

**From:** [William F. Riley](#)  
**To:** ["Christopher Senie"](#)  
**Cc:** [Elaine Banta](#)  
**Subject:** RE: 0 Route 39  
**Date:** Friday, June 10, 2022 10:22:48 AM

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Chris

My client will not agree to any modification that purports to give your clients any rights.

Bill Riley

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**From:** Christopher Senie [mailto:[csenie@senie-law.com](mailto:csenie@senie-law.com)]  
**Sent:** Friday, June 10, 2022 9:50 AM  
**To:** William F. Riley  
**Cc:** 'Elaine Banta'  
**Subject:** RE: 0 Route 39

Hi Bill and Elaine,

Bill, thank you for your email. My clients support the idea of the Conservation Commission taking ownership of the open space areas of the subdivision. You point out that because of this there will not be a Declaration of Restrictions (related specifically to the open space), which is the document I used as a base in providing my suggested amendments. It is just as easy for me to incorporate our proposed provisions into the other declaration, the Declaration of Protective Covenants, which you have already submitted to the Board. I'll adapt my suggested changes to that document by Monday and send to both of you.

That Declaration contains a provision (p. 13) that reads in part: "The natural state area will remain, to the greatest extent practicable, in its natural state. If the natural state area is disturbed, it will be revegetated with a combination of lawn, deciduous and/or evergreen shrub/trees." This highlights the reason the subdivision plan should be finalized as it was shown in the approved preliminary plan (the full 50-foot vegetated natural buffer to be part of the open space areas). Proceeding as you suggest presents a grave risk that the portion of the required 50-foot vegetated buffer you now show as being on the private lots will become lawn and landscaped areas, far from the existing natural state.

Again, I will address this in my suggested edits.

Best,

Chris

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**From:** William F. Riley <[billriley@rileyandnorcross.com](mailto:billriley@rileyandnorcross.com)>  
**Sent:** Wednesday, June 8, 2022 4:46 PM  
**To:** Christopher Senie <[csenie@senie-law.com](mailto:csenie@senie-law.com)>  
**Cc:** [dpoyant@eastwardco.com](mailto:dpoyant@eastwardco.com); [SLadue@eastwardco.com](mailto:SLadue@eastwardco.com); 'Bill Marsh' <[bmarsh@eastwardco.com](mailto:bmarsh@eastwardco.com)>; 'Elaine Banta' <[ebanta@town.harwich.ma.us](mailto:ebanta@town.harwich.ma.us)>

**Subject:** RE: 0 Route 39

Chris

As you may recall at the last meeting of the planning board we discussed conveying the open space lots to the Harwich Conservation Commission. Both the conservation commission and the planning board were receptive. Accordingly we will not be using the Declaration of Restrictions previously proposed. The conservation commission staff will be responsible for enforcement of the open space restrictions contained in the bylaw. With regard to persons with rights in the way known as "Middle Road" it is clear that the apron for the transition from the dirt road to the paved surface must be properly constructed. It will be designed by Dave Clark, a professional engineer. If your clients wish to review the plan before construction I will have it forwarded to you when prepared. Your "Middle Road" client already has rights over my clients property so there is no need for the grant of a right of way. My client has acknowledged your client's right of way and he has a duty to inform his purchasers of that fact. Let me know your thoughts.

Bill Riley

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**From:** Christopher Senie [<mailto:csenie@senie-law.com>]

**Sent:** Wednesday, June 08, 2022 10:41 AM

**To:** William F. Riley

**Subject:** 0 Route 39

Hi Bill,

At the hearing on the open space subdivision before the Planning Board on May 24<sup>th</sup> I mentioned some possible changes to the Declaration of Restrictions you presented to the Board. I attach a letter to you with draft revisions to the instrument.

Please let me know your thoughts on this.

Thanks.

Best,

Chris

**SENIE & ASSOCIATES, P.C.**  
ATTORNEYS AT LAW

15 Cape Lane

Brewster, MA 02631

Phone (774) 323-3027

Fax (774) 323-3008

Cell (508) 330-6640

[csenie@senie-law.com](mailto:csenie@senie-law.com)

[WWW.SENIE-LAW.COM](http://WWW.SENIE-LAW.COM)

