

Harwich Planning Board Agenda
Tuesday, March 09, 2021 – 6:30 PM
Town Hall, 732 Main Street, Harwich

This meeting will be held **VIA REMOTE PARTICIPATION ONLY**.
Access is available through GoToMeeting.com and live broadcast on Channel 18*

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

<https://global.gotomeeting.com/join/148228925>

You can also dial in using your phone.

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

Access Code: 148-228-925

- I. CALL TO ORDER** Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Harwich Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.

II. PUBLIC HEARINGS

- A. Continuance: PB2020-24 195 Queen Anne Road, LLC, as applicant, George A. McLaughlin III, as manager, Daniel A. Ojala, P.E., P.L.S., as representative,** seeks approval of a Site Plan Review Special Permit and a Special Permit for structures with a gross floor area > 7,500 SF and 20 or more new parking spaces pursuant to the Code of the Town of Harwich §§325-55 and §§325 9 and -51 to construct an industrial warehouse/contractor structure (7 bays, 9,000 sf). The property is located at 195 Queen Anne Road, Map 58, Parcel F1-2, in the I-L zoning district. *Hearing Continued from January 12, 2021. Please note: the applicant has requested a continuance to March 23, 2021.*
- B. PB2021-02 Richton Investment LLC, owners, Christopher Pepe, tenant, William D. Crowell, Esq., representative,** seek approval of a Waiver of Site Plan and Retail Use Special Permit with waivers pursuant to the Code of the Town of Harwich §§325-55.F, -149 and -152.B to convert the pre-existing, non-conforming restaurant and operate a bait and tackle shop under 1,000 SF in a non-historic structure. The property is located at 11 Route 28, Map 10 Parcel N3, in the CH-1, RH-1 and the West Harwich Special District (WHSD) zoning districts.
- C. PB2021-03 Deerfield Nominee Trust, William Marsh, TR., as owner,** seeks approval of amendment to a Site Plan Review Special Permit and for a Use Special Permit for manufacturing (2-bays) pursuant to the Code of the Town of Harwich §325-51 and -55. The property is located at 4 Deerfield Road, Map 45 Parcel T1-7 in the I-L zoning district.

III. PUBLIC MEETING**

- A. New Business:
1. **Minutes:** February 23, 2021
- B. Old Business:
1. Continued discussion on West Harwich Special District Design Guidelines
- C. Briefings and Reports by Board Members

IV. ADJOURN

***PLEASE NOTE:** We request all who are attending this meeting to please observe the same courtesies that would be observed if you were here in person. If you need to conduct unrelated business before your item on the agenda comes up, we request you mute your line –
Use *6 to mute and unmute your phone.

****Per the Attorney General's Office – Boards/Commissions may hold an open session for topics not reasonably anticipated by the Chair 48 hours in advance of the meeting following "New Business".**

Next Planning Board Meeting (Subject to Change) – Tuesday, March 23, 2021.
Requests for accommodations for any person having a disability can be made by contacting the Administration Office at 508-430-7513.

Authorized Posting Officer: Elaine Banta, ebanta@town.harwich.ma.us or 508-430-7511

*Memorandum from
Charleen Greenhalgh, Interim Town Planner
Town of Harwich*

AGENDA ITEM #II.A

March 2, 2021

To: Planning Board
Cc: Joe Powers, Town Administrator
Meggan Eldredge, Assistant Town Administrator
From: Charleen Greenhalgh, Interim Town Planner
Re: PB2020-24 195 Queen Anne Road LLC

The applicant's representative has requested a continuance to March 23, 2021

Recommended Motion:

Move to continue the public hearing for PB2020-24 195 Queen Anne Road LLC to not early than 6:30pm on March 23, 2021.

939 main street rte. 6a
yarmouth port
mass 02675

land court
surveys

structural design

site planning

sewage system
designs

inspections

permits



down cape engineering, inc
civil engineers & land surveyors



tel. (508) 362-4541
fax (508) 362-9880

Daniel A. Ojala, P.E., P.L.S.
Arne H. Ojala, P.E., P.L.S.
Daniel E. Gonsalves, P.E., S.E.
Craig J. Ferrari, E.I.T., S.E.

February 26, 2021

Charleen Greenhalgh, Interim Town Planner
Elaine Banta, Planning Assistant
Planning Department
Town of Harwich
732 Main Street
Harwich, MA 02645

RE: Harwich Planning Board Case PB 2020-24

Dear Charleen,

On behalf of our client, 195 Queen Anne Road LLC, we respectfully request an extension to the March 23, 2021, Planning Board meeting.

Thank you for your consideration.

Sincerely,

Daniel A. Ojala, PE, PLS
Down Cape Engineering, Inc.

cc: Chris Wickstrom
George McLaughlin



AGENDA ITEM # II.B

To: Planning Board
Cc: Joe Powers, Town Administrator
Meggan Eldredge, Assistant Town Administrator
From: Charleen Greenhalgh, Interim Town Planner
Date: March 2, 2021
Re: Staff Report – Site Plan Review & Use Special Permits

PB2021-02 Richton Investment LLC, owners, Christopher Pepe, tenant, William D. Crowell, Esq., representative, seek approval of a Waiver of Site Plan and Retail Use Special Permit with waivers pursuant to the Code of the Town of Harwich §§325-55.F, -149 and -152.B to convert the pre-existing, non-conforming restaurant and operate a bait and tackle shop under 1,000 SF in a non-historic structure. The property is located at 11 Route 28, Map 10 Parcel N3, in the CH-1, RH-1 and the West Harwich Special District (WHSD) zoning districts.

A public hearing on this matter is scheduled for a virtual meeting to be held on Tuesday, March 9, 2021 no earlier than 6:30pm. **The public hearing will have to be opened on this date; however, the hearing cannot proceed until such time as the necessary documentation has been submitted showing that abutters were notified via certified return receipt mail.**

Description

This is the first application before the Planning Board (“Board”) for a proposal within the West Harwich Special District (“WHSD”). The applicant seeks approval for a Waiver of Site Plan Review and the allowance of a retail use (less than 1,000 s.f.) in a non-historic structure. The property was formerly a restaurant and is currently vacant. The application was filed with the Town Clerk on February 2, 2021 and includes the following:

1. Form A – Special Permits & Site Plan Review
2. Narrative (date stamped received Feb 2, 2021)
3. Copy of a portion of an Assessors Map
4. Copy of an older site plan for the property (illegible)
5. Authorization email for Attorney Crowell to represent
6. Hand-drawn floor plan
7. Plan from 1986 “Working Drawing” by Richard F. Kaminski & Assoc., Inc.
8. Aerial Photo Overlay, 11 Route 28, W. Harwich, Moran Engineering Assoc., LLC, dated 2/2/21.

MGL Reference and Planning Board Jurisdiction

Pursuant to MGL c.40 A, §9 the Planning Board must, within 65 days of submission of application for a special permit hold a public hearing. The decision of the Planning Board shall take place within 90 days following the close of the public hearing. Further, a special permit issued shall require a two-thirds vote of the Board.

The Planning Board has jurisdiction to review this application pursuant to the following:

§325-149 Special Permit Uses

For new construction or reuse or change of use of structure or building not identified as an historic structure, the following uses are conditionally allowed within the WHSD through the Planning Board as the special permit granting authority, provided the use does not conflict with the purpose of the district, and for some uses a Site Plan Approval pursuant to §325-55 and the provisions of §325-153 shall be required:

- A. Multifamily
- B. Retail sales, greater than 1,000 square feet of gross floor area and/or exterior space.
- C. Restaurant
- D. Mixed-Use commercial/residential developments

§325-152 Change, Alteration, Expansion of Pre-Existing Non-Conforming Uses and/or Structures

Notwithstanding the provisions of M.G.L Chapter 40A, and §325-54 of the Harwich Zoning Bylaw, lawfully established structures and uses in existence as of December 4, 2019 that do not conform to the WHSD District Wide Development Standards may be changed, altered or expanded in conformance with §325-154 Review Standards and Procedures.

- A. A pre-existing, non-conforming structure or use may change or expand up to 250 square feet of gross building footprint or exterior of building or site area through Staff Plan Review in accordance with the provisions of §325-154 provided it does not involve demolition of significant parts of an historic structure. Said application shall be made to the Planning Department and a written decision shall be rendered within 30-days of receipt. Said decision shall be consistent with the provisions of §325-154 and may be appealed to the Planning Board with written notice within 10-days. Said decision shall be lapse two (2) years from the date of issuance unless construction or operation under the approval has commenced.
- B. A pre-existing, non-conforming structure or use may change or expand up to 1000 square feet of building footprint or exterior of building or site area or undergo a change of use in accordance with §325-55.F Waivers, provided the following criteria are determined to be met:
 - 1. There shall be no more than one curb cut on to Route 28 and where practical, a driveway connection (shared driveway) shall be provided to an adjacent property;
 - 2. A landscaped area of at least 10 feet in depth shall be provided and maintained on the subject property along its road frontage. Any property with existing parking in front of the building will reduce the size of said parking area by at least 20% and will provide screening of said parking through landscape plantings and/or a low fence or wall. No expansion of parking in the front yard area is permitted;
 - 3. The specific change or expansion shall comply with all dimensional standards in the WHSD enumerated in Section 325-154.A; and,

4. There shall be no demolition of an historic structure.

Said decision shall lapse two (2) years from the date of issuance unless construction or operation under the approval has commenced.

- C. A pre-existing non-conforming structure or use that proposes to change or expand more than 1,000 square feet of building footprint or exterior of building or site area requires Site Plan Approval pursuant to §325-55. The specific change or expansion shall comply with all dimensional standards in the WHSD pursuant to §325-154.A and B.

Waivers

The following waiver have been request.

The petitioner hereby requests administrative waivers of any and all commercial or residential requirements of the By-Law that are not applicable to this petition.

Comments from other Boards, Departments, Committees

Health: The Health Department will require that a passing Title 5 inspection be submitted prior to building permit approval, due to the change of use.

Fire, Police, Conservation, DPW/Highway: No concerns or issues.

Engineering: See Planning Staff Comments below

Planning Staff Comments

1. On February 9, 2021 the Town Engineer and Interim Town Planner met to review the application and plans. Based on that review the following comments/questions were sent to the applicant's representative, Attorney William Crowell:
 - a) An additional fee for \$315 is required as the request is for two different items (waiver of site plan and use special permit).
 - b) The site plan as submitted is not adequate, in part it is well over 35 years old and is not legible.
 - c) Additionally, there is no zoning compliance table and no parking compliance table.
 - d) The floor plan as submitted is not adequate.
 - e) The entire building is changing from a restaurant use to retail sales, including storage for retail sales, well in excess of 1,000 s.f. Within the parking requirements, (325-39. A. – 'Commercial Uses' schedule) only 30% of the floor area can excluded for storage area for the purposes of determine the required number of parking spaces.
 - f) No municipal lien certificate was filed.As of the morning of March 2, 2021, these items have not been addressed.
2. The application request is for a waiver of site plan and a Special Permit for retail in excess of 1,000 s.f. It is clear in the bylaw (provided above) that retail over 1,000 s.f. required a Site Plan Review Special Permit. To confuse matters further, the narrative speaks to using only 950 s.f. for the retail use.
3. The waiver request is not reasonable, as this is a commercial use and site and should be treated as such.

4. At this time staff recommendation is to:
 - a) Continue the public hearing to a date and time certain to allow the applicant additional time to provide the necessary and require information; or,
 - b) Procedurally deny the application as it is incomplete.
5. Alternatively, the applicant may also request a withdrawal without prejudice of the application.

VOTES

I. Continuance

If the Board requires additional information or wants to take the matter under advisement the following motion is recommended:

Move to continue the hearing for **PB2021-02 Richton Investment LLC**, to no earlier than 6:30 pm on _____ (Next Meeting Dates: *April 13, April 27, May 11*) for the following reason(s): *Need to provide reasons for the continuance...additional information...taking it under consideration....*

II. Procedural Denial*

Move to procedurally deny the request for **PB2021-02 Richton Investment LLC** as the application is incomplete.

III. Withdrawal without prejudice*

If the applicant requests a withdrawal without prejudice:

Move to allow for the withdrawal without prejudice of case **PB2021-02 Richton Investment LLC**.

***PLEASE NOTE: the options II and III above, although it is not required, the Board has made a habit out of closing the hearing before taking such action.**

TOWN OF HARWICH PLANNING DEPARTMENT

PLANNING BOARD APPLICATION



TO THE TOWN CLERK, HARWICH, MA

DATE 2/2/21

PART A - APPLICANT INFORMATION/AUTHORIZATION

Applicant Name(s)	RIGHTON INVESTMENT LLC - OWNER CHRISTOPHER PEPE - TENANT
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	William D. Crowell, Esq. 466 Main Street P.O. Box 185 Harwich Port, MA 02646
Mailing address	OWNER - 311 CROOKS AVE., PATERSON, NJ 07503 TENANT - 110 SERB ST., EASTHAM, MA 02642
Town, ST, Zip	
Phone	508-432-1643
Fax	508-430-0631
E-mail	WCROWELL.OFFICE1@COMCAST.NET

The applicant is one of the following: (please check appropriate box)

- ☒ Owner ☐ Prospective Buyer* ☒ Representative for Owner/Tenant/Buyer*
☒ Tenant* ☐ Other*

***Written permission of the owner(s) and a municipal lien certificate (where applicable) is required.**

All other forms and information as required in the Harwich Code Chapter 400, Rules and Regulations, shall be submitted as part of this application.

Authorization

Your signature hereby asserts, to the best of your knowledge, that the information submitted in this application is true and accurate; that you agree to fully comply with the Town of Harwich Zoning By-laws and the terms and conditions of any approval of this application by the Planning Board; and authorizes the Members of the Planning Board and/or Town Staff to visit and enter upon the subject property for the duration of the consideration of this application.

Applicant

Owner(s) - Authorization must accompany application if the owner is not the applicant.

Official use only:

PLANNING DEPARTMENT	TOWN CLERK
---------------------	------------

Case #

PB 2021-02



Paid \$1024 \$525 - Pepe

PART B – PROJECT LOCATION

Legal Street Address	11 RTE 28	Village/Zip Code	WEST HAR.
Title Book/Page or L.C.C. #	B 23998 P 34		
Map(s) / Parcel(s)	M 10 PCL A-3		
Zoning & Overlay Districts	CH1, RH1, WHSD	*Historic?	WHSD
Frontage (linear feet)	176+		
Total land area (s.f.)	1.3A ±		
Upland (s.f.)	1.3A ±	Wetlands (s.f.)	N/A

PART C – PROJECT DESCRIPTION

Existing Floor Area in Sq. Ft	Gross:	Net:
Proposed Floor Area in Sq. Ft	Gross:	Net:
Change in Sq. Ft + / -	Gross:	Net:
Existing # of parking spaces	Proposed # of parking spaces:	
Existing Use(s)		
Proposed Use(s)		
<i>Attach a separate narrative if necessary.</i>		

The undersign hereby files an application with the Harwich Planning Board for the following special permits as proposed under the provisions of the Harwich Zoning Code: **(check all that apply)**

Site Plan Review § 325-55:

- ☐ Any floor area expansion of any structure or expansion of exterior space, other than parking, serving any of the following: commercial, industrial, multi-family or educational use or personal wireless service facility or the creation of a drive-up or drive-through window
- ☐ Expansion or reconfiguration of an existing parking lot and/or driveway(s) serving said parking lot.
- ☐ Establishment of any new commercial, industrial, multi-family, educational, fast food/take out restaurant or personal wireless service facility.
- ☐ Establishment of any new retail use(s) in the Industrial (IL) Zone.

☒ Waiver of Site Plan § 325-55.F

Article V, Use Regulations:

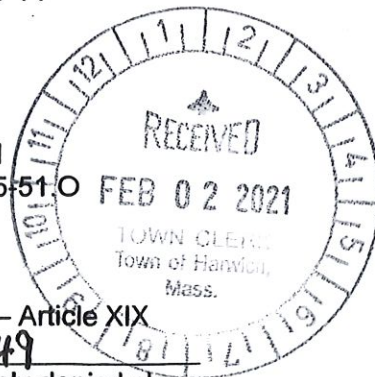
- ☒ Paragraph 325, sub-paragraph # 149 ☐ Paragraph _____, sub-paragraph # _____
- ☐ Paragraph _____, sub-paragraph # _____, supplemental regulation # _____ § 325-14

Article X, Special Permits:

- ☐ Structures w/ gross floor area of 7,500+ s.f. § 325-51
- ☐ Structures requiring 20 or more new parking spaces § 325-51
- ☐ Accessory Apt./Shared Elderly Housing § 325-51.H ☐ Mixed Use § 325-51.M
- ☐ Drinking Water Resource Protection § 325-51.C ☐ Two Family § 325-51.N
- ☐ Village Commercial, Harwich Port § 325-51.L ☐ *Harwich Center Overlay § 325-51.O
- ☐ Signage § 325-27.F Additional Cluster, Excess SF, Non-entry Facades

Other Special Permits:

- ☐ Six Ponds Special District - Article XVI
- ☐ Wind Energy Systems - Article XVIII ☐ Large Scale Wind Generation – Article XIX
- ☒ Other (i.e. Alternate Access § 325-18.P, Special Cases § 325-44.B) 325-149
- ☐ Repetitive Petition (MGL Ch 40A, §16): Proposed project evolved from a previously denied plan submitted to the Planning Board on _____ Year/Case # _____



**Note: Projects within the Harwich Center Overlay District may also be within the Harwich Center Historic District. This requires separate filing with the Historic District and Historical Commission. Please inquire for forms and instructions.*

September 2011

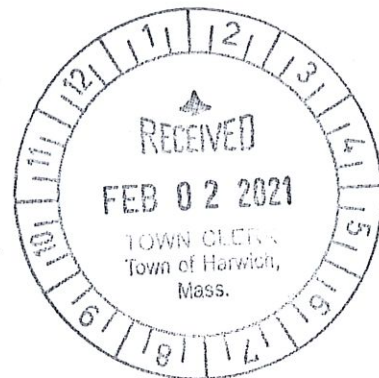
Richton/Pepe

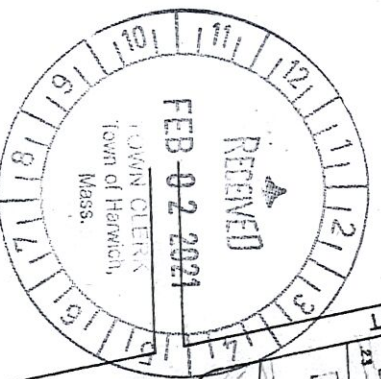
Pursuant to Section 325-55F "Waivers" of the By-Law the Petitioners (owner/tenant) hereby request a Waiver of a Special Permit for Site Plan for the subject property which is located in the new West Harwich Special District (WHSD) (Section 325-144 and following). In accordance with Section 325-152 the Petitioner submits that the structure currently located on the subject premises (the former Veara and Friendly's restaurants) is a pre-existing, non-conforming structure as well as a non-historic structure and the Petitioner seeks to conduct a bait and tackle shop business in said premises. The retail sales space therein will be limited to 950 square feet as per the Sketch Plan dated February 1, 2021 attached hereto. The prior restaurant facility already has a wall separating the "storage and bait" and "restrooms" areas from the 50 x 19 retail sales area. The subject property has only one curb cut to Route 28, no parking in front of the building and an existing landscaped area between the building and Route 28. There will be no demolition to the building which is not a historic structure and the dimensions thereof and existing parking area are pre-existing, non-conforming. See also copies of Site Plans provided by the Planning Department and the Board of Health from the mid-1980's for Friendly's.

The Petitioner also requests a Special Permit to change the pre-existing, non-conforming restaurant use which was in existence as of December 4, 2019 to a retail sales (bait and tackle shop) in accordance with Section 325-149 on the grounds that the proposed use does not conflict with the purpose of the district as retail sales are allowed in the district in a non-historic building pursuant to the new By-Law.

If and when the Petitioner seeks to expand the retail sales area beyond 950 square feet he will return to this Board for further review.

The Petitioner hereby requests administrative waivers of any and all commercial or residential requirements of the By-Law that are not applicable to this petition.





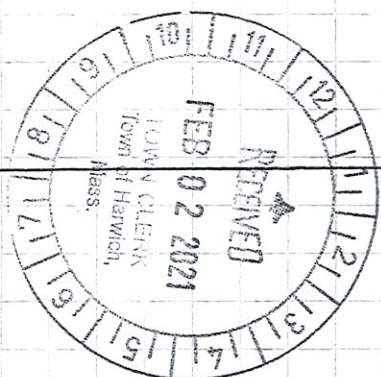
FOR TAX PURPOSES ONLY.
NOT TO BE USED FOR
CONVEYANCE

FIELD CHECKED NOV 1993

HARWICH



Blackbeards Brit
+ TACKLE



53 FT

Storage + Bait

Restrooms

20 FT

12 FT

50 FT

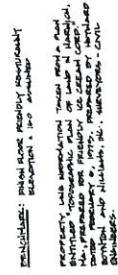
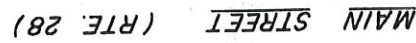
Foyer

19 FT

Door

11 FT

2/1/21

[illegible][illegible]

* Note: 0.4147 calculated by Martin
Morgan join of Molecular Entailment

SANITARY DISPOSAL SYSTEM		IN. E
11.1	1 - GRAVITY TRAP (4)	10.7
11.2	1 - GRAVITY TRAP (4)	10.8
11.3	1 - GRAVITY TRAP (4)	10.9
11.4	1 - GRAVITY TRAP (4)	11.0
11.5	1 - DRY BOX	11.1

SANITARY DISPOSAL SYSTEM		IN. E
11.1	1 - GRAVITY TRAP (4)	10.7
11.2	1 - GRAVITY TRAP (4)	10.8
11.3	1 - GRAVITY TRAP (4)	10.9
11.4	1 - GRAVITY TRAP (4)	11.0
11.5	1 - DRY BOX	11.1

NOTE: RECREATION TRACT #1 = LAKES TRACT
2 MIN. PRE INCL.

Preseasonal Test 4.2 - Learn that
2 Mid 2008 Index.

LEGEND

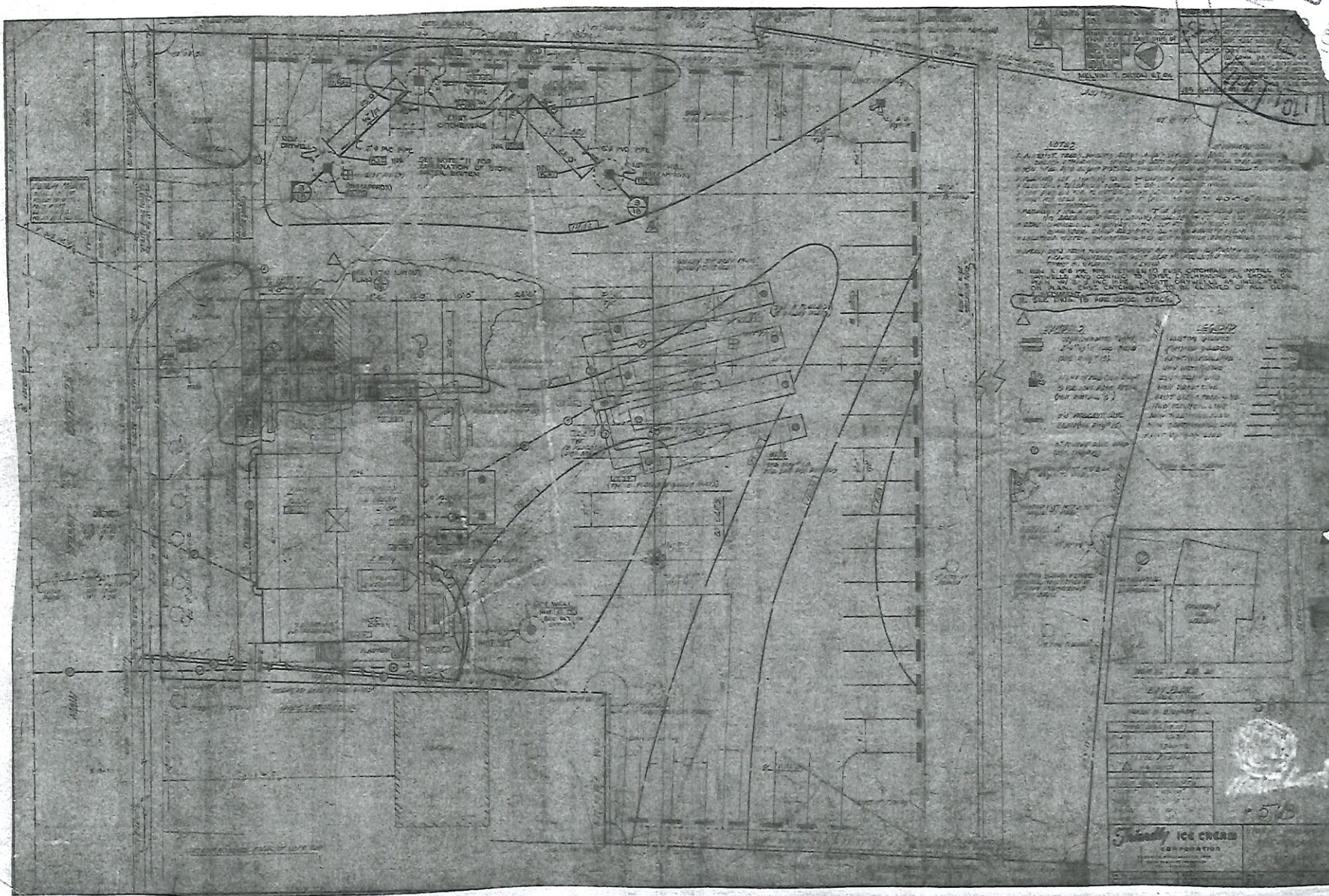
MICHAEL POLICE
 HOME OF PERMANENT
 RESIDENTIAL TREAT LOCATION
 OVER TREAT PT LOCATION
 CAROL MASON
 THAT HERE
 WEIGHT PACE

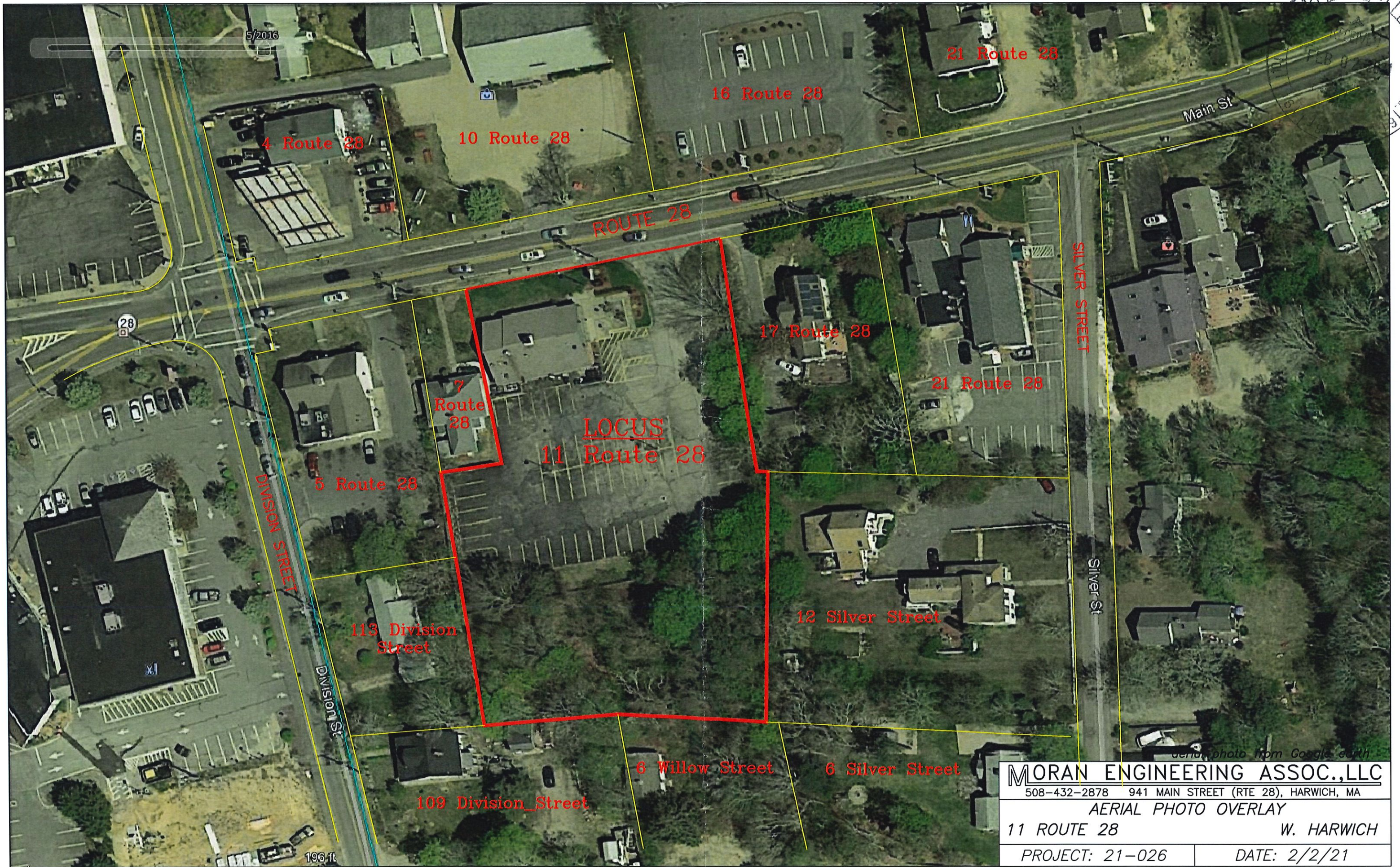


Richard F. Kaminski & Associates, Inc.
Architects □ Engineers □ Surveyors □ Land Planners
200 Sutton St., North Andover, MA 01845, (617) 687-1411
prepared for FRIENDLY ICE CREAM CORP.
location MAINTENANCE, MASS.

[illegible]

WORKING DRAWING





aerial photo from Google earth

MORAN ENGINEERING ASSOC., LLC	
508-432-2878 941 MAIN STREET (RTE 28), HARWICH, MA	
AERIAL PHOTO OVERLAY	
11 ROUTE 28	W. HARWICH
PROJECT: 21-026	DATE: 2/2/21



Agenda Item II.C

To: Planning Board
Cc: Joe Powers, Town Administrator
Meggan Eldredge, Assistant Town Administrator
From: Charleen Greenhalgh, Interim Town Planner
Date: March 2, 2021
Re: Staff Report - Site Plan Review and Use Special Permit Special Permits

PB2021-03 Deerfield Nominee Trust, William Marsh, TR., as owner, seeks approval of amendment to a Site Plan Review Special Permit and for a Use Special Permit for manufacturing (2-bays) pursuant to the Code of the Town of Harwich §325-51 and -55. The property is located at 4 Deerfield Road, Map 45 Parcel T1-7 in the I-L zoning district.

A public hearing via remote participation for this matter is scheduled for Tuesday, March 2, 2021. Abutters were notified via certified return receipt mail on February 17, 2021.

Description

As the Planning Board may recall, this property received a Site Plan Review Special Permit in 2019 for warehousing. The site is near completion with some changes made from what was approved. At this time the applicant seeks approval of an amendment to the site plan and a Use Special Permit for manufacturing in two (2) of the bays. The application, related documents and plans were filed with the Town Clerk on February 2, 2021, with revised plans and additional information submitted on February 8, 2021 and February 23, 2021. The following has been submitted:

1. Form A Planning Board Application dated 2/2/21, with amended page 2 submitted 2/23/21.
2. Narrative letter dated February 2, 2021, from Eastward Companies.
3. 4 Deerfield Road – Change of Use Proposal, dated ~~2-5-2021~~, 2-12-2021.
4. Municipal Lien Certificate.
5. 4 Deerfield Road, Floor Plan with Proposed Uses, dated 2/12/21.
6. Narrative letter dated February 23, 2021.
7. As-Built Site Plan, Deerfield Nominee Trust, Lot 7 Deerfield Road, Harwich, MA, dated 12-16-2020, revised 02-22-21.

MGL Reference and Planning Board Jurisdiction

Pursuant to MGL c.40 A, §9 the Planning Board must, within 65 days of submission of application for a special permit, hold a public hearing, and render a decision within 90-days of the close of the hearing.

The Planning Board has jurisdiction to review this application pursuant to the Code of Town of Harwich §325-55 for Site Plan Review Special Permit and MGL c. 40A §9. Pursuant to §325-55.E.(1) *“If the site plan meets the requirements of this By-law and the Planning Board Rules and Regulations Governing Subdivision of Land and Site Plan Review, as amended, the Planning Board shall approve it”*. However, the Board cannot deny approval of a site plan for a use which is allowed by right (not by special permit) in the district, but may impose reasonable conditions on the proposed use. Please refer to §325-55.E. for specific allowable conditions.

Other Planning Board References:

§325-2. MANUFACTURING: A use involving the processing, assembling, or packaging of previously prepared or refined materials.

§325-14.I Manufacturing is permitted per Table 1, provided that at no time will such use result in or cause excessive dust, smoke, smog, observable gas, fumes or odors, or other atmospheric pollution, objectionable noise, glare, or vibration discernible beyond the property lines of the industry, hazard of fire or explosion or other physical hazard to any adjacent building or land, or to surface water or groundwater.

Comments from Other Boards/Committee/Departments

Police, Highway and Fire: No concerns.

Health: The septic system capacity is designed for 138 gallons of flow per day. As long as that is not being exceeded, health has no issues.

Engineering: See Planning Staff Comments below.

Planning Staff Comments

1. The Town Engineer and Interim Town Planner reviewed the application and plans on February 9, 2021. An email was sent to the applicant’s representative, Susan Ladue. At this time all the questions and comments raised in that email have been addressed. Staff has no concerns with this application.
2. The narrative provided by Susan Ladue explains the changes within site and the proposed use. Again, staff has no concerns with this application.
3. The following conditions are recommended for the Use Special Permit:
 - a. The Manufacturing Use is specific to “Unit 2” as shown on the floor plan. Unit 2 is located in the center of the building.
 - b. No outside storage of any goods, materials or equipment shall be stored outside of the building.
 - c. This decision shall be recorded with Land Court.
4. The following conditions are recommended for the amended Site Plan Review Special Permit:
 - a. All conditions and other requirements imposed pursuant to case PB2019-36, and as recorded as Doc: 1,284,979 in Land Court, shall be adhered to.
 - b. This decision shall be recorded with Land Court.

VOTES

Continuance

If the Board requires additional information or wants to take the matter under advisement the following motion is recommended:

Move to continue the hearing for **PB2021-03 Deerfield Nominee Trust**, to no earlier than 6:30 pm on _____ (*Next meeting dates March 23, April 13, April 17*) for the following reasons: (*need to state reason or purpose*).

IF BOARD IS READY TO RENDER A DECISION, THE FOLLOWING MOTIONS ARE PROVIDED:

Close the public hearing

Motion to close the public hearing for case PB2021-03 Deerfield Nominee Trust.

Proposed Findings (Vote to Adopt):

1. The property is within the IL zoning district.
2. The amendment to the site plan is nominal.
3. The proposed manufacturing use is allowable by Special Permit.
4. The parking is based on Warehouse use for Units 1, 3 and 4 and Light Manufacturing for Unit 2.
5. The building received a variance from the rear setback requirement to allow for 25 feet pursuant to ZBA Case No. 2019-26, L.C. document 1,377,700.
6. The plan provides for efficient and safe disposal of surface water.
7. The use is consistent with the Zoning Code and will not adversely affect the neighborhood.
8. There will be no nuisance or serious hazard to vehicles or pedestrians.

Vote on Use Special Permit: A vote of at least five members of the Planning Board is required.

- I. To **approve with conditions** case PB2021-03 Deerfield Nominee Trust, William Marsh, TR., for a Use Special Permit for manufacturing (specifically Unit 2) pursuant to the Code of the Town of Harwich §325-51, for the property located at 4 Deerfield Road, Map 45 Parcel T1-7 in the I-L zoning district, based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich and following conditions:
 1. The Manufacturing Use is specific to “Unit 2” as shown on the floor plan. Unit 2 is located in the center of the building.
 2. No outside storage of any goods, materials or equipment shall be stored outside of the building.
 3. This decision shall be recorded with Land Court.
- II. To **deny** case PB2021-03 Deerfield Nominee Trust, William Marsh, TR., for a Use Special Permit for manufacturing (specifically Unit 2) pursuant to the Code of the Town of Harwich §325-51, for the property located at 4 Deerfield Road, Map 45 Parcel T1-7 in the I-L zoning district, based on the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich (***NOTE: need to provide specific reason(s) for the denial.***)

Vote on Site Plan Review Special Permit: A vote of at least five members of the Planning Board is required.

To **approve with conditions** case number PB2021-03 Deerfield Nominee Trust, William Marsh, TR., for an amended Site Plan Review Special Permit for minor site changes from the previously approved site plan, PB2019-36, and for manufacturing (Unit 2) pursuant to the Code of the Town of Harwich §325-55 for the property located at 4 Deerfield Road, Map 45 Parcel T1-7 in the I-L

zoning district. The decision is based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich and following conditions:

1. All conditions and other requirements imposed pursuant to case PB2019-36, and as recorded as Doc: 1,284,979 in Land Court, shall be adhered to.
2. This decision shall be recorded with Land Court.

Alternatively, the Planning Board may approve the site plan special permit with or without additional conditions.

REISED SITE PLAN TO AMEND ORIGINAL SITE PLAN SPECIAL PERMIT

TOWN OF HARWICH PLANNING DEPARTMENT

PLANNING BOARD APPLICATION
SPECIAL PERMITS & SITE PLAN REVIEW FORM A



PB2019-36

TO THE TOWN CLERK, HARWICH, MA

DATE 2/2/21

PART A – APPLICANT INFORMATION/AUTHORIZATION

Applicant Name(s)	WILLIAM MARESH, TRUSTEE DEERFIELD NOMINEE TRUST
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	SUSAN LADUE, REGULATORY SPECIALIST EASTWARD COMPANIES
Mailing address	155 CROWELL ROAD
Town, ST, Zip	CHATHAM, MA 02633
Phone	508-945-2300
Fax	508-945-2374
E-mail	sladue@eastwardco.com

The applicant is one of the following: (please check appropriate box)

- ☒ Owner ☐ Prospective Buyer* ☐ Representative for Owner/Tenant/Buyer*
☐ Tenant* ☐ Other*

*Written permission of the owner(s) and a municipal lien certificate (where applicable) is required.

All other forms and information as required in the Harwich Code Chapter 400, Rules and Regulations, shall be submitted as part of this application.

Authorization

Your signature hereby asserts, to the best of your knowledge, that the information submitted in this application is true and accurate; that you agree to fully comply with the Town of Harwich Zoning By-laws and the terms and conditions of any approval of this application by the Planning Board; and authorizes the Members of the Planning Board and/or Town Staff to visit and enter upon the subject property for the duration of the consideration of this application.

William Marsh, Trustee

Applicant

SAME AS ABOVE

Owner(s) – Authorization must accompany application if the owner is not the applicant.

Official use only:

PLANNING DEPARTMENT	TOWN CLERK
---------------------	------------

Case #

PART B – PROJECT LOCATION

02645

Legal Street Address	4 DEERFIELD RD.	Village/Zip Code	N. HARWICH
Title Book/Page or L.C.C. #	148851		
Map(s) / Parcel(s)	45/T1-7		
Zoning & Overlay Districts	IL	*Historic?	N/A
Frontage (linear feet)	380.43'		
Total land area (s.f.)	20,076 S.F.		
Upland (s.f.)	20,076 S.F.	Wetlands (s.f.)	N/A

PART C – PROJECT DESCRIPTION

Existing Floor Area in Sq. Ft	Gross: 5,845 S.F.	Net: 5,845 S.F.
Proposed Floor Area in Sq. Ft	Gross: NO CHANGE	Net: NO CHANGE
Change in Sq. Ft + / -	Gross: N/A	Net: N/A
Existing # of parking spaces	6	Proposed # of parking spaces: NO CHANGE
Existing Use(s)	WAREHOUSE	
Proposed Use(s)	LIGHT MANUFACTURING IN 1,970 S.F. (MIDDLE BAYS) AND WAREHOUSE USE IN REMAINING BUILDING AREA - 3,875 S.F.	
Attach a separate narrative if necessary.		

The undersign hereby files an application with the Harwich Planning Board for the following special permits as proposed under the provisions of the Harwich Zoning Code: **(check all that apply)**

Site Plan Review § 325-55:

SEE ATTACHED LETTER TO PLANNING BOARD

☐ Any floor area expansion of any structure or expansion of exterior space, other than parking, serving any of the following: commercial, industrial, multi-family or educational use or personal wireless service facility or the creation of a drive-up or drive-through window

☒ Expansion or reconfiguration of an existing parking lot and/or driveway(s) serving said parking lot.

☐ Establishment of any new commercial, industrial, multi-family, educational, fast food/take out restaurant or personal wireless service facility.

☐ Establishment of any new retail use(s) in the Industrial (IL) Zone.

☐ Waiver of Site Plan § 325-55.F

Article V, Use Regulations:

USE TABLE - LIGHT MANUF. ASSOCIATED W/CONST. INDUSTRY

☒ Paragraph IV, sub-paragraph # 6 & 18 ☐ Paragraph _____, sub-paragraph # _____

☒ Paragraph G & I, sub-paragraph # _____, supplemental regulation # _____ § 325-14

Article X, Special Permits:

☐ Structures w/ gross floor area of 7,500+ s.f. § 325-51

☐ Structures requiring 20 or more new parking spaces § 325-51

☐ Accessory Apt./Shared Elderly Housing § 325-51.H ☐ Mixed Use § 325-51.M

☐ Drinking Water Resource Protection § 325-51.C ☐ Two Family § 325-51.N

☐ Village Commercial, Harwich Port § 325-51.L ☐ *Harwich Center Overlay § 325-51.O

☐ Signage § 325-27.F Additional Cluster, Excess SF, Non-entry Facades

Other Special Permits:

☐ Six Ponds Special District - Article XVI

☐ Wind Energy Systems - Article XVIII

☐ Large Scale Wind Generation – Article XIX

☐ Other (i.e. Alternate Access § 325-18.P, Special Cases § 325-44.B) _____

☐ Repetitive Petition (MGL Ch 40A, §16): Proposed project evolved from a previously denied plan submitted to the Planning Board on _____ Year/Case # _____

*Note: Projects within the Harwich Center Overlay District may also be within the Harwich Center Historic District. This requires separate filing with the Historic District and Historical Commission. Please inquire for forms and instructions.

September 2011

EASTWARD COMPANIES

February 23, 2021

Harwich Planning Board
Town Hall
732 Main Street
Harwich, MA 02645

**RE: 4 (Lot 7) Deerfield Road – Revised Site Plan – PB2019-36
Revised Plan and Information**

Dear Members of the Board:

Deerfield Nominee Trust is submitting the attached revised plan and associated information to request an amendment of the original site plan special permit, PB2019-36, that was approved by the Planning Board on November 7, 2019.

The revised plan includes the following changes from the originally approved site plan:

1. The originally proposed basement level in the building was not constructed. The building is constructed on slab. Therefore, the stairs to the basement were not installed.
2. A gravel bed has been installed around the building as a landscape component to keep the area around the building neat and clean. The gravel bed is also an additional drainage component to assist the installed gutters to downspouts to drywells.
3. The previously proposed foundation landscape beds between the pavement and the building were not installed because it is neater to pave up to the building and requires less maintenance.
4. The stripes for the 2 single parking spaces in front of the garage doors have been corrected with the striping 11.5 feet from the building, as originally approved.
5. A Cape Cod berm was installed around the perimeter of the parking area, per the details that accompanied the original site plan. We ask that the berm, as installed, be approved.
6. Additional lights have been installed. We feel that the additional lights create a safer site. Our electrician has confirmed that we conform to the Town's Lighting Code.

7. Clark Engineering has confirmed that the existing site coverage number, based on the elimination of the stairs in the rear of the building and the landscape beds between the building and the pavement, is 59.7%, less than the proposed/approved site coverage of 60.3%.
8. Several parking bollards were added around the site for safety. Although not shown on the proposed/approved site plan, it is our experience that these bollards will increase safety on the site.
9. We have 3 different people who have signed leases to occupy space in the building. 2 of these will be using it strictly as warehouse space with no employees. The other lessee will be using the 2 middle bays (1,966.5 s.f.) as light manufacturing associate with the construction business with 1 employee. The parking requirement for this use is: 1 per employee maximum shift, plus 1 per 2,500 square feet of floor area. So, our provided parking should remain sufficient. This is addressed in our attached narrative.
10. The attached floor plan for the building shows the delineation of the building areas used by each use.

Please let me know if you have any questions or need additional information.

Sincerely,



Susan B. Ladue
Regulatory Specialist

cc: William Marsh, President
David Clark, P.E.
Charleen Greenhalgh, Town Planner
Griffin Ryder, Town Engineer

4 DEERFIELD ROAD – CHANGE OF USE PROPOSAL

2-12-2021

Deerfield Nominee Trust, the owner of 4 Deerfield Road, will be leasing the 5,845 s.f. building to 3 individuals.

Two tenants will be using the building for warehousing purposes, as stated on our original site plan application that was approved by the Planning Board. They will use a total of 3,875 s.f. of the floor area for the interior warehousing of construction materials, equipment, and personal belongings, as shown on the attached floor plan.

V.B. Custom Carpentry, an interior finish carpentry business, will be the third tenant conducting a light manufacturing business associated with the construction industry, in the 2 middle bays of the building. V.B. Custom Carpentry will be using a total of 1,970 s.f. and will have 1 employee. The production of interior trim, stairway railing accents, and cabinetry will take place in this space. This use is also shown on the attached floor plan.

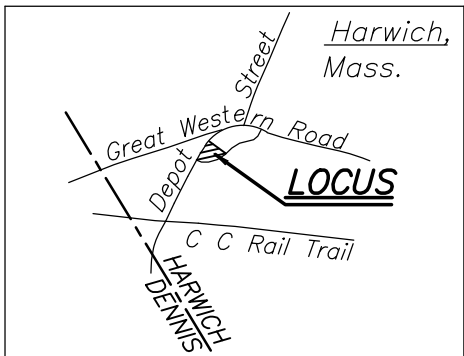
Per the Zoning By-Law, “this use/construction industry is permitted per Table 1, including suppliers, shall store all equipment and materials within a building or buildings.” We feel that this is in keeping with the general use of the building, the site, and other uses in the IL zone and request the Planning Board to approve this proposed change of use for this portion of the building.

The Planning Board approved the following parking schedule for the use proposed on the site plan:

Warehouse	5,845 s.f.	1 space per 1,000 s.f.	6
Employees	0 emp.	1 sp per emp max shift	<u>0</u>
TOTAL REQUIRED			6
TOTAL PROVIDED			6

The addition of the light manufacturing/construction industry use will revise the parking requirements, as follows, and has been shown as such on the revised site plan:

Warehouse	3,875 s.f.	1 space per 1,000 s.f.	4
Light Manuf.	1,970 s.f.	1 space per 2,500 s.f.	1
Employees	1 emp.	1 sp per emp max shift	<u>1</u>
TOTAL REQUIRED			6
TOTAL PROVIDED			6



LOCUS PLAN

Assessors' Map 45, Parcel T7

OWNER OF RECORD:

William Marsh, Trustee
Deerfield Nominee Trust
155 Crowell Road
Chatham, MA 02633
Certificate No.148851
Land Court Plan 40944-D



LEGEND

- Existing Contour
- Proposed Contour
- Existing Spot Grade
- Proposed Spot Grade
- Water Service
- Overhead Utility Line(s)
- Underground Utility Line(s)
- Gas Line
- Concrete Bound (CB)
- Septic Tank
- Utility Pole
- Catch Basin
- Fire Hydrant
- Tree or Hedge Line



BENCH MARK:
Center of Catch Basin
Elev.=28.25 NGVD29

Existing
Lights (Typ)

DEPOT ROAD
(40 Ft. Wide)
(County Way)
(1912 Layout)

DEERFIELD ROAD
(50 Ft. Wide)
(Private Way)

Existing
Catch Basins &
Leaching Pits (Typ)

CB Fnd

U.P.

Existing
Commercial Building
Ridge El.=58.6
T.O.F. El.=31.5
Slab El.=27.3

L=234.16'

LOT 7
Area=20,076 S.F.±
or 0.461 Ac.±

Approximate Location of
Existing Underground Utilities

Approximate Location of
Existing Gas Service

Approximate Location of
Existing Septic Components per the
SDS Plan on file with the
Harwich Board of Health

Approximate Location of
Existing Water Service

Transformer Pad

Existing
Hydrant
(Typ)

Existing
Tree (Typ)

Existing
Planting Bed (Typ)

Handicapped Parking Sign

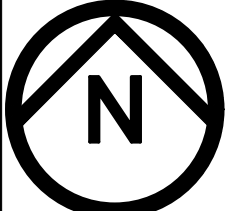
PARKING COMPLIANCE TABLE

Parking Requirement Generator	Quantity or Rated Cap.	Basis for Parking Calc. per Table 4	# of Spaces Required
Warehouse	3,875 S.F.	1 space per 1,000 S.F. Floor Area	4
Light Manufacturing	1,970 S.F.	1 space per 2,500 S.F. Floor Area	1
Employees	1 emp	1 space per emp. max shift	1
TOTAL REQUIRED			6
TOTAL PROVIDED			6

*Note: Asphalt berm to act in lieu of curb bumper

ZONING COMPLIANCE TABLE

Subject	Zone Industrial-Limited	PROPOSED	EXISTING
Lot Area	20,000 S.F.	-	-
Frontage	100 Ft.	273.43 Ft.	273.43 Ft.
Front Setback	25 Ft.	25.2 Ft.	25.2 Ft.
Side Setback	25 Ft.	25.2 Ft.	25.2 Ft.
Rear Setback	50 Ft.	25.2 Ft.	25.2 Ft.
Building Height	40 Ft.	31.5 Ft.	31.2 Ft.
Building Stories	2-1/2 max	1-1/2	1-1/2
Fr. Parking Stbk.	15 Ft.	5.0 Ft.	5.1 Ft.
Sd. Parking Stbk.	5 Ft.	9.4 Ft.	12.5 Ft.
Rr. Parking Stbk.	5 Ft.	5.0 Ft.	7.0 Ft.
Building Coverage	40% max	29.1 %	29.1 %
Site Coverage	70% max	60.3 %	59.7 %
Driveway Width (© Prop. Line)	50 Ft.	50 Ft.	51 Ft.



AS-BUILT SITE PLAN

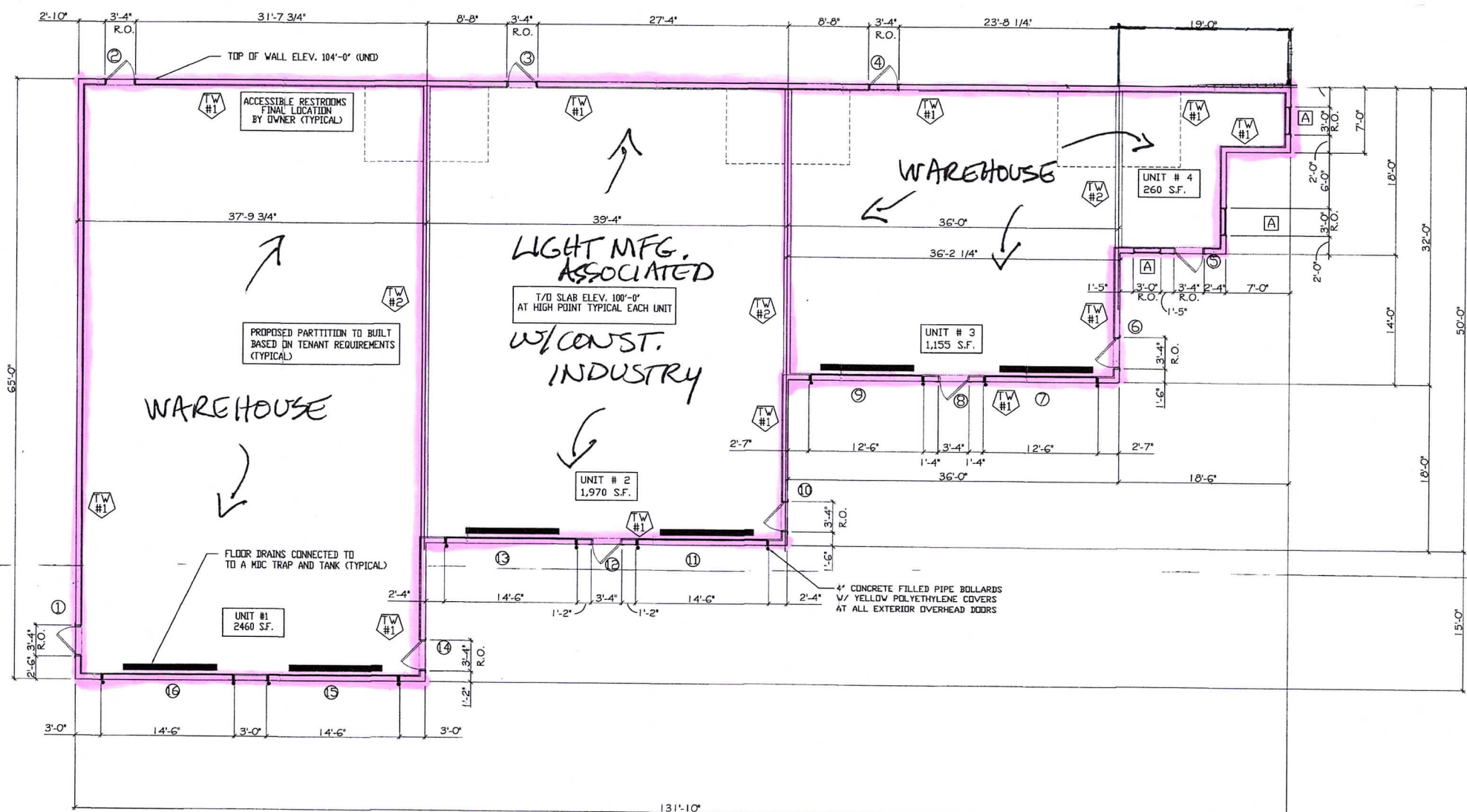
Revision	Date
1	Updated planting beds, parking lines, handicapped parking sign & parking compliance table
	02-22-21

DEERFIELD NOMINEE TRUST
Lot 7 Deerfield Road, Harwich, MA

CLARK ENGINEERING LLC
156 Crowell Road, Suite B, Chatham, MA 02633
Tel.: (508) 945-5454; Fax.: (508) 945-5458

Date: 12-16-2020
Scale: 1" = 30'
Drawing No.: 0010-24.7G
Sheet No.: 1 of 1

PROPOSED USES



2-12-21

**HARWICH PLANNING BOARD
HARWICH TOWN HALL - 732 MAIN STREET, HARWICH
VIA REMOTE PARTICIPATION GoToMeeting.com
TUESDAY FEBRUARY 23, 2021 – 6:30 PM
MEETING MINUTES**

BOARD MEMBERS PRESENT: Chairman, Duncan Berry; Vice-Chairman, Allan Peterson; David Harris; William Stoltz; Joe McParland (left the meeting at approximately 7:25pm); Arthur Rouse; Mary Maslowski; and Craig Chadwick. Mr. Harris arrived at 6:38 PM. All were all present via remote participation.

BOARD MEMBERS ABSENT: None.

OTHERS PRESENT: Charleen Greenhalgh; Katie O'Neill; Griffin Ryder; Cyndi Williams; Ben Zehnder; Jeanne Mongillo; Robert Carter; David Reid; Stacy Kanga; Craig LeBlanc; Roger Groskopf; Marla Menzies; Alex Bardin; Gregory Winston; Justin Marks; Dave Michniewicz; Bob LeBlanc; Rob O'Neill; James McGrath; Andrew Singer; Stuart Clark; Art Bodin; Tricia Murray; Diane and John Rinkas; Thomas Cosmer; Steve Morrell; Albert Sreter; Jan Blancher; and others

CALL TO ORDER - 6:33 PM by Chairman Berry with a quorum present.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Harwich Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to listen or view this meeting while in progress may do so by logging in or calling in as specified above on this agenda.

PB2020-32 Wychmere Harbor Real Estate LLC, 23 Snow Inn Road, Amend Site Plan Review Special Permit

Representatives: Andrew Singer, David Michniewicz,

Chairman Berry re-opened the hearing at 6:34 PM. Wychmere Harbor Real Estate LLC, applicant & owner, c/o David J. Michniewicz of Coastal Engineering Company, Inc., representative, seeks a Local Stormwater Permit to demolish existing restaurant/building, swimming pools, and patios and replace with a new restaurant building, swimming pools, and patios. The existing "Coastal Bar" building will be turned 90 degrees and moved back from the beach. The proposed project will decrease site coverage in the project area by 1,724+/- square feet. The proposed area of land disturbance is approximately 83,900 +/- square feet. The application is pursuant to the Town of Harwich Comprehensive Stormwater and Illicit Discharge Requirements. The property is located at 23 Snow Inn Road, Map 8, Parcel P2, in the RH 3 and R L zoning districts. PB2020-32 Wychmere Harbor Real Estate LLC, applicant & owner, c/o Attorney Andrew Singer, representative, seeks to amend the Site Plan Review Special Permits

granted in Cases PB2019-27 and PB2020-23, or in the alternative a new Special Permit to make additional alterations to the previously approved design of the Beach Club to re-design the pool area to include an additional pool, construct a new infant pool, create a fenced, natural lawn service alley along the east side, and make accompanying landscape and walkway revisions. The application is pursuant to the Code of the Town of Harwich §325-55 (Site Plan Review), and Chapter 400. The property is located 23 Snow Inn Road, Map 8, Parcel P2-12, in the RH 3 and R L zoning districts. The Planning Board Hearing was continued from 1/12/2021 to allow for this joint hearing with the Town Engineer.

Town Engineer, Griffin Ryder, explained that this is a local storm water permit. The applicant has filed a complete application, he has met with the engineers, and the few last items he need would be in the conditions for approval. Overall, the stormwater system is in compliance with the Mass Stormwater standards. He is satisfied with what has been submitted, and the follow up would be met with the condition of approval.

Ms. Maslowski asked as far as the conditions are concerned, is it sufficient for the conditions required by his role be included in the special permit, or do they need to have other specific requirements? Mr. Ryder stated that he believed in this case, his conditions would be included as a referral to the storm water approval.

Mr. Harris arrived on the call at 6:38 PM.

No public comments were made on Mr. Ryder's presentation.

Andrew Singer asked that since Mr. Ryder is the approval authority, is a motion needed. Mr. Ryder clarified that his portion of the meeting was closed, and the proposal passed with conditions.

Mr. Singer began the Planning Board portion of the hearing. He stated that this is merely an amended special permit. The Board has already approved this project. Changes will be made in the ground, no change to parking, use, or building is proposed. The decking would be changed, there will be an additional infant pool, and a natural lawn would be added as a service entry way into the beach club. These are very minor changes. Conservation already approved the minor amendment, as well as the Board of Appeals. They request that the board approve the minor amendment for these plans.

Mrs. Greenhalgh provided staff comments: Health: Must have a Board of Health Pool Application Permit and passing inspection prior to use; Owners/Contractors are responsible for ensuring that all requirements under 105 CMR 435.00 are met; Food service permits are required prior to opening, and; Applicant must submit kitchen design plans to health Department prior to construction. Fire & Highway: No issues or concerns. Water: 8" Water main to be moved two feet away from all structures; Field lock gaskets be used at all joints and fixtures; Approved inspector be on site for moving or reinstalling all water main/services/fire services, and; Pressure test of new main being installed to Water Department guide lines. Engineering: The Town Engineer reviewed the plans with the Town Planner; comments are noted below. Planning Staff Comments 1. The Town Engineer and Interim Town Planner reviewed the plans on December

15, 2020. All items raised at that time have been addressed; however, we will be needing a revised site plans showing the correct lot coverage. 2. One letter from an abutter was received and is attached. 3. The applicant received Zoning Board of Appeals relief on January 27, 2021 to amend their Special Permits. 4. Standard conditions are recommend.

A letter from Tom and Lonnie Cosmer was received.

Mr. Singer stated that this will remain a private facility, not open to the general public. It will remain the same as it is.

Ms. Maslowski asked if they need a revised site pan prior to site plan prior, or is an as-built sufficient to show the site coverage information? Mrs. Greenhalgh stated that an As-Built is acceptable.

No public comments were made.

Mr. McParland made the motion to close the public hearing at 6:49 PM, seconded by Mr. Stoltz, unanimously so voted via roll call, with the exception of Mr. Rouse, who was ineligible for this vote.

Ms. Maslowski made the motion to vote to adopt the proposed findings finding of fact: 1. The property is located within the RH-3 and R-L zoning districts. 2. The proposed changes of use and alterations to the site were approved by the Zoning Board of Appeals pursuant to Board of Appeals Case #2019-28, #2020-32 and #2020-45. 3. The Conservation Commission approved the changes within conservation jurisdiction pursuant to MA DEP SE32-2383 and SE32-2387. 4. The use as developed will not adversely affect the neighborhood. 5. The specific site is an appropriate location for such a use, structure or condition. 6. There will be no nuisance or serious hazard to vehicles or pedestrians. 7. Adequate and appropriate facilities will be provided for the proper operation of the proposed use. The vote was seconded by Mr. Harris, unanimously so voted via roll call, with the exception of Mr. Rouse who has not eligible to vote.

Ms. Maslowski made the motion to vote to approve with conditions case number PB2020-32 Wychmere Harbor Real Estate LLC, for an amended Site Plan Review Special Permits pursuant to the Code of the Town of Harwich §325-55 (Site Plan Review), and Chapter 400, which was previously granted in Cases PB2019-27 and PB2020-23, to make additional alterations to the previously approved design of the Beach Club to re-design the pool area to include an additional pool, construct a new infant pool, create a fenced, natural lawn service alley along the east side, and make accompanying landscape and walkway revisions for property located at 23 Snow Inn Road, Map 8, Parcel P2-12, in the RH 3 and R-L zoning districts. The decision is based on the aforementioned findings of fact and the fact that the PB2020-32 Wychmere application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich and following conditions: A. All Zoning Board of Appeals, Board of Health and Conservation Commission requirements shall be met. B. The conditions imposed pursuant to Planning Board cases PB2019-27 and PB2020-23 shall be adhered to. C. All signage shall comply with the Sign Code and Building Department Requirements. D. All lighting shall comply with the Lighting Code Requirements. E. This decision shall be recorded at the Barnstable County Registry of

Deeds. F. Conformance with all review procedure requirements outlined pursuant to §400- 18.G Inspection, certificate of completion and as-built plan, correct lot coverages, of the Code of the Town of Harwich shall be met, and all requirements be met as part of the storm water permit be met. Seconded by Mr. Harris, unanimously so voted via roll call with the exception of Mr. Rouse, who was not eligible to vote.

PB2020-28 Cape Cod Oil Company, 6 Station Avenue, Site Plan Review Special Permit

Chairman Berry reopened the hearing at 6:56 PM. Cape Cod Oil Company, H. Tasha, TR. of M.J.T. Enterprises, as applicant, Jacobs Driscoll Engineering, Inc., as representative, seeks approval of a Site Plan Review Special Permit with waiver to establish and install two (2) 30,000 gallon propane tanks along with appurtenant equipment fixtures and site features pertinent to the establishment of a new Heating Fuel Resale and Storage use, which is an allowable use within the zoning district. The application is pursuant to the Code of the Town of Harwich §325-55. The property is located at 6 Station Avenue, Map 39, Parcel K3, in I-L zoning district. Hearing continued from January 12, 2021. Please note that the applicant has requested a further continuance to April 13, 2021.

Mr. McParland made the motion to continue the hearing to April 13, 2021 no earlier than 6:30 PM, seconded by Ms. Maslowski, unanimously so voted via roll call.

PB2020-34 Cool Change LLC, 282 Route 28, Site Plan Review & Use Special Permit

Representative: Rob O'Neill, Robert Carter, Justin Marks, Craig LeBlanc and Bob LeBlanc

Chairman Berry reopened the hearing at 6:57 PM. Cool Change LLC, Allen Harbor Marine, applicant & owner, c/o Rob O'Neill, representative, seeks a Site Plan Review and Use Special Permit pursuant to §§325-55; 325-13, Use Table, paragraph IV.19; and 325-51 to construct a 4,102 square foot commercial building for a marine use (boat maintenance and repair) and associated parking for property located at 282 Route 28, Map 12, Parcel G2-1 in the CH-1 zoning district. The Planning Board opened the public hearing on this matter on Tuesday, January 26, 2021. The hearing was then continued to February 9, 2021.

Rob O'Neill stated that the parking and wheel stops have been corrected, and the plans have been updated.

Mrs. Greenhalgh read planning board comments. 1. At the last meeting with the Planning Board the Board request additional information including: landscaping, updated renderings, and updated site plan showing wheelstops along the easterly parking, the use of the two parking spaces on the westerly side, closest to the building, to be used only during the restaurant use hours and the parking space dimensions. All these have been submitted as requested. 2. We still encourage one central curb cut. Because this is a change of use this would need to go to MassDOT for a curb cut permit. This can be made a condition of approval. 3. The Zoning Board of Appeals approved variances for setbacks for the building and parking pursuant to Case #2020-41. 4. The property contains a use easement for parking for the restaurant located to the west of the property (Villa Roma). The parking needs for each use will be offset by the nature of each business and the hours of operation. 5. At this time it appear that all requirements of the zoning

bylaws have been met. 6. Reasonable conditions are recommended including: a. A fully compliant septic system must be approved prior to any building permit issuance. b. Any work in the FEMA Flood Zone requires Conservation Commission approval, as this is Land Subject to Coastal Storm Flowage. c. A Massachusetts Department of Transportation ("MassDOT") may be required as this is a change of use. Any changes to the entrance to the site as a result of this review shall not require further review from the Planning Board. A copy of the MassDOT curb cut permit shall be filed with the Planning Office. d. All signage shall comply with the Sign Code and Building Department Requirements. e. All lighting shall comply with the Lighting Code. f. No outside storage of boats or other materials shall be permitted. g. Any changes to the approved site may require additional review and approvals from the Planning Board. h. This decision shall be recorded at the Barnstable County Registry of Deeds. i. Conformance with all review procedure requirements outlined pursuant to the Code of the Town of Harwich §400-18.G Inspection, certificate of completion and as-built plan shall be met.

A letter of concern was received from Linda Reid, an abutter at 276 Route 28.

Ms. Maslowski stated that as a point of order, the letter from the abutter needs to be read into the public hearing record. She continued to read the letter into the record.

Mr. McParland asked several questions, which were all answered by Mr. O'Neill.

Greg Winston stated that a steel building would not be appropriate for the village. It was responded that it will be buffered so the building is not viewed from Route 28?

Mr. O'Neill responded that it will be landscaped and will be buffered from abutters.

Mrs. Greenhalgh clarified that there is no lawful way for the Board to not approve a metal building. The board cannot get into esthetics.

Roger Groskopf, an abutter, stated that in terms of esthetics stated that color is not an element that is approved. He would like to discuss the color choice with the applicant, but that does not need to happen today.

Mr. McParland asked if his property is across Route 28 where all the boats are stored. Mr. O'Neill stated Allen Harbor has a site further down Route 28, which was previously approved.

Mrs. Greenhalgh stated that the applicant did submit stormwater drainage calculations, which have been vetted by the Town Engineer. The drainage will be treated on-site. The floor drain is required under the plumbing code, as she understands it.

A discussion ensued on MassDOT and the curb cut.

Mr. Winston stated that it concerns him that the handlers building will be lost, and this building is not appropriate if it is visible from Route 28. The Board is making a mistake allowing this.

Ms. Maslowski stated that this is not in a historic district. They have no purview over the esthetics of the building. A metal building is allowed. It is what's permitted. This is not the same as being in a historic district.

Mr. McParland made the motion to close the public hearing at 7:18pm, seconded by Mr. Chadwick, unanimously so voted via roll call.

Ms. Maslowski made the motion to vote to adopt the following finding of fact: 1. The property is located with the CH-1 zoning district. 2. Subject property is burden by a parking easement by the adjacent parcel to the west. 3. The Marine Use is allowable with a Use Special Permit. 4. Dimensional variances for the building and parking setbacks were approved by the Harwich Zoning Board of Appeals pursuant to Case #2020-41. 5. Appropriate and adequate landscaping has been provided. 6. Appropriate and adequate parking shall be provided on the subject site. 7. The use as developed will not adversely affect the neighborhood. 8. The specific site is an appropriate location for such a use. 9. There will be no nuisance or serious hazard to vehicles or pedestrians. 10. Adequate and appropriate facilities will be provided for the proper operation of the proposed use, including appropriate sewage treatment. PB2020-34 Cool Change LLC (Allen Harbor). Seconded by Mr. Harris, unanimously so voted via roll call with the exception of Mr. Rouse, who was ineligible to vote.

Ms. Maslowski made the motion to vote on Use Special Permit to approve with conditions case PB2020-34 Cool Change LLC for a Use Special Permit pursuant to §325-13, Use Table, paragraph IV.19 and §325-51 for a Marine Use (boat maintenance and repair) for property located at 282 Route 28, Map 12, Parcel G2-1 in the CH-1 zoning district, based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich. The following condition is imposed: (Note: need to determine and outline the conditions.) 1.) No outside storage of boats or other materials shall be permitted. Seconded by Mr. Harris, unanimously so voted via roll call with the exception of Mr. Rouse, who was ineligible to vote.

Ms. Maslowski made the motion to vote on Site Plan Review Special Permit to approve with conditions case number PB2020-34 Cool Change LLC for a Site Plan Review pursuant to §§325-55 to construct a 4,102 square foot commercial building for a marine use (boat maintenance and repair) and associated parking at property located at 282 Route 28, Map 12, Parcel G2-1 in the CH-1 zoning district. The decision is based on the aforementioned findings of fact, the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich and the fact that the Marine Use is permitted by Special Permit in the zoning district. The following conditions are imposed: 1. A fully compliant septic system must be approved prior to any building permit issuance. 2. Any work in the FEMA Flood Zone requires Conservation Commission approval, as this is Land Subject to Coastal Storm Flowage. 3. No outside storage of boats or other materials shall be permitted. 4. A Massachusetts Department of Transportation ("MassDOT") may be required as this is a change of use. Any changes to the entrance to the site as a result of this review shall not require further review from the Planning Board. A copy of the MassDOT curb cut permit shall be filed with the Planning Office. 5. All signage shall comply with the Sign Code and Building Department Requirements. 6. All lighting shall comply with the Lighting Code. 7. Any changes to the approved site may

require additional review and approvals from the Planning Board. 8. This decision shall be recorded at the Barnstable Registry of Deeds. 9. Conformance with all review procedure requirements outlined pursuant to §400-18.G Inspection, certificate of completion and as-built plan, of the Code of the Town of Harwich shall be met. Seconded by Mr. Harris, unanimously so voted via roll call with the exception of Mr. Rouse, who was ineligible to vote.

PB2020-26 Royal Apartments, 328 Bank Street, Special Permit for Multifamily Use and Site Plan Review

Representatives: Ben Zehnder & Alex Bardin

Mrs. Greenhalgh stated that Mr. McParland is ineligible to vote, but Mr. Rouse is eligible. Chairman Berry opened the hearing at 7:25 PM. The Royal Apartments LLC, as owner, Benjamin E. Zehnder, Esq, Representative, seeks approval of Special Permits for Multifamily Use, Site Plan Review and Harwich Center Overlay District for the proposed use and additional parking and other appurtenances pursuant to the Code of the Town of Harwich §325-51.Q (approved at the 9-26-2020 Town Meeting), §325-55 and §325.51.O (Harwich Center Overlay District), respectively. The property is located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district.

Attorney Zehnder explained that the Board continued the matter in order to address three items. 1. Allow for the application to be reviewed by Town Counsel 2. Allow time for the applicant to meet with town staff to discuss the possibilities of installing sidewalks, or contributing to the sidewalk fund, and 3. Allow the applicant to propose restrictions on some of units for affordability. Town Counsel decided that the Board can act on this proposal. The applicant has provided the Board a request that the applicant submit a request to the side walk contribution of 10,000. Additionally, the applicants also propose a condition that two of the studio units be set aside to meet affordability requirements.

Mrs. Greenhalgh read comments from other boards, departments, and committees- Health: The Senior Health Agent reviewed the application for approval of a multi-family use special permits in the Harwich center overlay district and a site plan review special permit at 328 Bank Street. The septic system was originally designed for 31 assisted living rooms, plus additional office space, for a total flow of 4773 gallons per day. The proposed floor plans show that 33 bedrooms are proposed, with a total flow of 3630. As the plan is proposed, the Health Department has no concerns, however; we do require that a passing Title 5 inspection be submitted prior to any building permit approval. Fire Chief: No issues for the Planning Board from Fire for this project. Conservation: As proposed all work is outside the 100' buffer zone. Erosion control shall be install on the 100' line to ensure work stays out of conservation jurisdiction. Permits required if work will enter conservation jurisdiction. So long as no new activity is happening in the 100' wetland buffer, conservation has no jurisdiction. Police: The Deputy Chief had the traffic officer look at the plans. Here are Officer Holmes Comments, after meeting with Carla Burke, via email December 22, 2020: "I had a nice conversation with Carla and explained where our input comes from as far as looking at past crashes and traffic complaints. She was happy I listened to her voice and concerns. After talking with her I did recognize one problem. The height and/or location of the current fence along Bank St limits the sightline looking south. Could we have planning recommend the fence be removed and/or reduced in height to meet the provisions of the

Bulk Height By-Law? No other concerns from me.” DPW/Highway: See Planning Staff Comment below regarding a sidewalk. Previously, there were no concerns. Engineering: The Town Engineer reviewed the plans with the Town Planner; comments are noted below. Additionally, he will be reviewing in detail the Stormwater Report and provide comments as needed.

Planning Staff Comments 1. At the January 12, 2021 public hearing, the Board voted to request an opinion from Town Counsel on whether the application as presented is lawfully before the Planning Board and whether the Planning Board can act on the requests before it. A copy of Town Counsel’s opinion is attached for the Board’s review; however, a copy is not included in the electronic packet as this is privileged correspondence. I can publicly report that it is Town Counsel’s opinion that the Planning Board can act on the requests that are before the Board. 2. On Tuesday, January 19, 2021 an on-site with Attorney Zehnder, two principals from The Royal Apartments, LLC, DPW Director Lincoln Hooper, DPW Road Manager Chris Nickerson and Interim Town Planner Charleen Greenhalgh was held to discuss a sidewalk along Parallel Street. Based on that on-site, Mr. Hooper provided the following additional comments via email: As discussed in the field today, the Town of Harwich has no plans to install a sidewalk on Parallel Street. That said, we did try to include a sidewalk on this section of Parallel Street in the Safe Routes to School Grant that the Town was awarded, which was pulled from consideration over project costs. Although Chris Nickerson, Road Manager, and I are ambivalent as to whether the Planning Board requires a sidewalk as part of their conditions for this private development, we would not be opposed to a short one being constructed to connect this project to the existing sidewalk on Bank Street. Given the lack of pedestrian connectivity on Parallel Street and the lack of any plans to construct one, we certainly understand if the Planning Board wants the applicant to make a payment to the Town’s sidewalk fund in lieu of having them construct a sidewalk to nowhere. The applicant has requested that an “in lieu of” contribution of \$10,000 be made to the Sidewalk Fund. If the Board is agreeable to this, I would recommend that the contribution be made prior to the issuance of a building permit, rather than the issuance of the occupancy permit as proposed by Attorney Zehnder. 3. All items of concern raised by the Town Engineer and Town Planner have been met. 4. The requested waivers are reasonable. 5. At this time, the plans and requirements of the zoning bylaws appear to have been met. 6. As of January 5, 2021, 16 letters/emails were received from abutters and a legal representative of abutters. These are not included again as the Board members have these from the previous packet and they are also available on the January 12, 2021 online agenda packet. PB2020-26 Royal Staff Report #4 7. As of February 1, 2021, three (3) additional letters have been received. Copies of these letters are attached. 8. Generally I do not comment beyond the requirements for site plan review and special permits; however, I do want to point out that the various town departments, the Town’s professional staff (Health, Conservation, Police, Fire, DPW, Engineering, and Planning) has reviewed and commented on this application. 9. Additionally, the application before the Planning Board is not for “Capital A” affordable housing, which would be a Comprehensive Permit (aka 40B) before the Zoning Board of Appeals. The application before the Board is for multifamily housing. The applicant has agreed to restrict in perpetuity two (2) studio units. 10. Reasonable conditions are recommended including: a. Erosion control shall be install and maintain during construction on the 100’ conservation buffer line to ensure work stays out of conservation jurisdiction. Permits from Conservation shall be required if work enters conservation jurisdiction. b. A passing Title 5 inspection be submitted to the Health Department prior to any

building permit approval. c. The existing fence on Bank Street shall be removed and/or reduced in height to meet the provisions of the Bulk Height By-Law. d. As agreed to by the applicant, two (2) studio units shall be held in perpetuity for rental exclusively to person meeting the guidelines for low and moderate-income families as determined by the United State Department of Housing and Urban Development (“HUD”) Published Income Guidelines and as may from time to time be amended. e. In lieu of constructing a sidewalk along Parallel Street the applicant shall submit \$10,000 to the Town of Harwich, through the Planning Office, for the Sidewalk Fund, prior to the issuance of a building permit. f. All signage shall comply with the Sign Code, Historic District & Historical Commission and Building Department Requirements. g. All lighting shall comply with the Lighting Code and Historic District & Historical Commission Requirements. h. Appropriate approvals from the Historic District & Historical Commission shall be required. i. Any changes to the approved site may require additional review and approvals from the Planning Board and the Historic District & Historical Commission. j. This decision shall be recorded at the Barnstable County Registry of Deeds. k. Conformance with all review procedure requirements outlined pursuant to §400-18.G Inspection, certificate of completion and as-built plan, of the Code of the Town of Harwich shall be met.

Twelve additional letters of concern have been received, which are all part of the record.

Ms. Maslowski asked if the affordable deed restrictions would be held by the town, or the affordable housing trust. Mr. Zehnder stated that the details were not discussed, but they are happy to discuss how that will be held.

Mr. Stoltz asked how many parking spaces are required for this project. Mrs. Greenhalgh and Mr. Zehnder stated 41, but they are providing 43.

Mr. Stoltz would like to see the two parking spaces along parallel removed, as they do not meet setbacks. Mr. Harris stated he has no objection to keeping the two spaces. This will help people from parking on Parallel Street. Mr. Chadwick agreed that it would be helpful for a maintenance worker, and is in favor of keeping the spots. Vice-Chairman Peterson is in agreement to keeping the two additional spots.

Attorney Reid, representing 109 Parallel Street, stated that he is disappointed that the public does not have the benefit of seeing Town Counsel’s opinion. They deserve to know how, and why, she reached the conclusions she did. His opinion is that the Board may not act upon this application. By his estimation, and the plan does not label the 50’ setback, but it appears that 23 of the 43 parking spaces do not comply with the required setbacks. If you grant a waiver that allows the doubling of the occupancy of this building, this is a substantive change. This is a substantive relief grant with a waiver. Town counsel says you can, but it doesn’t mean you have to, or you should vote on the matter. Parking bylaw does not set forth criteria which shows what you should grant or not.

Jim McGrath of 254 Bank Street agreed with Mr. Reid.

Diane and John Rinkas also agree with Mr. Reid. They have sent a letter with similar information. They are not opposed to multifamily dwelling, they are opposed to the issuance of

variances. The owners purchased this property knowing what the current Bylaws were. This is far too dense, and eliminates green space. There is no consistency in applying conditions to development of properties. The variances should not be granted. They can put multiple units in, stay within a reasonable amount of units, so the density is not impacted by the town.

Elizabeth Harder stated that we are in need of housing in Harwich. This is the perfect space. Neighbors don't like housing, but it is needed. She rented a condo at Country Gardens, and people didn't even know it existed. There were never cars, and there were so many units. Traffic and parking are lovely ways of saying you don't want housing in your neighborhood. People can walk to stores, restaurants, library, and the park. This is wonderful.

Ms. Rinkas responded that this is very different then Country Gardens. These apartments are 10' x 10'. This will not solving a housing issue.

A lengthy discussion ensued.

Art Bodin spoke in support of the project.

Mr. Winston requested that every single letter, from every single abutter be read. He gave a history of the property. This is absolutely inappropriate.

Chairman Berry responded that the letters have been read many times, they are all included in the packet, and they are all part of the record.

A lengthy discussion ensued.

Mr. Chadwick made the motion to close the public hearing at 8:27 pm, seconded by Mr. Harris, unanimously so voted via roll call.

On a motion from Ms. Maslowski, seconded by Mr. Harris, the Board voted (6-1-0) by rollcall vote (Mr. Stoltz voting against) to approve the following waivers and accept the reasons for each waiver as provided by the applicant: 1. Filing Fee. 2. Variance Notations on Plan. 3. Existing Driveways within 100 feet of site. 4. Lighting. 5. Freestanding Sign. 6. Parking Area Setback Requirements.

Ms. Maslowski made the motion to vote to adopt proposed findings: To adopt the following findings of fact (the Board may wish to add or change findings): 1. The property is located within the M-R-L zoning district and the Harwich Center Overlay district. 2. The existing structure has been used as an assisted living facility containing 31units. 3. 26 apartment units are proposed all of which meet the minimum floor area requirements. 4. Appropriate and adequate parking shall be provided on the subject site. 5. Multifamily Use is allowable within the MR-L zoning district with a Special Permit. 6. The Harwich Center Overlay District allows for waivers from dimensional provisions. 7. Two of the units will be held in perpetuity for low and moderate income families consistent with HUD Guidelines. 8. The use as developed will not adversely affect the neighborhood. 9. The specific site is an appropriate location for such a use. 10. The design is appropriate and consistent patterns of village development. 11. There will be no

nuisance or serious hazard to vehicles or pedestrians. 12. Adequate and appropriate facilities will be provided for the proper operation of the proposed use, including appropriate sewage treatment. Seconded by Mr. Harris. Roll call vote (6-1-0) with Mr. Stoltz casting the dissenting vote.

Ms. Maslowski made the motion to vote on Multifamily Use special Permit to approve with conditions case PB2020-26 The Royal Apartments LLC, for a Use Special Permit for Multifamily Use pursuant to the Code of the Town of Harwich §325- 51.Q (approved at the 9-26-2020 Town Meeting) for property located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district, based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich. The following condition is imposed: (Note need to determine and outline the conditions.) 1. A passing Title 5 inspection be submitted to the Health Department prior to any building permit approval. 2. Two (2) studio units shall be held in perpetuity for rental exclusively to person meeting the guidelines for low and moderate-income families as determined by the United State Department of Housing and Urban Development (“HUD”) Published Income Guidelines and as may from time to time be amended. All signage shall comply with the Sign Code, Historic District & Historical Commission and Building Department Requirements. 4. This decision shall be recorded at the Barnstable County Registry of Deeds. Seconded by Mr. Harris. Roll call vote (6-1-0) with Mr. Stoltz casting the dissenting vote due to parking requirements.

Ms. Maslowski made the motion to vote on Harwich Center Overlay District Special Permit A. To approve case number PB2020-26 The Royal Apartments LLC, for a Special Permit pursuant to the provision of §325-51.O – Harwich Center Overlay District of the Code of the Town of Harwich for property located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district, based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich. Seconded by Mr. Harris. Roll call vote (6-1-0) with Mr. Stoltz casting the dissenting vote.

Ms. Maslowski made the motion to vote on Site Plan Review Special Permit to approve with conditions case number PB2020-26 The Royal Apartments LLC, for a Site Plan Review for the proposed use, Multifamily, and additional parking and other appurtenances pursuant to the Code of the Town of Harwich §325-55 for property located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district. The decision is based on the aforementioned findings of fact, the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich and the fact that the Multifamily Use is permitted by Special Permit in the zoning district. The following conditions are imposed: 1. Erosion control shall be install and maintain during construction on the 100’ conservation buffer line to ensure work stays out of conservation jurisdiction. Permits from Conservation shall be required if work will enter conservation jurisdiction. 2. A passing Title 5 inspection be submitted to the Health Department prior to any building permit approval. 3. The existing fence on Bank Street shall be removed and/or reduced in height to meet the provisions of the Bulk Height By-Law. 4. Prior to the issuance of a building permit and in lieu of constructing a sidewalk along Parallel Street the applicant shall submit \$10,000 to the Town of Harwich, through the Planning Office, for the Sidewalk Fund. 5. All signage shall comply with the Sign Code, Historic District & Historical

Commission and Building Department Requirements. 6. All lighting shall comply with the Lighting Code and Historic District & Historical Commission Requirements. 7. Appropriate approvals from the Historic District & Historical Commission shall be obtained as required. 8. Any changes to the approved site may require additional review and approvals from the Planning Board and the Historic District & Historical Commission. 9. This decision shall be recorded at the Barnstable County Registry of Deeds. 10. Conformance with all review procedure requirements outlined pursuant to §400- 18.G Inspection, certificate of completion and as-built plan, of the Code of the Town of Harwich shall be met. Seconded by Mr. Harris. Roll call vote (6-1-0) with Mr. Stoltz casting the dissenting vote.

PB2020-33 Main Street Stone Horse, 872 Route 28, Use Special Permit

Chairman Berry reopened the hearing at 8:39 PM. Main Street Stone Horse, applicant & owner, c/o William F. Riley, Esq. representative, seeks a new Use Special Permit, to convert one of the two dormitory buildings, specifically the building known as 868 Route 28, into twenty two (22) one-bedroom apartments and to amend the previously approved Site Plan Review Special Permit granted under case PB2019-13 with additional parking requirement and other waivers. The application, is pursuant to the Code of the Town of Harwich §325-51.Q (Multifamily Use) and §325-55 (Site Plan Review). The property is located 872 Route 28, Map 25, Parcel A2, is located in the CH-1 zoning district. Hearing continued from January 26, 2021. Please note: the applicant has requested a Withdrawal without Prejudice of this application

Mr. Chadwick made the motion to close the public hearing, seconded by Mr. Harris, unanimously so voted via roll call (6-0-0).

Ms. Maslowski made the motion to allow the withdrawal without prejudice, seconded by Mr. Harris, unanimously so voted via roll call.

MEETING MINUTES: Vice Chairman Peterson made the motion to accept the minutes from January 12, 2021, January 23, 2021, and February 9, 2021, seconded by Mr. Chadwick, unanimously so voted via roll call 6-0-0.

ZONING AMEDNMENTS:

Chairman Berry stated that Cape Cod Commission is producing visuals, he hopes to hear from them by the end of the week.

Mrs. Greenhalgh explained that the first proposed amendment has to do with the West Harwich Special District. The proposed amendment reads as follows:

To see if the Town will vote to amend the Code of the Town of Harwich – Zoning Article XXIV West Harwich Special District by adding a new §325-160 as follows: §325-160 Design Guidelines For the purpose of this section the Harwich Planning Board shall adopt “West Harwich Special District Site and Architectural Design Guidelines” which shall constitute rules and regulations guiding historic structures and new construction within the WHSD. Explanation: The new section 325-160 references design guidelines for the West

Harwich Special District, which will be created and adopted by the Harwich Planning Board through a separate public hearing process. These guidelines will assist property owners and applicants with the development and redevelopment of properties within the West Harwich Special District (aka the West Harwich DCPC).

A brief discussion ensued.

Vice-Chairman Peterson made the motion to refer this proposed amendment to the Board of Selectmen for the purposes of a referral back to the Planning Board to begin the public hearing process, seconded by Ms. Maslowski, unanimously so voted via roll call (6-0-0).

Mrs. Greenhalgh explained the next proposed zoning amendment relative to the MRL and MRL-1 parking setbacks. The proposal is to amend the parking setbacks within these districts. The proposal is as follows:

Article ____: To see if the Town will vote to amend the Code of the Town of Harwich – Zoning by amending §325-42.L by making the following changing (new text shown in **bold underline** and deleted language shown in ~~strike-out~~):

Parking and loading zone setbacks for all uses except single-family, two-family and single-family with accessory apartment shall be as follows. For commercial structures, wheel stops for parking spaces perpendicular to or at an angle to a structure shall be located so as to provide a clear area of three feet between the end of a vehicle parked in the space and the nearest structure.

Zone	Parking Setbacks ¹ (feet)		
	Street	Side Line	Rear
RR, RM, RL, RH-1, RH-2 and RH-3	20	10	10
CV, CH-1 and CH-2	20	10	10
IL	15	5	5
MRL and MRL-1	50	50	50
	<u>Note 2</u>	<u>Note 2</u>	<u>Note 2</u>

Notes:

¹ No parking area containing more than four spaces or loading area shall be located within a required front yard, except that those buildings utilizing the provisions of §325-51L (Village Commercial Overlay District) shall not locate any parking within the front yard.

²(1) On already improved properties, the setbacks for parking shall be established at the time of the site plan review.

(2) For vacant lands to be developed for any purpose (other than single-family, two-family and single-family with accessory apartment) the minimum setbacks for parking shall be 20 feet from the street and 10 feet from the side and rear property lines.

Mr. Stoltz would like the parking setback to be the same as the buildings. He would like to see 25' Road, 25' rear, 20' sides.

Mrs. Greenhalgh noted that is not consistent with parking in any other zoning districts; however it is entirely up to the Planning Board.

A lengthy discussion ensued and the Board agreed to Mr. Stoltz's changes.

Ms. Maslowski made the motion to refer this proposed amendment, as changed by Mr. Stoltz, to the Board of Selectmen for the purposes of a referral back to the Planning Board to begin the public hearing process, seconded by Mr. Chadwick, unanimously so voted via roll call.

ZONING BOARD OF APPEALS OPINIONS FOR FEBRUARY 24, 2021:

Mrs. Greenhalgh noted that 23 Bascom Hollow Road is an application that may be of interest to the Board. She stated that she wrote a dissenting letter as the Town Planner. They are seeking a variance of site coverage for a panhandle lot. Her response is that they chose to create the panhandle lot. A variance should not be approved.

BRIEFINGS AND REPORTS BY BOARD MEMBERS

The Board all wished Mrs. Greenhalgh good luck in her retirement!

ADJOURNMENT:

Mr. Peterson made the motion to adjourn at 9:01 PM, seconded by Ms. Maslowski, unanimously so voted via roll call.

Respectfully Submitted,
Kathleen A. O'Neill

Adopted: