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June 8, 2022

William F. Riley, Esq.  
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Chatham, MA 02633  
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Re: 0 Route 39/Orleans Road – RDA Submission to the Harwich Conservation Commission – Eastward Companies (Applicant).

Dear Bill,

I attach a word file with suggested modifications to the Declaration of Restrictions submitted to the Planning Board in connection with the above open space subdivision application. I've also pasted the draft language below. On behalf of the abutters I represent, I ask that these changes be made in order to provide essential protections of their interests.

Please feel free to call my cell phone at any time (508-330-6640).

Thank you very much.

Sincerely,



Christopher Senie

cc: Harwich Planning Board

Attorney Bill Riley  
June 8, 2022  
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Clients represented:

John J. Burns and Lynda Brogden-Burns,  
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Harwich, MA 02645

Trevor Childs  
Jaclyn Cashman Childs  
52 Hidden Pond Circle  
Harwich, MA 02645

William and Lisa Martin  
14 Hidden Pond Circle  
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Suggested Modifications to the Declaration of Restrictions

Add the following Section I. E.

The restrictions on the use of the Open Space Area described in this Declaration shall apply as well to any part of any lot which is noted on the Plan as being preserved in its natural state.

Add the following sentence to Section II. B. 5

However, no fences shall be erected within the Open Space Area or on lands designated on the Plan as being preserved in its natural state.

Add the following Section II D.

With regard to Section II. B. 6. above, it is further agreed that the owner of Parcel A shall preserve full access to and use of Middle Road (the "Way") as it exists so that private property owners adjacent to the Property with rights in the Way are not impeded in the exercise of such rights. It is recognized that the Way may be altered by the incorporation into the subdivision road of an apron allowing a direct intersection with Turtle Run, as shown on the Plan, but in no event will this modification prevent access to Route 39 as it exists or eliminate the right to use the existing Way. The owner of Parcel A shall maintain the portion of the Way on its property, clearing felled trees, branches and other debris and keeping the way clear and passible.

Add the following sentences to Section III. B.

Such rights may also be enforced by the owner of any property directly abutting any portion of the Property where the abutter believes there to have been a violation, and such abutter shall be considered a third-party beneficiary of this Declaration for the purposes of such enforcement. It is recognized that the provisions of this Declaration related to protecting the Open Space Area are intended to benefit not only the parties who purchase lots at the Property but the abutters who might suffer a loss of visual screening and/or other impacts at their property if the terms of this Declaration are not enforced.