

MINUTES SELECTMEN'S MEETING GRIFFIN ROOM, TOWN HALL TUESDAY, FEBRUARY 20, 2018 6:30 P.M.

SELECTMEN PRESENT: Ballantine, Brown, Howell, Kavanagh

OTHERS PRESENT: Town Administrator Christopher Clark, Robert Cafarelli, Ray Chesley, Charleen Greenhalgh, Matthew Kelley, Benjamin Porter, Cyndi Williams, Sharon Pfleger, Larry Cole, and others.

Vice-Chair Kavanagh called the meeting to order at 6:30 p.m.

WEEKLY BRIEFING

Sharon Pfleger, Chair of the Wastewater Support Committee, reported that they are holding meetings on the first and third Tuesdays of each month at 8:30 a.m. and on the third Thursday of the month at 6:00 p.m. in the Griffin Room and are trying to address some of the issues and questions people may have about the sewer project.

PUBLIC COMMENTS/ANNOUNCEMENTS

No one appeared before the Board.

CONSENT AGENDA

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

Mr. Ballantine moved approval of the Consent Agenda. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

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

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

Mr. Ballantine read the hearing notice into record and Vice-Chair Kavanagh opening the hearing. Mr. Kelley, attorney and principal for BLM Restaurant Group, introduced himself and co-applicants, Mr. Malzone, and Mr. Benjamin Porter who he noted would be serving as manager. Mr. Kelley turned in the certified mail abutter cards to the Board. He noted that this is an application for a transfer of license. Mr. Howell asked if the current license is pledged and Mr. Kelley said he didn't believe so and it was a cash sale. Mr. Howell asked if they are seeking pledge of this license and Mr. Kelley confirmed that they are. Ms. Brown questioned if there would be entertainment and Mr. Clark said any additional licenses would come after approval of the liquor license. Mr. Porter stated some of the

entertainment won't stay but a lot of it will particularly in the afternoons in the summer. Mr. Kelley said they would be adhering to the traditional 10:00 ending time for entertainment. Mr. Ballantine asked if they intend to follow the same outside seating as there is currently and Mr. Kelley responded that they would and it is currently set up for 24 seats outside. Mr. Clark stated that we have received notice that there are no objections to the application from the Police Department. Mr. Clark stated that the ABCC has us do the square footage and we are going to be matching up the number of seats to the septic system as well as coordinating it with the Building Department's occupancy permit. No one from the public appeared before the Board. Vice-Chair Kavanagh closed the public hearing. Mr. Howell moved to approve the transfer of license from Land Ho Harwichport LLC d/b/a Land Ho, Dillon J. Murphy Sr. - Manager to BLM Management Group Inc. d/b/a Lanyard Bar & Grill, Benjamin Porter – Manager, facility located at 429 Route 28, Harwich Port, MA, in this approval however the Board of Selectmen expressly reserves any and all rights as to suspend, revoke, not renew or otherwise regulate this alcoholic beverages license under MGL Chapter 138, Section 1, et al. Mr. Ballantine seconded the motion carried by a unanimous vote.

NEW BUSINESS

A. Municipal Stormwater Drainage Update - Bob Cafarelli - Town Engineer

Mr. Cafarelli explained that the MS-4 permitting requirements are for discharge of our wastewater which come from the Clean Water Act and he provided the attached slide presentation on this subject. He noted that we have to submit a Notice of Intent to the EPA by October 1, 2018 and must continue with the annual reports every year to the EPA to comply with the MS-4 permit requirements. He explained what is required in the Notice of Intent. He further explained that we also must submit a Stormwater Management Program due June 30, 2019 as well as comply with Minimal Control Measurements on a yearly basis, which were outlined in the slide presentation. He discussed the potential expense to the Town for complying with these regulations. He suggested that there be a Selectman liaison to the stormwater group which consists of representatives from DPW, Conservation, Planning, Health, Recreation and Natural Resources and he recommended that his presentation be placed on the Town website as an educational piece for the public. He strongly recommended that the Selectmen become active in the Statewide Stormwater Collaborative as well to comply with the MS-4 requirements. He further discussed funding options as outlined in his presentation but noted that he doesn't see any major expenditures for Harwich but commented that we may need a little extra manpower. Mr. Clark noted that we have been providing money in Mr. Cafarelli's budget for a consultant to keep us up to date in the submissions we have to make. He also noted that in the out years of the Capital Plan there is about \$250,000 to cover \$10,000 for the 22 locations involved. Mr. Cafarelli took questions and comments from the Board. Mr. Clark noted that we will have to look into a maintenance plan as well.

B. Stretch Code Update and other Green Communities Elements – Ray Chesley – Building Commissioner, Charleen Greenhalgh – Town Planner

Ms. Greenhalgh provided an update on the process for Green Communities designation and where we are in the process for which she provided the attached slide presentation. Mr. Chesley explained that Harwich is currently under the 2015 International Energy Conservation Code which is a national code adopted by the state and all communities in Massachusetts subscribe to that. He reported that the Stretch Code is an enhancement to that which is a target savings in energy of about 20% so when a community adopts the Stretch Code they are actually using the base code for a lot of the requirements but they are also using the Stretch Code which is calculated a little differently than the base code. He

noted that the base code is a prescriptive code so it tells you what you have to do to get a passing grade in energy conservation and the Stretch Code is a performance based code. He explained that a HERS rater, which is a heating equipment rating service, works with the different builders to help develop the construction of the building and to achieve the particular rating. He stated that currently that residential rating is 55 which is 20% below what a typical house would be with the base code. He stated that the impact to the Town is just getting used to a little different process but there may some additional cost to some of the buildings. Ms. Greenhalgh then discussed opportunities for grants toward Green Communities designation. Ms. Greenhalgh and Mr. Chesley took questions and comments from the Board. Mr. Clark noted that only two of the Green Communities designation criteria require going to Town Meeting and are in the warrant and they are the renewables as-of-right siting and the Stretch Code. He noted that the fuel efficient vehicle is just the acceptance of a policy by the Board, the expedited permit is just a letter from Town Counsel saying that when people submit permits they can be completed in a year, and the energy baseline is just a plan submitted by Mr. Libby to the State.

C. Review of Draft ATM Warrant Articles

Mr. Clark briefly reviewed the articles. Mr. Howell said there are substantive problems with the bylaw and Charter amendments as they are not consistent with what already exists in the by-laws, including issues with the proposed changes pertaining to the Planning Board membership which conflicts with Section 7-10 of the by-laws. He noted that there are a couple of others that are similar and he added that he never presupposed that we were going to delete the membership numbers from the Charter and then come up with a table, as is being proposed, but rather he thought we were going to alter the paragraphs that pertain to them. Mr. Howell agreed to meet with Mr. Clark to review. Mr. Ballantine said he would like more justification for the Transport Van in Article 9 and questioned if we really need to have it this year.

OLD BUSINESS

A. Housing Trust Membership Make-Up

Ms. Brown moved that we vote to approve the Housing Trust make-up as recommended in our packet, the Town Administrator or designee, one member of the Board of the Selectmen, and 3 citizens at large. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

TOWN ADMINISTRATOR'S REPORT

A. Roadwork Notifications

Mr. Clark reported that we received word from MassDOT they have are changing out signs to more reflective signs on the stretch of Route 6 through Harwich, as well as doing sign upgrades on Routes 28 and 124 from 7:00 a.m. to 3:30 p.m. for approximately 5 months. Mr. Howell pointed out that pruning is necessary as the signs are obscured and we may want to talk to them about that.

B. Departmental Weekly Reports

There was no action or discussion on this item.

SELECTMEN'S REPORT

Board of Selectmen minutes February 20, 2018 Mr. Ballantine reported that he and Mr. Clark and have been attending the Dennis/Yarmouth/Harwich Clean Water Community Partnership meetings and the next meeting, which is on March 22nd at 6:00 p.m. at the Dennis COA, will include an overview of the efficiency regionalization grant award for \$150,000, MassDEP review of their input to date, a short review of CWMP's of the 3 towns, an overview of cost savings from regionalization, and a proposed Town Meeting article for special legislation.

Vice-Chair Kavanagh reported that she attended the Seaport Economic Council's hearing with the Harbormaster where they approved the \$1 million grant for the Saquatucket landside project.

ADJOURNMENT

Mr. Ballantine moved to adjourn at 8:25 p.m. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel Recording Secretary

US EPA NPDES MS4 Permitting Requirements

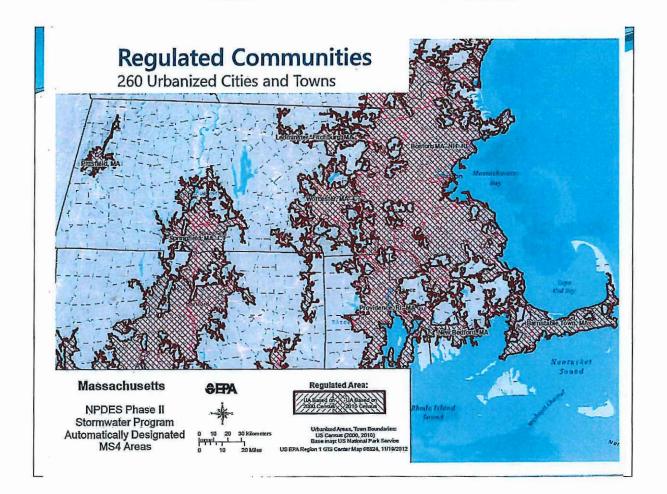
Massachusetts General Permit

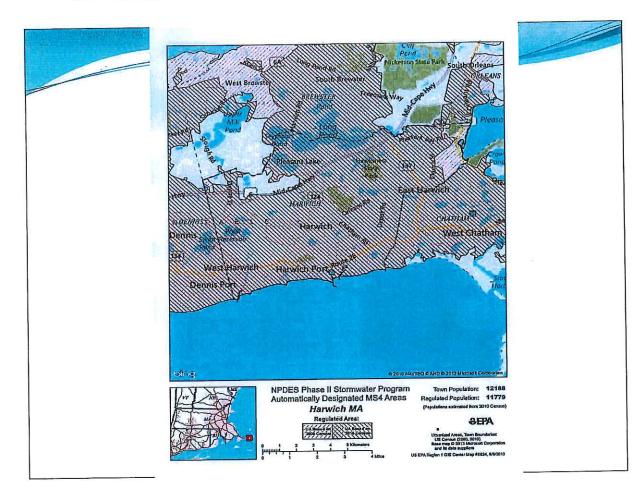
BACKGROUND

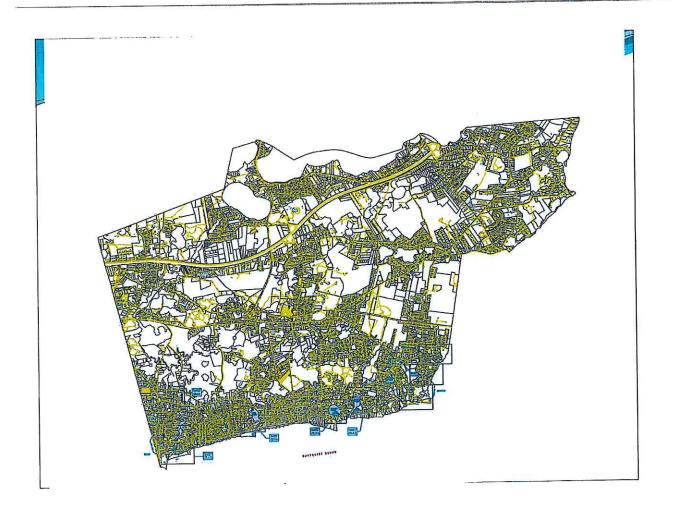
- Clean Water Act adopted in 1972
- Studies in the 70's and 80's showed that stormwater run off has impurities that impair water bodies
- Phase 1 Stormwater Regulations were added to the Clean Water Act in 1987 to regulate stormwater in industry and large cities.
- Phase 2 regulations were added to the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

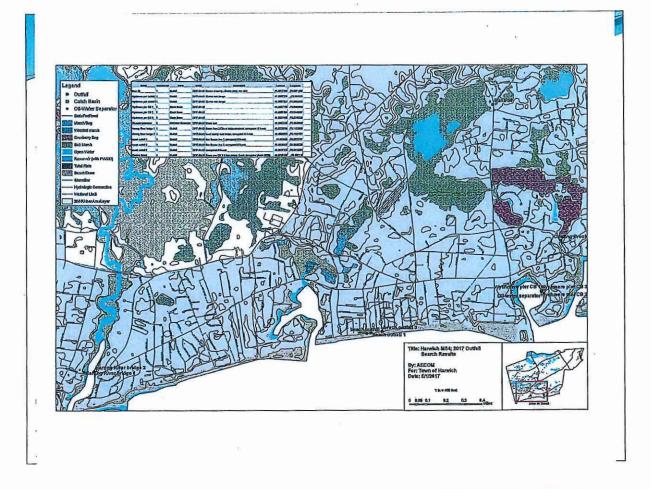
NPDES SmallMS4

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

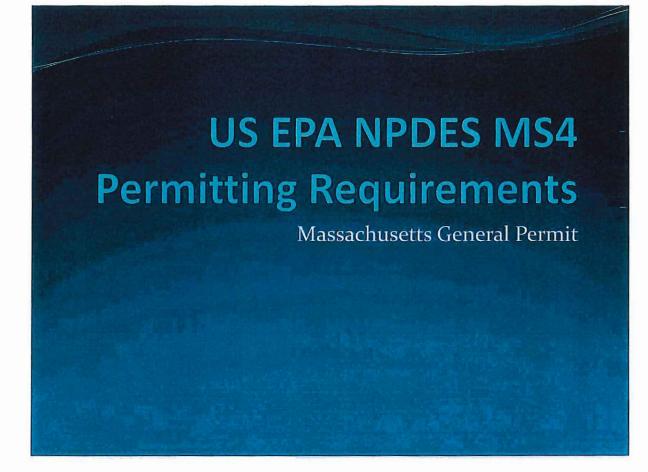


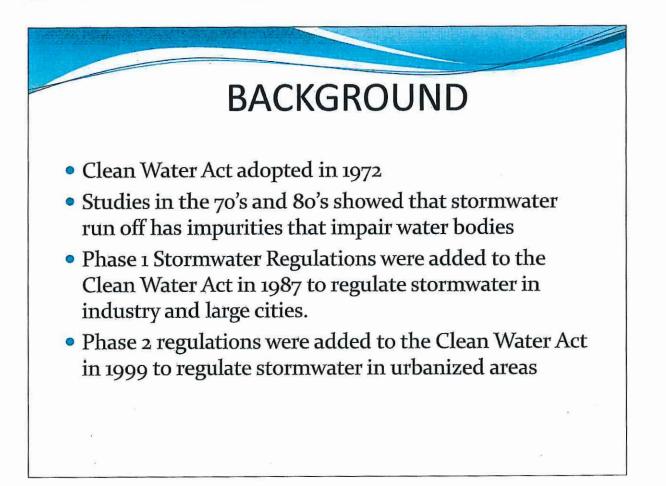






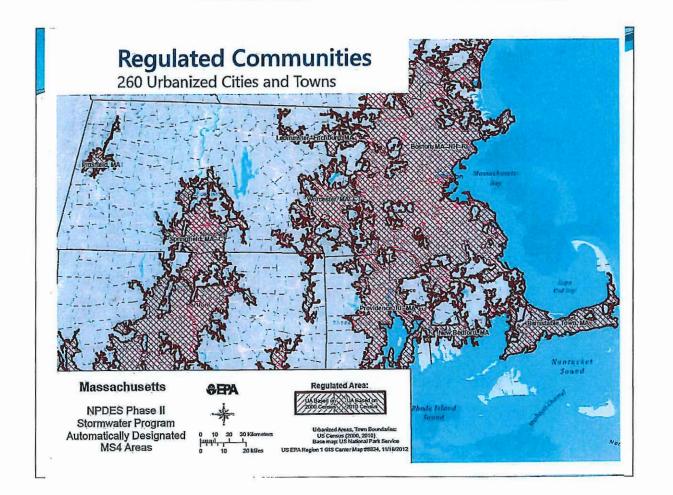
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Outfalls	
Outians	
Herring River	
Driftwood Terrace	1 .
Chase Street	1
Lower County Road Bridge	2
Allen Harbor area	
Hulse Road	1
Allen Harbor Landing	1
Wychmere Area	
Snow Inn Road	3
Wychmere Landing	2
Saquatucket Area	
Lower Road	3
Red River Beach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

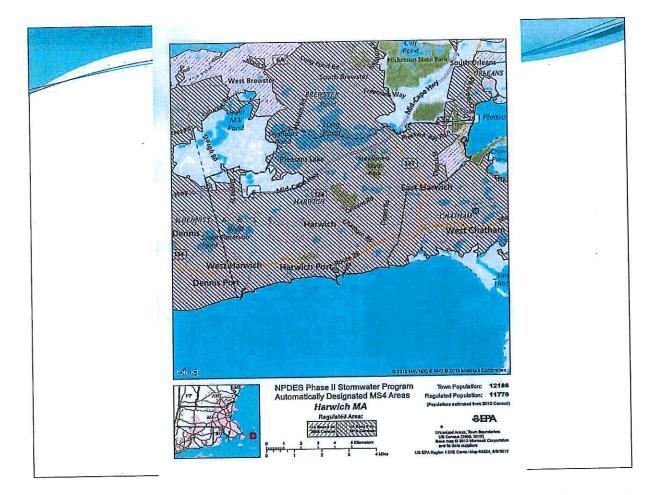


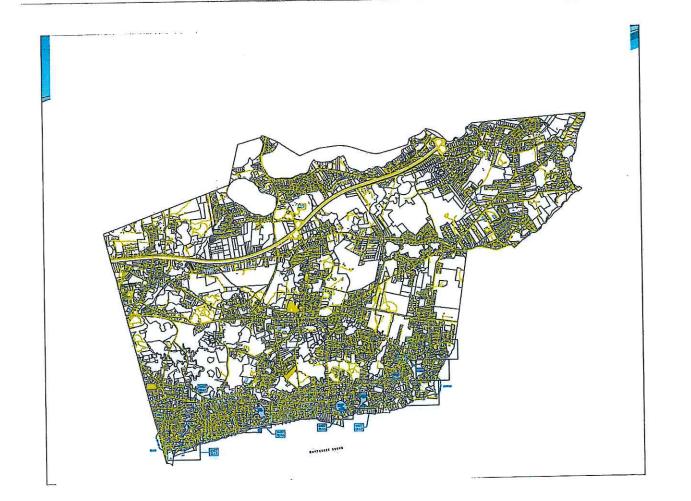


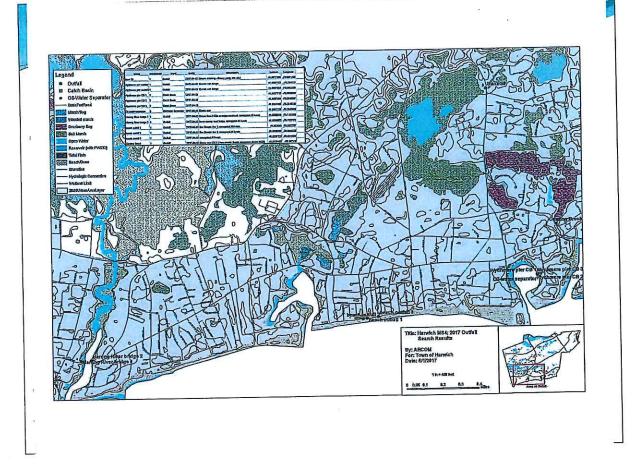
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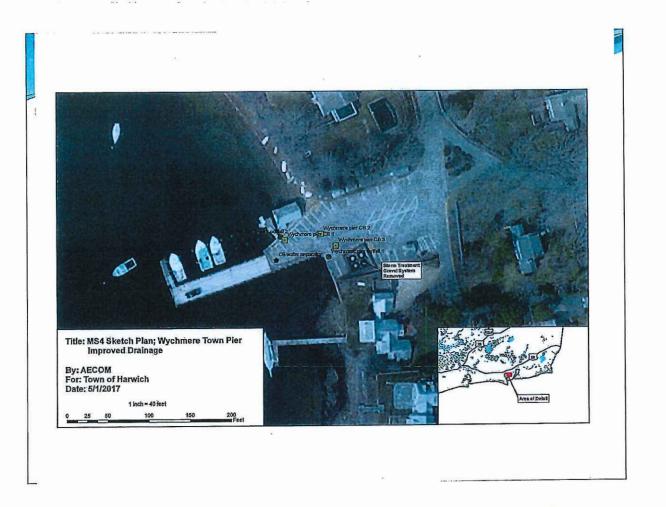








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Outfalls	
Odtialis	
 Herring River 	
Driftwood Terrace	1
Chase Street	1
Lower County Road Bridge	2
Allen Harbor area	
Hulse Road	1
Allen Harbor Landing	1
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Bank Street (Near Lovers Lane)	1
Carding Brook	1
Beach Outfalls (Ocean & Sea Breeze)	3
TOTAL	22
	(4)



Status of 2016 MS4 Permit

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

Annual Reports

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

Due 90 days after close of each reporting period (September 29th)

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

Includes:

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

Notice of Intent (NOI)

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

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

Includes:

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

	General Information Name of Municipality or Organization: State: MA
NOI Template	Name of Munkdpally or Organization: State: MA EPANPDESPermit Number of applicable:
	Primary MS4 Program Manager Contact Information
in Appendix E	Name Tible
	Streat Address Line 1:
	Street Address Line 2:
	City: State: MA Zip Code:
	Email: Phone Number:
	Fax Number:
	Other Information
	Stormwater Management Program (SWMA) Location (verb address or physical location, if already completed): Eligibility Determination Endangered Species Act (ESA) Determination Complete? Variangered Species Act (ESA) Determination Complete? Variangered Species Act (RESA) Determination Complete?
	Check the box IF your municipality or organization was coviered under the 2003 MS4 General Permit
	MIS4 Infrastructure if covered ensertie 2009 permit Estimated Percent of Outfall Map Complete? Parts, B, Nork Sobport 13, R. J of 2000 permit estimated date of completion (MM/DD/Y);
	Webaddness where MS4 map is published: Roadil map is manarlike and te internet an electronic or paper cays of the califal map cost te land and with With selectronic tereschart Vietarchinetang optical
	Regulatory Authorities (round udents 2003 perce)

Stormwater Management Program (SWMP)

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

Complete within 1 year (June 30, 2019)

Includes:

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

Year 1 Major Requirements

Notice of Intent (NOI)

Stormwater Management Program (SWMP)

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

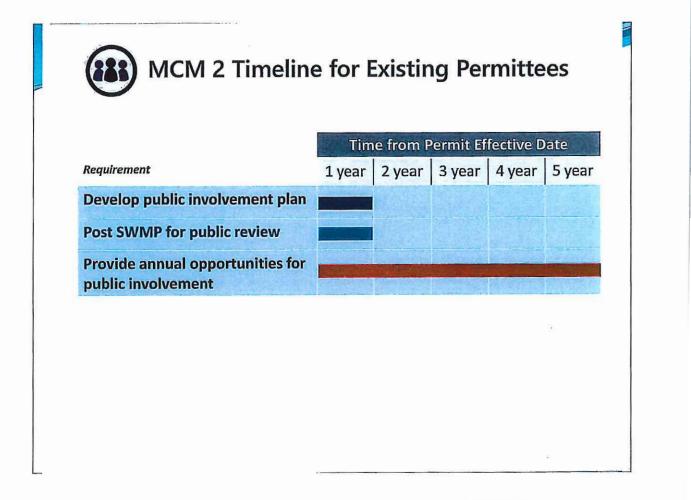
Year 2 Major Requirements

1

MCM 1	Educational messages
MCM 2	Public involvement
NACEA O	Phase 1 system map
MCM 3	Begin dry weather outfall screening and sampling
MCM 5	Bylaw/regulations requiring post-construction stormwater management
	Written procedures requiring as-built drawings and long-term O&M
	Continue street sweeping, catch basin cleaning, BMP inspections
14014.0	Facility inventory & written O&M procedures
MCM 6	Written program for maintenance of MS4 infrastructure
	Stormwater Pollution Prevention Plans (SWPPPs)



	Time from Permit Effective Date		
Requirement	1 year 2 year 3 year 4 year 5 year		
Develop public education and outreach plan			
Distribute public messages			
	x		

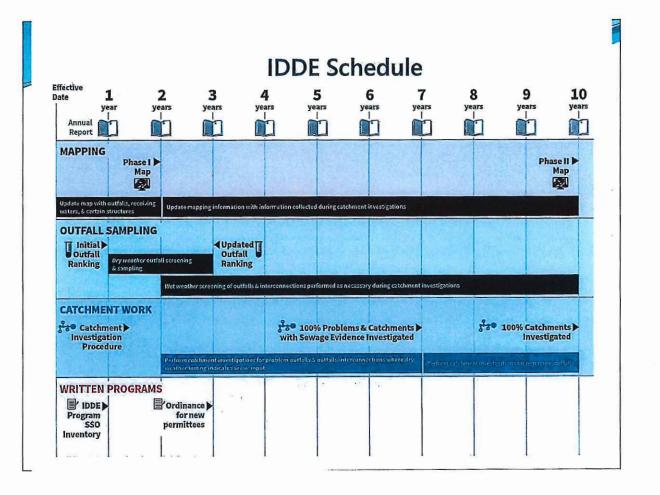


MCM 3. Illicit Discharge Detection & Elimination (IDDE)

Prevent, find & eliminate sources of non-stormwater discharges

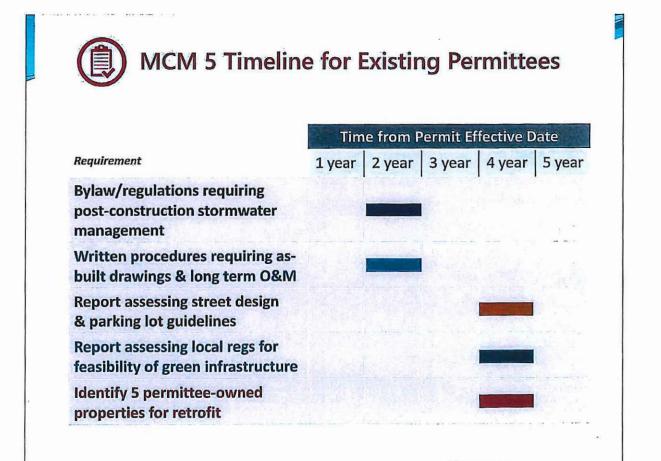
- Legal authority (e.g. bylaw) prohibiting illicit discharges
- Written IDDE Program & procedures
- Drainage system map
- Inventory and rank outfalls & interconnections
- Document Sanitary Sewer Overflows (SSOs)
- Dry & wet-weather screening
- Catchment investigations



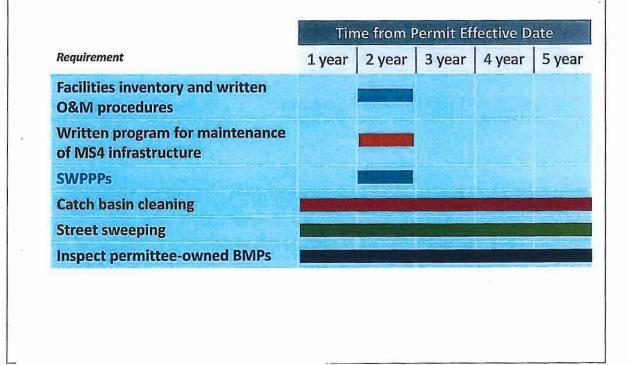


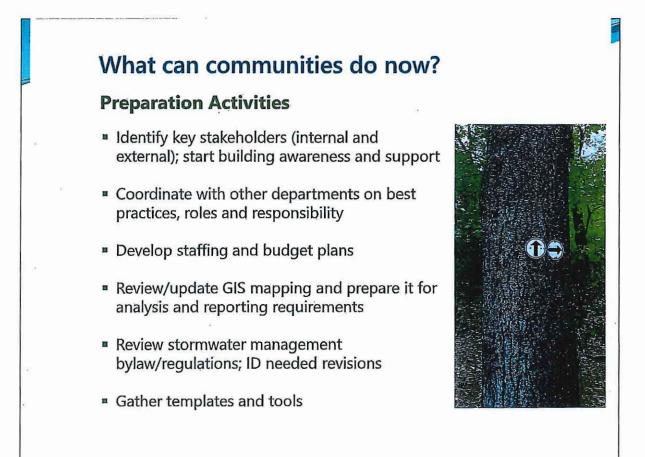
MCM 4 Timeline for Existing Permittees

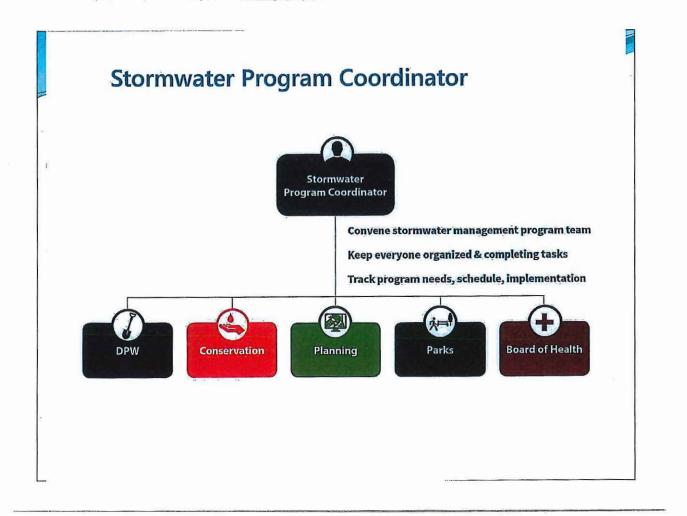
Requirement	1 year	2 year	3 year	4 year	5 year
Bylaw requiring erosion & sediment control, construction waste management		Require	d under 2	2003 Pern	nit
Written procedures for site inspections & enforcement					
Written procedures for site plan review, inspections & enforcement					
Track reviews, inspections & enforcement actions. Report annually.					

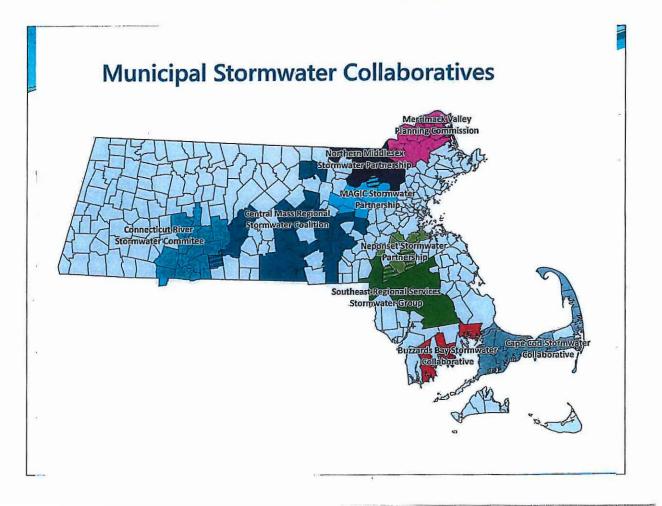


MCM 6 Timeline for Existing Permittees









Statewide Stormwater Collaborative

More opportunities for shared resources and economies of scale

Regional coalitions joining forces to:

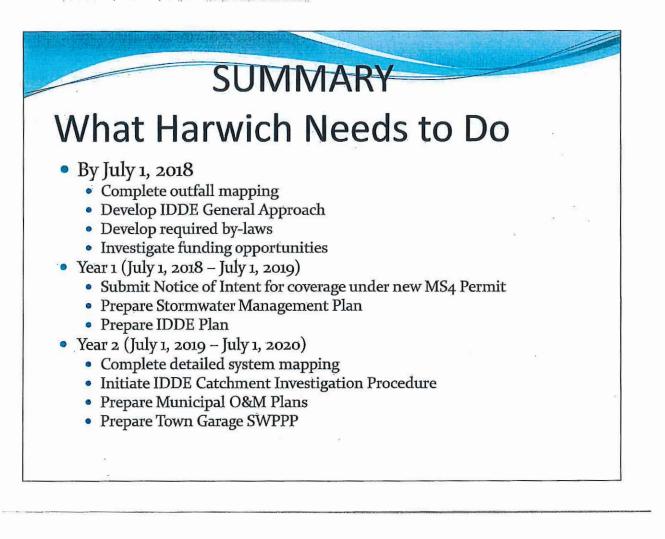
- Promote resource and tool development and sharing across regions
- Help regulated municipalities meet terms of the MS4 permit at the least cost possible

Statewide stormwater awareness, education and outreach campaign

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

Funding Options

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



GREEN COMMUNITIES

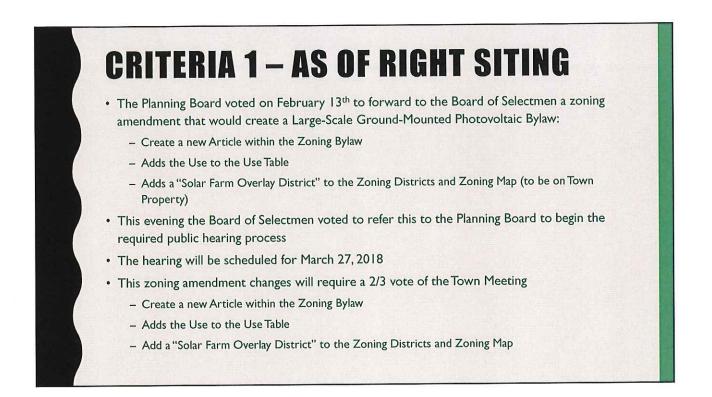
What is the process and where are we?

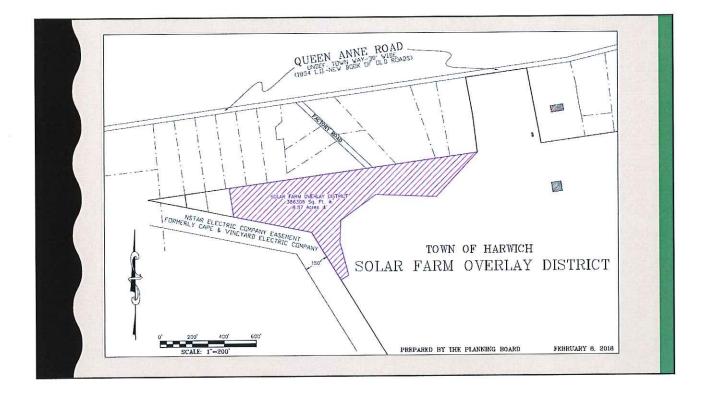
February 20, 2018 Charleen Greenhalgh, Town Planner Raymond Chesley, Building Commissioner Sean Libby, Facilities Maintenance Manager

THERE ARE 5 CRITERIA THAT MUST BE MET TO QUALIFY:

 Adopt as-of-right siting, in designated locations, for Renewable or Alternative Energy:

- · Generating Facilities, or
- Research and Development (R&D) Facilities; or
- Manufacturing Facilities in designated locations
- 2. Expedited Permitting
- 3. Energy Baseline & 20% Energy Reduction Plan
- 4. Fuel Efficient Vehicles
- 5. Minimize Life Cycle Costs (Stretch Code)





CRITERIA 2 – EXPEDITED PERMITTING

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

CRITERIA 3 – ENERGY BASELINE & 20% ENERGY REDUCTION PLAN

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

CRITERIA 4 – FUEL EFFICIENT VEHICLES

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

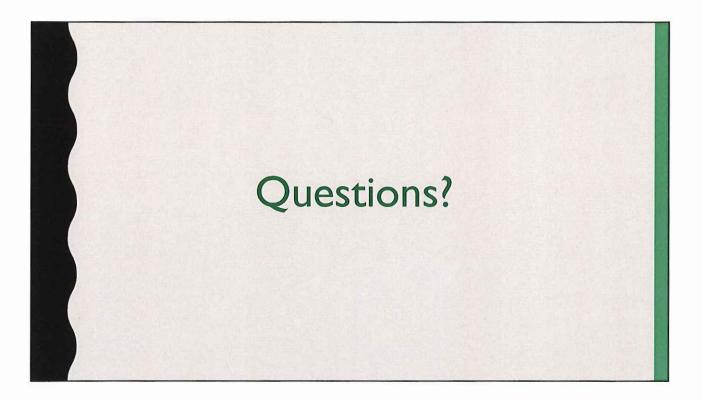
NOTE: Police Cruisers and Heavy Duty Vehicles >8,500 pounds are exempt

CRITERIA 5 – STRETCH CODE

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

GREEN COMMUNITIES DESIGNATION AND GRAN PROGRAM

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



Related Documents - 2/20/18 BOS Meeting

01 Agenda.pdf

02 Minutes Feb 5, 2018.pdf

03 Photovoltaic ByLaw.pdf

04 Solar Farm Overlay District.pdf

05 Liquor License Application.pdf

06 Municipal Stormwater Drainage.pdf

07 Green Communities.pdf

08 Draft Warrant.pdf

09 Housing Trust Membership.pdf

10 Roadwork Notification.pdf

11 Weekly Reports.pdf