

Harwich Planning Board Agenda
Tuesday, May 12, 2020 – 6:30 PM
Griffin Room, Town Hall, 732 Main Street, Harwich
This meeting will be held VIA REMOTE PARTICIPATION.
Access is available through GoToMeeting.com and live broadcast on Channel 18

JOIN THE MEETING FROM YOUR DEVICE (Computer, Tablet OR Smartphone):
<HTTPS://GLOBAL.GOTOMEETING.COM/JOIN/589160021>

DIAL IN INSTRUCTIONS FOR AUDIO PARTICIPATION:
JOIN THE MEETING BY TELEPHONE: +1 (872) 240-3212

ACCESS CODE: **589-160-021**

- 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. 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.
- II. **Public Hearing**
 - A. **Continued PB2019-45 Royal Apartments LLC**, as owner, Alex Bardin, Representative, seeks approval of a Multi-Family Use Special Permits in the Harwich Center Overlay District and a Site Plan Review Special Permit for the proposed use and additional parking and other appurtenances pursuant to the Code of the Town of Harwich §§325-51.D and -51.O and 325-55. The property is located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L, Harwich Center Overlay and Historic Districts. Continued from April 14, 2020. *Please note: the applicant has requested that the applicant be withdrawal without prejudice.*
 - B. **PB2020-12 Eastward Home Business Trust**, Eastward MBT, LLC, Trustee, c/o Eastward Companies, seeks approval of a Modification of a Definitive Subdivision Plan pursuant to M.G.L. c.41 §81K-GG, and §400 of the Code of Town of Harwich for the subdivision known as Bascom Hollow Assessors Map 97, Barnstable County Registry of Deeds Plan Book 675, Page 71. The property is within R-R and the W-R overlay districts. The modification is relative to the Board of Health conditions only.
- III. **Public Meeting***
 - A. New Business:
 - B. Meeting Minutes: April 28, 2020
 - C. Old Business: Brief discussion on draft amendment to Multi-family Dwelling related Bylaws
 - D. Briefings and Reports by Board Members
- IV. **Adjourn**

*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) – Thursday, May 28, 2020.
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

HARWICH PLANNING BOARD
PUBLIC HEARING NOTICE

REMOTE PARTICIPATION INSTRUCTIONS FOR
TUESDAY, MAY 12, 2020 6:30 PM - 9:00 PM (EDT) (ONLY)

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

[HTTPS://GLOBAL.GOTOMEETING.COM/JOIN/589160021](https://global.gotomeeting.com/join/589160021)

You can also dial in using your phone.

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

Access Code: 589-160-021

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Rollcall votes for May, 2020 Planning Board Meeting

Rollcall vote of members present:

Board Member	Present Y/N
Duncan Berry	
Craig Chadwick	
David Harris	
Joe McParland	
Mary Maslowski	
Allan Peterson	
Arthur Rouse	
Bill Stoltz	

Ask for names of others in attendance: (Charleen will also keep track of who logs/calls in)

Charleen Greenhalgh, Town Planner
Katie Tenaglia

PB2019-45 Royal Apartments LLC, Site Plan Special Permit

Vote 1: Motion to Close the Public Hearing

Note who makes the motion and 2nd

Member	Vote
Duncan Berry	
Craig Chadwick	
David Harris	
Joe McParland	
Mary Maslowski	
Allan Peterson	
Arthur Rouse	
Bill Stoltz	

Vote 2: Motion for W/D w/out Prejudice

Note who makes the motion and 2nd

Member	Vote
Duncan Berry	
Craig Chadwick	
David Harris	
Joe McParland	
Mary Maslowski	
Allan Peterson	
Arthur Rouse	
Bill Stoltz	

Vote 3: Motion on Request for Fee Waiver

Note who makes the motion and 2nd

Duncan Berry	
Craig Chadwick	
David Harris	
Joe McParland	
Mary Maslowski	
Allan Peterson	
Arthur Rouse	
Bill Stoltz	

PB2020-12 Eastward Home Business Trust Modification Plan

Arthur Rouse as an alternate member is not eligible to vote on the Modification.

VOTE #1

Motion to continue the hearing

Note who makes the motion and 2nd

OR

Motion to close the hearing

Note who makes the motion and 2nd

Member	Vote
Duncan Berry	
Craig Chadwick	
David Harris	
Joe McParland	
Mary Maslowski	
Allan Peterson	
Bill Stoltz	

Member	Vote
Duncan Berry	
Craig Chadwick	
David Harris	
Joe McParland	
Mary Maslowski	
Allan Peterson	
Bill Stoltz	

VOTE #2

Motion on Findings of Fact

Note who makes the motion and 2nd

VOTE #3

Motion on Modification Plan

Note who makes the motion and 2nd

Member	Vote
Duncan Berry	
Craig Chadwick	
David Harris	
Joe McParland	
Mary Maslowski	
Allan Peterson	
Bill Stoltz	

Member	Vote
Duncan Berry	
Craig Chadwick	
David Harris	
Joe McParland	
Mary Maslowski	
Allan Peterson	
Bill Stoltz	

Meeting Minutes – April 28, 2020

Motion to revise the schedule

Note who makes the motion and 2nd

Motion to Adjourn

Motion on adjourn the meeting

Note who makes the motion and 2nd

Member	Vote
Duncan Berry	
Craig Chadwick	
David Harris	
Joe McParland	
Mary Maslowski	
Allan Peterson	
Arthur Rouse	
Bill Stoltz	

Member	Vote
Duncan Berry	
Craig Chadwick	
David Harris	
Joe McParland	
Mary Maslowski	
Allan Peterson	
Arthur Rouse	
Bill Stoltz	

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

May 4, 2020

To: Planning Board
From: Charleen Greenhalgh, Town Planner
Re: PB2020-45 Royal Apartments

The applicant's representative has requested a withdrawal without prejudice of this application and additionally a waiver of the filing if they do decide to make an application in the future for this property.

From a staff perspective I do not have a concern or issue with either request; however, if the Board does vote approve a future fee waiver, I would recommend that a new filing must be made within 365 days (from the Board's vote on May 14, 2020). Below please find prepared motions for the Board's convenience.

One final note. There are some on the Board who believe that a motion is necessary to close the public hearing, even if the request before the Board is to allow for the withdrawal without prejudice. There is also a proposed motion to close the hearing.

Vote to close the hearing:

Move to close the public hearing for PB2019-45 Royal Apartments.

Vote on Request for Withdrawal Without Prejudice:

Positive Motion: Move to allow for the withdrawal without prejudice of case PB2019-45 Royal Apartment

Negative Motion: Move to allow for the withdrawal of case PB2019-45 Royal Apartment with prejudice.

Vote of Request for a Waiver of a future filing fee:

Positive Motion: Move to allow for the request for a waiver of a future Planning Board filing fee for 328 Bank Street, provided said application is made within 365 days from today.

Negative Motion: Move to deny the request for a waiver of a future Planning Board filing fee for 328 Bank Street.

Charleen Greenhalgh

From: Benjamin E. Zehnder <BZehnder@latanzi.com>
Sent: Monday, May 4, 2020 2:20 PM
To: Charleen Greenhalgh
Cc: 'Alex Bardin'
Subject: Royal Apartments LLC - PB2019-45

Hello Charleen and Members of the Planning Board:

I am requesting that the above matter be permitted to be withdrawn without prejudice. I also request that the Board consider and approve a waiver of filing fees in the event of re-filing of site plan review and special permit applications for this applicant and property.

Thank you and my regards to all,

Ben Zehnder

Benjamin E. Zehnder
La Tanzi, Spaulding & Landreth
8 Cardinal Lane; P.O. Box 2300
Orleans, MA 02653
(508) 255-2133
(508) 255-3786 (fax)
(508) 246-4064 (mobile)
bzehnder@latanzi.com
Orleans/Provincetown/Barnstable



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BEWARE! WIRE FRAUD IS ON THE RISE.

Accepting wire and disbursement instructions by email is dangerous, especially changes to those instructions. Verify by calling the originator of the email using previously known contact information prior to sending funds.



Agenda #I.B

To: Planning Board
From: Charleen Greenhalgh, Town Planner
Date: May 1, 2020
Re: Staff Report – Definitive Subdivision Plan

PB2020-12 Eastward Home Business Trust, Eastward MBT, LLC, Trustee, c/o Eastward Companies, seeks approval of a Modification of a Definitive Subdivision Plan pursuant to M.G.L. c.41 §81K-GG, and §400 of the Code of Town of Harwich for the subdivision known as Bascom Hollow Assessors Map 97, Barnstable County Registry of Deeds Plan Book 675, Page 71. The property is within R-R and the W-R overlay districts. The modification is relative to the Board of Health conditions only.

The Planning Board will hold a public hearing on Tuesday, May 12, 2020 not sooner than 6:30 P.M. The applicants were notified via certified mail on April 23, 2020.

MGL Reference and Planning Board Jurisdiction

Pursuant to MGL c.41, §81U the Planning Board must, within 135 days of submission of application of a modification plan (provided a preliminary plan was filed), take final action and file said decision with the Town Clerk. The 90 days expire on August 20, 2020.

This application is also filed pursuant to Town of Harwich Chapter 400 – Subdivision of Land and Site Plan Special Permit (“Rules and Regs”) §400-10, §400-11.C and §400-12 thru §400-14.

Description

This is a modification of a plan approved by the Planning Board in 2018 – PB2018-13 Bascom Hollow subdivision of Route 39. This is an 8-Lot subdivision and the only change is the condition imposed by the Board of Health. This modification plan reflects those changes. The application and plans included the following and were filed with the Town Clerk on April 7, 2020:

1. Cover Letter dated April 6, 2020 from Eastward Companies
2. Planning Board Application Form B-1
3. Copy of PB2018-13 Decision
4. Copy of Certificate of Conformance from the Board of Health dated March 26, 2020.
5. Copy of Board of Health approval of preliminary plan dated March 22, 2018.
6. Copy of “Modification of Definitive Division Plan” 1522 & 1546 Orleans Road (Rte. 39), East Harwich, MA Recorded in Plan Book 675, Page 71, Prepared by Eastward Homes Business Trust, dated 04-10-2018, scale 1” = 60’, prepared by Clark Engineering LLC and Terry A. Warner, P.L.S.

Waivers: The applicant has not submitted any waiver requests and none are necessary.

Filing Fee: A filing fee of \$525 was submitted on April 7, 2020

Department Comments

Health: Due to the funding shortages, this phase of CWMP will not be completed per the original schedule. The revised Environmental Impact Review proposes individual conventional Title 5 systems on the remaining 4 Lots.

After considerable review and discussion, it was decision of the Board to approve the proposal with the following order of conditions:

1. Allow the newly released properties to have conventional systems on their own lots and that if funding to complete this section of municipal sewer is not approved at a 2020 special fall town meeting, that Innovative/Alternative technology will be added to the systems.

Planning Staff Comments

1. The original plan and decision restricted the number of lots that could be developed to four (4) lots. The Board of Health has now changed that conditions to allow for all the lots to be built on with proper septic systems. A note on the modification plan has been added to indicate this change.
2. The original condition imposed by the Board of Health restricting development to only four (4) of the lots is still noted on the plan; this should be deleted or crossed out, based on the new condition imposed.
3. Currently Lots 3, 5, 6 and 7 have been released for building purposes. Lot one was released for the community septic system (which will not be taking place based on the new condition imposed by the Board of Health.)
4. There is no need for a new covenant, as the existing covenant is adequate.

BOARD VOTE

Continuance

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

Move to continue the hearing for **PB2020-12 Eastward Home Business Trust**, to no earlier than 6:30 pm on _____ (Next Meeting Dates: *May 28, June 9*) for the following reason(s):
Need to provide reasons for the continuance...additional information.

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

I. Vote to Close the Public Hearing

II. Findings of Fact: (Vote to adopt)

1. There are no changes proposed other than the number of parcels that can be developed.
2. The modification does not change the fact that this is a division of land for single-family homes is a permitted use or two-family by special permit, in the underlying RR and the Water Resources district.
3. Board of Health requirements will be met.

III. Vote on the Modification Plan

1. To **approve** PB2020-12 Eastward Home Business Trust, Eastward MBT, LLC, Trustee, c/o Eastward Companies, a Modification of a Definitive Subdivision Plan (PB2018-13) pursuant to M.G.L. c.41 §81K-GG, and §400 of the Code of Town of Harwich for the subdivision known as Bascom Hollow Assessors Map 97, Barnstable County Registry of Deeds Plan Book 675, Page 71. The property is within R-R and the W-R overlay districts.
2. To **approve with conditions** PB2020-12 Eastward Home Business Trust, Eastward MBT, LLC, Trustee, c/o Eastward Companies, a Modification of a Definitive Subdivision Plan (PB2018-13) pursuant to M.G.L. c.41 §81K-GG, and §400 of the Code of Town of Harwich for the subdivision known as Bascom Hollow Assessors Map 97, Barnstable County Registry of Deeds Plan Book 675, Page 71. The property is within R-R and the W-R overlay districts. The following conditions are imposed and required to be submitted prior to endorsement of the plan and covenant (*these are suggested conditions*):
 - a. The existing covenant recorded at the Barnstable County Registry of Deeds, Book 31370, Page 49 shall run with this Modification Plan.
 - b. This decision shall comply with the conditions imposed by the Harwich Board of Health dated March 26, 2020 and recorded at the Barnstable County Registry of Deeds, Book 32798, Page 113.
3. To **deny** the application for an 8 Lot definitive subdivision for Eastward Home Business Trust, Eastward MBT, LLC, Trustee, c/o Eastward Companies, for the definitive subdivision plan entitled “Bascom Hollow Subdivision”, prepared for Eastward Homes Business Trust, prepared by Clark Engineering LLC and Terry A. Warner, P.L.S, Definitive Subdivision Plan, dated 04-10-2018, revised 05-09-18, scale 1” = 60’, Sheet 1. (*The Board **must** provide written reasons as to why the subdivision does not meet the Rules and Regulations and/or zoning requirements.*)

HARWICH PLANNING BOARD
PUBLIC HEARING NOTICE

The Harwich Planning Board will hold a public hearing no earlier than 6:30 PM on Tuesday, May 12, 2020 in the Griffin Meeting Room, 732 Main St., Harwich, MA to consider the following applications. The meeting may be via REMOTE PARTICIPATION ONLY. Written comments may be submitted to the Planning Board at the address shown below or emailing the Town Planner, Charleen Greenhalgh, at cgreenhalgh@town.harwich.ma.us. Anyone having interest the application is invited to access the meeting via GoToMeeting.com. Instructions regarding how to access and participate in the meeting will be posted on the Planning Board's Agenda page for the date of the meeting: <https://www.harwich-ma.gov/node/2451/agenda/2020>. The application and plans can also be viewed using the same website link noted above under Planning Board Legal Notice May 12, 2020.

PB2020-12 Eastward Home Business Trust, Eastward MBT, LLC, Trustee, c/o Eastward Companies, seeks approval of a Modification of a Definitive Subdivision Plan pursuant to M.G.L. c.41 §81K-GG, and §400 of the Code of Town of Harwich for the subdivision known as Bascom Hollow Assessors Map 97, Barnstable County Registry of Deeds Plan Book 675, Page 71. The property is within R-R and the W-R overlay districts. The modification is relative to the Board of Health conditions only.

All documents related to the above cases are on file with the Planning Department and the Town Clerk; however, they can only be viewed using the same website link noted above, and can be found under Planning Board Legal Notice May 12, 2020. You may also email the Town Planner.

In accordance with state law, this legal notice will also be available electronically at 'www.masspublicnotices.org.' The Town is not responsible for any errors in the electronic posting of this legal notice.

Joseph P. McParland, Chair
Cape Cod Chronicle Print Dates: April 23 & April 30, 2020

EASTWARD COMPANIES

April 6, 2020

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

**RE: Bascom Hollow – East Harwich
Modification of Definitive Subdivision Plan – Filing Package**

Dear Members of the Board:

Eastward MBT LLC, Trustee of Eastward Homes Business Trust, William Marsh, Manager, is submitting the following items for your review of the proposed Modification request on Tuesday, May 12, 2020:

1. Two (2) completed applications – Form B-1
2. Two (2) copies of the Municipal Lien Certificate from the Town Treasurer
3. Filing Fee consistent with the fee schedule
4. Six (6) full size copies of the recorded Definitive Subdivision Plan
5. Eleven (11) reduced copies of the recorded Definitive Subdivision Plan
6. Planning Board Decision PB2018-13 Definitive Subdivision Plan Approval dated March 29, 2018
7. Copy of recorded Board of Health Certificate of Conformance dated March 26, 2020, approving the preliminary subdivision plan
8. Abutter's List

The Planning Board approved the 8-lot Definitive Subdivision Plan in May 29, 2018 with the following conditions:

1. Board of Health conditions shall be noted on the Definitive Plan, Sheet 1.
2. The road shall be known as Bascom Hollow.
3. A standard Planning Board Agreement & Covenant shall be fully executed and recorded at the Barnstable County Registry of Deeds.

Based on the Town's schedule for the installation of the municipal sewer in 2018, we proposed and requested to limit the development to 4 lots until such time as the connection to the municipal sewer was available. We understood that we'd be able to hook-up to the sewer line in Route 39/Orleans Road sometime in 2020. We proposed construction of a shared septic system to serve the 4 lots. The system would consist of a 6,000 gallon two compartment septic tank, distribution box, and an 1,824 gallon per day soil absorption system located on "Lot 1". The Board of Health approved the Definitive Subdivision Plan on May 14, 2018 and included the following conditions with the approval (These conditions are noted on the recorded Definitive Subdivision Plan):

1. The development is restricted to a maximum of 4 lots, 16 bedrooms, 1,760 gallons per day until such time as municipal sewer is available for use.
2. Each lot is restricted to a maximum of 4 bedrooms.
3. In order to prepare for connection to municipal sewer, the waste lines will exit the buildings on the street side.
4. The Harwich Board of Health will not consider any variances from Title 5 of Harwich Board of Health Regulations for any of the lots.
5. The subdivision will be served by town water.

Eastward Companies installed the proposed/approved system with a sewer line in Bascom Hollow to serve all houses once the sewer is up and running. The Planning Board has released Lots 1 (for the installation of the community septic system), 3, 5, 6, and 7. We completed 3 houses on Lots 3, 5, and 7 in 2019 and they are now occupied. We are now negotiating with a buyer on the purchase of Lot 6 and designing a house with construction to start this year. We have just put another one of the remaining 4 lots in the subdivision under agreement to build a new home this year.

We now understand that the sewer line installation in this area may not be completed for at least 2 years. Our agreement in 2018 with the Board of Health was made in a good faith effort that the sewer would be available sometime this year for all the lots in the subdivision. However, we have now been forced to look at an alternative to address the septic issue at hand with the delay in the municipal sewer.

April 6, 2020
Page 3

We met with the Board of Health on March 17, 2020 to discuss the current status of the Town sewer installation and requested a revision to their conditions of approval to allow the installation of individual septic systems on the remaining 4 lots in the subdivision: 1, 2, 4, and 8. The Board of Health approved this request and included the following condition:

1. Allow the newly released properties to have conventional systems on their own lots and that if funding to complete this section of municipal sewer is not approved at a 2020 special fall town meeting, that Innovative/Alternative technology will be added to the systems.

With this Modification request, we are asking the Planning Board to modify the conditions of their approval of the Definitive Subdivision Plan to incorporate the Board of Health's new condition, in the Board's decision and on the subdivision plan.

If you should have any questions or need additional information for your review, please do not hesitate to contact me. We appreciate the Board's consideration of our request.

Sincerely,



Susan B. Ladue
Regulatory Specialist

cc: William Marsh, President
William Riley, Esq.
David Clark, P.E.

TOWN OF HARWICH PLANNING DEPARTMENT



PLANNING BOARD APPLICATION
SUBDIVISION FORM B-1

TO THE TOWN CLERK, HARWICH, MA

DATE 4-6-20

PART A – APPLICANT INFORMATION/AUTHORIZATION

Applicant Name(s)	EASTWARD MBT, LLC, TRUSTEE EASTWARD HOMES BUSINESS TRUST
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	SUSAN LADUE EASTWARD COMPANIES
Street/PO Box	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
 Tenant*
 Prospective Buyer*
 Representative for Owner/Tenant/Buyer
 Other* _____

**Written permission of the owner(s).*

All other forms and information as required in the Harwich Code §400 shall be submitted as part of this application including municipal lien certificate(s), available through the Tax Collector's Office.

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 Town Staff to visit and enter upon the subject property for the duration of the consideration of this application.

Susan B. Ladue for Eastward Companies
 Applicant Carlton Mough

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

Official use only:

PLANNING DEPARTMENT	TOWN CLERK
Case #	

#3, 7, 15, + 16

PART B - PROJECT LOCATION

Street Address	BASCOM HOLLOW	
Village	EAST HARWICH	Zip Code 02645
Map	97	Parcel(s): B2-5, B2-6, B2-8, + B2-12
Zoning District(s)	RE + DWEPD/ZONE II	
Frontage (linear feet)		
Total land area (SF)	N/A	
Upland (SF)		
Wetlands (SF)		
Number of lots and/or parcels	Existing:	Proposed:

The owner's title to said land is derived under deed from DEAN M. BASCOM, dated 12-8-2017 and recorded in the Barnstable Registry of Deeds AND DEED FROM PAUL R. O'CONNELL III Book and Page 30950/131 or registered in Barnstable County Land Court DATED 9-20-2017 BOOK 30775, PAGE 86 Certificate of Title No. _____.

PART C - PROJECT DESCRIPTION

Number of lots and/or parcels	Existing: <u>NO PROPOSED CHANGE TO THE NUMBER OF LOTS</u>	Proposed:
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The undersigned owners of all land described herein submitted in the accompanying plan entitled _____ and dated _____,

request a determination and endorsement by said Board that approval by it under the **Subdivision Control Law MGL Ch. 41 Sec. 81K-GG**: (check as appropriate)

is required (complete Part C.1 Subdivision) or is NOT required (complete Part C.2 ANR)

PART C.1 - Planning Board Approval is Required - Subdivision

- The accompanying plan is a (check one):
 - Preliminary plan
 - Definitive without a preliminary plan
 - Definitive following a Preliminary plan filed on _____ /case # PB _____
 - Modification of a Definitive plan approved on 5-29-18 /case # PB 2018-13
 - Rescission of a Definitive plan approved on _____ /case # PB _____

2. The applicant is also requesting a **Special Permit** to accompany the proposed plan for the following (check all that apply):

N/A

- USE - Does not require Site Plan Review
 - ___ Open Space Residential Development
 - ___ Flexible Cluster Development/Six Ponds Special District
 - ___ Accessory Apartment
 - ___ Two-Family Dwellings
 - ___ Other _____
- OVERLAY DISTRICT
 - ___ Water Resource Protection
 - ___ Harwich Center
 - ___ Six Ponds
 - ___ Village Commercial (Harwich Port)

*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 Commission. Please inquire with the Building Department for forms and instructions.

N/A

PART C.2 – Planning Board Approval is Not Required - ANR

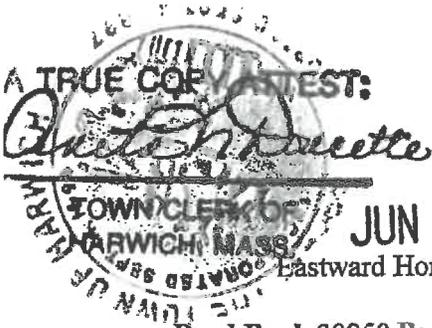
The accompanying plan does not require approval by the Planning Board because:

- 1. The lots are created on an approved way, with proper frontage and are served by safe and adequate access as follows:
 - a. Every lot shown on the plan has frontage of at least such distance as is presently required by the Zoning Code of the Town of Harwich under Article VI: §325-15 and §325-16, Table 2 which requires _____ feet for erection of a building on such lot, **and**;
 - b. The lots shown on such plan front on one of the three types of ways specified in Chapter 41, Section 81L, MGL, **and**;
 - a public way or a way that the Harwich Town Clerk certifies is maintained and used as a public way namely _____, or
 - a way shown on a plan previously approved and endorsed in accordance with the subdivision control law namely _____ on _____ and subject to the following conditions _____; or
 - a private way in existence on March 25, 1949, the date when the subdivision control law became effective in the Town of Harwich, and
 - c. The public or private way named above has, in the opinion of the Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the land abutting or served thereby, and for the installation of municipal service to serve such land and the buildings existing thereon to be erected.

PROOF OF SAFE AND ADEQUATE ACCESS – Please attach all necessary documentation to this application for:

 - Determination of Safe and Adequate Access for existing conditions
 - Satisfaction of Safe and Adequate Access for proposed conditions
- 2. The accompanying plan is not a subdivision because the plan does not show a division of land.
- 3. The division of the tract of land shown on the accompanying plan is not a "subdivision" because it shows a proposed conveyance/other instrument, namely _____ which adds to/takes away from/changes the size and shape of, lots in such a manner so that no lot affected is left without frontage as required by Zoning Code of the Town of Harwich under Article VI: §325-15 and §325-16, Table 2 which requires _____ feet.
- 4. The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically _____ buildings were standing on the property prior to March 25, 1949 the date when the subdivision control law went into effect in the Town of Harwich and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the subdivision control law as follows:
- 5. Other reasons or comments: *(See MGL, Ch41, §81-L)*

COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
PLANNING BOARD



DECISION
DEFINITIVE SUBDIVISION

Owner/Applicant:

Eastward Home Business Trust, Eastward MBT, LLC, Trustee, c/o Eastward Companies

Deed Book 30950 Page 131
Deed Book 30775 Page 86

Plan Book 607 Page 14 (lots 1 & 2)

Address: 1522 (formerly) & 1546 Orleans Road

Map 97 Parcels B2-1-R & B2-2-R

Case No.: PB2018-13

Hearing Date(s): May 22 & 29, 2018

Decision Date: May 29, 2018

Hearing

At a duly advertised and scheduled public hearing (originally posted for May 22, 2018; however the original legal notice did not appear in the newspaper, therefore the hearing was re-advertised and abutters re-notified) held May 29, 2018 the Town of Harwich Planning Board, acting in the matter of case number PB2018-13 voted to approve an 8-lot Definitive Subdivision Plan pursuant to M.G.L. c.41 §81K-GG, and §400 of the Code of Town of Harwich. The subdivision is within the DEP Zone II & Pleasant Bay Watershed and the R-R and the W-R overlay districts.

The Board reviewed the submitted plan set entitled "Bascom Hollow Subdivision" prepared for Eastward Homes Business Trust, prepared by Clark Engineering LLC and Terry A. Warner, P.L.S, as follows:

1. Cover Sheet with Table of Content dated 04-10-2018, Revised 05-09-18, Drawing No. 0010151G
2. Definitive Subdivision Plan, dated 04-10-2018, revised 05-09-18, scale 1" = 60', Sheet 1.
3. Topography Plan, dated 04-10-2018, revised 05-09-18, scale 1" = 60', Sheet 2 of 7.
4. Plan & Profile, dated 04-10-2018, revised 05-09-18, scale 1" = 40' (Horizontal) and 1" = 4' (Vertical), Sheet 3 or 7.
5. Drainage & Paving Detail, dated 04-10-2018, scales as noted, Sheet 4 of 7.
6. Water and Sewer Detail, dated 04-10-2018, scales as noted, Sheet 5 of 7.
7. Sewage Disposal System Plan, dated 04-10-2018, revised 05-09-18, scale as noted, Sheet 6 of 7.
8. Erosion Control Details, dated 04-10-2018, scale as noted, Sheet 7 of 7.

In addition, a copy of a Storm Water Report, prepared by Clark Engineering LLC and stamped by David A. Clark, PE, dated April 10, 2018.

Attorney William Riley and Susan Ladue from Eastward Companies presented the application. After public deliberation and hearing from all parties having an interest in the case the Board closed the public hearing.

Findings of Facts

The Board members reviewed the criteria for granting a Definitive Subdivision and following a motion by Mr. McParland and seconded by Mr. Atkinson, the Board voted unanimously (6-0-0) to adopt the following findings of fact:

PLAN BOOK 615, PAGE 11

1. Said subdivision for single-family homes, or two-family by special permit, is a permitted use in the underlying RR and the Water Resources district.
2. Said subdivision does not adversely affect the neighborhood.
3. All lots demonstrate compliance with minimum dimensional requirements for frontage, area and shape.
4. Board of Health requirements will be met.
5. Proposed road construction satisfies all requirements, including the grade of the road, pursuant to §400-12 through 14; §400 Appendix 1-The Rational Method of Drainage Design; and Appendix 2 Tables 1 through 4.
6. Incorporated by reference is the Certificate of Conformance from the Board of Health dated May 22, 2018, which states in part that only four (4) lots can be developed until such time a municipal/town sewer is available to the subdivision.

Definitive Subdivision Decision

On a motion from Mr. McParland, seconded by Mr. Atkinson, the Board voted unanimously (6-0-0) to approve with conditions the application for an 8 Lot definitive subdivision for Eastward Home Business Trust, Eastward MBT, LLC, Trustee, c/o Eastward Companies, based on the foregoing findings and the fact that the application and plans meet the necessary requirements and criteria for approval pursuant to the Code of the Town of Harwich for the definitive subdivision plan entitled "Bascom Hollow Subdivision", prepared for Eastward Homes Business Trust, prepared by Clark Engineering LLC and Terry A. Warner, P.L.S, Definitive Subdivision Plan, dated 04-10-2018, revised 05-09-18, scale 1" = 60', Sheet 1. The following conditions are imposed and required to be submitted prior to endorsement of the plan and covenant:

1. Board of Health conditions shall be noted on the Definition Plan, Sheet 1.
2. The road shall be known as Bascom Hollow.
3. A standard Planning Board Agreement and Covenant shall be fully executed and recorded at the Barnstable County Registry of Deeds.

In accordance with MGL Ch. 41 Sec. 81U, which requires a majority vote for approval of a definitive subdivision plan, six of the seven board members voted as follows:

IN FAVOR: Brophy, Maslowski, Atkinson, McParland, Peterson and Harris
 OPPOSED: None
 ABSTAIN: None

Lawrence E. Brophy
 Lawrence E. Brophy, Chairman

This Decision has been filed with the Town Clerk on:

MAY 31 2018
Antonia D. D'Amico
 Town Clerk

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

Date filed: MAY 31 2018 Twenty Days Elapsed:

1 JUN 11 10 11 AM '18
 HARBOR
 2018
Antonia D. D'Amico
 Town Clerk



TOWN OF HARWICH

BOARD OF HEALTH

732 Main Street • Harwich, MA 02645
508-430-7509 • Fax 508-430-7531
E-mail: health@town.harwich.ma.us

**HARWICH BOARD OF HEALTH
3, 7, 15 & 16 BASCOM HOLLOW
MAP 97 PARCELS B2-5, B2-6, B2-8 & B2-12
BOOK 30775 PAGE 86
BOOK 30950 PAGE 131**

March 26, 2020

CERTIFICATE OF CONFORMANCE

Eastward Homes Business trust
Eastward MBT LLC, Trustee
155 Crowell Road
Chatham, MA 02633

**Re: Bascom Hollow
Revised Environmental Impact Report**

To Whom It May Concern:

At a meeting of the Board of Health on March 17, 2020, a hearing was conducted to consider an application for a revised Environmental Impact Review in accordance with Harwich Board of Health Regulation 1.211, which was originally approved on May 14, 2018. Based on the town's schedule for the installation of the municipal sewer in 2018, you proposed and requested to limit the development to 4 lots until such time as the connection to the municipal sewer was available.

Due to funding shortages, this phase of the CWMP will not be completed per the original schedule. The revised the Environmental Impact Review proposes individual conventional Title 5 systems on the remaining 4 lots.

After considerable review and discussion, it was a decision of the Board to approve the proposal with the following order of conditions:

1. Allow the newly released properties to have conventional systems on their own lots and that if funding to complete this section of municipal sewer is not approved at a 2020 special fall town meeting, that Innovative/Alternative technology will be added to the systems.

This letter is required to be recorded at the Barnstable County Registry of Deeds with a copy to be returned to the Harwich Health Department. This shall be completed prior to the issuance of any construction and or septic system permits. Each lot shall be recorded separately in order to alert current or future owners of this requirement.

Regards,

Meggan Eldredge

Meggan Eldredge, R.S., C.H.O
Health Director

Signature(s) of Owner and Legal Address

William Marsh

Date 30 March '20

WILLIAM MARSH
155 CROWELL ROAD, CHATHAM, MA 02633

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

MARCH 30, 2020

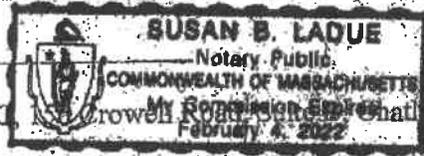
Date

On this 30th day of MARCH, 2020, the above named appeared before me, the undersigned notary public, and acknowledged the foregoing instrument to be their free act and deed.

Notary Public

Susan B. Ladue

My commission expires

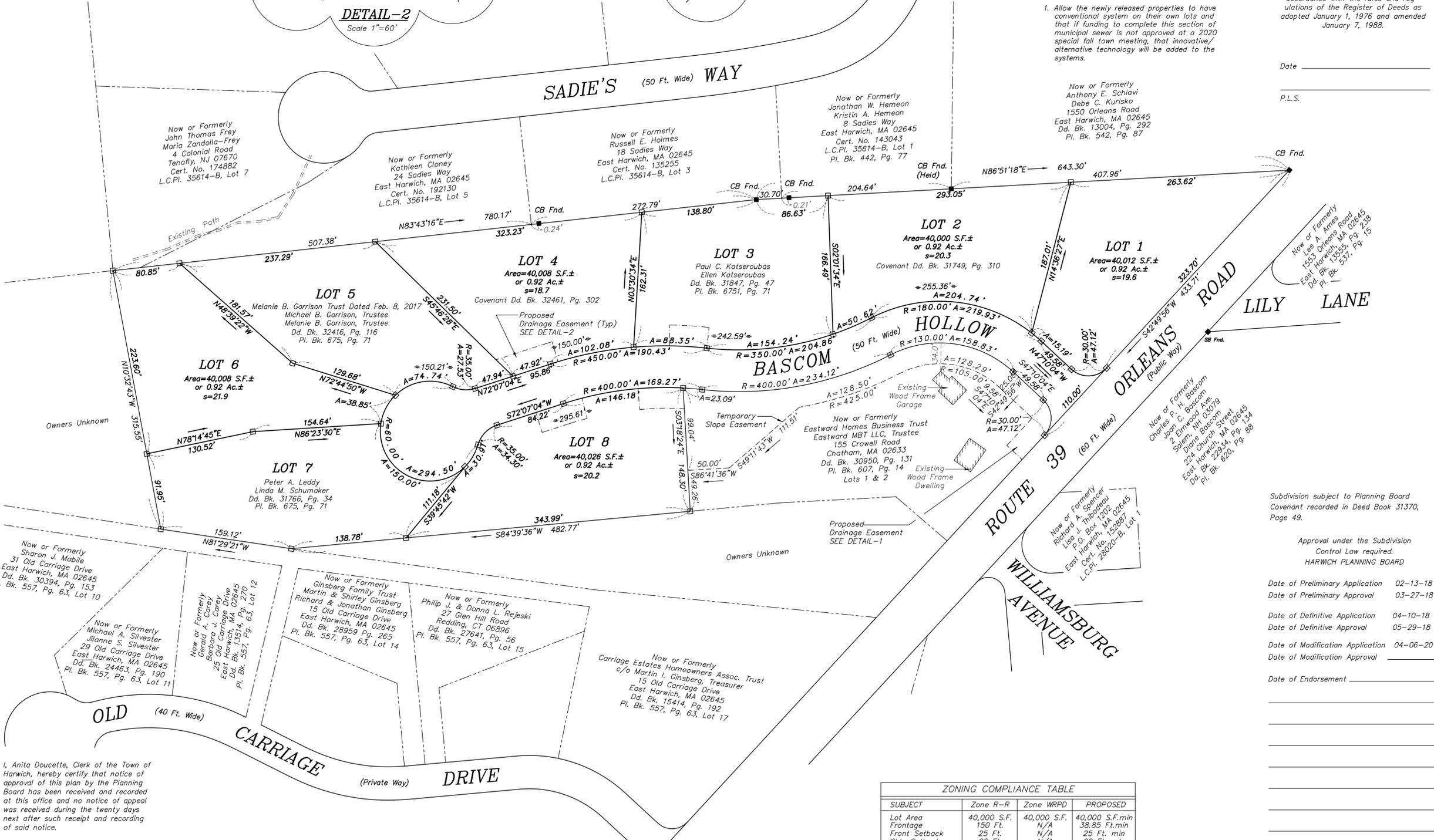
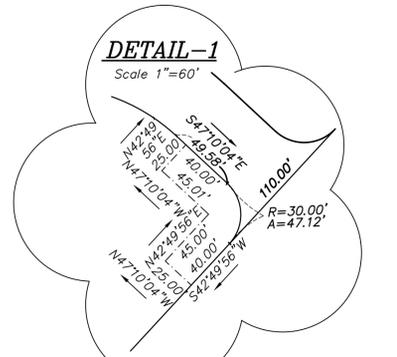
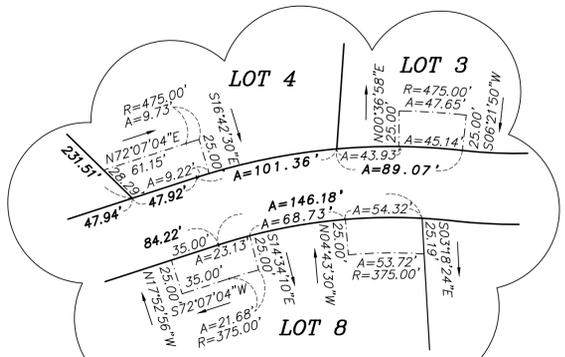


CC: Clark Engineering LLC,
Planning Board

155 Crowell Road, Chatham, MA 02633

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)
- Utility Pole
- Catch Basin
- Fire Hydrant
- Tree or Hedge Line
- Conc. Monument to be Set



Board of Health Approval 05-14-18
 HARWICH BOARD OF HEALTH RESTRICTIONS

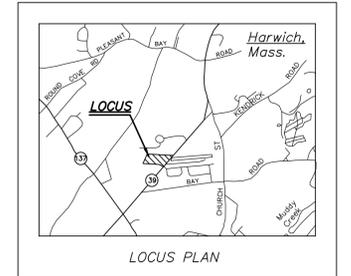
- The development is restricted to a maximum of 4 lots, 16 bedrooms, 1,760 gallons per day until such time as municipal sewer is available for use.
- Each lot is restricted to a maximum of 4 bedrooms.
- In order to prepare for connection to municipal sewer, the waste lines will exit the buildings on the street side.
- The Harwich Board of Health will not consider any variances from Title 5 of Harwich Board of Health Regulations for any of the lots.
- The subdivision will be served by town water.

Board of Health Revised Approval 03-17-20
 HARWICH BOARD OF HEALTH RESTRICTIONS

- Allow the newly released properties to have conventional system on their own lots and that if funding to complete this section of municipal sewer is not approved at a 2020 special fall town meeting, that innovative/alternative technology will be added to the systems.

I certify that this plan was prepared in accordance with the rules and regulations of the Register of Deeds as adopted January 1, 1976 and amended January 7, 1988.

Date _____
 P.L.S. _____



Assessors' Map 97, Parcels B2-1 & B2-2

OWNERS OF RECORD:

- Eastward Homes Business Trust
- Eastward MBT LLC, Trustee
- 155 Crowell Road
- Chatham, MA 02633
- Deed Book 30950, Page 131
- Plan Book 607, Page 14
- Lots 1 & 2
- Deed Book 30775, Page 86

LOCUS TOTAL AREA
 Area=370,605 S.F.±
 or 8.5 Ac.±

MODIFICATION OF DEFINITIVE DIVISION PLAN
 1522 & 1546 Orleans Road (Rte 39), East Harwich, MA
 Recorded in Plan Book 675, Page 71

Prepared For
EASTWARD HOMES BUSINESS TRUST
 Applicant

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

TERRY A. WARNER, P.L.S.
 22 Long Road, Harwich, MA 02645
 Tel.: (508) 432-8309

Rev. #	Description of Revision	Date

Subdivision subject to Planning Board
 Covenant recorded in Deed Book 31370,
 Page 49.

Approval under the Subdivision
 Control Law required.
 HARWICH PLANNING BOARD

Date of Preliminary Application 02-13-18
 Date of Preliminary Approval 03-27-18

Date of Definitive Application 04-10-18
 Date of Definitive Approval 05-29-18

Date of Modification Application 04-06-20
 Date of Modification Approval _____

Date of Endorsement _____

ZONING COMPLIANCE TABLE			
SUBJECT	Zone R-R	Zone WRPD	PROPOSED
Lot Area	40,000 S.F.	40,000 S.F.	40,000 S.F. min
Frontage	150 Ft.	N/A	38.85 Ft. min
Front Setback	25 Ft.	N/A	25 Ft. min
Side Setback	20 Ft.	N/A	20 Ft. min
Rear Setback	20 Ft.	N/A	20 Ft. min
Lot Coverage	25% max.	40% max.	25 %
Building Coverage	15% max.	20% max.	15 %

I, Anita Doucette, Clerk of the Town of Harwich, hereby certify that notice of approval of this plan by the Planning Board has been received and recorded at this office and no notice of appeal was received during the twenty days next after such receipt and recording of said notice.

Date _____
 Town Clerk



HARWICH PLANNING BOARD
HARWICH TOWN HALL - 732 MAIN STREET, HARWICH
VIA REMOTE PARTICIPATION GoToMeeting.com
TUESDAY, APRIL 28, 2020 – 6:30 PM
MEETING MINUTES

BOARD MEMBERS PRESENT: Chairman, Joseph McParland; Vice-Chairman, Allan Peterson; Mary Maslowski; William Stoltz; Craig Chadwick; and Arthur Rouse were all present via remote participation. David Harris arrived remotely at 7:01 PM.

BOARD MEMBERS ABSENT: Duncan Berry.

OTHERS PRESENT: Town Planner, Charleen Greenhalgh; Katie Tenaglia; Christian Davenport; Paul Sweetser; Bill Crowell; and Wayne Coulson.

CALL TO ORDER - 6:38 PM by Chairman McParland with a quorum present.

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. 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.

PB2020-08 Davenport Companies, 424 Queen Anne Road, Use Special Permit with Waiver
Representatives: Paul E. Sweetser and Christian Davenport

Chairman McParland opened the public hearing at 6:40 PM by reading the legal notice into the record. Applicants seek approval of a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §§ 325-13.A, -51 and -51.N as set forth in MGL c. 40A §9. The property is located at 424 Queen Ann Road, Lot 1 Map 70, Parcel B-1 in the R-M District.

The hearing began with Paul Sweetser explaining the proposal. A duplex is proposed with a waiver.

Mrs. Greenhalgh read departmental input and the Town Planners report into the record.

Health: As the plan is proposed, the Health Department has no issues or concerns. A fully compliant septic system must be approved prior to any building permit sign off. No variances from state or local regulations will be granted. Fire: No concerns. A much needed project. Police and Conservation: No concerns. Highway: Must pull driveway permit. Planning Staff Comments: 1. All requirements Pursuant to §325-51.N have been met. 2. Stormwater generated on the site should be maintained on the site. 3. There is a strong need for rental units within the Town of Harwich. 4. The requested waivers are reasonable. 5. Standard conditions are

recommended. 6. Important Note: please know that the statutory 20-day appeal period is stayed until such time as the declared emergency is over.

Ms. Maslowski made the motion to close the public hearing at 6:46 PM, seconded by Mr. Chadwick, unanimously so voted via roll call.

On a motion from Ms. Maslowski and seconded by Mr. Stoltz, the Planning Board voted unanimously (7-0-0) by roll call vote to approve the waiver from Article II, Section 400-17 A(1)(a) requiring a signed and notarized affidavit by the owner stating that he or she will live in one of the units on a year-round basis.

On a motion from Ms. Maslowski and seconded by Mr. Chadwick, the Planning Board voted unanimously (7-0-0) by roll call vote to adopt the following findings:

1. The lot contains the minimum requirement of 40,000 SF of upland.
2. Each dwelling unit's floor area is greater than the 800 SF minimum requirements.
3. A common roof connects the dwelling units.
4. The parcels provide sufficient access for two spaces for each unit.
5. The use as developed will not adversely affect the neighborhood.
6. The specific site is an appropriate location for such a use, structure or condition.
7. There will be no nuisance or serious hazard to vehicles or pedestrians.

On a motion from Ms. Maslowski and seconded by Mr. Stoltz, the Planning Board voted unanimously (7-0-0) by roll call vote to approve with conditions a Use Special Permit with waivers for PB2020-08 Davenport Companies for a Two-Family dwelling pursuant to the Code of Town of Harwich §§ 325-13.A, -51 and -51.N as set forth in MGL c. 40A §9 for property located at 424 Queen Ann Road, Lot 1 Map 70, Parcel B-1 in the R-M District, based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval; with the following conditions:

1. All stormwater runoff generated within the subject property shall be controlled and infiltrated on the subject property.
2. The Special Permit decision shall be recorded at the Registry of Deeds.
3. Any changes to the plan shall be subject to further Planning Board review.

PB2020-09 Davenport Companies, 424 Queen Anne Road, Use Special Permit with Waiver

Representatives: Paul Sweetser and Christian Davenport

Chairman McParland opened the public hearing at 6:52 PM by reading the legal notice into the record. Applicants seek approval of a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §§ 325-13.A, -51 and -51.N as set forth in MGL c. 40A §9. The property is located at 424 Queen Ann Road, Lot 2 Map 70, Parcel B-1 in the R-M District.

The hearing began with Paul Sweetser explaining the proposal. A duplex is proposed, with special permit with waiver.

Mrs. Greenhalgh read departmental input and the Town Planners report into the record.

Health: As the plan is proposed, the Health Department has no issues or concerns. A fully compliant septic system must be approved prior to any building permit sign off. No variances from state or local regulations will be granted. Fire: No concerns. A much needed project. Police and Conservation: No concerns. Highway: Must pull driveway permit. Planning Staff Comments: 1. All requirements Pursuant to §325-51.N have been met. 2. Stormwater generated on the site should be maintained on the site. 3. There is a strong need for rental units within the Town of Harwich. 4. The requested waivers are reasonable. 5. Standard conditions are recommended. 6. Important Note: please know that the statutory 20-day appeal period is stayed until such time as the declared emergency is over

Vice-Chairman Peterson made the motion to close the public hearing at 6:55 PM, seconded by Mr. Rouse, unanimously so voted via roll call.

On a motion from Ms. Maslowski and seconded by Mr. Stoltz, the Planning Board voted unanimously (7-0-0) by roll call vote to adopt the following findings:

1. The lot contains the minimum requirement of 40,000 SF of upland.
2. Each dwelling unit's floor area is greater than the 800 SF minimum requirements.
3. A common roof connects the dwelling units.
4. The parcels provide sufficient access for two spaces for each unit.
5. The use as developed will not adversely affect the neighborhood.
6. The specific site is an appropriate location for such a use, structure or condition.
7. There will be no nuisance or serious hazard to vehicles or pedestrians.

On a motion from Ms. Maslowski and seconded by Mr. Chadwick, the Planning Board voted unanimously (7-0-0) by roll call vote to approve the waiver from Article II, Section 400-17 A(1)(a) requiring a signed and notarized affidavit by the owner stating that he or she will live in one of the units on a year-round basis.

On a motion from Ms. Maslowski and seconded by Mr. Stoltz, the Planning Board voted unanimously (7-0-0) by roll call vote to approve with conditions a Use Special Permit with waivers for PB2020-09 Davenport Companies for a Two-Family dwelling pursuant to the Code of Town of Harwich §§ 325-13.A, -51 and -51.N as set forth in MGL c. 40A §9 for property located at 424 Queen Ann Road, Lot 2 Map 70, Parcel B-1 in the R-M District, based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval; with the following conditions:

1. All stormwater runoff generated within the subject property shall be controlled and infiltrated on the subject property.
2. The Special Permit decision shall be recorded at the Registry of Deeds.
3. Any changes to the plan shall be subject to further Planning Board review.

PB2020-11 Gerald E. Burke, 22 Sunrise Road, Use Special Permit

Representative: William Crowell

Chairman McParland opened the hearing at 7:00 PM. Applicants seek approval of a Use Special Permit, with waivers, pursuant to the Code of the Town Harwich §325-13, Table 1 - Use Regulations and §325-14.Q - to alter the upper level of detached residential accessory

garage/stable into an accessory structure with a bedroom. The property is located at 22 Sunrise Road, Map 26, Parcel E2-3, in the R-M and W-R Zoning Districts.

Attorney Crowell requested a continuance to May 28, 2020.

At 7:01 PM, Ms. Maslowski made the motion to continue the public hearing to Thursday May 28 no earlier than 6:30 PM, seconded by Mr. Chadwick, unanimously (7-0-0) so voted via roll call.

PB2020-02 Steve Gopoyan & Swavi Osev, 346 Route 28, Site Plan Review Special Permit

Representative: Andrew Singer

Ms. Maslowski recused herself from this hearing. Chairman McParland reopened the hearing at 7:03 PM. Applicants seek approval of a Site Plan Review Special Permit and a Use Special Permit with waivers, pursuant to the Code of Town of Harwich §§325-13, ¶IV Line 30, -55 and -51 to construct a miniature golf course and expand and improve the parking and vehicle access. The property is located at 346 Route 28 and 0 Sisson Road, Maps 21, Parcels N1 & N2, respectively, in the C-H-1 and R-M zoning districts. Continued from March 10, 2020. Please Note: the applicant has requested a continuance to June 9, 2020, therefore no testimony will be taken.

At 7:04 PM, Mr. Chadwick made the motion to continue the hearing to June 9th no earlier than 6:30 PM, seconded by Mr. Stoltz, unanimously so voted via roll call (7-0-0).

PB2020-10 Wayne Coulson, 0 Old Campground Road, Approval Not Required Plan

Representative: William Crowell

Chairman McParland opened the discussion at 7:05 PM. Applicant seeks endorsement of a one (1) lot Approval Not Required plan entitled “Plan of Land in Harwich, MA, Prepared for Wayne Coulson” dated December 2, 2019 prepared by Stephen B. Moore, PLS, pursuant to M.G.L. c. §81 P and §400-9 of the Codes of the Town of Harwich for property located at 0 Old Campground Road, Map 30, Parcels C6 - 610. The parcels are in the R-M zoning districts.

It was noted that Mr. Rouse, as an alternate member, was not eligible to vote on this matter.

Mr. Crowell explained the application for the Approval Not Required plan. This will combine the 5 lots. The property is located off of Gilbert Lane. Old Campground is a Road was in existence prior to 1912. This was known as Nickerson Neck. It was called Old Campground Road because they had spiritual meetings at the campground. Mr. Crowell presented a deed to the Board showing its existence, and an unreported plan for Marinas Nickerson. This has been used by attorneys in the past, and it shows that the Road is extending from Gilbert Lane North providing frontage. The intention is that the Road, or ancient way, has been in existence prior to subdivision control. Mr. Crowell provided a letter from Chief Clark in support. There is a dwelling on campground road already, who has lived there for 30 years. A building permit shows that there was adequate frontage.

Mrs. Greenhalgh read departmental input and the town planners report. The Board may: 1) Vote to endorse the ANR; or 2) Deny the ANR specifically detailing why it does not meet the requirements for endorsement as an ANR; or 3) Take no action; which would result in the Town

Clerk certifying that the Planning Board took no action within the statutory time. Staff comments: Planning: 1. A revised plan is needed showing the FEMA Flood Information. 2. Although the Fire Chief has provided a letter indicating that he finds that the road meet the Fire Department's criteria for safe access, I continue to have concerns that Old Campground Road provides for safe and adequate access and frontage. 3. The plan provided by the attorney is not a recorded plan. I have not found a plan showing Old Campground Road. 4. If the Board is satisfied by the information provided by the attorney, it should vote to endorse the plan as Approval Not Required. 5. Most important, if the Board does vote to endorse this plan, it is unclear as to when that will be able to occur. Town Hall is currently closed with limited access for specific employees only. Endorsement may have to wait until after the declared emergency is over. Police: No comments Conservation: No issues with reconfiguration of lot lines. Owner is aware of process for developing lots in Conservation jurisdiction as he is going through it with neighboring lots. Health: When the lot is eventually developed, no variances from state or local regulations will be granted.

Mr. Stoltz asked how wide the road is. Mr. Crowell responded that it's not a town road or paved road, that is why the fire chief goes and makes a site visit to determine if it has appropriate access, and he has deemed that it is.

Mr. Harris asked how they are dealing with public comments. It was confirmed that the public can speak up, but that no one is online.

Discussion ensued.

At 7:20 PM, on a motion from Ms. Maslowski, seconded by Mr. Harris, the Board voted unanimously (6-0-0) by rollcall vote to find that said plan does not constitute a subdivision as the way shown on the plan is a way in existence when the subdivision control law became effective in the town and has, in the opinion of the planning board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

On a motion from Ms. Maslowski, seconded by Mr. Harris, the Board voted unanimously (6-0-0) by roll call vote to endorse (or deny) the ANR plan entitled "Plan of Land in Harwich MA Prepared for Wayne Coulson, prepared by Moore Surveying, dated December 2, 2019, revised March 20, 2020, Scale 1" = 50'.

As copy of this revised plan **has not** yet been filed with either your office or with the Planning Board. The Board Members will endorse the plan once it is received through the Town Clerk's Office and once the Emergency Order in effective is lifted by Governor Baker

ELECTRONIC SIGNATURE: Possible Vote pursuant to Massachusetts Deed Indexing Standards 2018 April 2020 Amendment. Chairman McParland opened the discussion at 7:25 PM. Chairman McParland stated he doesn't believe there is a need to discuss this without the entire Board present, and continued it to the next meeting.

MEETING MINUTES: April 14, 2020

Vice-Chairman Peterson made the motion to accept the minutes from April 14, 2020, seconded by Mr. Chadwick, unanimously so voted via roll call.

OLD BUSINESS:

Change in 2020 Hearing/Meeting Schedule due to rescheduled Town Meeting. On a motion from Ms. Maslowski, seconded by Mr. Chadwick, the Board voted unanimously (7-0-0) by rollcall vote approve the revised schedule changing the second meeting in June from Tuesday, June 23 to Thursday, June 25.

BRIEFINGS AND REPORTS BY BOARD MEMBERS: None

ADJOURNMENT:

Ms. Maslowski made the motion to adjourn at 7:31 PM, seconded by Mr. Rouse, unanimously so voted via roll call.

Respectfully Submitted,

Kathleen A. Tenaglia, Board Secretary

Adopted:

Draft Zoning Changes – Multifamily – 03/06/2020

Deleted language shown in ~~strike thru~~ and new language shown in **Bold Underline**

§325-2 – Definitions

BEDROOM: Any room used or intended to be used for sleeping purposes **or as determined by State and/or Harwich Board of Health Regulations.** ~~For the purpose of determining the number of bedrooms in a proposed multifamily dwelling unit, all rooms which meet the minimum size requirements for habitable rooms under this bylaw other than a kitchen, bathroom and living/dining room shall be considered as bedrooms.~~

§325-9 Permitted uses

In the following Table of Use Regulations, the uses permitted by right in the district shall be designated by the letter (P). Those uses that may be permitted by special permit in the district, in accordance with §§325-51 and 325-53, shall be designated by the letter (S). Uses designated (-) shall not be permitted in the district. Any use presently listed as a permitted use in the Table of Use Regulations shall be designated as a special permit if the use proposes a structure or structures having a gross floor area of more than 7,500 square feet or 20 or more new parking spaces on the site, except that single-family, **multifamily**, religious and educational uses shall be exempt from this provision. Some uses listed in the table as allowed as of right (P) or on special permit (S) require a special permit under the site plan provisions of this bylaw.

§325-13 - Table 1 – Use Regulations

Use	RR	RL	RM	RH-1	RH-2	RH-3	CV	CH-1	CH-2	IL	MRL	MRL-1	WR
8 Multifamily dwelling	<u>S</u>	<u>S</u>	<u>S</u>	S	S	S	<u>S</u>	<u>S</u>	-	-	S	S	S

§325-16 - Table 2, Area Regulations

District	Use	Minimum Required				
		Lot Area (square feet)	Lot Frontage (continuous feet)	Front (feet)	Side (feet)	Rear (feet)
MRL <u>All Districts</u>	Multifamily residential	10 contiguous acres minimum; 25 contiguous acres maximum; maximum density 8 bedrooms per acre <u>40,000⁴</u>	150	50 <u>Footnote 5</u>	50 <u>25</u>	50 <u>25</u>
MRL-1 <u>All Districts</u>	Multifamily residential	8 contiguous acres minimum; maximum density 4 bedrooms per acre, provided Planning Board may give a bonus as elsewhere provided in this bylaw <u>40,000⁴</u>	150	50 <u>Footnote 5</u>	50 <u>25</u>	50 <u>25</u>

⁴40,000 square feet is required for vacant lots. For lawfully pre-existing structures/use converting to multifamily residence the existing lot size shall be allowable.

⁵Front setback to be determined at the time of Site Plan Review §325-55

§325-16 – Table 3, Height and Bulk Regulations

District	Maximum Permitted Height (feet)	Maximum Permitted Height (stories)	Maximum Building Coverage of Lot (covered area as % of total lot area)	Maximum Site Coverage as % of Total Site Area	Minimum Residential Net Floor Area (square feet)
MRL <u>Multifamily residential use all districts</u>	40 <u>50¹</u>	2½ <u>4¹</u>	15	50 <u>80</u>	Studio or efficiency unit: 250; bedroom unit: 550; 2-bedroom unit: 940
MRL-1 <u>Multifamily residential use all districts</u>	40 <u>50¹</u>	2½ <u>4¹</u>	15	50 <u>80</u>	Studio or efficiency unit: 250; bedroom unit: 550; 2-bedroom unit: 940
<u>MRL</u>	<u>30</u>	<u>2½</u>	<u>15</u>	<u>25</u>	<u>None</u>
<u>MRL – 1</u>	<u>30</u>	<u>2½</u>	<u>15</u>	<u>25</u>	<u>None</u>

¹Pursuant to §325-20

§325-18 Additional Regulations

- E. On a lot used for ~~multifamily~~, hotel or motel purposes, parking lots, roads, streets, tennis courts, swimming pools and like amenities and facilities shall not cover more than 15% of the area of the lot. For the purpose of this subsection, golf courses, putting greens, bowling greens and similar amenities which do not involve covering the ground with any impervious material shall not be included for the purpose of computing the total ground coverage of a project.
- H. ~~No building permit may be issued for a multifamily dwelling project unless and until site plans showing the entire project to be constructed are submitted to the Building Official with the application for a building permit, and this requirement shall apply whether or not the project is to be built in phases.~~ **“Reserve”**
- I. ~~All ways intended for use by vehicular traffic within the perimeter of a multifamily dwelling project shall be installed and constructed in accordance with the requirements governing road construction set forth in the Subdivision Rules and Regulations, as adopted from time to time by the Harwich Planning Board.~~ **Note: “Reserve”**
- J. ~~All multifamily dwellings must be connected to a municipal water system.~~ **Note: language moved to new §325-51.Q leave as “Reserve”**
- K. A habitable room in a multifamily dwelling unit shall not have a minimum floor area of less than 120 square feet and shall have no major width or length dimension less than 10 feet. Closets, storage spaces, bathrooms and kitchens are not habitable rooms for the purpose of these minimum area and dimension requirements.
 - (1) All outside entrances to multifamily dwellings shall be designed in such manner as to provide protection to the immediate area in front of said entrance from the weather.
 - (2) No outside staircase shall be used to furnish primary access to any of the units in a ~~multifamily dwelling~~, hotel or motel.
- L. ~~No multifamily dwellings may be erected on any lot in the MRL or MRL-1 District the geographical center of which is closer than 1,500 feet to the geographical center of any lot upon which multifamily dwellings with more than four dwelling units are constructed, provided that, for the purpose of this subsection, contiguous lots in common ownership may~~

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~~be considered as a single parcel and developed for multifamily use, provided further that lots separated by a road, street or way will be considered contiguous for the purpose of this subsection and, if commonly owned, may be treated as one parcel for the purpose of multifamily construction.~~ **Reserve**

- M. ~~Whenever the land upon which a multifamily dwelling is to be erected is located partially within a Drinking Water Resource Protection District, maximum possible use of the area outside the Drinking Water Resource Protection District will be made for the disposal of toxic or hazardous materials and sewage.~~ *Note: language moved to new §325-51.Q leave as **Reserve***

§ 325-20 Stories for human use or occupation.

In reference to Table 3, maximum permitted height (stories), in no case may any building used for multifamily dwellings, hotel or motel use exceed 50 feet in height nor contain more than four levels for human occupation. In no case shall a single-family residence contain more than two levels for human occupation, provided that the basement or cellar of a single-family residence can be used as a family room or recreational room but shall not be used as sleeping quarters unless it is made to comply with the provisions of the Building Code regulating the design and construction of such rooms. In no case shall any other building provide more than two stories or levels for human use or occupation.

§325-39 Off-street parking schedule.

- A. These standards are the minimum requirement. The Planning Board, under site plan review, may vary the required number of spaces if the nature and scale of a proposed use warrant such a change. In determining the number of spaces required, only actual or delineated spaces shall be calculated. In the case of multiple uses on a single lot, the required number of parking spaces will be equal to the combined total of parking spaces for each use.

Use	Parking Spaces
Residential Uses	
Single-family dwelling, two-family dwelling	2
Single-family dwelling with accessory apartment, multifamily or mixed-use development	1.5 per unit
Multifamily	1.5 per studio, efficiency or 1-bedroom unit 2 per 2-bedroom unit

§325-51 Special Permits

- D. Special permit to construct ~~multifamily dwellings~~, hotels or motels.
 - (1) The Planning Board, in acting upon an application for special permit to construct ~~multifamily dwellings~~, hotels or motels, shall have the authority, pursuant to MGL c. 40A, § 9, to include in the grant of permission authorization to increase the permissible density of population or intensity of a particular use in a proposed development, provided that the petitioner or applicant shall, as a condition for the grant of authority to increase permissible density, provide certain open space or some or all of the amenities hereafter listed, but the Board shall not have the authority to increase the density of population or intensity of uses beyond the maximums hereafter specified.

Amenity	Maximum Density Increase
Swimming pool	8%
Tennis courts	4%
Golf course	16%
Community building or recreation building	2%

~~(2) For the purpose of ensuring that an applicant or petitioner constructs the proposed amenities in accordance with the plans and specifications submitted to the Planning Board, the Planning Board shall require, as a condition to the granting of the permit, that the applicant or petitioner execute a covenant on such reasonable terms and conditions as the Planning Board may specify and wherein the petitioner or applicant shall agree to construct the amenities as proposed in accordance with a timetable approved by the Planning Board, and the Planning Board may require that the amenity or amenities, once constructed, shall be under the control or jurisdiction of a nonprofit organization, the principal purpose of which is the maintenance and management of said amenities, or that control of said amenities be conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the development. The covenant required hereunder shall be recorded at the Barnstable County Registry of Deeds before any work authorized by the special permit is begun, and no lot, dwelling or multifamily dwelling unit shall be conveyed (except as provided in MGL c. 41, § 81U, Clause 2) until said covenant has been released in whole or as it relates to the portion of the premises to be conveyed by duly executed instrument or release by the Planning Board.~~

O. Multifamily Special Permit

1. **The Planning Board shall serve as the special permit granting authority for multifamily developments, including conversion of existing structures/uses to multifamily and/or new construction.**
2. **A Site Plan Review special permit pursuant to §325-55 is also required.**
3. **All multifamily dwellings must be connected to a municipal water system.**
4. **A habitable room in a multifamily dwelling unit shall not have a minimum floor area of less than 120 square feet and shall have no major width or length dimension less than 10 feet. Closets, storage spaces, bathrooms and kitchens are not habitable rooms for the purpose of these minimum area and dimension requirements.**
5. **All outside entrances to multifamily dwellings shall be designed in such manner as to provide protection to the immediate area in front of said entrance from the weather.**
6. **Whenever the land upon which a multifamily dwelling is to be erected is located partially within a Drinking Water Resource Protection District, maximum possible use of the area outside the Drinking Water Resource Protection District will be made for the disposal of toxic or hazardous materials and sewage.**
7. **Recreation areas. Where appropriate to the topography and natural features of the site, the Planning Board may require that at least 10% of the open space or two acres (whichever is less) shall be of a shape, slope, location and condition to provide an informal field for group recreation or community gardens for the residents of the subdivision.**
8. **Setback and other requirements.**
 - a. **Front setback requirements shall be determined at the time of site plan review based on existing development patterns and the elements of the proposed project.**
 - b. **Side lot line setback shall be 25 feet.**
 - c. **Rear lot line setback shall be 25 feet.**
 - d. **Parking shall be permitted at the side or rear of the property.**
 - e. **Maximum site coverage shall not exceed 80%.**

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- f. **The number of multifamily dwelling units shall be determined by the ability to place an adequately size septic system for the number of bedrooms; and required parking per number of units and landscaping on the site pursuant to Article IX Off-Street Parking and Loading Requirements**
- g.