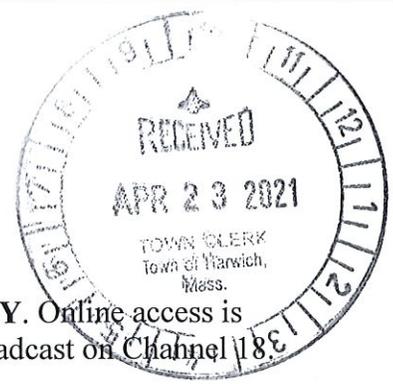


**Harwich Planning Board
Meeting Agenda
Tuesday, April 27, 2021 – 6:30 PM**



This meeting will be held **VIA REMOTE PARTICIPATION ONLY**. Online access is available through GoToMeeting.com and may be available as a live broadcast on Channel 18.

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

<https://global.gotomeeting.com/join/871609085>

or

You can also dial in using your phone. *

United States: [+1 \(571\) 317-3122](tel:+15713173122)

Access Code: 871-609-085

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/871609085>

I. CALL TO ORDER; ROLL CALL 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. **Continued: PB2021-04 711Main Street LLC**, Saumil Patel, manager, seeks approval to modify Site Plan Review Special Permit PB2019-18 and PB2020-31 to relocate the fence from the southerly property line to just off the rear parking lot attaching it to the guardrail. The application is pursuant to the Code of the Town of Harwich §325-55. The property is located at 711 Main Street, Map 41, Parcel D8, in the C-V and Harwich Center Overlay zoning districts. *Continued from March 23, 2021*
- B. **PB2021-06 Wychmere Harbor Real Estate, LLC**, owner, Andrew Singer, Esq., representative has applied to amend to the Site Plan Special Permit granted in PB2020-22 to convert 8,828 SF of Player’s Best natural lawn panels at the Beach Club to SynLawn plant based artificial grass, and to convert two approved panels of SynLawn, totaling 1,110 SF back to decking on the lower level. The application is pursuant to the Code of the Town of Harwich §325-55 - Site Plan Review and Chapter 400. The property is located at 23 Snow Inn Road, Unit 12, Map 8, Parcel P2-12 in the RH-3 and R-L Zoning Districts.

III. PUBLIC MEETING**

A. New Business: Approval Nor Required Plans

- 1. **PB2021-07 Walter J. & Vonda L. Moberg**, as owners and applicants and Walter J. Moberg, Jr. owner, through their representative, Ford and Ford, Attorneys at Law, seek approval to reconfigure two adjoining lots following the grant of relief by the Zoning Board of Appeals and as set forth in M.G.L. c. 41 §81 K-GG and more specifically §81. P (Approval Not Required). The parcels are identified as 1112 and 1110 Queen Anne Lane, Map 75, Parcels S5 and S6 respectively are in the R-R & W-R zoning districts.

2. **PB2021-08 Eastward Homes Business Trust, Eastward MBT, LLC, TR.,** as applicants and owners, seek approval to reconfigure three existing lots into five lots as set forth in M.G.L. c. 41 §81 K-GG and more specifically §81. P (Approval Not Required). The parcels are identified as 16 Bascom Hollow, 1522 Orleans Road and a parcel 1.4 ac. "±" described by Commissioner's Deed Book 33587, Page 218 and shown as Parcel #7 in Plan Book 686, Page 11. The parcels as shown on Assessor's Map 97, Parcels B2-12, -3 and 'Owners Unknown' respectively. The parcels are in the R-R & W-R zoning districts. The plan is entitled "Division Plan" prepared by Donald T. Poole, P.L.S., dated March 18, 2021.

3. **Continued hearing for Zoning Article: Parking setback in the MRL and MRL-1 zoning districts.**

Please note: The following article has not been accepted by the Selectmen for the May Town Meeting Warrant. The notice is attached.

1. **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.

- B. Minutes: March 09 and March 23, 2021.
- C. Advisory Opinions: Zoning Board of Appeals April 28, 2021
- D. Old Business
- E. Briefings and Reports by Board Members

IV. ADJOURN

***Please Note: Use *6 to mute and unmute your phone.**

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.

**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, May 11, 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

Changes and additions shown in ***bold, italics.***

Planning Board Agenda Item II.A.

For April 27, 2021

~~For March 23, 2021~~

○ Limited Staff Report

PB2021-04 711 Main Street, LLC

PB2021-04 711 Main Street LLC, Saamil Patel, manager, seeks approval to modify Site Plan Review Special Permit PB2019-18 and PB2020-31 to relocate the fence from the southerly property line to just off the rear parking lot attaching it to the guardrail. The application is pursuant to the Code of the Town of Harwich §325-55. The property is located at 711 Main Street, Map 41, Parcel D8, in the C-V and Harwich Center Overlay zoning districts.

The Planning Board will open the public hearing on Tuesday, March 23, 2021 no earlier than at 6:30 p.m.

Description

The property was granted a Site Plan Review Special Permit under PB2019-18 and amended Site Plan Review Special Permit under 2020-31. The application is pretty straight forward. The applicant now seeks approval to amend the Specials Permits and relocate the fence as described above.

The application packet was filed with the Town Clerk on February 18, 2021 and include the following. ***Additional plans were file with the Town Clerk on April 2, 2021.***

- 1. Site Layout Plan, Proposed Convenience Store/Deli & Apartment, 711 Main Street, Harwich, prepared by Choubah Engineering Group, P.C., Issue date 04/19/21 Scale 1" = 20', Sheet 1 of 1.***
- 2. Cedar Fence Detail, Proposed Convenience Store/Deli & Apartment, 711 Main Street, Harwich, prepared by Choubah Engineering Group, P.C., issue date, 04/19/2021, Scale as shown, Sheet 1 of 1.***
3. Project Narrative
4. Cedar Fence to Guardrail Connection, Proposed Convenience Store/Deli & Apartment, 711 Main Street, Harwich, prepared by Choubah Engineering Group, P.C., dated 02/03/2021, Scale as shown, Sheet 1 of 1.
5. Site Layout Plan, Proposed Convenience Store/Deli & Apartment, 711 Main Street, Harwich, prepared by Choubah Engineering Group, P.C., dated 11/10/2020, Scale 1" = 20', Sheet 1 of 1
6. Application, Owner Authorization and appropriate fee(s)

Comments from other Boards, Departments, Committees

Fire and Health: No issues or concerns.

Planning Staff Comments

Planning Staff Comments

Elaine Banta: *Abutters Peter Antonellis and Susan Sedor have submitted a letter of support. The letter is attached. The Historic District and the Historical Commission approved and signed application is attached.*

Charleen was able to review the application prior to her retirement. She notified the applicant that the plans were not stamped by a professional. The applicant immediately provided stamped plans.

No written correspondence has been received.

All other Planning Board requirements have been met.

BOARD VOTES

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

Vote to Close the Public Hearing

Vote to Adopt Proposed Findings:

To adopt the following finding of fact:

1. The property is located within the CV and Harwich Center Overlay Districts.
2. The relocation of fence will not impact the site or the uses on the property and may provide for better vehicle headlamp shielding for the neighboring properties at the rear.
3. The modification to the site as developed will not adversely affect the neighborhood.
4. There will be no nuisance or serious hazard to vehicles or pedestrians.
5. All conditions and provisions of cases PB2019-18 and PB2020-31 Site Plan Special Permits shall continue to be observed/enforced.
6. The specific site is an appropriate location for such a use, structure or condition.
7. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Vote to Amend Site Plan Review Special Permits: (*Please Note:* An affirmative vote by at least five Planning Board members is required.)

- A. To **approve** the application and plans for **711 Main Street LLC, Saumil Patel – Manger**, to relocate the fence from the southerly property line to just off the rear parking lot attaching it to the guardrail *as shown on the plan entitled Site Layout Plan, Proposed Convenience Store/Deli & Apartment, 711 Main Street, Harwich, prepared by Choubah Engineering Group, P.C., Issue date 04/19/21 Scale 1" = 20', Sheet 1 of 1*. 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.
- B. To **approve with conditions** the application and plans for **711 Main Street LLC, Saumil Patel – Manger**, to relocate the fence from the southerly property line to just off the rear parking lot attaching it to the guardrail. 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.

Condition(s) of Approval: *(List conditions)*

- C. To **deny** the application and plans for **711 Main Street LLC, Saumil Patel – Manger**, to relocate the fence from the southerly property line to just off the rear parking lot attaching it to the guardrail. Reason(s) for Denial *(List reasons)*

Susan Sedor
& Peter Antonellis
100 Parallel Street
Harwich, MA 02645
(508) 432-4359

April 20, 2021

RE: PB2021-04, 711 Main Street, Saumil Patel (owner/applicant)

To: Harwich Planning Board,
Harwich Planning Department,
Applicant

Dear Mr. Berry, Planning Board Members et al:

My wife and I are writing to inform the Planning Board that we are in receipt of the proposed revision to the Site Plan Design that Mr. Patel wishes to submit to the Planning Board, dated 04/19/2021. We note that page 2 of this revision depicts the details for a solid, 6-foot-tall white cedar fence, which we understand Mr. Patel hopes to erect parallel to the guardrail that extends along the entirety of southern perimeter of his parking lot at 711 Main Street.

Mr. Patel has made clear to us that he understands and appreciates our need for such an especially tall fence so as to screen his parking area from the view of our abutting residence; his latest proposal provides a temporary but taller solution to resolve the issue we brought to the Board on March 23rd. We whole-heartedly endorse the proposed revision he is now submitting for the Planning Board's consideration and approval. We trust the Board will expedite its approval without further delay and we will ask the Historic Commission to do so, as well.

Sincerely,

Peter Antonellis
And Susan Sedor

MH 2021 - 03

TOWN OF HARWICH

HISTORIC DISTRICT AND HISTORICAL COMMISSION



APPLICATION AND CERTIFICATE FORM

Please submit this application to: **Town of Harwich Building Department**
732 Main Street, Harwich, MA 02645
Telephone: (508) 430-7506 Fax: (508) 430-4703

No exterior feature of a structure or building may be altered, and no structure or building may be erected in the Historic District unless the Commission shall have first issued the Certificate.

SECTION I: (Circle one)

- A. Certificate of Appropriateness:** Required for additions, new construction, or alteration (such as changes in design, material, color or outward appearances) of a building or structure visible from a public space; any addition to, or removal of appurtenances or features from a structure; any removal or demolition of a building or structure, or appurtenance or feature thereof.
- B. Certificate of Hardship:** Applicable in those instances where a Certificate of Appropriateness is inappropriate and such denial will involve substantial hardship to the Applicant. A Certificate of Hardship will not be granted where an approval constitutes a detriment to the public welfare, or derogates from the intent and purpose of the Historic District Act. The Commission cannot grant a Certificate of Hardship for a self-imposed hardship (e.g., owner-incurred costs to correct inappropriate or un-permitted alterations.)
- C. Certificate of Non-Applicability:** A way to acknowledge that a Certificate of Appropriateness is not required. This Certificate, along with photographs submitted as directed in Section IV, protects the Applicant against Commission enforcement actions for unauthorized work performed when undertaken as follows:
 - a. Additions, alterations or new construction not visible from a public space.
 - b. Ordinary maintenance, repairs or replacement of architectural features that are damaged or worn; provided the work does not involve a change in design, color or outward appearances.

SECTION II: Applicant Information (Note: A non-owner may only apply in the event that the owner attaches a written waiver authorizing this Application)

Address of Proposed Work 711 Main St, Harwich

Map 41 Parcel D8 Zone(s) C-V/HC Overlay

Applicant Saumil Patel Telephone (617) 669-9148

Mailing Address 711 Main St, Harwich

HH 2021-03

SECTION III: (Please specify all structures or features that will be affected)

- | | | |
|---|--------------------------------------|---|
| <input type="checkbox"/> Architectural Trim or Siding | <input type="checkbox"/> Lights | <input type="checkbox"/> Satellite Dish |
| <input type="checkbox"/> Barrier Free Access | <input type="checkbox"/> Masonry | <input type="checkbox"/> Signs |
| <input type="checkbox"/> Door(s), Doorway | <input type="checkbox"/> Paint Color | <input type="checkbox"/> Skylight |
| <input checked="" type="checkbox"/> Fence, Gate | <input type="checkbox"/> Parking | <input type="checkbox"/> Utilities |
| <input type="checkbox"/> Gutters, Downspouts | <input type="checkbox"/> Porch, Deck | <input type="checkbox"/> Window(s) |
| <input type="checkbox"/> House Numbering | <input type="checkbox"/> Roof | <input type="checkbox"/> Other* |

*Please specify structures/feature not listed i.e. dormers, foundations, shed, wall, etc.

SECTION IV: REQUIRED ATTACHMENTS TO BE INCLUDED HEREWITH

A. One Certified Abutter List – available from the assessor’s office

B. 13 Copies Required for all projects, as noted:

1. Photographs of sufficient number and quality to adequately document existing conditions.
2. A separate list of affected features (See Section III), specifying materials, colors, dimensions for each principal feature that will be affected.
3. Paint samples, as applicable.

C. Additional requirements* for building construction, additions or alterations excluding all roof resurfacing or siding projects.

4. Stamped Architectural elevation plans for building construction projects.
5. Stamped Site/plot plan specifying structure *in situ*, specifying all set-back.

(EXCEPT that scaled drawings may be submitted for fences, garden sheds and signs)

*NOTE: Certificates of Non-Applicability have only to submit Section IV.B attachments.

By signing this Application the Applicant acknowledges that the Commission may deem “incomplete” an Application that fails to provide specified Attachments, or deem “incomplete” an Application where one or more specified Attachments, as submitted, does not provide sufficient information, and upon which the Commission may, in its discretion, rely to make an informed determination.

Signed Samil Patel Date 2/17/2021

Date(s) of Hearing or Determination: March 17, 2021

Approved
01/04/2021

Denied

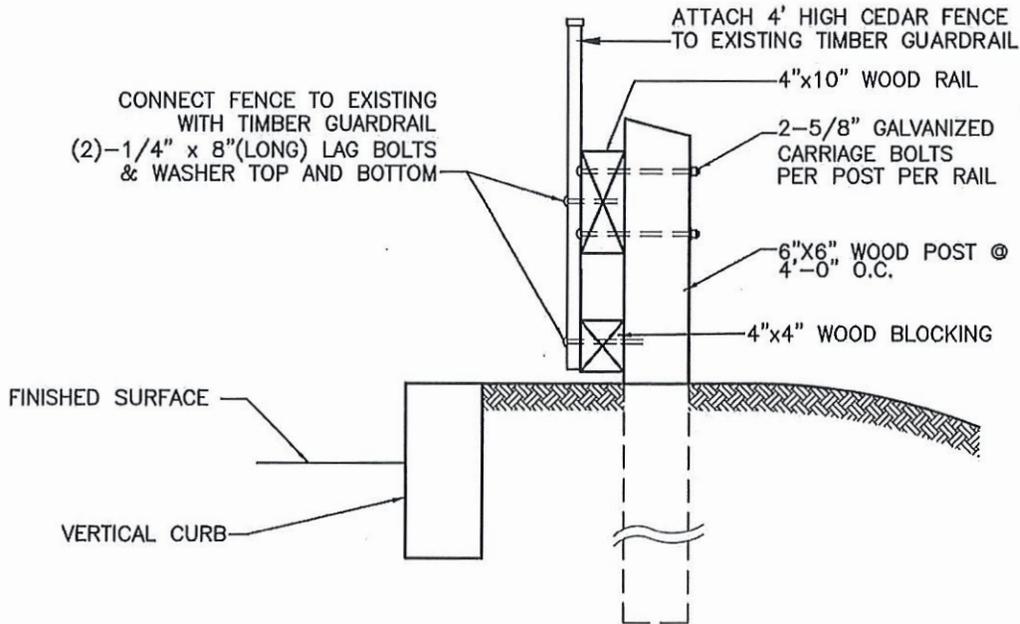
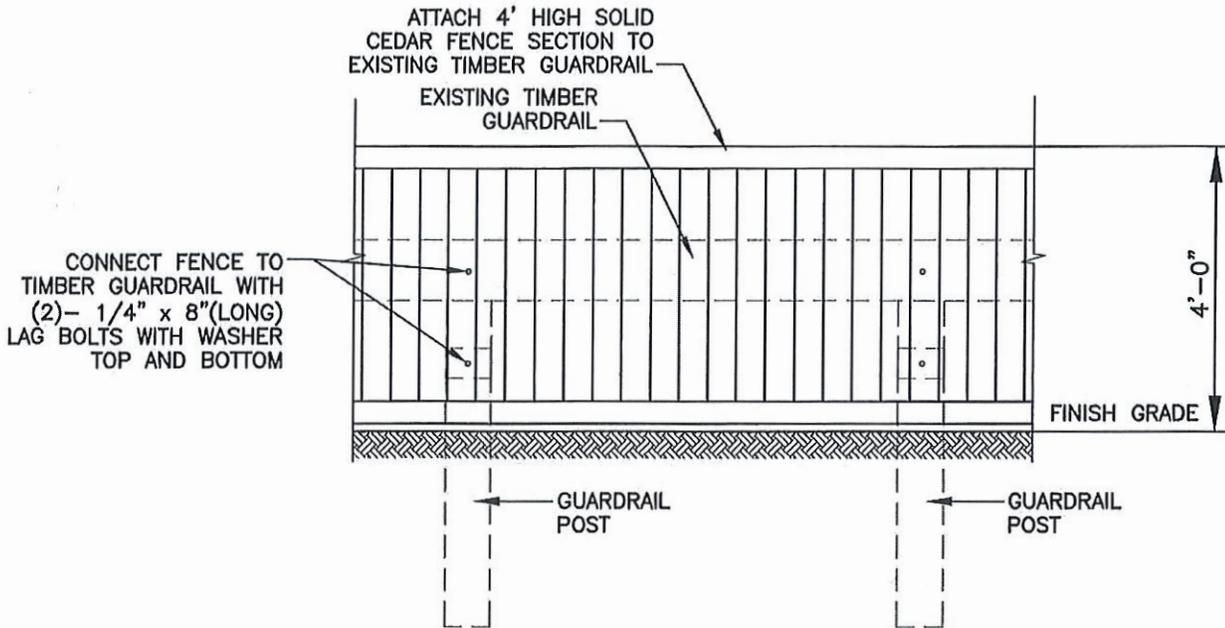
Continued

Withdrawn without Prejudice

Comments/Conditions: Fence approved as shown in plans with flat-top cedar fence.

Mary Maslowski

A48B3E34BDAB4A2...
Board Chair



CEDAR FENCE TO GUARDRAIL CONNECTION

NOT TO SCALE



112 STATE ROAD,
N. DARTMOUTH, MA 02747
TEL:(508) 858-5040 FAX:(508) 858-5041
www.choubahgroup.com

Project:
PROPOSED
CONVENIENCE
STORE/DELI &
APARTMENTS
AT
711 MAIN STREET,
HARWICH, MA

Prepared For:
SAUMIL PATEL
783 MAIN STREET
HARWICH, MA 02645

Issue Date: 02/03/2021

Revisions

No.	Date	Description

Project Number: 18-511

Scale: AS SHOWN

Drawn By: C.M.S.

Designed By: H.C.

Reviewed By: H.C.

Sheet Title:

CEDAR FENCE
TO GUARDRAIL
CONNECTION

Project:
PROPOSED CONVENIENCE STORE/DELI & APARTMENTS AT 711 MAIN STREET, HARWICH, MA

Applicant:
**SAUMIL PATEL
 783 MAIN STREET
 HARWICH, MA 02645**

Owner:
**BASSIL ELIE TRS ET AL
 BASSIL RABIH TRS
 8A HEADWATER DRIVE,
 WEST YARMOUTH, MA 02673**

Deed Reference:
**OWNER'S REFERENCE
 BOOK 28565 - PAGE 153
 PLAN BOOK 361 - PAGE 3**

Issue Date: 04/19/2021

Revisions		
No.	Date	Description

Project Number: 18-511

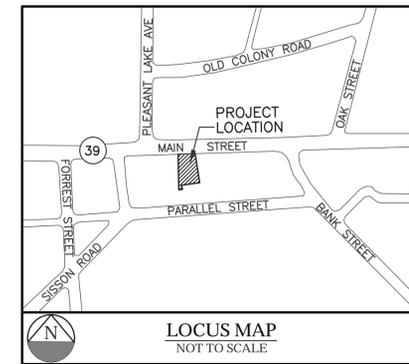
Scale: AS SHOWN

Designed By: CMS

Drawn By: CMS Checked By: HC

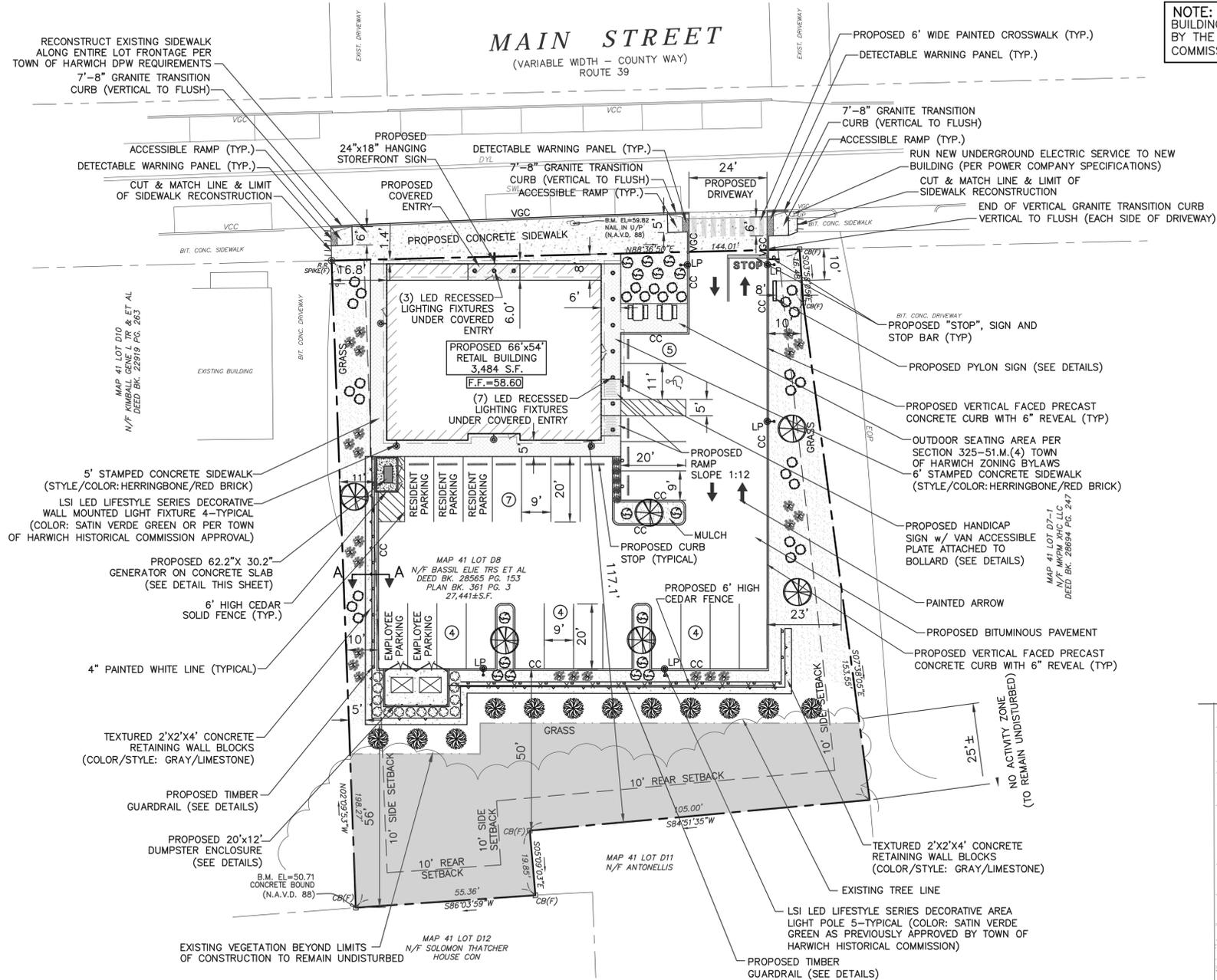
Sheet Title:
SITE LAYOUT PLAN

Sheet Number: 1 OF 1



MASSACHUSETTS COORDINATE SYSTEM
 GRID NORTH - NAD 83

NOTE:
 BUILDING PLANS HAVE BEEN APPROVED BY THE HISTORIC DISTRICT HISTORICAL COMMISSION CASE#: HH 2019-05



BUILDING 1st FLOOR AREA BREAKDOWN

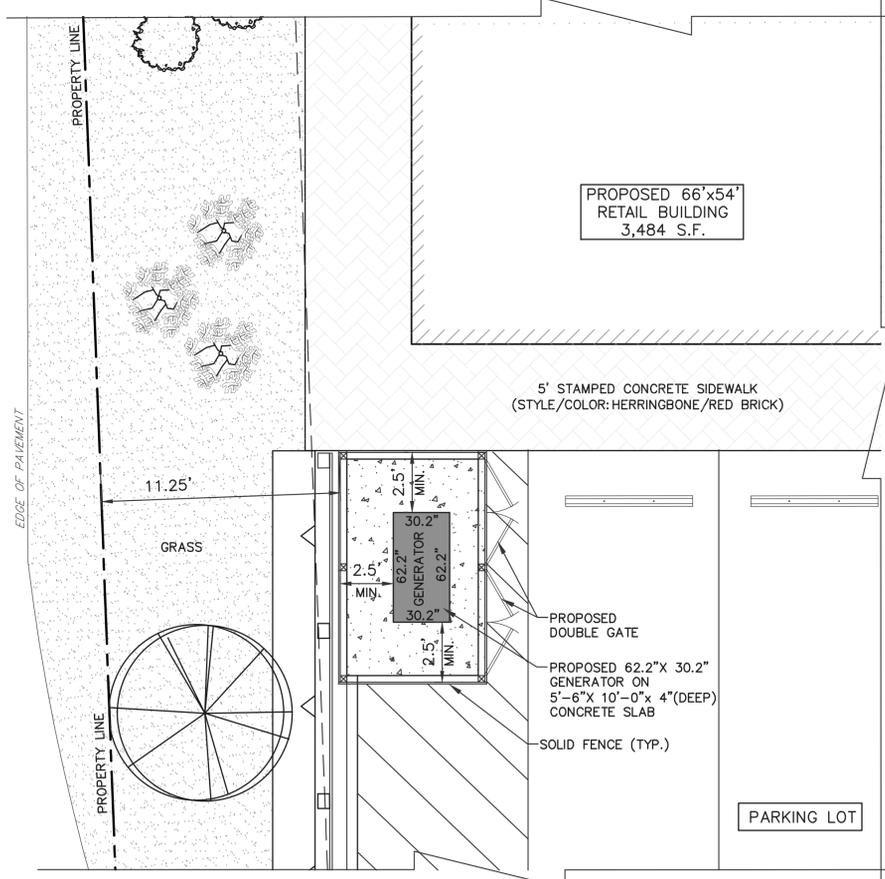
CONVENIENCE STORE:	= 2,180 S.F.
DELI & SEATING AREA:	= 630 S.F.
ACCESS TO SECOND FLOOR AND SPRINKLER ROOM:	= 674 S.F.
TOTAL FIRST FLOOR AREA:	= 3,484 S.F.

SITE DATA:
 ADDRESS: 711 MAIN STREET, HARWICH, MA 02645
 ASSESSORS MAP 41 LOT D8
 ZONING DISTRICT: COMMERCIAL VILLAGE
 AREA: 27,441 Sq.Ft. (0.63 Acre)
 USE: CONVENIENCE STORE WITH TWO RESIDENTIAL APARTMENTS

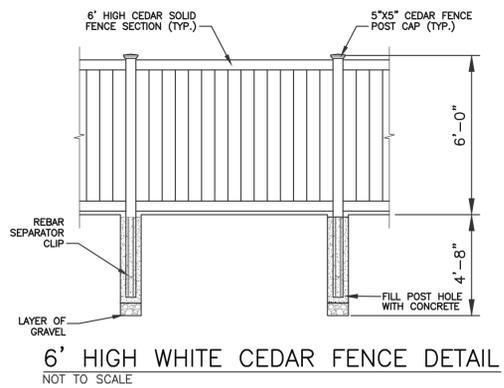
**711 MAIN STREET, HARWICH, MA
 ZONING ANALYSIS TABLE (C-V) COMMERCIAL VILLAGE (HCHDO) HARWICH CENTER HISTORIC DISTRICT OVERLAY**

ZONING CRITERIA	REQUIRED		EXISTING	PROPOSED
	C-V	HCHDO		
MIN. LOT SIZE	40,000 S.F.	15,000 S.F.	27,441 S.F.	27,441 S.F.
MIN. FRONTAGE	150'	150'	141.01'	141.01'
MAX. LOT COVERAGE	80%	80%	44.0%	53.0%
MAX. BUILDING COVERAGE	50%	50%	1.2%	13.0%
MAX. BLDG. HEIGHT	30' (2.5 STORIES)	30' (2.5 STORIES)	30' +/-	30' +/-
MIN. FRONT SETBACK	25'	***	64.4'	1.4'
MIN. REAR SETBACK	20'	10'	96.8'	117.1'
MIN. SIDE SETBACK	20'	10'	53.6'	14.9'

*** FRONT SETBACK REQUIREMENTS FOR HARWICH CENTER OVERLAY DISTRICT SHALL BE DETERMINED AT THE TIME OF SITE PLAN REVIEW BASED ON EXISTING DEVELOPMENT PATTERNS AND THE ELEMENTS OF THE PROPOSED PROJECT.



GENERATOR ENCLOSURE DETAIL
 NOT TO SCALE

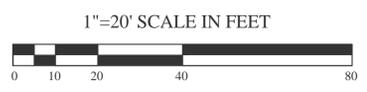


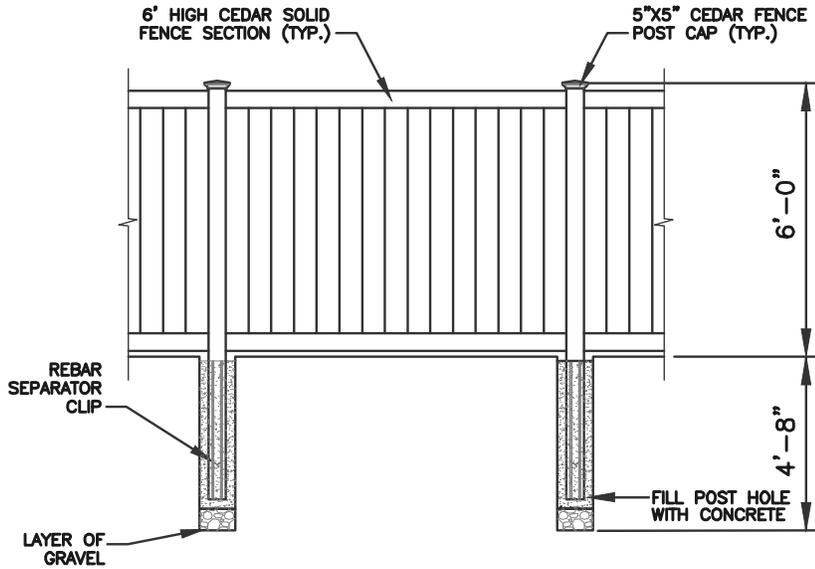
6' HIGH WHITE CEDAR FENCE DETAIL
 NOT TO SCALE

PARKING DATA

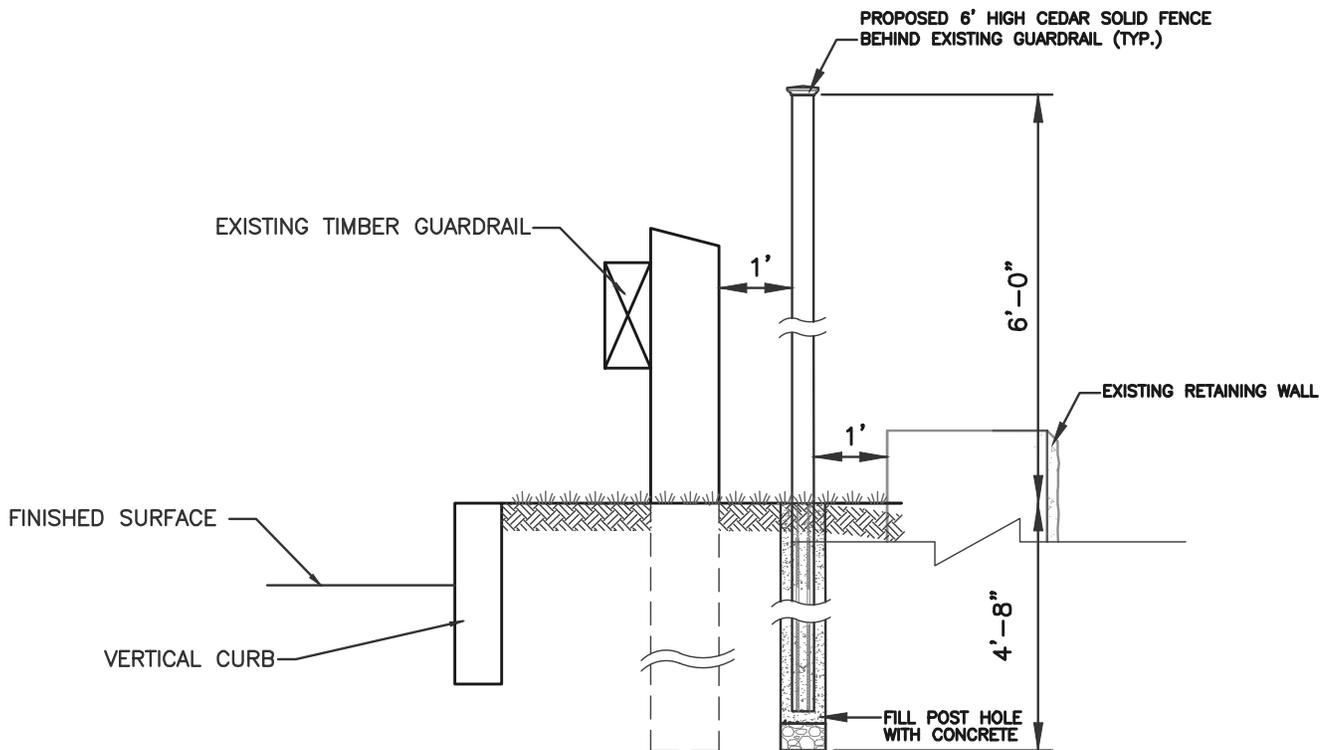
RETAIL (CONVENIENCE STORE): ONE (1) SPACE PER ONE HUNDRED FIFTY (150) SQUARE FEET OF FLOOR AREA DEDICATED TO CUSTOMER USE OR DISPLAY, BUT NOT LESS THAN 70% OF THE TOTAL AREA. 70% TOTAL AREA = 0.7 X 2,180 S.F./150 S.F. = 10 SPACES
RESTAURANT FAST FOOD TAKEOUT (DELI): ONE (1) PER EMPLOYEE MAXIMUM SHIFT, PLUS SIX (6), PLUS ONE (1) PER FOUR (4) SEATS, INDOOR OR OUTDOOR. 1 EMPLOYEE + 12 SEATS (INDOOR/OUTDOOR)/4 + 6 SPACES = 10 SPACES
MULTI FAMILY OR MIXED USE DEVELOPMENT: 1.5 SPACES PER UNIT (2 UNITS) X (1.5 SPACES) = 3 SPACES
TOTAL PARKING REQUIRED = 23 SPACES
PROVIDED: TOTAL PARKING PROVIDED = 24 SPACES

- NOTES:**
- THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.
 - THE OFFSETS AS SHOWN ON THIS PLAN ARE NOT TO BE USED FOR THE ESTABLISHMENT OF PROPERTY LINES OR FOR THE ESTABLISHMENT OF ANY PROPOSED CONSTRUCTION.
 - THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE AND PURPOSE FOR THE PARTY STATED HEREON AND SHALL NOT BE USED BY ANY THIRD PARTY WITHOUT THE EXPRESSED WRITTEN PERMISSION OF BORDERLAND ENGINEERING, INC.
 - THIS SITE DOES NOT FALL WITHIN A SPECIAL HAZARD FLOOD ZONE AS DESIGNATED BY F.I.R.M. 25001C0612J EFFECTIVE DATE JUNE 7, 2012.
 - UTILITIES ARE PLOTTED FROM FIELD LOCATION AND ANY RECORD INFORMATION AVAILABLE, AND SHOULD BE CONSIDERED APPROXIMATE. OTHER UTILITIES MAY EXIST WHICH ARE NOT EVIDENT OR FOR WHICH RECORD INFORMATION WAS NOT AVAILABLE. CONTRACTORS (IN ACCORDANCE WITH MASSACHUSETTS LAW) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING. ALSO, CALL "DIG-SAFE" AT 1(888)344-7233 {1(888)DIG-SAFE}.





6' HIGH WHITE CEDAR FENCE DETAIL
NOT TO SCALE



6' HIGH CEDAR FENCE SECTION
NOT TO SCALE

Choubah engineering group, p.c.
CEG
 CONSULTING PROFESSIONAL ENGINEERS
 112 STATE ROAD,
 N. DARTMOUTH, MA 02747
 TEL:(508) 858-5040 FAX:(508) 858-5041
 www.choubahgroup.com

Project:
 PROPOSED
 CONVENIENCE
 STORE/DELI &
 APARTMENTS
 AT
 711 MAIN STREET,
 HARWICH, MA

Prepared For:
 SAUMIL PATEL
 783 MAIN STREET
 HARWICH, MA 02645

Issue Date: 04/19/2021

Revisions	
No.	Date

Project Number: 18-511

Scale: AS SHOWN
 Drawn By: C.M.S.
 Designed By: H.C.
 Reviewed By: H.C.

Sheet Title:

CEDAR FENCE
 DETAIL

Planning Board Agenda Item II.B.
For April 27, 2021
Limited Staff Report
PB2021-06 Wychmere Harbor RE, LLC

PB2021-06 Wychmere Harbor Real Estate, LLC, owner, Andrew Singer, Esq., representative has applied to amend to the Site Plan Special Permit granted in PB2020-32 to convert 8,828 SF of Player's Best natural lawn panels at the Beach Club to SynLawn plant based artificial grass, and to convert two approved panels of SynLawn, totaling 1,110 SF back to decking on the lower level. The application is pursuant to the Code of the Town of Harwich §325-55 (Site Plan Review), and Chapter 400. The property is located at 23 Snow Inn Road, Unit 12, Map 8, Parcel P2-12 in the RH-3 and R-L Zoning Districts.

The Planning Board will open the public meeting on Tuesday, April 27, 2021 no earlier than 6:30 p.m.

Planning Board Jurisdiction
§ 325-55 Site plan approval.

Description

The application packet was filed with the Town Clerk on March 23, 2021.

1. Project Narrative and application packet;
2. "Plan Showing Proposed Turf Conversion at Wychmere Beach Club" prepared by Coastal Engineering Co., David J. Michniewicz, P.E., dated 03-19-2021, scale as noted, Sheet C2.2.1

Comments from other Boards, Departments, Committees

Engineering: I have no comments or concerns with this. I defer to conservation.

Conservation: Approved with conditions requiring additional mitigation (verbal).

Health: All requirements in 105 CMR 435.00 shall be met.

Police, Fire, Highway: No issues or concerns.

Planning Staff Comments

Elaine Banta: No waivers were requested. Administrative requirements have generally been met. The Board of Appeals will hear the case on April 28, 2021.

Board Votes

Findings of Fact (amend, add or change as necessary)

Motion to adopt the following:

1. The property is located at 23 Snow Inn Road and is located within the RH-3 and RL Zoning Districts.
2. The Conservation Commission approved the changes with conditions pursuant to their jurisdiction.
3. The landscaping change will not create any issues or hazards for pedestrians, vehicles, facilities or neighborhood characteristics.

4. The Health department stated that all requirements in 105 CMR 435.00 shall be met.

Site Plan Review Special Permit (Pursuant to § 325-55 of the Code) – Suggested Motions:

1. To **approve with conditions** the application of PB2021-06 Wychmere Harbor Real Estate, LLC and plan entitled “Plan Showing Proposed Turf Conversion at Wychmere Beach Club” prepared by Coastal Engineering Co., David J. Michniewicz, P.E., dated 03-19-2021, Sheet C2.2.1. The decision is based on the aforementioned findings of facts and the application meets the necessary requirements and criteria for approval. The following conditions are imposed:
 - a. All previous conditions under PB2020-32 shall apply;
 - b. Any conditions imposed by the Board of Appeals (BOA) may necessitate further Planning Board Review. Any conditions imposed by BOA shall apply;
 - c. The special permit decision shall be fully executed at the Barnstable Registry of Deeds.
2. **Continue** the meeting to a date and time certain [**state reason / purpose or additional information to be submitted, etc.**]

TOWN OF HARWICH PLANNING DEPARTMENT



**PLANNING BOARD APPLICATION
SPECIAL PERMITS & SITE PLAN REVIEW FORM A**

TO THE TOWN CLERK, HARWICH, MA

DATE March 17, 2021

PART A – APPLICANT INFORMATION/AUTHORIZATION

Applicant Name(s)	Wychmere Harbor Real Estate, LLC
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	Andrew L. Singer, Esq. Law Office of Singer & Singer, LLC
Mailing address	c/o Law Office of Singer & Singer, LLC P.O Box 67
Town, ST, Zip	Dennisport, MA 02639
Phone	508-398-2221
Fax	508-398-1568
E-mail	alsinger@singer-law.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.

Wychmere Harbor Real Estate, LLC By: Andrew L. Singer, Esq.
 Applicant by: Andrew L. Singer, Esq.

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

Legal Street Address	23 Snow Inn Road, Unit 12	Village/Zip Code	Harwichport 02646
Title Book/Page or L.C.C. #	Book 24547 Page 55		
Map(s) / Parcel(s)	Map 8. Parcel P-2-12		
Zoning & Overlay Districts	RH-3 and RL	*Historic?	
Frontage (linear feet)	See plans and narrative		
Total land area (s.f.)	See plans and narrative		
Upland (s.f.)	See plans and narrative	Wetlands (s.f.)	

PART C – PROJECT DESCRIPTION

Existing Floor Area in Sq. Ft	Gross: See plans	Net:
Proposed Floor Area in Sq. Ft	Gross: See plans	Net:
Change in Sq. Ft + / -	Gross: See plans	Net:
Existing # of parking spaces	See plans	Proposed # of parking spaces: See plans
Existing Use(s)	Recreation/Amusement Services & Restaurant – Beach Club	
Proposed Use(s)	No change to existing uses	
<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: Amendment – See Attached Narrative

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____, sub-paragraph #____ Paragraph____, sub-paragraph #____
- Paragraph____, sub-paragraph #____, supplemental regulation #____ § 325-14

Article X, Special Permits: - See Attached Narrative

- 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.*

Town of Harwich Planning Board

Applicant: Wychmere Harbor Real Estate, LLC
Property: 23 Snow Inn Road, Harwichport, MA

Applicant/Property. The Applicant, Wychmere Harbor Real Estate, LLC, owns the Wychmere Beach Club located at 23 Snow Inn Road in Harwichport. The Property, which is shown as Parcel P-2 on Harwich Assessors Map 8, is currently improved with the buildings, amenities, and facilities that comprise the Wychmere Beach Club, including the Snow Inn Hotel and Channel House, and the separate Wychmere Shores residences.

Proposal. The Applicant seeks to amend approved Decision 2020-32 solely to convert 8,828 sq. ft. of approved Player's Best natural lawn panels within the heavily trafficked Beach Club pool area to SynLawn plant-based artificial grass and to convert two approved panels of SynLawn (totaling 1,110 sq. ft.) back to decking on the lower level. There will be no changes to approved buildings within the Beach Club. Though the proposed turf material is pervious, it is classified by the Town at present as impervious for permitting purposes. Thus, pre-existing nonconforming site coverage for calculation purposes will increase to 41.2% from the approved 39.9%, and pre-existing nonconforming amenities coverage will increase to 29.7% from the approved 28.4%.

Proposal Benefits List

- The pool area is heavily trafficked, and the vegetated areas are where the chaise lounges will be located and used on a daily basis in season. As such, these areas will be frequently disturbed and damaged and will require more frequent watering and maintenance and repair to remain in a suitable condition and appearance for the Beach Club use.
- SynLawn was approved in 2007 for portions of the residential condominiums. There has been no degradation and no problems with the existing SynLawn installation on the Property.
- This 8,828 sq. ft. of area accounts for less than ten percent (10%) of the overall, total lawn area on the fourteen-acre property.
- The proposed material is pervious (though classified by the Town at present as impervious for permitting purposes), will drain at least as well as Player's Best if not better as studies have established, and will not require the installation of a new irrigation system.
- The proposed area of SynLawn within the pool area is set amidst significant areas of concrete (which will replace the existing pool area which was 100% concrete) and this pervious synthetic lawn will provide better, long-term environmental protection in this particular constructed setting and will not require irrigation.
- The proposed pervious material comes with a lifetime warranty that will provide for a licensed installer to immediately correct any unanticipated defects that could arise at any time. This will allow for a cleaner and improved maintenance within the pool area and ultimately improved wetlands protection.

Planning Board Agenda Item III.A.1
For April 27, 2021
Limited Staff Report
PB2021-07 Moberg (Ford) ANR

The Planning Board will open the public meeting on Tuesday, April 27, 2021 no earlier than 6:30 p.m. Pursuant to MGL c.401, §81P, the Planning Board has 21-days to act and file a decision with the Town Clerk. The 21 days expire on Wednesday, April 28, 2021.

Description:

PB2021-07 Walter J. & Vonda L. Moberg as owners and applicants and Walter J. Moberg, Jr. owner, through their representative, Ford and Ford, Attorneys at Law, seek approval to reconfigure two adjoining lots following the grant of relief by the Zoning Board of Appeals and as set forth in M.G.L. c. 41 §81 K-GG and more specifically §81. P (Approval Not Required). The parcels are identified as 1112 and 1110 Queen Anne Lane, Map 75, Parcels S5 and S6 respectively. The parcels are in the R-R & W-R zoning districts. The plan is entitled “Approval Not Required Plan of Land in Harwich, MA” prepared by Terry A. Werner, P.L.S., dated September 24, 2019 and last revised March 19, 2021.

The application, documents and plan entitled “Approval Not Required Plan of Land”, prepared by Terry A. Warner, P.L.S., dated September 24, 2019 and revised to 03/19/2021, prepared for Walter Moberg. The application packet was submitted and stamped in with Town Clerk on April 7, 2021 and included the Decision of the Zoning Board of Appeals Cases No’s 2020-27 and 2020-28.

Interdepartmental Staff comments:

Health: These properties are located in a Zone II and must adhere to one bedroom per 10,000 square feet per lot. No other issue or concerns.

Findings (vote to adopt):

This is a suggested positive finding:

Plan shows a re-division of 2 existing lots, all in accordance with the Decisions of the Zoning Board of Appeals noted on the Plan and attached to the application.

*In the alternative, the Board may choose to make a **negative finding** (denial) and state the reason(s) why.*

Board Vote:

This is a suggested motion:

Motion to endorse (or deny) the ANR plan entitled “Approval Not Required”, prepared by Terry A. Warner, P.L.S., dated September 24, 2019 and revised to 03/19/2021.

Alternatively, the Board may vote to Deny the application for the ANR, specifically detailing why it does not meet the requirements for endorsement as an ANR or Take no action, which would result in the Town Clerk certifying that the Planning Board took no action within the statutory time.

TOWN OF HARWICH PLANNING DEPARTMENT

PLANNING BOARD APPLICATION
 SUBDIVISION FORM B-1



TO THE TOWN CLERK, HARWICH, MA

DATE 3/31/21

PART A – APPLICANT INFORMATION/AUTHORIZATION

Applicant Name(s)	Walter J. Moberg JR and Vivian L. Moberg
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	Ford & Ford Attorneys at Law Michael D. Ford, Esq.
Street/PO Box	485 Main Street, PO Box 485
Town, ST, Zip	W. Harwich, MA 02671
Phone	(508) 430-1900
Fax	(508) 430-9979
E-mail	office@fordandfordattorneys.com mike@fordandfordattorneys.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

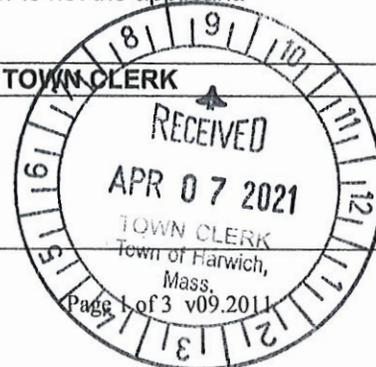
Your signature hereby asserts, to the best of your knowledge, that the information submitted in this application is true and accurate; that you agree to fully comply with the Town of Harwich Zoning By-laws and the terms and conditions of any approval of this application by the Planning Board; and authorizes 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.

Applicant *[Signature]* / Attorney for the Applicants

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

Official use only:

PLANNING DEPARTMENT	TOWN CLERK
Case #	
PB 2021-07	



PART B – PROJECT LOCATION

Street Address	1110 and 1112 Queen Anne Road		
Village	Harwich, MA	Zip Code	
Map	75	Parcel	55 & 56
Zoning District(s)	R-R		
Frontage (linear feet)	Lot 1 (1110) 233.65 & Lot 2 (1112) 84.50		
Total land area (SF)	65,713 ± SF		
Upland (SF)	65,713 ± SF	Wetlands (SF)	NA
Number of lots and/or parcels	Existing: 2	Proposed:	2

The owner's title to said land is derived under deed from The Moberg Family Trust (1110 Queen Anne Rd) and Cynthia Edredge & Paula Donaghue (1112 Queen Anne Rd) dated 10/6/17 and 3/15/19, and recorded in the Barnstable Registry of Deeds Book and Page 30815/21 & 31891/218 or registered in Barnstable County Land Court Certificate of Title No. (See Deeds Attached)

PART C – PROJECT DESCRIPTION

Number of lots and/or parcels	Existing: 2	Proposed: 2
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The undersigned owners of all land described herein submitted in the accompanying plan entitled Approval Not Required Plan of Land Harwich MA and dated Sept. 24, 2019 (Revised to 3/19/21) 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 _____ /case # PB _____
 - Rescission of a Definitive plan approved on _____ /case # PB _____
- The applicant is also requesting a **Special Permit** to accompany the proposed plan for the following (check all that apply):
 - 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.

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 150 feet for erection of a building on such lot, **and;** *(See Var. Decisions attached)*
 - 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 Queen Anne Road, 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 see Board of Appeals Decisions on Plan 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 150 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)

Plan shows a redivisions of 2 existing lots, all in accordance with the Decisions of the zoning Board Appeals noted on Plan and attached to this Application.



Town of Harwich
ZONING BOARD OF APPEALS
732 Main Street, Harwich, MA 02645

tel: 508-430-7506 fax: 508-430-4703

CASE NO. 2020-27

APPLICATION BY:
WALTER J. MOBERG JR.
3420 SE 36TH AVE
PORTLAND, OR 97202

PROPERTY: 1110 QUEEN ANNE ROAD
HARWICH, MA
MAP #75, PARCEL #S6
RR ZONING DISTRICT

BOOK 30815
PAGE 21
DATE OF HEARING: JULY 29, 2020



DECISION

At its remote access meeting on July 29, 2020, The Zoning Board of Appeals (the "Board") voted 5-0-0 to grant a Special Permit under Section 54.A. and a Variance from lot area, frontage and setback requirements of the Town Code in order to reconfigure the lot lines of two existing, adjacent lots according to the plans submitted. The application was pursuant to the Code of Harwich, §325-15, §325-16, §325-21, §325-22 §325 -Table 2 and Table 3 as set forth in MGL Chapter 40A §10. The property is located at **1110 Queen Anne Rd.**, Map 75, Parcel S6 in the RR Zoning District.

Members of the Board sitting and voting on this Appeal: David Ryer, Al Donoghue, Brian Sullivan, James Armstrong and Chris Murphy.

PROCEDURAL HISTORY

1. On June 29, 2020, the Applicant, Walter J. Moberg, Jr., through his attorneys, Ford & Ford, Attorneys at Law applied for a Special Permit under Section 325-54.A. and a Variance from the lot area, frontage and setback requirements of the Town Code in order to reconfigure the lot lines of two existing, adjacent lots . Applicant submitted a Certified Plot Plan by Terry Warner dated 9/24/19 along with the application and narrative.
2. A duly advertised remote access public hearing on the Application was held on July 29, 2020.

A TRUE COPY, ATTEST:

Arcia N. Donicette

TOWN CLERK OF
HARWICH, MASS.

MAR 16 2021

Case #2020-27 1110 Queen Anne Rd.
Harwich Zoning Board of Appeals

FACTS AND EVIDENCE PRESENTED: Speaking for the Applicant, Attorney Michael Ford restated the details of the application as set forth in the Narrative adding a perspective from the history of the adjoining lots. He argued that the pork chop shape of the lot and the resulting hardship of a reduction in the number of bedrooms due to its location in the water recharge area are unique and that there is no substantial detriment to the public good and no derogation from the purpose or intent of the bylaw.

The Board, after viewing the Property and after review of the facts, plans, application, and evidence presented at the hearing and after deliberation on the same, made the following findings:

1. The Board has the authority to grant the relief requested in this application;
2. There would be no derogation from the current zoning requirement regarding frontage, a reduction in setbacks and the non-conforming lot coverage because the lots are currently both non-conforming.
3. The smaller frontage, non-conforming lot coverage and lesser setbacks will **not** be substantially more detrimental to the neighborhood than the existing lot configuration nor offer any harm to the public good as the lots are already non-conforming;
4. Hardship exists due to the shape of the lot in question and its location in the water recharge area requiring a limit of 1 bedroom per 10,000 square feet of lot space.
5. Any relief not expressly granted hereunder is hereby denied.

For the above stated reasons Mr. Ryer moved and Mr. Armstrong seconded the motion to grant a Special Permit under Section 325-54. A **and** a VARIANCE under the MGL 40A §10 from the lot frontage, lot area and setback requirements of the Town Code in order in order to reconfigure the lot lines of two existing, adjacent lots according to the plans submitted for the property at **1110 Queen Anne Rd.**, Map 75, Parcel S6 in the RR Zoning District according to the plans submitted.

Vote: 5-0

VOTING IN FAVOR:

Mr. David Ryer
Mr. Al Donoghue
Mr. G. Brian Sullivan
Mr. Chris Murphy
Mr. James Armstrong

VOTING IN OPPOSITION:

None

Case #2020-27 1110 Queen Anne Rd.
Harwich Zoning Board of Appeals

Dated: August 11, 2020

David Ryer

David Ryer, Chairman Harwich Zoning Board of Appeal

Appeal from this decision may be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, within 20 days of the filing with the Town Clerk.

THIS DECISION HAS BEEN FILED WITH THE TOWN CLERK ON AUG 11, 2020.

Anita M. Doucette

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 AUG 11, 2020

Twenty Days Elapsed SEP 01, 2020

Anita M. Doucette

Town Clerk

Case #2020-27 1110 Queen Anne Rd.
Harwich Zoning Board of Appeals

Town of Harwich
ZONING BOARD OF APPEALS
732 Main Street, Harwich, MA 02645

tel: 508-430-7506 fax: 508-430-4703

CASE NO. 2020-28

WALTER J. MOBERG JR.
3420 SE 36TH AVE
PORTLAND, OR 97202

PROPERTY: 1112 QUEEN ANNE ROAD
HARWICH, MA
MAP #75, PARCEL #S5
RR ZONING DISTRICT

BOOK 31891

PAGE 218

DATE OF HEARING: JULY 29, 2020



DECISION

At its remote access meeting on July 29, 2020, The Zoning Board of Appeals (the "Board") voted 5-0-0 to grant a Special Permit under Section 325-54.A and a Variance from lot area, frontage and setback requirements of the Town Code in order to reconfigure the lot lines of two existing, adjacent lots according to the plans submitted. The application was pursuant to the Code of Harwich, §325-15, §325-16, §325-21, §325-22 §325 -Table 2 and Table 3 as set forth in MGL Chapter 40A §10. The property is located at 1112 Queen Anne Rd., Map 75, Parcel S5 in the RR Zoning District.

Members of the Board sitting and voting on this Appeal: David Ryer, Al Donoghue, Brian Sullivan, James Armstrong and Chris Murphy.

PROCEDURAL HISTORY

1. On June 29, 2020, the Applicant, Walter J. Moberg, Jr., through his attorneys, Ford & Ford, Attorneys at Law applied for a Special Permit under Section 325.54.A and a Variance from the lot area, frontage and setback requirements of the Town Code in order to reconfigure the lot lines of two existing, adjacent lots . Applicant submitted a Certified Plot Plan by Terry Warner dated 9/24/19 along with the application and narrative.
2. A duly advertised remote access public hearing on the Application was held on July 29, 2020.

Case #2020-28 1112 Queen Anne Rd.
Harwich Zoning Board of Appeals

TRUE COPY, ATTEST:
Anita M. Donnette

TOWN CLERK OF
HARWICH, MASS.
1
MAR 19 2020

FACTS AND EVIDENCE PRESENTED: Speaking for the Applicant, Attorney Michael Ford restated the details of the application as set forth in the Narrative adding a perspective from the history of the adjoining lots. He argued that the pork chop shape of the lot and the resulting hardship of a reduction in the number of bedrooms due to its location in the water recharge area are unique and that there is no substantial detriment to the public good and no derogation from the purpose or intent of the bylaw.

The Board, after viewing the Property and after review of the facts, plans, application, and evidence presented at the hearing and after deliberation on the same, made the following findings:

1. The Board has the authority to grant the relief requested in this application;
2. There would be no derogation from the current zoning requirement regarding frontage, a reduction in setbacks and the non-conforming lot coverage because the lots are currently both non-conforming.
3. The smaller frontage, non-conforming lot coverage and lesser setbacks will *not* be substantially more detrimental to the neighborhood than the existing lot configuration nor offer any harm to the public good as the lots are already non-conforming;
4. Hardship exists due to the shape of the lot in question and its location in the water recharge area requiring a limit of 1 bedroom per 10,000 square feet of lot space.
5. Any relief not expressly granted hereunder is hereby denied.

For the above stated reasons Mr. Ryer moved and Mr. Armstrong seconded the motion to grant a Special Permit under Section 325-54.A. and a VARIANCE under the MGL 40A §10 from the lot frontage, lot area and setback requirements of the Town Code in order in order to reconfigure the lot lines of two existing, adjacent lots according to the plans submitted for the property at **1112 Queen Anne Rd., Map 75, Parcel S5** in the RR Zoning District according to the plans submitted. **There is a condition that any future request for a variance based on the reduced size of the lot will be viewed as a self-created hardship insufficient to support any such future request for a variance.**

Vote: 5-0

VOTING IN FAVOR:

- Mr. David Ryer
- Mr. Al Donoghue
- Mr. G. Brian Sullivan
- Mr. Chris Murphy
- Mr. James Armstrong

VOTING IN OPPOSITION:

None

Dated: August 11, 2020

David Ryer
David Ryer, Chairman, Harwich Zoning Board of Appeal

Appeal from this decision may be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, within 20 days of the filing with the Town Clerk.

THIS DECISION HAS BEEN FILED WITH THE TOWN CLERK ON AUG 11 2020

Anita M. Drouette
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 AUG 11 2020

Twenty Days Elapsed SEP 01 2020

Anita M. Drouette
Town Clerk

Case #2020-28 1112 Queen Anne Rd.
Harwich Zoning Board of Appeals

Place Holder for PB2021-08 Eastward Homes BT - ANR

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		
	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 25 feet from the street and rear property line and 20 feet from the side property line.

Explanation: *These changes would allow for creativity and flexibility for parking within the MRL and MRL-1 zoning district, particularly for already improved properties.*

OFFICE OF THE TOWN ADMINISTRATOR

Phone (508) 430-7513

Fax (508) 432-5039

Joseph F. Powers, *Town Administrator*

Meggan M. Eldredge, *Assistant Town Administrator*

732 MAIN STREET, HARWICH, MA 02645



Memo

To: Planning Board

From: Joseph F. Powers, *JFP* Town Administrator

RE: Zoning By-Law Article for ATM '21

Date: April 5, 2021

Dear Members of the Planning Board,

At a regularly scheduled meeting of the Board of Selectmen on March 24, 2021, the proposed zoning amendment "Parking Setbacks MRL and MRL-1 Zoning Districts" was discussed. The Board voted to not include this zoning amendment in the warrant for the 2021 Annual Town Meeting.

HARWICH PLANNING BOARD
HARWICH TOWN HALL - 732 MAIN STREET, HARWICH
VIA REMOTE PARTICIPATION GoToMeeting.com
TUESDAY MARCH 9, 2021 – 6:30 PM
MEETING MINUTES

BOARD MEMBERS PRESENT: Chairman, Duncan Berry; Vice-Chairman, Allan Peterson; David Harris; William Stoltz; Arthur Rouse; and Craig Chadwick. Mr. Harris arrived at 6:41 PM, Ms. Maslowski arrived at 7:26 PM. All were all present via remote participation.

BOARD MEMBERS ABSENT: Joe McParland.

OTHERS PRESENT: Meggan Eldredge; Katie O’Neill; Dan Croteau; Patricia Tworek; William Crowell; Paul Soucy; Christopher Pepe; Rick Don; Susan Ladue; 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.

PB2020-24 195 Queen Anne Road, LLC, 195 Queen Anne Road, Site Plan Review Special Permit
Representative: Daniel Ojala

Chairman Berry opened the hearing at 6:35 PM by reading the legal notice into the record. 195 Queen Anne Road, LLC, as applicant, George A. McLaughlin III, as manager, Chairman Berry opened the hearing at 6:35 PM by reading the legal notice into the record. 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.*

Vice Chairman Peterson made the motion to continue the hearing to March 23, 2021 no earlier than 6:30 PM, seconded by Mr. Chadwick, unanimously so voted via roll call.

PB2021-02 Richton Investment LLC, 11 Route 28, Waiver of Site Plan and Retain Use Special Permit with Waivers
Representative: William Crowell

Chairman Berry opened the hearing at 6:37 PM by reading the legal notice into the record. 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.

William Crowell began the hearing by explaining the proposed application. Chris Pepe, Rick Don, and Dan Croteau are also present. Mr. Crowell stated that this is the first case since the DCPC went into effect last fall. This is not a good case to have as a first case. This is not a historic building. This will not fit into one hole or another. This was the old friendly's building. This is located just before Dennisport. It was Vieira for the last several years. The building was built in 1975, this is not historic. This structure was not a target of this district. They are hoping to work with the Board to take a pro-business approach. This will be a bait and tackle shop. Fishing season is starting soon. The herring will be starting soon, and that brings the striped bass. They are asking for site plan special permit waiver by the Board. They have not submitted a site plan because they are asking for a waiver. No changes to the building are being proposed. It is what it is. It would cost about \$5,000 to submit a site plan with all of the required items. A bait and tackle use will be a much less intense use than a restaurant. There are more than adequate parking for this use. Additionally, they are asking for change of use from restaurant to retail. Both are allowed under CH1 district. A restaurant is allowed by a special permit, retail is permitted by right. This is a less intensive use. They wouldn't be there without the overlay district that was approved last fall. This is a commercial use. It's not being changed. They don't need a special permit, but they would submit that they are not in excess of 1000 square feet of retail area. This is a reduction in intensity. This does not meet all of the dimensional exactly, but the Board can waive or modify these requirements if it does not derogate from the bylaw. The board could have latitude because it does not derogate from the purpose of the bylaw. A letter from an abutter was submitted today. He then read the letter of support into the record.

Mr. Harris arrived remotely at 6:41 PM.

Ms. Eldredge read departmental input and the Town Planners report into the record. 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. 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 be 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.

A lengthy discussion ensued.

Mr. Croteau stated that this is a challenging property, as there is no recorded site plan for this, or recorded site plans on either side. That makes it very challenging. The deed doesn't refer to a plan. The survey is a tough piece of land to give the setbacks required with the chart. That's why the survey

compliance chart isn't completed. The parking is enormous for the amount of parking. The parking for retail is 1 spot per 150 square feet. This space would need 8 parking spots. Two handicapped spots to the west are shown, and two to the east are shown.

Patricia Tworek stated that she wasn't sure the parking would be part of this process. The library is a landlocked library. The business has always allowed their patrons access to the library. This is good for the board to understand.

Ms. Maslowski arrived at 7:26 PM.

Ms. Maslowski clarified that she is not sure if this is appropriate for a waiver of site plan, as this is in the DCPC.

Mr. Crowell responded, a lengthy discussion ensued.

Paul Soucy recently purchased another Harwich Bait and Tackle Business, stated that he did all the requirements prior to this fishing season. They completed everything in a tiny area. The storage area is not included in the square footage.

A lengthy discussion ensued.

Vice chairman Peterson made the motion to close the hearing at 7:52 PM, seconded by Mr. Chadwick, unanimously so voted via roll call. With the exception of Mr. Harris and Ms. Maslowski who were not eligible to vote.

Waiver of Site Plan

Mr. Peterson made a motion seconded by Mr. Chadwick to grant a temporary Waiver of Site Plan to expire concurrently with any Use Special Permit which may be granted for application of PB2021-02. The roll call vote was unanimous (5-0-0).

Temporary Use Special Permit

Mr. Peterson made a motion seconded by Mr. Chadwick to grant a temporary Use Special Permit with waivers pursuant to the Code of the Town of Harwich, MA §§325-55.F, -149 and -152.B to operate a bait and tackle shop under 1,000 SF and is subject to the following conditions:

Conditions of Approval

1. The temporary retail Use Special Permit shall expire no later than November 30, 2021.
2. Any and all regulations for the Board of Health, Conservation Commission or any Town department shall be met.
3. The temporary Use Special Permit shall be recorded at the Barnstable County Registry of Deeds.
4. No extension or continuance of the underlying retail Use Special Permit shall be granted by this Board without a Site Plan drafted to current standards and to scale to include a zoning compliance table.

The roll call vote was unanimous (5-0-0).

All Votes via Roll Call:

IN FAVOR: Stoltz, Peterson, Berry, Rouse, Chadwick
OPPOSED: None
ABSTAIN: None

PB2021-03 Deerfield Nominee Trust, Amendment to Site Plan Review Special Permit and Use Special Permit for Manufacturing

Representative: Susan Ladue

Chairman Berry opened the hearing at 8:10 PM by reading the legal notice into the record. 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.

Susan Ladue began the hearing by explaining the proposal. This was originally approved in 2019. They currently have three tenants. The floor plan and as-built has been submitted, as well as the change of use proposal. They are requesting a change of use for one bay. The building is constructed on a slab, not a basement. A gravel bed has been constructed as a landscape component as well as drainage. The foundation landscape beds were not installed as it was neater to pave up to the building. The striping is as proposed. A berm was installed per the details of the original site plan. Additional lights have been installed. This is a safer site, and it does comply with the lighting code. The parking was explained.

Ms. Eldredge read the departmental input and town planners report into the record. 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.

Mr. Chadwick had questions regarding dust collection, Ms. Ladue stated that it will meet the standard of what is required, but she doesn't know exactly what that would be.

Mr. Chadwick asked for an exhaust for painting or staining. Will there be equipment outside to address those issues. Mrs. Ladue stated she doesn't know the exact answer, but they will be complying with all the requirements.

Ms. Maslowski asked why they are limiting the manufacturing use to only unit 2. Ms. Ladue stated that they only have one specific tenant. A discussion ensued regarding use.

Mr. Harris questioned the lack of dumpster and waste requirements, which were answered by Ms. Ladue.

Mr. Stoltz thought that the dust collection system should be on the inside of the building.

Mr. Harris asked if that would be the jurisdiction under the planning board, or another department of the town.

A lengthy discussion ensued.

Mr. Harris made the motion to close the public hearing at 8:28PM, seconded by Mr. Chadwick, unanimously so voted via roll call.

Findings

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

1. The property is within the IL zoning district.
2. Deerfield Road provides for adequate access.
3. Two 50' curb cuts are proposed, with a landscaped island separating the two curb cuts.
4. The parking is based on Warehouse use.
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.

Use Special Permit

On a motion by Ms. Maslowski, seconded by Mr. Harris, the Board voted unanimously (7-0-0) by roll call 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 and -55, for new construction of a 5,845 SF metal structure for industrial use for 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. The following conditions are imposed:

Conditions of Approval:

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. Any dust collection system be contained within the building.
4. 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.
5. This decision shall be recorded with Land Court.

Site Plan Review Special Permit

On a motion by Ms. Maslowski, seconded by Mr. Harris, the Board voted unanimously (7-0-0) by roll call to **approve with conditions case 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:

Conditions of Approval:

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.

All Votes via Roll Call

In Favor: Peterson, Maslowski, Stoltz, Chadwick, Berry, Harris, Rouse
Opposed: None
Abstain: None

MINUTES: February 23, 2021

Vice Chairman Peterson made the motion to approve the minutes from February 23, 2021 as written, seconded by Mr. Chadwick, unanimously so voted via roll call.

CONTINUED DISCUSSION ON WEST HARWICH SPECIAL DISTRICT DESIGN GUIDELINES

Chairman Berry did not get an opportunity to get the ultimate language for the design guidelines. He will be meeting with Sara Korjeff on Friday morning, and they will have a document hopefully for the next meeting. They will also have visuals within two sides of one sheet of paper. It's very compact and functional.

BRIEFINGS AND REPORTS BY BOARD MEMBERS

Ms. Maslowski stated that the CPC articles will be on the town warrant. Any support is greatly appreciated.

ADJOURNMENT:

Vice Chairman Peterson made the motion to adjourn at 8:37 PM, seconded by Mr. Chadwick, unanimously so voted via roll call.

Respectfully Submitted,
Kathleen A. O'Neill

Adopted:

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

BOARD MEMBERS PRESENT: Chairman, Duncan Berry; David Harris; William Stoltz; Joe McParland; Arthur Rouse; Mary Maslowski; David Harris; and Craig Chadwick. Mr. Harris. All were all present via remote participation.

BOARD MEMBERS ABSENT: Vice-Chairman, Allan Peterson.

OTHERS PRESENT: Meggan Eldredge; Katie O’Neill; Dan Ojala; Peter Antonellis; Susan Sedor; Saumil Patel; George McLaughlin; and others

CALL TO ORDER - 6:31 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.

PB2021-04 711 Main Street LLC, 711 Main Street, Modify Site Plan Review Special Permit
Representative: Saumil Patel

Chairman Berry opened the hearing at 6:33 PM by reading the legal notice into the record. 711 Main Street LLC, Saumil Patel, manager, seeks approval to modify Site Plan Review Special Permit PB2019-18 and PB2020-31 to relocate the fence from the southerly property line to just off the rear parking lot attaching it to the guardrail. The application is pursuant to the Code of the Town of Harwich §325-55. The property is located at 711 Main Street, Map 41, Parcel D8, in the C-V and Harwich Center Overlay Districts.

Mr. Patel started the hearing by explaining that he would like to put a 4’ fence on the guard rail to screen the neighbors on the south side of the property. He met with the neighbors, and they decided the guardrail fencing would be a better screen and the best approach.

Ms. Eldredge read departmental input into the record. Comments from other Boards, Departments, Committees Fire and Health: No issues or concerns. Planning Staff Comments Elaine Banta: Charleen was able to review the application prior to her retirement. She notified the applicant that the plans were not stamped by a professional. The applicant immediately provided stamped plans. No written correspondence has been received. All other Planning Board requirements have been met.

Ms. Maslowski stated that this was also approved by historic.

Mr. Rouse commended Mr. Patel for solving a potential problem with his neighbors. This is commendable to solve this so quickly.

Susan Sedor and Peter Antonellis read their letter of concern into the record. They are requesting a 6’ fence, not a 4’ fence.

A very lengthy discussion ensued on fence height regarding fence height and location.

Mr. Chadwick made the motion to continue the hearing to April 27th, 2021 no earlier than 6:30 PM, seconded by Ms. Maslowski, unanimously so voted via roll.

PB2020-24 195 Queen Anne Road, LLC, 195 Queen Anne Road, Site Plan Review Special Permit
Representative: Daniel Ojala

Chairman Berry opened the hearing at 7:19 PM by reading the legal notice into the record. 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.

Mr. Ojala began the hearing by explaining the proposal. This property has nice quiet neighbors, the solar farm, and to the west has similar uses. Across the street is a cell phone towners. Not much objection by neighbors. This is a good use for this site. This has been used as a contractor yard, and the owner wants to clear it up. There was concern over parking arrangements. This has been continued a number of times. Griffin Ryder felt rain guards should be introduced to soak up nitrogen and phosphorous. This is not in a Zone II. They are looking at contractor bay use, or vehicle storage use. There will be an industrial tight tank. This will also be a good looking building screened from the Road. Griffin Ryder approved this yesterday at his public storm water hearing.

Ms. Eldredge read departmental input into the record. Departmental Comments: On February 24, 2021 departmental comments were solicited based on the new plans that were submitted. Conservation, Police and Fire: No comments Health: A fully-compliant septic system must be approved prior to building permit issuance. Highway: 1.) To make the property owner/developer aware, Queen Anne Road was recently resurfaced and is now under a 5 yr. Road Cut Moratorium. I notice that the new gas service is proposed to come off the gas main under pavement, at this time and until fall of 2025 that will not be possible. It is not clear where the water main is located but this moratorium may effect that as well. 2.) The D.P.W. also request the repair/restoration of the chain link fence damaged over the years. It appears that things have been leaned against or pile on it over the years causing significant damage. The areas in question are along the eastern and northern property lines. Engineering: Stormwater hearing scheduled for March 22, 2021. Comments to follow. Water: Due to the length of the service the property will require a meter pit to be located at the front of the parcel along Queen Anne Road. I would recommend they move the meter pit into the island along QA to keep it out of the road reducing the structural requirements for the meter pit. Planning Staff Comments: Elaine Banta: The applicant has summited revisions to reduce the structure size to 7,480 SF with five (5) bays with corresponding appurtenant changes to the surroundings.

Mr. Rouse asked if Mr. McLaughlin owned the warehouse in the front. It was responded yes, they rent out to other businesses.

Mr. Chadwick clarified the tenants and the specific uses of the building, which were answered by Mr. Ojala.

George Mclaughlin stated he would like to clean up this property. He has pride in the things he owns. Landscaper bays could be another use. Electrician, etc. A house contractor would be a typical tenant.

No public comment was made.

Mr. Stoltz questioned if natural gas could not be approved, would they need to see fuel tank locations?

Mr. Ojala stated they would be behind the building, off the path, and reviewed by fire. This is a small footprint tank, and is temporary. Gas will be connected after the moratorium.

A discussion ensued regarding propane tank and placement.

Ms. Maslowski asked if the Board of Health has above ground propane tank requirements. It was responded no.

Placement shall be subject to approval of the Harwich Fire Department and placement shall not exceed 5 years form the date of issuance of the special permit and the placement of fuel tank should be included on the finalized as-built plans.

Mr. McLaughlin stated he will pursue natural gas, but he accepts the proposed conditions if it doesn't work out.

Mr. Harris moved to close the public hearing at 7:41 PM, seconded by Mr. Chadwick, unanimously so voted via roll call.

Findings of Facts

On a motion from Ms. Maslowski, seconded by Mr. McParland, the Board voted (7-0-0) by rollcall to adopt the following findings of fact:

1. The property is located within the I-L zoning districts.
2. The parking complies with the requirements of Article IX, Off-Street Parking Regulations.
3. Adequate landscaping and buffers for adjacent residential properties have been provided.
4. Screening of parking complies with the provisions of §325-43.
5. The proposed use is allowable with a Special Permit.
6. The use as developed will not adversely affect the neighborhood.
7. The specific site is an appropriate location for such a use, structure or condition.
8. There will be no nuisance or serious hazard to vehicles or pedestrians.
9. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Vote on Use Special Permit

On a motion from Ms. Maslowski, seconded by Mr. McParland, the Board voted (7-0-0) by rollcall vote to approve the application submission PB2020-24; 195 Queen Anne Road, LLC for a Use Special Permit for structures with 20 or more new parking spaces for property located at 195 Queen Anne Road, Map 41, Parcel N4 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 conditions are imposed.

Conditions of Approval:

1. Supplemental Regulations pursuant to Section 325-14.I shall be met for Manufacturing.
2. Any change of use may require further Planning Board review.

Site Plan Review Special Permit:

On a motion from Ms. Maslowski, seconded by Mr. McParland, the Board voted (7-0-0) by rollcall vote to approve with conditions, the application submission PB2020-24; 195 Queen Anne Road, LLC to construct an industrial warehouse/contractor structure (7 bays, 9,000 sf) and appurtenant features. 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. The following conditions are imposed.

Conditions of Approval:

1. All drainage and storm water requirements, local, state and federal, shall be met and approved by the Harwich Town Engineer prior to the commencement of construction operations, including a Stormwater Permit, pursuant to the local Comprehensive Stormwater and Illicit Discharge Regulations.
2. Water Department requirements shall be met.
3. Any changes to existing signage or new signage shall meet the requirements of Article VII – Sign Regulations.
4. Conformance with the Town Code Section 400-18.G Inspection, Certificate of Completion and As-built plan shall be met.
5. This decision shall be recorded at the Barnstable County Registry of Deeds.
1. The applicant shall seek to use natural gas at the facility and in the event the applicant cannot use natural gas and any propane fuel tanks necessary shall be placed in the NE corner of the building and shall be screened. Placement shall be subject to approval of the Harwich Fire Department and the placement of fuel tank shall be included on the finalized as-built plans submitted to the Town Planner.
2. Applicant shall repair the existing fence, as necessary.

All Votes by Roll Call Vote:

IN FAVOR: Mr. Berry, Ms. Maslowski, Mr. McParland, Mr. Chadwick, Mr. Harris, Mr. Stoltz and Mr. Rouse (alternate).
OPPOSED: None
ABSTAIN: None

COVENANT RELEASES

PB2007-36 South Westgate Road- Mark Zipp (Original owner: Chapman)

Ms. Eldredge provided the explanation of the covenant releases.

Mr. Chadwick clarified that there was no site plan as part of the application, is that not part of the package? Ms. Eldredge clarified that it is not part of the material.

Mr. Chadwick was concerned with the vegetation. Is not having a site plan a concern?

Ms. Eldredge stated that lot 4 was chosen to be held because the stock piled materials are currently being held, even though they should be removed.

Ms. Maslowski made the motion to approve the covenant release, seconded by Mr. McParland.

A discussion ensued. Motion failed, continued to next meeting.

PB2016-05 Denwich Road- Tonka Girl LLC, Mike Escher, Manager.

Mr. McParland made the motion to approve the partial release, seconded by Mr. Harris.

Mr. Stoltz confirmed that 2 lots will be held. A lengthy discussion ensued. The motion was withdrawn.

Chairman Berry requested that the documentation of a site plan be included in the next meeting for both releases.

ZONING BOARD OF APPEALS OPINIONS FOR MARCH 31, 2021:

Ms. Eldredge state that the Zoning Board of Appeals will be heard March 31, 2021. She then read the Agenda into the record.

No comments were made.

WEST HARWICH SPECIAL DISTRICT DESIGN GUIDELINES: Sarah Korjeff

Sarah Korjeff brought the board up to speed on the design guidelines. She walked them through the design guidelines in the packet. She will start by making comments that Liz Kellam is also on the line. Cape Cod Commission has offered to develop graphics to develop guidelines to make them new user friendly. They would like to make three main sections that justify the guidelines, then go into specifics about desired types of alterations geared toward historic properties, and a new properties in section. They wanted to personalize these design guidelines specifically to West Harwich, but are broad enough to not be restrictive in the area. They also wanted these to be complimentary to the regulations adopted this fall. This is personalized to West Harwich, and serves all audiences in town- including property owners and workers. This will help guide new development in the area. Key elements of protecting historic resources to not harm historic features.

A lengthy discussion ensued.

Mr. Harris commended the individuals who put it together, agreed by Ms. Maslowski. She continued to state that guidelines might be better than standards.

Ms. Korjeff stated that guidelines would give more flexibility than standards.

A lengthy discussion ensued.

Further iterations will be provided.

BRIEFINGS AND REPORTS BY BOARD MEMBERS

Ms. Eldredge updated the Board that an appeal has been filed by Mr. Winston on the Royal. The Board Secretary position will be vacant as of April 5th, and the Planner's positions has officially been posted.

ADJOURNMENT:

Mr. McParland made the motion to adjourn at 8:49 PM, seconded by Mr. Haris, unanimously so voted via roll call.

Respectfully Submitted,
Kathleen A. O'Neill

Adopted:

HARWICH ZONING BOARD of APPEALS PUBLIC HEARINGS
Wednesday, April 28, 2021 at 7:00 p.m.
VIA REMOTE ACCESS
AGENDA

The Harwich Zoning Board of Appeals will hold a public hearing **via remote access** as noted below to hear the following cases. Any member of the public having interest in these applications is invited to provide information and comment relevant to these matters by submitting the same in writing via mail **by noon on Monday, April 26, 2021. Correspondence received after this time may be too late for submission to the Board. Case documents may be viewed on the Town Website via the Accela Citizen Access <https://aca3.accela.com/harwich/> Click Building and “Search Applications” or by specific request to building@townofharwich.us**

This meeting is by REMOTE PARTICIPATION ONLY. NO IN-PERSON ATTENDANCE OF MEMBERS OF THE PUBLIC WILL BE ALLOWED. Call in instructions are posted on this meeting Agenda on the Board of Appeals web page.

Pursuant to Governor Baker’s March 12, 2020 order Suspending Certain Provisions of the Open Meeting Law, G.L.c30A Sec18 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 Town of Harwich Board of Appeals on Wednesday, May 27, 2020 at 7pm will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Harwich website at www.harwich-ma.gov. For this meeting, members of the public who wish to watch the meeting may do so in the following manner on Channel 18 or by watching the simulcast at: <https://harwich18.dyndns.org/cablecast/public/Live.aspx?ChannelID=1>

Zoning Board of Appeals
Wed, Apr 28, 2021 7:00 PM - 11:00 PM (EDT)

Please join my meeting from your computer, tablet or smartphone.
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Case # 2021-11

Susan C. Shorten and Greg Shorten, through their agent, John Krafton have applied for a Special Permit to add a roof dormer and reconfigure interior habitable space and to change a bay window to a door on a pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich, §325-54 and Table 2 Area Regulations as set forth in MGL Chapter 40A §6. The property is located at **8 Port Pines Rd**, Map 7, Parcel D21-3 in the RH-1 Zoning District.

Case # 2021-12

Wychmere Harbor Real Estate, LLC, through its agent, Attorney Andrew Singer has applied for an amendment to Special Permit granted in Case 2020-45 solely to convert 8,828 sq. ft. of approved natural lawn panels to SynLawn plant based artificial lawn in the heavily trafficked Beach Club pool area which, because it is considered impervious, will add to the pre-existing, non-conforming site coverage. The application is pursuant to the requirements of MGL Chapter 40A §6. The property is located at **23 Snow Inn Road, Unit 12**, Map 8, Parcel P2-12 in the RH-3 and RL Zoning Districts.

Case # 2021-13

Jonathan P. Chorey and Susan G. Chorey, Trustees, et al have applied for a Special Permit to convert their detached garage into an accessory structure with a bedroom and a bath. The application is pursuant to the Code of the Town of Harwich, §325-14(Q) as set forth in MGL Chapter 40A §6. The property is located at **153 Gorham Rd.**, Map 24, Parcel R2 in the RR Zoning District.

Case # 2021-14

Peter P. Lattanzi, Jr. and Corey A. Lattanzi, through their agent, Attorney William Crowell have applied for a Special Permit (or in the alternative, a Variance) to demolish & replace a pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich, §325-54 and Table 2 Area Regulations as set forth in MGL Chapter 40A §6 (or Chapter 40A §10). The property is located at **58 Bank St.**, Map 14, Parcel Y7 in the RH-1 Zoning District.

Case # 2021-15

James E. O'Neil and Maura E. O'Neil, through their agent, Attorney William Crowell have applied for a Special Permit (or in the alternative, a Variance) to build additions on the southerly and westerly side of a pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich, §325-54 and Table 2 Area Regulations as set forth in MGL Chapter 40A §6 (or Chapter 40A §10). The property is located at **5 Sunset Rd.**, Map 12, Parcel T4-8 in the RH-1 Zoning District.

Case # 2021-16

Scott and Sabina Sawyer, through their agent, Attorney William Crowell have applied for a Special Permit (or in the alternative, a Variance) to demolish & replace a pre-existing, non-conforming single family dwelling and guest house. The application is pursuant to the Code of the Town of Harwich, §325-54 and Table 2 Area Regulations as set forth in MGL Chapter 40A §6 (or Chapter 40A §10). The property is located at **26 Wyndemere Bluffs Rd.**, Map 6, Parcel E5-13-1 in the RH-1 Zoning District.

Case # 2021-17

Jeffrey E. Noonan and Leslie A. Noonan, through their agent, Attorney William Crowell have applied for a Special Permit (or in the alternative, a Variance) to renovate with additions and exterior changes to a pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich, §325-54 and Table 2 Area Regulations as set forth in MGL Chapter 40A §6 (or Chapter 40A §10). The property is located at **30 Bay View Rd.**, Map 14, Parcel X2-A in the RL & CV Zoning Districts.

Case # 2021-18

Shawn P. & Cynthia A. Driscoll, through their agent, Attorney William Crowell have applied for a Special Permit (or in the alternative, a Variance) to build an addition onto a pre-existing, non-conforming single family dwelling and to demolish and replace an existing detached garage. The

application is pursuant to the Code of the Town of Harwich, §325-54 and Table 2 Area Regulations as set forth in MGL Chapter 40A §6 (or Chapter 40A §10). The property is located at **110 Hoyt Rd.**, Map 24, Parcel R8-0 in the RR Zoning District.

Case # 2021-19

John F. Doherty, Trustee, et al, through his agent, Thomas Moore of Thomas A. Moore Design Co. has applied for a Special Permit to build an addition onto a pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich, §325-54 and Table 2 Area Regulations as set forth in MGL Chapter 40A §6. The property is located at **98 Chase St.**, Map 11, Parcel S7-1 in the RL Zoning District.

In other business, the Board will address the following:

- * Approval of minutes from the March 31, 2021 meeting.
- * New Business per the Board's discretion.

Documents related to the above cases are on file with the Building Department and the Office of the Town Clerk located at 732 Main Street, Harwich. They are also available to view on the Town of Harwich website via the Accela Citizen Access Portal.

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 notice.

Per the Attorney General's Office: The Board may hold an open session for topics not reasonably anticipated by the Chair 48 hours in advance of the meeting following "New Business."

This Agenda may change at the discretion of the Board.

Authorized Posting Officer: Shelagh Delaney, sdelaney@town.harwich.ma.us

Board of Appeals Recording Clerk

The Cape Cod Chronicle **Print dates: April 8th and 15th, 2021.**