

Harwich Planning Board Agenda
Tuesday, August 11, 2020 – 6:30 PM
Griffin Room, Town Hall, 732 Main Street, Harwich
This meeting will be held VIA REMOTE PARTICIPATION.
Access is available through GoToMeeting.com and live broadcast on Channel 18

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Access Code: 358-102-773

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

II. Public Hearing:

- A. *Continued: PB2020-13 Davenport Companies Inc.*, applicant, c/o John M. O’Reilly, PE, PLS, representative, seeks approval of a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §§ 325-13.A, -51 and -51.N as set forth in MGL c. 40A §9. The property is located at 0 Old Campground Road Map 30, Parcel C12 in the R-M District. Continued from June 25, 2020. *The applicant has requested a withdrawal without prejudice.*
- B. *Continued: PB2020-14 Davenport Companies Inc.*, applicant, c/o John M. O’Reilly, PE, PLS, representative, seeks approval of a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §§ 325-13.A, -51 and -51.N as set forth in MGL c. 40A §9. The property is located at 0 Old Campground Road Map 30, Parcel C11 in the R-M District. Continued from June 25, 2020. *The applicant has requested a withdrawal without prejudice.*
- C. **PB2020-20 Ormon, Robert**, as applicant c/o Rick Hamlin, E.T.S. & L., Inc., Wm. E. Crowell Jr., Trs., et al and Robert C. Chamberlain, Trs., seeks approval of a Use Special Permit pursuant to the Code of Town of Harwich §§325-13.D, ¶ IV, Line 2, and §325-51 for Automotive Service & Repair. The property is located at 524 Depot Street, Units 1 & 2, Maps 45, Parcel S2-1-1, in the I-L zoning district.
- D. **Zoning Amendment Public Hearing** - In accordance with the provisions of MGL c.40A §5, the Harwich Planning Board will hold a public hearing on Tuesday, August 11, 2020 not earlier than 6:30 pm in the Donn B. Griffin Room, Harwich Town Hall, 732 Main Street, Harwich, to consider an amendment to the Harwich Zoning Codes:

Article ____: To see if the Town will vote to amend the Code of the Town of Harwich – Zoning by deleting the definition of “Essential Services” within §325-2 – Definitions and by deleting within §325-13 – Table 1, Paragraph II – Public and Quasi Public Uses, Item 3 – Essential services; facility, utilities.

III. Public Meeting*

A. New Business:

1. **PB2020-22 Bryan Barrows**, as owner, seeks approval of a Waiver of Site Plan Review pursuant to the Code of the Town of Harwich §325-55.F to construct / erect a temporary manufactured, two-bay, 50' x 60' fabric covered structure and an already improved lot. The property is located at 243 Queen Anne Road, Map 58, Parcel N4-3, in the I-L zoning district.
2. **Minutes:** July 14, 2020 and July 28, 2020

B. Old Business:

1. **PB2019-29 Davenport Companies** request for a full covenant release in exchange for a cash surety – Celebration Way
2. Continued discussion on West Harwich Special District zoning amendments

C. Board reorganization & election of officers: Nomination(s) and votes on Chair & Vice-Chair/Clerk

D. Briefings and Reports by Board Members

IV. Adjourn

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

Next Planning Board Meeting (Subject to Change) – Tuesday, August 25, 2020.

Requests for accommodations for any person having a disability can be made by contacting the Administration Office at 508-430-7513.

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

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

AGENDA ITEMS: II.A & II.B

August 4, 2020

To: Planning Board
From: Charleen Greenhalgh
Re: Davenport Case PB2020-13
Davenport Case PB2020-14

The hearings for each of these cases **must** be reopened.

Davenport Case PB2020-13

The Applicant has requested a withdrawal without prejudice of this application.

Although not required, the Board may wish to close the public hearing for PB2020-13.

Recommended Motion: Move to allow for the withdrawal without prejudice of case PB2020-13 for Davenport Companies Inc.

Davenport Case PB2020-14

The Applicant has requested a withdrawal without prejudice of this application.

Although not required, the Board may wish to close the public hearing for PB2020-14.

Recommended Motion: Move to allow for the withdrawal without prejudice of case PB2020-14 for Davenport Companies Inc.

Charleen Greenhalgh

From: John O'Reilly <joreilly@jmoreillyassoc.com>
Sent: Tuesday, August 4, 2020 10:32 AM
To: Charleen Greenhalgh; Christian Davenport
Cc: Elaine Banta; Alyson Konkol
Subject: RE: Harwich Cases PB2020-13 and 14

Charleen,

At the request of the applicant, we are requested the two applications, PB2020-13 and PB2020-14 be Withdrawn Without Prejudice.

Please let me know if you need anything more formal for the Board to take the requested action.

Thank you and we apologize for the drawn out process.

Be Safe
John

From: Charleen Greenhalgh <cgreenhalgh@town.harwich.ma.us>
Sent: Monday, August 3, 2020 9:43 AM
To: John O'Reilly <joreilly@jmoreillyassoc.com>; Christian Davenport <cdavenport@thedavenportcompanies.com>
Cc: Elaine Banta <ebanta@town.harwich.ma.us>
Subject: RE: Harwich Cases PB2020-13 and 14

Good Morning:

At this point I am thinking that a request for a withdrawal without prejudice might be in order. If I do not hear from you by the end of business today, my staff report to the Planning Board will recommend a denial as both application do not meet the minimum requirements. If they do deny, you cannot come back to the Board for 2 years.

Please let me know how you would like to proceed.

Thanks,
Charleen

Charleen Greenhalgh
Town Planner
Town of Harwich
732 Main Street
Harwich, MA 02645
508-430-7511
508-430-4703 fax
cgreenhalgh@town.harwich.ma.us



Agenda Item II.C

To: Planning Board
From: Charleen Greenhalgh, Town Planner
Date: August 3, 2020
Re: Use Special Permit Staff Report

PB2020-20 Ormon, Robert, as applicant c/o Rick Hamlin, E.T.S. & L., Inc., Wm. E. Crowell Jr., Trs., et al and Robert C. Chamberlain, Trs., seeks approval of a Use Special Permit pursuant to the Code of Town of Harwich §§325-13.D, ¶ IV, Line 2, and §325-51 for Automotive Service & Repair. The property is located at 524 Depot Street, Units 1 & 2, Maps 45, Parcel S2-1-1, in the I-L zoning district.

The Planning Board will hold a public hearing on this matter on Tuesday, August 11, 2020 not sooner than 6:30 P.M. **Prior to commencing with the public hearing, documentation is required for the certified mailing to the abutters.**

Description

The applicant seek a special permit for automotive service and repair for two units (Bays #1 and #2) within an existing industrial building, pursuant to §§325-13.D, ¶ IV, Line 2, and §325-51 of the Harwich Town Code. Seven parking spaces for the use are designated. The application and plans were filed with the Town Clerk on January 22, 2019, and includes the following:

1. Form A Planning Board Application date received July 7, 2020.
2. Letter dated July 7, 2020 from Rick Hamlin, President of ETS&L, Inc.
3. "Proposed Site Plan" 524 Depot Street, Harwich, MA, dated 11/5/19, revised 12/9/19, scale 1"=20' prepared by AJM Site Design, LLC.

MGL Reference and Planning Board Jurisdiction

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

The Planning Board has jurisdiction to review this application pursuant to the Code of Town of Harwich Use Table and §325-51.

Waiver: No waivers are requested.

Fee: A filing fee of \$525.00 was paid on July 7, 2020.

Comments from Other Boards/Committee/Departments:

Health: Comments anticipated for the August 11th meeting.

Engineering, Water, Fire, Police, Highway, Conservation: No concerns or comments

Planning Staff Comments:

1. This property may look familiar to the Planning Board. It was before you in December 2019 for a Waiver of Site Plan, which was approved.
2. This is an eight (8) bay industrial building providing 36 parking spaces overall
3. The proposed automotive service and repair, per the July 7, 2020 letter from Mr. Hamlin, will comprise two (2) service bays with only one employee, the owner. There would only be one car per bay stored overnight. Two of the seven parking spaces are within the service bays themselves, with 5 additional spaces designated in the southwest corner of the parking lot.
4. Planning Staff has no concerns; however imposing standard conditions are recommended.

BOARD VOTE

Continuance

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

Move to continue the public hearing for **PB2020-20 Robert Ormon**, to no earlier than 6:30 pm on _____ (Next Meeting Dates: *August 25, September 10, September 22*) for the following reason(s): *Need to provide reasons for the continuance...additional information.*

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

I. Vote to Close the Public Hearing

Proposed Findings (Vote to Adopt) the following are suggested finding:

1. The parcel is in the I-L zoning district.
2. The existing site is suitable for the proposed use.
3. Only one (1) employee is proposed.
4. Only one car per bay shall be stored overnight.
5. Parking as proposed is suitable.
6. The use as proposed will not adversely affect the neighborhood.
7. The specific site is an appropriate location for such a use.
8. There will be no nuisance or serious hazard to vehicles or pedestrians.

Use Special Permit (A vote by at least five members of the Planning Board is required)

- I. Move to ***approve*** a Use Special Permit for **PB2020-20 Robert Ormon** pursuant to the Code of Town of Harwich §§325-13.D, ¶ IV, Line 2, and §325-51 for Automotive Service & Repair for the property located at 524 Depot Street, Units 1 & 2, Maps 45, Parcel S2-1-1, in the I-L zoning district, based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval.

- II. Motion to ***approve with conditions*** a Use Special Permit for **PB2020-20 Robert Ormon** pursuant to the Code of Town of Harwich §§325-13.D, ¶ IV, Line 2, and §325-51 for Automotive Service & Repair for the property located at 524 Depot Street, Units 1 & 2, Maps 45, Parcel S2-1-1, in the I-L zoning district, based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval; with the following conditions:
- 1) Any changes or expansion of the use of Units 1 and 2, shall require further review and approval from the Planning Board.
 - 2) This Special Permit applies to Unit 1 and Unit 2 only.
 - 3) The Special Permit decision shall be recorded at the Registry of Deeds.
- III. Motion to ***deny*** a Use Special Permit for a Use Special Permit for PB2020-20 Robert Ormon pursuant to the Code of Town of Harwich §§325-13.D, ¶ IV, Line 2, and §325-51 for Automotive Service & Repair for the property located at 524 Depot Street, Units 1 & 2, Maps 45, Parcel S2-1-1, in the I-L zoning district, based on the fact(s) that...(need to provide reasons for denial)

HARWICH PLANNING BOARD
PUBLIC HEARING NOTICE

The Harwich Planning Board will hold a public hearing no earlier than 6:30 PM on Tuesday, August 11, 2020 in the Griffin Meeting Room, 732 Main St., Harwich, MA to consider the following applications. The meeting may be via REMOTE PARTICIPATION ONLY. Written comments may be submitted to the Planning Board at the address shown below or emailing the Town Planner, Charleen Greenhalgh, at cgreenhalgh@town.harwich.ma.us. Anyone having interest the application is invited to access the meeting via [GoToMeeting.com](https://www.go-to-meeting.com). Instructions regarding how to access and participate in the meeting will be posted on the Planning Board's Agenda page for the date of the meeting: <https://www.harwich-ma.gov/node/2451/agenda/2020>. The application and plans can also be viewed using the same website link noted above under Planning Board Legal Notice August 11, 2020.

PB2020-20 Ormon, Robert, as applicant c/o Rick Hamlin, E.T.S. & L., Inc., Wm. E. Crowell Jr., Trs., et al and Robert C. Chamberlain, Trs., seeks approval of a Use Special Permit pursuant to the Code of Town of Harwich §§325-13.D, ¶ IV, Line 2, and §325-51 for Automotive Service & Repair. The property is located at 524 Depot Street, Units 1 & 2, Maps 45, Parcel S2-1-1, in the I-L zoning district.

All documents related to the above cases are on file with the Planning Department and the Town Clerk; however, they can only be viewed using the same website link noted above, and can be found under Planning Board Legal Notice August 11, 2020. You may also email the Town Planner.

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

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

TOWN OF HARWICH PLANNING DEPARTMENT

PLANNING BOARD APPLICATION SPECIAL PERMITS & SITE PLAN REVIEW

FORM A



TO THE TOWN CLERK, HARWICH, MA

DATE

7/6/20

PART A - APPLICANT INFORMATION/AUTHORIZATION

Applicant Name(s)	ROBERT ORMON
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	SAME RICH HAMILTON 508/757-0909
Mailing address	24 ARTHUR LN.
Town, ST, Zip	YARMOUTH PORT, MA 02675
Phone	[REDACTED]
Fax	
E-mail	[REDACTED]

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

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

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

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

Authorization

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

Applicant

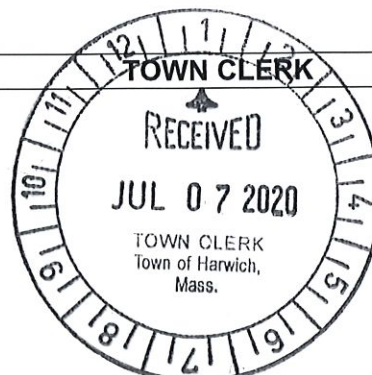
Owner(s) - Authorization must accompany application if the owner is not the applicant.

Official use only:

PLANNING DEPARTMENT

Case #

PB 2020 - 20



PART B – PROJECT LOCATION

Legal Street Address	524 DEPOT ST.	Village/Zip Code	02645
Title Book/Page or L.C.C. #	28790/257		
Map(s) / Parcel(s)	45-52-1-1		
Zoning & Overlay Districts	IL	*Historic?	NO
Frontage (linear feet)	178.95'		
Total land area (s.f.)	1,385 Code 103 - 40,000 Code 203 - 468		
Upland (s.f.)	Wetlands (s.f.) NO		

PART C – PROJECT DESCRIPTION

Existing Floor Area in Sq. Ft	Gross: 2400	Net:	
Proposed Floor Area in Sq. Ft	Gross: 2400	Net:	
Change in Sq. Ft + / -	Gross: N/A	Net:	
Existing # of parking spaces	34	Proposed # of parking spaces:	34*
Existing Use(s)	UNOCCUPIED		
Proposed Use(s)	AUTO REPAIR		
<i>Attach a separate narrative if necessary.</i>			

*TOWN WILL BE DETERMINED
SEVEN (7) PARKING SPACES

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

Site Plan Review § 325-55:

- ☐ Any floor area expansion of any structure or expansion of exterior space, other than parking, serving any of the following: commercial, industrial, multi-family or educational use or personal wireless service facility or the creation of a drive-up or drive-through window
- ☐ Expansion or reconfiguration of an existing parking lot and/or driveway(s) serving said parking lot.
- ☐ Establishment of any new commercial, industrial, multi-family, educational, fast food/take out restaurant or personal wireless service facility.
- ☐ Establishment of any new retail use(s) in the Industrial (IL) Zone.
- ☐ Waiver of Site Plan § 325-55.F

Article V, Use Regulations:

- 130 325-141? #2
- ☒ Paragraph 325, sub-paragraph # 10.2
 - ☐ Paragraph _____, sub-paragraph # _____
 - ☐ Paragraph _____, sub-paragraph # _____, supplemental regulation # _____ § 325-14

Article X, Special Permits:

- ☐ Structures w/ gross floor area of 7,500+ s.f. § 325-51
- ☐ Structures requiring 20 or more new parking spaces § 325-51
- ☐ Accessory Apt./Shared Elderly Housing § 325-51.H
- ☐ Mixed Use § 325-51.M
- ☐ Drinking Water Resource Protection § 325-51.C
- ☐ Two Family § 325-51.F
- ☐ 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.*

E.T.S. & L., Inc.
c/o Rick Hamlin
4 Evergreen Way – Unit # 4
Harwich, MA 02645

July 7, 2020

Harwich Planning Board
732 Main Street
Harwich, MA 02645

RE: 524 Depot Street

To Whom It May Concern,

The purpose of this letter is to supply a short narrative for a Special Permit application to allow an automotive service & repair facility for bays 1 & 2, (left to right), located at 524 Depot Street, Harwich, MA. (Par.325-13D).

The facility will comprise two (2) service bays. There is only one (1) employee, the owner, and he feels there will be one car per bay stored over night. This would total seven (7) parking spaces, of which two are located per the site plan, inside - one per bay, and five (5) spaces would be designated at the southwest corner of the lined parking spaces.

Application fee in the amount of \$525.00, check # 3113 is included in this package.

I may be reached at 508/737-0909 if there are any questions,

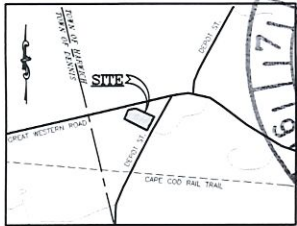
Respectfully,



Rick Hamlin, President
ETS&L, Inc

Copy: Robert C. Chamberlain, Trustee
Robert Ormon, Owner Ormon Automotive





LOCUS

SCALE: 1"=750'

PARCEL INFORMATION

OWNER OF RECORD: ROBERT C. CHAMBERLAIN, TRS
524 DEPOT STREET, HARMICH,
MA 02660
45/22-1-1
28790/257
DEPT. RECORD/PAGE: 60,302 (1.39 AC.)
ZONING DISTRICT: INDUSTRIAL LIMITED (I-L)

GENERAL NOTES:

- EXISTING CONDITIONS SURVEY PERFORMED BY DEANWART LAND SURVEYING 338 MAYFAIR ROAD, SOUTH DENNIS MA 02660, IN JUNE 2019.
- THE SUBJECT PROPERTY IS NOT LOCATED WITHIN ANY AREAS MAPPED BY THE NATURAL HERITAGE ENDANGERED SPECIES PROGRAM AS PRIORITY HABITATS OF RARE SPECIES OR CRITICAL HABITATS OF RARE WILDLIFE.
- NONE OF THE SUBJECT PARCEL IS WITHIN THE LIMITS OF A FEMA FLOOD HAZARD ZONE AS SHOWN ON PANEL NO. 2500100560A, EFFECTIVE DATE JULY 16, 2014.
- NO AREAS EXIST WITHIN THE SUBJECT PARCEL THAT ARE SUBJECT TO THE WETLANDS PROTECTION ACT.
- THE SUBJECT PROPERTY IS NOT LOCATED WITHIN A ZONE II WELLSHEAD PROTECTION AREA.
- VERTICAL DATUM IS ASSUMED.
- ALL WORK SHALL CONFORM TO THE TOWN OF HARMICH AND THE COMMONWEALTH OF MASSACHUSETTS CONSTRUCTION STANDARDS AND REGULATIONS.
- LOCATION OF UTILITIES ON THIS PLAN ARE APPROXIMATE AND SHALL BE VERIFIED IN THE FIELD. THE ELEVATIONS OF ALL EXISTING BENCH MARKS SHALL BE VERIFIED PRIOR TO THE INSTALLATION OF ANY SYSTEM COMPONENTS. ANY DISCREPANCIES SHALL BE REPORTED TO THE DESIGN ENGINEER IMMEDIATELY.
- ALL BITUMINOUS AREAS SHALL MATCH EXISTING TIE IN GRADES.
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY DEWATE PRIOR TO COMMENCING ANY CONSTRUCTION.
- IN THE CASE OF DISCREPANCIES BETWEEN PLANS, THE SITE PLAN WILL SUPERSEDE ALL OTHER DRAWINGS.
- ALL SIGNS SHALL CONFORM TO THE LATEST REVISION OF THE TOWN OF HARMICH SIGN CODE.
- ALL ENTRANCES TO THE PROPOSED BUILDING SHALL MEET A.D.A. REQUIREMENTS. HANDICAP PARKING AREA NOT TO EXCEED 2% SLOPE IN ANY DIRECTION.
- BASE AND SUB-BASE MATERIAL FOR SIDEWALKS CURBS OR ASPHALT SHALL BE FREE OF ORGANICS AND OTHER UNDESIRABLE MATERIAL. SHOULD MATERIAL BELOW THESE AREAS BE FOUND UNSUITABLE, THEY SHALL BE REMOVED AND REPLACED WITH SUITABLE MATERIAL AND COMPACTED TO 95% MAXIMUM DENSITY.

PARKING REQUIREMENTS:

I-L REQUIRED PARKING:	OTHER INDUSTRIAL 1.3 PER EMPLOYEE (MAX SHIFT) 1 PER 200 S.F. OFFICE AREA (NONE PROPOSED)
MAX. EMPLOYEES:	24
PARKING REQUIRED:	32 (2 HANDICAPPED REQUIRED)
PARKING PROVIDED:	34 STANDARD SPACES 2 HANDICAPPED SPACES

LEGEND

	EXISTING UTILITY POLE
	PROPERTY LINE
	EXISTING CONTOUR
	EXISTING OVERHEAD WIRES
	PROPOSED FIRE HYDRANT
	EXISTING WATER GATE VALVE
	PROPOSED WATER GATE
	EXISTING UTILITY POLE
	SITE OF OBSERVATION HOLE/PERC TEST
	PROPOSED LIGHT POLE
	EDGE OF PROPOSED BUILDING
	PROPOSED PAVEMENT STRIPING
	PAINTED TRAFFIC FLOW ARROW
	RADIUS OF CURB OR BERM
	PROPOSED CATCH BASIN
	PROPOSED DRAIN MANHOLE
	PROPOSED LIGHT POLE

ZONING REQUIREMENTS

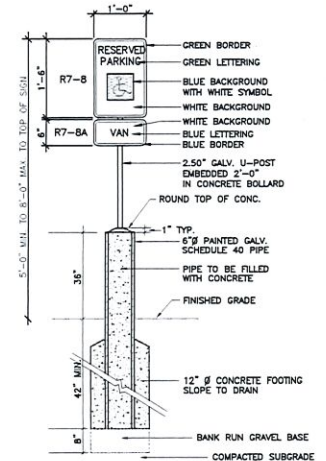
ZONING DISTRICT: I-L	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	20,000 SF	60,302 SF	60,302 SF
MINIMUM FRONTAGE	100'	198.10'	198.10'
MINIMUM FRONT YARD SETBACK	25'	26.7'	26.7'
MINIMUM SIDE YARD SETBACK	25'	(9)25.5' & (1)38.2'	(9)25.5' & (1)38.2'
MINIMUM REAR YARD SETBACK	50'	113.0'	113.0'
MAXIMUM BUILDING COVERAGE	40%	16.28%	16.28%
MAXIMUM SITE COVERAGE	70%	59.38%	65.28%
MAXIMUM STORES	2.5	1	1

DETAIL-CAPE COD BERM

NOT TO SCALE

HANDICAP PARKING SPACE INDICATOR

NOT TO SCALE



STEEL PIPE BOLLARD - 6" DIA. A.D.A. ACCESSIBLE PARKING SIGN

NOT TO SCALE

AJ SITE DESIGN, LLC
4 CRESTVIEW DRIVE
EAST SANDWICH, MA 02537
PHONE: (508) 400-2365
Site Design and Permitting

PROJECT:	524 DEPOT STREET HARMICH, MA
CLIENT:	HARMICH DEPOT, LLC ROBERT C. CHAMBERLAIN, TRS PO BOX 271 SOUTH DENNIS, MA 02660
DRAWING TITLE:	PROPOSED SITE PLAN
SCALE:	1"=20'
DATE:	11/5/2019
DRAWING NO.:	1 OF 1

REVISIONS		
NO.	DATE	DESCRIPTION
1	12/9/19	REVISIONS PER TOWN PLANNER COMMENTS

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

AGENDA ITEM II.D

August 3, 2020

To: Harwich Planning Board
From: Charleen Greenhalgh, Town Planner
Re: Zoning Amendment Public Hearing - Essential Services

On June 25, 2020 the Planning Board voted unanimously to send the proposed zoning amendment relative to the removal of the term ***Essential Services*** to the Board of Selectmen to begin the public hearing process pursuant to MGL c.40A, §5. The proposed amendment was sent to the Board of Selectmen on July 1, 2020.

On July 13, 2020 Board of Selectmen voted to refer the proposed zoning amendment relative to the removal of the term ***Essential Services*** to the Planning Board. This was forwarded to the Planning Board on July 14, 2020.

The public hearing for this zoning amendment is scheduled for Tuesday, August 11, 2020, not earlier than 6:30 pm.

The process for the hearing is as follows:

1. The hearing must be opened and the legal notice must be read into the record.
2. The proposal should be explained.
3. The hearing must allow for public comments.
4. The Board should discuss and deliberate.
5. If the Board is ready to close the public hearing, do so; otherwise the hearing should be continued to a date and time certain.
6. If the hearing is closed, the Board must then vote on a recommendation to the Town Meeting. This vote does not need to occur on the same night as the public hearing; but the Board must decide when it will take the vote up at a future meeting. A positive motion is also preferable and the vote should be by rollcall.

***Example:* Move to approve the proposed zoning amendment and recommend it to the Town Meeting.**

HARWICH PLANNING BOARD
PUBLIC HEARING NOTICE

In accordance with the provisions of MGL c.40A §5, the Harwich Planning Board will hold a public hearing on Tuesday, August 11, 2020 not earlier than 6:30 pm in the Donn B. Griffin Room, Harwich Town Hall, 732 Main Street, Harwich, 02645 to consider an amendment to the Harwich Zoning Codes as shown below. The meeting may be via REMOTE PARTICIPATION ONLY. Written comments may be submitted to the Planning Board at the address provided above or email the Town Planner, Charleen Greenhalgh, at cgreenhalgh@town.harwich.ma.us. Anyone having interest this zoning amendment is invited to access the meeting via GoToMeeting.com. Instructions regarding how to access and participate in the meeting will be posted on the Planning Board's Agenda page for the date of the meeting: <https://www.harwich-ma.gov/node/2451/agenda/2020>.

Article ____: To see if the Town will vote to amend the Code of the Town of Harwich – Zoning by deleting the definition of “Essential Services” within §325-2 – Definitions and by deleting within §325-13 – Table 1, Paragraph II – Public and Quasi Public Uses, Item 3 – Essential services; facility, utilities.

The full text for the proposed amendments can be found on the Planning Website at <http://www.harwich-ma.gov/planning-board>.

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

Joseph P. McParland, Chair,
Cape Cod Chronicle 7/23/2020, 7/30/2020

**On the following page are relative portions of the existing provisions of the Harwich Zoning Code to be amendment
relative to “Essential Services”**

Language to be deleted is shown in **strike-thru**

§ 325-2 Word usage and definitions.

For the purpose of this bylaw certain terms and words shall have the meaning given herein. Words used in the present tense include the future; the singular number includes the plural, and the plural includes the singular; the word "building," "structure," "lot," "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory. The word "person" includes a firm, association, organization, partnership, trust, or company as well as an individual. The word "used" or "occupied" includes the words "intended or designed or arranged to be used." The word "lot" includes the word "plot" or "parcel."

ESSENTIAL SERVICES

~~Services and appurtenant structures, facilities, uses or equipment provided by governmental agencies, including the Town of Harwich, or provided by public utility or public service companies, including but not limited to water distribution systems, Town-owned marinas, docking areas, fish piers, off loading facilities, retaining walls, jetties and similar structures, gas and electric distribution, systems for telecommunications and sewerage systems.~~

§325-13 – Table 1, Paragraph II – Public and Quasi Public Uses, Item 3 – Essential services; facility, utilities.

Use	RR	RL	RM	RH-1	RH-2	RH-3	CV	CH-1	CH-2	IL	MRL	MRL-1	WR
Paragraph II – Public and Quasi-Public Uses													
1 Church or other religious purposes	P	P	P	P	P	P	P	P	P	P	P	P	P
2 Educational use, nonprofit	P	P	P	P	P	P	P	P	P	P	P	P	P
3 Essential service; facility, utilities	S	S	S	S	S	S	S	S	S	S	S	S	S
4 Institutional use, other	S	S	S	S	S	S	S	S	S	S	S	S	S
5 Municipal use	P	P	P	P	P	P	P	P	P	P	P	P	P
6 Nonprofit library, museum or historical use	S	S	S	-	-	-	-	-	-	-	S	S	P
7 Personal wireless facility, 45 to 150 feet (§ 325-14P; Article XI)	S	S	S	-	-	-	-	S	S	S	-	-	S
8 Personal wireless facility, up to 45 feet (§ 325-14P; Article XI)	S	S	S	S	S	S	S	S	S	S	S	S	S
9 Hospice	S	S	S	-	-	-	S	S	-	-	S	S	S
10 Nursing home	S	S	S	-	-	-	S	S	-	S	S	S	S
11 Assisted living facility	S	S	S	-	-	-	S	S	-	-	S	S	S



Agenda Item III.A.1

To: Planning Board
From: Charleen Greenhalgh, Town Planner
Date: August 3, 2020
Re: Waiver of Site Plan Request – Staff Report

PB2020-22 Bryan Barrows, as owner, seeks approval of a Waiver of Site Plan Review pursuant to the Code of the Town of Harwich §325-55.F to construct / erect a temporary manufactured, two-bay, 50' x 60' fabric covered structure on an improved lot. The property is located at 243 Queen Anne Road, Map 58, Parcel N4-3, in the I-L zoning district.

The Planning Board will take this application up during the public meeting on Tuesday, August 11, 2020 not sooner than 6:30 P.M.

Description

The applicant seeks to construct a 50' x 60' (3,000 s.f.) “temporary” fabric covered structure through the Waiver of Site Plan provision of the zoning bylaws.

The Waiver of Site Plan application was filed with the Town Clerk on July 27, 2020 and included the following:

1. Form A application
2. A narrative.
3. A copy of the PB2013-16 Site Plan decision.
4. Sketch Plan Showing Proposed Temporary Structure, 243 Queen Anne Rd., Harwich, MA for Barrows Excavating, dated 08-20-2019, scale shown at 1" = 40' (hand noted scale 1" = 60')
5. Set of Structural Engineering Calculations, for Project: 50x60.20 Ji Garcia; Project Location: 2494 S. Railroad Ave., Fresno, CA; Date: 01/29/2019; stamped by Nabil Taha, Ph.D., P.E. (California).

Planning Board Jurisdiction

The Planning Board has jurisdiction pursuant to §325-55, specifically subparagraph “F” – Waiver of Site Plan. *“When in the opinion of the Planning Board the requirements of Subsection C, Applicability, do not substantially change the relationship of the structure to the site and to abutting properties and structures, the Planning Board may determine, without a public hearing, that submission of a site plan for special permit approval is not required. An affirmative vote by a majority of the Planning Board present and in no event fewer than four members of the Planning Board is required.”*

Comments from other Boards, Departments, Committees

Health: Comments are anticipated for the August 11th meeting.

Building: Temporary Structures are permitted for a duration of 180 days or less by the building code.

Engineering: What does temporary mean? There is no description as to the temporary nature of the proposed structure. Will the structure be removed and reconstructed annually? Based on the off-street parking schedule, warehousing required 1 parking space per employee maximum shift, plus 1 per 1,000 square feet. Therefore the temporary structure would require a minimum of 3 parking spaces. No information regarding available parking is provided. What is proposed for drainage infrastructure associated with the temporary structure and the resulting increase in impervious area for the site? Additionally, the Town Engineering and the Town Planner reviewed the application and plan together. Please see Planning Staff Comments below.

Police, Fire and Conservation: No concerns.

Planning Staff Comments

1. This is a public meeting matter and not a public hearing.
2. The Town Engineer and I reviewed the plan together on July 30, 2020. A number of questions and concerns were raised, including:
 - a. What is the schedule for this building?
 - b. The building plans are not stamped by a Massachusetts P.E.
 - c. How is the building secure to the ground?
 - d. There is no zoning table or parking schedule.
 - e. No drainage has been provided.
3. This is not a small increase in the building coverage. 3,000 square feet is a large building.
4. The Town Engineer and I both agree that a denial of the Waiver of Site Plan is in order based on the follow:
 - a. This is a large building, which we do not believe qualifies as a “temporary structure”
 - b. No drainage, zoning or parking has been provided
 - c. A Waiver of Site Plan cannot condition a “timeframe” for the removal of a temporary structure.
 - d. The proposed structure **does** substantially change the relationship of the structure to the site.
5. A denial would require the applicant to seek a full site plan approval.
6. The Town Engineer has been in contact with the applicant and has been made aware of staff concerns.

Board Votes

Vote to Continue

Motion to continue **PB2020-22 Bryan Barrows**, to the following meeting date _____ (*next meetings August 25, September 10, September 22*), no earlier than 6:30 pm in the Griffin Room, Harwich Town Hall for the following reasons: (*need to state reasons*)

If the Board is ready to vote on the request:

Findings of Fact (amend or change as necessary)

PLEASE NOTE: These finding of fact are written in the negative.

Motion to adopt the following findings of fact:

1. The parcel is in the IL zoning district.
2. The application does substantially change the relationship of the structure to the site.
3. The application as submitted does not provide adequate information regarding, at a minimum, zoning, parking and drainage.

Waiver of Site Plan (Pursuant to § 325-55(F) of the Code) – Suggested Motions:

1. To **Deny** case Bryan Barrows, as owner, seeks approval of a Waiver of Site Plan Review pursuant to the Code of the Town of Harwich §325-55.F to construct / erect a temporary manufactured, two-bay, 50' x 60' fabric covered structure on an improved lot. The property is located at 243 Queen Anne Road, Map 58, Parcel N4-3, in the I-L zoning district, based on the fact that the proposal does demonstrate substantial changes with the relationship of the structure to the site and the application has submitted does not provided adequate information, including but not limited to, zoning, parking and drainage and therefore requires a Site Plan Review Special Permit.
2. To **Approve** case PB2020-22 Bryan Barrows, as owner, seeks approval of a Waiver of Site Plan Review pursuant to the Code of the Town of Harwich §325-55.F to construct / erect a temporary manufactured, two-bay, 50' x 60' fabric covered structure and on an improved lot. The property is located at 243 Queen Anne Road, Map 58, Parcel N4-3, in the I-L zoning district. The decision is based on the findings of facts stated and the fact that the proposal does not substantially change the relationship of the structure to the site or to abutting properties and structures and the application meets the necessary requirements and criteria for approval.

TOWN OF HARWICH PLANNING DEPARTMENT

PLANNING BOARD APPLICATION SPECIAL PERMITS & SITE PLAN REVIEW

FORM A



TO THE TOWN CLERK, HARWICH, MA

DATE

7-24-20

PART A – APPLICANT INFORMATION/AUTHORIZATION

Applicant Name(s)	BRYAN BARROWS
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	BRYAN BARROWS
Mailing address	2 VINEYARD LANE
Town, ST, Zip	HARWICH, MA 02645
Phone	508-400-6347
Fax	—
E-mail	BTBEXCAVATING@GMAIL.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.

Applicant

Bryan Barrows
SAME

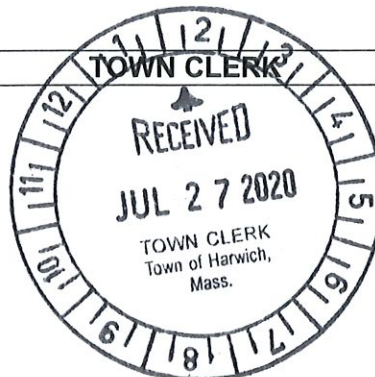
Owner(s) – Authorization must accompany application if the owner is not the applicant.

Official use only:

PLANNING DEPARTMENT

Case #

PB2020-22



PART B – PROJECT LOCATION

Legal Street Address	243 QUEENANNE	Village/Zip Code	02645 HARWICH
Title Book/Page or L.C.C. #	DEED BLK PD. 27718, PG 24		
Map(s) / Parcel(s)	58/N4-3		
Zoning & Overlay Districts	IL	*Historic?	N/A
Frontage (linear feet)	167.49'		
Total land area (s.f.)	1.85 AC. (80,432 s.f.)		
Upland (s.f.)	1.85 AC.	Wetlands (s.f.)	N/A

PART C – PROJECT DESCRIPTION

Existing Floor Area in Sq. Ft	Gross: 5,000 s.f.	Net: 5,000 s.f.
Proposed Floor Area in Sq. Ft	Gross: 3,000 s.f.	Net: 3,000 s.f.
Change in Sq. Ft + / -	Gross: ADDL 3,000 s.f.	Net: ADDL 3,000 s.f.
Existing # of parking spaces	Proposed # of parking spaces:	
Existing Use(s)	WAREHOUSE BUILDING	
Proposed Use(s)	TEMPORARY STRUCTURE FOR STORAGE OF EXCAVATION EQUIPMENT/MATERIALS	
Attach a separate narrative if necessary.		

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

Site Plan Review § 325-55:

- ☐ 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:

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

Other Special Permits:

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

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

September 2011

**BARROWS EXCAVATING
243 QUEEN ANNE ROAD
SITE PLAN WAIVER REQUEST
7-24-20**

EXISTING CONDITIONS

243 Queen Anne Road is an 80,432 s.f. (1.85 acre) lot with 167.49 feet of frontage on Queen Anne Road in the Industrial zone. The Planning Board approved a Site Plan Special Permit on June 25, 2013 to allow the construction of a 50' x 100' (5,000 s.f.), 4-bay, industrial storage building on the site at 243 Queen Anne Road. (PB decision attached)

Barrows Excavating currently operates from this site. The 5,000 s.f. building and associated paving/parking were constructed on the site. Existing building coverage is 6.2%, where 40% is the maximum allowed. Existing site coverage is approximately 37,100 s.f. or 46%, where 70% is the maximum allowed in the IL zone.

PROPOSED CONDITIONS

Barrows Excavating is proposing to construct a 50' x 60' (3,000 s.f.) temporary, hoop-style, storage building in the rear portion of the site on the existing dirt parking area. The proposed site plan and building plans are attached for your review. This building will increase building coverage to 8,000 s.f. or 9.9%, which continues to be well below the maximum allowed of 40%. Site coverage will remain the same as this will be erected in the current dirt parking area. The proposed structure will be eighteen (18') feet high, which is well below the maximum allowed of 40 feet. This structure will be used to temporarily store equipment/materials used by Barrows Excavating.

SITE PLAN WAIVER REQUEST

Barrows Excavating is requesting a waiver of full site plan review, and associated required items, as the proposed structure is temporary, will act as storage for equipment/materials onsite, will minimally increase building coverage, will not increase site coverage, and will not require any additional parking to be added to the site.

We believe that the Planning Board will find that this proposal will continue to comply with the Planning Board's 2013 Findings of Facts in Case No. PB2013-16, as listed on Page 2 of the decision.



PLAN REFERENCES:

ASSESSORS MAP 58, PARCEL N4-3
PLAN BOOK 543, PAGE 41

DATUM NOTE:

ELEVATIONS SHOWN HEREON ARE
BASED ON AN ASSUMED DATUM

TOWN OF HARWICH
PARCEL N7-2

3' WIDE CONCRETE
BLOCK RETAINING WALL
(HEIGHT VARIES)

LINE OF 2' LEYLAND
CYPRESS TREES

BENCHMARK:
TAG BOLT ON HYDRANT
ELEV.=48.20 (ASSUMED)

529.20'

EDGE OF PAVEMENT

PAVED DRIVE

CATCH BASIN
(TYP.)

BOLLARD
(TYP.)

LIGHT
(TYP.)

DRAIN MANHOLE
COVERED (TYP.)

PAVED
PARKING AREA

DIRT
PARKING AREA

PROPOSED
50' x 60' W
TEMPORARY
STRUCTURE

EDGE OF DIRT PARKING

250.0'±

143.39'

ASSESSORS MAP 58
PARCEL N4-3-0-R
LOT 3
AREA = 80,432 S.F.±
OR 1.85 ACRES±

512.00'

PARCEL N4-2

LOCATION OF EXISTING SEWAGE
DISPOSAL SYSTEM PER AS-BUILT
PLAN PREPARED BY COASTAL
ENGINEERING COMPANY, INC.
DATED JUNE 23, 2014.

1.5' DIA.
ARBORVITAE
(TYP.)

PAVED DRIVE

RETAINING WALL W/ LANDSCAPED AREA

30' WIDE PUBLIC WAY

QUEEN ANNE ROAD

167.49'

EDGE OF PAVEMENT

SKC



1 inch = 40 ft.

LEGEND

- CATCH BASIN
- DRAIN MANHOLE
- SEWER MANHOLE
- HYDRANT
- UTILITY POLE
- GUY POLE
- LIGHT

PROJECT NO.	C17904.00
SCALE	1"=40'
DATE	08-20-2019

SHEET NO.
SKC

BARROWS EXCAVATING
SKETCH PLAN SHOWING
PROPOSED TEMPORARY STRUCTURE

HARWICH, MA

243 QUEEN ANNE RD

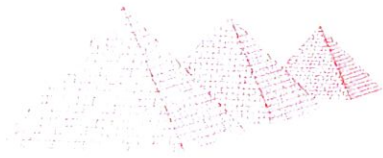
PROJECT

**COASTAL
engineering co.**
240 Cranbury Hwy, Orleans, MA 01550
508.255.0331 P 508.255.0700 F

C17904-CID.dwg
DRAWN BY: MTR
Coastal Engineering Co., Inc. © 2019

F:\SDSK\PROJ\CI17000\CI17904\CID.dwg Aug 20, 2019 - 11:48am

1"=60'



**Precision
Structural
Engineering, Inc.**

STRUCTURAL ENGINEERING CALCULATIONS

PROJECT: 50x60x20 Ji Garcia

**PROJECT LOCATION: 2494 S Railroad Ave,
Fresno, CA 93706.**

PSE PROJECT NUMBER: Big Top 219-5

DATE: 01/29/2019

BY: Nabil Taha, Ph.D., P.E.



D. FOUNDATION DESIGN CONTINUED:

4. For soil anchor applications, as an alternative to item 2 above, the following approximate method could be used.
- Number of soil anchors shown on the plans are assumed that the soil anchor ultimate capacity is 2,500 lbs. shall be verified by site test results.
 - Pull out strength varies based on the local soil type and shall be verified by local soil tests on your site.
 - The tables below should be used as a guide only subjected to result of an anchor pull test on your site.
 - Perform a soil anchor test to verify the above value for your type. A minimum of four test shall be conducted to verify the assumed capacity above.
 - Use an approved method to obtain the values for your site:
 - Dynamometer to obtain uplift by pulling on the anchors with a fork lift
 - Hydraulic Pump
 - Pull out strength shall be measured a maximum deflection/setup of 1/2 inch.
 - The test shall be performed under the third party approved testing agency.
 - If the test results are less than the above value, do not install the anchors and contact the Engineer of Record immediately, both by telephone and in writing.
 - If the test results are equal or more than the above value, install the soil anchors as shown on plans.
 - Results of the test shall be signed by the Installation Contractor and submitted to both the Engineer of Record and to the General Manager of Big Top Manufacturing Inc.
 - The owner and/or the Installation Contractor assumes all responsibility for the accuracy of the test results when using this method.
 - The building shall not be located at flood-prone zone.
 - The underground water table shall be at 6ft or more, below the building finished floor elevation.



**Precision
Structural
Engineering,
Inc.**

www.structure1.com
Klamath Falls Office
250 Main
Klamath Falls, Oregon
97603
Phone: (541) 850-6300
Fax: (541) 850-6233
info@structure1.com

Soil Type	Approx Capacity (lbs)
Soft/Medium Sandy	600
Medium/Sandy Grass Top	1000
Medium/Sandy Soil Gray	1200
Medium/Sandy with Asphalt Top	1800
MediumSolid with Limerock and Asphalt	2000
Caliche	2500
Medium Dense Soil - Dry	3000
Medium Dense Soil with Asphalt Top	3500
Hard Clay	5500
Hard Clay with Asphalt Top	6000

Soil Anchor Capacity
Based on Soil Type

① Scale: N.T.S.

Time to Set Anchor (min)	Pull Out Strength (lbs)
<1	0
1-3	0
4-6	600-1100
7-9	1100-1800
10-15	1800-2500
>15	2500-3500

Soil Anchor Capacity
Based on Time to Set


Anchor w/ 60lb Breaker

② Scale: N.T.S.

Time to Set Anchor (min)	Pull Out Strength (lbs)
<1	0
1-3	600-1100
4-6	1100-1800
7-9	1800-2500
10-15	2500-3500
>15	>3500

Soil Anchor Capacity
Based on Time to Set
Anchor w/ 90lb Breaker

③ Scale: N.T.S.

		BIG TOP MANUFACTURING INC.	
		3255 NORTH US 19 PERRY, FL 32347 PH: (850) 584 - 7786	
SALES JAY	PAGE 5-0A	TITLE JI GARGIA	
DRAWN BY VA	DATE DRAWING 2/11/19	SIZE 50X60X20	
REQUESTED BY	DATE		
PREPARED BY	DATE		
APPROVAL	DATE		

*ALL INFORMATION IS PROPERTY OF BIG TOP MANUFACTURING

A. GENERAL REQUIREMENT:

1. Furnish all labor, materials, and equipment necessary to complete the work shown or inferred by these drawings.
2. Where construction details are not shown or noted for any part of the work, such details shall be the same as for similar work shown on the drawings.
3. Notes and details on the drawings take precedence over the general notes and typical details in case of conflict.
4. Locate and protect underground or concealed conduit, plumbing or other utilities where new work is being performed.
5. The contract drawings and specifications represent the finished structure and do not indicate methods, procedures or sequence of construction. The contractor shall take necessary precautions to maintain and insure the integrity of the new and any existing structures during construction. The design stresses shall not be exceeded during construction based on the age of each element. Neither the owner nor Architect/Engineer will enforce safety measure regulations. Installation Contractor shall design, construct and maintain all safety devices, including shoring and bracing for the new and any existing structures and shall be solely responsible for conforming to all local, state and federal safety and health standards, laws and regulations.
6. Obtain prior written approval for any changes to the drawings.
7. The contractor shall review and compare the structural drawings with all other Construction Documents, such as Architectural, Mechanical and Electrical drawings, specifications, etc. Do not scale drawings. The contractor shall verify dimensions, elevations and all information. Report, in writing, any inconsistencies, errors, or omissions to the Architect/Engineer of record before proceeding with the work.
8. All existing constructions are shown schematic only. Installation Contractor is responsible to verify actual conditions and allow for them in his bid. Notify the Architect/Engineer, in writing, in case of any discrepancy between actual conditions and what is shown on the structural drawings before proceeding with the work.
9. See Architectural, Mechanical, Electrical and other drawings for embedded items.
10. All communication shall be in writing. No verbal communications, decisions, instructions or approvals shall be valid.

B. CODE AND LOADS:

1. All material and construction work for this project shall conform to the 2016 California Building Standard Code(CBSC) per 2015 International Building Code(IBC)
2. The International Building Code Parameters:
 - a. Roof Dead Load = 3 PSF.
 - b. Ground Snow Load = 0 PSF
 - c. Roof Snow Load = 0 PSF (FLAT)
 - d. Roof Live Load = 5 PSF
 - e. Seismic Occupancy Category = II
 - f. R, response modification coefficient = 3.0
 - g. Designed wind speed, V3g = 110 mph, Exposure = C, Risk Category II

C. HOT-ROLLED STEEL:

1. Tube Frames shall be manufactured from steel with the following properties:
 - a. Yield strength: 50,000 psi
 - b. Tensile Strength: 55,000 psi

D. FOUNDATION DESIGN:

1. Foundation design/check to support the new truss reactions/loads was not included in the scope of service by Precision Structural Engineering.
2. Any foundation shown on this drawings, if any, are approximate and need to be checked/adjusted to the local site conditions and local soil properties by a licensed Engineer hired by the Contractor/Builder or Owner of this shelter.
3. If this Project has soil anchors, see page S-0A for alternative method to item No. 2 above.

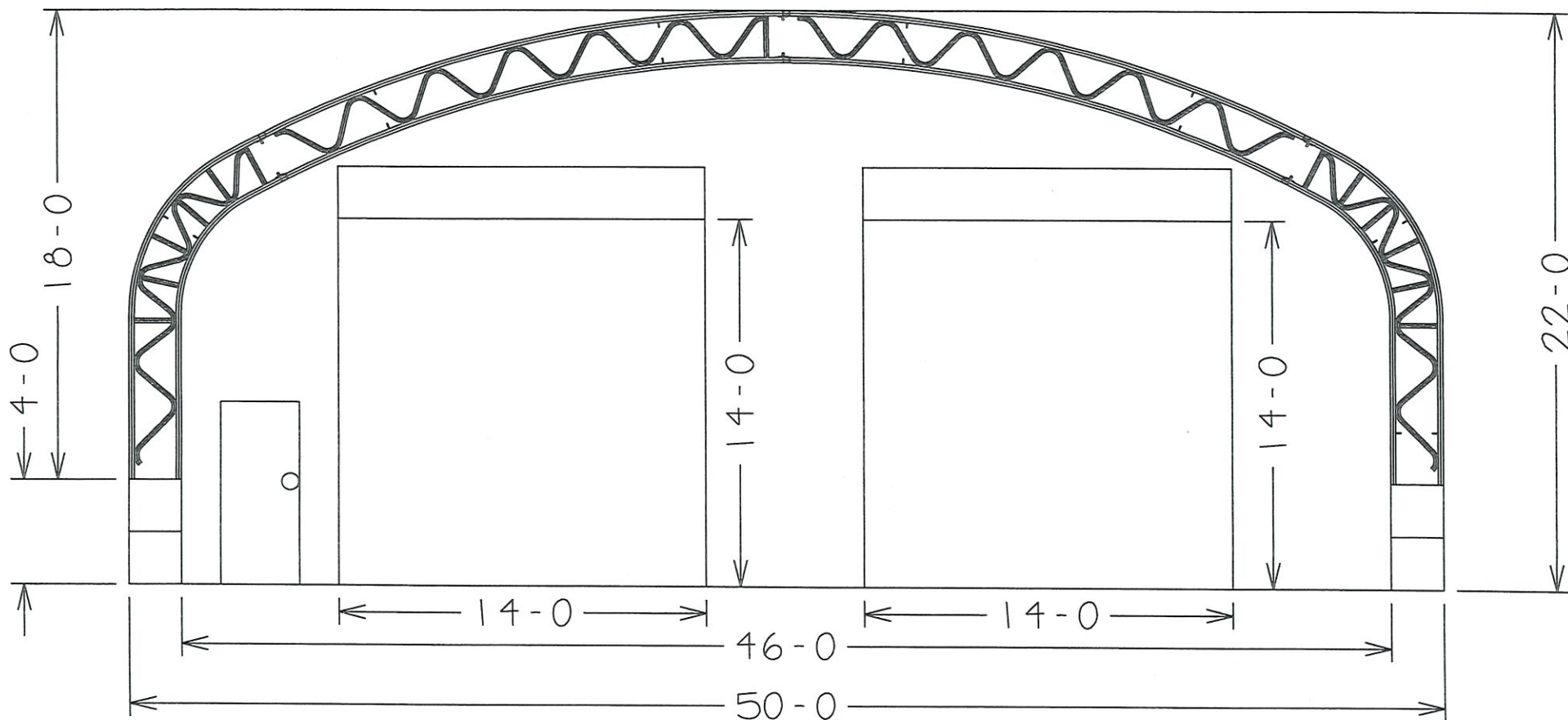


Precision Structural Engineering, Inc.

www.structure1.com
Klamath Falls Office
250 Main
Klamath Falls, Oregon
97603
Phone: (541) 850-6300
Fax: (541) 850-6233
info@structure1.com

*ALL INFORMATION IS PROPERTY OF BIG TOP MANUFACTURING

		BIG TOP MANUFACTURING INC.	
		3255 NORTH US 19 PERRY, FL 32347 PH: (850) 584 - 7786	
DESIGNER JC	PAGE S-0	TITLE JI GARCIA	
DRAWN BY VA	DATE DRAWING 1/29/2019	SIZE 50X60X20	
REQUESTED BY	FILE		
PRE STAMP ONLY	APPROVAL	DATE	



DRAWN BY: CARL PADGETT

DATE:

VIEW:

REQUESTED BY:

PROPOSED BY:

B&B EXCAVATING

50 X 60 X 18

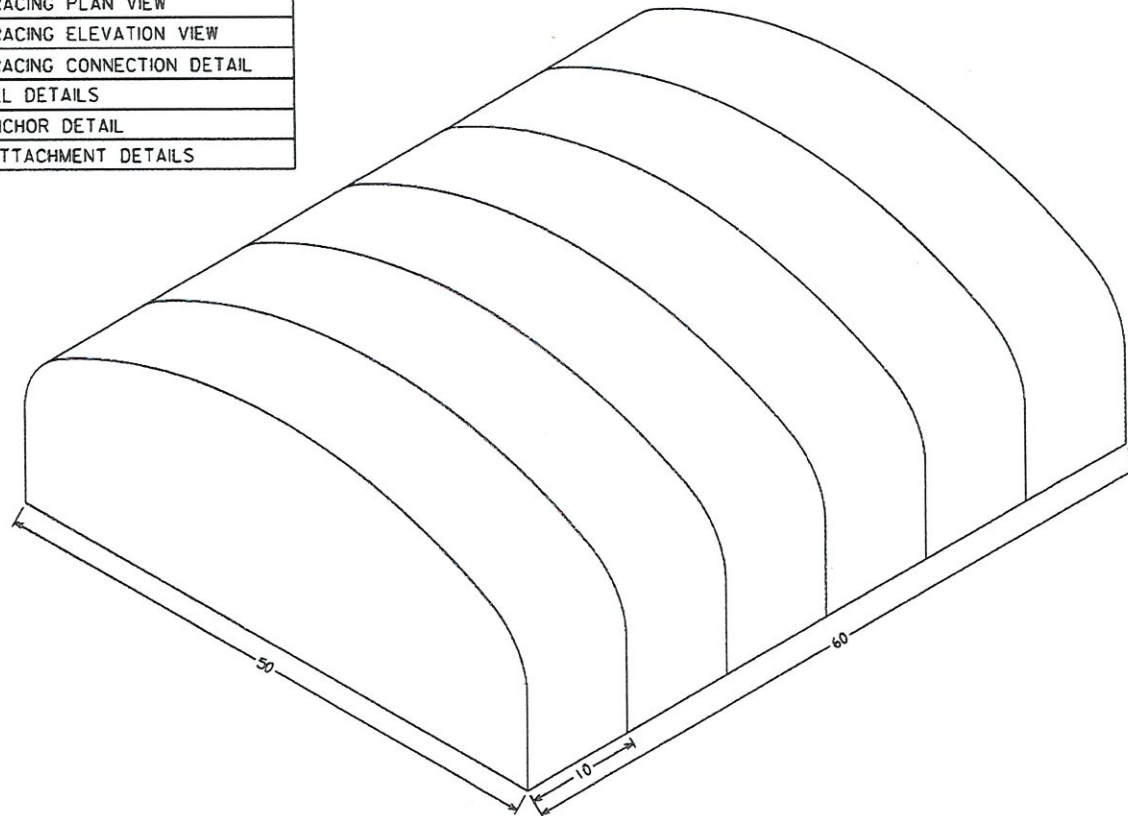


3255 N. US 19
PERRY, FLORIDA 32347
PHONE 1-800-277-8677
FAX (850)584-7713

E-MAIL:
sales@bigtopshelters.com

INDEX OF DRAWINGS

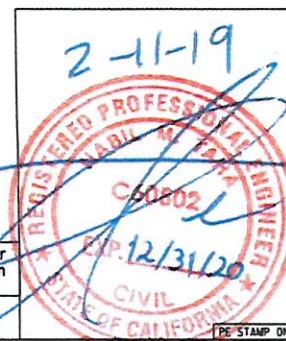
DRAWING NUMBER	DRAWING TITLE
S1	COVER SHEET & DRAWING INDEX
S2	FRAME - CLEARANCES
S3	FRAME - TRUSS SECTION CONNECTION DETAILS
S4,S4A	FRAME - LATERAL BRACING DETAILS
S5	FRAME - ISOMETRIC VIEW
S6	FRAME - CABLE BRACING PLAN VIEW
S7	FRAME - CABLE BRACING ELEVATION VIEW
S8	FRAME - CABLE BRACING CONNECTION DETAIL
S9,S9A	FRAME - END PANEL DETAILS
S10,S10A	FRAME - FRAME ANCHOR DETAIL
S11	FABRIC - FABRIC ATTACHMENT DETAILS



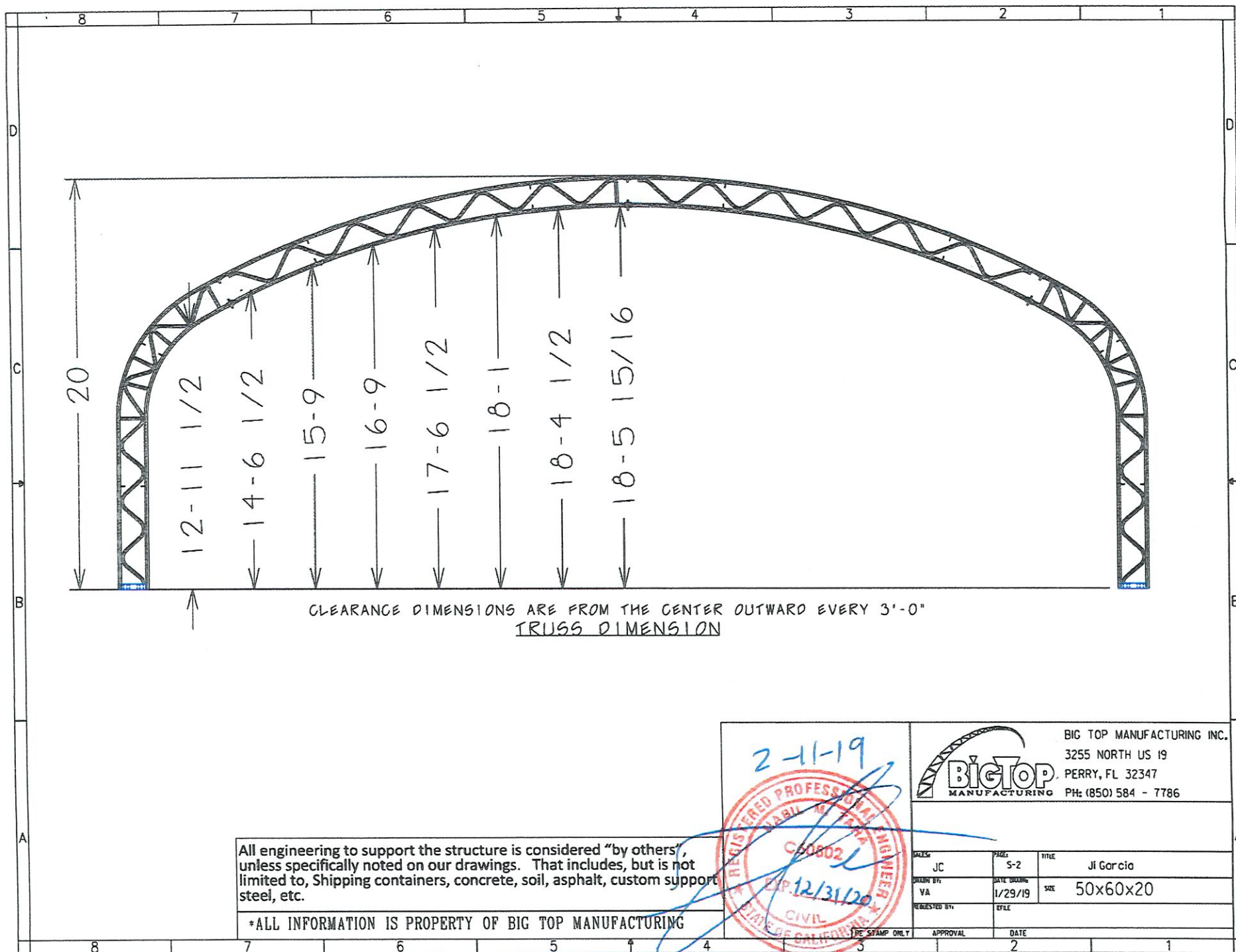
COVER SHEET & DRAWING INDEX

All engineering to support the structure is considered "by others", unless specifically noted on our drawings. That includes, but is not limited to, Shipping containers, concrete, soil, asphalt, custom support steel, etc.

*ALL INFORMATION IS PROPERTY OF BIG TOP MANUFACTURING



BIG TOP MANUFACTURING INC. 3255 NORTH US 19 PERRY, FL 32347 PH: (850) 584 - 7786			
DESIGNED BY: JC	PAGE: S-1	TITLE: JI Garcia	
DRAWN BY: VA	DATE DRAWN: 1/29/19	SIZE: 50x60x20	
REQUESTED BY:	FILE:	APPROVAL:	
PREPARED BY:	DATE:	DATE:	



D. FOUNDATION DESIGN CONTINUED:

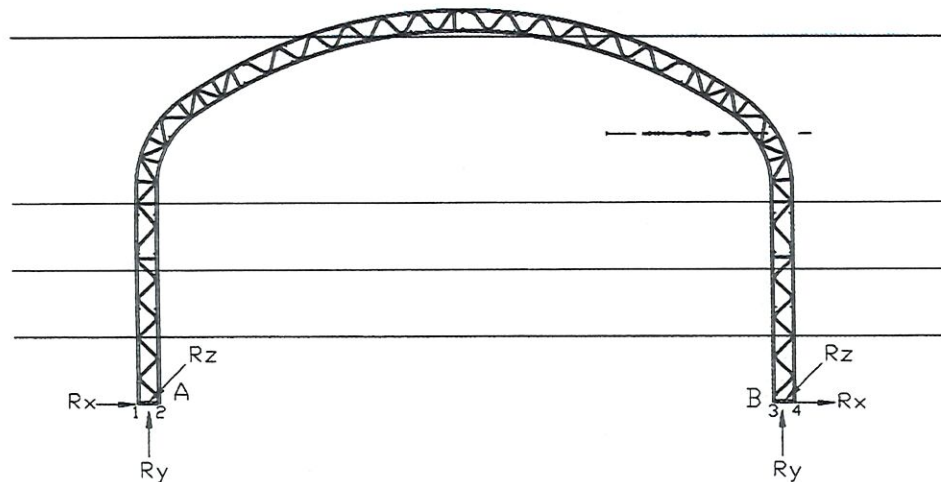
5. Foundation must meet the building reaction data shown below.

*See notes below		UNFACTORED BASE REACTIONS TO CONSIDER AT TYPICAL BASES											
Load Case		Side A, Joint 1 (Nxx as per RISA Model)			Side A, Joint 2 (Nxx as per RISA Model)			Side B, Joint 3 (Nxx as per RISA Model)			Side B, Joint 4 (Nxx as per RISA Model)		
		Rx (kip)	Ry (kip)	Rz (kip)	Rx (kip)	Ry (kip)	Rz (kip)	Rx (kip)	Ry (kip)	Rz (kip)	Rx (kip)	Ry (kip)	Rz (kip)
Dead Load, Self Weight	DL	-0.25	1.77	0	-0.25	-0.41	0	0.25	-0.38	0	0.25	1.73	0
Roof Snow/ Live Load	SL/ RLL	-0.347	2.094	0	-0.349	-0.65	0	0.349	-0.609	0	0.347	2.056	0
Wind Load, Normal to Ridge, Case A	WLX(+GCp)	1.491	-7.632	0	1.499	2.645	0	-0.746	1.435	0	-0.742	-6.237	0
Wind Load, Normal to Ridge, Case B	WLX(-GCp)	1.31	-5.458	0	1.317	2.308	0	-0.561	1.123	0	-0.558	-3.663	0
* Wind Load, Along to Ridge, Case A *	WLZ(+GCp)												
* Wind Load, Along to Ridge, Case B *	WLZ(-GCp)												

TYPICAL REACTION AT BASE
FOR INTERMEDIATE FRAME

① Scale: N.T.S.

Horizontal Deflection Table		
Elevation Above Ground	50' Truss (Minimum Deflection)	50ft (Actual Deflection) in Z-direction at 3& 4 Joint
5ft	0.1"	0.09"
10ft	0.2"	0.09"



*ALL INFORMATION IS PROPERTY OF BIG TOP MANUFACTURING

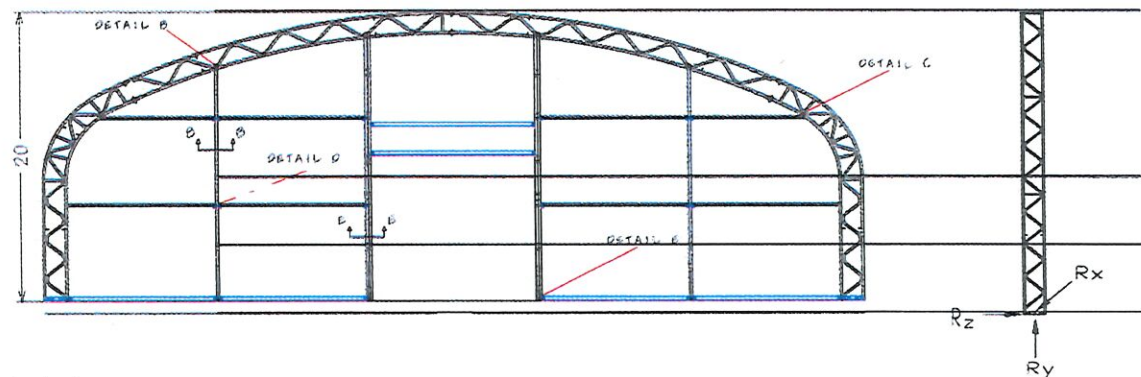
		BIG TOP MANUFACTURING INC.	
		3255 NORTH US 19 PERRY, FL 32347 PH: (850) 584 - 7786	
DATE: JC	DATE: S-08	TITLE: JI GARCIA	
DESIGN BY: VA	DATE: 1/29/2019	SIZE: 50X60X20	
REQUESTED BY:	DATE:		
PE STAMP ONLY	APPROVAL	DATE	

D. FOUNDATION DESIGN CONTINUED:

6. See below table for endwall reactions.

*See notes below		UNFACTORED BASE REACTIONS TO CONSIDER AT BASES					
Load Case		Joint 5 (Nxx as per RISA Model)			Joint 6 (Nxx as per RISA Model)		
		Rx (kip)	Ry (kip)	Rz (kip)	Rx (kip)	Ry (kip)	Rz (kip)
Wind Load, Along to Ridge, Case A	WLZ(+GCp)	0	-0.15	0.22	0	0.15	1.35
Wind Load, Along to Ridge, Case B	WLZ(-GCp)	0	0.17	-0.25	0	-0.17	-1.56

TYPICAL REACTION AT BASE
FOR END PANEL TRUSS
① Scale: N.T.S.



* Note on reactions:

- These reaction due to cable forces.
- All reactions are un-factored loads as per IBC 2015. Reactions should be combined as required by the load combinations from IBC or other applicable code.
- The Reaction Data is for a building that represents a low hazard to human life in the event of a failure. Examples of such are agricultural buildings, unoccupied private buildings, unoccupied storage buildings, or temporary buildings. A building is considered "unoccupied" when employees are typically in the building only to move materials in and out (no permanent workstations) and it is not open to the public.

*ALL INFORMATION IS PROPERTY OF BIG TOP MANUFACTURING

		BIG TOP MANUFACTURING INC.	
		3255 NORTH US 19 PERRY, FL 32347 PH: (850) 584 - 7786	
DRAWN BY JC	PAGE S-0C	TITLE JI GARCIA	
CHECKED BY VA	DATE 1/29/19	SIZE 50X60X20	
REQUESTED BY	DATE		
PE STAMP ONLY	APPROVAL	DATE	

**HARWICH PLANNING BOARD
HARWICH TOWN HALL - 732 MAIN STREET, HARWICH
VIA REMOTE PARTICIPATION GoToMeeting.com
THURSDAY JULY 14, 2020 – 6:30 PM
MEETING MINUTES**

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

BOARD MEMBERS ABSENT: Vice-Chairman, Allan Peterson.

OTHERS PRESENT: Charleen Greenhalgh; Thadd Eldredge; Chloe Schaeffer; Sarah Korjeff.

CALL TO ORDER - 6:30 PM by Chairman McParland 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.

PB2020-13 Davenport Companies Inc., Use Special Permit, 0 Old Campground Road

Representative: John M. O'Reilly, PE, PLS

Chairman McParland re-opened the hearing by reading the legal notice into the record. Applicant seeks approval of a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §§ 325-13.A, -51 and -51.N as set forth in MGL c. 40A §9. The property is located at 0 Old Campground Road Map 30, Parcel C12 in the R-M District. Continued from June 25, 2020. The Applicant has requested a continuance to 8/11/20.

Ms. Maslowski moved to continue the public hearing to Tuesday, August 11, 2020 not earlier than 6:30 pm, seconded by Mr. Chadwick, so voted unanimously by rollcall vote 7-0-0.

PB2020-14 Davenport Companies Inc., Use Special Permit, 0 Old Campground Road

Representative: John M. O'Reilly, PE, PLS

Chairman McParland re-opened the hearing by reading the legal notice into the record. Applicant seeks approval of a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §§ 325-13.A, -51 and -51.N as set forth in MGL c. 40A §9. The property is located at 0 Old Campground Road Map 30, Parcel C11 in the R-M District. Continued from June 25, 2020. The Applicant has requested a continuance to 8/11/20.

Mr. Berry moved to continue the public hearing to Tuesday, August 11, 2020 not earlier than 6:30 pm, seconded by Mr. Chadwick, so voted unanimously by rollcall vote 7-0-0.

PB2020-19 Bryan Murphy, Approval Not Required, 0 Kendrick Road

Representative: Thadd Eldredge, PLS

Applicant seeks endorsement of a two (2) lot ANR entitled “Division Plan off Blue Heron Landing”, dated April 1, 2020, revised 05-20-2020 prepared by J. Thaddeus Eldredge, PLS for property located at 0 Kendrick Road, Map 108, Parcel P3. The parcels are in the R-R zoning district.

Mr. Eldredge explained that the ANR was originally supported by the Board, but they are proposing slight changes.

Mrs. Greenhalgh presented departmental input and the planners report into the record. The Board may: 1) Vote to endorse the ANR; or 2) Deny the ANR specifically detailing why it does not meet the requirements for endorsement as an ANR; or 3) Take no action; which would result in the Town Clerk certifying that the Planning Board took no action within the statutory time. Staff comments: Planning: 1. This appears to be a simple land swap between this parcel and an abutting parcel, which contain sufficient frontage per Note 4 on the plan. Police and Fire: No comments Conservation: Parcel will have some portion in Conservation jurisdiction-we don’t have issue with property lines, but may need approval if development occurs. Health: If the lots are ever developed, compliant Title 5 septic systems must be installed. No variances from state or local requirements will be granted.

Ms. Maslowski made the motion that said the plan does not constitute a subdivision as the way shown on the plan is a public way maintained and used as a public way and has, in the opinion of the planning board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, seconded by Mr. Chadwick, unanimously so voted by rollcall vote 6-0-0 (Mr. Rouse was ineligible to vote).

Ms. Maslowski made the motion to endorse the ANR plan entitled “Division Plan off Blue Heron Landing”, dated April 1, 2020, Revised 05-20-2020, prepared by J. Thaddeus Eldredge, PLS., seconded by Mr. Chadwick, unanimously so voted by rollcall vote 6-0-0 (Mr. Rouse was ineligible to vote).

PRELIMINARY DISCUSSION: Draft West Harwich District of Critical Planning Concern zoning amendments

Mrs. Greenhalgh explained that the Board of Selectmen nominated the West Harwich corridor of Route 28 from the Dennisport Town Line east to the Herring River as a District of Critical Planning Concern (“DCPC”). The Barnstable County Commissioners approved the nomination and it became a County Ordinance (19-18) on December 4, 2019. The Town has 1 year to implement bylaws. Originally the Selectmen agreed to provide adequate time for the drafting and vetting of the necessary bylaws and that there would likely be a special town meeting in the fall 2020 to take these up; however, with the COVID-19 Emergency the annual town meeting was postponed, pushing everything to the fall.

In the Board's packet was a July 7, 2020 version of a working draft document for discussion purposes only. This was also sent out to those who have signed up to receive emails regarding the West Harwich DCPC. Mrs. Greenhalgh began the discussion by stating that Chloe Schaeffer and Sarah Korjeff, from the Cape Cod Commission were on the call. They proceeded presented their input and a lengthy discussion ensued. The draft document contains:

§325-144 Statutory Authority and Purpose

§325-145 Intent

§325-145 Applicability

§325-146 Definitions

§325-147 Permitted Uses

§325-148 Special Permit Uses

§325-149 Prohibited Uses

§325-150 Continuation of Pre-Existing Non-Conforming Uses

§325-151 Change, Alteration, Expansion of Pre-Existing Non-Conforming Uses

§325-153 Design Guidelines

§325-154 Review Standards

§325-1XX Review Procedures – (Note: this section needs more thought)

Mr. Berry praised the draft, and all the hard work that went into the document.

A lengthy discussion ensued.

Mr. Chadwick asked for information on the process and procedure, and raised concerns with the timeframe. Mrs. Greenhalgh responded that there is a provision allowing a six month extension. The town may not have to put the whole bylaw together now, but would need a portion of the DCPC in place before the December deadline.

Ms. Korjeff confirmed that the DCPC process has provisions allowing a six month extension, but that does not need to be discussed tonight.

A lengthy discussion ensued.

Mr. Harris again raised the question of time frame, and getting all the information to the public. Mrs. Greenhalgh stated that a video providing the public with the details of the draft special district bylaw could be made to get the information out to the public. If members of the board have questions relating to the working draft they should send them to her and they should keep moving forward with the draft.

ZONING BOARD OF APPEALS: Advisory Opinions for July 29, 2020 hearings- None.

MEETING MINUTES: Ms. Maslowski made the motion to accept the minutes from June 25, 2020 meeting, seconded by Mr. Berry, unanimously so voted via roll call.

A brief recess was requested by Chairman McParland.

OLD BUSINESS: Continued discussion on draft amendment to Multi-family Dwelling related Bylaws

When the meeting resumed, Mrs. Greenhalgh stated that she prepared a draft as requested, and the Board has already initialed reviewed the changes.

A lengthy discussion ensued.

The board ultimately requested that a revised draft be presented at the next meeting.

BRIEFINGS AND REPORTS BY BOARD MEMBERS:

Mr. Chadwick gave praise to Mrs. Greenhalgh and staff on the procedure for signature.

ADJOURNMENT:

Ms. Maslowski made the motion to adjourn at 7:47 PM, seconded by Mr. Chadwick, unanimously so voted via roll call.

Respectfully Submitted,
Kathleen A. Tenaglia, Board Secretary

Adopted:

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

BOARD MEMBERS PRESENT: Chairman, Joseph McParland; Vice-Chairman, Allan Peterson; Arthur Rouse; David Harris; Mary Maslowski; William Stoltz; Craig Chadwick; and Duncan Berry were all present via remote participation.

OTHERS PRESENT: Charleen Greenhalgh; Paul Sweetser; Susan Ladue; Sara Korjeff; and others.

CALL TO ORDER - 6:30 PM by Chairman McParland 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.

Ms. Maslowski recused herself from the next hearing.

PB2020-02 Steve Gopoyan & Swavi Osev, 346 Route 28 & 0 Sisson Road, Use Special Permit

Chairman McParland opened the hearing by reading the legal notice into the record. Emulous E Hall, et als., as owners, seeks approval of a Site Plan Review Special Permit and a Use Special Permit with waivers, pursuant to the Code of Town of Harwich §§325-13, ¶IV Line 30, -55 and -51 to construct a miniature golf course and expand and improve the parking and vehicle access. The property is located at 346 Route 28 and 0 Sisson Road, Maps 21, Parcels N1 & N2, respectively, in the C-H-1 and R-M zoning districts. Continued from 3/10/2020 & 6/9/2020. Applicant requests a continuance to August 25, 2020.

Mr. Chadwick made the motion to continue the hearing to August 25, 2020 no earlier than 6:30, seconded by Mr. Harris, unanimously so voted via roll call 7-0-0.

Ms. Maslowski returned to the meeting.

PB2020-21 Herbert Bell, 812 & 814 Route 28, Approval Not Required
Representative: Paul Sweetser, P.L.S.

Chairman McParland opened the hearing by reading the legal notice into the record. Gloria Green, TR and Valerie G. and Herbert G. Bell, owners. The applicant seek endorsement of an Approval Not Required plan to reconfigure the two lots pursuant to M.G.L. c. §81 P and §400-9 of the Code of the Town of Harwich. The plan is entitled “Plan of Land in Harwich Port, MA” dated June 30, 2020, for property located at 812 and 814 Route 28, Map 24, Parcels T3 and T3-1 respectively. The parcels are in the R-R & C-H-1 zoning districts.

Paul Sweetser began the hearing by explaining the proposed ANR plan. He explained that the properties still both meet the 150’ of frontage.

Mrs. Greenhalgh read the staff report and departmental input into the record. The Board may: 1) Vote to endorse the ANR; or 2) Deny the ANR specifically detailing why it does not meet the requirements for endorsement as an ANR; or 3) Take no action; which would result in the Town Clerk certifying that the Planning Board took no action within the statutory time. Planning: This is a simple land swap. The lots sizes remain the same and each lot will now have frontage on either Route 28 or Willow Street. Health and Engineering: No comments

Mr. Chadwick asked for clarification on the lot frontage, which was answered by the Town Planner.

Ms. Maslowski made the motion that said plan does not constitute a subdivision as the way shown on the plan is a way in existence when the subdivision control law became effective and has, in the opinion of the planning board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, seconded by David Harris, unanimously so voted via roll call.

Ms. Maslowski made the motion to endorse the ANR plan entitled “Plan of Land in Harwich Port, MA” dated June 30, 2020, scale 1” = 40’, prepared by Paul E. Sweetser, for property located at 812 and 814 Route 28, Map 24, Parcels T3 and T3-1 respectively and in the R-R & C-H-1 zoning districts, seconded by Mr. Chadwick, unanimously so voted via roll call.

PB2020-12 Eastward Home Business Trust, Endorsement of Modification Plan

Represented: Susan Ladue

Mrs. Greenhalgh stated that the 20-day appeal period is over and no one has appealed the plan. Ms. Ladue explained that the plan was approved by the Board on May 12, the appeal period has expired, and they are looking for endorsement.

Ms. Maslowski made the motion to endorse the Modification Plan for PB2020-12 Eastward Home Business Trust, seconded by Mr. Chadwick, unanimously so voted via roll call (7-0-0).

PB2018-13 & PB2020-12 Eastward Home Business Trust complete release of covenant in exchange for a cash surety.

Represented: Susan Ladue

Ms. Ladue explained that they are looking for a complete release of covenant. They are requesting that the sidewalks be finished at the time of construction, and are willing to provide funds for surety.

Mrs. Greenhalgh explained that she and the Town Engineer have reviewed the proposal, and calculated the total contingency calculation to be valued at \$13,597.50, rounding up to \$13,598.

Chairman McParland made the motion to approve and sign the full covenant release for cases PB2018-13 & PB2020-12 Eastward Home Business Trust for the Bascom Hollow subdivision and modification plans in exchange for a performance cash surety in the amount of \$13,598, to be held in an interest bearing account with the Harwich Town Treasurer. The signed covenant release shall not be relinquished to the applicant until the Modification Plan and Decision for Case PB2020-12 are recorded at the Barnstable County Registry of Deeds and said recording documentation is submitted to the Planning Office, seconded by Mr. Berry, unanimously so voted via roll call (7-0-0)

DISCUSSION ON WEST HARWICH SPECIAL DISTRICT ZONING AMENDMENTS AND POSSIBLE SPECIAL WORKING MEETING

Mrs. Greenhalgh and Cape Cod Commission (“CCC”) Staff had a video conference on July 27th and there was a constructive discussion and the staff provided a number of comments and discussion points that she has incorporated into a working draft dated July 28, 2020. This was sent out to the Board members and an email list of folks interested in the West Harwich DCPC. She and CCC Staff are also planning a public workshop via remote participation on August 4, 2020.

A very lengthy discussion ensued regarding the timeline, town meeting, and specifics about the document. Sara Korjeff offered up guidance and clarification.

Mrs. Greenhalgh stated that the next draft will be ready after the August 4th meeting, and it will incorporate the comments and requested changes.

The Board ultimately decided to follow up on the topic at a later date, once the next draft is available.

DISCUSSION AND POSSIBLE VOTE ON REFERRAL OF AMENDMENTS RELATED TO MULTI-FAMILY DWELLING ZONING BY LAWS TO THE BOARD OF SELECTMEN

Mrs. Greenhalgh stated that the amendment is presented in their packets. Many comments were received from Board members. She explained the documents provided, and presented the changes. The complete document was read through and explained.

A lengthy discussion ensued. The Board made several changes to the amendment, including that 3.5 stories will be the maximum, not 3.

Mr. Chadwick made the motion to refer the Multi-Family dwelling zoning bylaw amendment to the Board of Selectmen to start the public hearing process, seconded by Vice-Chairman Peterson. All members voted positively, with the exception of Mr. Stoltz, who voted in opposition.

BOARD REORGANIZATION & ELECTION OF OFFICERS:

Chairman McParland continued this topic to August 11, 2020.

BRIEFINGS AND REPORTS BY BOARD MEMBERS: None.

ADJOURNMENT:

Ms. Maslowski made the motion to adjourn, seconded by Mr. Chadwick, unanimously so voted via roll call.

Respectfully Submitted,
Kathleen A. Tenaglia, Board Secretary

Adopted:

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

AGENDA ITEM III.B.1

August 4, 2020

To: Harwich Planning Board
Cc: Christian Davenport, Davenport Companies
Re: Full Release of Covenant for Celebration Way – PB2019-29

The applicant has requested a complete release of covenant for the Celebration Way subdivision off Headwaters Drive. The request was made on July 6, 2020. The Board has 45 days to act on this request (August 20, 2020).

The Town Engineer has reviewed the request and a copy of his report is attached. The recommended amount for the cash surety is \$361, 426.50.50. A draft copy of the release is also attached in the amount of \$361,463.00. A check in the amount of \$361,463, should be delivered to the Planning Department prior to noon on August 11, 2020. In the event the cash surety is not received, Planning Staff recommend that the Board approve the release of covenant in exchange for the cash surety and we will hold the signed release until such time as cash surety has been received.

The signed covenant release shall not be relinquished to the applicant until the cash surety has been deposited with the Town.

Recommended Motions:

Move to approve and sign the full covenant release and the performance cash surety for case PB2019-29 Davenport Companies for the Celebration Way subdivision, said covenant release is in exchange for a performance cash surety in the amount of \$361,463, to be held in an interest bearing account with the Harwich Town Treasurer.



MEMO

TO: Charleen Greenhalgh, Town Planner

FROM: Griffin Ryder, Town Engineer

RE: Celebration Way Construction Cost Estimate

DATE: August 4, 2020

I have conducted a review of the cost estimates provided by the Davenport Companies from Barrows Excavating (Barrows) and GFM Enterprises, Inc. (GFM) for the construction of the approved Celebration Way subdivision roadway. The cost estimate provided by Barrows is incomplete as paving didn't appear to be included. Therefore, the cost estimate provided by GFM has been utilized to determine the cost of the roadway construction work.

The cost estimate from GFM did not include an estimated fee for setting the concrete bounds or developing a final as-built plan. The engineer and surveyor of record for the subdivision design, Ryder & Wilcox, Inc., has provided a supplemental cost estimate for setting the bounds and the final as-built plan. The final cost estimate includes the following:

• Erosion Control	\$ 2,425.00
• Site Clearing, Grubbing, & Tree Removal	\$ 8,425.00
• Excavation	\$13,975.00
• Water Utilities	\$52,500.00
• Storm Drainage Utilities	\$59,725.00
• Asphalt Prep/Paving	\$79,050.00
• Finish Grade/Loam/Seed	\$ 5,350.00
• Miscellaneous (retaining wall)	\$12,025.00
• Setting concrete bounds and As-Built Plan	<u>\$ 7,500.00</u>
• Total Cost Estimate	<u>\$240,975.00</u>
• Total Cost Estimate @ 150%	\$361,462.50

The total cost to construct Celebration Way is \$240,975.00. Using the 150% cost contingency calculation the total value to be provided by the proponent should be **\$361,462.50**.

TOWN OF HARWICH PLANNING DEPARTMENT

PLANNING BOARD



FULL RELEASE OF COVENANT

Date: August 12, 2020

Covenantor(s): **Estate of James G. Marceline, owner and Davenport Companies, applicant**

Covenant(s): **Book 32590 Page 128** (Celebration Way - Plan Book 683 Page 99)

The undersigned, being a majority of the Planning Board of the Town of Harwich, Massachusetts acknowledges satisfaction of the terms thereof and hereby releases, for the purposes of conveyance or construction and/or its rights, title and interest in the lots on said plan numbered **1-4** (Full Release) and located in Harwich, MA according to the subdivision plan described in the above covenant. Said release is made in exchange for a cash surety performance guarantee from the applicant and on file with the Town of Harwich.

It is the opinion of the undersigned that the cash surety performance guarantee shall cover the costs associated with the construction of ways, municipal services and all other required improvements to provide access to and directly serve the above enumerated lots to be constructed in a manner which meets the requirements of the Harwich Subdivision Control Law and the rules and regulations thereof, and shall be constructed in conformity with the approved plans, cross-sections and profiles of this subdivision.

Planning Board Member Signatures

COMMONWEALTH OF MASSACHUSETTS

County of Barnstable

On this _____ of _____, _____
Day Month Year

Before me, the undersigned Notary public, personally appeared _____
Name of Document Signer

Proved to me through satisfactory evidence of identification, which was/were

Description of Evidence of Identification

To be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Signature of Notary Public

Printed Name of Notary Public

My Commission Expires (Date)

TOWN OF HARWICH PLANNING BOARD

PERFORMANCE SECURED BY DEPOSIT OF MONEY

AGREEMENT made this date August 11, 2020, between the Town of Harwich, acting by and through the Harwich Planning Board, and Davenport Companies who has a usual place of business at 20 North Main Street, So. Yarmouth, MA 02664 (the "Applicant"), to secure construction of ways and installation of municipal services and other improvements for the subdivision of land located off Headwaters Road and known as Celebration Way (Assessor's Map 81), Lots 1- 4 and owned by Marceline, Estate of James G. and shown on a plan entitled "Definitive Subdivision Plan" prepared for The Davenport Companies, prepared by Philip O. Scholomiti, P.L.S., dated 07/11/2019 and revised 10/18/2019, that depicts four (4) residential building lots and was granted definitive subdivision approval by the Planning Board pursuant to a Certificate of Approval (Decision) filed with the Harwich Town Clerk on October 10, 2019.

KNOW ALL PERSONS by these presents that the Applicant hereby binds and obligates itself/himself/herself/themselves and the Applicant's executors, administrators, devisees, heirs, successors and assigns to the Town of Harwich, acting by and through the Harwich Planning Board, in the sum of **Three hundred sixty one thousand four hundred and sixty three dollars (\$361,463)**, and has secured this obligation by depositing with the Town of Harwich Treasurer a deposit of money in the aforementioned sum to be deposited in a subdivision escrow account in the name of the Town of Harwich. Said deposit shall be used to insure the performance by the Applicant of all covenants, conditions, agreements, terms and provisions contained in the following documents:

- 1) The Application for approval of the definitive division plan, dated 07/11/2019 and revised 10/18/2019 (case # PB2019-29);
- 2) The Subdivision Control Law, G.L. c.41;
- 3) The Planning Boards applicable Subdivision Rules and Regulations;
- 4) The conditions set forth in the Certificate of Approval issued by the Planning and filed with the Harwich Town Clerk on October 10, 2019 and recorded with the Barnstable County Registry of Deeds at Book 32590, Page 125 and Plan Book 683, Page 99;
- 5) The definitive plan as qualified by the Certificate of Approval and as hereinafter endorsed and recorded; and
- 6) The following additional documents that set forth construction or installation requirements:
 - A. Plan and Profile, Celebration Way, dated 07/11/2019 and revised further 10/18/2019, Sheet 1 of 2.
 - B. Cross Sections & Details - Private Way, dated 07/11/2019, revised 10/07/2019, Sheet 2 of 2.
 - C. Code of the Town Harwich §400-17.G
 - D. Town Engineer's memo, "Celebration Way Construction Cost Estimates", dated August 4, 2020.

This Agreement shall remain in full force and effect until the Applicant has fully and satisfactorily performed all of the obligations secured hereunder or has elected to provide another method of securing performance as provided for under G.L. c.41, §81U, §7, et. seq. Furthermore, in the event that increased security is required to be posted, the Applicant agrees that the Applicant shall post said security in a timely manner.

Upon satisfactory and timely completion of all of the obligations secured hereunder, the deposit of money made hereunder, including any interest accrued thereon, shall be returned to the Applicant and this Agreement shall become void. The time for completion of said obligations shall be not later than two (2) years from the date of this agreement or such later date as may be specified by formal vote of the Planning Board with the concurrence of the Applicant. The Planning Board shall have the right, but not the obligation, to use the deposit made hereunder to complete the required obligations in the event that the Applicant defaults. Said deposit shall remain in place until all of the obligations secured hereunder are satisfactorily completed or the Planning Board seizes said funds and uses them to complete said obligations. Any failure by the Planning Board to exercise this right shall not operate as a waiver or constitute laches. Any unused portion of the deposit and interest accrued will be returned to the Applicant upon satisfactory completion of the secured obligations as determined by the Planning Board.

The Applicant hereby grants a license to the Town of Harwich and the Harwich Planning Board and its agents to perform the obligations secured hereunder and agrees and hereby obligates itself to grant any easement that the Town may deem necessary to perform said work.

In consideration of the terms and conditions of this Agreement, the Town, by and through its Planning Board, hereby accepts the aforesaid deposit in the amount specified as security for the performance of the obligations referenced above.

Any amendments to this Agreement or to the form of the surety provided shall be agreed upon in writing and executed by all parties to this Agreement.

IN WITNESS WHEREOF, we set our hands and seals in agreement hereto this **12th** day of **August, 2020** and in consideration of the vote of taken on **August 11, 2020**.

HARWICH PLANNING BOARD

COMMONWEALTH OF MASSACHUSETTS

Barnstable, SS.

_____, 20____

On this ____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, a/the member(s) of the Planning Board of the Town of Harwich, personally known to me/who identified him/herself/themselves satisfactorily to me, and acknowledged the foregoing instrument to be his/her/their free act and deed and for the stated purpose.

NOTARY PUBLIC

My Commission Expires:_____

If the Applicant is a Trust:

IN WITNESS WHEREOF, I also set my hand and seal in agreement hereto this _____ day of _____, 20__ on behalf of the _____ Trust, being duly authorized to do as set forth in the documentation provided herein, and for consideration of good and valuable consideration, the receipt of which is hereby acknowledged.

Trustee (Print Name: _____)

COMMONWEALTH OF MASSACHUSETTS

_____, SS.

On this _____ day of _____, 20__ , before me, the undersigned notary public, personally appeared _____, as Trustee of said Trust, who identified him/herself satisfactorily to me, and acknowledged the foregoing instrument to be his/her free act and deed and for the stated purpose.

NOTARY PUBLIC

My Commission Expires: _____

TRUSTEE'S CERTIFICATE

_____, Massachusetts _____, 20__

I, _____, hereby state under oath that I am a Trustee of the Trust (the "Trust")), that the Trust is in full force and effect, that I am the sole Trustee of the Trust or am duly authorized under the terms of the Trust to make this statement and that the above-referenced Trustee is authorized under the Trust to enter into this Agreement.

Trustee

COMMONWEALTH OF MASSACHUSETTS

_____, SS.

On this _____ day of _____, 20__ , before me, the undersigned notary public, personally appeared _____, as Trustee of said Trust, who identified him/herself satisfactorily to me, and acknowledged the foregoing instrument to be his/her free act and deed and for the stated purpose.

NOTARY PUBLIC

My Commission Expires: _____

If the Applicant is a corporation:

IN WITNESS WHEREOF, I also, on behalf of _____ (the "Corporation"), being duly authorized to do so in accordance with the documentation provided herewith, and for good and valuable consideration, the receipt of which is hereby acknowledged, hereby set my hand and seal in agreement hereto this _____ day of _____, 20____.

Name of Corporation
By: President/Treasurer (circle one)

COMMONWEALTH OF MASSACHUSETTS
_____, SS.

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, who identified him/herself satisfactorily to me, and acknowledged the foregoing instrument to be his/her free act and deed and for the stated purpose.

NOTARY PUBLIC
My Commission Expires:_____

_____, SS CORPORATE CLERK CERTIFICATE _____, 20____

I, _____, the duly appointed clerk of _____, (the "Corporation") hereby state, being under oath, hereby certify that I am the duly appoint clerk of the corporation and that the above named _____ is the president/treasurer of the Corporation or was authorized, by a proper vote of the Corporation taken on _____, 20____, at a meeting of the Corporation that was duly convened, to enter into this Agreement on behalf of the Corporation.

Clerk (Print Name: _____)

COMMONWEALTH OF MASSACHUSETTS
_____, SS.
On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, as Clerk of the said Corporation, who identified him/herself satisfactorily to me, and acknowledged the foregoing instrument to be his/her free act and deed and for the stated purpose.

NOTARY PUBLIC
My Commission Expires:_____

TREASURER'S ACKNOWLEDGEMENT OF DEPOSIT

Harwich, Massachusetts

This is to certify that I, _____, Town Treasurer for the Town of Harwich, Massachusetts, received a deposit of money from the Applicant in the amount of \$ _____ Dollars and deposited said monies in an interest bearing/noninterest bearing account with the following financial institution: _____ in account number _____ on the following date: _____.

Dated: _____

Town Treasurer

Article ____: To see if the Town will vote to amend the Code of the Town of Harwich – Zoning, by adding a new Article XXIV – West Harwich Special District as follows:

XXIV - West Harwich Special District

§325-144 Statutory Authority and Purpose

A. Statutory Authority

On December 4, 2019, the Barnstable County Assembly of Delegates adopted Barnstable Ordinance 19-18 and designated the district shown on a map labeled “West Harwich DCPC District Boundaries” prepared by the Cape Cod Commission (“DCPC Map”) as a District of Critical Planning Concern (“DCPC”), pursuant to Cape Cod Commission Act Section 11(d). The Town created the following implementing regulations to regulate the DCPC which shall be known as the West Harwich Special District.

B. Purpose

The purpose of the West Harwich Special District (“WHSD”), as designated in Barnstable Ordinance 19-18, is to preserve the significant historic and architectural resources in the area, to guide development to be consistent with the area’s unique character, to address safety and transportation impacts within the commercial zone on Route 28, and to promote small-scale businesses consistent with the area’s character.

§325-145 Intent

It is the intent of this bylaw to encourage and incentivize the retention, preservation, creative reuse, change of use, or expansion of use of existing historic structures to the extent possible.

§325-146 Applicability

A. District Boundaries

The boundaries of the West Harwich Special District (“WHSD”) are shown on a map entitled “West Harwich Special District” Map dated July 27, 2020, prepared by the Cape Cod Commission which is hereby made a part of this bylaw.

B. Relationship to Other Regulations

The provision in this Section (XXIV - West Harwich Special District) apply to all development within the WHSD. Other sections of the Town of Harwich Zoning Bylaw also apply within this special district, except that where this Section conflicts with or differs from other sections of the Harwich Zoning Bylaw, this Section shall control.

§325-147 Definitions

Historic Structures: Those structures located within the boundaries of the WHSD and which are identified in the Town of Harwich Historic Properties Inventory List. Additionally, the following properties, identified by the street address and the Assessors Map and Parcel, are also determined to be Historic Structures for the purposes of this bylaw:

5 Route 28 – Map 10 Parcel N1-A

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21 Route 28 – Map 10 Parcel N5
45 Route 28 – Map 10 Parcel S4
55 Route 28 – Map 10 Parcel U1-A
126 Route 28 – Map 11 Parcel B5
76 Route 28 Map 10 Parcel F7-2
66 Route 28 – Map 10 Parcel F5
22 Route 28 – Map 10 Parcel C6

Principle Building Façade: The front plane of the building wall closest to the road frontage, not including stoops, porches, or other appurtenances, and measuring at least 25 feet in length.

§325-148 Permitted Uses

The following uses are permitted within the WHSD; however, for some uses either a Staff Plan Review, pursuant to §325-152.A or a Site Plan Review Special Permit may also be required, pursuant to §325-55:

- A. Single-Family Dwelling
- B. Two-Family Dwelling
- C. Uses Accessory to a Single- or Two-Family Dwelling
- D. Bed and Breakfast
- E. Home Occupation
- F. Single family dwelling and accessory apartment
- G. Church or other religious use
- H. Non-profit Library, Museum or Historical Use
- I. Hotel
- J. Motel
- K. Hotel, Motel – Incidental Use
- L. Professional Offices, including Dental Offices and Blue Economy
- M. Municipal Uses

Additionally, the following uses are permitted in historic structures:

- N. Multifamily
- O. Retail sales
- P. Restaurant
- Q. Mixed-Use commercial/residential developments

§325-149 Special Permit Uses

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

- A. Multifamily

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

§325-150 Prohibited Uses

Any use not specifically allowed as of right or by Special Permit within this district are prohibited. Within this district, use variances shall be prohibited.

§325-151 Continuation of Pre-Existing Non-Conforming Uses

Any lawfully existing use of a structure or land that does not conform to the provisions of this bylaw may continue.

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

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

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

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

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

§325-153 New Construction

For new construction Site Plan Approval pursuant to §325-55 and all dimensional requirements of §325-154.A and B shall be required.

§325-154 Review Standards

- A. Dimensional requirements.
1. Lots shall have frontage along Route 28. Adjacent parcels may be included provided that they are under the same ownership and are also located within the WHSD.
 2. Setback requirements.
 - a. Front setback requirements for the principle building façade shall be a minimum of 20 feet and maximum of 40 feet.
 - b. Side lot line setback shall be a minimum of 10 feet.
 - c. Rear lot line setback shall be a minimum of 20 feet.
 - d. Parking shall be permitted at the side, measured a minimum of 10 feet back from the principle building facade on the property, or rear of the property.
 - e. Maximum site coverage shall not exceed 80%.
 3. The maximum permitted height for new constructions shall not exceed 30 feet or 2 1/2 stories.
 4. Minimum lot size shall be 20,000 square feet.
 5. For properties containing and maintaining/reusing historic structures, the Planning Board or its designee may waive or modify these dimensional requirements if it is found that such waiver or modification will not substantially derogate from the purpose and intent of this bylaw and that such waiver or modification may be granted without substantial detriment to the neighborhood or overall public good.
 6. The maximum length allowable for the principle building façade is 50 feet and adjacent street-facing building facades shall be stepped back a minimum of 10 feet from the principal building facade.
 7. A maximum building footprint of 2,000 square feet for front street-facing buildings is allowable; and a maximum footprint of 4,000 square feet for buildings sited behind a front street-facing building is allowable.
- B. Parking, Driveway, Vehicular and Pedestrian Access Standards
1. Parking
 - a. Parking areas shall be visually buffered from all streets and adjoining residential uses by placing them behind frontage buildings and/or through the use of berms or natural features and/or plantings, using materials that shall be maintained for visual buffering a minimum of 50% and 75% of their effectiveness year-round, for streets and residential uses respectively. Parking shall also comply with the requirements of Article IX – Off Street Parking and Loading Requirements.

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- b. Shared Parking – The number of parking spaces required may be reduced for shared parking at the discretion of the Planning Board through Site Plan Review §325-55, provided such reduction does not shift a demand for parking onto public streets or any areas not equipped to handle such activity.
 - c. All other parking standards shall comply with Article IX Off-Street Parking and Loading Requirements; however, in no case shall a driveway width be greater than 24 feet.
- 2. A driveway shall be limited to one per street frontage; however shared driveways are encouraged to limit the number of curb cuts onto Route 28. Driveways must be situated to provide for the optimal sight distance along Route 28. All driveway access shall provide for adequate service and emergency access. All driveway shall comply with §325-154.B.1.b. and c. above.
 - 3. Commercial and residential pedestrian access shall include a combination of walkways and landscaping. Such pedestrian access shall be provided from the streets providing frontage and/or access for the project as well as the drives and parking areas within the project. Pedestrian access routes shall be laid out to minimize conflict with vehicular routes, and where they intersect, the pedestrian route shall be clearly marked on the vehicular surface and when appropriate, with signage. Pedestrian access routes shall be lighted to provide adequate visibility for use in the dark, and in conformance with Article XXI Outdoor Lighting.

and further

Amend §325-2 Word Usage and Definition, “Overlay District”, add a new item G, as follows:
“G - West Harwich Special District, see Article XXIV”

And further,

Amend §325-3 Division of Town into Districts, by adding “West Harwich Special District”

and further,

Amend §325-4 Maps, by adding Subparagraph F as follows:

- F. The West Harwich Special District established hereunder as shown on a map titled, “West Harwich Special District” dated July 27, 2020, prepared by the Cape Cod Commission, a copy of which can be found as an attachment to this chapter in the town’s online Code and a copy of which is on file in the office of the Town Clerk.

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