussion and Possible Vote on 2022 Special Town Meeting Article 3: Bylaw/Charter Review use of appropriated funds for governance review

Mr. Powers reviewed the information as provided in the packet.

Ms. Kavanagh commented that she doesn't understand why we would have restricted the review to the towns current code and got rid of zoning bylaws, adding that we always said that the Select Board would be looking at zoning, not Bylaw Charter Review. Mr. MacAskill responded that the Select Board did support it and the Finance Committee did not and that it was removed during the reconciliation meeting.

Ms. Kavanagh said that we have \$75,000 and that we were talking about first having the review of the code to get us to a starting point. Mr. Powers said that was the original intent that Administration had through the Select Board. Mr. Powers reviewed the explanation that appeared in the warrant and what was anticipated to be voted by Administration and the Select Board at that time. The Select Board has funds that were appropriated by town meeting for a purpose and the funds are under the span and control of the Select Board.

Mr. Handler said that it is his intention to find out what we can count on with respect to the expectations of the process to use the \$75,000 to do what many, if not all, have agreed and to have the charter looked at. His understanding is that the recodification will be finalized by January or

February and wondered if we could move forward now, since we already know the outcome of what is being recodified. Ms. Mitchell reviewed what the recodification process is.

Mr. Howell asked if funds are normally appropriated for when recodification happens. Mr. Powers responded that they are and that it is normally done through the Town Clerk's budget.

Mr. MacAskill remembered that Mr. Powers had made a previous recommendation to start with General Code, who we already contract with. Mr. Powers agreed that was correct and that they would be the path of least resistance. Mr. MacAskill went on to say that the recodification that we are speaking about now has nothing to do with what the Board voted before. Mr. Macaskill said that he has done a little research on General Code and he doesn't see that they are qualified to look at or make changes to our charter. Most towns that do this ultimately use a consultant or attorney. The Select Board sat with the Bylaw Charter Review Committee and said that we would work with them to bring changes before town meeting. Mr. MacAskill said that there appears to be a fair amount of angst as soon on social media about this topic because we are not moving the needle forward. He added that he would be looking for a recommendation and a real consultant and plan to see how we are going to look at the charter. The Bylaw Charter Review Committee is going to submit a draft of what they have been working on and Mr. MacAskill gave his pledge that some of those items he will push to get to town meeting. He added that he does not see the need to spend \$75,000 at this point. Mr. MacAskill said that he thinks that an elected charter commission would be a mistake for the town because an elected 9-member group who think they know what is best for Harwich is not necessarily the way that we should put putting together governing documents.

Ms. Kavanagh said that her understanding was that General Code was doing the recodification and that Bylaw Charter Review is working on assessing the charter. While this is happening, the Select Board should be looking at the zoning bylaws, which is a separate analysis. She added that General Code could help because we do have language in our charter that doesn't talk to our bylaws, and vice versa.

Mr. Powers reviewed the different subgroups of the Massachusetts Municipal Association.

Mr. Howell stated that from his experience, General Code would make sure that all of the structure is in the correct places. They are not in the business of understanding what you are trying to accomplish with language.

Mr. Powers noted that the Select Board received the appropriation of funds, so that they are under their care, custody and control.

Mr. Handler compared this situation to that of the Local Planning Committee that was appropriated funds to find a consultant. He would like to see this become a collaborate effort with the Select Board, Planning Board, Bylaw Charter Review and the Town Administrator. The only way to get this done is to have everyone at the table and pulling in the same direction.

Linda Cebula of the Bylaw Charter Review Committee was present and stated that the committee was a bit surprised to hear that \$75,000 was being spent on recodification. Ms. Kavanagh stated

that is not what the funds are being used for. Mr. MacAskill added that in the beginning, it was agreed to take a portion of the money to start the process.

Ms. Cebula went on to review the work that the Bylaw Charter Review Committee has been doing, adding that they decided to not wait for the Select Board. They expect to have a first draft report in December. She went on to say that it might be a good idea to have a committee or sub-committee as part of the process. Ms. Cebula added that even if there is an elected charter commission, there will still be a need for the Bylaw Charter Review Committee.

Ms. Cebula confirmed that zoning bylaws are not being looked at by the committee and agreed that General Code is not qualified to do the level of assessment that is needed.

Noreen Donahue of the Bylaw Charter Review Committee was present and asked that if anything is done with General Code, that a scope of work be presented to the public.

Mr. MacAskill asked that the Town Administrator put together a scope of work and also bring back information on what resources are available thru MMA or a consultant.

Mr. Powers reviewed the process of requesting information from the MMA through their form of government. He will make arrangements for the Select Board to speak with MMA.

D. Discussion on potential municipal tax bill inserts per to MGL c. 60, §3(a)

Ms. Kavanagh said that this was brought forward because the Bikeways Committee asked to have an insert with information on the vulnerable road users law included with the tax bill inserts. The Select Board would need to vote before anything could be included. A copy of the flier was provided in the packet.

Mr. MacAskill noted his concerns about the law and commented that he would be concerned about 10 wheeler trucks passing each other on a road while giving non-vehicle users a 4' buffer. Mr. Howell agreed.

Ms. Kavanagh responded that it is not on the Select Board to do the law. The discussion tonight is if the mailer can go with the tax bills.

Mr. Howell moved to include the proposed insert with the municipal tax bill, 2nd by Mr. MacAskill.

Mr. MacAskill asked what the cost would be. Mr. Powers responded that the insert cannot cause an increase in postage. The Board asked for further clarification on costs and asked that this be brought back next week with additional information from the Finance Director.

Mr. Howell withdrew his motion and Mr. MacAskill withdrew his 2nd.

E. Approve a New 2024 Annual Class IV Auto Repair license for C and B Automotive, Inc. d/b/a Reflections Auto Restoration, 4 Evergreen Way, Unit 1

Mr. MacAskill moved to approve a new 2024 Annual Class IV Auto Repair license for C and B Automotive, Inc. d/b/a Reflections Auto Restoration, 4 Evergreen Way, Unit 1, 2nd by Mr. Handler and approved 4-0-0.

Mr. MacAskill welcomed the new owners and wished them luck.

- F. Approve the Alcoholic Beverages Control Commission's Seasonal Population Form

Mr. Handler moved to approve the Alcoholic Beverages Control Commission's Seasonal Population Form, 2nd by Mr. MacAskill and approved 4-0-0.

- G. Approve the M.G.L Chapter 138, Section 15 off-premise annual liquor license renewal for A.J. Luke's of Harwich, Inc., 224 Route 28

Mr. Handler moved to approve the M.G.L Chapter 138, Section 15 off-premise annual liquor license renewal for A.J. Luke's of Harwich, Inc., 224 Route 28, 2nd by Mr. MacAskill and approved 4-0-0.

- H. Approve the following M.G.L Chapter 138, Section 12 on-premise annual liquor licenses:

1. Ashwood Food Service Inc. d/b/a Jake Rooney's, 119 Brooks Road
2. Beachlight, LLC d/b/a Seal Pub, 703 Main Street

Mr. Handler moved to approve the M.G.L Chapter 138, Section 12 on-premise annual liquor licenses as listed above, 2nd by Mr. MacAskill and approved 4-0-0.

- I. Approve the following 2024 Common Victuallers license renewals:

1. Alexander the Great d/b/a Alecsie's House of Pizza, 181 Route 137
2. Ashwood Food Service, Inc. d/b/a Jake Rooney's, 119 Brook Road
3. Beachlight, LLC d/b/a Seal Pub & Café, 703 Main Street
4. Blue Stripe, LLC d/b/a Cape Sea Grille, 31 Sea Street
5. BLM Restaurant Group d/b/a Lanyard Bar and Grill, 429 Route 28
6. Dent Donuts, LLC d/b/a Dunkin Donuts, 481 Route 28
7. Dent Donuts, LLC d/b/a Dunkins Donuts, 175 Route 137
8. Ember Pizza, Inc. d/b/a Ember Coal Fired Pizza & Wings, 600 Route 28
9. Epiros Holdings, LLC d/b/a George's Pizza House, 564 Route 28
10. Four Hundred East, Inc. d/b/a Four Hundred East, 1421 Orleans Road
11. Morningstar Restaurant, Inc. d/b/a Villa Roma, 278 Route 28
12. Red River BBQ LLC d/b/a Red River BBQ, 787 Route 28
13. Round Cove Resort Owner LLC d/b/a Wequassett Resort and Golf Club, 2173 Route 28
14. Ruggies, Inc. d/b/a Ruggies Restaurant, 707 Main Street
15. Scribano's Inc. d/b/a Scribano's Italian Market, 302 Route 28
16. Zack, Inc. d/b/a Castaways, 986 Route 28

17. Zou Garden, Inc. d/b/a Szechuan Delight, 1421 Orleans Road

Mr. Howell asked if there is a substantive difference between sit down and non-sit down establishments, noting that there are 2 Dunkin Donuts on the list, and referred to a 3rd at 109 Route 137. Mr. Powers responded that he would follow up with staff.

DH-is there a substantive difference between sit down and non-sit down. There are 2 dunks on the list. There is a 3rd at the gas station on 109 Route 137. Are they subject to this? JP-will follow up with staff.

Mr. Handler moved to approve the 2024 Common Victuallers license renewals as listed above, 2nd by Mr. MacAskill and approved 4-0-0.

- J. Approve the following 2024 Lodging or Innholders license renewals:
1. Barnaby Inn, 36 Route 28
 2. Braddock, Inc. d/b/a Winstead Inn & Beach Resort, 114-118 Parallel Street
 3. Braddock, Inc. d/b/a Winstead Inn & Beach Resort, 4 Braddock Street
 4. Sands Hospitality, Inc. d/b/a The Platinum Pebble Boutique Inn, 186 Belmont Road
 5. Siceamp, Inc. d/b/a The Tern Inn, 91 Chase Street
 6. Round Cove Resort Owner LLC d/b/a Wequassett Resort and Golf Club, 2173 Route 28

Mr. Handler moved to approve the 2024 lodging or innholders license renewals as listed above, 2nd by Mr. MacAskill and approved 4-0-0.

- K. Approve the following Class IV Auto Repair license renewals:
1. Dave's Garage, 910 Route 28
 2. Nick & Claudine Enterprises, LLC d/b/a West Harwich Sav-on-gas, 4 Route 28
 3. Steven's Auto Repair d/b/a Steven's Auto, 216 Main Street

Mr. Handler moved to approve the Class IV auto repair license renewals as listed above, 2nd by Mr. Howell and approved 4-0-0.

- L. Approve a Class I Agents and Sellers Auto license renewal for Harwich Port Boat Yard, 4 Harbor Road

Mr. Handler moved to approve the Class I agents and sellers auto license renewal for Harwich Port Board Yard, 4 Harbor Road, 2nd by Mr. Howell and approved 4-0-0.

- M. Approve the following 2024 Weekday & Sunday Entertainment license renewals:
1. Ashwood Food Service, Inc. d/b/a Jake Rooney's, 119 Brooks Road
Weekday – 11:00 a.m. to 11:00 p.m. inside

Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing
by Live Performers, Trivia
Sunday – 6:00 p.m. to 8:30 p.m.
Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing
by Live Performers

Ms. Kavanagh noted that last year's license approval was from 6:00 p.m. to 12:00 a.m.

Mr. Handler moved to approve the 2024 Weekday & Sunday entertainment license renewal as listed above, 2nd by Mr. Howell and approved 4-0-0.

2. Beachlight, LLC d/b/a Seal Pub & Café, 703 Main Street
Weekday – 6:00 a.m. to 12:00 a.m. inside
6:00 p.m. to 9:00 p.m. outside (Thursday/Friday/Saturday)
Inside – Jukebox, Radio, Television/Outside – Acoustic guitar and
unamplified singing
Sunday – 6:00 a.m. to 12:00 a.m. inside
Recorded music, Television, Radio & Background Music
6:00 p.m. to 10:00 p.m. only Acoustic, unamplified live music & Karaoke

Mr. Howell commented that the Sunday request is disturbing because there is a church right next door. Ms. Kavanagh responded that the application request is to make sure that they are not breaking any rules.

Mr. Handler moved to approve the 2024 Weekday & Sunday entertainment license renewal as listed above, 2nd by Mr. MacAskill and approved 4-0-0.

3. Blue Stripe, LLC d/b/a Cape Sea Grille, 31 Sea Street
Weekday – 4:00 p.m. to 12:00 a.m. inside
Live/recorded music, amplification, dancing by live performers
Sunday – 4:00 p.m. to 12:00 a.m. inside
Live/recorded music, amplification, dancing by live performers

Mr. Handler moved to approve the 2024 Weekday & Sunday entertainment license renewal as listed above, 2nd by Mr. Howell and approved 4-0-0.

4. BLM Restaurant Group d/b/a Lanyard Bar and Grill, 429 Route 28
Weekday – 4:00 p.m. to 11:00 p.m. inside
Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing
by Live Performers
4:00 p.m. to 10:00 p.m. outside
Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing
by Live Performers
Sunday - 4:00 p.m. to 11:00 p.m. inside
Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing
by Live Performers

4:00 p.m. to 10:00 p.m. outside
Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing
by Live Performers

Mr. Howell stated that for the public's edification, there is a big difference between the location of The Lanyard as compared to other locations in town. There is no real surrounding area for The Lanyard and they are pretty isolated in terms of their impact.

Mr. MacAskill asked that staff check with the establishment regarding the times listed on their request. If they would like a change, the license can be amended next week.

Mr. Handler moved to approve the 2024 Weekday & Sunday entertainment license renewal as listed above, 2nd by Mr. Howell and approved 4-0-0.

5. Ember Pizza, Inc. d/b/a Ember Coal Fired Pizza and Wings, 600 Route 28
Weekday – 10:00 a.m. to 12:00 a.m. inside
Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing
by Live Performers
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
Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing
by Live Performers
10:00 a.m. to 10:00 p.m. outside
Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing
by Live Performers

Mr. Handler moved to approve the 2024 Weekday & Sunday entertainment license renewal as listed above, 2nd by Mr. MacAskill.

Mr. Howell stated that this has been an issue through the years. Where we are, what we have been through and how we were able to resolve this was entirely contingent upon the outside being acoustic and not amplified. Mr. Howell said that he would not be willing to change his mind on that.

Ms. Kavanagh noted that they are also asking to push back their start time to 10:00 a.m. She would prefer to stick to 11:00 a.m. and make no changes to the application.

Mr. Howell asked if the Board could change their request or if it would have to be rejected. Mr. Powers responded that what is in the packet is the current license practice. Mr. Powers read what their current license reads.

Mr. Handler withdrew his motion and Mr. MacAskill withdrew his 2nd.

Mr. Handler wants to be able to approve the inside request as presented and wondered if a pieced-out motion could be made. Ms. Kavanagh added that she would be comfortable with the 10:00 a.m. start inside.

Mr. Howell moved to approve the request with the same terms and conditions as the 2023 license. No 2nd was heard. Mr. Howell withdrew this motion.

Mr. MacAskill noted that the establishment opens for lunch and asked if the Select Board would be open to an 11:00 a.m. start on Sunday.

Mr. MacAskill moved to approve the 2024 Weekday & Sunday entertainment license renewal, as follows, 2nd by Mr. Howell and approved 4-0-0:

Ember Pizza, Inc. d/b/a Ember Coal Fired Pizza and Wings, 600 Route 28

Weekday – 10:00 a.m. to 12:00 a.m. inside

Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing by Live Performers

11:00 a.m. to 10:00 p.m. outside

Jukebox, Radio, Television, Live music acoustic only, recorded music &, Dancing by Live Performers

Sunday - 10:00 a.m. to 12:00 a.m. inside

Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing by Live Performers

11:00 a.m. to 10:00 p.m. outside

Jukebox, Radio, Television, Live music acoustic only, recorded music &, Dancing by Live Performers

1. Four Hundred East, Inc. d/b/a Four Hundred East, 1421 Orleans Road

Weekday – 5:00 p.m. to 10:00 p.m. inside

Live/Recorded Music, Amplification, Dancing by Live Performers

Sunday – 4:00 p.m. to 10:00 p.m. inside

Live/Recorded Music, Amplification, Dancing by Live Performers

Mr. Handler moved to approve the 2024 Weekday & Sunday entertainment license renewal as listed above, 2nd by Mr. Howell and approved 4-0-0.

2. Morningstar Restaurant, Inc. d/b/a Villa Roma, 278 Route 28

Weekday – 4:30 p.m. to 11:00 p.m. inside

Jukebox, Radio, Television

Sunday - 4:30 p.m. to 11:00 p.m. inside

Jukebox, Radio, Television

Mr. Handler moved to approve the 2024 Weekday & Sunday entertainment license renewal as listed above, 2nd by Mr. Howell and approved 4-0-0.

3. Red River BBQ LLC d/b/a Red River BBQ, 787 Route 28

Weekday – 5:00 p.m. to 9:00 p.m. inside
Jukebox, radio, television, live/recorded music, amplification, dancing by live performers
Sunday – 5:00 p.m. to 9:00 p.m. inside
Jukebox, radio, television, live/recorded music, amplification, dancing by live performers

Mr. Handler moved to approve the 2024 Weekday & Sunday entertainment license renewal as listed above, 2nd by Mr. Howell and approved 4-0-0.

4. Round Cove Resort Owner LLC d/b/a Wequassett Resort and Golf Club, 2173 Route 28
Weekday – 12:00 p.m. – 12:00 a.m. inside
Live/Recorded Music, Amplification, Dancing by Live Performers and Patrons
12:00 p.m. – 10:00 p.m. outside
Live/Recorded Music, Amplification, Dancing by Live Performers and Patrons
Sunday - 12:00 p.m. – 12:00 a.m. inside
Live/Recorded Music, Amplification, Dancing by Live Performers and Patrons
12:00 p.m. – 10:00 p.m. outside
Live/Recorded Music, Amplification, Dancing by Live Performers and Patrons

Mr. Handler moved to approve the 2024 Weekday & Sunday entertainment license renewal as listed above, 2nd by Mr. Howell and approved 4-0-0.

TOWN ADMINISTRATOR’S REPORT

Mr. Powers announced one contract for additional voting related equipment. The Town has contracted with LHS Associates in the amount of \$37,600 for a high speed tabulator, 6 additional poll pads and an upgrade of software for the poll pads. This is great technology that will be used at elections and Town Meeting. Even though LHS is a sole source provider, this was still completed as a request for proposals. The funding for this comes through the April 2022 Annual Town Meeting article 20.

SELECT BOARD’S MEMBER REPORT

Mr. Howell commented on the great tree lighting in Harwich Port, adding that it is something that warms your heart and is glad that Harwich is still doing something like this together as a community.

Mr. Handler said that not a week goes by in Harwich where he doesn’t find himself running into some extraordinary people. He paid compliments to Rebecca Riley, who leads the Harwich Elementary School choir.

Mr. MacAskill thanked Brax Landing for serving over 1600 free meals at Thanksgiving.

Ms. Kavanagh echoed all comments about all of the events that the Harwich Chamber of Commerce puts on. One of the warmest moments was in Harwich Port when Santa arrived on the fire truck.

CORRESPONDENCE

No correspondence was heard.

ADJOURNMENT

Mr. MacAskill moved to adjourn the meeting of the Select Board, 2nd by Mr. Handler and approved 4-0-0.

Respectfully submitted,
Jennifer Clarke
Recording Secretary



Barnstable County

Regional Government of Cape Cod
3195 Main Street | Barnstable, Massachusetts 02630

Department of Human Services

Barnstable County HOME Consortium Advisory Council

The HOME Consortium Advisory Council consists of seventeen members: one representative from each town and two at-large members. Additionally, the Affordable Housing Specialist of the Cape Cod Commission is an ex officio member. See current membership list attached.

The primary tasks of the Advisory Council include the following:

1. Determines the allocation of federal HOME Investments Partnership Program funds received by the County (currently approximately \$500,000 annually) and reviews and approves project applications for funding for the development of affordable rental housing units located in Barnstable County.

Additionally, the Barnstable County HOME Consortium was awarded \$1,556,508 under the American Rescue Plan for a new HOME-ARP Program to provide housing and service needs specifically designated for a qualifying population of homeless and at-risk of homelessness. These funds will be administered through September 2030.

2. Establishes local HOME and HOME-ARP program policies as allowed by regulations.
3. Remains current on local, state, and federal housing issues and advocates for policies that will promote the creation and preservation of affordable housing in the region.
4. Acts as a liaison with their respective towns and local housing partnerships/committees and reports relevant regional, state, or federal housing policy information.
5. Participates in topical round-table discussions on regional affordable housing issues.
6. Participates in the implementation of the Barnstable County Shared Regional Housing Services pilot program

The Advisory Council has a standard monthly meeting schedule held on the third Thursday at 9:00 a.m. held virtually with all members and staff participating remotely, as allowed pursuant to Massachusetts state law.

Visit the *Barnstable County Human Services Department* for more information on the Programs:

[HOME Investments Partnership Program](#)

[HOME-ARP Investments Partnership Program](#)

[Shared Regional Housing Services Pilot Program](#)



Barnstable County

Regional Government of Cape Cod
3195 Main Street | Barnstable, Massachusetts 02630

Department of Human Services

Barnstable County HOME Consortium Advisory Council Members		
Barnstable	Eastham	Provincetown
Laura Shufelt (1/31/25)	Rachel Butler (6/30/24)	Michelle Jarusiewicz (1/31/24)
MHP Director of Community Assistance	Eastham Housing Coordinator	Provincetown Community Housing Specialist
Bourne	Falmouth	Sandwich
David Quinn (6/30/24)	Kim Fish (6/30/25)	Nanette Perkins (6/30/25)
HAC, Director of Housing Dev. & Planning	Falmouth Housing Coordinator	Sandwich Housing Authority Member
Brewster	Harwich	Truro
Jill Scalise (6/30/25)	Arthur Bodin (1/1/24)	Betty Gallo (1/31/24)
Brewster Housing Coordinator	Harwich Housing Authority Member	Vice-Chair Truro Affordable Housing Authority
Chatham	Mashpee	Wellfleet
Gloria McPherson (8/25/25)	Gary Shuman (1/31/24)	Richard Ciotti (3/23/24)
Chatham Housing & Sustainability Director	Mashpee Housing Committee member	Wellfleet Housing Authority Member
Dennis	Orleans	Yarmouth
Maggie Spade-Aquilar (1/31/24)	Marsha Allgeier (6/30/25)	Lorraine Doyle (12/31/25)
Dennis Housing Coordinator	Orleans Housing Coordinator	Yarmouth Community Housing Com. Member
At-Large	At-Large	Ex Officio
Charleen Greenhalgh (1/31/24)	Beth Wade (1/31/26)	Patty Daley
Harwich Town Planner (retired)	Habitat, Director of Land Acq. & Project Dev.	Cape Cod Commission

The Barnstable County HOME Consortium Advisory Council consist of seventeen members: one member representative from each of the fifteen towns, selected by their town and two at-large members, selected by Barnstable County. Additionally, the Affordable Housing Specialist of the Cape Cod Commission is an ex officio member. All members are appointed to the Advisory Council by the Board of Regional Commissioners. The Barnstable County HOME Consortium Advisory Council generally meets once a month on the third Thursday of each month.



Barnstable County

Regional Government of Cape Cod
3195 Main Street | Barnstable, Massachusetts 02630

Joseph R. Pacheco
Director

Mandi Speakman
Deputy Director

Department of Human Services

November 27, 2023

Select Board, Town of Harwich
c/o Joseph F. Powers, Town Administrator
732 Main Street
Harwich, MA 02645

via email only: jpowers@town.harwich.ma.us

RE: Barnstable County HOME Consortium Advisory Council

Dear Select Board and Mr. Powers

Art Bodin, the current Harwich member representative to the Barnstable County HOME Consortium Advisory Council, term is coming to a close on January 1, 2024. Mr. Bodin expressed that he will not be seeking another term on the Advisory Council. Barnstable County greatly appreciates Art's expertise and commitment to the Advisory Council these past many years and we thank him very much for his time and housing advocacy. To fill this vacancy, we reached out to the town's housing advocate, Brianna Powell, and she has agreed to fill the vacancy moving forward. Brianna has been attending some of the Advisory Council meetings as a member of the public and we would be thrilled to welcome her as a full member representing the Town of Harwich.

The Barnstable County HOME Consortium Advisory Council is a regional pro-active housing group comprised of affordable housing advocates from all fifteen towns with two at-large members; please see the attached information sheet for more details. The Advisory Council meets remotely on the third Thursday of every month at 9:00 a.m.

We value your town's continued participation in this regional affordable housing council and we respectfully request that you consider appointing Brianna Powell to the next three-year term of January 1, 2024 through December 31, 2026. Once the appointment by the Select Board, please forward the appointment to my attention and I will have it placed on a County Commissioner's consent agenda.

If you have any questions regarding this appointment or the Barnstable County HOME Consortium Advisory Council in general, please do not hesitate to contact me.

Sincerely,

Renie Hamman

Renie Hamman, HOME Program Manager
508-375-6622 / renie.hamman@capecod.gov

cc: via email only: Brianna Powell and Art Bodin

PUBLIC HEARING

LEGAL NOTICE
TOWN OF HARWICH
APPLICATION FOR ALTERATION OF PREMISES
FOR LIQUOR LICENSE

Notice is hereby given under Chapter 138 of the General Laws as amended that application has been made to this Board for an Alteration of Premises for the Annual, On-Premise, All Alcohol Liquor License now held by Blue Stripe LLC d/b/a Cape Sea Grille, Jennifer R. Ramler, Manager, 31 Sea Street, Harwich Port. Applicant is seeking to alter premises to include outdoor seating. Site plans can be found at the Select Board's Office at Harwich Town Hall.

The Select Board will hold a hearing on the application on Monday, December 18, 2023 at 6:00 P.M. in the Donn B. Griffin Room at Town Hall, 732 Main Street, Harwich, at which time all interested parties will be heard. Remote access is also available, please see posted agenda for dial in information.

Select Board
Local Licensing Authority

Cape Cod Chronicle
November 30, 2023



TOWN OF HARWICH PLANNING BOARD

Duncan Berry Chair, Craig Chadwick Vice Chair, David Harris, Mary Maslowski, Anne Clark Tucker and Emily Brutti, Members; Harry Munns, Alt. Member

Certificate of Action Site Plan Special Permit Approval

June 22, 2023

Jen & Doug Ramler
Blue Stripe, LLC/Cape Sea Grille



Dear Jen and Doug,

Please be advised that at a duly advertised, posted and noticed public hearing opened on June 13, 2023, the Harwich Planning Board (the 'Board') **voted unanimously to approve** with conditions a Site Plan Special Permit in accordance with the Harwich Zoning Bylaw Sections 325-51 and 325-55 to build a bathroom addition and to allow for an expansion of total seating capacity to 144: 110 indoor seats and 34 outdoor seats.

Case No.: PB2023-19

Applicants: Blue Stripe, LLC d/b/a Cape Sea Grille

Location: 31 Sea Street; Assessor's Map 14, Parcel V2

Owners: Douglas J. Ramler, Tr., et al and Jennifer R. Ramler, Tr.,



Zoning District(s): RH1

Deed Reference: Book 15044, Page 339

Decision Date: June 13, 2023

SUMMARY OF PROCEEDINGS:

The public hearing on this matter was opened on Tuesday, June 13, 2023 at 6:30 PM in the Griffin Room at Town Hall as well as via remote participation using GoToMeeting. Due notice was given to all abutters within 300' of the Subject Property deemed affected as shown on the latest tax rolls of the Town, as well as the four abutting Towns and by publication in the Cape Cod Chronicle on May 25, 2023 and June 1, 2023. The plans were distributed to the Health Department, Conservation Department, Highway Department, Police, Fire and Water Departments for comments. Comments received by each were distributed back to the Applicants.

Acting and voting on the matter at the June 13, 2023 hearing were: Duncan Berry, Chairman, Craig Chadwick, Vice Chairman, David Harris, Mary Maslowski, Emily Brutti, Ann Clark Tucker and Harry Munns.

RECEIVED
TOWN CLERK
HARWICH, MA
2023 JUN 21 A 10 26

The Applicants presented the case to the Planning Board who reviewed the materials and asked for clarifications on some of the proposal, specifically, the parking plan. A letter of support was received from Dan Battles of York Property Management offering additional parking spots in the Port Center Building parking lot for evening use. After accepting testimony from all parties having an interest in the case, the Board voted to close the public hearing. The vote was unanimous. The members then deliberated and reviewed the criteria for granting a Site Plan Special Permit and a parking waiver in accordance with sections 325-51 and 325-55 of the Zoning Bylaw.

The decision in this matter is based upon the application, supporting documentation, public testimony and evidence provided at the hearing. Copies of the official records are located in the Planning Department files and are incorporated into the record by this reference.

Information Submitted

- Form A Application and Narrative;
- Municipal Lien Certificate;
- Site Plan – Existing Conditions by down cape engineering, inc., dated 2/14/22;
- Restaurant Floor Plans – Floor 1 by South County Architecture & Design, Inc, dated 12/8/22;
- Request for Waiver of Site Plan Review;
- Abutters Application;
- Fee
- Project review memorandum from Paul Halkiotis, Town Planner dated 6/5/23.

Vote of the Harwich Planning Board

On a motion from Ms. Maslowski with a second by Mr. Chadwick, the Planning Board voted unanimously (7-0) to adopt the following findings:

- (a) The use as developed will not adversely affect the neighborhood.
- (b) The specific site is an appropriate location for such a use, structure or condition.
- (c) The additional seating will not create a nuisance or serious hazard to vehicles or pedestrians.
- (d) That to the extent that a parking waiver is necessary, there are additional spaces when
 - 1) Port Center evening spaces are allocated as available;
 - 2) A gravel overflow parking area is available on site.
- (e) Adequate and appropriate facilities will be provided for the proper operation of the proposed use. This includes the provision of appropriate sewage treatment facilities which provide for denitrification, when the permit granting authority deems such facilities necessary for protection of drinking water supply wells, ponds or saltwater embayments.

In addition, the Board found that:

1. The subject property has been operating as a restaurant for many years and received a Waiver of Site Plan Special Permit in 2009 (PB2009-06). The owners have taken

advantage of the temporary relaxation of outdoor seating restrictions during the pandemic and hope to make those outdoor seats permanent. The owners plan to construct an additional bathroom to comply with State Plumbing requirements for the additional seating. They also have an agreement with the owners of the Port Center which allows Sea Grille employees to park in that lot.

2. Although the Applicants have applied for a waiver to forego the submission of a new site plan, they have submitted a marked up site plan dated 2/14/23 prepared by Down Cape Engineering that shows the location of the proposed bathroom.

Ms. Maslowski moved with a second by Mr. Chadwick to grant the requested Waiver of Site Plan Review for Parking in accordance with the requirements of the Code of the Town of Harwich Sections 325-51 and 325-55 C(1) based in part on the agreement with the Port Center that allows for Cape Sea Grille overflow parking. The Board voted unanimously in favor.

On a motion from Ms. Maslowski with a second by Mr. Chadwick, the Planning Board voted unanimously (7-0) to grant a Site Plan Special Permit to build a bathroom addition and to allow for an expansion of total seating capacity to 144: 110 indoor seats and 34 outdoor seats in accordance with the requirements of the Code of the Town of Harwich Sections 325-51, 325-55 and MGL CH 40A sec 9 for the Cape Sea Grille, located at **31 Sea Street**, Assessor's Map 14, Parcel V2 in the RH1 District.

The following conditions apply:

Conditions of Approval

- All signage shall comply with relevant portions of the Code of the Town of Harwich;
- This Special Permit shall not take effect until a copy of the Certificate of Action, bearing the certification of the Town Clerk that twenty (20) days have elapsed after the filing of the decision and either that no appeal has been filed or that an appeal has been filed within such time period, is recorded in the Registry of Deeds and indexed under the name of the property owner of record and the parcel address.
- This Special Permit shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.
- The proposed use shall operate in conformance with the submitted site plan and application statements referenced in this Decision.
- The Special Permit will run with the land. Conditions of approval shall be binding on all future owners.

IN FAVOR: Mr. Berry, Mr. Chadwick, Ms. Maslowski, Mr. Harris, Ms. Brutti, Ms. Clark Tucker and Mr. Munns.

OPPOSED: None

J. Berry
Duncan Berry, Chairman

27 Jun 2023
Date

Appeal from the above decision may be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, within twenty (20) days of the date of filing hereof with the Town Clerk.

This Decision has been filed with the Town Clerk on:

June 27, 2023

Emily Mitchell
Town Clerk

This is to certify that twenty days have elapsed after this decision was filed in my office and no appeal has been filed.

Date filed: _____

Twenty Days Elapsed: _____

Town Clerk

cc: Emily Mitchell, Town Clerk
Jack Mee, Building Commissioner
Carlene Jones, Assessor



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 or Alteration of Premises Information

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):

- New License
- Change Corporate Name
- Change of Class (i.e. Annual / Seasonal)
- Change Corporate Structure (i.e. Corp / LLC)
- Transfer of License
- Change of DBA
- Change of License Type (i.e. club / restaurant)
- Change of Hours
- Change of Manager
- Alteration of Licensed Premises
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Pledge of Collateral (i.e. License/Stock)
- Change of Officers/Directors
- Change of Location
- Issuance/Transfer of Stock/New Stockholder
- Management/Operating Agreement
- Change of Ownership Interest
- Other

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 or Alteration of Premises Information

Change of Location

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

Alteration of Premises

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Blue Stripe LLC	Harwich	[REDACTED]

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

We would like to Alter our Premises to include an outdoor patio that was constructed during the COVID pandemic in our seating. The increase in seating capacity and the outdoor use has been approved by the Town of Harwich.

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Jennifer R Ramler	Manager	[REDACTED]	[REDACTED]

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

The alterations include an outdoor patio with 34 seats that was constructed during the COVID pandemic. We have increased our seating capacity to 144 guests. The outdoor patio has been approved for use by the Town of Harwich Health and Planning boards.

2B. PROPOSED DESCRIPTION OF PREMISES

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

Fine dining restaurant with one floor, 2 rooms, one outdoor patio. The indoor square footage is 2,634 and the outdoor square footage is 683 for a total of 3,317 square feet.

Total Sq. Footage	3,317	Seating Capacity	144	Occupancy Number	198
Number of Entrances	2	Number of Exits	2	Number of Floors	1

AMENDMENT-Change or Alteration of Premises Information

3. CHANGE OF LOCATION

3A. PREMISES LOCATION

Last-Approved Street Address

Proposed Street Address

3B. DESCRIPTION OF PREMISES

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

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

3C. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of intent)

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

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

Yes No

4. FINANCIAL DISCLOSURE

Associated Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):

Associated Cost(s):

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Total:	

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

APPLICANT'S STATEMENT

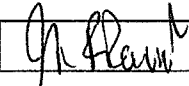
I, Jennifer R Ramler the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory

of Blue Stripe LLC
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: 10/23/2023

Title: Manager

ENTITY VOTE

The Board of Directors or LLC Managers of
Entity Name
duly voted to apply to the Licensing Authority of
City/Town and the
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

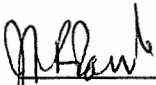
For the following transactions (Check all that apply):

- Alteration of Licensed Premises
- Change of Location
- Other

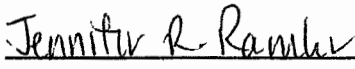
"VOTED: To authorize
Name of Person

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."

A true copy attest,



Corporate Officer /LLC Manager Signature



(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)

Payment Confirmation

YOUR PAYMENT HAS PROCESSED AND THIS IS YOUR RECEIPT

Your account has been billed for the following transaction. You will receive a receipt via email.



Transaction Processed Successfully.

INVOICE #: 8a1a8b38-da9c-49a6-aad8-f8350576c2e3

Description	Applicant, License or Registration Number	Amount
FILING FEES-RETAIL	[REDACTED]	\$200.00
		\$200.00

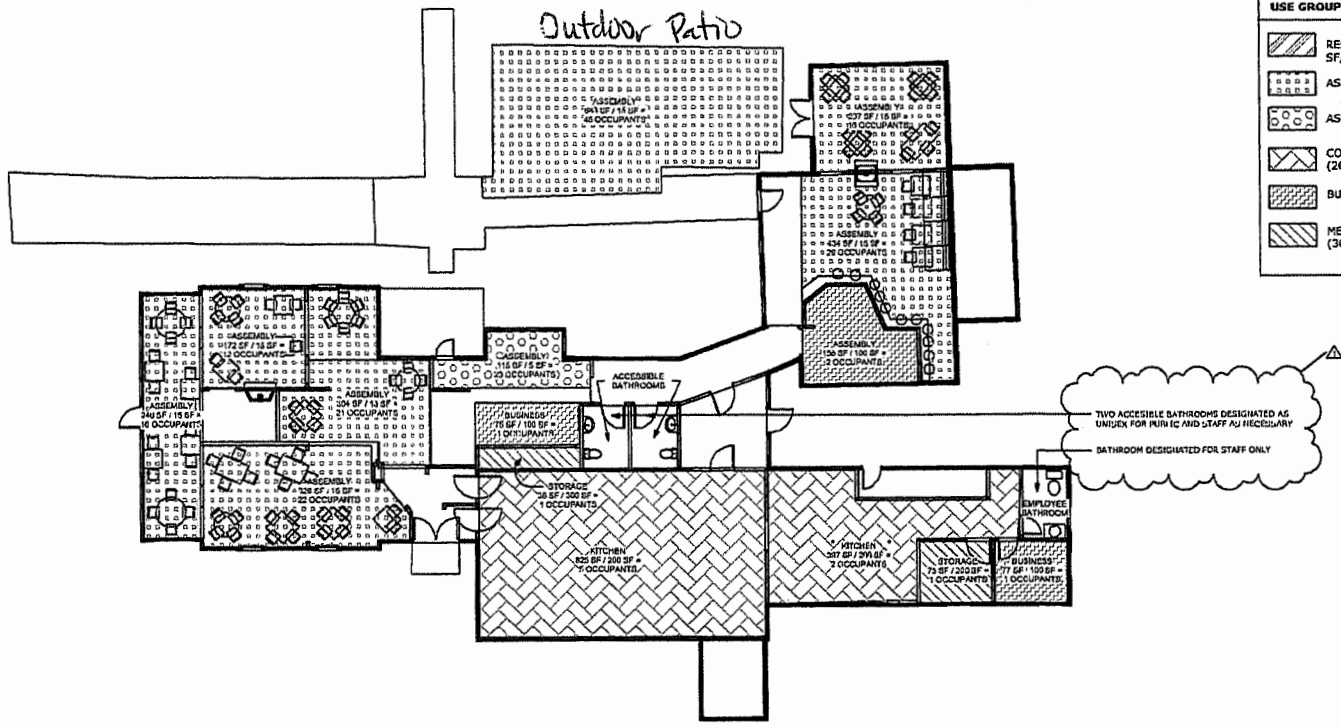
Total Convenience Fee: \$4.70

Date Paid: 10/23/2023 2:22:10 PM EDT

Total Amount Paid: \$204.70

<p>Payment On Behalf Of</p> <p>License Number or Business Name: [REDACTED]</p> <p>Fee Type: FILING FEES-RETAIL</p>

<p>Billing Information</p> <p>First Name: Jennifer</p> <p>Last Name: Ramlar</p> <p>Address: [REDACTED]</p> <p>City: [REDACTED]</p> <p>State: [REDACTED]</p> <p>Zip Code: [REDACTED]</p> <p>Email Address: [REDACTED]</p>
--



USE GROUP SYMBOLS

- RESIDENTIAL (200 SF/OCC)
- ASSEMBLY (15 SF/OCC)
- ASSEMBLY (5 SF/OCC)
- COMMERCIAL KITCHEN (200 SF/OCC)
- BUSINESS (100 SF/OCC)
- MECH/STORAGE (300 SF/OCC)

TWO ACCESSIBLE BATHROOMS DESIGNATED AS UNISEX FOR PUBLIC AND STAFF AS NECESSARY
 BATHROOM DESIGNATED FOR STAFF ONLY

01 - FLOOR 1 (CODE)
 1/8" = 1'-0"

REGULATORY AGENCY: TOWN OF NARWICH PORT MA BUILDING DEPARTMENT

APPLICABLE CODES:
 - FIRE & LIFE SAFETY CODE
 - MA STATE BUILDING CODE (CMR 780)
 - PLUMBING CODE (CMR 248)
 - MECHANICAL CODE
 - ELECTRICAL CODE (CMR 827)
 - ENERGY CONSERVATION CODE
 - EXISTING BUILDING CODE
 - ACCESSIBILITY CODE (CMR 821)

INTERNATIONAL FIRE SECTION 303.31:
 - A-2 ASSEMBLY - RESTAURANT
 - R-2 - RESIDENTIAL

CONSTRUCTION TYPE FIRE SECTION 601.1:
 - TYPE 5B - NON-SPRINKLERED

FIRST FLOOR AREA = 4,400 SF

PLUMBING FIXTURE REQUIREMENTS

IBC - TABLE 2902.1

OCCUPANCY TYPE	WATER CLOSETS		LAVATORIES		DRINKING FOUNTAINS
	MALE	FEMALE	MALE	FEMALE	
RESTAURANT (50M / 50F)	1 PER 75	1 PER 75	1 PER 200	1 PER 200	1 PER 500
TOTAL REQUIRED	1	1	1	1	1

248 CMR 10.10 TABLE 1

OCCUPANCY TYPE	WATER CLOSET (M)	URINALS	WATER CLOSET (F)	LAVATORIES	DRINKING FOUNTAINS
RESTAURANT (50M / 50F)	1 per 60 (1.5)	-	1 per 20 (3.0)	1 per 200 (0.89)	NA
TOTAL REQUIRED	2	0	3	1	NOISE

521 CMR SECTION 11.4 - PUBLIC TOILETS FOR CUSTOMERS ARE TO BE ACCESSIBLE MEETING THE REQUIREMENTS FOR 521 CMR CHAPTER 3D

OCCUPANT LOAD PER FIRE CODE
 TOTAL OCCUPANT LOAD FOR FIRE EGRESS = 198
 ACTUAL OCCUPANT LOAD = 179 (144 PATRONS + 35 EMPLOYEES)

ACTUAL OCCUPANT LOAD BASED ON SEATING
 EXISTING INDOOR SEATING CAPACITY = 110
 PROPOSED ADDITIONAL OUTDOOR SEATING = 34
 PROPOSED OCCUPANT LOAD = 144

TOTAL NUMBER OF PLUMBING FIXTURES (BASED ON MALE 1 PER 75 / FEMALE 1 PER 75)

EXISTING:
 110 PATRONS = 55 MALE & 55 FEMALE = 1 ACCESSIBLE FIXTURE FOR EACH - PROVIDED
 35 EMPLOYEES = 1 UNISEX FIXTURE - PROVIDED

PROPOSED:
 144 PATRONS = 72 MALE / 72 FEMALE = 1 ACCESSIBLE FIXTURE FOR EACH - PROVIDED
 35 EMPLOYEES = 1 UNISEX FIXTURE - PROVIDED

SOUTH COUNTY ARCHITECTURE & DESIGN, INC.
 53 Narroaganast, RI - Suite A
 Jamestown, RI 02835
 401.200.3683
 www.southcountyarchitects.com

Stamp:

Consultant:

Notes:

Latest Revision:

No.	Date	Description
1	1/30/2023	Clarification

Project:
CAPE SEA GRILLE
 31 SEA ST
 HARWICH PORT, MA 02646

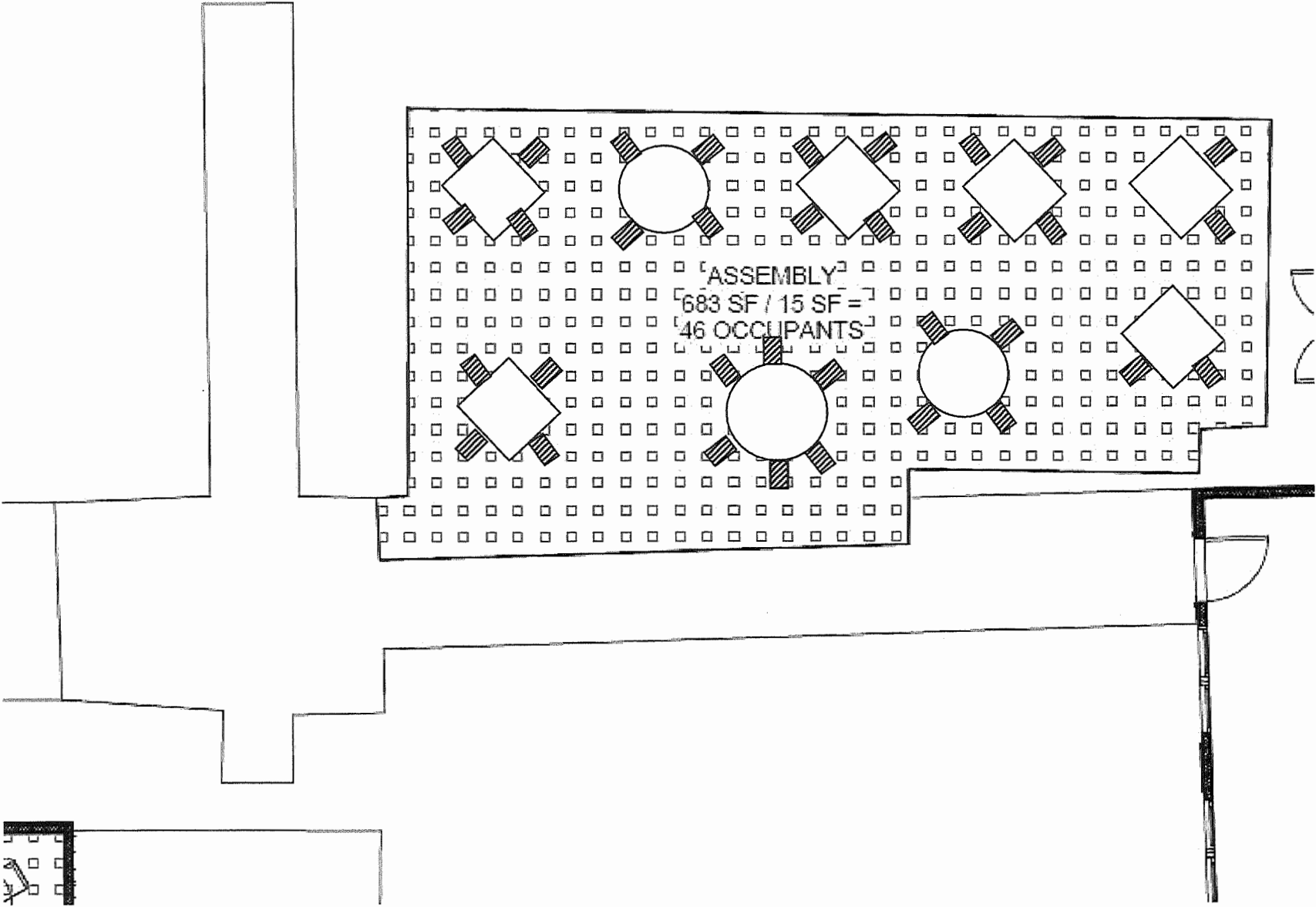
Project Status:
 ISSUED FOR PERMIT

Date:
 12/08/2022

Title:
 FIRST FLOOR CODE PLAN

Drawing Number:
G1.1

Patio Seating



NEW BUSINESS

SELECT BOARD
2023-2024 - Liaisons to Town Committees

May 2025	Michael D. MacAskill, Member - IC	Conservation Commission Waterways Committee Real Estate and Open Space Water/Wastewater Commission Board of Health Agricultural Commission Community Center Facilities Committee
May 2026	Donald F. Howell, Member - IC	Brooks Academy Museum Commission Monomoy Regional School Committee Harwich Energy & Climate Action Committee Cemetery Commission Housing Authority Historic District/Historic Commission Accessibility Rights Committee Library Trustees
May 2026	Jeffrey F. Handler, Clerk	Long Range Planning Finance Committee Treasure Chest Volunteer Committee Bylaw Charter Review Community Preservation Committee Board of Assessors Traffic Safety Committee Golf Committee
May 2024	Mary E. Anderson, Chair	Voter Information Committee Ambulance Waiver Administrator Cultural Council Youth Services Committee Capital Outlay Committee
May 2025	Julie E. Kavanagh, Vice Chair	Planning Board Bikeways Committee Housing Committee Recreation & Youth Commission Chamber of Commerce Council on Aging Board of Appeals



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 Wayne's Auto Service

D/B/A _____ PHONE 508-430-2359

BUSINESS ADDRESS 643 Main Street, Harwich 02645

MAILING ADDRESS Same

NAME OF OWNER Wayne Eldredge

EMAIL ADDRESS _____

IF CORPORATION OR PARTNERSHIP, LIST OFFICER INFORMATION BELOW.

Name	Title	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____

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.

Wayne Eldredge _____ 12-8-23
Signature of Applicant, Owner or Manager Date

*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.



OFFICE OF THE SELECTMEN
732 MAIN STREET
HARWICH, MA 02645
508-430-7513

APPLICATION FOR COMMON VICTUALLERS LICENSE RENEWAL

Fee: \$50

Annual

Seasonal

Opening date _____

In accordance with the provisions of the Statutes relating thereto, application for a Common Victuallers license is hereby made by:

Business Name HARWICHPORT HOUSE OF PIZZA, INC Phone 5084321047

Doing Business As (d/b/a) _____

Business Address 330 RT. 28, HP, MA 02646

Mailing Address SAME

Email Address _____

Name of Owner _____

(If corporation or partnership, list name, title and address of officers)

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.

ADOTIM

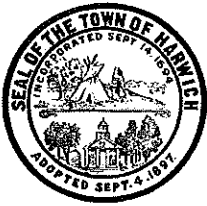
12/13/23

Signature of Applicant, Owner or Manager

Date

Federal I.D. # _____

*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.



OFFICE OF THE SELECTMEN
732 MAIN STREET
HARWICH, MA 02645
508-430-7513

APPLICATION FOR COMMON VICTUALLERS LICENSE RENEWAL

Fee: \$50

Annual
Seasonal Opening date _____

In accordance with the provisions of the Statutes relating thereto, application for a Common Victuallers license is hereby made by:

Business Name Shogun Inc Phone 508 432 8855

Doing Business As (d/b/a) Noble House

Business Address 21 Rte 28 W. Harwich MA 02671

Mailing Address Same

Email Address [REDACTED]

Name of Owner Joe Liu

(If corporation or partnership, list name, title and address of officers)

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.

[Signature]
Signature of Applicant, Owner or Manager

12/8/23
Date

[REDACTED]
Federal I.D. #

*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.

WEQUASSETT RESORT AND GOLF CLUB

December 12, 2023

Town of Harwich
Selectman/Administrator's Office
732 Main Street
Harwich, Massachusetts 02645

RE: Wequassett Resort and Golf Club – Temporary Closure Date

Dear Board of Selectmen,

On behalf of the resort, I would like to request a temporary closure for maintenance and renovations. We request to close on January 2nd and reopen on February 8th.

Please contact me at 508-430-6885 or [REDACTED] if you need any additional details to approve this request. Thank you for your consideration.

Sincerely,



Alton Chun
Regional Managing Director





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

m e m o

TO: Select Board

FROM: Emily Mitchell, Town Clerk
Joseph Powers, Town Administrator
Jennifer Harrington, Animal Control Officer

DATE: December 13, 2023

RE: **2024 Dog License Fees**

The Town of Harwich Bylaws call for certain dog license-related fees to be set annually.

Dog Licenses (§26-2(A)(5)): The fee for each dog license shall be determined annually by a committee of the Town Administrator, the Town Clerk, and the Animal Control Officer and approved by the Board of Selectmen. No fee shall be charged for a dog specially trained to lead the blind or serve a blind or deaf person upon presentation to the Town Clerk of a certificate of such training.

Kennel Licenses (§26-6(A)): A kennel maintained as a business for the boarding and/or grooming of dogs shall obtain a commercial kennel license. The fee for each commercial kennel license shall be determined annually by a committee of the Town Administrator, the Town Clerk, and the Animal Control Officer and approved by the Board of Selectmen. Each kennel shall be available for inspection during normal business hours by the Animal Control Officer, a police officer, or the Board of Health.

Both sections of the Bylaws reference a committee of the Town Administrator, Town Clerk, and Animal Control Officer charged with determining annual fees, subject to approval by the Select Board. This group met on December 12, 2023 to review and recommend fees for the 2024 dog licenses and commercial kennel licenses. We unanimously recommend the following:

- Neutered/Spayed: \$10/dog
- Intact: \$20/dog
- Commercial Kennel License: \$50

This fee schedule is unchanged from 2023 and is generally in line with fees charged in surrounding communities.

We recommend that the Select Board approve the 2024 dog license and commercial kennel license fees as presented. Thank you.

OLD BUSINESS

To: Harwich Board of Selectmen, Town Administrator, Joseph Powers

From: Harwich Recreation & Youth Director, Eric Beebe

RE: Profit and Not for Profit Rentals

Date: 12/15/23

The Recreation Department and Recreation & Youth Commission currently has a fee structure for facility rentals that does not have a separate fee concerning for-profit vs. not-for-profit entities seeking to rent Recreation Department jurisdiction facilities including fields, parks, beaches, and memorial squares.

Not-for-profit entities can currently request fee waivers or reductions through the Recreation and Youth Commission. This option is not available to for-profit entities looking to schedule facility use.

The Recreation and Youth Commission, at their last meeting, voted to approve the recommended new fee schedule for facility rentals, as well as changes made to the Facility Use Rules and Regulations. This will be submitted to the Selectboard for their discussion and review before implementation.

Thank you,

Eric Beebe

Director, Harwich Recreation & Youth Department



Town of Harwich Recreation Department Recreation & Youth Commission

100 Oak Street, Harwich, MA 02645 | 508-430-7553 | Eric J. Beebe, Director

Use of Facility Form **ONE FORM PER FACILITY**

___ Beach or Park _____ (name of location) ___ Brooks Park & Gazebo ___ Brooks Field / Pickleball or Tennis Courts)/ Pavilion ___ Bassett Softball Field @ Veteran's ___ Crowell Baseball Field @ Veteran's	___ Sr. Memorial Field ___ Potter Field ___ J McPhee Soccer Field ___ Whitehouse Field
---	---

Non-Profit? - (Attach IRS 501c3 Certificate) _____ Liability attached _____
 Payment Details \$ _____ /ck # _____

Organization: _____ Contact Person: _____

Mailing Address: _____ City/ST/Zip: _____

Email _____ Cell phone: _____

Purpose/Event: _____ # of Attendees: _____

Date(s) Requested: _____

(ALL DATES ARE SUBJECT TO AVAILABILITY)

Hours of Use: _____ Additional Info: _____

- ❖ *Use of temporary tents larger than 12'x12' require location approval and a separate Town TENT PERMIT*
- ❖ *Use of tent stakes over 4" requires ADDITIONAL PERMISSIONS*
- ❖ *Activities dispensing food to the PUBLIC requires Harwich Board of Health PERMIT*
- ❖ *Approval pending all other required Town permits and approvals*
- ❖ *If attendees are 100+ you must provide a port-o-potty for each additional 50 people.**
- ❖ *When using Veterans Field complex and the Harwich Community Center is closed, ONE portable restrooms per 50 people are required to be provided by the organizer/user.*

<u>USE</u>	<u>FEE</u>	<u>CAP</u>	<u>REFUNDABLE DEPOSIT</u>	<u>TOTAL DUE</u>
FIELD, PARK, BEACH OR COURT - ONE USE	\$20.00	\$1000	\$50.00*	_____
WHITEHOUSE FIELD - ONE USE	\$50.00	\$1000	\$50.00*	_____
FIELD/WHF MULTI DAY USE	\$150/FIELD/DAY		\$50.00-\$500*	_____
PARK, BEACH OR FIELD USE – FULL DAY WEDDING, FUNCTION, OR SPECIAL EVENT	\$150.00		\$50.00-\$500*	_____
FIELD, PARK, BEACH - MULTI DAY EVENT	\$150.00/DAY		\$50.00-\$500*	_____
USE OF ELECTRICITY - PARKS	\$25/DAY		\$50.00*	_____
WHF LIGHT USAGE CHARGE/PER USE (BILLABLE IN ¼ HOUR INCREMENTS)	\$80.00/HOUR		\$500.00*	_____
BEACH COOK FIRE PERMIT	\$ 20.00		\$50.00* (SEPARATE CHECKS!)	_____

* <100 PEOPLE \$50 DEPOSIT REQUIRED, >100 PEOPLE \$100 DEPOSIT REQUIRED, >200 PEOPLE \$300 DEPOSIT REQUIRED, > 500 PEOPLE \$500 DEPOSIT REQUIRED. DEPOSITS WILL BE REFUNDED AFTER A SITE INSPECTION HAS BEEN COMPLETED AND/OR APPLIED TO USE OF FACILITY INVOICES WITH ANY UNUSED BALANCE RETURNED.

I HAVE READ THE RULES AND REGULATIONS REGARDING USE OF THIS RECREATION FACILITY AND AGREE THAT I/OUR ORGANIZATION WILL ABIDE BY THEM.

Initials **APPLICANT**
 SIGNATURE: _____ TITLE _____

DATE _____

BY: _____, Recreation Representative



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

Special Election Scheduling Options

Tuesday, April 9, 2024

- Best option if seeking to hold full scale special election;
- Earliest date that does not interfere with Presidential Primary Election logistics;
- Select Board member elected at special election would serve approximately 6 weeks;
- Options to otherwise reduce cost include: opting out of Vote by Mail, reducing Election Day hours (minimum: polls open for 4 hours);
- Last day to call = February 6, 2024

Monday, May 20, 2024 (day before Annual Town Election)

- Option if seeking to minimize impact/cost of a special election;
- Confirmed with tabulator vendor that they can provide rental memory cards, which would allow us to use the same tabulators in two different elections, despite being scheduled less than 30 days apart (note: there is a cost associated with renting memory cards, approx. \$500-\$1,000 total);
- Set polling hours to 4-hour minimum (likely recommendation will be 11 AM to 3 PM or 12 PM to 4 PM);
- Opt out of Vote by Mail;
- An elected candidate would serve for 1 day;
- Cost savings: Community Center Gymnasium would only need to be set up once for the Special and Annual elections (note: this would extend the impact of otherwise scheduled programming in the Gym; for a Monday election, DPW would likely set up on the preceding Friday, so the space would be offline from Friday – Wednesday morning);
- Last regular Select Board meeting to call = March 11, 2024

Select Board to not call Special Election

- Possible policy decision for Select Board to consider;
- Consideration is specifically in response to lead petitioner's stated interest in withdrawing the petition;
- Select Board to consider feedback from voters who signed original petition;
- See opinion from Town Counsel

TOWN
ADMINISTRATOR'S
REPORT



Environmental Affairs
247 Station Drive, SE270
Westwood, MA 02090

December 13, 2023

Harwich Conservation Commission
732 Main Street
Harwich, MA 02645

RE: Eversource Energy Right-of-Way (ROW) Vegetation Maintenance Activities

Dear Commission Members,

Eversource Energy Service Company (Eversource) is providing notice of planned and scheduled vegetation maintenance work on an electric transmission right-of-way (ROW 347) located within your municipality for the 2024 calendar year. The planned maintenance will involve floor cutting, side pruning, and the selective removal of hazard trees that are located along or just beyond the right-of-way edge.

- Floor cutting is clearing of all incompatible woody vegetation to maintained floor/easement ROW width. Woody vegetation is removed around all pole/tower structures, guy wires, gates/barriers and all "off road" access roads. Woody vegetation is removed 30 feet back from primary road crossings and/or ROW wooden barrier.
- Pruning and hazard tree removal is required to comply with our vegetation management clearance program requirements for ensuring that vegetation does not contact or encroach within minimum distances of the energized transmission system. All planned work is reviewed in advance and all tree removals beyond the limits of the ROW easement area are discussed with property owners prior to the performance of the work.

The maintenance work is being conducted under the WPA M.G.L. Chapter 131, Section 40, and 310 CMR 10.02(2)(a)(2), which provide for the following exemption:

"activities conducted to maintain, repair or replace, but not substantially change or enlarge an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sewer, telephone, telegraph and other communication services, provided said work utilizes the best practical measures to avoid or minimize impacts to wetland resource areas outside the footprint of said structure or facility."

Eversource is sending this notification to inform the Conservation Commission of the work and provide a contact for additional information. Under a separate correspondence and in accordance with 220 CMR 22.00, the Town Administrator was also notified of this maintenance work by Eversource Energy Electric Transmission Vegetation Management.

In addition to the activities described below, a locus map is enclosed.

Project: ROW 347 Utility Maintenance – Vegetation Management

Location: See attached map.

Project Description: Vegetation management on transmission rights-of-way is an ongoing activity to provide worker safety and ensure electric service reliability, as well as controlling vegetation that hinders emergency restoration.

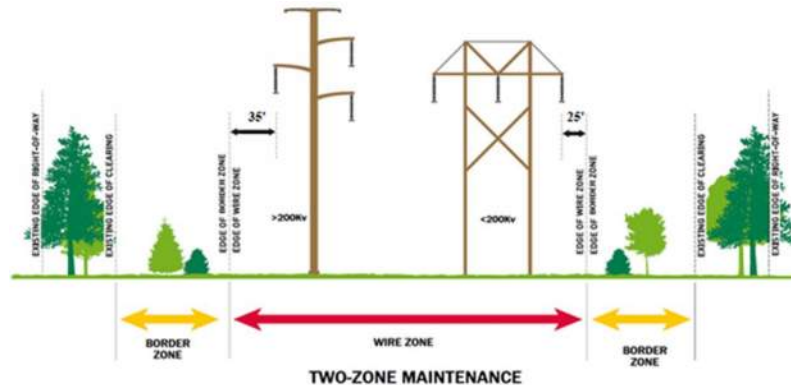
Eversource’s Integrated Vegetation Management Program (IVM) employs a Wire Zone-Border Zone method to maintain our transmission corridors. This method includes the establishment of two separate management zones:

The Wire Zone is the area directly under the transmission lines, extending out 25 to 35 feet outside the wires depending on voltage. Eversource manages the wire zone to promote a low-growing plant community dominated by grasses, flowers, ferns and small shrubs under 3 feet in height at maturity. Within this zone, trees and brush are selectively removed to allow for the establishment and preservation of these native, low-growing plant communities in non-lawn areas. Only established compatible species with a mature height of 15 feet or less at maturity may be allowed to remain in the wire zone, depending on location. All other plants with a mature height greater than 15 feet will be removed.

The Border Zone is the area from outside wire zone to the edge of the cleared area or the easement edge. In this zone, incompatible tall-growing trees are removed and native trees and shrubs that have a mature height of 25 feet or less may remain where possible.

Outside the ROW easement, trees that have the potential to damage transmission wires and/or towers will be pruned or removed with permission of the property owner.

The diagram illustrates a typical right-of-way condition. This work is occurring within the existing edge of clearing. The subject ROW may have a different configuration of transmission structures.



Environmental Protection Measures: As this work may take place within a buffer zone and/or wetland resource areas, Eversource requires this work to be performed using Eversource's standard best management practices to prevent permanent impact to the environment. These best management practices are listed below.

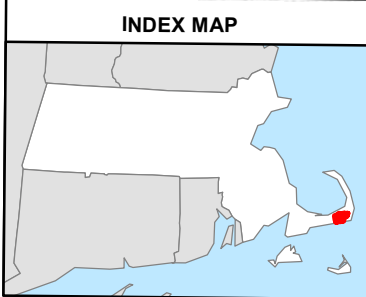
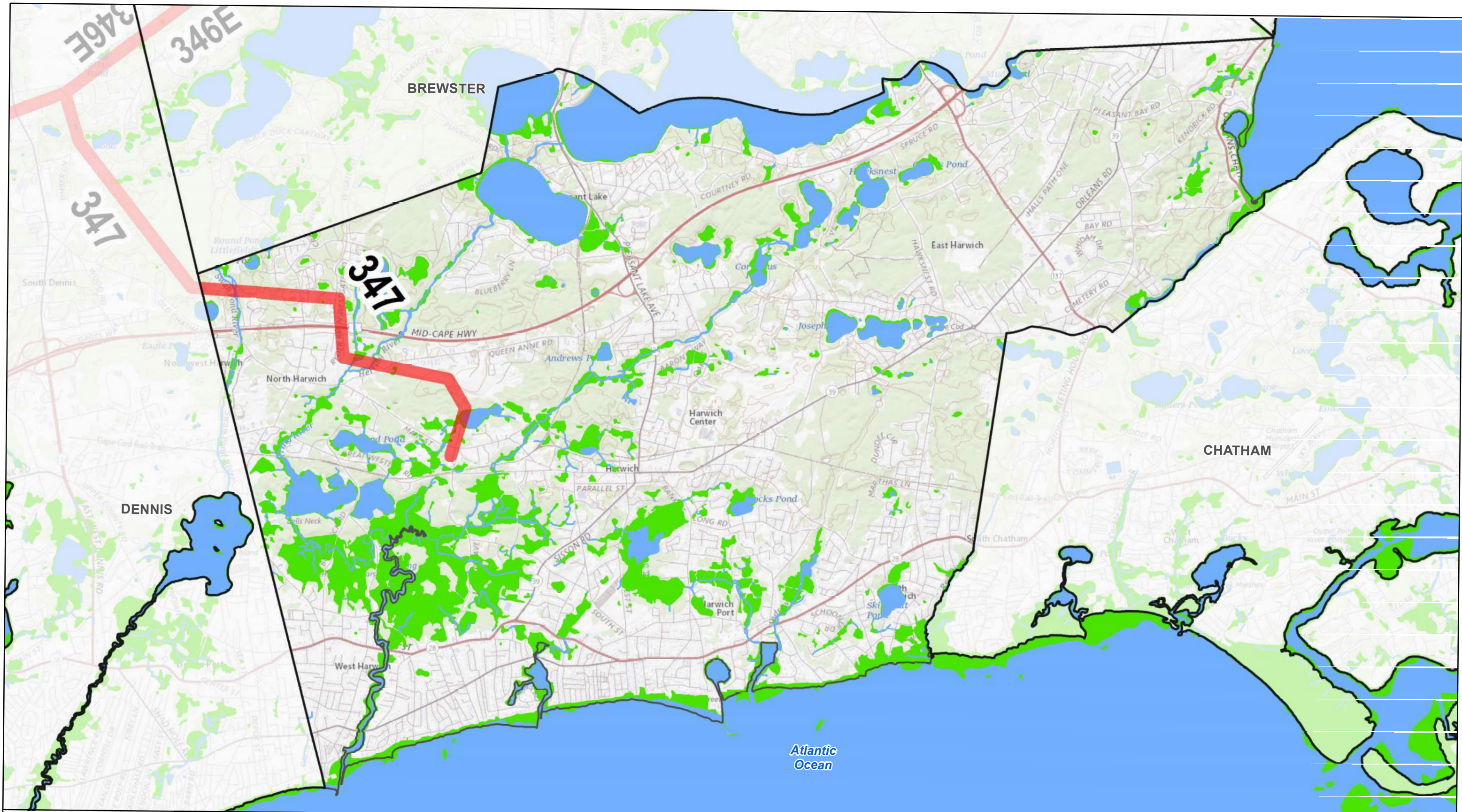
- Vegetation control activities are managed by degreed arborists holding certifications in Massachusetts and the International Society of Arboriculture.
- Vegetation Management activities are performed under a Vegetation Management Plan (VMP) and Yearly Operating Plan (YOP) submitted to the Massachusetts Department of Agricultural Resources. In addition, Best Management Practices used during these activities are based on standard requirements received from the Natural Heritage and Endangered Species Program (NHESP) under the Massachusetts Endangered Species Act (MESA).
- Unless safety concerns dictate otherwise and/or where feasible, the following general practices are used when working in and around wetlands:
 - Vehicle traffic will remain on ROW access roadways as much as possible.
 - Heavy equipment will remain outside of wetlands with visibly saturated areas to minimize rutting.
 - Vegetation management in wetlands with visibly saturated areas will be performed by hand, on construction matting, or using low pressure equipment.
 - Low growing shrubs, such as winterberry or highbush blueberry will remain in the wetlands. (Note: these species may be trimmed or mowed, but their root system will not be destroyed or grubbed).
 - Wood and cut branches will be diced and left within the rights-of-way. Diced vegetation will not be left within access areas or within the cleared areas around structures and guy wires. Debris will also be kept out of water courses, stream and river banks, and bodies of water including standing water in wetland areas.
 - No refueling of equipment will take place within 100 feet of wetlands.

If the Commission should have any questions or would like to meet regarding this letter or the scheduled maintenance activities, please contact Matthew Devlin at 781-441-8845 / matthew.devlin@eversource.com. Thank you for your consideration in this matter.

Respectfully,



Matthew Devlin
Environmental Specialist, Licensing & Permitting
Eversource Environmental Affairs



- Legend**
- Distribution Lines
 - Transmission Lines
 - Stream & MassDEP Hydrologic Connection
 - Waterbody
 - MassDEP Wetlands
 - Municipal Boundary

Map Notes:
 Data valid as of December 2023.
 Basemap: USGS Topographic Map

Data Sources: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Environmental Affairs. ROW data provided by Eversource and is displayed as a single line, approximately showing the location of the ROW.



The information/data provided in this map is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation or parcel level analysis. The maps should not be used for construction purposes.



Project/ROW: 347

2024 Vegetation Management

Harwich, Massachusetts

December 4, 2023